



RESOLUTION No. 18-526

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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

WHEREAS, the Board of Supervisors desires to develop long-term regulations related to medical cannabis cultivation; and

WHEREAS, at a Board of Supervisors Special Meeting on May 1, 2018, the Board reviewed a draft ordinance and related issues regarding long-term cannabis cultivation regulations, and provided direction to staff; and

WHEREAS, at a Board of Supervisors Meeting on May 22, 2018, the Board provided a second review of a draft ordinance and related issues regarding long-term cannabis cultivation regulation, provided additional directions to staff, and adopted Ordinance 2450 establishing a local temporary cannabis permit process; and

WHEREAS, State temporary licenses are set to expire on December 31, 2018 and will not be extended per the State regulations creating a potential problem for linking State licenses with local permitting for 2019; and

WHEREAS, on September 27, 2018, SB 1459, the cannabis provisional license bill was signed into law by the Governor; and

WHEREAS, 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 pursuant to this section to operate in 2019 ; and

WHEREAS, 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, and

WHEREAS, a temporary local authorization process established by CDA for the purpose of preserving the intent to obtain a local authorization and provisional 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; and

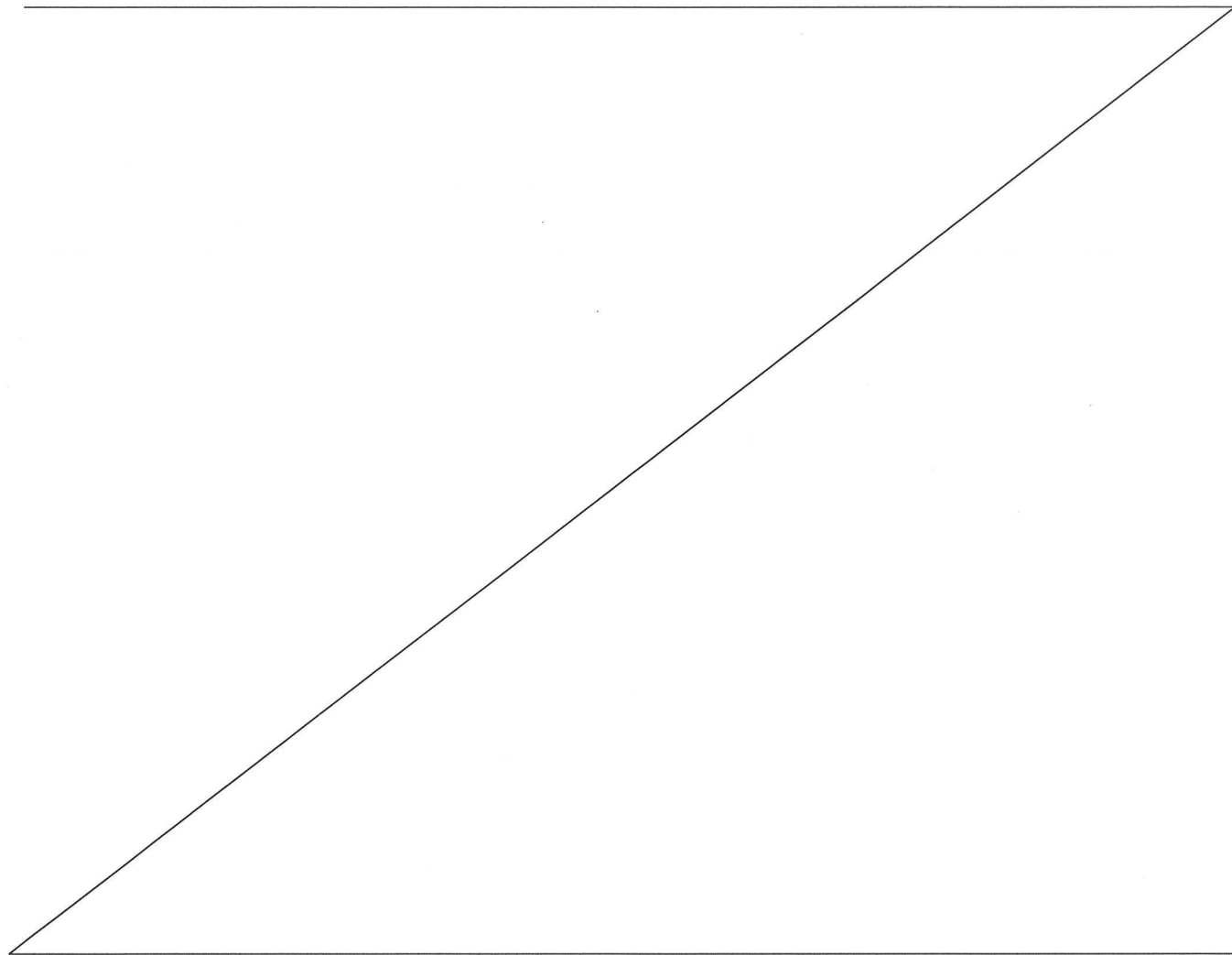
WHEREAS, a granted temporary local authorization expires with the expiration of the state temporary license system on December 31, 2018.

WHEREAS, a temporary a local authorization purpose is for the benefit of existing cultivators prior to 2018 who can adhere to regulations of the draft ordinance and not new cultivators entering the industry in Nevada County; and

WHEREAS, a cultivator is proceeding at their own risk in obtaining a temporary local authorization.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Nevada directs and authorizes the Community Development Agency Director to establish a preapplication conditional process for providing temporary local authorization for responding to State inquiries regarding cannabis cultivation in connection with State temporary. The preapplication conditional process shall, at a minimum, include the following:

1. Temporary local authorizations will be reviewed and compared to the current draft ordinance for the purpose of a preapplication review. A temporary local authorization may only be issued if
 - a. 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; and
 - b. 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; and compliant zoning and minimum parcel size; and,
 - c. 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.
2. 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; and
3. A temporary local authorization shall give no 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; and,,
4. The temporary local authorization may be revoked at any time at the discretion of the Community Development Director.
5. All temporary local authorizations shall expire on December 31, 2018 or concurrently with the applicant's State temporary license, whichever occurs later.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of October, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward Scofield, Chair