

## NOTICE OF PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that on **February 8, 2024 at 6:00 p.m.**, or as soon thereafter as may be heard, in the Trinity County Library Conference Room located at 351 Main Street, Weaverville, California, the Trinity County Planning Commission will hold public hearings regarding the following items:

**AMENDMENT TO TITLE 15.25 LIMITED DENSITY RURAL DWELLING (DEV-23-03):** District 5 Supervisor, Dan Frasier, is requesting an ordinance amendment to Trinity County Code Section 15.25.030 that would exempt parcels from the minimum parcel acreage requirement, if located outside of the boundaries of a Community Service District (CSD) which provides sewer and water. Location: Countywide. Planners: M. Wexler & B. Hedtke.

**ZONING TEXT AMENDMENT – AMEND TRINITY COUNTY CODE SECTION 17.43 (DEV-24-02):** The purpose of this agenda item is for the Planning Commission to make a recommendation to the Board of Supervisors to adopt an ordinance amendment of Trinity County Code (TCC) Title 17. Section (§) 17.43.050 (A)(8) to exchange the term ‘cultivation’ to ‘canopy’. Section (§) 17.43.050(A)(9) was added to clarify the property line setback requirement for medium licenses. Section (§) 17.43.051 was added to convert the existing Commercial Cultivation Variance (CCV) process to an Administrative Buffer Reduction – Director’s Use Permit. No other ordinance revisions are to be considered at this time. Countywide review. Staff: D. Plebani.

Definition of referenced terms per TCC (§) Section 17.43.010:

"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.

"Cultivation" means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof.

Code sections to be amended/ added with reflected track changes:

~~TCC (§) Section 17.43.050(A)(8): For specialty cottage, specialty and small licenses cultivation canopy 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. Applications for an Administrative Buffer Reduction – Director's Use Permit will be considered by the Trinity County Planning Director.~~

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 Planning Director, when the following criteria is met:

1. That the applicant has submitted an application for and has provided documented justification for the requested buffer reduction.
2. That there are special circumstances unique to the properties in question that would reasonably allow a buffer reduction.

3. That the buffer reduction would not result in harm to the public health, safety, or welfare and nearby land uses.
4. During the review of the documentation submitted, a Notice of Application will be sent to affected property owners providing information about the application(s) and identifying the following: 1) the date/time that the Planning 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 Planning Director prior to taking action. 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).
5. 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.

Anyone desiring to make a statement may do so in writing. Staff reports will be available on the Internet at: <https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports> and at the Planning Division office by request. Written comments may be submitted to Trinity County Planning Division at 530 Main St. Weaverville, by mail to PO Box 2819 Weaverville, CA 96093, or by email to [info.planning@trinitycounty.org](mailto:info.planning@trinitycounty.org). Written comments must be received by the close of business on Monday, February 5, 2024 or they may not be considered by the Commission.

If you challenge the action or proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Architectural Review Committee, Planning Commission, and/or Board of Supervisors at, or prior to, the public hearing.