

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

**PROJECT TITLE:** Adoption of Commercial Cannabis Processing regulations.

**APPLICANT:** Trinity County Planning Department Cannabis Division

**PROPERTY OWNER:** Multiple

**REPORT BY:** Sean Connell, Cannabis Division Director, Trinity County Planning Department

**LOCATION:** Various

**GENERAL PLAN DESIGNATION:** Various, see discussion below.

**ZONING DISTRICT:** Various

**SITE CHARACTERISTICS:** Not applicable

**SUMMARY:** The purpose of this item is to seek a recommendation from the Planning Commission to the Board of Supervisors regarding the proposed adoption of an ordinance establishing a new commercial Cannabis license type that allows commercial Cannabis processing (Attachment A).

**PROJECT ANALYSIS:**

The staff recommends expansion of the Cannabis program to allow for commercial Cannabis processing. Processing means to trim, cure, dry, grade, package, and/or label Cannabis. State Cannabis cultivation licenses allow for processing of Cannabis grown on the premise (CCR Sections 15000(o), (q), and (eee)). A commercial Cannabis Processor license would allow a licensee to accept and process Cannabis grown off-premise. The Self-Processor license would allow multiple licenses on the same or immediately adjoining property to be processed at one “shared” facility.

The proposed regulations would establish the following:

- A conditional use permit (CUP), county Processor license, and state Processor license are required in order to operate under a Processor license. A CUP would not be required to operate under a Self-Processor license provided it is in association with a licensed cultivation site(s).
- Commercial Processing may be conducted in specified commercial, industrial, and agricultural zones. These are the same zones in which Cannabis manufacturing are allowed. Self-Processing would be allowed in any zone, in association with a licensed cultivation site(s).

- Commercial Processing may not be conducted in any prohibited areas including adopted “opt out” areas. Self-Processing would be allowed in opt out areas, in association with a licensed cultivation site(s).
- A proposed Commercial Cannabis Processing Plan must be submitted with the application.

**STAFF/AGENCY COMMENTS:** None

**INDUSTRY WORKSHOP:** On June 6, 2022 the Cannabis Division hosted a virtual workshop with interested Cannabis industry representatives to receive input on the draft ordinance. There were approximately 20 to 25 participants in the workshop, and approximately 11 stakeholders provided comments. The following key concerns emerged (in no order):

- Self-Processing
- Setbacks
- CUPs
- 75% Threshold
- Opt Outs

Appendix B provides a summary of the comments received and staff responses. The proposed ordinance reflects the staff responses, including a number of clarifications and improvements to the ordinance as an outcome of the workshop.

**PUBLIC COMMENTS RECEIVED:** Provided under separate cover

**GENERAL PLAN CONSISTENCY:** The County General Plan and County Code do not explicitly reference commercial Cannabis activities. However, in response to State regulations that allow commercial Cannabis activities under permitted and controlled conditions, Trinity County has enacted local ordinances that regulate commercial Cannabis cultivation, testing, nurseries, manufacturing, distribution, microbusiness, and retail within the County. These land use activities (agricultural cultivation, agricultural nurseries, manufacturing, product distribution, retail sales and deliveries, and various combinations of these activities) are all addressed generically within both the General Plan and County Code.

The proposed Resolution and Ordinance are consistent with the Trinity County General Plan including the following specific countywide Land Use Element goals and objectives:

Economic – To maintain and enhance a viable economic base for Trinity County:

- By maintaining as many privately owned prime timber, agricultural, mineral, and sport and commercial fishery and animal-producing lands as possible.
- By encouraging a variety of heavy resource-related industrial and service commercial development to remain in or move to Trinity County, thus reducing the individual tax burden.

Environmental – To strive to conserve those resources of the county that are important to its character and economic well-being:

- By ensuring that developments occurring on these lands are compatible with the resources

- By ensuring a sound resource-related planning process in decision-making.

**ZONING CODE COMPLIANCE:** Adoption of the proposed Ordinance would amend the zoning code to allow a new commercial Cannabis type.

**SUBDIVISION CODE COMPLIANCE:** Not applicable.

**ENVIRONMENTAL REVIEW:** The Cannabis Program EIR analyzed the adoption of commercial Cannabis activities throughout the county. The EIR assumed a maximum of 530 cultivation licenses (Cannabis Program EIR, Draft volume, p. 2-12) with a total of 132 acres of canopy with ancillary support activities on another 330 acres, for a total of 462 acres (Cannabis Program EIR, Draft volume, Table 2-3, p. 2-24). The EIR assumed that each cultivation site would undertake processing activities for the plants grown onsite (Cannabis Program EIR, Draft volume, p. 2-6).

By allowing centralized processing of cannabis grown off premises it is anticipated that overall impacts would be substantially similar but consolidated to fewer locations. This is reinforced by restricting processing operations to no more than 25 percent out-of-county Cannabis (proposed Section 17-43I.040 (E)). It is possible there may be some effects experienced locally related to importation of harvested Cannabis for a Processor license. This is not anticipated to occur for a Self-Processor license, however, because self-processing would be limited to cannabis grown on the premises or on immediately adjoining premises. The Self-Processor license would allow plants grown under multiple cultivation licenses on the same or immediately adjoining property to be processed at one shared location without having to delineate distinct spaces for separate processing under each license.

Each proposed commercial Cannabis processing application will be evaluated pursuant to Sections 15162, 15168(c), 15183, and/or other applicable sections of the State CEQA Guidelines, to determine whether CEQA coverage is adequately provided by the certified programmatic Cannabis Program EIR. The CEQA environmental determination for each subsequent commercial Cannabis processing operations will be determined on a project-by-project basis. If additional environmental review is required to address project-level effects not adequately covered under the Cannabis Program EIR, this work would be performed as needed for each Commercial Cannabis Processor use permit application.

The Cannabis Program EIR was certified by the Board of Supervisors on December 21, 2020 (Resolution 2020-10). Pursuant Section 15168 (Program EIR), CEQA compliance for the adoption of this ordinance is provided by the Cannabis Program EIR, and no further environmental review is required.

**STAFF RECOMMENDATION:** That the Planning Commission make the following recommendations to the Board of Supervisors:

1. Find that adoption of the proposed Ordinance falls within the scope of the Cannabis Program EIR certified by the Board of Supervisors on December 21, 2020 (Resolution 2020-10).
2. Adopt Attachment A, An Ordinance of the Board of Supervisors of the County of Trinity Amending Title 17 (Zoning) of the County Code to Adopt Chapter 17.43(I), Cannabis Processing.
3. Direct staff to file a CEQA Notice of Determination (NOD) within five days of adoption by the Board of Supervisors.

Trinity County Planning Commission  
Item No.

**NEXT STEPS:** Staff anticipates this item will be before the Board of Supervisors on July 5, 2022 for adoption.

**ATTACHMENTS:**

A -- An Ordinance of the Board of Supervisors of the County of Trinity Amending Title 17 (Zoning) of the County Code to Adopt Chapter 17.43(l), Cannabis Processing.

B – Summary of Stakeholder Comments from June 6, 2022 Workshop

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY  
AMENDING TITLE 17 (ZONING) OF THE COUNTY CODE  
TO ADOPT CHAPTER 17.43I, CANNABIS PROCESSING**

The Board of Supervisors of the County of Trinity, State of California, **DOES HEREBY ORDAIN** as follows:

**Section 1. Purpose**

The purpose of this ordinance is to establishing a new commercial cannabis license type that allows commercial cannabis processing of cannabis grown off premises.

**Section 2. Findings**

The Board of Supervisors of the County of Trinity makes the following findings in support of adoption of this ordinance:

- A. The commercial cannabis cultivator license type allows cultivators to process the cannabis grown on premise,
- B. The commercial cannabis processor license type was established by the State of California to accommodate cultivators that send untrimmed, uncured, unpackaged cannabis to locations off-premise for processing.
- C. Allowing local commercial cannabis processing will create new local economic opportunity by allowing for the processing of cannabis at an off-premise location within the County and for the creation of non-manufactured cannabis products (e.g. dried flower) after cultivation and before manufacturing and/or retail sale.

**Section 3. Amendment of County Code**

Chapter 43I, Cannabis Processing of Title 17, Zoning, of the Trinity County Code, is hereby enacted:

**Chapter 17.43(I) CANNABIS PROCESSING**

**17.43I.010 Definitions.**

"Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"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.

"Processing" means to trim, cure, dry, grade, package, and/or label cannabis.

"Processor" is a license type that allows for processing of cannabis grown off-premise. State cannabis cultivation licenses allow for processing of cannabis grown on the premise (CCR, Title 4, Sections 15000(o), (q), and (eee)).

"School" means an institution of learning for minors, whether public or private, 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, excluding homeschools.

“Self-Processor” is a license type that allows for processing of cannabis grown on the premise, or on an immediately adjoining premise, under multiple cannabis licenses.

"Authorized school bus stop" means any location established by a school district for pick-up and/or delivery of school children.

"Youth-oriented facility" means public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

**17.43I.020 Allowable zoning districts.**

- A. Cannabis Processing facilities (requiring a State Processor License) may be permitted in the following zoning districts:
  - 1. General commercial ("C2").
  - 2. Heavy commercial ("C3").
  - 3. Industrial ("I").
  - 4. Agricultural ("A").
  - 5. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.
  - 6. Agricultural preserve ("AP").
  - 7. Agricultural forest ("AF").
- B. Cannabis Processing facilities shall not be allowed within the following areas:
  - 1. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
  - 2. Within the legal boundaries of the following areas which are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance:
    - a. Historic District of Weaverville;
    - b. Coffee Creek Volunteer Fire District;
    - c. Trinity Center Community Services District;
    - d. 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.
    - e. Bucktail Subdivision: Unit 1, 2 and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder.
    - f. Any “opt out” area designated by the Board of Supervisors.
- C. Cannabis Self-Processing facilities are allowed in any zone in association with a licensed cultivation site(s). Cannabis Self-Processing facilities are allowed in any opt out area in association with a licensed cultivation site.

### **17.43I.030 Application.**

Commercial cannabis processing requires submittal and approval of a conditional use permit application (or modification of an existing conditional use permit pursuant to Section 17.32.060 and/or 17.32.070 to include Processing). A Self-Processor license does not require a conditional use permit. Applications must include a proposed Commercial Cannabis Processing Plan containing the following information:

- A. Description of proposed processing practices.
- B. Identification of storage location.
- C. Description of power supply.
- D. Description of location where processing will occur.
- E. Estimated number of employees, if any.
- F. Summary of employee safety practices.
- G. Description of toilet and handwashing facilities.
- H. Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
- I. Description of source of drinking water for employees.
- J. Description of increased road use resulting from processing and actions to minimize road use.
- K. Description of waste management and disposal.
- L. Copy of information submitted to the State and evidence of compliance with applicable state requirements.

### **17.43I.040 Regulations.**

Cannabis processing shall comply with all of the following regulations:

- A. Cannabis processing requires a conditional use permit, local cannabis processing license, and state cannabis processing license.
- B. Cannabis processing facilities shall be located only in zones that specifically provide for this use. The facility shall not be on prime agricultural soil, as determined by the planning director or his/her designee.
- C. Cannabis processing facilities shall not be allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility, unless a variance is obtained.
- D. Cannabis processing facilities shall not be within five hundred feet of an authorized school bus stop, unless a variance is obtained.
- E. All cannabis processing facilities shall ensure that cannabis is obtained from licensed cultivation sources and shall implement best practices and comply with state law. A minimum of seventy-five percent of the untrimmed, uncured, unpackaged cannabis processed at any cannabis processing facility shall be grown in Trinity County.
- F. The processor licensee also may hold other types of cultivation licenses, but is prohibited from growing cannabis plants in the Processing premises.
- G. Cannabis processing may only occur in a fully enclosed structure with mechanical ventilation controls.

- H. A security plan shall be developed compliant with state requirements and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis. A copy of the security plan submitted to the state shall be provided to the Trinity County Planning Department within thirty days of submission to the state.
- J. An approved fire plan must be submitted with the use permit application.
- K. Applicants must satisfy the requirements of the California Certified Unified Program Agencies ("CUPA") related to hazardous materials/waste use and storage, which, for Trinity County, are administered through the State Department of Toxic Substances Control.
- L. Employees shall be trained on the proper use of equipment and safety procedures, and on the proper hazard response protocols in the event of equipment failure.
- M. Licensees shall not have been convicted of 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 are required to declare this under penalty of perjury on at least one of the application forms.
- N. Applicants are required to obtain a conditional use permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met:
  - 1. Wastewater and solid waste shall be disposed of as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.
  - 2. The cannabis processing facility shall meet the setbacks established for the zone.
  - 3. All building structures must have operational automatic fire sprinklers.
- O. The cannabis processing facility is operated within the footprint of a building.
- P. If vehicle access to the facility will utilize a shared and privately owned or maintained road or driveway, all properties along the access shall be notified. Objections from adjacent impacted property owners may require appropriate conditions of approval.

**17.43I.050 Mitigation measures applicable.**

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

**17.43I.060 Required findings.**

The conditional use permit for cannabis processing shall not be granted unless the following findings are made based on substantial evidence:

- A. The cannabis processing facility will comply with all applicable regulatory requirements.
- B. The cannabis processing facility, as approved and conditioned will not result in significant unavoidable impacts on the environment.
- C. The cannabis processing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.



### **17.43I.070 Required conditions.**

In addition to any other conditions and mitigation that may apply:

- A. The licensee shall allow access to the facility and access to records if requested by the county, its officers, or agents, for an annual inspection and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis processing facility shall obtain a valid and fully executed commercial cannabis processor license from the state prior to commencing operations, and must maintain such license in order to continue operations.
- D. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment:
  1. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.
  2. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.
  3. Employees must wash hands sufficiently when handling cannabis or use gloves.
- E. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operates with permits and licenses required by the Trinity County Code and California State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain required permits or licenses with the county and/or state shall be grounds for the suspension or revocation of a use permit pursuant to this chapter.
- F. The processing facility and activities shall be maintained in accordance with the operating plans approved by the county. Any change requests shall be evaluated on a case-by-case basis by Trinity County Planning Department, and may require amendment of the conditional use permit. Upon approval, the licensee may begin conducting the additional processing facility or make the requested change to the premises. The existing license shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.
- G. The following license fees are due annually from date of issuance:
  1. Three thousand five hundred dollars plus one thousand dollars towards the general plan update.
  2. Transfer fee to New Applicant: One thousand dollars. Note conditional use permits run with the land and automatically “transfer” to a new owner.
  3. Transfer fee to New Site: Sixty percent of original license fee, prorated monthly. Note conditional use permits are not transferable to another parcel.
  4. Renewal fee: Sixty percent of original license fee.
- H. The above fee amounts are subject to change based on subsequent fee analysis by the County.
  1. If, based on the results of the fee analysis the fee requires an increase, the County may do so by passage of a resolution applicable to all new and renewal licenses.
  2. If, based on the results of the fee analysis the fee requires a decrease, the County may do so by passage of a resolution applicable to all new and renewal licenses.

**17.43L.080 Denial/rescission of license.**

The license application shall be denied or the issuance of a license rescinded if Trinity County becomes aware of any of the following:

1. The applicant has provided materially false documents or testimony;
  2. The facility as proposed, would not comply with applicable state and local 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;
  3. The applicant engages in site or building improvements specific to the use before the conditional use permit has been issued or before the licensee's requested changes have been approved.
- B. The applicant/licensee shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.
- C. Applicant or licensee shall have the right to appeal any denials or rescissions as prescribed in Section 8.90.130 or Section 17.34.110 of the Trinity County Code, as applicable.

**Section 3. CEQA Compliance**

The County finds that adoption of the proposed Ordinance falls within the scope of the Trinity County Cannabis Program Environmental Impact Report (“EIR”) (State Clearinghouse # 2018122049), certified by the Board of Supervisors on December 21, 2020 (Resolution 2020-103). Pursuant to CEQA Guidelines (California Code of Regulations, Title 14) Section 15168, the impacts associated with the proposed Ordinance were studied, and mitigation measures concerning such impacts were developed in, the Cannabis Program EIR. No further environmental review is required because the Board of Supervisors finds, based on substantial evidence in the Record of Proceedings, that adoption of this Ordinance is a “later activity” associated with the Cannabis Program EIR, as defined by subsection (c) of Section 15168, in that (i) all impacts associated with the adoption of the Ordinance are within the scope of environmental review previously studied, and (ii) the requirements and mitigations required by the new Chapter 17.43L of the Trinity County Code, along with the incorporation of the existing requirements of Chapter 17.43G of the Code, adequately serve to mitigate the impacts associated with adoption of this Ordinance.

**Section 4. Severability**

If any section, subsection, sentence, clause, or phrase of this Ordinance or any exhibit is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, and phrases be declared invalid.

**Section 5. Waiver of First Reading**

This Ordinance shall be introduced by title and number only and the first reading waived.

**Section 6. Effective Date and Publication**

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 \_\_\_\_ day of \_\_\_\_\_, 2022 and passed and enacted this \_\_\_\_ day of \_\_\_\_\_, 2022 by the Board of Supervisors of the County of Trinity by motion, second (\_\_\_\_/\_\_\_\_), and the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

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DAN FRAISER, CHAIRMAN  
Board of Supervisors  
County of Trinity  
State of California

ATTEST:

LETTY GARZA,  
Clerk of the Board of Supervisors

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

APPROVED AS TO FORM AND LEGAL EFFECT:

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Margaret Long, County Counsel

Stakeholder Workshop June 6, 2022  
 Summary of Stakeholder Comments on  
 Draft Commercial Cannabis Processing Ordinance

Attachment 2

SECTION	COMMENT	STAFF RECOMMENDATION
17.431.010, Definitions	1. Create a special County license type called “Self-Processor” that allows for processing of cannabis grown on the premise, or an immediately adjoining premise, under multiple licenses.	<b>1. Agree.</b> This will solve a bureaucratic problem with no changes in physical or environmental impact. This would allow plants grown under multiple cultivation licenses on the same or immediately adjoining property to be processed at one shared location without having to create artificial spaces for separate processing for each license.
17.431.020 (A), Allowable Zoning Districts	2. Add the “unclassified” zone district.  3. Clarify that Self-Processing is allowed in any zone in association with a licensed cultivation site(s).	<b>2. Disagree.</b> The County has many “unclassified” parcels. The intent with this designation is that a General Plan amendment and rezoning to an appropriate designation/district would occur prior to a particular use occurring on the property. The staff advises this zone district not be added to the ordinance.  <b>3. Agree.</b> Self-Processor licenses should be allowed in any zone in association with a licensed cultivation site(s).
17.431.020 (B), Allowable Zoning Districts	4. Allow Processor licenses and Self-Processor licenses in opt-out areas. Opt Out areas should only apply to cultivation.	<b>4. Partially Agree.</b> Self-Processor licenses should be available to existing licensed cultivators including those already established within an opt out area. Self-Processing whether for one cultivation license or multiple cultivation licenses involves no new uses or activities that are not already allowed under the licenses. It would simply allow for consolidation of the space needed for processing.  Staff is not recommending “regional” processing within identified opt out areas; however, the Planning Commission could make this recommendation to the Board of Supervisors.

<p>17.431.030, Application</p>	<p>5. Use “Commercial Cannabis Processing Plan” consistently.</p> <p>6. Allow Self-Processor license with DUP or ministerially.</p> <p>7. Allow an existing CUP to be expanded to include Processing, rather than require a second new CUP.</p>	<p><b>5. Agree.</b> The draft ordinance has been clarified to reflect this.</p> <p><b>6. Agree.</b> Self-Processor licenses could be ministerial as impacts are covered under cultivation as analyzed in the Cannabis Program EIR.</p> <p><b>7. Agree.</b> If a site is already operating under a CUP, that CUP could be amended to allow for the addition of processing as a new activity. The County Code refers to this in Section 17.32.060, Deviation – Prior Approval Requirements, and Section 17.32.070, Modification or Revocation of a Use Permit. A Self-Processor would not need a CUP as explained above.</p>
<p>17.431.040, Regulations</p>	<p>8. Do not impose 1,000-foot setbacks from youth-oriented facility, school, church, or residential treatment facility, as identified in (C) – use State default buffer of 600 feet instead.</p> <p>9. There may not be enough product locally to provide 75% of the cannabis processed at a Processor facility, as required in (E). This threshold may impede economic development.</p> <p>10. Is this 75/25 split enforceable?</p>	<p><b>8. Noted.</b> This same 1,000-foot buffer for these same sensitive uses applies to cultivation, nurseries, distribution, testing, retail non-storefront, microbusiness, and manufacturing. Variances from this buffer are allowed for nurseries, distribution, retail non-storefront, microbusiness, and manufacturing, but are not allowed for cultivation or testing. Staff does not recommend a change to the buffer but does recommend allowing for variances.</p> <p><b>9. Noted.</b> This threshold helps to minimize traffic and road impacts associated with import of cannabis.</p> <p><b>10. Noted.</b> Yes, this regulation is presumed to be enforceable. Similar regulation occurs in the Cannabis Manufacturing Ordinance and in regulations applicable to the wine industry.</p>

	<p>11. Do not impose 100-foot setbacks identified in (N)(3). Use setbacks relevant to each zone.</p>	<p><b>11. Agree.</b> This expanded setback is in the Manufacturing Ordinance for reasons that don't apply to Processing (e.g. use of volatile solvents and associated fire concerns). This would likely preclude the use of most existing buildings that would have been built to the setbacks applicable in the zone. This could have unintended effects of encouraging new development rather than reuse of existing development.</p>
17.431.070(G)	<p>12. Cannabis licensees are paying a disproportionate amount toward the General Plan Update.</p> <p>13. The transfer and renewal fee are not substantiated.</p>	<p><b>12 and 13. Noted.</b> Staff understands a demonstration of nexus is required. A Fee Study will be completed in the upcoming 2022/2023 fiscal year.</p>
General	<p>14. Processor applicants should be able to rely on the Cannabis Program EIR for CEQA coverage.</p> <p>15. Processor applicant should be able to rely on prior project-specific CEQA analysis to amend an existing CUP to allow for Processing.</p>	<p><b>14. Partially Agree.</b> Self-Processors would be able to rely on the Cannabis Program EIR because Processing associated with cannabis grown on the premises is analyzed in that EIR. Processors could have impacts that extend beyond what was analyzed in that EIR (e.g. traffic and road impacts), which is why a CUP is required with project-specific CEQA clearance.</p> <p><b>15. Agree.</b> If a prior project-specific CEQA clearance has been adopted and the proposed processing activities are fully analyzed in that document pursuant to the applicable CEQA thresholds, no additional CEQA compliance would be required.</p>
General	<p>16. Have one requirement for compliance with all state regulations and eliminate discussion of topics covered in state regulations</p>	<p><b>16. Noted.</b> The format of this ordinance intentionally emulates the format used by the county for other cannabis use types such as 17.43F, Manufacturing. Staff agrees this type of clean-up is worthwhile but recommends it be addressed for all the cannabis regulations during the ordinance clean up.</p>

General	17. Provide details for described plans and standards.	<b>17. Noted.</b> Templates, guidelines, and procedures will be provided when helpful for further defining various submittal details, such as the Fire Plan.
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