

CONSULTING AND FACILITATION SERVICES

# NEVADA COUNTY



## CANNABIS REGULATION COMMUNITY PLANNING PROCESS

# PRESENTATION OF CAG PROCESS RECOMMENDATIONS TO THE BOARD OF SUPERVISORS January 9, 2018



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*in association with:*  
ECONorthwest | Sam Kamin

# Presentation Overview

- Summary of Staff Report
- MIG Presentation of CAG Recommendations Report
- Request for Board action to dissolve the CAG to conclude the process and free CAG members from Brown Act restrictions

# CAG Member Accomplishments

- Contributed an estimated total of more than 2,000+ hours of time.
- Participated in ten (10), three to three and a half hour CAG Meetings and two (2) joint BOS/CAG special meetings.
- Received and reviewed more than 250+ written comments from community members.
- Completed three (3) “homework assignments” in an effort to identify levels of agreement among CAG members on a full range of topics.
- Developed thirty (34) potential recommendation statements for BOS consideration.

# CAG Recommendations

This tables summarizes the CAG recommendations and indicates the level of agreement reached by the CAG for each recommendation. CAG members applied the six levels of agreement scale described in the table below.

## **CAG Level of Agreement Scale**

- 1 = I fully agree
- 2 = I find it acceptable and believe it is the best option available
- 3 = I can live with this direction, but I am not that enthusiastic about it
- 4 = I do not agree, but will go with the wisdom of the group and not oppose this
- 5 = I do not feel we have any unity of opinion on this topic and more discussion is needed
- 6 = I disagree with this direction

**STRONG AGREEMENT: at least 2/3 of CAG members responding chose 1, 2 or 3**

**MODERATE AGREEMENT: between 1/2 and 2/3 of CAG members responding chose 1, 2 or 3**

**UNDETERMINED LEVEL OF AGREEMENT**

# 34 Topics Reviewed and Discussed by the CAG

“Strong” to “Moderate” levels of agreement among CAG members were reached on 31 topics (based on the worksheets submitted by CAG members in December and ePolling at CAG Meeting #10).

“Strong” level of agreement was reached on 23 topics.

# Scope of CAG Recommendations

- Personal Outdoor Cultivation
- Non-Remuneration (gifting for medical purposes only)
- Commercial Cultivation
- Other Commercial Activities
- Permitting
- Inspections, Monitoring and Enforcement

# CAG RECOMMENDATIONS SUMMARY TABLES

# 1. Personal Outdoor Cultivation

CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
1.1 <b>Allow outdoor cultivation of up to 6 plants</b> for personal use in areas zoned AG, AE, FR, TPZ.	<b>Strong Agreement</b>
1.2 Allow outdoor cultivation for personal use in areas zoned R1 and RA under the following conditions:	
1.2.1 <b>Prohibit outdoor cultivation on parcels under one acre.</b>	<b>1.2.1 Undetermined</b>
1.2.2 On parcels of 1 acre or larger, <b>allow a maximum of 6 plants</b> outdoors.	<b>1.2.2 Moderate Agreement</b>



# 1. Personal Outdoor Cultivation

## CAG RECOMMENDATIONS

## LEVEL OF AGREEMENT

1.3 Require plants to be placed at a **minimum setback of 30 feet** from the edge of the plant canopy to the property line.

**Moderate Agreement**

1.4 **Limit cultivation for personal use to parcels with a residence and a full-time resident on the premises** where cultivation is occurring.

**Strong Agreement**

# 1. Personal Outdoor Cultivation

## CAG RECOMMENDATIONS

## LEVEL OF AGREEMENT

- 1.5 **Prevent any visible evidence** of cultivation from ground level under the following conditions: **Strong Agreement**
- 1.5.1 Limit outdoor cultivation for personal use to rear or side yard, unless front yard provides greater screening and distance from adjacent parcels and neighboring permitted structures.
- 1.5.2 Limit outdoor cultivation to areas entirely enclosed by solid opaque fencing associated with the dwelling, a locked gate, and fence at least 6 feet in height.
- 1.5.3 Require the height of plants not to exceed standard fence height of 6 feet.
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- 1.6 Prohibit outdoor cultivation in R2 and R3 zones. **Strong Agreement**

## 2. Non-Remuneration (gifting for medical purposes only)

CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
2.1 For the purposes of non-remuneration, <b>allow a primary caregiver to support up to 5 qualified patients</b> (Business and Professions Code 26033).	<b>Strong Agreement</b>
2.2 <b>Allow per qualified patient a maximum of 20 plants</b> and 500 square feet cultivation area. (No State license is required).	<b>Moderate Agreement</b>
2.3 <b>Apply commercial cultivation land use and zoning requirements</b> to non-remuneration cultivation sites.	<b>Strong Agreement</b>
2.4 <b>Require a permit</b> for non-remuneration cultivation, including a <b>Live Scan</b> resulting with no felony convictions.	<b>Strong Agreement</b>

### 3. Commercial Cultivation

CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
<p>3.1 <b>Mirror State license definitions</b> to establish a maximum cultivation area in the County per permit and license type for the following cannabis cultivation licenses: Specialty Cottage, Specialty and Small.</p>	<p><b>Strong Agreement</b></p>
<p>3.2 <b>Require a minimum setback of 100 feet from property line</b> for all allowable commercial cultivation license types.</p>	<p><b>Undetermined</b></p>

### 3. Commercial Cultivation

CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
<p>3.3 <b>Allow Specialty Cottage and Specialty commercial</b> cultivation in areas zoned AG, AE, FR and RA under the following conditions:</p>	
<p>3.3.1 For outdoor commercial cultivation:</p>	
<p>3.3.1-A For Specialty Outdoor require a minimum parcel size of 5 acres.</p>	<p><b>3.3.1-A, Strong Agreement</b></p>
<p>3.3.1-B For Specialty Cottage Outdoor require a minimum parcel size of 3 acres.</p>	<p><b>3.3.1-B Moderate Agreement</b></p>
<p>3.3.2 For Specialty Indoor and Specialty Cottage Indoor commercial cultivation, require a minimum parcel size of 2 acres.</p>	<p><b>3.3.2 Strong Agreement</b></p>

### 3. Commercial Cultivation

#### CAG RECOMMENDATIONS

#### LEVEL OF AGREEMENT

3.3.3 For **Mixed-Light commercial** cultivation:

**3.3.3 Strong Agreement**

3.3.3-A For Specialty Mixed-Light require a minimum parcel size of 5 acres.

3.3.3-B For Specialty Cottage Mixed-Light require a minimum parcel size of 3 acres.

### 3. Commercial Cultivation

CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
<p>3.4 <b>Allow Small commercial cultivation</b> in areas zoned AG, AE, FR and RA with the following conditions:</p>	
<p>3.4.1 For Small Outdoor, require a minimum parcel size of 10 acres.</p>	<p><b>3.4.1 Strong Agreement</b></p>
<p>3.4.2 For Small Indoor, require a minimum parcel size of 2 acres.</p>	<p><b>3.4.2 Moderate Agreement</b></p>
<p>3.4.3 For Small Mixed-Light, require a minimum parcel size of 3 acres.</p>	<p><b>3.4.3 Moderate Agreement</b></p>
<p>3.5 <b>Prohibit Medium cultivation licenses</b> in the County (outdoor cultivation site between 10,001 square feet and 1 acre of total canopy/ indoor cultivation site between 10,001 and 22,000 square feet of total canopy).</p>	<p><b>Strong Agreement</b></p>

### 3. Commercial Cultivation

CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
3.6 <b>Allow cannabis nurseries</b> with a Conditional Use Permit in areas zoned AG and AE.	<b>Strong Agreement</b>
3.7 Limit commercial cultivation to parcels that have a permitted residence on them or to vacant parcels that are contiguous to an adjacent parcel under the same ownership.	<b>Strong Agreement</b>



## 4. Other Commercial Activities

	CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
4.1	<b>Permit the following State cannabis manufacturing</b> licenses with a Conditional Use Permit in areas zoned M1:	<b>Strong Agreement</b>
4.1.1	Type 6: Extraction licenses using mechanical methods or nonvolatile solvents	
4.1.2	Type N: Infusion licenses that produce edible products or topical products	
4.1.3	Type P: Packaging and Labeling licenses	
4.2	<b>Prohibit volatile manufacturing</b> licenses (State License Type 7) in the County	<b>Strong Agreement</b>
4.3	<b>Permit Testing Laboratory</b> licenses with an Administrative Development Permit in areas zoned C2 and M1.	<b>Strong Agreement</b>
4.4	<b>Permit Retailer and Non-Storefront Retailer</b> licenses (dispensaries and delivery) with a Conditional Use Permit in areas zoned C2 and CH.	<b>Strong Agreement</b>

## 4. Other Commercial Activities

CAG RECOMMENDATIONS	LEVEL OF AGREEMENT
4.5 <b>Permit Distribution and Transportation</b> licenses with a Conditional Use Permit in areas zoned CH and M1.	<b>Strong Agreement</b>
4.6 <b>Permit Microbusiness licenses</b> with a Conditional Use Permit in areas zoned AG, AE and M1 under the following conditions:	
4.6.1 In areas zoned AG and AE:	
4.6.1-A For microbusinesses with a cultivation area of up to 5,000 sq. ft. require a minimum parcel size of 5 acres.	<b>4.6.1-A Strong Agreement</b>
4.6.1-B For microbusinesses with a cultivation area of up to 10,000 sq. ft. require a minimum parcel size of 10 acres.	<b>4.6.1-B Moderate Agreement</b>
4.6.2 In areas zoned M1 require a setback of 100 foot.	<b>4.6.2 Moderate Agreement</b>

## 5. Setbacks

### CAG RECOMMENDATIONS

### LEVEL OF AGREEMENT

- 5.1 Conform to State regulations regarding setbacks: Require a 600 foot setback from the property line of any active school, park, child care center or youth-oriented facility to the property line of any cannabis related activities.

**Undetermined**

## 6. Cannabis Permitting

### CAG RECOMMENDATIONS

### LEVEL OF AGREEMENT

- 6.1 **Develop a permit application process** following a three-step permitting, inspection, and enforcement process which includes an application compliance inspection, final compliance inspection and annual compliance inspection.

**Strong Agreement**

## 7. Inspections, Monitoring and Enforcement

### CAG RECOMMENDATIONS

### LEVEL OF AGREEMENT

- 7.1 **Provide a cure or grace period through March 1, 2020,** to allow time for cultivation sites with land use, zoning, and/or building code violations to be corrected and brought into compliance with the new cannabis ordinance and all County Land Use code requirements.

**Strong Agreement**

# 34 Topics Reviewed and Discussed by the CAG

“Strong” to “Moderate” levels of agreement among CAG members were reached on 31 topics (based on the worksheets submitted by CAG members in December and ePolling at CAG Meeting #10). “Strong” level of agreement was reached on 23 topics.

No agreement was reached regarding:

- Prohibition of outdoor cultivation on RI and RA parcels under one acre (1.2.1).
- Requirement for a minimum setback for all allowable commercial license types (3.2).
- Setbacks (as proposed by the State) related to active school, park, child-care or youth oriented facilities (5.1).

# Request for Board Action

## Dissolve the Community Advisory Group

- To formally conclude the process
- And free CAG members from Brown Act restrictions



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