
2023 Cannabis Ordinance Updates

Executive Summary

Overview

The Trinity County Cannabis Program began in 2016, enacted by Ordinance 815-823. Multiple amendments and updated ordinances have occurred since 2016, with the most recent ordinance adoption occurring in 2020 as a result of the completion of the Cannabis Program Final Environmental Impact Report.

The Problem

Multiple ordinances have been adopted by Trinity County since the inception of the Commercial Cannabis Program. These ordinances propagated various inconsistencies which have led to not only confusion for applicants, but differing opinions on their interpretation. To add to this issue, some Department of Cannabis Control regulations changed, following the adoption of the local ordinances, which only further confused the matter. The combination of issues has necessitated consolidation and cleanup in order to generate consistency between local and state ordinances while creating clarity for administration.

The Solution

Updates to the cannabis ordinance will incorporate public workshops, and the public input received during the draft ordinance review process will create a more sustainable process for applicants and the County.

The Topics and Sections to be discussed in Ordinance updates public workshops

Consolidation: All existing Cannabis Ordinances will be combined into a single Ordinance.

Definitions: The definition sections have been consolidated into one definitions section and any additional required terms included.

County use of the word License versus Permit: Use of the word "license" from a county perspective conflicts with the State of California Department of Cannabis Control as the licensing authority, whereas the county regulates the land use process of determining whether or not the potential cannabis cultivator has met the ordinance conditions and approves (through the land use permit process) the use of the land for such purposes.

Stacking: Stacking of licenses was at first prohibited due to county process, but given the County Cannabis Program has matured, it is proposed to allow more than one 10,000 square foot license and still comply with the EIR. Proposed that "stacked" operations will apply for a use permit (DUP or CUP). Stacking will not be permitted in established Opt-Out Zones that specifically prohibit expansion.

CCVs to Buffer zones: The concept of buffer zones is being proposed to replace the current Commercial Cultivation Variance process (CCV), buffer zones would provide the same setback (buffer) requirements as currently established.

Establish a formal opt-out/ opt-in process including establishment of overlay zone(s): A formal opt-out/ opt-in process will be established as part of the ordinance updates.

Denial/ Revocation/ Enforcement:

Updates have been made to the section(s) Denial/ Revocation sections including Enforcement.

Public Workshop Format

Prior to the public workshops a formal agenda will be developed and distributed detailing the segments and time allotted for each discussion item as well as a comment form for public input to be gathered during/ following the course of the public workshops. Comments can also be submitted to: cannabis.ordinance@trinitycounty.org

Public Workshop Locations

Hayfork - Tuesday, September 26th | 6:00 p.m.

TRINITY COUNTY FAIRGROUNDS | Dining Hall | 6000 State Highway 3, Hayfork

Weaverville - Wednesday, September 27th | 6:00 p.m.

WEAVERVILLE LIBRARY | Board chambers | 351 Main St., Weaverville

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Chapter 17.43 COMMERCIAL CANNABIS CULTIVATION REGULATIONS

17.43.010 Purpose (New)

The purpose of this Chapter is to establish a commercial cannabis permitting program, regulated by the County of Trinity, to allow for a variety of commercial cannabis activities, while protecting the public health, safety, and welfare by enacting strong and effective regulatory and enforcement controls in compliance with state law and enforcement guidelines, that minimize the potential for negative impacts on people, communities, and the environment by establishing minimum land use requirements.

17.43.0X0 Definitions (Combined)

Unless otherwise defined below, the County accepts the State definitions of various terms related to cannabis and cannabis activities as used in this Chapter. Other applicable definitions shall be as provided in State law and other sections of County code, as amended. Changes to applicable definitions in State law shall take effect locally 90 days after the change take effects at the State level.

As used herein, the following definitions shall apply:

"Active building permit" means holding a valid Trinity County Building Permit and is compliant with all Trinity County Building Department requirements for building.

"Agriculture" means art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock, tillage, husbandry, farming, horticulture, forestry, and the science and the art of the production of plants and animals useful to man.

"Agricultural commissioner" or "agricultural commissioner's office" means the Trinity County Agricultural Commissioner's Office or the authorized representatives thereof.

"Applicant" is defined as a person that has submitted application for a permit, that is under review, by one or more public agencies.

"Area" is the measurement of cannabis plant growth in square feet as defined by the California Department of Food and Agriculture. As of December 21, 2016, the area is defined as canopy area, but it is subject to change. All changes by California Department of Food and Agriculture are automatically incorporated herein.

"Attorney general's guidelines" means guidelines for the security and non-diversion of cannabis grown for medical use issued by the attorney general in August 2008.

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

"Auxiliary nursery sales" means ancillary goods sold within a cannabis nursery that are directly related, supplementary and subordinate to the cannabis products sold within the nursery and that are specifically for planting and promulgation of cannabis.

"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, and any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.

"Cannabis Permit" shall replace the term "County License".

~~"Cannabis nursery" means a wholesale sales facility operated by a permittee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting and promulgation of cannabis and sold only to permitted commercial cannabis cultivation growers. Retail sales are not permitted.~~

~~"Cannabis distribution facility" means a building or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for cannabis products between entities that are properly permitted.~~

"Canopy" means the area(s) at a permitted premise that will contain mature plants at any point in time. This definition is intended to mirror the definition of "canopy" as defined by the State of California, or as may be amended.

"CESA" means the California Endangered Species Act.

"CEQA" means the California Environmental Quality Act.

"CDFW" means the California Department of Fish and Wildlife.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Conditional Use Permit", for the purposes of this chapter, is defined as a discretionary permit that is approved/denied by the Trinity County Planning Commission.

"Commercial cannabis" means any commercial cannabis activity allowed under MMRSA, AUMA and/or MAUCRSA (SB 94), as limited by the allowable permits below, as may be amended from time to time, and all uses permitted under any subsequent enacted state law pertaining to the same or similar use for recreational cannabis. Prior to January 1, 2018, the cannabis shall be for medicinal 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.

"CRHR" means the California Register of Historic Places.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis

"DCC" means the California Department of Cannabis Control.

~~"Designated area" means the hoop house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of cannabis. Designated area shall not exceed two hundred percent of the area for the license type; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license. "Designated area" is intended to mirror the definition of Premises.~~

"Delivery" means the transportation of complaint cannabis goods from a storefront retail to an individual customer.

"Director's Use Permit", for the purposes of this chapter, is defined as a discretionary permit that is approved/denied by the Community Division Director, Planning Division Director or Cannabis Division Director.

"Distribution" means the procurement, sale and transport of cannabis and Cannabis products between entities that are properly permitted.

~~"Cannabis distribution"~~ "Distribution facility" means a building or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for cannabis products between entities that are properly permitted.

"DTSC" means the California Department of Toxic Substances Control.

"EPA" means the United States Environmental Protection Agency.

"ESA" means environmental site assessment.

"Flowering" means that a cannabis plant has formed a mass of pistils measuring greater than one-half inch wide at its widest point.

"Fully enclosed and secure structure" means a space within a building or other structure, excluding greenhouses, which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

"Grandfathered" is defined, for purposes of this chapter, as a structure that was built prior to the advent of Californian Building Code requirements in Trinity County, specified date by the Trinity County Building Division, that was confirmed using Trinity County Assessor's Office or Trinity County Building Division data. A "Grandfathered" determination must be provided in writing from the Trinity County Building Division.

"Immature" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means cannabis plant that is not flowering.

"Indoor" means within a "fully enclosed and secure structure" as defined herein, using artificial lights at a rate greater than twenty-five watts per square foot.

"Land Use Entitlement" is defined as a legal agreement between a government agency and a landowner to allow a proposed development.

"Legal dwelling or residence" means a building intended for occupancy as living quarters that the Trinity County Building Division has determined to be "Grandfathered" ~~or built prior [to] 1972 or that is properly permitted by the County~~ has received final sign off and certificate of occupancy from the Trinity County Building Division.

"Legal parcel" for purposes of this ordinance, means a parcel with a distinct and separate assessor's parcel number. ~~Where contiguous legal parcels are under identical ownership by an individual or an entity.~~

"Marijuana" and "cannabis" are used interchangeably and means any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"Manufacture" means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product. In addition, "manufacturer" means a permittee that conducts the production, preparation or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

~~"Mature" which is defined under California Code of Regulations Section 8000, and, at the time of enactment,~~ means a cannabis plant that is flowering. See definition for "flowering".

"Medium outdoor" is an outdoor cultivation site between ten thousand one square feet and one acre of total canopy.

"Microbusiness" is defined as the cultivation of cannabis on an area of less than ten thousand square feet and to act as a permitted cannabis distributor, and/or manufacturer, and/or retailer, provided such permitted uses comply with all requirements imposed on cultivators, distributors, manufactures and retailers by the county and state to extend the permittee engages in such actives.

~~"Mixed light" means the cultivation of mature cannabis in a greenhouse, hoop house, glasshouse, conservatory, hothouse, or other similar structure using one of the artificial lighting models described below:~~

~~"Mixed light Tier 1" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 Section 8000, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less;~~

~~"Mixed light Tier 2" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means the use of artificial light at a rate above six and below or equal to twenty five watts per square foot.~~

"Mixed-light cultivation" means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of:

(1) Natural light and either of the models listed below:

(A) "Mixed-light Tier 1," without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot; or

(B) "Mixed-light Tier 2," the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot

"NHPA" means the National Historic Preservation Act.

"NRHP" means the National Register of Historic Places.

"Non-storefront retail" is defined as the selling and delivering of cannabis and cannabis goods to customers from a permitted premise that is not open to the public.

"Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide and ethanol. This requires a Type 6 permit which allows for extraction using mechanical methods or nonvolatile solvents.

"Nuisance" is intended to comply with chapter 8.64.

"Cannabis nursery" "Nursery facility" means a wholesale sales facility operated by a permittee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting and promulgation of cannabis and sold only to permitted commercial cannabis cultivation growers. Retail sales are not permitted.

"Outdoors" or "outdoor cultivation" means the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants. Light deprivation is permitted.

"Permittee" is defined as a person who is issued a permit or other entitlement for use by one or more public agencies.

"Planning department" means the Trinity County Planning Department, or ~~department~~ Division or agency that is designated by the Trinity County ~~Planning Director~~.

"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 permittee where the commercial cannabis activity will be or is conducted. ~~The premises may only be occupied by one county commercial cannabis cultivation permit 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. all activities associated with the drying, curing, sifting, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products.

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

"Proof of enrollment" shall mean proof of order number in good standing from the NCRWQCB or the State Water Resource Quality Control Board.

"Program" for the purposes of this chapter refers the cannabis permit process within Trinity County that regulates compliance with local land use and ordinance.

"Project" is defined as an activity that involves the issuance to a person of a permit or other entitlement for use by one or more public agencies.

"RD" means renewable diesel.

"Residential treatment facility" means a facility providing for treatment of drug and alcohol dependency.

"Self-transport" means the transportation within the State of California by a permitted cultivator holding a DCC type 13 self-distribution permit.

"Self-Processor" is a permit 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 permits 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 permittee within Trinity County on which cultivation is permitted to occur. The permittee must provide verification to the satisfaction of the Director that the owner holds the appropriate distribution and/or transportation permits, or any similar permit, as applicable, for Trinity County and all required permits 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 permits and permits in the adjoining county.

"Sensitive Receptor" is defined as children, elderly, asthmatics and others whose are at a heightened risk of negative health outcomes due to exposure to air pollution.

"School" means an institution of learning for minors, whether public or private (excluding homeschools), offering a regular course of instruction required by the California Education Code, or any permitted 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.

"Shared-use facility" means a manufacturing premises operated by a Type 6, Type N, or Type 7 permittee in which Type S permittees are authorized to conduct manufacturing or processing operations. Shared use facilities shall be operated in accordance with California Code of Regulations, Title 17 Division 1 Chapter 13, Manufactured Cannabis Safety Subchapter 1, General Provisions and Definitions, Article 6, Shared-Use Facilities, or as those provisions are amended.

"Site" has the same meaning as "premises" as defined within this chapter.

"Stacking" or "stacked permit" means multiple cultivation permits on a single property that has an existing approved cannabis permit and is suitable for the proposed canopy area.

"Storefront Retail" means a permitted retailer selling adult-use and medical cannabis or cannabis products to the end user or customer. A Cannabis Storefront Retailer does not include the following uses; (1) a clinic pursuant to Chapter 1 of Division 2 of the Health and Safety Code; (2) a residential care facility for the elderly permitted pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; and (3) a residential hospice or a home health agency permitted pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

"Substantial Evidence" means, for purposes of this chapter, facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence.

"Summary abatement" means the removal of an immediate threat to the public health or safety.

"SWRCB" means the California State Water Resources Control Board.

"Testing Facility" means any cannabis testing facility that requires a State License.

"Third party" means an individual or entity, other than the permit holder in question, possessing a valid commercial cannabis permit from the State of California.

"USACE" means the United States Army Corps of Engineers.

"USFWS" means the United States Fish and Wildlife Service.

"Watts per square foot" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means the sum of the maximum wattage of all lights identified in a designated canopy area(s) in the

cultivation plan divided by the sum of the dimension in square feet of designated canopy area(s) identified in the cultivation plan.

"Wildlife exclusionary fencing" means fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet high measured from grade.

"Variance" is defined as Trinity County Ordinance No. 315, Section 31.

"Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. The state's examples of volatile solvents include, butane, hexane, and propane. Type 7 permittee can use both nonvolatile and volatile solvents in its extractions, infusions or mechanical methods.

"Youth-oriented facility" means public park, school, or 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.

17.43.0X0 Nonconforming Cannabis Uses (New)

- A. Trinity County licenses obtained prior to the date of adoption of this ordinance (XXXX, XX, 202X), shall be considered to be legal and nonconforming until such time that the applicant/owner of the permit applies for a substantial change to the use, size, or location of any cannabis uses authorized under their existing approved and compliant Trinity County and state cannabis licenses.
- B. A substantial change to an existing permitted cannabis use is defined as follows:
 - 1. Change in commercial cannabis use type as defined by the County and/or State.
 - a. Except for cultivation use types that involve the change of type of light used. Such change of mixed light to outdoor.
 - 2. An increase of the intensity or substantive change in the location of the area used for cannabis activities.
 - 3. A change to the previously approved site configuration that results in substantive changes to the approved site specific environmental document for the project.
- C. Trinity County permits and state cannabis licenses obtained prior to the adoption of a Cannabis Exclusionary Zone area identified on the Cannabis Exclusionary Zone map shall be considered to be legal non-conforming uses and shall not be expanded or substantially changed as described in paragraph B.

17.43.0X0 Cannabis Permit Types (Modified from Existing)

- a. Cannabis Permits That Require a Use Permit:
 - 1. Medium Outdoor
 - 2. Stacked Cannabis Permits in Excess of 10,000 SF
 - 3. Nursery Facility
 - 4. Distributor – requiring a Type 13 State License
 - 5. Testing Facility
 - 6. Microbusiness
 - 7. Manufacturing - requiring a Type 6 Non-Volatile, Type 7, Type N, Type P or Type S Manufacturing State License
 - 8. Storefront Retail – certain Zoning Districts require a use permit
 - 9. Processor

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- b. A use permit and/or permit applications are independent and separate actions. Approval of one does not guarantee approval of the other. The proper land use entitlement must be obtained prior to the commencement of construction or business operations at the project facility.
 - c. See Allowable Zoning in the respective sections in this chapter to determine the type of use permit required for each activity.
 - d. Cannabis Permit Types that Qualify for a Cannabis Permit, that do not require a use permit:
 - a. Specialty Cottage.
 - i. "Specialty cottage outdoor" is an outdoor cultivation site with up to twenty-five mature plants or 2,500 square feet or less of total canopy. If cultivation area is under two thousand square feet with a slope less than five percent a water board permit is not required. Or if cultivation area is between two thousand and two thousand five hundred square feet or if under two thousand square feet with a slope greater than five percent a water board permit is required.
 - ii. "Specialty cottage indoor" is an indoor cultivation site with five hundred square feet or less of total canopy.
 - iii. "Specialty cottage mixed-light Tier 1 and 2" is a mixed-light cultivation site with two thousand five hundred square feet or less of total canopy.
 - b. Specialty.
 - i. "Specialty outdoor" is an outdoor cultivation site with less than or equal to five thousand square feet of total canopy, or up to fifty mature plants on noncontiguous plots.
 - ii. "Specialty mixed-light Tier 1 and 2" is a mixed-light cultivation site between two thousand five hundred one and five thousand square feet of total canopy.
 - c. Small.
 - i. "Small outdoor" is an outdoor cultivation site between five thousand one and ten thousand square feet of total canopy.
 - ii. "Small mixed-light Tier 1 and 2" is a mixed-light cultivation site between five thousand one and ten thousand square feet of total canopy.
 - d. Non-Storefront Retail
 - e. Self-Distribution may be allowed on any parcel with a Cultivation Cannabis Permit, with the appropriate State License.

17.43.0X0 Limitation on location to cultivate cannabis. (Modified)

17.43.0X0 Limitation on location to cultivate cannabis. (Existing Section)

- a. A. Applications will not be approved for cultivation of cannabis in any amount or quantity, in the following areas:
 - b. 1. Within one thousand feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein.
 - c. 2. Within five hundred feet of an authorized school bus stop.
 - d. 3. A legal parcel without a legal dwelling, or without an active building permit.
 - e. 4. Timber production zones (TPZ) with the exception made for qualified Phase I applicants (persons or entities who completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County-based operation by August 1, 2016).
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- ~~f. 5. Residential 1 (R1), residential 2 (R2), or residential 3 (R3) zones.~~
- ~~g. 6. Within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.~~
- ~~h. 7. Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District, Bucktail Subdivision and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:~~
- ~~i. • Weaverville Community Services District by December 31, 2016;~~
- ~~j. • Lewiston Community Services District by January 15, 2017;~~
- ~~k. • Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.~~
- ~~l. 8. For specialty cottage, specialty and small permits cultivation shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. For medium permits, cultivation shall not be allowed within five hundred feet of an adjacent property line. Applications for a reduction from this provision will be considered by the Trinity County Cannabis Division Director.~~

Applications for Cultivation Cannabis Permit will only be accepted for parcels in the following zoning districts:

- a. Agriculture Preserve (AP)
- b. Agriculture (A)
- c. Agriculture Forest (AF)
- d. Rural Residential (Any Minimum Parcel Size or Density, i.e., RR1, RR2.5, RR5, RR10)
- e. Unclassified (UNC) with General Plan Designation of Resource (RE), Agriculture (A), Village (V), and Rural Residential (RR) – any density
- f. Timber production zones (TPZ) with the exception made for qualified Phase I applicants (persons or entities who completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County-based operation by August 1, 2016).
- g. Specific Unit Develop (SUD), that allows for agriculture.

Applications for Cultivation Cannabis Permit will not be accepted for parcels in the following areas:

- a. ~~Within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.~~
- b. Ruth Lake Specific Unit Development [this is primarily the area within the Ruth Lake Recreation Area].
- c. Any parcel with the Recreation district #1(RD-1) overlay zoning district [this is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area].
- d. Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District, Bucktail Subdivision and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

1. Weaverville Community Services District by December 31, 2016;

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2. Lewiston Community Services District by January 15, 2017;
 3. Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
- e. Any Cannabis Exclusionary Zoning Overlay Layer adopted by the Trinity County Board of Supervisors that explicitly restricts cultivation activities or permanent County Ordinance adopted prior to the adoption of this amendment.

17.43.0X0 Type 3 – Medium Cultivation Permits. (Existing - Modified)

- A. The County will allow fifteen Type III permits. These permits shall be available to those who have already obtained a small commercial cultivation permit.
1. To be eligible, the applicant must:
 - a. Be applying for property that is fifty acres or more.
 - b. Apply for and obtain a conditional use permit.

17.43.0X0 Stacking Permits. (New)

The County will allow application for more than one cannabis permit on a parcel. These permits shall only be available to applicants who have already obtained a commercial cultivation permit.

1. To be eligible, the applicant must:
 - a. Comply with the applicable setback requirements associated with each specific permit type.
 - b. Stacked licenses must comply with any existing exceptions that apply to the first license and will not be eligible for additional buffer reductions.
 - c. Project sites that wish to stack more than one cannabis permit per parcel and remain under 10,000 SF of total canopy will not be required to apply for a Use Permit.
 - d. Projects with more than 10,000 SF and up to 20,000 SF of total canopy must submit a Draft Site-Specific Environmental Document prepared by a Qualified Professional for County to Review at Cost and apply for and obtain a Director's Use Permit.
 - e. Projects with more than 20,000 SF of combined canopy must submit a Draft Site-Specific Environmental Document prepared by a Qualified Professional for County to Review at Cost and apply for and obtain a Planning Commission approved Conditional Use Permit.

17.43.020 Application Requirements (combined, adapted from current application packets)

Application Standards for All Cannabis Permits:

- A. Submission of any application to the Trinity County Cannabis Program does not guarantee permit approval.
- B. Applicant is responsible to acquire and maintain the applicable equivalent State License Type.
- C. All applications shall conform and be subject to standards in Trinity County Code Section 17.30E and submit, at minimum, the following application requirements for Cannabis Permits that Do Not Require an Approved Use Permit:
 1. Fully Completed New or Renewal Application
 2. Up to Date Site Plan
 3. Building Structure List
 4. Agent's Authorization Form (if applicable)
 5. Acknowledgment Form

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6. Indemnification Form
 7. Material Use Acknowledgment Form
 8. Authorization to Enter Private Property Form
 9. If applicant is different than the owner of the parcel, applicant must submit a notarized Lease Agreement that specifically allows for cultivation or submit a notarized Owner's Permission Form, which is prepared by the Division.
 10. Copy of Property Owner(s) Photo IDs
 11. Copy of Property Deed(s)
 12. Copy of Applicant's Photo IDs
 13. For Trusts: Attach list of Trustees that are authorized to execute improvements on property.
 14. Applicants must provide proof of adequate sanitation facilities by completing one of the following:
 - a. Proof of a finalized dwelling permit by the Building Department.
 - b. Written documentation (i.e., letter or email) from the Building Department that the residential structure is considered to have "Grandfathered" status.
 - c. Proof of active building permit for a residential structure and proof of submission of application for a Director's Use Permit to occupy an RV during construction.
 - d. Proof of farm labor sanitation facilities that provides adequate sanitation for the number of employees.
 15. Proof of legal sewage disposal system (municipal acct info/receipt or valid permit by the Environmental Health Division), including the permit number and year finalized.
 16. Proof of legal water source (municipal account info/receipt, well report, well test, riparian claim, and/or rain catchment schematics), including the permit number and year finalized.
 17. Provide valid California State Water Resources Control Board (SWRCB) Notice of Applicability (NOA) No.
 18. Provide a copy of a valid California Department of Tax and Fee Administration (CDTFA) Seller's Permit that contains the physical address of the cannabis project site.
 19. Provide a copy of a valid of the business's Secretary of State Statement of Information (SOI) Form (for entities formed as corporations, including as an LLC).
 20. Provide a copy of a valid California Department of Fish and Wildlife (CDFW) Lake or Streambed Alteration Agreement (LSAA) Proof of Enrollment (Draft or Final Agreement Will Be Required Prior to Permit Issuance) or Refund Letter.
 21. Waste Management Plan
 22. Submitted completed Appendix C Environmental Document with Biological Assessment and Cultural Reconnaissance Survey.

17.43.0X0 Application Requirements for All Permit Types that Require a Use Permit:

1. Application Page
 2. Acknowledgement Form
 3. Indemnification Form
 4. Agents Authorization Form
 5. Maintaining Existing Site Conditions Form
 6. Authorization to Enter Private Property Form
 7. Owner Permission Form
 8. Project Description Questionnaire
 9. Project Cost Reimbursement Agreement
 10. Site Operations Plan (Required for Microbusiness, Distribution, Testing, Manufacturing)
 11. Copy of any Additional State Required Forms
 12. (i.e., Transportation Procedures, Inventory Procedures, Security Procedures, etc.)
 13. Completed Cost Recovery Form
 14. All Permit Specific Applicable Documents
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15. Waste Management Plan

17.43.0X0 Additional Application Requirements by Specific Permit Type:

Medium Permit Type 3 Requirements:

1. Verify Opt Out by Permit Type
2. Site Specific Initial Study (IS)/ Mitigated Negative Declaration (MND) prepared by a Qualified Professional for County to Review at Cost – an EIR could be required if the IS findings are found to have Significant Impacts
3. If Proposing New Development:
 - a. Grading Plan (Prepared by a qualified professional)
4. Conversion Plan (Prepared by a qualified professional)
5. Circulation/Transportation Plan (Prepared by a qualified professional)

Nursery: 17.43A

1. Verify Opt Out by Permit Type
2. Site Specific Initial Study (IS)/ Mitigated Negative Declaration (MND) prepared by a Qualified Professional for County to Review at Cost – an EIR could be required if the IS findings are found to have Significant Impacts
3. Security Plan (Prepared by a qualified professional)
4. For New Development (not in an existing facility):
 - a. Grading Plan (Prepared by a qualified professional)
 - b. Conversion Plan (Prepared by a qualified professional)
5. Fire Safety and Prevention Plan (Prepared by a qualified professional)

Distribution: 17.43B

1. Verify Opt Out by Permit Type
2. Site Specific Initial Study (IS)/ Mitigated Negative Declaration (MND) prepared by a Qualified Professional for County to Review at Cost – an EIR could be required if the IS findings are found to have Significant Impacts
3. Circulation/Transportation Plan (Prepared by a qualified professional)
4. Site Operations Plan
5. Security Plan (Prepared by a qualified professional)
6. Fire Safety and Prevention Plan (Prepared by a qualified professional)
7. For New Development (not in an existing facility):
 - a. Grading Plan (Prepared by a qualified professional)
 - b. Conversion Plan (Prepared by a qualified professional)

Testing: 17.43C

1. Verify Opt Out by Permit Type
2. Draft Site-Specific Environmental Document prepared by a Qualified Professional for County to Review at Cost
3. Circulation/Transportation Plan (Prepared by a qualified professional)
4. Site Operations Plan
5. Security Plan (Prepared by a qualified professional)
6. Fire Safety and Prevention Plan (Prepared by a qualified professional)
7. For New Development (not in an existing facility):
 - a. Grading Plan (Prepared by a qualified professional)
 - b. Conversion Plan (Prepared by a qualified professional)

Microbusiness: 17.43E

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1. TCC outlines specific thresholds that qualify projects for DUP or CUP
 2. Current Status of CCL
 3. Verify Opt Out by Permit Type
 4. Draft Site-Specific Environmental Document prepared by a Qualified Professional for County to Review at Cost
 5. Circulation/Transportation Plan (Prepared by a qualified professional)
 6. Site Operations Plan
 7. Security Plan (Prepared by a qualified professional)
 8. Fire Safety and Prevention Plan (Prepared by a qualified professional)
 9. For New Development (not in an existing facility):
 - a. Grading Plan (Prepared by a qualified professional)
 - b. Conversion Plan (Prepared by a qualified professional)

Manufacturing: 17.43F

1. Verify Opt Out by Permit Type
2. TCC outlines specific thresholds that qualify projects for DUP or CUP
3. Draft Site-Specific Environmental Document prepared by a Qualified Professional for County to Review at Cost
4. Circulation/Transportation Plan (Prepared by a qualified professional)
5. Site Operations Plan
6. Security Plan (Prepared by a qualified professional)
7. Fire Safety and Prevention Plan (Prepared by a qualified professional)
8. For New Development (not in an existing facility):
 - a. Grading Plan (Prepared by a qualified professional)
 - b. Conversion Plan (Prepared by a qualified professional)

Storefront Retail: 17.43H

1. Verify Opt Out by Permit Type
2. Draft Site-Specific Environmental Document prepared by a Qualified Professional for County to Review at Cost
3. Circulation/Transportation Plan (Prepared by a qualified professional)
4. Site Operations Plan
5. Security Plan (Prepared by a qualified professional)
6. Fire Safety and Prevention Plan (Prepared by a qualified professional)
7. For New Development (not in an existing facility):
 - a. Grading Plan (Prepared by a qualified professional)
 - b. Conversion Plan (Prepared by a qualified professional)

Processor: 17.43I

1. Verify Opt Out by Permit Type
2. Draft Site-Specific Environmental Document prepared by a Qualified Professional for County to Review at Cost
3. Site Operations Plan
4. Security Plan (Prepared by a qualified professional)
5. Fire Safety and Prevention Plan (Prepared by a qualified professional)
6. Commercial Cannabis Processing Plan
7. For New Development (not in an existing facility):
 - a. Grading Plan (Prepared by a qualified professional)
 - b. Conversion Plan (Prepared by a qualified professional)

17.43.OX0 Required Findings Per Permit Type:

17.43.030 Application Requirements (Existing- modified)

16. A. Issuance of a permit grants permission to cultivate cannabis plants within the guidelines of this chapter and state law. After receipt of a permit, applicants who cultivate pursuant to the guidelines of this chapter and applicable state law will be exempt from the plant count restrictions in the existing Trinity County Personal Grow Ordinance (Zoning Ordinance No. 315-797) and/or AUMA, whichever is greater. Instead, applicants will be subject to the cultivated square footage provisions as defined by state regulations and allowed in this chapter.
17. B. Any permitting, except for specialty cottage outdoor that qualifies under two thousand square feet cultivation area and less than five percent slope, provided under this chapter will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's Order regulating discharge requirements for discharges of waste associated with cannabis cultivation activities. Applicants, except for specialty cottage outdoor applicants, shall have been compliant with this requirement during the application period covered by the urgency ordinance to develop a record of environmental compliance. Applicants for specialty cottage outdoor shall enroll under the SWRCB's order on or before the date of application for a Trinity County commercial cultivation permit.
18. C. Approval of a Trinity County Cannabis Permit grants permission to engage in Commercial Cannabis activities, with the appropriate State Licenses.
19. D. Any permitting required under this chapter will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's order regulating discharge requirements for discharges of waste associated with cannabis cultivation activities.
20. E. Application for a permit pursuant to this chapter does not give the applicant any property rights, and it is not a permit or a guarantee that a permit shall be issued. Application does not equate to non-conforming entitlement and the application is only transferrable under the conditions in Section 17.43.030(E).
21. F. Use of cannabis is not recognized under federal law and Trinity County does not grant any right to violate federal law.
22. G. County permittees shall obtain the appropriate state licenses with the appropriate state permitting authority within ninety days of obtaining a county permit. Issuance of a county permit does not guarantee the issuance of a state license. Issuance of a state license does not guarantee the issuance of a county permit.
23. H. Notwithstanding any other provision of this chapter, a person participating in the cultivation of cannabis who is permitted pursuant to this chapter, but who applies for and is denied a state license, shall immediately cease all cannabis cultivation in violation of the personal grow ordinance (Zoning Ordinance No. 315-797) within the county until he/she successfully obtains the proper State cultivation permit(s).
 1. Proof of enrollment in good standing with NCRWQCB Order #2015-0023 or the SWRCB.
 2. Apply for and obtain a board of equalization seller's permit.
 3. Employ only persons who are at least twenty-one years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance and state worker's compensation and liability laws.
 4. Applicant cannot have been convicted of a serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis, except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
 5. As a condition of registering any cannabis cultivation site pursuant to this chapter, the applicant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought

against the county, its agencies, boards, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

- B. Applicants consent to compliance inspections as part of their application process. Inspections will be conducted by county officials during regular business hours Monday through Friday, eight a.m. to five p.m., excluding holidays. Applicants are permitted to participate in the inspection verification or monitoring. If possible, Trinity County will attempt to give twenty-four-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application.
- C. All permitted cultivators within Trinity County can self-transport their own product to permitted distributors and/or manufactures as permitted by state law. Cultivators must obtain the appropriate state license permitting self-transport within ninety days of receiving permission from the county. Cultivators must indicate on their Trinity County application and that activity is reflected within the approved CEQA document that they would like permission to self-transport. If so designated in the application, and associated documents there will be no additional fees.
- D. All documents/plans/monitoring/inspections filed as part of enrollment become part of the county application.
- F. Each premise upon which cultivation will occur must have a legal dwelling unless permittee is cultivating on a contiguous legal parcel with a legal dwelling which is under identical ownership as the parcel upon which cultivation will occur.

17.43.0XX. Transfers (adapted from application section)

- A. Permits may only be transferred under the following conditions:
 - 1. As part of the sale of the property or sale of business for which the permit has been issued.
 - 2. The new applicant shall reapply, pay applicable fees, and meet all requirements for the property and business to transfer. All exceptions that apply to the original permit shall transfer with the permit.
 - 3. Permits cannot be transferred more than once in a calendar year.
 - 4. The new permittee may maintain the original permit number.
 - 1. Applicant must adhere to the pre-existing approved site configuration in order to qualify for re-issuance of associated cannabis permit.
 - 2. Applicant may be required to update documents with other regulatory agencies in order to re-issue the associated cannabis permit.
- B. In the event of the death or incapacitation of the applicant, the next of kin shall:
 - 3. Notify the Division in writing with documentation demonstrating that the owner(s) is incapable of performing the duties associated with the license such as a death certificate or a court order, and documentation demonstrating that the person making the request is the owner or owners' successor in interest such as a court order appointing guardianship, receivership, or a will or trust agreement.
 - 4. Submit new application for the new applicant.

17.43.0X0 Land Use Buffers (New)

- A. Land Use Buffers. Unless otherwise identified, the buffers identified in Table 2 - Land Use Buffers are required between any commercial cannabis use and any identified land use.

1. Buffers shall be applied between commercial cannabis uses and residential uses, public parks, permitted day care facilities, places of worship, public or private schools, drug treatment facilities, and youth centers.
2. Cannabis use buffers shall be measured from the closest point of any structure or outdoor area containing or being used for the cultivation, manufacturing, retail sales, testing, or processing of cannabis plants or products to the closest property line.
3. Cannabis use buffers shall be measured from the closest point of any structure or outdoor area containing or being used for cultivation to the legal dwelling or residence on an adjoining parcel.
4. Buffer Reductions. When deliberating a Conditional Use Permit or Annual Cannabis Permit application, a reduction from the required distances in Table 2 may be considered by the Director, when the following criteria is met:
 - a. That the applicant has provided documented justification for the requested buffer reduction.
 - b. That there are special circumstances unique to the properties in question that would reasonably allow a buffer reduction.
 - c. That the buffer reduction would not result in harm to the public health, safety, or welfare and nearby land uses.
 - d. When applicable, the applicant would provide a letter of support from the nearby receptor (e.g., place of worship, neighbor etc.).
 - e. During the review of the documentation submitted, the County will send Consent/Opposition forms to adjacent parcels to allow the opportunity to supply consent or opposition for the buffer reduction request. If the County receives written opposition from an applicable nearby receptor, then the buffer reduction request will be scheduled for hearing at the Planning Commission for consideration.
 - f. The following situations are considered exceptions from the buffer distances listed in Table 2:
 - i. Cannabis permit types that are less than the required buffer distance from other cannabis permit types will not be required to meet the associated buffers nor require a buffer reduction to comply with the standards of this Chapter.
 - ii. Cannabis permit types that are less than the required buffer distance from sensitive receptors that are under identical ownership of the permittee.
 - iii. Cannabis permit types that are found to be less than the required buffer distance due to the construction of a sensitive receptor on an adjacent land not under ownership of the permittee is not required to comply with buffer measurements under the non-conforming section.

Table 2- Land Use Buffers

<u>Permit Types</u>	<u>Land Use Type</u>	<u>Buffer Distance</u>
Cultivation except Medium Outdoor, Stacked Permits, Nursery Facility, Distributor, Testing Facility, Microbusiness, Manufacturing Type 7, Processor	Legal Dwelling or Residence on Adjoining Parcels	350 feet
Cultivation except Medium Outdoor, Stacked Permits, Nursery Facility, Distributor, Testing Facility,	Public parks, Licensed day cares, Places of worship, Public or private schools, Residential Treatment facilities, Youth centers	1,000 feet

Microbusiness, Manufacturing Type 7, Processor		
Storefront Retail with Consumption Lounge	Public parks, Licensed day cares, Places of worship, Public or private schools, Residential Treatment facilities, Youth centers	1,000 feet
Storefront Retail without Consumption Lounge	Public parks, Licensed day cares, Places of worship, Public or private schools, Residential Treatment facilities, Youth centers	600 feet

17.43.100 Commercial Cannabis Exclusion Overlay Zones (New)

- A. The Cannabis Exclusionary Overlay Zone (Exclusionary Zone) are areas within Trinity County where new applications for commercial cannabis uses are prohibited. Existing and issued commercial cannabis permits within the Exclusionary Zone are subject to the nonconforming use regulations described in Section 17.41.070.
- B. Commercial Cannabis land uses shall not be allowed within the areas of the county as shown on the Cannabis Exclusionary Overlay Zone Map recorded and filed with the Trinity County Planning Department and Board of Supervisors as a Zoning Text Amendment.
- C. The following process is required for the creation of a new or removal of an existing Exclusionary Zone:
 - 1. The Board of Supervisors shall have authority to approve a new Exclusionary Zone or remove an existing Exclusionary Zone area, after recommendation from the Planning Commission.
 - 2. The proposed Cannabis Exclusionary Zone must be defined by documented existing legal boundaries such as an existing water district, fire district, legally approved and recorded subdivision, public roads, or private roads with recorded easements.
 - 3. A Zoning Amendment application and required fees shall be submitted for the establishment of a new Exclusionary Zone or removal of an existing Exclusionary Zone.
 - 4. The Exclusionary Zone application shall include a petition signed by at least sixty (60) percent of the property owners representing fifty percent of the land area within the proposed Exclusionary Zone boundaries. All signatures must be verified by the Trinity County Clerk Recorders Office.
 - 5. The petition must be accompanied by a written description stating the reasons for the creation of a new or removal of an existing Exclusionary Zone. Reasons may include public nuisance, threat to public health and safety, and/or non-compliance with any state law.
 - 6. The Planning Commission shall review and provide a recommendation to the Board of Supervisors for approval, denial, change of boundaries, or removal of an Exclusionary Zone.
 - 7. The Board of Supervisors shall make the following findings for approval of a proposed Exclusionary Zone:
 - a. The proposed Exclusionary Zone area has clearly defined and legal boundaries, including an Exhibit that clearly defines the boundary on an acceptable map.
 - b. The reason for the creation of the Exclusionary Zone are clear, consistent, and will not have adverse social equity outcomes that will inhibit general community access to opportunities and outcomes. Reasons may include but are not limited to:
 - i. Impaired public resources such as water resources and roadways.
 - ii. A public nuisance that adversely impacts residents such as odor-

17.43.060 Performance standards for commercial cultivation of cannabis. (existing)

Cultivation permit holders and permittees shall ensure compliance with all of the performance standards stated in Section 17.43G.030 and 17.43G.040 of this code. In addition, permit holders and permit holders shall ensure compliance with the following additional standards:

- A. It is declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of the county to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of cannabis plants in excess of the limitations imposed by this section or personal grow section (Zoning Ordinance No. 315-797) and/or AUMA.
 - ~~B. The cultivation of cannabis shall not exceed the noise level standards as set forth in the county general plan: 55 A weighted decibels (dBA) from seven a.m. to seven p.m. and 50 dBA from seven p.m. to seven a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between ten p.m. and seven a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use:
 - ~~1. Project generated sound must not exceed ambient nesting conditions by twenty to twenty-five dBA.~~
 - ~~2. Project generated sound, when added to existing ambient conditions, must not exceed ninety dBA. (MM 3.4 2n.)~~~~
 - C. Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.
 - D. The cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. If the designated area has more than a thirty-five percent slope, the applicant shall apply for Tier 2 cultivation under the NCRWQCB Order #2015-0023, or regulations established by the SWRCB.
 - E. Cannabis grown outdoors may be contained within wildlife exclusionary fencing that fully encloses the designated area. The director shall review all wildlife exclusionary fencing for esthetic and wildlife and/or human safety concerns, and can prohibit fencing he/she deems unacceptable.
 - ~~F. All buildings where cannabis is cultivated or stored shall be secured to prevent unauthorized entry.~~
 - G. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, shall be stored in a secured and locked structure or device. All uses of pesticide products shall be in compliance with state pesticide laws and regulations enforced by the county agricultural commissioner's office, Trinity County Environmental Health and the California Department of Pesticide Regulation.
 - H. Hazardous materials and wastes from agricultural businesses are regulated by Trinity County Environmental Health and the Department of Toxic Substances Control Trinity CUPA.
 - I. Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally restricted use products can only be used by a certified applicator.
 - ~~J. The following rodent repellents may be used in and around cannabis cultivation sites consistent with the label: Capsicum oleoresin, putrescent whole egg solids and garlic.~~
 - K. Any person who is not the legal owner of a parcel and who is cultivating commercial cannabis on such parcel shall provide written and notarized authorization from the legal owner of the parcel prior to commencing cultivation on such parcel.
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- L. All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.
 - M. Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
 - N. The cultivation of cannabis shall comply with CalFire and CDFW regulations and any other resource agency having jurisdiction, including all activity but not limited to; clearing of land, stream crossings, water diversions and riparian buffer zones.
 - O. Applicant shall obtain coverage under the general permit for discharges of storm water associated with construction activity (construction general permit, 2009-0009-DWQ) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.
 - P. An applicant shall not be denied a permit for the following reasons:
 - 1. ~~The property has an unpermitted structure without plumbing or electricity, if the structure is less than one hundred twenty square floor feet.~~
 - 2. ~~The property has an unoccupied out building without plumbing or electricity, if the building was built prior to 2001.~~
 - Q. ~~Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of cannabis plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure structure.~~
 - R. All permittees shall enroll in the state's track and trace program within ninety days of receiving a Trinity County Permit.
 - S. All provisions of this chapter shall apply regardless of whether the activities existed or occurred prior to the adoption of the ordinance codified in this chapter.
 - T. ~~Environmental and animal friendly linings should be used when constructing water ponds on the property.~~
 - U. ~~Permit applications for new cultivation sites and requests for permit renewal for sites located within one-half mile of a county designated scenic roadway, or scenic byway, or Trinity heritage scenic byway, will provide details on methods to screen the cultivation site from public views along the scenic roadway, scenic byway, or Trinity heritage scenic byway so that the developed site conditions blends with the existing visual character of the viewshed and does not dominate the view. Screening may be accomplished through retention of perimeter trees and other vegetation, revegetation as part of site modification or closure, or other methods determined acceptable to the county with locally appropriate native vegetation. This requirement will not apply to cultivation sites that demonstrate the site is not visible from the scenic roadway, scenic byway, or Trinity heritage scenic byway. Due to the topography of specific sites, a fence may not be adequate to screen a cultivation site from the roadway. For these sites, perimeter trees and other vegetation shall be used. (MM 3.1 1a.)~~
 - V. ~~Permit applications for new cultivation sites and requests for permit renewal will maintain the premises clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on the premises for a period greater than two weeks for the life of the permit. The county will inspect compliance with this measure prior to permit renewal. (MM 3.1 1b.)~~
 - W. ~~Covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements. The county will inspect compliance with this measure prior to permit renewal. (MM 3.1 1c.)~~
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- X. ~~Vegetation cleared as part of cultivation operations, or for cultivation purposes, shall not be burned unless proof is submitted that all required permits have been obtained including, but not limited to, a standard burn permit, a non-standard burn permit, and/or CalFire approval for less than three-acre conversion. (MM 3.3-1a.)~~
- Y. Cultivation sites shall not place any structures or involve any grading that alters the capacity of the one hundred-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the one hundred-year floodplain. All cultivation uses (plants, planter boxes and pots, and related materials) will be removed from the 100-year floodplain between November 1 and April 1 each year. (MM 3.10-1b.)
- Z. All mitigation measures identified in the site-specific environmental document and applied to the approved Project shall be considered performance standards.

17.43.0X0 Appeals (New)

- A. Any person dissatisfied with a decision of the planning director may appeal therefrom to the planning commission at any time within ten (10) working days after notice of the decision is given in accordance with section 17.34. Such appeal is taken by filing a notice of appeal with the planning director and paying the required appeal fee, including submission of a cost recovery form. Upon filing of a notice of appeal, the planning director shall within ten (10) days transmit to the secretary of the planning commission all papers and documents on file with the planning director relating to the appeal and proposed a tentative hearing date for the commission hearing.
- B. Members of the public that wish to appeal Director or Planning Commission Decisions must submit an application that complies with all of the following:
1. Appellant must live, work or be formally associated with a land use type specified in Table 2 of the subject location they are appealing.
 2. Appellant must provide clear reasons for appeal that are supported by Substantial Evidence.

~~17.43.070 Denial/revocation of permit. (omitted and merged with below section)~~

17.43.130 Enforcement, Suspension, Revocation and Fines. (combined)

- A. Violation of this chapter are subject to fines and abatement pursuant to Chapter 8.64 and 8.90 of the Trinity County Code.
- B. Any of the following may be grounds for suspension or revocation of a previously approved permit granted for a commercial cannabis activity based on substantial evidence and following notice:
1. Failure to comply with one or more of the standards or conditions of the Trinity County cannabis permit;
 2. The Trinity County cannabis permit was granted on the basis of false material information, written or oral, given willfully or negligently by the applicant;
 3. The applicant has not complied fully with the provisions of this chapter, including any of the requirements of NCRWQCB, SWRCB, CDFW, or DCC.;
 4. The applicant engages in site or building improvements specific to the use before the appropriate permit has been issued or before the applicant's requested changes have been approved;
 5. Any act or omission by an owner or permittee in contravention of the provisions of this Chapter;
 6. Any act or omission by an owner or permittee that results in the denial, revocation or suspension of the owner's or permittee's state license;
 7. Any act or omission by an owner or permittee in contravention of state law or the Trinity County Code;
 8. An owner's or permittee's failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or permits in good standing with the County or State;
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9. Conduct of the commercial cannabis activities in a manner that constitutes a nuisance, where the owner or permittee has failed to comply with reasonable conditions to abate the nuisance.
 10. The operation as proposed by the applicant, would not have complied with all applicable county and state laws, including, but not limited to; the Building, Planning, Housing, Fire Safety and Health Codes of the County, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.
- C. If the Planning Director or their designee determines that grounds for suspension or revocation of the Trinity County cannabis permit exist pursuant to section 17.43.130 A, the Planning Director or their designee shall issue a written notice to revoke or suspend the permit. The written notice shall be sent to the owner and permittees on the property, as reported on the commercial cannabis permits issued pursuant to section 17.43.050. The written notice shall be served by either personal delivery or by certified U.S. Mail, postage prepaid, return receipt requested. The written notice shall describe the property, the intention to revoke or suspend the use permit, the grounds for revocation or suspension, the action necessary to abate the violation, the time limit for compliance, and the right to a hearing.
 - D. The owner and permittees shall be given up to seven (7) business days after date of written notification to correct deficiencies prior to suspending or revoking the permit. Non-compliance after seven (7) days shall result in a fine of \$100 per day per violation and potential grounds for suspension if the violation(s) is/are deemed an immediate threat to environmental and/or public health and safety, they shall be corrected in less than seven days or immediately.
 - E. Applicant shall sign a cost-recovery form and be held responsible for re-inspection costs that are created from verified non-compliance actions.
 - ~~F. Storefront retail violations. Each day of operation shall constitute a separate violation of this section and shall be subject to all remedies and enforcement measures authorized by the Municipal Code. Additionally, any violation of this chapter shall constitute nuisance and violators shall be subject to injunctive relief, revocation of the business's Cannabis Storefront Retail Permit, disgorgement and payment to Trinity County of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees and any other relief or remedy available at law or equity. The County may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the Cannabis business.~~
 - ~~G. Any person dissatisfied with a decision of the planning director may appeal therefrom to the planning commission at any time within ten (10) working days after notice of the decision is given in accordance with section 17.34. Such appeal is taken by filing a notice of appeal with the planning director and paying the required appeal fee. Upon filing of a notice of appeal, the planning director shall within ten (10) days transmit to the secretary of the planning commission all papers and documents on file with the planning director relating to the appeal and schedule the appeal for the commission hearing.~~
 - ~~H. Registrant shall have the right to appeal any rescissions as prescribed in Section 8.90.130 of the Trinity County Code.~~
 - I. Upon revocation of a permit or abandonment of a permitted cultivation or nursery site, the permittee and/or property owner shall comply with the SWRCB site closure process and requirements.
 - J. The county may recover its costs for summarily abating the nuisance in the manner set forth in Chapter 8.64 and may include any costs on the property owner's tax bill
 - K. The Planning Director, or his/her designee, may enter and inspect the location of any Cannabis business during normal business hours to ensure compliance with this chapter. In addition, law enforcement may enter and inspect the location of any Cannabis business and the recordings and records maintained as required by this chapter.
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- L. Each day of operation shall constitute a separate violation of this section. Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Municipal Code. Additionally, any violation of this chapter may constitute nuisance and violators shall be subject to injunctive relief, revocation of the business's Cannabis Storefront Retail Permit, disgorgement and payment to Trinity County of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees and any other relief or remedy available at law or equity. The County may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the Cannabis business.

Chapter 17.43A WHOLESALE CANNABIS NURSERIES AND RESALE OF AUXILIARY NURSERY PRODUCTS

17.43A.020 Allowable Zoning Districts and Restrictions (Existing – Modified).

- A. Applications for Cannabis Nursery Facilities Permit may be will only be accepted permitted only in the following zoning districts, subject to first obtaining securing a planning commission issued conditional use permit Director's Use Permit:
1. Agriculture (A).
 2. Heavy commercial (C-3).
 3. Heavy industrial/manufacturing (M-2).
 4. Light industrial/manufacturing (M-1).
 5. Industrial (I).
 6. Specific unit development (SUD), whose guidelines specifically identify parcels for industrial development.
 7. Agricultural preserve ("AP"). Cannabis nursery facilities in AP zones may not have auxiliary nursery sales.
- B. ~~Regardless of zoning district, cannabis nurseries shall not be permitted within the following areas:~~
- B. Applications for Cannabis Nursery Facilities Permit will not be accepted for parcels in the following areas:
1. Any parcel with the Recreation district #1(RD-1) overlay zoning district [this is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area].
 2. Ruth Lake Specific Unit Development [this is primarily the area within the Ruth Lake Recreation Area] or Ruth Lake Lease Lots.
 3. Any Cannabis Exclusionary Zoning Overlay Layer adopted by the Trinity County Board of Supervisors that explicitly restricts nursery activities or permanent County Ordinance adopted prior to the adoption of this amendment.

17.43A.030 Regulation of nurseries.

- A. The following requirements shall apply to all cannabis nurseries:
1. A cannabis nursery shall possess and be in full compliance with a ~~Type 4 state license~~ the appropriate State License.
 2. ~~Cannabis nurseries shall not be located within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorize[d] school bus stop. Variances are allowed upon review of the planning commission.~~

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3. Cannabis nursery operators shall ensure that all clones, immature plants, seeds and other agricultural products are obtained from appropriately permitted cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported, and inspected prior to distribution to an appropriately permitted individual.
 4. Cannabis nurseries shall have security measures, including fencing, sufficient to restrict access and deter trespass and theft of cannabis or cannabis products. Fencing must include a lockable gate that is locked at all times when the property owner and/or employees are not on the premises. Fencing shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, although shade cloth may be used on the inside of the fence.
 5. ~~Cannabis nurseries may grow clones and immature plants indoors, but only when allowed by the required conditional use permit.~~
 6. Cannabis nurseries shall comply with all other provisions of the Trinity County Code and the zoning ordinance.
 7. ~~Development Standards. The development standards (such as setbacks, minimum lot coverage, etc.) shall be as shown for the applicable zoning district, provided, however, that the planning commission may establish more restrictive standards on a case-by-case basis during the use permit approval process.~~
 8. Auxiliary nursery sales are permitted within the established nursery facility; however, the location of sales shall not exceed ten percent of the cannabis nursery facility.

~~17.43A.035 Mitigation measures applicable.~~

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

17.43A.040 Required conditions of use permit approval.

- A. ~~In addition to any other conditions and mitigation measures required,~~ all of the following conditions shall apply to all cannabis nurseries:
 1. All cannabis nursery permit holders shall maintain accurate records on sales, including proof that sales occur only to permitted individuals.
 2. Sales shall only be to permitted cannabis cultivators in the State of California.
 3. Permit holders shall comply with all applicable state and county laws.
 4. ~~The Trinity County Agricultural Commissioner may create standards for plant quality which shall comply with State of California regulations.~~
 5. ~~All sales locations shall have adequate parking to accommodate customers.~~
 6. Glare from nursery facilities and resale locations shall not emanate onto neighboring properties. ~~This condition will also be reviewed on a case-by-case basis as part of the use permit process.~~
 7. Cannabis nurseries shall comply with the cultivation plan required in state Type 4 license.
 - B. Operators of cannabis nurseries shall allow access to the facility and access to records if requested by the county, its officers, or agents; shall pay for an annual inspection; and shall submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations, and conditions.
 - C. The applicant, owner, and operator shall agree to submit to, and pay for, routine and focused inspections of operations and relevant records or documents necessary to determine compliance with this chapter from any enforcement officer of the county or their designee.
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- D. Operators of cannabis nurseries and, if different, the property owner(s) shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, board, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, cost of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.
 - E. Any person operating a cannabis nursery shall obtain a valid and fully executed ~~commercial cannabis cultivation~~ ~~Type 4~~ appropriate state license prior to commencing operations and must maintain such license in good standing to continue operations.
 - F. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and permits required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or permits in good standing with the county or state shall be grounds for the suspension or revocation of the cannabis nursery permit.
 - G. Cannabis nurseries and related activities shall be maintained in accordance with operating plans approved by the county.
 - H. A permit for cannabis nursery cultivation or for the resale of wholesale cannabis products does not guarantee that the applicant will be considered compliant with any future land use ordinance.
 - I. Application for cannabis nursery cultivation does not give the applicant any property rights, and it does not guarantee that a cannabis nursery cultivation permit will be issued. The application shall not be transferrable.
 - J. Cannabis is not recognized under federal law and an application does not grant any right to violate federal law.
 - K. ~~The applicant or permit holder shall file a complete application for the appropriate state license with the appropriate state permitting authority within sixty days of obtaining a county permit.~~
 - L. The effective date of a county issued entitlement for a cannabis nursery shall not begin until all state and county permitting, permitting and approvals have been obtained.
 - M. Notwithstanding any other provision of this ordinance or the Trinity County Code, a person cultivating cannabis for the purposes of nursery sales, or resale of wholesale cannabis nursery products pursuant to this ordinance, but who applies for and is denied a state license, shall immediately cease all cannabis nursery cultivation within the county until he/she successfully obtains the proper state nursery cultivation permit(s) under MAUCRSA.

Chapter 17.43B DISTRIBUTION REGULATIONS FOR COMMERCIAL CANNABIS

17.43B.020 Allowable Zoning Districts and Restrictions (Existing – Modified).

A. Applications for Cannabis Distribution (requiring Distributor State licenses) ~~may be allowed in the~~ will only be accepted for parcels in the following zoning districts, subject to first obtaining a ~~conditional use permit~~ Director's Use Permit:

1. General commercial ("C2").
2. Heavy commercial ("C3").
3. Industrial ("I").
4. Agricultural ("A").
5. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.

6. Agriculture-forest ("AF")

B. Applications for a Cannabis Distribution (requiring Distributor-Transport Only or Distributor-Transport Only Self Distribution State licenses) may be allowed on any parcel that is in a zoning district that is eligible for a Cultivation Cannabis Permit.

C. Applications for Cannabis Distribution (requiring Distributor or Distributor-Transport Only State licenses) will not be accepted for parcels in the following areas:

~~1. Distributor or Distributor-Transport Only State licenses only permits will not be allowed within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.~~

1. Any parcel with the Recreation district #1(RD-1) overlay zoning district [this is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area].

2. Ruth Lake Specific Unit Development [this is primarily the area within the Ruth Lake Recreation Area or Ruth Lake Lease Lots].

3. Any Cannabis Exclusionary Zoning Overlay Layer adopted by the Trinity County Board of Supervisors that explicitly restricts Distribution activities or permanent County Ordinance adopted prior to the adoption of this amendment.

17.43B.030 Regulations.

Cannabis distribution shall comply with all of the following regulations:

A. Cannabis distribution facilities shall be located only in zoning districts identified in Section 17.43B.0X0 in this chapter as allowable zoning districts for cannabis distribution facilities.

~~B. Cannabis distribution facilities shall not be allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred feet of an authorized school bus stop, unless a variance is obtained.~~

C. All cannabis distributors shall ensure that cannabis is obtained from permitted cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported and tested prior to distribution at a legally permitted and permitted retail facility.

1. ~~A transportation only permit is also available from Trinity County, which will allow the transportation of cannabis products within the State of California for distribution to permitted distributors and manufacturers.~~

D. Security plan shall be developed which is compliant with state requirements and submitted with an application and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. The security plan shall be approved by the board of supervisors, or its designee.

E. A site operations plan shall be submitted with the application for a conditional use permit.

F. ~~Any permit holder of a distribution permit shall not have been convicted of serious felony or Schedule I, II or III felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.~~

G. Cannabis and cannabis products shall only be transported between permitted commercial operations in good standing with the county and the state.

H. ~~Distributors shall ensure that appropriate samples of cannabis or cannabis products are tested by a state and/or county-permitted testing facility prior to distribution.~~

I. ~~Prior to distribution to retailers, the distributor shall receive a certificate of analysis stating that test samples meet specifications required by law.~~

J. ~~Cannabis and cannabis products shall be packaged and labeled in accordance with the requirements of state law.~~

K. Overnight storage of cannabis and cannabis product is not allowed in any vehicles within the county unless secured in a permitted distribution facility.

~~17.43B.035 Mitigation measures applicable.~~

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

~~17.43B.040 Required findings.~~

~~A conditional use permit for cannabis distribution shall not be granted by the trinity county planning department unless all of the following findings are made based on substantial evidence:~~

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

17.43B.050 Required conditions.

In addition to conditions and mitigation measures that may be included in the conditional use permit for a distribution facility, the following conditions shall be met:

- A. The distributor shall allow access to the facility and any vehicles utilized in transportation, and access to records if requested by the county, its officers, or agents, and shall allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the distribution facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis distribution facility shall obtain a valid and fully executed commercial cannabis distribution permit or provisional permit from the state prior to commencing operations, and must maintain such permit in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and permits required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove permittees who do not maintain permits or permits in good standing with the county or state shall be grounds for the suspension or revocation of a conditional use permit pursuant to this chapter.
- E. The distribution facility and activities shall be maintained in accordance with the operating plan associated with the conditional use permit and approved by the county.
- F. Any person who is not the legal owner of a parcel for which they are obtaining a conditional use permit to operate a cannabis distribution facility shall provide written and notarized authorization from the legal owner of the parcel prior to commencing activities included in the conditional use permit on such parcel.
- H. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the County may conduct a fee study to determine the total cost of administering this chapter.

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- I. If, based on the results of the fee study, the fee needs to be increased, the county may increase the fee by way of resolution for any new or renewal registrations.
 - J. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

Chapter 17.43C CANNABIS TESTING FACILITIES REGULATIONS

17.43C.020 Applicability.

Cannabis testing facilities (requiring a Type 8 state license) may be allowed with a use permit in the following zoning districts;

- A. ~~C2 (general commercial).~~
- B. ~~C3 (heavy Commercial).~~
- C. ~~I (industrial).~~
- D. ~~All other zones are ineligible.~~

Testing facilities shall be subject to the requirements of this chapter. A use permit and/or permit applications are independent and separate actions. Approval of one does not guarantee approval of the other.

17.43C A Allowable Zoning and Restrictions (Existing – Modified)

A. Applications for Cannabis Testing Facilities Laboratories (requiring a Testing Laboratory State License) may be allowed with will only be accepted for parcels in the following zoning districts, subject to first obtaining a use permit Conditional Use Permit:

- 1. General Commercial (C2)
- 2. Heavy Commercial (C3)
- 3. Industrial (I)
- 4. ~~All other zones are ineligible.~~ Any Specific Unit Development (SUD) that allows for Laboratory or Industrial Types activities.

B. Applications for a Cannabis Testing Facilities Laboratories (requiring a Testing Laboratory State License) will not be accepted for parcels in the following areas:

- 1. Any parcel with the Recreation district #1(RD-1) overlay zoning district [this is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area].
- 2. Ruth Lake Specific Unit Development [this is primarily the area within the Ruth Lake Recreation Area] or Ruth Lake Lease Lots.
- 3. Any Cannabis Exclusionary Zoning Overlay Layer adopted by the Trinity County Board of Supervisors that explicitly restricts nursery activities or permanent County Ordinance adopted prior to the adoption of this amendment.

17.43C.030 Regulations.

- A. ~~Within sixty days of adoption of the ordinance codified in this chapter any person or entity desiring a cannabis testing facilities permit within Trinity County may apply with the Trinity County Planning Department.~~ An application shall be on a form provided by the Trinity County Planning Department and will require, at minimum, confirmation that the applicant meets the requirements of this chapter. Application shall include a plan of operation pursuant to Section 17.43C.040(F) and 17.43C.040(G).

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- B. Cannabis testing facilities shall comply with all of the following regulations:
1. Shall not be within one thousand feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein or within five hundred feet of an authorized school bus stop and will be measured from footprint of building to edge of parcel boundary if sensitive receptors are present.
 2. ~~The owners, operators, and employees of the cannabis testing facilities shall be independent from all other persons, associations and/or entities involved in the cannabis industry, and shall not hold any other state or county permit related to cannabis.~~
 3. Cannabis testing facilities shall apply for appropriate permitting and/or register with any state agencies upon establishment of a state regulatory framework as required by the state and provide copies of the permit application and the issued permit to the county.
 4. Cannabis testing facilities shall show proof of ISO 17025 accreditation, or proof that the applicant is in the process of applying for or is preparing to apply for ISO 17025 accreditation as required by the state.
 5. Cannabis testing facilities shall adopt written standard operating procedures for laboratory processes, and analytical methods as required by state regulations.
 6. Cannabis testing facilities shall adopt a written standard operating procedure to obtain samples for testing according to state regulations.
 7. Cannabis testing facilities shall develop and implement scientifically valid testing methodologies for the chemical, physical and microbial analysis of cannabis products according to state regulations.
 8. Cannabis testing facilities shall develop and implement test methods and corresponding standard operating procedures for the analyses of organic and inorganic materials identified by the state. Additional analyses may be conducted as requested by the cultivator of the sample(s) to be tested.
 9. Cannabis testing facilities shall dispose of test samples according to state regulations and document waste disposal procedures followed for each sample.
 10. Cannabis testing facilities shall comply with all safety standards and requirements for cannabis testing facilities identified by the state, and shall ensure the safety of its employees and the proper disposal of all chemicals and byproducts pursuant to California Department of Public Health guidelines, California Division of Occupational Safety and Health requirements, California Department of Transportation, California Department of Toxic Substances Control (Trinity County CUPA), and Trinity County Department of Environmental Health.
 11. Cannabis testing facilities shall develop and implement standard operating procedures or programs required by the state including quality assurance and quality control.
 12. Cannabis testing facilities shall employ personnel who meet the experience and education requirements specified by the state and shall train qualified personnel as required by the state.
 13. Cannabis testing facilities shall adopt a written security protocol and implement the protocol to prevent diversion, theft and loss of cannabis samples.
 14. Cannabis shall not be sold or consumed on or within the premises on which this permit is issued.

~~**17.43C.035 Mitigation measures applicable.**~~

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

17.43C.040 Required findings.

A permit for a cannabis testing facility shall not be granted by the county unless all of the following findings are made based on substantial evidence:

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

17.43C.050 Required conditions.

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

- A. Operators of the testing facility shall allow access to the facility and access to records if requested by the county or state, its officers, or agents, and shall pay for routine and focused inspections and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations, and conditions.
- B. The applicant, owner, and operator shall agree to submit to, allow access for, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this chapter from any enforcement officer of the county or their designee.
- C. Operators of the testing facility and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agents, boards, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.
- D. The facility operator shall be responsible for ensuring that all cannabis testing activities at the site operate in good standing with permits required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or permits in good standing with the county or state shall be grounds for the suspension or revocation of the permit.
- E. The testing facility and related activities shall be maintained in accordance with the operating plans accepted by the county.
- F. A safety and security plan shall be submitted and accepted by the county. This plan shall be updated annually. All security protocols shall be implemented prior to commencing operations.
- G. Hours of operation shall be determined on a site-specific basis established in the use permit associated with the testing facility.

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- H. This permit does not guarantee that the applicant will be considered compliant with any future land use ordinance.
 - I. Permits are transferrable with payment of fees and review of an updated application including information regarding new ownership.
 - J. Cannabis is not recognized under federal law and applicant does not grant any right to violate federal law.
 - K. ~~When the State Bureau of Medical Cannabis Regulation (BMCR) begins issuing Type 8 permits under MCRSA, the applicant or permit holder shall file a complete application with the BMCR within sixty days.~~
 - L. ~~Notwithstanding any other provision of this chapter, a person participating in the testing of cannabis who is registered pursuant to this chapter, but who applies for and is denied a state license shall immediately cease all cannabis testing within the county until he/she successfully obtains the proper state testing permit(s) by BMCR.~~

Chapter 17.43D CANNABIS NON-STOREFRONT RETAIL

17.43.0X0 Allowable Zoning Districts and Restrictions

A. A Cannabis Non-Storefront Retailer (requiring a Non-Storefront Retail State License) may be allowed on any parcel that is in a zoning district that is eligible for a Cultivation Cannabis Permit, Cannabis Distribution Permit, Cannabis Manufacturing Permit, or Cannabis Microbusiness Permit.

~~17.43D.015 Mitigation measures applicable.~~

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

17.43D.020 Regulations.

Cannabis non-storefront retailers shall comply with all of the following regulations:

- A. Non-storefront retail permittees must identify one of the following permit application types:
 - 1. Adult-use (A-License).
 - 2. Medicinal (M-License).
- B. Non-storefront retail businesses shall comply with the following:
 - 1. Sales and deliveries must only take place between six a.m. and ten p.m. Pacific Time.
 - 2. All cannabis goods must be placed in an opaque exit package prior to leaving the premises.
 - 3. Deliveries may be made only by employees of the retailer.
 - 4. Deliveries must be to a private residence or temporary lodging, ~~and cannot be sent to a post office box.~~ The private residence or temporary lodging of the consumer must be off-site residence of the non-storefront retail permittee's location. For purposes of this section, "private residence" "means a house, an apartment unit, a mobile home, or other similar dwelling."
 - 5. Delivery vehicles may not contain more than the amounts allowed under applicable State law ~~Code of Cannabis Goods at any time.~~
 - 6. The permittee must be able to immediately locate all delivery vehicles at all times.
 - 7. Non-storefront retail permittees cannot package or label cannabis goods.

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- a. An exception to this limitation is allowed for dried flower held in inventory by a retailer at the time of licensure that is not packaged; this dried flower may be packaged by the retailer into individual packages for sale beginning January 1, 2018 and before July 1, 2018.
8. Retailer permittees cannot accept, possess, or sell cannabis goods if they are not packaged as they will be sold at final sale.
- C. Cannabis non-storefront retailers shall possess a valid County and State cultivation, distribution, storefront and/or manufacturing permit and shall abide by the regulations established under Trinity County's ~~cultivation~~ cannabis ordinance. The non-storefront retail premises shall be on the legal parcel as designated on the cultivation permit.
 - D. Cannabis non-storefront retailers facilities shall be closed to the public. All orders must be placed via phone, facsimile, mail or internet.
 - E. Non-storefront retail permittees must allow access to any facilities or any vehicles utilized in transportation, and allow access to records if requested by the county, its officers, or agents, and allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
 - F. Non-storefront retail permittees must 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.
 - G. Non-storefront retail permittees must obtain a valid and fully executed commercial cannabis non-storefront retail permit from the state prior to commencing operations, and must maintain such permit in good standing in order to continue operations.
 - H. Non-storefront retail permittees and property owners who lease property to non-storefront retailers must ensure that all commercial cannabis activities at the site operate in good standing with permits and permits required by the Trinity County Code and state law. Property owners who fail to take appropriate action to evict or otherwise remove operators who do not maintain permits or permits in good standing with the county or state shall be subject to suspension or revocation non-storefront retailer permit, as well as personal liability for required enforcement.
 - I. Non-storefront retail premises are only allowed in zones where cultivation permits are allowed. The premises shall not be on prime agricultural soil, as determined by the planning director or his/her designee.
 1. Non-storefront retail premises will not be allowed within the following areas:
 - a. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 - b. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants (enrolled under NCRWQCB Order #2015-0023 by August 1, 2016).
 - c. Residential 1 (R1), residential 2 (R2), or residential 3 (R3) zones.
 - d. Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District and Bucktail Subdivisions, 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 and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, I3, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance.

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- J. Non-storefront retail premises and activities are not allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. In addition, non-storefront retail facilities and activities are not allowed within five hundred feet from an authorized school bus stop, unless a variance is obtained.
 - K. Non-storefront retail permittees must pay an annual program fee annually from date of issue. The cannabis non-storefront retail program fee is set at: Five hundred dollars.
 - L. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the county may conduct a fee study to determine the total cost of administering this chapter.
 - 1. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.
 - 2. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

Chapter 17.43E CANNABIS MICROBUSINESS

17.43.0X0 Allowable Zoning Districts and Restrictions (Existing – Modified)

A. Application for a Microbusiness Permit (requiring a Microbusiness State License) ~~must hold a Trinity County cultivation permit, engage in and will only be accepted for parcels that are be~~ appropriately zoned for at least ~~two or more~~ three or more of the following qualifying commercial cannabis permit types ~~in addition to cultivation at one location:~~

- 1. Cultivation (up to 10,000 SF)
- 2. Manufacturing (requiring a Type 7 Volatile or Type 6 Non-Volatile, Type N, Type P or Type S Manufacturing State License).
- 3. Distribution (Distributor or Distributor-Transport Only).
- 4. Retail (Storefront or Non-Storefront).
- 5. Processor Facility

17.43E.015 Mitigation measures applicable.

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

17.43E.020 Regulations.

Cannabis microbusinesses shall comply with all of the following regulations:

- A. ~~An applicant for a microbusiness permit must be permitted under the county's cultivation permitting program and cultivating on an area ten thousand square feet or less and holding a valid Type 1 or Type 2 cultivation permit. The combination of the microbusiness and cultivation permit will count as one permit as allowed by Ordinance No. 315-829.~~
- B. An applicant for a microbusiness permit must hold a Trinity County cultivation permit, engage in and be appropriately zoned for at least two or more of the following qualifying commercial cannabis activities in addition to cultivation:
 - 1. ~~Manufacturing (Type 6, Type N or Type P).~~
 - 2. ~~Distribution (Type 11 and 13).~~
 - 3. ~~Retail (Type 9, non-storefront retail).~~

~~Microbusiness permits shall not relieve the permittee of the requirements of holding and following the requirements of the individual permit.~~

- C. A microbusiness applicant shall not be accepted until the cultivation permit and applications for commercial cannabis activities listed above (in subsection B) have been accepted.
- D. A microbusiness permit shall not be issued until the cultivation permit and applications for commercial cannabis activities listed above (in subsection B) have been determined as eligible for issuance.
- E. All microbusiness activities shall not be conducted inside a private residence or require persons to pass through a private residence to access the permitted premises.
- F. Microbusiness applicants shall obtain a conditional use permit. Microbusiness applicants may qualify for a director's use permit rather than a conditional use permit when the following conditions apply:
 - 1. The microbusiness does not employ more than three permanent, full-time employees, and/or does not compensate no more than six thousand two hundred forty employee work hours per year; and
 - 2. The microbusiness does not generate more than two non-employee vehicles visiting the permitted premises at any one time, or no more than six non-employee vehicles per week.
- G. Should the vehicle access to the property on which the microbusiness permit is granted be a shared and privately owned or maintained road or driveway, the Trinity County Planning Department will notify adjacent property owners who share use of the road/driveway. Objections from adjacent property owners who share use of the road/driveway may lead to further mitigation measures or the need for the microbusiness applicant to obtain a conditional use permit as determined by the director.
- H. The primary hours of operation shall be limited to seven a.m. to eight p.m. Monday through Saturday, and eight a.m. to five p.m. Sundays.

17.43E.030 Required conditions.

In addition to any other conditions and mitigations that apply, cannabis microbusinesses shall:

- A. Comply with all state and county codes related cultivation, manufacturing, distribution and retail, unless amended herein.
- B. Allow access to any facilities or vehicles utilized in transportation, records if requested by the county, its officers, or agents, and allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- C. 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.
- D. Obtain a valid and fully executed commercial cannabis microbusiness permit from the state prior to commencing operations, maintain such permit in good standing in order to continue operations.
- E. Ensure that all commercial cannabis activities at the site operate in good standing with permits and permits required by the Trinity County Code and state law. Property owners who fail to take appropriate action to evict or otherwise remove operators who do not maintain permits or permits in good standing with the county or state shall be subject to suspension or revocation microbusiness permit, as well as personal liability for required enforcement.
- F. Be limited to the following distribution amounts: In addition to the product that is grown pursuant to permittee's cannabis cultivation permit, the microbusiness can distribute the following amount of third party product:
 - 1. Those with a specialty cottage permits can distribute one hundred twenty-five pounds of product.

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2. Those with a specialty outdoor permits can distribute two hundred fifty pounds of product.
 3. Those with a small outdoor or mixed-light Tier 1 and 2 permits can distribute five hundred pounds of product.
- G. Cannabis distributed from a third party shall be at least seventy-five percent from Trinity County sources.
 - H. Only be located in zoning districts where commercial cannabis permits are allowed according to their respective ordinance (Cultivation Ordinance No. 315-823 and amendments; Manufacturing Ordinance No. 315-838, Distribution Ordinance No. 315-828 and Non-Storefront Retail Ordinance No. 315-835.
 - I. A microbusiness permit shall not be allowed within the most restrictive setback distance as provided for in the cultivation permit or commercial cannabis activities permitted as part of this microbusiness permit, unless a variance is otherwise obtained.

Chapter 17.43F CANNABIS MANUFACTURING

17.43F.020 Allowable zoning districts.

- A. Cannabis Manufacturing applications (requiring a Type 6 Non-Volatile, Type N, Type P or Type S Manufacturing State License) will be accepted for parcels in the following zoning districts, subject to the use permit type based on the criteria written in proceeding sections:
 1. General commercial (C2).
 2. Heavy commercial (C3).
 3. Industrial (I).
 4. Agricultural (A).
 5. Agricultural preserve (AP).
 6. Agricultural forest (AF).
 7. Specific unit development (SUD), whose guidelines specifically identify parcels for manufacturing or industrial development.
- B. Cannabis Manufacturing applications (requiring a Type 6 Non-Volatile, Type N, Type P or Type S Manufacturing State License) must have a project design that is less than or equal to the following criteria to qualify for application Director's Use Permit:
 - ~~1. Operates under a Type N or Type P permit.~~
 - ~~2. Utilizes extractions with butter or food-grade oils, provided that the resulting extract or concentrate shall be used solely in the manufacture of the permittee's infused product, and shall not be sold to any other permittee.~~
 - ~~3. Utilizes extractions methods such as rosin pressing, bubble/water hash or kief/dry sifting.~~
 - ~~4. Any post-extraction methods that involve substances included in Title 8, Industrial Relations Division 1, Department of Industrial Relations Chapter 3.2, California Occupational Safety and Health Regulations (Cal/OSHA) Subchapter 1, Regulations of the Director of Industrial Relations Article 5, Hazardous Substances Information and Training (Refs and Annos) CCR § 339 The hazardous substances list may require a conditional use permit, as determined by the director.~~
 5. The manufacturing business does not employ more than three permanent, full-time employees, and/or does not compensate more than six thousand two hundred forty employee work hours per year.
 6. The manufacturing business does not generate more than two non-employee vehicles per week.
 7. The manufacturing facilities are operated within the footprint of an existing building.

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8. Vehicle access to the manufacturing premises utilizing a shared and privately owned or maintained road or driveway shall prompt the Trinity County Planning Department to notify adjacent impacted property owners. Objections from adjacent impacted property owners may require mitigation measures or require a conditional use permit, as determined by the director.
 - C. All Cannabis Manufacturing applications (requiring a Type 6 Non-Volatile, Type N, Type P or Type S Manufacturing State License) All Type 6, Type P or Type N applicants projects that do not meet the requirements outlined in subsection B shall obtain a Conditional Use Permit before starting operations, including infrastructure or building improvements specific to the use.
 - D. Cannabis Manufacturing applications for Non-Volatile, Type N or P applying for a Microbusiness County and State License may be accepted on parcels that are zoned for a Cannabis Cultivation Permits.
 - E. Cannabis Manufacturing applications (requiring a Type 7 Volatile Manufacturing State License) will only be accepted for parcels in the following zoning districts, subject to a Conditional Use Permit:
 1. Heavy commercial (C3).
 2. Industrial (I).
 3. Specific unit development (SUD), whose guidelines specifically identify parcels for industrial development.
 - F. Applications for Shared Use Facilities may be accepted must be permitted with Trinity County and may be permitted in the zoning districts allowed by the permit type subject to first obtaining a conditional use permit Director's Use Permit pursuant to Section 17.43F.040(K):

17.43F.030 Types of permits available.

- A. State Type 6 non-volatile licenses, defined per 17 CA CCR § 40118, are available for extractions using nonvolatile solvents or mechanical methods.
- B. State Type 7 volatile licenses are available for extractions using volatile substances.
- C. State Type N licenses are available for infusions, including using pre-extracted oils to create edibles, beverages, capsules, water cartridges, tinctures or topical.
- D. State Type P licenses are available for packaging and labeling only.
- E. State Type S licensees are eligible to conduct manufacturing operations at a registered "shared-use facility."
- F. State Shared use facility licenses are available for operating a shared use facility.

17.43F.040 Regulations.

Cannabis manufacturing shall comply with all of the following regulations:

- A. ~~Cannabis manufacturing facilities shall be located only in zones that specifically provide for this use. The facility shall not be on prime agricultural soil, as determined by the planning director or his/her designee.~~
 - B. ~~Cannabis manufacturing facilities shall not be allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. Cannabis manufacturing facilities shall not be within five hundred feet from an authorized school bus stop, unless a variance is obtained.~~
 - C. All cannabis manufacturing operations shall ensure that cannabis is obtained from permitted cultivation sources and shall implement best practices and comply with state law to ensure that all manufactured cannabis products are properly stored, labeled, transported and inspected prior to distribution at a legally permitted and permitted retail outlet. ~~Cannabis manufacturing operations shall purchase at least seventy-five percent of its cannabis from Trinity County sources.~~
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- D. Security plan shall be developed which is compliant with state requirements and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products. 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.
 - E. ~~A detailed operating site plan must be submitted with an application for the appropriate use permit, see subsections J—M.~~
 - F. ~~Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application for the appropriate use permit, see subsections J—M.~~
 - G. Applicants must apply for certified unified program agencies ("CUPA") which, for Trinity County, is administered through the department of toxic substances control.
 - H. Any employees of a cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices.
 - I. ~~Any permit holder of a manufacturing permit shall not have been convicted of serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.~~
 - J. Type 7 applicants are required to obtain a conditional use permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met:
 - 1. Extractions must be in closed loop system as defined and prescribed by State of California.
 - 2. Wastewater shall be disposed of in to an adequate sewage system, as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.
 - 3. The facility must be setback a minimum of one hundred feet from all adjacent property lines. Application for a variance from this provision will be considered concurrently with application for a conditional use permit from the Trinity County Planning Commission.
 - 4. All building structures must have operational automatic fire sprinklers.
 - K. Type 6, Type 7 or Type N permittees who wish to register as a shared use facility shall obtain a conditional use permit before starting operations, including infrastructure and building improvements.
 - L. ~~For Type 6 permits the following requirements must be met to qualify for a director's use permit. Applicants who meet these requirements must obtain an approved director's use permit before starting operations, including infrastructure and building improvements specific to the use.~~
 - 1. ~~The manufacturing business:~~
 - a. ~~Operates under a Type N or Type P permit.~~
 - b. ~~Utilizes extractions with butter or food-grade oils, provided that the resulting extract or concentrate shall be used solely in the manufacture of the permittee's infused product, and shall not be sold to any other permittee.~~
 - c. ~~Utilizes extractions methods such as rosin pressing, bubble/water hash or kief/dry sifting.~~
 - d. ~~Any post-extraction methods that involve substances included in Title 8. Industrial Relations Division 1. Department of Industrial Relations Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA) Subchapter 1. Regulations of the Director of Industrial Relations Article 5. Hazardous Substances Information and Training~~
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~~(Refs and Annos) CCR § 339 The hazardous substances list may require a conditional use permit, as determined by the director.~~

- ~~2. The manufacturing business does not employ more than three permanent, full-time employees, and/or does not compensate more than six thousand two hundred forty employee work hours per year.~~
 - ~~3. The manufacturing business does not generate more than two non-employee vehicles per week.~~
 - ~~4. The manufacturing facilities are operated within the footprint of an existing building.~~
 - ~~5. Vehicle access to the manufacturing premises utilizing a shared and privately owned or maintained road or driveway shall prompt the Trinity County Planning Department to notify adjacent impacted property owners. Objections from adjacent impacted property owners may require mitigation measures or require a conditional use permit, as determined by the director.~~
- M. All Type G, Type P or Type N applicants that do not meet the requirements outlined in subsection L shall obtain a conditional use permit before starting operations, including infrastructure or building improvements specific to the use.

~~17.43F.045 Mitigation measures applicable.~~

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

17.43F.050 Required findings.

The appropriate use permit for cannabis manufacturing shall not be granted by the appropriate authority unless all of the following findings are made based on substantial evidence:

- A. The manufacturing facility will comply with all of the requirements of the state and county for the cannabis manufacturing. This includes, but is not limited to, product safety, THC levels, edible standards, timelines, packaging and labeling requirements.
- B. The manufacturing, as approved and conditioned will not result in significant unavoidable impacts on the environment.
- C. The manufacturing includes adequate quality control measures to ensure cannabis manufactured at the site meets industry state standards.
- D. The manufacturing 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.

17.43F.060 Required conditions.

In addition to any other conditions and mitigation that apply to all permits for cannabis manufacturing:

- A. The manufacturer 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 for the manufacturing facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis manufacturing facility shall obtain a valid and fully executed commercial cannabis manufacturing permit from the state prior to commencing operations, and must maintain such permit in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and permits 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 permits or permits in good standing with the county or state shall be grounds for the suspension or revocation of a use permit pursuant to this chapter.

- E. The manufacturing facilities and activities shall be maintained in accordance with the operating plans approved by the county.
 - 1. At any time during the permit period, a permittee may request to change the manufacturing activities conducted at the permitted premises. All proposed changes require pre-approval, including infrastructure or building improvements specific to the new use. To request approval for proposed changes, the permittee shall submit a revised operating plan and drawings per Trinity County's application process.
 - 2. Any change requests shall be evaluated on a case-by-case basis by Trinity County Planning Department, and upon approval, the permittee may begin conducting the additional manufacturing operation or make the requested change to the premises. The existing permit shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.
- F. ~~The cannabis manufacturing program fee is due annually from date of issuance and is set at:~~
 - 1. ~~Type 6: Five thousand dollars plus one thousand dollars towards the general plan update.~~
 - 2. ~~Type 7: Six thousand dollars plus one thousand dollars towards the general plan update.~~
 - 3. ~~Type N: Two thousand dollars plus five hundred dollars towards the General Plan update.~~
 - 4. ~~Type P: Two thousand dollars plus five hundred dollars towards the general plan update.~~
 - 5. ~~Type S: No fee for Trinity County Commercial Cannabis permittees; two thousand dollars for all other users.~~
 - 6. ~~Shared Use Facility: One thousand five hundred dollars.~~
 - 7. ~~Transfer fee to New Applicant: One thousand dollars.~~
 - 8. ~~Transfer fee to New Site: Sixty percent of original permit fee, prorated monthly.~~
 - 9. ~~Renewal fee: Sixty percent of original permit fee.~~
- G. ~~The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the county shall conduct a fee study to determine the total cost of administering this chapter.~~
 - 1. ~~If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.~~
 - 2. ~~If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.~~

Chapter 17.43G MITIGATION MEASURES FOR ALL CANNABIS LAND USES

17.43G.010 Purpose.

This chapter codifies the mitigation measures identified in the environmental impact report certified for the Trinity county cannabis program. Mitigation measures applicable to all cannabis land uses are stated in this chapter. These measures shall be in addition to any other mitigation measures separately stated in other chapters of this code.

17.43G.040 Performance standards applicable to all cannabis land uses (modified).

Performance standards shall apply to the extent applicable to all cannabis land uses and shall be in addition to any other standards, or mitigation measures specified in the FEIR, or other chapters of this code.

17.43H.030 Cannabis Storefront Retail

17.43H.010 — Allowable Zoning Districts and Restrictions.

A. ~~Zoning— Applications for Storefront Retail will be accepted for parcels in the following zoning districts, which allow retail sales as an allowed use without a use permit or allow higher intensity uses than retail sales without a use permit; premises are only allowed in the following zones where commercial activities are allowed:~~

1) Highway Commercial (HC) :

a) ~~Cannabis Storefront Retail uses in the HC zone that include the provision of ancillary services that accommodate the needs of the traveling public—subject to a director's use permit.~~

b) ~~— Cannabis Storefront Retail uses in the HC zone that do not include the provision of ancillary services that accommodate the needs of the traveling public—subject to a conditional use permit.~~

2) Retail Commercial (C-1) ~~subject to a director's use permit.~~

3) General Commercial (C-2) ~~subject to a director's use permit.~~

e). ~~Overlay Districts— Notwithstanding sub-section A above: if the Cannabis Storefront Retail premises is to be located on a parcel that has a zoning overlay of "Scenic Conservation" (TCC Section 17.25), a conditional use permit is required; if the Cannabis Storefront Retail premises is to be located on a parcel that has a zoning overlay of "Special Treatment" (TCC Section 17.29C) a conditional use permit is required and the Architectural Review Committee shall make recommendations to the Planning Commission to ensure compliance with Ord. No. 315 800, Res. No. 2013 20 and any other related Historical Legislation.~~

4) ~~Heavy Commercial (C-3)~~

5) ~~Industrial (I)~~

6) ~~Specific Unit Development (SUD), that specifically allows retail sales without a use permit.~~

B. ~~Storefront Retail applications with On-Site Consumption Proposed will be allowed in any zone in section A, subject to Sensitive Receptor Buffers and On-Site Consumption regulations outlined in proceeding sections.~~

C. Cannabis Storefront Retail Permits applications will not be accepted for parcels in the following zoning districts, special districts or overlay zones:

1. ~~Trinity jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area~~

2. ~~Rush-Creek Estates Opt-Out Area~~

3. ~~Lewiston-Expansion Opt-Out Area~~

4. ~~Weaverville Historic District~~

17.43H.030 — Regulations

A. It shall be unlawful for any person to engage in or to conduct, or permit to be engaged in or conducted, in or upon his/her property within the County the operation of a Cannabis storefront retail unless he/she has first obtained and continues to maintain in full force and effect a valid Cannabis Storefront Retail Permit issued by the County for that property pursuant to this Chapter.

B. Cannabis Storefront Retail Permits are allowed subject to issuance and maintenance of the permits and entitlements set forth in this Chapter, and compliance with all other applicable County and state laws and regulations, and the issuance and maintenance of a valid and current State license.

C. Mobile Delivery of Retail Cannabis is an allowed activity after Permittee has obtained the appropriate State Licenses.

D. On-Site consumption of cannabis and cannabis products is permitted at the permitted Retail Dispensary as set forth pursuant to applicable state and local laws and regulations if all the following are met:

1. Access to the area where cannabis consumption is allowed is restricted to persons twenty-one (21) years of age or older.
2. Cannabis consumption is not visible from any public place.
3. Consumption area shall be designated on the site plan, and clearly labeled on site. Smoking of cannabis goods shall be prohibited in any areas where smoking is prohibited by law

Consumption of cannabis products on the retail premises shall be in a separate area from where sales transactions are conducted. Areas shall be partitioned and provided a separate age verification check prior to entry into the "consumption area"

4. For retail dispensaries, sale or consumption of alcohol or tobacco is prohibited on the premises.

D. If on-site consumption is allowed, the Cannabis storefront retail facility shall not be located within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. If on-site consumption is not allowed, the minimum required distance from these uses is six hundred feet. All other setbacks of the zone district in which the property is located shall apply.

~~E. Location Limitations Cannabis Storefront Retail establishments are not allowed in the following areas:~~

- ~~1. Trinity jurisdiction of the Whiskeytown Shasta Trinity National Recreation Area~~
- ~~2. Rush Creek Estates Opt Out Area~~
- ~~3. Lewiston Expansion Opt Out Area~~
- ~~4. Weaverville Historic District~~

17.4311.040 -Application

A. Cannabis Storefront Retail applicants shall apply and must receive approval of a use permit as identified in Section 17.43H.020.

B. A Cannabis business shall register and obtain a Cannabis Storefront Retail Permit from Trinity County prior to operation. The Applicant shall pay a non-refundable fee in an amount established by the Trinity County Board of Supervisors.

C. A copy of the Cannabis Storefront Retail Permit shall always be displayed in a place visible to the public.

D. A Cannabis Storefront Retail Permit shall be valid for one (1) year, and subsequently valid for three (3) years, unless sooner revoked. No permit granted herein shall confer any vested right to any person or business for more than the above-referenced period.

E. The Cannabis Storefront Retail Permit shall be issued to the specific person or entity listed on the Permit Application.

F. A Cannabis Storefront Retail Permit is not transferable from person to person without completion of a new application.

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17.43H.060 Prohibited activities.

It is unlawful and shall constitute a public nuisance for anyone to own, establish, operate, use, or permit the establishment or operation of Cannabis Storefront Retail:

A. Without a valid use permit as required by this chapter;

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- B. Without a valid local permit required by this chapter;
 - C. Without a valid State license required under California law; and
 - D. In violation of any local or State regulations.

17.43H.080 - Inspection, Enforcement and Violations

The Planning Director, or his/her designee, may enter and inspect the location of any Cannabis Storefront Retail business during normal business hours to ensure compliance with this chapter. In addition, law enforcement may enter and inspect the location of any Cannabis business and the recordings and records maintained as required by this chapter.

Each day of operation shall constitute a separate violation of this section. Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Municipal Code. Additionally, any violation of this chapter shall constitute nuisance and violators shall be subject to injunctive relief, revocation of the business's Cannabis Storefront Retail Permit, disgorgement and payment to Trinity County of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees and any other relief or remedy available at law or equity. The County may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the Cannabis business.

Chapter 17.43(I) CANNABIS PROCESSING

17.43I.020 Allowable Zoning Districts and Restrictions.

A. Cannabis Self-Processing facilities are allowed in any opt out area in association with a permitted cultivation site.

~~B. Cannabis Self-Processing facilities are will be accepted for parcel that are allowed in any zone in association with a permitted cultivation site(s)~~

C. 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").

D. 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").

E. 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:

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- 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.~~

17.431.030 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 permit 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.

17.431.040 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 permit, and state cannabis processing permit.
- 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 permitted cultivation sources and shall implement best practices and comply with state law.
- G. The processor permittee also may hold other types of cultivation permits, but is prohibited from growing cannabis plants in the Processing premises.

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- 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. Permittees 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 permit 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.

17.431.050 Mitigation measures applicable.

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

17.431.060 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. The cannabis processing facility, as approved and conditioned will not result in significant unavoidable impacts on the environment.

B. 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.

17.431.070 Required conditions.

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

- A. The permittee 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 permit 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 permits 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 permits 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 permittee may begin conducting the additional processing facility or make the requested change to the premises. The existing permit shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.
- I. Permittees must comply with requirements of the DCC and Division of Weights and Measures.

17.43.0X0 Fees. (Combined)

- A. The county shall collect from the applicant a regulatory cannabis cultivation program fee (hereinafter referred to as fee) when an applicant applies for a registration of a cannabis cultivation site with the planning department pursuant to this chapter.

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- B. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this chapter.
- C. The cannabis program fees are set at:
1. When submitting your application, there will be a non-refundable application fee of fifty percent of the first year's fee for each permit that will be applied towards the first year's fees if a permit is granted.
 - X. Applicants for use permits shall sign a cost-recovery form
 - X. Applicants that are found to be noncompliant will be held responsible for re-inspection costs and any other administrative costs in order for the County to remedy and verify non-compliant actions.

~~Specialty Outdoor and Mix Light: Three thousand dollars plus one thousand dollars toward the general plan update.~~

~~3. Specialty Cottage:~~

- ~~a. Outdoor: Seven hundred fifty dollars plus two hundred fifty dollars towards general plan update.~~
- ~~b. Mix Light: One thousand five hundred dollars plus two hundred fifty dollars towards general plan update.~~
- ~~c. Indoor: Two thousand dollars plus two hundred fifty dollars towards general plan update.~~

~~4. Small Outdoor and Mix Light: Five thousand dollars plus one thousand dollars toward the general plan update.~~

~~5. Medium Outdoor: Eight thousand dollars plus one thousand dollars toward the general plan update.~~

~~6. Cannabis Variance Fee: Seven hundred fifty one dollars.~~

~~7. Fees Associated with Transfer of Permits:~~

- ~~a. Transfer of Permit on Same Parcel: Fifty percent of original application fee not to exceed one thousand five hundred dollars.~~
- ~~b. Transfer of Permit to a Different Property: One hundred percent of all original fees as set forth above.~~

~~8. Nursery: Two thousand five hundred dollars, plus one thousand dollars toward general plan update. Inspection Fee: \$200.~~

~~9. The cannabis testing facilities program fee is shall be:~~

- ~~a. Type 8 Permit: Year one—Two dollars per square foot plus one thousand dollars general plan update. Successive years—One thousand dollars general plan fee, plus one thousand dollars processing fee.~~
- ~~b. Inspection/Reinspection Fee: Two hundred dollars.~~
- ~~c. Transfer Fee: Three thousand dollars.~~

~~10. The cannabis microbusiness fees are set at:~~

- ~~a. Microbusiness/Specialty Cottage: Two thousand five hundred dollars plus seven hundred fifty dollars towards the general plan update.~~
- ~~b. Microbusiness/Specialty: Six thousand dollars plus one thousand dollars towards the general plan update.~~
- ~~c. Microbusiness/Small: Eight thousand dollars plus one thousand dollars towards the general plan update.~~

11. Cannabis Storefront Retail business operations shall pay applicable fees approved by the Board of Supervisors, which shall include the following:

A. Application Fees. The business applicant shall submit non-refundable one-time fees to cover the cost of processing an application for the commercial Cannabis Retail Storefront use permit and Permit.

B. Permit Fees. The Business Owner shall pay permit fees ("Permit Fees"). The amount of the fee shall be set by the Trinity County Board of Supervisors by resolution and be supported by the estimated additional costs of enforcement and monitoring associated with the Cannabis Storefront Retail business operation. The Permit Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date, and may be amended from time to time based upon actual costs.

C. ~~The following permit fees are due annually from date of issuance:
three thousand five hundred dollars plus one thousand dollars towards the general plan update.~~

D. ~~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.~~

E. ~~Transfer fee to New Site: Sixty percent of original permit fee, prorated monthly. Note conditional and director's use permits are not transferable to another parcel.~~

F. ~~Renewal fee: Sixty percent of original permit fee.~~

12. ~~Cannabis distribution program fees are set at:~~

1. ~~Type 11: Six thousand dollars plus one thousand dollars towards the general plan update.~~

2. ~~Type 13 (transportation only): Two thousand dollars.~~

D. Fees shall be paid thereafter annually prior to the expiration of the permit.

X. The following shall be adopted as the permit fees for the Program (Table 1):

Permit Type	Annual Enrollment Fees
Specialty Cottage Outdoor	\$750.00 + \$250.00 General Plan Update- EIR Update Fee + \$75.00 General Plan Update Fee
Specialty Cottage Mixed Light	\$1,500.00 License Fee + \$250.00 General Plan Update- EIR Update Fee + \$75.00 General Plan Update Fee
Specialty Cottage Indoor	\$2,000.00 License Fee + \$250.00 General Plan Update- EIR Update Fee + \$75.00 General Plan Update Fee
Specialty Outdoor	\$3,000.00 License Fee + \$1,000.00 General Plan Update- EIR Update Fee + \$75.00 General Plan Update Fee
Specialty Mixed Light	\$3,000.00 License Fee + \$1,000.00 General Plan Update- EIR Update Fee + \$75.00 General Plan Update Fee
Small Outdoor	\$5,000.00 License Fee + \$1,000.00 General Plan Update- EIR Update Fee + \$75.00 General Plan Update Fee
Small Mixed Light	\$5,000.00 License Fee + \$1,000.00 General Plan Update- EIR Update Fee

	<u>+ \$75.00 General Plan Update Fee</u>
Medium Outdoor	\$8,000.00 License Fee <u>+ \$1,000.00 General Plan Update- EIR Update Fee</u> <u>+ \$75.00 General Plan Update Fee</u>
Transfer of Permits on Same Parcel	Fifty percent of original application fee not to exceed one thousand five hundred dollars.
Transfer of Permits to Different Property	One hundred percent of all original fees as set forth above.
Nursery	<u>\$2,500.00 + \$1,000.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Testing Facility	First year - \$2,000.00 per square foot + \$1,000.00 <u>EIR Update Fee + \$75.00 General Plan Update Fee</u> Successive years - <u>\$1,000.00 EIR Update Fee + \$1,000.00 processing fee + \$75.00 General Plan Update Fee</u>
Microbusiness/Specialty Cottage:	<u>\$2,500.00 + \$75.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Microbusiness/Specialty:	<u>\$6,000.00 + \$1,000.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Microbusiness/Small:	<u>\$8,000.00 + \$1,000.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Type 11 Distributor:	<u>\$6,000.00 + \$1,000.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Type 13 (transportation only):	<u>\$2,000.00 + \$75.00 General Plan Update Fee</u>
Buffer Reduction Fee:	At cost
Manufacturing Type 6:	<u>\$5,000.00 + \$1,000.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Manufacturing Type 7:	<u>\$6,000.00 + \$1,000.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Manufacturing Type N:	<u>\$2,000.00 + \$500.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Manufacturing Type P:	<u>\$2,000.00 + \$500.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Manufacturing Type S:	No Fee for Trinity County Commercial Cannabis permittees; \$2,000.00 for all other users.
Shared Use Facility:	<u>\$1,000.00 + \$500.00 EIR Update Fee + \$75.00 General Plan Update Fee</u>
Renewal Fee for Manufacturing:	60% of original permit fee
Non-storefront Retail:	\$500.00
Storefront Retail (DUP):	\$1,000.00
Storefront Retail (CUP):	\$4,500.00
Processor:	

- E. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twenty-four months adoption of the ordinance codified in this chapter, the county shall conduct a fee study to determine the total cost of administering this chapter.
1. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.
 2. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.