

CANNABIS LAND USE AND ZONING WORKSHEET

CAG Member Responses

Observations from CAG Worksheet #1

Worksheet #1 was distributed at CAG meeting #3. CAG members were asked to reflect on current cannabis ordinance and provide comments and suggest potential adjustment. The intent was to provide an opportunity for CAG members to begin formulating opinions on various aspects of the ordinance. We anticipate that some of these opinions have changed since the CAG has received information from a variety of sources and has listened to public comment at each meeting.

For each segment of the ordinance, CAG members provided a broad range of comments and suggestions concerning zoning restrictions and regulations for cannabis cultivation. We have highlighted some examples of comments can inform our discussion topics. Please note: the statements below represent the initial opinions and include a sample of the comments. They do not represent any level of real or implied agreement nor do they represent initial recommendations of the CAG. A summary is provided below. The full transcription of the worksheets, including the ordinance language, follows this section.

Zoning: indoor/outdoor

- County should rely on state guidelines.
- It is harmful and counterproductive to preclude all outdoor growing.
- Ordinance should provide for flexibility based on real conditions (slope etc.)
- Permitted outdoor medical cultivation should be allowed outdoors for parcels 2+ acres or 20+ acres.
- Ordinance should allow 5000 to 10,000 sf of canopy on all parcels appropriately zoned for commercial, thus creating a reasonable pathway for county growers to comply with local regulation.
- There is no reasonable explanation for forcing grows indoors.
- Commercial grows should be allowed if other commercial activities allowed (e.g. winery).
- There should be no outdoor plants on any residential property, no matter the size.
- Regulation should be based on allowable grow area rather than number of plant.
- Should consider impact to surrounding wildlands and forests; impacts could be lowered if grows allowed on smaller parcels.
- Six plants per harvest is reasonable – why would larger parcels be allowed more plants unless they are commercial growers?
- Conditional use permits should be required to grow more than the allowed number of plants or to grow plants outdoors.

Residency requirements:

CAG members provided a broad range of comments and suggestions concerning residency requirements, these included:

- Residency requirements should be flexible or eliminated.
- Requirements should include 2-3 year transition period.
- Residency requirements should be kept as is, they are mandatory to ensure health and safety and stop commercial grows.

- Conditional use permits to allow people to grow on property that is not their primary residence.
- Requirements should follow state regulations.
- Limitations to medical use is unrealistic and ultimately unachievable.
- Indoor cultivation should be out of reach of children.

Setbacks for all parcels:

CAG members provided a broad range of comments and recommendations concerning setback requirements, these include:

- Setbacks should be determined based upon conditions on the ground.
- Setback requirements should be kept as is.
- Setbacks should be measured from neighbor’s residence or outdoor living space.
- Should be in line with current setbacks for other similar developments.
- No outdoor grows should be permitted.
- Agreement that setbacks should increase with parcel size.
- Setbacks should be based on number of plants.
- Regarding 600 ft setback from schools etc.:
 - o Requirement should not include school bus stops, or should be decreased to 150 ft for bus stops.
 - o Setback should be expanded (to 1000 ft. or more).
 - o Should remove churches but add any natural body of water to requirement.

Additional code requirements:

Many of the comments concerning items 10 through 22 were in support of keeping the requirements as they appear now. Other comments and suggestions included:

- Item 10: Requirement is overreaching.
- Item 11: Flexibility should be allowed to adjust to conditions on the ground.
- Item 12: Need to recognize existing regulation that cover most of these concerns in order to avoid overregulating. Need to determine criteria to measure unacceptable levels.
- Item 13: Should include an amnesty period for older structures. Same requirements should be applied to outdoor grows in excess of 6 plants.
- Item 15: Against restriction because it does not allow for indoor cultivation. Restriction should match state regulations and standards.
- Item 17: Already covered by nuisance codes.
- Item 18: Only if over 6 plants.
- Item 19: County should not get involved, it is the owner’s responsibility.
- Item 20: Already covered by existing codes. No hazardous materials should be allowed at all. Need larger buffer for public water.
- Item 21: Need further regulation to protect water.
- Item 22: Allow transition period for older structures to adjust

Full transcription of worksheet responses by item

I. ZONING: INDOOR/OUTDOOR

Item #1—Zoning

Code: G-IV 5.4 (E)(1), (2), (F)(1)

A. Parcel Zoned R1, R2 or R3

Parcel Zoned R1, R2 or R3 Parcel Size	Total Maximum Plants	Maximum Indoor Plants	Maximum Outdoor Plants	Maximum Outdoor Area
2 acres or less	6	6	0	N/A
Greater than 2 acres and up to 5 acres	6	6	0	N/A
Greater than 5 acres and up to 10 acres	6	6	0	N/A
Greater than 10 acres and up to 20 acres	6	6	0	N/A
Over 20 acres	6	6	0	N/A

Potential Adjustments/CAG Member Comments:

- I would rely on the thoroughly researched and vetted state guidelines in this regard, where actual research, science and discussion led to realistic measurements or markers on these guidelines.
 - *Comments:* The current plant numbers and allowable acreages are woefully inadequate and punitive. It is also counterproductive and environmentally harmful to preclude all outdoor growing when using the sun and natural conditions to nurse the plants is not only better grow practice but also dramatically reduces the amount of electricity, water, etc. required to nourish the plants. Such inflexible markers also ignore any analysis of the conditions on the ground at grow sites, e.g. slope, south facing areas, rocky conditions. We should be able to craft an ordinance that fits the geologic and other environmental conditions of our county by providing for flexibility where real conditions merit such an approach.
- No change.
- Personal vs. commercial:
 - No commercial grows on residential
 - For parcels 2 acres or more, personal grows of 6 plants adult-use should be allowed indoors and outdoors.
 - Personal medical should be allowed indoors for under 2 acres, outdoors for 2+ acres.
 - *Comments:* For confusion sakes the language should read (for all instances):
 - Under 2 acres
 - 2 acres to under 5 acres
 - 5 acres to under 10 acres
 - 10 acres to under 20 acres
 - 20 acres or more
- Allow 1-2 plants outdoors, except in R-3.

- *Comments:* Are any of these designations are applied to living units that have over 2 acres of land? My understanding is that R-1 is applied to parcels usually less than 1 acre in size, commonly ¼ -1/3 acre. While R-2 and R-3 may well be on larger parcels, each unit has access to a considerably smaller area. Still, allowing a plant or two outside does not seem unreasonable to me, except perhaps for R-3, which I believe is for multiunit apartment or condo buildings.
- None.
 - *Comments:* Approved by Prop. 64
- Agree as is. Exception: Allow (licensed/permitted) outdoor medical cultivation on parcels of 20 acres or more. Unsure of allowable plant limits at this time
- If the medical marijuana is for personal use, the amount in this column should be adequate. If an individual lives within R1, R2 or R3, observing the designated number of plants shows the grower/user’s respect for the non-using neighbors.
- I have suggested 5000 to 10,000 square feet of canopy on all parcels that are appropriately zoned for commercial cultivations. These are the numbers that the state legislation determined suitable to support a “small farm”. Since one of our goals with this new ordinance is to reduce the number of illegal and unregulated grows it is important that we create a reasonable pathway for county growers. Limiting grow area to sizes that will thwart commercial success will only discourage growers from moving forward with licensure. I have heard it said that for farmers growing row crops they need to plant 1-2 acres to be commercially successful. 10,000 square feet is less than on fourth of that. It is also only 4% of a 5- acre parcel. It may seem counter-intuitive but if we make legal growing easier in the county over time we will see less illegal growing.
 - *Comments:* If there are any R1, R2 or R3 properties greater than 2 acres I think people should be able to grow their personal or medicinal 6 plants outdoors. The small concern with the odor of 6 plants outdoors is outweighed in my mind by the negative environmental and public safety concerns with indoor growing. I would support not allowing commercial activities on R1,2 or 3.
- Personal cultivation on any parcel size (no minimum) of up to 100 sf of growing space outdoors or indoors. (Excluding multifamily R2, R3). Personal cultivation on any R1 parcel size (no minimum) of up to 100 sf of growing space outdoors or indoors. These sf allowances would increase with parcel size. No commercial or outdoor personal cultivation on multifamily units zoned R2, R3.
 - *Comments:* There is not a reasonable explanation for forcing grows on private property (R1) indoors. Increased energy consumption from artificial lights is not environmentally sustainable. As our climate continues to change and temperatures warm, our home cooling needs will increase our demand on our electricity systems. Allowing outdoor cultivation will ensure better compliance.

B. Parcel Zoned RA, GP designation Residential (RES) or Estate (EST)

Parcel Zoned RA GP designation Residential (RES) or Estate (EST)	Total Maximum Plants	Maximum Indoor Plants	Maximum Outdoor Plants	Maximum Outdoor Area
2 acres or less	6	6	0	N/A
Greater than 2 acres and up to 5 acres	6	6	0	N/A
Greater than 5 acres and up to 10 acres	12	12	0	N/A
Greater than 10 acres and up to 20 acres	16	12	16	800
Over 20 acres	25	12	25	1,000

Potential Adjustments/CAG Member Comments:

- In general, same comments as above (re. should rely on state guidelines), but what concerns me now is that while we work hard here to frankly address these questions, is anyone working with the BOS members to educate them on these issues, or will we start all over in March 2018 when the CAG recommendations are presented to them and they remain stuck with their old views and we have to go back to "start" with them?
 - *Comments:* Again, same comments as above (re. current plant numbers, allowable acreages and obligation to grow indoors is inadequate and punitive), but especially important here to allow for flexibility based upon conditions on the ground at potential grow sites. Also, critically important that rules don NOT encourage parcelization of our county!
- This is now considered sized growing under new rules. Incompatible with residential uses.
- Personal vs. commercial:
 - Commercial grows should be allowed if other commercial activities allowed, i.e., winery, orchard, etc.
 - If no other commercial activity is allowed then no commercial cannabis
 - For parcels 2 acres or more personal grows of 6 plants for adult use should be allowed both indoor and outdoor.
 - Personal medical should be allowed up to state maximum.
 - *Comments:* Unless there is actual differences in what is allowed between AG-RES Rural and Ag-Res Estate, I think it's too confusing and they should be treated the same. If there are clear differences then we should respect those differences.
- Allow Outdoor plants with the metric being the square footage of the growing area, relative to the size of the parcel, vs. the number of plants. Increase allowable square footage to a percentage factor of total acreage.
 - *Comments:* For info sake, 1 acre = 43,560 square feet. 1% of an acre = 436 square feet. If that were the measure, a 2 acre parcel could grow on 872 square feet of the parcel. Under the current ordinance, 1000 square feet is allowed out of 20 acre parcel = 0.11 % of the total, leaving 99.89% unusable for growing. 1% would allow 8712 square feet for growing, apx 93X93 feet, if in a single square patch.
- 2 acres or less – none; Greater than 2 acres and up to 5 acres – none; Greater than 5 acres and up to 10 acres – no outdoor grows; Greater than 10 acres and up to 20 acres – same; Over 20 acres – same.
 - *Comments:* This is still residential property – will affect security, quality of life, property values.
- Agree as is. Exception: Eliminate maximum area requirements and designate “within setback requirements/limits”
- These amounts should be adequate
- I have suggested 5000 to 10,000 square feet of canopy on all parcels that are appropriately zoned for commercial cultivations. These are the numbers that the state legislation determined suitable to support a “small farm”. Since one of our goals with this new ordinance is to reduce the number of illegal and unregulated grows it is important that we create a reasonable pathway for county growers. Limiting grow area to sizes that will thwart commercial success will only discourage growers from moving forward with licensure. I have heard it said that for farmers growing row crops they need to plant 1-2 acres to be commercially successful. 10,000 square feet is less than on

fourth of that. It is also only 4% of a 5 acre parcel. It may seem counter-intuitive but if we make legal growing easier in the county over time we will see less illegal growing.

- *Comments:* RA – on 2-5 acres I believe outdoor 6 plants should be allowed for personal or personal medical. See comments above. RA 5- acres and up should be allowed commercial cultivation up to 10,000 square feet. It may be necessary to make this use conditional on neighbor buy off. In San Luis Obispo the ordinance requires 3 neighbors to complain before cultivation is considered a nuisance.
- This should change to 1.5 acres to align with current RA zoning acreages. The top row would be erased.
 - On RA parcels – commercial cultivation should be allowed outdoors.
 - Min 1.5 acre – 1000 sf outdoor growing space
 - Min 3 acre – 2,500 sf outdoor growing space
 - Min 5 acre– 5,000 sf outdoor growing space
 - Min 10 acre – 10,000 sf outdoor growing space
 - *Comments:* Allowing growing to occur on RA parcels will ensure maximum compliance of current cannabis cultivators. The goal of this effort is to get current local growers to come into compliance and have a pathway to obtain licenses for commercial cultivation. Cannabis does not take a large land space to cultivate so we should not be encouraging cultivation on large agricultural lands. Encouraging cultivation on RA parcels will cut down on demand for parcelization and new home construction within open space and rangeland. If we are encouraging highest and best use of land, we should focus on cannabis cultivation closer in. Discourage traffic and development outwards. If cannabis will have to be transported for processing/manufacturing/testing, we should be planning for this. We need to protect the historic ranches and wildlife habitat that occurs in the large ag parcels. And we need to protect current cultivators where they are currently growing – That is a key piece of information we are missing. Where is current growing happening? What zoning? I suspect RA has a large percentage of grows currently and would not want to eliminate their chances for compliance while encouraging outsiders or those with lots of money to come in and buy large ag parcels, build homes and cultivate pushing current local growers out of the market.
- Potential Adjustments:
 - Replace with the following:

Parcel Zoned RA GP designation Residential (RES) or Estate (EST)	Total Maximum Plants	Maximum Indoor Plants	Maximum Outdoor Plants	Maximum Outdoor Area
2 acres or less	6	6	0	N/A
Greater than 2 acres and up to 5 acres	6	6	0	N/A
Greater than 5 acres and up to 10 acres	12	12	0	N/A
10-15 acres	12	12	12	1,200 sq ft
15-20 acres	18	18	18	1,800 sq ft
20-25 acres	24	24	24	2,400 sq ft
25-30 acres	30	30	30	3,000 sq ft

- Potential adjustments: allow 4 outdoor plans for parcels 2-5 acres; 6 outdoor plants for 5-10 acres; 16 outdoor plants for over 20 acres.

C. Parcel Zoned RA, GP designation Rural (RUR) or Zoned AG, AE, FR or TPZ

Parcel Zoned RA

GP designation Rural (RUR)

or

Zoned AG, AE, FR or TPZ

	Total Maximum Plants	Maximum Indoor Plants	Maximum Outdoor Plants	Maximum Outdoor Area
2 acres or less	6	6	0	N/A
Greater than 2 acres and up to 5 acres	6	6	6	300
Greater than 5 acres and up to 10 acres	12	12	12	600
Greater than 10 acres and up to 20 acres	16	12	16	800
Over 20 acres	25	12	25	1,000

Potential Adjustments/CAG Member Comments:

- Agree with ag reps on CAG that more distinctions should at least be considered for the different zone types here in addition to using more realistic state guidelines on questions of plant numbers and allowable acreage.
 - *Comments:* Again, same comments as above (re. current plant numbers, allowable acreages, and obligation to grow indoor is inadequate and punitive), but also very important here to allow for flexibility based upon conditions on the ground at potential grow sites and within these different zoning types. Also, must assure that rules do NOT encourage multiple parcel splits that end up destroying our rural landscape via more clear cutting, driveways and paving, wells to serve fictional or as a practical matter unnecessary residences, etc.
- Open to discussion.
- Personal vs. commercial:
 - Personal grows of 6 plants for adult use should be allowed both indoor and outdoor.
 - Personal medical should be allowed up to state maximum.
 - Commercial cannabis cultivation should be allowed on the following parcels with corresponding licenses:
 - Under 2 acres
 - Type 1C outdoor only
 - 2 acres to under 5 acres (must have odor mitigation or neighbor permission)
 - Type 1C indoor
 - Type 1C mixed light
 - Type 1A indoor limited to 2,500 square feet
 - 5 acres to under 10 acres
 - Type 1, 1A, 1B (5,000 square feet)
 - Type 1C indoor (500 square feet)
 - Type 1C outdoor (25 plants)
 - Type 1C mixed light (2,500 square feet)
 - 10 acres to under 20 acres
 - All Type 1 licenses (5,000 square feet)
 - Type 1C licenses
 - 20 acres or more
 - All Type 1 licenses
 - All Type 1C licenses
 - All Type 2 licenses (10,000 square feet)

- *Comments:* For further consideration should be the idea to allow multiple premises in a single larger parcel. For instance, if a 20 acre parcel allows 10,000 square feet, there should be the option to split that into 4 Type 1C cottage licenses (2,500 each).
- Allow growing for sale for non-medical adult use.
 - *Comments:* The reality is that this is already occurring and will continue whether allowed or not. If our goal is to achieve a regulated and compliant industry, there has to be some provision for it to occur within the ordinance. The mantra “pathway to compliance” is the essence here.
- Greater than 5 acres and up to 10 acres – 6 outdoor; Greater than 10 acres and up to 20 acres – same; Over 20 acres – same.
 - *Comments:* Needs evaluation – no outdoor grows pending evaluation on surrounding residential locations. 12 or more plants (est. 24 lbs.+) = commercial grows
- Agree as is. Exception: Eliminate maximum area requirements and designate “within setback requirements/limits.” Extend/expand outdoor plant limits for licensed/permitted “Medical Co-ops” or individual providers to meet “registered” patient needs. (Supply and demand) Registered/licensed/permitted Commercial growers can apply for outdoor plant limit “variances” to expand plant limits on an individual basis approved through county review process
- These should be adequate in accordance with Senate Bill 420. Adjustments will be need to be made when licensing laws are established. Nevada County Code Chapter IV: General Regulations, section G-IV 5.2 A-X need to be considered.
- I have suggested 5000 to 10,000 square feet of canopy on all parcels that are appropriately zoned for commercial cultivations. These are the numbers that the state legislation determined suitable to support a “small farm”. Since one of our goals with this new ordinance is to reduce the number of illegal and unregulated grows it is important that we create a reasonable pathway for county growers. Limiting grow area to sizes that will thwart commercial success will only discourage growers from moving forward with licensure. I have heard it said that for farmers growing row crops they need to plant 1-2 acres to be commercially successful. 10,000 square feet is less than on fourth of that. It is also only 4% of a 5 acre parcel. It may seem counter-intuitive but if we make legal growing easier in the county over time we will see less illegal growing.
 - *Comments:* All parcels should be allowed 6 plants outdoor for personal/medical use.
 - Less than 2 acres – 2500 square feet commercial (the smallest commercial license)
 - 2-5 acres 5000 square feet commercial
 - 5-10 acres 10,000 square feet (app. 4.3 percent of a 5 acre parcel or 2.1 percent of a 10 acres parcel.)
 - We should also consider a limited number of the Type 3 (One Acres) licenses for parcels larger than 20 acres.
- Again, change to 1.5 acre. I think these zoning types should be separated out and discussed individually.
 - AG: Same as above (RA)
 - AE, FR, would like to have more discussion around this
 - TPZ – no cultivation allowed- open to discussion. I think we should reserve these areas for timber productivity. We all need wood products and carbon sequestration. It’s an important aspect of our economy and forest management.
- Potential Adjustments:

- Replace with the following:

Parcel Zoned RA GP designation Rural (RUR) or Zoned AG or AE	Total Maximum Plants	Maximum Indoor Plants	Maximum Outdoor Plants	Maximum Outdoor Area
2 acres or less	6	6	0	N/A
Greater than 2 acres and up to 5 acres	6	6	0	N/A
Greater than 5 acres and up to 10 acres	12	12	0	N/A
10-15 acres	12	12	12	1,200 sq ft
15-20 acres	18	18	18	1,800 sq ft
20-25 acres	24	24	24	2,400 sq ft
25-30+ acres	30	30	30	3,000 sq ft

1. 100 square foot grow area per plant
2. Contiguous growing areas
3. No growing on TPZ zone
4. Conditional Use Permit (CUP) to grow on FR

- Potential adjustments: allow 18 outdoor plants for parcels 5-10 acres; 20 outdoor plants for parcels 10-20 acres.

Overall comments on Item #1:

- Overall more open to dropping plant limits where applicable and move to “allowable grow area” designations within setbacks by individual property and size of property. Subject to application, overview, and approval by county process. Much like any building, structure, or business application.
- I would be curious to know how many pounds of medicinal and adult use C this existing interim ordinance represents and how that number compares to the needs of patients in our county. I am aware that many cultivators provide for patients outside our county however I am most interested in providing for the needs of our community first. Regulations should be based on square feet of permitted cultivation area and not on the number of plants. It is too hard to enforce plant numbers and plant size is variable, therefore having a designated square foot size makes more sense to me. I believe the regulations should be based on the parcel size, regardless of zoning. I know this is a radical idea to some and we touched on this during the last meeting about the differences between the zoning in our county. The listed criteria for zoning requirements is that they must not be arbitrary and must be consistent and enforceable while not reducing property values and protecting public health and safety. I just don’t see any difference between cultivating on a 5 acre RA-RES or R1 and RUR, AG, etc IF certain parameters are met. These parameters are to be determined, but include the condition of the site (% slope), setback requirements from property line, odor abatement, impact on neighborhood quality of life, fire prevention, aesthetics, etc. I believe the current ordinance is unnecessarily forcing cultivation into the forest and I am concerned about the health of our trees and wildlife as well as our ability to enjoy our county’s wildlands safely. If cultivation is permitted in smaller (2000 square feet max?) gardens and spread more evenly through our county it would be less impactful to our surrounding wildlands. Regarding indoors grows - I don’t care where people grow their plants in their house, but I do think there should be a limit on the number of plants because of increased electricity demands, odor concerns and potential increased traffic and criminal activity. In other words, indoor grows should be for personal use and not commercial (either adult or medicinal).

- Six plants meet state law. I also support up to 25 plants outdoors (Medical) depending on parcel size.
 - *High Times*, a Cannabis magazine reports that a typical joint contains one gram of marijuana. “Under perfect, outdoor conditions, you can expect yields to extend to 500 grams or 17.5 ounces per plant.”
 - Six plants x 500 grams =3,000 grams which would be 3,000 joints per harvest. (3,000 divided by 365 days per year = **8 joints per day**) So, six plants per harvest appears to be a reasonable number, as many of the other counties in Ca. allow.
 - Why would larger parcels be allowed to have more plants unless they are a commercial grower?
 - Recommendations regarding the likelihood of this CAG providing advise based on good science and based on reasonably accurate public input would benefit from guidance from medical professionals and expert speakers, more educational resources and honest discussions. The presence at the CAG and participation of the public members at the meetings have been attended by, largely, like-minded self-serving individuals that discourage any clarifying questions, critical dialogue or cited sources to facts they present.
 - The conversation of medical cannabis is a separate discussion from “recreational” use. The guidelines for the two uses could be discussed separately when talking about how many plants, etc.
 - There is a doctor in the Grass Valley area that gives 99 plants, 19 pound recommendations to EVERYONE, including youth for many meaningless maladies. So, the subject of addressing the need of the patient in pain, let’s not forget the abuses allowed in the access.
- All allowable Parcel Zones unless noted otherwise:
 - **<2 acre:** 2,500 type 1C license on one acre or more.(except in R1, R2, R3) Minimum 600 square feet or six plants outdoor (all zones). 500 square feet indoor
 - **>2 up to 5:** Type 1: Specialty Outdoor – up to 5,000 sq ft, or up to 50 mature plants on non-contiguous plots on 3 acres or more in alignment with state permits. 1,000 square feet indoor. (except in R1, R2, R3)
 - **>5 up to 10** Type 1: Specialty Outdoor – up to 5,000 sq ft, or up to 50 mature plants on non-contiguous plots. (except in R1, R2, R3)
 - **>10 up to 20:** Type 1: Specialty Outdoor – up to 5,000 sq ft, or up to 50 mature plants on non-contiguous plots. Type 1A: Specialty Indoor – up to 5,000 sq ft; (except in R1, R2, R3)
 - **Over 20:** Type 2: Small Outdoor – 5,001 to 10,000 sq ft (except in R1, R2, R3)
 - *Comments:* This would reflect what the large majority of responsible cultivators are already doing. Providing a framework that meet the industry that is already here allows us to regulate responsibly and more quickly locate and eliminate the “bad actors” in the community. This would be considered a small and very conservative allowance by state standards, and prevent large corporate cannabis operations from looking at Nevada County as a place to put their cultivation sites.
- Based on this initial research I would only support outdoor and no-high intensity grow light alternative, as recommended by PEIR.
 - Re zoning: the input from community members has consistently argued against plant count as a viable regulatory measure. I feel we must listen to and consider this input. The concern that patients not be regulated out of growing a limited amount for personal use, regardless of where they live or how much property they own, is also of importance.

- 1) Conditional Use Permit (CUP) required to grow more than the allowed number of plants; 2) CUP required to grow plants outdoors on less than 10 acres; 3) neighbors may combine their acreage to conform.

II. RESIDENCY REQUIREMENTS

Item #2— Cultivation must occur on a legal improved parcel with a legally established, permitted Residence

Code: G-IV 5.4 (B), 5.4 (C)(3)

Potential Adjustments/CAG Member Comments:

- Residency requirements should be flexible enough to allow for residents to grow on other properties they or their family members own without residences. In addition, the rules should provide for transitional periods where residency truly appears required to serve the underlying public interest involved.
- OK
- Must have water and septic; 2-3 year amnesty period for people to transition to fully permitted structures and improvements; 2 year residency requirement (if constitutionally legal)
- Eliminate residence requirement but require prior approval of detailed plan for the grow to include security provisions, amount and exact location of land to be used for growing, water source and utilization, drainage, pest management, fertilizer, human waste disposal, etc. for all outdoor grows in excess of 6 plants.
 - *Comments:* Prior approval and post monitoring should do much to prevent inappropriate, harmful or unsafe practices as well as reduce reliance on complaint driven compliance processes.
- Potential adjustments: None
 - *Comments:* This is mandatory to establish responsibility and safety to others.
- Agree and with landlord tenant provisions
- If proper security measures are taken people should be able to cultivate. This could be modified by requiring owners are in the process of building a residence. A two year transition period should be allowed.
- Agree 100%. It must be unambiguous that the residence is associated with the grow site and ideally it should be closer to the cultivation site than homes or structures on adjacent properties.
- If permits have been obtained for home construction and there is a clear pathway to completion there should be exceptions allowed.
 - *Comments:* I support residency requirements. I do not support encouraging new development to cultivate on large parcels. That is why we need to allow outdoor commercial cultivation on RA parcels.
- Potential adjustments: None
- Potential adjustments: Provisional use permits for citizens in zoned districts that prevent personal use cultivation should be allowed.

- *Comments:* If we eliminate cultivation from residential zones, those citizens need a legal alternative. Provisional use permits that allow for a third party cultivator to grow for them or for the citizen to grow on property that is not their primary residence is one potential solution.
- I defer to State regulations.
- No adjustments

Item #3—Cultivation for medical purposes requires that the grower be the resident on the property and either the patient or the caregiver of a patient(s)

Code: G-IV 5.4 (C)(1), (C)(2)

Potential Adjustments/CAG Member Comments:

- Same as the above comments (re: making residency requirements flexible), and in general, follow the state regulations here. In addition, special provisions must be included to permit cannabis nurseries in the county where residency is not a requirement any more than it is at other nurseries in the county.
- Under Prop 64 transfer of marijuana without compensation is permissible.
- I think we should replace this with the requirements in the state regs in regards to commercial and personal cultivation.
- Allow growing by a third party for sale to patient/caregiver or recreational adult consumer.
 - *Comments:* Limitation to growing only by patient or caregiver works strongly against those who lack the expertise &/or physical resources to grow their own. Limitation to medical use is unrealistic and ultimately unachievable.
- None
 - *Comments:* Provides safety and quality of product and safety to others. This also helps to stop commercial grows
- Agree and with landlord tenant provisions and be licensed/permitted “Medical Grower.” Drop “and either the patient or the caregiver of a patient(s).” language
- This needs to take in to consideration ALL stakeholders.
- In order to assure access to all medical patients, non-patients should be able to grow for non-resident patients or patients should be able to grow without being residents if they have permission from the property owner.
- This needs to be made more broad to include a provision for a business relationship between grower and patient and grower and caregiver of a patient.
- This makes no sense. I would remove this.
 - *Comments:* People should be able to use whoever they want on their own property to help grow their cannabis. This is an overreach of regulation.
- Potential adjustments: None
- Potential adjustments: Remove the word “caregiver” and create a “designated cultivator” assignment instead.
 - *Comments:* Critically or catastrophically ill patients are rarely in good enough health to be full time farmers. Parents of children who require cannabis medicines also cannot become farmers and can not give up their primary caregiver place on the child’s recommendation. This leaves

those families in a difficult position with no solution. Adding a designated cultivator classification would assign a third party grower without the parent giving up the right to carry or shop on behalf of the child.

- I defer to State regulations.
- If we are restricting growing on some land, we must give these people the right to grow elsewhere, i.e., cooperative growing operations.
- Grower could be providing product for a patient. Not necessarily a caregiver.

Item #4—Indoor Cultivation can occur within a legal structure that meets all code provisions. 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.

Code: G-IV 5.4 (D)

Potential Adjustments/CAG Member Comments:

- Indoor cultivation should be much less restricted and not designed, as here, to invade residents' private choices about where to grow at their own homes. Not every personal grower can afford to build a greenhouse or other separate structure; renters are totally excluded here as they can't even put a plant on their sunny deck or patio.
- OK
- Refer to state regulations; commercial operations should be confined to appropriate structures; personal adult use and medical should be more lenient.
- None recommended
 - *Comments:* While I do not support the effort to drive almost all growing indoors, the requirements for those who do grow indoors as detailed here and below seem appropriate to me.
- None
 - *Comments:* Safety of community; Shall not take place in space ... intended for human occupancy— Health and safety to occupant and community
- Agree
- Residency is imperative. If the person responsible for growing and cultivating does not reside at the residence, the owner of the property is susceptible to break-ins, property damage, and the potential disruption of neighbors' daily activities.
- No commercial cultivation should be allowed in a residence. Allowing more outdoor growing for personal use (6 plants) would reduce the need for indoor growing.
- See my note above (re. include provision for business relationship between grower and patient). If people want to sleep with their plant in their bedroom, have coffee with it at the breakfast table or take a shower with it - I don't care. I just don't want homes to be converted to indoor grow houses and the property values of adjacent parcels are decreased because of increased traffic, odor, lack of upkeep and potential criminal behavior.
- There should be paths to compliance for current cultivators to meet code requirements.
 - *Comments:* Do we want 'indoor' to include greenhouses?

- Potential adjustments: None. Indoor cultivation should be out of the reach of children, so I endorse indoor structures shall not take place in areas designated for human occupancy.
 - *Comments:* The National Alliance for Drug-Endangered children report a study of the chemical and biological exposures associated with indoor marijuana grow operations. Particularly children face health hazards living with exposure to mold, carbon monoxide, chemicals, and risk of explosion. This study took samples from 30 marijuana grow ops and analyzed the results. Authors found elevated levels of viable and non-viable mold spores in most of the grow ops. The report concluded that the primary public health concern of indoor grow ops is elevated mold spore levels, which can be high enough to require respiratory protection for investigators entering the scene. Children are particularly sensitive to respiratory illnesses and asthma. THC was also found using surface wipe tests. Carbon dioxide generators were seen at several sites. Pesticides and fertilizers were found within the reach of children at many.
- As per PEIR, only non-high intensity indoor growing, or a complete ban on indoor growing, as county regulations can be more strict than state.
- No adjustments

III. SETBACKS FOR ALL PARCELS: OUTDOOR

Item #5— Setbacks for parcels of greater than 2 acres up to 5 acres: 100 ft.

Code: G-IV 5.4 (F)(1)a

Potential Adjustments/CAG Member Comments:

- All Setbacks should be determined based upon conditions on the ground and should require appropriate distances from grows to neighbors or natural conditions (rivers, ponds, lakes, critical deer habitat, etc.) not property lines.
 - *Comments:* Overall, my concerns are that the rules and restrictions are designed and applied to serve the public interest being protected rather than to meet some predetermined number that has little or no relevance to conditions on the ground. Again, the state regs provide guidance.
- Open to discussion.
- Setbacks should be 50' from property line and 100' from neighboring residences; commercial grows require odor mitigation.
- None recommended
- Outdoor should be 0
 - *Comments:* Nuisance, safety, security, enjoyment of life, property values
- Agree
- I understand that this is inconvenient for the cannabis property owner; however, this does give some consideration for the rights of adjoining (non-growing) neighbors.
- All setbacks should be measured from the garden to the neighbors outdoor living space. This addresses the issue of odor. This is how setbacks were addressed in prior ordinances. 100 feet subject to a waiver from a neighbor.
- I believe that setbacks should be from the property line as is customary practice in our county and not negotiable. This is to ensure the current and future property owners the knowledge that no

cultivation site will be closer to the property line than the determined and enforced setbacks - keeping it a 'known entity' for the purposes of property resale value.

- This should change to 1.5 acres to align with current RA zoning. 30 ft from boundary or 200 ft setback from neighboring residence?? - with allowable variances from neighbors
 - *Comments:* It doesn't make sense to require excessive setbacks. These should be in line with current setbacks for other similar development. 30 ft off boundaries or should be how it used to be measured from neighboring residential structure? Variances from neighbors should be available.
- Potential adjustments: None
- 100 ft. from nearest residence
 - *Comments:* Although not common, making cannabis set backs from the nearest residence allows for more flexibility for cultivators to place their garden in an area where it will NOT impact their neighbor. Six plant personal medical exempt.
- First, and again, I defer to the State requirements. Beyond that, I propose that Nevada County implement a more detailed assessment approach to accommodate inconsistently shaped parcels, as is common in Nev Co. Each parcel can be assessed to determine the appropriate carrying capacity and distance from areas that require protection or a buffer zone for that parcel, considering established criteria such as ecologically sensitive areas, proximity to neighbors, etc. Every parcel can be assessed based on its unique features.
- N/A – no outdoor

Item #6—Setbacks for parcels of greater than 5 acres up to 10 acres: 150 ft.

Code: G-IV 5.4 (F)(1)b

Potential Adjustments/CAG Member Comments:

- Same comments (re. setbacks should be determined based upon conditions on the ground), but even more important and relevant here to tie minimum distance requirements to begin at points relevant to conditions on the ground, NOT arbitrary spots such as property lines.
 - *Comments:* Overall, my concerns are that the rules and restrictions are designed and applied to serve the public interest being protected rather than to meet some predetermined number that has little or no relevance to conditions on the ground. Again, the state regs provide guidance.
- Open to discussion.
- Setbacks should be 50' from property line and 100' from neighboring residences.
- None recommended
- Outdoor should be 0
 - *Comments:* Nuisance, safety, security, enjoyment of life, property values
- Agree
- 100 feet subject to a waiver from a neighbor
- Regarding setbacks. It is unfortunate for some property owners that their parcel may have limited legal cultivation areas because of parcel shape, site conditions and required setbacks. It's the CAG's appointed task to make reasonable recommendations to the BOS based on what is best for our

entire community and public health and safety and because of this, I do not think that every current cultivation site will be legal at the end of this process.

- 30 ft from boundary or 200 ft setback from neighboring residence?? - with allowable variances from neighbors
- Potential adjustments: None
- 125 ft. from nearest residence
 - *Comments:* Although not common, making cannabis set backs from the nearest residence allows for more flexibility for cultivators to place their garden in an area where it will NOT impact their neighbor. Six plant personal medical exempt.
- First, and again, I defer to the State requirements. Beyond that, I propose that Nevada County implement a more detailed assessment approach to accommodate inconsistently shaped parcels, as is common in Nev Co. Each parcel can be assessed to determine the appropriate carrying capacity and distance from areas that require protection or a buffer zone for that parcel, considering established criteria such as ecologically sensitive areas, proximity to neighbors, etc. Every parcel can be assessed based on its unique features.
- N/A – no outdoor

Item #7— Setbacks for parcels of greater than 10 acres up to 20 acres: 200 ft.

Code: G-IV 5.4 (F)(1)c

Potential Adjustments/CAG Member Comments:

- Again, same comments (re. setbacks should be determined based upon conditions on the ground) and need for ground conditions to govern application of rules.
 - *Comments:* Overall, my concerns are that the rules and restrictions are designed and applied to serve the public interest being protected rather than to meet some predetermined number that has little or no relevance to conditions on the ground. Again, the state regs provide guidance.
- Open to discussion.
- Setbacks should be 50' from property line and 100' from neighboring residences.
- No increase above requirement for 5 – 10 acre parcel.
- Pending on location of R-1, R-2, R-3, RA
- Agree
- 100 feet subject to a waiver from a neighbor
- We need to work out a reasonable method to correlate the size of the parcel and/or the square feet of the garden to the setback requirements. It makes sense to me that the larger the garden, the bigger the setback - regardless of the parcel's number of acres. Although we do need to determine the minimum parcel size for outdoor grows greater than 6 plants.
- 30 ft from boundary or 200 ft setback from neighboring residence?? - with allowable variances from neighbors
- Potential adjustments: None
- 125 ft. from nearest residence

- *Comments:* Although not common, making cannabis set backs from the nearest residence allows for more flexibility for cultivators to place their garden in an area where it will NOT impact their neighbor. Six plant personal medical exempt.
- First, and again, I defer to the State requirements. Beyond that, I propose that Nevada County implement a more detailed assessment approach to accommodate inconsistently shaped parcels, as is common in Nev Co. Each parcel can be assessed to determine the appropriate carrying capacity and distance from areas that require protection or a buffer zone for that parcel, considering established criteria such as ecologically sensitive areas, proximity to neighbors, etc. Every parcel can be assessed based on its unique features.

Item #8—Setbacks for parcels of greater than 20 acres: 300 ft.

Code: G-IV 5.4 (F)(1)d

Potential Adjustments/CAG Member Comments:

- Again, same comments (re. setbacks should be determined based upon conditions on the ground) and need for ground conditions to govern application of rules.
 - *Comments:* Overall, my concerns are that the rules and restrictions are designed and applied to serve the public interest being protected rather than to meet some predetermined number that has little or no relevance to conditions on the ground. Again, the state regs provide guidance.
- Open to discussion.
- Setbacks should be 50’ from property line and 100’ from neighboring residences.
- No increase above requirement for 5 – 10 acre parcel.
- 1,000 feet
 - *Comments:* as previously to for medical MJ to protect our families and children
- Agree
- 100 feet subject to a waiver from a neighbor
- 30 ft from boundary or 200 ft setback from neighboring residence?? - with allowable variances from neighbors
- Potential adjustments: None
- 250 ft from nearest residence for type 2. 125 ft from nearest residence for type 1 or below.
 - *Comments:* Although not common, making cannabis set backs from the nearest residence allows for more flexibility for cultivators to place their garden in an area where it will NOT impact their neighbor. Six plant personal medical exempt.
- First, and again, I defer to the State requirements. Beyond that, I propose that Nevada County implement a more detailed assessment approach to accommodate inconsistently shaped parcels, as is common in Nev Co. Each parcel can be assessed to determine the appropriate carrying capacity and distance from areas that require protection or a buffer zone for that parcel, considering established criteria such as ecologically sensitive areas, proximity to neighbors, etc. Every parcel can be assessed based on its unique features.

Overall comments on Items 7-8:

- 10-15 acres: 150 ft. to property line, 250 ft. to living space
 - 15-20 acres: 150 ft. to property line, 250 ft. to living space
 - 20-25 acres: 150 ft. to property line, 250 ft. to living space
 - 25-30 acres: 150 ft. to property line, 250 ft. to living space
1. All setbacks should be based on number of plants
 2. All grow areas must associated (closer) to grower's residence than to neighbor's residence
 3. Same practical effect in lieu of setback, natural and manmade
 4. Recorded variances allowed from neighbors

Item #9—The perimeter of the grow area must be 600 feet from any School, School Bus Stop, School Evacuation Site, Church, Park, Child Care Center, or Youth-Oriented Facility.

Code: G-IV 5.4 (G)(1)

Potential Adjustments/CAG Member Comments:

- School bus stops have been cited by several commentators and by other counties as NOT relevant for inclusion in these restrictions, especially since they change periodically. Again, actual conditions on the ground (e.g. slope, accessibility) should also be considered where the other listed sites are involved.
 - *Comments:* Overall, my concerns are that the rules and restrictions are designed and applied to serve the public interest being protected rather than to meet some predetermined number that has little or no relevance to conditions on the ground. Again, the state regs provide guidance.
- Open to discussion.
- 600 feet applied to schools, churches, parks, child care center, or youth-oriented facility.
 - *Comments:* Security regulations offered by state will make it difficult for criminals, much less youth to access cultivation areas.
- Use 150 feet for bus stops, retain the rest.
 - *Comments:* Given that there are many school bus stops, distributed widely across the county and that kids should only be at these stops for limited periods of time, using the same setback requirements as for schools & recreational facilities seems excessive.
- Limit should be expanded to 1,000 ft. for all but school bus stop (remain at 600 ft.) unless bus stop is within 1,000 ft. limit
- As an educator who has spent many years dealing with the problems caused by marijuana use (by students), I would like to see the distance increased significantly. I have (often) had students approached while waiting at bus stops by someone willing to sell them marijuana (or other drugs).
- This is in line with state law. The issue of bus stops is problematic because many bus stops are designated by not used.
- Somewhere between 600-800 feet seems ok, but I would remove churches from the list (seems redundant to me since they typically have youth activities at their site) and instead add any natural body of water to include annual and perennial lakes, streams or rivers.

- Would like to see 600 ft setback from school providing education to K-12 grades, public park, childcare center or alcohol or drug treatment facility. Eliminate all other references
 - *Comments:* It's much too restrictive. Why would we have churches in these requirements?
- Recommendation to change.
 - I recommend changing to 1000 feet. Even though CA SB 94, Section 26054, section B states a minimum of 600 feet by law. Checking the state of Colorado, Washington, and Oregon, they all have a 1000-foot distances. Municipalities do not have the ability to reduce the 1000-foot restriction as liquor licenses adhere to. Ca. law already prohibits any business located within 1,000 feet of a school from selling tobacco products, including electronic cigarettes and paraphernalia.
 - Colorado recommends measurement as the crow flies rather than the shortest possible pedestrian route as applicable to liquor license distances.
 - Federal regulations define “playgrounds” as -Any out-door facility (including any parking lot) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing-sets, and teeterboards and -The term “youth center” means any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.
 - I do not recommend reducing the distance at school bus stops which has been done in other counties.
- Bus stops must be IN USE currently for set back to apply.
- 1,000 feet setback.
- School, Youth-Oriented facility or Child Care, 1,000 feet; Others, 300 feet; Park, 450 feet.
- I would like to see a 1000 minimum.

IV. ADDITIONAL CODE REQUIREMENTS

Item #10—All Cultivation areas shall be adequately secure to prevent unauthorized entry, including a secure locking mechanism that shall remain locked at all times.

Code: G-IV 5.4 (H)(1)

Potential Adjustments/CAG Member Comments:

- Growers themselves will want to take reasonable precautions to secure their sites; they should be able to decide this themselves.
 - *Comments:* This requirement seems like overreaching, even requiring workers to be locked into a site while doing their jobs, among other things. More flexibility is needed here.
- OK
- Refer to state regs
- None recommended
- None

- *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- I can't emphasize this enough
- Reasonable
- Agree. I would think cultivators want this too in order to protect their high cash crop.
- Yes. Agree
- Potential adjustments: None.
 - *Comments:* The public has stated several times that outdoor cannabis growing is the same as an agricultural vineyard. I have never heard of an underage youth raiding a vineyard for the grapes, but a cultivation area that is not adequately secured is a temptation for crime
- For permitted cultivation over 6 plants
- See State regs

Item #11— There shall be no exterior evidence of Cultivation in public view and/or from a public right-of-way or publicly traveled private road at all stages of growth. An obscuring fence can be used to address this requirement.

Code: G-IV 5.4 (H)(1), (H)(2)

Potential Adjustments/CAG Member Comments:

- Again, this seems another area where flexibility should be allowed to adjust to conditions on the ground such as slope, accessibility, etc.
 - *Comments:* Fencing is expensive, can interfere with deer migration routes and free movement of other wildlife, is often ugly and its installation harmful to native vegetation, so shouldn't be required everywhere.
- OK
- Refer to state regs
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- I strongly agree
- Reasonable
- Agree. For the same reason above (re. cultivators should be in favor of protecting crops) as well as to keep neighborhood aesthetics and property values stable. The fence needs to be secure and not falling down.
- Minimal exterior evidence of cultivation...
 - *Comments:* A greenhouse will usually be taller than a 6-8 ft fence. We can't expect to see no greenhouses if they are included in this clause.

- Potential adjustments: None.
- Seems unnecessary
 - *Comments:* This is based on some community members ideology. There is nothing evil, wrong, or dangerous about seeing a cannabis plant growing. Another example of hidden ag crops?
- See State regs

Item #12— 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, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way.

Code: G-IV 5.4 (H)(3)

Potential Adjustments/CAG Member Comments:

- Recognize existing federal, state and local rules that already cover most if not all of these concerns and add only more that are truly necessary.
 - *Comments:* These are important environmental and health & safety requirements that are mostly already covered by labor laws, federal, state and local environmental and building codes. While these concerns sound valid, we shouldn't over-regulate.
- OK
- Refer to state regs
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- Without clearer guidelines this provisions seems full of subject determinations. Dust, glare, heat(?), vibration? What criteria can be used to measure unacceptable levels? I believe county code does have measures of noise level that are acceptable. Hazardous materials are well managed by state regulations.
- Agree to an extent. It will be difficult to address the increase of traffic. Cultivation practices and individuals at the site should be courteous and community minded and participate in picking up litter, road repair, encouraging visitors/workers to drive slowly and respectfully, etc. This should go without saying and is common sense, however it's not always the case and is worth re-mentioning. A few bad actors really ruin it for the responsible cultivators. I would also add to this statement that cultivation shall not adversely affect the health, safety or general welfare of persons **AND** the environment at the
- Many of these items are very subjective. I agree public health and safety is of utmost importance to protect. I'm wondering how glare, noise, odor, traffic would be measured and enforced.
- Potential adjustments: None.
- See State regs

Item #13—All new structures used or intended for Indoor Cultivation shall submit complete construction plans and obtain permits. All electrical, mechanical, and plumbing used for Indoor Cultivation shall be installed with valid electrical, mechanical, and plumbing permits.

Code: G-IV 5.4 (H)(4)(5)

Potential Adjustments/CAG Member Comments:

- Add exceptions for structures that already meet these requirements such as greenhouses that come with approved electrical, plumbing etc.
 - *Comments:* This is another current rule which encourages only big, well funded growers in our county and should NOT be repeated. Most personal cultivators will build their own fenced garden areas or buy green-houses; they should NOT be forced to submit plans, get permits, etc.
- OK
- Yes and an amnesty period for older structures.
- Apply same requirements to outdoor growing in excess of 6 plants.
 - *Comments:* Eliminate residence requirement but require prior approval of detailed plan for the grow to include security provisions, amount and exact location of land to be used for growing, water source and utilization, drainage, pest management, fertilizer, human waste disposal, etc. for all outdoor grows in excess of 6 plants.
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- Reasonable
- Agree. These are county regulations and I don't see any reason to deviate.
- There must be a way for current cultivators to come into compliance over an appropriate time period.
- Potential adjustments: None.
- As per PEIR, only non-high intensity indoor growing, or a complete ban on indoor growing, as county regulations can be more strict than state.

Item #14— All structures used for Cultivation shall contain adequate ventilation, air filtration and odor control filters to prevent odor, mold and mildew in any area used for Cultivation.

Code: G-IV 5.4 (H)(6)

Potential Adjustments/CAG Member Comments:

- Need more information to address this, but as now written, seems like may be covered by existing codes.
- OK
- Refer to state regulations; makes good sense

- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- This would work as a requirement for indoor cultivation but not for greenhouses which are often opened to promote natural air flow.
- I'm not too concerned with mold and mildew - that seems like the grower's concern, especially with the rigorous testing that is being presented from the State. However I do think there needs to be an effort to control odor to the best of the grower's ability.
- Does this apply to personal grows?
- Potential adjustments: None.
- As per PEIR, only non-high intensity indoor growing, or a complete ban on indoor growing, as county regulations can be more strict than state.

Item #15—Indoor grow lights shall not exceed one thousand two hundred watts (1,200 W) and meet code. CO2, butane, propane and natural gas, or generators shall not be used within any structure used for Indoor Cultivation.

Code: G-IV 5.4 (H)(7)

Potential Adjustments/CAG Member Comments:

- Need more information to address this, but as now written, seems like overreaching with respect to generators for off grid folks.
- OK
- This is an absurd restriction that does not allow for indoor cultivation. See state regs.
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- We should wait to see what the state standards are going to be. The state will address this not based on the size of light bulbs but rather based on the amount of renewable energy used for indoor growing.
- Agree - fire scares me a lot!
- Does this mean 1200 W total or per light?
- Potential adjustments: None.
- Remove watt limit and tie in cannabis to existing code and state regs.
 - *Comments:* This watt limit is the same "trick" that was pulled with the square footage allowances. It does not meet the realistic needs of the cannabis that would potentially be cultivated.

- As per PEIR, only non-high intensity indoor growing, or a complete ban on indoor growing, as county regulations can be more strict than state.
- LED lights, full spectrum. Reduce energy consumption

Item #16—All lights used for the 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 Parcel.

Code: G-IV 5.4 (H)(8)

Potential Adjustments/CAG Member Comments:

- Need more information to address this, but as now written, seems like covered by current nuisance codes.
- OK
- See state regs. No light pollution = good.
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- Reasonable
- Agree - and better yet - turn off the lights at night, if this is possible.
- Agree
- Potential adjustments: None.
- As per PEIR, only non-high intensity indoor growing, or a complete ban on indoor growing, as county regulations can be more strict than state.
- Must adhere to FSMA criteria

Item #17— Noise levels generated by Cultivation shall not exceed the standards set forth in Table L- II 4.1.7 (Exterior Noise Limits) of the Nevada County Zoning Ordinance applicable to the Land Use Category and Zoning District for the Premises on which the Cultivation occurs.

Code: G-IV 5.4 (H)(9)

Potential Adjustments/CAG Member Comments:

- Need more information to address this, but as now written, seems like covered by current nuisance codes.
- OK
- Shouldn't be an issue
- None recommended
- None

- *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- Reasonable
- Agree - it's about being a good neighbor.
- Agree
- Potential adjustments: None.
- See State regs

Item #18—Wherever Medical Cultivation is grown, a copy of a current and valid, State-issued Medical identification card, physician recommendation or Affidavit must be displayed.

Code: G-IV 5.4 (H)(10)

Potential Adjustments/CAG Member Comments:

- Need more information to address this, but as now written, seems like state regs should be adequate to cover this.
- If over 6 plants allowed in Prop 64.
- HIPAA concerns; see state regs.
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- If grown for other patients/customers as a supplier, these records should be available documenting all “patient customers”
- Reasonable
- Think this is a moot point - CA is combining adult and medicinal. CA state mandated, and soon to be Nevada County mandated permits needs to be posted at grow site.
- Does this still apply after MAUCRSA?
- Potential adjustments: None.
- See State regs

Item #19—Anyone cultivating on a parcel who is not the legal owner(s) of the parcel must give written notice to the legal owner(s) prior to cultivating by obtaining a signed and notarized letter from the legal owner(s) consenting to the cultivation and a letter of consent annually thereafter.

Code: G-IV 5.4 (H)(11)

Potential Adjustments/CAG Member Comments:

- Requiring a notarized letter with annual renewals seems a bit onerous, but probably is a valid requirement absent more information on this topic.
- OK
- See state regs; renters must notify owners with proper permission.
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- Reasonable
- This seems like an owner/tenant issue and one that we don't have to get involved with. If the owner does not know what is going on at their property that is on the owner, not the County to inform them of their tenant's activities. It's equivalent to if the tenant is not supposed to have a cat or dog and the owner is too stupid to check on their tenant to ensure compliance. Not County business.
- Agree for commercial. Is this needed for medical/personal?
- Potential adjustments: None.
- See State regs
- This is contrary to item #3 above, confusing.

Item #20— The use of Hazardous Materials shall be prohibited in the 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 of 100 feet from any private drinking water well, spring, water canal, creek or other surface water body, and 200 feet from any public water supply well.

Code: G-IV 5.4 (H)(12)

Potential Adjustments/CAG Member Comments:

- Need more information to address this, but as now written, seems like much already covered by existing codes; perhaps it would be important to restate 100' buffer from any waterways given our county conditions.
- Special code for BHO production with large fines
- See state regs; Water Quality Control Board

- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- People who have disregarded these regulations have compromised the safety (of themselves and others). It is unconscionable to impose the related hazards on unsuspecting or unwilling neighbors. It shows great disregard for our natural resources.
- Reasonable – this will also be addressed fully in state regulations.
- Agree although I’d like to delve into this more - since I’m not sure 200 feet from public water is enough for any hazardous material. I would like it to be much farther. I also question why when growing organic cannabis (as I understand the local growers are advocating) one needs to have known hazardous materials on site.
- Agree
- Potential adjustments: None.
- NO HAZARDOUS MATERIALS. NONE.
- Only materials that were legally purchased in California and used according to directions should be allowed. No “off label” use.

Item #21— All Premises used for the Cultivation shall have a legal and permitted water source on the Parcel and shall not engage in unlawful or unpermitted drawing of surface water or permit illegal discharges of water from the Parcel.

Code: G-IV 5.4 (H)(13)

Potential Adjustments/CAG Member Comments:

- Need more information to address this, but as now written, seems like much already covered by existing codes; again, emphasis is good.
- OK
- See state regs; Water Resource Control Board
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- This is a must!!
- Reasonable
- ABSOLUTELY!!! And the water source shall not deplete existing water sources and wells of adjacent parcels. Water is not ‘owned’ by anyone, it is a gift from earth and a common asset.
- Agree

- Potential adjustments: None.
- Water use must be regulated more than this. Personal wells which are common in Nev Co are my main concern. If you are buying from NID, that is already regulated. For those on a well system, I would like to see a provision for a required neighborhood water alliance facilitated by a hydrologist and water expert such as Steve Baker.
- First offense, \$1,000 fine; second offense, \$10,000 fine.

Item #22— Accessory structures must be constructed meeting all permitting, setbacks, odor control, filtration, and ventilation. Greenhouse panels must be glass or polycarbonate and opaque for security and screening.

Code: G-IV 5.4 (1)(1)(2), (3)(4)(5)

Potential Adjustments/CAG Member Comments:

- Need more info on this, but seems like much already covered by existing codes, and as for greenhouse specs, by industry standards.
- OK
- Yes, and amnesty for older buildings to transition. Don't overburden smaller structure with commercial status.
- None recommended
- None
 - *Comments:* 10 through 22 are required for the health and safety of every citizen and the environment
- Agree
- Growers should be given a two year transition period to bring structures up to code. There should not be a requirement for glass panels or polycarbonate. No rational basis.
- Somewhat agree. It goes without saying that all structures shall not contribute to fire threat and criminal activity because of blatant visibility. However I don't care what people use for their greenhouse panels as long as the greenhouse area is secure and not perched on a mountain top for all to see. It seems to me that many growers are discrete and attempt to draw little attention to their activities.
- Greenhouses should not have to be polycarbonate or glass.
- Potential adjustments: None.
- Allow for hoop houses and opaque film covering
 - *Comments:* Like many ag produce products hoop houses covered in opaque plastic film can be used safely and responsibly.
- See State regs
- Security and screening may be combined with other methods.

Overall CAG Member Comments

- Wish we'd been able to get to this page ("Additional Code Requirements"). Daniel, please limit your long explanations after CAG comments a bit and exercise more control over a few who wander off topic, try to dominate and push set views. Public comments have often been very helpful and mostly on point to what we've been discussing, so we need more time to get them in by 5pm. Last two meetings went way over, not even a bathroom break. Finishing public comments so late means we're all tired and less attentive, leaves little or no time to look at graphics (such as county zoning map you had posted), or interact with/acknowledge public. Also means families at home are awaiting dinner or other family needs; many travel some distance to attend these meetings. Very much appreciate work you're doing before and at, but time=problem.
- I was asked to join the CAG to provide an unbiased input on a subject that is new to me in every respect. After 3 sessions I have more questions than answers and don't feel qualified to provide input on these items. Sorry.
 - I do have some suggestions going forward since we have a large gap between what the BOS currently supports and what is being advocated by some members of the CAG and meeting attendees. In order to meet both desires, it would be productive to provide the BOS aligned recommendations on the limited uses covered by the Interim Ordinance and additional "best practices" recommendations for an expanded set of uses of cannabis for consideration now or later by the Board. To that end, I suggest we strategy our work into the following categories of use:
 - medicinal-personal
 - recreational-personal
 - commercial-small grower
 - commercial- large grower
 - and develop recommendations on all aspects of the supply chain.
 - I sense from the various comments that people are:
 - passionate about medicinal uses
 - fearful of large growers
 - desiring a pathway to regulatory compliance
 - sensitive to the impact on water usage and the environment
 - urging the County to adopt the evolving State standards.
 - These factors should be explicitly taken into account in our work.
 - A few questions:
 - 1) When will we learn about the evolving State standards for the different elements of the supply chain?
 - 2) If we don't focus our work on the above suggested stratifications how can we produce a work product after 8 weeks that hopefully begins to bridge the large gap between the Elected Officials and the cannabis community?
 - 3) How does the "all in" approach in Nevada City influence our work? They lack the acres to cultivate cannabis but will produce and distribute products that can have a significant impact on the entire County?
- After spending considerable time in the past 2 weeks reading **SB-94: Cannabis, medicinal and adult use**, and the **Draft Program Environmental Impact Report**, my comments are the following: As a member of the CAG, my commitment is to become as well versed as I can on the state regulations and make my recommendations off of those, taking into account the nuances and particulars of the varied landscapes of Nevada County, sensitive ecosystems, watershed protection, and protection of a rural lifestyle and the need for healthy and supported cottage industries that in turn support a healthy local economy.

