

**TRINITY COUNTY  
BOARD OF SUPERVISORS**  
Trinity County Library  
Conference Room  
351 Main Street  
Weaverville, CA

**Meeting Addendum  
November 17, 2020**

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**Building and Development Services**

- A. Introduce, waive the reading of and enact an urgency ordinance establishing a temporary stay on the issuance of permits relating to the removal of fire damaged debris, demolition, reconstruction and temporary occupancy on private property damaged by the August Complex Fires.

**Loss of revenue in an unknown amount.**

**Planning and Zoning**

- B. Introduce and waive the reading of an ordinance amending Trinity County Zoning Code section 17.43.30 correcting an error of omission and restoring language restricting commercial Cannabis cultivation licenses to one license per person/entity or per legal parcel.

**Unknown fiscal impact.**

**Transportation**

- C. Ratify the Director of Transportation's signature on Contract Change Order #4 to the agreement with Sletten Construction Company making revisions to dispatch layout, number of inmate phones, IT cabling and room, performance time, type of block used for rec yard, paging speakers, joint trench, lockset functions, sewage vault and grinder, wire mesh infill, detention door and inmate bunk style and increasing the cost by \$168,642.97 to construct the Trinity County Sheriff's Detention Facility.

**No additional General Fund impact; \$168,643 from existing allocation for Jail Construction.**

**TRINITY COUNTY**  
Item Report A.

Meeting Date: 11/17/2020

Department:	Contact:	Phone:
Building and Development Svcs	Lisa Lozier, Deputy Director	530-623-1354

A. Urgency Ordinance: Temporary Housing (August Complex 2020)

**Requested Action:**

Introduce, waive the reading of and enact an urgency ordinance establishing a temporary stay on the issuance of permits relating to the removal of fire damaged debris, demolition, reconstruction and temporary occupancy on private property damaged by the August Complex Fires.

**Fiscal Impact:**

Loss of revenue in an unknown amount.

**Summary:**

Over the night of September 6 and the morning of September 7, 2020, a wind event across southern Trinity County and pushed then what was known as the Hopkins fire (later renamed the August Complex) aggressively west. It proceeded to burn into and through the unincorporated community of Three Forks as it made its way toward the communities of Zenia, Kettenpom and Ruth before aggressively burning northward and around the southern and eastern sides of Ruth Lake before another wind event pushed it to spot across Ruth lake to the west and into Hettenshaw valley and further northward on the east side of Ruth Lake across State Highway 36 and into Forest Glen. As of October 23rd, over 390,000 acres were burned and the fire officially destroyed 276 residences and 390 outbuildings, and damaged 4 residences and 4 outbuildings for a total of 674 structures damaged or destroyed.

Currently, to have a recreational vehicle (RV) on a property for up to 90 days in a year, you must obtain a Director's Use Permit (which includes verification of a working septic system, valid water supply, electrical service (utility, solar, generator, etc.)), and a valid encroachment permit if abutting county roads or state highway. Currently, to have an RV for more than 90 days, in addition to a Director's Use Permit you must also have an active building permit.

**Discussion:**

Due to the impact of these fires on local residents who lost their homes, and the County's desire to assist, the Board may consider directing Staff to expedite the review and approval of temporary housing, such as the placement of an RV; and/or a temporary storage facility, and/or cargo container to store salvaged goods, tools and/or equipment. This could be accomplished with modifications to existing Building Code, policies, and procedures as outlined this urgency ordinance.

The proposed modification and/or reductions are consistent with what was done for the Helena

Fire as listed below. Keep in mind that some of the fee reductions that were made for the Helena Fire were done so based on the proximity to the Building and Planning department and therefore the County will have to absorb a larger cost in providing the service to property owners.

- Allows permitting of extended RV use without an active building permit, providing time to consider how to rebuild.
- The public notification process to surrounding properties will be eliminated assuming that the temporary housing was the same use as the prior dwelling unit.
- Eliminate external routing to Assessor, CalFire, and Caltrans if required.
- Should the applicant use the existing driveway, the encroachment permit requirement will be waived.
- Waives the Septic and Water reinspection fees if work is done in conjunction with debris removal being done by CalRecycle.
- Waive the General Plan Update fee.
- If the applicant verifies water source, septic system, and electrical service along with a site/plot plan showing proposed location meeting setbacks, the permit will be streamlined with the intention of issuing within in 2-4 business days.
- Limits fee waiver to a specific time period of 18 months. These waivers are to allow for immediate temporary use to reestablish residency. Immediate is defined as 18 months in this request.
- Extends the time allowed for reconstruction of non-conforming use. Due to the ongoing pace of construction in Trinity County, delays are expected in securing a consultant to prepare house plans for a building permit.
- Determines that accessory uses (e.g., gardens, chicken coops, outbuildings) surviving on properties where the principal structure was destroyed, does not constitute an “accessory use prior to a main use” because the structures are already existing. If the structures remaining are permitted, or a permit for existing accessory uses (pre-fire, not permitted structures) is obtained within 18 months, and a housing unit is not constructed; the accessory use will become permitted-non compliant use, and allowed to remain.
- Allows for storage buildings for supplies, materials, and tools for reconstruction. Application must be submitted and processed at the same time as the Director’s Use Permit for the RV.
- Extend the operation time for generators to assist in recovery.
- Limits this to only properties where a permitted dwelling was destroyed by the August Complex.

### **Alternatives Including Financial Implications:**

Deny urgency ordinance.

### **Departmental Recommendation:**

It is staff’s recommendation that the Board introduce, waive the reading of and enact an urgency ordinance establishing a temporary stay on the issuance of permits relating to the removal of fire damaged debris, demolition, reconstruction and temporary occupancy on private property damaged by the August Complex Fires.

### **ATTACHMENTS:**

Description

Code Section 17.30.080 - Temporary Occupancy

Code Section 2.64.050 - Fees (Building, Environmental Health & Planning)  
Urgency Ordinance RE Temporary Housing  
Exhibit A

## 17.30.080 - Temporary occupancies.

- A. No person shall camp on private property, or place or use any recreational vehicle on such property, except as provided in the zoning district in which the camping or RV use occur, and as further provided in this section.
- B. Definitions.
  - 1. To "camp," or "camping," shall mean the occupancy of a lot or parcel, for a 24-hour period or longer, for living, sleeping, and/or sanitation, within temporary structures such as tents, canopies, tarps, or other shelters.
  - 2. "Recreational vehicles" [See Health and Safety Code Section 18010].
- C. Camping and the placement of recreational vehicles on property shall be permitted on lots or parcels subject to compliance with all of the following requirements:
  - 1. A person shall not camp or place a recreational vehicle on a lot or parcel for more than thirty days in any one-year period, measured from January 1 to December 31. Camping or placement of a recreational vehicle for more than thirty days shall require a director's use permit and shall comply with the standards of subsection D for extended stay permits.
  - 2. Tent camping is permissible only on parcels five acres or larger, unless such camping is done in association with and accessory to a permitted single-family dwelling on site.
  - 3. Placement of recreational vehicles is permissible only on parcels two and one-half acres or larger.
  - 4. Sanitation facilities for the camping or recreational vehicles shall be either fully self-contained, or shall be connected to a fully permitted sewage disposal system serving the property.
  - 5. No permanent power may be permitted in association with the camping use.
  - 6. Generators or other noise generating devices shall not be operated between the hours of nine p.m. and seven a.m. weekdays and nine p.m. and nine a.m. weekends.
  - 7. All portions of tents and associated camping equipment and facilities shall be a minimum of one hundred feet from all property lines. All portions of recreational vehicles shall be a minimum of thirty feet from all property lines.
  - 8. Outside cooking shall be subject to all applicable fire safe standards.
  - 9. All camping shall comply with State Fire Safe Guidelines (see PRC 4290).
  - 10. At the termination of the term of camping or recreational vehicle use, all improvements, including tents, temporary structures, recreational vehicles, etc. shall be removed from the property.
  - 11. The recreational vehicle shall remain towable at all times and shall be currently registered with DMV within the State of California. No buildings may be attached to it.
  - 12. A recreational vehicle may be stored on a property. Such RV shall not be connected to utility

(minor connection for prevention of mildew may be considered) and shall not be used for occupancy unless done so within the parameters of these provisions. The connection to any utility may be considered prima facie evidence of occupancy.

13. These provisions shall limit camping in a tent or recreational vehicle to no more than one such unit on land less than five acres. On parcels greater than five acres there may be two such units. Provisions for greater numbers may be considered under variance procedures as provided in Chapter 17.31 of the zoning ordinance.
  14. All such permitted units shall post in a clearly visible location a placard to be issued by the County of Trinity that will indicate the subject unit is currently permitted under these provisions
- D. Extended camping or placement of a recreational vehicle may be permitted on a parcel upon the granting of a director's use permit and subject, in addition to those provisions of subsection C, to the following additional standards:
1. Seasonal camping or recreational vehicle placement may be permitted for up to a maximum of ninety days.
  2. Any connection to utility such as power, water, and septic must be approved by the building inspector, the environmental health division, and/or any other agency having jurisdiction over such utilities.
  3. Prior to placement of the recreational vehicle, the applicant must obtain a septic permit from the environmental health division, install the sewage disposal system, and hook the recreational vehicle to the system. A portable toilet shall not meet the requirements of this sub-paragraph.
  4. The applicant shall demonstrate an approved, legal water source.
  5. An encroachment permit from the public right-of-way is required for the driveway.
  6. At the termination of the term of use, the recreational vehicle shall be removed from the property; however a fully permitted self-contained RV may be placed in dead storage, i.e. all utility connections shall be removed and no occupancy may occur. Connection to any utility shall be considered prima facie evidence of occupancy.
  7. By applying for the permit the applicant shall acknowledge that the county building official, division environmental health staff, and other staff have the ability to inspect the property to insure compliance with all applicable standards.
  8. All such units shall post in a clearly visible location a placard to be issued by the County of Trinity that will indicate the subject unit is currently permitted under these provisions.
- E. Temporary Construction Support. Temporary occupancy of a recreational vehicle to be occupied during the course of construction of a single-family dwelling may be permitted regardless of parcel size upon granting of a director's use permit, subject to the following standards:
1. A valid building permit for the single-family dwelling to be constructed must be in effect.

2. The applicant must obtain a permit from the building department for hookup of the recreational vehicle to utilities prior to occupancy.
  3. Prior to occupancy of the recreational vehicle, the applicant must obtain a permit from the environmental health division, install the sewage disposal system and hook the recreational vehicle to the system. A portable toilet shall not meet the requirements of this subparagraph.
  4. The use permit is valid for one year only from the date of issuance and may be renewed as provided in Section 17.32.050(D) of this title, provided the permit remains active and satisfactory progress in the construction of the dwelling is made.
  5. The RV is subject to the vegetative clearance standards of Public Resources Code 4291 and that section's implementing regulations.
  6. Once the dwelling is cleared for occupancy, the recreational vehicle must be disconnected from all utilities. It may be stored on the property, but cannot be lived in. Connection to any utility shall be considered prima facie evidence of occupancy.
  7. An encroachment permit shall be required for any connection to a public right-of-way.
  8. Generators or other noise generating devices shall not be operated between the hours of nine p.m. and seven a.m. weekdays and nine p.m. and nine a.m. weekends.
  9. By applying for the permit the applicant shall acknowledge that the county building official, division environmental health staff, and other staff have the ability to inspect the property to insure compliance with all applicable standards.
- F. The provisions of this section shall not apply to the storage of a recreational vehicle for personal use of a homeowner residing in a legal, permanent dwelling on the property.

( Ord. No. 315-801, § 1, 4-23-13)

DESCRIPTION	FEE
<b>BUILDING</b>	
<i>Electrical</i>	
Permit processing fee	\$45.00
Unit fees (excluding permit processing fee)	
Commercial lighting, switches	0.55
Commercial receptacles	0.56
Receptacles, switches, lighting single-family residence	0.10/square foot
Receptacles, switches, lighting garage, shop	0.10/square foot
Pump, well, septic pump service	60.00
Main service up to 200A	60.00
Main service 200A to 399A	60.00
Main service 400A or more	60.00
Subpanels	20.00
Residential appliance	7.00
Motors up to 10 HP	7.00
Motors 11 HP to 50 HP	7.00



DESCRIPTION	FEE
Motors 51 HP to 100 HP	7.00
Motors over 100 HP	7.00
Signs, wall mounted or pole	valuation per CBC
Solar system	valuation per CBC
Swimming pool	valuation per CBC
Service reconnect	60.00
Parking lot lighting (per light)	7.00
Other electrical	valuation per CBC
<i>Mechanical</i>	
Permit processing fee	\$45.00
Unit fees (excluding permit processing fee)	
<i>Residence</i>	
Mechanical fans, hoods, dryer vents, heating and cooling units	0.08/square foot
Commercial or single residential change out	
Forced air unit up to 100,000 btuh	15.00
Forced air unit over to 100,000 btuh	15.00

DESCRIPTION	FEE
Furnace — wall, floor, suspended or freestanding	15.00
Boiler, compressor or absorption unit	15.00
Air handling unit not part of FAU	15.00
Air handling unit over 10,000 cfm	15.00
Cooling system condensing unit	15.00
Evaporative cooler	15.00
Exhaust system, bath, restaurant kitchen hood or similar	15.00
Commercial type I or II hoods	valuation per CBC
Wood/pellet stove	15.00
Factory-built fireplace or insert	15.00
Insulation (per square foot of building floor area)	0.08/square foot
Other mechanical	valuation per CBC
>	
<i>Plumbing</i>	
Permit processing fee	\$45.00
Unit fees (excluding permit processing fee)	

DESCRIPTION	FEE
Residence	
Fixtures, sinks, dishwasher, washer, gas lines, disposals, toilets, water heater, hoods, drains, traps, showers, baths	0.08/square foot
Building sewer, septic each	32.00
Commercial or single residential change out	
Commercial appliance	15.00
Garbage disposal	15.00
Water heater	15.00
Gas service	20.00
Grease trap/interceptor	18.00
Piping — System alteration (water, sewer, etc.)	15.00
Vacuum breaker or backflow preventer	15.00
Solar system	35.00
Swimming pool	20.00
Tank — Propane, fuel, water, etc.	20.00
Fire sprinklers, per square foot	0.08/square foot
Other plumbing	25.00

DESCRIPTION	FEE
<i>Building Permit</i>	
Permit processing fee	\$45.00
Mobile Home	
single wide	300.00 + foundation fee
double wide	350.00 + foundation fee
triple wide	400.00 + foundation fee
utilities with set up	85.00
RV use permit onsite review	75.00
energy plan check review	40.00
flood review	80.00
research zoning review for setbacks/code enforcement	100.00
new address	32.00
code compliance inspection minor	150.00
code compliance inspection major	220.00
all inspections at actual cost per hourly rate	100.00
certificate of occupancy/scanning fee (per each permit with plans)	20.00
<i>Other building fees</i>	

DESCRIPTION	FEE
Demolition	valuation per CBC
Above ground tank	valuation per CBC
Reroof over existing roof	valuation per CBC
Reroof with tear off of existing roof	valuation per CBC
Sign (pole or billboard)	valuation per CBC
Sign (storefront or mansard)	valuation per CBC
Fences over 6 feet in height	valuation per CBC
Flood review	45.00
Research zoning	65.00
New address	30.00
Road name change	300.00
Other building permit fees	as established in California Codes
Code compliance inspection minor	89.00
Code compliance inspection major	149.00
All inspections @ actual cost per hourly rate	50.00
Minimum copy fee for large plans	10.00
Additional copy of plan after minimum fee	2.00
Certificate of occupancy/scanning fee (per each permit with plans)	10.00

DESCRIPTION	FEE
Land division (per parcel)	
with field trip	90.00
without field trip	43.00
Lot line adjustments	
with field trip	90.00
without field trip	43.00
requested presite visit	100.00

DESCRIPTION	FEE
<b>ENVIRONMENTAL HEALTH</b>	
Temporary food facility operating permit	\$62.00
Large service restaurant operating permit (1,200 square feet and over)	497.00
Small service restaurant operating permit (under 1,200 square feet)	280.00
Full service restaurant operating permit (annual)	497.00
Bar or tavern operating permit	329.00
Additional unit restaurant or bar operating permit	164.00
Grocery store	
up to 1,000 square feet, no food prep	219.00
1,000 to 3,000 square feet, minimal food prep	411.00
over 3,000 square feet	493.00
additional unit operating permit	164.00
Plan check	
up to 1,000 square feet	100.00
1,000 to 3,000 square feet	329.00

DESCRIPTION	FEE
over 3,000 square feet	438.00
temporary event	82.00
Water sample (includes lab fee)	87.00
Small water system annual permit (including one sample test)	150.00
Food safety	
instruction, textbook and examination	164.00
textbook and examination	89.00
examination only	54.00
Sewage disposal permit	
new construction	695.00
repair	219.00
Water well permit	
new construction	197.00
abandonment	43.00
Real estate evaluation	
sewage system	104.00
water source (includes lab fee)	114.00
Land division (per parcel)	



DESCRIPTION	FEE
with field trip	329.00
without field trip	138.00
additional parcels in same land division	54.00
Late payment fee	10% of outstanding fee
Lot line adjustments	
with field trip	219.00
without field trip	54.00
Other (without field trip)	
permit	76.00
rezone	76.00
quarter/quarter waiver	76.00
resource projects	76.00
environmental investigations	76.00
certificate of compliance	76.00
Other (with field trip)	
permit	219.00
rezone	219.00
quarter/quarter waiver	219.00

DESCRIPTION	FEE
resource projects	219.00
environmental investigations	219.00
certificate of compliance	219.00
Septic tank pumper permit(annual)	87.00
Swimming pool	
permit (annual)	248.00
construction, plan review	248.00
Organized camp	
permit(annual)	170.00
construction, plan review	329.00
Investigation/late permit fee	329.00
Re-inspection fee	164.00
Code Compliance inspection minor	109.00
Code Compliance inspection major	160.00
Fee for services provided not yet determined	100.00/hr.

DESCRIPTION	FEE
<b>PLANNING/ZONING</b>	
Counter assistance — Clerical	No Fee
Counter assistance — Planner	No Fee
General plan amendment	\$2,150.00
Zone change	1,900.00
P.C. zoning determination	1,100.00
Quarter to quarter waiver	40.00
<i>Agriculture Preserve/TPZ</i>	
Agriculture preserve application or cancellation	2,200.00
TPZ Application or cancellation	2,200.00
<i>Use Permits</i>	
Use permit class 1 — Director issued	550.00
Use permit class 1-mod — Portable batch plant and screening plants — Director issued	770.00
Use permit class 2 — PC issued	1,925.00
Use Permit class 3 — PC (complex project and mine apps)	3,575.00
<i>Use Permit Time Extension</i>	

DESCRIPTION	FEE
— Class 1 use permit time extension — Director issued	150.00
— Class 1- mod use permit time extension — Director issued	350.00
— class 2 and 3 use permit time extension	500.00
<i>Variances</i>	
Variance	1,760.00
Variance — Floodplain	1,760.00
<i>Floodplain Review and Permits</i>	
Floodplain development permit — Director issued	935.00
Floodplain development permit — PC issued	2,200.00
Review of flood plain elevation certificate	60.00
<i>Zoning Clearance for Building Permit Review</i>	
Class 1: Single family/duplex and access	55.00
Class 2: Apartments/commercial/industrial	160.00
Class 3: Over 10 units or exceeding 20K square feet	430.00
Class 4: Over 50 units or exceeding 100K square feet	550.00

DESCRIPTION	FEE
<i>Reclamation Plans/Mine Inspections/Financial Assurances</i>	
Reclamation plan review/approval (does not include on-site or permit costs)	2,100 (plus class 3 use permit fee)
Reclamation plan amendment — Minor (director approved)	770.00
Reclamation plan amendment — Minor (PC approved)	1,320.00
Reclamation plan amendment — Major (PC approved)	2,000.00
Interim management plan	120.00
Reclamation annual inspection/financial assurance and report	800.00
<i>Open/Closed Range</i>	
Open/closed range application	2,000.00
<i>Environmental Review</i>	
Categorical exemption	220.00
Categorical exemption — Other agency prepared	120.00
Initial study (staff prepared negative declaration with mitigation measures/monitoring plan)	1,760.00

DESCRIPTION	FEE
Initial Study (staff prepared with mitigated negative declaration/monitoring plan and no other planning entitlement set for the PC meeting)	2,850.00
County contract with consultant for initial study + negative declaration or mitigation negative declaration	Actual consultant's cost. Estimated deposit required + 15% for administration
Applicant contract with plan director approved consultant: EIR	Actual consultant's cost. Estimated deposit required + 15% for administration
<i>Airport Land Use Commission</i>	
Application for improvements within airport influence area	550.00
<i>Mitigation Monitoring</i>	
Mitigation monitoring	Actual costs presently 83.9/hr (\$2,000.00 deposit required prior to issue of discretionary approval
<i>Preliminary Maps</i>	
4 or fewer parcels	420 + \$10.00/lot
5 to 30 parcels	560 + \$10.00/lot
more than 31 parcels	780 + \$10.00/lot
<i>Tentative Maps</i>	

DESCRIPTION	FEE
4 or fewer parcels (including Quarter/Quarter division)	1,500 + \$100.00/lot
4 or fewer parcels - requiring PC approval	1,900 + \$100.00/lot
5 to 30 parcels	2,300 + \$50.00/lot
Large project (+ than 31 parcels)	3,500 + \$50.00/lot
— time extension (any tent map)	450.00
<i>Lot Line Adjustment</i>	
Lot line adjustment	500.00
<i>Certificate of Compliance</i>	
Certificate of compliance	600.00
<i>Subdivision Modifications</i>	
Subdivision modification	200.00
Post subdivision modification	1,000.00
<i>Development Agreement</i>	
Development agreement	Actual cost (including county counsel changes) \$5,000.00 deposit required
<i>Appeals</i>	
Appeal to planning commission	500.00
Appeal to board of supervisors	500.00

DESCRIPTION	FEE
<i>Road abandonment—Planning portion</i>	
Road abandon/vacation application	1,000.00
<i>Road names and Addressing</i>	
Road name change (private)	500.00
Address assignment/verification	0.00
Address calculation (new dwelling)	50.00
Address calculation (new subdivision)	130.00
<i>Miscellaneous</i>	
Research fee	Actual costs
Late permit fee (investigation/report)	600.00
Architectural review committee	50.00
Special planning commission meeting	650.00
Ordinance charge publication	95.00
File retrieval and photocopy charge	Actual costs
Planner hourly charge-out-rate	Actual costs
Attorney consultation/legal representation	Actual attorney's cost. Estimated deposit required + 15% for administration
Incomplete application re-review	165.00
On-site visit (not part of application)	Actual costs



DESCRIPTION	FEE
<i>Maps</i>	
Custom map — Plotter (non-aerial)	Actual employee cost + \$20.00 materials
Copies of existing maps — Plotter (color/b and w)	25.00
Copies of existing maps — Printer (color/b and w)	3.00
24" x 36" aerial map	Actual employee cost + \$20.00 materials
CD of existing map	25.00
<i>General Plan Maintenance Fee</i>	
General Plan Maintenance Fee — Construction Permits including residential mobile homes	0.50% of total construction valuation
<i>General Plan Maintenance Fee — Planning Permits</i>	
Director issued applications	50.00
Standard applications	75.00
<i>State Fees for State Agencies</i>	
Fish and game fee — Negative declaration	Agency fee in effect
Fish and game fee — EIR	Agency fee in effect

**ORDINANCE NO. XXXX**

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY  
ESTABLISHING A TEMPORARY STAY ON THE ISSUANCE OF PERMITS  
RELATING TO THE REMOVAL OF FIRE DAMAGED DEBRIS, DEMOLITION,  
RECONSTRUCTION, AND TEMPORARY OCCUPANCY ON PRIVATE PROPERTY  
THAT SUFFERED DAMAGE DUE TO THE AUGUST COMPLEX FIRE**

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

**SECTION I.**

**Emergency Findings.** This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, based upon the following facts:

1. A large number of residential and commercial structures have burned in the August Complex Fire.
2. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential and commercial structure fires can contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.
3. The combustion of building materials such as siding, roofing tiles, and insulation can result in dangerous ash that contains asbestos, heavy metals, and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and other chemicals may have been stored in homes, garages, or sheds that may have also burned in the fire, also producing hazardous materials.
4. Exposure to hazardous substances may lead to acute and chronic health effects and may potentially cause long term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.
5. On September 29, 2020, pursuant to California Health and Safety Code sections 101040 and 101075 through 101095, the County Health Officer issued a “Proclamation of a Local Health Emergency” due to the threats to public health posed by the August Complex Fire.

6. It is essential that this ordinance become immediately effective in order to mitigate the harm that could be caused to the public health and safety and to the environment from lack of temporary housing and to facilitate the orderly response to the August Complex Fire.

## SECTION 2.

### Temporary Occupancy.

#### 1. Definitions:

- a. **Displaced Person(s).** A county resident or residents whose residential dwelling has been destroyed or damaged by the August Complex Fire such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the county to substantiate their eligibility. Evidence may consist of verification by Federal Emergency Management Agency (FEMA) registration or damage assessment, and /or a driver's license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the August Complex Fire, as determined by the county.
- b. **Fire Debris and Hazardous Materials.** Debris, ash, metals, and completely or partially incinerated substances from qualifying structures.
- c. **Mobile/Manufactured Home.** A housing structure transportable in one (1) or more sections, designed and equipped to be used with or without foundation system, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. section 5401 et seq.).
- d. **Qualifying Structure.** A structure of 120 square feet and over.
- e. **Recreational Vehicle.** A motor home, travel trailer, truck camper, or camping trailer that is: (1) self-contained with potable water and sewage tanks and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle, or similar vehicle or structure as determined by the county.
- f. **Temporary Dwelling.** A temporary dwelling that meets the water, sewage disposal, and electricity hookup standards and includes a Recreational Vehicle, or Mobile/Manufactured Home.
- g. **Effective Period.** The provisions of this ordinance shall remain in effect until expiration or termination of this urgency ordinance, subject to extension or modification by the Board of Supervisors.

#### 2. Permit Applications.

- a. Any permit for which an application has been submitted to the County of Trinity relating to temporary occupancy on private property by a

Displaced Person shall be held in abeyance and not acted upon until after the Effective Period.

- b. Various Building, Planning and Environmental fees are being modified for those properties affected by the August Complex Fires as noted on Exhibit A of this ordinance and shall remain in effect until the expiration or termination of this urgency ordinance.
3. **Transitory Use of Recreational Vehicles.** For the Effective Period, residential use and occupancy of up to two (2) recreational vehicles on any property that permits a residential use and that does not contain Fire Debris and Hazardous Materials or has been certified clean by Environmental Health shall be allowed for Displaced Persons.
  4. **Temporary Dwellings with Utility Hookups.** For the Effective Period, residential use and occupancy of up to two (2) Temporary Dwellings utilizing hookups for water, sewage disposal, and electricity on any property that permits a residential use and that does not contain Fire Debris and Hazardous Materials or has been certified clean by Environmental Health shall be allowed for Displaced Persons, subject to the review and approval of the county.
  5. **Use of Accessory Residential Structures for Temporary Habitation.** For the Effective Period, accessory residential structures on any property that permits a residential use and that does not contain Fire Debris and Hazardous Material or has been certified clean by Environmental Health, which also substantially complies with Chapter 15.04 of the Trinity County Code, shall be allowed for Displaced Persons. During this period, said use shall not be subject to the provisions of existing deed restrictions required by Trinity County, but shall remain subject to all other existing regulations and limitations.
  6. Except as otherwise provided herein, no temporary housing authorized pursuant to this ordinance shall be used for permanent housing after the Effective Period.

**SECTION 3.**

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.

**SECTION 4.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion

of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses OT phrases be declared unconstitutional or invalid.

**SECTION 5.**

This ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. The Clerk shall cause this ordinance to be published as required by law.

Introduced, passed and enacted this 17th day of November 2020, by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

AYES: Supervisors  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: None

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BOBBI CHADWICK, 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:

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Margaret E. Long, County Counsel

Department	Item	Current	August Complex
<b>Fees</b>			
Building	Temporary Electrical Service	\$107	\$75
Planning	Director's Use Permit (RV)	\$550	Waived
Environmental Health	Special Septic System Inspection	\$219	Waived w/CalRecycle work or \$50 without
Environmental Health	Well Inspection	\$219	Waived w/CalRecycle work or \$50 without
Planning	General Plan Update	\$50	Waived
<b>Processing</b>			
Planning	Notification to adjoining properties w/in 300' for placement of an RV and/or Storage Structure	Required	Waived
Planning	Circulation to external departments for comments	Required	Waived
Building	Fee Waiver Period	No Waivers	1.5 years
Planning	Non Compliance Structure timeline to reconstruct	1 year	2 years
Planning	Accessory Use of surviving structures before construction of dwelling	Conforming with Structure	With approved building permit, designate it as a Permitted - Non Conforming Use (2 years)
Building	Temporary Storage Structure	Building Permit	Waived and included in the Director's Use Permit (DUP) for RV for the same length of time as the RV DUP remains in effect
Planning	Extend Generator Operation Time	Ends at 9:00 PM	Ends at 11:30 PM
Building	Valid Building Permit needed for RV Occupancy	Required	Waived for length of DUP
Road	Encroachment Permit	Required	Waived for RV Use Only
Building	Waiving Requirements	N/A	Permitted Dwelling Unit total loss

**TRINITY COUNTY**  
Item Report B.

Meeting Date: 11/17/2020

Department: Building and Development Svcs                      Contact: Kimberly Hunter                      Phone: (530)623-1351 ext. 2

B. Zoning Text Amendment to Trinity County Code Section 17.43.030

**Requested Action:**

Introduce and waive the reading of an ordinance amending Trinity County Zoning Code section 17.43.30 correcting an error of omission and restoring language restricting commercial Cannabis cultivation licenses to one license per person/entity or per legal parcel.

**Fiscal Impact:**

Unknown fiscal impact.

**Summary:**

As directed by the Board of Supervisors on October 20, 2020, an amendment to Zoning Code section 17.43.30 to correct an error of omission and restore language restricting commercial Cannabis cultivation licenses to one license per legal parcel.

**Discussion:**

The proposed amendment to Zoning Code Section 17.43.030 "Application requirements" is to restore language inadvertently omitted with the adoption of Ordinance 315-843 in February 2019. Specifically, the language omitted was found in 17.43.030(B) by Ordinance 315-823 which stated: "Only one application countywide may be submitted per person/entity or per legal parcel."

**Alternatives Including Financial Implications:**

Deny as presented and give direction to staff.

**Departmental Recommendation:**

This item has been placed on the agenda per the direction of the Board of Supervisors.

**ATTACHMENTS:**

Description  
Ordinance 315-823

Current Code Section 17.43 Commercial Cannabis Cultivation  
Ordinance Amending Trinity County Code Section 17.43.030



**ORDINANCE NO. 315-823**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY  
AMENDING ZONING ORDINANCE NO. 315 CREATING  
SECTION 43: COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

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

- (1) WHEREAS, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 and entitled “The Compassionate Use Act of 1996”).
- (2) WHEREAS, the intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medicinal purposes where medicinal use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use Cannabis for medicinal purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction. The Compassionate Use Act of 1996 further provides that “nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of Cannabis for non-medicinal purposes.”
- (3) WHEREAS, the State enacted SB 420 in 2004, known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Compassionate Use Act of 1996, enhance the access of patients and caregivers to medicinal Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.
- (4) WHEREAS, on September 11, 2015, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacture, distribution, transportation, testing and dispensing of medicinal Cannabis on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018. In addition, on June 27, 2016 MMRSA was amended by SB 837.
- (5) WHEREAS, previous landmark Cannabis legislation, including the Compassionate Use Act of 1996 and the Medical Marijuana Program Act, have precipitated a “green rush” where individuals have moved to Trinity County to grow Cannabis; some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (6) WHEREAS, since the adoption of MMRSA, numerous sources, including law enforcement, elected officials, county administrators, neighbors and Cannabis cultivators have reported numerous inquiries from individuals and entities, both from within and without Trinity County, who seek to expand their current cultivation operations, or start new ones.
- (7) WHEREAS, on November 8, 2016, voters approved the Adult Use of Marijuana Act (AUMA) to allow recreational use of Cannabis by adults over the age of 21.

- (8) WHEREAS, the intent of AUMA is to allow the legal use of Cannabis for persons over the age of 21. AUMA provides that California residents are entitled to cultivate up to 6 plants indoors and for personal use.
- (9) WHEREAS, on June 27, 2017, the State adopted SB 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing and sale of both of the following: (1) Medicinal cannabis and medicinal cannabis products for patients with valid physician's recommendations; and (2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.
- (10) WHEREAS, local governments in California may restrict or completely ban commercial Cannabis activities, except deliveries and transportation through local jurisdiction.
- (11) WHEREAS, the Medical Marijuana Program Act defines "primary caregiver" as an individual who is designated by a qualified patient or person with an identification card, and who has consistently assumed responsibility for the housing, health or safety of that patient or person.
- (12) WHEREAS, the right of qualified patients and their primary caregivers under State law to cultivate Cannabis plants for medicinal purposes does not confer upon them the right to create or maintain a public nuisance.
- (13) WHEREAS, Cannabis plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.
- (14) WHEREAS, the strong smell of Cannabis has been deemed a nuisance and can alert persons to the location of the valuable plants, creating a risk of burglary, robbery and armed robbery.
- (15) WHEREAS, in recent years there has been an increased number of Cannabis related incidents of burglary, robbery and armed robbery; some including acts of violence resulting in injury or death.
- (16) WHEREAS, Cannabis that is grown indoors may require excessive use of electricity which may overload standard electrical systems creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, improper maintenance of the generators and fuel lines and the improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution.
- (17) WHEREAS, the County revised the definition of legal parcel for the purpose of this Ordinance, from defining an unlimited number of contiguous parcels under common ownership or control as one parcel eligible for a single exemption, to 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 Ordinance.
- (18) WHEREAS, Trinity County's geographic and climatic conditions, low population density, availability of resource lands previously utilized for forestry and grazing and history and reputation as a Cannabis producing region have attracted a steady influx of individuals for the purpose of participating in Cannabis activity, whether for medicinal or commercial reasons.
- (19) WHEREAS, the State Water Resources Control Board ("SWRCB"), the North Coast Regional Water Quality Control Board ("NCRWQCB") and the California Department of Fish and Wildlife ("CDFW") have documented a dramatic increase in the number of Cannabis cultivation sites, corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. These impacts result from the widespread unpermitted, unmitigated and unregulated impacts of

land grading, road development, vegetation removal, timber clearance, erosion of disturbed surfaces and stream banks, stream diversion for irrigation and temporary human occupancy without proper sanitary or waste disposal facilities, and threaten the survival of endangered fish species. In addition, the actions of some Cannabis growers, either directly or through irresponsible practices, result in the killing of wildlife, including further endangering other threatened species such as the Pacific Fisher and Coho Salmon.

- (20) WHEREAS, California Regional Water Control Board, North Coast Region Order #2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region) was passed on August 13, 2015. The purpose of this order is to provide a water quality structure to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land.
- (21) WHEREAS, Trinity County is negatively impacted and vulnerable to numerous large-scale, trespass commercial Cannabis cultivation operations on public and private lands, yet law enforcement consistently estimates that each year they eradicate only a small fraction of these operations.
- (22) WHEREAS, effective enforcement is further hampered by conflicting local, state and federal laws which create ambiguity in determining which Cannabis cultivation operations are legal or not, and whether those that are non-compliant ought to be subject to civil or criminal enforcement.
- (23) WHEREAS, in the absence of a formal local regulatory framework, Cannabis cultivators are less likely to learn of, or implement, guidelines that are protective of the public peace, health, safety and the environment; while law enforcement has been deprived of a clear means of distinguishing legally compliant Cannabis cultivators from those who threaten the public peace, health, safety and the environment.
- (24) WHEREAS, the County finds, that in the absence of a formal regulatory framework, the negative impacts frequently associated with Cannabis cultivation are expected to increase, resulting in an unregulated, unstudied and potentially significant negative impact on the environment and upon the public peace, health and safety.
- (25) WHEREAS, the County's five primary population centers are Lewiston, Hayfork, Weaverville, Coffee Creek Volunteer Fire District and Trinity Center Community Services District, which contain more densely populated residential areas. The reduction of grows in these areas by the absolute prohibition of cannabis cultivation in certain portions of these population centers, unless the applicant for a County license has enrolled with the SWRCB by dates specified in Section 5(a)(v), will result in: (1) greater compliance by those cultivators who have stated that they intend to abide by the environmental controls of this Ordinance; and (2) greater protection of the residents of those areas, which encompass approximately half of the total population of the County, from the nuisances caused by irresponsible cultivation of Cannabis in populated areas.
- (26) WHEREAS, the County intends to limit the number of licenses issued to larger grows in order to prevent environmental degradation and due to anticipated limitation by the State.

NOW THEREFORE be it resolved that the Board of Supervisors of the County of Trinity ordains as follows:

The County hereby enacts the following as Section 43 of the Trinity County Zoning Ordinance No. 315:

Sections:

- (1) Definitions
- (2) Application
- (3) Application Requirements
- (4) Registration Phases
- (5) Limitation on Location to Cultivate Cannabis
- (6) Performance Standards for Commercial Cultivation of Cannabis
- (7) Denial/Revocation of License
- (8) Enforcement
- (9) Fees

**(1) Definitions:**

As used herein the following definitions shall apply:

- (a) "Active Building Permit" means holding a valid Trinity County Building Permit and is compliant with all Trinity County Building Department requirements for building.
- (b) "Agricultural Commissioner" or "Agricultural Commissioner's Office" means the Trinity County Agricultural Commissioner's Office or the authorized representatives thereof.
- (c) "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.
- (d) "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.
- (e) "Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- (f) "Commercial Cannabis" means any commercial Cannabis activity allowed under MMR-SA, 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.
- (g) "Cultivation" means the planting, growing, harvesting, drying or processing of Cannabis plants or any part thereof.
- (h) "Designated Area" means the hoophouse, greenhouse, and/or outdoor area(s) identified for Cannabis cultivation.
- (i) "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 Ordinance.
- (j) "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.
- (k) "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.

- (l) “Mixed Light” means a combination of natural and supplemental artificial lighting used for immature plant growth (vegetative growth before flowering), at a maximum threshold to be determined by the California Department of Food and Agriculture.
- (m) “Medical Cannabis” means Cannabis or Cannabis plant used for medicinal purposes in accordance with California Health and Safety Code Sections 11362.7 et seq.
- (n) “Outdoors” or “Outdoor Cultivation” means cultivation in any location or by any means that is not “indoors” within a fully enclosed and secure structure as defined herein.
- (o) “Primary Caregiver” means a “primary caregiver” as defined in Health and Safety Code section 11362.7(d).
- (p) “Proof of Enrollment” shall mean Proof of Order number in good standing from the NCRWQCB or the State Water Resource Quality Control Board.
- (q) “Proof of Residency” shall mean proof of residing in Trinity County for a period of one year prior to application.
- (r) “Planning Department” means the Trinity County Planning Department, or department or agency that is designated by the Trinity County Planning Director.
- (s) “Qualified patient” means a “qualified patient” as defined in Health and Safety Code section 11362.7(f).
- (t) “Residential Treatment Facility” means a facility providing for treatment of drug and alcohol dependency.
- (u) "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.
- (v) “Summary Abatement” means the removal of an immediate threat to the public health or safety.
- (w) “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. This shall include a lockable gate. Wildlife Exclusionary Fencing is not required for Type 1C “specialty cottage” licenses.
- (x) “Variance” is defined as Trinity County Ordinance 315 section 31.
- (y) “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.

## **(2) Application**

- (a) Approval 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 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 in Type 1, 1B, 1C and Type 2, 2B and Type 3 defined by this Ordinance.

- (b) Applications accepted under the Urgency Ordinance shall be entitled to priority processing for future licensing. Acceptance for renewal of licenses shall begin February 1 of each year. Annual licenses shall run from April 1 through March 31. Renewal priority is in the following order: (1) Date of issuance of County License; (2) Date of acceptance of application; (3) Date of NCRWQCB or SWRCB waste discharge identification (WDID) number.
- (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. Applicant shall have been compliant with this requirement during the application period covered by the Urgency Ordinance to develop a record of environmental compliance.
- (d) Application for a license pursuant to this Ordinance 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 3(e).
- (e) Licensees and applicants recognized under the Urgency Ordinance are ensured that their licenses and applications will retain their status and be prioritized consistent with the Urgency Ordinance.
- (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 Ordinance and who can otherwise demonstrate consistent compliance with this Ordinance, 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) Licensees and applicants recognized pursuant to this Ordinance shall file a complete application for the appropriate State license with the appropriate State licensing authority on or before January 1, 2018, or within 90 days of the State licensing taking effect. Issuance of a County license does not guarantee the issuance of a State license.
- (i) Notwithstanding any other provision of this Ordinance, a person participating in the cultivation of Cannabis who is licensed pursuant to this Ordinance, 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) under MAUCRSA, MMRSA and/or AUMA.

### **(3) Application Requirements**

- (a) All Applicants will be required to comply and provide the following:
  - i. Proof of intent to comply with all County setback requirements.

- 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:
  1. Type 1 “specialty outdoor” – for outdoor cultivation up to a 5,000 sq. ft. Area or up to 50 mature plants.
  2. Type 1B “specialty mixed light” – for cultivation using mixed light up to a 5,000 sq. ft. Area.
  3. Type 1C “specialty cottage” – for cultivation using mixed-light up to a 2,500 sq. ft. Area, or up to 25 mature plants for outdoor cultivation, or 500 sq. ft. or less of total canopy size for indoor cultivation, on one premise.
  4. Type 2 “outdoor” – for outdoor cultivation up to a 10,000 sq. ft. Area.
  5. Type 2B “mixed light” – for cultivation using mixed-light between a 5,001 and 10,000 sq. ft. Area.
  6. Type 3 “medium outdoor” – for outdoor cultivation between 10,001 sq. ft. and one (1) acre (43,560 sq. ft.).
  7. 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.
- iii. Proof of enrollment in good standing with NCRWQCB Order #2015-0023 or the SWRCB.
- iv. Apply for and obtain a Board Of Equalization Seller’s permit.
- v. Employ only persons who are at least twenty-one (21) 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.
- vi. 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.
- vii. Verification of proof of residency in Trinity County for a period one year prior to application by providing a current California Driver’s License or identification card, along with Trinity County Solid Waste bills, Utility District bills, or DMV registration, or other documentation deemed acceptable to show proof of residency in Trinity County as determined by the Planning Director.
- viii. As a condition of registering any Cannabis cultivation site pursuant to this Ordinance, 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.
- ix. If using a permitted well, a copy of the Trinity County well permit shall be provided.
- x. 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.

- (b) Only one application countywide may be submitted per person/entity or per legal parcel.
- (c) 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, 9:00 a.m. – 5:00 p.m., excluding holidays. Applicants are permitted to participate in the inspection verification or monitoring. If possible, Trinity County will attempt to give 24-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application.
- (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:
  - 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. A Licensee may transfer their license to other property under their ownership. 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**

- (a) The County will allow a total of five hundred and thirty (530) licenses. Thirty (30) of those licenses shall be issued to property within Trinity County Waterworks District #1. Priority in the program shall be based on the following:
  - i. The County will honor all licenses, applications, interest cards, payments and the waiting list recognized under Ordinance No. 315-816.EXT(A2).
  - ii. For new applications, priority of consideration for a license in the application process will be based on the date of enrollment with NCRWQCB Order #2015-0023 or the SWRCB.
- (b) The County shall determine completed Water Board enrollment by receipt of a Proof of Order number.
- (c) The County will allow five (5) 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.

**(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 or within the distance established by the State from an authorized school bus stop.



- ii. A legal parcel without a permitted/legal housing structure, or without an active building permit.
- iii. 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.
- iv. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants.
- v. Residential 1 (R1), Residential 2 (R2), or Residential 3 (R3) Zones.
- 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 December 31, 2017;
  - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
- vii. Designated Area shall not exceed 150% 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 Type 1, 1B, 1C, 2, and 2B licenses, cultivation shall not be allowed within three hundred and fifty (350) feet of a residential structure on any adjoining parcels. For Type 3 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.

**(6) Performance Standards for Commercial Cultivation of Cannabis**

- (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).
- (b) The cultivation of Cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55dBA from 7:00 a.m. – 7:00 p.m. and 50dBA from 7:00 p.m. – 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.
- (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 or diversion. If using a permitted well, a copy of the Trini-

- ty 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 35% 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 shall be contained within Wildlife Exclusionary Fencing that fully encloses the Designated Area. The fence shall include a lockable gate that is locked at all times when the applicant, licensee or documented employee is not in the Designated Area. Said fence shall not violate any other Ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, except shade cloth may be used on the inside of the fence. Wildlife Exclusionary Fencing is not required for 1C licenses, when there is a perimeter locked fence.
  - (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 Cal Fire 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) The use of gas products such as, but not limited to, butane is prohibited, consistent with Zoning Ordinance No. 315-797.
- (q) An Applicant shall not be denied a license for the following reasons:
  - i. The property has an unlicensed structure without plumbing or electricity, if the structure is less than 120 square floor feet.
  - ii. The property has an unoccupied out-building without plumbing or electricity, if the building was built prior to 2001.
- (r) 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.
- (s) All Licensees shall enroll in the State's Track and Trace Program within 60 days of said program going into effect.
- (t) All provisions of this Ordinance shall apply regardless of whether the activities existed or occurred prior to the adoption of this Ordinance.
- (u) Environmental and animal friendly linings should be used when constructing water ponds on the property.

**(7) 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:
  - i. The applicant has provided materially false documents or testimony; or
  - ii. The applicant has not complied fully with the provisions of this Ordinance, including any of the requirements of NCRWQCB Order #2015-0023, SWRCB, or CDFW; or
  - iii. 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 Ordinance and with all applicable laws including Zoning and County Ordinances.
- (b) Applicant shall be given up to seven (7) business days 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 (10) 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 (10) days transmit to the Secretary of the Planning Commission all papers and documents on file with the Planning Director relating to the appeal and schedule the appeal for the Commission hearing.
- (d) Registrant shall have the right to appeal any rescissions as prescribed in Ordinance 8.90.130 of the Trinity County Code.

**(8) Enforcement**

- (a) Violation of this Ordinance constitutes a nuisance and is subject to fines and abatement pursuant to Ordinances 8.64 and 8.90 of the Trinity County Code.
- (b) Summary Abatement.
  - i. 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.
  - ii. The County Enforcement Official shall make reasonable efforts to notify the owner and/or the alleged violator.
  - iii. 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.

**(9) 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 Ordinance.
- (b) Such Fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this Ordinance.
- (c) The Cannabis Cultivation Program Fee is set at:
  - i. Type 1 and 1B MMRSA: \$4,000 plus \$1,000 toward the general plan update.
  - ii. Type 1C MMRSA: \$2,000 plus \$250 toward the general plan update.
  - iii. Type 2 and 2B MMRSA: \$5,000 plus \$1,000 toward the general plan update.
  - iv. Type 3 MMRSA: \$8,000 plus \$1,000 toward the general plan update
  - v. Cannabis Variance Fee: \$751.
- (d) Fees shall be paid thereafter annually prior to March 1<sup>st</sup> of each year.
- (e) The above Fee amounts are not anticipated to fully cover the cost of administering this Ordinance; however, within twelve months of this Ordinance, the County may conduct a fee study to determine the total cost of administering this Ordinance.
  - i. If, based on the results of the fee study, the fee needs to be increased; the County may increase the Fee by way of resolution for any new or renewal registrations.
  - ii. If, based on the results of the fee study, the fee exceeds the cost of administering this Ordinance the County shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

**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 19th day of September, 2017, and passed and enacted this 3rd day of October, 2017, by the Board of Supervisors of the County of Trinity by motion, second (Morris/Groves), and the following vote:

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

  
 \_\_\_\_\_  
 JOHN FENLEY, CHAIRMAN  
 Board of Supervisors  
 County of Trinity  
 State of California

ATTEST:

MARGARET E. LONG  
Clerk of the Board of Supervisors

By:   
 Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

  
 Margaret Long, County Counsel

Chapter 17.43 - COMMERCIAL CANNABIS CULTIVATION REGULATIONS

Sections:

*Footnotes:*

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**Editor's note**— Ord. No. 315-843, § 1, adopted February 20, 2019, amended Chapter 17.43 in its entirety to read as herein set out. Former Chapter 17.43, §§ 17.43.010—17.43.090, pertained to similar subject matter, and derived from Ord. No. 315-823, adopted October 3, 2017; Ord. No. 315-829, adopted February 6, 2018; Ord. No. 315-830, § 1, 3-6-18 and Ord. No. 315-841, adopted September 19, 2018.

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.

"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.

"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.

"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 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;
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.

"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.

"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.

"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.

( Ord. No. 315-843, § 1, 2-20-19)

#### 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).

( Ord. No. 315-843, § 1, 2-20-19)

#### 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.
- 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.

( Ord. No. 315-843, § 1, 2-20-19)

#### 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.

( Ord. No. 315-843, § 1, 2-20-19)

#### 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.

( Ord. No. 315-843, § 1, 2-20-19)

17.43.060 - Performance standards for commercial cultivation of cannabis.

- 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. 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.
- 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
- 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.

( Ord. No. 315-843, § 1, 2-20-19)

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.

( Ord. No. 315-843, § 1, 2-20-19)

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.

( Ord. No. 315-843, § 1, 2-20-19)

#### 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.

( Ord. No. 315-843, § 1, 2-20-19)



**ORDINANCE NO. 315-XXX**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY  
AMENDING CODE SECTION 17.43.030  
TO CORRECT AN UNINTENTIONAL ERROR AND OMISSION OF LANGUAGE  
RESTRICTING CANNABIS CULTIVATION LICENSES TO  
ONE APPLICATION PER LEGAL PARCEL**

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

**WHEREAS**, on February 5, 2019, the Board of Supervisors took the following action regarding the Commercial Cannabis Ordinance: “Introduced and waived the reading of an ordinance amending Section 43 of Trinity County Zoning Ordinance No. 315 regarding Commercial Cannabis Cultivation Regulations removing July 1, 2019 and capitalizing "The" on Page 11 Section 4(b) (2), removing "or the California Department of Food and Agriculture" from Page 12 Section 5(vi), replacing “may” with “shall” on Page 15 Section 9(e), and removing "unless you are seeking a license for property zoned Agricultural (A), Agricultural Preserve (AP) or Agricultural Forest (AF)" on Page 11 Section b(ii).”

**WHEREAS**, on February 20, 2019, the Board of Supervisors took the following action regarding the Commercial Cannabis Ordinance: “Waived the reading of and enacted Ordinance No. 315-843 which amends Trinity County Code Section 17.43 regarding Commercial Cannabis Cultivation keeping Section 4(a) reading Thirty (30) of those licenses shall be issued to property within Trinity County Waterworks District #1.”

**WHEREAS**, it was clear that the Board did not intend to remove section (3)(b) from the ordinance, which read “only one application countywide may be submitted per person/entity or per legal parcel.” However, it appears that this section was inadvertently dropped from the ordinance. This is evidenced by the fact that there was a blank between section 3(a) and 3(c), and there was no action taken on this section by the Board.

**WHEREAS**, to prevent any confusion, the Board of Supervisors hereby corrects this inadvertent error by adding in the following section back into the Ordinance: “Only one application countywide may be submitted per person/entity or per legal parcel.”

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Trinity ordains as follows:

**Section II:** Section 17.43.030 of the Trinity County Code is repealed and reenacted as follows to add:

**17.43.030 Application requirements.**

F. Only one application countywide may be submitted per person/entity or per legal parcel.

Ordinance No. XXXX

DATE

Page 2 of 2

**Section III:** The County finds that this Ordinance is not subject to and exempt from the California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempt activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

**Section VI:** 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 \_\_\_\_\_, and passed and enacted this \_\_\_\_\_, by the Board of Supervisors of the County of Trinity by motion, second, and the following vote:

AYES:	Supervisors
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None

---

BOBBI CHADWICK, 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

## TRINITY COUNTY

### Item Report C.

Meeting Date: 11/17/2020

Department:  
Clerk of the Board

Contact:  
Richard Tippett

Phone:  
(530) 623-1365 x3425

C. Amendment 3: Sletten Construction CCO #4 (19-089)

#### **Requested Action:**

Ratify the Director of Transportation's signature on Contract Change Order #4 to the agreement with Sletten Construction Company making revisions to dispatch layout, number of inmate phones, IT cabling and room, performance time, type of block used for rec yard, paging speakers, joint trench, lockset functions, sewage vault and grinder, wire mesh infill, detention door and inmate bunk style and increasing the cost by \$168,642.97 to construct the Trinity County Sheriff's Detention Facility.

#### **Fiscal Impact:**

No additional General Fund impact; \$168,643 from existing allocation for Jail Construction.

#### **Summary:**

In 2016 the Trinity County's Sheriff secured a \$20M Board of State and Community Corrections (BSCC) grant for small counties to construct a 72 bed Trinity County Sheriff Detention Facility (TCSDF). This new TCSDF would be a stand-alone structure located just west of the Weaverville Airport, adjacent to and north of the Juvenile Detention Facility.

Project plans were approved by the Board of Supervisors on November 6, 2018, and the project was advertised for bid on January 25, 2019. Bids were opened and the contract for construction was awarded to Sletten Construction Company of Great Falls, Montana for \$18,788,635. Construction started on June 24, 2019 and is progressing on schedule.

At the June 18, 2019 Board of Supervisors Meeting, the Board authorized purchasing authority for the Director of Transportation to sign Contract Change Orders (CCO) up to an amount of \$210,000 consistent with Public Contract Code §20142 (b) which states;

State Public Contract Code §20142 (b): For contracts whose original cost exceeds two hundred fifty thousand dollars (\$250,000), the extra cost for any change or addition to the work so ordered shall not exceed twenty-five thousand dollars (\$25,000), plus 5 percent of the amount of the original contract cost in excess of two hundred fifty thousand dollars (\$250,000). In no event shall any such change or alteration exceed two hundred ten thousand dollars (\$210,000).

Contract Change Order #1 in the amount of \$121,542 was approved by the Board of Supervisors at the November 5, 2019 meeting

Contract Change Order #2 for extension of two weeks' time due to weather and holidays was approved by the Director on January 7, 2020.

Contract Change Order #3 in the amount of \$107,701 was approved by the Board of Supervisors at the February 5, 2020 meeting.

Overall values to the project budget for prior approved changes;

Item	Budget	Cost Thru CCO #3	Remaining
Dry Utilities	100,000	37,665	62,335
Water	510,400	69,271	441,129
Sewer	19,000	32,253	-13,253
Contingency	538,154	72,944	465,210
Road	Use Road Fund	13,932	
Dispatch	Overall	3,178	

**Discussion:**

Last month the roof was completed at the TCSD. Now windows and doors are being installed. The facility is now watertight, parking lots have been paved, and landscaping will be installed soon. This means that construction can continue unhampered by the weather with building completion in February and operational 2-3 months thereafter.

With the exception of Work Authorizations (WA) 12, 14, 15 and 18, most of the changes are to address functional improvements, enhance security, or other changes requested by Sheriff's staff.

They are as follows;

WA 13 - Provides for additional payphones in the holding cells.

WA 16 - Accounted for incorrect non-insulated block installed in the Recreation Yards. The wrong block type was installed when constructing the walls for the Recreation Yard. This was not discovered until well into construction of the wall. To remove the constructed wall to install the correct blocks would have been highly disruptive and have lead to significant delay. Architect evaluated the deficiency determining it was still within heating/air conditioning goals. Evaluating reconstruction or credit, it was determined that receiving credits would be the most effective approach to resolving this issue. Contractor reduced cost and waived cost to make a block revision to the Recreation Yard

WA 17 - Sheriff determined that a paging speaker within one of the emergency Sally Ports was not required.

WA 19 - When keying different doors, the Sheriff requested changes to key more doors than originally proposed.

WA 20 - Upon further review and discussion with Building and Grounds, it was determined that an easier to maintain package system for grinding inmate sewage was appropriate. (inmates are

notorious for flushing objects down the toilet that snag and block pipes). This WA accounts for the delta between the original system, and what is now proposed.

WA 21 - Further evaluation after construction, it was determined that improved wire mesh was necessary for the stairs and along the upper deck. This included additional tack welding for more security.

WA 22 - Sheriff requested an additional hallway security door between the dorms (cells) and the remainder of the jail. The other hallway door is located past medical. This is to provide a wire mesh door.

WA 23 Sheriff requested that the bunk beds be fixed rather than knock down style.

Total Cost of these changes is \$47,015.15 to be billed to Jail Contingency and will be reimbursed by the BSCC Project Grant.

Concerning other items involving Jail Construction, but are not billable to BSCC Grant.

WA 12 and 14 - While it was part of the project, the actual equipping of Dispatch was unknown at time of construct. The project was bid with plans to address the ultimate configuration of Dispatch at a later date. After construction started, it was decided to include an operating Dispatch when the facility was opened. WA 12 was revisions to the configuration of dispatch, and WA 14 dealt with wiring and cabling for dispatch and other parts of the building. Dispatch was not part of the BSCC Grant, but is included as part of the Jail Construction Budget. Total cost was \$21,365.38.

WA 15 – Grants a request of additional time to migrate for weather and construction issues related to COVID. Date of building completion is now scheduled for January 31, 2021. Once construction is completed, outfitting of the building will begin (installing furniture, communications, equipment) and training prior to operations.

Finally WA 18 – Provides for a realignment of the waterline shorting the length about 30% and adding a joint trench for electric and communications across the north end of the airport providing for conduit capacity and system redundancy. While this is not eligible for BSCC Grant, there is currently capacity within the overall budget to cover the additional cost of the joint trench. There is an expectation that water line and dry utilities will be within budget.

Additional detail on each WA is available upon request at the Department of Transportation.

Breaking down CCO#4 to eligible activities is as follows;

WA	BSCC Grant	Dry Utilities	Water	Road	Dispatch
12					5,436.00
13	2,692.82				
14					15,929.38
15	Time Only				
16	-4,840.05				
17	-174.3				
18		83,253.21	17,009.23		

19	2,130.54				
20	9,682.36				
21	8,914.00				
22	25,809.84				
23	2,799.94				
	47,015.15	83,253.21	17,009.23	0	21,365.38

Summary of overall cost;

Item	Budget	Cost Thru CCO #4	Remaining
Dry Utilities	100,000	120,918	-20,918
Water	510,400	86,280	424,120
Sewer	19,000	32,253	-13,253
Contingency	538,154	119,959	418,195
Road	Use Road Fund	13,932	
Dispatch	Overall Project Budget	24,543	

The project is trending towards slightly below budget, but delayed by three months.

**Alternatives Including Financial Implications:**

There are no alternatives as these items are required for construction.

**Departmental Recommendation:**

Approval of this CCO #4 will reset the Director’s authority to execute CCO up to \$210,000. Approve the requested action as proposed.

**ATTACHMENTS:**

- Description
- Original Agreement & Prior Change Orders
- Contract Change Order No. 4

**CHANGE ORDER**

**CO NO. 3**

County of Trinity Dept. of Transportation • PO Box 2490, Weaverville, CA 96093 • P: (530)623-1365 F: (530)623-5312

Trinity County Sheriff's Detention Facility		Original Completion Date:	11/25/2020
Sletten Construction Company		Current Completion Date:	12/23/2020
5825 South Polaris Ave., Las Vegas, NV 89118		Revised Completion Date:	12/25/2020
P: (702)739-8770 F: (702)739-9932		Date:	01/24/2020
		Page:	1 of 1

**DESCRIPTION OF CHANGE:**

WA No.	CP No.	Description	Grant Eligible	Cal. Days	Amount
4.0	9.2	Per RFPCP 4.0: Joint trench extension to points of connection off-site, revisions to joint trench and related conduits, site lighting addition, data/telecom/CATV revisions and other misc. revisions per ASI 12.1.	Partial	0	\$ 48,899
5.0	6.1	Per RFPCP 4.0: Furnish and install an additional new washer and dryer.	Yes	0	\$ 9,901
6.0	N/A	Non-compensable time extension of 2-days due to severe adverse weather.	No	2	\$ 0
7.0	10.1	Electrical revisions as outlined in CP 10.1, and as described in ASI's 14.0 and 17.0, and Responses to RFI's 7.0 and 39.0.	Yes	0	\$ 8,609
8.0	11.2	Storm drain revisions to tie roof drain downspouts into underground storm drain system per RFI 37.0 Response.	Yes	0	\$ 8,004
9.0	13.0	Relocation of electrical conduits due to the relocation of panels P3 and EP2 per ASI 19.0 revisions.	No	0	\$ 3,178
10.0	12.0	Plumbing changes per ASI's 8.0, 9.0, & 10.0, and responses to RFI's 12.0, 14.0, & 22.0.	Yes	0	\$ 27,767
11.0	8.1	Per ASI 5.0: all work to furnish and install County Occupants' preferred door hardware cylinders.	Yes	0	\$ 1,343
<b>TOTAL</b>				<b>2</b>	<b>\$ 107,701</b>

**ADJUSTMENT of CONTRACT SUM**

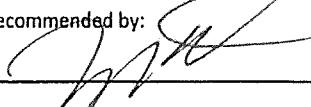
Original Contract Sum:	\$ 18,788,635
Prior Adjustments:	\$ 121,542
Contract Sum Prior to This Change:	\$ 18,910,177
Adjustment for this Change:	\$ 107,701
<b>Revised Contract Sum:</b>	<b>\$ 19,017,878</b>

**ADJUSTMENT of CONTRACT TIME**

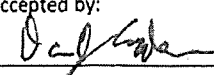
Original Contract Time:	520 (days)
Prior Adjustments:	28 (days)
Contract Time Prior to This Change:	548 (days)
Adjustment for this Change:	2 (days)
<b>Revised Contract Time:</b>	<b>550 (days)</b>

Contractor waives any claim for further adjustments of the Contract Sum and Contract Time related to the above described change in the work.

**OWNER'S REPRESENTATIVE**

Recommended by:   
Date: 1/24/2020

**CONTRACTOR**

Accepted by:   
Date: 1/24/20

**OWNER**

Approved by:   
Date: 1/27/2020

Lenders Construction Services, LLC • PO Box 6218, Eureka, CA 95502  
E: Jeff@LendersConstructionServices.com P: (707)440-9098

**CHANGE ORDER**

**CO NO. 2**

County of Trinity Dept. of Transportation • PO Box 2490, Weaverville, CA 96093 • P: (530)623-1365 F: (530)623-5312

Trinity County Sheriff's Detention Facility

Sletten Construction Company  
 5825 South Polaris Ave., Las Vegas, NV 89118  
 P: (702)739-8770 F: (702)739-9932

Original Completion Date: 11/25/2020  
 Current Completion Date: 12/09/2020  
 Revised Completion Date: 12/23/2020  
 Date: 01/07/2020  
 Page: 1 of 1

**DESCRIPTION OF CHANGE:**

CP No.	Description	Grant Eligible	Cal. Days	Amount
14.0	Per Contractor's request, suspend work on Project for 14.0 Calendar Days (non-compensable) from December 23rd, 2019 through January 5th, 2020 due to unusual mid-week Holiday schedules.	N/A	14	\$ 0
<b>TOTAL</b>			14	\$ 0

**ADJUSTMENT of CONTRACT SUM**

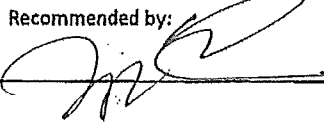
Original Contract Sum: \$ 18,788,635  
 Prior Adjustments: \$ 121,542  
 Contract Sum Prior to This Change: \$ 18,910,177  
 Adjustment for this Change: \$ 0  
 Revised Contract Sum: \$ 18,910,177

**ADJUSTMENT of CONTRACT TIME**

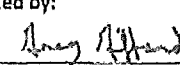
Original Contract Time: 520 (days)  
 Prior Adjustments: 14 (days)  
 Contract Time Prior to This Change: 534 (days)  
 Adjustment for this Change: 14 (days)  
 Revised Contract Time: 548 (days)

Sletten Construction Co. (Sletten) agrees to make the above-described changes in accordance with the terms hereof. This Change Order and the above-referenced amount covers and includes full compensation and all schedule impacts to Sletten, and its subcontractors, of any tier, for all costs, impacts, damages, and/or claims associated with this Change Order, including, without limitation, all claims for additional adjustments to Contract Price and Contract Time arising from or related to this Change Order. Sletten represents and acknowledges that it reserves no rights with respect to any costs, damages, delays, impacts, or other claims associated with or arising from this Change Order or the Project work suspension described above, and further, Sletten agrees and represents that Sletten and its subcontractors, of any tier, have no other or further claims for costs, damages, delays and/or impacts arising from the Project work suspension described above that are not fully resolved and released through this Change Order.

**OWNER'S REPRESENTATIVE**

Recommended by:   
 Date: 1/6/2020

**CONTRACTOR**

Accepted by:   
 Date: 1/6/20

**OWNER**

Approved by:   
 Date: 1/7/2020

Lenders Construction Services, LLC • PO Box 6218, Eureka, CA 95502  
 E: Jeff@LendersConstructionServices.com P: (707)440-9098



CHANGE ORDER

CO NO. 1

County of Trinity Dept. of Transportation • PO Box 2490, Weaverville, CA 96093 • P: (530)623-1365 F: (530)623-5312

Trinity County Sheriff's Detention Facility

Original Completion Date: 11/25/2020

Current Completion Date: 11/25/2020

Revised Completion Date: 12/9/2020

Sletten Construction Company

5825 South Polaris Ave., Las Vegas, NV 89118

P: (702)739-8770 F: (702)739-9932

Date:  
Page: of

DESCRIPTION OF CHANGE:

CP No.	Description	Grant Eligible	Cal. Days	Amount
1.1	Upgrade Sewer Pipe Under Building to 6"	Yes	0	\$ 8,899
5.1	Work Authorization 1.0: Add Culvert at swale per RFCP No. 3.0	Yes	0	\$ 11,119
4.2	Work Authorization 2.0: Per "Request for Cost Proposal 2.1," re-route the sanitary sewer and manholes to the south of SS4 and extend the sewer from the property boundary to connection at SS6.	Yes	0	\$ 32,253
2.3	Work Authorization 3.0: Per "Request for Cost Proposal 1.0," install water main including PRV from point of connection at south to eastern property boundary as shown on the related drawings included in RFCP 1.0.	No	0	\$ 69,271
N/A	Negotiated and mutually agreed non-compensable time extension of 14 calendar days as complete offset to the delayed transmission of the signed Contract to Contractor.	Yes	14	\$ 0
TOTAL			14	\$ 121,542

ADJUSTMENT of CONTRACT SUM

Original Contract Sum:	\$ 18,788,635
Prior Adjustments:	\$ 0
Contract Sum Prior to this Change:	\$ 18,788,635
Adjustment for this Change:	\$ 121,542
Revised Contract Sum:	\$ 18,910,177

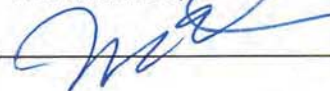
ADJUSTMENT of CONTRACT TIME

Original Contract Time:	520 (days)
Prior Adjustments:	0 (days)
Contract Time Prior to This Change:	520 (days)
Adjustment for this Change:	14 (days)
Revised Contract Time:	534 (days)

Contractor waives any claim for further adjustments of the Contract Sum and Contract Time related to the above described change in the work.

OWNER'S REPRESENTATIVE

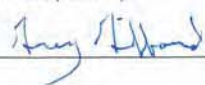
Recommended by:



9/25/19  
Date

CONTRACTOR

Accepted by:



9/25/19  
Date

OWNER

Approved by:



25 Sept 19  
Date

SECTION 00 52 13

CONSTRUCTION AGREEMENT

CONTRACT NUMBER 19-089	DOT DOT
COUNTY ORIGINAL	

For The  
Trinity County Sheriff's Detention Facility

THIS AGREEMENT ("Agreement") is made and entered into this 13<sup>th</sup> day of June, 2019, by and between the County of Trinity, a political subdivision of the State of California ("County"), and Sletten Construction Company, a Montana Corporation, ("Contractor").

That the parties hereto, for and in consideration of the covenants, promises and agreements to be made, kept and performed as hereinafter set forth, do agree as follows:

**ARTICLE 1**  
**CONTRACT DOCUMENTS**

The complete Agreement between the County and the Contractor shall consist of the following Contract Documents: The Notice to Bidders, the Bonds, the Instruction to Bidders, the Accepted Bid Proposal, all Addenda, this Construction Agreement, the General Conditions, Supplemental Conditions, the Drawings and Specifications, Notice of Intent to Award, Notice to Proceed, Change Orders, Notice of Completion, and modifications incorporated in those documents. The Agreement, Drawings, and Specifications are intended to supplement one another. A complete listing of the Contract Documents can be found in Article 9.

**ARTICLE 2**  
**THE WORK**

The Contractor agrees to furnish at its own cost and expense, all tools, equipment, apparatus, labor, materials, mechanical workmanship, transportation and services necessary to complete the construction of the Trinity County Sheriff's Detention Facility and in strict accordance with the Contract Documents. All such work shall be completed in a good and workmanlike manner.

**ARTICLE 3**  
**TIME FOR COMPLETION**

3.1 For the purpose of determining the contract completion date, the date of commencement shall be ten (10) calendar days after mailing the written Notice to Proceed, or if no such written Notice to Proceed is issued within 30 days of Award by the Trinity County Board of Supervisors, it shall be ten (10) calendar days from the date of this Agreement.

3.2 The Work shall be commenced on the date provided for in Paragraph 3.1, and shall be diligently pursued by the Contractor and completed not later than **520 calendar days** from the date of commencement.

**ARTICLE 4**  
**CONTRACT PAYMENT**

In consideration of the covenants, agreements, and promises on the part of the Contractor contained in the Contract Documents, and the strict and literal fulfillment of each and every such covenant, agreement, and promise, and as compensation agreed upon for the erection, construction, and completion of the said work as described in Article 1 hereof in strict accordance with the Plans and Specifications therefor, the County agrees to pay and cause to be paid to the

Contractor the Contract Sum of \$ 18,788,635.00, lawful money of the United States, subject to any additions or deductions as provided in the Contract Documents.

The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the County:

Total Base Bid + Alternates accepted by the County

Base Bid		\$18,361,164
Alternate No. 1A	Outdoor Recreation Yard	\$142,372
Alternate No. 1B	Recreation Yard Lighting	\$12,454
Alternate No. 2	Sewage Grinder and Vault	\$132,840
Alternate No. 5	Increased Video Storage	\$59,238
Alternate No. 8	Food Service Equipment	\$78,851
Alternate No. 9	Laundry Equipment	\$1,716
Total Base Bid + Alternates		\$18,788,635

**ARTICLE 5  
PROGRESS PAYMENTS**

5.1 Applications for Payment shall be submitted monthly in a timely manner by the Contractor on or before the date mutually agreed upon by the County and Contractor. The form shall be approved by the County.

5.2 Progress Payments shall be made once each month, on or about a date to be determined by the County. The amount shall be based on the percent completion of each portion of work completed at the end of the month covered by the Application of Payment. Payment of undisputed contract amounts (progress payments) is contingent upon the Contractor furnishing the County with a release of all claims against the County arising by virtue of the work relating to the amount so paid. The release may be on the form used for computing monthly progress payment.

5.3 The progress payment amount shall be adjusted as set forth in Article 23 of the General Conditions.

5.4 The total amount of outstanding Progress Payments cannot exceed \$4,000,000 at any given time. Allowances of 60 days from approval of Progress Payments to payment received date shall be provided. It is the Contractor's responsibility to schedule work schedules so as to not exceed this limit. Should the outstanding Progress Payments exceed \$4,000,000 at any given time, either the Contractor can stop work, at their cost with the owner not subject to delay or delay cost, or continue work subject to immediate reimbursement as funds become available, based on the decision of the Owner.

**ARTICLE 6  
FINAL PAYMENT**

6.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the County to the Contractor when 1) the Agreement has been fully performed by the Contractor, and 2) a final Certificate for Payment has been issued by the Contract Administrator. Such final payment shall be made by the County not more than forty-five (45) days after the recording of the Notice of Completion.

**6.2** Pursuant to Public Contract Code sections 7101 and 7201, in the event of a dispute between the County and Contractor, the County may withhold from the final payment an amount not to exceed 150 percent of the disputed amount. Except as so withheld, the County shall release the retention withheld within 60 days after the date of completion of the work of improvement, as "completion" is defined in Public Contract Code section 7107. In the event that retention payments are not made within the time periods required by Public Contract Code section 7107, the County shall be subject to the interest payment provisions of Public Contract Code section 7107.

#### **ARTICLE 7 MISCELLANEOUS**

**7.1** Liquidated Damages shall be imposed upon the Contractor should the Contractor fail to complete this Agreement and the work provided herein within the time fixed for such completion. The Contractor shall also become liable to the County for all loss and damage which the latter may suffer on account of any other basis.

**7.2** IT IS HEREBY FURTHER AGREED, that in case the Contractor does not complete the work within the days as herein provided, for reasons or causes other than those provided for in the Contract Documents hereof, the County will be damaged. After considering such a breach and all aspects of the work including, but not limited to, the type of installation, the current and future uses of facilities and premises, the disarrangement of the premises and facilities thereof during the work, and the additional cost and difficulty of using the disarranged facilities during the work, the parties agree that a reasonable daily damage for such a breach, if any, will be **\$2,000.00** per calendar day and the payment of the same, if any, is payment of liquidated damages and not a penalty. It is understood that this agreement for liquidated damages is entered into because the amount is manifestly reasonable under the circumstances existing at the time of this Agreement and it would be extremely difficult or impossible to determine with any degree of accuracy the actual damages in case of any such breach. In case of such breach, it is agreed that the County may deduct the amount thereof from any money due or to become due to the Contractor under this Agreement.

**7.3** Terms used in the Agreement which are defined in the General Conditions of the Contract Documents shall have the meanings designated in those Conditions.

#### **ARTICLE 8 TERMINATION OR SUSPENSION**

**8.1** The Agreement may be terminated by the County or the Contractor as provided in Article 27 of the General Conditions.

**8.2** The Work may be suspended by the County as provided in Article 27 of the General Conditions.

#### **ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS**

**9.1** The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

**9.1.1** The agreement is this executed standard form of Construction Agreement.

**9.1.2** The General Conditions are the General Conditions dated May 25, 2018 as

amended by Addendums 1 & 2.

9.1.3 The Supplementary Conditions, and any other Conditions of the Agreement are those detailed below:

Document	Date	Pages
Supplementary Conditions	May 25, 2018 as amended by Addendums 1 & 2	

9.1.4 The Specifications contained in the Contract Documents approved by the Trinity County Board of Supervisors, as amended by Addenda.

9.1.5 The Drawings contained in the Contract Documents approved by the Trinity County Board of Supervisors, as amended by Addenda.

9.1.6 The Addenda, if any, are as follows:

Number	Date
1	February 26, 2019
2	March 08, 2019

9.1.7 Other documents, if any, forming part of the Contract Documents are as follows: those documents listed in Article 1.

**ARTICLE 10  
INDEMNIFICATION**

Contractor agrees to indemnify, defend at its own expense, and hold County harmless from any and all liabilities, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions to act of Contractor or its officers, agents, or employees in rendering services under this contract; excluding, however, such liabilities, claims, losses, damages, or expenses arising from County's sole negligence or willful acts.



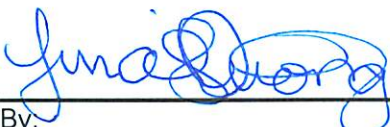

**ARTICLE 11  
CAPTIONS**

The captions of the Contract Documents are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

**ARTICLE 12  
CONTROLLING LAW**

The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

COUNTY OF TRINITY  By: Rick Tippett Director of Transportation	Sletten Construction Company  By: [INSERT NAME], [INSERT TITLE] Dan Eden - VP
ATTEST:  By: Chief Deputy Clerk of the Board	
APPROVED AS TO LEGAL FORM: County Counsel  By:	

NOTE: If the Contractor executing this contract is a corporation, a certified copy of the By-Laws, or of the Resolution of the Board of Directors, authorizing the officers of said corporation to execute the contract and the bonds required thereby must be annexed thereto.

# CHANGE ORDER

CO NO. 4

County of Trinity Dept. of Transportation • PO Box 2490, Weaverville, CA 96093 • P: (530)623-1365 F: (530)623-5312

Trinity County Sheriff's Detention Facility
Sletten Construction Company
600 S. Las Vegas Blvd., Suite 700, Las Vegas, NV 89118
P: (702)739-8770 F: (702)739-9932

Original Completion Date:	11/25/2020
Current Completion Date:	12/25/2020
Revised Completion Date:	01/31/2021
Date:	09/14/2020
Page:	1 of 2

**DESCRIPTION OF CHANGE:**

WA No.	CP No.	Description	Grant Eligible	Cal. Days	Amount
12.0	15.1	Dispatch Layout Revisions per ASI's 19.0 and 19.1.	Yes	0	\$ 5,436.00
13.0	20.0	Per Work Authorization 13.0: all work necessary to provide provisions for two additional inmate phones.	Yes	0	\$ 2,692.82
14.0	16.1	Per ASI 20.1: all work to furnish and install County IT's preferred cabling throughout the building, 4-post racks in IT Room 122, additional UPS, and other electrical/data changes.	Yes	0	\$ 15,929.38
15.0	17.0	Per Record of Change Order Negotiation for CO No. 4: Time extension for adverse weather.	N/A	37	\$ 0
16.0	7.2	Credit for the use of uninsulated 12" structural CMU at the North and South side walls of the Outdoor Recreation Yard instead of an insulated CMU at the locations indicated in Addendum No. 1.	Yes	0	(\$ 4,840.05)
17.0	24.0	Credit for deletion of the paging speaker at Sallyport 306.	Yes	0	(\$ 174.30)
18.0	30.0	Per RFCP 12.0: all work necessary to change trench alignment, change trench profile, and install additional conduits in Joint Trench.	Yes	0	\$ 100,262.44
19.0	23.1	Changes to Lockset Functions.	Yes	0	\$ 2,130.54
20.0	21.0	Per RFCP 9.0 and ASI 36.0: all work necessary to install the revised sewage vault and grinder assembly.	Yes	0	\$ 9,682.36
21.0	28.0	Revisions to wire mesh infill at railings to enhance security and durability.	Yes	0	\$ 8,914.00
22.0	25.0	Per RFCP 8.0r and ASI 35.0: all work necessary to add new detention door and frame to enhance security and safety.	Yes	0	\$ 25,809.84
23.0	27.1	All work to install welded frame construction bunks in lieu of knock-down style bunks.	Yes	0	\$ 2,799.94
<b>TOTAL</b>				<b>37</b>	<b>\$ 168,642.97</b>

Continued on next page.

**ADJUSTMENT of CONTRACT SUM**

Original Contract Sum: \$ 18,788,635.00  
Prior Adjustments: \$ 229,243.00  
Contract Sum Prior to This Change: \$ 19,017,878.00  
Adjustment for this Change: \$ 168,642.97  
  
Revised Contract Sum: \$ 19,186,520.97

**ADJUSTMENT of CONTRACT TIME**

Original Contract Time: 520 (days)  
Prior Adjustments: 30 (days)  
Contract Time Prior to This Change: 550 (days)  
Adjustment for this Change: 37 (days)  
  
Revised Contract Time: 587 (days)

Contractor waives any claim for further adjustments of the Contract Sum and Contract Time related to the above described change in the work.


**OWNER'S REPRESENTATIVE**

Recommended by:  9/15/20  
Date

**CONTRACTOR**

Accepted by:  9/14/20  
Date

**OWNER**

Approved by:  15 Sept 20  
Date