




TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
PLANNING DEPARTMENT
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

MEMORANDUM 4

DATE: Friday, February 25, 2022

TO: Members of the Trinity County Planning Commission

FROM: Lisa Lozier, Interim Director Building & Planning 

SUBJECT: Agenda Item 2 – Planning Commission Zoning Workshop Cannabis “Opt-Out”

Please find the attached Power Point presentation prepared for the zoning workshop on February 24, 2022.

CANNABIS OPT-OUT REGULATIONS

TRINITY COUNTY PLANNING COMMISSION
PUBLIC WORKSHOP FEBRUARY 24, 2022

2 PURPOSE OF WORKSHOP

- Standardized considerations for regulating cannabis in specific geographic areas
- Advisory direction from Planning Commission to Board of Supervisors
- Direction provided may be amended into Commercial Cannabis Ordinance
- Will be relied on by staff to evaluate existing and new opt out areas

3 WORKSHOP FORMAT

1. Staff introduction
2. Presentation from consulting land use planner
3. Planning Commission questions
4. Consideration of each discussion item (Attachment A Workshop Action Summary)
 - A. Consulting planner reviews item
 - B. Accept public comments
 - C. Planning Commission discussion and direction
5. Summary of direction from Planning Commission

4 SUMMARY OF EXISTING REGULATIONS

- Buffers and setbacks
- Zone district restrictions
- Special districts and other identified communities/areas
- Urgency ordinance (temporary) opt-outs
 - Lewiston Expansion Area (1,882 acres; expires June 15, 2022)
 - Rush Creek Estates (907 acres; expires July 7, 2022)

5 CANNABIS LICENSE STATUS

- Processing Priority #1: ±328 issued active license renewals (5 with CEQA clearance/CUP approval)
- Processing Priority #2: ±108 pending unprocessed license renewals
- Processing Priority #3: ±34 inactive previously issued licenses
- Processing Priority #4: ±80 new license applications

6 CANNABIS LICENSE PROCESS

- Court ordered compliance with TAA settlement agreement
- Processing pursuant to Transition Plan and priorities
- Site-specific CEQA review (“Appendix C” Environmental Checklist)
- Mitigation commitment from applicants
- County issues PEIR consistency determination
- Public notice of decision, right to inspect files, and appeal procedures
- County issues cannabis license

7 WORKSHOP DISCUSSION ITEMS

1. Area Specific Considerations
2. Effects of Other Geographically-Based Restrictions
3. Treatment of Existing Licensees in Restricted Areas
4. Prohibited License Types
5. Term Limits for Geographic Prohibitions
6. Variances
7. Input from Public

8 DISCUSSION ITEM I: AREA SPECIFIC CONSIDERATIONS

- Clear, substantiated, consistent criteria
- Unique to area under consideration
- Consideration of social equity outcomes
- Water quality/quantity concerns
- Unique topography and/or geographic conditions
- Infrastructure (including road conditions and capacity) and/or utility/service constraints
- Safety, crime, nuisance, compliance history, and/or illegal activity
- Land use compatibility and/or community character concerns
- Other appropriate factors

Discussion Questions:

- a. Does the Planning Commission agree these considerations are relevant?
- b. Are there other relevant area specific considerations?

9 DISCUSSION ITEM 2: EFFECTS OF OTHER GEOGRAPHICALLY-BASED RESTRICTIONS

- Number and proximity of other locational controls in an area
- Size and geographical area of restricted area
- Logical boundaries without internal or external islands

Discussion Question:

- a. Does the Planning Commission agree these considerations are relevant?

10 DISCUSSION ITEM 3: TREATMENT OF EXISTING LICENSEES IN RESTRICTED AREAS

- Expiration
- Exception
- Expansion
- Violations
- Transfer
- Other Incentives to Relocate

II DISCUSSION ITEM 3: TREATMENT OF EXISTING LICENSEES IN RESTRICTED AREAS (continued)

Discussion Questions:

- a. Expiration: Should authorization for existing licensees in prohibited areas expire? If so at what point?
 - Immediately when regulation becomes effective
 - At next license renewal
 - After two renewal cycles
 - At an arbitrary future date established in the regulations
- a. Exception: Should otherwise prohibited existing operations be allowed to continue?
- b. Expansion: Should existing licensees in prohibited areas be allowed to expand the intensity or footprint of their operation?
- c. Modification: Should existing licensees in prohibited areas be able to modify their operation if it does not change the intensity or footprint?
- d. Violations: Should the staff explore more stringent rules and procedures for violations on sites within restricted areas, such as license revocation and/or loss of “grandfathering” protections.
- e. Transfer: Should existing licensees in prohibited areas be allowed to transfer their license:
 - To a new owner in the event of a sale?
 - To another property within the restricted area?
 - To another property outside the restricted area?
- f. Other Incentives to Relocate – Should the County explore an incentive program

I2 DISCUSSION ITEM 4: PROHIBITED LICENSE TYPES

- See Table 1 (Attachment B)
- Cultivation
- Nursery
- Distribution
- Testing
- Retail Non-Storefront
- Microbusiness
- Manufacturing

Discussion Questions:

- a. Should opt out prohibitions automatically apply to all Cannabis use types?
- b. Should opt out prohibitions apply only to cultivation?
- c. Should opt out prohibitions apply to various Cannabis use types as determined on a case-by-case basis?
- d. Should opt out prohibitions apply to future Cannabis use types, such as storefront retail and processing?

I3 DISCUSSION ITEM 5: TERM LIMITS FOR GEOGRAPHIC PROHIBITIONS

- None
- Automatic sunset
- Regular review
- Lewiston Expansion Opt Out Urgency Ordinance expires June 15, 2022
- Rush Creek Estates Urgency Ordinance expires July 7, 2022

Discussion Questions:

- a. Should implementation of the Cannabis regulations (in whole or in part) be regularly reviewed and, if so, how frequently?
- b. Should prohibitions in specific community areas expire on a particular date, and/or require regular review at set intervals?

14 DISCUSSION ITEM 6: VARIANCES

- TCC Section 17.31 (Variances) – general regulations
- TCC Section 17.43.050(A)(8) – regulations specific to cannabis cultivation
- TCC Section 17.43A.030(A)(2) – regulations specific to cannabis nurseries
- TCC Section 17.43B.030(B) – regulations specific to cannabis distribution
- TCC Section 17.43D.020(J) – regulations specific to cannabis retail non-storefront
- TCC Section 17.43E.030(I) – regulations specific to cannabis microbusiness
- TCC Section 17.43F.040(B) and (J)(3) – regulations specific to cannabis manufacturing
- Table 1 (Attachment B) -- Footnote 8 identifies where variances are allowed

Discussion Questions:

- a. Should current/potential licensees in the opt out areas be able to receive a variance?
- b. Should variances be annual approvals through the Planning Commission

15 DISCUSSION ITEM 7: INPUT FROM PUBLIC

- Public notice for license approvals
- Hearings for CUPs
- Ad Hoc Committee availability
- Planning Commission meetings
- Board of Supervisor meetings

Discussion Questions:

- a. Is the current public outreach process for opt outs adequately robust?
- b. How could public outreach be improved?

16 WRAP UP

- Summarize input from Planning Commission
- Continue to March 10, 2022 at 6:00pm if necessary and with Director approval
- Next steps:
 - Rush Creek Estates Urgency Ordinance – amend into County Code
 - Lewiston Expansion Area Urgency Ordinance – extend or amend into County Code
 - General criteria for opt outs – adopt as policy or amend into County Code
- Planning Commission action (April 14 target date for Rush Creek Estates)
- Board of Supervisors action (May 17 target date for Rush Creek Estates)

