

# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Heidi Hall, 1st District (Vice-Chair)*

*Ed Scofield, 2nd District*

*Dan Miller, 3rd District*

*Susan Hoek, 4th District*

*Richard Anderson, 5th District (Chair)*

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*Julie Patterson Hunter, Clerk of the Board*

*Alison Lehman, County Executive Officer*

*Alison Barratt-Green, County Counsel*



## BOARD OF SUPERVISORS

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## SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, May 7, 2019	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

Special Meeting-CDA/Planning item only

### SPECIAL MEETING: 9:00 AM

*Rollcall*

*The following Supervisors present:*

*Heidi Hall, 1st District*

*Ed Scofield, 2nd District*

*Dan Miller, 3rd District*

*Sue Hoek, 4th District*

*Richard Anderson, 5th District*

### STANDING ORDERS:

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

Pledge of Allegiance led by Mr. Chris de Nijs, Agricultural Commissioner.

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**SCHEDULED ITEM: 9:01 A.M.**

*Video Conferencing for public comment regarding items appearing on the agenda will be available during the morning session only, located at the District V Board of Supervisors Conference Room, Nevada County Sheriff's Substation, 10879A Donner Pass Road, Truckee, California.*

Chairman Anderson welcomed members of the public to the Board's May 7, 2019 special meeting. He provided a brief overview of meeting expectations, adding that no action would be taken by the Board; the purpose of the meeting is to review, discuss, and provide final direction to staff.

**Planning Director: Brian Foss**

1. [SR 19-0319](#) Public hearing to consider (1) an Urgency Ordinance adding Section L-II 3.30 to Chapter II of the Land Use and Development Code and related amendments to Land Use Tables for the Nevada County Commercial Cannabis Cultivation Ordinance (NCCO) and (2) the Final Environmental Impact Report, Mitigation Monitoring Program and Findings and Statement of Overriding Considerations (EIR18-0001, SCH No. 2018082023). The proposed NCCO would replace and repeal the existing cannabis regulations in Article 5 of the Nevada County General Code.
- 1a. [SR 19-0349](#) Resolution of the County of Nevada certifying the adequacy of the Final Environmental Impact Report for the Nevada County Commercial Cannabis Cultivation Ordinance Project (EIR18-0001, SCH No. 2018082023) in accordance with the California Environmental Quality Act and making certain findings concerning environmental impacts, mitigation measures and alternatives to the project, adopting a mitigation monitoring and reporting program and adopting a statement of overriding considerations, in connection with approval of the project contemplated by the Final Environmental Impact Report.
- 1b. [SR 19-0348](#) An Urgency Ordinance adding Section L-II 3.30 to Article 3 of Chapter II and amending Tables L-II 2.2.1.B, L-II 2.2.2.B, L-II 2.3.D, L-II 2.4.D, L-II 2.5.D, And L-II 2.6.F in Article 2 of Chapter II of the Nevada County Land Use and Development Code regarding Cannabis Cultivation.

**ACTION TAKEN:** Mr. Brian Foss, Planning Director, provided a PowerPoint presentation regarding the Draft Cannabis Ordinance and Final Environmental Impact Report (EIR). He reiterated that no vote would be taken at today's meeting; direction would be provided by the Board and staff would return on May 14 to introduce the Urgency Ordinance. He reviewed the background of the Project, and provided an overview of the County's process.

Mr. Foss provided a description of the Nevada County Commercial Cannabis Cultivation Ordinance for Medical Use, reviewed the intent and scope of the Ordinance, and reviewed the definitions. He explained zoning classifications for personal use cultivation, medical use cultivation, and commercial use. He listed the standards and provisions for cultivation area requirements including: site security; health safety and welfare of neighboring properties; conform to applicable codes; conform to hazardous materials regulations; visibility requirements; conform to applicable County ordinances; property owner; required permits; wastewater disposal system; and indoor odor control. Accessory structure requirements include permitting and setback requirements; requirements for a permanent electrical source; odor control requirements for indoor cultivation; and a requirement for cultivation areas to be fully enclosed.

Mr. Foss explained that the required permits include 1) cannabis cultivation permit; 2) administrative development permit; and 3) annual cannabis permit. Application submittal requirements include a detailed site plan, biological pre-screening information; cultural resources report; water, sewer and electrical sources; notes on plans; security plan; light control plan; and secondary access information.

Mr. Foss reviewed setback requirements relating to canopy sizes and support areas, including structures, and reported that the Ordinance provides procedures for violations and abatement, including annual inspections and procedures for citations and fines.

Mr. Alex Jewell, Kimley-Horn & Associates, Inc., Senior Project Manager, reviewed the EIR process, which was released on April 1, 2019. The EIR analyzed a number of resources and identified significant and unavoidable impacts which include: aesthetics; agricultural resources; air quality/odors; groundwater supplies; land use conflicts; transportation and traffic; utilities; and increases in energy use. He listed some of the mitigation measures including; lighting control plan; farmland resources; prohibition on burning of cannabis; reduction of generator noise; pre-screening to identify biological resources. Mr. Jewell provided an explanation of overriding considerations in the EIR that provide for a regulated and viable cannabis industry in Nevada County.

Mr. Foss reported on the changes made to the draft Ordinance including; nursery definition; removal of industrial hemp; and definition of immature plants.

Mr. Craig Griesbach, Building Director, reported that the Planning Commission made recommendations for the Board's consideration, which include:

- 1) Certification of Deposit requirement of \$5,000 to be submitted with the cannabis land use permit. Options to consider: whether or not to require a Certificate of Deposit or bond.
- 2) Financial Interest limit. Current ordinance allows up to eight commercial cannabis businesses and/or enterprises in the County. Options: keep the number at 8, change it back to 3, or remove the limit.
- 3) Support Area space. Limited to 25% of the permitted canopy areas. Options: adopt as is; increase the allowable support area to 75%; amend definition of support areas.
- 4) Non-remuneration. Reduced fees for non-remuneration permits. Options: keep ordinance as is; create a reduced fee schedule specific to non-remuneration permits; adopt as is and continue to work with stakeholders to refine the procedures and return to the Board.
- 5) Transition period. Currently allows 2 year period to bring properties into compliance. Options; adopt as is; allow and define "low impact grading" in the transition period for outdoor cultivation sites.
- 6) Existing permitted accessory structures. Ordinance requires all accessory structures to meet the 100 foot setback. Options: keep ordinance as is; develop different setback standards for existing permitted accessory structures.
- 7) Setbacks for larger parcels. Current requires 100 foot setback for parcels 20 acres or greater. Options: keep as is; develop different setback standards for parcels 20 acres or greater with specific residence requirements.

Board questioning ensued.

Chairman Anderson opened the public hearing for public comment.

The following members of the public provided comments: Ms. Evelyn Soltero, District IV resident; Mr. David Franco, District III resident; Ms. Rosemary Metrailler, District I resident; Ms. Heather Burke, District I resident; Mr. Gary Sobonya, District I resident; Ms. Sarah Smale, District II resident; Mr. Theo Destombe, District IV resident; Mr. Ben Jordan, District IV resident; Ms. Kim Rollins, District IV resident; Mr. Karuna Warren, Civil and Environmental Engineer and District III resident; Mr. Jon Oleson, District IV resident; Ms. Jo Garst, District V

resident; Mr. Robert Mayer, District IV resident; Mr. Daniel Fink, District IV resident; Mr. David Cooper, District IV resident; Ms. Song Kowbell, District IV resident; Ms. Shelley Salvatore, District I resident; Mr. Lee French, District II resident; Ms. Patricia Rockwell, District IV resident; Ms. Maria Busby, District II resident; Mr. Abraham Valensky, District IV resident; Ms. Maria Herrera, District V resident; Mr. Mike Ingram, District IV resident; Ms. Barbara Jones, District IV resident; Ms. Carolyn Price, District III resident; Mr. Sebastian Gotla, District I resident; Mr. John Foley, District IV resident; Mr. Huck Ingram, District I resident; Mr. Gary Baker, District II resident; Mr. Jack Jacobs, District IV resident; Mr. John Alexander, District II resident; Ms. Tracy Houston, Nevada County resident; Mr. Uri Egozi, District III resident; Mr. Wade Laughter, District I resident; Ms. Diana Gamzon, Nevada County Cannabis Alliance Executive Director and District I resident; Mr. Howard Wilkins, Remy Moose Manley, attorney for the Cannabis Alliance; Ms. Marsha Burch, District IV resident; Mr. Douglas Potter, District IV resident; Mr. Jonathan Collier, District I resident; Mr. Miles Mott, District IV resident; Ms. Joey Jordan, District IV resident; Ms. Jan Howard, District III resident.

There being no further public comment, Chairman Anderson closed the public comment period and recessed the meeting until 1:30 p.m.

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Recess for lunch: 11:55 A.M.

### **AFTERNOON SESSION: 1:30 P.M.**

#### **Planning Director: Brian Foss**

1. [SR 19-0319](#) Public hearing to consider (1) an Urgency Ordinance adding Section L-II 3.30 to Chapter II of the Land Use and Development Code and related amendments to Land Use Tables for the Nevada County Commercial Cannabis Cultivation Ordinance (NCCO) and (2) the Final Environmental Impact Report, Mitigation Monitoring Program and Findings and Statement of Overriding Considerations (EIR18-0001, SCH No. 2018082023). The proposed NCCO would replace and repeal the existing cannabis regulations in Article 5 of the Nevada County General Code.

ACTION TAKEN: Chairman Anderson called the meeting called back to order at 1:30 P.M. for continued Board discussion.

Mr. Brian Foss, Planning Director, Mr. Craig Griesbach, Director of Building, and Mr. Sean Powers, Community Development Agency Director, reviewed the seven areas that required further review by the Board, and asked for Board direction.

Board questioning and discussion ensued on each of the seven decision points.

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Following a short break staff provided a summary of direction provided by the Board regarding the following decision points:

- CD/Bonding: allow option for either a CD or Bond to be used.
- Financial Interest: keep at eight (8) as suggested by stakeholders with an exclusion for co-operatives. Staff will continue work with the community regarding the co-operatives.
- Non-Remuneration: keep as is, return with recommendation for a reduced fee structure in June, and continue to work with stakeholders.
- Transition Period: allow “low impact” grading to be included in the transition period.
- Existing Permitted Building Setbacks: allow (consider) variance for existing structures down to thirty (30) feet with buildings permitted prior to May 1, 2019.
- Setbacks for Larger Parcels: keep as currently worded.
- Support Areas: allow ninety percent (90%) area
- State/Federal Park Setbacks: add outdoor to three hundred (300) feet allowance.

Board discussion ensued.

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### **ADJOURNMENT:**

ACTION TAKEN: Chairman Anderson continued the public hearing to May 14, 2019 for final action, and adjourned the meeting at 3:36 P.M.

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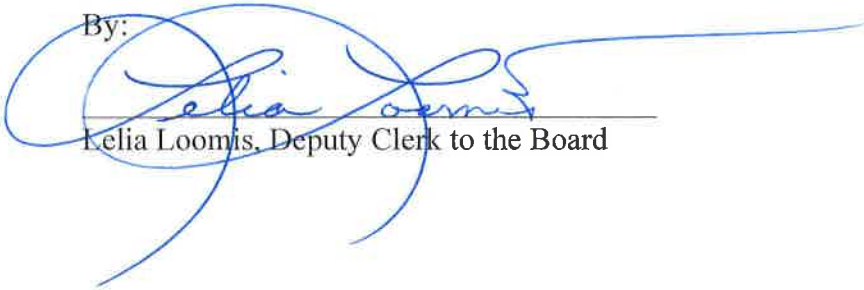
Signature and Attestation



\_\_\_\_\_  
Richard Anderson, Chairman

ATTEST:

By:



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Lelia Loomis, Deputy Clerk to the Board