

ORDINANCE NO. 315-830

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

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

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

(1) Definitions:

- (h) "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 200% 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.
- (l) "Mixed Light" 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 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;
 - (i) "Mixed-Light Tier 1" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less;
 - (ii) "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.
- (n) "Outdoors" or "Outdoor Cultivation" 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 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.

(2) Application

- (a) Issuance of a license grants provisional permission to cultivate Cannabis plants within the guidelines of this Ordinance and State law. After receipt of a license, applicants who cultivate pursuant to the guidelines of this ordinance 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). Instead, applicants will be subject to the cultivated square footage provisions as defined by state regulations and allowed in this Ordinance.
- (b) Any licensing, except for Specialty Cottage Outdoor that qualifies under 2000 sq. ft. cultivation area and less than 5% 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. Priority for receiving Specialty Cottage Outdoor licenses within Trinity County Waterworks District #1 shall be based on date of application with the County.

(3) Application Requirement

(a)(ii) Designate whether the license is intended for commercial adult-use Cannabis activity ("A") or for commercial medicinal Cannabis activity ("M") for the following license types as stated in the State Regulations §8201:

1. Specialty Cottage:
 - a. "Specialty Cottage Outdoor" is an outdoor cultivation site with up to 25 mature plants. If cultivation area is under 2,000 sq. ft. with a slope less than 5% a Water Board permit is not required. Or if cultivation area is between 2000 and 2500 sq. ft. or if under 2,000 sq. ft. with a slope greater than 5% a Water Board permit is required.
 - b. "Specialty Cottage Indoor" is an indoor cultivation site with 500 square feet or less of total canopy.
 - c. "Specialty Cottage Mixed-Light Tier 1 and 2" is a mixed-light cultivation site with 2,500 square feet or less of total canopy.
2. Specialty:
 - a. "Specialty Outdoor" is an outdoor cultivation site with less than or equal to 5,000 square feet of total canopy, or up to 50 mature plants on noncontiguous plots.
 - b. "Specialty Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 2,501 and 5,000 square feet of total canopy.
3. Small:
 - a. "Small Outdoor" is an outdoor cultivation site between 5,001 and 10,000 square feet of total canopy.
 - b. "Small Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 5,001 and 10,000 square feet of total canopy.
4. Medium:
 - a. "Medium Outdoor" is an outdoor cultivation site between 10,001 square feet and one (1) acre of total canopy.
5. 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.

(5) 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:
- (i) Within one thousand (1,000) feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein.
 - (ii) Within five hundred (500) feet of an authorized school bus stop.
 - (vi) Within the legal boundaries of the Trinity County Waterworks District #1, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District 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;
 - Trinity County Waterworks District #1 by July 1, 2018;
 - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
- (vii) Designated Area shall not exceed 200% of the Area for the license type unless otherwise approved by the Planning Director or by the California Department of Food and Agriculture.
- (viii) For Specialty Cottage, Specialty and Small licenses cultivation shall not be allowed within three hundred fifty (350) feet of a residential structure on any adjoining parcels. For Medium licenses, cultivation shall not be allowed within five hundred (500) 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.

(9) Fees

(c) The Cannabis Cultivation Program Fee is set at:

- i. Specialty Outdoor and Mix Light: \$4,000 plus \$1,000 toward the general plan up-date.
- ii. Specialty Cottage:
 1. Outdoor: \$750 plus \$250 towards general plan update.
 2. Mix Light: \$1,500 plus \$250 towards general plan update.
 3. Indoor: \$2,000 plus \$250 towards general plan update.
- iii. Small Outdoor and Mix Light: \$5,000 plus \$1,000 toward the general plan up- date.
- iv. Medium Outdoor: \$8,000 plus \$1,000 toward the general plan update.
- v. Cannabis Variance Fee: \$751.

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

(1) Definitions:

- (z) "Indoor" means within a "Fully Enclosed and Secure Structure" as defined herein, using artificial lights at a rate greater than 25 watts per square foot.
- (aa) "Immature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means Cannabis plant that is not flowering.
- (bb) "Mature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means a Cannabis plant that is flowering;
- (cc) "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.

(dd) "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.

Section II: The County finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant 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 21st day of February, 2018, and passed and enacted this 6th day of March, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Chadwick), and the following vote:

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



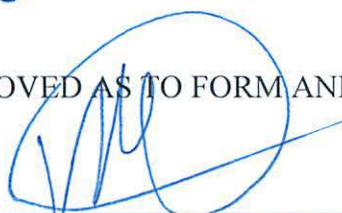
KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

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