

ORDINANCE NO. 315-853

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ADDING TRINITY COUNTY CODE SECTION 17.43I
REGARDING THE ESTABLISHMENT OF CANNABIS PROCESSING REGULATIONS**

The Board of Supervisors of the County of Trinity, State of California, **DOES HEREBY ORDAIN** as follows:

Section 1. Purpose

The purpose of this ordinance is to establishing a new commercial cannabis license type that allows commercial cannabis processing of cannabis grown off premises.

Section 2. Findings

The Board of Supervisors of the County of Trinity makes the following findings in support of adoption of this ordinance:

- A. The commercial cannabis cultivator license type allows cultivators to process the cannabis grown on premise.
- B. The commercial cannabis processor license type was established by the State of California to accommodate cultivators that send untrimmed, uncured, unpackaged cannabis to locations off-premise for processing.
- C. Allowing local commercial cannabis processing will create new local economic opportunity by allowing for the processing of cannabis at an off-premise location within the County and for the creation of non-manufactured cannabis products (e.g. dried flower) after cultivation and before manufacturing and/or retail sale.

Section 3. Amendment of County Code

Chapter 43I, Cannabis Processing of Title 17, Zoning, of the Trinity County Code, is hereby enacted:

Chapter 17.43(I) CANNABIS PROCESSING

17.43I.010 Definitions.

"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.

"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.

"Processing" means to trim, cure, dry, grade, package, and/or label cannabis.

“Processor” is a license type that allows for processing of cannabis grown off-premise. State cannabis cultivation licenses allow for processing of cannabis grown on the premise (CCR, Title 4, Sections 15000(o), (q), and (eee)).

"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.

“Self-Processor” is a license type that allows for the processing of cannabis grown on any premises within Trinity County which is under the same ownership, including those premises with multiple cannabis licenses under the same ownership, and allows for the processing of cannabis grown on those premises where the parcel is partially or completely within a county immediately adjoining Trinity County and the parcel abuts a parcel owned by the licensee within Trinity County on which cultivation is licensed to occur. The licensee must provide verification to the satisfaction of the Director that the owner holds the appropriate distribution and/or transportations licenses, or any similar license, as applicable, for Trinity County and all required licenses and permits for the immediately adjoining jurisdiction into which a portion of the premises on which the cannabis is grown extends. For the self-processing of cannabis from premises under the same ownership that is grown in entirely or partially an adjoining county, proof to the satisfaction of the Director that the activity in the adjoining county is compliant with the requirements of that county must be provided upon application and thereafter upon request, including, but not limited to, verification that the owner holds all required proper licenses and permits in the adjoining county.

"Authorized school bus stop" means any location established by a school district for pick-up and/or delivery of school children.

"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.

17.43I.020 Allowable zoning districts.

- A. Cannabis Processing facilities (requiring a State Processor License) may be permitted with Conditional Use Permit in the following zoning districts:
 - 1. General commercial ("C2").
 - 2. Heavy commercial ("C3").

- B. Cannabis Processing facilities (requiring a State Processor License) may be permitted with a Director’s Use Permit in the following zoning districts:
 - 1. Industrial ("I").
 - 2. Agricultural ("A").
 - 3. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.
 - 4. Agricultural preserve ("AP").
 - 5. Agricultural forest ("AF").

- C. Cannabis Processing facilities shall not be allowed within the following areas:
1. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 2. Within the legal boundaries of the following areas which are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance:
 - a. Historic District of Weaverville;
 - b. Coffee Creek Volunteer Fire District;
 - c. Trinity Center Community Services District;
 - d. 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.
 - e. Bucktail Subdivision: Unit 1, 2 and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder.
 - f. Any "opt out" area designated by the Board of Supervisors in Chapter 17.43F, Cannabis Manufacturing.
- D. Cannabis Self-Processing facilities are allowed in any zone in association with a licensed cultivation site(s). Cannabis Self-Processing facilities are allowed in any opt out area in association with a licensed cultivation site.

17.43I.030 Application.

Commercial cannabis processing requires submittal and approval of a conditional or director's use permit application (or modification of an existing conditional or director's use permit pursuant to Section 17.32.060 and/or 17.32.070 to include Processing). A Self-Processor license does not require a conditional or director's use permit. Applications must include a proposed Commercial Cannabis Processing Plan containing the following information:

- A. Description of proposed processing practices.
- B. Identification of storage location.
- C. Description of power supply.
- D. Description of location where processing will occur.
- E. Estimated number of employees, if any.
- F. Summary of employee safety practices.
- G. Description of toilet and handwashing facilities.
- H. Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- I. Description of source of drinking water for employees.
- J. Description of increased road use resulting from processing and actions to minimize road use.
- K. Description of waste management and disposal.
- L. Copy of information submitted to the State and evidence of compliance with applicable state requirements.

17.43I.040 Regulations.

- A. Cannabis processing shall comply with all of the following regulations:
- B. Cannabis processing requires a conditional or director's use permit, local cannabis processing license, and state cannabis processing license.
- C. Cannabis processing facilities shall be located only in zones that specifically provide for this use.

- D. Cannabis processing facilities shall not be allowed within six hundred feet of a youth-oriented facility, religious institution, school, or residential treatment facility, provided odor mitigation is implemented.
- E. Cannabis processing facilities shall not be within five hundred feet of an authorized school bus stop.
- F. All cannabis processing facilities shall ensure that cannabis is obtained from licensed cultivation sources and shall implement best practices and comply with state law.
- G. The processor licensee also may hold other types of cultivation licenses, but is prohibited from growing cannabis plants in the Processing premises.
- H. Cannabis processing may only occur in a fully enclosed structure, with appropriate odor mitigation for projects that are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance.
- I. A security plan shall be developed compliant with state requirements and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis. A copy of the security plan submitted to the state shall be provided to the Trinity County Planning Department within thirty days of submission to the state.
- J. An approved fire safety and prevention plan must be submitted with the conditional or director's use permit application.
- K. Applicants must satisfy the requirements of the California Certified Unified Program Agencies ("CUPA") related to hazardous materials/waste use and storage, which, for Trinity County, are administered through the State Department of Toxic Substances Control.
- L. Employees shall be trained on the proper use of equipment and safety procedures, and on the proper hazard response protocols in the event of equipment failure.
- M. Licensees shall not have been convicted of serious felony or Schedule I, II or III Felony. This would exclude a non-serious felony conviction for sale, transportation or cultivation of cannabis unless the non-serious felony conviction was for activity that was on public lands, in which case the applicant would be excluded from this license type. Applicants are required to declare this under penalty of perjury on at least one of the application forms.
- N. Applicants are required to obtain a conditional or director's use permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met:
 - 1. Wastewater and solid waste shall be disposed of as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.
 - 2. The cannabis processing facility shall meet the setbacks established for the zone.
 - 3. All building structures must have operational automatic fire sprinklers.
- O. The cannabis processing facility is operated within the footprint of a building.
- P. If vehicle access to the facility will utilize a shared and privately owned or maintained road or driveway, all properties along the access shall be notified. Objections from adjacent impacted property owners may require appropriate conditions of approval.

17.43L.050 Mitigation measures applicable.

The requirements in this chapter are in addition to those requirements stated in Chapter 17.43G of this code.

17.43L.060 Required findings.

The conditional or director's use permit for cannabis processing shall not be granted unless the following findings are made based on substantial evidence:

- A. The cannabis processing facility will comply with all applicable regulatory requirements.

- B. The cannabis processing facility, as approved and conditioned will not result in significant unavoidable impacts on the environment.
- C. The cannabis processing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.

17.43I.070 Required conditions.

In addition to any other conditions and mitigation that may apply:

- A. The licensee shall allow access to the facility and access to records if requested by the county, its officers, or agents, for an annual inspection and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant 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 permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis processing facility shall obtain a valid and fully executed commercial cannabis processor license from the state prior to commencing operations, and must maintain such license in order to continue operations.
- D. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment:
 - 1. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
 - 2. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
 - 3. Employees must wash hands sufficiently when handling cannabis or use gloves.
- E. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operates with permits and licenses required by the Trinity County Code and California State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain required permits or licenses with the county and/or state shall be grounds for the suspension or revocation of a conditional or director's use permit pursuant to this chapter.
- F. The processing facility and activities shall be maintained in accordance with the operating plans approved by the county. Any change requests shall be evaluated on a case-by-case basis by Trinity County Planning Department, and may require amendment of the conditional or director's use permit. Upon approval, the licensee may begin conducting the additional processing facility or make the requested change to the premises. The existing license shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.
- G. The following license fees are due annually from date of issuance:
 - 1. Three thousand five hundred dollars plus one thousand dollars towards the general plan update.
 - 2. Transfer fee to New Applicant: One thousand dollars. Note conditional and director's use permits run with the land and automatically "transfer" to a new owner.
 - 3. Transfer fee to New Site: Sixty percent of original license fee, prorated monthly. Note conditional and director's use permits are not transferable to another parcel.
 - 4. Renewal fee: Sixty percent of original license fee.
- H. The above fee amounts are subject to change based on subsequent fee analysis by the County.
 - 1. If, based on the results of the fee analysis the fee requires an increase, the County may do so by passage of a resolution applicable to all new and renewal licenses.

2. If, based on the results of the fee analysis the fee requires a decrease, the County may do so by passage of a resolution applicable to all new and renewal licenses.
- I. Licensees must comply with requirements of the Department of Agriculture and Division of Weights and Measures.

17.43L.080 Denial/rescission of license.

- A. The license application shall be denied or the issuance of a license rescinded if Trinity County becomes aware of any of the following:
 1. The applicant has provided materially false documents or testimony;
 2. The facility as proposed, would not comply with applicable state and local 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;
 3. The applicant engages in site or building improvements specific to the use before the conditional or director's use permit has been issued or before the licensee's requested changes have been approved.
- B. The applicant/licensee shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.
- C. Applicant or licensee shall have the right to appeal any denials or rescissions as prescribed in Section 8.90.130 or Section 17.34.110 of the Trinity County Code, as applicable.

Section 3. CEQA Compliance

The County finds that adoption of the proposed Ordinance falls within the scope of the Trinity County Cannabis Program Environmental Impact Report ("EIR") (State Clearinghouse # 2018122049). certified by the Board of Supervisors on December 21, 2020 (Resolution 2020-103). Pursuant to CEQA Guidelines (California Code of Regulations, Title 14) Section 15168, the impacts associated with the proposed Ordinance were studied, and mitigation measures concerning such impacts were developed in, the Cannabis Program EIR. No further environmental review is required because the Board of Supervisors finds, based on substantial evidence in the Record of Proceedings, that adoption of this Ordinance is a "later activity" associated with the Cannabis Program EIR, as defined by subsection (c) of Section 15168, in that (i) all impacts associated with the adoption of the Ordinance are within the scope of environmental review previously studied, and (ii) the requirements and mitigations required by the new Chapter 17.43L of the Trinity County Code, along with the incorporation of the existing requirements of Chapter 17.43G of the Code, adequately serve to mitigate the impacts associated with adoption of this Ordinance.

Section 4. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance or any exhibit is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, and phrases be declared invalid.

Section 5. Waiver of First Reading


This Ordinance shall be introduced by title and number only and the first reading waived.

Section 6. Effective Date and Publication

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 6th day of September, 2022 and passed and enacted this 20th day of September, 2022 by the Board of Supervisors of the County of Trinity by motion, second (Brown/Frasier), and the following vote:

AYES: Supervisors Frasier, Brown, Cox, and Groves
NOES: Supervisor Gogan
ABSENT: None
ABSTAIN: None
RECUSE: None



DAN FRASIER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

LETTY GARZA
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel