



# ORDINANCE NO. 2516

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### AN ORDINANCE AMENDING CHAPTER II OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE ZONING REGULATIONS SECTION L-II 3.30 COMMERCIAL CANNABIS CULTIVATION

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

#### SECTION I:

Chapter II of the Nevada County Land Use and Development Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

#### SECTION II:

Pursuant to land Use and Development Code Section L-II 5.9.G, the Board of Supervisors hereby finds and determines as follows:

1. That the zoning text amendments are intended to modify the cannabis cultivation ordinance. The ordinance proposes the following general changes in addition to other minor changes, clarifications, and clean-up: 1) Allow adult use cultivation in addition to medical use cultivation; 2) Combine Commercial Cannabis Permit (CCP) and Administrative Development Permit (ADP) application/permitting process; 3) Add standards and requirements for additional license types for distribution, non-volatile manufacturing, microbusinesses, and retail sales; 4) Remove onsite residence requirement for adjacent parcels included in common ownership or control of overall Premises; 5) Allow a percentage of Support Area to be used for additional Canopy Area and/or manufacturing/distribution operations; 6) Allow aggregate parcel sizes of multiple parcels to be used to calculate allowed maximum canopy sizes; 7) Modifications to setback requirements to increase setbacks for larger cultivation sites, modify setbacks to sensitive sites to be consistent with State requirements, and modify setbacks for shared property lines of a Premises; 8) Add parking requirements; 9) Add language regarding compliance with Covenants Conditions and Restrictions (CC&R's); 10) Other minor changes and language clarifications.
2. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, and supports the cannabis industry and adds protections for adjacent properties; and

3. The County finds that this Article is subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15162 and 15164. For a project with modification from an original approved project, State CEQA Guidelines (Sections 15162 and 15164) discuss subsequent EIR's and Negative Declaration and provides that an Addendum to a certified EIR may be prepared if only minor technical changes or additions are necessary or none of the conditions calling for the preparation of a subsequent EIR have occurred. By separate Resolution, the Board of Supervisors adopted an Addendum to the certified EIR (EIR18-0001, SCH#2018082023) pursuant to CEQA Sections 15162 and 15164 and made the appropriate CEQA findings for the Ordinance amendments.

SECTION III:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the 9th day of February, 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, a newspaper 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 10<sup>th</sup> day of January, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Edward C. Scofield, Chair

1/10/2023 cc: Union\*  
COB\*  
CoCo\*  
QC\*

### Sec. L-II 3.30 Cannabis Cultivation

- A. **Authority and Title.** Pursuant to the authority granted by Article XI, section 7 of the California Constitution, Health and Safety Code section 11362.83, and Government Code section 25845, the Board of Supervisors does enact this Section.
- B. **Purpose and Intent.**
1. It is the purpose and intent of this Section to implement State law by regulating the cultivation of cannabis in a manner consistent with State law. It is also the intent of this Section to balance the needs of adult-uses and medical patients and their caregivers and to promote the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Nevada. This Section is intended to be consistent with State law. The intent and purpose of this Section is to establish reasonable regulations regarding the manner in which cannabis may be cultivated, distributed and processed including non-volatile manufacturing, and retail sales, including restrictions on the amount and location of cannabis that may be cultivated on any premises, in order to protect the public health, safety, and welfare in Nevada County, and to address the adverse impacts previous local regulations have failed to curtail.
- C. **Definitions.** As used herein the following definitions shall apply:
1. **Accessory Structure** - A separate and legally permitted building or structure located on the premise where cannabis is being cultivated. The structure must be permitted pursuant to applicable building codes and, although it may be permitted for other uses, it must also be permitted specifically for Cannabis Cultivation. Notwithstanding the foregoing, an Accessory Structure may include an attached structure, but Cultivation may not take place in any space inhabited by humans, and must comply with all other local regulations pertaining to Accessory Structures to the extent they are applicable to an attached structure.
  2. **Annual Cannabis Permit (ACP)** - A permit issued by Nevada County in final form allowing the permit holder to conduct Commercial Cannabis Activities as set forth in the permit.
  3. **Cannabis** shall have the same meaning as that set forth in Health and Safety Code section 11018, as may be amended. Cannabis, Medical Cannabis, and the Cultivation thereof, as defined in this Section shall not be considered an agricultural activity, operation or facility under Civil Code section 3482.5 or an Agricultural Product as defined in Section L-II 3.3 of the Nevada County Land Use and Development Code, or an Agricultural Operation as defined in Sections L-II 3.3, L-II 6.1 and L-XIV 1.1 of the Nevada County Land Use and Development Code.
  4. **Canopy and Canopy Area** - The designated area(s) at a licensed and permitted Premises, including Nurseries but excluding Immature Plant Areas, that may contain mature Cannabis plants at any point in time:
    - a. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain the entirety of mature plants at any point in time, including all of the space(s) within the boundaries.
    - b. Canopies must be clearly identified on site plans, and may be noncontiguous, but each unique area included in the total Canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, Accessory Structure walls, or fencing. This definition does not include ancillary spaces such as spaces used for drying, curing, or trimming.
    - c. Canopy boundaries shall encompass the entire plant. Cannabis plants which extend outside the boundaries are considered outside the "Canopy" boundaries and would be considered out of compliance with any permit issued pursuant to this Section.
    - d. Cultivation of mature plants using a shelving system or moveable horizontal benches, the surface area of each level shall be included in the total canopy cultivation.
  5. **Childcare Center** - Any licensed childcare center, daycare center (including small family), childcare home, or any preschool.



6. **Church** - A structure or lease portion of a structure, which is used primarily for religious worship and related religious activities.
7. **Commercial Cannabis Activity** - All Commercial Cannabis-related activities contemplated by or for which a license may be required by the State of California as codified in its Business & Professions Code, Code of Regulations, Government Code, Health and Safety Code, Labor Code and Revenue and Taxation Code, as may be amended.
8. **Commercial Cannabis Cultivation** - Cultivation of Medical Cannabis and/or Adult Use Cannabis, excluding Cultivation of no more than six (6) plants for Personal Use consistent with state law, including operation of a Nursery.
9. **Cultivation or Cultivate** - The grading, planting, growing, harvesting, drying, curing, trimming, or storage, or any combination of these activities, of one or more Cannabis plants or any part thereof in any location, Indoor or Outdoor, including from within a fully enclosed and secure building.
10. **Daycare Center** - Resident or non-resident-based daycare services for over 14 children including resident children, under the age of ten (10) years old, if located within a residence, or as provided for in the Health and Safety Code section 1596.76, as may be amended.
11. **Daycare, Small Family** - Where resident child daycare services are provided in the home for 8 or fewer children, including the resident children, under the age of ten (10) years old, or as provided for in Health and Safety Code section 1596.78(c), as may be amended.
12. **Designated Responsible Party(ies)** - The individual or entity legally and primarily responsible for all the Commercial Cannabis Activities on the Parcel and/or Premises related to Commercial Cannabis Activities. The Designated Responsible Party(ies) must be licensed by the State of California for the Commercial Cannabis Activities which he/she/they intend on conducting in Nevada County. If the licensee is not the property owner, the legal property owner of any Parcel and/or Premises upon which any Commercial Cannabis Activity will be conducted in Nevada County will also be considered a Designated Responsible Party.
13. **Distribution** - the procurement, sale, and transport of cannabis and cannabis products between licensees.
14. **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.
15. **Fire Authority** - The CAL Fire unit chief, Fire Marshal, or the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, and all chief officers, Office of Emergency Services staff, contractors or designees, company officers and trained prevention staff as may be designated by a Fire Chief to enforce the provisions of this Section.
16. **Habitable Space** - Space intended for or which is used for habitation by humans or which is occupied by humans.
17. **Hazardous Materials** - Any Hazardous Material as defined in California Health and Safety Code section 25501, as may be amended.
18. **Hearing Body** - A hearing officer or hearing body designated by the Board of Supervisors to conduct administrative hearings as provided in Section L-II 5.23 of this Chapter.
19. **Identification card** shall have the same definition as California Health and Safety Code section 11362.7, as may be amended.
20. **Immature Plant** - A Cannabis plant which is not flowering.
21. **Immature Plant Area** - An area designated for the production of only clones, Immature Plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis on and solely for the use of a licensed Cannabis Cultivation Premises.



22. **Indoor or Indoors** - Cultivation using exclusively artificial light or mixed light within a detached fully enclosed and secure Accessory Structure using artificial light at a rate above twenty-five watts per square foot and that complies with the California Building Code (Title 24, California Code of Regulations) for that specific occupancy type, as adopted by the County of Nevada, except for structures that are exempt from the requirement to obtain a building permit under the Nevada County Land Use and Development Code. For purposes of Personal Use only, "Indoor" or "Indoors" shall also include Cultivation inside a private Residence or attached garage, but not in areas inhabited by humans, including, but not limited to bedrooms and kitchens.
23. **Local Authorization** - As required by California Code of Regulations, section 8100(b)(6), California Code of Regulations, section 8110, California Business and Professions Code section 26050.1(a)(2), or as amended respectively and by any other regulation requiring local license, permit or other local authorization to engage in Commercial Cannabis Activity, means a permit issued in final form by the Permitting Authority specifically allowing the holder of said permit to engage in the Commercial Cannabis Activity within the limitations set forth in said permit and allowing for the type of Commercial Cannabis Activity sought by the individual seeking the state license.
24. **Manufacturing" or "Manufacturing Operation"** means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
25. **Medical Cannabis** - Cannabis recommended by a licensed physician, in accordance with California Health and Safety Code sections 11362.5 through 11362.83, commonly referred to as the Compassionate Use Act and the Medical Cannabis Program Act.
26. **Microbusiness** - an operation that engages in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.
27. **Mixed Light** - The Cultivation of mature or Immature Cannabis Plants in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation using light deprivation and/or one of the artificial lighting models described below:  
**Mixed Light Tier 1** - The use of artificial light at a rate of six watts per square foot or less.  
**Mixed Light Tier 2** - The use of artificial light at a rate above six watts and below or equal to twenty-five watts per square foot. "Mixed Light" cultivation must take place in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation.
28. **Non-Remunerative Cultivation** - The Cultivation of Medical Cannabis only by a Primary Caregiver on behalf of a Qualified Patient for no monetary compensation except for actual expenses as allowed by Health and Safety Code section 11362.765(c). Non-remunerative Cultivation must comply with all Commercial Cannabis Cultivation regulations.
29. **Non-Volatile Manufacturing** - extractions using mechanical methods or nonvolatile solvents as defined by this section. A Non-Volatile Manufacturing operation may also:
  - (a) Conduct infusion operations on the licensed premises; and
  - (b) Conduct packaging and labeling of cannabis products on the licensed premises; and
30. **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.
31. **Nursery** - The production of only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis for wholesale distribution or sales to another State licensee in accordance with California law.
32. **Outdoor or Outdoors** - Cultivation of Cannabis in any location that is not "Indoors" nor "Mixed Light" and which is cultivated without the use of any artificial light at any time.

33. **Parcel** - Any legal parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the California Government Code).
34. **Parks** - Private and public parks, playgrounds, play lots, athletic fields, tennis courts, public outdoor gathering area, recreational area, restrooms and similar facilities.
35. **Permitting Authority** - The Community Development Agency Director, Building Director, Planning Director, Environmental Health Director, Code Compliance Program Manager, and/or Fire Authority and/or their designee(s).
36. **Personal Use** - Cannabis cultivated for Personal Use, not for any commercial purpose and not for sale, donation, gifting, or any other purpose other than the Personal Use of the individual who Cultivates. Personal Use does not include Cannabis which is Cultivated for non-remuneration.
37. **Premises** refers to the site where Cultivation occurs and includes at least one legal Parcel but may include multiple Parcels if such Parcels are under common ownership or control and at least one Parcel contains a legally permitted and occupied Primary Place of Residence.
38. **Primary Caregiver** shall have the definition set forth in Health and Safety Code section 11362.7(d), as may be amended.
39. **Primary Place of Residence** - The Residence at which an individual resides, uses or otherwise occupies on a full-time, regular basis.
40. **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.
41. **Qualified Patient** shall have the definition as set forth in Health and Safety Code sections 11362.7(c) and (f), as may be amended.
42. **Residence** - A fully enclosed permanent structure used, designed or intended for human occupancy that has been legally established, permitted, and certified as a single-family or multi-family dwelling in accordance with the County Land Use and Development Code. Recreational Vehicles (RVs), trailers, motorhomes, tents or other vehicles or structures which are used, designed, or intended as temporary housing shall not constitute a Residence for purposes of this Section, whether or not such vehicle or structure is otherwise permitted or allowed under the Nevada County Land Use and Development Code.
43. **Retail Sales** – (a) Storefront Retail Sales - means a building, room, or other area that is open to the public, upon the licensed retailer or licensed microbusiness premises authorized to engage in retail sales in which cannabis goods are sold or displayed.  
(b) Non-Storefront Retail Sales – means conducting retail sales exclusively by delivery as defined in Business and Professional Code section 26001(o) and be closed to the public.
45. **School** - An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
46. **Sensitive Site** - A School, Church, Park, Child or Daycare Center, or Youth-Oriented Facility.
47. **Sheriff or Sheriff's Office** - The Nevada County Sheriff's Office or the authorized representatives thereof.
48. **Support Area** - An area associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured Cannabis products and/or supplies, and infrastructure (water storage tanks) exclusively used for and necessary for Cannabis Cultivation, and Immature Plant Areas.

49. **Transport** - The movement of Cannabis by a person or entity holding a Distributor Transport Only (Self-Transport) license from the State of California to transport its own Cannabis off its own Cultivation site.
50. **Violator** - Any person or entity who causes, permits, maintains, conducts or otherwise suffers or allows a violation of this Section and/or a nuisance to exist, including but not limited to the owner(s) of the Parcel or Premises, the occupant(s) if other than the owner(s), the holder(s) of any permit obtained pursuant to this Section, any Designated Responsible Party, and/or any person or entity who causes a public nuisance as described in this Section L-II 3.30, including any person or entity who causes such nuisance on property owned by another.
51. **Youth-oriented Facility** - Any facility that caters to or provides services primarily intended for minors, or where the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

**D. Nuisance Declared; Cultivation Restrictions.**

1. Cannabis Cultivation, either Indoors, Mixed Light or Outdoors, on any Parcel or Premises in an area or in a quantity greater than as provided herein, or in any other way not in conformance with or in violation of the provisions of this Section L-II 3.30, any permit issued pursuant to this Section, and/or state law, is hereby declared to be a public nuisance that may be abated by any means available by law. The provisions of Section L-II 5.19 (Nonconforming Uses and Structures) of the Nevada County Land Use and Development Code shall not apply to Cannabis Cultivation hereby declared to be a public nuisance. No person owning, leasing, occupying, or having charge or possession of any Parcel or Premises within the County shall cause, allow, suffer, or permit such Parcel or Premises to be used for Cannabis Cultivation in violation of the California Health and Safety Code or this Section.
2. Cannabis Cultivation is prohibited on any Parcel or Premises within the unincorporated territory of Nevada County except on Parcels or Premises with a legally established Residence or an adjacent Parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.
3. Cannabis Cultivation is hereby prohibited and declared a nuisance pursuant to this Section, except that Cannabis Cultivation may be undertaken in accordance with this Section as follows:
  - a. On Parcels or Premises with a legally established Residence or adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.
  - b. Only by an individual or entity who engages in Commercial Cannabis Cultivation for medical or adult purposes, including operation of a Nursery in accordance with state and local law.
  - c. By an individual for Personal Use in accordance with Subsection E below and in accordance with state and local law.
4. Indoor and Mixed-Light Cannabis Cultivation may occur only within a permitted Accessory Structure that meets the requirements of this Section and complies with all applicable provisions of the County's Land Use and Development Code and which is permitted for purposes of the specified type of Cannabis Cultivation. Cultivation shall not take place in a kitchen, bathroom, bedrooms, common areas or any other space in the structure, which is used as, designed or intended for human occupancy. Structures that are exempt from the requirement to obtain a building permit under the Nevada County Land Use and Development Code may be used for Commercial Cannabis Cultivation if meeting all requirements of the Nevada County Land Use and Development Code for that specific structure. Notwithstanding the above, Cannabis Cultivation for Personal Use may occur inside a private residence, but not in bedrooms or kitchens.
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. 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.
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.
  - c. All electrical, mechanical, and plumbing used for Indoor or Mixed-Light Cultivation of Cannabis shall be installed with valid electrical, mechanical, and plumbing permits issued and inspected by the Nevada County Building Department, which building permits shall only be issued to the legal owner of the Premises or their authorized agent. The collective draw from all electrical appliances on the Premises shall not exceed the maximum rating of the approved electrical panel for the Parcel. Electrical utilities shall be supplied by a commercial power source. If generators are used for emergency purposes as approved by the Enforcing Officer, all generators shall be located in containment sheds while in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. This is an annual requirement and shall be verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or held in abeyance until the project infraction is brought into conformance with this Section.
  - 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.
  - e. All structure and site utilities (plumbing, electrical and mechanical) shall comply with the California Building Standards Codes as adopted by the County of Nevada.
  - f. 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. 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.
  - g. Noise levels generated by Cultivation shall not exceed the standards set forth in Table L-II 4.1.7 (Exterior Noise Limits) of this Chapter applicable to the Land Use Category and Zoning District for the Premises on which the Cultivation occurs.
  - h. If the person(s) engaging in Cannabis Cultivation is/are not the legal owner(s) of the Parcel, the person(s) who is engaging in Cannabis Cultivation on such Parcel shall: (a) give written notice to the legal owner(s) of the Parcel prior to commencing Cannabis Cultivation on such Parcel, and (b) shall obtain a signed and notarized Nevada County issued authorization form from the legal owner(s) consenting to the specific Commercial Cannabis Activity for which a local permit and state license are being sought on the Parcel and

provide said authorization to Nevada County prior to the commencement of any Cultivation activities and at least annually thereafter. A copy of the most current letter of consent shall be displayed in the same immediate area as designated in the permit and license, in such a manner as to allow law enforcement and other Enforcing Officers to easily see the authorization without having to enter any building of any type. Such authorization must also be presented immediately upon request by an Enforcing Officer.

- i. The use of Hazardous Materials shall be prohibited in Cannabis Cultivation except for limited quantities of Hazardous Materials that are below State of California threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. Any Hazardous Materials stored shall maintain a minimum setback distance from water sources in accordance with Nevada County Land Use and Development Code Chapter X. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

Exception: Liquefied Propane tanks up to 1,000 gallons installed in accordance with the California Fire Code and California Health and Safety Code and approved by the Fire Authority, Nevada County Building Department and Nevada County Environmental Health Department.

- j. All Premises used for Cannabis Cultivation shall have a legal and permitted water source and shall not engage in unlawful or unpermitted drawing of surface or piped water or permit illegal discharges of water. For purposes of engaging in Cannabis Cultivation pursuant to this Section, water delivery is prohibited.
- k. All Premises used for Cannabis Cultivation shall have a legal and permitted sewage disposal system and shall not engage in unlawful or unpermitted drawing of surface water or permit illegal discharges of water.

7. Accessory Structures used for Cannabis Cultivation shall meet all of the following criteria:
  - a. The Accessory Structure, regardless of size, shall be legally constructed in accordance with all applicable development permits and entitlements including, but not limited to, grading, building, structural, electrical, mechanical and plumbing permits approved by applicable federal, state and local authorities prior to the commencement of any Cultivation Activity. The conversion of any existing Accessory Structure, or portion thereof, for Cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable federal, state and local authorities prior to commencement of any Cultivation Activity. Any Accessory Structure must also be permitted for the specific purpose of Commercial Cannabis Cultivation. Agricultural structures constructed in compliance with the Nevada County Land Use and Development Code may be used for Commercial Cannabis Cultivation if a letter of exemption is issued by the Nevada County Chief Building Official or his/her designee certifying that the structure meets all requirements to receive a letter of agricultural exemption.
  - b. The Accessory Structure shall not be built or placed within any setback as required by the Nevada County Land Use and Development Code or approved development permit or entitlement.
  - c. Accessory Structures shall not be served by temporary extension cords. All electrical shall be permitted and permanently installed.
  - d. Accessory Structures used for Indoor Cultivation shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent any odor, humidity, or mold problem within the structure, on the Premises, or on adjacent Parcels.
  - e. Any structure used for Indoor Cultivation shall have a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and

constructed of solid materials that cannot easily be broken through, such as 2" x 4" or thicker studs overlain with 3/8" or thicker plywood, polycarbonate panels, or equivalent materials. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy these requirements.

8. Where the provisions of this Section are more restrictive than the Nevada County Land Use and Development Code, the provisions of this Section shall govern.
  9. Nothing herein shall limit the ability of the Enforcing Officer or any other state or local employees or agents from entering the property to conduct the inspections authorized by or necessary to ensure compliance with this Section, or the ability of the Sheriff to make initial inspections or independent compliance checks. The Enforcing Officer is authorized to determine the number and timing of inspections that may be required.
  10. All Canopy Areas and Support Areas must be adequately secured to prevent unauthorized entry and entry by children and include a locking gate that shall remain locked at all times when a Designated Responsible Party is not present within the Cultivation site. Cannabis or any portion thereof and whether mature or Immature shall not be visible and clearly identifiable from a public right-of-way.
  11. Notwithstanding the above, Cannabis Cultivation of up to six (6) Immature or mature plants for Personal Use may be Cultivated inside a private Residence or attached garage except that it may not be Cultivated in any space inhabited by humans, including but not limited to bedrooms and kitchens.
  12. 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.
- E. **Personal Use Cannabis Cultivation.** All Cultivation of Cannabis for Personal Use must conform to the regulations and requirements set forth in subsection D, above, in addition to the following regulations and requirements.

Personal Use Cannabis Cultivation is allowed as follows:

1. For Personal Use only, Cannabis Cultivation may occur only on a Parcel or Premises with an occupied legally permitted Primary Place of Residence and only in the following zones:
  - a. R-1, R-2, R-3 and R-A (Residential Designation) on Parcels of any size:
    - Indoors: Maximum of six (6) plants, mature or immature.
    - Mixed Light or Outdoors: Cultivation is prohibited.
  - b. RA (Rural and Estate Designation):
    - Parcels of 5.00 acres or more:
      - Indoors, Mixed-Light and Outdoors or a combination of methods: a maximum of six (6) plants, mature or immature.
  - c. AG, AE, FR, and TPZ:
    - Parcels of equal to or less than 1.99 acres:



Indoors: a maximum of six (6) plants, mature or immature.

Mixed-Light and Outdoors: Cultivation is prohibited.

Parcels of 2.00 acres or greater:

Indoors, Mixed-Light and Outdoors: a maximum of six (6) plants, mature or immature.

2. The following setbacks apply to all Cannabis Cultivation sites regardless of purpose or Cultivation method:

a. For all External, Non-shared Premises Property Lines:

100 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes under 10,001 square feet.

150 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.

200 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.

b. For all External, Non-Shared Premises Property Lines:

100 linear feet measured from the edge of any Support Area to the adjacent property lines for canopies sizes under 10,001 square feet.

150 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.

200 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.

c. For all Shared Internal Premises Property Lines of the parcels under common ownership or control that are part of the permitted Premises:

Indoor and Mixed Light Canopy Areas and all structures including Support Area structures shall meet the setbacks of the base zoning district identified by this Chapter.

Outdoor Canopy Areas that do not include any structures do not require setbacks from shared parcel lines that are under common ownership or control that are part of the permitted Premises.

d. In a mobile home park as defined in Health and Safety Code section 18214.1, 100 feet from mobile home that is under separate ownership.

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 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 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. 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:

Commercial Cannabis Cultivation is prohibited.

b. AG, AE, FR:

Parcels of less than 2.00 acres:

Commercial Cannabis Cultivation is prohibited.

Parcels 2.00 acres up to 4.99 acres:

Indoors: a maximum of 500 square feet of Canopy.

Mixed-Light and Outdoors: Commercial Cannabis Cultivation is prohibited.

Parcels 5.00 acres up to 9.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 2,500 square feet of Canopy. Up to 55% of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.

Parcels or multiple contiguous parcels under common ownership or control of 10.00 acres up to 19.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 5,000 square feet of Canopy. Up to 55% of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.

Parcels or multiple contiguous parcels under common ownership or control of 20.00 acres up to 39.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 10,000 square feet of Canopy. Up to 55% of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage for Mixed-Light and/or Outdoor cultivation only.

Parcels or multiple contiguous parcels under common ownership or control of 40.00 acres up to 59.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 20,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.

Parcels or multiple contiguous parcels under common ownership or control of 60.00 acres up to 79.99 acres:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 30,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet or 20,000 square feet of mixed light.

Parcels or multiple contiguous parcels under common ownership or control of 80.00 acres or greater:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 40,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet or 20,000 square feet of mixed light.

2. The six (6) plants permitted to be Cultivated on any Premises for Personal Use in accordance with this Section and state law may be Cultivated in addition to the amounts allowed for Commercial Cannabis Cultivation by this Section.
3. Commercial Cannabis may be Cultivated on Premises with multiple Parcels only if there is direct access from one Parcel to the other. The total Canopy Area shall not exceed that allowed area based on the total aggregate size of all contiguous parcels included in the operation as identified in Section F.1(b) above. The total Canopy Area and any Support Area must comply with all setback requirements as described in Section E.2 above.
4. All those engaged in Commercial Cannabis Cultivation in Nevada County must possess and maintain the appropriate Commercial Cannabis license(s) from the State of California. State licenses must cover and allow for the Commercial Cannabis Cultivation activities being conducted in Nevada County.
5. The holder of an Annual Cannabis Permit for Commercial Cannabis Cultivation or for Non-Remuneration Cultivation in Nevada County may also Transport its own Cannabis from its

licensed and permitted Premises to the extent allowed by the permit holder's State license and State law without obtaining an additional permit from Nevada County. The permit from Nevada County, however, must indicate that such Transport is specifically allowed. In order to engage in Transport of Cannabis or Cannabis products, the permit holder must provide the County with proof of possession of a "Distributor Transport Only" (Self-Distribution only) California State license, and/or "Distributor" California State license, as set forth in California Code of Regulations, Title 16, Division 42, Chapter 2, section 5315, allowing for Transport of Cannabis from the Cultivation site as long as said license is necessary under State law. Said State license must be maintained in good standing in order to engage in the Transport of Cannabis in the County of Nevada. Notwithstanding the foregoing, this provision does not authorize the holder of an ACP to Transport Cannabis away from the Cultivation sites of other permit holders.

6. 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.
7. A maximum of three (3) Cultivation permits will be issued per person or entity for purpose of engaging in Commercial Cannabis Activities. No person or entity may have any financial interest in more than eight (8) Commercial Cannabis businesses and/or enterprises in Nevada County Cannabis Cooperatives as defined by Business and Professions Code, Division 10, Chapter 22 are exempt from the limitations contained in this Subsection F.7.
8. A Primary Caregiver may cultivate no more than five hundred (500) square feet of Canopy per Qualified Patient for up to five (5) specified Qualified Patients for whom he or she is the Primary Caregiver within the meaning of Section 11362.7 of the Health and Safety Code, if said Primary Caregiver does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code. Cultivation under this provision, however, must otherwise comply with all other regulations applying to Commercial Cannabis Cultivation under this Section.
9. Cannabis Support Areas are limited to a maximum area equal to 90% of the allowed Canopy Area. The Support Area boundary shall be clearly identified on any plans that are submitted and on the Premises.
10. Standard Parking: One regular space per employee shall be provided onsite.

Accessible Parking: The accessible parking standards for Commercial Cannabis operations shall be in accordance with the most recently adopted version of the California Building Standards Codes. These standards will be in accordance to Public Accommodations as outlined in Chapter 11B of the California Building Code, Accessible parking is required only when there are fully permitted commercial accessory structures such as processing structures, office buildings, and greenhouse structures. Ag exempt structures do not require disabled accessible parking facilities.

Parking spaces for non-ADA spaces may be gravel or other compacted surface capable of supporting vehicles. If employees are living onsite parking spaces required for the residence may be credited toward the total employee spaces required onsite (up to 2 spaces per legal dwelling). ADA parking spaces (if required) may be counted in the total required parking space count (i.e. 7 employees proposed, 6 regular spaces and 1 ADA space for a total of 7). Any parking spaces provided in excess of the required parking are not required to meet County standards. Driveway standards are required to be met for all cannabis projects regardless of parking requirements.

- G. **Permitting of Commercial and Non-Remuneration Cannabis Activities.** Permitting to engage in Commercial Cannabis Activities or Non-Remunerative Cannabis Cultivation in Nevada County is a two-step process. One must obtain both an Administrative Development Permit (and an Annual



Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Subsection F and this Section.

1. Administrative Development Permit (ADP) requirements are as follows:
  - a. Canopy sizes of a combined total of up to 40,000 sq. feet (Indoors, Mixed-Light or Outdoors) on the Premises depending on parcel(s) size as described in F.1 above.
  - b. Applicant must provide the following as part of their application for an ADP:
    - i. A complete application.
    - ii. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
    - iii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
    - iv. All ADP permits are subject to all of the resource protection standards identified in Section L-II 4.3.3 of this Chapter.
    - v. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section. In addition the site plan shall include:
      - a) All landmark trees, landmark groves and heritage trees and groves as defined in the Nevada County Land Use and Development Code. If such trees exist, the applicant shall indicate that the proposed cultivation sites and any proposed ancillary structures would not require removal of any of the listed trees and that all Cannabis cultivation and Accessory Structures are outside the existing drip line of all trees. If any Cultivation or Accessory Structure would require removal or encroach in the drip line of any trees and the project plans shall be revised to avoid the trees. If any trees or groves are dead, dying, or a public safety hazard as determined by a qualified professional, no further action is required.
      - b) All Prime Farmland, Unique Farmland, or Farmland of Statewide Importance based on the most recent available mapping provided by the California Department of Conservation (CDOC) Farmland Mapping & Monitoring Program (FMMP) that exist on the project site. If such lands exist, the applicant shall show on the site plan(s) that any proposed Accessory Structure and related improvements (e.g., driveways, staging areas, etc.) have been located on the property in which impacts to mapped farmlands are reduced to the maximum extent practicable. A Management Plan pursuant to LUDC section L-II 4.3.3 shall be required if any Cultivation activities or structures encroach into mapped farmland.
    - vi. Irrigation water service verification.
    - vii. Sewer/septic service verification.
    - viii. Electrical service verification.
    - ix. A security plan.
    - x. A light control plan that demonstrates how light used for cultivation purposes would be controlled. Light control measures may include but not be limited to means such as using blackout tarps to completely cover all greenhouses and hoop-houses or restricting the use of lighting between sunset and sunrise.
    - xi. All Administrative Development Permit applications shall include language in project Cultivation plans and on project site plans when applicable, that the grading or

building permit for the proposed project shall comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the NSAQMD during any construction and during operations of Cannabis facilities. Compliance with NSAQMD Rule 226 Dust Control Plan shall be required, and all construction equipment (75 horsepower and greater) shall not be less than Tier 3, less than Tier 4 Interim if construction starts after 2025, and Tier 4 Final if construction starts after 2030. Written documentation that the Cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.

- xii. All Administrative Development Permit and Non-Remuneration Cultivation operations are restricted from burning any Cannabis or other vegetative materials. The following language shall be included on all site plans: "The burning of any part of the Cannabis plant or plant materials that is considered excess or waste is prohibited from being burned."
- xiii. All applications shall include biological pre-screening materials. The materials shall include adequate information to define site constraints and show potentially sensitive biological resource areas. Materials shall include, at a minimum, project location (site address and parcel numbers); site aerials, photographs of proposed areas of disturbance (includes Canopy area, Accessory Structures, and any related improvements [e.g., driveways, staging areas, etc.]), photographs of vegetative cover, a thorough project description describing all phases of construction, all proposed structures and Cultivation areas, location of any streams, rivers, or other water bodies, limits and depth of grading, any grading cut or fill in a stream, river, or other water body, any water diversions and/or description of the source of water, water storage locations, and source of electricity (if applicable). If avoidance or protection measures are required, a Habitat Management Plan (HMP) consistent with the requirements of Section L-II 4.3.3 of the Nevada County Land Use and Development Code shall be prepared. If potential impacts on these biological resources cannot be reduced to less than significant levels, no permit shall be issued.
- xiv. Applications shall include a Non-Confidential Records Search to NCIC to determine the potential for Commercial Cannabis Cultivation sites to disturb historic, cultural, or tribal resources. Upon receipt, should the County find the NCIC recommends a cultural resource study; the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. No permit shall be issued until the completion of such report, and if needed, until recommended mitigation is implemented, or a plan has been submitted to the County for implementation.
- xv. All applications that include ground disturbance shall include a note on the plans that if subsurface archeological and/or paleontological features or unique geologic features are discovered during construction or ground disturbance, all activities within 50-feet of the find shall cease and the County shall be notified immediately. A qualified archaeologist/paleontologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. If buried human remains are discovered during construction or ground disturbance, all activities shall cease and the County shall be notified immediately. The County shall notify the coroner to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified, and all sections details in Section 5097.98 of the California Public Resources Code shall be followed.
- xvi. Copy of Deed to Property indicating applicant ownership.
- xvii. Acknowledgement of all standards and requirements set forth in this Section.
- xviii. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).

- xix. Lease information.
  - xx. Payment of applicable fees.
  - xxi. Provide proof of purchase of a Certificate of Deposit or Bond from a commercial banking institution approved by the Enforcing Officer in the amount of \$5,000.00 which may be accessed by County of Nevada.
  - xxii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
  - xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner. A signed Cannabis Permit and Homeowners Association Acknowledgment shall be submitted with the application indicating that it is the responsibility of the applicant to be familiar with and in compliance with the Homeowner's Association rules, regulation and/or covenants.
- c. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
  - 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.
  - e. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked, expires or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP.
- H. Permitting of Distribution. Permitting to engage in Distribution requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.
- 1. Distribution is allowed only on a legally permitted cannabis cultivation premises site with an approved Administrative Development Permit. The area dedicated to distribution shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.
  - 2. A licensed distributor shall distribute only cannabis and cannabis products, cannabis accessories, and licensees' branded merchandise or promotional materials.
  - 3. Distribution activities may include:
    - (a) Moving cannabis and cannabis products between cultivation, manufacturing or distribution premises
    - (b) Moving finished cannabis goods to retail premises
    - (c) Arranging for testing of cannabis goods
  - 4. All activities associated with distribution shall be limited to a maximum of six (6) vehicle trips per day.
  - 5. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.
- I. Permitting of Non-Volatile Manufacturing. Permitting to engage in Manufacturing Activities using Non-Volatile solvents requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.



1. Non-Volatile Manufacturing is allowed only on a legally permitted cannabis cultivation site with an approved Administrative Development Permit. The area dedicated to non-volatile manufacturing shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.
  2. Non-Volatile Manufacturing shall be located within permitted structures that meet setbacks required by this section.
  3. Non-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.
    - (a) A manufacturer licensee shall not manufacture, prepare, package or label any products other than cannabis products at the licensed premises.
    - (b) A manufacturer licensee shall only use cannabinoid concentrates and extracts that are manufactured or processed from cannabis cultivated onsite and/or obtained from a licensed cannabis cultivator.
  4. No equipment or process shall be used in any manufacturing operation which generates noise in excess of the Noise Standards contained in this Chapter.
  5. No equipment or process shall be used in any manufacturing operation which generates off-site, detectable vibration, glare, fumes, significant odors or electrical interference.
  6. All parking for the operation shall be provided on site and shall meet the standards set forth in this chapter.
  7. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.
- J. Permitting of Microbusiness without Storefront Retail Sales: Such facilities require the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section including the following standards:
1. All cultivation, manufacturing, and distribution, shall occur on the same licensed premises.
  2. Microbusiness without Storefront Retail Sales shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution and Non-Storefront Retail Sales for all activities occurring onsite.
  3. Retail delivery is only allowed for licensed Non-Storefront Retailer conducting the sales exclusively by delivery as defined in Business and Professional Code section 26001(o) and shall be closed to the public.
  4. All parking for the operation shall be provided onsite and shall meet the standards set forth in this chapter.
  5. A Microbusiness without Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
  6. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP.

A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

- K. Permitting of Microbusiness with Storefront Retail Sales: Such facilities are allowed subject to approval of a Use Permit as defined in Section L-II 5.6 of this Chapter and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Chapter including the following standards:
1. All cultivation, manufacturing, distribution, and retail activities shall occur on the same licensed premises.
  2. Microbusiness shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution, and/or storefront retail sales) for all activities occurring onsite.
  3. No cannabis or cannabis products shall be consumed onsite.
  4. Operating days and hours for all Storefront Retail Sales activities shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m., including deliveries, or as otherwise allowed by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.
  5. All parking for the operation shall be provided onsite and shall meet the standards set forth in this chapter.
  6. Any and all signages for advertisement of any Storefront Retail Sales related activities, products or services shall comply with Section L-II 4.2.12 of this chapter.
  7. Secondary Access shall be provided for locations that do not meet dead end road standards.
  8. A Microbusiness with Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
  9. Areas of the permitted premises for manufacturing, cultivation, and distribution shall be separated from the retail areas by a wall and all doors between the areas shall remain closed when not in use.
  10. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.
- L. Annual Cannabis Permit (ACP): This permit may be issued to the individual/entity engaging in the Commercial Cannabis Activity and Non-Remuneration Cultivation.
- a. Permit for Commercial Cannabis Activities:  
Applicant must submit the following information as part of the application process:
    - i. A complete application.
    - ii. The exact location of the proposed Cannabis Activity.
    - iii. A copy of all applications of licensure submitted to the State of California related to the proposed Cannabis Activities.
    - iv. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
    - v. Tax identification information.

- vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Activities.
  - vii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
  - viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended Cannabis Activities, setbacks, descriptions of existing and proposed structures and any other aspects required to show compliance with this Section.
  - ix. Irrigation water service verification.
  - x. Sewer/septic service verification.
  - xi. Electrical service verification.
  - xii. A security plan.
  - xiii. Notarized landlord authorization to engage in activity or deed of ownership.
  - xiv. Acknowledgement of standards and requirements set forth in this Section.
  - xv. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).
  - xvi. Lease information.
  - xvii. Payment of applicable fees as may be established and amended by the County.
  - xviii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
- b. Non-Remunerative ACP applicants must submit the following:
- i. A complete application.
  - ii. The exact location of the proposed Cultivation.
  - iii. Sufficient proof that the applicant is a Qualified Caregiver.
  - iv. Copies of valid recommendations from qualified physicians for each Qualified Individual for whom Cannabis is being Cultivated.
  - v. Background information, including but not limited to a statement that the applicant and owner have submitted to a Live Scan background check no earlier than 30 days prior to the date of application.
  - vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Cultivation.
  - vii. Copy of approved identification.
  - viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section.
  - ix. Irrigation water service verification.
  - x. Sewer/septic service verification.
  - xi. Electrical service verification.
  - xii. A security plan.
  - xiii. Notarized landlord authorization to engage in activity or deed of ownership.
  - xiv. Acknowledgement of standards and requirements set forth in this Section.
  - xv. Lease information.
  - xvi. Payment of applicable fees as may be established and amended by the County.

- xvii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
  - xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner. A signed Cannabis Permit and Homeowners Association shall be submitted with the application indicating that it is the responsibility of the applicant to be familiar with and in compliance with the Homeowner's Association rules, regulation and/or covenants.
  - c. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
  - d. Secondary Access and Dead End Road Requirement Exemption:  
Secondary access may be mitigated at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises, that the general public will not have access to the Premises, that no more than ten (10) employees will be on the Premises at any given time, and that Fire Authority approves the exemption. This exemption does not apply to Microbusinesses with Storefront Retail.
  - e. ACPs must be renewed annually.
1. In the event that the proposed site plan does not meet the setback requirements of this Section, the applicant may propose use of an easement agreement with an adjacent property owner or obtain a setback variance in order to satisfy the setback requirements (a "Setback Easement" or "Setback Variance"). Setback Easements and/or Setback Variances relating to Indoor, Mixed-Light and Outdoor Cultivation and Support Areas will be granted and issued at the discretion of the Permitting Authority, and only as follows:
- a. Setback Variances shall follow the requirements of Sec. L-II 5.7 of the Nevada County Land Use and Development Code. Setback Variances shall be limited to a minimum setback of 60 feet to property lines; provided, however, existing structures permitted prior to May 1, 2019 shall be limited to a minimum setback of 30 feet to property lines. Except as set forth in Subsections below, no Setback Variance will be considered for any other provision of this Section including, but not limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation. The findings required for approval of a Setback Variance shall be those listed in Sec. L-II 5.7 in addition to the following finding:
    - i. The Setback Variance will not result in any increased odor impacts to neighboring properties and all potential increases in odor impacts have been adequately mitigated.
  - b. Setback Easements are intended to allow limited flexibility for purposes of compliance with setback requirements only. Except as set forth in Subsections below, no Setback Easement will be considered for any other provision of this Section including, but not limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation.
  - c. Setback Easements must comply with the following:
    - i. Setback Easement area cannot exceed 40% of the required setback.
    - ii. The majority of the burden of the setback must remain with the applicant.
    - iii. The easement must contain the following language: "This easement may be used to meet the Nevada County setback requirements for the purpose of Cultivation Indoors, Mixed-Light, or Outdoors pursuant to the Nevada County Code."
    - iv. All other legal and local requirements of a Setback Easement must be met.
  - d. The Permitting Authority has the discretion to authorize a Cultivation Site or Support Area at a distance less than 1000 feet from a state and/or federal Park if the following criteria are met:

- i. the proposed site is at least 300 feet from the property line of the state or federal Park; and
- ii. the portion of the state or federal Park that is adjacent to the Parcel or Premises upon which the Cultivation Site or Support Area is proposed to be constructed is inaccessible by the public and is unimproved.

The Permitting Authority has the authority to submit the application through the Planning Commission process for approval if, in his/her discretion, such approval is appropriate.

M. **Change in Land Use.** To the extent feasible, the County shall encourage any person proposing to construct or operate a new or relocated School, Sensitive Site, Church, Park, Day Care, or Child Care Center, or Youth-Oriented Facility to consider whether the proposed location of such use is within 600feet of a Premises upon which Cannabis Cultivation is permitted or where a Notice to Abate has been issued within the past year. Upon request, the Enforcing Officer shall inform any person proposing to construct or operate a new or relocated School, Church, Park, Daycare, Childcare Center, or Youth-Oriented Facility regarding whether there is such a Premises within 600feet of the proposed location of such use, and, if so, shall also inform the person, owning, leasing, occupying, or having charge or possession of that Premises that such a use is being proposed within 600feet of the Premises.

N. **Denial, Suspension, and Revocation of Permits.**

1. Denial – Initial Application for Any Permit.

An application for any permit to be issued pursuant to this Section may be denied following review of the application if the Permitting Authority determines that the applicant has not complied with the requirements of this Section or makes any of the findings listed in Subsection I.5 below.

2. Denial – Renewal of ACP.

Renewal of an existing Annual Cannabis Permit may be denied if the Permitting Authority makes any of the findings listed in Subsection I.5 below. The Permitting Authority's decision to deny the renewal of an ACP may be appealed to the Hearing Body as described in Section L-II 5.23 of this Chapter.

3. Suspension of ACP.

Prior to or instead of pursuing revocation of an ACP, the Permitting Authority may suspend an ACP for thirty (30) days if the Permitting Authority makes any of the findings listed in Subsection I.5 below. The Permitting Authority shall issue a Notice of Suspension to the holder of the ACP by any of the methods listed in Section L-II 5.23 of this Chapter. Such Notice of Suspension shall state the reason for suspension and identify what needs to be cured and corrected during the suspension period. Suspension is effective upon service of Notice as described in Section L-II 5.23 of this Chapter. All Cannabis Activities must cease upon suspension. Nothing in this provision shall be construed to limit the Permitting Authority's ability to revoke an ACP without first issuing a suspension. The Permitting Authority's decision to suspend an ACP may be appealed to the Hearing Body as described in Section L-II 5.23 of this Chapter.

4. Revocation – ACP

An ACP may be revoked if the Permitting Authority makes any of the findings listed in Subsection I.5, below. The Permitting Authority shall issue a Notice of Revocation to the holder of the ACP by any of the methods listed in Section L-II 5.23 of this Chapter. The Permitting Authority's decision to revoke an ACP may be appealed to the Hearing Body as described in Section L-II 5.23 of this Chapter.

5. Revocation –ADP.

Any ADP may be revoked in accordance with the procedure set forth in Section L-II 5.11 of this Chapter. An ADP may be revoked based on a finding that any of the following have occurred:

- a. Discovery of untrue statements submitted on a permit application.



- b. Revocation or suspension of any State license required to engage in Commercial Cannabis Activities.
  - c. Current or previous violation by the applicant or violation by the permittee, of any provision of the Nevada County Code or State law relating to cannabis cultivation, including any land use permit conditions associated with the permittee's cannabis business operations.
  - d. Failure to meet any of the general eligibility requirements to obtain a permit as set forth in this Section.
  - e. Violation of, or the failure or inability to comply with, any of the restrictions or requirements for the issuance of a license or conducting cannabis business operations as set forth in this Section, including any administrative rules or regulations promulgated by the Permitting Authority or any conditions associated with the issuance of the permit or any associated land use permit or other associated permit.
  - f. Violation of, or failure to comply with, any land use or other permit requirements associated with the licensee's Commercial Cannabis Activities, including but not limited to zoning, building, fire, and agricultural permits as may be required for the activity and the operations site.
  - g. Violation of, or failure to comply with, any State or local law in conducting business operations relating to cannabis cultivation, including any laws associated with the MAUCRSA.
  - h. With the exception of those employed at a Cultivation site, allowing any person between the ages of 18 and 21 years of age to enter a Cultivation site, or allowing any person younger than 18 years of age to enter a Cultivation site without a parent or legal guardian.
  - i. Failure to contain all irrigation run-off, fertilizer, pesticides, and contaminants on-Premises.
  - j. Failure to allow inspections of the Premises and business operations by the Permitting Authority, Building Official, Fire Authority, law enforcement, or Enforcing Officer at any time, with or without notice.
  - k. Failure to timely pay any local, State, or federal tax associated with or required by the licensee's Cannabis business activities, including any taxes required to be paid under the Nevada County Code, as may be established or amended.
  - l. Creation or maintenance of a public nuisance related to cannabis cultivation.
  - m. Conviction of a criminal offense by any permit holder that would justify denial of a state license.
  - n. Failure to post and maintain at the Cultivation site, in a prominent location, a copy of the local permit(s) issued pursuant to this Section and a copy of any State license(s) required for the Cannabis activity.
  - o. Failure to fully cooperate with a financial audit by the State or County of Nevada of any and all aspects of the permittee's business, including but not limited to on-site inspection and review of financial transactions, sales records, payroll and employee records, purchase orders, overhead expense records, shipping logs, receiving logs, waste disposal logs, bank statements, credit card processing statements, inventory records, tax records, lease agreements, supplier lists, supplier agreements, policies and procedures, and examination of all financial books and records held by the licensee in the normal course of business.
  - p. Intentional or negligent diversion of Cannabis to minors, failure to secure and safeguard Cannabis from minors, or Transport of Cannabis not authorized by this Section or State law.
6. If an initial application or renewal permit is denied, or if a permit is revoked, all Cultivation on the Premises shall cease immediately; provided, however, that the operations may be allowed to continue for a brief period of time to complete miscellaneous wind-down operations at the discretion of the Permitting Authority or other final decision.

7. If an initial application or renewal permit is denied, or if a permit is revoked, the Permitting Authority may impose a probationary period during which an application to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two years.
8. Under no circumstances shall a cause of action for monetary damages be allowed against the County of Nevada, the Permitting Authority, Hearing Body, or any other County official or employee as a result of a denial or a revocation of a permit. By applying for a permit, the applicant and owners associated with a Commercial Cannabis Cultivation business waive any and all claims for monetary damages against the County and all other aforementioned officials and employees of the County of Nevada that may be associated with the denial or revocation of a permit.

**O. Enforcement.**

1. Except as provided herein, this Section shall be enforced by the County's Administrative Enforcement Ordinance as provided in Section L-II 5.23 of this Chapter.
2. Requests for appeals of a Notice to Abate shall be conducted as provided in Section L-II 5.23 of this Chapter.
3. Administrative hearings will be conducted as provided in Section L-II 5.23 of this Chapter.

**P. Administrative Civil Penalties.**

1. Administrative Civil Penalties.
  - a. In addition to any other remedy prescribed in this Chapter, including liability for costs described in Section L-II 5.23 of this Chapter, the County may impose administrative civil penalties for any violation of this Section. Administrative civil penalties may be imposed via the administrative process set forth in this Section, in Section L-II 5.23 of this Chapter, as provided by Government Code section 53069.4, or may be imposed by the court if the violation requires court enforcement.
  - b. Acts, omissions, or conditions in violation of this Section that continue to exist, or occur on more than one day, constitute separate violations on each day.
  - c. Violations of this Section are subject to the immediate imposition of administrative civil penalties shown below, including violations of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements, if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis.
    - i. An amount equal to three times the total of the permit fees per violation; or
    - ii. An amount equal to \$1,000 per violation per day, whichever is greater.
  - d. These amounts are separate and distinct from any administrative civil penalties that may be imposed by the County for other Code Violations, including building or safety code violations as described in in Section L-II 5.23 of this Chapter.
  - e. Abatement of unlawful Cannabis Cultivation prior to any hearing or appeal of a Notice to Abate Unlawful Cannabis Cultivation does not absolve the Violator of the obligation to pay the administrative civil penalties.

- Q. Summary Abatement.** Notwithstanding any other provision of this Section, when any unlawful Cannabis Cultivation constitutes an immediate threat to the public health or safety, and where the procedures set forth in this Section would not result in abatement of that nuisance within a short enough time period to avoid that threat, the Enforcing Officer may direct any officer or employee of the County to summarily abate the nuisance as permitted by law. The Enforcing Officer shall make reasonable efforts to notify the owner(s) of the Parcel or Premises upon which the nuisance exists, as named in the records of the County Assessor; the occupant(s), if other than the owner(s), and if known or reasonably identifiable; and the holder(s) of any permit obtained pursuant to this Section, if applicable and different than the foregoing; however, the formal notice and hearing procedures set

forth in this Section shall not apply. The County may nevertheless recover its costs for abating that nuisance in the manner set forth in this Section or Section L-II 5.23 of this Chapter.

- R. **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.
- S. **Reporting of Violations.** In addition to the remedies set forth in this Section L-II 3.30 or Section L-II 5.23 of this Chapter, a violation of this Section, including operating any Commercial Cannabis Activity without a valid and appropriate license from the State of California or permit from the County of Nevada, shall be a misdemeanor and may result in permit revocation and/or denial of permit or denial of permit renewal. Any individual or entity found to be operating Commercial Cannabis Activities in violation of this Section, local permitting requirements, or without a valid and appropriate state license may be reported to the State of California licensing authorities, the District Attorney's Office, and any other local, state and/or federal enforcing and prosecuting agencies.