

## Julie Patterson-Hunter

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**From:** Julie Patterson-Hunter  
**Sent:** Monday, May 6, 2019 3:37 PM  
**To:** All BOS Board Members  
**Cc:** Alison Barratt-Green; Alison Lehman; Brian Foss; Sean Powers  
**Subject:** FW: Consideration for Increased Cannabis Support Area

Dist 1

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**From:** Ed Scofield  
**Sent:** Monday, May 6, 2019 2:53 PM  
**To:** Julie Patterson-Hunter <Julie.Patterson-Hunter@co.nevada.ca.us>  
**Subject:** Fwd: Consideration for Increased Cannabis Support Area  
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**From:** Team Work <[REDACTED]>  
**Sent:** Monday, May 6, 2019 1:33:23 PM  
**To:** Ed Scofield; Richard Anderson  
**Subject:** Consideration for Increased Cannabis Support Area

To: Ed Scofield and Richard Anderson

Thank you for all of your hard work in putting together a local standard of compliance.

Thank you for your consideration on these points.

**We would appreciate if you could reconsider the 25% sq ft for supporting areas and increase the amount to a number that is more in alignment with industry practices. If this number is not increased I will not be able to comply with this provision within the accordance. My own farm would need at least 85%**

From a professional growing perspective we need more space to be able to comply with ADA standards in each of the unique support areas. We are in need of separate areas to create the unique atmospheres, with unique light, temperature and humidity. Each area needs 3 ft walk ways, etc to create an ADA complaint working atmosphere, as well as a safe an professional one which requires additional square footage.. Those of us who want to brand and self distribute will need to create a professional work space to accommodate the many steps it takes to fully streamline our business.

I hope to help show the need for more supporting area.

Mother Room

This is where we would keep the large non- flowering plants whom we could create clones from to ensure the standard of our product. During the spring and summer seasons these plants will need to be many large Mothers, on their own unique light schedule to keep up with the clone demand in our 10,000 sq ft projects of tiny plants, also know as sea of green. Greenhouse 25 x 60 with two 3 ft min walk ways for ADA.

**Total Square ft = 1,500 sq ft**

#### Clone Room

The 20 x 40 Clone room will be where the initial clones go as soon as they are cut from the mothers. Batches will be cut to fill up to two rounds per green house. This area has its own unique light schedule This size could accommodate the clones per harvest batch along with the sq ft need for ADA compliance.

**Total Sq Ft= 800 sq ft**

#### Nursery

The Nursery is the second step for all the clones who survive the first step before their final transplant into the outdoor greenhouses. This area has its own unique light schedule The nursery is 20 x 60 greenhouse . ADA complaint

**Total Sq Ft = 1200 sq ft**

#### Harvest Processing

The 4 Steps of processing are not all always done at the same time: In-take of large branches, De leaf, Bucking, Waste. A 15 x 20 that opens to the outside for full ventilation and the use of outdoor space would meet ADA with its large opening for easy entrance and exit.

**Total Sq Ft = 300 sq ft.**

#### Dry Rooms:

This is where the plants would be slow dried to perfection. This room has its own sensitive temperature, humidity and light control. ADA compliant 25x 40 ( 2rooms)

**Total Sq Ft = 2000 sq ft. ( 2 rooms of 1000)**

#### Long Term Curing

Specialty final cure in an controlled environment. ADA compliant 20 x 40

## **Total Sq Ft 1000**

### **Packaging and Labeling**

Clean and sterile environment to weigh, package and label. Enough room for these activities, with large tables, organization and mobility. 20 x 20. sq ft ADA complaint

**Total Sq Ft 400 sq ft**

### **Harvest Storage**

Controlled Temperature environment to maintain top quality and avoid decay. ADA complaint 20 x 20

**Total Sq Ft = 400 sq ft**

### **Harvest Weigh Area**

With Metric we need to take proper measurements. It has recommended that we have a weight station set up at all times. To have an area with large clean work table to serves as the scales preeminent home. A 10 x 10 room would meet ADA standards.

**Total Sq Ft = 100 sq ft.**

### **After Processed Storage Area**

Once packed and processes. A place for the final products are needed.

This area will be a 15 x 20

**Total Sq Ft = 300 sq ft**

### **Tool / Equipment Storage / Nutrition Shed**

Each small storage shed at 10 x10 would be sufficient.

**Total Sq Ft =300 sq ft ( Three 100 sq ft)**

### **Cultivation On site Office**

An office to keep all the necessary paperwork that is need to be shown to the county and the state agencies would create a safe storage and organized environment to stay professional.

**12 x 15**

**Total SQ= ft 300**

#### **Self Distribution On site Office**

Self Distribution must be separate from the cultivation premises. Standing alone with all of its necessary paperwork need to be shown to the county and the state agencies.

**12 x 15**

**Total SQ= ft 300**

**We would need at least 8,500 sq ft-** as shown above.

**That is 85%** to meet the total amount of support area.

Thank you for your consideration

Maria Busby

Gold Coast Botanicals

## Julie Patterson-Hunter

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**From:** Julie Patterson-Hunter  
**Sent:** Monday, May 6, 2019 3:52 PM  
**To:** All BOS Board Members  
**Cc:** Alison Barratt-Green; Alison Lehman; Sean Powers; Brian Foss  
**Subject:** FW: 2019.5.6 Nevada County NCCO Comment .pdf  
**Attachments:** 2019.5.6 Nevada County NCCO Comment .pdf

District 4 resident – her office is located in District 3

*Julie Patterson Hunter, CCB*  
Clerk of the Board

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**From:** Marsha Burch  
**Sent:** Monday, May 6, 2019 3:48 PM  
**To:** Julie Patterson-Hunter <Julie.Patterson-Hunter@co.nevada.ca.us>  
**Subject:** Fwd: 2019.5.6 Nevada County NCCO Comment .pdf

Hello Ms. Patterson-Hunter.

Attached is a comment letter regarding the Board of Supervisors hearing tomorrow. It has come to my attention that you would be able to distribute this to the Supervisors.

Thank you.

Marsha A. Burch

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MARSHA A. BURCH  
ATTORNEY AT LAW

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May 6, 2019

Nevada County Board of Supervisors  
950 Maidu Avenue  
Nevada City, CA 95959  
[ComDevAgency@co.nevada.ca.us](mailto:ComDevAgency@co.nevada.ca.us)

Re: Nevada County Commercial Cannabis Cultivation Ordinance  
Final EIR (SCH# 2018082023)

Dear Chair Anderson and Supervisors:

This letter responds to a portion of the staff report for the Board of Supervisors meeting scheduled on May 7, 2019, specifically the portion discussing the need for the Nevada County Commercial Cannabis Cultivation Ordinance ("NCCO") to include allowance for sufficient "support area" to allow for successful cultivation. (Staff Report, p. 10.)

Over the past 20 years I have practiced in the areas of environmental law, California Environmental Quality Act ("CEQA") and land use, including CEQA litigation as well as advising public agencies in environmental review and administrative law. I have followed the development of the NCCO with interest and provide the following comments regarding the support area issue.

Since the 25% figure was included in the NCCO, the cannabis community has submitted a significant amount of information showing that support area necessary for successful cultivation is closer to 90% of cultivation area. (See April 3, 2019 memorandum from Cannabis Alliance entitled *Cannabis Support Area: Industry Analysis* ["Alliance Memo"].) As a result, County Staff has been considering the question of whether the number may be increased within the scope of the existing EIR. The answer is yes.

The Staff Report notes that the EIR for the NCCO mentioned the 25% support area in a qualitative way, and the conclusions in the document were not the result of any calculations based on the 25% figure. (Staff Report, p. 10.) The Staff Report goes on to say that the support area could be increased without "impacting the EIR" by allowing 25% of the allowable canopy area and that "existing structures could be used for additional support areas up to an additional 50% of the canopy area." The idea is that this would allow for support area of up to 75% "without any new specific site impacts or impacts to the Cannabis EIR." The issue does not need to be so complicated. All of the structures that are part of a cannabis cultivation

premises will be required to comply with all County requirements. Protective code sections relating to building, coverage, prime agricultural land, and other impacts will apply, and the support area of each "premises" will be part of the site plan provided to County staff at the time of permit application. The support area percentage may be a straight percentage and does not have to be tied to the question of existing versus new structures.

In fact, the 25% figure could be increased to the level required for successful cultivation (i.e., up to 90%) within the scope of the analysis in the EIR, and also without resulting in additional impacts.

The first draft of the NCCO released did not include any stated allowance for support area, but shortly thereafter a figure of 25% was selected. Upon investigation, the facts revealed that a larger percentage is necessary (and typical) for cannabis cultivation operations. (Alliance Memo.) The concern appears to be that increasing the figure would somehow call into question the analysis in the EIR. The "change" would essentially be to recognize the reality of cannabis cultivation, as supported by the facts. Further, it is not a change that would require recirculation of the EIR.

Where a change is made to either a project or an environmental document, CEQA provides standards against which one may measure the change to determine whether or not it requires revision to the environmental document. It is also important to note that the EIR for the NCCO is a programmatic document because it is evaluating the overall impacts of a regulatory structure that will be applied to individual projects in the future. The level of review required for a programmatic document is necessarily broad and considers implementation of the overarching program.

CEQA Guidelines Section 15088.5 states that new information added to an EIR is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse effect of the project or a feasible way to mitigate or avoid such an effect. "Significant new information" requiring recirculation includes, for example: (1) new information showing the project would result in a new significant impact; (2) new information showing a substantial increase in the severity of an environmental impact; (3) new information revealing feasible project alternatives or mitigation measures considerably different from the others previously analyzed; or (4) new information showing shortcomings in the Draft EIR that completely precluded meaningful public review and comment. (CEQA Guidelines §15088.5.)

None of these circumstances will arise here if the support area percentage is increased. The EIR found no significant impacts related to the development of support area, and the programmatic analysis was broad and not based upon specific calculations, but on the qualitative acknowledgement that cannabis cultivation requires support area in addition to canopy area. An increase of support area to a feasible level would not impact the EIR's analysis or conclusions. Revising the 25% limit would not be "significant new information" under CEQA requiring additional work on the EIR.

In this case, there is no substantial change to the project because the proposed NCCO originally provided a percentage figure that was an estimate by staff, and the EIR evaluated the overall impacts in the programmatic document in a qualitative way that was not based

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May 6, 2019  
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upon specific on calculations. The EIR only referenced the 25% figure in two places, neither of which analyzed impacts based upon that figure. (See Draft EIR, pp. 4.2-17 and 4.2-23.) The increase from an estimate to a factually based figure will not increase impacts associated with implementation of the program (the NCCO).

The EIR provides adequate analysis of implementation of the overarching program of cannabis regulation and development in the County. We encourage the Board to increase the support area percentage to a level that is consistent with what is actually required for successful cultivation. Up to 90% would be consistent with the facts and supported by the environmental analysis already completed.

Sincerely,

Law Office of Marsha A. Burch

A handwritten signature in black ink, appearing to read "Marsha A. Burch", with a long horizontal flourish extending to the right.

Marsha A. Burch  
Attorney

cc. Alison Barratt-Green (via email [Alison.Barratt-Green@co.nevada.ca.us](mailto:Alison.Barratt-Green@co.nevada.ca.us))



## Julie Patterson-Hunter

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**From:** Richard Anderson  
**Sent:** Monday, May 6, 2019 7:30 AM  
**To:** Julie Patterson-Hunter  
**Subject:** Fw: Alliance Policy Recommendations  
**Attachments:** Alliance Policy Recs \_ Extended Version\_ May 2019.pdf; Alliance Policy Memo \_ May 7 2019-2.pdf; Cannabis Support Area\_ Industry Analysis-4.pdf

Public input re cannabis workshop.

-Richard

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**From:** Diana Gamzon  
**Sent:** Sunday, May 5, 2019 9:31 PM  
**To:** Richard Anderson  
**Subject:** Alliance Policy Recommendations

Hi Supervisor Anderson,

I hope you had a beautiful Truckee weekend.

I am sending you three documents as you prepare for Tuesdays Board of Supervisors meeting.

Attachments include:

- 1) Alliance Policy Recommendations, a condensed version
- 2) Alliance Priority Recommendations, an extended version
- 3) Support Area Memo, An Industry Analysis

The policy recommendations that are included in the memos are based on seven areas that staff is recommending your board discuss on Tuesday.

Please reach out if you have any questions and I look forward to seeing you on Tuesday.

Thank you,  
Diana

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Executive Director  
Nevada County Cannabis Alliance

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Nevada County Cannabis Alliance  
Policy Recommendations  
May 7, 2019



**Support Area**

- Increase the support area allowance from 25% to up to 90%.

**Setbacks**

- Keep setbacks at 100' from property line to cultivation site.

**Transition Period**

- Allow for grading within the transition period, allowing cultivation on unpermitted grading *as long as*:
  - (1) cultivation is low impact (outdoor or unpermitted structure),
  - (2) existing pad is not a health & safety violation, and
  - (3) existing pad is in the process of being permitted

**Non Remuneration Cultivation**

- Create greater access for non remuneration cultivation by allowing for discretion with commercial permit requirements

**Existing and Permitted Structures**

- Create an allowance for the easement and/or variance process to apply to *existing* and *permitted* structures that fall in less than 60' but greater than 30' setback

**Financial Interests**

- Add an exemption to the cultivation and financial interest limits for Cannabis Cooperatives, as defined by the State of California (Businesses and Professions Code, Div 10, Chapter 22)

**Certificate of Deposit**

- Remove the provision requiring a \$5000 certificate of deposit

To: Sean Powers, Director, Community Development Agency  
Alison Barratt - Green, County Counsel  
Craig Greisbach, Director of Building  
Brian Foss, Director of Planning  
Mali Dyck, Assistant County Executive Officer  
Alison Lehman, County Executive Officer  
Jeff Merriman, Division of Cannabis Compliance  
Chris D'njjs, Agriculture Commissioner  
Amy Irani, Environmental Health



Cc: Supervisors Hall, Hoek, Scofield, Miller, Anderson

From: Diana Gamzon, Executive Director

Date: April 3, 2019

**Re: Cannabis Support Area: Industry Analysis**

The Nevada County Cannabis Alliance **opposes the recently added ordinance language requiring a 25% limit on the support area and is calling for the limit to be updated in accordance with standard industry practices.** In our analysis, up to 90% of the total canopy square footage is necessary in order to fit *all* of the activities defined within a "support area." The exact language, as it is written in the updated draft ordinance, is listed below.

"Cannabis Support Areas are limited to a maximum area equal to 25% of the overall Canopy Area. The Support Area boundary shall be clearly identified on any plans that are submitted and on the Premises."

"Support Area" is defined as an area associated with immature plants, drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured cannabis products.

Below is an analysis, based on industry practice and expertise, of the actual space requirements that would be needed for all activities as defined within the draft ordinance.

We hope this analysis can serve as a baseline while considering solutions.

- **Immature Plant Area**

- Activity:

- Non-flowering plant area where activities include: research & development of strains, vegging area, seed germination and cloning. This

area is different from a Nursery License; whereas the immature plants within a Nursery are designated for sale.

- "Immature plant" means a cannabis plant that has a first true leaf measuring greater than one half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one half inch wide at its widest point (if vegetatively propagated), but which is *not flowering* (*CalCannabis CDFA regulations*).

- Considerations:

- Immature plant areas are not always in a permanent structure. Often, plants will be placed directly outdoors to be in full sun.
- Mixed light and outdoors growers will need separate areas for their immature plant areas.
- Need space for various immature plant areas depending on their stage of growth ("mom" vs "vegging" areas).
- Space may be needed for any necessary temperature control equipment (fans/dehumidifiers) and lights.
- It is common practice for many farmers to propagate their plants from seeds, which requires extra space due to the nature of some seeds turning out to be male plants, which are destroyed before growing into mature plants.

- Recommendation:

- 20% needed of 100% of total mature plant canopy
  - Example: 2500 sq ft garden = 500 sqft for immature plant area

- **Drying**

- Activity:

- The act of removing moisture from the cannabis plant by, most commonly, hanging the plants to air dry in a temperature controlled space.

- Considerations:

- Need space for temperature controlling equipment, e.g. fans and dehumidifiers.
- Cannabis plants cannot be overcrowded during the drying process. Insufficient drying space can lead to mold and other developments that will cause cannabis products to fail required laboratory testing standards and create consumer safety concerns.

- Recommendation:

- 20% of 100% of total mature plant canopy
  - Example: 2500 sq ft garden = 500 sq ft for drying

- **Trimming**

- Activity:

- The cleaning of the cannabis flower using either scissors for hand trimming or use of a trim machine(s).
  - Considerations:
    - Equipment includes: tables, comfortable chairs, lighting and space for trimming machines (if needed).
    - Cramped conditions will create hazards for farmers and/or employees.
    - Additional space may be needed for applicable ADA requirements, including ADA accessible restrooms.
  - Recommendation:
    - 15% of 100% of total mature plant canopy
      - Example: 2500 sq ft garden = 375 sq ft for trimming
- **Storing and Curing**
- Activity:
    - Often in a climate controlled environment, cannabis is typically stored in plastic bags and plastic bins. Curing involves “burping” or opening up the storage vessels to release moisture and air while moving the product in order to manage and monitor continued air flow and drying consistency.
  - Considerations:
    - Storage area contains any cannabis product that has not yet gone to a distributor.
    - CDFA may place “administrative hold” on a farm which would require product to be stored for a specified period of time. The storage area must take into consideration any additional space needed for required holds.
    - Additional space needed for: tool and equipment storage: hand and power tools, small equipment such as a rototiller, sprayers and orchard ladders.
    - Space needed for nutrients.
    - Space needed to store outdoor garden equipment: tarps, greenhouse equipment, fencing, trellising, irrigation equipment, and other gardening materials.
    - Space needed for backup supplies for: packaging and labeling.
  - Recommendation:
    - 20% of 100% of total mature plant canopy
      - Example: 2500 sq ft garden = 500 sqft for storing & curing
- **Packaging, Labeling, Rolling, Grading**
- Activities:
    - All activities would be included in preparing product to move to a distributor.
  - Considerations:
    - These areas are likely separated from other areas as this space must remain clean.

- Space that may be needed for applicable ADA compliance must be taken into account.
- Space will be needed for administrative office space which would include office, desk, supplies and document storage.
- Recommendations
  - 15% of 100% of total mature plant canopy
    - Example: 2500 sq ft garden = 375 sq ft for Packaging, Labeling, Rolling, Grading

**Total Support Area Needed = Up to 90% of Total Mature Canopy**

## Julie Patterson-Hunter

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**From:** Richard Anderson  
**Sent:** Monday, May 6, 2019 7:50 AM  
**To:** Julie Patterson-Hunter  
**Subject:** Fw: Cannabis Ordinance - Existing Gardens and Setbacks  
**Attachments:** Changes to Cannabis Ordinance Commentary.pdf

FYI.

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**From:** Evelyn Soltero  
**Sent:** Sunday, May 5, 2019 1:20 PM  
**To:** Heidi Hall; Ed Scofield; Dan Miller; Sue Hoek; Richard Anderson  
**Subject:** Cannabis Ordinance - Existing Gardens and Setbacks

Hello Nevada County Supervisors,  
Thank you for your time and serious consideration of our Cannabis Ordinance. I, as a concerned citizen and scientist, have written commentary addressing proposed changes to our current Cannabis Ordinance. Please take the time to read my letter prior to Tuesday's May 7 board meeting. Feel free to send along any questions. I am hoping to speak in person- my work schedule has the final word. Thank you for your time and consideration.

Cheers.

Evelyn Soltero, MS  
All About Wells, Owner

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### All About Wells

All About Wells owner, Evelyn Soltero, MS, draws on a unique combination of education, field experience, and passion to improve groundwater sustainability and safety.



Evelyn Soltero, MS  
All About Wells, Owner

RE: Changes to Current Cannabis Ordinance

May 5, 2019

Dear Nevada County Supervisors,

I am Evelyn Soltero, a resident of Nevada County and a scientist with degrees in Biology and the Geosciences. I am addressing two concerns today: 1.regarding incorporating a transition period for low impact cultivation based upon the acceptance of unpermitted, already graded, or otherwise established gardens and 2.discouraging suggested changes to the 100ft setback in the current draft of the Cannabis Ordinance. Both of these issues have significant impact on our local habitat.

I wish to speak, first and foremost, to increased environmental degradation with new construction of grading pads and increased setbacks. Significant harm to the environment will occur if grading corrections to existing gardens are not allowed within the transition period or if setbacks are increased. Both situations directly impact local habitat by 1.denying use of an established garden, and 2.causing farmers to move their gardens.

Ecosystem fragmentation, fire suppression, and related urban development adversely impact Oak-Foothill Woodlands throughout the Sierra Nevada foothill.<sup>1</sup> Many remaining oak stands are not regenerating.<sup>1, 2</sup> Abandoned existing gardens to grade a new area or meet a new setback encourages non-native species such as yellow star thistle, medusa-head, Scotch broom, and Himalayan blackberry. New construction and increased setbacks create habitat degradation. Sadly, the potential to disturb pristine habitats preserved by the farmer as part of their forest stewardship also exists.

Working with farmers to permit existing garden sites versus constructing new eliminates further environmental fragmentation. Most established gardens exist in symbiosis with their surroundings. Established beneficial vegetation create habitat for native species such as migrating insectivorous birds and local mammals.<sup>1</sup> Beneficial species also encourage and support a locally diverse food chain- e.g. native grass seeds, fruits, acorns, and pine seeds are food sources for rodents, squirrels, larger mammals, and seed-eating birds.<sup>1</sup>

While I do understand many of these established gardens were not previously permitted, allowing for low impacts growing- i.e. outdoors or in an agriculturally exempt structure, on existing sites while moving through the permit process will reduce environmental degradation and encourage remediation through the permit process. The unfortunate truth is that it is far simpler for a farmer to receive a permit to grade a new site. However, new grading only causes more harm to the environment and landscape. It is possible that your best intentions in reducing environmental degradation contribute to just the opposite- a patchwork of fresh ecosystem fragmentation- something all stakeholders wish to avoid.

I encourage you to recognize that the benefits of an established garden outweigh increased fragmentation and environmental degradation through the vegetation removal, exposed soil, and compaction created with new construction. I urge you to enact policy that encourages environmental stewardship: allow grading to fall within the transition period and maintain the current 100ft setback! Thank you.

Sincerely,



Evelyn Soltero, MS

1.Beedy, E.C., Brussard, P., 2002 Nevada County Natural Resources Report  
Nevada County Planning Department

2.Phillips, R.L., McDougald, N.K., McCreary, D., Atwill, E.R., 2007 Blue oak seedling age influences growth and mortality California Agriculture, Vol.61, Number 1, January-March 2007

<http://calag.ucanr.edu/archive/?type=pdf&article=ca.v061n01p11>