

**ORDINANCE NO. 315-829**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY  
AMENDING SECTION 28 OF ZONING ORDINANCE NO. 315  
PERTAINING TO COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

**Section I:** The Board of Supervisors of the County of Trinity, State of California, hereby finds and declares as follows:

The County hereby amends the following sections of Section 28 of the Trinity County Zoning Ordinance No.315 to read as follows:

**(1) Definitions:**

(c) "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.

(d)

(f) "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.

**(2) Application:**

(c) Any licensing required 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.

**(3) Application Requirements:**

(e) Ownership of a license may only be transferred under the following conditions:

- i. A 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 the application fee, and meet all requirements for the property in order for the license to transfer. All exceptions that apply to the original license shall transfer with the license.
- ii. License 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 application fee, and meet all requirements for the new property in order for the license to transfer.
- iii. Licenses cannot be transferred more than once in a calendar year.

**(4) Registration Phases:**

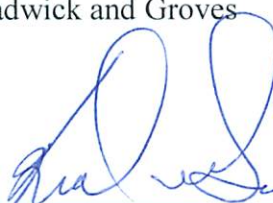
- (c) The County will allow fifteen (15) Type 3 licenses. These licenses shall be available to those who have already obtained a license pursuant to Ordinance No. 315-816 EXT(A2) and are seeking a Type 3 license for the property associated with the license issued pursuant to Ordinance No. 315-816 EXT(A2). Priority shall be given based on date of interest card for the commercial Cannabis program submitted to Trinity County. To be eligible, the applicant must:
- i. Hold a 2016/17 license with Trinity County.
  - ii. Be applying for property that is 50 acres or more.
  - iii. Apply for and obtain a Use Permit.

**Section II:** The County finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code section 26055(h) until July 1, 2019 because this Ordinance requires discretionary review for the individual licenses that are provided for within.

**Section III:** This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this Ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the Ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 17<sup>th</sup> day of January, 2018, and passed and enacted this 6<sup>th</sup> day of February, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Morris), and the following vote:

AYES: Supervisors Morris, Fenley, Chadwick and Groves  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: Supervisor Mines



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KEITH GROVES, CHAIRMAN  
Board of Supervisors  
County of Trinity  
State of California

ATTEST:

RICHARD KUHNS, PSY.D  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

  
\_\_\_\_\_  
Margaret E. Long, County Counsel