

# Administrative Enforcement and Commercial Cannabis Ordinance Amendments

Nevada County Board of Supervisors

June 14, 2022

# Presentation Outline

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# Land Use Admin Ordinance Overview

- ▶ Administrative enforcement codes promote the general health, safety, and welfare of the public
  - ▶ Supports local compliance with Federal, State, and County codes and regulations
  - ▶ Provides cost effective tools to address land-use violations such as notices of violation, abatement orders, and imposition of fines and penalties.
  - ▶ Provides a fair and unbiased appeals process for violators
- ▶ Originally adopted in 2000, last amended in 2021

# Proposed Ordinance Changes

- ▶ **Service of notices**
  - ▶ Clarified service ability through mail, posting, personal and alternative means
- ▶ **Date of Service**
  - ▶ Clarified notice service dates based on the aforementioned service means
- ▶ **Administrative Costs**
  - ▶ Clarified the ability to recover costs related to enforcement; administrative hearings, nuisance abatements, etc.
- ▶ **Judicial Review**
  - ▶ Added County ability to seek judicial review following hearing body decisions
- ▶ **General ordinance language cleanup**

# Commercial Cannabis Ordinance Overview

- ▶ Commercial Cannabis ordinance codes promote the general health, safety, and welfare of the public
  - ▶ Supports local compliance with Federal, State, and County codes and regulations
  - ▶ Supports County's cannabis permitting process
  - ▶ Supports permitted farmers and holds un-permitting farmers accountable
  - ▶ Provides cost effective tools to address cannabis related land-use violations
  - ▶ Provides a fair and unbiased appeals process for violators
- ▶ Originally adopted in 2019, last amended in 2021

# Proposed Ordinance Changes

- ▶ Modified imposition of penalty timeline
  - ▶ Removed 5-day grace period
- ▶ Denial, Suspension, and Revocation of Permits
  - ▶ Added flexibility into denial and revocation qualifiers
- ▶ Denial and revocation probationary period
  - ▶ Added ability to impose probationary period for applicants or permitted cultivators
- ▶ Administrative Costs
  - ▶ Modified enforcement related costs to cross-reference Section L-II 5.23

# Public Noticing

- ▶ Public Noticing

- ▶ 10-day public noticing period

- ▶ Environmental Review

- ▶ Exempt per CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), 15308 and 15321

# Summary

- ▶ Voluntary compliance remains overall goal
- ▶ Proposed modifications will improve accountability on illicit cultivators
- ▶ Improves ability to support permitted farmers and hold unpermitted farmers accountable
- ▶ Proposed amendments created in collaboration with County Counsel
- ▶ Several meetings with local stakeholders
  - ▶ Cannabis Alliance, NCCA, SYRCL, BYLT
- ▶ Planning Commission - May 26, 2022, recommended 4-0 (1 absent) to approve proposed ordinance.



# Staff Recommendation

Staff recommends the Board of Supervisors take the following actions:

- ▶ Find the project categorically exempt from environmental review per CEQA Guidelines (Sections 15060(c), 15061(b)(3), 15308 and 15321)
- ▶ Adopt the attached ordinance amending Chapter II of Title 3 of the Nevada County Land Use and Development Code