



TRINITY COUNTY

COMMUNITY DEVELOPMENT SERVICES

BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
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Kim Hunter, Director

MEMORANDUM

DATE: May 7, 2021
TO: Planning Commission
FROM: Bella Hedtke, Associate Planner
SUBJECT: Agenda Item 8 - Commercial Cannabis Residential Setback Requirement

Trinity County Code Section 17.43.050.A.8. established the residential setback requirement for specific commercial cannabis license types:

“For specialty cottage, specialty and small licenses cultivation shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. 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. After obtaining an initial variance, the planning director can issue a director's use permit for subsequent years after an inspection.”

Adjoining Parcels: Parcels that touch lines or corners are considered adjoining. The underlined sentence above specifically notates that cultivation shall not be allowed within 350ft of a residential structure on any adjoining parcels. Therefore, cultivation is allowed within 350ft of a residential structure on a parcel that is not adjoining to the subject parcel.

Public vs. Private Roads: Furthermore, two parcels that are separated by a public road would not be considered adjoining. Two parcels that are separated by a private road may be considered adjoining, but this is parcel specific. Attachment 1 provides a visual illustration of this concept.

Cannabis Variance Renewals: Staff will begin reviewing initial and renewal variance applications to screen for any potential variances that were approved that may not require a variance under this interpretation of code.

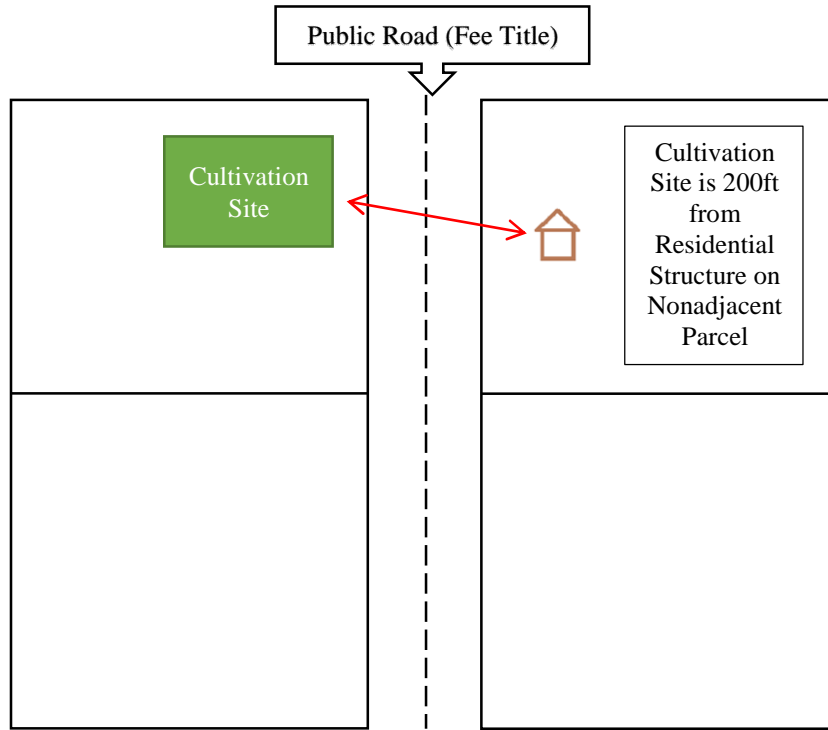
Attachments:

1. Example Diagram – Cannabis Cultivation Setback Variances

ATTACHMENT 1

VARIANCE NOT REQUIRED

This site is compliant with the Residential Setback Requirement:



VARIANCE REQUIRED

This site is not compliant with the Residential Setback Requirement

