

**ORDINANCE NO. 315-856**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY  
AMENDING SECTION 43 OF TRINITY COUNTY ZONING ORDINANCE NO. 315  
REGARDING COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

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

WHEREAS, On May 16, 2023 The Board of Supervisors adopted 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, to address the backlog of Commercial Cultivation Variances (“CCVs”) and the cumbersome associated administrative processes

WHEREAS, on December 19, 2023, the Trinity County Board of Supervisors extended Resolution 2023-071 through February 2024, and directed staff to schedule a discussion/ study session for the Planning Commission to provide recommendations to the Board of Supervisors, related to the CCV resolution extension, and

WHEREAS, on January 11, 2024, the Trinity County Planning Commission held a regular meeting to discuss the extension of the CCV resolution, and made recommendations; including converting the existing Commercial Cultivation Variance (CCV) process to an Administrative Buffer Reduction - Directors Use Permit, and to modify the existing terminology related to the residential setback requirement for small cultivation licenses, and that the setback be measured from "canopy" instead of from the existing term and the associated definition of "cultivation", and

WHEREAS, on February 6, 2024, the Trinity County Board of Supervisors extended Resolution 2023-071 until April 30, 2024, and

WHEREAS, on February, 8th, 2024 the Trinity County Planning Commission held a public hearing to review the proposed Ordinance amendments, and recommended the Board of Supervisors approve said amendments as detailed below,

**Section I:** The County hereby amends the following sections of Chapter 17, Section 43.050 of the Trinity County Zoning Code:

TCC (§) Section 17.43.050(A)(8): For specialty cottage, specialty and small licenses, canopy shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. Applications for an Administrative Buffer Reduction – Director’s Use Permit will be considered and may be granted by the Trinity County Community Development Director, allowing for an exception to this code section.

**Section II:** The County hereby adds the following sections to Chapter 17, Section 43 of the Trinity County Zoning Code to read as follows:

TCC (§) Section 17.43.050(A)(9): For medium licenses, cultivation shall not be allowed within five hundred feet of an adjacent property line. Applications for a variance from this provision will be considered by the Trinity County Planning Commission.

TCC (§) Section 17.43.051 Cannabis Land Use Buffer Reductions

- A. **Buffer Reductions.** When deliberating a Cannabis License application, a reduction from the required three hundred fifty foot distance from an adjacent legal residential structure on any adjoining parcels may be considered by the Community Development Director, when the following criteria is met:
1. The applicant has submitted an application for and has provided documented justification, along with the applicable attenuation plans included in the Appendix C document, for the requested buffer reduction.
  2. That there are circumstances unique to the properties in question that would reasonably allow a buffer reduction.
  3. The buffer reduction must be for a Legacy site. “Legacy” means sites developed for cannabis cultivation before the adoption of this ordinance. This definition includes sites which are licensed and unlicensed at the time of the adoption of this ordinance. Sites that have an approved Appendix C document with approved site configurations, will be allowed to apply for a Buffer reduction. Sites which are developed after or preexisting sites that have not yet submitted an Appendix C document, which are proposed to be expanded after the adoption of this ordinance, are not considered “legacy,” sites.
  4. That the buffer reduction would not result in harm to the public health, safety, or welfare and nearby land uses.
  5. During the review of the documentation submitted, a Notice of Application and a Consent/ Opposition letter will be sent to affected property owners providing information about the application(s) and identifying the following: 1) the date/time that the Community Development Director will take action on the application; and 2) the date/time when comments must be submitted to the County to be considered by the Community Development Director prior to taking action. If a qualified Opposition letter is received, the Community Development Director will deny the Buffer Reduction Application, unless the Consent/ Opposition letter is received pursuant to the exceptions as defined in paragraph 6 below. County Code Section 17.32.080 (Authority – Planning Director) states that the planning director may, at their direction, schedule for hearing by the commission any application for a planning director’s use permit. If affected property owners disagree with a decision of the director, they may appeal it to the PC per County Code Section 17.34.110(A).
  6. The following situations are considered exceptions from the required three hundred fifty foot distance from an adjacent legal residential structure:
    - a. Canopy that is less than the required three hundred fifty foot distance from an adjacent residential structure that is under identical ownership of that of the licensee.
    - b. Canopy that is less than the required three hundred fifty foot distance from an adjacent parcel, with a legal residential structure, that has a cultivation license.
    - c. Canopy that is found to be less than the three hundred fifty foot distance from an adjacent legal residential structure due to new construction on an adjacent property, since issuance of the original cannabis license and not under ownership of the licensee.

**Section III:** The County finds that the amendments to Chapter 17.43.050 of the Trinity County Code is not subject to California Environmental Quality Act (CEQA) under the General Rule exemption

15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

**Section IV:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the 2nd day of April, and passed and enacted this 16<sup>th</sup> day of April, 2024 by the Board of Supervisors of the County of Trinity by motion, second (Frasier/Gogan), and the following vote:

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



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RIC LEUTWYLER, CHAIRMAN  
Board of Supervisors  
County of Trinity  
State of California

ATTEST:

TRENT TUTHILL  
Clerk of the Board of Supervisors

By:  Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



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Margaret E. Long, County Counsel