



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY**

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 478-5799 <http://mynevadacounty.com>

Sean Powers, Agency Director

Agricultural Commissioner

Building

Code Compliance

Environmental Health

Farm Advisor

Planning

Public Works

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

MEETING DATE: March 6, 2018

TO: Board of Supervisors

FROM: **Sean Powers, CDA Director**
Alison Barratt-Green, County Counsel

SUBJECT: Additional discussion on the County's long-term cannabis cultivation regulations decision point questions and direct County Counsel to continue drafting a revised ordinance.

RECOMMENDATION: Additional discussion on the County's long-term cannabis cultivation regulations decision point questions and direct County Counsel to continue drafting a revised ordinance.

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

BACKGROUND: On April 11, 2017 the Nevada County Board of Supervisors approved a contract with MIG to facilitate an independent and impartial process of gathering community input regarding the development of long-term cannabis regulations. MIG assisted in forming and delivering a stakeholder process to be known as the Community Advisory Group (CAG). Beginning on May 23, 2017 and ending on December 19, 2017, the CAG held ten public meetings and received input for the County's long-term cannabis cultivation regulations.

On January 9, 2018, the Board received the CAG recommendation report and did not take any significant cannabis policy actions. The report contained a substantial amount of information and the intent was to allow the Board to review the information and come back for additional discussion. The only action taken at that meeting was determining the CAG process complete and dissolving the CAG. Attached for review is the CAG recommendation summary table from that meeting for quick reference.

During the CAG process, significant changes occurred with State regulations. Building from the passage of Proposition 64 in the November 2016 election, revised emergency regulations were released by the State in June 2017 (SB-94) and November 2017 (Emergency Medicinal and Adult-Use Cannabis Regulations). Substantial comments are expected by the State in early 2018 and additional changes are expected by mid-2018. There may be additional rounds of clean up language thereafter as the regulations evolve.

On February 13, 2018, the Board received a presentation and discussed decision point questions that assisted County Counsel in drafting the ordinance revision. No action items were requested of the Board at that meeting.

Areas of decision point questions discussed by the Board:

- Personal cultivation
- Zoning
- Setbacks
- Medical and Adult Use
- Commercial cultivation
- Commercial cannabis supply chain
- Non-Remuneration
- Residence requirement
- Transition period
- Additional items brought up by the Board

These decision point questions were discussed at a high level to provide Board direction. The discussion was to refine portions of the CAG recommendations. The CAG's recommendations are one piece of the public input process.

Attached is an executive summary of the Board's discussion and direction from the February 13th meeting. This will be reviewed and discussed to confirm Board direction. No action items are requested of the Board at this meeting. This meeting is also an opportunity for additional public input regarding the Board's direction given on February 13th. All of the item on the executive summary may not be covered at this meeting depending on the amount of time the Board wishes to discuss these items. This executive summary may be modified or items added by the Board. The decision points in the executive summary will come back to the Board in more detail for consideration in the ordinance revision.

Staff is requesting additional clarification and direction from the Board at this meeting on the following decision points:

Personal Cultivation

- Is the 6 plants outdoors in lieu of, or in addition to, the state's allowance of 6 plants indoors?
- What should be the minimum parcel size for AG, AE, FR, TPZ zones?
- Should personal cultivators be required to participate in a registry for tracking purposes?
- Should personal cultivation be shielded from the public right of way? (not neighbors)

Commercial Cultivation

- Is 10,000 square feet the maximum outdoor cultivation size?
- Are the commercial cultivation limits the absolute maximum cultivation amounts per parcel and how can these limits be allocated (e.g., indoor, outdoor or a combination of both)?
- Are the commercial cultivation limits in addition to, or part of, the State's allowance of 6 plants indoors?

The County's objective is to develop a long term County cannabis ordinance that focuses on cultivation, protects neighborhoods, mitigates impacts, establishes appropriate activities for the County, and regulates a developing commercial cannabis industry. The proposed decision point questions presented during the continued discussion may be refined by the Board direction.

There will be additional opportunities at future Board of Supervisors meetings for the public to provide input on the County's long-term cannabis cultivation regulations. There may be additional discussions with the Board to and further refine the decision point questions in drafting of long-term cannabis regulations while monitoring the ever-changing State cannabis regulations.

Item Initiated and Approved by: Sean Powers, CDA Director and
Alison Barratt-Green, County Counsel

Submittal Date: February 27, 2018

Revision Date:

Attachments