



TRINITY COUNTY

COMMUNITY DEVELOPMENT SERVICES

BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
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Ed Prestley, Interim Director

MEMORANDUM

DATE: June 8, 2023
TO: Members of the Planning Commission
FROM: Mitchell Wexler, Assistant Planner, Bella Hedtke, Associate Planner
SUBJECT: Agenda Item 5: VAR-23-03 1000 ft Variance

Dear Members of the Planning Commission,

This memorandum is intended to correct inaccuracies that were written in the staff report associated with Agenda Item 5: VAR-23-03.

Background Section (pg2):

The following sentences were written erroneously:

- 1) “In 2016 and 2017, this property had CCLs issued for the cultivation of cannabis, which were allowed to **lapse**.”

Updated Verbiage: Per Cannabis Division records, the associated license, CCL-052, was first issued on June 13, 2017, which was renewed annually and valid until September 5, 2021 (UO Extension Date).

- 2) “Due to the location of the prior cultivation activity, the applicant is applying for a **new** license to allow cultivation in the same location, which is within 1,000 feet of the Hayfork Seventh Day Adventist Church.”

Updated Verbiage: Given that the licensee held a previous license, the applicant has applied for a renewal of their existing license not a new license.

Cannabis Division Comment: Additionally, the following comment was unintentionally not included in the staff report that was provided by Cannabis Division staff in order to provide a narrative to explain the history of events that led to the need for this applicant to apply for a variance application.

“This location is associated with CCL-052, which is a small-mixed light license. This license was first approved in 2016. The attached site plan was taken from the applicant’s most recently submitted Appendix C document. The structure that triggered this variance request is notated as Feature #15 (Attachment 1). Feature #15 is a permitted greenhouse that was finalled on April 26, 2021 (BLDG2020-00114). The applicant’s neighbor appealed the issuance of the license, triggering an appeal verification inspection. During preparation for this inspection, staff

discovered that the Seventh-Day Adventist Church was less than 1000ft via desktop review. Staff was unable to verify the physical distance between the cultivation site and the church on the ground due to topography/ vegetation. No evidence of the church setback requirement being verified, related to the building permit approval, was found in the administrative record.

Subsequently, the Cannabis Division then rescinded license approval and requested the applicant apply for a traditional variance in order to allow for their permanent greenhouse to comply with the church setback.

Trinity County Code Section (§) 17.43.050 (A) only allows for sites that do not meet the residential setback requirement, to apply for a commercial cannabis variance (CCV), therefore this project was routed as a traditional variance.

The Cannabis Division is in support of approving this variance request.”

Updated Staff Recommendation:

In the event that the Planning Commission wishes to approve of VAR-23-03, staff has prepared suggested additional findings to add to Resolution 2023-06 in their motion:

- 1. Under Section (§) 2 (A) No Special Privilege.** A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.

Additional finding:

The Planning Department would not consider this a special circumstance, considering that two other sites in the program were identified this year that were previously licensed that were not compliant with the 1000ft church setback. These other sites were on parcels that were large enough to allow for reconfiguration of the cultivation site to comply with the 1000ft setback. The subject parcel associated with this variance request is unique in shape and topography that would not allow for the applicant to reconfigure.

Attachments:

1. Site Plan from Appendix C Document

Figure 4: Project Diagram

