

ORDINANCE NO.315-795
FURTHER ENACTING SECTION 41 TO ORDINANCE 315,
THE TRINITY COUNTY ZONING CODE

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

SECTION I. Section 41 of the Trinity County Zoning Code (Ordinance No. 315) shall be amended to read:

Section 41. Prohibition of Establishment or Operation of Marijuana Dispensaries.

- (a) Notwithstanding any other provision of this Code, the establishment, development, construction, maintenance, or operation of a Marijuana Dispensary is hereby prohibited, and is not a permitted use in any of the following zoning districts, even if located within an otherwise permitted use: Retail Commercial (C-1), General Commercial (C-2), Highway Commercial (H-C), Heavy Commercial (C-3), and Industrial (I). No person shall establish, develop, construct, maintain, or operate a Marijuana Dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana Dispensary shall be approved by the County of Trinity or any officer or employee thereof in any of the above districts.
- (b) As used in herein, the terms below shall mean as follows:
 - (i) "Marijuana Dispensary" means any of the following: (1) Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any two or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to Health and Safety Code sections 11362.8 and/or 11362.7 et seq. or otherwise: or (2) Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal marijuana "cooperatives" and "collectives."
 - (ii) The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Health and Safety Code section

11362.5) and Senate Bill 420 (Health and Safety Code sections 11362.7 et seq.)

- (c) The exclusion of any zoning district from the provisions of this Section, as specified in subsection (a), does not, nor shall not, express or imply that Marijuana Dispensaries are or ever have been lawful uses, either as permitted or conditional uses, within that district.

SECTION II. This ordinance is not a project under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA"), and accordingly is not subject to its provisions. Nevertheless, to the extent that this ordinance may be construed as a project, it is exempt from CEQA under the general rule that it can be seen with certainty that prohibiting the establishment or operation of marijuana dispensaries has no possibility of having a significant effect on the environment, as set forth in California Code of regulations, title 14, section 15061, subdivision (b)(3). Further, this ordinance is exempt from CEQA pursuant to the provisions of Public Resources Code section 21080, subdivision (b)(4) and California Code of regulations, title 14, sections 15307 and 15308.

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.

Enacted at a meeting of the Board of Supervisors held on the 18th day of October 2011, following the recommendation of the Planning Commission on the 29th of September 2011, and passed and adopted by the Board of Supervisors of the County of Trinity State of California, by the following roll call vote, to-wit:

AYES: Supervisors Pflueger, Otto, Chapman and Morris

NOES: Supervisor Jaegel

ABSENT: None

ABSTAINING: None

Judy Morris
Chairman of the Board of Supervisors
of the County of Trinity, State of California

ATTEST:

Wendy G. Tyler, Clerk of the Board of Supervisors
County of Trinity, State of California

APPROVED AS TO FORM AND LEGAL EFFECT:

Derek Cole, County Counsel