



ORDINANCE No. 2470

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN URGENCY ORDINANCE AMENDING SECTION L-II 3.30 CANNABIS CULTIVATION BY ADDING SUBSECTION L-II 3.30(C)(34.1) PROCESSING DEFINITION AND SUBSECTION L-II 3.30(D)(12) OFFSITE PROCESSING TO CHAPTER II ZONING REGULATIONS, ARTICLE 3 SPECIFIC LAND USES (4/5ths AFFRMAIVE VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA,
ORDAINS AS FOLLOWS:

SECTION I:

The Nevada County Board of Supervisors hereby finds and determines as follows:

1. In May 2019, the Board of Supervisors passed Ordinance 2467 that established land use regulations and permitting requirements for commercial cannabis cultivation. The Ordinance was adopted to allow cultivation of commercial cannabis for medical purposes in the unincorporated area of Nevada County. The Ordinance was adopted to be consistent with State Laws including Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA") and emergency regulations that became effective January 1, 2018, pertaining to Commercial Cannabis Activities in the State of California which allowed for those seeking to enter the business to obtain temporary licenses for commercial cannabis activities.
2. The County of Nevada's current ordinance does not allow for any offsite processing of cannabis product. The current ordinance allows for the processing of cannabis product grown onsite, however, cannabis product cannot be transported to another cultivation location to be processed. Therefore, some cultivators may not be able to process their cannabis product due to lack of employees, space or equipment necessary for these activities. This would thereby preclude Nevada County cannabis cultivators from properly processing cultivated cannabis product and engaging in the commercial cannabis market during the upcoming harvest season. If left unregulated for another harvest season, it is likely that Nevada County will continue to encounter increasing numbers of cultivation and processing sites which are located and operated in ways that create the public nuisances this ordinance seeks to avoid.
3. In recent weeks, the cannabis community has expressed concern about the lack of processing facilities within the County and the need for a location that a cultivator can bring their harvested product to for proper processing. The Board has expressed its concern and support for a regulated cannabis industry and the urgent need to immediately create a path toward compliance for those who wish to enter the regulated market. Due to the need for offsite processing of cannabis product at a properly permitted and equipped facility it is necessary that the County act immediately to include for the allowance of offsite processing in the current ordinance. Therefore, due to the impending start of the current harvest season there is an immediate need to provide processing

options to those who choose to cultivate and process cannabis legally in Nevada County and to address the immediate threat to the health, safety and welfare of Nevada County residents if the proper processing of cannabis remains limited.

4. The proposed ordinance is an urgency measure which, if adopted by a 4/5ths vote, will become effective immediately. Government Code section 25123(d) authorizes the Board to adopt an urgency ordinance "for the immediate preservation of the public peace, health, or safety."

SECTION II:

Subsection L-II 3.30(D)(34.1) of Article 3 of Chapter II of the Nevada County Land Use and Development Code is hereby added to read as follows:

“Processing - any method used to prepare cannabis for commercial sale, including but not limited to: drying, cleaning, curing, grading, trimming, and packaging of cannabis and nonmanufactured cannabis products.”

SECTION III:

Subsection L-II 3.30(D)(12) of Article 3 of Chapter II of the Nevada County Land Use and Development Code is hereby added to read as follows:

“Offsite Processing: The processing of permitted and licensed cannabis product grown offsite may occur at a local and State licensed and permitted cultivation premises subject to all limitations and requirements contained within the provisions of this Section, including but not limited to: noise standards, odor controls, sanitation requirements, accessory structure requirements, support area size limitations, setbacks, parcel sizes, etc.

- a. Offsite processing facilities shall meet commercial occupancy requirements and be specifically described in commercial cannabis cultivation permit applications including the number of employees and the areas for offsite processing shall be delineated on the site plan.
- b. Traffic associated with offsite processing activities shall be limited to 8 a.m. to 5 p.m. Monday through Saturday. No more than 6 vehicle trips (round trips) shall be allowed for offsite processing activities per day.

SECTION IV:

The County finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15301 (permitting, leasing and minor alterations to existing facilities), 15303 (construction and location of new, small structures), 15304 (minor alterations to land), 15307 (actions taken as authorized by local ordinance to assure protection of natural resources), 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

SECTION V:

If any provision of the amended Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION VI:

Pursuant to Government Code section 25123(d), this Ordinance shall take effect and be in force immediately upon the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union and Sierra Sun, newspapers of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of September, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Susan K. Hoek and Richard Anderson.

Noes: Dan Miller.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 



Richard Anderson, Chair

9/24/2019 cc: GIS*
Union*
Sierra Sun*
COB*
CoCo*
QC*
Planning*