



## PLANNING COMMISSION STAFF REPORT

**APPLICANT:** Nevada County

**HEARING DATE:** October 10, 2024

**REPRESENTATIVE:** Nevada County

**FILE NO:** PLN24-0114, ORD24-1

**PROJECT:** A Zoning Ordinance Amendment to Section 12.03.300 and adding Section 12.02.713 to the Zoning Ordinance to amend the County's Commercial Cannabis Cultivation Ordinance. The ordinance proposes the following general changes in addition to other minor changes, clarifications, and clean-up: 1) Allow a maximum of two (2) Retail Dispensaries in select areas of the unincorporated County through a competitive selection and Use Permit process; 2) Allow for manufacturing, indoor cultivation, distribution, and testing laboratories in Industrial (M1) zone districts in the unincorporated County; 3) Create an Exclusion Zone combining district that would prohibit all commercial cannabis activities; 4) Allow temporary cannabis events/markets in certain commercial/industrial zones; 5) Require all cannabis sold at storefront and non-storefront retail stores to be Nevada County grown only; 6) Require all property taxes to be paid prior to issuing cannabis permits. Additionally, a Competitive Application Selection Process for up to two (2) retail storefront commercial cannabis dispensaries and the establishment of a retail commercial cannabis application evaluation committee is proposed. **PROJECT LOCATION:** Countywide. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Find the project exempt pursuant to sections 15061(b)(3) and 15308 and consistent with section 15162. **RECOMMENDED PROJECT ACTION:** Recommend approval and adoption of the Nevada County Commercial Cannabis Cultivation Ordinance amendments and Resolution for the Competitive Selection Process and establishment of the Evaluation Committee to the Board of Supervisors.

**LOCATION:** All unincorporated areas of Nevada County

**ASSESSOR'S PARCEL NO:** All unincorporated areas of Nevada county

**STAFF REPORT PREPARER:** Brian Foss, Planning Director

<b>General Plan:</b>	All areas	<b>Water:</b>	Nevada Irrigation District/Wells
<b>Region:</b>	All	<b>Sewage:</b>	Septic/Sewer
<b>Zoning:</b>	AG, AE, FR, M1, C1, C2, BP	<b>Fire:</b>	All Districts
<b>Flood Map:</b>	All	<b>Schools:</b>	All Districts
<b>ZDM #:</b>	All	<b>Recreation:</b>	All Districts
<b>Sup. Dist.:</b>	All Districts		

### ATTACHMENTS:

1. Draft Ordinance Section 12.03.300 and Section 12.02.713 with Redline changes
2. Draft Resolution for Competitive Selection and Review Committee
3. Maps of Potential Dispensary/Market Events locations
4. Comment Letters Received

**RECOMMENDATION:**

- I. Recommendation to the Board of Supervisors to adopt the Ordinance to amend the Zoning Ordinance including Section 12.03.300 (Commercial Cannabis) and adding Section 12.02.713 Cannabis Exclusion (CE).
  - II. Recommendation to the Board of Supervisors to adopt the Resolution to approve the Competitive Application Selection Process for up to two (2) Retail Storefront Commercial Cannabis Dispensaries and the Establishment of the Retail Commercial Cannabis Application Evaluation Committee.
- 

**BACKGROUND:**

The cannabis ordinance was originally adopted by the Board of Supervisors in 2019. Since that time a number of updates and amendments have been approved to refine and modify cannabis cultivation requirements and permitting regulations. At the annual Board of Supervisors Workshop in January of 2023, the Board directed staff to consider amendments to the Ordinance for the Board's consideration to allow for limited retail dispensaries, allow some license types in Industrial zones, create a Cultivation Exclusion Zone option, allow temporary cannabis events/markets and require all property taxes to be paid prior to permit issuance.

An Ad hoc Committee made up of two (2) Board of Supervisors and staff was established in order to work with staff to help develop and guide the process for the ordinance changes and the development of the competitive selection process. The Ad hoc committee met with staff on a number of occasions and provided input and guidance regarding the proposed changes while taking into account community and stakeholder comments and input throughout the process.

**PROJECT LOCATION:**

The proposed project would apply to all appropriately zoned parcels located in the unincorporated areas of Nevada County. Nevada County's total land area is 978 square miles, of which approximately 70% is privately owned and approximately 30% is public lands.

**PROJECT DESCRIPTION:**

The project is a Zoning Ordinance Amendment to Section 12.03.300 of the Zoning Ordinance to amend the County's Commercial Cannabis Cultivation Ordinance and add Section 12.02.713 as a Cannabis Exclusion combining district. The ordinance proposes the following general changes in addition to other minor changes, clarifications, and clean-up:

- 1) Allow a maximum of two (2) Retail Dispensaries in select areas of the unincorporated County through a competitive selection and Use Permit process.
- 2) Allow for manufacturing, indoor cultivation, distribution, and testing laboratories in Industrial (M1) zone districts in the unincorporated County.
- 3) Create an Exclusion Zone combining district that would prohibit all commercial cannabis activities.
- 4) Allow temporary cannabis events/markets in commercial zones.
- 5) Require all cannabis sold to be Nevada County grown only.
- 6) Require all property taxes to be paid prior to issuing cannabis permits.

Additionally, the project includes a Resolution for the following:

- 1) Create a Competitive Application Selection Process for up to two (2) retail storefront commercial cannabis dispensaries and the establishment of a retail commercial cannabis application evaluation committee.

**STAFF COMMENT:**

1. **Retail Dispensaries:** The ordinance amendments include the allowance of up to 2 retail storefront dispensaries. Dispensaries would be allowed only in the C1, C2, M1 or BP zoning districts and would be subject to a Use Permit. In addition to a Use Permit a Competitive Selection process would be required for perspective applicants as described below.

*Zoning:* The zoning districts of Commercial, (C1, C2), industrial (M1) and Business Park (BP) were identified as appropriate zoning for cannabis dispensaries due to the similar allowed uses within those zoning designations. Retail sales, light manufacturing and storage associated with sales are currently allowed uses. Retail sales of cannabis products is a similar land use to retail sales of any other type of commercial product. Commercial/Industrial/Business Park zoned sites typically are in areas with adequate support infrastructure such as water, sewer and road access in addition these areas tend to be separated from residential and rural uses. The retail sales component of a cannabis dispensary is consistent with the purpose and uses already allowed within these zones.

Cannabis products are considered an adult product such as alcohol and are limited to persons 21 and older. The ordinance contains setback requirements from sensitive sites in order to provide some distance from youth-oriented facilities and churches. The ordinance requires a 600/500 foot setback from youth-oriented facilities and churches. The maps in attachment 3 shows the parcels that meet both the zoning and separation requirements of the proposed ordinance.

*Identified Areas:* The proposed ordinance amendments originally proposed a maximum of three (3) dispensaries in the unincorporated areas of the County which could be located in four (4) identified areas of the County. The four areas of the County included the Community Regions of Lake of the Pines, the Community Region of Penn Valley, The Rural Center of North San Juan and the Rural Center of Soda Springs. Community Regions and Rural Centers were identified as appropriate locations for future cannabis dispensaries due the similar allowed uses and purposes of those areas as identified by the General Plan. The General Plan defines Community Regions and Rural Centers as:

*“Community Regions provide for an adequate supply and broad range of residential, employment-generating, and cultural, public and quasi-public uses located for convenience, efficiency, and affordability while protecting, maintaining, and enhancing communities and neighborhoods.”*

*“Rural Centers are intended to provide for the development, within Rural Places, of existing centers to provide a focus for Rural Regions. Such centers should have a mix of uses which may include residential, commercial, office, business park, and public or institutional uses, grouped together and interrelated to form a functional and cultural center, and to create a visual identity related to the rural character of the region.”*

These are the areas of the County that are identified and designated for retail and commercial type developed as opposed to the Rural Regions of the County which are those areas outside of Community Regions that are designated for low density residential, agricultural and open space/resource protection uses.

However, after holding public workshops and meeting with numerous stakeholders and the Ad-hoc committee the draft ordinance was amended to propose only 2 areas of the County for a maximum of two (2) dispensaries. The proposed areas include the Rural Center in North San Juan and the Rural center in Soda Springs. The Community Regions of Penn Valley and Lake of the Pines are not currently proposed. Those communities expressed an opposition to retail cannabis dispensary due to a number of factors including the prevalence of schools and youth-oriented facilities and odor and nuisance concerns. After consultation with the Cannabis Ad-hoc committee those areas were removed

as part of the current proposal and the recommendation is to allow a maximum of two (2) dispensaries in the unincorporated area of the County and only one (1) in each area of Soda Springs and North San Juan Rural Centers. The Selection Committee and a Use Permit approved by the Planning Commission would be required prior to any construction or operation of a dispensary.

2. Industrial Zone Uses: The ordinance amendments include the allowance for four (4) different license types to be allowed in Industrial Zones (M1). Currently there is no allowance for any type of cannabis cultivation or processing outside of the original ordinance allowances in AG, AE and FR zones. The amendments would allow an Administrative Development Permit (ADP) to be issued for cannabis activities in the industrial zones for the following activities:

- a) Indoor cultivation up to a maximum of 10,000 square feet of canopy.
- b) Testing Laboratories
- c) Manufacturing (Volatile and Non-Volatile)
- d) Distribution (Delivery)

A number of Development Standards are included within the ordinance to ensure that the activities allowed within the industrial zone do not create any nuisance or environmental impacts. These standards include mandatory odor control, compliance with allowed noise levels established by the code, parking requirements and all other site development standards of the M1 Industrial district. Additionally, only stand-alone building could be utilized for these activities. This is to ensure that odor from these activities do not waft into other areas of a condominium building and affect non-cannabis related businesses.

The manufacturing of products using volatile materials would be allowed only in Industrial zones. These types of materials are currently used in other industrial uses that are allowed in the M1 zones already such as propane companies, welding shops, auto body businesses and other similar business types. Examples of volatile materials includes butane, hexane, and propane by definitions contained in State codes.

3. Exclusion Zone: The proposed changes to the zoning ordinance includes the creation of a new Combining District which would be entitled "Cannabis Exclusion". Combining Districts are established to provide specialized consideration of unique or sensitive areas. When added to a base zoning district, the standards established in the combining district may require more or less restrictive regulations than those contained elsewhere in this Chapter. Except as noted, allowed uses within the base district are also allowed within each applicable combining district subject to approval of the same land use permit and level of review.

The Combining District (CE) would prohibit the cultivation of commercial cannabis on properties that have the base zoning of AG, AE or FR which would otherwise qualify for an Administrative Development Permit to cultivate cannabis. Personal use would still be allowed consistent with State law.

The process to establish a CE combining district would be through the standard rezone process. The rezone process could be initiated by the property owner or the Board of Supervisors only. Any property owner wishing to apply the combining district to their property would file an application and it would be heard before the Planning Commission and then by the Board of Supervisors for final approval which is the standard existing process for any and all rezones including the application of combining districts. The CE combining district would not be able to be removed without Board of Supervisors approval and would require a five (5) year roll-out period. The purpose of the roll-out period is to ensure that the property could not immediately begin to cultivate cannabis so that the neighborhood and surrounding property owners would be aware of the future potential for that property to apply for permits to cultivate cannabis. The roll-out period is similar to the Williamson Act/Timber Preserve contract requirement that mandates a 10-year roll-out period to remove a property from the requirements and benefits from a Timber Production zone or an Agricultural Preserve contract.



The CE Combining District would not be forced upon unwilling property owners as the ordinance is currently written and proposed. The purpose of a voluntary exclusion zone is for a neighborhood or group of neighbors to designate their properties as restricted properties for cannabis in order to contain and further restrict future growth of cannabis farms in their neighborhood. Existing permitted farms would remain legal and would not qualify for a CE district and unwilling property owners would not be forced to apply the district to their property by neighborhood vote or Homeowner's Association direction. Again, the purpose is to limit future growth of cannabis farms in certain neighborhoods and to indicate to prospective buyers of property that may be considering cannabis cultivation that certain neighborhoods have taken action to limit cannabis in their area. The five-year roll-out allows neighborhoods and properties to change the restriction on cannabis overtime if desired but still ensures a near term restriction of cannabis cultivation.

4. Temporary Events/Markets: A Temporary Cannabis Event permit would allow a licensed cannabis event organizer to hold a temporary cannabis event where the onsite sale of cannabis products is authorized at the location indicated on the DCC license during the dates indicated on the license consistent with County permit approvals. These type of events would operate similar to a Farmer's market. As proposed in the ordinance changes, the events would be located in the same areas as the potential dispensary locations. The Temporary Cannabis events would be allowed subject to the approval of an Administrative Development Permit and only allowed in M1, BP, C1 or C2 zones within the identified Rural Centers of North San Juan and/or Soda Springs as defined by the General Plan. The areas of North San Juan and Soda Springs Rural Centers are each allowed a maximum of eight (8) events per calendar year. The number of 8 events per year is consistent with the County's existing Outdoor Event Permit allowances for 8 events to occur per calendar year on a private property.

A number of development standards are included in the ordinance amendment to ensure compatibility with surround land uses. The standards include, hours of operation restrictions, parking requirements, lighting restrictions, dust control and noise level restrictions. Additionally, permitting from the State Department of Cannabis Control, County Environmental Health Department, Building Department and Fire Department is required.

5. Nevada County Grown Products: The proposed amendments to the zoning ordinance includes the requirement that only Nevada County grown products can be sold from cultivation sites through the microbusiness license and Use Permit process. Currently, the restriction for only Nevada County grown product is not codified. The County has issued one Use Permit for a microbusiness with storefront retail sales and a condition of approval for that Use Permit is that only products grown and manufactured in Nevada County can be sold. This was the intention of the original ordinance however it was not explicitly codified. Therefore, the amendments include this requirement in order to meet the original intent and is consistent with the conditions of approval for the existing permitted retail storefront business in the unincorporated County.
5. Payment of Property Taxes: The proposed amendments to the cannabis ordinance include a requirement that all property taxes be paid and properties are in good standing before a permit to cultivate cannabis or conduct a cannabis business can be issued.
6. Other Minor Modifications: Based on direction from the Ad-hoc committee, an amendment to the allowable hours for storefront retail facilities to operate is proposed. Currently, the ordinance restricts storefront retail facilities to be only operated on Monday through Saturday. Weekend days are important to the success of a storefront retail business. The ordinance is proposed to allow a business to be open on Sundays but will still be regulated and required to comply with all other applicable conditions of approval and code requirements through a Use Permit.

## **Retail Commercial Cannabis Application Evaluation Committee**

As part of the updates to the Nevada County Code; Section 12.03.300 - Commercial Cannabis Cultivation, a draft Resolution is included in Attachment 2 for consideration by the Planning Commission, that would adopt a competitive application selection process for up to two (2) Retail Storefront Commercial Cannabis Dispensaries and establish an Evaluation Committee. The Retail Commercial Cannabis Application Evaluation Committee (Evaluation Committee) would be established that would consist of seven (7) members, to be appointed by the Nevada County Board of Supervisors. Each appointed member of the Evaluation Committee shall be a resident of one of the five Supervisorial Districts, with two members being appointed from District IV and District V. The Evaluation Committee members shall be of diverse / unique perspectives, with a wide breadth of experience in cannabis, hospitality, design, business, local government licensing, social justice, drug policy reform, as well as familiarity with Nevada County.

The Evaluation Committee shall meet on an as needed basis to review submitted Retail Storefront Commercial Cannabis Applications and shall establish a merit-based approach to selecting the most qualified applicants to apply for a discretionary Use Permit for a Retail Storefront Commercial Cannabis Dispensary. All meetings of the Evaluation Committee shall be open to the public.

### **Application Permit, Scoring and Review:**

Beginning no sooner than 2025, and then continuing on a yearly basis, until two (2) applications have been selected, there would be a 30-day Retail Storefront Commercial Cannabis Dispensary screening application period. The second and any subsequent application screening periods would commence upon a determination by the Community Development Agency Director, or their designee, that additional Retail Storefront Commercial Cannabis Dispensary applications are available.

The Evaluation Committee, as appointed by the Nevada County Board of Supervisors, would establish the application process by which applicants would submit their competitive applications for a Retail Storefront Commercial Cannabis Dispensary. The specific criteria and weighting (points per criteria) would be determined by the Evaluation Committee, prior to commencement of the initial screening application period and posted publicly and each application would be independently scored by evaluation committee members.

As included in the draft Resolution, the following general criteria would be used to rank applications, however the final application criteria, as outlined in the Resolution, would be established by the Evaluation Committee:

- 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. Social equity in terms of provision of providing a living wage and employee benefits and compliance with local, state, and federal employee non-discrimination policies.
- e. Security program.
- f. Pre-existing Nevada County Cannabis Business that has no outstanding code violations with the County and is in compliance with local and state laws.

- g. Ability to meet County of Nevada Western or Eastern Design Standards.
- h. 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.

Prior to scoring applications County staff would 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 would not be scored and the County would also disqualify any application that contains any false or misleading information. The scores awarded by the Evaluation Committee would be totaled and averaged for each applicant and the applications would be ranked from highest to lowest based on their total scores. Upon notification from the Evaluation Committee, the top-ranking applicant during each evaluation period, based on points, would have twelve (12) months to apply to the Nevada County Planning Department for a Use Permit, as outlined in Nevada County Code, Section 12.05.060 – Use Permits. If the top-ranking applicant has not applied for a Use Permit within twelve (12) months of the Evaluation Committee notification, their ability to obtain a discretionary land use permit, shall terminate. Applicants that have an approved Commercial Retail Cannabis Dispensary, shall obtain a license from the State, as well as any other required permits from the County or other local or state agencies, prior to operating a retail dispensary cannabis business in the County.

### **COMMUNITY OUTREACH/INVOLVEMENT**

The draft ordinance was prepared by County staff with guidance from the cannabis Ad-hoc committee made up of two Board of Supervisors. The draft ordinance was released for public review and comment on July 15, 2024, and was available for comment through August 30, 2024. Public comments will still be accepted on the project through the Planning Commission and Board of Supervisors hearings to consider the amendments.

During the public circulation period staff hosted/attended 4 advertised public meetings to receive comments, and answer questions regarding the proposed changes and the process. The meetings included a public workshop in North San Juan, a public workshop in Soda Springs and presentations at the South County Municipal Advisory Council (MAC) and the Penn Valley Municipal Advisory Council. Additionally, staff met with members of the Nevada County Cannabis Alliance, Nevada County Contractors Association, Nevada County Realtors Association, Nevada County Economic Resource Council and the Grass Valley Chamber of Commerce. In total 33 comment letters/emails were received during the comment period in addition to testimony given and the public workshops and MAC meetings. The written comments received are attached in Attachment 4 and all of the comments were considered in drafting the proposed ordinance.

### **ENVIRONMENTAL REVIEW:**

The proposed amendments are considered exempt from further environmental review pursuant to 15061(b)(3) and 15308. These sections of CEQA allow an exemption based on the fact that the changes to the ordinance will not cause an adverse impact to the physical environment and are proposed with adequate requirements and standards to not cause significant impacts to environmental resources. Additionally, the revisions fall within the scope of the original EIR prepared for the initial ordinance adoption due to the fact that the proposed amendments do not allow any uses not already allowed by the ordinance and/or the proposed uses considered are similar in nature as other allowed uses specifically in the industrial zones within the County and are consistent with the requirements of Section 15162 of CEQA that does not require recirculation or an addendum to the previous environmental document.

**SUMMARY:**

The updated ordinance is intended to respond to the needs of the cannabis cultivation community and to the evolving state laws and regulations as well as ensuring there are no increased impacts on neighboring properties or the environment. This intent is matched by providing a more comprehensive process and viable business model by providing allowances for retail dispensaries in limited areas, outdoor events/markets and allowing compatible uses in the Industrial zones within the County. These changes have been made while being sensitive to concerns and discussions with the ad hoc committee, members of the public and with consideration for potential environmental concerns.

The updates and revisions have been made to clarify the permitting process and make the cultivation process within the County more efficient and responsive to the needs of permittees as well as insuring protection of surrounding land uses equal to the original ordinance protections. The amendments also address and allow other types of license types in Industrial zones and well and limited retail dispensaries within the unincorporated County to further meet the needs of the cannabis industry. Staff is recommending that the Planning Commission recommend to the Board of Supervisors approval of the ordinance amendment to the Zoning Regulations.

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**RECOMMENDATION:**

Staff recommends the Planning Commission take the following actions:

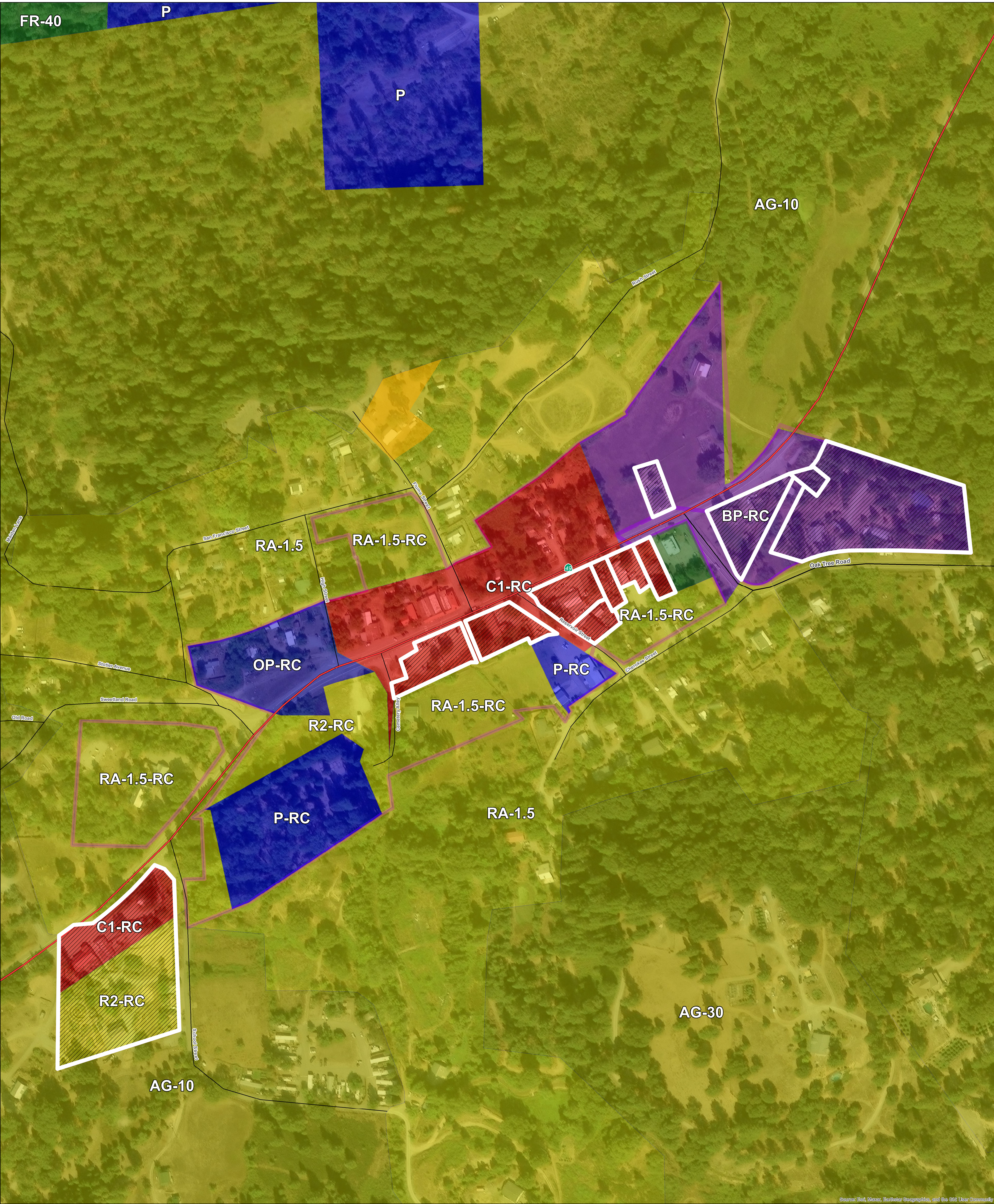
- I. Make a Recommendation to the Board of Supervisors to adopt the Ordinance to amend the Zoning Ordinance including Section 12.03.300 (Commercial Cannabis) and adding Section 12.02.713 Cannabis Exclusion Combining District (CE).
- II. Make a Recommendation to the Board of Supervisors to adopt the Resolution to approve the Competitive Application Selection Process for up to two (2) Retail Storefront Commercial Cannabis Dispensaries and the Establishment of the Retail Commercial Cannabis Application Evaluation Committee.



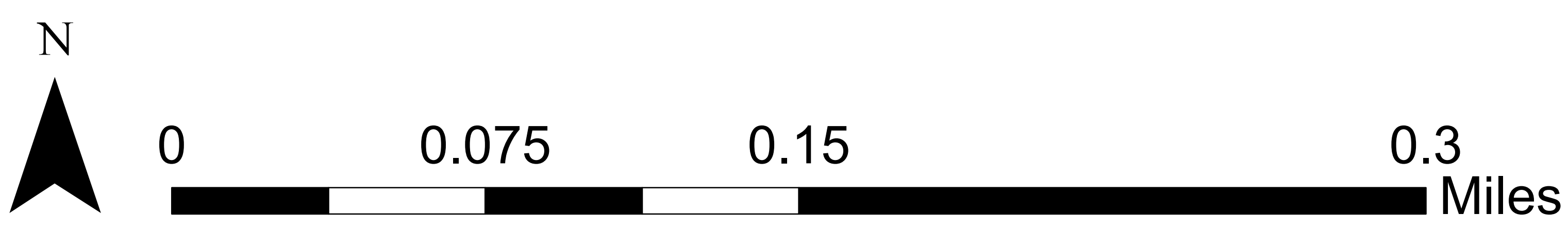


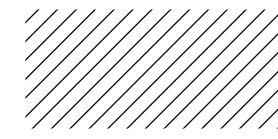




# North San Juan Parcels with Dispensary Development Potential 500-foot Sensitive Site Setback



Source: Bob, Mear, Brubaker Geographics, and the Old Town Community



-  NSJ Developable Parcels
-  NSJ Sensitive Sites
-  Community Boundaries



## Jodeana Patterson

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**From:** Dhatt, Satwinder K@DOT <satwinder.dhatt@dot.ca.gov> on behalf of D3 Local Development@DOT <D3.local.development@dot.ca.gov>  
**Sent:** Wednesday, July 24, 2024 9:48 AM  
**To:** Jodeana Patterson  
**Cc:** Brian Foss; Arnold, Gary S@DOT  
**Subject:** RE: 2024 Cannabis Ordinance Notice, Resolution Draft – Retail Selection Committee

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Hi Jodeana,

Thank you for including California Department of Transportation in the review process for 2024 Cannabis Ordinance Notice, Resolution Draft – Retail Selection Committee Project. We wanted to reach out and let you know we have no comments at this time.

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

Should you have questions please contact me, Local Development Review and System Planning Coordinator, by phone (530) 821-8261 or via email at [D3.local.development@dot.ca.gov](mailto:D3.local.development@dot.ca.gov).

Thank you!

**Satwinder Dhatt**  
**Local Development Review and Complete Streets**  
**Division of Planning, Local Assistance, and Sustainability**  
**California Department of Transportation, District 3**  
**703 B Street, Marysville, CA 95901**  
**(530) 821-8261**

**From:** Jodeana Patterson <Jodeana.Patterson@nevadacountyca.gov>  
**Sent:** Monday, July 15, 2024 9:06 AM  
**Cc:** Brian Foss <Brian.Foss@nevadacountyca.gov>  
**Subject:** 2024 Cannabis Ordinance Notice, Resolution Draft – Retail Selection Committee

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Good morning,

## Jodeana Patterson

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**From:** jezra <jezra@jezra.net>  
**Sent:** Wednesday, July 31, 2024 12:14 PM  
**To:** Brian Foss  
**Subject:** public comment regarding cannabis ordinance amendments

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1. Prop 215 was passed 28 years ago, and prop 64 was passed 8 years ago. it is far past time to allow cannabis retail in unincorporated Nevada County.
2. I am opposed to exclusion zones. An area zoned AG or AE should never exclude commercial agriculture or any sort. The complaints about cannabis in AG zoned areas, all seem to be in regards to offenses that are associated with the illegal growers of the past, and not the legit licensed commercial growers. Turning AG in Res-Ag or R1 regarding legal cannabis, creates a slippery slope that can be used to justify excluding other crops or certain livestock from AG or AE zoned areas. Nevada County already does a lackluster job of protecting and promoting AG in AG zoned area; don't make it worse.

jezra johnson lickter

district 2



## Jodeana Patterson

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**From:** Jack Kashtan <jkashtan50@gmail.com>  
**Sent:** Tuesday, August 6, 2024 6:20 AM  
**To:** Brian Foss  
**Subject:** Proposed cannabis ordinance

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I strongly oppose the requirement that all cannabis sold within Nevada County be grown in the county. This would severely limit options for cannabis users. If cannabis is legalized at the federal level such a law would be an unconstitutional obstruction of interstate commerce. At the state level, even if such a restriction is legal, it would raise prices for users by restricting competition. Processors would have to keep their supply of raw cannabis separate to manufacture products to be sold in Nevada County, which would result in those companies simply not selling their products in the county. Such a law would effectively limit sales in incorporated places in the county, such as Truckee. I cannot imagine a similar law being applied to any other agricultural product. The draft ordinance appears to be an effort by local growers to increase their profit at the expense of consumers.

I have no problem with the other provisions of the proposed ordinance.

## Jodeana Patterson

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**From:** John Peterson <jepkgk@gmail.com>  
**Sent:** Thursday, August 8, 2024 9:38 AM  
**To:** Brian Foss  
**Subject:** smell

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Brian, its imperative that neighbors be contacted and heavily considered when a permit is applied for. Just because a parcel is large enough to meet the standards does not make it a good fit for cultivation of a product that produces a massive stink everytime the wind changes! Immagine trying to enjoy the out of doors or even sell your house with the smell of skunks filling the air. If neighbors within a mile as a bird flies are against the permit it should be a major consideration.

Sincerely, J&K

## Jodeana Patterson

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**From:** CJWJBrady <brady4@jps.net>  
**Sent:** Thursday, August 8, 2024 9:56 AM  
**To:** Brian Foss  
**Subject:** Support for Exclusion Zone Combining District to Prohibit Commercial Cannabis Activities in Neighborhoods

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Mr. Foss,

We have resided in the Alta Sierra Ranches community (zoned Residential Ag) for over 30 years. Because the unpleasant odor and increased traffic associated with commercial cannabis operations can have a significant adverse impact on the reasonable use and enjoyment of neighboring property, we are writing today to express support for the creation of an exclusion zone combining district to allow neighborhoods to prohibit commercial cannabis activities. Commercial cannabis cultivation, processing and sale is better suited to open-space areas, away from the homes of others.

We appreciate your time and consideration.

Carol and Bill Brady  
20191 Wolf Creek Road  
Grass Valley, CA 95949  
(530) 346-6252

## Jodeana Patterson

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**From:** ken bigham <krbigham@yahoo.com>  
**Sent:** Thursday, August 8, 2024 1:27 PM  
**To:** Brian Foss  
**Subject:** Proposed Amendments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hello Brian Foss, Planning Director, Nevada County,

My comment is as follows:

Include a restriction or ordinance on the smell of marijuana wafting onto a neighbor's property. This has been happening yearly in my neighborhood. My wife and I have had to close all our windows at night -- even when the temperatures have been what they have been recently -- and hold our breaths when we take the dog out. Like several of our other neighbors, we have gone through the Marijuana Compliance folk who were able to stop the illegal grows going on in our neighborhood but not the people who now grow legal amounts, harvest and smoke pot outdoors, and send the smell our way. This just doesn't seem fair to us who have lived here for fifty years and others who have also lived here numerous years. Neighbors should respect each other by avoiding such things that could cause annoyances like lighting, noise, and smell. To me, it only makes sense to restrict pot smokers who live in close proximity to contain their smoke from infiltrating their neighbor's property.

Thank you,

Ken Bigham  
11395 Indian Shack Road  
Nevada City, Ca 95959  
530-265-0305

## Jodeana Patterson

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**From:** bob buchanan <shilohns@mindspring.com>  
**Sent:** Saturday, August 10, 2024 3:55 PM  
**To:** Brian Foss  
**Cc:** lmreel2@gmail.com  
**Subject:** Comments on proposed cannibas

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Hello Brian:

In the first place I do not agree with the county supervisors approving cannabis. We should have like other CA counties voted to NOT allow it. And when we did allow it we should have established well thought out restrictions as to locations, size/type, zoning etc before grows and retail locations were ever allowed. But from this activity I guess the county didn't

But that being said the new proposals feel like an unacceptable expansion of cannabis in our county. Am I wrong?

We are going in the wrong direction !!!

So my questions include:

1 Why do the bullet points only identify unincorporated areas. Do the cities have their own regulations and how much is already in these locations?

2 Cannabis is a drug and cash business. Putting such stores in remote locations only increases the potential of crime and at the least the draw of unsavory individuals into residential areas where people want quiet solitude not more traffic, noise pollution, etc

3 For all this additional traffic through potentially many association and private roads who pays for their maintenance

, policing etc I would bet the county doesn't if it even considered that ? We pay for the roads!

4 I like the Exclusion Zones and guess this is a new idea that didn't exist before So how does that relate to any existing cannabis facilities Grand fathering them would defeat in some cases the value of this idea So I believe the facilities should be given a reasonable period, say 6 months, to relocate or close AND remove any and all related supplies, equipment , etc

5 I do not like bullet 4 at all People can buy it at the stores but we do not need or want them commercializing it at "events" Let's NOT get our kids and more adults hooked on it!

I Am out of state during your scheduled meetings but we do have a lot more considerations against cannabis so if you would like to hear them please e-mail us back

Thank you

Bob & Kris Buchanan

## Jodeana Patterson

---

**From:** Debbie Porter <imreel2@gmail.com>  
**Sent:** Saturday, August 10, 2024 7:08 PM  
**To:** bob buchanan  
**Cc:** Brian Foss  
**Subject:** Re: Comments on proposed cannibas

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I agree with you. Well said. I have attended multiple presentations at the BOS meetings. Spoken against and reminded them that we are Private roads. We have 3 large and 2 smaller legal grows in Golden Oaks. So much traffic. The legal growers are very well organized and I suspect the county is making money on them and doesn't like to admit they have sold the rest of us out! Thanks for sending this!

On Sat, Aug 10, 2024, 3:54 PM bob buchanan <[shilohns@mindspring.com](mailto:shilohns@mindspring.com)> wrote:

Hello Brian:

In the first place I do not agree with the county supervisors approving cannabis. We should have like other CA counties voted to NOT allow it. And when we did allow it we should have established well thought out restrictions as to locations, size/type, zoning etc before grows and retail locations were ever allowed. But from this activity I guess the county didn't

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I Am out of state during your scheduled meetings but we do have a lot more considerations against cannabis so if you would like to hear them please e-mail us back

Thank you

Bob & Kris Buchanan



## Jodeana Patterson

---

**From:** emickster@gmail.com  
**Sent:** Thursday, August 15, 2024 10:11 AM  
**To:** Brian Foss  
**Subject:** Proposed cannabis ordinance

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Brian,

This is like beating a dead horse because the County ONLY accommodates the growers, but we in Golden Oaks Association, and all our surrounding, private road neighborhoods, strongly oppose commercial and industrial businesses in our neighborhoods. Our CC&Rs prohibit public use of our roads and if we have to stop public by utilizing law enforcement for processing trespassers. That would be sad for the County to force additional work and frail on the law enforcement.

We have signs posted on both Brewer and Sharmidan off Carriage.

Please honor our requests to ban additional commercial grows and definitely sales in our neighborhoods!!!

Please don't disrespect family life environments!!!

Pam Emick

Sent from my iPhone

August 18, 2024

Planning Director Brian Foss  
[Brian.Foss@NevadaCountyCa.gov](mailto:Brian.Foss@NevadaCountyCa.gov)  
950 Maidu Ave., Suite 170  
Nevada City, CA. 95959.

RE: Comments to the Nevada County Planning DepartmentS  
On Proposed Ordinance Changes for **Sec. L-II 3.30 Cannabis Cultivation**  
**Dear Mr. Foss,**

Very few of the problems I discussed with the County last year have been addressed (notice to the public prior to ADP approvals, grading, erosion and sediment control plans and enforcement, seasonal limits on mass grading to avoid the rainy season, absence of erosion and sediment controls prior on bare slopes prior to the rainy season, burning of massive debris piles of tree slash and brush, clear cutting of legacy blue oak groves and AQMD-unpermitted burns of vegetation onsite).

Protections for adjacent property owners and nearby residents have been rolled back rather than retained from prior planning and zoning documents.

The Cannabis Exclusion Rezone language is self-defeating. What I read is that existing public rights for individuals and groups to seek rezoning and general plan changes directly with the County are extinguished. That is a move backwards from the goal.

**Cannabis Exclusion Zoning Amendment (CE Zoning)**

Page 28. This section appears to be self-defeating. Offering the public a chance to seek exclusion zones to prohibit cannabis projects limits the participation of the public (an individual or group) to requesting a CE zone change. But the property owner has to petition for the CE zoning/rezoning. The public has no ability to seek a CE rezoning directly with the County.

This appears to actually deprive the public of an existing right. Today, any individual or group can approach the County and lobby for General Plan and Zoning changes. If they are persuasive, it can be taken up by Planning, and new zoning designations may be ultimately adopted.

The property owner, on the other hand, is likely to be either the applicant for a cannabis project or intends to lease property to someone else for cannabis cultivation. The property owners' incentive is to make cultivation possible, not to restrict it. There is strong disincentive for establishing any CE zones built into this proposed language. Even if a parcel or parcels are eventually rezoned CE, there is a five-year wait for it to become effective. Is a parcel still eligible for application processing for cannabis projects for long enough to get permits and proceed to cultivation? Five years is plenty of time to accomplish that. There does not appear to be any benefit to the public from this proposed CE zone language.

Page 6. Good general statement on protections for adjacent parcels and residents:

6. All Cannabis Cultivation areas shall comply with the following requirements:

a. All Cannabis Cultivation Premises shall be adequately secure to prevent unauthorized entry, including a secure locking mechanism that shall remain locked at all times when the Cultivator is not present within the Cultivation area.

b. Cannabis Cultivation shall not adversely affect the health, safety, or general welfare of persons at the Cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, light, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way. Cannabis Cultivation shall not subject residents of neighboring parcels who are of normal sensitivity to reasonably objectionable odors.

d. Cultivation of Cannabis indoors shall contain effective ventilation, air filtration and odor-reducing or odor-eliminating filters to prevent odor, mold and mildew in any area used for Cultivation or which is used as, designed or intended for human occupancy, or on adjacent Premises.

However, subsequent sections do not consistently list adjacent parcels for protections.

Restore **'and adjacent parcels language'** from section 6b for health, safety and general welfare protections to this section. 'Premises' is substituted for adjacent parcels in many places in the proposed amendments, and limits enforcement to the cannabis property only, not to adjacent parcels. Proposed revisions must restore the protections for nearby residents and adjacent parcels named above in 6b everywhere that odors, lighting, vibration, glare and other objectionable consequences can affect adjacent parcels and nearby residents.

Page 15 b – make this section consistent with 6 d, page 6 language and 7d, p. 8 language.

5. No equipment or process shall be used in any manufacturing operation which generates off-site, detectable vibration, glare, fumes, **significant odors (insert consistent language such as reasonably objectionable odors or detectable odors to adjacent properties)** or electrical interference.

Page 6 uses 'reasonably objectionable odors', but the above says 'significant odors'. Language should be consistent on protections against odors for adjacent residents.

All lights used for Cannabis Cultivation shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the Premises and shall comply with the requirements of Section L-II 4.2.8.D. of this Chapter. Lights are not permitted to be detectable during the nighttime hours (insert **on adjacent parcels**). If lights are to be used during nighttime hours, black out or light barriers must be used to ensure no light is visible during nighttime hours (insert **on adjacent parcels**).

Page 20 on Events undermines re: lighting protections for adjacent parcels.

"All temporary lighting shall **be contained on the Premises** ~~shielded, directed as far away from adjacent properties~~ **to prevent** as reasonably possible so as to minimize **light and glare impacts to adjacent properties and the surrounding neighborhood**.

August 18, 2024  
Planning Director Brian Foss  
Page 3

Page 13, xi and xii

Amendments are needed to address impacts of grading and sediment control, limits on mass grading, bare slopes after the rainy season starts (October 15<sup>th</sup>) and failure to install erosion and sediment control measures on slopes in proximity to adjacent parcels. Massive debris piles that create fire hazards and unsightly views to adjacent neighbors and their properties should be removed before the rainy season (but not burned onsite). The County has not addressed significant problems with recent permitted cannabis projects, and needs far stronger oversight and enforcement of cannabis projects during construction phases.

Prohibition on burning vegetation on Premises should **include all vegetative debris, brush, felled trees,** and other non-toxic materials from site clearing and grading, not just cannabis-related materials. This section is limited to “the burning of any cannabis plant or plant material that is considered excess or waste”. This does not protect adjacent property owners from massive burns creating smoke and ash from vegetative debris created during clear cutting of trees and brush. **Add: or other site vegetation, brush or tree debris.**

Submitted by;

Cindy Sage  
22950 Swenson Ravine  
Grass Valley, CA 95949

## Jodeana Patterson

---

**From:** Donna Zacamy <dmzacamy@gmail.com>  
**Sent:** Tuesday, August 20, 2024 10:30 AM  
**To:** Brian Foss; bdofsupervisors  
**Subject:** Cannabis Cultivation Amendments

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Dear Director Foss and Board of Supervisors,

Thank you so much for being willing to take another look at our Cannabis Ordinance. Cannabis cultivation regulations are a relatively new occurrence with not too much history/precedence to model, so your diligence and hard work are appreciated by our community.

That said, I understand that there is a period of time for residents to weigh in on the revised document. I am out of town and cannot attend the community meetings, so below are my thoughts, respectfully submitted. I hope you consider them. They are largely based on fire safety and residential protections. I am particularly interested in how the new CE Zoning change will act as an exclusionary zone. Will it provide a barrier around existing residential parcels where many of us believe that Commercial Cannabis Cultivation is not appropriate? As you know, this is an extremely important issue to the residential community. Please advise.

Sincerely,

Donna Zacamy, Nevada County resident

[dmzacamy@gmail.com](mailto:dmzacamy@gmail.com)

### *C. Definitions:*

*15. Enforcing Officer - The Community Development Agency Director, Code Compliance or Cannabis Program Manager, Compliance Department Director Building Department Director, Environmental Health Director, Sheriff, Fire Authority, or their respective authorized designees, or any other official authorized to enforce local, state or federal laws.*

I support Cindy Sage's comments about safety and nuisance on Cannabis adjacent properties. Enforcement did not work for the Sage's recent problem with a fire on the Cannabis development adjacent to them. The County employees seemed not to know whose jurisdiction cannabis control was under. Please clarify an order of jurisdiction or communicate with authorities so that they are accessible during an emergency.

*31. Non-Volatile Solvent - means any solvent used in the extraction process that is not a volatile solvent. "Nonvolatile solvent" includes carbon dioxide, ethanol, and nonhydrocarbon-based or other solvents such as water, vegetable glycerin, vegetable oil, animal fat, and glycerin.*

Please take out "ethanol", which, according to experts, is a very volatile solvent.

*51. Volatile Manufacturing - means the use of any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.*

Please add "ethanol".

D. Nuisance Declared; Cultivation Restrictions

5. Cultivation of Cannabis is prohibited on any Premises located within the following areas:

a. Upon any Premises located within 600 feet of any Sensitive Site.

Please add "or CE Zoned properties."

*This setback is measured from the edges of the designated Canopy Area and from any Support Area to the property line of the Sensitive Site.*

b. *In any location where Cannabis, or any portion thereof and whether mature or Immature, is visible and clearly identifiable from the public right-of-way or publicly traveled private roads at any stage of growth.*

c. *Within any setback area required by this Section.*

Please add: "d. upon any Premises relying on ingress or egress from a privately owned and privately maintained road." These roads have additional issues with private ownership, easements and often a JRA restricting use. It just opens up a can of worms for the County, the developer and the residents.

6. All Cannabis Cultivation areas shall comply with the following requirements:

b. *Cannabis Cultivation shall not adversely affect the health, safety, or general welfare of persons at the Cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, light, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way. Cannabis Cultivation shall not subject residents of neighboring parcels who are of normal sensitivity to reasonably objectionable odors.*

How will this be adjudicated?

F. *Commercial Cannabis Cultivation. Except as explicitly allowed in this Section, Commercial Cannabis Activities are prohibited. All Commercial Cannabis Activities must conform to the regulations and requirements set forth in Subsection D, above, in addition to the following regulations and requirements:*

*Commercial Cannabis Cultivation is permitted as follows:*

1. *Commercial Cannabis Cultivation may occur only on Premises with an owner occupied legally permitted Primary Place of Residence, or an adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has an established owner occupied Residence. Multiple, contiguous parcels under common ownership or control may be used to qualify for the minimum acreage required for the canopy maximum square footage as described below, however, all parcels must be a minimum of 5.00 acres in size to qualify for aggregate parcel size totals.*

G. *Permitting of Commercial and Non-Remuneration Cannabis Activities.*

d. *Secondary Access and Dead End Road Requirement Exemption: Secondary access may be waived at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises and that the general public will not have access to the Premises.*

Why should a commercial development be less restrictive than residential development - relative to a second means of egress? I do not understand this exemption in light of fire safety concerns for any parcel owner on the dead end road.

J. *Permitting of Commercial Cannabis Activities in Industrial Zones (M1): Limited commercial cannabis activities may be permitted with an Administrative Development Permit or Development Permit and Annual Cannabis Permit in M1 zoning districts including: Indoor cultivation, testing laboratories, volatile or non-volatile manufacturing, and/or distribution subject to the requirements below.*



3. *Manufacturing: Non-Volatile or Volatile Manufacturing may be permitted in the M1 (Industrial) zone districts subject to a Development Permit as defined by Section L-II 5.5.2 of this Chapter.*

*a. Non-Volatile or Volatile Manufacturing Commercial Cannabis Activity in the County of Nevada may only be conducted by individuals and/or entities licensed by the State of California to engage in the activity for which a permit was issued by the County of Nevada. Commercial Cannabis Activities may not commence, and the Nevada County permit is not valid, until the appropriate license is obtained from the State of California.*

**Volatile Manufacturing is a serious fire hazard regardless of what zoning it occurs in. Please consider prohibiting it.**

*N. Temporary Cannabis Event. Temporary Cannabis events are allowed subject to the approval of a temporary Administrative Development Permit and only allowed in C1 or C2 zones within identified Community Regions, Village Centers or Rural Centers as defined by the General Plan.*

*16. No more than one permit for a temporary cannabis event may be issued at any one time on a single parcel.*

**Please limit the number of days that an event can occur per month, or a site may continually get “temporary permits”.**

*RU. No Duty to Enforce. Nothing in this Section shall be construed as imposing on the Enforcing Officer or the County of Nevada any duty to issue a Notice to Abate Unlawful Cannabis Cultivation, nor to abate any unlawful Cannabis Cultivation, nor to take any other action with regard to any unlawful Cannabis Cultivation, and neither the Enforcing Officer nor the County shall be held liable for failure to issue a Notice to Abate any unlawful Cannabis Cultivation, nor for failure to abate any unlawful Cannabis Cultivation, nor for failure to take any other action with regard to any unlawful Cannabis Cultivation.*

**With no guaranteed enforcement of these regulations, how does this ordinance have any teeth or offer residents any protection?**

## Jodeana Patterson

---

**From:** Tyler Barrington  
**Sent:** Thursday, August 22, 2024 11:13 AM  
**To:** Brian Foss; Matt Kelley  
**Cc:** Trisha Tillotson  
**Subject:** FW: Marijuana Use in Industrial Buildings

FYI.

*Tyler Barrington*  
**Principal Planner**



**NEVADA  
COUNTY**  
CALIFORNIA

**Community  
Development  
Agency**

[Planning Department](#)

950 Maidu Ave. Suite 170

PO Box 599002, Nevada City, CA 95959-7902

Main 530.265.1222 Direct 530.470.2723

*\*I am out of the office every other Friday as follows: 6/7, 6/28, 7/12, 7/26*

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**From:** Bill Litchfield <bill@billitchfield.com>  
**Sent:** Thursday, August 22, 2024 11:08 AM  
**To:** lisa swarthatout <lisaswarthatout@hotmail.com>  
**Cc:** Heidi Hall <Heidi.Hall@nevadacountyca.gov>; Tyler Barrington <Tyler.Barrington@nevadacountyca.gov>; mike@snegg.com; Barbara Bashall <babs.bashall@gmail.com>  
**Subject:** Marijuana Use in Industrial Buildings

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Hi Lisa,

Hope things are going well. I recently got a glimpse of the proposed zoning changes allowing marijuana growing, processing in industrial buildings. I have some relevant experience with this issue, as well as owning and managing about 150,000 sf of industrial in Nevada County. I built the Hilltop Industrial Condos in 2004-5. There are 26 industrial condominiums in one building separated by fire walls. When I set up the CC&Rs and HOA for the project I included language that if an owner or tenant caused a nuisance, they could be forced to cure it or be removed from the property. Once I had sold the majority of the units, one of the owners leased his space to a marijuana processing tenant. It caused a major disruption in our owner association. The neighboring tenants were miserable with the smell and we could not get the offending tenant removed in a timely manner. The result is that even though marijuana is now legal, several of the owners are now adamantly opposed to having such uses on the property. (You may be hearing from them.) My view at the time was that we should be willing to lease to any legal business. Well, that was naive.



Around that time, one of my construction company clients with a multi-tenant industrial building in Grass Valley was having a smell issue between units. A metal fabricator in one unit was producing welding smell which was impacting an office use in the next unit. This in spite of a properly permitted and constructed one hour fire wall between the uses. We set out to “smell-proof” the units. We just could not stop the smell no matter what we tried, sealing the wall, fans, vents, etc. Abject failure. Probably the vented smell migrates around and through the exterior building vents, doors and windows. I would hate to be the County employee trying to mediate between tenants in a multi-tenant industrial building where a tenant is growing or processing marijuana. Also, as far as I know, there are no objective standards for how much smell is too much. Is a whiff every several hours too much? Yes, if you have no objective standard.

I would suggest that the County leave this issue alone, as / is. If you must buy some trouble, limit these uses to entire buildings (single tenant uses) or properties that are specifically limited to marijuana uses. Apparently, the marijuana folks love the smell – many others not so much. I believe Mike Snegg has a building at Loma Rica that he is specifically setting up for marijuana businesses. I would suggest you reach out to Mike, he may have a different opinion / solution. I am copying him here. If I were Nevada County, I would let landlords like me and Mike navigate the inevitable issues with various tenants. I now deal with these issues by carefully screening potential tenants for smells (also see craft painting, welding, cigarettes and cigars). Should the County codify these uses in multi-tenant buildings, it will make it more difficult for landlords like me to manage their properties.

Thank you for hearing my concerns,  
Bill

**Bill Litchfield**  
530-570-0496  
[Bill@BillLitchfield.com](mailto:Bill@BillLitchfield.com)



## Jodeana Patterson

---

**From:** Cindy Bailey <baileycindy695@gmail.com>  
**Sent:** Thursday, August 22, 2024 12:47 PM  
**To:** Brian Foss  
**Subject:** Nevada County's Cannabis Ordinance proposed amendment

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Dear Mr Foss,

Please do not vote for "Exclusion Zones Proposed". My opinion follows in line with SYRCL's statement against this proposal. Thank you.

Sincerely,

Cynthia Bailey  
137 Boulder St Apt F  
Nevada City, CA 95959

[https://yubariver.org/posts/navigating-the-future-of-cannabis-cultivation-championing-sustainable-practices-amidst-possible-regulatory-changes/?utm\\_source=SYRCL+ENews&utm\\_medium=August+22+2024&emci=9e9ee8d0-9356-ef11-991a-6045bddbfc4b&emdi=12a59ab5-b860-ef11-991a-6045bddbfc4b&ceid=4766162](https://yubariver.org/posts/navigating-the-future-of-cannabis-cultivation-championing-sustainable-practices-amidst-possible-regulatory-changes/?utm_source=SYRCL+ENews&utm_medium=August+22+2024&emci=9e9ee8d0-9356-ef11-991a-6045bddbfc4b&emdi=12a59ab5-b860-ef11-991a-6045bddbfc4b&ceid=4766162)

## Jodeana Patterson

---

**From:** gregory Thompson <gregorythompson792@gmail.com>  
**Sent:** Friday, August 23, 2024 11:34 AM  
**To:** Brian Foss  
**Cc:** David West  
**Subject:** Nevada County Cannabis Ordinance Proposed Updates Public Comment

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Hello, I'm Gregory Thompson, resident of Nevada County, Ca. I attended the public comment meeting held on August 22, 2024, at the Community Hall, in North San Juan, Ca. I would like to first thank the County Officials that hosted and presented the proposed information involving economic development, in conjunction with the local Cannabis industry. I found the presentation to be very encouraging for small business entrepreneurs in creating new start up enterprises that can increase the value of the local cannabis industry.

My first comment is with grave concern that the Nevada County Cannabis Compliance Division and local Fire Department districts are redundant in their fire safe oversight with cannabis cultivation operations in forested areas in rural Nevada County. Wildland fire fuel mitigation **MUST** foremost be enforced on properties with commercial/ agriculture cannabis cultivation permits.

I would like to see a Veterans preference criteria introduced into the proposed ordinance. With the understanding of the vital importance and economic value that our Veteran community has to offer in Nevada County.

I'm in support of, and recommend low cost start up fees for agriculture/ cannabis farms direct to consumers sales enterprises. Such as farmers market pop-up type businesses (Nevada County Cannabis Growers Only).

I would like to see a focused endeavor with our local county tourism/ agri-tourism and our local cannabis growers, in providing a positive and unique adult recreational cannabis experience. Creating more opportunities for economic development supporting our local economy.

Thank you for your efforts and considerations on the comments above.

Sincerely,  
Gregory Thompson

**Jodeana Patterson**

---

**From:** Linda Baran <lsbaran@yahoo.com>  
**Sent:** Friday, August 23, 2024 4:02 PM  
**To:** Brian Foss  
**Subject:** Proposed Amendments to Commercial Cannabis Cultivation Ordinance

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Brian Foss, Planning Director  
Nevada County, CA

Dear Mr. Foss,

We are residents of Nevada County & live in the 6B Ranch area of Grass Valley.

We are writing to you & to the Board of Supervisors in support of the proposed amendment allowing neighbors to apply to prohibit commercial cannabis grows within neighborhoods.

We have been working with our 6B neighbors for several years to stop commercial cannabis production in our neighborhood & we hope this amendment will support our efforts.

Sincerely,  
Irv & Linda Baran

## Jodeana Patterson

---

**From:** vitaliy tuzman <tuzmanvitaliy@yahoo.com>  
**Sent:** Saturday, August 24, 2024 1:17 PM  
**To:** Brian Foss  
**Subject:** My opinion!

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I Vitaliy Tuzman owner of lot 59 and lot 98 do not want to have any dispensary or manufacturing facility or growing aspiration next to my future home . I oppose allowing any of it next to or near dark horse community . Allowing this changes will open a door to such a can of warms that will bring unwanted problems to this community that will be impossible to reverse. This will down grade quality of life and bring down property values. If anybody thinks otherwise please make a trip to down town sacramento and spend a day in life of drug infested community and all wonderful things it has to offer. Thank you.

[Sent from Yahoo Mail for iPhone](#)

## Jodeana Patterson

---

**From:** Kathleen Woodson <riverkatts@sbcglobal.net>  
**Sent:** Saturday, August 24, 2024 1:29 PM  
**To:** Brian Foss  
**Subject:** Cannabis Dispensary in South Nevada County

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I do not object to Cannabis Dispensaries. I do object to having one in a strip mall or shopping area that is heavily traveled and near other mainstream businesses. It needs to be in an area off by itself. It is also preferable for the actual growers to be far from subdivisions or mainstream areas such as near a public or private school or near where young people travel or congregate. Unfortunately, many of the people who utilize cannabis, particularly to get high, are not always people that are highly upstanding. It is better to find an out of the way location for all cannabis related products to be grown or sold. The only time that might be acceptable to locate a dispensary near a business is if it is next to a police department or sheriff department. Same goes for having an event that is connected to using cannabis.

I use cannabis gummies for sleep on occasion. I believe some people need cannabis for other health reasons in moderation. I do still believe if someone uses cannabis for getting high it can lead to medical problems and also be a reason to try more potent drugs to satisfy their needs or desires. I would prefer not to encourage illicit use if at all possible. Don't make cannabis so easy to obtain.

Kathy Woodson  
Senior Citizen



## Jodeana Patterson

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**From:** patrickbily <patrickbily@comcast.net>  
**Sent:** Saturday, August 24, 2024 1:29 PM  
**To:** Brian Foss  
**Subject:** Cannabis amendment proposals

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No thank you, we don't need this is our community.

Thank you

Patrick Bily  
Auburn, CA

Sent from my Verizon, Samsung Galaxy smartphone

## Jodeana Patterson

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**From:** Gary Davis <davis.garye@gmail.com>  
**Sent:** Saturday, August 24, 2024 2:27 PM  
**To:** Brian Foss  
**Subject:** Nevada County Cannabis Ordinance  
**Attachments:** Signiture.tif

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**I DO NOT want the Nevada County Cannabis Ordinance to be approved.**

Gary E. Davis  
23577 Darkhorse DR.  
Auburn, CA 95602  
530-268-9150



## Jodeana Patterson

---

**From:** Vicki Hawkins <hawkins.vr@outlook.com>  
**Sent:** Sunday, August 25, 2024 11:49 AM  
**To:** Brian Foss  
**Subject:** Comments on Proposed Amendments to Cannabis Ordinance

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Brian Foss, Director of Planning,

I would like to express my opposition to some of the proposed amendments to the existing cannabis ordinance. I'm willing to admit that my opposition is mainly emotional in that I believe the manufacturing and sale of cannabis products in our local community presents a less than positive perception of the area and, while I know there are many types of individuals involved in the industry and clientele, I think these operations may attract some undesirable individuals.

The amendments that I'm most in opposition of are the retail dispensaries and cannabis events/markets in the Higgins/South County area. These already exist in Nevada City and Grass Valley. It's my understanding that those dispensaries also provide delivery within our area and offer "pop-up" markets on occasion. Having additional retail locations or markets in South County doesn't seem necessary to satisfy the needs of local customers. What I suspect it would do though is to possibly bring more people from Placer County and give the County more incentive to approve this amendment in order to increase tax revenue.

A few other concerns that were brought up at the Higgins Public meeting and that I consider valid are:

1. There is no wording in the amendment that limits the number of cannabis events/markets that can be held each year or at any given location.
2. Some of the commercial areas in South County are near schools, a library, a ju-jitsu studio, and other locations where minors congregate. Having a retail dispensary would be undesirable.
3. The Exclusion Zone Combining District doesn't seem to actually do much to protect a neighborhood from future commercial cannabis activities, since it wouldn't be mandatory to have agreement from all owners. Those who opt out or those who purchase in the future and wait 5 years could still apply for a commercial license.
4. After listening to complaints from some members of the public at the Higgins meeting, I got the impression that they don't feel the County is currently enforcing the existing ordinance. I don't know whether that is true, but if it is, then I would be concerned about enforcement of the amendments, if approved.

Thank you for the opportunity to comment.

Vicki Hawkins (SCMAC member and resident of Darkhorse)



# City of Nevada City

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August 28, 2024

Nevada County Planning Department  
ATTN: Brian Foss  
950 Maidu Ave  
Nevada City, CA 95959

*Sent Via Email*

**Subject:** Cannabis Ordinance Amendments

Dear Mr. Foss:

Thank you for the opportunity to comment on the amendments to the county's zoning ordinance commercial cannabis cultivation (County File PLN24-0114, ORD24-1). Our comments are minimal as the proposed changes do not appear to have an affect on future land use within Nevada City's sphere of influence. Our comments and suggestions are as follows:

1. The proposed Cannabis Exclusion District appears to be potentially discriminatory in nature. Zone changes are typically applied for by a property owner not decided upon by a board or hearing body. The allowance for the Board of Supervisors or Planning Commission to decide where the exclusion zones exist may create extensive public comment from certain demographics of people in an effort to keep what they view as negative out of their neighborhood. Allowing an individual property owner or group of owners to apply for the exclusion zone to be added to their properties seems like it would be more appropriate. But, as stated in Section L-II 2.7 of the development code allowed uses within the base zoning district are also allowed within each applicable combining district (except as noted). The existing exceptions for the combining districts have specificity associated with them related to sensitive sites and unique land uses. The proposed CE combining district is vague on what the sensitivities would be and what findings the Planning Commission or Board of Supervisors would need to make to find it appropriate for a parcel. It's also unclear if there is something in the General Plan or zoning code pointing to what qualities may require or be suitable for the CE exclusion which could make the Planning Commission or Board finding subjective in nature and discretionary based on preference rather than standards.
2. The five-year timeline associated with zoning out of CE combining district seems arbitrary in nature and inconsistent with how other zone changes are processed in the county.
3. We suggest requiring a security plan that includes security cameras for the new uses in the Industrial Zone. We look closely at the security plan and cameral layout at time of project review to see that all entrances/exits have cameras and that the facility is closely monitored both on the interior and exterior. At time of our annual inspections our inspector ensures that all cameras are in working order, recording, and saving footage for at least two weeks.
4. We suggest including a requirement for age verification and wristbands to ensure persons under 21 do not have the ability to purchase products at cannabis events. Perhaps security personnel shall be responsible for making sure those under 21 don't enter the event.

5. Consider adding Cannabis Event to the definitions section of the code. Consider including examples of event types (farmer's market, tradeshow, etc.)
6. Consider changing Item N. 24 "sales tax permit" to "seller's permit issued by the California Department of Tax and Fee Administration (CDTFA)".

Thank you again for the opportunity to comment.

Best,

A handwritten signature in blue ink, appearing to read "Lisa McCandless".

Lisa McCandless  
City Planner  
(530) 265-2496 x130

**Jodeana Patterson**

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**From:** s.schulte <s.schulte@sbcglobal.net>  
**Sent:** Thursday, August 29, 2024 7:34 AM  
**To:** Brian Foss  
**Subject:** Cannabis

You don't often get email from s.schulte@sbcglobal.net. [Learn why this is important](#)

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I am totally against any thing that would allow cannabis dispensaries in shopping centers.

Sent from my Verizon, Samsung Galaxy smartphone

## Jodeana Patterson

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**From:** Carole Denis <wootee65@yahoo.com>  
**Sent:** Thursday, August 29, 2024 4:07 PM  
**To:** Brian Foss  
**Subject:** Fw: Cannabis Input Suggestions

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----- Forwarded Message -----

**From:** Carole Denis <wootee65@yahoo.com>  
**To:** Brianfoss@nevadacountyca.gov <brianfoss@nevadacountyca.gov>  
**Sent:** Thursday, August 29, 2024 at 04:02:50 PM PDT  
**Subject:** Cannabis Input Suggestions

Agree with exclusionary zones. Are fees due to register as an exclusionary zone and if so, identify fees in the document.  
All taxes and accumulated fees must be paid prior to submission of cannabis application.  
Need increased odor control.  
Cannabis does not belong in AG/residential community. Discretion needed.

Thank you for your time.  
Carole Denis  
14010 Thoroughbred Loop  
Grass Valley

200 Litton Drive Suite 320  
Grass Valley, CA 95945  
www.myairdistrict.com  
(530) 274-9360



August 29, 2024

Brian Foss  
Director of Planning  
Nevada County  
[Brian.Foss@nevadacountyca.gov](mailto:Brian.Foss@nevadacountyca.gov)

Hello Mr. Foss,

The Northern Sierra Air Quality Management District has the following questions about the Cannabis amendments.

1. Section J.1.d states:

"Odor control measures shall be installed in all structures containing cannabis. Cultivation of Cannabis indoors shall contain effective ventilation, air filtration and odor-reducing or odor-eliminating filters to prevent odor, mold and mildew in any area used for Cultivation or which is used as, designed or intended for human occupancy, or on adjacent Premises."

Who will be responsible if the measures are not "effective". Will the county have the capacity to field test odor complaints, and issue violation notices, or will this become the purview of the Air District?

2. Section N.7. states:

"A dust control plan shall be submitted for any site that is not paved."

Who will be reviewing the dust control plan? The District is stretched fairly thin with Dust Control Plan reviews. Would it be possible to share this task, or to add a fee for this service that goes to the NSAQMD to help with staffing?

3. There doesn't appear to be a limit on applications for temporary events, either per location or per applicant. For example, is it theoretically possible for a retailer to apply for a permit for every weekend?

4. There appears to be some confusion with the Cannabis Exclusion zone:

L-II 2.7.13.A states: "The Cannabis Exclusion zone is intended to **prohibit all commercial cultivation**, processing, manufacturing, distribution or sale of any cannabis product to preserve the residential nature of the property."

But then L-II 3.30 F.1.a states: "Commercial Cannabis **may occur** only in zones as set forth as follows:

a. R-1, R-2, R-3 and R-A (Regardless of General Code Designation), and TPZ **and any base zone district that includes the Cannabis Exclusion (CE) Combining District** (Sec. L-II 2.7.13):"

Can you provide any clarity on these questions?

Thank you!

Sincerely,

A handwritten signature in blue ink that reads "Julie D. Hunter".

Julie Hunter  
Air Pollution Control Officer

Submitted by Suzie Tarnay APCS I / NSAQMD – (530) 274-9360 x505



## Jodeana Patterson

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**From:** leslie@lohse.net  
**Sent:** Friday, August 30, 2024 9:21 AM  
**To:** Brian Foss  
**Subject:** Comments on Proposed Amendments to the Cannabis Ordinance

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Comments on Proposed Amendments to the Cannabis Ordinance

Brian Foss, Director of Planning,

Mr. Foss,

Please register my opposition to the proposed amendments to the existing cannabis ordinance. I am concerned that these amendments would attract an undesirable element to South County. With 5 school campuses and the library near the few retail areas in our community, I am against having retail cannabis access or cannabis events/markets in this area.

I appreciate the opportunity to comment.  
Thank you,

Leslie Lohse (resident of Darkhorse)  
23757 Darkhorse Dr., Auburn CA 95602

August 30th, 2024

Brian Foss, Director of Planning  
950 Maidu Ave., Suite 170  
Nevada City, CA 95959

Brian Foss and Nevada County Community Development Agency,

Elevation 2477' is Nevada City's first storefront cannabis retailer, and provides both medical and adult use cannabis to our community through our dispensary location and by delivery, which is offered to customers and patients throughout the County. By sourcing locally we are able to provide our customers with excellent cannabis and cannabis products with 100% of our outdoor and greenhouse flower supplied by local Nevada County cannabis businesses. This allows us to provide excellent products and support our local cultivators.

We appreciate Nevada County's efforts towards expanding opportunities for cannabis entrepreneurs in our community by recently adjusting the maximum canopy allowed by cultivators under specific conditions, creating a pathway for microbusinesses, and in this proposed language within Sec. L-II 3.30 constructing an option for temporary cannabis sales events and markets. We believe that our cannabis community is a creative one, and benefits from the imagination of our business people and the ability for local businesses to grow in new ways. However, we must be careful in our growth to ensure that our Ordinances promote success and community cohesion.

The proposed Ordinance adjustments within Sec. L-II 3.30 also include a pathway for three Type 10 Cannabis Storefront Retail licenses. This would be in addition to the presently allowed and operating microbusiness with retail or delivery. Currently, within the geographic area of Nevada County the Department of Cannabis Control has issued nine licenses which allow for the retail sale of cannabis. According to the most recent data produced by the Department of Cannabis Control under CCR §15019, Nevada County already has what is considered excessive retail license concentration in seven of the census tracts contained within the County boundaries.

There has been no information provided regarding how County staff determined the proposed maximum allowed number of storefront retail licenses within unincorporated areas, and the impacts of those licenses on their surrounding community or other businesses. Much effort was made to craft Ordinance updates which allowed for microbusiness licenses to include storefront retail or retail delivery of cannabis to serve rural areas in our community to ensure portions of our community were not lacking in access.

In recent years California's cannabis industry has experienced challenges with a maturing market, oversaturation, and falling prices. This has impacted every cannabis business, from cultivators through to retailers. California has the lowest per capita sales of any State which has legalized cannabis sales, with the Department of Cannabis Control's recently published dashboard showing the industry as a whole drastically underperforming from expectations. This is clearly illustrated by the fact that at the close of 2023 approximately 15% of California's retailers were in default of their cannabis excise taxes. Elevation 2477' has seen a direct impact with a reduction in sales, and unfortunately a corresponding staff reduction due to these market pressures and oversaturation of retailers in the area.

Proposing to arbitrarily increase the number of storefront retailers in our area at a time when the industry is facing such challenges, without guardrails to promote local business ownership of those licenses, or data driven guidance for the limit and location of these licenses is not in the best interest of our community. We believe that a more researched and fact based approach to such a large change is warranted before the Board of Supervisors or Nevada County's constituents can make a choice on whether to move forward with this proposal.

We appreciate the opportunity to provide comment on this proposed Ordinance, and value the County's commitment to working with our community and the cannabis industry to craft Ordinances which support thoughtful business development.

Daniel Batchelor

CEO of Elevation 2477'

[daniel@elevation2477.com](mailto:daniel@elevation2477.com)

A handwritten signature in black ink that reads "Daniel Batchelor". The signature is written in a cursive, flowing style with a large initial "D".

To: Brian Foss, Director of Planning  
From: Diana Gamzon, Executive Director, Nevada County Cannabis Alliance

Date: August 30, 2024



## COMMENTS ON PROPOSED ZONING ORDINANCE AMENDMENTS TO REGULATIONS FOR COMMERCIAL CANNABIS CULTIVATION

On behalf of the Nevada County Cannabis Alliance, representing over 160 businesses, we appreciate the opportunity to comment on the proposed changes to the cannabis ordinance. Our recommendations recognize the county's goal of economic development and are based on a solid foundation of creating equality amongst all small businesses within the county.

1. Add provision that all cannabis sold at a cannabis event must be locally grown or manufactured.

Recommendation to use the same proposed language as reflected in the microbusiness with retail policy, though, amended for event sales.

2. Remove the requirement to provide evidence that all property taxes have been paid and are current for all parcels included in the cannabis application.

Given that the cannabis industry is the only business sector in the county that would be required to have property taxes paid prior to permits being issued we believe this shows inequality amongst small businesses and places an undue prejudice on one industry sector over another.

3. Remove the Exclusion Zone combining districts that would prohibit commercial cannabis activities.

Discriminating against cannabis farming as a commercial activity while allowing other commercial activities within AG/AE and TPZ zoning creates a perception of bias. Cannabis is *only* allowed on zoning for commercial agriculture or commercial timber production with those uses being of primary importance, per the Nevada County general plan. A pathway to rezone an area to Residential or Residential Agriculture is a solution for those that do not want to live in an area zoned for commercial activity as cannabis farming is restricted from those zones.

4. Change the sensitive use setback in North San Juan for storefront retail to 500'

This amendment would allow for the maximum economic opportunities in North San Juan while maintaining compliance with state law that allows for local control of setbacks.

5. Change window from 60 days to 30 days for a dispensary application

- a. A 30 day window has become the statewide standard.

Rec'd 8/30/24

Brian Foss, Director of Planning  
Nevada County Planning Department  
950 Maidu Ave., Suite 170  
Nevada City, CA 95959

Brian,

We have lived in Nevada County for three years and are extremely happy with our decision to move here. I am just finding out about the county's consideration to approve a cannabis dispensary in the Higgins area, around Combie Road and Highway 49 shopping center.

We live off Combie Road and are opposed to such a business in this area. We are not opposed to the legalization of cannabis provided distribution is controlled and located in areas with higher traffic. Our small hub cannot be considered in the same way as Grass Valley or Nevada City unless your plans include incorporating Higgins into a city.

We are also concerned with safety for the school buses run through the Higgins area, as well as the number of children from the area that meet at Starbucks, Holiday Market and other restaurants and businesses in that area. This would also include higher traffic violations and accidents.

Our hope for the redevelopment of the Higgins Area would be an improved zone and not one anchored with a cannabis dispensary. Please use this letter as our recommendation to deny permits for a dispensary until the area becomes a larger retail hub that has the infrastructure to support this business including increasing sheriff coverage, patrols and a substation.

Janet and Dennis Osterdock  
12495 Nicklaus Ct Auburn

August 30th, 2024

Brian Foss, Director of Planning  
950 Maidu Ave., Suite 170  
Nevada City, CA 95959

Brian Foss,

My name is Emily Porter, I am a resident of District 1 and am writing as a cannabis compliance consultant with over a decade of cannabis industry experience. I am currently the Director of Compliance for a local Management Company and oversee the permit planning, licensing, business development, and project management for over 20 licensed cannabis businesses in four states. My experience includes operating licensed cannabis cultivation sites in Nevada County, and working with licensees locally and out of state who cultivate, manufacture, distribute, package, sell, and deliver both medical and adult use cannabis.

Although I generally support the proposed additions to Sec. L-II 3.30, I have concerns regarding certain sections of the proposed ordinance and the accompanying draft resolution for competitive retail application selection.

*K. Permitting of Microbusiness without Storefront Retail Sales:*

*KL. Permitting of Microbusiness with Storefront Retail Sales: ...*

*Only cannabis products grown, cultivated, manufactured and processed onsite and/or originating from permitted cannabis cultivation operations within Nevada County (including incorporated cities/town) may be sold onsite as part of the Storefront Retail Sales. Products grown, cultivated, manufactured, or processed from locations outside of Nevada County are NOT allowed to be sold, displayed or offered.*

I feel that the County has misrepresented the limits of these proposed requirements by releasing a description of the proposed changes including that they would "Require all cannabis sold to be Nevada County grown only." There is no stipulation regarding local product within the language of the proposed Dispensary section M. Is the County proposing to ONLY limit the ability of microbusinesses with retail? How is this fair or equitable?

Furthermore, how would County staff enforce this? County staff does not have enough time to actively watch the Metrc transfer data for origination of all products, nor do they currently have the ability to freely access this information in real time without it being provided by the permittee.

By specifically wording the requirement that "Only cannabis products grown, cultivated, manufactured and processed onsite and/or originating from permitted cannabis cultivation operations within Nevada County" are allowed to be sold by microbusinesses licensees with retail abilities will severely limit these businesses ability to sell things like vape carts, edibles, or types of topicals, which make up a significant portion of the sales of most retailers and normally use extracts like distillate which almost always are created through the use of multiple source batches of biomass from multiple originating licenses and locations. County staff would have to have access to and actively review the entire manufactured batch's package history for every



single manufactured product sold on site to be able to confirm that item was in fact meeting this requirement.

Although the idea of locally sourced and processed cannabis as a requirement is lovely, it is not enforceable. Additionally, if the intention of the County is for this requirement to extend to Type 10 Storefront Retail licensees as well as microbusiness licensees, bear in mind these retailers will either skirt this requirement entirely, or truly struggle to stock their shelves and retain profitability. There are other ways of incorporating requirements which encourage retailers to purchase from local sources. For example, some jurisdictions have required all retailers to guarantee a specific portion of their shelfspace to locally produced products. If this local source requirement is to be kept in any capacity, I highly recommend reworking it to be functional, enforceable, reasonable, and equal in its application.

M. Permitting of Cannabis Dispensaries: Such facilities are allowed subject to the approval of a Use Permit as defined in Section L-II 5.6 of this Chapter and an Annual Cannabis Permit. Dispensary applications shall only be approved in accordance with the Competitive Selection process defined by the County. The Permitting Authority may permits to Applicants meeting the requirements of this Chapter including the following standards: ...

2. The total number of dispensaries allowed in the unincorporated areas of the County shall be a maximum of (3) three.

How did the County come up with the maximum of three? I have heard this question asked to County staff by multiple constituents and have not heard a transparent or definite answer. Every jurisdiction I have worked with over the years has used population data to guide the decision of where to place a dispensary, and should they limit the number of dispensaries it is done with data backing that choice. For example, the City of Grass Valley chose to limit storefront retail of cannabis by one license per 7,500 residents with an absolute maximum of two. Arbitrarily setting the quantity of retail licenses is plainly poor planning.

Although it is the responsibility of the Department of Cannabis Control to enforce, CCR §15019 should be taken into consideration. It considers excessive concentration to apply when "The ratio of licensees to population within the census tract or census division in which the applicant premises is located exceeds the ratio of licensees to population in the county in which the applicant premises is located, unless denial of the application would unduly limit the development of the legal market so as to perpetuate the illegal market for cannabis goods." The most recently released data from DCC shows the geographic area of Nevada County to currently have 9 retail licensees (including microbusinesses with retail ability) and to have 7 census tracks which are considered to have excessive concentration. Why are we adding more retail to an already demonstrably oversaturated area? Would more cannabis retail actually assist in curbing the illegal market? If curbing the illegal market is the intention of the County with this addition, those efforts can be better made in other ways.

Why did County staff spend so much time in the last round of Ordinance updates in including microbusiness with retail to now propose storefront retail? A handful of local entrepreneurs have dedicated a lot of time and funds to developing micro business licenses. To now add the opportunity for storefront retail so soon after seems an insult to those efforts. The proposal to add more cannabis retail to Nevada County should be a well thought out and researched process to ensure the best possible outcome grounded in reality. If these proposed additions go



through as written, it will be a clear demonstration of the County's indifference to the survival of the existing County and Cities' legal cannabis retail & microbusiness licensees.

I appreciate that the County has proposed a merit based selection process for the possible proposed dispensaries within its jurisdiction. However, I see many issues with the lack of clarity or requirements included in the Draft Resolution which would guide this process. However, the final criteria and application process for these Retail Storefront applications should not be created and determined by the Retail Commercial Cannabis Application Evaluation Committee alone. For fairness, transparency, and to ensure the process is orderly, well researched, and guided by individuals with proven experience, the final criteria and process for this competitive application should be concisely presented either in the Board Resolution or within the Ordinance itself. Asking the Board to vote to approve this current resolution in such a vague form opens this process up to much dispute and inevitable appeals.

The resolution includes the general criteria requirement that the application demonstrate the "Ability to meet County and Western Nevada or Eastern Nevada Design Standards", however there is no solid requirement that a location be selected as part of this application. It is incredibly important that in a merit based application all applicants are able to demonstrate the ability to design a site plan, premise plan, and secure that site as part of their application. How can an applicant show conformity to design standards for an undefined location? The ability to secure the right to operate and occupy the site proposed should be demonstrated as it is crucial to the success of any cannabis business and compatibility with the surrounding community.

In closing, I truly believe the County should not pass the Ordinance with the additions of the Retail Storefront and associated resolution for competitive application, or the requirement within the microbusiness license for locally produced product as they are currently written. These decisions should be thoroughly researched, with the final process being backed by real data and an informed approach. As the proposed Ordinance is scheduled to be brought to the Board of Supervisors in November I do not believe that three months is enough time for County staff to research and rework these sections thoughtfully enough to have a community backed and informed process fully defined in time for a final vote. As written, the Board of Supervisors would be voting in a process that is incredibly vague, underdeveloped, and ripe with opportunities for dispute. I believe the County should take the time to reconsider this process and at a later date present a well thought out and complete addition to the Ordinance that considers limitations of location, a full criteria for the merit based application, excessive concentration, and planned growth of the industry to allow these businesses the opportunity to actually succeed.

I appreciate the opportunity to provide comments on the proposed Ordinance, and hope that the concerns and recommendations of the community are taken into consideration when crafting these updates.

Sincerely,  
Emily Porter

August 30, 2024

**Brian Foss  
Planning Department  
County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959**

**Re: Proposed Changes to the Cannabis Ordinance**

**Dear Mr. Foss,**

On behalf of the Nevada County Contractors' Association and the Greater Grass Valley Chamber of Commerce, we submit our comments for your consideration on the proposed changes to the Cannabis Ordinance.

**Permitting of Commercial Cannabis Activities in Industrial Zones (M-1)**

Many businesses in the M-1 Zone share adjoining walls and have separate ownership. While the ordinance requires odor control, there is no guarantee that the odor will not infiltrate neighboring businesses and create a potential conflict with them and their business operations.

**Recommendation:** The County limit cannabis activities to free-standing buildings and have notifying to the surrounding businesses as part of the permitting process.

Move cautiously in adopting the expansion of cannabis activities into M-1 zones, which could potentially cause some unintended consequences to the existing businesses. The County has a limited supply of M-1 zoned property, and these activities could affect that supply further, mainly if other industrial uses create nuisances.

What is the definition of a noxious odor? The term noxious odor needs to be clearly defined.

**Retail Sales vs Dispensaries**

The definitions of retail sales and dispensaries are similar and should be clarified. Sections K6 and L4 create the possibility of mini dispensaries (**retail sales of any products grown, manufactured, and processed in Nevada County**) in many areas, even on smaller parcels throughout the County, including 2-acre parcels with indoor grows. As written, these retail sales establishments can sell identical products as a dispensary as long as the products are grown in Nevada County.

The lack of distinction will create a potentially significant conflict with neighboring residential areas. The County proposes changes to an ordinance that then places the burden on neighbors to argue against the retail sales.

Dispensaries, in theory, could be built by large out-of-town businesses.

**Recommendation:** The County should focus on allowing a minimum number of storefront retail sales, not putting communities in a position to have mini dispensaries all over the County, and keep dispensaries within the boundaries of incorporated cities.

### **Section N – Temporary Cannabis Events**

The criteria outlined in Section N pertaining to Temporary Cannabis Events follow much of the requirements outlined for Community Events. However, while a licensed event organizer is required to apply for the permit, and the elements of signage and security are specified, we have the following concerns:

**Location:** The County is expanding the potential use of cannabis and proposing activities into C1 (Neighborhood Commercial) and C2 (Community Commercial) zones that will likely bring negative nuisance issues to neighboring properties.

**Enforcement of Compliance Criteria:** Noncompliance enforcement is not stated. Who will be responsible for site inspections and compliance, or will this simply be complaint-driven, burdening the surrounding neighbors to file complaints?

**Message to Local Youth:** Additionally, with many local groups and agencies trying to create positive interactions and opportunities for the youth and build up the local youth, these proposed "recreational" events in C1 and C2 Zones send poor messaging to that effort.

**Recommendation:** Not allow temporary cannabis events

### **Section N 13. Parks and other public facilities should be included in the 600-foot setback.**

#### **Section L-II 2.7.13 – Cannabis Exclusion**

Since the County created or is going to amend this ordinance to expand the use of cannabis activities, hence putting residents in a position where they may not support cannabis activities, the County needs to be actively involved in educating neighborhoods and residents about this option. Simply placing a notice in the newspaper does not reach most Nevada County citizens. People will not pay attention to this until a cannabis activity is being proposed next to them. So, it is up to the residents to argue against a proposal, pitting neighbor against neighbor.

**Recommendation:** The County should bear the cost of creating these overlays since it established the problem in allowing the use:

The County should conduct a comprehensive outreach to all neighborhood groups and residents in the County; the County will create a window of time for neighborhoods to submit a proposed exclusion; the County will initiate and pay for a comprehensive rezoning of all the regions opting for this exclusion at one time; the zones should include the entire

neighborhood based on a % of residents wanting exclusion (e.g., 50+1, 60%) and all parcels would be included.

There would be no exceptions if a few people did not want the overlay. If not, it is not a democratic process and solves no issues for the neighbors if one cannabis grow or retail sales occurs in an area surrounded by the exclusion zone.

The County is creating or has created this ordinance and, as a result, has put those with concerns or those not supporting cannabis activities in their neighborhood under the costly and time-consuming burden of creating protective measures.

The County proposes a process that is not rational to create an ordinance and allows new activities that neighbors may not want to occur next to or near them. These are uses that can impact their investment and disrupt neighborhood peace.

Another option is to rezone those problematic areas to RA from Ag.

### **General Comments**

The proposed changes are vague and can be left to interpretation, thus causing additional unintended consequences.

For example, is the intent of Microbusiness Storefront Retail Sales to limit sales to those products grown and processed on-site or to allow sales of any products produced in Nevada County? Clarification is needed, and if the intent is to allow sales of any product produced in Nevada County, then they should be limited in number.

Over the last few years, the County has worked to bring cannabis activities into compliance, and currently, there are many permitted cannabis businesses. With the potential for more neighborhood conflicts, is it time to notice the surrounding properties when a cannabis permit application is submitted?

Thank you for the opportunity to submit our comments on these proposed changes,

Sincerely,



Tom Last, Executive Director  
Nevada County Contractors Association  
149 Crown Point Ct # A, Grass Valley, CA 95945



Robin Galvan-Davies, Executive Director  
Greater Grass Valley Chamber of Commerce  
128 East Main Street, Grass Valley, CA 95945

. GRASS VALLEY .  
**PROVISIONS**

EST. 2023

August 30th, 2024

Brian Foss, Director of Planning

950 Maidu Ave., Suite 170

Nevada City, CA 95959

**RE: Proposed Cannabis Ordinance Amendments**

Dear Mr. Foss,

Thank you for the opportunity to provide comment on the above-mentioned matter. I have two primary concerns with the currently proposed amendments.

**1. CANNABIS RETAIL OVERSATURATION IN NEVADA COUNTY**

There are nine (9) licenses which allow for the retail sale of cannabis in the geographic area of Nevada County which has resulted in **excessive retail license concentration** in seven of the census tracts contained within the County boundaries. The current county ordinance allows for **unlimited retail licenses**, obtained through a Type 12 license, within multiple applicants in process to obtain a retail license.

**2. ARBITRARILY EXPANDING RETAIL IN NEVADA COUNTY**

The current ordinance dangerously increases Type 10 licenses arbitrarily; there is not a tether to the population of Nevada County and **no justification for more than doubling Type 10 licenses**. The cannabis retail industry is in decline across the state, the current proposals, if left unchanged, will likely lead to failed policy in Nevada County.

Sincerely,

Ryan Haley,

Chief Executive Officer



## SOUTH YUBA RIVER CITIZENS LEAGUE

August 30, 2024

Brian Foss  
Director of Planning  
Nevada County  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Via email [Brian.Foss@NevadaCountyCA.gov](mailto:Brian.Foss@NevadaCountyCA.gov)

**RE: Proposed Ordinance Amendment Regarding Exclusion Zone Combining District**

Dear Mr. Foss:

Thank you for the opportunity to submit comments on the Proposed Zoning Ordinance Amendments to Regulations for Commercial Cannabis Cultivation. (County File No. PLN24-0114, ORD24-1). The South Yuba River Citizens League's (SYRCL) comments focus on one of the six proposed amendments, that is the proposed Exclusion Zone Combining District.

Founded in 1983, SYRCL's mission is to unite the community to protect and restore the Yuba River watershed. We have 3,500 members and 1,000 active volunteers that are active in achieving that mission. SYRCL is one of the nation's largest organizations focused on a single watershed, the Yuba. We are dedicated to landscape-level conservation and restoration, climate change resilience, and community engagement.

SYRCL has been engaging on cannabis issues since 2013 when we initiated the Growing Green for the Yuba program.<sup>1</sup> Through Growing Green, we aim to educate the community about the value of the permitting and legalization process and encourage watershed-friendly cannabis cultivation practices in the Yuba River.

Unregulated and illegal cannabis cultivation poses major environmental concerns in the Yuba watershed. It can create water quality concerns such as sedimentation, pesticide

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<sup>1</sup> [Growing Green • SYRCL \(yubariver.org\)](https://yubariver.org)

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pollution, nutrient run-off, and increased harmful bacteria—all of which are present in our watershed, in addition to trespass grows and illegal water diversions. The Yuba River is a “priority” watershed for cannabis enforcement because it is severely impacted by cannabis cultivation.<sup>2</sup>

As part of the Growing Green campaign, SYRCL actively engaged in the County’s public process to legalize commercial cannabis cultivation. When Nevada County’s Commercial Cannabis Ordinance was adopted in 2019, SYRCL evaluated the environmental effects of legal commercial cannabis cultivation on both our community and the Yuba River watershed.

Key to the success of the ordinance is having illegal growers enter the legal market by minimizing barriers to that entry. In 2021, SYRCL surveyed the community and discovered that many cultivators believed that the process of coming into compliance was inaccessible, too expensive/time consuming, and lacking in benefits.<sup>3</sup> Despite this, and even though cultivators face significant regulatory hurdles, over 200 cultivators have applied for licenses since the County program began.

SYRCL is concerned about a proposal to create an “Exclusion Zone Combining District” that would allow residents to apply to prohibit all commercial cannabis activities “to preserve the residential nature of the property” (Sec. L-II 2.7.13.A).

### **Commercial Cannabis Cultivation can only occur on Agriculture and Timber Production Zoned Land**

SYRCL believes the exclusion zone amendment is redundant because, under our current ordinance, cannabis is only allowed to be farmed on land zoned Agriculture – cultivation is not permitted in areas zoned Residential-Agriculture or Residential. Notably, the primary use of Agriculture and Timber Production zoned land is for commercial agriculture use with all other uses secondary.

A wide variety of commercial activities occur on Agriculture zoned lands in Nevada County including timber harvesting, cattle ranching, horse boarding, commercial vegetable farms, and vineyard and winery production. The amendment’s selective exclusion undermines the principles of equitable land use management and sets a concerning precedent for potential future restrictions.

Moreover, SYRCL is concerned that this amendment could provide a disincentive for legal compliance among cannabis cultivators. By creating additional perceived barriers or uncertainties it discourages growers from transitioning to the legal market, which is essential for effective regulation and environmental protection.

### **Rezoning to Residential-Agriculture**

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<sup>2</sup> See [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/california\\_priority\\_watersheds.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/california_priority_watersheds.html)

<sup>3</sup> VIDEO: Growing Green – Cannabis Cultivation in the Yuba Watershed: Clarifying Common Misconceptions Workshop • SYRCL ([yubariver.org](http://yubariver.org))

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SYRCL recognizes that the amendment is intended "to preserve the residential nature of the property." SYRCL points out that the County ordinances have specific language about rezoning lands and a clear pathway to achieve a change of zoning. The County has a process to consider rezoning applications based on established criteria and community input. Since lands zoned Residential-Agriculture do not allow commercial cannabis farming, it would make sense to utilize this established and transparent rezoning pathway and remove the exclusion zone amendment.

SYRCL thanks you for this opportunity to provide comments and appreciates your efforts to address cannabis cultivation in our community. If you would like to collaborate or if you have any questions, please contact Traci Sheehan, Policy Director, at 530-265-5961 or at the email address listed below.

Respectfully submitted,



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Traci Sheehan  
Policy Director  
South Yuba River Citizens League



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Aaron Zettler-Mann  
Executive Director  
South Yuba River Citizens League

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