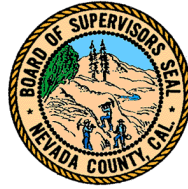


COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Chair)
Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District (Vice-Chair)



BOARD OF SUPERVISORS

950 Maidu Avenue
Nevada City, CA 95959-8617
(530) 265-1480
Fax: (530) 265-9836
bdofsupervisors@co.nevada.ca.us

Julie Patterson Hunter, Clerk of the Board
Richard A. Haffey, County Executive Officer
Alison Barratt-Green, County Counsel

SUMMARY MINUTES

Date	Time	Location
Tuesday, March 6, 2018	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

SPECIAL MEETING: 9:00 AM

Rollcall

The following Supervisors present:

Heidi Hall, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

STANDING ORDERS:

Chairman Scofield called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Supervisor Miller.

DEPARTMENT HEAD MATTER:**Community Development Agency Director: Sean Powers**

1. [SR 18-0222](#) Additional discussion on Nevada County's long-term cannabis cultivation decision point questions, and direction to County Counsel to continue drafting a revised ordinance.

ACTION TAKEN: Mr. Sean Powers, Community Development Agency Director, provided a brief presentation, and members of the public provided input on cannabis cultivation regulations.

Ms. Song Kowbell, District IV resident; Mr. Brad Pecimer, District II resident; Mr. Gary Baker, District II resident, Civil Engineer and Landscape Architect; Mr. Mark Johnson, District III resident; Mr. Abraham, County resident; Ms. Fran Freedle, District IV resident; Mr. Wade Freedle, District IV resident; Ms. Patricia Rockwell, District IV resident; Mr. John Foley, District II resident; Mr. Irving Mazur, District II resident; Mr. Michael Baker, District III resident; Mr. David Cooper, District IV resident; Mr. Vincent Lattuca, District II resident; Mr. Benton Seeley, District II resident; Mr. Joshua Gottschall, District IV resident; Mr. Charlie Price, District I resident; Ms. Diana Gamzon, District I resident and Executive Director of Nevada County Cannabis Alliance; Ms. Barbara Jones, District I resident; Mr. Basil McMahon, District II resident; Mr. Graham Burke, District II resident; Mr. Tom Fletcher, District II resident; Ms. Govinda McComb, District V resident; Ms. Charma Pipersky, District I resident and Attorney; Mr. Jon Oleson, District IV resident; Mr. Pat Martin, District IV resident; Mr. Michael Chestone, District IV resident; Mr. Chris Bryant, District V resident; Ms. Christina Rosmarin, District I resident with a farm in District IV; Ms. Sarah Smale, District II resident and Attorney; Mr. James DeVinny, District IV resident; Mr. Anthony West, District I resident; Mr. Jonathon Collier, District I resident; Ms. Shelley Salvatore, District I resident; Ms. Amber Morris, Green Guidance Solutions representative and former Branch Chief for CalCannabis; Mr. Forrest Hurd, District IV resident, Caladrius Network Director and Chair of the California Compassion Coalition; Ms. Danielle Dao, District IV resident; Mr. Evan Schultz, District V resident; Mr. Vernon Elkins, District II resident; Ms. Carrol Elkins, District II resident; Mr. Charles Venor, County resident; Mr. Wade Laughter, District I resident; Mr. John Rodrigues, District III resident; Ms. Corlene Mapes, District I resident; Mr. Lee French, District II resident; Mr. Mark Schaefer, District IV resident; Mr. Brian Snyder, District I resident and FREED representative; Mr. Matthew Coulter, District I resident; Ms. Sarah Johansen, District IV resident; Mr. Stefan Proseman, County resident; Mr. Harry Bennett, District I resident; Ms. Dyana Davis, District IV resident; and Mr. Andrew Quattrin, District IV resident.

ACTION TAKEN: Following a short break, Chairman Scofield called the meeting back to order and thanked the public for their participation and engagement during today's meeting.

Mr. Sean Powers provided a brief summary of the Executive Summary of the Board Direction prepared by staff resulting from the February 13 meeting, and reviewed certain points needing further clarification.

1. Mr. Powers noted that regarding Commercial Cultivation, there were three points staff needed to clarify, beginning with the suggested 10,000 maximum square feet allowed for outdoor cultivation:

Supervisor Hall responded that a maximum of 10,000 square feet for outdoor cultivation was appropriate, to be allowed on 10-20 acre parcels. Supervisor Scofield was in agreement. Supervisor Miller agreed with the 10,000 square feet for outdoor cultivation, but only on parcels up to 20 acres or more; he would allow 10,000 square foot indoor grows on 10 acres. Supervisor Weston agreed with 10,000 maximum square feet on 20 acre parcels. Supervisor Anderson was in agreement with Supervisors Weston and Miller.

2. Mr. Powers requested direction regarding as to whether the commercial cultivation limits per parcel are the absolute maximum cultivation amounts per parcel and how can the limits be allocated (e.g., indoor, outdoor or a combination of both):

Supervisor Hall felt combinations of indoor and outdoor cultivation should be allowed, and there should be an absolute maximum. How that would be distributed should be up to the grower. She was in line with the recommended phrasing. The Board members agreed to this by consensus.

3. Mr. Powers wanted to clarify whether the commercial cultivation limits are in addition to, or part of, the State's allowance of six plants indoors:

Supervisor Miller responded that six plants indoors for personal use is now State law; if this is in addition to a commercial outdoor grow, he did not see that it could be prohibited. Supervisor Anderson asked if six outdoor plants on certain sized parcels could be approved. Supervisor Miller suggested that six outdoor plants would be in addition to the commercial cultivation and should not be allowed. Supervisor Scofield agreed with Supervisor Miller's statement. He thought the six indoor allowance was not meant as a commercial number, it was meant for personal use. Supervisor Hall felt that the six plants for personal grows should be regulated separately from commercial grows; so six plants could be indoor or outdoor, depending on the final personal grow regulations, and should be allowed separately. Supervisor Anderson agreed with Supervisor Hall.

Mr. Powers understood the Board's direction to be in addition to a commercial grow, you can have six plants indoors or six plants outdoors for personal use, but not both.

4. Mr. Powers reviewed the personal cultivation items, noting there were four points requiring clarification on the Executive Summary:

a) Are the six personal use plants outdoors in lieu of, or in addition to, the state's allowance of six plants indoors? This direction would apply to parcels containing only personal cultivation.

Supervisor Hall would like to keep the maximum to 6 plants and not get into registration and tracking for personal cultivation. By consensus, the Board members were in agreement with a total of six plants.

Board discussion ensued.

b) What should be the minimum parcel size for AG, AE, FR, TPZ zones? Mr. Powers clarified that TPZ zoning is not an option for commercial, but it is for personal:

Supervisor Hall suggested one acre minimum for six plants outdoors for personal cultivation. Supervisor Anderson was interested in allowing up to six plants for personal use on one acre parcels if there was a way to constrain the grow to within a certain number of feet from the home rather than near a property line where the cultivation could potentially impact a neighbor. Supervisor Hall shared these concerns and wanted the plants grown where they would be less likely to cause a nuisance.

Supervisor Miller was in support of two acre minimum parcels for six outdoor plants. Supervisor Hall was in support of one acre minimum. Supervisor Weston was in support of two acre parcels or more, for AG, AE, and FR zoning. Supervisor Scofield was in support of three acre parcels. Mr. Powers suggested the recommendation be one to three acre parcels, noting that this would come back to the Board for review.

c) Should personal cultivators be required to participate in a registry for tracking purposes?

Board questioning and discussion ensued.

Mr. Powers' consensus on this topic was that it was "undecided" by the Board, so he would have staff do more research on the registry question.

d) Should personal cultivation be shielded from the public right-of-way?

The Board's consensus on this issue was that no fencing should be required for personal cultivation, but efforts should be made to shield the grow from public view. Mr. Powers thanked the Board for their clarification on staff's final questions.

Mr. Powers reported that staff needed a draft ordinance in order to start the CEQA (California Environmental Quality Act) process. He reviewed the CEQA information and considerations, in addition to staff's estimated timeline. He noted that CEQA does require some environmental analysis in addition to the State's regulations.

Supervisor Miller asked if the initial date of May 1, 2018 was still realistic. Mr. Powers responded that he believed a draft ordinance could be ready by May 1, but he he was not sure it could be implemented by that date due to the CEQA analysis requirements.

Board questioning ensued.

Mr. Powers reported that Planning staff has been taking a close look at the State EIR (Environmental Impact Report); Board direction was needed before the analysis could be completed. Now that direction has been received, staff will be working with Counsel to prepare the draft ordinance to bring forward to the Board as soon as possible. Ms. Alison Lehman, Assistant County Executive Officer, expected staff would return with a draft ordinance in early May, and any CEQA documents will come back in the form of a contract to the Board. Mr. Powers agreed that the draft would come forward for review, but it would not be implemented until the CEQA analysis was complete.

Board discussion ensued regarding the possibility of temporary licensing before the CEQA documents were finalized. Ms. Barratt-Green responded that it would depend on what was being allowed, there are limitations due to CEQA. Ms. Barratt-Green reported that staff is looking for potential options for a path to allow for temporary licensing for this Summer.

Board questioning continued.

Supervisor Hall felt a lack of clarity; she asked if the process could be approached in such a way that on May 1, the Board has a draft ordinance for review, a sufficient amount of the CEQA analysis is done, and a temporary licensing process in place so the growers have something to follow as best as possible while the Board completes the process. Ms. Barratt-Green replied that in early May staff will return back to the Board with a draft ordinance for review and discussion. After final direction, staff can then focus on the CEQA process in earnest. Until those decisions are final, it is difficult for staff to finalize an ordinance. Supervisor Hall was looking for a 'yes' or

'no' on whether or not the public could expect temporary licensing. Ms. Barratt-Green responded that it would depend on what staff comes back with; they are trying to come up with a solution along those lines. Chairman Scofield stressed that it is important for the growers as well as the neighbors; he was concerned about enforcement, and felt there is an urgency since grows will be starting soon and neighbors will be impacted.

Supervisor Weston stated that staff is currently looking at the costs that will be presented to the Budget Subcommittee regarding enforcement and compliance to see how the County is going to meet the need. Ms. Lehman stressed that not only will it be evaluated through the Budget Subcommittee process, but later this month staff will be bringing a proposal for a tax measure to go in November.

Board discussion ensued.

Chairman Scofield requested that staff stay in touch with the Board before May 1, as the process progresses. Mr. Powers suggested that if additional issues come up staff would work with the Chairman to bring items forward at future meetings for further clarification.

ADJOURNMENT:

ACTION TAKEN: Chairman Scofield adjourned the meeting at 12:50 P.M.

Signature and Attestation

Edward Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board