

<p>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</p>

**COMMUNITY DISCUSSION AND WORKSHOP REGARDING BUS STOP SETBACKS FOR
CANNABIS RELATED ISSUES**

LOCATION: County-wide

BACKGROUND INFORMATION:

Setbacks from school bus stops are included in all four of the County’s currently approved commercial Cannabis license types as follows:

From the *Cannabis Cultivation Ordinance 315-830* (Exhibit A):

(5) Limitation on Location to Cultivate Cannabis

(a) Applications will not be approved for cultivation of Cannabis in any amount or quantity, in the following areas:

(ii) Within five hundred (500) feet of an authorized school bus stop.

Cannabis Testing Facilities Ordinance 315-824 (Exhibit B):

[Section (3) (b)]: “Cannabis testing facilities shall comply with all of the following regulations:

i. Shall not be within one thousand (1,000) feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorized school bus stop and will be measured from footprint of building to edge of parcel boundary if sensitive receptors are present.”

Cannabis Nursery Ordinance 315-826 (Exhibit C):

Defines "Authorized School Bus Stop" as “any location established by a school district for pickup and/or delivery of school children.” The ordinance includes [Section (3)] ii. Cannabis nurseries shall not be located within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorized school bus stop. Variances are allowed upon review of the Planning Commission.

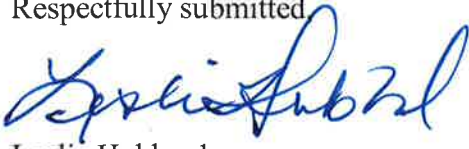
Cannabis Distribution Ordinance 315-828 (Exhibit D) Section (3)B includes that Cannabis distribution facilities “Shall not be allowed within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within 500 feet of an authorized school bus stop, unless a variance is obtained.”

For the past several months, members of the public have expressed conflicting perspectives during Planning Commission and Board of Supervisors meetings regarding whether setbacks from school bus stops should be included or excluded from any or all of the Cannabis ordinances. Staff believes that the amount and nature of interest in setbacks from bus stops for activities associated with commercial Cannabis and/or Cannabis products warrants a community discussion to promote an effective strategy for the Planning Commission’s consideration of setbacks from school bus stops for future Cannabis ordinances and/or amendments to existing ordinances.

Item No 10.

Meeting Date: March 22, 2018

Respectfully submitted

A handwritten signature in blue ink, appearing to read "Leslie Hubbard", written in a cursive style.

Leslie Hubbard
Interim Planning Director

ORDINANCE NO. 315-830

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING SECTION 28 OF TRINITY COUNTY ZONING ORDINANCE NO. 315
REGARDING COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

Section I: The County hereby amends the following sections of Section 28 of the Trinity County Zoning Ordinance No.315 to read as follows:

(1) Definitions:

- (h) "Designated Area" means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of Cannabis. Designated Area shall not exceed 200% of the Area for the license type; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a Nursery license.
- (l) "Mixed Light" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the cultivation of mature Cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using one of the artificial lighting models described below;
 - (i) "Mixed-Light Tier 1" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less;
 - (ii) "Mixed-Light Tier 2" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- (n) "Outdoors" or "Outdoor Cultivation" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the cultivation of mature Cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants.

(2) Application

- (a) Issuance of a license grants provisional permission to cultivate Cannabis plants within the guidelines of this Ordinance and State law. After receipt of a license, applicants who cultivate pursuant to the guidelines of this ordinance and applicable State law will be exempt from the plant count restrictions in the existing Trinity County personal grow Ordinance (Zoning Ordinance No. 315-797). Instead, applicants will be subject to the cultivated square footage provisions as defined by state regulations and allowed in this Ordinance.
- (b) Any licensing, except for Specialty Cottage Outdoor that qualifies under 2000 sq. ft. cultivation area and less than 5% slope, provided under this Ordinance will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's Order regulating discharge requirements for discharges of waste associated with Cannabis cultivation activities. Applicants, except for Specialty Cottage Outdoor

applicants, shall have been compliant with this requirement during the application period covered by the Urgency Ordinance to develop a record of environmental compliance. Applicants for Specialty Cottage Outdoor shall enroll under the SWRCB's Order on or before the date of application for a Trinity County commercial cultivation license. Priority for receiving Specialty Cottage Outdoor licenses within Trinity County Waterworks District #1 shall be based on date of application with the County.

(3) Application Requirement

(a)(ii) Designate whether the license is intended for commercial adult-use Cannabis activity ("A") or for commercial medicinal Cannabis activity ("M") for the following license types as stated in the State Regulations §8201:

1. Specialty Cottage:
 - a. "Specialty Cottage Outdoor" is an outdoor cultivation site with up to 25 mature plants. If cultivation area is under 2,000 sq. ft. with a slope less than 5% a Water Board permit is not required. Or if cultivation area is between 2000 and 2500 sq. ft. or if under 2,000 sq. ft. with a slope greater than 5% a Water Board permit is required.
 - b. "Specialty Cottage Indoor" is an indoor cultivation site with 500 square feet or less of total canopy.
 - c. "Specialty Cottage Mixed-Light Tier 1 and 2" is a mixed-light cultivation site with 2,500 square feet or less of total canopy.
2. Specialty:
 - a. "Specialty Outdoor" is an outdoor cultivation site with less than or equal to 5,000 square feet of total canopy, or up to 50 mature plants on noncontiguous plots.
 - b. "Specialty Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 2,501 and 5,000 square feet of total canopy.
3. Small:
 - a. "Small Outdoor" is an outdoor cultivation site between 5,001 and 10,000 square feet of total canopy.
 - b. "Small Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 5,001 and 10,000 square feet of total canopy.
4. Medium:
 - a. "Medium Outdoor" is an outdoor cultivation site between 10,001 square feet and one (1) acre of total canopy.
5. All other license types are not allowed at this time by the County of Trinity, unless adopted by the County in subsequent Ordinance or Ordinances.

(5) Limitation on Location to Cultivate Cannabis

- (a) Applications will not be approved for cultivation of Cannabis in any amount or quantity, in the following areas:
- (i) Within one thousand (1,000) feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein.
 - (ii) Within five hundred (500) feet of an authorized school bus stop.
 - (vi) Within the legal boundaries of the Trinity County Waterworks District #1, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District and within the following area of the

Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

- Weaverville Community Services District by December 31, 2016;
 - Lewiston Community Services District by January 15, 2017;
 - Trinity County Waterworks District #1 by July 1, 2018;
 - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
- (vii) Designated Area shall not exceed 200% of the Area for the license type unless otherwise approved by the Planning Director or by the California Department of Food and Agriculture.
- (viii) For Specialty Cottage, Specialty and Small licenses cultivation shall not be allowed within three hundred fifty (350) feet of a residential structure on any adjoining parcels. For Medium licenses, cultivation shall not be allowed within five hundred (500) feet of an adjacent property line. Applications for a variance from this provision will be considered by the Trinity County Planning Commission. After obtaining an initial variance, the Planning Director can issue a Director's Use Permit for subsequent years after an inspection.

(9) Fees

(c) The Cannabis Cultivation Program Fee is set at:

- i. Specialty Outdoor and Mix Light: \$4,000 plus \$1,000 toward the general plan up-date.
- ii. Specialty Cottage:
 1. Outdoor: \$750 plus \$250 towards general plan update.
 2. Mix Light: \$1,500 plus \$250 towards general plan update.
 3. Indoor: \$2,000 plus \$250 towards general plan update.
- iii. Small Outdoor and Mix Light: \$5,000 plus \$1,000 toward the general plan up- date.
- iv. Medium Outdoor: \$8,000 plus \$1,000 toward the general plan update.
- v. Cannabis Variance Fee: \$751.

The County hereby adds the following sections to Section 28 of the Trinity County Zoning Ordinance No.315 to read as follows:

(1) Definitions:

- (z) "Indoor" means within a "Fully Enclosed and Secure Structure" as defined herein, using artificial lights at a rate greater than 25 watts per square foot.
- (aa) "Immature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means Cannabis plant that is not flowering.
- (bb) "Mature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means a Cannabis plant that is flowering;
- (cc) "Watts per Square Foot" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means the sum of the maximum wattage of all lights identified in a designated canopy area(s) in the cultivation plan divided by the sum of the dimension in square feet of designated canopy area(s) identified in the cultivation plan.

(dd) "Premises" means the designated structure(s) and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises may only be occupied by one County Commercial Cannabis cultivation license type. Multiple additional commercial Cannabis activities (i.e., Nursery, Distribution, Manufacturing, etc.) may exist on the same Legal Parcel.

Section II: The County finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant Business and Professions Code section 26055(h) until July 1, 2019 because this Ordinance requires discretionary review for the individual licenses that are provided for within.

Section III: 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 with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 21st day of February, 2018, and passed and enacted this 6th day of March, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Chadwick), and the following vote:


- AYES: Supervisors Chadwick, Fenley and Groves
- NOES: None
- ABSENT: Supervisor Morris
- ABSTAIN: None
- RECUSE: Supervisor Mines



KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

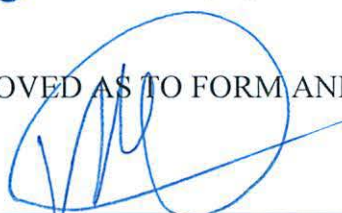
ATTEST:

RICHARD KUHNS, Psy.D
Clerk of the Board of Supervisors

By: 

Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-824
AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING ZONING ORDINANCE NO. 315 CREATING SECTION 28.6
CANNABIS TESTING FACILITIES REGULATIONS

The Board of Supervisors of the County of Trinity, State of California, hereby finds and declares as follows:

Section 1: Findings and Declarations:

- (1) WHEREAS, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 and entitled “The Compassionate Use Act of 1996”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
- (2) WHEREAS, the State enacted SB 420 in 2004, known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7 et seq.), to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, and enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.
- (3) WHEREAS, on September 11, 2015, the State enacted the Medical Cannabis Regulation and Safety Act (MMRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, distribution, transportation, testing, and dispensing of medical Cannabis on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018. MMRSA was amended by SB 837.
- (4) WHEREAS, on June 27, 2017, the State adopted SB 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both of the following: (1) Medicinal cannabis and medicinal cannabis products for patients with valid physician’s recommendations; and (2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.
- (5) WHEREAS, previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Cannabis Program Act, have precipitated a “green rush” with individuals moving to Trinity County to grow Cannabis; with some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (6) WHEREAS, due to the passage of the Medical Cannabis Regulation and Safety Act (MMRSA), and the Adult Use of Cannabis Act (AUMA) and SB 94 (Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)) in California, there is a concern that if left unregulated, there will be a substantial increase of Cannabis activity in the County.
- (7) WHEREAS, since the adoption of MMRSA numerous sources, including law enforcement, elected officials, county administrators, neighbors and Cannabis cultivators have reported numerous

inquiries from individuals and entities, both from within and without Trinity County, who seek to expand their current cultivation operations, or start new ones.

- (8) WHEREAS, the County finds that in the absence of a formal regulatory framework the negative impacts frequently associated with marijuana cultivation are expected to increase, resulting in an unregulated, unstudied and potentially significant negative impact on the environment and upon the public peace, health and safety.
- (9) WHEREAS, it is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
- (10) WHEREAS, it is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
- (11) WHEREAS, this ordinance provides regulations for the local licensing of Cannabis testing facilities in specified locations and under specified conditions in the County.

NOW THEREFORE be it resolved that the Board of Supervisors of the County of Trinity ordains as follows:

The County hereby enacts the following as Section 28.6 of the Trinity County Zoning Ordinance No. 315:

- (1) Definitions
- (2) Applicability
- (3) Regulations
- (4) Required Findings
- (5) Required Conditions
- (6) Fees
- (7) Denial/Revocation of License
- (8) Enforcement

(1) Definitions:

- (a) "Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- (b) "School" means an institution of learning, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.
- (c) "Youth-oriented facility" means public park, school authorized bus stop and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(2) Applicability:

Cannabis testing facilities (requiring a Type 8 State license) may be allowed with a Use Permit in the following Zoning Districts;

- (a) C2 (General commercial)

- (b) C3 (Heavy Commercial)
- (c) I (Industrial)
- (d) All other zones are ineligible.

Testing facilities shall be subject to the requirements of this Section. A Use Permit and/or license applications are independent and separate actions. Approval of one does not guarantee approval of the other.

(3) Regulations:

- (a) Within sixty (60) days of adoption of this ordinance any person or entity desiring a Cannabis testing facilities license within Trinity County may apply with the Trinity County Planning Department. An application shall be on a form provided by the Trinity County Planning Department and will require, at minimum, confirmation that the applicant meets the requirements of this chapter. Application shall include a plan of operation pursuant to Section 4(f) and 4(g).
- (b) Cannabis testing facilities shall comply with all of the following regulations:
 - i. Shall not be within one thousand (1,000) feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorized school bus stop and will be measured from footprint of building to edge of parcel boundary if sensitive receptors are present.
 - ii. The owners, operators, and employees of the Cannabis testing facilities shall be independent from all other persons, associations and/or entities involved in the Cannabis industry, and shall not hold any other State or County license related to Cannabis.
 - iii. Cannabis testing facilities shall apply for appropriate licensing and/or register with any State Agencies upon establishment of a State regulatory framework as required by the State and provide copies of the license application and the issued license to the County.
 - iv. Cannabis testing facilities shall show proof of ISO 17025 accreditation, or proof that the applicant is in the process of applying for or is preparing to apply for ISO 17025 accreditation as required by the State.
 - v. Cannabis testing facilities shall adopt written standard operating procedures for laboratory processes, and analytical methods as required by State regulations.
 - vi. Cannabis testing facilities shall adopt a written standard operating procedure to obtain samples for testing according to State regulations.
 - vii. Cannabis testing facilities shall develop and implement scientifically valid testing methodologies for the chemical, physical and microbial analysis of Cannabis products according to State regulations.
 - viii. Cannabis testing facilities shall develop and implement test methods and corresponding standard operating procedures for the analyses of organic and inorganic materials identified by the State. Additional analyses may be conducted as requested by the cultivator of the sample(s) to be tested.
 - ix. Cannabis testing facilities shall dispose of test samples according to State regulations and document waste disposal procedures followed for each sample.
 - x. Cannabis testing facilities shall comply with all safety standards and requirements for Cannabis testing facilities identified by the State, and shall ensure the safety of its employees and the proper disposal of all chemicals and byproducts pursuant to California Department of Public Health guidelines, California Division of Occupational Safety and Health requirements, California Department of Transportation, California Department of

Toxic Substances Control (Trinity County CUPA), and Trinity County Department of Environmental Health.

- xi. Cannabis testing facilities shall develop and implement standard operating procedures or programs required by the State including quality assurance and quality control,
- xii. Cannabis testing facilities shall employ personnel who meet the experience and education requirements specified by the State and shall train qualified personnel as required by the State.
- xiii. Cannabis testing facilities shall adopt a written security protocol and implement the protocol to prevent diversion, theft and loss of Cannabis samples.
- xiv. Cannabis shall not be sold or consumed on or within the premises on which this license is issued.

(4) Required Findings:

A license for a Cannabis testing facility shall not be granted by the County unless all of the following findings are made based on substantial evidence:

- (a) The testing facility, as proposed, will comply with all of the requirements of the State of California Bureau of Medical Cannabis Regulation and Trinity County Code for Cannabis testing facilities.
- (b) The Cannabis testing, as approved and conditioned, will not result in significant adverse impacts on the environment.
- (c) The testing facility is accredited by an approved accrediting agency recognized by the State and the County of Trinity.
- (d) Plans for the testing facility demonstrate proper protocols and procedures for statistically valid sampling methods and accurate certification of Cannabis and Cannabis products for potency, purity, pesticide residual levels, mold, and other contaminants according to adopted industry standards.
- (e) The testing facility shall agree to provide as requested and/or required to State and County agencies procedures, processes and/or data collected resulting from testing performed.
- (f) Plans for the testing facility demonstrate proper protocols and procedures for transport, handling, and disposal of all chemicals used in the testing process.
- (g) The testing facility is located in a building permitted by the Trinity County Building Department and meets Trinity County Code.

(5) Required Conditions:

In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all licenses for a Cannabis testing facility:

- (a) Operators of the testing facility shall allow access to the facility and access to records if requested by the County or State, its officers, or agents, and shall pay for routine and focused inspections and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
- (b) The applicant, owner, and operator *shall* agree to submit to, allow access for, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any Enforcement Officer of the County or their designee.
- (c) Operators of the testing facility and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the County, its agents, boards, planning commission or board of supervisors arising from the County's registration of

the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the County, its agents, officers and employees in connection with such action.

- (d) The facility operator shall be responsible for ensuring that all Cannabis testing activities at the site operate in good standing with licenses required by Trinity County Code and State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain licenses or licenses in good standing with the County or State shall be grounds for the suspension or revocation of the license.
- (e) The testing facility and related activities shall be maintained in accordance with the operating plans accepted by the County.
- (f) A safety and security plan shall be submitted and accepted by the County. This plan shall be updated annually. All security protocols shall be implemented prior to commencing operations.
- (g) Hours of operation shall be determined on a site-specific basis established in the Use Permit associated with the testing facility.
- (h) This license does not guarantee that the applicant will be considered compliant with any future land use ordinance.
- (i) Licenses are transferrable with payment of fees and review of an updated application including information regarding new ownership.
- (j) Cannabis is not recognized under Federal law and applicant does not grant any right to violate federal law.
- (k) When the State Bureau of Medical Cannabis Regulation (BMCR) begins issuing Type 8 licenses under MCRSA, the applicant or license holder *shall* file a complete application with the BMCR within 60 days.
- (l) Notwithstanding any other provision of this Chapter, a person participating in the testing of Cannabis who is registered pursuant to this Chapter, but who applies for and is denied a State license *shall* immediately cease all Cannabis testing within the County until he/she successfully obtains the proper State testing license(s) by BMCR.

(6) Fees:

- (a) The County shall collect from the applicant a regulatory program fee (hereinafter referred to as Fee) when an applicant submits an application to establish a Cannabis testing facility with the Planning Department pursuant to this Chapter.
- (b) Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this Chapter.
- (c) A Use Permit required by this license is an independent action that *shall* require a Use Permit Fee.
- (d) The Cannabis Testing Facilities Program Fee is shall be:
 - i. Type 8 License: Year 1 - \$2 per square foot plus \$1,000 towards General Plan update. Successive years - \$1,000 General Plan Fee, plus \$1,000 processing Fee.
 - ii. Inspection/Reinspection Fee: \$200.00
 - iii. Transfer Fee: \$3,000.00
- (e) Fees shall be paid thereafter annually prior to March 1 of each year.

(7) Denial/Revocation of License:

- (a) Applicant's application shall be denied or the issuance of a license rescinded if Trinity County becomes aware that:

- i. The applicant has provided materially false documents or testimony; or
 - ii. The operation as proposed, if licensed, would not comply with all applicable laws, including, but not limited to, the Building, Planning, Housing, Fire, and Health Codes of the County, including the provisions of this Chapter and with all applicable laws including zoning and county ordinances.
- (b) Applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- (c) Applicants shall have the right to appeal any denials to the Planning Director. Any person dissatisfied with the decisions of the Planning Director may appeal therefrom to the Planning Commission at any time within ten (10) working days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the Planning Director and paying the required appeal fee. Upon filing of a notice of appeal, the Planning Director shall within ten (10) days to transmit to the Secretary of the Planning Commission all papers and documents on file with the Planning Director relating to the appeal and schedule the appeal for the Commission hearing.
- (d) Applicant shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

(8) Enforcement

- (a) Violation of this Chapter constitutes a nuisance and is subject to fines and abatement pursuant to Chapters 8.64 and 8.90 of the Trinity County Code.
- (b) The Code Enforcement Officer shall make reasonable efforts to notify the owner and/or violator.
- (c) Additional fees may be required for code enforcement reinspection.

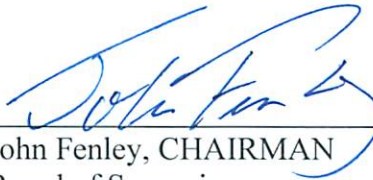
Section II: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Section III: The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to 14 Cal.Code Regs. Sec. 15378(b)(5) and is an administrative activity that will not result in direct or indirect physical changes in the environment. The establishment of individual Cannabis testing facilities will require a Use Permit requiring the applicant to complete a Project Initial Study-Environmental Checklist and Evaluation of Environmental Impacts.

Introduced at a regular meeting of the Board of Supervisors held on the 3rd day of October, 2017, and passed and enacted this 17th day of October, 2017 by the Board of Supervisors of the County of Trinity by motion, second (Groves/Morris), and the following vote:

- AYES: Supervisors Morris, Groves, Chadwick and Fenley
- NOES: None
- ABSENT: None
- ABSTAIN: None
- RECUSE: None

Ordinance No. 315-824
October 17, 2017
Page 7 of 7



John Fenley, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:
MARGARET LONG
Clerk of the Board of Supervisors

By: Naemi Gerke
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret Long, County Counsel
For Margaret Long.

ORDINANCE NO. 315-826
AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ALLOWING FOR WHOLESALE CANNABIS NURSERIES AND
RESALE OF AUXILIARY NURSERY PRODUCTS

Section I: The Board of Supervisors of the County of Trinity hereby finds and declares as follows:

Findings and Declarations:

- (1) The voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 and entitled “The Compassionate Use Act of 1996”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon recommendation of a physician are not thereby subject to criminal prosecution or sanction.
- (2) The State enacted SB 20 in 2004, known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7 et seq.), to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and their primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, and enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.
- (3) On September 11, 2015, the state enacted the Medical Cannabis Regulation and Safety Act (MCRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, distribution, transportation, testing, and dispensing of medical marijuana on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018. MCRSA was amended by SB 837.
- (4) Previous landmark legislation, including the compassionate Use Act and the Medical Marijuana Program Act, have precipitated a “green rush” with individuals moving to Trinity county to grow marijuana; with some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (5) Since the adoption of MCRSA, numerous sources, including law enforcement, elected officials, county administrators, neighbors and marijuana cultivators have reported numerous inquiries from individuals and entities, both from within and outside Trinity County, who seek to expand their current cultivation operations, or start new ones.
- (6) On November 8, 2016, voters approved AUMA to allow recreational use of marijuana by adults over the age of 21.
- (7) In the absence of a formal regulatory framework, marijuana cultivators are less likely to learn of, or implement, guidelines that are protective of the public peace, health, safety and the environment; while law enforcement has been deprived of a clear means of distinguishing legally compliant marijuana cultivators from those who threaten the public peace, health, safety and the environment.
- (8) The county finds that in the absence of a formal regulatory framework, the negative impacts frequently associated with marijuana cultivation are expected to increase, resulting in an

- unregulated, unstudied and potentially significant negative impact on the environment and upon the public peace, health and safety.
- (9) It is the purpose and intent of this Ordinance to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
 - (10) It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
 - (11) This ordinance provides regulations and control over Cannabis nursery products and prevents the potential introduction of pests and disease into the community through foreign agricultural products.

The County hereby enacts the following as Section 28.4 of the Trinity County Zoning Ordinance No. 315, as follows:

Sections:

- (1) Definitions
- (2) Allowable Zoning Districts
- (3) Regulation of Nurseries
- (4) Required Conditions of Use Permit Approval
- (5) Enforcement
- (6) Fees
- (7) Denial/Rescission of License

(1) Definitions:

- (a) "Authorized School Bus Stop" means any location established by a school district for pick-up and/or delivery of school children.
- (b) "Auxiliary Nursery Sales": ancillary goods sold within a Cannabis nursery that are directly related, supplementary and subordinate to the Cannabis products sold within the nursery and that are specifically for planting and promulgation of Cannabis.
- (c) "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- (d) "Cannabis Nursery" means a wholesale sales facility operated by a licensee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting and promulgation of Cannabis and sold only to licensed Commercial Cannabis Cultivation growers. Retail sales are not permitted.
- (e) "Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- (f) "Residential Treatment Facility" means a facility providing for treatment of drug and alcohol dependency.
- (g) "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.
- (h) "Youth-oriented facility" means public park, school authorized bus stop and any establishment that advertises in a manner that identifies the establishment as catering to or

providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(2) Allowable Zoning Districts:

All Cannabis nursery facilities require a Type 4 State license.

(a) Cannabis nursery facilities may be permitted only in the following Zoning Districts subject to first securing a Planning Commission-issued Conditional Use Permit:

- i. Agriculture (A)
- ii. Heavy Commercial (C-3)
- iii. Heavy Industrial/Manufacturing (M-2)
- iv. Light Industrial/Manufacturing (M-1)
- v. Industrial (I)
- vi. Specific Unit Development (SUD), whose guidelines specifically identify parcels for industrial development.

(b) Regardless of Zoning District, Cannabis nurseries shall not be permitted within the following areas:

- i. Recreation District #1(RD-1) [This is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area]
- ii. Ruth Lake Specific Unit Development [This is primarily the area within the Ruth Lake Recreation Area]

(3) Regulation of Nurseries:

(a) The following requirements shall apply to all Cannabis nurseries:

- i. A Cannabis nursery shall possess and be in full compliance with a Type 4 State license.
- ii. Cannabis nurseries shall not be located within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorized school bus stop. Variances are allowed upon review of the Planning Commission.
- iii. Cannabis nursery operators shall ensure that all clones, immature plants, seeds and other agricultural products are obtained from appropriately licensed cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported, and inspected prior to distribution to an appropriately licensed individual.
- iv. Cannabis nurseries shall have security measures, including fencing, sufficient to restrict access and deter trespass and theft of Cannabis or Cannabis products. Fencing must include a lockable gate that is locked at all times when the property owner and/or employees are not on the premises. Fencing shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, although shade cloth may be used on the inside of the fence.
- v. Cannabis nurseries may grow clones and immature plants indoors, but only when allowed by the required Conditional Use Permit.
- vi. Cannabis nurseries shall comply with all other provisions of the Trinity County Code and the Zoning Ordinance.
- vii. Development standards: The development standards (such as setbacks, minimum lot coverage, etc.) shall be as shown for the applicable zoning district, provided, however, that the Planning Commission may establish more restrictive standards on a case-by-case basis during the use permit approval process.

- viii. Auxiliary nursery sales are permitted within the established nursery facility; however, the location of sales shall not exceed ten percent (10%) of the Cannabis nursery facility.

(4) Required Conditions of Use Permit Approval:

- (a) In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all Cannabis nurseries:
 - vii. All Cannabis nursery license holders shall maintain accurate records on sales, including proof that sales occur only to licensed individuals.
 - viii. Sales shall only be to licensed Cannabis cultivators in the State of California.
 - ix. License holders shall comply with all applicable State and County laws.
 - x. The Trinity County Agricultural Commissioner may create standards for plant quality which shall comply with State of California regulations.
 - xi. All sales locations shall have adequate parking to accommodate customers.
 - xii. Glare from nursery facilities and resale locations shall not emanate onto neighboring properties. This condition will also be reviewed on a case-by-case basis as part of the use permit process.
 - xiii. Cannabis nurseries shall comply with the cultivation plan required in State Type 4 licenses.
- (b) Operators of Cannabis nurseries shall allow access to the facility and access to records if requested by the County, its officers, or agents; shall pay for an annual inspection; and shall submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
- (c) The applicant, owner, and operator shall agree to submit to, and pay for, routine and focused inspections of operations and relevant records or documents necessary to determine compliance with this Ordinance from any enforcement officer of the County or their designee.
- (d) Operators of Cannabis nurseries and, if different, the property owner(s) shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the County, its agencies, board, planning commission or board of supervisors arising from the County's registration of the site. The indemnification shall apply to any damages, cost of suit, attorney fees or other expenses incurred by the County, its agents, officers and employees in connection with such action.
- (e) Any person operating a Cannabis Nursery shall obtain a valid and fully executed commercial Cannabis cultivation Type 4 State License prior to commencing operations and must maintain such license in good standing to continue operations.
- (f) The property owner shall be responsible for ensuring that all commercial Cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the County or state shall be grounds for the suspension or revocation of the Cannabis nursery license.
- (g) Cannabis nurseries and related activities shall be maintained in accordance with operating plans approved by the County.
- (h) A license for Cannabis nursery cultivation or for the resale of wholesale Cannabis products does not guarantee that the applicant will be considered compliant with any future land use ordinance.
- (i) Application for Cannabis nursery cultivation does not give the applicant any property rights, and it does not guarantee that a Cannabis nursery cultivation license will be issued. The Application shall not be transferrable.

- (j) Cannabis is not recognized under Federal law and an application does not grant any right to violate federal law.
- (k) When the State begins issuing Type 4 Licenses under Medicinal and Adult Use Cannabis Regulations and Safety Act (MAUCRSA), the applicant or License holder shall file a complete application for the appropriate State license with the appropriate State licensing authority within 60 days of obtaining a County license.
- (l) The effective date of a county issued entitlement for a Cannabis nursery shall not begin until all State and County licensing, permitting and approvals have been obtained.
- (m) Notwithstanding any other provision of this ordinance or the Trinity County Code, a person cultivating Cannabis for the purposes of nursery sales, or resale of wholesale Cannabis nursery products pursuant to this ordinance, but who applies for and is denied a State license, shall immediately cease all Cannabis nursery cultivation within the County until he/she successfully obtains the proper State nursery cultivation license(s) under MAUCRSA.

(5) Enforcement:

In addition to enforcement measures in this ordinance, violation of this Ordinance also constitutes a nuisance and is subject to fines and abatement pursuant to Chapters 8.64 and 8.90 of the Trinity County Code.

(6) Fees:

- (a) The County shall collect from the applicant a regulatory program fee (“Fee”) when the Application is submitted to the Planning Department pursuant to this Chapter.
- (b) Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this Chapter.
- (c) The Cannabis Nursery Program Fee is set at:
 - i. Nursery License: \$2,500, plus \$1,000 toward general plan update
 - ii. Inspection Fee: \$200.
- (d) Fees shall be paid thereafter annually prior to March 1 of each year.


(7) Denial/Rescission of License:

- (a) Applicant’s Application shall be denied or the issuance of a license rescinded if the County becomes aware that:
 - i. The applicant has provided materially false documents or testimony.
 - ii. The operation as proposed, if permitted, would not comply with all applicable laws, including, but not limited to, the Building, Planning, Housing, Fire, and Health Codes of the County, including the provisions of the Chapter and with all applicable laws, including zoning and County ordinances.
- (b) The applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- (c) The applicant may appeal a denial or revocation as provided in the appeals process of the Zoning Ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section II: 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 with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 17th day of October, 2017, and passed and enacted this 4th day of December, 2017 by the Board of Supervisors of the County of Trinity by motion, second (Morris/Groves), and the following vote:

AYES: Supervisors Groves, Morris, Chadwick and Fenley
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



John Fenley, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:
MARGARET LONG
Clerk of the Board of Supervisors

By: 

Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret Long, County Counsel

ORDINANCE NO. 315-828
AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ALLOWING FOR DISTRIBUTION OF CANNABIS

The Board of Supervisors of the County of Trinity hereby finds and declares the following:

Section 1: Findings and Declarations:

1. The voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
2. The State enacted SB 420 in 2004 known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act and enhance the access of patients and caregivers to medical Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB420.
3. On September 11, 2015, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA) which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, distribution, distribution, transportation, testing and dispensing of medical Cannabis on a commercial basis. MMRSA was amended by SB 837. On June 27, 2017, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act setting forth regulations for State licensure beginning in January, 2018.
4. Senate Bill 94 known as the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, distribution, processing and sale of both of the following:(1) Medicinal Cannabis and medicinal Cannabis products for patients with valid physician’s recommendations; and (2) Adult-use Cannabis and adult-use Cannabis products for adults 21 years of age and over.
5. The County finds that in the absence of a formal regulatory framework the negative impacts frequently associated with Cannabis distribution are expected to increase resulting in an unregulated unstudied and potentially significant negative impact on the environment and upon the public peace health and safety.

6. It is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
7. It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
8. This ordinance provides regulations and control over distribution of Cannabis, and prevents the potential illegal distribution of Cannabis within the County.

Section 2: Application

The County hereby enacts the following as Section 28.5 of the Trinity County Zoning Ordinance No.315: Cannabis Distribution

1. Definitions:

- A. "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- B. "Cannabis distribution facility" means a building or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for Cannabis products between entities that are properly licensed.
- C. "Distribution" means the procurement, sale and transport of Cannabis and Cannabis products between entities that are properly licensed.
- D. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.
- E. "Youth-oriented facility" means Public Park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

2. Allowable Zoning Districts

- A. Cannabis Distribution (requiring Type 11 State license) may be allowed in the following zoning districts subject to first obtaining a Conditional Use Permit:
 - General Commercial ("C2")
 - Heavy Commercial ("C3")
 - Industrial ("I")
 - Agricultural ("A")
 - Specific Unit Development ("SUD"), whose guidelines specifically identify parcels for industrial development.
- B. The restrictions under Section 2A do not apply to transportation only licenses.

- C. Type 11 Transportation Only licenses will be allowed within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District, although no Cannabis Distribution facilities will be allowed in these areas.

3. Regulations:

Cannabis distribution shall comply with all of the following regulations:

- A. Cannabis distribution facilities shall be located only in zoning districts identified in Section 2.A. in this ordinance as allowable zoning districts for Cannabis distribution facilities.
- B. Cannabis distribution facilities shall not be allowed within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within 500 feet of an authorized school bus stop, unless a variance is obtained.
- C. All Cannabis distributors shall ensure that Cannabis is obtained from licensed cultivation sources and shall implement best practices to ensure that all Cannabis products are properly stored, labeled, transported and tested prior to distribution at a legally permitted and licensed retail facility.
 - i. A Transportation Only license is also available from Trinity County, which will allow the transportation of Cannabis products within the State of California for distribution to licensed distributors and manufacturers.
- D. Security plan shall be developed which is compliant with State requirements and submitted with an application and must be sufficient to restrict access to only those intended and to deter trespass and theft of Cannabis or Cannabis products shall be provided and maintained. The Security plan shall be approved by the Board of Supervisors, or its designee.
- E. A site operations plan shall be submitted with the application for a Conditional Use Permit.
- F. Any license holder of a distribution license shall not have been convicted of serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of Cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
- G. Cannabis and Cannabis products shall only be transported between licensed commercial operations in good standing with the County and the State.
- H. Distributors shall ensure that appropriate samples of Cannabis or Cannabis products are tested by a State- and/or County-licensed testing facility prior to distribution.
- I. Prior to distribution to retailers, the distributor shall receive a certificate of analysis stating that test samples meet specifications required by law.
- J. Cannabis and Cannabis products shall be packaged and labeled in accordance with the requirements of State law.
- K. Overnight storage of Cannabis and Cannabis product is not allowed in any vehicles within the County unless secured in a licensed distribution facility.

4. Required Findings:

A Conditional Use Permit for Cannabis distribution shall not be granted by the Trinity County Planning Department unless all of the following findings are made based on substantial evidence:

- A. The distribution, as approved and conditioned will not result in significant unavoidable impacts on the environment.
- B. The distribution includes adequate quality control measures to ensure Cannabis distributed at the site meets State standards for a regulatory market.
- C. The distribution operations plan includes adequate measures that address the federal enforcement priorities for Cannabis activities.

5. Required Conditions:

In addition to conditions and mitigation measures that may be included in the Conditional Use Permit for a distribution facility, the following conditions shall be met:

- A. The distributor shall allow access to the facility and any vehicles utilized in transportation, and access to records if requested by the County, its officers, or agents, and shall allow inspections from the County or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the distribution facility and the property owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the license or relating to any damage to property or persons stemming from the commercial Cannabis activity.
- C. Any person operating a Cannabis distribution facility shall obtain a valid and fully executed commercial Cannabis distribution license or provisional license from the State prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial Cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and State law. Failure to take appropriate action to evict or otherwise remove licensees who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Conditional Use Permit pursuant to this Chapter.
- E. The distribution facility and activities shall be maintained in accordance with the operating plan associated with the Conditional Use Permit and approved by the County.
- F. Any person who is not the legal owner of a parcel for which they are obtaining a Conditional Use Permit to operate a Cannabis distribution facility shall provide written and notarized authorization from the legal owner of the parcel prior to commencing activities included in the Conditional Use Permit on such parcel.
- G. The Cannabis Distribution Program Fee is due annually on March 1st and is set at:
 - i. Type 11: \$6,000 plus \$1,000 towards the General Plan update.
 - ii. Type 11 (Transportation Only): \$2,000.
 - iii. Fees shall be paid thereafter annually prior to March 1st of each year.

- H. The above Fee amounts are not anticipated to fully cover the cost of administering this Ordinance; however, within twelve months of this Ordinance, the County may conduct a fee study to determine the total cost of administering this Ordinance.
- I. If, based on the results of the fee study, the fee needs to be increased, the County may increase the Fee by way of resolution for any new or renewal registrations.
- J. If, based on the results of the fee study, the fee exceeds the cost of administering this Ordinance the County shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

6. Denial/Rescission of License:

- A. Applicant's application shall be denied or the issuance of a license rescinded if Trinity County becomes aware that:
 - i. The applicant has provided materially false documents or testimony; or
 - ii. The operation as proposed if allowed, would not comply with all applicable laws including but not limited to the Building, Planning, Housing, Fire and Health and Safety Codes of the County including the provisions of this Chapter and with all applicable laws including zoning and Trinity County ordinances.
 - iii. Applicant shall be given up to seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission unless there is an immediate threat to public health or safety that requires an immediate correction of the deficiency.
 - iv. Applicant or Licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section 3: CEQA

The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to 14 Cal.Code Regs.Sec. 15378(b)(5) and is an administrative activity that will not result in direct or indirect physical changes in the environment. The establishment of individual Cannabis distribution facilities will require a Planning Commission-issued Conditional Use Permit requiring the applicant to complete a Project Initial Study-Environmental Checklist and Evaluation of Environmental Impacts.

Introduced at a regular meeting of the Board of Supervisors held on the 3rd day of January 2018, and passed and enacted this 17th day of January 2018 by the Board of Supervisors of the County of Trinity by motion second (Morris/Chadwick), and the following vote:

AYES: Supervisors Chadwick, Morris and Groves
NOES: None
ABSENT: Supervisor Fenley
ABSTAIN: None
RECUSE: Supervisor Mines



KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

RICHARD KUHNS, Psy.D
Clerk of the Board of Supervisors

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel