

STAFF REPORT

Subject: Permanent Commercial Medical Cannabis Cultivation Ordinance

Date: August 28, 2017

ISSUE: The Trinity County Board of Supervisors seeks input from the Planning Commission on enacting Section 28 to Trinity County Zoning Ordinance No. 315 Commercial Medical Cannabis Cultivation Regulation.

BACKGROUND:

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 medical cannabis on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018.

On November 8, 2016, voters approved Adult Use of Marijuana Act (AUMA) to allow recreational use of cannabis by adults over the age of 21.

On June 27, 2016 MMRSA was amended by SB 837.

On June 27, 2017, the State adopted SB 94, the Medicinal and Adult-Use of 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; (2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.

TRINITY COUNTY:

Following public hearings and discussion, Trinity County adopted Urgency Ordinance No. 315-816 on August 30, 2016, to provide a formal regulatory framework for the growing of cannabis in Trinity County.

It was then extended and amended on October 13, 2016 for an additional 10 months and 15 days, and amended once more on December 21, 2016.

On August 15, 2017, it was brought before the Board of Supervisors for its final extension, but it did not receive enough votes. As a result, the Urgency Ordinance terminated, and the County reverted back to its personal grow ordinance.

The County Ad Hoc Committee, which is comprised of Supervisor Judy Morris and Supervisor Keith Groves, has been continually working on developing a permanent ordinance for commercial marijuana. Since prior to August 30, 2016, they have met for over three hours weekly with staff and held public listening sessions in Weaverville and Hayfork to develop the Ordinance attached hereto as Exhibit A, which is presented for consideration.

THE PRIMARY LAND USE CONSIDERATIONS FOR THE PLANNING COMMISSION:

- Zoning districts allowed
- Provisions for Opt-out areas
- No Grow Areas
- Setbacks
- Number and types of commercial cultivation license
- Proximity to a youth-oriented facility, a school, any church, or residential treatment facility and authorized school bus stop
- Designated areas of grow on the property

STAFF RECOMMENDATION:

Staff is recommending that Planning Commission take public testimony regarding the proposed Ordinance, and provide direction to the Board of Supervisors for their September 6, 2017 meeting.

Respectfully Submitted

Rick Tippet, Planning and Development Services, Department Head

Margaret Long, County Counsel

CAO RECOMMENDATION: Concur: Yes No

Comments: