

**ZONING ORDINANCE NO. 315-845 EXT 2**

**AN URGENCY INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY  
IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF  
COMMERCIAL CANNABIS CULTIVATION LICENSES WITHIN  
THE AREA OF RUSH CREEK ESTATES**

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

**SECTION I: PURPOSE AND AUTHORITY.**

The purpose of this urgency ordinance is to create a moratorium on the issuance of new and transferred licenses within the area of Rush Creek Estates, comprised of 103 privately owned parcels, as identified by the map hereto attached at "Exhibit A." This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law.

**SECTION II: FINDINGS.**

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

1. The state and federal law governing the definition and cultivation of commercial cannabis cultivation is complex, evolving, and may adversely affect the public, peace, health, or safety of residents or of visitors to Trinity County.
2. The majority of the residents and property owners within the Rush Creek Estates area have signed a petition requesting that commercial cannabis cultivation be prohibited as it has been detrimental to the neighborhoods of Goa Way, Buttons Road, 1<sup>st</sup> Left Road, Bear Canyon Road, Trinity Dam Boulevard, and Rush Creek Drive.
3. There is no feasible alternative to enactment of this moratorium ordinance that will satisfactorily mitigate or avoid the previously identified impacts to the public health, safety and welfare with a less burdensome or restrictive effect.
4. In order to ensure the effective implementation of the County of Trinity's land use objectives and policies, a temporary moratorium on the issuance of new licenses and the transfer establishment and/or approval of industrial hemp cultivation is necessary.
5. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

**SECTION III. COMMERCIAL CANNABIS CULTIVATION PROHIBITED**

A. During the term of this interim ordinance, no new or transferred Commercial Cannabis Cultivation Licenses shall be issued within the Rush Creek Estates area.

B. The provisions of this section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, and/or use of controlled substances, or to authorize conduct that is unlawful under state or federal law. As authorized by Government Code section 25132, and except as otherwise provided by state statute, any person or entity violating any provision of this ordinance shall be guilty of a misdemeanor. Moreover, absent a certificate of registration from the federal government, the cultivation of industrial hemp remains a violation of federal law as of the date of adoption of this ordinance and this ordinance is not intended to, and does not authorize conduct or acts that violate federal law, does not serve in any manner as an obstacle to enforcement of federal law, and does not protect any of the above-described persons from arrest or prosecution under those

**SECTION IV. CONFLICTING LAWS.**

For the term of this ordinance, as set forth in Section 8 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

**SECTION V. DECLARATION OF URGENCY.**

Based on the findings set forth above, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

**SECTION VI. CONFLICTING LAWS.**

For the term of this ordinance, as set forth in Section 8 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

**SECTION VIII. CEQA.**


This ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemption applies: section 15308 (actions taken as authorized by local ordinance to assure protection of the environment). There are no unusual circumstances under CEQA Guideline 15300.2(c). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

**SECTION VIII. EFFECTIVE DATE AND TERM**

This ordinance is an interim ordinance adopted on August 18, 2020, as an urgency measure pursuant to Government Code section 65858, and was in effect for forty-five (45) days from its date of adoption and was granted an extension by the Board of Supervisors, pursuant to Section 65858 on September 29, 2020, for 10 months and 15 days. This is the second, and last, extension provided by Section 65858 and shall expire one year from the date of adoption.

Introduced, passed and enacted on this 7th day of July, by the Board of Supervisors, of the County of Trinity by motion, second (Groves/Cox), and the following vote:

- AYES: Supervisors Cox, Groves, Gogan, Frasier, and Brown
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSE:

  
\_\_\_\_\_  
JEREMY BROWN, VICE 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

# Proposed Rush Creek Opt Out Area

