

Resolution NO. 2023-071

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ALLOWING STREAMLINED APPROVAL OF
CANNABIS LICENSES THAT REQUIRE CCVs
FOR THE CALENDAR YEAR 2023**

WHEREAS, all sites in Trinity County's Commercial Cannabis Program are required to comply with Trinity County Code (TCC) Section (§) 17.43.050 (A)(8), which requires cultivation to be located at least 350ft from a legal residential structure on any adjoining parcel or obtain a commercial cannabis variance (CCV); and

WHEREAS, the intent of this code section is to provide a setback between residential structures and cultivation related impacts, such as odor, light and noise. All project specific environmental impacts are formally addressed in the Final Environmental Impact Report (FEIR), and through the project specific Appendix C environmental document review and associated mitigation measures; and

WHEREAS, concerns that are raised by neighboring parcel owners related to variances can be addressed through the existing Appeals process established in TCC (§) 17.34 (Hearings and Appeals). A new form letter, for neighbor consent or opposition, will be drafted and sent out along with neighbor noticing. Projects that are opposed by neighbors with a legal residential structure on adjacent parcels within 350 ft of the project site will be excluded from this resolution and the CCV will be heard at a formal hearing of the Planning Commission; and

WHEREAS, these applications for Commercial Cultivation Variances would normally require extensive administrative effort by staff and Planning Commission to approve variances and look at exceptions to normal setback requirements. To complete this process, these applications would not be approved in time for this year's cultivation season; and

WHEREAS, the Trinity County Board of Supervisors wishes to provide a way forward for these applications to be approved in time for operations to proceed during the 2023 cultivation season. Absent approval of this resolution, these applicants would face a second consecutive year in which they are unable to return to operations of previously approved cultivations sites, leading to additional financial hardships; and

WHEREAS, the County is currently working on ordinance amendments to Chapter 17.43 that will include adding a section to define Nuisance and extensive revisions to the Denial/Revocation and Enforcement sections, in order to provide a clear path for administrative remedies as it relates to neighbor complaints, on licensed commercial cannabis operations; and

NOW, THEREFORE, BE IT RESOLVED, the Trinity County Board of Supervisors authorizes waiving the CCV requirement for the 2023 calendar year for all applications that meet the following requirements:

1. Previously approved licensed sites that have had no changes to site configuration since the last CCV approval, but now need a variance in 2023.

2. The required CCV was triggered by change in interpretation.
3. The required CCV was triggered by a new residential structure built within the 350ft setback.
4. The adjacent parcel with legal dwelling is also a cultivator.
5. No negative response from neighbor within 350 ft setback with the 10-business day notification timeframe.
6. In accordance with CEQA guidelines Section 15168(e), the project is found to be within the scope of the Trinity County Commercial Cannabis Program and the Final Environmental Impact Report (FEIR); and
7. The approval of the license is not currently under appeal; and
8. The project would require a Commercial Cannabis Variance to comply with Trinity County Code (TCC) Section (§) 17.43.050 (A)(8).

NOW, THEREFORE, BE IT FURTHER RESOLVED, the County of Trinity is working on creating proposed updates to Cannabis ordinances that will provide greater clarity regarding the manner in which applications like these will be addressed in the future.

DULY PASSED AND ADOPTED this 16th day of May 2023, by the Board of Supervisors of the County of Trinity by motion, second (Frasier/Leutwyler), and the following vote:

AYES: Supervisors Leutwyler, Frasier, Gogan, Carpenter- Harris, and Cox
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



Jill Cox, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

TRENT TUTHILL
Clerk of the Board of Supervisors

By: 

Deputy