

Ordinance 2349 (May 2012)	Measure S- (Nov. 2014)	Ordinance 2405 (Jan. 2016)*	Ordinance 2416 (July 2016)	CAG Recs. (Dec. 2017)	Board Direction as of 3/6/18 for the 2018 Revised Ordinance
<p>Cultivation Regulations:**</p> <p><u>Parcel Type/Grow Sizes:</u></p> <p><u>R-1, R-2, R-3 :</u></p> <p>Less than 2 acres: max of 100 contiguous sq. ft. Indoors.</p> <p>2 or more acre parcels:</p> <p>-75 contiguous sq. ft., clearly distinguished area, outdoors or 6 mature or immature plants if grown in bags or pots of 25 gallons or smaller; OR -100 sq. ft. indoors.</p> <p><u>R-A:</u> Same as R-1, R-2 and R-3:</p>	<p>Cultivation Regulations:**</p> <p><u>Parcel Type/Grow Sizes:</u></p> <p><u>R-1, R-2, R-3:</u></p> <p>Less than 2 acres: - 100 sq. ft. Indoors; - 200 sq. ft. if 2 or more patients live on property. No Outdoor</p> <p>Greater than 2 acres: - 100 sq. ft. - 200 sq. ft. if 2 or more patients live on property.</p> <p>Outdoor: 12 immature or 6 mature plants w/o greenhouse; 12 immature or 12 mature plants in greenhouse.</p> <p><u>R-A:</u> Same as AG, AE, FR and TPZ</p>	<p>Cultivation Regulations:**</p> <p><u>Parcel Type/Grow Sizes:</u></p> <p><u>All Zones:</u></p> <p>No Outdoor Cultivation</p> <p>Indoor limited to 12 plants in one contiguous area.</p>	<p>Cultivation Regulations:**</p> <p><u>Parcel Type/Grow Sizes:</u></p> <p><u>R-1, R-2, R-3:</u></p> <p>No Outdoor Cultivation on any Parcel size. Indoor of up to 6 plants</p> <p><u>R-A (Residential and Estate General Plan Designation):</u></p> <p>-No Cultivation on parcels equal to or less than 5 acres.</p> <p>-Over 5 acres up to 10 acres: Maximum of 12 plants per Parcel, Indoor Only.</p>	<p>Cultivation Regulations:**</p> <p><u>Parcel Type/Grow Sizes:</u></p> <p><u>Personal Use:</u> <u>R1 and RA:</u></p> <p>Less than one acre: No outdoor cultivation</p> <p>1 acre or larger: 6 plants outdoors</p> <p>Setback: 30 feet from property line</p> <p>Must be cultivated on parcel with permanent residence and resident</p> <p><u>R2 and R3:</u> No outdoor cultivation</p>	<p>Cultivation Regulations:**</p> <p><u>Parcel Type/Grow Size:</u></p> <p><u>Personal Use:</u> <u>R1, R2, R3, RA-Residential:</u></p> <p>Indoor: Max of 6 plants No Mixed Light/Outdoor cultivation</p> <p><u>RA Rural and Estate:</u></p> <p>5 acres or larger: Indoor, Mixed Light and outdoors or a combination of methods – a max of 6 plants.</p> <p><u>AG, AE, FR, and TPZ:</u></p> <p>Less than 1-3 acres: Indoor: a max of 6 plants No Mixed/Outdoor cultivation</p> <p>More than 1-3 acres: Indoor, Mixed-Light and outdoor or a combination of methods – a max of 6 plants</p> <p><u>All Zones (Personal Use):</u> Setback: 100 feet from the property line with an option for a setback variance</p> <p>Must be cultivated on parcel with permanent residence and resident</p>

*Measure W (Nov. 2016) prohibited outdoor grows, allowed 12 plants to be cultivated indoors only and prohibited commercial cannabis activities in any zone. (Ordinance 2405 was the related ordinance.)

**Square feet per plant ratio has been cited by some as 50 sq. ft. and by others as 100 sq. feet per plant.

<u>(Ordinance 2349)</u>	<u>(Measure S)</u>	<u>(Ordinance 2405)</u>	<u>(Ordinance 2416)</u>	<u>(CAG)</u>	<u>(BOS direction for 2018)</u>
<p><u>Rural zones (AG, AE, FR, or TPZ):</u></p> <p>Less than 2 acres: 150 contiguous sq. ft. outdoors OR 100 contiguous sq. ft. Indoor</p> <p>2 but less than 5 acres: 300 contiguous sq. ft. Outdoor OR 100 contiguous sq. ft. Indoor</p> <p>5 but less than 10 acres: 400 contiguous sq. ft. Outdoor OR 100 sq. ft. Indoor</p> <p>10 but less than 20 acres: 600 contiguous sq. ft. of Outdoor OR 100 contiguous sq. ft. Indoor</p> <p>20 ore more acres: 1000 contiguous sq. ft. of outdoor OR 100 contiguous sq. ft. indoor</p>	<p><u>Rural Zones: AG, AE, FR and TPZ:</u></p> <p>Less than 5 acres: Indoor: 100 sq. ft. per qualified patient; 200 sq. ft. AND Outdoor: max 24 immature or 18 mature plants</p> <p>5-10 acres: Indoor: 100 sq. ft. per qualified patient; 300 sq. ft. AND Outdoor: max 36 immature or 24 mature plants</p> <p>10-20 acres: Indoor: 100 sq. ft. per qualified patient; 400 sq. ft.</p> <p>AND Outdoor: max 48 immature or 36 mature plants</p> <p>20-30 acres: Indoor: 100 sq. ft. per qualified patient; 500 sq. ft. AND Outdoor: max 60 immature or 48 mature plants 30 acres+</p>		<p>- Over 10 acres up to 20 acres: Maximum of 16 plants per Parcel, Indoor or Outdoor, or combination of both. Outdoor grow area not to exceed 800 square feet, one contiguous staked area. Max 12 plants Indoors.</p> <p>- Over 20 acres: Maximum of 25 plants per Parcel, Indoor or Outdoor, or combination of both. Outdoor grow area not to exceed 1000 square feet, one contiguous staked area. Max 12 plants Indoors.</p> <p><u>Rural zones (AG, AE, FR, TPZ and RA, Rural Designation):</u></p> <p>Equal to or less than 2 acres: No cultivation, Indoor or Outdoor</p> <p>More than 2 acres up to 5 acres: Max 6 plants, Outdoor only.</p>	<p><u>Commercial:</u></p> <p><u>AG, AE, FR, and RA:</u> On parcels with permitted residence or vacant that are contiguous to adjacent parcel under same ownership.</p> <p><u>2 acre min:</u></p> <p>Spec. Cottage (ID) 500 sf</p> <p>Specialty (ID) 501-5000 sf</p> <p>Small (ID) 5001-1000 sf</p> <p><u>3 acre min:</u> Spec. Cottage (OD) 25 plants</p> <p>Spec. Cottage (ML) 2500 sf</p> <p>Specialty (ML) 2501-5000 sf</p>	<p><u>Commercial:</u></p> <p><u>R1, R2, R3, RA, TPZ:</u> no commercial cultivation</p> <p><u>AG, AE, FR:</u></p> <p><u>2 acres or less:</u> No commercial cultivation</p> <p><u>More than 2 acres, up to 5 acres:</u> Indoor: max of 500 square feet of canopy No Mixed-Light or Outdoor cultivation</p> <p><u>More than 5 acres, up to 10 acres:</u> Indoor, Mixed-Light, Outdoor or a combination: max of 2,500 square feet of canopy</p> <p><u>More than 10 acres, up to 20 acres:</u> Indoor, Mixed-Light, Outdoor or a combination: max of 5,000 square feet of canopy</p> <p><u>More than 20 acres:</u> Indoor, Mixed-Light, Outdoor or a combination: max of 10,000 square feet of canopy</p>

*Measure W (Nov. 2016) prohibited outdoor grows, allowed 12 plants to be cultivated indoors only and prohibited commercial cannabis activities in any zone. (Ordinance 2405 was the related ordinance.)

**Square feet per plant ratio has been cited by some as 50 sq. ft. and by others as 100 sq. feet per plant.

<u>(Ordinance 2349)</u>	<u>(Measure S)</u>	<u>(Ordinance 2405)</u>	<u>(Ordinance 2416)</u>	<u>(CAG)</u>	<u>(BOS direction for 2018)</u>
	<p>Indoor: 100 sq. ft. per qualified patient; 600 sq. ft. AND Outdoor: max 99 immature or 60 mature plants</p> <p>All Other Zones: All Allowed, No limitations</p>		<p>Outdoor or combination of both. Outdoor grow area not to exceed 300 square feet, one contiguous staked area.</p> <p>More than 5 acres up to 10 acres: Maximum of 12 plants per Parcel, Indoor or Outdoor or combination of both. Outdoor grow area not to exceed 600 square feet, one contiguous staked area.</p> <p>More than 10 acres up to 20 acres: Maximum of 16 plants per Parcel, Indoor or Outdoor or combination of both. 12 plant maximum Indoor. Outdoor grow area not to exceed 800 square feet, one contiguous staked area.</p> <p>More than 20 acres: Maximum of 25 plants per Parcel, Indoor or Outdoor or combination</p>	<p>Small (ML) 5001-10000</p> <p><u>5 acre min:</u> Specialty (OD) 5000 sf or 50 plants</p> <p>Specialty (ML) 2501-5000 sf</p> <p><u>10 acre min:</u> Small (OD) 5001-10000 sf</p> <p><u>AG/AE:</u> Allow nurseries</p> <p><u>Caregivers:</u> For up to 5 patients, 20 plants and 500 sf per patient. (apply commercial zoning/land use requirements)</p> <p><u>AG, AE, M1:</u> Microbusinesses with CUP AG/AE: 5 acre min: 5000sf 10 acre min: 10000</p>	<p><u>Additional Commercial Requirements:</u></p> <p>Must be cultivated on parcel with permanent residence and resident, or on a contiguous parcel with residence under common ownership.</p> <p>Must have all applicable licenses and permits from the State</p> <p>Must have legal and permitted water source.</p> <p>A maximum of 3 cannabis related permits will be issued per person or entity in Nevada County. No person or entity may have a financial interest in more than 3 cannabis businesses in Nevada County.</p> <p>Annual Cannabis Permit allows cultivators to transport own product off cultivation site premise if licensed to do so by the State.</p> <p><u>Caregivers:</u> Non-remuneration cultivation allowed for up to 5 patients, 500 square feet per patient. Commercial land use regulations apply and Annual Cannabis Permit and ADP required.</p>

*Measure W (Nov. 2016) prohibited outdoor grows, allowed 12 plants to be cultivated indoors only and prohibited commercial cannabis activities in any zone. (Ordinance 2405 was the related ordinance.)

**Square feet per plant ratio has been cited by some as 50 sq. ft. and by others as 100 sq. feet per plant.

<u>(Ordinance 2349)</u>	<u>(Measure S)</u>	<u>(Ordinance 2405)</u>	<u>(Ordinance 2416)</u>	<u>(CAG)</u>	<u>(BOS direction for 2018)</u>
<p><u>Setbacks:</u></p> <p><u>R-1, R-2, R-3 or R-A:</u></p> <p>Less than 2 acres: 100 ft. from any Legal Residence or Outdoor Living area on adjacent property</p> <p>2 or more acres: 200 ft. from any Legal Residence or Outdoor Living area on adjacent property</p>	<p><u>Setbacks:</u></p> <p><u>R-1, R-2, R-3 or R-A:</u></p> <p>100 ft. from any legal residence located on an adjacent separate Legal residence</p> <p>Parcel measured from the edge of the cannabis garden to the closest exterior wall of the primary residence next door.</p>	<p><u>Setbacks:</u></p> <p><u>All Zones:</u></p> <p>100 ft. from any Legal Residence or Outdoor Living Area on adjacent property.</p>	<p>of both. 12 plant maximum Indoor. Outdoor grow area not to exceed 1000 square feet, one contiguous staked area.</p> <p><u>Setbacks:</u></p> <p><u>All Zones:</u></p> <p>More than 2 acres up to 5 acres: 100 ft.</p> <p>More than 5 acres up to 10 acres: 150 ft.</p> <p>More than 10 to 20 acres: 200 ft.</p>	<p><u>M1:</u> Extractions Infusions Packaging/Labeling Testing Distribution/Transport</p> <p><u>C2:</u> Testing Retailer and Non-storefront Retailer</p> <p><u>CH:</u> Retailer and Non-storefront Retailer Distrib/Transport</p> <p><u>Setbacks:</u></p> <p><u>All Zones:</u></p> <p>100 ft from grow to property line for all commercial grow sites</p> <p>600 ft from schools</p>	<p><u>Commercial Setback:</u></p> <p><u>All Zones:</u></p> <p>100 feet from the grow to the property line for all commercial grow sites with an option for a setback variance for cultivation in accessory structures (indoor or mixed-light)</p> <p>1000 feet from sensitive sites (need clarification on what qualifies as a sensitive site)</p> <p>Consider lesser setback from state or federal undeveloped park land.</p>

*Measure W (Nov. 2016) prohibited outdoor grows, allowed 12 plants to be cultivated indoors only and prohibited commercial cannabis activities in any zone. (Ordinance 2405 was the related ordinance.)

**Square feet per plant ratio has been cited by some as 50 sq. ft. and by others as 100 sq. feet per plant.

<u>(Ordinance 2349)</u>	<u>(Measure S)</u>	<u>(Ordinance 2405)</u>	<u>(Ordinance 2416)</u>	<u>(CAG)</u>	<u>(BOS direction for 2018)</u>
<p><u>Rural Zones (AG, AE, FR, or TPZ):</u></p> <p>Less than 2 acres: 100 ft. from any Legal Residence or Outdoor Living area on adjacent property</p> <p>2 but less than acres 5: 150 ft. from any Legal Residence or Outdoor Living area on adjacent property</p> <p>5 but less than 10 acres: 200 ft. from any Legal Residence or Outdoor Living area on adjacent property</p> <p>10 but less than 20 acres: 250 ft. from any Legal Residence or Outdoor Living area on adjacent property</p> <p>20 or more acres: 300 ft. from any Legal Residence or Outdoor Living area on adjacent property</p>	<p><u>Rural Zones: (RA, AG, AE, FR, or TPZ):</u></p> <p>200 ft. from any legal residence located on an adjacent separate Legal Parcel measured from the edge of the cannabis garden to the closest exterior wall of the primary residence next door.</p>		<p>More than 20 acres: 300 ft.</p> <p>Measured from the border of an Outdoor staked grow area or Indoor cultivation area to the property line of an adjacent Legal Parcel under separate ownership.</p>	<p><u>Permitting:</u></p> <p>Three-step permitting: Inspection, enforcement process which includes app. compliance inspection, final compliance inspection, and annual compliance inspection</p>	<p><u>Permitting:</u></p> <p>Annual Cannabis Permit required in addition to Land Use permit as follows:</p> <p><u>Annual Cannabis Permit: (Cultivator)</u></p> <p>Three-step permitting: Inspection, enforcement process which includes app. compliance inspection, final compliance inspection, and annual compliance inspection</p> <p><u>Land Use Permit: (Land Owner)</u></p> <p><u>Administrative Development Permit (ADP):</u> Required for canopy up to 2,500 square feet expires after two years and can be renewed through streamlined process for additional two year periods.</p> <p><u>Conditional Use Permit (CUP):</u> Required for canopy totaling 2,501 – 10,000 square feet expires after two years and can be renewed through a streamlined process for additional two year periods if operation conditions do not significantly change.</p>

*Measure W (Nov. 2016) prohibited outdoor grows, allowed 12 plants to be cultivated indoors only and prohibited commercial cannabis activities in any zone. (Ordinance 2405 was the related ordinance.)

**Square feet per plant ratio has been cited by some as 50 sq. ft. and by others as 100 sq. feet per plant.

<u>(Ordinance 2349)</u>	<u>(Measure S)</u>	<u>(Ordinance 2405)</u>	<u>(Ordinance 2416)</u>	<u>(CAG)</u>	<u>(BOS direction for 2018)</u>
<p><u>Enforcement:</u></p> <p>Abatement hearings with costs/fees associated with abatement. If abated before hearing, no fees/costs</p> <p>Timeline:</p> <ul style="list-style-type: none"> • 5 calendar days to appeal • Hearing set between 5-30 days from appeal request • Service of notice deemed complete 3 days from date placed in mail, if not personally served 	<p><u>Enforcement:</u></p> <p>No change</p>	<p><u>Enforcement:</u></p> <p>Abatement hearings with costs/fees associated with abatement. If abated before hearing, no fees/costs</p> <p>Timeline:</p> <ul style="list-style-type: none"> • 5 cal days to Appeal • Hearing set between 5-30 days from appeal request • Service of notice deemed complete 3 days from date placed in mail, if not personally served 	<p><u>Enforcement:</u></p> <p><u>Abatement costs/fees:</u> no change</p> <p><u>Timelines:</u></p> <ul style="list-style-type: none"> • 5 bus days to appeal • Hearing set between 5-20 days from appeal request • Service of notice deemed complete on date placed in mail <p><u>Administrative Penalties:</u> \$100 per day/per violation \$200 per day/per violation \$500 per day/per violation</p> <p>Each plant=separate violation Each day nuisance continues= separate violation</p> <p><u>Building/Safety Violations:</u> \$100 per day/per violation \$500 per day/per violation \$1000 per day/per violation</p> <p>Penalties subject to appeal process. Penalty provisions effective 1/1/2017.</p>	<p><u>Enforcement:</u></p> <p><u>Transition Period:</u> Allow for compliance grace period through March 1, 2020.</p>	<p><u>Enforcement:</u></p> <p><u>Transition Period:</u> Allow for compliance grace period for non-cannabis related code violations for two years from when ordinance is adopted.</p> <p><u>Abatement costs/fees:</u> no change</p> <p><u>Timelines:</u> Allows for 7 days to abate/correct before civil penalties applied.</p> <p><u>Administrative Penalties:</u> Increase to 3X permit fee or \$1000/day with a max of \$25,000 per year per violation.</p> <p><u>Building/Safety violations:</u> No change other than transition period above.</p> <p>Enforcing officer definition adds “Code Compliance Program Manager” to list of county staff authorized as enforcing officers.</p>

*Measure W (Nov. 2016) prohibited outdoor grows, allowed 12 plants to be cultivated indoors only and prohibited commercial cannabis activities in any zone. (Ordinance 2405 was the related ordinance.)

**Square feet per plant ratio has been cited by some as 50 sq. ft. and by others as 100 sq. feet per plant.