MEMORANDUM 4

DATE: Friday, February 25, 2022

TO: Members of the Trinity County Planning Commission

FROM: Lisa Lozier, Interim Director Building & Planning

SUBJECT: Agenda Item 2 – Planning Commission Zoning Workshop Cannabis “Opt-Out”

Please find the attached Power Point presentation prepared for the zoning workshop on February 24, 2022.
CANNABIS OPT-OUT REGULATIONS

TRINITY COUNTY PLANNING COMMISSION
PUBLIC WORKSHOP FEBRUARY 24, 2022
2 PURPOSE OF WORKSHOP

- Standardized considerations for regulating cannabis in specific geographic areas
- Advisory direction from Planning Commission to Board of Supervisors
- Direction provided may be amended into Commercial Cannabis Ordinance
- Will be relied on by staff to evaluate existing and new opt out areas
3 WORKSHOP FORMAT

1. Staff introduction
2. Presentation from consulting land use planner
3. Planning Commission questions
4. Consideration of each discussion item (Attachment A Workshop Action Summary)
   A. Consulting planner reviews item
   B. Accept public comments
   C. Planning Commission discussion and direction
5. Summary of direction from Planning Commission
4 SUMMARY OF EXISTING REGULATIONS

- Buffers and setbacks
- Zone district restrictions
- Special districts and other identified communities/areas
- Urgency ordinance (temporary) opt-outs
  - Lewiston Expansion Area (1,882 acres; expires June 15, 2022)
  - Rush Creek Estates (907 acres; expires July 7, 2022)
CANNABIS LICENSE STATUS

- Processing Priority #1: ±328 issued active license renewals (5 with CEQA clearance/CUP approval)
- Processing Priority #2: ±108 pending unprocessed license renewals
- Processing Priority #3: ±34 inactive previously issued licenses
- Processing Priority #4: ±80 new license applications
CANNABIS LICENSE PROCESS

- Court ordered compliance with TAA settlement agreement
- Processing pursuant to Transition Plan and priorities
- Site-specific CEQA review ("Appendix C" Environmental Checklist)
- Mitigation commitment from applicants
- County issues PEIR consistency determination
- Public notice of decision, right to inspect files, and appeal procedures
- County issues cannabis license
WORKSHOP DISCUSSION ITEMS

1. Area Specific Considerations
2. Effects of Other Geographically-Based Restrictions
3. Treatment of Existing Licensees in Restricted Areas
4. Prohibited License Types
5. Term Limits for Geographic Prohibitions
6. Variances
7. Input from Public
DISCUSSION ITEM 1:
AREA SPECIFIC CONSIDERATIONS

- Clear, substantiated, consistent criteria
- Unique to area under consideration
- Consideration of social equity outcomes
- Water quality/quantity concerns
- Unique topography and/or geographic conditions
- Infrastructure (including road conditions and capacity) and/or utility/service constraints
- Safety, crime, nuisance, compliance history, and/or illegal activity
- Land use compatibility and/or community character concerns
- Other appropriate factors

Discussion Questions:

a. Does the Planning Commission agree these considerations are relevant?
b. Are there other relevant area specific considerations?
DISCUSSION ITEM 2: EFFECTS OF OTHER GEOGRAPHICALLY-BASED RESTRICTIONS

- Number and proximity of other locational controls in an area
- Size and geographical area of restricted area
- Logical boundaries without internal or external islands

Discussion Question:

a. Does the Planning Commission agree these considerations are relevant?
DISCUSSION ITEM 3: TREATMENT OF EXISTING LICENSEES IN RESTRICTED AREAS

- Expiration
- Exception
- Expansion
- Violations
- Transfer
- Other Incentives to Relocate
DISCUSSION ITEM 3: TREATMENT OF EXISTING LICENSEEES IN RESTRICTED AREAS (continued)

Discussion Questions:

a. Expiration: Should authorization for existing licensees in prohibited areas expire? If so at what point?
   • Immediately when regulation becomes effective
   • At next license renewal
   • After two renewal cycles
   • At an arbitrary future date established in the regulations

a. Exception: Should otherwise prohibited existing operations be allowed to continue?

b. Expansion: Should existing licensees in prohibited areas be allowed to expand the intensity or footprint of their operation?

c. Modification: Should existing licensees in prohibited areas be able to modify their operation if it does not change the intensity or footprint?

d. Violations: Should the staff explore more stringent rules and procedures for violations on sites within restricted areas, such as license revocation and/or loss of “grandfathering” protections.

e. Transfer: Should existing licensees in prohibited areas be allowed to transfer their license:
   • To a new owner in the event of a sale?
   • To another property within the restricted area?
   • To another property outside the restricted area?

f. Other Incentives to Relocate – Should the County explore an incentive program
DISCUSSION ITEM 4: PROHIBITED LICENSE TYPES

- See Table 1 (Attachment B)
- Cultivation
- Nursery
- Distribution
- Testing
- Retail Non-Storefront
- Microbusiness
- Manufacturing

Discussion Questions:

a. Should opt out prohibitions automatically apply to all Cannabis use types?
b. Should opt out prohibitions apply only to cultivation?
c. Should opt out prohibitions apply to various Cannabis use types as determined on a case-by-case basis?
d. Should opt out prohibitions apply to future Cannabis use types, such as storefront retail and processing?
DISCUSSION ITEM 5: TERM LIMITS FOR GEOGRAPHIC PROHIBITIONS

- None
- Automatic sunset
- Regular review
- Lewiston Expansion Opt Out Urgency Ordinance expires June 15, 2022
- Rush Creek Estates Urgency Ordinance expires July 7, 2022

Discussion Questions:

a. Should implementation of the Cannabis regulations (in whole or in part) be regularly reviewed and, if so, how frequently?

b. Should prohibitions in specific community areas expire on a particular date, and/or require regular review at set intervals?
DISCUSSION ITEM 6: VARIANCES

- TCC Section 17.31 (Variances) – general regulations
- TCC Section 17.43.050(A)(8) – regulations specific to cannabis cultivation
- TCC Section 17.43A.030(A)(2) – regulations specific to cannabis nurseries
- TCC Section 17.43B.030(B) – regulations specific to cannabis distribution
- TCC Section 17.43D.020(J) – regulations specific to cannabis retail non-storefront
- TCC Section 17.43E.030(I) – regulations specific to cannabis microbusiness
- TCC Section 17.43F.040(B) and (J)(3) – regulations specific to cannabis manufacturing
- Table 1 (Attachment B) -- Footnote 8 identifies where variances are allowed

Discussion Questions:

a. Should current/potential licensees in the opt out areas be able to receive a variance?

b. Should variances be annual approvals through the Planning Commission
Discussion Item 7: Input from Public

- Public notice for license approvals
- Hearings for CUPs
- Ad Hoc Committee availability
- Planning Commission meetings
- Board of Supervisor meetings

Discussion Questions:
- a. Is the current public outreach process for opt outs adequately robust?
- b. How could public outreach be improved?
WRAP UP

- Summarize input from Planning Commission
- Continue to March 10, 2022 at 6:00pm if necessary and with Director approval
- Next steps:
  - Rush Creek Estates Urgency Ordinance – amend into County Code
  - Lewiston Expansion Area Urgency Ordinance – extend or amend into County Code
  - General criteria for opt outs – adopt as policy or amend into County Code
- Planning Commission action (April 14 target date for Rush Creek Estates)
- Board of Supervisors action (May 17 target date for Rush Creek Estates)