

ORDINANCE NO. 315-851

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING VARIOUS SECTIONS OF TITLE 17 (ZONING) OF TRINITY COUNTY CODE
CREATING THE RUSH CREEK ESTATES AND LEWISTON EXPANSION
CANNABIS OPT OUT AREAS**

The Board of Supervisors of the County of Trinity, State of California, **DOES HEREBY ORDAIN** as follows:

Section 1. Purpose

The purpose of this ordinance is to adopt the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas which will exclude specified Cannabis land uses from operation within the boundaries of these areas.

Section 2. Definitions

The following definitions shall apply:

“Active” shall mean timely payment of all applicable fees; timely submittal of all required information, forms, and other required documentation; and satisfactorily participating in actions necessary to retain legal status and permits at both the State and local level.

“Compliant” shall mean in conformance with applicable rules, regulations/ordinances, and requirements.

“Footprint” shall mean the designated area(s) at a licensed premise that will contain mature plants at any point in time. This definition is intended to mirror the definition of "canopy" as defined by the State of California, or as may be amended.

“In good standing” shall mean current on applicable taxes and fees; legally allowed to conduct the subject business at the subject location; and with no outstanding enforcement actions.

Section 3: Findings for Rush Creek Estates Cannabis Opt Out Area

The Board of Supervisors of the County of Trinity makes the following findings in support of adoption and implementation of the Rush Creek Estates Cannabis Opt Out Area:

1. The Rush Creek Estates Cannabis Opt Out area was first adopted by urgency interim ordinance (Zoning Ordinance No. 315-845) of the Board of Supervisors on August 18, 2020, extended September 29, 2020, and extended a second time July 7, 2021.
2. The reasons for creation of this Cannabis Opt Out area, as substantiated below, are clear, consistent, unique to the Rush Creek Estates area, and will not have adverse social equity outcomes. As established below, the reasons are based on land use, physical, and environmental factors that make the expansion of Cannabis activities beyond existing grandfathered sites incompatible with the underlying area.
3. Impaired roadways and circulation in the Rush Creek Estates area support exclusion of new Cannabis activities which could exacerbate existing marginal conditions. Many roads are privately owned, sub-standard in width and base, with gravel surfaces that are not suitable for commercial Cannabis activities. Truck delivery of water resources from outside the area (see Finding #4 immediately below) is likely to adversely affect this fragile road system.

4. Impaired water resources, including water availability, in the Rush Creek Estates area support exclusion of new Cannabis activities which could exacerbate existing marginal conditions.
5. Other factors that support the exclusion of new Cannabis activities from the Rush Creek Estates area include: land use considerations including small parcel sizes and density; community character considerations including the primarily residential nature of the area; unique geographic conditions including steep topography; and public input including significant neighborhood support for the Cannabis Opt Out area.
6. The identified boundaries for the Rush Creek Estates Cannabis Opt Out Area are logical and equitable, and do not result in the creation of internal or external islands. The number and proximity of other locational controls in the area have been considered and the Board has concluded, that the size and geographical location of the Rush Creek Estates area will not result in inequitable burdens on other regions in the County.
7. Approved existing licensees within the Rush Creek Estate Cannabis Opt Out area as of August 18, 2020 that are Compliant, Active, and In Good Standing shall be allowed to continue to operate at their existing location.
8. Existing licensees within the Rush Creek Estate Cannabis Opt Out area shall be allowed to modify their operation with proper approvals if it does not increase the intensity or cultivation footprint of the operation. Expansion of existing operations within the Opt Out area shall only be allowed when it can be demonstrated to the satisfaction of the County that there would be no or minimal physical impact from the expansion. Expansion of the cultivation footprint shall not be allowed. Stacking of cultivation licenses shall not be allowed.
9. Existing licensees shall be allowed to transfer their license to a new owner in the event of a transfer of ownership of the property and/or to another property outside of the Opt Out area. Existing licensees may not transfer their license to another property within the Opt Out area.
10. Unless subsequently modified by the Board, this shall serve as a permanent prohibition on new commercial Cannabis activities within the Rush Creek Estates Cannabis Opt Out area.

Section 4. Findings for Lewiston Expansion Cannabis Opt Out Area

The Board of Supervisors of the County of Trinity makes the following findings in support of adoption and implementation of the Lewiston Expansion Cannabis Opt Out Area:

1. The Lewiston Expansion Cannabis Opt Out area was first adopted by urgency interim ordinance (Zoning Ordinance No. 315-850) of the Board of Supervisors on June 15, 2021, and extended July 30, 2021.
2. The reasons for creation of this Cannabis Opt Out area, as substantiated below, are clear, consistent, unique to the Lewiston Expansion area, and will not have adverse social equity outcomes. As established below, the reasons are based on land use, physical, and environmental factors that make the expansion of Cannabis cultivation beyond existing grandfathered sites and manufacturing of Cannabis incompatible with the underlying area.
3. Impaired water resources, including water availability, in the Lewiston Expansion area support exclusion of new Cannabis activities either of which could exacerbate existing marginal

conditions. . Grass Valley Creek contains important salmonid habitat which merits the pre-emptive protections provided by this action.

4. Noise, odor, and lighting emanating from new Cannabis activities within the Lewiston Expansion area is likely to exceed acceptable levels resulting in adverse outcomes on nearby properties.
5. Other factors that support the exclusion of new Cannabis activities from the Lewiston expansion area include: land use considerations including small parcel sizes and density; community character considerations including the primarily residential nature of the area; unique geographic conditions including steep topography; and public input including significant neighborhood support for the Cannabis Opt Out area.
6. The identified boundaries for the Lewiston Expansion Cannabis Opt Out Area are logical and equitable, and do not result in the creation of internal or external islands. The Lewiston Expansion area is compatible with and complements the adjoining existing Lewiston Cannabis Opt Out area, and incorporates the existing Bucktail Subdivision Cannabis Opt Out area thus eliminating a pre-existing external island.
7. The number and proximity of other locational controls in the area have been considered and the Board has concluded, that the size and geographical location of the Lewiston Expansion Opt Out area will not result in unequitable burdens on other regions in the County.
8. Approved existing licensees within the Lewiston Expansion Cannabis Opt Out area as of June 15, 2021 that are Compliant, Active, and In Good Standing shall be allowed to continue to operate at their existing location.
9. Existing licensees within the Lewiston Expansion Opt Out area shall be allowed to modify their operation with proper approvals if it does not increase the intensity or cultivation footprint of the operation. Expansion of existing operations within the Opt Out area shall only be allowed when it can be demonstrated to the satisfaction of the County that there would be no or minimal physical impact from the expansion. Expansion of the cultivation footprint shall not be allowed. Stacking of cultivation licenses shall not be allowed.
10. Existing licensees shall be allowed to transfer their license to a new owner in the event of a transfer of ownership of the property and/or to another property outside of the Opt Out area. Existing licensees may not transfer their license to another property within the opt-out area.
11. Unless subsequently modified by the Board, this shall serve as a permanent prohibition on new commercial Cannabis activities within the Lewiston Expansion Cannabis Opt Out area.

Section 5. Amendment of County Code

Various sections of Title 17, Zoning, of the Trinity County Code, are hereby added/amended:

Section 17.43.050(A)(9) is hereby added as follows resulting in the exclusion of new Cannabis cultivation in these areas: 9. Within the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas.

Section 17.43A.020(B)(3) is hereby added as follows resulting in the exclusion of Cannabis nurseries in these areas: 3. Within the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas.

Section 17.43B.020(D) is hereby added as follows resulting in the exclusion of Cannabis distribution in these areas: D. Cannabis distribution is prohibited within the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas.

Section 17.43C.020(E) is hereby added as follows resulting in the exclusion of Cannabis testing facilities in these areas: E. Cannabis testing is prohibited within the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas.

Section 17.43D.020(I)(1)(e) is hereby added as follows resulting in the exclusion of Cannabis non-storefront retail facilities in these areas: e. Within the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas.

Section 17.43E.030(J) is hereby added as follows resulting in the exclusion of Cannabis microbusinesses in these areas: J. A microbusiness license shall not be allowed within the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas.

Section 17.43F.020(E)(2)(f) is hereby added as follows resulting in the exclusion of Cannabis manufacturing in these areas: f. Within the Rush Creek Estates and Lewiston Expansion Cannabis Opt Out Areas.

Section 6. Amendment of County Zoning Plan

The Planning Director or his/her designee shall amend the adopted Zoning Plan of Trinity County to reflect the areas depicted in Exhibit 1 through 4 as Commercial Cannabis Opt Out areas.

Section 7. CEQA Compliance

The County finds that adoption of the proposed revised Ordinance falls within the scope of the Trinity County Cannabis Program EIR. The Cannabis Program EIR (SCH# 2018122049) was certified by the Board of Supervisors on December 21, 2020 (Resolution 2020-103) pursuant to CEQA Guidelines Section 15168 (Program EIR), and no further environmental review is required.

Section 7. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance or any exhibit is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, and phrases be declared invalid.

Section 8. Waiver of First Reading

This Ordinance shall be introduced by title and number only and the first reading waived.

Section 9. Effective Date and Publication

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 3rd day of March, 2022 and passed and enacted this 17th day of May, 2022 by the Board of Supervisors of the County of Trinity by motion, second (Groves/Cox), and the following vote:

AYES: Supervisors Groves, Cox, Gogan, Frasier
NOES: None
ABSENT: Brown
ABSTAIN: None
RECUSE: None



DAN FRAISER, 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:

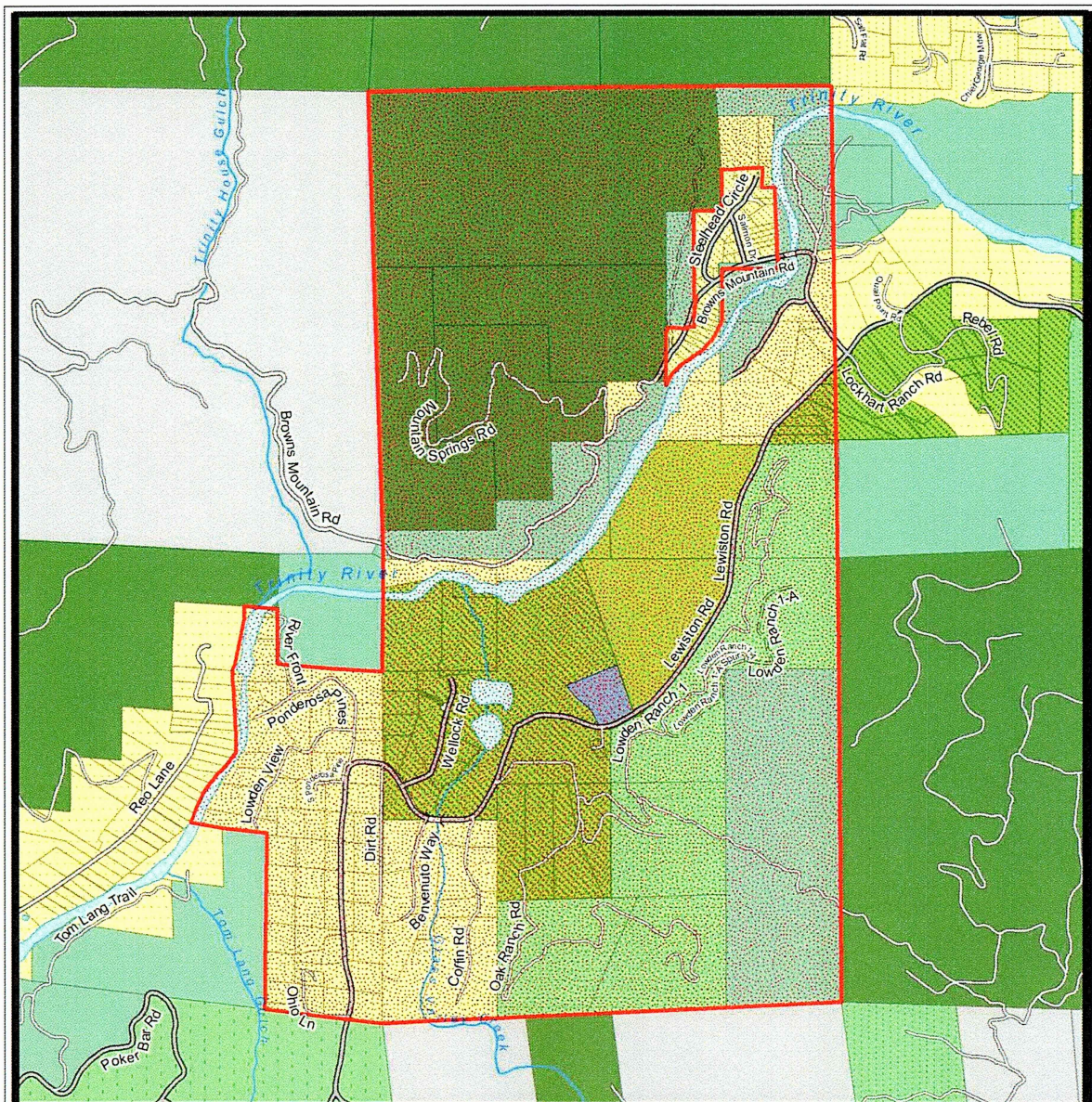


Margaret Long, County Counsel

Exhibit 1, Rush Creek Estates Cannabis Opt Out Area Map
Exhibit 2, Rush Creek Estates Cannabis Opt Out Area APN List
Exhibit 3, Lewiston Expansion Cannabis Opt Out Area Map
Exhibit 4, Lewiston Expansion Cannabis Opt Out Area APN List

Rush Creek Opt Out APN List

010-680-06-00	010-680-03-00	010-620-01-00
010-680-07-00	010-680-04-00	010-620-02-00
010-680-08-00	010-680-09-00	010-620-03-00
010-680-12-00	010-680-10-00	010-620-04-00
010-680-13-00	010-680-16-00	010-620-05-00
010-680-14-00	010-690-58-00	010-620-06-00
010-680-15-00	010-690-59-00	010-620-07-00
010-680-21-00	010-690-60-00	010-620-08-00
010-670-01-00	010-690-40-00	010-620-09-00
010-670-02-00	010-690-41-00	010-620-10-00
010-670-05-00	010-690-42-00	010-620-11-00
010-670-06-00	010-690-43-00	010-620-12-00
010-670-07-00	010-690-44-00	010-690-29-00
010-670-08-00	010-690-45-00	010-690-35-00
010-690-02-00	010-690-46-00	010-670-04-00
010-690-03-00	010-690-47-00	010-670-09-00
010-690-04-00	010-690-48-00	010-670-10-00
010-690-05-00	010-690-49-00	010-690-51-00
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010-690-08-00	010-680-17-00	
010-690-09-00	010-680-18-00	
010-690-10-00	010-680-19-00	
010-690-11-00	010-590-01-00	
010-690-12-00	010-590-03-00	
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010-690-56-00	010-610-07-00	
010-690-57-00	010-610-08-00	
010-680-02-00	010-610-09-00	



Lewiston Community Services Expansion Area

- Non Cultivation Areas
- Zoning Districts (Parcels)**
 - Rural Residential 1 Acre min (RR1)
 - Rural Residential 2.5 Acre min (RR2.5)
 - Rural Residential 5 Acre min (RR5)
 - Public Facility (PF)
 - Open Space (OS)
 - Agricultural (A)
 - Agricultural 10 Acre min (A10)
 - Agricultural 20 Acre min (A20)
 - Agricultural Forest (AF)
 - Agricultural Forest 20 Acre min (AF20)
 - Agricultural Forest 40 Acre min (AF40)
 - Agricultural Forest 160 Acre min (AF160)
 - Timber Production Zone (TPZ)
 - Unclassified (UNC)

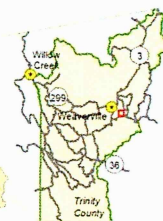


Scale: 1 = 18,000

Jan 21, 2021 Lew_Cannabis_Expansion_Zoning_17x11.mxd



Vicinity & Location Map



Lewiston Opt Out Expansion APN List

025-020-05-00	025-180-29-00	025-290-26-00	025-510-07-00	025-660-30-00
025-020-05-00	025-180-30-00	025-290-27-00	025-510-09-00	025-660-31-00
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025-020-09-00	025-180-35-00	025-290-36-00	025-510-16-00	025-660-36-00
025-120-01-00	025-180-36-00	025-290-38-00	025-510-17-00	025-660-37-00
025-120-02-00	025-180-37-00	025-290-39-00	025-510-18-00	025-660-38-00
025-120-03-00	025-180-38-00	025-290-40-00	025-510-19-00	025-660-39-00
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025-120-20-00	025-260-05-00	025-460-01-00	025-510-22-00	
025-120-21-00	025-260-06-00	025-460-02-00	025-510-23-00	
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025-120-22-00	025-260-19-00	025-460-05-00	025-510-27-00	
025-120-23-00	025-260-33-00	025-460-06-00	025-510-28-00	
025-120-24-00	025-260-34-00	025-460-07-00	025-540-02-00	
025-120-24-00	025-260-35-00	025-460-08-00	025-540-03-00	
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025-180-02-00	025-260-39-00	025-460-10-00	025-650-02-00	
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