



RESOLUTION No. 24-594

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING THE ADOPTION OF A COMPETITIVE APPLICATION SELECTION PROCESS FOR UP TO TWO COMMERCIAL CANNABIS DISPENSARIES AND THE ESTABLISHMENT OF COMMERCIAL CANNABIS DISPENSARY APPLICATION EVALUATION COMMITTEE

WHEREAS, the Nevada County Board of Supervisors adopted Ordinance No. 2467 to add Section L-II 3.30 to Article 3 of Chapter II of the Nevada County Land Use and Development Code regarding Cannabis Cultivation at their regular meeting of May 14, 2019; and

WHEREAS, the Nevada County Board of Supervisors adopted Ordinance No. 2156 at their regular meeting of January 10, 2023 to amend Article 3 of Chapter II of the Nevada County Land Use and Development Code, Section L-II 3.30 – Cannabis Cultivation; and

WHEREAS, the Nevada County Board of Supervisors adopted Ordinance No. 2535 at their regular meeting of April 23, 2024, to amend and renumber all sections of the Nevada County Administrative, General and Land Use Codes and renumbered Article 3 of Chapter II of the Nevada County Land Use and Development Code Section L-II 3.30 – Commercial Cannabis Cultivation to be known as Nevada County Code, Title 12 - Zoning Regulations, Chapter 3 – Specific Land Uses, Section 12.03.300 – Cannabis Cultivation; and

WHEREAS, at their regular meeting of November 12, 2024, the Nevada County Board of Supervisors adopted Ordinance No. 2538 amending Section 12.03.300 – Cannabis Cultivation making amendments to the Section to allow additional cannabis cultivation uses and to allow for Commercial Cannabis Dispensaries; and

WHEREAS, Nevada County Code Section 12.03.300 Cannabis Cultivation authorizes the establishment of a competitive application selection process for up to two (2) Cannabis Dispensaries to be located in M1, BP, C1 or C2 Zoning Districts and only in the North San Juan Rural Center and/or the Soda Springs Rural Center as identified by the General Plan, with a maximum of one (1) Cannabis Dispensary being allowed per area / region.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors establishes the Commercial Cannabis Dispensary Application Evaluation Committee, and the competitive application selection process as outlined in Exhibit A attached hereto.

Exhibit A

Commercial Cannabis Dispensary Application Evaluation Committee

1. A Commercial Cannabis Dispensary Application Evaluation Committee is established consisting of seven (7) members; one (1) to be appointed by each Supervisor for his or her Supervisorial District, with two (2) members being appointed by each Supervisor within Supervisorial District IV and Supervisorial District V. Each Commercial Cannabis Dispensary Application Evaluation Committee appointee shall serve at the pleasure of the appointing Supervisor. The Commercial Cannabis Application Evaluation Committee appointee shall be of diverse / unique perspectives with a wide breadth of experience in cannabis, hospitality, design, local government licensing, social justice, drug policy reform, as well as familiarity with Nevada County.
2. The Commercial Cannabis Dispensary Application Evaluation Committee shall meet on an as needed basis to review submitted competitive Commercial Cannabis Dispensary applications and shall establish a merit-based approach to selecting the most qualified applicants to apply for a Use Permit for a Cannabis Dispensary. All meetings of the Commercial Cannabis Dispensary Application Evaluation Committee shall be open to the public.

Application Period, Scoring, and Review:

1. There shall be an initial 30-day Commercial Cannabis Dispensary screening application period to be determined by the Community Development Agency Director, or designee. Subsequent Commercial Cannabis Dispensary screening application periods would commence upon determination by the Community Development Agency Director, or designee, that additional Commercial Cannabis Dispensary applications are available and would close 30 days after such determination.
 - a. The Commercial Cannabis Dispensary Application Evaluation Committee as appointed by the Nevada County Board of Supervisors shall establish the application process by which applicants shall submit their competitive application for a Commercial Cannabis Dispensary and scoring criteria. The specific criteria and weighting (points per criteria) will be ratified by the Board of Supervisors prior to the commencement of the initial screening application period and posted publicly. Each application will be independently scored by the evaluation committee members.
 - b. An application review fee for the review of each competitive application for a Commercial Cannabis Dispensary shall be established as allowed by the most recent Fee Schedule of the Nevada County Board of Supervisors and as may be amended from time to time by Resolution of the Nevada County Board of Supervisors.

On not less than a yearly basis, beginning no sooner than 2025 and then continuing on a yearly basis, until two (2) competitive applications for Commercial Cannabis Dispensaries have been selected, the 30-day competitive application period, shall be opened, as determined by the Community Development Agency Director, or their designee.

- c. A competitive application for a Commercial Cannabis Dispensaries, shall only be considered for evaluation by the Evaluation Committee within the locations outlined in Nevada County Code Section 12.03.300 – Cannabis Cultivation.
2. The following general criteria would be used to rank applications, for consideration by the Commercial Cannabis Dispensary Application Evaluation Committee, or as established by the Evaluation Committee, as outlined above:
 - a. Previous cannabis business retail, medical-use dispensing, or cannabis cultivation operation experience that was subject to state cannabis regulation, or experience in a similarly state- regulated activity (by way of example and not limitation, alcohol sales).
 - b. Ability to demonstrate the quality of cannabis strains and derivative product offerings.
 - c. Employee training, standard operating procedures, online ordering systems and procedures for providing medical cannabis to disadvantaged or disabled persons.
 - d. Security program.
 - e. Pre-existing Nevada County Cannabis Business that has no outstanding code violations with the County and is in compliance with local and state laws.
 - f. Ability to meet County of Nevada Western or Eastern Design Standards.
 - g. Additional information that demonstrates the ability to operate in a safe and responsible manner in the County, including without limitation a review of the quality and thoroughness of application materials, connection to Nevada County, ability to serve Nevada County, familiarity with the County, and innovative business models consistent with the Nevada County business community.
 - h. The Application Evaluation Committee may establish additional bonus scoring criteria for those Commercial Cannabis Dispensaries applications which include business that are a women or minority owned, veterans owned or a local Nevada County owned business.
3. Prior to scoring applications County staff shall review applications for general compliance with the County's Land Use and Development Code or any other applicable laws and shall reject any application which does not meet such requirements. Rejected applications shall not be scored. The County shall also disqualify any application that contains any false or misleading information.
4. The scores awarded by the application evaluation committee shall be totaled and averaged for each applicant. The applicants shall then be ranked from highest to lowest based on their scores.
5. The top scoring application within each evaluation period, based on total points awarded, will be invited to apply for Use Permit, for a Commercial Cannabis Dispensary as outlined in Nevada County Code Section 12.03.300 – Cannabis Cultivation and Section 12.05.060 – Use

Permits from the Nevada County Planning Department after being notified that their application has been accepted and ranked as the top scoring application.

6. If any of the top-ranking applicants y have not applied for a Use Permit to the Nevada County Planning Department within 12 months of the County notifying them, they are the top scoring application, their ability to obtain a Use Permit, shall terminate.
7. Applicants that have an approved Use Permit for a Retail Commercial Cannabis Dispensary issued by the County shall obtain a license from the state, as well as any other required local permits from the County (i.e. building permits) or other local agencies prior to operating a retail dispensary cannabis business in the County.
8. Request for an appeal of the top scoring applicant, as selected by the Retail Commercial Cannabis Application Evaluation Committee, shall be made in writing as outlined in Nevada County Code Section 12.05.220.N - Request for Administrative Hearing and the Administrative Hearing shall be conducted in accordance with the requirements of Nevada County Code Section 12.05.220.O - Administrative Hearing.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of November 2024, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek, and Hardy Bullock.
- Noes: None.
- Absent: None.
- Abstain: None.
- Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 


Hardy Bullock, Chair