

From: [Julie Patterson-Hunter](#)
To: [All BOS Board Members](#)
Cc: [Craig Griesbach](#); [Jeffrey Thorsby](#)
Subject: FW: Comments on Cannabis Ordinance Ammendment - Responsible Party
Date: Thursday, March 18, 2021 3:03:43 PM
Attachments: [Supervisors Canabis Responsible Party 3-18-2021.docx](#)
[image001.png](#)

Dist 2

Julie Patterson Hunter, CCB
Clerk of the Board



From: Gary Baker [REDACTED]
Sent: Thursday, March 18, 2021 3:00 PM
To: bdofsupervisors <bdofsupervisors@co.nevada.ca.us>
Subject: Comments on Cannabis Ordinance Ammendment - Responsible Party

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Dear Supervisors

Please see my attached letter relating a the “Responsible Party” as this relates to consultants on cannabis projects. This item is on the agenda for March 23, 2021.

Gary Baker
Plan-aire

Nevada County Board of Supervisors

Regarding: Cannabis Ordinance Amendments

Public Hearing: March 23, 2021

Dear Nevada County Supervisors:

The proposed Cannabis Ordinance Amendment contains the following description which is a significant burden for consultants who are working with landowners to prepare land use applications for cannabis cultivation and assist landowners in bringing their property in compliance.

As consultants we see many projects where there site contains building permit violations as well as other land use violations, and during the process of developing plans and applications we often develop mitigation measures or Transition Plans for the applicant to bring their property into compliance. We have no control over whether an applicant actually performs the work identified in the plans as our involvement typically only extends through the permitting process. Additionally, we would not have much business if we informed code compliance of every violation on the properties that we visit.

The clause in item b. below defines an independent contractor as a Responsible Party, yet there is no remedy expressed as to what is expected from a consultant who visits a project site and identifies a violation. We can only advise an applicant on the presence of a violation and we have no method of resolving the violation other than producing plans or descriptions for inclusion in applications for permits. We are not in a position of enforcing codes. We only provide remedies for the conditions encountered at the site if hired to do so, and provide recommendations to the applicant or owner for their implementation. It would place a significant burden on us if we were expected to notify the county of any observed Code Compliance issue to avoid being considered a Responsible Party.

Gary M. Baker
Plan-aire, Landscape Architecture and Land Planning

Plân-aire

10. RESPONSIBLE PARTY. Any of the following:

a. A party, who by action or inaction, causes, maintains, permits or allows a Code Violation;

b. A party, whose agent, employee, **or independent contractor, by action or inaction, causes, maintains, permits or allows a Code Violation;**

c. An owner, in whole or in part, of real property on which a Code Violation occurs;

d. A lessee or sublessee with the current right of possession of real property on which a Code Violation occurs;

e. A person who uses real property on which a Code Violation occurs;

f. An on-site manager who regularly works on real property on which a Code Violation occurs and who is responsible for the business or other activities on that real property;

g. The owners, majority stockholders, corporate officers, trustees, general partners and any other party with the authority to act for a legal entity that is a responsible person under divisions (a) through (f) of this definition;

h. If a party is a minor or incompetent, the parents, guardians, or legal representative of such party shall be deemed the Responsible Party; and

i. Any other individual, association, co-partnership, political subdivision, public entity, municipality, industry, public or private corporation, firm, organization, partnership, joint venture or any other person or entity whatsoever whose act or omission caused or contributed to a violation of this Code.