



FREQUENTLY ASKED QUESTIONS December 9, 2020 Urgency Ordinance

On December 9, 2020, the Trinity County Board of Supervisors adopted an Urgency Ordinance that includes provisions for the Trinity County Commercial Cannabis Program. These Frequently Asked Questions (FAQs) have been prepared to help address questions that may arise as a result of the adoption of the Urgency Ordinance.

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1. Extension of Trinity County Commercial Cannabis Cultivation Licenses Under the December 9, 2020 Urgency Ordinance

- a. [Q: What does a renewal applicant need to do to get an extension of their commercial cannabis cultivation license under the Urgency Ordinance?](#)
[A:](#) The extension of a cultivation license is not immediate or guaranteed. A renewal applicant does not need to submit anything to the County for an extension to be considered. Criteria are established in the Urgency Ordinance regarding which renewal applications may qualify for an extension of their existing license. [FAQ #1.b](#) and [#1.c](#) provide a general outline of the criteria the County will use to screen renewal applications to determine if they qualify for an extension of their license.
- b. [Q: Who will qualify for an extension of their commercial cannabis cultivation license under the Urgency Ordinance?](#)
[A:](#) If a renewal applicant has previously held a valid Trinity County Commercial Cannabis Cultivation license AND submitted a license renewal application including fees between January 1, 2019 and December 9, 2020, the applicant may qualify for an extension of their license under the Urgency Ordinance. Renewal applications that do not meet these initial criteria will not continue through the screening process. See [FAQ #1.c](#) for more information on additional screening criteria.

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c. [Q: What other things will the County take into consideration to determine who qualifies for an extension?](#)

[A:](#) County Staff must review each renewal application and file to determine if the project qualifies for an extension under the Urgency Ordinance. In addition to the requirements outlined in [FAQ #1.b](#), to qualify for an extension, a renewal applicant shall not have unresolved non-compliance issues with the County or other CA State agencies for which compliance is required, such as CDFA, CDFW, SWRCB. The renewal applicant must have already applied for or currently hold a valid Annual or Provisional CA Commercial Cannabis Cultivation license to receive an extension. Other factors that the County will consider when determining if a renewal applicant will qualify for an extension of their license include any pending appeals or other administrative considerations that may be specific to the applicant’s project.

d. [Q: What documentation will the County provide to renewal applicants that qualify for an extension?](#)

[A:](#) Renewal applicants will receive a letter from the County notifying them that their Commercial Cannabis Cultivation License has been extended under the Urgency Ordinance.

e. [Q: When can renewal applicants expect to receive a letter from the County notifying them that their license has been extended under the Urgency Ordinance?](#)

[A:](#) There are roughly 185 pending renewal applications that must undergo the screening process generally outlined in [FAQ #1.b](#) and [#1.c](#). The County will conduct screening and issue notification letters in priority order based on the date the County received a renewal application and fees, from oldest to newest. The approximately 185 pending renewal applications have been divided into groups of roughly 25 based on the dates the County received the renewal application and fees. These Priority Groups have been given an alphabetical letter to indicate their priority for screening, letters A through I. Priority Group A renewal applicants will undergo screening first, then Priority Group B, and so on. On the County Commercial Cannabis website <https://www.trinitycounty.org/Commercial-Cannabis>, the County will provide regular updates as to which Priority Group they are currently conducting screenings for.

f. [Q: How will a renewal applicant know which Priority Group their application is in for screening?](#)

[A:](#) As described in [FAQ #1.e](#), Priority Groups have been established based on the date the County received a renewal application and renewal fee payment. The Priority Groups have been established as outlined in [Table 1](#):

Table 1: Priority Groups for Screening

Priority Group	Date Renewal Application & Fees Received
A	1/1/2019 – 5/23/2019
B	5/24/2019 – 8/7/2019
C	8/8/2019 – 4/20/2020
D	4/21/2020 – 5/27/2020
E	5/28/2020 – 7/15/2020
F	7/16/2020 – 8/26/2020
G	8/27/2020 – 10/20/2020
H	10/21/2020 – 12/9/2020
I	12/10/2020 or later (for licenses that were valid on 12/9/2020 only)

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g. [Q: How long will it take for the County to issue all the extension notification letters?](#)

[A:](#) Since the time required to screen each renewal applicant's file will vary, there is not a current estimate for how long it will take to move through each Priority Group. The goal is to screen and issue extension letters as quickly as possible. Cannabis Division Staff will be working diligently on the screening process and issuance of letters to ensure the goals of the Urgency Ordinance are quickly met.

h. [Q: How will the County get the Extension Letter to renewal applicants since the County Planning Department Office is closed due to COVID-19?](#)

[A:](#) The County will communicate with renewal applicants if they will be issued an Extension Letter on how to pick them up. The County encourages all licensees and applicants in the Commercial Cannabis Program to maintain up to date mailing addresses, phone numbers, and email addresses on file to ensure efficient and timely communication.

i. [Q: What should a renewal applicant do with the extension letter if they receive one?](#)

[A:](#) The Extension Letter is considered to be part of the license that was previously issued and must be kept with that license, including any required postings.

j. [Q: What terms will the license extension include?](#)

[A:](#) The extension is to allow continued operation under the terms of the license that had been previously issued. No modifications to the previously approved commercial cultivation operations are authorized under the extension. All renewal applications include a "Acknowledgement of Maintaining Existing Site Conditions" form that is signed by the applicant indicating that changes to the project will not occur prior to approval of a license that includes those changes. Because a new license is not being issued, only an extension of a previously issued license, no changes to the previously approved commercial cultivation operations are authorized under the extension. Examples of modifications that are not approved under the extension include, but are not limited to: installation of greenhouses, moving or expanding a cultivation area, or building a new processing building.

k. [Q: What happens if a Trinity County Commercial Cannabis Cultivation license will expire in the next few months?](#)

[A:](#) Should any cannabis cultivation license in effect as of the effective date of the Urgency Ordinance be scheduled to expire after the effective date of the Urgency Ordinance, the term of such license shall be extended for the term of the Urgency Ordinance, as described in [FAQ # 1.o](#). Applicants must pay the applicable renewal application fees and submit a renewal application and go through the screening process as described in [FAQ #1.b](#) and [#1.c](#) as a condition for receiving the extension of their licenses for the term of the Urgency Ordinance.

l. [Q: What will happen if a renewal applicant does not qualify for an extension for their commercial cannabis cultivation license?](#)

[A:](#) If it is determined through the screening process that a renewal applicant that qualifies for extension under [FAQ #1.b](#) but does not qualify for an extension based on the criteria outlined in [FAQ #1.c](#), they will receive notification from the County that their Trinity County Commercial Cannabis Cultivation License has not been extended and why. Renewal applications that do not meet the initial criteria outlined in [FAQ #1.b](#), will not be notified as those applications do not meet the minimum requirements established by the Urgency Ordinance.

m. [Q: How does the Urgency Ordinance impact variance renewals?](#)

[A:](#) Variances that have been issued as part of a previously held Trinity County Commercial Cannabis Cultivation licenses are considered to be part of those authorizations. If a Trinity County

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Commercial Cannabis Cultivation License included an approved variance, if that license is extended under the terms of the Urgency Ordinance, the variance is also extended since it is part of a condition of that original license.

n. Q: How does the Urgency Ordinance impact license transfers?

A: The Urgency Ordinance is specific to Trinity County Commercial Cannabis Cultivation Licenses, specifically renewals and new applications. Transfer of cultivation licenses to a new owner on the same property may continue, as long as the license transfer complies with current Trinity County Ordinances and Policies. Transfer of cultivation licenses to a new property are treated as a new license under the Urgency Ordinance and will be on hold and not processed while the Urgency Ordinance is in effect.

o. Q: When will the license extension expire?

A: The Urgency Ordinance shall expire on the earlier of (1) 270 days from the effective date of the ordinance, or (2) the effective date of any further or subsequent ordinance suspending, repealing, amending, or superseding the Urgency Ordinance.

p. Q: What will be required of licensees once the Urgency Ordinance is no longer in effect?

A: The Board of Supervisors is scheduled to hold a public hearing on December 21, 2020 to consider and act upon the Planning Commission's recommendations concerning certification of the Trinity County Cannabis Program Final Environmental Impact Report (FEIR) and adoption of an Amended Program Ordinance. If the Amended Program Ordinance is adopted, the amended ordinance would include the mitigation measures recommended by the FEIR, resulting in changes to requirements for the Program, including existing and proposed cannabis cultivation operations. If the FEIR is certified and an Amended Program Ordinance is adopted, the County will develop a transition plan in order to transition applicants and licensees under the existing Commercial Cannabis Ordinances to the Amended Program Ordinance. The transition plan will include direction on procedures for applicants which have received an extension of their Commercial Cannabis Cultivation License under this Urgency Ordinance.

Although not required, the County encourages all applicants and licensees to become familiar with the proposed mitigations in the FEIR, the Draft Amended Program Ordinance, and Appendix C – Cannabis Program Environmental Checklist in Volume 1 of the FEIR (which can be found online at <https://www.trinitycounty.org/node/2609>). The more familiar applicants and licensees are with the mitigations, the more prepared they may be as requirements for the Cannabis Program change.

q. Q: Are non-cultivation licenses impacted by this Urgency Ordinance?

A: The Urgency Ordinance is specific to Trinity County Commercial Cannabis Cultivation Licenses. This Urgency Ordinance does not include all other non-cultivation cannabis licenses. Type 3/ Medium Cultivation Licenses/Applications are also not included in this Urgency Ordinance.

2. New Trinity County Commercial Cannabis Cultivation Applications

a. Q: When will applications already submitted for new Trinity County Commercial Cannabis Cultivation Licenses be processed?

A: The County may not accept, approve, or issue any application for a new cannabis cultivation license for the term of the Urgency Ordinance. The Urgency Ordinance shall expire on the earlier of

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(1) 270 days from the effective date of the ordinance, or (2) the effective date of any further or subsequent ordinance suspending, repealing, amending, or superseding the Urgency Ordinance.

- b. [Q: When will applications for new Trinity County Commercial Cannabis Cultivation Licenses be again be accepted?](#)

[A:](#) As described in [FAQ #2.a](#), The County may not accept, approve, or issue any application for a new cannabis cultivation license for the term of the Urgency Ordinance. The Urgency Ordinance shall expire on the earlier of (1) 270 days from the effective date of the ordinance, or (2) the effective date of any further or subsequent ordinance suspending, repealing, amending, or superseding the Urgency Ordinance. There is no estimate as to when applications for new licenses will be accepted.

- c. [Q: Why are applications for new Trinity County Commercial Cannabis Cultivation applications not being accepted, approved, or issued?](#)

[A:](#) The suspension of review of new license applications is necessary because it would be infeasible to meaningfully and properly consider the approval of such applications under the standards of the Amended Program Ordinance until the forthcoming transition program is developed, adopted by the Board of Supervisors, and fully implemented. The Board of Supervisors finds that to ensure proper implementation of the Amended Program Ordinance (see [FAQ #1.p](#)), it continues to be necessary to preclude issuance of licenses for new cannabis cultivation licenses as provided in Section II of the Urgency Ordinance.

- d. [Q: What will happen to applications already submitted for new Trinity County Commercial Cannabis Cultivation Licenses and fees already paid during the time when the Urgency Ordinance is in effect?](#)

[A:](#) Applications submitted for new commercial cannabis cultivation license will still remain active applications including any fees for that application.

- e. [Q: Once the County begins to process new applications again, what will happen to fees already paid as part of new applications?](#)

[A:](#) Fees paid as part of an application for a new commercial cannabis cultivation license will still be valid and applied to the processing of that application. It is not the intent of the County to collect any additional fees than what is required for new applicants.

- f. [Q: If an applicant has turned in an application for a new Trinity County Commercial Cannabis Cultivation License, is there anything they should be doing while the Urgency Ordinance is in effect and their application is on hold?](#)

[A:](#) An applicant that has turned in an application for a new Trinity County Commercial Cannabis Cultivation License does not have to do anything specific at this time. If new requirements are established for those applicants, they will be posted on the Trinity County Commercial Cannabis website <https://www.trinitycounty.org/Commercial-Cannabis>. As described in [FAQ #1.p](#), an Amended Program Ordinance will be considered by the Board of Supervisors on December 21, 2020, that may include Mitigation Measures recommended by the FEIR. Although not required, the County encourages all applicants and licensees to become familiar with the proposed mitigations in the FEIR, the Draft Amended Program Ordinance, and Appendix C – Cannabis Program Environmental Checklist in Volume 1 of the FEIR (which can be found online at <https://www.trinitycounty.org/node/2609>). If the FEIR is certified and an Amended Program Ordinance is adopted, the County will develop a transition plan in order to transition applicants and licensees under the existing Commercial Cannabis Ordinances to the Amended Program Ordinance.

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The more familiar applicants and licensees are with the mitigations, the more prepared they may be as requirements for the Cannabis Program change.

g. [Q: If an applicant wants to withdraw an application already submitted for a new Trinity County Commercial Cannabis Cultivation License, can they? And how?](#)

[A:](#) A Trinity County Commercial Cannabis Applicant may withdraw an application at any time by submitting a letter to the County indicating they wish to withdraw their application. Please note that a withdrawn application cannot be resubmitted or reinstated under the same application number. The application and application number become inactive upon withdrawal.

h. [Q: Are applications that have already been submitted for non-cultivation commercial cannabis licenses impacted by this Urgency Ordinance?](#)

[A:](#) The Urgency Ordinance is specific to Trinity County Commercial Cannabis Cultivation Licenses. This Urgency Ordinance does not include any other non-cultivation commercial cannabis licenses.

i. [Q: Are applications still being accepted by the County for new non-cultivation commercial cannabis licenses?](#)

[A:](#) The Urgency Ordinance is specific to Trinity County Commercial Cannabis Cultivation Licenses. This Urgency Ordinance does not include any other non-cultivation commercial cannabis licenses. Applications are still being accepted by the County for new non-cultivation commercial cannabis licenses.