

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
REPEALING, AMENDING, AND ENACTING VARIOUS SECTIONS OF TITLE 17 OF
THE COUNTY CODE, IMPLEMENTING THE MITIGATION MEASURES FOR THE
COUNTY'S COMMERCIAL CANNABIS PROGRAM**

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

SECTION 1: Chapter 17.43 of the Trinity County Code is repealed and reenacted as follows:

**CHAPTER 17.43
COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

17.43.010 - Definitions.

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.

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

"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.

"Canopy" means the designated area(s) at a licensed 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.

"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.

"Commercial cannabis" means any commercial cannabis activity allowed under MMRSA, AUMA and/or MAUCRSA (SB 94), as limited by the allowable licenses 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.

"Cultivation" means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof.

"Designated area" means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of cannabis, excluding drying, processing and other post-

harvest cultivation activities. Designated area shall not exceed two hundred percent of the area for the license type unless otherwise approved by the planning director; 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.

"EPA" means the United States Environmental Protection Agency.

"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.

"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.

"Legal dwelling" means a building intended for occupancy as living quarters built prior [to] 1972 or that is properly permitted by the County.

"Legal parcel" 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, such legal parcels shall be counted as a single parcel for purposes of this chapter. "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.

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

"Medical Cannabis" means cannabis or cannabis plant used for medicinal purposes in accordance with California Health and Safety Code Section 11362.7 et seq.

"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:

1. "Mixed-light Tier I" 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;
2. "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.

"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.

"Planning department" means the Trinity County Planning Department, or department 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 licensee where the commercial cannabis activity will be or is conducted. The premises may only be occupied by one County commercial cannabis cultivation license type. Multiple additional commercial cannabis activities (i.e. nursery, distribution, manufacturing, etc.) may exist on the same legal parcel.

"Primary caregiver" means a "primary caregiver" as defined in Health and Safety Code Section 11362.7(d).

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

"Qualified patient" means a "qualified patient" as defined in Health and Safety Code Section 11362.7(t).

"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 licensed cultivator of their own cannabis grown from their own licensed cultivation site.

"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 licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

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

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

"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.

"Youth-oriented facility" means public park, school, authorized bus stop 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.

17.43.020 - Application.

- A. Issuance of a license grants provisional permission to cultivate cannabis plants within the guidelines of this chapter and state law. After receipt of a license, 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.
- B. Any licensing, except for specialty cottage outdoor that qualifies under two thousand square feet cultivation area and less than five percent slope, provided under this Ordinance will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's Order regulating discharge requirements for discharges of waste associated with cannabis cultivation activities. Applicants, except for specialty cottage outdoor applicants, shall have been compliant with this requirement during the application period covered by the urgency ordinance to develop a record of environmental compliance. Applicants for specialty cottage outdoor shall enroll under the SWRCB's order on or before the date of application for a Trinity County commercial cultivation license.
- C. Approval of a license grants provisional permission to cultivate cannabis plants within the County of Trinity.
- D. Any licensing 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.
- E. Application for a license pursuant to this chapter does not give the applicant any property rights, and it is not a license or a guarantee that a license 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).
- F. Use of cannabis is not recognized under federal law and Trinity County does not grant any right to violate federal law.
- G. Should the state begin issuing cannabis cultivation licenses under MAUCRSA, MMRSA and/or AUMA, an applicant or licensee pursuant to this chapter and who can otherwise demonstrate consistent compliance with this chapter, Trinity County Code and all other relevant laws and regulations, shall be provided a provisional license that may be used as evidence of local compliance for the purposes of Business and Professions Code § 19322(a)(2). Receipt of a provisional license shall suffice as adequate documentation of local compliance for the purpose of applying for a state license under Business and Professions Code § 19322(a)(2).
- H. County licensees shall obtain the appropriate state licenses with the appropriate state licensing authority within ninety days of obtaining a County license. Issuance of a County license does not guarantee the issuance of a state license. Issuance of a state license does not guarantee the issuance of a County license.

- I. Notwithstanding any other provision of this chapter, a person participating in the cultivation of cannabis who is licensed 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 license(s).

17.43.030 - Application requirements.

- A. All applicants will be required to comply and provide the following:

1. Proof of intent to comply with all County setback requirement.
 - a. Specialty Cottage.
 - i. "Specialty cottage outdoor" is an outdoor cultivation site with up to twenty-five mature plants. 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. Medium.
 - i. "Medium outdoor" is an outdoor cultivation site between ten thousand one square feet and one acre of total canopy.
 - e. All other license types are not allowed at this time by the County of Trinity, unless adopted by the County in subsequent ordinance or ordinances.

2. Proof of enrollment in good standing with NCRWQCB Order #2015-0023 or the SWRCB.
3. Apply for and obtain a board of equalization seller's permit.
4. 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.
5. 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.
6. 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.
7. If using a permitted well, a copy of the Trinity County well permit shall be provided.
8. At the time of renewal or application for the 2018/19 license cycle and after, the applicant shall designate on their application or renewal application whether they intend to cultivate for adult or medicinal use.
11. Provide all documentation, reports, and other information required by Section 17.43G.030 of this Code.
12. Annual relicensing of cannabis operations licensed before 2019 shall require a one-time historic building evaluation, and the results of the evaluation shall be submitted to the County if buildings on-site are over 45 years old and are expected to be used in future operations. If the buildings are determined to be a significant historic resource, then the applicant shall be required to comply with historic resource protection standards set forth in Paragraph (S) of Section 17.43G.030 of this Code. This requirement does not apply to buildings that are currently being used as part of the cannabis operation. (MM 3.5-1a.)
13. All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable requirements of SWRCB Order WQ 2019-0001-DWQ, or any subsequent water quality standards that apply to all new commercial cannabis cultivation operations, and will not limited by a minimum area of disturbance as part of application review and at annual licensed renewal. This will include documentation, Site Management Plan, and grading details prepared by a qualified professional to help ensure that the site will be stable and describing how

stabilization will be achieved. The documentation will also identify the location of all water quality control features for the site and associated access roads. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-001-DWQ, or any successor to that order, will also be provided to the County. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

On-site sewage systems shall be designed to accommodate employees and seasonal employees during harvest consistent with the requirements of County Code of Ordinances Section 16.48.122. (MM 3.10-1a.)

- 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, nine 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 licensed cultivators within Trinity County can self-transport their own product to licensed 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 that they would like permission to self-transport. If so designated in the application, there will be no additional fees.
- D. All documents/plans/monitoring/inspections filed as part of enrollment become part of the County application.
- E. Ownership of a license may only be transferred under the following conditions:
 - 1. Licensee may transfer their license as part of the sale of the property for which the license has been issued. The new owner shall reapply, pay applicable fees, and meet all requirements for the property to transfer. All exceptions that apply to the original license shall transfer with the license.
 - 2. Licensee may transfer their license to other property under their ownership or for which they have a valid rental agreement and certification of permission to grow cannabis on the property. The licensee shall reapply, pay the applicable fees, and meet all requirements for the new property and this chapter in order for the license to transfer.
 - 3. Licenses cannot be transferred more than once in a calendar year.
 - 4. The licensee may maintain his/her original license number if they are applying for, or obtaining, an alternative cultivation license.

- F. Each premise upon which cultivation will occur must have a legal dwelling unless licensee is cultivating on a contiguous legal parcel with a legal dwelling which is under identical ownership as the parcel upon which cultivation will occur.

17.43.040 - Type III cultivation licenses.

- A. The County will allow a total of five hundred thirty licenses. Thirty of those licenses shall be issued to property within Trinity County Waterworks District #1. Priority in the program shall be based on the following:
1. Priority will be issued based on the number issued to a Trinity County Commercial Cannabis License number.
- B. The County will allow fifteen Type 3 licenses. These licenses shall be available to those who have already obtained a commercial cultivation license.
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.
 2. The director may increase the number of Type 3 Licenses up to thirty if the environmental documents support this increase.
 3. Priority will be given to those that hold a valid 2016/2017 Trinity County license and who submit completed applications by a date determined by director. Thereafter, priority will be given based on the Trinity County Commercial Cannabis License number.

17.43.050 - Limitation on location to cultivate cannabis.

- A. Applications will not be approved for cultivation of cannabis in any amount or quantity, in the following areas:
1. Within one thousand feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein.
 2. Within five hundred feet of an authorized school bus stop.
 3. A legal parcel without a legal dwelling, or without an active building permit.
 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).
 5. Residential 1 (R1), residential 2 (R2), or residential 3 (R3) zones.
 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.
 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:

- Weaverville Community Services District by December 31, 2016;
 - Lewiston Community Services District by January 15, 2017;
 - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
8. For specialty cottage, specialty and small licenses cultivation shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. For medium licenses, cultivation shall not be allowed within five hundred feet of an adjacent property line. Applications for a variance from this provision will be considered by the Trinity County Planning Commission. After obtaining an initial variance, the planning director can issue a director's use permit for subsequent years after an inspection.

17.43.060 - Performance standards for commercial cultivation of cannabis.

Cultivation permit holders and licensees 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 license 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: Fifty five dBA from seven a.m. to seven p.m. and fifty 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.~~ 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 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 p.m. and 7:00 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 20-25 dBA.

2. Project-generated sound, when added to existing ambient conditions, must not exceed 90 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.
- 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 license for the following reasons:
1. The property has an unlicensed 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 licensees shall enroll in the state's track and trace program within sixty days of said program going into effect.
- 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. License applications for new cultivation sites and requests for license renewal for sites located within 0.5 mile of a County-designated scenic roadway will provide details on methods to screen the cultivation site from public views along the scenic roadway 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. 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. License applications for new cultivation sites and requests for license renewal will maintain the parcel 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 parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license 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 license renewal. (MM 3.1-1c.)
- X. Vegetation cleared as part of cultivation operations, or for cultivation purposes, shall not be burned. (MM 3.3-1a.)
- Y. Cultivation sites shall not place any structures or involve any grading that alters the capacity of the 100-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the 100-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.)

17.43.070 - Denial/revocation of license.

- A. Applicant shall be denied a license or the approval of a license shall be revoked if the County becomes aware that:
1. The applicant has provided materially false documents or testimony;
 2. The applicant has not complied fully with the provisions of this chapter, including any of the requirements of NCRWQCB Order #2015-0023, SWRCB, or CDFW; or
 3. The operation as proposed by the applicant, if permitted, would not have complied with all applicable County and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the County, including the provisions of this chapter and with all applicable laws including zoning and County ordinances.
- B. Applicant shall be given up to seven business days after date of written notification to correct deficiencies prior to denying or revoking the license; if the deficiencies are deemed an immediate threat to environmental and/or public health and safety, they shall be corrected immediately.
- C. Applicant shall have the right to appeal any denials to the planning director. Any person dissatisfied with a decision of the planning director may appeal therefrom to the planning commission at any time within ten working days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the planning director and paying the required appeal fee. Upon filing of a notice of appeal, the planning director shall within ten 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.

- D. Registrant shall have the right to appeal any rescissions as prescribed in Section 8.90.130 of the Trinity County Code.

17.43.080 - Enforcement.

- A. Violation of this chapter constitutes a nuisance and is subject to fines and abatement pursuant to Chapter 8.64 and 8.90 of the Trinity County Code.
- B. Summary Abatement.
1. Notwithstanding any other provision of this chapter, when any unlawful cannabis cultivation constitutes an immediate threat to the public health or safety, and where there is insufficient time to: (1) obtain an inspection warrant, and (2) comply with the abatement procedures set out in Chapter 8.64 of the Trinity County Code, to mitigate that threat; the enforcement official may direct any officer or employee of the County to summarily abate the nuisance.
 2. The County enforcement official shall make reasonable efforts to notify the owner and/or the alleged violator.
 3. 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.

17.43.090 - Fees.

- 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.
- B. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this chapter.
- C. The cannabis cultivation program fee is 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 license that will be applied towards the first year's fees if a license is granted.
 2. Specialty Outdoor and Mix Light: Three thousand dollars plus one thousand dollars toward the general plan up-date.
 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 Licenses:
 - a. Transfer of License on Same Parcel: Fifty percent of original application fee not to exceed one thousand five hundred dollars.
 - b. Transfer of License to a different property: One hundred percent of all original fees as set forth above.
- D. Fees shall be paid thereafter annually on date of the issuance of the license each year.
- E. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of [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.

SECTION 2: Section 17.43A.035 of the Trinity County Code is enacted as follows:

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.

SECTION 3: Section 17.43B.035 of the Trinity County Code is enacted as follows:

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.

SECTION 4: Section 17.43C.035 of the Trinity County Code is enacted as follows:

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.

SECTION 5: Section 17.43D.015 of the Trinity County Code is enacted as follows:

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.

SECTION 6: Section 17.43E.015 of the Trinity County Code is enacted as follows:

17.43E.035 – Mitigation Measures Applicable

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

SECTION 7: Section 17.43F.045 of the Trinity County Code is enacted as follows:

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.

SECTION 8: Chapter 17.43G of the Trinity County Code is enacted as follows:

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.020 - Definitions

As used herein the following definitions shall apply:

"Area" is the measurement of cannabis plant growth in square feet as defined by the California Department of Food and Agriculture. Pursuant to the current regulations, the area is defined as canopy. All changes by California Department of Food and Agriculture are automatically incorporated herein.

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

"CESA" means the California Endangered Species Act.

"CEQA" means the California Environmental Quality Act.

"Commercial cannabis" means any commercial cannabis activity allowed under MMR-SA, AUMA and/or MAUCRSA (SB 94) and AB 133, as limited by the allowable licenses 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 the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof.

"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.

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

"EPA" means the United States Environmental Protection Agency.

"ESA" means environmental site assessment.

"NHPA" means the National Historic Preservation Act.

"NRHP" means the National Register of Historic Places.

"RD" means renewable diesel.

"RWQCB" means the Central Valley Regional Water Quality Control Board.

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

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

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

17.43G.030 – Application Standards Applicable to all Cannabis Land Uses

To the extent applicable, applications for cannabis land uses shall satisfy all of the following requirements in addition to any other requirements specified in other chapters of this Code.

A. Prior to approval of any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its Designated Area, a biological reconnaissance survey shall be conducted by a qualified biologist approved by the County. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. The qualified biologist shall assess the habitat suitability of the proposed development area for all special-status plant, wildlife species, and sensitive habitats identified as having potential to occur in the County. The biologist shall provide a letter report to the project applicant and the County with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed development area. At a minimum, the letter report shall include:

1. Date, time, and weather conditions during the survey;
2. A description and explanation of whether the site conditions during the survey are considered typical or atypical;
3. A map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found;
4. A vegetation map of the proposed development area using the National Vegetation Classification System (e.g., A Manual of California Vegetation) and an associated table, including acreage of vegetation types that could be adversely affected by project implementation;
5. A special-status species table generated from review of the CNDDDB, the California Native Plant Society Inventory of Rare and Endangered Plants, lists maintained by USFWS, and the most recent, best-available range information for special-status species;
6. A description of survey methods and any protocols utilized during the survey; and
7. A list of common and special-status species and habitats observed in the proposed development area.

If the reconnaissance survey identifies no potential for special-status plant, wildlife species, or sensitive habitats to occur, the applicant will not be subject any additional biological resource protection measures identified in this Section. If special-status species or sensitive habitats are present, the letter report will include a discussion of potential direct and indirect impacts on these resources, and the appropriate biological resource protection measures identified in this Section will be included in the letter report shall be implemented. (MM 3.4-1a.)

B. Prior to commencement of new development related to cannabis activities or the expansion of the Designated Area for existing licensed cultivation sites and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status

plants in all proposed disturbance areas following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018a).

If special-status plants are not found, the botanist shall document the findings in a letter report to CDFW and the applicant, and no further mitigation will be required. Reports shall be submitted to CDFW via email at R1LSARedding@wildlife.ca.gov and shall include the project applicant's name, address, and Assessor's Parcel Number in the subject line. If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County. If the special-status plant species cannot be avoided, the application will be denied. (MM 3.4-1b.)

- C. The application shall include identification of invasive plant species that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The application may be combined with the required compliance with SWCRB Order WQ 2019-0001-DWG, or any successor to that order, and shall identify specific measures to be employed for the removal of invasive species and on-site management practices. Applicants shall monitor annually to ensure successful removal and prevention of new infestations and invasive species.

All invasive plant species shall be removed from the site using measures appropriate to the species to the extent practicable. For example, species that cannot easily reroor, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.

Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species.

Only weed-free erosion control materials and mulch shall be used on-site. (MM 3.4-1c.)

- D. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of special-status amphibian species from new development related to cannabis activities.

If special-status amphibians are detected during the initial biological reconnaissance survey (see Paragraph A of this Section) or are determined to be likely to occur based on the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.

Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist approved by the County and familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in *Considerations for Conserving Foothill Yellow-Legged Frog* (CDFW 2018b), and *Visual Encounter Survey Protocol for Rana Boylii in Lotic Environments* (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).

If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.

If special-status amphibians are detected during the preconstruction survey, then work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians will be avoided by modifying project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. (MM 3.4-2a.)

- E. If pond turtles are detected during the initial biological reconnaissance survey identified in Paragraph A of this Section, preconstruction surveys, or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether additional measures, such as project design modifications, relocation of the site, relocation of individual animals by a qualified biologist with a valid CDFW scientific collecting permit, or installation of exclusionary fencing, will be necessary and appropriate. Compliance documentation shall be submitted to the County as part of the application materials and may be combined with required compliance with SWCRB Order WQ 2019-0001 DWQ, or any successor to that order.

Regardless of detection during the initial biological reconnaissance survey, if suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist approved by the County and familiar with the life history of western pond turtle shall conduct preconstruction surveys of proposed new development activities within 200 feet of any aquatic habitat 24 hours before such development activities.

If pond turtles are not detected during the preconstruction survey, then further mitigation is not required. If pond turtles are detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of western pond turtle will be avoided through project design modification, cultivation site relocation, or relocation of the turtle by a qualified biologist with a valid CDFW scientific collecting permit. If relocation of western pond turtles is determined to be necessary, turtles shall be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report shall be submitted electronically to CDFW within 15 days of the relocation. The report shall include the location, date, time, and duration of collection and release; the number of individuals relocated; and identification of the qualified biologist. (MM 3.4-2b.)

- F. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of nesting raptors from new development related to cannabis activities.
1. To minimize the potential for loss of nesting raptors, tree removal activities shall occur only during the nonbreeding season (September 1–January 31).
 2. Prior to removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31.
 3. Impacts to nesting raptors, including direct impacts and indirect impacts (e.g., noise, presence of construction crews) shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Factors to be considered for determining buffer size will include the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffer size if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist approved by the County during and after construction activities

(e.g., ground disturbance, vegetation removal, installation cultivation sites) will be required if the activity has potential to adversely affect the nest.

4. Removal of bald and golden eagle nests is prohibited regardless of the occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
5. Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree. (MM 3.4-2c.)

G. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of northern spotted owl from new development related to cannabis activities. To avoid the potential for loss of northern spotted owl and their nests, or loss or fragmentation of occupied or suitable habitat for northern spotted owl, removal of old-growth habitat shall be prohibited, as outlined in Paragraph (P) of this Section.

If the area of proposed new development activities (e.g., any application for commercial cannabis operations or renewal of an existing licensed cultivation site that is planning to expand its designated area) is within suitable habitat for northern spotted owl (e.g., coniferous forest), and is within 1.3 miles (average species home range) of a known occurrence of northern spotted owl, as determined by a qualified biologist familiar with the species and protocol and approved by the County, the following measures shall be followed:

1. Prior to removal of any trees, or ground-disturbing activities adjacent or within suitable nesting, roosting, or foraging habitat (e.g., forest clearings) for spotted owl, a qualified biologist approved by the County and familiar with the life history of the northern spotted owl shall conduct preconstruction surveys for nests within a 1.3-mile buffer around the site as described in Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USFWS 2012). Surveys shall take place between March 1 and August 31. Three complete surveys spaced at least 7 days apart must be completed by June 30. Six complete surveys over the course of 2 years must be completed to determine presence or absence of northern spotted owl.
2. If northern spotted owls are determined to be absent 1.3 miles from the site, then further mitigation is not required.
3. If northern spotted owls are determined to be present within 1.3 miles of the site, then it is presumed that habitat removal could cause harm to northern spotted owl populations in the area and could result in direct take of northern spotted owls. If northern spotted owls are determined to be present within 1.3 miles of the site, proposed cultivation activities, including expansion of an existing designated area, will not be permitted. (MM 3.4-2d.)

- H. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests from new development related to cannabis activities.
1. To minimize the potential for disturbance to or loss of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 1-January 31).
 2. If little willow flycatcher is detected during the initial biological reconnaissance survey or is determined to be likely to occur based on the presence of suitable habitat, a protocol-level survey shall be conducted by a qualified biologist familiar with the species and the protocol prior to removal of any vegetation or any ground disturbance. The protocol-level survey shall utilize methods outlined in *A Willow Flycatcher Survey Protocol for California* (Bombay et al. 2003).
 3. If little willow flycatcher is determined to be present during the protocol-level survey, no development activity shall occur during the breeding season (May 1 through August 31) in and within 300 feet of the little willow flycatcher habitat. Development activities within or adjacent to identified little willow flycatcher habitat shall not damage or destroy willows or other riparian shrubs unless agreed upon through consultation with CDFW.
 4. If olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests are detected during the initial biological reconnaissance survey or are determined to be likely to occur based on the presence of suitable habitat, prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nests on any structure or vegetation planned for removal. The surveys shall be conducted no more than 7 days before construction commences. If no active nests are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest is no longer active. (MM 3.4-2e.)
- I. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the Trinity bristle snail from new development related to cannabis activities.

1. If Trinity bristle snail is detected during the initial biological reconnaissance survey (see Paragraph A of this Section) or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications or relocation of the site, will be necessary and appropriate.
2. Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for Trinity bristle snail is present within the proposed development area, a qualified biologist approved by the County and familiar with the species shall conduct preconstruction surveys of proposed new development activities within the period when the species is the most active (between May and October and between dusk and dawn) prior to new development activities. Preconstruction surveys shall be conducted using a widely used and accepted standardized protocol that controls for seasonality and environmental conditions, such as the the *Survey Protocol for Survey and Manage Terrestrial Mollusk Species from the Northwest Forest Plan* (BLM 2003). Surveys shall be conducted throughout the proposed construction area and an appropriate buffer around the proposed development area as determined by the qualified biologist familiar with the species and survey protocols.
3. If Trinity bristle snail or its habitat is not detected during the preconstruction survey, then further mitigation is not required.
4. If Trinity bristle snail is detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of this species will be avoided through project design modification or cultivation site relocation. If impacts to Trinity bristle snail are unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Trinity bristle snails, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. (MM 3.4-2f.)

- J. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the American badger from new development related to cannabis activities.

Prior to the commencement of construction activities, a qualified wildlife biologist approved by the County shall conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys shall be conducted not more than 30 days prior to the start of construction. If occupied burrows are not found, further mitigation shall not be required. If occupied burrows are found, impacts to active badger dens shall be avoided by establishing

exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied. (MM 3.4-2h.)

K. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the fisher and Humboldt marten from new development related to cannabis activities.

1. To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat and dens, removal of old-growth habitat shall be prohibited, as outlined in Paragraph P of this Section.
2. Prior to commencement of new development related to cannabis activities occurring within the fisher and Humboldt marten denning season (March 1 to July 31), including tree removal (non-old growth), a qualified wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual fishers or martens, as well as potential dens.
3. If individuals or potential or occupied dens are not found, further mitigation will not be required.
4. If fisher or Humboldt marten are identified or if potential dens of these species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a fisher or marten is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as fiber optic scope may be utilized to determine occupancy. If no fisher or marten occupies the potential den, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.
5. If a den is found to be occupied by a fisher or marten, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the den tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. (MM 3.4-2i.)

L. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the ringtail from new development related to cannabis activities.

1. Prior to commencement of new development related to cannabis activities occurring within the ringtail nesting season (not well defined but likely approximately March 1 to July 31), including tree or shrub removal, a qualified

wildlife biologist approved by the County will conduct preconstruction surveys of all suitable habitat within the site, and will identify sightings of individual ringtails, as well as potential nests.

2. If individuals or potential or occupied nests are not found, further mitigation will not be required.
3. If ringtail are identified or if potential nests of this species are located, an appropriate method shall be used by the qualified wildlife biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices such as a fiber optic scope may be utilized to determine occupancy. If no ringtail occupies the potential nest, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.
4. If a nest is found to be occupied by a ringtail, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the nest tree (or other structure) plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the nest is unoccupied as determined by a qualified wildlife biologist in coordination with CDFW. (MM 3.4-2j)

M. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of Oregon snowshoe hare from new development related to cannabis activities.

1. If it is determined during the initial biological reconnaissance survey (see Paragraph A of this Section) that suitable habitat for Oregon snowshoe hare is present within a proposed cultivation area, then preconstruction surveys will be required. Prior to removal of any vegetation or any ground disturbance within suitable Oregon snowshoe hare habitat, a qualified biologist approved by the County shall conduct preconstruction surveys of all suitable habitat within the site.
2. If Oregon snowshoe hares or occupied reproductive sites are not found, further mitigation will not be required.
3. If Oregon snowshoe hares or potential or occupied reproductive sites are observed, a no-disturbance buffer will be placed around the occupied nest. The no-disturbance buffer will include the nest plus a suitable buffer as determined by the biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the reproductive site is unoccupied as determined by the qualified biologist in coordination with CDFW. (MM 3.4-2k.)

N. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the pallid bat and Townsend's big-eared bat from new development related to cannabis activities.

1. Before commencing any development related to cannabis activities, a qualified biologist approved by the County shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required.
 2. If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by the qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies. (MM 3.4-2l.)
- O. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the Sonoma tree vole from new development related to cannabis activities.
1. To minimize the potential for loss of or disturbance to vole habitat and nests, removal of old-growth habitat shall be prohibited.
 2. Before commencing any tree or other vegetation removal activities, or ground-disturbance, a qualified biologist approved by the County shall conduct surveys for vole nests (e.g., nest searching within trees on the site, and confirming that nests belong to voles rather than squirrels or birds). If no evidence of vole nests is found, then no further study shall be required. A report summarizing the results of the surveys shall be prepared and submitted to the Planning Director and shall be subject to his review and approval in consultation with CDFW.
 3. If occupied trees or nests are identified within 100 feet of the site, the biologist shall determine whether project development activities will adversely affect the voles, based on factors such as noise level of development activities, or line of sight between the tree and the disturbance source. If it is determined that development activities would not affect the voles, then development can proceed without protective measures.
 4. If the biologist determines that development activities would likely disturb voles, the proposed area of disturbance shall be relocated a minimum of 200 feet from the nest. (MM 3.4-2m.)
- P. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of sensitive natural communities and riparian habitat.

1. For projects that could disturb sensitive natural communities or riparian habitat, the application shall include a report prepared by a qualified biologist approved by the County that surveys the site for these sensitive resources identified from biological reconnaissance survey conducted under Paragraph A of this Section, including riparian habitat associated with aquatic features; old-growth Douglas fir forests; oak woodlands; special-status fish stream habitats; and Darlingtonia seep habitat.
2. The report shall include requirements that before development activities commence, all sensitive areas identified above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist to require that grading, excavation, other ground-disturbing activities, and vegetation removal will not occur within these areas. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species. Periodic inspections during construction shall be conducted by the monitoring biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.
3. If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement prior to any ground disturbance.
4. Subject to the review and approval of the County in consultation with CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of existing riparian habitat through removal of nonnative species, where appropriate, and planting additional native riparian plants to increase cover, continuity, and width of the existing riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement as required under Section 1602 of the California Fish and Game Code as well as the SWRCB Order WQ 2019-0001-DWQ, or any successor to that order.

The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall include the following:

- a. Identification of compensatory mitigation sites and criteria for selecting these mitigation sites;

- b. In-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- c. Monitoring protocol, including schedule and annual report requirements (compensatory habitat will be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer);
- d. Ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80 percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period or dead and dying trees will be replaced and monitoring continued until 80 percent survivorship is achieved;
- e. Corrective measures if performance standards are not met;
- f. Responsible parties for monitoring and preparing reports; and
- g. Responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions. (MM 3.4-4a.)

Q. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of waters of the United States from new development related to cannabis activities.

1. The application shall include a report prepared by a qualified biologist approved by the County that surveys the site for sensitive resources, including wetlands, streams, and rivers identified from the biological reconnaissance survey conducted under Paragraph (A) of this Section. Wetlands and other waters of the United States are of special concern to resource agencies and are afforded specific consideration, based on Section 404 of the Clean Water Act and other applicable regulations.
2. If the report documents waters of the United States to be present, a delineation of waters of the United States, including wetlands that would be affected by the project, shall be prepared by a qualified biologist approved by the County through the formal Section 404 wetland delineation process. The delineation shall be submitted to and verified by USACE.
3. If, based on the verified delineation, it is determined that fill of waters of the United States would result from implementation of the project, authorization for such fill from USACE through the Section 404 permitting process would be required. USACE may not issue a Section 404 permit for activities associated with cannabis cultivation. If a Section 404 permit cannot be obtained, then the applicant shall modify the proposed project to avoid any wetlands or other waters of the United States by providing a buffer of at least 50 feet around these features. (MM 3.4-5.)

- R. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ, or any successor to that order, for the protection of the habitat for fisher and Humboldt marten,
1. To minimize the potential for loss of or disturbance to fisher and Humboldt marten habitat, removal of old-growth habitat shall be prohibited.
 2. Habitat features within non-old-growth habitat, such as large trees, large snags, coarse woody debris, and understory vegetation (e.g., shrubs), shall be retained within the site to the extent feasible, to maintain connectivity of fisher and marten habitat. (MM 3.4-6b.)
- S. Historic Buildings and Structures.
1. Cannabis cultivation operations shall not be permitted within the historic districts of Weaverville, Denny, Helena, and Lewiston.
 2. Applicants shall identify and evaluate all historic-age (over 45 years in age) buildings and structures that are proposed to be removed or modified as part of cannabis operations. This shall include preparation of a historic structure report and evaluation of resources to determine their eligibility for recognition under federal, state, or County local official register of historic resources criteria. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b) and, if federal funding or permits are required, with Section 106 of the NHPA of 1966 (16 United States Code Section 470 et seq.).
 3. If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts or plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. (MM 3.5-1b.)
- T. Applications for new cannabis activities on sites that contain existing or previous commercial, business park, or industrial uses shall include a site assessment for the presence of potential hazardous materials, including an updated review of environmental risk databases. If this assessment indicates the presence or likely presence of contamination, the applicant shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a

site shall be implemented to protect public health. If a Phase I ESA indicates the presence or likely presence of contamination, the applicant shall prepare a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented before ground disturbance, which will be made a condition of approval for the project. (MM 3.9-2a.)

- U. Applications for new licensed commercial cannabis on commercial, business park, or industrial sites shall include a hazardous materials contingency plan for review and approval by Trinity County Division of Environmental Health. The plan shall describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material. The plan shall include the provision that, if at any time during constructing the project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact Trinity County Division of Environmental Health. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of Trinity County Division of Environmental Health, RWQCB, and DTSC (as applicable). The plan, and obligations to abide by and implement the plan, shall be incorporated into the conditions of approval for the project. (MM 3.9-2b.)
- V. Applications will identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Five Counties Salmonid Conservation Roads Maintenance Manual. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance. (MM 3.10-1a.)
- X. As part of the application and license renewal process, applicants shall provide the County with groundwater monitoring data for existing on-site well facilities that documents well production and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, waters of the state, and sensitive habitats, and indicate a connection to operation of the on-site wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and

stabilized based on annual monitoring data provided to the County as part of subsequent annual inspections. Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ, or any successor that order. (MM 3.10-2.)

Y. Prior to the issuance of a license and/or use permit, the County will determine if the application site is located within a watershed on which the CDFA has placed a moratorium on state licensing pursuant to California Code of Regulations Section 8216. The County will reject the application should the site be located in such a watershed. Noncultivation uses may still be allowed if the applicant can demonstrate that the project's water source is groundwater that is not hydrologically connected to the watershed to the satisfaction of the County. (MM 3.10-3a.)

Z. Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of this Code. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4, and SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. (MM 3.14-3.)

AA. Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that site access is in compliance with Chapter 8.30 – Fire Safe Ordinance of this Code. (MM 3.14-4.)

BB. Applicants for new commercial noncultivation cannabis operations shall prepare a materials management plan that will address each permit type sought within a site. Compliance with state licensing that addresses these items may be used to demonstrate compliance with this measure. The plan shall include:

1. A detailed description of activities and processes occurring on site, including:
 - a. Equipment type and number,
 - b. Detailed standard operating procedures for processes,
 - c. Chemical requirements and reactions,
 - d. Cleaning procedures for equipment,
 - e. Required pretreatment requirements for discharge to a public wastewater treatment system, and
 - f. Disposal methods for all materials (e.g., plant materials, solvents, empty containers).
2. Identification of type and quantity of items produced, including:
 - a. Material Safety Data Sheets for all chemical substances occurring on site,
 - b. Manifests for each chemical describing quantities purchased, date used, and quantities disposed,

- c. Facility site plan with storage map, showing where hazardous materials will be stored,
 - d. An inventory of all emergency equipment with the location and description of items, including:
 - i. Personal protective equipment,
 - ii. Fire extinguishing systems,
 - iii. Spill control equipment and decontamination equipment, and
 - iv. Communication and alarm systems.
3. An employee training plan that includes:
- a. Emergency response procedures and incident reporting, and
 - b. Chemical handling procedures.

The materials management plan shall be submitted to Trinity County Division of Environmental Health and public agencies or private enterprises accepting waste materials, including CSDs and waste transfer stations. Commercial cannabis permits shall not be granted without approval of the materials management plan from relevant agencies and identification and construction of any required pretreatment facilities for wastewater. (MM 3.15-1.a.)

CC. Applicants not relying on septic systems shall determine whether sufficient public wastewater treatment capacity exists for a proposed project. These determinations must ensure that the proposed development can be served by its existing or planned treatment capacity and wastewater conveyance through approval of the relevant service provider. If adequate capacity does not exist, the application will be denied. (MM 3.15-1.b.)

DD. Applicants for new commercial cannabis operations that plan to obtain water from a retail water supply will obtain, and provide to the County, written verification from the water service provider that adequate water supply and water distribution facilities are or will be available to serve the site including peak operations (e.g., growing season). If adequate capacity does not exist, the application will be denied. (MM 3.15-2.)

EE. Waste compost management.

- 1. Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste composting management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state requirements and the following requirements that will be confirmed by the County during inspections.
- 2. Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs.

3. Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.
4. Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation. (MM 3.15-3.)

FF. Compliance documentation will be provided to the County as part of the application materials for the protection of special-status bumble bees from new development related to cannabis activities. Such documentation may be combined with required compliance with SWCRB Order 2019-0001-DWQ, or any successor to that order.

1. If special-status bumble bees are detected during the initial biological reconnaissance survey or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, or relocation of the site, will be necessary and appropriate.
2. If impacts to special-status bumble bees are determined to be unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual bumble bees, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. (MM 3.4-2g.)

GG. Compliance documentation will be provided to the County as part of the application materials for the protection of gray wolves from new development related to cannabis activities. Such documentation may be combined with the required compliance with SWRCB Order 2019-0001-DWQ, or any successor that order.

1. If gray wolf is detected during the initial biological reconnaissance survey is determined to be likely to occur due to the presence of suitable habitat and recent species range information, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, relocation of the site, limited operating periods, or biological monitoring will be necessary and appropriate.
2. If impacts to gray wolf cannot be avoided, then proposed cultivation activities will not be permitted. (MM 3.4-2o.)

17.43G.040 – Performance Standards Applicable to all Cannabis Land Uses

The following standards shall apply to the extent applicable to all cannabis land uses and shall be in addition to any other standards specified in other chapters of this Code.

- A. All diesel-powered off-road equipment used in construction shall meet the EPA's Tier 4 emission standards as defined in 40 Code of Federal Regulations (CFR) Part 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4

version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

Construction activities will implement measures to control dust including:

1. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
 2. Cover all haul trucks transporting soil, sand, or other loose material off-site.
 3. Remove all visible mud or dirt track-out onto the roads adjacent to the site.
 4. Limit all construction vehicle speeds on unpaved roads to 15 miles per hour. (3.3-1b.)
- B. Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:
1. The RD must meet California’s Low Carbon Fuel Standards and be certified by the California Air Resources Board Executive Officer;
 2. The RD must be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
 3. The RD must contain no fatty acids or functionalized fatty acid esters; and
 4. The RD must have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.
- The County shall require implementation of this measure of the licensed entities building a new cannabis site. (3.3-1c.)
- C. Except as provided in Paragraph D of this Section, during cultivation operations, licensees shall limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. (3.3-2a.)
- D. All diesel generators used at a cultivation site shall meet EPA’s Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. (3.3-2b)
- E. Cannabis sites shall develop and implement an odor control plan that contains the following requirements, as appropriate for each cannabis use:

1. Identification and description of odor-emitting activities and the nature and characteristics of the emissions.
2. Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.
3. Demonstrate that the cannabis site's distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance.
4. If off-site odor nuisance impacts cannot be avoided without odor controls, identify the procedures and controls for reducing and controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor). The operator may propose a numeric odor detection threshold for on-site operations (such as dilution-to-threshold standard that is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) subject to County review and approval.
 - a. All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation controls, carbon filtration, or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and processing of cannabis plant material recently harvested.
 - b. Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts.
 - c. Corrective actions to address County-verified off-site odor complaints will be identified. This may include immediate and complete harvest of the cannabis plants or relocation of outdoor cannabis plants or identification of other methods to be applied as part of the current harvest or the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the County's Cannabis Program or State license requirements. (3.3-3.)

F. Paleontological Resources.

1. If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County.
2. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource

surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. It is encouraged that the excavated finds first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds may be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils. (MM 3.7-4.)

G. All electricity sources used for commercial cannabis cultivation, manufacturing, microbusinesses, non-storefront retail, testing, nurseries, and distribution shall be from renewable sources by conforming to one or more of the following standards:

1. Grid-based electricity supplied from 100 percent renewable sources
2. On-site power supplied fully by renewable source (e.g., photovoltaic system)
3. On-site power supplied by partial or wholly non-renewable source with purchase of carbon offset credits
4. Or some combination of the above. (MM 3.8-1b.)

H. Lighting Efficiency.

1. Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures shall be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing).
2. Only high efficacy lighting shall be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing).
3. Examples of high efficacy lighting include:
 - a. Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts;
 - b. Pulse-start metal halide light sources;
 - c. HPS light sources;
 - d. Luminaries with hardwired high frequency generator and induction lamp;
and
 - e. LEDs. (MM 3.8-1d.)

I. All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 7:00 p.m. (MM 3.12-1.)

J. New power lines extended to sites shall be placed underground. If power lines cannot be placed underground, fuel breaks shall be provided along power lines and any stand-alone

electrical facilities in a manner that would avoid ignition of adjacent vegetation to the satisfaction of the County and CAL FIRE. Fuel breaks shall be maintained and verified by the County as part of annual license renewal. (MM 3.16-2a.)

K. The operation of outdoor motorized equipment on-site for construction and maintenance activities shall be required to be covered under a fire protection plan that includes the following provisions:

1. Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified.
2. Equipment shall be located so that exhausts do not discharge against combustible materials.
3. Equipment shall not be refueled while in operation and not until after a cooldown period.
4. Water and tools dedicated to fire fighting shall be on hand in the area of onsite construction and maintenance activities at all times.
5. Designated smoking areas with cigarette disposal receptacles that are burn resistant. (MM 3.16-2b.)

E. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundations and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soil or soil amendments not incorporated into native soil; generators; pumps; or structures not adaptable to noncannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the noncannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will reestablish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County. (MM 3.4-4b.)

SECTION 9: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

Considered at a regular meeting of the Planning Commission held on the 3rd day of December, 2020, and passed and enacted this ____ day of December 2020 by the Board of Supervisors of the County of Trinity by motion, second (1), and the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

BOBBI CHADWICK, CHAIR
Board of Supervisors
County of Trinity
State of California

ATTEST:

Emma Purvis, Deputy Clerk of the Board

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret Long, County Counsel