



# TRINITY COUNTY

PLANNING DEPARTMENT

61 Airport Road, PO Box 2819

Weaverville, CA 96093

(530) 623-1351 FAX (530) 623-1353

January 19, 2017

**TO:** MEMBERS IN SESSION

**SUBJECT:** Agenda Item 5, January 19, 2017 Planning Commission meeting.

Discuss and/or take action regarding proposal to allow cannabis nursery in the Industrial Zoning District.

**PURPOSE:**

The purpose of this item is for the Commission to discuss and then make recommendations and/or direction to staff concerning whether “cannabis nursery” should be an allowable use within the Industrial Zoning District.

NOTE: For this item, the Board of Supervisors is particularly interested in receiving feedback from the Commission regarding whether cannabis nurseries should be allowed in any form in the County. Once it receives the Commission’s thoughts, those will be considered for future action or direction. As the report below states, there are several issues, some involving State actions, which should be considered before major changes are made regarding cannabis nurseries.

**BACKGROUND:**

State definitions:

Section 19300 of the Business and Professions Code (The Medical Marijuana Regulation and Safety Act) defines the term nursery as:

“Nursery” “a licensee that produces only clones, immature plants, seed, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.”

A “nursery” requires a “Type 4” license from the State (Cultivation; Nursery). According to the Department of Food and Agriculture, “Type 4 licensees may transport live plants.” (See Exhibit “A”). Also, it appears that the State will limit the size of a cannabis nursery to one acre. (See Exhibit “B”). Further details regarding nurseries have not yet been developed.

County definitions:

The Zoning Ordinance provides the following definitions for nurseries:

**Nurseries, other than Wholesale Nurseries:** The retail handling of any article, substance or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemicals and other garden supplies shall be within a building.

**Nurseries, Wholesale:** All nurseries other than those defined in the paragraph immediately preceding.

The Zoning Ordinance lists “nursery” as an allowable use in the “Agricultural Preserve District” without a use permit. This is the only place that this term is used. However, in 2010, the County amended the Zoning Ordinance to allow “retail nurseries involving crops/plants which are not grown on the site, and associated sales”, in the “Agriculture” Zoning District, subject to first securing a Planning Commission issued use permit [see zoning ordinance amendment approved by the Board of Supervisors on September, 7, 2010 (Ord. 315-785).] (See attached Exhibit “C”)

In addition, nurseries have been allowed in a General Commercial (C-2) Zoning District with a use permit and falls under “Outdoor storage or sales associated with any of the uses listed in Section B.” Section B is a list of uses allowed without a use permit and includes “retail sales and services conducted within a building” Therefore, a nursery providing sales of plants not produced on-site (for retail only) may be allowed after first securing a Planning Commission issued use permit.

The Industrial Zoning District makes no reference to nurseries, either those solely associated with retail sales of plants grown off-site, or the raising of plants on-site for sale to the public or for wholesale purposes to other retail outlets. (See Exhibit “D”)

The question before the Commission is whether to allow nurseries, including nurseries that would propagate cannabis seedlings (up to a certain size) for transplant, in the Industrial Zoning District. Note that such a nursery would not raise seedlings to maturity; or process mature plants; or sell products derived from those plants. Some sort of distinction needs to be made from a nursery selling small plants for transplanting and selling products that could actually be a dispensary. Consideration should also be given to whether separate definitions and permitting should be developed for “cannabis nursery, retail” and “cannabis nursery, wholesale”.

Other definitions, such as any limits on size of a seedling (eg: limits to 2.5 inch pots, or 12’ height limit or before the plant flowers) will need to be addressed if the County decides to allow cannabis nurseries. The overall size of the nursery’s land area appears to be limited by the State to one acre (Exhibit “B”, license types). Staff did not note whether indoor or outdoor or both indoor and outdoor nursery uses will be allowed. That may be an issue left up to local jurisdictions. Compliance with possible use permit conditions, such as security and waste water management, would be easier if the plants were raised indoors.

Other issues to be considered:

Waste water collection and disposal should be addressed in the permit process. The conditions imposed and the relative importance of this issue could vary from site to site

Should a cannabis nursery be fully enclosed? (ie: indoor operation with grow lights)

What type of security fencing, lighting, alarms, and guard dogs would be allowed?

Should there be a limit on the size of a retail or wholesale nursery. The location could be a small impact or a large impact. The State appears to be limiting the size to one acre.

What water source (well, surface water, community water system) would be allowed?

The transport of cannabis seedlings on the highway may be legal for the nursery operator (Type 4 license), but it is unknown what responsibility a purchaser of live plants for transplant will have when transporting on federally funded roadways.

### **PUBLIC COMMENTS:**

Staff received one letter from the public (See Exhibit “E”, attached) submitted by Liz McIntosh. In her letter she discusses each of the agenda items being discussed tonight, including whether nurseries should be allowed in the Industrial Zoning District.

### **STAFF CONCERNS:**

Some on-line “nurseries” seem to also act as dispensaries. It is recommended that the County use the term “cannabis nursery” to differentiate it from other plant nurseries. Using the same definition as the State would also be helpful. A distinction should be made regarding retail and wholesale nurseries, if allowed.

At this time, the California Department of Food and Agriculture is not issuing Type 4 (Cultivation; Nursery) licenses. They do not anticipate issuing them until 2018. The CDFA website “recommends interested parties continue to work with their city and/or county government to obtain the local licenses and permits required to apply for the State cultivation license.” The County may want to consider carefully evaluating this issue over the next few months rather than rushing to allow a use that cannot yet obtain a license from the State.

### **RECOMMENDATION:**

There are several options available to the Commission.

1. Recommend that the Board retain the Industrial (I) Zoning District as it currently written, which means that a “cannabis nursery” would not be allowed.
2. Recommend that the Board direct staff to initiate an amendment to the Industrial (I) Zoning District to add “cannabis nursery, retail” and/or “cannabis nursery, wholesale” to the list of uses, subject to first obtaining a Planning Commission issued use permit.

3. Recommend that the Board direct staff to initiate an amendment to the Trinity Alps Business Park Specific Unit Development to add “cannabis nursery, retail” and/or “cannabis nursery, wholesale” to the list of uses permitted without a use permit.
4. Provide the Board of Supervisors with your ideas or concerns regarding allowing cannabis nurseries in Trinity County and recommend that no action be taken at this time, since the use cannot begin until State licensing provisions have been established in 2018, providing an opportunity for further discussion or action in the future.

Respectfully submitted,

John Alan Jelicich,  
Interim Planner

## CalCannabis Cultivation Licensing

(formerly known as the Medical Cannabis Cultivation Program & Marijuana Cultivation Program)

CDFA Inspection Services (/is) • 1220 N Street, Sacramento, CA 95814 • (916) 263-0801 •  
calcannabis@cdfa.ca.gov (mailto:calcannabis@cdfa.ca.gov)

[CDFA Home \(/\)](#) / [Inspection Services \(/is\)](#) / [CalCannabis Cultivation Licensing](#)

As directed by the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act, the California Department of Food and Agriculture (CDFA) is currently developing regulations to establish **cannabis cultivation licensing** and a **Track and Trace System**, collectively referred to as the CalCannabis Cultivation Licensing program. (CalCannabis was previously called the Medical Cannabis Cultivation Program and Marijuana Cultivation Program, or MCCP). We are in the early stages of developing the regulations that will define the cannabis cultivation licensing process.

**PLEASE NOTE: We are not currently issuing licenses. We anticipate we will begin issuing licenses on January 1, 2018.**

### General Information and Links to Related Agencies

- **Subscribe to the CDFA listserv to receive CalCannabis program updates via email** ([https://www.cdfa.ca.gov/subscriptions/?cdfa\\_list\\_isd\\_medical\\_cannabis](https://www.cdfa.ca.gov/subscriptions/?cdfa_list_isd_medical_cannabis))
- Contact CalCannabis Cultivation Licensing via email at **CalCannabis@cdfa.ca.gov** (<mailto:CalCannabis@cdfa.ca.gov>) or call (916) 263-0801
- To learn about licenses for **cannabis transportation, distribution, laboratory testing, or dispensaries**, visit the **Bureau of Medical Cannabis Regulation** (<http://www.bmcr.ca.gov/>)
- To learn about licenses for **cannabis manufacturing**, visit the **Office of Manufactured Cannabis Safety** (<http://www.cdph.ca.gov/programs/pages/omcs.aspx>)

### Programmatic Environmental Impact Report

The department is preparing a Programmatic Environmental Impact Report (PEIR) to provide the public, state and local agencies, and permitting agencies information about the potential environmental effects associated with the adoption and implementation of statewide cannabis cultivation regulations.

CDFA conducted public scoping workshops in September 2016 and the public's comment period occurred on September 1, 2016, through September 30, 2016. Here are links to the information provided at the scoping workshops:

## EXHIBIT A

- **Notice of Preparation (public notice)** (<https://static.cdfa.ca.gov/MCCP/document/Notice%20of%20Preparation%20-%20Environmental%20Impact%20Report.pdf>)
- **Workshop Materials:** Frequently Asked Questions (<https://static.cdfa.ca.gov/MCCP/document/MCCP%20FAQ.pdf>), Fact Sheet: Summary of CDFA's Role (<https://static.cdfa.ca.gov/MCCP/document/MCCP%20Factsheet%20Summary-%20California.pdf>), Statute vs. Regulation (<https://static.cdfa.ca.gov/MCCP/document/MCCP%20Summary-%20Statute%20Regulatory%20Goals.pdf>), Pre-Regulation Workshop Survey (<https://static.cdfa.ca.gov/MCCP/document/MCCP%20Factsheet%20-Prerulemaking%20Discussion%20Questions.pdf>), Power Point (<https://static.cdfa.ca.gov/MCCP/document/MCCP%20Scoping%20Presentation%20Sept%202016.pdf>), Scoping Workshop Poster Boards (<https://static.cdfa.ca.gov/MCCP/document/Scoping%20Workshop%20Poster%20Boards.pdf>)

## CALCANNABIS NEWSFEED

# August 2016 Licensing Survey Results

August 2016 Licensing Survey Results by County

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## Recent Newsfeed Posts

California Department of Food and Agriculture Pre-Regulatory Meeting Schedule  
(</is/mccp/news/37>)

Bureau of Medical Cannabis Regulation and Department of Public Health Pre-Regulatory Meeting Dates (</is/mccp/news/38>)

State Water Resources Control Board Cannabis Cultivation & Water Rights Information Meetings  
(</is/mccp/news/39>)

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**Documents & Downloads**



**Frequently Asked Questions**



## **🔗 What types of medical cannabis licenses will the Department of Food and Agriculture issue?**

The Department of Food and Agriculture (Department) is authorized to issue ten license types for medical cannabis cultivation:

(1) Type 1, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the Department, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the Department, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.

(8) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.

(9) Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the Department, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department shall limit the number of licenses allowed of this type.

**(10)** Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

## ❓ How do I apply for a medical cannabis cultivation license?

The Department is not issuing licenses at this time. The Department recommends interested parties continue to work with their city and/or county government to obtain the local licenses and permits required to apply for a State cultivation license.

While CDFA is in the process of developing the regulations that will define the State licensing process, applicants may consider reviewing the licensing requirements outlined in the bills that created the Medical Cannabis Safety and Regulations Act (MCSRA): **AB 243** ([http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB243](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB243)), **AB 266** ([http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB266](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB266)), **SB 643** ([http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB643](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB643)).

Examples of requirements under MCRSA include submission of fingerprint images to the Department of Justice, evidence of the legal right to occupy and use the proposed location as a cultivation site, submission of a detailed description of business operating procedures, and obtaining and maintaining a valid seller's permit.

More detailed information on the proposed regulations will be available for public review and comment in the coming months.

## ❓ When can I apply for State medical cannabis cultivation licenses?

CDFA is in the process of developing the regulations that will detail the application and licensing process. The Department expects to meet the January 1, 2018 program implementation date.

## ❓ How will the Department develop regulations?

The Department is required to follow the statutory requirements found in the **California Administrative Procedures Act** ([http://oal.blogs.ca.gov/files/2016/08/Regular-Rulemaking-Flowchart\\_FINAL\\_June-2014-2.pdf](http://oal.blogs.ca.gov/files/2016/08/Regular-Rulemaking-Flowchart_FINAL_June-2014-2.pdf)). The Department will communicate with stakeholders, members of the public, and licensing authorities as part of developing the standards and regulations necessary to successfully implement a statewide medical cannabis cultivation regulatory structure in California. Proposed regulations will be available for public review and comment in the coming months.

## ❓ How can I receive updates regarding regulation development?



The Department will post information online at: <https://www.cdfa.ca.gov/is/mccp/> (<https://www.cdfa.ca.gov/is/mccp/>). Opportunities for stakeholders and public input will be communicated well in advance of comment deadlines. Interested parties may also sign up to receive automatic email updates at: <https://www.cdfa.ca.gov/subscriptions/index.html> (<https://www.cdfa.ca.gov/subscriptions/index.html>)

## 🔗 Where can I get a copy of the new law?

The links below provide access the full text of the three bills that created the new MCRSA:

**AB 243** ([http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB243](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB243)), **AB 266** ([http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB266](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB266)), **SB 643** ([http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB643](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB643))

## 🔗 What Department do I contact to learn about additional license types?

The Bureau of Medical Cannabis Regulations under the Department of Consumer Affairs will issue licenses for **distributors, dispensaries, transporters, and testing laboratories**.

- Website: <http://bmmr.dca.ca.gov/> (<http://bmmr.dca.ca.gov/>)
- Email: [bmmr@dca.ca.gov](mailto:bmmr@dca.ca.gov) (<mailto:bmmr@dca.ca.gov>)
- Subscribe to email alerts: <https://www.dca.ca.gov/webapps/bmcr/subscribe.php> (<https://www.dca.ca.gov/webapps/bmcr/subscribe.php>)
- Phone: (800) 952-5210

The Office of Medical Cannabis Safety under the Department of Public Health will issue licenses for medical cannabis product **manufacturers**.

- Website: <http://www.cdph.ca.gov/programs/pages/omcs.aspx> (<http://www.cdph.ca.gov/programs/pages/omcs.aspx>)
- Email: [omcs@cdph.ca.gov](mailto:omcs@cdph.ca.gov) (<mailto:omcs@cdph.ca.gov>)
- Subscribe to email alerts: send email to [listserv@maillist.dha.ca.gov](mailto:listserv@maillist.dha.ca.gov) (<mailto:listserv@maillist.dha.ca.gov>) with 'SUBSCRIBE OMCS' in the body of your message (not the subject line)
- Phone: (916) 445-0657

## 🔗 How long will licenses be active before they must be renewed?

Licenses will be effective for one year, at which time they must be renewed in order for the

licensee to continue cultivating medical cannabis.

### 🔍 Is cannabis considered an agricultural crop in California?

California defines medical cannabis as an agricultural product. **California Health and Safety Code 11362.777(a)** ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11362.777.&lawCode=HSC](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.777.&lawCode=HSC)) specifies: “For purposes of this section and Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code, medical cannabis is an agricultural product.” The identification as an agricultural crop does not extend to other areas of the law. For example, cannabis is not an agricultural crop with respect to local “right to farm” ordinances.

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#### 🔗 RESOURCES

Bureau of Medical Cannabis Regulation (<http://bmmr.dca.ca.gov/>)


CalCannabis Cultivation Licensing FAQ (formerly known as M CCP)  
(<https://static.cdfa.ca.gov/MCCP/document/MCCP%20FAQ.pdf>)

California Department of Public Health: Office of Manufactured Cannabis Safety  
(<http://www.cdph.ca.gov/programs/pages/omcs.aspx>)

State Water Resources Control Board: State Water Board Cannabis Cultivation Programs  
([http://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/water_issues/programs/cannabis/))

California Agricultural Commissioners and Sealers  
(<https://www.cdfa.ca.gov/exec/county/countymap/>)

CDFA Division of Measurement Standards—California Weights and Measures: Regulatory Requirements for Cannabis  
(<https://www.cdfa.ca.gov/dms/pdfs/MedicalCannabisRegulatoryRequirements.pdf>)

 **EVENTS & ACTIVITIES**

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**SB/DVBE Program**

(</business/>)

**Ecosystem Services Database**

(<https://apps1.cdfa.ca.gov/EcosystemServices/>)

Next



**Online Voter Registration**

All Californians can register to vote online.

(<http://registertovote.ca.gov/>)

**Flex Your Power**

A flex alert means save energy now.

(<http://www.flexalert.org/>)

**Save Our Water**

Help California manage its most crucial natural resource.

(<http://saveourwater.com/>)

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The Compassionate Use Act of 1996 ensures that seriously ill Californians have the right to obtain and use cannabis for medical purposes where medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of medical cannabis. Cannabis is a Schedule I drug according to the federal Controlled Substances Act. Cannabis related activity is subject to federal prosecution, regardless of the protections provided by state law.



## ***Summary of the California Department of Food and Agriculture's Role in Implementing the Medical Cannabis Regulation and Safety Act***

The Medical Cannabis Regulation and Safety Act (MCRSA), comprised of three bills enacted on September 11, 2015 by the California Legislature, directed the California Department of Food and Agriculture to create the Medical Cannabis Cultivation Program (MCCP). The MCRSA further requires the MCCP to carry out specific provisions, including develop a licensing program for medical cannabis cultivation, implement a "track and trace" program, and evaluate the MCCP's potential environmental impacts in compliance with the California Environmental Quality Act. Below are some details from the MCRSA specific to medical cannabis cultivation licenses and the MCCP's obligations.

### **Definitions:**

The MCRSA defines many terms such as: applicant, batch, cannabis, cultivation, cultivation site, licensee, licensing authority, lot, and nursery.

## ***Application Requirements***

### **The MCRSA requires cultivators to submit the following for license applications:**

- Board of Equalization seller's permit number
- Proof of fingerprinting submission to the California Department of Justice
- Copy of a local license, permit or other authorization from a local jurisdiction to cultivate
- A cultivation plan detailing grow site dimensions, chemical use protocols, water source and storage, waste removal plan, security protocols, inventory tracking procedures, quality control procedures, product storage and labeling
- Proof of the legal right to occupy the proposed cultivation site
- Proof of a bond in the amount of \$25,000
- If applicable, a copy of a valid Fish and Game Code section 1602 streambed alteration agreement or written verification from the Department of Fish and Wildlife that a streambed alteration agreement is not required
- If applicable, approval of water diversion and water rights
- If applicable, a certificate of rehabilitation for a conviction

### **The MCRSA also requires an applicant to attest to the following:**

- A license is only valid for the single, identified location
- The proposed location is located beyond a 600-foot radius from a school
- The applicant is not a licensed retailer of alcoholic beverages
- The applicant is an "agricultural employer"
- For an applicant with 20 or more employees, the applicant will enter into a Labor Peace Agreement
- Under penalty of perjury, the information in the application is complete, true and accurate; the applicant has read and is familiar with all applicable laws and regulations

## **EXHIBIT B**



# Summary of the California Department of Food and Agriculture's Role in Implementing the Medical Cannabis Regulation and Safety Act

## License Types

The MCRSA specifies that MCCP develop regulations to license nurseries and indoor, outdoor and mixed-light (light deprivation) grow sites using the following parameters:

	<i>Outdoor</i> <i>(no artificial light)</i>	<i>Indoor</i> <i>(exclusively artificial light)</i>	<i>Mixed-Light*</i> <i>(combo of natural &amp; supplemental artificial light)</i>
<i>Special Cultivator</i>	<i>Type 1</i> <i>Up to 5,000 sq ft, or up to 50 mature plants on noncontiguous plots</i>	<i>Type 1a</i> <i>Up to 5,000 sq ft</i>	<i>Type 1b</i> <i>Up to 5,000 sq ft</i>
<i>Small Cultivator</i>	<i>Type 2</i> <i>5,001 - 10,000 sq ft</i>	<i>Type 2a</i> <i>5,001 - 10,000 sq ft</i>	<i>Type 2b</i> <i>5,001 - 10,000 sq ft</i>
<i>Medium Cultivator**</i>	<i>Type 3</i> <i>10,001 sq ft to one acre</i>	<i>Type 3a</i> <i>10,001 - 22,000 sq ft</i>	<i>Type 3b</i> <i>10,001 - 22,000 sq ft</i>
<i>Nursery</i>	<i>Type 4</i> <i>Up to one acre</i>	<i>Type 4</i> <i>Up to one acre</i>	<i>Type 4</i> <i>Up to one acre</i>

\*MCRSA requires the MCCP to determine the maximum threshold for supplemental artificial lighting. CDFA has not yet established criteria for the limit.

\*\*MCRSA requires the MCCP to limit the number of "medium" sized cultivation licenses. CDFA has not yet established criteria for the limit.



## *Summary of the California Department of Food and Agriculture's Role in Implementing the Medical Cannabis Regulation and Safety Act*

### **Cultivation Requirements**

The MCRSA requires that MCCP determine and mitigate environmental impacts from medical cannabis cultivation sites and seek input from several different state departments and agencies for the development of cultivation requirements as follows:

**General Cultivation:** MCCP governs the licensing of indoor, outdoor, and mixed-light commercial cultivation sites. Any relevant mitigation requirements determined by the environmental evaluation shall be included in a license for cultivation.

**Water:** MCRSA requires any cultivation license to include requirements for compliance with applicable principles, guidelines and requirements established by the State Water Resources Control Board and relevant Regional Water Quality Control Boards.

**Pesticides:** MCRSA requires the Department of Pesticide Regulation to develop guidelines for the use of pesticides in the cultivation of cannabis. DPR is also required to ensure that the application of pesticides in connection with indoor or outdoor cannabis cultivation is compliant with existing pesticide use laws.

**Wildlife:** The MCRSA requires the State Water Resources Control Board, in consultation with the Departments of Fish and Wildlife and CDFA, to ensure that individual and cumulative effects of water diversion and discharge do not affect instream flows needed for fish spawning, migration and rearing.



## *Summary of the California Department of Food and Agriculture's Role in Implementing the Medical Cannabis Regulation and Safety Act*

### **Track & Trace Program**



MCCP will specify the track and trace system cultivators must use; specify the process for tracking product that existed prior to licensing; and identify when cannabis cultivators and nurseries must track/report movement of cannabis.

### **Inspections**



The MCRSA allows licensing agencies to inspect the licensed premises for compliance with the Act. The licensing agency may examine the records of a licensee. All records related to commercial medical cannabis activity shall be maintained for a minimum of seven years. Failure to provide the records at the request of a licensing agency may be cause for a penalty of \$30,000.

### **Enforcement**



The MCCP is authorized by the MCRSA to revoke, suspend or deny a license that does not comply with the requirements of the Act. The MCCP is directed by the MCRSA to take disciplinary action and assess fines against licenses in violation of cultivation rules.



ORDINANCE NO. 315-785

AN ORDINANCE AMENDING TRINITY COUNTY  
ZONING ORDINANCE NO. 315

THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY, STATE OF  
CALIFORNIA, DOES ORDAIN AS FOLLOWS:  
(Trinity County Planning Department, PW-10-01)

**SECTION 1.** That the Trinity County Zoning Ordinance is hereby amended as follows:

Amend the Agriculture zoning district (Section 13.B) to include "Retail Nurseries involving crops/plants which are not grown on the site and associated sales" in the list of uses permitted only after obtaining a use permit; and

**SECTION 2.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrases be declared invalid.

**SECTION 3.** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once in the Trinity Journal, a newspaper of general circulation published in the County of Trinity, State of California.

**INTRODUCED AND ENACTED AT A REGULAR MEETING** of the Board of Supervisors, of the County of Trinity, State of California, held on the seventh day of September, 2010, by the following vote:

AYES: Supervisors Freeman, Otto and Pflueger

NOES: Supervisors Jaegel and Morris

ABSENT: None

ABSTAIN: None

The foregoing ordinance is hereby adopted.



CHAIRPERSON – Judith N. Pflueger  
Board of Supervisors of the County of  
Trinity, State of California

ATTEST:



Clerk of the Board of Supervisors of the  
County of Trinity, State of California

**EXHIBIT C**

ORDINANCE NO. 315-557

AN ORDINANCE AMENDING TRINITY COUNTY  
ZONING ORDINANCE NO. 315  
BY AMENDING SECTION 23.0, INDUSTRIAL, OR "I" DISTRICT  
AS WELL AS TO ADOPT DEVELOPMENT STANDARDS TO SUCH

THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS: (Industrial or "I" Zoning District).

SECTION 1. That Trinity County Zoning Ordinance No. 315 is hereby amended by deleting the existing Section 23.0 in its entirety and replacing it with the following:

SECTION 23.0 - INDUSTRIAL OR "I" DISTRICT

A. General Description: The purpose of this Zoning District is to provide locations for manufacturing and industrial uses in a manner which is compatible with neighboring uses and which protects the environment of the county.

Subject to the provisions of Sections 23.P and 30, none but the following uses, or uses which in the opinion of the Planning Commission are similar will be allowed. See Section 30 A.

B. Uses permitted without a Use Permit except when these uses listed in this section exceed the following thresholds, a use permit shall be required:

1. if a use involves water quantity uses over three (3) gallons/minute in a Critical Water Resources Overlay area, or
2. through New Source Review, requires an Authority To Construct permit from the North Coast Unified Air Quality Management Board, or
3. exceeds 65 dBA at the property line of a use, or
4. requires a Regional Water Quality Control Board Discharge Permit, or
5. any use which generates air emissions, liquid, solid or hazardous wastes, noise, offensive odors, smoke, dust or glare in a manner which may be detrimental to the public health, safety or welfare shall require a use permit.

EXHIBIT D

Welding Shop

Plumbing Shop

Wholesale Sales and Storage

Warehouse and Mini Storage

Cabinet Shop

Auto Repair Shop

Agricultural uses, other than hog raising

Office uses less than 10,000 square feet

Construction Storage Yards

Uses associated with publication operations, including:

- \* printing
- \* lithography and bookbinding
- \* cartography
- \* editorial and designing operations

Bottling Works

Machine Shop

Public Utility Buildings and Yards

Metal Fabrication

Limited retail uses in conjunction with manufacturing or industrial uses, when no more than 25 percent of the building's gross square footage is utilized for such purposes.

Heavy Equipment and Truck Repair Shop

Secondary Wood Processing Facility

- C. Uses permitted subject to securing a use permit in each case.

Power Generating Plants (exception: hydroelectric plants)

- \* Biomass Plants
- \* Cogeneration Plants
- \* Geothermal Facilities
- \* Coal Refining and Processing Plants
- \* Nuclear Power Plants (Fusion and Fission Processes)

Lumber Mill

Hazardous Waste Treatment Facilities

Hazardous Waste Haulers

Septage Hauler/Disposal

Office Use over 10000 square feet

Commerical excavation of stone or earth materials

Mining Operation

Batch Plants

Concrete Plants

Rock Crushers

Drilling for and/or removal of oil or gas

Manufacture and storage of explosives

Distillation of bones, fat rendering, food processing, fish canning and other uses of the same character.

Dumping, disposal, reduction of garbage, sewage, offal, dead animals or refuse.

Hog raising

Junk yards, wrecking yards, salvage yards.

Manufacture of acids, cement, fertilizer, gas, glue, gypsum, inflammable fluids or gases, refining of petroleum and its products, smelting of copper, iron, tin, zinc, and other ores, and other uses which do not meet the performance standards set out in this Ordinance.

Bulk storage of oil and gasoline (including tank farms).

Other uses found to be similar in nature as determined by the Planning Commission.

D. Accessory buildings and uses.

Accessory buildings and uses normally incidental to the uses permitted, including watchman's quarters associated with a use.

E. Signs.

Signs not exceeding fifteen (15) square feet advertising sale or lease of property upon which sign is displayed may be permitted. Other onsite signs are as stated in the county Sign Ordinance.

- F. Minimum lot size required.  
one quarter (1/4) acre.
- G. Minimum lot width required.  
One hundred (100) feet.
- H. Maximum allowable lot coverage by all structures.  
Sixty (60) percent.
- I. Maximum allowable height.  
Forty-five (45) feet.
- J. Minimum front yard required.  
Twenty-five (25) feet.
- K. Minimum side yard required.  
Ten (10) feet.
- L. Minimum rear yard required.  
Ten (10) feet.
- M. General requirements.
1. Parking requirements, see Section 30 I.
  2. Minimum setbacks for yards shall be maintained unless the criteria in Section 30.F apply.
  3. Additional height may be approved upon obtaining a use permit if gross floor area ratio to building site does not exceed 5:1.
  4. All uses shall conform to the performance standards set out in the Industrial Zone Development Standards.
- N. Drainage. A Drainage Plan shall be submitted to and approved by the Department of Transportation and Planning prior to the issuance of building or use permit (s).
- O. Encroachment Permit. Encroachment permits shall be obtained from the Department of Transportation and Planning prior to the issuance of building permits when projects create a new entrance onto a county road.

## P. INDUSTRIAL ZONE PERFORMANCE STANDARDS

### 1. General Requirements

#### A. Use Restrictions

##### 1. Removal of Structures

Residential uses are allowed with a use permit, provided they are located on the second story or rear one half of any building used for industrial or commercial purposes.

##### 2. Access to Local Streets Prohibited.

No vehicular access shall be permitted to a local street from an industrial through lot which also has frontage on a highway or collector county road.

#### B. Building Development Standards

##### 1. Exterior Walls

All building surfaces facing or abutting on residential property shall be constructed of material complementing the rural character of the community, and shall be maintained in a neat and presentable condition throughout the life of the building.

##### 2. Street Setbacks, Street Widening and Extensions

The front and side street setbacks shall be measured from the right-of-way or easement line, or lot line, whichever is more restrictive. Additional setback area to accommodate a 60 foot right-of-way (30 feet each side of centerline) for road improvements shall be required unless it can be shown that all elements of the design cross section, drainage, utility accommodations and border areas can be contained in a lesser width, subject to the review and approval of the Director of Transportation.

### 2. Property Development Standards

#### A. Landscaping

1. A landscaping plan shall be submitted to the Director of Transportation and Planning for approval prior to issuance of a building permit.

2. All required yards abutting upon public roads shall be landscaped with trees, shrubs, or planted ground cover. These plants shall be maintained in a neat and orderly manner at all times. All open and unlandscaped portions of any site shall be graded for proper drainage and maintained in a good condition free from weeds, trash and debris.

B. Fences and Walls

1. No fence or wall six feet or greater in height shall be constructed without first obtaining a building permit.
2. No electrified fence shall be constructed.
3. No fence or wall shall exceed eight feet in height.

C. Walls Adjacent to Residential Use.

1. Where the site abuts a residential district, school or park, a solid decorative rustic-looking wall not less than six feet in height shall be constructed and maintained along the property lines adjoining said residential district, school or park.

D. Lighting.

1. Any lighting provided shall be directed away from all surrounding land uses and public rights-of-way.
2. Lighting shall be the minimum necessary to provide for involved, safety and adequate security for the use involved.

E. Trash Enclosures.

1. All trash, loading and storage areas shall be enclosed with materials architecturally compatible with the main building and located so as not to be visible from any public rights-of-way or neighboring areas.
2. Trash bins shall remain in the enclosures except during trash pickup.

F. Loading Operations.

1. Off Street Loading Space. Sufficient off street loading space shall be provided and maintained for the pickup and delivery of goods. Each off street loading space shall be so arranged that it will not impede traffic circulation within the parking area and will not block parking stalls.
2. Loading operations shall not be permitted on any street or alley which also serves a residential district.
3. Loading facilities and gates shall be located in such a manner so as not to cause traffic congestion or to interrupt the normal flow of traffic on public rights-of-way. Adequate space shall be provided on-site for maneuvering and turn around of trucks and other loading vehicles.

4. Loading facilities shall be located in such a manner that all loading operations take place completely within the property lines of the site.

SECTION 2. This Ordinance shall take effect thirty (30) days after its passage and shall be published at least once in the Trinity Journal within fifteen (15) days after its passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of Trinity, State of California, at a regular meeting of said Board, held on the 21st day of August, 1990, by the following vote:

AYES: Supervisors Mortensen, Potter, Whitridge, Plowman and Myrick

NOES: None

ABSENT: None

/s/ Howard G. Myrick

CHAIRMAN - Howard O. Myrick  
Board of Supervisors of the County  
of Trinity, State of California

ATTEST:

Barbara M. Rhodes

County Clerk and Ex-Officio Clerk  
of the Board of Supervisors of the  
County of Trinity

By /s/ Jeanne Gravette

Deputy

The foregoing is a correct copy of the original instrument on file in this office.

Attest

AUG 22 1990

BARBARA M. RHODES

COUNTY CLERK AND EX-OFFICIO CLERK  
OF THE BOARD OF SUPERVISORS OF  
THE COUNTY OF TRINITY, STATE OF  
CALIFORNIA.

BY Carol Louke

DEPUTY



Dear Commissioners,

January 5, 2017

Thank you for your continued efforts and input in helping along the regulation process for the cannabis industry here in Trinity. I am writing you today in regard to your consideration of nurseries as well as the zone Agricultural Forest (AF).

Recommendation for Nurseries:

Nurseries producing commercial cannabis nursery products for retail sale shall be a permitted use in zoning districts C-1, C-2, C-3, SUD, and I, subject to a Use Permit. Nurseries producing commercial cannabis nursery products for bulk wholesale sale or to supply retail nursery outlets held under the same license shall be a permitted use in the RR (parcels over 2 acres), U (parcels over 2 acres), A and AP zoning districts, subject to a Directors Permit. Zones AF and TPZ may also be considered for bulk wholesale sale or to supply retail nursery outlets with a Directors Permit if the applicant has also applied for a cultivation license for an existing garden and the nursery operation is conducted within an approved less than 3-acre conversion area.

Recommendations for AF:

Zone Agricultural Forest is a little more complicated. At this time, though zone AF is not named as a prohibited zone under the urgency ordinance, applicants wishing to come forward in voluntary compliance are being turned away while you review the zone. I have read the permitted use section of the AF zone, as well as the provisions of Section 30.A that it is subject to. While agriculture is not listed as a permitted use in this zone, there are many uses listed that are similar in nature and some that arguably create greater impacts and demands on the land than cannabis cultivation activities.

I urge you, under the provisions detailed in Section 30.A, to pass a resolution finding compliant cannabis cultivation is similar in nature to other uses permitted in this zone and that it will be done in a way that harmonizes and/or does not interfere with the other goals of the zone (ie. done in a way that protects from fire, insects, disease and other catastrophes). Under section 30.A, cannabis cultivation could further be characterized as similar in nature as these activities should not generate more traffic, parking, dust, or noise in comparison to logging and wood processing plants which are permitted uses of this zone.

There will be many more debates on this zone and all resource land use designated parcels as we go forward in contemplating a permanent ordinance. In Humboldt County, they have clear differences between what is allowed for New versus Existing farms. Under existing they are allowing cultivation operations in zones like TPZ but not allowing new grows in this zone.

Trinity is part of the world's most famous cannabis production region, we've got it all – the good, the bad and the ugly. If we really wish to rid ourselves of the bad and the ugly we should embrace the good and follow the lead of Humboldt by making it our priority to get our existing cultivators compliant. This means, allowing it in ways and places we may not allow for new grows. Last year, as we came before you asking to use the Humboldt ordinance as a framework the big question was whether or not their ordinance could stand up to a legal challenge under CEQA. Humboldt chose to use the existing baseline as a premise for their regulations. Their ordinance was passed almost 11 months ago and since then they have been challenged under CEQA twice. While they have made some settlement agreements resulting in minor changes, the ordinance still stands. We are lucky to be able learn from their mistakes. The North Coast Regional Water Quality Control Board also claims to be exempt from CEQA and they encourage those with existing farms to enroll.

We are currently under an Urgency Ordinance because cannabis cultivation and activity has created an emergent situation in our environment that cannot wait for our permanent ordinance process to finish. SECTION III Finding (24) of the Urgency Ordinance (315-816) states that: "This urgency ordinance is intended to promote voluntary compliance with environmental regulations..."

We talk a great deal of protecting and maintaining our resources in regard to Timber and Mining – but what about water usage and quality? Can we agree that water is a precious and environmentally sensitive resource in Trinity County? You cannot seek licensure with the County (or the state) without enrolling in the Water Board program to ensure the protection and quality of our water. The farmers in Ag Forest who are currently being denied the ability to get a permit

**EXHIBIT E**

are trying to be in line with the intention of our urgency ordinance as well as the intentions of MCRSA. They are existing farms, most on large parcels, and they are protecting and maintaining Trinity's water resources by voluntarily coming in to compliance.

Under Ordinance 315 Section 30.A, you, as a Commission, are required to ascertain all pertinent facts if you should choose to go the route of resolution. I compiled some I thought might be of value:

Demographics for zone AF based on spreadsheet data from the Trinity County Resource Conservation District: There are 12,226 privately owned parcels in the County. Of those, 385 are zoned Ag Forest. Those 385 properties account for over 16,500 LOT acres. For the most part these are big. 233 of them are 20 acres and over; with just 25 of them under 5 acres. 353 of these properties carry a land use designation of Resource with the remainder properties carrying Rural Residential, Agricultural and Village land use designations.

This is principally a resource land use zone, and while there is much debate, I would assert that resource land is quite suitable for agricultural uses. Resources are not just limited to timber and mining – in many areas of the General Plan's land use sections "Resources" findings and goals are tied in directly with agricultural activities alongside Timber and Mining. Here are examples from the General Plan:

Hayfork Findings – Page 25

*3. RESOURCES - Protect the resource production capabilities of the Hayfork Valley and encourage the utilization of those resources.*

- a. Agricultural activities should be encouraged whenever possible. Prime agricultural lands should be preserved for agricultural production. Efforts to control brush and create new grazing lands should be supported.*

Items b. and c. of these findings for resources are timber and mining respectively.

Hyampom Findings - Page 26

*3. RESOURCES - Encourage the use of the valley's agricultural land and the surrounding timber land for resource production.*

North Lake Findings - Page 27

*b. Existing agricultural activities should be encouraged to remain intact.*

Letter a. in their RESOURCES section is timber, and it's clear by the wording that at the time the General Plan was written there was one property owner who controlled the majority of the timberlands. Regardless though, it is still followed by (b.) agriculture and (c.) mining.

Douglas City, Lewiston and Junction City - Pages 31, 32 and 34

*Goal V.*

*To encourage the retention and utilization of resource land for timber production, agricultural uses, and mineral extraction.*

Again, thank you for taking these things into consideration and for all the time and effort you volunteer for the betterment of our County.

Sincerely,

Liz McIntosh