

TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT

PROJECT TITLE: Planning Commission Discussion/ Study Session regarding the extension of Resolution 2023-071

REPORT BY: Drew Plebani – Cannabis Division Director

LOCATION: County Wide

PROJECT DESCRIPTION:

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.*

On December 19, 2023 an extension of Resolution NO. 2023-071, was presented to the Board of Supervisors, and was extended through February 2024.

Additionally, staff was instructed by the Board to schedule a Discussion / Study session for the Planning Commission to review and provide recommendations to the Board on how to improve the CCV resolution, including supporting comments.

PROJECT BACKGROUND (Modified from 5/16/23 BOS Agenda item)

December 28, 2020, Ordinance number 315-849 was adopted to incorporate mitigations of the Certified Programmatic Environmental Impact Report (PEIR) in addition to specific regulations for the cultivation of cannabis in Trinity County, including Trinity County Code (TCC) Section (§) Section 17.43.050 — Limitation on location to cultivate cannabis. TCC §17.43.050(A)(8) requires that sites in the Trinity County Commercial Cannabis Program, specifically “cultivation” associated with specialty cottage, specialty, and small license types, shall not be allowed within 350 feet from a legal residential structure on any adjoining parcel, but allows for the ability to apply for a variance from this provision (known as a commercial cannabis variance (CCV)). This setback requirement is referred to as the “residential setback” in the remainder of this report.

From 2016 to early 2022, Planning staff had previously interpreted the word "cultivation" contained in TCC §17.43.050(A)(8) to mean “canopy” when verifying site compliance during desktop and field inspections. Per TCC §17.43.010, *Canopy is defined as “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 early 2022, staff previously employed by the County modified the interpretation of the residential setback requirement, from “canopy”, to be measured from “cultivation” when verifying

site compliance during desktop and field inspections. Per TCC §17.43.010, "Cultivation" is defined as *"the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof."* A result of this change in interpretation was that a number of existing licensed cannabis cultivation sites now also need approval of a CCV in order to be approved for an annual license renewal.

Furthermore, TCC §17.43.050 (A)(3) requires licensed cannabis cultivation sites to have a legal dwelling. Therefore, cultivation sites that are located next to each other may be required to receive CCVs due to the proximity of the legal dwelling on the neighboring cultivation site. Given that licensees do not have authority over the location of their neighbor's dwelling in relation to their cultivation activities, as residences or other permitted structures are approved on adjacent properties, existing licensed cultivation sites would then be required to obtain a CCV in order to be approved for an annual license renewal.

Historically, the Cannabis Division has not had sufficient staff to process the large number of new and annual renewals of CCVs in a timely manner, along with the additional extensive administrative workload required to evaluate and process cannabis license applications. CCVs were created to minimize the potential impacts to nearby sensitive receptors and adjacent residences from cultivation related activities, and to allow for preexisting cultivation sites to meet the 350 foot setback requirement in TCC §17.43.050. Prior to CEQA determinations for cultivation licenses being noticed to the public, CCVs created the ability for neighbors with residential structures within the 350 foot setback to provide comments on the issuance of the license. For reference, appeals of the Planning Directors decision for cultivation licenses are authorized under TCC Section (§) 17.34.110(A) – Appeals.

The current requirement for CCVs to be renewed annually creates an inefficient and redundant administrative process that appears to hold no unique purpose that the County's existing appeal and nuisance abatement processes wouldn't be able to address. The use of the term 'Variance' as it relates to setback requirements from adjacent residences for cannabis cultivation activity, is outside of the traditional planning law use of the term and its application and, given the annual approval requirement and large number of CCVs already approved by the Planning Commission, means that these are not "unique" situations. As it relates to completing the workload associated with CCVs, the use of contracted external planning services still requires significant County Planning staff support to coordinate and supervise external consultants to ensure project compliance.

Given that many of the sites that are or have been waiting for a CCV to be processed, had already foregone a cultivation season due to the program shutdown caused by the TAA Settlement Agreement, staff was directed by the Board of Supervisors to develop a process that would allow for the streamlined approval of CCVs for specific years (adopted on 5/16/23 as Resolution 2023-071, included as Attachment 1) while staff continues to work on amendments to the County Code that would create a more appropriate and efficient administrative process for CCVs. Amendments being considered include converting the CCV process to an Administrative Buffer Reduction process, among a variety of other proposed amendments to improve the efficacy of the process.

It is noted that all cannabis cultivation projects are subject to environmental review under the California Environmental Quality Act (CEQA). The Trinity County Cannabis Program

Environmental Impact Report (SCH:2018122049) created the framework for environmental review of cannabis operations in Trinity County. Cultivation operations are tiered off of the analysis and evaluation conducted in the creation and approval of the PEIR through the Appendix C Checklist, which provides a template for completing environmental documents for cannabis licenses. Environmental impact assumptions in the PEIR mirror the 350 foot residential setback requirements outlined in TCC Section (§) 17.43.050 (A)(8). The environmental evaluation presented in the PEIR include the following resource categories, which have been identified by staff as having the highest potential to impact sensitive receptors; Aesthetics, Air Quality, and Noise.

Per Resolution 2023-071 cannabis cultivation projects that do not meet the 350 foot residential setback are required to include all applicable mitigation measures that address potential impacts to sensitive receptors, including an odor control plan, a noise and light attenuation plan, and a noise monitoring report for ongoing operational equipment. Cannabis cultivation projects requiring CCVs will receive review of the necessary environmental documents and subsequent licensure only with the inclusion and approval of the mitigation measures and supplemental plans identified above.

Discussion (Modified from 12/19/23 BOS Agenda item):

Updates to TCC Chapter 17.43 that were scheduled to be completed during calendar year 2023 are still ongoing and are anticipated to be completed in 2024. One of the amendments being considered is the proposed conversion of the CCV process to an Administrative Buffer Reduction process. As of December 1, 2023, the Cannabis Division is without sufficient staff to process the large number of CCV applications. As a result, on the December 19, 2023 Board of Supervisors meeting, staff recommended to the Board that the streamlined approved process outlined in Resolution 2023-071 be extended either for the 2024 Calendar Year or until one of the following occurs: 1) the proposed amendments to TCC Chapter 17.43 have been completed; or 2) staff capacity has been increased to allow for processing of the CCVs in a timely manner.

Resulting from the adoption of the streamlined approval process outlined in Resolution 2023-071, additions to the CCV process were added, including the following: 1) when a license receives approval, legal notices are sent to the Trinity Journal; and 2) a Consent / Opposition form is included in the neighbor notices sent out to adjacent property owners to ensure adequate input from neighbors. In order for an opposition form to be qualified, the opposing party must have a legal dwelling on the property that is adjacent to the cultivation site. Additionally, all projects that do not meet the 350 foot setback requirement, have been required to include noise and light attenuation plans into their Appendix C document.

While preparing this item for Planning Commission review, discussions were had with SHN who are Trinity County's Land Use and Planning Consultants. The suggested edits from SHN to Resolution 2023-071, are attached as Attachment 2. Among the suggested changes from SHN is that instead of utilizing the Consent/ Opposition form, the CCVs affected by the Resolution instead be a Notice of Decision by the Planning Director as a Director's Use Permit, which creates the ability to address concerns through the existing Appeals process established in TCC Chapter 17.34 (Hearings and Appeals) for both decisions of the Planning Director and the Planning Commission.

2023 CCV Resolution Related Data

Of the 54 consent / opposition forms sent out during 2023, as a result of implementation of the streamlined approval process for CCVs outlined in Resolution 2023-071, two projects received an opposition letter (1 - qualified opposition, that was later retracted by the opposing party, 1 - opposition which was not qualified due to no legal dwelling).

For new licenses and initial CCVs, consent / opposition forms have also been included into the neighbor noticing process for which, 1 qualified opposition form was received.

54 – licensed sites to which the streamlined approval process applied (24 CCV renewals + 30 new CCVs based on change in interpretation of cultivation vs. canopy, or never previously identified).

27 – previously issued CCVs, not yet licensed, CCV not renewed/streamlined approval process would apply.

Approximately 15 potential new CCVs from previously licensed sites not currently licensed, license not issued so CCV not renewed / but streamlined approval process would apply.

PUBLIC COMMENT:

As of January 5, 2023 at 2pm staff did not receive comments on this item.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review and provide recommendations to the Board of Supervisors on how to improve the CCV streamlined approval process outlined in Resolution 2023-071, including supporting comments.

ATTACHMENTS:

- 1) Resolution 2023-071
- 2) SHN suggested edits to Resolution 2023-071
- 3) 5/16/23 BOS Agenda Item
- 4) 12/19/23 BOS Agenda Item

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.

Resolution No. 2023-071
May 16, 2023
Page 2 of 2

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

Resolution NO. ~~XXXX~~2023-071

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ALLOWING STREAMLINED APPROVAL OF CERTAIN COMMERCIAL
CANNABIS VARIANCES LICENSES THAT REQUIRE CCVs
FOR THE CALENDAR YEAR ~~2023~~2024**

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 activities associated with certain cultivation license types (such as, specialty cottage, specialty and small cultivation licenses) to be located at least a minimum of 350 feet from a legal residential structure on any adjoining parcel or obtain a commercial cannabis variance (CCV); and

WHEREAS, the intent of ~~this code section §17.43.050(A)(8)~~ is to provide a setback between residential structures and potential cultivation related impacts, such as odor, light and noise. All potential project specific environmental impacts of cannabis cultivation operations are formally addressed in the Final Environmental Impact Report (FEIR) prepared for the County's Commercial Cannabis Program and associated mitigation measures and performance standards that have been adopted into the County Code, and as well as through the project specific Appendix C environmental documents required to be prepared for cannabis cultivation licenses (CCLs) 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 CCVs would normally typically require extensive administrative effort and process by staff and the Planning Commission to approve review the variances requests and look at approve exceptions to normal the setback requirements in §17.43.050(A)(8). To complete this process for the number of cultivation sites requiring an annual CCV approval, many of these applications would not be approved in time for ~~this year's~~ the 2024 cultivation season; and~~

~~**WHEREAS**, the Trinity County Board of Supervisors wishes intends to provide a way forward streamlined approval process for ~~these~~ CCV applications ~~so they may~~ be approved in time for operations to proceed during the ~~2023~~2024 cultivation season. Absent approval implementation of ~~this resolution a~~ streamlined approval process for CCVs, ~~these many~~ applicants in the County's Cannabis Program would ~~be face a second consecutive year in which they are~~ unable to return to continue operations of previously approved cultivations sites, leading to additional financial hardships; and~~

~~**WHEREAS**, parcel owners adjacent to cannabis cultivation sites have the ability to address concerns about CCV applications through the existing Appeals process established in TCC~~

Resolution No. ~~XXXX~~2023-071

DATE

Page 2 of 3

Chapter 17.34 (Hearings and Appeals) for both decisions of the Planning Director and the Planning Commission; and

WHEREAS, the County is currently working on ordinance amendments to TCC Chapter 17.43 (Commercial Cannabis Cultivation Regulations) to address the following: 1) the conversion of the CCV process into an Administrative Buffer Reduction process or similar administrative approval process; 2) ~~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 a streamlined approval process waiving the for CCV requirement applications for the ~~2023~~2024 calendar year for all applications that meet the following requirements:

1. Existing licensed cannabis cultivation sites (specialty cottage, specialty and small cultivation licenses) that require annual renewal of a CCV.
- ~~1.2. Previously approved~~ Existing licensed cannabis cultivation sites (specialty cottage, specialty and small cultivation licenses) that have had no changes to the site configuration since the last ~~CCV~~ annual approval, but upon closer inspection during the annual license review process, have now been determined by staff to require ~~now need~~ a variance CCV in 20232024.
- ~~2.3.~~ The required CCV was triggered by a change in interpretation of the definition of “cultivation” in TCC §17.43.050(A)(8).
- ~~3.4.~~ The required CCV was triggered by a new, legal residential structure being built on an adjoining property within the 350-foot setback.
- ~~4.5. The adjacent parcel with a legal residential structure dwelling is also a cultivator a licensed cultivation site. No negative response from neighbor within 350 ft setback with the 10-business day notification timeframe. 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~~
- ~~6.~~ The approval of the cannabis cultivation license is not currently under appeal; and
- ~~5.7.~~ The cannabis cultivation site must have an approved project-specific Appendix C environmental document.
- ~~6.~~ 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 (/), and the following vote:

AYES: Supervisors

Resolution No. ~~XXXX~~2023-071

DATE

Page 3 of 3

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

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret E. Long, County Counsel

TRINITY COUNTY
Item Report 4.2

Meeting Date: 5/16/2023

Department:
CannabisContact:
Trent TuthillPhone:
530-623-1382

4.2 Resolution: Streamling Cannabis Licenses that require CCV's for calendar year 2023

Requested Action:

Adopt a resolution to allow the streamlined approval of Cannabis Licenses that require a CCV for the calendar year 2023.

Fiscal Impact:

Unknown.

Summary:

Adopt a resolution to allow the streamlined approval of Cannabis Licenses that require a CCV for the calendar year 2023.

Background:

December 28, 2020, Ordinance number 315-849 was adopted to incorporate mitigations of the Certified Programmatic Environmental Impact Report (PEIR) in addition to specific regulations for the cultivation of cannabis in Trinity County, including Trinity County Code (TCC) Section (§) Section 17.43.050 — Limitation on location to cultivate cannabis. This code section requires all sites in the Trinity County Commercial Cannabis Program to “cultivation” to be located at least 350ft from a legal residential structure on any adjoining parcel or obtain a commercial cannabis variance (CCV). This setback will be referred to as the “residential setback” for this discussion.

From 2016 to early 2022, Planning staff had previously interpreted the word "cultivation" contained in TCC Section (§) 17.43.050 (A)(8) to mean “canopy” when verifying site compliance during desktop and field inspections. “Canopy” means 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 early 2022, staff broadened their interpretation from “canopy” to “cultivation” when verifying site compliance during desktop and field inspections. “Cultivation” means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof. A byproduct of this interpretation change made it so sites that had been previously approved would now need a variance in order to be approved for a license renewal.

Furthermore, TCC Section (§) 17.43.050 (A)(3) requires licensed sites to have a legal dwelling. Therefore, cultivation sites that are located next to each other would be required to receive variances from the legal dwelling on the neighboring cultivation site. Given that licensees do not have authority over the location of their neighbor’s dwelling in relation to their cultivation activities, as nearby residences or other permitted structures are “finalized”, previously approved licensed sites would then require a variance in order to be approved for license renewal.

Discussion:

Historically, the Cannabis Division was never properly allocated sufficient Planning positions to handle new and annual renewals of variances, along with the additional extensive administrative workload required to evaluate and process license applications. CCVs were created to minimize the potential impacts to nearby sensitive receptors and adjacent residences from cultivation related activities, and to allow for preexisting cultivation sites to meet the 350ft setback requirement. Prior to CEQA determinations being noticed, CCVs created the ability for neighbors within the 350ft setback to oppose the issuance of the license. Appeals of the Planning Directors Decision are authorized under TCC Section (§) 17.34.110 (A) – Appeals.

The annual nature of the variances creates a burdensome administrative task that seems to hold no unique merit that the appeal processes wouldn't be able to consider. The use of the term ‘Variance’ as it relates to setback requirements from adjacent residences is outside of the traditional planning use of the term and its application and, given the annual nature and large number of variances already approved by the Planning Commission means that these are not “unique” situations. The use of contracted external planning services would still require in office Planning staff support to coordinate and supervise external consultants to ensure project compliance.

Given many of the sites that are waiting for a variance to be processed, have already foregone a cultivation season due to the program shutdown caused by the TAA Settlement Agreement, staff was directed by the Board of Supervisors to develop a resolution that could allow for the temporary approval of licenses that require a variance while staff works through ordinance amendments that would create a more appropriate administrative process, converting variances to buffer reductions and strengthen the Denial/Revocation and Enforcement sections.

All cultivation projects are subject to environmental review under the California Environmental Quality Act (CEQA). The Trinity County Cannabis Program Environmental Impact Report (SCH:2018122049) created the framework for environmental review of cannabis operations in Trinity County. Cultivation operations are tiered off of the analysis and evaluation conducted in the creation and approval of the PEIR through the Appendix C Checklist. Environmental impact assumptions in the PEIR mirror the 350ft residential setback requirements outlined in TCC Section (§) 17.43.050 (A)(8).

The environmental evaluation conducted in the PEIR included evaluation of the Aesthetics, Air Quality, and Noise resource categories. These resource categories have been identified by staff as having the highest potential to negatively impact sensitive receptors. Cultivation projects that do not meet the 350ft residential setback are required to include all applicable mitigation measures that address effects to sensitive receptors (Attachment 1: Variance Specific Impacts and Mitigation Measures), an odor control plan, a noise and light attenuation plan (Attachment2: Noise light and Odor Attenuation Plan) a noise monitoring report for ongoing operational equipment (Attachment 3: Template Noise Report), and a CalEMod report to determine site specific quantifiable air quality thresholds. Cultivation projects will receive approval of the necessary environmental documents and subsequent licensure only with the inclusion of the mitigation measures and supplemental plan identified above.

Alternatives Including Financial Implications:

1. Continue discussion to future meeting and provide direction to staff.
2. Deny resolution and provide direction to staff.

Departmental Recommendation:

Approve Resolution as presented.

ATTACHMENTS:

Description

[Back up](#)

[Resolution](#)

[Public Comments Received Subsequent to the Posting of Agenda](#)

TRINITY COUNTY
Item Report 4.1

Meeting Date: 12/19/2023

Department:
Cannabis

Contact:
Drew Plebani - Cannabis Division Director

Phone:
(530)628-1351

4.1 Resolution: Commercial Cannabis Variance - extension for calendar year 2024

Requested Action:

Adopt a resolution which allows for streamlined approval of Cannabis Licenses that require a Commercial Cannabis Variance for calendar year 2024.

Fiscal Impact:

Unknown.

Summary:

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. Staff is requesting that an updated resolution, extended to calendar year 2024, be adopted by the Board of Supervisors.

Discussion:

As of December 1, 2023 the Cannabis Division is without a Planner to facilitate the CCV process, staff recommends that the Resolution be extended for the 2024 Calendar Year or until Ordinances have been updated, or staff capacity increased to enable processing of CCVs.

When a project receives approval, legal notices are sent to the Trinity Journal and to adjacent property owners. As a result of Ordinance 2023-071, a Consent / Opposition letter has been included in the neighbor notices sent out to adjacent property owners, which was included into the noticing process to ensure input from neighbors. Additionally, all projects that do not meet the 350' setback requirement, have been required to include attenuation plans into their Appendix C document.

In order for a opposition form to be qualified the opposing party must have a legal dwelling on the property that is adjacent to the cultivation site.

Of the 54 consent / opposition forms sent out as a result of resolution, two projects received an opposition letter (1 - qualified opposition, that was later retracted by the opposing party, 1 - opposition which was not qualified due to no legal dwelling).

Consent / opposition forms have also been included into the neighbor noticing process for new licenses / CCVs. 1 qualified opposition form was received.

2023 CCV Resolution related data:

54 - resolution applied (24 CCV renewals + 30 new CCVs based on change in interpretation of cultivation vs canopy, or never previously identified)

27 – previously issued CCVs, not yet licensed, CCV not renewed/ resolution would apply

~15 potential new CCVs from previously licensed sites not currently licensed, CCV not renewed / resolution would apply

An administrative buffer reduction process is being proposed as a part ordinance updates, to replace the existing CCV process.

Alternatives Including Financial Implications:

Provide direction to staff.

Departmental Recommendation:

Update Resolution NO: 2023-071 to extend through calendar year 2024, or until ordinance updates are finalized and implemented, and approve updated Resolution as presented.

ATTACHMENTS:

Description

[5.16.23 agenda Item Resolution 2023-071](#)