

**TRINITY COUNTY  
BOARD OF SUPERVISORS**  
Trinity Alps Performing Arts Center  
101 Arbuckle Court  
Weaverville, CA

**SPECIAL MEETING MINUTES**

2016-10-13

**Chairman**

**Supervisor Karl Fisher - District 3**

**Vice Chairman**

**Supervisor John Fenley - District 5**

**Supervisor Keith Groves - District 1**

**Supervisor Judy Morris - District 2**

**Supervisor Bill Burton - District 4**

**VACANT - County Administrative Officer**

**Margaret E. Long - County Counsel/Clerk of the Board**

**Naomi Merwin - Deputy Clerk of the Board**

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**Meeting called to order in open session at 10:00 AM.**

**Pledge of Allegiance - Supervisor Burton**

**Public Comment - Received comments from Martha Wofford.**

## **County Matters**

### **Board of Supervisors**

- 1.01** Waived the reading of and directed the Clerk to let the records show that an extension of an amended Urgency Ordinance No. 315-816 enacting Section 32(o) of Trinity County Zoning Ordinance 315, Commercial Medical Marijuana Cultivation Regulation, enacted on August 30, 2016, is approved for a period of 10 months and 15 days.

Received comments from County Counsel Margaret Long, Director of Transportation Rick Tippet (Attachment A), Michael McNamer (Attachment B), Joseph Bower, Curt Connor, Chip Grossman, Amanda Bereger, Larry Glass, Steve, Everett Harvey, Terry Mines, John Letton, Michael Williams, Liz McIntosh, Tom Ballanco, Susan Bower, Dierdra Brower, Mai Vue, Jeff Guedella, Debbie Lono, Chris Schaeffer, Donna Shumen, Christian Figuerella, Martha Wofford, Mary, Ron and Nicholas.

**Motion:** Morris      **Second:** Fenley      **Vote:** Fenley, Morris, Groves, Burton and Fisher - AYE

ADJOURN

TRINITY COUNTY BOARD OF SUPERVISORS



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L. KARL FISHER, CHAIRMAN  
Board of Supervisors, County of  
Trinity, State of California

Attest:

MARGARET E. LONG  
Clerk of the Board of Supervisors

By: Naomi Sawlette  
Deputy

Communications Received  
Subsequent to Posting  
the Agenda



10/13/16  
Item 1.01  
Mai Vue  
Rec'd 10/11/16

**PROTECTING COMPLIANT FARMERS THROUGH COMPILED  
RESOURCES WITH A CASE BY CASE ATTENTION**

To: Trinity County Board of Supervisors

RE: Amend and Extend Urgency Ordinance Enacting Section 32(O) of the Zoning Ordinance No. 315 Creating Commercial Medical Marijuana Cultivation Regulation  
October 10, 2016

**Dear Chairman Fischer and Esteemed members of the Board,**

We are writing today on behalf of Conscious Cannabis Resources, Trinity Cannabis Alliance and the Trinity Hmong Community. We are comprised of local farmers who will either be adversely affected with the renewal of the recently passed Urgency Ordinance and some who would benefit from it. Regardless of who will or will not benefit from it, our members feel strongly that we can have a better ordinance. Our community of growers has come to the consensus that our concerns and requests from the last meeting held on August 30<sup>th</sup>, 2016 still have not been addressed or acknowledged and a majority of our member based organizations do not and will not support the Urgency Ordinance.

Until very recently it has been practically impossible for cannabis growers to engage in public policy dialogue. CCR, Trinity Hmong Community and Trinity Cannabis Alliance have worked diligently to educate and inform farmers of the necessary steps to be taken in order to be compliant under the Urgency Ordinance. The process of working closely with the farming community has given us the opportunity to scratch only the surface of farmers who wish to be compliant but still cannot see their future in this Industry under the current Urgency Ordinance. The success in regulating Cannabis in our county will be directly correlated with your ability to work collaboratively with the farming community and local organizations as a whole on all ends of the spectrum. Trinity County Growers are seeking a clear pathway to compliance in order to participate in the regulated market place. Without a clear pathway, the growers will be forced back into the shadows and continue as guerilla growers and live day by day. This is something that we do not wish to see any longer. There is fear on all sides and this wall must be taken down to effectively achieve what we all hope for making Trinity County a safe place for farmers and families, ensuring that Cannabis Cultivation in Trinity County will continue without environmental damage and detriment to the Community. We all have the same core values; it is only a matter of the steps to be taken to achieve what we all hope for. We cannot un-do the environmental damage that has already been done, but with adequate and clear laws, we truly believe that the farmers who wish to be compliant and protected will mitigate these unfortunate circumstances.

Our position with the concerns we introduced at the previous special Meeting held on August 30<sup>th</sup> remain the same. Listed below are the items that we addressed in order for the members of CCR, TCA and THC to rally and support this Urgency Ordinance.

1. (8) Enforcement (b) Summary Abatement i. Notwithstanding any other provision of this Chapter, when any unlawful medical marijuana cultivation constitutes an immediate threat to the public health or safety, and

where there is insufficient time to 1) obtain an inspection warrant; and 2) comply with the abatement procedures set out in Chapter 8.64 of the Trinity County Code, to mitigate that threat, the Enforcement Official may direct any officer or employee of the County to summarily abate the nuisance.

Concerns: Still has to go through due-process based on current County ordinance sections 8.64 and 8.90. Per County Counsel's advice to the BOS at the August 10, 2016 special meeting, the County already has a summary abatement authority under the County Code. Accordingly, these provisions are unnecessary.

Solution: County Counsel should adopt the Wildlife Fish and Game's enforcement strategy of unauthorized diversions, discharge of waste to surface and groundwater caused by marijuana cultivation. "Trespass Grows" or National Forest Grows should also be clarified as immediate threats to the health and safety of the public under the summary abatement provision as well. The Members of CCR, TCA and THC do not and will not support such activity. It is imperative that the imminent threat of such actions be addressed immediately and we will wholeheartedly support the County and decisions to eradicate such activity.

2. (c) "Intent to Comply" means submission of a notice of intent (NOI) form to the North Coast Regional Water Quality Control Board (NCRWQCB) or an approved third party, requesting a receives authorization to discharge pursuant to Order # R1-2015-0023

Concerns: CCR, TCA and THC members have started the process of filing NOI's with the NCRWQCB after the August 10th special meeting. Many of our members have filed the NOI's and/or have set up appointments through a third party. The third party is now booked for the next 3 weeks. Farmers who want to be compliant must be afforded the opportunity to comply without prejudice or possible abatement proceedings by the County. Because this is an urgency ordinance and will be in effect for 45 days, farmers should not be disenfranchised based on the County's inability to accommodate the hundreds of farmers that will take this first leap of faith in becoming compliant.

Solution: Keep the original verbiage from the draft on 8/10/16 on sections pertaining to Water Board requirements and any other items related to "NOI". Those who have taken this leap of faith should be immune and protected under the Urgency Ordinance as this process is not in-expensive. It requires a commitment from both the farmer and the County. Amnesty from abatement for those who have enrolled or have filed their NOI's will encourage all the farmers to come forward and take responsibility for the environmental damage, if any, that has been done.

3. Setbacks Concerns: 350 feet setback will affect a majority of the small farms. This negatively impacts roughly 7/8th of the farms in Trinity County based on the most current parcel maps.

Solution: Create a specific Cannabis Setback Variance form to streamline the process of seeking this setback. A simple form pto check off requirements should suffice and/or letters of consent from the neighboring parcels to accompany such a form.

4. Residency

Concerns: One-year Residency is unconstitutional and exclusionary.

Solutions: We appreciate the intention of residency requirements to protect the local farmer as they will have the benefit of the first opportunity to be regulated in the county and to prevent a rush of new development and impacts. Our concern is for the legality and constitutionality of these provisions. In the likely event they are challenged as they are structured today in the Emergency Ordinance the potential may result in costly litigation. We wish to avoid this outcome and accordingly suggest that the residency requirements be removed. If the Board does decide to include a residency provision it may want to consider a requirement that those cultivating in Trinity County use a County address as their headquarters in the case of a corporate entity (domestic corporation or LLC). This could create an additional revenue stream in the county. The County, also alternatively, could consider a moratorium on future gardens with a definition of what would constitute a current garden.

5. 2. Registration Phases: (a) The County will allow a total of 500 registrants to enroll into this PreApplication Program, based on their sequence of their compliance with NCRWQCB Order#...

Concerns: With an estimated 3,500 grows in Trinity county, putting a cap at 500 will likely not be beneficial for all parties as this will only cover 1/7 of the total estimated growers. This will encourage guerrilla growers to continue and force farmers who want to be compliant to go back into the shadows.

Solutions: The cap on registration should be in conjunction with the registration phases depending on the number of farmers who come forward to become compliant. Perhaps lift the number of registrants as data is collected through each phase of application.

Our members as well as non-members have provided us feedback, support and the direction to proceed with a Ballot Initiative. This is and has always been an option that our groups have discussed if we cannot get a seat at the table. At this time, we have exhausted all of our options to be included in the dialogue centered around the creation of a reasonable and equitable Commercial Cannabis Program. We are proceeding with a Ballot Initiative that will be submitted on October 11, 2016 for Title and Summary. We are prepared to fund the Ballot Initiative, gather signatures, educate and support the community of growers who have been squeezed out of the opportunity to engage in the legal Cannabis Marketplace due to the passage of the Urgency Ordinance.

We urge the Board of Supervisors to broaden the involvement of all who desire to legally participate in the emerging legal Commercial Cannabis marketplace in order to compel farmers to come forward and comply with local regulations. This will discourage guerilla growers and create a clear and attainable pathway to compliance for small local farmers who are already settled in Trinity County. We want to protect and educate those who wish to stay instead of discouraging compliance.

Thank you for your attention to this matter and for your careful consideration of our input and concerns. We hope to strengthen the communication between County Officials, Non-Farming Community members and the Farming Community to effectively create a positive and equitable change for the future of Trinity County as a whole.

Sincerely

**Farming Members of Conscious Cannabis Resources, Trinity Cannabis Alliance and The Trinity Hmong Community**

Notice of Intention to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of Trinity for the purpose of regulating cannabis cultivation in the County of Trinity. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The cultivation of cannabis has been a significant agricultural and economic activity in Trinity County for many decades. Recent changes in California law authorizing and regulating commercial cannabis cultivation, and establishing a system of state licensing of commercial cannabis growers who obtain a license, permit or other approval from local government, are currently being implemented by state regulatory agencies. The purpose and reasons for the proposed ordinance are to regulate cannabis cultivation in Trinity County in a responsible manner that is consistent with state law, employs best management practices, protects the environment, conserves water, encourages sustainable farming practices that do not rely on the use of chemical fertilizers, pesticides and other harmful chemicals, and encourages commercial cannabis cultivation and related activities that create jobs, increase economic activity and have the potential to bring long-term prosperity to the farmers, residents and businesses of Trinity County.

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Mai Vue, Proponent  
331 North Salt Creek Rd.  
Hayfork, CA 96041

[Title and Summary to be prepared by County Counsel (Elections Code §§9103, 9105)]

**An Initiative Ordinance of the People of the County of Trinity  
Regulating the Cultivation of Cannabis**

**The people of the County of Trinity ordain as follows:**

**Section 1. Purposes.** The People of the County of Trinity declare that the purposes of this ordinance are to regulate non-commercial cultivation of cannabis for personal medical use and commercial cannabis cultivation, in a manner that is consistent with state law, employs best management practices, protects the environment, conserves water, encourages sustainable farming techniques and practices that do not rely on the use of chemical fertilizers, pesticides and other harmful chemicals, and encourages commercial cannabis cultivation and related activities that create jobs, increase economic activity and have the potential to bring long-term prosperity to the farmers, residents and businesses of Trinity County.

**Section 2. Relationship to Other Laws.** (a) The provisions of this ordinance supersede any conflicting provisions of the Trinity County Code and uncodified ordinances adopted by the Trinity County Board of Supervisors.

(b) All references in this ordinance to provisions of California statutes, regulations, orders of the Regional Water Quality Control Board, the Trinity County Code and uncodified ordinances of the Board of Supervisors, shall include any amendments and superseding provisions.

**Section 3. Definitions.** The following definitions shall apply to this ordinance:

- (a) "Caregiver" or "primary caregiver" shall have the same definition as set forth in California Health and Safety Code Section 11362.7(d).
- (b) "Cultivate" and "Cultivation" mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- (c) "Cultivation site" means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities.
- (d) "Canopy" means the net vegetative growth area measured by the combined diameters of individual cannabis plants.
- (e) "Indoor" or "Indoors" means the structure must be secure against unauthorized entry, accessible within a fully enclosed and secure structure that complies with the California Building Code (CBC), as adopted by the County of Trinity, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached.
- (f) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.
- (g) "Medical cannabis," "medical cannabis product," or "cannabis product" means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code. For the purposes of this ordinance, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.
- (h) "Mixed Light" means cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the Department of Food and Agriculture.
- (i) "Outdoor" or "Outdoors" mean a location that is not "indoors" within a fully enclosed and secure structure as defined in this ordinance.
- (j) "Qualified patient" shall have the same definition as set forth in California Health and Safety Code Section 11362.7(f).
- (k) "School Bus Stop" means a location designated by the Board of Supervisors under Title 13, Section 1238 of the California Code of Regulations to receive school buses, as defined in California Vehicle Code Sec. 233, or school public activity buses, as defined in Vehicle Code section 546.



(l) "School" shall have the same definition as set forth in Health and Safety Code Section 11362.768(h).

**Section 4. Cannabis Cultivation.** (a) Authorization. Cannabis cultivation shall be permitted in the County of Trinity as specified in this ordinance, and the Board of Supervisors and all officers, employees, agents and representatives of the county shall take no actions to interfere or abridge the lawful cultivation of cannabis under this ordinance. Cultivation of cannabis conducted in substantial compliance with this ordinance is a permitted agricultural use and may not be deemed a public nuisance. If Proposition 64, the Adult Use of Marijuana Act, is approved by the voters in the November 2016 general election, or if state law otherwise changes to allow non-medical use of cannabis, all persons authorized to cultivate medical cannabis under this ordinance may cultivate cannabis for non-medical use.

(b) Small Scale Cultivation for Personal Use. A qualified patient may cultivate cannabis pursuant to Section 11362.5 of the Health & Safety Code if the cultivation canopy does not exceed 100 square feet, and he or she cultivates the cannabis for his or her personal medical use and does not sell, distribute, donate, or provide cannabis to any other person or entity. A primary caregiver may cultivate cannabis pursuant to Section 11362.5 of the Health & Safety Code if the cultivation canopy does not exceed 500 square feet, and he or she cultivates the cannabis for medical use and sells, distributes, donates, or provides the processed cannabis or cannabis products only to qualified patients who have designated the cultivator as his or her caregiver.

(c) Commercial Cultivation Zones. Commercial cannabis cultivation shall be a permitted agricultural use in the following zoning districts: (U) Unclassified Districts, (A) Agricultural Districts, (R-R) Rural Residential Districts, (TPZ) Timberland Production Districts, with an approved under Three Acre Conversion, and (A-F) Agriculture Forest Districts. All types of cultivation (indoor, outdoor and mixed light) shall be allowed in the aforementioned zoning districts. The maximum size of the grow canopy on a particular parcel of land shall be determined by the type of cultivation license, limitations and restrictions imposed by the Regional Water Quality Control Board North Coast Region for Tier 1, 2 or 3 cultivators, the amount of available water for cannabis cultivation on the parcel for the relevant growing season as may be determined by the Regional Water Quality Control Board North Coast Region or other state agency, and may not exceed 25% of the area of the parcel.

(d) Application to Agricultural Commissioner for Cultivator's License and Cultivation Site Registration. The Agricultural Commissioner shall register cultivation sites and issue cultivation licenses on behalf of the county to persons who apply to the commissioner for a license to cultivate cannabis, and who demonstrate that the applicant, cultivation site, or both, as the case may be, substantially comply with all of the following: (i) the cultivation site is either owned by the applicant or the applicant has a lawful right of possession of the property; (ii) lawful sources of water are available in amounts adequate for the size and intensity of the intended cultivation, taking into account methods used for irrigation and the water conservation measures to be employed, (iii) the applicant has submitted a Notice of Intent to obtain regulatory coverage by the California Regional Water Quality Control Board North Coast Region, Order No. 2015-0023, as a Tier 1, 2 or 3 cultivator, Monitoring Self-Certification and other documents filed with the North Coast Regional Water Quality Control Board demonstrating compliance with Order No. 2015-0023; (iv) the applicant agrees to employ best management practices set forth in Appendix B to Order No. 2015-0023; (v) the applicant has a cultivation and operations plan that meets or exceeds minimum legal standards for water storage and use, water conservation, drainage, erosion control, runoff, pest control, watershed protection, protection of

habitat, proper storage of fertilizers, pesticides, and other products used in connection with cultivation activities, processing, storage and security of cannabis at the cultivation site; (vi) the applicant agrees to on-site inspection by the Agricultural Commissioner and/or persons authorized by the Agricultural Commissioner under a Third Party Certification Program; (vii) the applicant agrees not to use chemical fertilizers, pesticides, fungicides, rodenticides, herbicides or other products not approved by the Agricultural Commissioner, Department of Pesticide Regulation or state regulatory agency with jurisdiction over cannabis cultivation; (viii) the applicant has registered or agrees to register with the California Employment Development Department if required to do so under state law, and agrees to comply with all applicable labor laws and regulations; (ix) the applicant agrees not to exceed the maximum canopy size for the license type for which the applicant has applied; (x) the applicant has a security plan to deter theft; (xi) the applicant has available on-site secure storage and processing facilities, or has a plan to use a duly licensed off-site storage and processing facility; (xii) the applicant and any workers who harvest or process the cannabis plants at the cultivation site have received or will receive training on safety procedures and for the proper care and storage of cannabis crops to prevent contamination; (xiii) the vehicles used in production and transportation that will travel upon public roads are registered and insured as required by state law; and (xiv) the applicant agrees to random sample testing of crops for the presence of pesticides, herbicides, fungicides, mold, fungus and other biologic or chemical contaminants as required by state law and as may be requested by the Agricultural Commissioner.

An applicant for a Type 1C, "specialty cottage" license having a cultivation canopy that is less than 2,000 square feet, and who is not required to enroll with the North Coast Regional Water Quality Control Board ("NCRWQCB") under Order No. 2015-0023, is excused from the requirement set forth in item (iii) of the preceding paragraph; provided, however, that if the NCRWQCB subsequently directs the applicant to enroll under the order because the operations have similar environmental effects to larger cultivation operations or there is a threat to water quality, the applicant shall comply with the NCRWQCB's direction. Failure to enroll within the time specified by the NCRWQCB may result in the suspension of the applicant's license or provisional license as determined by the Agricultural Commissioner, who may refuse to issue, renew or reinstate the applicant's Type 1C license unless and until the applicant provides documentation from the NCRWQCB that the applicant is in compliance with Order No. 2015-0023.

**(e) License Types.** The Agricultural Commissioner, upon determining that an applicant has substantially complied with the application requirements set forth this section, shall register the cultivation site and issue the appropriate type of license to the applicant, as follows:

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting shall not exceed 5,000 square feet of total canopy on one premises, or up to 50 mature plants on noncontiguous plots;

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting shall not exceed 5,000 square feet of total canopy size;

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting shall not exceed 5,000 square feet of total canopy;

(4) Type 1C, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light

cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.

(5) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting shall be between 5,001 and 10,000 square feet, inclusive, of total canopy;

(6) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy;

(7) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting shall be between 5,001 and 10,000 square feet, inclusive, of total canopy;

(8) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy;

(9) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy;

(10) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting, between 10,001 and 22,000 square feet, inclusive, of total canopy;

(11) Type 4, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants, if the licensee also holds a Type 12 transporter license from the state licensing authority; and,

(12) Other license types for cultivation as may be authorized by state law or regulations by the appropriate state regulatory agency after the effective date of this ordinance.

(f) Timeline for Determinations and Processing Applications. The Agricultural Commissioner shall determine whether an application submitted under this Ordinance substantially complies with the requirements under this section and Section (5) within 20 business days of submission of the application. If the Agricultural Commissioner determines that the application substantially complies with the requirements, then the commissioner shall issue the appropriate license to the applicant within two business days of making such determination. If the Agricultural Commissioner determines that the application is incomplete or does not otherwise substantially comply with the requirements, within 3 business days of such determination, the commissioner shall inform the applicant in writing of the specific requirements that have not been met, and what actions must be taken to substantially comply with each such requirement. If the Agricultural Commissioner does not make a determination on the application within 20 business days of submission, the commissioner shall issue a provisional license to the applicant and provisionally register the cultivation site as set forth in Section 8, without regard to whether the applicant requested a provisional license or whether the applicant submitted the application within 90 days of the effective date of this Ordinance.

**Section. 5. Conditions and Restrictions.** The cultivation of cannabis shall be subject to the following conditions and restrictions:

(a) No cultivation within 600 feet of a school or a school-bus stop. For purposes of this subsection, the distance shall be measured in a straight line from the boundary line of the parcel upon which cannabis is cultivated to the boundary line of the parcel upon which the school is located or the nearest corner of the structure of the school bus stop.

(b) No outdoor cultivation within 150 feet of any occupied legal residential structure located on a separate parcel; provided, that such setback may be reduced to no less than 25 feet

with the written permission of the occupant(s) of such occupied legal residential structure. Any withdrawal or modification of permission for a reduced setback by an occupant of the residential structure shall be in writing, and shall not take effect until all live cannabis plants being grown at the cultivation site on the date of receipt of the written notice withdrawing permission have been harvested.

(c) The location where cannabis plants are cultivated must be fully enclosed by a fence at least six feet in height. The fence must be secured by a locked gate to deter unauthorized entry. Cannabis plants under cultivation may not be visible from a paved public road. Whether cannabis plants are visible shall be determined without the use of binoculars, telescope, camera or other vision enhancing technology, while standing on the paved surface of the public road. Trees, hedges and other vegetative screening may be used to obscure the view of the cannabis plants.

(d) All lights used for the cultivation of cannabis shall be shielded and downcast or otherwise positioned or screened in a manner that will not allow light glare to exceed the boundaries of the parcel upon which they are placed.

(e) All buildings where cannabis is stored shall be secured to deter unauthorized entry.

**Section 6. Administration and Enforcement by Agricultural Commissioner; Third Party Certification; Enforcement on Private Lands.** Notwithstanding the provisions of Ordinance No. 315, Section 36, or any other ordinance or provision of the Trinity County Code to the contrary, the Agricultural Commissioner shall have exclusive authority to enforce this ordinance and administer the licensing, registration and certification provisions of this ordinance. The Agricultural Commissioner shall have the exclusive authority to make administrative determinations on behalf of the county whether cultivation operations or conditions at a cultivation site on private land constitute a public nuisance. The Agricultural Commissioner shall have the exclusive and non-delegable authority, and shall exercise his or her discretion and independent judgment, to decide whether to initiate abatement proceeding under Chapter 8.64, issue a Notice of Violation to impose administrative fines and penalties under Chapter 8.90, or initiate any other administrative enforcement proceeding by the county against a registered cultivation site, a person licensed under this ordinance, or other person engaged in cultivation or cultivation related activities at a cultivation site, for violations or alleged violations of this ordinance. Violations of this ordinance are hereby declared to be infractions subject to the penalties set forth in Section 36(b) of Ordinance No. 315.

Nothing in this section shall diminish the authority of the Sheriff and other duly authorized officers, employees, agents or representatives of Trinity County to enforce other ordinances and provisions of the Trinity County Code that do not pertain to cultivation of cannabis.

**Section 7. Certifications.** The Agricultural Commissioner shall issue official certification documents bearing the County Seal and "Certified Trinity County Grower" (or substantially similar language) to those licensed cultivators who demonstrate compliance with the requirements set forth in Sections 4 and 5 of this ordinance, and "Certified Trinity County Cannabis Farm" (or substantially similar language) for registered cultivation sites. The Agricultural Commissioner may rely upon reports of inspections and certifications issued by qualified persons and firms approved by the Commissioner to provide Third Party Certification services. Agricultural Commissioner certifications shall be valid for 1 year, and shall be

renewed annually thereafter upon annual inspection of the registered cultivation site by the Agricultural Commissioner or a qualified person or firm approved by the Agricultural Commissioner to provide Third Party Certification services, finding that the cultivation site and licensee are in substantial compliance with the requirements of this ordinance.

**Section 8. Provisional Licensing and Registration of Existing Cultivation Sites.**

(a) The Agricultural Commissioner shall provisionally register existing cultivation sites located in a zoning district identified in Section 4(c), and issue a provisional license to persons who submit an application within 90 days of the effective date of this ordinance that: (i) addresses each of the requirements set forth in sections 4 and 5 to obtain a license, (ii) identifies those requirements for which the applicant believes additional action is needed to satisfy the requirement and the steps the applicant has taken or intends to take to come into compliance with the requirement, (iii) contains documentation that the applicant has submitted a Notice of Intent to obtain regulatory coverage by the California Regional Water Quality Control Board North Coast Region, Order No. 2015-0023, as a Tier 1, 2 or 3 cultivator. The Agricultural Commissioner shall issue such provisional license and provisionally register the cultivation site within five business days of submission of the application and request for a provisional license and provisional registration of the cultivation site.

(b) A person with a provisional license issued under section may cultivate at the provisionally registered cultivation site for one year from the date of issuance, during which time the applicant shall take such actions and make such improvements to the provisionally registered cultivation site as are necessary to comply with all of the requirements applicable to the license type sought and registration of the cultivation site. A provisional license and registration shall expire after one year, whereupon no cultivation may be conducted upon the site until the Agricultural Commissioner has issued a license to the applicant and registered the cultivation site as required under Sections 4 and 5 of this ordinance.

**Section 9. Repeal.** Ordinance No. 315-797 is hereby repealed.

**Section 10. Repeal.** Ordinance No. 315-795 is hereby repealed.

**Section 11. Repeal.** Ordinance No. 315-815 is hereby repealed.

**Section 12. Repeal.** Ordinance No. 315-816 is hereby repealed.

**Section 13. Enforcement; Amnesty.** Unless reduced to a final judgment prior to the effective date of this Ordinance, any administrative fines, penalties, fees (including attorney's fees), costs, and interest thereon, if any, imposed, assessed, issued, asserted or alleged by or on behalf of the County on or after April 20, 2016, for cultivation of cannabis or in connection with cultivation activities, in violation or alleged to be in violation of, Ordinance No. 315-797 or Ordinance No. 315-815, and any lien to secure payment thereof placed upon any property in the County of Trinity, is hereby extinguished, and the County shall be forever barred from taking any action or expending any funds to recover any amount thereof from any person or property. The amnesty conferred by this section shall not apply to any fine, fee or penalty imposed for violations involving (i) illegal diversion of water from streams, creeks, rivers or other natural waters, or (ii) illegal discharge of pesticides, herbicides, rodenticides or other harmful chemical poisons or other pollutants into any stream, creek, river, groundwater, or other natural waters.

Within 30 days of the effective date of this ordinance, the County shall petition the Superior Court to rescind and terminate any injunction issued within the prior 24 months to abate

as a public nuisance the cultivation of cannabis in violation of Ordinance No. 315-797, and to vacate any judgment made in the case. Regardless of the court's ruling on such petition, any such injunction obtained by the county, and any fine, penalty, fee (including attorney's fees) or cost, whether the amount thereof has been paid, is unpaid, is extinguished by this section, or has become a lien on property used for cultivation, may not be used by the county or reported by the county to any state regulatory authority for determining if an applicant for a state license to engage in commercial cannabis activity is in good standing with the County of Trinity, and may not be used by the county to refuse to issue a license or provisional license under this ordinance.

**Section 14. Severability.** If any provision of this ordinance, or its application to any person or circumstance, is held by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, voidable, or invalid, that judicial determination shall have no effect on any other provision, or the application of this ordinance to any other person or circumstance and, to that end, the provisions of this ordinance are severable.



## COUNTY OF TRINITY

### PLANNING AND BUILDING DEPARTMENT

## Commercial Cannabis Cultivation Regulation Application Overview and Resources

If you have an interest in using your property for Commercial Cannabis activity, you should be assembling and organizing the documentations required for your County Cultivation Application packet. The application process is lengthy, and can be time consuming and expensive for complex projects. There are certain processes and procedures put into place to help the application process move along smoothly for both you and the County of Trinity. Documents must be submitted in the correct format; incomplete or incorrect submittals may lead to a delay in your permit process, and, in some cases, a possible denial of the application. This overview document is intended to help you submit the best possible application for your proposed project.

Gathering, creating and building your best complete Cannabis Cultivation Application may take a while, especially since this process is new to the County of Trinity. As the County of Trinity processes the application, we may need to provide a list of outstanding conditions necessary towards obtaining a permit, or in some limited situations, notify you that a permit will not be possible.

Essential content for all submittals must include, but is not limited to, a complete application form with the name of the applicant, property owner or agent (if different), with contact information, the Assessor Parcel Number (APN), project description with sufficient details to identify the type of permit you are applying for, detailed site plan and the required fees.

#### **STEP ONE**

Read the laws governing Commercial Cannabis.

This will provide an understanding of what is expected when applying for and conducting the activities covered under your application once approved. It will also provide information and/or instructions regarding the application process.

County of Trinity Ordinance

Ord No. 315-816 – Commercial Cannabis Cultivation Regulation

California State Water Resources Control Board

Ord No. 2015-0023—Cannabis Cultivation Waste Discharge Regulatory Program

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Assembly Bill No. 243, Wood:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB243](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB243)

Assembly Bill No. 266, Bonta:

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160AB266](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB266)

Assembly Bill No. 643, McGuire:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB643](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB643)

### **Exclusions and Restrictions**

Applications will not be accepted for projects

- located within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area or within the legal boundaries of Ruth Lake Community Service District
- for properties zoned Residential 1 (R1), Residential 2 (R2), and/or Residential 3 (R3)
- for properties zoned Timber Production Zones (TPZ), with the exception made for qualified Phase 1 Applicants

### **Set-back Requirements:**

Your Commercial Cannabis proposed location must be:

- Three-hundred fifty feet (350 ft.) from any dwelling on a neighboring property.
- Thirty feet (30 ft.) from any property line
- One-thousand feet (1,000 ft.) from a youth-orientated facility, a school, any church, or residential treatment facility
- Five-hundred feet (500 ft.) from an authorized school bus stop
- Out of view from any public right-away

## **STEP TWO**

Obtain and review the current application packet and checklist.

Application packets are available at the County of Trinity Planning and Building Department, located at 61 Airport Road, Weaverville, CA 96093, Monday through Thursday 8:00 am to 2:00 pm. You can also download the application packet at:

<http://www.trinitycounty.org/index.aspx?page=221>

The check list within your application packet should be used as a guide for the Commercial Cannabis Cultivation application process.

After reading the Ordinance and reviewing the checklist, you should be able to determine the type of application (Type 1 or Type 2), cultivation and permit for which you will be applying for. This will also help you determine whether or not you are eligible for a permit, and what type. If you are still have questions or are unsure, you can contact us at (530) 623-1351 ext. 6 or by email at [planning.cannabis@trinitycounty.org](mailto:planning.cannabis@trinitycounty.org)



Submit an Interest for Appointment Card which notifies the County of Trinity Planning and Building Department of your interest to submit your application. The Interest for Appointment card is included with this packet, fill out the card and return it to the Trinity County Planning and Building Department (address is located on the back of the card). You can also drop off the card at 61 Airport Road, Weaverville, CA. There is a drop box located at the front counter. Note: Appointment times are established in the order of the North Coast Regional Water Quality Control Board (NCRWQCB) Numbers. A link to the Interest for Appointment Card can also be found at: <http://www.trinitycounty.org/index.aspx?page=221>

### **STEP THREE**

Begin gathering the required information and documents for your project. Refer to the checklist below for each item and section:

#### Application

- Planning Department's Commercial Cannabis Cultivation Application Form
- Indemnification and Hold Harmless Agreement (one for each applicate/owner(s))
- Application Fee
  - Type 1 (up to 5,000 sq. ft.): \$4,000 plus \$1,000 towards for General Plan Update;
  - Type 2 (between 5,000 sq. ft. and 10,000 sq. ft.): \$5,000 plus \$1,000 towards General Plan Update
- Commercial Cannabis Ordinance Acknowledgement Form

#### Water Board Documentation

- Notification of Order Number from the North Coast Regional Water Quality Control Board
- Copy of one of the following documents submitted to the North Coast Regional Water Quality Control Board
  - o Tier I—Appendix C
  - o Tier II—Water Resource Protection Plan
- Copy of Discharge Permit if required

#### Evidence of Ownership and Authorization:

- Copy of current deed for the property where commercial activity will occur, or
- Copy of ownership document, showing all owner names (if more than one owner or LLC or Trust)
- Copy of lease, or similar documentation authorizing application for development/permits (if you are not the owner)
- Written consent from owner (if you are not owner of record and do not have authority to apply for Commercial Cannabis Permits through lease or written agreement) An authorization form is included within this packet
- Legal documentation describing the composition of the organization naming person(s) empowered to direct the affairs of, and those holding an interest in the organization (if application is submitted by a firm, partnership, joint venture, association, corporation, limited

liability company, estate, trust, business trust, receiver, syndicate, or any other group combination acting as a unit)

**Site Plan of Entire Parcel Showing (site map form and example site map attached):**

- Photos of property that will assist in identifying your proposed cultivation area and the details of your site plan
- Owner's name and Assessor's Parcel Number (APN)
- Easements
- 100 Year Flood limit contour and FEMA Flood Map Reference (see Planning Department for Flood Maps)
- Natural waterways including but not limited to streams, rivers, springs, ponds and culverts showing which direction the water flows
- Wetland area(s)
- Location and area of cultivation and/or commercial activity  
Proposed location must be continuous, with dimensions showing setbacks from property line and adjacent dwelling units or any other buildings on the property
- Location of locked gate(s) and fence being used to screen cultivation
- Setbacks of cultivation area from property lines
- Access roads
- Graded flats
- All buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity
- Water storage structure(s) labeled as to type, capacity and date of construction
- Well location
- Septic and leach field location (show direction of leach field and length)
- Location of slopes grader than 4:1 grader than or equal to 25% (Note grader than or equal to 35% is required for NCRWQCB Tier II enrollment)
- Water diverted runoff(s)

Suggestions for imagery for the County of Trinity include:

Google Earth: <https://www.google.com/earth/>

Digital Globe: <https://www.digitalglobe.com/>

Trinity County Parcel Viewer: <http://www.trinitycounty.org/index.aspx?page=284>

*Note: Trinity County Parcel Viewer will display necessary zoning information. Please include a printout of the parcel from Parcel Viewer with your application.*

**Additional Documentation Needed**

- Proof of a permitted well or water source
- Well Report documenting gallons per-minute and recovery rate  
If your well report does not show sufficient volume and recovery rate you must have sufficient water storage on site provided from the permitted well on your parcel. (Example report attached)
- Encroachment Permit (if applicable) where there is access to a county road

- 3-Acre Conversion Permit—New applications will have to be submitted concurrently
- Proof of at least one of the following
  - o Documentation of Incorporation
  - o Documentation of taxes paid to the State Board of Equalization
  - o Proof of Contract(s) with dispensaries
- Receipt of a BOE (Board of Equalization) Sellers Permit
- Proof of Residency with the County of Trinity for a period of one year prior to filling the Application as evidenced by current California Driver's license along with one of the following:
  - o Trinity County Solid Waste Bill
  - o Utility Bill
  - o DMV Registration

**\*\*NOTE:** All on site workers (employees) must carry a current, valid and state or federal issued proof of identification, for age verification.

#### **STEP FOUR**

Submit your Commercial Cannabis permit application packet at the allotted appointment time set up in Step 2.

- A. Bring copies of all your completed, gathered documents from the checklist to the County of Trinity Planning and Building Department located at 61 Airport Road, Weaverville, CA 96093, at the appointment time set up. County personnel will review your packet to verify that you have all the required documents.
- B. Once confirmed, County of Trinity Planning and Building Department will provide you with an invoice for the Type of permit you are applying for. You will need to take your project invoice to the County of Trinity Treasurer's Office located at 11 Court Street, Weaverville, CA 96093, (Monday through Friday 10:00 am to 1:00 pm) to submit your fee payment (location map and directions attached).
- C. Once paid you must submit your paid invoice, the permit application and required documents to the County of Trinity Planning and Building Department in order to complete the submittal of your Commercial Cannabis Permit Application.

#### **ON-SITE INSPECTIONS**

Before your application is approved and your permit is issued, an onsite visit is required and scheduled. There will be, but not limited to, two inspections; first inspection is before your application is approved to verify compliance at site and one inspection after your permit is issued for your Commercial Cannabis Project.

The first onsite visit is to confirm that the submitted site plan is a correct and accurate reflection of actual conditions that you proposed. Your proposed location must meet all requirements set forth in the County of Trinity's Ordinance No 315-816. You are required to have the area of your proposed cannabis cultivation location site clearly marked, with stakes or within existing fence, for the initial site visit, visibility from a public right of way will be verified.

An appointment will be set up by phone at least 24-hours (one day) prior to the site visit. By submitting your application you are: granting County of Trinity personnel access to your property; securely locking all animals up; unlocking the entrance gate(s) to the property ahead of time (or promptly waiting at the gate for the inspectors arrive at the set time); ensure all locked gates on the property are accessible; secure and store all weapons prior to and during the scheduled inspection. Visible weapons onsite will be grounds for rescheduling the onsite visit.

Site visits may also include visits by the County of Trinity's Environmental Consultant. The Consultant's duties are to measure the overall and specific impacts and/or effects created by Commercial Cannabis. Information collected at your site inspection, by the Environmental Consultant, is for the program, and will not be specifically linked to a property other than internal tracking purposes.

By submitting your application and if/when your application is approved, you are acknowledging that onsite follow up inspections for compliancy can be performed at any time during your active permit period with prior notification to the property owner and/or applicant.

#### **PERMIT ISSUANCE**

Upon completion of the compliance inspection, a final determination will be made concerning the permit. Possible actions will be:

1. Issuance of Permit – Permit is issued, and property is cleared for growing commercial cannibals within the permit limitations.
2. Letter of Correction for Permit Issuance – Minor deficiencies have been identified that need to be corrected prior to issuance of a permit.
3. Variance or Permit Requirements for Permit Issuance – Permit is ready to be issued upon granting of a variance, issuance of a building permit, or receipt of enrollment from NCRWQCB.
4. Resubmittal Required – Application does not correctly reflect existing conditions or information provided is not found to be correct. Corrections need to be addressed for permit to be reconsidered.
5. Denial of Permit – Issue has been identified that would not allow for issuance of a permit (example, too close to a school)

**\*\*Only denial of permit are subject to the provisions of the Zoning Code: Hearings and Appeals County of Trinity Ordinance No. 315 Section 34.**

All applications received and permits issued for 2016/2017 will expire March 31, 2017. New or renewal application(s) for a permit will be required for growing Commercial Cannabis after March 31, 2017.

Order of applications accepted each following year will be based on;

1. Trinity County Permit Number
2. Trinity County Application Number
3. RWQCB (Water Board) permit number

4. RWQCB Application Number

Issuance of a permit this year provides no guarantee, assurance, or “grandfathering” of permits in years following. Permits that have been deemed Non-Compliant will receive no priority.

Permits are non-transferable. They are only applicable to the owner of the property, the applicant, and the property designated on the application. Priority for future permit applications are non-transferable. For a new property, owner, or applicant, the North Coast Regional Quality Water Board receipt of enrollment may govern.

**NOTICE OF CORRECTION**

There will be a minimum period of 7-days to correct any deficiencies and return to compliance. Should the property still be in non-compliant, further action will be taken up to and including revocation of permit and/or issuance of code violation. Any adverse action taken by the County of Trinity is subject to reporting to the State as necessary.

Upon correction, bringing the property back into compliance, it is the owner/applicant's responsibility to request a compliance inspection and pay a \$175 inspection fee. The request for inspection must be done prior to the expiration date on the Notice of Correction to avoid adverse actions up to and including suspension of permit or issuance of code violation.

Owner, applicant and/or agent shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Municipal Code, as state within the County of Trinity Ordinance No. 315-816.

**HELPFUL RESOURCES**

Trinity County Water Resources:

<http://www.trinitycounty.org/index.aspx?page=293>

North Coast Regional Water Quality Control Board:

[http://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

State Law: CA NORML MMRAS Summary:

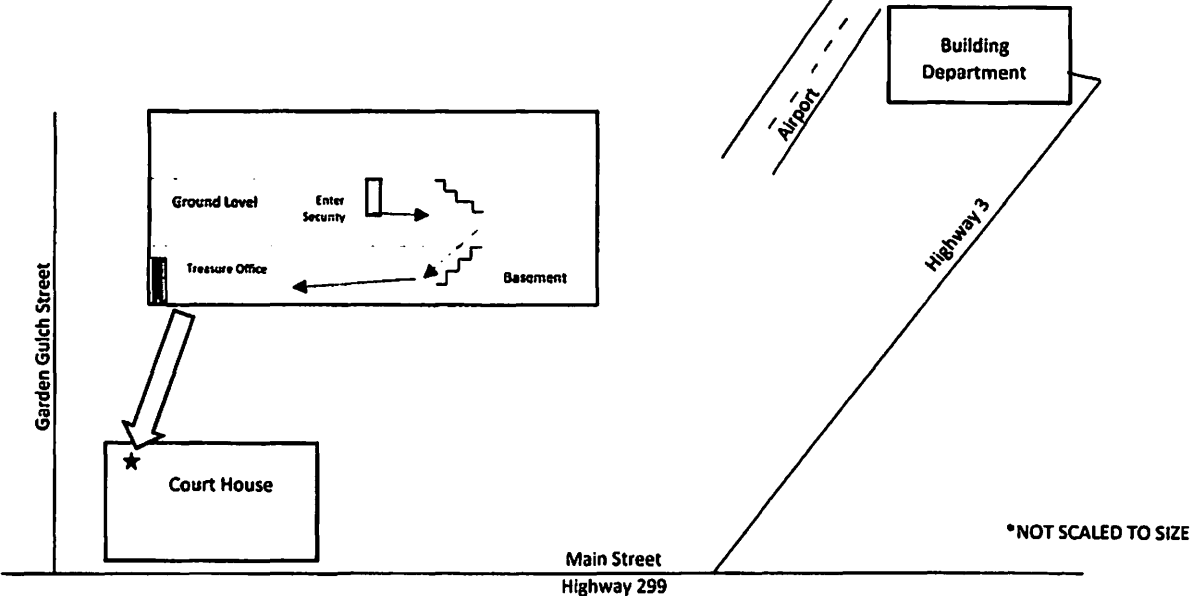
[http://www.canorml.org/news/A\\_SUMMARY\\_OF\\_THE\\_MEDICAL\\_MARIJUANA\\_REGULATION\\_AND\\_SAFETY\\_ACT](http://www.canorml.org/news/A_SUMMARY_OF_THE_MEDICAL_MARIJUANA_REGULATION_AND_SAFETY_ACT)

# Direction to County of Trinity Treasurer's Office

11 Court Street  
Weaverville, CA 96093

From Trinity County Planning and Building Department:

- Take a right onto State Highway 3
- Take right onto Main Street (State Highway 299W)
- Take Right onto Garden Gulch Street
- The Court House will be on your right. Enter the court house, go down the stairs to the basement.
- Stay straight off the stairs, follow the hallway to the right, at the end of the hall you will see the Treasure Office Door.





2016-17 APPLICATION  
**COUNTY OF TRINITY**  
 PLANNING AND BUILDING DEPARTMENT  
 Commercial Cannabis Cultivation Application  
 61 Airport Road • PO Box 2918  
 Weaverville, CA 96093

**INSTRUCTIONS:**

1. Applicant/agent complete sections I, II, III, and IV
2. Schedule appointment, take all required forms and documents to Planning at designated appointment time. (Fee will be due upon submittal)
3. Applicant/agent needs to submit all item(s) marked on the reverse side of this form.

**SECTION I**

**APPLICANT** (Project will be under Business name, if applicable.)

Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

**AGENT** (all Communication from Department will be directed to agent.)

Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

**OWNER(S) OF RECORD** (If different from Applicant)

(All owners must be listed use additional form if needed Section IV)

Owner(s) Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

Applicant is applying for the following:

- Type 1 (up to 5,000 sq. ft.)
- Type 2 (up to 10,000 sq. ft.)

**LOCATION OF PROJECT**

Site Address: \_\_\_\_\_  
 City, Zip: \_\_\_\_\_  
 Community Area: \_\_\_\_\_

APN (Assessor's Parcel Number): \_\_\_\_\_  
 Parcel Size (acres or sq. ft.): \_\_\_\_\_

NO MORE THAN ONE APPLICANT MAY SUMMITT PER PERSON/ENTITY OR PER LEGAL PARCEL

**SECTION II**

**OWNERS AUTHORIZATION & ACKNOWLEDGEMENT FORM**

I am the owner of the property listed in Section I that is subject to this application. I hereby authorize the County of Trinity to process this application for the cultivation of Commercial Cannabis on my property and further authorize the County of Trinity to enter upon the property described above as reasonably necessary to evaluate and/or inspect the project. I defend, indemnify, save and hold harmless the County of Trinity, its elected and appointed officials, officers, employees, agents and volunteers from any and all claims, actions, proceedings or liability of any nature whatsoever arising out of, or in connection with the County's review or approval of this application or arising out of or in connection with the acts or omissions of the Applicant, its agents, employees or contractors. I authorize the applicant/agent listed above, if different than owner(s) to file this application and to represent me in all matters concerning this application.

\_\_\_\_\_  
 Signature of Owner of Record

\_\_\_\_\_  
 Date

**SECTION III**

I hereby declare under penalty of perjury under the laws of the State of California:

- ✓ I/we have not been convicted of a serious felony or Schedule I, II or III felony, excluding a non-serious felony conviction for sales, transportation or cultivation of cannabis, except if on public land.
- ✓ All information and documentation submitted as part of this Application are true and correct.

\_\_\_\_\_  
 Signature of Owner of Record

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Owner of Record

\_\_\_\_\_  
 Date

SECTION IV

COMMERCIAL CANNABIS LAND CULTIVATION APPLICATION CHECKLIST

Application:

- Planning Department Commercial Cannabis Cultivation Registration Application Form
- Indemnification and Hold Harmless Agreement (one for each applicant/owner(s))
- Application Fee (Type 1: \$5,000 OR Type 2: \$6,000)
- Commercial Cannabis Ordinance Acknowledgement Form

Water Board Documentation:

- Notification of Order Number from the North Coast Regional Water Quality Control Board
- Copy of one of the following documents submitted to the North Coast Regional Water Quality Control Board
  - Tier I—Appendix C
  - Tier II—Water Resource Protection Plan
- Copy of Discharge Permit if required

Evidence of Ownership and Authorization:

- Copy of current deed for the property where commercial activity will occur, or
- Copy of ownership document, showing all owner names (if more than one owner) or LLC or Trust.
- Copy of lease or similar documentation authorizing application for development/permits (if you are not the owner)
- Notarized written consent from owner (if you are not owner of recorder and do not have authority to apply for Commercial Cannabis Permits through lease or written agreement).
- Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization (if application is submitted by a firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group combined acting as a unit).

Site Plan of Entire Parcel Showing:

- Owners name and assessor's parcel number
- Easements
- 100 Year Flood limit contour and FEMA Flood Map Reference
- Natural waterways including but not limited to streams, rivers, springs, ponds and culverts
- Wetlands
- Location and area of cultivation or commercial activity
- Location of locked gate and fence being used to screen cultivation
- Setbacks of cultivation area from property lines
- Access roads
- Graded Flats
- All buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity.
- Water storage structures
- Well location
- Septic and leach field location
- Location of slopes greater than 4:1 greater than or equal to 25%
- Water diverted runoff(s)

Additional Documentation Needed

- Proof of a permitted Well
- Well report documenting gallons per-minute and recovery rate
- Encroachment Permit (If applicable)
- Proof of at least one of the following
  - Documentation of Incorporation
  - Documentation of taxes paid to the State Board of Equalization
  - Proof of Contract(s) with dispensaries
- Receipt of a BOE (Board of Equalization) Sellers Permit
- Proof of Residency with the County of Trinity for a period of one year prior to filing the Application as evidenced by current California Driver's license along with one of the following:
  - Trinity County Solid Waste Bill
  - Public Utility District Bill
  - DMV Registration

For Internal Use Only

Date Received: \_\_\_\_\_ Receipt Number: \_\_\_\_\_ Application Number: \_\_\_\_\_

- Application Deemed Complete Date: \_\_\_\_\_
  - Approved by Planning
  - Approved by DOT (Environmental)
  - Approved Environmental Health

Deficient Missing Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**ADDITIONAL OWNER(S)**

**Additional owners:**

(If multiple owners, list all owners name and contact information below.)

**OWNER(S) OF RECORD:**

Owner(s) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNER(S) OF RECORD:**

Owner(s) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNER(S) OF RECORD:**

Owner(s) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNER(S) OF RECORD:**

Owner(s) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNER(S) OF RECORD:**

Owner(s) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNER(S) OF RECORD:**

Owner(s) Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Alt Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**OWNERS AUTHORIZATION & ACKNOWLEDGEMENT FORM**

I am the owner of the property listed in Section I that is subject to this application. I hereby authorize the County of Trinity to process this application for the cultivation of Commercial Cannabis Cultivation on my property and further authorize the County of Trinity to enter upon the property described above as reasonably necessary to evaluate and/or inspect the project. I defend, indemnify, save and hold harmless the County of Trinity, its elected and appointed officials, officers, employees, agents and volunteers from any and all claims, actions, proceedings or liability of any nature whatsoever arising out of, or in connection with the County's review or approval of this application or arising out of or in connection with the acts or omissions of the Applicant, its agents, employees or contractors. I authorize the applicant/agent listed above, if different than owner(s) to file this application and to represent me in all matters concerning this application.

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Date

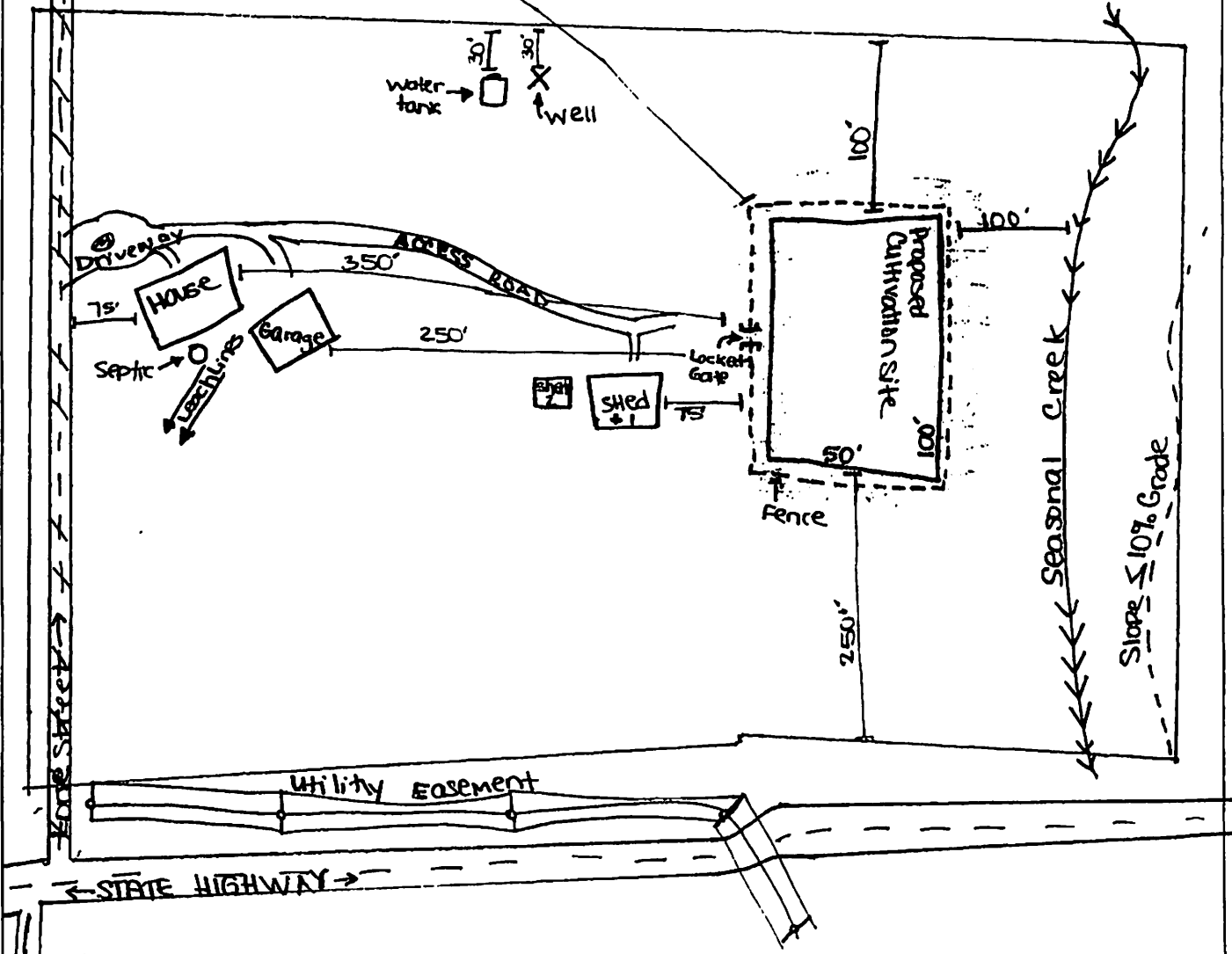
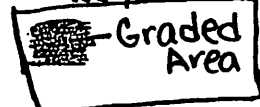
\_\_\_\_\_  
Signature of Owner of Record

\_\_\_\_\_  
Date

**PLOT/SITE PLAN**

**- EXAMPLE -**

Key #2



**Key #1**

- House Est. 2016
- Garage Est. 2016
- Septic Est 2015
- ↳ Leach Lines 2-50ft.
- Well Est 2015
- Water Tank 2,500 gal.
- Shed #1 - Cannabis Storage (Est. 2016) and drying.
- shed #2 → Cannabis Material Storage (Fertilizer) (Est. 2016)

**TRINITY COUNTY BUILDING DEPARTMENT**

APPLICANT PREPARED SITE PLAN  
Permit No.

Drawn By:	APN: 000-000-00-00
Date:	Owner Name: John Smith
Scale: Not to Size!!!	Lot Area: 2.67

**PLOT/SITE PLAN**

**TRINITY COUNTY BUILDING DEPARTMENT**

**APPLICANT PREPARED SITE PLAN**

Permit No.

Drawn By:	APN:
Date:	Owner Name:
Scale:	Lot Area:



**COUNTY OF TRINITY**  
 PLANNING AND BUILDING DEPARTMENT  
 PO Box 2918, Weaverville, CA 96093

**Acknowledgement Form**  
 Commercial Medical Marijuana Cultivation

- ✓ I/we consent to onsite inspections of our parcel by the County of Trinity officials. Inspections will be conducted by County of Trinity Officials during regular business hours Monday-Friday 9:00a.m to 5:00 p.m., excluding holidays. The telephone number listed on my application is the number the County of Trinity can call to provide notice, when possible.
- ✓ I/we acknowledge that by submitting the permit application we allow onsite inspections; dogs/animals will be locked up, lock gates will be assessable and no weapons will be secured and stored.
- ✓ I/we consent that all structures on parcel that are utilized for Commercial Cannabis Activities will be built in accordance with applicable County of Trinity Building Codes and permit requirements.
- ✓ I/we acknowledge that the information I/we provide with my application may be released as required by law, judicial order, or subpoena, and could be used in a criminal prosecution.
- ✓ I/we consent to defend, indemnify, and hold harmless the County of Trinity from any defense costs, including attorneys' fee or other loss connected with any legal challenge brought as a result of the County of Trinity's review and/or approval of this Application. I/we agree to execute a formal agreement to this effect on a form provided by the County of Trinity and available for my inspection.
- ✓ I/we acknowledge that approval of this application does not provide any property rights or entitlements, and it does not guarantee that a permit will be issued years following.
- ✓ I/we will only employ individuals at least twenty-one (21) years of age, require a Federal or State issued proof of identification be carried at all times on property, and will comply will all applicable state and federal requirements for payment of payroll taxes, including federal and state income taxes and/or contribution for unemployment insurance, state workers' compensation liability law.
- ✓ I/we have reviewed Ordinance No. 315-816, I/we understand the requirements, will comply with the requirements, and understand the consequences of Non-Compliance.
- ✓ I/we acknowledge that the application fee is non-refundable even if I cancel my land use request, it is denied during the Planning permit review process, or a condition letter is issued.
- ✓ I/we acknowledge that without a complete application packet my application will be delayed.
- ✓ I/we acknowledge that the Planning Department reserves the right to request additional information if necessary to complete review or processing of the application, and confirm or promote conformance to ordinance-specific requirements and standards.
- ✓ Permit and permit application priority is non-transferable under any circumstances.
- ✓ I will comply with Local, State and Federal regulator agencies.

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

ONE ACKNOWLEDGEMENT FORM NEEDED FOR EACH OWNER AND/OR AGENT OF THE PROPERTY



**COUNTY OF TRINITY**  
 PLANNING AND BUILDING DEPARTMENT  
 PO Box 2918, Weaverville, CA 96093

**Indemnification Form**  
 Commercial Cannabis Cultivation

I, \_\_\_\_\_, hereby agree to the following:

1. I have applied with the County of Trinity for permission to cultivate commercial cannabis pursuant to Trinity County Ordinance No. 315-816 (hereafter "Project")
2. Nothing in this Agreement shall be construed to limit, direct, impede or influence the County of Trinity's review and consideration of the project.
3. I shall defend, indemnify, save and hold harmless the County of Trinity, its elected and appointed officials, officers, employees, agents, contractors and volunteers from any and all claims, actions, proceedings or liability of any nature whatsoever (including, but not limited to: any approvals issued in connection with any of the above described application(s) by County; any action taken to provide related environmental clearance under the California Environmental Quality Act ("CEQA") by County's advisory agencies, boards or commissions, appeals boards, or commissions, Planning Commissions, or Board of Supervisors; and attorneys' fee and costs awards) arising out of, or in connection with the County's review or approval of the project or arising out of or in connection with the acts or omissions of the Applicant, its agents, employees or contractors. With respect to review or approve, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project, including any contention the project or its approval is defective because a County ordinance, resolution, policy, standard or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the Applicant, its agents, employees or contractors, its obligation, hereunder shall apply regardless of whether the County of Trinity prepared, supplied or approved plans, specifications or both.
4. The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.
5. County of Trinity shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County of Trinity uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the Applicant will reimburse the County upon demand. Such resources include but are not limited, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action or proceedings.
6. For any breach of this obligation the County of Trinity may rescind its approval of the project.
7. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved in writing by the Applicant, which approval shall not be unreasonably withheld. The County of Trinity must approve any settlement affecting the rights and obligations of the County.
8. This agreement shall be construed and enforced in accordance with the laws of the State of California.
9. In any legal action or other proceeding brought by either party to enforce or interpret this Agreement, the appropriate venue is the County of Trinity Superior Court.
10. The Applicant shall pay all court ordered costs and attorney fees
11. The defense and indemnification of County of Trinity set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgements rendered in the proceedings.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date



County of Trinity  
Planning and Building Development Services  
Commercial Cannabis Cultivation

**Material Use Acknowledgement Form:**

List any fertilizers, pesticides, rodenticides, and herbicides being used for Commercial Cannabis Cultivation. Properly identify the storage building on plot plan.

Type	Name of Material	Amount Stored onsite (in pounds)

By signing below I agree that all used materials are property listed above, stored and labeled correctly.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# TRINITY COUNTY BUILDING DEVELOPMENT & PLANNING DEPARTMENT

61 AIRPORT ROAD ♦ P.O. BOX 476  
WEAVERVILLE, CA 96093  
PHONE (530) 623-1351 EXT 6 ♦ FAX (530) 623-1353

## Agent's Authorization Form

(Required only if Applicant(s) is other than the Property Owner)

I, the undersigned, state that I am the owner(s) of the proposed

Commercial Cannabis Cultivation Project

at A.P.N.# \_\_\_\_\_

located at: \_\_\_\_\_

I do hereby authorize and empower \_\_\_\_\_ (First & Last Name) to act on my behalf on all matters relating to said project in connection with its filing, processing, approval, conditional approval or disapproval by the County of Trinity, its boards and commissions, officers, employees and agents. Should I revoke this authorization it is my responsibility to serve written notice of said revocation to the County of Trinity by delivery to the Planning and Building Department.

1. \_\_\_\_\_  
Signature

Owner (Print)

Address

Phone

\_\_\_\_\_ Date

2. \_\_\_\_\_  
Signature

Owner (Print)

Address

Phone

\_\_\_\_\_ Date

3. \_\_\_\_\_  
Signature

Owner (Print)

Address

Phone

\_\_\_\_\_ Date

4. \_\_\_\_\_  
Signature

Owner (Print)

Address

Phone

\_\_\_\_\_ Date

**ONLY ONE ACTING AGENT PER FORM  
ALL OWNERS MUST SIGN (IF MORE THAN ONE, A LLC OR TRUST)**



# TRINITY COUNTY PLANNING DEPARTMENT

61 AIRPORT ROAD  
P.O. BOX 2819  
WEAVERVILLE, CA 96093  
TEL (530) 623-1351 FAX (530) 623-1353

## Authorization to Enter Private Property

The Trinity County Planning Department as the lead agency performs the environmental evaluation for the California Environmental Quality Act (CEQA). Other State and local agencies also provide responsible and trustee roles under CEQA. The comments received from these agencies assist the Planning Department in preparing the environmental document for your project. In order for the Department to perform the evaluation on your proposed project we will need your permission to allow entry to your property for Planning and any reviewing agency that may need to actually view the property before providing comments.

By signing this authorization to enter your property you are granting the reviewing agencies access to your property for the purpose of evaluating your proposed project. The authorization is valid from the date the Department receives notice of your proposed project and any monitoring periods thereafter.

---

Print Name

---

Signature

---

Date



**DEPARTMENT OF FISH AND GAME**

601 LOCUST STREET  
REDDING, CA 96001  
(916) 225-2300



Department of Fish and Game  
Authorization to Enter Private Property

The California Department of Fish and Game (Department) has been requested by a lead agency to provide comments related to fish and wildlife resources on your proposed project. As a trustee agency of the State, the Department provides environmental information to the lead agency so that they can meet the intent of the California Environmental Quality Act (CEQA).

State law (Section 857 of the Fish and Game Code) requires that Department employees have permission from the landowner to enter private property. In order for the Department to provide comments on your proposed project we will need your permission to enter your property to conduct an environmental review of your proposed project.

By signing this authorization to enter your property you are granting the Department access to your property for the purpose of commenting on your proposed project. The authorization is valid from the date the Department receives notice of your proposed project from the lead agency until the end of the project review period.

---

Print Name

---

Signature

---

Date



# Cannabis Cultivation Best Management Practices

These best management practices (BMPs) may help mitigate water pollution from cannabis cultivation activities. We recommend that you consult a professional engineer/contractor before starting an advanced BMP.

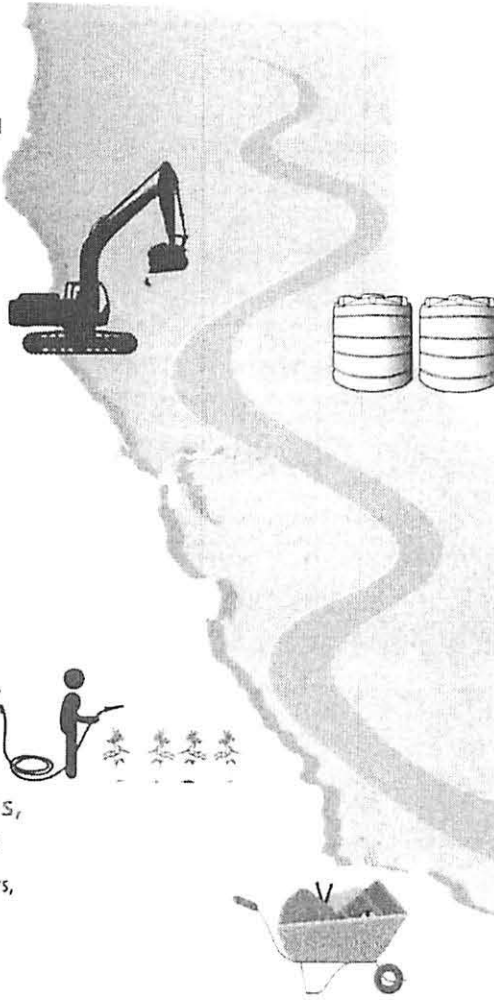
**LIABLE PARTIES:**  
Property Owner  
Site Caretaker  
Property Resident  
Construction Contractors

## Erosion & Sediments

**ISSUE:** Poorly maintained or badly constructed roads and excavation sites are a major source of sediment pollution.

### BMP SOLUTIONS:

- Minimize disturbed area and protect natural soil
- Provide temporary cover for disturbed areas that are not being worked on
- Divert runoff away from unprotected slopes or loose soils
- Use mats, geotextiles, and erosion control blankets to protect slopes
- Control the perimeter with silt fences and fiber rolls
- Install a sediment basin, check dam, or vegetative buffer strips
- Roughen the surface of a road with gravel
- Protect ditches and inlet/outlet from erosion with rock armor
- Plan and design new roads away from watercourses
- Design roads to allow for sheet flow and use water bars and rolling dips to break up slope length
- Inspect roads, slopes, and culverts regularly



## Water Supply

**ISSUE:** Diverting stream flow in a manner that negatively impacts beneficial uses and/or senior water rights holders.

### BMP SOLUTIONS:

- Obtain appropriate water right permit by filing a water right application with the State Water Resources Control Board, Division of Water Rights to establish basis of water right
- Install water storage system on site only after you obtain the appropriate permit or registration for water storage from the Division of Water Rights
- Install rainwater catchment system to reduce demand on streams
- Implement drip irrigation, mulch, and vegetate around cultivated areas
- Regularly inspect your water delivery system for leaks
- Install float valves on tanks to prevent tanks from overflowing
- Notify the Department of Fish and Wildlife by submitting a Lake and Streambed Alteration (LSA) notification package if the activity involves substantial diversion from or alteration of a stream or other water body

## Potting Soil, Amendments, Fertilizers, and Pesticides

**ISSUE:** Potting soil, soil amendments, fertilizers, and pesticides can be mobilized by runoff and be discharged into surface waters.

### BMP SOLUTIONS:

- Plant cover crop to boost soil fertility and protect from storm events
- Follow the manufacturer's suggested application rates
- Install buffer strips, bio-wales, or vegetation down slope at grow site to filter runoff of chemicals from irrigation
- Do not apply pesticides. Instead, use safe pesticide alternatives recommended by Department of Pesticide Regulation
- Implement Integrated Pest Management practices to avoid the need for pesticides
- Store all products that impact water quality in a manner that does not allow for runoff to surface waters

## Housekeeping and Trash

**ISSUE:** Waste byproduct may impact the environment and water quality.

### BMP SOLUTIONS:

- Separate and hold waste properly
- Store paint, antifreeze, oil, grease, and solvents in labeled, locked containers
- Store other products that may affect water quality, too

Your responsibilities do not stop after BMPs are installed. You should routinely inspect your site.

ORD. No. 315-816  
October 13, 2016

Michael McNamer  
michael.mcnamer@gmail.com

10/13/16  
Item 1.01  
Michael McNamer

**1. Verification of proof of residency is too restrictive**

Section IV. (3) (b) vii provides for: "Verification of proof of residency in Trinity County for a period of one year prior to application by providing current Driver's License or identification card along with Trinity County Solid Waste Bills or Public Utility District Bills."

A current driver's license will reflect the address that was given when the license was issued, which may be an address that has not been a current address for years

Also, under this section, a married woman who is in fact a resident of Trinity County, would not qualify as a resident if the Solid Waste Bills or the PUD bills are in her husband's name. This is not right. The ordinance should be amended to allow consideration of all relevant evidence of residency like enrollment of children in school, registering to vote in Trinity County, listing in the phone book, payment of taxes, or having a Tops frequent shopper card. (Just kidding about the Tops card.)

Consider "all relevant evidence."

**2. The ordinance should allow small growers who are exempt from North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 to register in Trinity County.**

The ordinance uses "completed enrollment" in NCRWQCB Order #2015-0023 to establish priority for consideration of an application for registration and sets a limit of 500 registrations. Section IV. (3) (b) ii requires that applicants must provide: "Proof of enrollment in good standing with NCRWQCB Order #2015-0023." Section IV. (4) (b) provides: "The County shall determine completed enrollment by receipt of a Proof of Order number."

This excludes those small cultivators who are exempt from NCRWQCB Order #2015-0023. A person who is cultivating less than 2000 square feet of marijuana on a piece of private property where there is no potential for discharge of waste to water does not have to enroll in and comply with the order's requirements. (Fn.1 of that order.)

These small businesses should be allowed to register. This could be done through requiring a small cultivator who is in fact exempt to certify that "less than 2000 square feet of marijuana is being cultivated on a piece of private property where there is no potential for discharge of waste to water."

ORD. No. 315-816  
October 13, 2016

Michael McNamer  
michael.mcnamer@gmail.com

**3a. The ordinance should recognize the new “specialty cottage” cultivation license.**

Section IV, (3) (b) iii provides that an applicant is to identify the applicant’s intended commercial cultivation license as either “Type 1 – up to 5,000 sq. ft.” or “Type 2 – up to 10,000 sq. ft ....”

State law concerning license types has recently changed. Now there is a new “specialty cottage,” license type for cultivation of “2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.” Business and Professions Code section 19332(g)(4) as added by AB 2516 (signed by the Governor September 29, 2016).

**3b. A lower fee should be set for the new “specialty cottage” license type.**

The “specialty cottage” cultivators are mom and pop operators that should not be driven out of business by excessive regulatory fees. The ordinance should be amended to reduce the fee for “specialty cottage” to \$2000.

**4. Clarify fees for growers who wish to start growing in the 2017 season.**

It appears that the ordinance would require a fee payment now and another fee payment before March 1, 2017. Clarify intent that a fee payment now would be for the 2017 growing season.

**5. Is the opportunity to register under the ordinance going to be cut off on October 31, 2016?**

Section IV, (3) (a) of the ordinance provides, in part, “Within sixty days of adoption of this ordinance any person or entity cultivating commercial medical marijuana within Trinity County *may register* with the Trinity County Planning Department.” (Italic added.) This appears to say that registration is only authorized for the 60 days following the adoption of the ordinance, which would be October 31? Is this what is intended? If not, what is it intended to mean?