

Appendix B: Comment Cards and Electronic Comments



Community Advisory Group (CAG)
Nevada County Cannabis Regulation
Community Planning Process



COMMENT CARD

Date:

7/10/17

Name:

Address:

Nevada City, CA

Comments:

10's of
* A major grow is several acres. The state calls grows over 1 acre as large. Grows with 2K sq. footage is considered cottage. (As defined by the state)
Grows with 5K sq. footage is considered specialty.
Grows with 10K sq. footage is considered small.
Please let's start defining size by using state definitions!!!

* County → do not overburden yourself with having to permit personal grows.

* The goal is to create a pathway for people to come into compliance so please ensure that the permitting process is simple & overly burdensome otherwise ~~people~~ minimal people will comply.

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CAGmeetingcomments@migcom.com

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Cannabis Conversation Website
<https://www.mynevadacounty.com/nc/cda/Pages/CannabisConversation.aspx>



Community Advisory Group (CAG)
Nevada County Cannabis Regulation
Community Planning Process



COMMENT CARD

Date: 07/11/17

Name: [REDACTED]

Address: GRASS VALLEY 95945

Comments: PLEASE SEE ATTACHED DOCUMENT.
THANK YOU

[Empty lined area for additional comments]

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CAG Comment Card

Date: 07/11/2017

[REDACTED] Grass Valley, CA 95945

The Community Advisory Group (CAG) needs to consider and represent ALL of the stakeholders of Nevada County. This includes our neighborhoods and community, and not simply focus on those parties that livelihoods depend upon and/or will reap potential economic benefit.

The June 7, 2016 defeat of **Measure W**, was a vote to reject the proposed ban of outdoor marijuana cultivation ordinance and limiting indoor cultivation to 12 cannabis plants per parcel and leaving the previously supervisor-approved outdoor cultivation in place, but allowing it to be amended or repealed by the county board of supervisors. Contrary to the opinions of some of the public speakers at the June 27, CAG meeting; it was NOT a mandate for allowing the "commercialization" of cannabis cultivation.

17,994 Nevada County voters (**40.55%** of the electorate) voted **YES** for the banning of outdoor cultivation and limiting indoor growing to 12 cannabis plants per parcel. **26,383** voters (**59.45%**) voted **NO**, rejecting the proposed marijuana ordinance banning outdoor cultivation and limited indoor growing to 12 plants.

I and my family, all voted NO, believing that small family growers should be able to grow (medical and recreational) outdoors for their own personal use with a limited surplus.

Through **Measure S** (1 1/2 years earlier) on November 4, 2014, Nevada County voters had the opportunity to vote to overturn the county's existing Ordinance 2349 (enacted May 2012) for Nevada County Medical Marijuana (or Safe Cultivation Act). This time the electorate voted **25,660 (66.41%)** voted **NO**, to change the ordinance and only **12,980 (33.59%** of the electorate) voted **YES** to change the ordinance. Please note that the approximate same number of Nevada County voters that voted NO on Measure W, voted NO on Measure S.

The citizen-initiated **Measure S** proposed the following:

For R-1, R-2 and R-3 residential areas **6 mature plants** outdoors and **12 plants** in greenhouse.

For AG, AE, Forest Reserve (FR) or Timber Production (TPZ) **18 mature plants** outdoor on parcels **less than 5 acres**.

For AG, AE, Forest Reserve (FR) or Timber Production (TPZ) **24 mature plants** outdoor on parcels **5-10 acres**.

For AG, AE, Forest Reserve (FR) or Timber Production (TPZ) **36 mature plants** outdoor on parcels **10-20 acres**.

For AG, AE, Forest Reserve (FR) or Timber Production (TPZ) **48 mature plants** outdoor on parcels **20-30 acres**.

For **AG, AE, Forest Reserve (FR) or Timber Production (TPZ)** **60 mature plants** outdoor on parcels **30+ acres**.

Please consider, that when given the opportunity to speak with their ballot, the Nevada County electorate **voted overwhelmingly** (over 65% of the electorate) that we do **NOT** want larger/"commercial" cannabis cultivation.

In this case, I and my family all voted NO, as we they were no quantifiable metrics provided to justify the proposed cannabis increase. We also believe by taking a more liberal and lax set of regulations will encourage, not decrease the amount of marijuana-related violence, noise and odor nuisances and drug related problems inflicted upon Nevada County and our community.

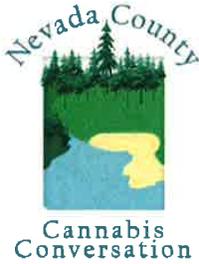
At the June 13th CAG Meeting, a public speaker presented an Cannabis Tax Revenue projection based upon an estimated Nevada County \$340.5 million cannabis economy, with a 4% tax that would provide an approximate \$13.6 million in tax revenue to the county. The speaker went on to describe a proposed list of government services and worthy causes that could benefit from this cannabis tax revenue.

Whereas this may sound beneficial as a projected economic tax windfall to the county, please consider the following:

According to the June 10, 2017 Sacramento Bee, the **Calaveras County Board of Supervisors** after last year's devastating Butte Fire, sought to monetize the county's established cannabis growing tradition by taxing and licensing for profit cultivation. The county collected \$3.7 million in fees from licensing growers to hire additional police and staff while budgeting county services expected from additional cannabis tax revenue services. Last year, 737 cannabis growers paid \$5,000 each to apply for a permit along with an initiative imposed tax of \$2 per square foot for outdoor and \$5 per square foot for indoor grows.

After one year, Calaveras County Board of Supervisors is now considering reversing course and banning all commercial cannabis cultivation (and more than \$14 million in tax revenue). The reason being is that the county's planned cannabis business experiment is bringing in a "wild west" of unwanted outsiders, rogue growers and environmental degradation. Calaveras County experienced an influx of criminal growers (mostly non-resident) that have no interest in operating within the legal cannabis economy. The Sheriff's Department cites that the mentality of the illegal growers is that the county will be unable to enforce the recent county cannabis ordinance. The county has made 71 arrests and destroyed 75,000 cannabis plants from unpermitted grows and estimate there remains over 600 illegal cannabis farms that live in battered trailers on burned out lots and are siphoning water and dumping pesticides.

Nevada County has the same established cannabis growing tradition as Calaveras County and already has had its' share of illegal grows; environmental degradation and individuals that have no intent to operate within a legal cannabis economy (instead prefer the more profitable illegal, out of state, cannabis economy). Regardless of having the best intent, what is to prevent Nevada County of experiencing the same plight as Calaveras County with an unscalable and unenforceable cannabis ordinance?



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Community Planning Process



COMMENT CARD

Date: 7/11/17
Name: [Redacted]
Address: - SMARTSVILLE -

Comments: • Measure S is not relevant today, and the demographics have shifted.
• The state has decided that regulation is the solution to problems caused by a grey market.
• The county must align with the state or we will all continue to suffer from these issues. This is the conclusion made by the state through their CEQA process.

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COMMENT CARD

Date: July 11, 2017
Name: [Redacted]
Address: Grass Valley CA 95949
18 year homeowner in Nevada County & another parcel in Nevada County

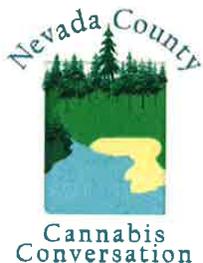
Comments:
The licensing process should be easy to comply with and affordable to encourage cannabis farmers and others to comply.
This will ensure a revenue stream for the county and help us eliminate problem grows.

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COMMENT CARD

Date:

July 11, 2017

Name:

[Redacted]

Address:

[Redacted]

Comments:

I propose a reasonable amnesty period for those farmers that want to comply. It's going to be a big expense to permit structures and pay fees. Please impliment this period.

I propose personal and commercial to be differentiated. Personal under 10 plants should have rules but to apply for a permit seems irrational. Commercial makes sense to have detail regulations.

Size is relative. Please look to the State regulations. 10,000 sqft is the smallest license.

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COMMENT CARD

Date: _____
Name: _____
Address: _____

Comments:

_____ Nevada County should allow for
_____ medical cannabis permits on AG Zoned land
_____ We should allow for manufacturing permits
_____ on AG Zoned land
_____ We should protect, new local owned
_____ business

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Annual Estimated Cannabis Production (pounds Nevada County) Assumed from 10% seizure rate by NCSO

Average value of seized cannabis: 2008-2015 NCSO				Not included					
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
\$106,060,000	\$592,940,000	\$1,221,134,000	\$162,402,000	\$363,329,120	\$51,521,160	\$897,120,000	\$846,001,000	\$0	\$0
Average: \$530,063,410									

Average prices (outdoor):				Not included					
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
\$2,000	\$2,000	\$1,700	\$1,700	\$1,400	\$1,400	\$1,200	\$1,200	\$1,200	\$1,000
Average: \$1,575									

Average Yearly production in pounds based 2008-2015 (assume 1 pound per plant):

336548

Area (Sq Ft) Required assuming that one plant takes a 10' x 10' (100 sq feet production area) and produces 1 pound per plant:

33,654,820

Acres required for this production (assume one acre = 43,560 sq ft)

773

Assume that 10,000 sq ft. parcels are used, number of individual parcels:

3,365

Assume that 5,000 sq ft. parcels are used, number of individual parcels:

6,731

Assume that 1,000 sq ft. parcels are used, number of individual parcels:

33,655

Nevada County area - not including city areas

933.4 Sq miles

597,356.8 acres

Total percentage of Nevada County currently used for cannabis production:

0.12934%

Estimated Annual Value of Cannabis Crop in Nevada County (2008-2015):

\$530,063,410

Annual Value all Agriculture in Nevada County*

\$25,000,000

*Timber, Livestock, wine, produce

Cannabis is: 2120.3% the value of all agriculture in Nevada County

The following comments were submitted by email to cagcomments@migcom.com:

Comment 1:

I am a college graduate and have a successful healthcare profession of 35 years.

Ten years ago I was bitten on the finger by an alligator lizard in Truckee where I owned a home. It introduced a virus into my body and I also got blood poisoning twice. My arm was very painful and fatigued for months. As a result of extreme stress this later manifested into a severe case of shingles that lasted 6 months. I was in horrible pain. Western medicine and narcotics did nothing.

I was left with chronic nerve pain that has now taken over my whole body. I suffered until a friend gave me some topical cannabis oil to try. It was the first time I was free of pain in three years. Cannabis oil was the only thing that worked. I take several dropperfuls of tincture every night to sleep and manage pain. Without it I don't sleep well and have chronic pain and burning everywhere. With Cannabis tincture it is manageable. It is a miracle.

Cannabis taken as a tea, a topical salve or tincture does not cause the psychoactive side effects as smoking. It is a powerful God given medical herb.

My husband of many years is a US Army Vet trained as an Army Ranger. A combat vet who served his country, suffered from severe PTSD and alcoholism. Cannabis helped him manage his symptoms and get off alcohol. He had quality of life.

In addition, while stationed in Germany he was on special maneuvers when Chernobyl exploded. He and all the men in his unit rolled around in radioactive dirt for 6 months. One by one they all succumbed to cancer. Cannabis helped buy Him 13 more years and helped to manage severe pain as it spread. Cannabis gave him a quality of life. Sadly he is now losing that battle but Cannabis gave him MUCH!

Just several days ago I met a 4th stage cancer survivor who swears Cannabis and Mangosteen juice saved him. He should be dead. He now works.

I own 3.5 acres in Ag Residential Rural. I have an orchard, a large vegetable garden, dogs, chickens, goats, even a beef cow. I am a 100% organic gardener and do rain catchment for irrigation. I at the very least want to grow my own Cannabis medicine, and feel this is a patient and private property rights issue.

I am a kind and great neighbor and practice the Golden Rule. I consider that I am a deeply spiritual person. This is a powerful God given medicinal herb that has been in the Shaman and Healer baskets for 10,000 years. It is an important herb in Chinese Medicine.

There is plenty of research on line that supports the medical properties. Israel has 40 years worth. I would strongly encourage you to watch THE SCIENTIST on Youtube.

In addition I am hoping to obtain a commercial legal nursery and tier one cannabis growing license, so I can help provide high quality organic medical herb for sick and dying people. It is time for a reasonable ordinance.

I would further encourage that any medical patient be able to grow their own medicine, on at least one acre or more. I would further encourage a reasonable set back of 25 to 50 feet from a property line. I personally enjoy the smell of ripening cannabis, and there are many varieties that smell very nice. Quite frankly cattle, horse, pig or chicken manure smells ALOT worse..I feel it is much ADO about nothing..and the time is quite limited to about one month at harvest.

The people of California voted this in. The Cannabis culture has been in this county for generations. I remember a time Nevada County was poor with many boarded up storefronts. Nevada County was known for cooking meth. Cannabis brought respectability and prosperity to this county.

I would further like to see a canopy limit of no more than 10,000 sq feet, plus allow for nurseries, dispensaries, safe

extraction.

LETS ALLOW THE MOM AND POPS who are your friends and neighbors thrive and come out of the shadows. They will if it is safe, a Reasonable COST, with Reasonable regulations. If you only allow mega grows on 20 acres or more, you will create the very thing I think we all want to avoid. Let's avoid the Green Rush and keep the unique small organic farming nature of this county.

Please note, these are hard working farmers who don't have a pot a gold..this is a myth. Its hard work, it takes capital upfront, there are costs and no guarantees because ITS Farming subject to Mother Nature.

Let's honor that.

Comment 2:

Dear Members of the CAG -

Included in this email are two documents that we hope will be helpful as the discussion focuses around local permits.

Document #1 is from Sonoma County for cultivation

Document #2 is from Nevada City for the dispensary

(See Attachments B1 and B2, beginning page A-17)

Comment 3:

Dear Sirs, attached is a letter I sent to the state of California regarding compliance and its costs to growers. In addition, I have a good friend, 30 years old that just beat cancer, through chemo, but with use of cannabis. If you would like him to speak at one of your meetings, let me know and I will contact him in Saint Louis, MO. Need enough heads-up time to get him airline tickets out here. Saint Louis has no cannabis legalization, yet doctors in hospital let him use it in hospital for treatment that took over a year, he has pictures of the entire ordeal....

To: Lori Ajax, Chief
Bureau of Marijuana Control, Regulations Office

Issue: Recommendations for Policy Statement Review

Facts: Based upon page 12 of recent "Proposed" regulations, the expected total compliance costs has ranges from \$524.00 to \$873.00, which relates to \$1.17 to \$1.95 per gram of cannabis. Please take note that the average costs of inside grow ranges from \$1.50 to \$2.00* per gram, and if we add the range of \$1.17-\$1.95 compliance costs to the overhead costs of \$1.50.-\$2.00 then the actual inside grow cost between \$1,196.00-\$1,770.00 per pound. We must remember that these costs (which are not deductible for taxes) **are before any taxation; sales tax, state tax, and federal taxes.** The average price of inside cannabis was \$1,856.00** as of January 2016. After all costs, including taxes, have been considered the "average small grower" cannot survive with these proposed regulation, but this regulation does promote the idea of large corporations coming to California, like Tobacco, and Alcohol and controlling cannabis production and distribution.

Taken into consideration the obvious costs of cannabis grow, one can readily surmise that there will be but a few growers applying for the compliance costs and licensing, only very large operators will possibly be able to service such a lopsided proposal. This type of compliance costs, plus the taxes, will force the majority of California growers to move their products via interstate highways and create a bigger problem for all forms of law enforcement agencies.

Facts: The current Policy Statement quotes, "There is to be a "decrease in dispensaries." If this statement is indeed true, we must remember that California currently supplies the majority of all cannabis grown in the United States. If the number of California dispensaries are going to decrease in number, then we must expect the black market to continue and most of California's cannabis will be fleeing the state via interstate commerce and again creating a huge problem for the Federal Government and States that prohibit the sale of cannabis. Additionally, this policy statement has projections of what California will bring in as to additional revenues. Considering the above issues, did this Policy Statement consider the effects of fewer dispensaries and less cannabis compliance within California?

Facts: The Proposed Regulations have made statements that contradicts itself. For example, Page 8, there are two different costs related to the small business, quote, "It is expected that the average business will incur \$15,000 of initial costs for compliance and \$310,000 annual ongoing cost." On the same page, another quote as follows, "It is expected that the proposed regulations would result in an initial cost of \$5000 for a small business and an ongoing cost of \$125,000." Please define the difference between "average business" and "small business" With these proposed exorbitant costs, the black market in California will flourish after January 1, 2018.

*ThingBlu statistical 2017 research tool on cost per gram of inside grow cannabis

**Cannabis Business Times, February 2017

Comment 4:

I have seen the effects of MJ grows in our community and am very much against ANY grows. In particular in residential areas. The claims by the pro MJ people that there is no smell is false and when pushed on the subject they admit that there is a smell. "But maybe only when the wind is blowing in a particular direction and we can't control the wind". I have an indoor grow next to my house in a R1 area. The smell has kept me out of my garage and I have had to keep my windows and doors closed at times. There is absolutely no reason to have any grows in our area. They bring in unsavory people and crime. All you have to do is look at the Unions police blotter. A large percentage of the crimes listed are related to MJ. I also question the medical needs stated by the pro MJ people. You can't need that much. I bought my house in Alta Sierra in an area where are not to be any businesses and now I have one next door. I didn't by a home by an airport or a refinery for obvious reasons. MJ grows are going to negatively affect our home prices and desirability of our area. Please take this into account as you move forward with the CAG.

Comment 5:

Attached please find a concise summary of the primary issues to address, their proposed solutions (most of which have already been detailed in the current temporary ordinance), and my recommended land use policy for cultivation along with the rationale. The suggestion is that we CAN fully address community concerns, and that assuming those issues are resolved satisfactorily, local land use policy for commercial cultivation as well as personal use can and should be aligned with State guidelines and license types. To align with the State while honoring the diverse interests in our community, we must BOTH address the issues AND remove the unnecessary and subjective cultivation limits that create barriers to participation among farmers. The attached is a "both/and" solution.

My request is that CAG members consider the attached recommendations (page 2), and that if any members take issue with the proposed, an objective, fact-based, or evidence-based rationale is provided, and alternate land use policy based on that objective criteria proposed by the members for community consideration.

(See Attachment A3, beginning page A-32)

Comment 6:

Thank you for the opportunity to express my strong objection to legalizing recreational marijuana. Why in the world would anyone want to legalize this dangerous substance is beyond my comprehension! Anyone who loves their children would not condone such an action. It is despicable that there are people out there who would sacrifice the wellbeing of our youth to make money on the sale of these harmful drugs. We cannot let this happen!

Comment 7:

Draft Guide Form Cal Growers
(See Attachment A4, beginning page A-34)

Comment 8:

ASA had a petition from 300+ members to NOT require permits for personal grows ... The recommendations for commercial grows was also very modest ...

https://www.change.org/p/bdofsupervisors-co-nevada-ca-us-ask-bos-to-rescind-the-ban-entirely-no-w-adopt-the-stakeholder-s-cannabis-compromise?recruiter=22597174&utm_source=share_for_starters&utm_medium=copyLink

https://www.scribd.com/document/318771316/Final-recommendations-from-grow-advocates#from_embed

Comment 9:

Measure S Failed because the county used every available resource legal or not to make sure it did not happen.

<https://sites.google.com/site/yesonmeasures/>

The judge even ruled the county tried to sabotage the process ...

<http://www.theunion.com/news/local-news/measure-s-backers-ask-nevada-county-judge-to-order-ballot-language-changes-halt-mail-ballots/>

Comment 10:

<https://yubanet.com/regional/nevada-county-election-update-measures-a-and-b-pass/>

Statewide Prop. 64, the recreational marijuana proposition, was approved by 52.83% of Nevada County voters.

Comment 11:

The current county regulations allow no commercial growing and activities and fully comply with state laws after Proposition 64 and need no changes except possibly to tighten some nuisances and impose fines for non-compliance. The current county regulations are under-enforced and i insist that future regulations be aggressively enforced to limit nuisances such as offensive odors. District 1.

Comment 12:

I attended today's meeting, and some surrounding counties were brought up. Most of our neighboring counties allow no commercial activities as is the case presently in Nevada County. This includes Placer, Yuba, Sacramento counties. If we allow expanded commercial activities, we will be a magnet for growers, both legal and illegal. Calaveras county is an example of a county that right after Prop 64 enacted permissive commercial grow regulations. They were flooded with bootleg growers who knew they could overwhelm the system. As a result of this influx, Calaveras did a 180 turn away from commercial grows. Those grow investors are seeking a place to move into—and Nevada County is a prime target. Calaveras county suffered a loss of \$1.5 million in its short-lived experiment with commercial grow operations. the losses here could be as great or greater if we allow commercial grows.

Comment 13:

The potential tax/fee/penalty revenues are grossly overstated and local politicians around the country have jumped at the promised new revenues. The experience has been otherwise. In Alaska, the projected revenue was promised at \$15 million, actual ended up about \$1 million. Still to be accounted in Alaska is the cost of regulation, which may result in a net loss. Similar experiences have occurred in Oregon and Colorado. Today's testimony by Brad P. is a prime example of voodoo economics and rosy projections. Completely bogus, even though he claims to be an engineer. He slipped in a few assumptions that are just wild guesses to substantiate his claims of \$16 million a year net revenues.

Comment 14:

These CAG meetings are attended mostly by growers and cannabis promoters. The general public is hardly represented. Not surprising since the meetings are scheduled when the general public is working. The growers do not seem to need to do any work except to show up and ask for more.

The sentiment of the general public is more represented by the voting history in the county. Measure S in 2014 was a proposal by grow advocates to expand commercial growing—it was soundly defeated. Measure W was merely a rejection of all-indoor grows. Prop 64 only passed in Nevada County by about 1,300 votes, mainly on the point of allowing the 6 privately grown plants, not on expanding to all-out commercial growing.

The discussions at the CAG are just not in sync with the actual sentiments of the people who live and work in the county.

Comment 15:

Hello. I am an Nevada county resident. I have lived in the area for almost 20 years. I have spent much of that time in the the Truckee/Tahoe area as a carpenter before moving here and finding my home in Penn Valley. I am a college graduate with a degree in environmental science, I am also a patient, and would like to be a licensed Cannabis farmer. I would first like to thank you all for your time and effort on this heavy task. I urge each of you to examine the full scope of the issue at hand. With all due respect, I have come to realize that many CAG members do not fully comprehend the perplexity of the issue. First I want to remind all of you that good people farm cannabis. We all are aware of the problems and issues caused by prohibition and lack of regulation. Some people take advantage of situations where there is profit to be made. With that said, I hope everyone realizes some people out there will not go down the road to compliance no matter what the outcome and trying to regulate them into following the rules will not work. What we can do is help many small farms become legitimate businesses here. I would like each of you to recognize that small cannabis farms are already big business in Nevada county and I hope each of you grasp their economic impact. The fact is each and every business here is impacted by the cannabis industry. Many farmers would like to be in compliance and continue to be contributing members of our community. An important topic to consider is the backlash from over regulation. Please consider the people, families, and businesses being supported and the amount of jobs created by this industry. We certainly don't need more unemployment or hardship in an already tough economy. Let's keep people working.

Unfortunately, when it comes to talking about regulations and considerations about Cannabis it seems that much of the discussion is being made with only the bad actors in mind. It is unfair to assume farming Cannabis and it's impact on others will always be problematic or an issue. The negative stigma unfairly given to this healing plant must be lifted and an inviting policy be written. Our area is rich with agricultural prosperity and we should embrace it to it's fullest. It is apparent that there is an overall lack of understanding when it comes to farm size on the issue. The idea of "Big" is misinterpreted and has created a negative reaction to the words commercial and entrepreneurial. I must remind you that having a fruit stand is an entrepreneurial enterprise and small businesses are commercial activities. Please allow our community to participate in California's biggest and fastest growing industry. None of us conscience farmers want to see unlimited corporate farms here. Please consider all small to medium licensing here in Nevada county. We have a chance to help pull this community together with regulation and thrive economically together.

Comment 16:

Is the company that put up the greenhouse required to fix any code issues due to misrepresentation of county law? Do High Tunnels really require permits or is this just more bias against cannabis cultivators?

<http://www.kali.green/pages/Kit%20Prices.html>

1. What is a HighTunnel?

A Hightunnel is a solar heated greenhouse 'Usually' with no electrical or automated ventilation that is used to extend the crop production season for many horticulture crops. Crops that are produced within high tunnels are grown in the ground or in raised beds with drip irrigation. Greenhouses are heated systems that have foundations and are energy dependent whereas a Hightunnel utilizes Passive Solar. 2. Do I need to have a building permit for my HighTunnel? High tunnels are considered to be impermanent structures and protected under the "Right to Farm Act." Nevada County has determined that no permit is needed for farmers installing a Hightunnel.

Comment 17:

Yesterday I was preparing my written comments to the Committee and at four P.M. arrived at the Foothills Events Center--after my name was called--to present my information.

I have reworded the document that I submitted yesterday (attached to a comment card) and included additional clarifying information about my interest in using my property for a cottage cannabis nursery.

Please replace the submission I turned in yesterday with the attached document, dated today, July 12th, 2017.

(See Attachment A5, beginning page A-43.)

Comment 18:

What zoning will be required for dispensaries in 95949? please reply-all email.

Comment 19:

See Attachment A6, beginning page A-50.

Comment 20:

I attended the public portion of the most recent Cannabis Conversation meetings, and I found I could send an email on the subject.

I work at NCSOS and privately as a tutor for children and young adults. I can tell when my students start using cannabis because their grades go off a cliff and they start making poor decisions that lead to trouble in their lives on every level. I am tired of seeing them destroy their young lives due to cannabis. I have seen it destroy the lives of family friends as well, sometimes leading to suicidal thoughts and threats. Cannabis use often leads to harder drug use. I have seen it happen time and again.

Cannabis is currently so easy to get; imagine how many damaged lives could result from a local dispensary.

Besides all this, most psychologists and educators agree that cannabis contributes to the development of mental illnesses like schizophrenia (degenerative, irreversible psychosis).

I heard a cannabis farmer state that he could make 16 million dollars. A tidy profit, but consider this question: Who is the money really going to? The farmers' argument really just boils down to: How much money can I make off the degradation of a fellow human being? Some of these human beings are desperate because they feel cannabis is the only way to help their medical condition. I would argue that there are other drugs that would be better. I talked to an optometrist and he said you would have to use cannabis continuously, as in 24/7, to reap the benefits for use against glaucoma. I am sure it could be used sparingly in certain medical situations, but I believe more research is warranted. Also, it should be as carefully regulated as cigarettes (both pollute the lungs).

Besides, do we really need the cannabis revenue? No. Grass Valley is a tourist town, so we get tons of revenue from visitors. There are many thriving businesses here. The trade off is just too great to allow Nevada County to become cannabis central.

Look at what happened in Colorado (source: CBS Denver):

“In 2014, when retail marijuana businesses began operating, that in only a year:

- Marijuana-related traffic deaths increased 32 percent
- Almost 20 percent of all traffic deaths were marijuana related compared to only 10 percent less than five years ago
- Marijuana-related emergency department visits increased 29 percent
- Marijuana-related hospitalizations increased 38 percent
- Marijuana-related calls to the rocky mountain poison center increased 72 percent
- Diversion of Colorado marijuana to other states increased 25 percent”

I am a fourth generation Nevada County resident and I do not want this beautiful place and its community to become cannabis central. Colorado is very sorry it opened the Pandora’s Box that is easy access to and lots of cultivation of cannabis.

I could not access scholarly research because they only allow scientists access to this information, but I found plenty of statistics on the following websites:

<https://www.drugabuse.gov/publications/marijuana/what-are-marijuanas-long-term-effects-brain>

<http://www.drugfreeworld.org/drugfacts/marijuana/the-harmful-effects.html>

<https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-addictive>

<https://www.drugabuse.gov/publications/marijuana/there-link-between-marijuana-use-psychiatric-disorders>

<http://www.drugfreeworld.org/drugfacts/marijuana/medicine.html>

<https://www.google.com/amp/denver.cbslocal.com/2015/09/15/feds-release-marijuana-stats-to-show-negative-effects-of-legalization/amp/>

Thank you for your time and consideration.

Attachment A1 - Email Comment 2

DEPARTMENT OF AGRICULTURE/WEIGHTS & MEASURES

Tony Linegar
Agricultural Commissioner
Sealer of Weights & Measures



133 Aviation Blvd., Suite 110
Santa Rosa, CA 95403-1077
(707) 565-2371 Fax (707) 565-3850
sonomacounty.ca.gov/AWM

MEDICAL CANNABIS CULTIVATION ZONING PERMIT APPLICATION

Type of Cultivation (check one):

- Cottage (25 plants or less)
- Specialty Outdoor (5,000 sq. ft. **OR** 50 plants or less)
- Small Outdoor (5,001 to 10,000 sq. ft.)

Priority Processing:

- Owner or Operator of the cannabis use has been an existing cannabis operator prior to January 1, 2016. (Must attach documentation.)
- Owner or Operator of the cannabis use was Sonoma County resident prior to January 1, 2016 and has a "Local Preference Hiring Plan" in place. (Must attach documentation of residency and Plan.)

Office Use Only

Received Date: _____
Fee Paid: \$ _____
Zoning Permit Type: C25 SPO SMO
Permit Issued Date: _____
Permit Expiration Date: _____
Issued By: _____
MCCP #: _____
Site Address: _____
City: _____
APN(s): _____

Part A – Applicant Information

Applicant's Legal Name: _____

Name of business operating the cannabis cultivation (Zoning Permit will be processed under business name if applicable): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Cell: _____

Email address: _____

Are you the owner of the property? Yes No Are you 21 years old or over: Yes No

Operator Name: _____

Operator is the natural person or designated officer responsible for the operation of the commercial cannabis use.

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Cell: _____

Email address: _____

Medical Cannabis Cultivation Zoning Permit Application

Operator Information

Has Operator been convicted of a felony? Yes No

If yes, attach documentation of conviction/offenses

Will operation have employees? Yes No

If yes, attach list of each employee’s name and a copy of a government issued identification that identifies date of birth of each employee.

Has Operator applied for, or obtained, any other zoning permit or use permit for cannabis related uses in the County of Sonoma (e.g., cultivation, testing/laboratories, dispensary/retail sales, manufacturing, distribution, transporting or nursery uses)? Yes No

If yes, attach all existing permits and/or pending applications

What are the proposed hours of operation for all cultivation-related activities, including processing? _____

PartB – Site Information

A current site map must be attached to this application.

Site Address: _____

City: _____ State: _____ Zip: _____

Assessor Parcel Number(s): _____

Is the cultivation site located on land that is subject to a Williamson Act contract? Yes No

Zoning of proposed cultivation site: _____

Total acreage of each parcel to be under cultivation: _____

Cultivation area in square feet: _____

Cannabis cultivation will be: In ground Above ground/In any type of container BOTH

Existing land use and vegetation (check one): Ag crop Pasture Rangeland Timberland or

Other: _____

Highest natural slope of cannabis cultivation area: _____

Method used to determine slope (check one): USGS Topo Clinometer Field Survey or

Other: _____

Will you be processing (drying, curing, grading, trimming) onsite? Yes No

Will any existing structures be used for processing (drying, curing, grading, trimming)? Yes No

If yes, list and indicate type of processing to occur in each structure. Attach documentation that each structure is permitted for the intended use or complete a Declaration of Use form for each structure: _____

Medical Cannabis Cultivation Zoning Permit Application

Will you be constructing any structures for drying, curing, trimming, or processing? Yes No

If yes, list and indicate purpose of each structure and attach documentation that the structure is permitted for the intended use: _____

No on-site processing shall be allowed in new or existing structures located on the cannabis cultivation site unless a zoning permit or use permit and all other applicable permits such as grading and/or building permits are first obtained from Sonoma County Permit and Resource Management Department/Permit Sonoma for the intended processing use.

No on-site propagation shall be allowed in new or existing structures located on the cannabis cultivation site unless a zoning permit or use permit and all other applicable permits such as grading and/or building permits are first obtained from Sonoma County Permit and Resource Management Department/Permit Sonoma for the intended propagation use.

Are there any easements on any parcel: Yes No If yes, attach documentation and map of each easement.

Is any parcel located on a hazardous materials site pursuant to Government Code §65962.5? Yes No

Cultural and historic resources – Is any parcel located within a historic district? Yes No

If yes, must attach documentation showing that the cultivation will not impact cultural resources.

Is the site located within a federal critical habitat area of any endangered species? Yes No

If yes, list species: _____

Part C – Water Use

Estimated total use in gallons each season, listed by each source of water: _____

Water source (check all that apply):

Municipal source (Must attach documentation.)

Recycled water (Must attach documentation of source and permitted storage facility.)

Surface water (Must attach documentation of water rights.)

Well water / Groundwater zone: _____

If using groundwater on any parcel, is the well located in a high or medium priority basin as defined by the State Department of Water Resources? Yes No

If using groundwater, must attach copy of recorded easement allowing access to Sonoma County personnel.

If located in groundwater zone 4 or in high or medium priority basin, attach:

- 1. Documentation to show that proposed use would not result in a net increase in water use on site, **OR**

Medical Cannabis Cultivation Zoning Permit Application

- 2. A hydrogeological report prepared by a qualified professional providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustainable basis, and that the operation will not:
 - a. Result in or exacerbate an overdraft condition in basin or aquifer
 - b. Result in reduction of critical flow in nearby streams, **or**
 - c. Result in well interference at offsite wells

Is well equipped with a meter and sounding tube or other water level sounding device? Yes No

If yes, describe: _____

Part D – Site Modification

Will any roads be constructed on any parcel? Yes No

Will any grading be done as part of the cultivation, including site preparation? Yes No

If yes, describe proposed grading and attach copy of grading permit as required by County Code §11.04.010. If grading is exempt from permit, explain why.

Will any vegetation be removed as part of the cultivation, including site preparation? Yes No

If yes, describe the vegetation to be removed and indicate the location of the removal on the site map.

Will a drainage system be installed on any parcel? Yes No

If yes, attach a copy of drainage permit as required by County Code §11.06.010. If drainage system is exempt from permit, explain why:

Medical Cannabis Cultivation Zoning Permit Application

Part E – Authorization

PROJECT AUTHORIZATION DECLARATION

I/We, _____, declare under penalty of perjury that the information provided in connection with this application is true and correct to the best of my/our knowledge. I/we understand that issuance of a zoning permit does not relieve me/us of the obligation to comply with other federal, state, or local laws or regulations, or from liability for violations of those laws and regulations. I/we acknowledge that the County of Sonoma is not authorizing a take of any federal or state endangered species by issuance of this zoning permit, and I/we further declare under penalty of perjury that a biological assessment or study has been prepared for the site by a qualified expert with respect to impacts on endangered species. I/we have reviewed the opinion of the qualified expert and will take all steps necessary, based on this opinion, to comply with any applicable provisions of the state and federal endangered species acts, and all other applicable state and federal laws. I/we waive any claims of liability for damages against the County of Sonoma and its contractors, and agree to indemnify the County of Sonoma and its contractors from and against any claims, suits, or liabilities, arising out of activities I/we undertake based on the issuance of this zoning permit. I/we further understand that if a zoning permit is not issued within one year following the filing of a zoning permit application, the zoning permit application shall expire without any further action by the Department of Agriculture/Weights and Measures. The Department of Agriculture/Weights and Measures may grant one 180-day extension, if the applicant files a written request before expiration of the original one-year period and shows that the extension is warranted due to a lawsuit, zoning permit authority error, or other circumstances beyond the control of the applicant. Otherwise, a new complete zoning permit application and associated fees must be submitted.

I/We authorize entry by the Department of Agriculture/Weights and Measures and its contractors onto any and all areas where cannabis cultivation or development is occurring under this zoning permit at all reasonable times or whenever an emergency exists to determine whether I am complying with zoning permit terms.

Applicant/Owner Name (please print)

Applicant/Owner Name (please print)

Applicant/Owner Signature

Applicant/Owner Signature

Title

Title

Date: _____

Date: _____

Medical Cannabis Cultivation Zoning Permit Application

**Application for zoning permit must be authorized by the owner of the property. If application not signed by the owner, written authorization from the property owner must be included with this application packet. If property owner is other than a natural person (e.g. corporation, LLC, or other business entity), then written authorization for this application must be signed by a representative authorized to bind the business entity.*

NOTE: Zoning permit must be approved before any work begins. An intake appointment is required when submitting an application. Please call (707) 565-2371 to schedule an appointment. Complete the Application and Application Checklist before making an appointment.

Medical Cannabis Cultivation Zoning Permit Application

APPLICATION CHECKLIST

Application

- Medical Cannabis Cultivation Zoning permit Application Form
- Authorization, Indemnification, and Consent to Inspection Form (Signed)
- Application Fee

Ownership and Authorization

- Copy of current deed for all parcels where commercial activity will occur
- Copy of current lease agreement, share-cropping agreement, etc.
- Signed letter of authorization of property owner to use property for commercial Cannabis cultivation if not specifically authorized in lease agreement

Business Entity Submission

For applicants other than a natural person, provide all documents filed with the Secretary of State, including but not limited to:

- Identification of every owner of applicant entity including percentage of ownership interest held
- Business formation documents
- Articles of Incorporation
- Operating agreement
- Partnership agreement
- Fictitious business name statement
- Articles of organization
- Certificate of limited partnership
- Certificate of stock
- Statement of partnership authority
- If applicant is foreign corporation, a certificate of qualification issued by the California Secretary of State

Water Quality If the proposed cultivation site is located within Regional Water Quality Control Board Region 1:

- Provide documentation from the North Coast Regional Water Quality Control Board or the State Water Resources Control Board confirming enrollment for coverage under their Cannabis Waste Discharge Regulatory program. If you are exempt from their program, you must self-certify to the County that you are exempt and that your site presents no potential for discharge of waste. Current exemption criteria for the North Coast Regional Water Quality Control Board Cannabis Waste Discharge Regulatory Program is a cultivation site with a cumulative area of less than 2000 sq. ft. of Cannabis and the site presents no potential for discharge of waste. This exemption is subject to change and the applicant must meet the requirements of any North Coast Regional Water Quality Control Board and State Water Resources Control Board Cannabis Waste Discharge Regulatory Program in effect at the time of application.

Medical Cannabis Cultivation Zoning Permit Application

Water Use Attach as applicable, for use of well water in Groundwater Zone 4 or medium/high priority basin:

- Documentation that the proposed use would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; or
- A hydrogeologic report prepared by a qualified professional providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and that the operation will not result in or exacerbate an overdraft condition in basin or aquifer, result in reduction of critical flow in nearby streams, or result in interference at offsite wells.

All Applicants Must Submit the Following

- Biotic Resources Assessment.** Proposed cultivation operations, including all associated structures, shall require a biotic assessment at the time of application that demonstrates that the project is not located within, and will not impact sensitive or special status species habitat, unless a use zoning permit is obtained. Any proposed cultivation operation, including associated structures, located within adopted federal critical habitat areas must have either all appropriate zoning permits from the applicable state and federal agencies with jurisdiction over the listed species, or a biotic assessment concluding that the project will not result in “take” of a protected wildlife species within the meaning of either the federal or California Endangered Species Acts.
- Waste Water Discharge Plan.** A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation, and domestic wastewater anticipated, as well as disposal. All cultivation operations shall comply with the Best Management Practices issued by the Agriculture Commissioner and shall submit verification of compliance with the Waste Discharge Requirements of the applicable Regional Water Quality Control Board, or waiver thereof.
- Waste Management Plan.** A Waste Management Plan shall be submitted addressing the storing, handling, and disposing of all waste by-products of the cultivation and processing activities in compliance with the Best Management Practices issued by the Agricultural Commissioner. This plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage, dispose, or reuse the wastes in compliance with the Best Management Practices and County of Sonoma standards.
- Security and Fencing Plan.** A Site Security Plan shall be required subject to review and approval by the Permit and Resource Management Department.
- Fire Prevention Plan.** The operator shall prepare and implement a Fire Prevention Plan for construction and ongoing operations and obtain an Operational Permit from the County of Sonoma Fire and Emergency Services Department. The Fire Prevention Plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management, and fire break maintenance around all structures.

Medical Cannabis Cultivation Zoning Permit Application

Site Plan/Photograph Requirements

A detailed site plan shall be submitted with all applications. Site plans may be submitted on topographic map with minimum 20 foot contours, or alternatively submit topographic map of parcel with 20 foot contours and a separate site plan. All site plans must be drawn to scale. Submit one 24 x 36 inches **OR** 11 x 17 inches map and one reduced size site plan on 8 ½ x 11 inches paper.

Site Plan Must Show:

- Outline of property boundaries
- All natural waterways and waterbodies including rivers, streams, wetlands, ponds and springs
- All wells on parcel including inactive wells
- All structures identified as to use including pesticide/fertilizer storage/drying/trimming/restrooms
- Outline and dimensions of proposed cannabis cultivation areas
- Cannabis cultivation area setback distances in linear feet from property lines, streams, wetlands
- Any easements
- Designated composting area, if applicable
- Designated area for non-compostable refuse
- Designated holding area for cannabis scheduled for destruction
- Existing or proposed fencing with dimensions

Color aerial photograph(s) shall be submitted of the entire parcel and surrounding parcels within a radius of 1200 feet of property lines. Aerial photo(s) must show/indicate:

- Outline of property boundaries
- Location of all sensitive uses within 1000 feet
- Separation distance from all sensitive uses including occupied structures on adjacent properties
- All roads indicating access roads used in cannabis operation
- Turnaround areas on access roads for emergency vehicles
- Footprint of any easements on parcel
- Buildings with label indicating use
- All natural waterways and waterbodies including rivers, streams wetlands, ponds, springs
- Location of all water storage facilities
- Outline and dimensions of proposed cannabis cultivation areas

S:\AG\PROGRAMS\Cannabis Regulation\AWM Permit Application\Cannabis Cultivation Zoning Permit Application.pdf



City of Nevada City

Planning Department
317 Broad Street, Nevada City CA 95959

Phone: 530-265-2496

Email: Amy.Wolfson@NevadaCityCA.gov

MEDICAL CANNABIS DISPENSARY PERMIT APPLICATION FORM

Please submit a minimum of **five (5) bound hard copies** and **one (1) digital copy** (usb drive or CD) of all application material.
Initial application deadline is **August 31, 2017 by 5 p.m. (P.S.T)**

Business Name: _____

Business Primary Contact: _____

Contact Title: _____

Contact's Mailing Address: _____

Phone#: _____ E-mail: _____

24-Hour Contact Information: _____

For details about the information required as part of the application process, please see the Implementation Procedures to Operate a Medical Cannabis Business in Nevada City, Ordinance No. 2017-06 and additional requirements in order to complete the application process. All these documents can be found on the Nevada City webpage: www.NevadaCityCA.gov

STAFF USE ONLY:

Fees	Date Paid	staff initials
Phase 1 \$2,461.33	_____	_____
Phase 2 \$1,773.40	_____	_____
Phase 3 \$2,091.27	_____	_____
Phase 4 \$4,140.30	_____	_____

Phase II

Section A: Principal Background Information (Must be signed by all Principals)

(Add more pages as necessary to accommodate signatures of all Medical Cannabis Business Principals.)

Under penalty of perjury, I acknowledge that I have personal knowledge of the information stated in this application and that the information contained herein is true. I also understand that the information provided in this application, except the Safety and Security Plan in Section C and certain confidential information such as driver's license and social security number, which can be redacted, may be public information and subject to disclosure under the California Public Records Act.

Principal Name: _____

Principal Title: _____

Principal Home or Cell Phone: _____

Principal Home Address: _____

Principal Signature: _____ **Date:** _____

Attachments:

___ If business will operate as a collective/cooperative provide proof of status as a qualified patient or primary caregiver (State card or doctor recommendation)

___ Receipt from Live Scan check

___ Picture of applicant (two passport quality photographs 2X2)

___ Copy of Social Security Card

___ Copy of Driver's License, OMV issued ID Card or Passport

___ Employee Background Form

___ Proof of address (OMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

Principal Name: _____

Principal Title: _____

Principal Home or Cell Phone: _____

Principal Home Address: _____

Principal Signature: _____ **Date:** _____

Attachments:

___ If business will operate as a collective/cooperative provide proof of status as a qualified patient or primary caregiver (State card or doctor recommendation)

___ Receipt from Live Scan check

___ Picture of applicant (two passport quality photographs 2X2)

___ Copy of Social Security Card

___ Copy of Driver's License, OMV issued ID Card or Passport

___ Employee Background Form

___ Proof of address (OMV-issued ID/driver's license, and/or recent utility bill under Principal's name)

Staff use only: Pass background check

Principal/Partner History:

1. List whether, the applicant(s) has other licenses and/or permits issued to and/or revoked from the applicant, in the three years prior to the year of the permit application, such other licenses and or permits relating to similar business activities as in the permit application. If yes, please list the type, current status, issuing/denying for each license/permit. (Please attach a separate document explanation if necessary)

2. List any and all partners who have been found guilty of a violent felony, a felony or misdemeanor involving fraud, deceit, embezzlement, or moral turpitude, or the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substance Act, with the exception of medical cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996. (Please attach a separate document explanation if necessary)

Section B: Business Organization Status

1. Describe the Medical Cannabis Business organizational status:

Attach proof of status, such as articles of incorporation, by-laws, partnership agreements, and other documentation as may be appropriate or required by the City.

Section C: Medical Cannabis Business Description and Location

1. Statement of Purpose of Medical Cannabis Business (a separate sheet may be attached, labeled Section C.1):

2. Proposed Location of Business: _____

3. Name and address of property owner: _____

4. Name and address of school(s) and/or public park(s) closest to Proposed Location: _____

5. Have you received a Zoning Verification Letter? (Please check the appropriate response)
Yes _____ (If yes, include documentation with this section of the application) No _____

6. Description of neighborhood around the proposed location surrounding uses, nearby sensitive uses (such as schools, churches, parks, daycares, or residents), transit access to site, etc. A separate sheet may be attached and labeled Section C.6.

7. Site plan must be dimensioned and show the entire parcel including parking and additional structures [recommended scale of **1"= 20'**]. In addition, please attach elevations and photos of proposed location. If any exterior alterations are proposed for the existing building, also attach a proposed site plan that is accurate, dimensioned and to-scale for each potential location and include elevation details. The scale should accommodate an accurate site plan on a sheet of paper no larger than 11X17.

8. Floor Plans shall be attached and shall be accurate, dimensioned and to-scale [recommended scale of **1/4"= 1'**] for each potential location. If any interior alterations are proposed for the existing building, also attach proposed floor plans. The scale should accommodate an accurate floor plan on a sheet of paper no larger than 11X17.

9. Signage Plan.

10. Vicinity Map.

11. Photos of the site and building(s).

Section D: Required supplemental information

This information is required for this application to be considered complete. Attach the following reports to the application. For explanation about the information required, see the Implementation Procedures handout.

- Business and Parking Plan**
- Neighborhood Compatibility Plan**
- Safety and Security Plan**

PHASE III

Section E: Final Location Information

Only one site per application can be considered at this point. Attach proof of ownership of the site OR signed and notarized statement from the owner.

Section F: Essential Supplemental Information

This information is required and you must submit this as part of meeting the requirements for a completed application. Check the box evidencing that you have read the Description of Evaluation Criteria related to these specific categories in the Implementation Procedures and attach the relative report(s) to the application.

- Enhanced Product Safety**
- Environmental Benefits (Water/Energy Efficiency Measures)**
- Community Benefits**
- Labor and Employment**
- Local Enterprise**
- Qualifications of Principals**

STAFF USE ONLY:

Date of initial application: _____

File Number assigned to application:

Date fee received for Phase : _____

Date application reviewed for Phase II:

Points Awarded in Phase II:

Continued to Phase III Denied

Date fee received for Phase III:

Date Proof of ownership was verified or a signed and notarized statement from the property owner was received for Phase III: _____

Date application reviewed for Phase III:

Approved Denied

Date fee received for Phase IV:

Date application reviewed for Phase IV: _____

Approved Denied

Attachment A3 - Email Comment 5

CAG RECOMMENDATIONS: NEVADA COUNTY LAND USE POLICY FOR CANNABIS CULTIVATION

Before determining land use policy, we should assume all **nuisance**, **health** and **safety**, and **ecological** issues have been address, as follows:

ISSUE	CURRENT ORDINANCE SOLUTION	ADDITIONAL/OTHER SOLUTIONS
Noise	<ul style="list-style-type: none"> - Fully addressed under current “noise” ordinance 	
Odor	<ul style="list-style-type: none"> - Requires use of odor control filters for “indoor” - “Outdoor” addressed through setbacks 	<ul style="list-style-type: none"> - Setbacks changed per below - Additional odor mitigation for outdoor as suggested
Security	<ul style="list-style-type: none"> - Requires solid fence or structure with locked entry 	
Visibility	<ul style="list-style-type: none"> - Requires not visible from public right of way - Currently requires solid fence or opaque greenhouse material - 600 feet to school or church 	<ul style="list-style-type: none"> - Fence requirements changed per below
Building Safety	<ul style="list-style-type: none"> - Requires compliance with existing building code (grading, buildings, electric, plumbing, mechanical, ventilation, etc.) 	
Ecological Impact	<ul style="list-style-type: none"> - Requires registration and compliance with Water Resources Board and Fish and Wildlife - Requires controlled use of pesticides - Requires controls for run-off and waste disposal 	<ul style="list-style-type: none"> - State “organic” designation pending development - State will establish energy consumption (for use of lights) <ul style="list-style-type: none"> o Current light maximum wattage to be aligned with State guidelines

Assuming the above issues are addressed, a rational and objective Land Use policy is suggested, as follows:

POLICY	RECOMMENDATION	RATIONALE
Cultivation Area	<ul style="list-style-type: none"> - County ordinance should be consistent with State license types for “commercial”. - County ordinance should be consistent with State regulations for “personal use”, as well as for “qualified patients and their caregivers”, and for “associations”. <ul style="list-style-type: none"> o “Personal use”, allow “outdoor” or “mixed light” 6 plants provided setbacks and all other requirements are met (not just “indoor”). - Per State regulation, allow “non-contiguous” on a “premises”. 	<ul style="list-style-type: none"> - Ability to govern/administer consistent with State - Farmers pay license fee to State, so cultivation area should be consistent - Outdoor grows reduce energy consumption. - Setbacks address odor issues. - Reduces desire to clear-cut trees by using existing open space. - Allows optimization of land.
Zoning	<ul style="list-style-type: none"> - Cultivation area limits per “premises” should not be subject to parcel size provided ALL other requirements are met, including setbacks (per below). - “Commercial” license types should be allowed on all “rural” (AG, FR, TPZ, RES-AG). - “Adult use” and “patient” cultivation should be allowed in Residential, provided setbacks and all other requirements met. 	<ul style="list-style-type: none"> - Provided setbacks met, parcel size is irrelevant. - Even for Type 2 10,000sf, only very small percentage of land used for cultivation: <ul style="list-style-type: none"> o 2 acres 11% o 3 acres 7% o 4 acres 5.7% o 5 acres 4.5% o 7 acres 3.2% o 10 acres 2.3% o 15 acres 1.5% o 20 acres 1.1%
Setbacks	<ul style="list-style-type: none"> - “Indoor” setbacks should be same as any building setbacks, per existing code. - “Outdoor” setbacks should be adjusted to “neighboring residence or outdoor living area”, NOT property boundary lines. <ul style="list-style-type: none"> o Setbacks should be 100’, regardless of parcel size and cultivation area. - “Mixed light” setbacks should be same as for “indoor” if plants are fully enclosed and have odor control filters, or same as for outdoor if they do not 	<ul style="list-style-type: none"> - Odor and noise are addressed, so there is no objective rationale for setbacks beyond building setbacks. - There is no scientific measure of “odor”. Empirical evidence suggests 100’ is ample, and far more generous than other odor-producing things like livestock (for which there no setbacks). - Setbacks to property lines render vast majority of parcels unusable (approximately 98%).
Fencing	<ul style="list-style-type: none"> - Solid, secured fence should be required in all cases where property is not secured by fencing and gate. <ul style="list-style-type: none"> o Can be see-through, such as welded wire o Sight-obscuring materials such as wood required only when are can be seen from public right of way 	<ul style="list-style-type: none"> - No need to waste precious natural resources like wood when the cultivation area cannot be seen!!



Making sense of the Medical and Adult Use
Cannabis Safety and Regulation Act of 2017

policy@cagrowers.org
www.calgrowersassociation.org

Public review draft: July 5, 2017

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Introduction and Background

Long before the passage of Proposition 215 in 1996, California was known around the world as a leading producer of cannabis. As the first state in the country to allow for medical use, our state also cracked the monolithic war on drugs and set in motion a nationwide wave of reform.

For nearly 20 years the medical cannabis industry grew in the state with few rules. Tax payment and regulatory compliance were not the norms, and public safety impacts became increasingly severe.

By the end of 2014 the problems had boiled over and the stage was set for the passage of the Medical Marijuana Regulation and Safety Act (MMRSA) in 2015. This act established a framework for licensing cannabis.

In June of 2016 the State legislature amended the MMRSA with the passage of the the Medical Cannabis Regulation and Safety Act (MCRSA). This legislation included groundbreaking environmental policies that will ensure cannabis is the most sustainable crop grown in California.

In November of 2016 the voters passed Proposition 64, the Adult Use of Marijuana Act AUMA. Though largely modeled on the MMRSA, the adult use law differed from the medical regulations.

In 2017 Governor Jerry Brown released the proposed budget in January and set out to unify the two laws. After more than 6 months of focused work from the governor’s administration, the state legislature and stakeholders, SB 94—the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) was passed.

On June 27, 2017 Governor Brown signed the Medical and Adult Use Cannabis Regulation and Safety Act and—with a quick stroke of the pen—fundamentally changed the business of cannabis in California.

This law will be the foundation of regulated cannabis in California. Cal Growers was honored to be included in the process and provide this report as a starting point for understanding this new law.

With love and gratitude,

Hezekiah D. Allen, Executive Director

License Types

A total of twenty license types will be issued by three different agencies starting on January 1, 2018. The MAUCRSA includes twenty license types. In addition, the law authorizes the licensing agencies to create new licenses. Three additional license types have been proposed in current regulations. Three types of large scale cultivation licenses that will not be available until at least January 1, 2023.

Cal Cannabis: Department of Food and Agriculture

- Type 1—Cultivation; Specialty outdoor; Small.
- Type 1A—Cultivation; Specialty indoor; Small.
- Type 1B—Cultivation; Specialty mixed-light; Small.
- Type 1C—Cultivation; Specialty cottage; Small.
- Type 2—Cultivation; Outdoor; Small.
- Type 2A—Cultivation; Indoor; Small.
- Type 2B—Cultivation; Mixed-light; Small.
- Type 3—Cultivation; Outdoor; Medium.
- Type 3A—Cultivation; Indoor; Medium.
- Type 3B—Cultivation; Mixed-light; Medium.
- Type 4—Cultivation; Nursery.
- Type 5—Cultivation; Outdoor; Large.
- Type 5A—Cultivation; Indoor; Large.
- Type 5B—Cultivation; Mixed-light; Large.
- *Type P – Processing*

Office of Manufactured Cannabis Safety: Department of Public Health

- Type 6—Manufacturer 1.
- Type 7—Manufacturer 2.
- *Type P – Packaging*
- *Type N – Infusion*

Bureau of Cannabis Control: Department of Consumer Affairs

- Type 8—Testing laboratory.
- Type 10—Retailer.
- Type 11—Distributor.
- Type 12—Microbusiness.

ADULT USE OR MEDICAL?

With the exception of testing laboratory licenses, which may be used to test cannabis and cannabis products regardless of whether they are intended for use by individuals who possesses a physician's recommendation, all licenses issued under this division shall bear a clear designation indicating

whether the license is for commercial adult-use cannabis activity as distinct from commercial medicinal cannabis activity by prominently affixing an "A" or "M," respectively. Examples of such a designation include, but are not limited to, "A-Type 1" or "M-Type 1." Except as specifically specified in this division, the requirements for A-licenses and M-licenses shall be the same. For testing laboratories, the bureau shall create a license that indicates a testing laboratory may test both adult-use and medicinal cannabis.

WHAT IS A PREMISES?

"(ap) "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee."

The MAUCRSA states that: "a person may apply for and be issued more than one license under this division, provided the licensed premises are separate and distinct."

LOCAL LICENSES

The MAUCRSA does not limit the authority of a city or county to pass and enforce "local ordinances to regulate businesses licensed under this division, including...to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction."

Further, MAUCRSA is clear that licenses will not be approved if they are in violation of a local ordinance.

An applicant may supply a local license or permit as evidence that they are not in violation of a local ordinance, but a local license or permit will not be required.

LICENSE FEES

Each agency shall develop and determine application fees and annual licensing fees for each license. Tiered fees were a CalGrowers priority in 2015, and the MAUCRSA ensures that fees shall be "set on a scaled basis by the licensing authority, dependent on the size of the business."

Fees were proposed in the medical regulations. These fees may change a bit but have been included in this document as a reference point.

DEPARTMENT OF FOOD AND AGRICULTURE

Cultivation is defined as “any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.”

California’s tiered cultivation licensing framework was a high priority of Cal Growers in 2015. The licenses are based on square footage of canopy as well as growing method:

	Indoor	Outdoor	Mixed Light
Cottage	500 sq ft	25 plants	2500 sq ft
Specialty	5,000 sq ft	5,000 sq ft or 50 plants	5,000 sq ft
Small	10,000 sq ft	10,000 sq ft	10,000 sq ft
Medium	22,000 sq ft	1 acre	22,000 sq ft
Large	More than 22,000 sq ft	More than 1 acre	More than 22,000 sq ft

The MAUCRSA defines the following:

- **Outdoor** as cultivation using “no artificial lighting.” The proposed regulations prohibit light dep, even if no lights are used; this may change.
- **Mixed light** as cultivation “supplemental artificial lighting at a maximum threshold to be determined by the licensing authority.” The department has proposed 25 watts per square feet; though this may change.
- **Indoor** as cultivation “using exclusively artificial lighting”

TYPE 1C: COTTAGE CULTIVATION

The cottage cultivation license was first established in law with the passage of AB 2516 (Wood) in 2016. This was CalGrowers sponsored legislation and the intent was to provide an option for regulators and local governments to develop streamlined and reduced cost options for cottage cultivators. There is also opportunity to stimulate urban agriculture with this license type.

Proposed fees:

- *Outdoor: Application, \$65; license \$595*
- *Indoor: Application, \$100; license \$900*
- *Mixed light: Application \$285; license \$2560*

TYPE 1 & 2: SPECIALTY AND SMALL CULTIVATION

Unlimited Type 1 (Specialty) and Type 2 (Small) licenses will be available to qualified applicants. This was a high priority of

CalGrowers in 2015. The provisions were included in the MMRSA and have remained stable throughout each iteration of the law.

Proposed fees:

Type 1: Specialty

- *Outdoor: Application \$130; License \$1,185*
- *Indoor: Application \$1,070; License \$9,620*
- *Mixed light: Application \$555; License \$4,980*

Type 2: Small

- *Outdoor: Application \$265; License \$2,370*
- *Indoor: Application \$1,935; License \$17,430*
- *Mixed light: Application \$1,105; License \$*

TYPE 3: MEDIUM CULTIVATION

The MAUCRSA requires that the department “shall limit the number of licenses allowed of this type,” similar to the provisions in the MCRSA. The proposed medical regulations include Section 8205 that explains “a person shall be limited to one Medium Outdoor, or one Medium Indoor, or one Medium Mixed Light license.”

Proposed fees:

- *Outdoor: Application \$765; License \$6,890*
- *Indoor: Application \$4,260; License \$38,350*
- *Mixed light: Application \$2,435; License \$21,915*

TYPE 5: LARGE SCALE CULTIVATION

The MAUCRSA includes language that states: “No Type 5, Type 5A, or Type 5B cultivation licenses may be issued before January 1, 2023.” Fees have not been proposed.

TYPE 4: NURSERY

A nursery license is appropriate for cultivators who produce “only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.”

There will be no limit on the number of nursery licenses that will be issued to qualified applicants.

Proposed fees: Application \$65; License \$560

TYPE P: PROCESSOR

This license type was proposed in the medical regulations; it is expected to remain a feature of the MAUCRSA. Processing is defined as “means all activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of nonmanufactured cannabis products.”

Proposed fees: \$310, \$2,790

DEPARTMENT OF PUBLIC HEALTH

TYPE 6: MANUFACTURING 1

“Manufacturing Level 1,” for sites that manufacture cannabis products using nonvolatile solvents, or no solvents

TYPE 7: MANUFACTURING 2

“Manufacturing Level 2,” for sites that manufacture cannabis products using volatile solvents.

TYPE N: INFUSION

This license type was proposed in the medical regulations; it is expected to remain a feature of the MAUCRSA. This license is for manufacturers that make edible or topical products using infusion processes and that do not conduct extractions.

TYPE P: PACKAGING

This license type was proposed in the medical regulations; it is expected to remain a feature of the MAUCRSA. This license type is for businesses that only package or repackage or label or relabel products

LICENSE TIERS AND FEES

The proposed regulations published by the Department in April contained “tiers” of licenses that were determined based on gross revenue. These fees and tiers may change, but have been included below for reference:

- Tier I (up to \$100,000 revenue per year) - \$2,000
- Class II (up to \$500,000 revenue per year) - \$7,500
- Class III (up to \$2,000,000 revenue per year) - \$15,000
- Class IV (up to \$5,000,000 revenue per year) - \$35,000
- Class V (above \$5,000,000 revenue per year) - \$50,000

All classes of licenses must pay a \$1,000 non-refundable application fee.

DEPARTMENT OF CONSUMER AFFAIRS

TYPE 8: TESTING

(b) A person that holds a state testing laboratory license under this division is prohibited from licensure for any other activity, except testing, as authorized under this division. A person that holds a state testing laboratory license shall not employ an individual who is also employed by any other licensee that does not hold a state testing laboratory license.”

“(g) All testing laboratories performing tests pursuant to this section shall obtain and maintain ISO/IEC 17025 accreditation as required by the bureau in regulation.”

“cannabis or cannabis products shall not be sold pursuant to a license provided for under this division unless a representative sample of the cannabis or cannabis products has been tested by a licensed testing laboratory.”

“(d) The distributor shall arrange for a testing laboratory to obtain a representative sample of each cannabis batch at the distributor’s licensed premises. After obtaining the sample, the testing laboratory representative shall maintain custody of the sample and transport it to the testing laboratory.”

TYPE 10: RETAIL AND DELIVERY

One of the biggest problems with the MCRSA was the failure to establish a license option for non storefront dispensaries (delivery services). The MAUCRSA addresses this by clarifying that: “A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery.”

TYPE 11: DISTRIBUTION

“The transportation of cannabis and cannabis products shall only be conducted by persons holding a distributor license under this division or employees of those persons.”

Distributors will meet “minimum security and transportation safety requirements”

“(b) A licensee that holds a valid distributor license may act as the distributor for the licensee’s cannabis and cannabis products.

(c) The distributor shall store, as determined by the bureau, the cannabis batches on the premises of the distributor before testing and continuously until either of the following occurs:

(1) The cannabis batch passes the testing requirements pursuant to this division and is transported to a licensed retailer.

(2) The cannabis batch fails the testing requirements pursuant to this division and is destroyed or transported to a manufacturer for remediation as allowed by the bureau or the Department of Public Health.

“obtain a representative sample of each cannabis batch at the distributor’s licensed premises. After obtaining the sample, the testing laboratory representative shall maintain custody of the sample and transport it to the testing laboratory”

“A distributor performing services pursuant to this section may collect a fee from the licensee for the services provided. The fee may include, but is not limited to, the costs incurred for laboratory testing.”

TYPE 12: MICROBUSINESS

The MAUCRSA includes a license for “microbusinesses.” This license allows for “the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer.”

TEMPORARY EVENT LICENSES

The MAUCRSA “does not prohibit the issuance of a state temporary event license” for “onsite cannabis sales to, and consumption by, persons 21 years of age or older at a county fair or district agricultural association event.”

Cannabis Cooperative Associations

New to the MAUCRSA, the cannabis cooperative was a high priority to Cal Growers throughout the development of SB 94. Modeled on Agricultural Cooperatives, Chapter 22 of Division 10 of the Business and Professions Code establishes the Cannabis Cooperative Association, a new entity type. Cannabis cooperatives may be formed by three or more licensed Type 1 or Type 2 cultivators. Cumulatively the cultivators shall not grow more than 4 acres.

Activities:

- The cultivation, marketing, or selling of the cannabis products of its members.
- The growing, harvesting, curing, drying, trimming, packing, grading, storing, or handling of any product of its members.

- The manufacturing, selling, or supplying to its members of machinery, equipment, or supplies.
- The financing of the activities that are specified by this section.

Purposes:

- Promote, foster, and encourage the intelligent and orderly marketing of cannabis product through cooperation.
- Eliminate speculation and waste.
- Make the distribution of cannabis product as direct as can be efficiently done.
- Stabilize the marketing of cannabis product.

Appellations and organic standards

The MAUCRSA expands the scope of appellations first established by the MCRSA to include “standards, practices and varieties” in addition to “region of origin.” The law also requires CDFA to develop this program by 2021. Appellations will ensure that consumers know what their cannabis is, where it was grown and how it was grown.

Cal Growers spearheaded this change to law and is proposing the following:

ORIGIN

Appellation of origin focuses on where a product came from. There are several levels to consider when establishing appellations of origin:

- **Region:** these multi-county regions are the highest level of organization for Canna Cultural areas. Cal Growers proposed regions can be seen here: http://www.calgrowersassociation.org/growing_regions
- **County:** the name of a California County may not be used in the marketing or labeling of a cannabis product unless that product was grown in that county.
- **Watershed:** watershed boundaries—and other ecological factors like soil type or rainfall patterns—could be the basis for appellations of origin
- **Community:** Sub-county level units of organization, communities are often times based on roads, schoolhouses, post offices, or other socio-cultural factors.
- **Neighborhood:** Sometimes there are neighborhoods within communities that are both part of the community but also distinct from it.

STANDARDS

Developed by third party's certifiers, universities, and other experts in specific fields. Standards should be objective and clear. Examples could include:

- Carbon Free Standard
- Pesticide Free Standard
- Family Farmed Standard
- Estate Grown
- Cooperatively Grown Standard
- "CalGanic" - in existing law

PRACTICES

Developed by growers. More objective and focused on cultural practices more than objective standards. Examples of standards could include:

- Handcrafted is a set of practices that maximizes the job creation potential of the
- Regenerative is a set of practices that focuses on restoring healthy ecology in and around the cultivation area
- Traditionally Grown is a set of practices that focusses on pre-industrial agricultural methods and includes limited use of plastic materials and is grown from seed

VARIETALS

Varietals are named strains that are distinct and consistent in their characteristics.

Environmental protections

The MAUCRSA is very clear: law requires the establishment of an enforcement program and a multiagency task force to take immediate action to address the impacts of unlawful water diversion for cannabis irrigation specifically—and cannabis cultivation in general.

Taxes

"Effective January 1, 2018, a cannabis excise tax shall be imposed upon purchasers of cannabis or cannabis products sold in this state at the rate of 15 percent of the average market price of any retail sale by a cannabis retailer."

"Effective January 1, 2018, there is hereby imposed a cultivation tax on all harvested cannabis that enters the

commercial market upon all cultivators. The tax shall be due after the cannabis is harvested and enters the commercial market."

"(1) The tax for cannabis flowers shall be nine dollars and twenty-fivecents (\$9.25) per dry-weight ounce.

(2) The tax for cannabis leaves shall be set at two dollars and seventy-five cents (\$2.75) per dry-weight ounce."

"(c) The board may from time to time establish other categories of harvested cannabis, categories for unprocessed or frozen cannabis or immature plants, or cannabis that is shipped directly to manufacturers. These categories shall be taxed at their relative value compared with cannabis flowers."

"(b) (1) A distributor in an arm's length transaction shall collect the cannabis excise tax from the cannabis retailer on or before 90 days after the sale or transfer of cannabis or cannabis product to the cannabis retailer. A distributor in a nonarm's length transaction shall collect the cannabis excise tax from the cannabis retailer on or before 90 days after the sale or transfer of cannabis or cannabis product to the cannabis retailer, or at the time of retail sale by the cannabis retailer, whichever is earlier. A distributor shall report and remit the cannabis excise tax to the board pursuant to Section

34015. A cannabis retailer shall be responsible for collecting the cannabis excise tax from the purchaser and remitting the cannabis excise tax to the distributor in accordance with rules and procedures established under law and any regulations adopted by the board.

(1) A distributor shall collect the cultivation tax from a cultivator upon entry into the commercial market. This paragraph shall not apply where a cultivator is not required to send, and does not send, the harvested cannabis to a distributor.

"(m) "Enters the commercial market" shall mean cannabis or cannabis product that has completed and complies with all quality assurance, inspection, and testing, as described in Section 26110 of the Business and Professions Code."¹

(2) (A) A manufacturer shall collect the cultivation tax from a cultivator on the first sale or transfer of unprocessed cannabis by a cultivator to a manufacturer. The manufacturer shall remit the cultivation tax collected on the cannabis product sold or transferred to a distributor for quality assurance, inspection, and testing, as described in Section 26110 of the Business and Professions Code. All

cultivation tax applicable to a unique identifier shall be paid upon the first sale or transfer of cannabis or cannabis product with an associated unique identifier. This paragraph shall not apply where a distributor collects the cultivation tax from a cultivator pursuant to paragraph”

(m) “Enters the commercial market” shall mean cannabis or cannabis product that has completed and complies with all quality assurance, inspection, and testing, as described in Section 26110 of the Business and Professions Code.

Track and Trace

“The department [of Food and Agriculture], in consultation with the bureau, shall establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain that utilizes a unique identifier...”

“If the State Water Resources Control Board or the Department of Fish and Wildlife finds, based on substantial evidence, that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, the department shall not issue new licenses or increase the total number of plant identifiers within that watershed or area.”

“A unique identifier shall be issued for each cannabis plant. The department shall ensure that unique identifiers are issued as quickly as possible to ensure the implementation of this division. The unique identifier shall be attached at the base of each plant or as otherwise required by law or regulation.”

“(B) Unique identifiers shall only be issued to those persons appropriately licensed by this section.”

Next Steps

The MAUCRSA is simply the foundation. Cannabis policy in California will continue to evolve as the regulated marketplace takes flight. CalGrowers will continue to pursue our mission.

STRATEGIC PLANNING

Our board of directors meets to review and update our strategic plan 4 times a year. Seasonal meetings are held in Sacramento in the following months:

- January
- March
- July
- September

LEGISLATIVE AFFAIRS

Though SB 94 included many priority issues there are several other pieces of legislation related to cannabis. The legislature will be adjourned from September to January.

CalGrowers Legislative affairs calls: Tuesday at 8:30 AM

REGULATORY AFFAIRS

The MAUCRSA includes emergency rulemaking authority for regulatory agencies. The agencies will exercise this authority and promulgate rules pursuant to the law prior to January 1, 2018. Emergency regulations have a limited public comment period and must be renewed or replaced with regular regulations in a certain time period.

CalGrowers Regulatory affairs calls: Wednesday at 8:30 AM

POLICY PRIORITIES

Cal Growers maintains a dynamic list of policy priorities that is updated at least quarterly. You can review our current priorities at: www.calgrowersassociation.org/priorities

If you have questions or comments about this report or would like to get involved with the Cal Growers Policy Committee please email policy@cagrowers.org for more information.

About Cal Growers

The mission of the California Growers Association is the promotion and protection of the independent farms and businesses in the cannabis marketplace and the protection of the public health and patient's rights, the restoration of natural resources and watersheds, and to provide for the welfare of communities and the mutual benefit of public and private interests.

The California Growers Association is the largest association of cannabis growers and businesses in the state of California.

With over 1,100 members up and down the state Cal Growers represents several diverse cross sections of Californians. From cottage growers to statewide companies, in urban and rural communities, Cal Growers is unifying cannabis business owners to ensure that California's biggest cash crop is also the state's most sustainable—and that the economic opportunities of cannabis commerce are accessible to and benefit all Californians.

JOIN TODAY

Membership is open to any cannabis patient, consumer, grower, extractor, food or topical maker distributor, delivery service, retailer, testing lab, dispensary or any other business company or brand involved with the cannabis industry.

Membership is organized into the following classes:

Supporting Member – Appropriate for individual patients, consumers or other people who just support our mission.

- Minimum contribution \$100 annually

Associate member – Appropriate for any individual or business seeking a license pursuant to the MAUCRSA. The membership dues for 2017 are:

- Cottage Class: \$500/yr. or \$50/mo.
- Specialty: Class 1: \$1000/yr. or \$100/mo.
- Small: Class 2: \$2500/yr. or \$250/mo.
- Medium: Class 3: \$5000/yr. or \$500/mo.

Partner – Appropriate for any individual or business that offers a product or service to our Associate members.

- Sponsorships start at \$2500 per season (quarter) or \$10,000 annually

Attachment A5 - Email Comment 17



Respectfully Submitted for Consideration 7/11/2017

UPDATED: 7/12/2017

Dear Members of the Cannabis Advisory Committee,

 I am a medical marijuana patient and a third-generation resident of Nevada County. I have established a small cottage cannabis nursery  which is a delivery and wholesale-only operation, providing cannabis starts to medical marijuana patients. I do not produce any cannabis products other than starter plants for medical patients with current cannabis recommendations. I would like to proceed to operate as a licensed cottage cannabis nursery on my property in Nevada County under the new state cannabis laws, and guiding local regulations, which will take effect next year. I am therefore appealing for your consideration so that I can work to fill this necessary role in the emerging, regulated marketplace:

Current zoning on my property allows for a wholesale and delivery nursery operation, but the current Nevada County cannabis ordinance itself prohibits cultivation of that species on my land. My hopes are two-fold: 1) that the Committee will adjust setbacks to allow for outdoor cultivation on my land (see “please allow outdoor cultivation on my property” on page five); and 2) make cottage cannabis nursery licenses available in Nevada County so that a robust “above-ground”, carefully regulated economy will flourish, allowing law enforcement to readily focus on non-compliant actors.

Without Nevada County cottage cannabis nurseries, growers will turn to “black market” sources for plants--or drive out of the area--and in either case the County will miss out on many thousands of dollars in tax revenues, and perhaps more importantly, lose oversight over environmental quality and product safety concerns. Toxic chemicals and plant diseases are real problems in an unregulated marketplace--not to mention fraud and wanton violence; which further drain law enforcement and emergency response resources.

Moreover, Nevada County needs cottage cannabis nurseries to broaden and deepen the already well-established network of cannabis-related businesses in our area in order to keep this important segment of our local economy healthy. An open, regulated cannabis marketplace has the ability to put Nevada County residents to work in jobs which pay well-above the poverty level, \$15 per hour or more; which is what I pledge to do in my cottage nursery.

Why is this important? Many individuals and families are living at, or in fact, well-below the poverty level in Nevada County. Single-parent families are especially hard hit by stagnant service-sector wages and soaring housing prices--dramatically affected by Airbnb’s, ever-more Bay Area retirees, and other real estate investors. As example, Briarpatch (a high-end food co-op of which I am a member), markets itself as a “living wage” employer, but routinely pays \$11.50 per hour and has very high turnover (based on conversations with a Briarpatch board member, the General Manager, and multiple current employees).

Currently, prices for shared housing in Grass Valley and Nevada City have soared to over \$550 per room, per month. Apartments and houses are totally out of reach for many long-time residents, and some people are being forced to move to less costly areas, like Stockton, to find affordable housing while subsisting on service industry wages. By comparison, profit margins in an ethically-regulated cannabis market have the capacity to

[REDACTED]

Respectfully Submitted for Consideration

easily pay \$15 per hour or more; a truly living wage in this area. Though operations slow dramatically during parts of the year, there is the real possibility that a cottage nursery can retain a skeleton crew of employees year-round at this same living wage.

Many long-time Grass Valley and Nevada City residents still remember my [REDACTED] who operated a retail landscape nursery for more than thirty years. Even before decriminalization, cannabis farmers were some of their best customers, paying cash and always being courteous. [REDACTED] authored the first local publication on drip irrigation for the NID, and wrote extensively about gardening in multiple publications, including the Sacramento Bee, The Union, and Family Food Garden [REDACTED] was well-loved by many, and was respected as an authority on all aspects of landscape and food gardening--and was known for his many aphorisms, including "respect starts in the home".

Before the property was a nursery, it was a walnut orchard, and a part of the famous [REDACTED] before that, going back to the 1800s. As a youngster, I worked at the nursery--starting at the age of eight, picking up sticks for 5-cents--and much later, managed it before it was sold (and subsequently closed) in my early twenties after the death of my grandfather. I also managed a retail garden center in Hawaii. I worked in landscape management for several years, and studied landscape design and landscape architecture, and have won numerous awards for landscape design.

I currently belong to the California Association of Nurseries and Garden Centers, and the Nevada County Cannabis Alliance, and belonged to Americans for Safe Access before that. My existing cottage cannabis nursery has no employees and produces no profit, but does provide a valuable service to medical marijuana patients, and if it were licensed and permitted to grow into a bonafide local business, paying taxes and

[REDACTED] Respectfully Submitted for Consideration

generating revenue for the County, it would create badly-needed, well-paying seasonal jobs, and possibly one or two year-round positions.

Though not intending to initially, I have created a small cottage nursery through my love of agriculture and passion for helping people to obtain rare cannabis strains to alleviate their medical conditions. As example, I recently had a client drive from the Bay Area for two high-CBD plants which were not available anywhere within a two-hour drive of his location. I was elated to provide the plants to him at cost, and we met at a public location away from my neighborhood.

My current cottage cannabis nursery is truly a very small, donation-based, avocation. For income, I operate a seasonal hauling and gravel delivery business which is essentially dead for three to four months out of the year (during the winter). As I have been operating my small business for over a year and a half, I have been learning a lot about local business, regulations, and accounting principles which will be paramount to operating a fully-sanctioned cottage cannabis nursery.

Furthermore, I am familiar with the regulatory requirements of operating a nursery from my previous experience managing my family's nursery, and a retail garden store, and look forward to working collaboratively with appropriate regulatory authorities (principally, the County Agriculture Commissioner, the California Department of Food and Agriculture, and numerous others).

I would like to continue to provide cannabis starts to authorized clients in the early spring, into early summer. The nursery will essentially shut down for the year at the end of June, and operations will resume in January in modest greenhouses. There will be no flowers grown at the nursery. Consequently, there will be no bad smell, and the nursery will not pose a theft target. Again, the nursery will be wholesale and delivery-only, so no appreciable difference in neighborhood traffic will result.

 Respectfully Submitted for Consideration

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Please allow outdoor cultivation on my property:

As described in the opening paragraph, the current cannabis ordinance setbacks do not allow for me to cultivate cannabis outdoors on any part of my property, [REDACTED] which is almost four acres, because the distance between the nearest property boundary to a school bus stop is less than the minimum currently allowed, 600 feet. This setback makes no sense in my situation because no part of my property shares a frontage with the busy road on which the bus stop is situated; Nevada City Highway. Significantly, the bus stop is on the other side of the street from the entrance to my road, and there are currently no children accessing the bus stop from my road.

To arrive at the nearest point of my property to the bus stop, a person has to cross a busy street with a wide center divider--regulations require that children be escorted by a parent or bus driver carrying a stop sign--then travel over 300' up a narrow private road at an acute angle to the main road in order reach my driveway, which is gated. Additionally, my property is almost totally obscured year-round from the bus stop by numerous mature trees, and multiple dwellings and businesses. My road is not a through street, and consequently has very little traffic. Because I am proposing a wholesale and delivery-only nursery (already permitted under current zoning--except the species I wish to cultivate) there will be little difference in the amount of traffic on my road.

I would ask that the Advisory Group allow for outdoor cultivation, including greenhouse cultivation, on my property which has a history of agriculture going back to the 1800s, when it was part of the [REDACTED]. The ranch covered a square mile (about 640 acres) in the Brunswick Basin, which is now probably the most-heavily developed section of the entire county (about 623,000 acres). Precious little agriculture remains in the former [REDACTED] and allowing a modest wholesale and delivery-only cannabis nursery to remain in operation here would be a boon to the local economy by creating jobs, and has a deep historical precedent. A local

[REDACTED] Respectfully Submitted for Consideration

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cottage cannabis nursery would reduce unnecessary greenhouse gas emissions by harnessing solar energy in greenhouses (rather than relying solely on grow lights), and by providing Nevada County cannabis growers with a local source of commercially regulated plant stock. Otherwise, these individuals would be forced to drive out of the county (or turn to unregulated, untaxed, black market sources).

Moreover, continuing cottage cultivation on my property would preserve a history of agriculture on a property which has been in my family since the 1960s. Additionally, the land has great southern exposure (optimal for solar efficiency), NID irrigation water and irrigation lines, agricultural outbuildings, and a central location with easy freeway access for efficient delivery of plants to customers.

Neighbors might be concerned about smell (which is not an issue for non-flowering nurseries), or light and noise pollution from greenhouse cultivation, and increased traffic. However, indoor lighting and noise from fans necessary for early season seedling and clone production can be effectively mitigated with "Panda Plastic" and special noise-dampening mounting techniques and hardware. Moreover, nearby commercial activity and traffic produce much more noise than anything that will take place at the nursery. Little additional traffic will result from a wholesale and delivery-only nursery, and I am prepared to make additional road repairs as I have done over the past six months.

I am dedicated to work hard to be a responsible neighborhood partner, and to preserve the rural feel of my neighborhood (I live here too!), while complying with new rules and regulations as they develop. That is why I am appealing for your discretion to make sensible regulations which have the ability to bring more cannabis businesses into compliance and thereby engage them with local and state economies in a meaningful way.

I look forward to the Nevada County Community Advisory Group completing their work so that the Board of Supervisors can authorize necessary licenses to bring all cannabis related activity in Nevada County

 Respectfully Submitted for Consideration

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into compliance with changing state laws. A healthy, regulated marketplace will create economies of scale which will drive down prices for consumers throughout the state and make “black market” cannabis less profitable. Enacting sensible regulation now will allow ethical participants to self-identify and thereby enable law enforcement to readily target non-compliant actors and encourage them to leave the area or change industries.

Thank you for taking the time to consider this appeal for flexibility in your implementation of setback requirements, and cottage cannabis nursery licenses for small business and property owners like myself who wish to compete in the regulated cannabis marketplace. Please contact

[REDACTED]

Very truly yours,

[REDACTED]

Nevada City, CA 95959

[REDACTED]

Respectfully Submitted for Consideration

