



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
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Sean Powers, Agency Director

Agricultural Commissioner

Building Department

Environmental Health

Planning Department

Dept. of Public Works

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**NEVADA COUNTY BOARD OF SUPERVISORS**  
**Board Agenda Memo**

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**MEETING DATE:** October 23, 2018  
**TO:** Board of Supervisors  
**FROM:** Sean Powers, CDA Director  
**SUBJECT:** Resolution directing the Community Development Agency (CDA) to establish a preapplication conditional process for temporary local authorization in response to State inquiries regarding cannabis cultivation for State temporary licenses.

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**RECOMMENDATION:** Approve resolution directing CDA to establish a preapplication conditional process for temporary local authorization for responding to State inquiries regarding cannabis cultivation for State temporary licenses.

**FUNDING:** N/A. This resolution reflects tasks related to ongoing work administered through multiple budgets.

**BACKGROUND:** Staff continues to respond to significant changes with State regulations regarding cannabis. Staff expects continued additional rounds of clean up language as the regulations evolve. State temporary licenses are set to expire on December 31, 2018 and will not be extended per the State regulations. This creates a potential problem for linking State licenses with local permitting for 2019.

On September 27, 2018, SB 1459, the cannabis provisional license bill was signed into law by the Governor. SB 1459 states an applicant for a state provisional license must hold or have held a temporary license for the same premises and the same commercial cannabis activity for which the license may be issued to operate in 2019. The cannabis community expressed great concern about how this new timing folds into the County's current efforts for 2019. SB 1459 was drafted for counties who have already passed their respective ordinances but are faced with a backlog of local authorizations. Temporary licenses sunset in 2018 and SB 1459 intends to provide a potential alternative to annual State licenses with a provisional license for 2019 and the process for obtaining a provisional license has not been established by the State yet.

CDA's recommendation to respond to SB 1459 is to establish a bridge to allow a placeholder for cultivators to hold a place in line for 2019 with the State. A temporary a local authorization process established by CDA for purpose of preserving the intent to obtain a local authorization and State license in 2019 in conjunction with a local permit could assist with providing a path for compliance under a permanent ordinance for cannabis cultivation regulations. A granted temporary local authorization expires with the expiration of the state temporary license system on December 31, 2018.

Staff will work under a very ambitious timetable to establish the process to be effective prior to December 2018. The proposed start date would be as soon as reasonably possible to respond to the new legislation. The process will involve an administrative review of the preapplication for conditional approval for compliance with the draft ordinance reviewed by the Board on May 22, 2018 including:

1. It reasonably appears that the applicant will be able to cultivate on the same site and under the same license type as requested in the temporary local authorization, once the County's new cannabis cultivation ordinance is adopted.
2. It reasonably appears that the applicant has the ability to satisfy all other minimum requirements of the County's draft ordinance prior to commencing cultivation activities, including but not limited to a primary residence on site, legal water source, compliant zoning and minimum parcel size.
3. The applicant for a temporary local authorization demonstrates that s/he has previously cultivated cannabis in the area for which the temporary local authorization is being issued, such that no new environmental impacts will occur as a result of the temporary local authorization.
4. No cultivation or growing will be allowed under the temporary local authorization until the County's pending EIR is complete and a new cannabis cultivation ordinance has been adopted and County staff can inspect the property for compliance.
5. A temporary local authorization shall give not guarantee or promise that the holder of such local authorization will have the ability to cultivate in the future, obtain an annual state license or annual local permit.
6. The temporary local authorization may be revoked at any time at the discretion of the Community Development Director.

Staff will use as much existing process from the current local temporary cannabis permit process as possible.

The County's objective it to develop a long term County cannabis ordinance that focuses on cultivation, protects neighborhoods, mitigates impacts, establishes appropriate activities for the County, and regulates a developing commercial cannabis industry. Given the timetable staff is under, the full process still needs to be assembled by staff.

**Item Initiated and Approved by:** Sean Powers, CDA Director

Submittal Date: October 12, 2018

Revision Date:

Attachments