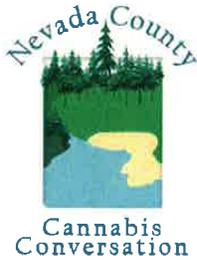


# Appendix B: Comment Cards and Electronic Comments



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



## COMMENT CARD

Date: June 27, 2017  
Name: [REDACTED]  
Address: Nevada City, CA

Comments: Follow state regulations for cultivation size.

- There really must be a transition period for cultivators to bring their land into code compliance. Mendocino allows up to 3 years to bring structures into compliance.

- I recommend 150' set backs from cultivation site to neighboring properties residence.  
• OTHER COUNTIES cultivation ordinances have setbacks from cultivation site to closest neighbor's residence.

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

I live in R-1 Alta Sierra - In answer to the man saying he needs an affidavit for smell of M.J. here I am. I have an indoor grow next door and the smell is BAD!! As far as any outdoor grows - No-Non- Based on smell - I have to keep windows and doors closed - I see no problem with set-backs. Minimum amount of plants should be grown only. I also wonder about my property value with a grow next door. I would not buy my house now. Do I have to disclose the grow to sell my house?? - -  
Measure "W" was sold on property rights - What about my property rights to own and enjoy my house

6/27/17



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



COMMENT CARD

Date:

6/27/2017

Name:

[Redacted Name]

Address:

GILASS Valley, ca 95945

Comments:

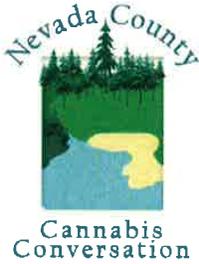
There needs to be a transition period for cultivators to come into compliance. I recommend 3 years.

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



COMMENT CARD

Date: 6/27/17  
Name: [REDACTED]  
Address: [REDACTED]

Comments: As a tax paying resident with children enrolled in Nevada county schools, I would like to see several of the license types proposed under state legislation considered. Type 1, Type 1B, Type 1C, Type 2B, Type 3A, I would also like to see consideration for Type 4, type 3 on parcels larger than 30 acres. Residency should be a requirement: as a residency minimum of 2 years or more to encourage the type of participants we want. We should look to Register ~~our~~ Micro climates and create businesses similar to the wine industry. Square footage is way more important than plant number.

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



COMMENT CARD

Date: 6-27-17
Name: [Redacted]
Address: unincorporated Nevada City.

Comments: create a permitting structure that matches CA state law and allows all license types. protect patients' rights by ensuring that patients can grow for themselves, and that caregivers can grow for up to 5 patients, without a permit, in accordance with Sec. 26033 A+B of Assembly bill AB94 The Trailer Bill. allow outdoor cultivation for personal use in all zones up to 500sqft. do not use plant counts, only use square footage limitations that match the state law. copy Sonoma and Mendocino counties who measure setbacks from the nearest outdoor living space, not from property lines, or copy other parts of Nevada County building code setbacks that range from 30-100 feet from the property lines.

I am a Nevada County home owner of 8 years. I am a book keeper and mother of 3 sons who attend school in Nevada City.

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



COMMENT CARD

Date:

6/27/17

Name:

[Redacted]

Address:

Grass Valley, CA. 95945

Comments:

In response to whether or not to allow commercial cultivation in the Nevada County, in the last year the State conducted a survey wondering how many total commercial growers there might be in the state county by county. Out of all counties responding, Nevada County had over 900 responses, putting it in the top 4 in the state for either outdoor, greenhouse or indoor commercial grow respondents. The state defines "commercial" for cannabis production as small as 2500 square feet, so either a 25' x 100' outdoor or greenhouse space, which for any commercial business, is very small. Please consider allowing a minimum of 2500 square feet with no plant count for either outdoor, greenhouse and/or indoor commercial production. Thank You

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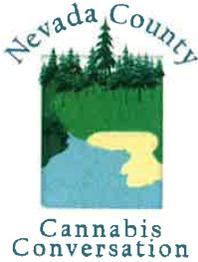
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COMMENT CARD

Date: 6/27/17  
Name: [REDACTED]  
Address: [REDACTED]

Setbacks  
Comments: Trinity County decided on 30 ft setbacks from property lines for cultivation sites. They also decided on 150 ft setbacks from cultivation sites ~~setbacks~~ to neighboring dwelling to address the smell/nuisance of cannabis. The marijuana cultivation ordinance previous to 2416 stated setbacks to neighboring outside dwellings, so it can be done.

Keep in mind that cultivation sites will be subject to State Water Resources Control Board setbacks from water sources. A minimum of 100ft setback is required. ~~This may change~~ as New statewide Water Board regulations will be released at the end of the month and will further

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COMMENT CARD

Date: 6/27/17  
Name: [REDACTED]  
Address: [REDACTED]

Comments: Commercial Cultivation needs square footage  
After countless hours of research, the State discusses  
cultivation sites in terms of square footage. Depending  
upon the plant type and schedule of cloning/transplanting,  
cannabis plants are all different sizes, so plant count  
isn't an accurate determination of the impacts of the  
cultivation site. Square footage accurately determines  
impacts as 6 giant plants use the same amount of  
soil amendments/water/fertilizers as 36 small plants.  
Please completely scrap plant count! Also, cultivators want  
an "excess" of square footage to support healthy plants  
with adequate air flow and sunlight for producing  
high quality medical grade cannabis. 5,000 square feet  
seems to be a modest baseline for a small family farmer

Please turn in your comment card at the end of the meeting or send your comments by email to: [CAGmeetingcomments@migcom.com](mailto:CAGmeetingcomments@migcom.com) to survive as a  
small business.

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## Community Advisory Group (CAG)

Nevada County Cannabis Regulation  
Community Planning Process



### COMMENT CARD

Date: 6/27/17  
Name: [REDACTED]  
Address: [REDACTED]

Comments: Residence: Allow a 2-3 year time period for completion of a legally permitted residence. With acres of cannabis being grown in other parts of the state, the price is dropping. ~~and~~ Most small family farms will not be able to afford the cost of compliance (state license, water board permit, moving garden to appease setbacks, cost of small mitigation, and any other costs of compliance to local or state rules), and the cost of building a house with the price dropping. I fully support the rationale for residences in terms of caring about their community and neighbor relations but the reality that currently exists is that many cultivators live in town R-1,2,3 and farm in Ag.

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COMMENT CARD

Date:

June 27, 2017

Name:

[Redacted]

Address:

OSV CA 95949

18 year homeowner in Nevada County plus a second parcel in Nevada County

Comments:

- 1) Property setbacks should be from the adjoining property living areas as was the case in the pre-urgency ordinance. 100 feet is a good working footage.
2) I disagree with the residency requirement in Ag Zones. If the plant count or square footage requirement are established and adhered to then the residency requirement is not necessary.
3) Setbacks could be scaled based on the size of the grow.
4) There should be a transition period for properties without residences to be able to grow outdoors.

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5) Residency requirement should not be site specific, i.e., some one with a residence should be able to grow on another owned property without a residence.

I want to start by thanking the genuine people of the group who have donated their time, energy and discernment for this County's future. I do feel for you because this task has a truly daunting scale.

The fact is there is a lot to consider and a lot at stake. I've had a chance to learn and think about many of the things you are beginning to become aware of for some time and even I'm not sure on some things and matters being discussed.

I made a public comment last meeting and as a former real estate expert and I would like to emphasize once again the big picture. I encourage you to try to get the big picture right. The industry you are helping to regulate is established. It's already in place reflected in many ways in this community. Most certainly positive financial and cultural, many ways.

The current proposal is highly restrictive to the existing cannabis community becoming compliant? If that is your intention? As proposed the industry here would be consolidated to a very small percentage of land parcels. Effectively this will result in the evaporation of the existing community and all it's evolved influence in the county. These people will migrate to more friendly and aware areas. In addition as proposed the consolidation itself would most likely make it difficult for the current supply demand levels to be met in compliance.

This is an established marketplace with many people struggling as in most industries. There are no easy dollars being a farmer even a cannabis farmer. Regulation is costly for everyone and the impact very hard to estimate. The process will be difficult for many who have no idea of the future coming. Fingerprints, fees, future educational requirements, will stress the established workers and the industry in many ways. I encourage you to reach out to the cannabis community, embrace the best of the established culture, work on the community brand. You already have one! (tv series)

Consider mom and pop operations, with organic standards? The best people here will help you keep the excellent stuff here and weed out no pun intended the problems. Don't throw the baby out with the bath water as they say and for god's sake don't put anything in stone now? Being able to withdraw or open up the avenues you want or don't want for this marvelous community.

## TAXES

Recreational Drugs?  $\approx$  medical Use bins eliminated

TOMATO ~~Plants~~ Plants? (size)

Over Regulate No. — setbacks are setbacks  
Smell is Smell

ENDOCANABINOID system - Breast Cancer — to  
muscle  
cream.

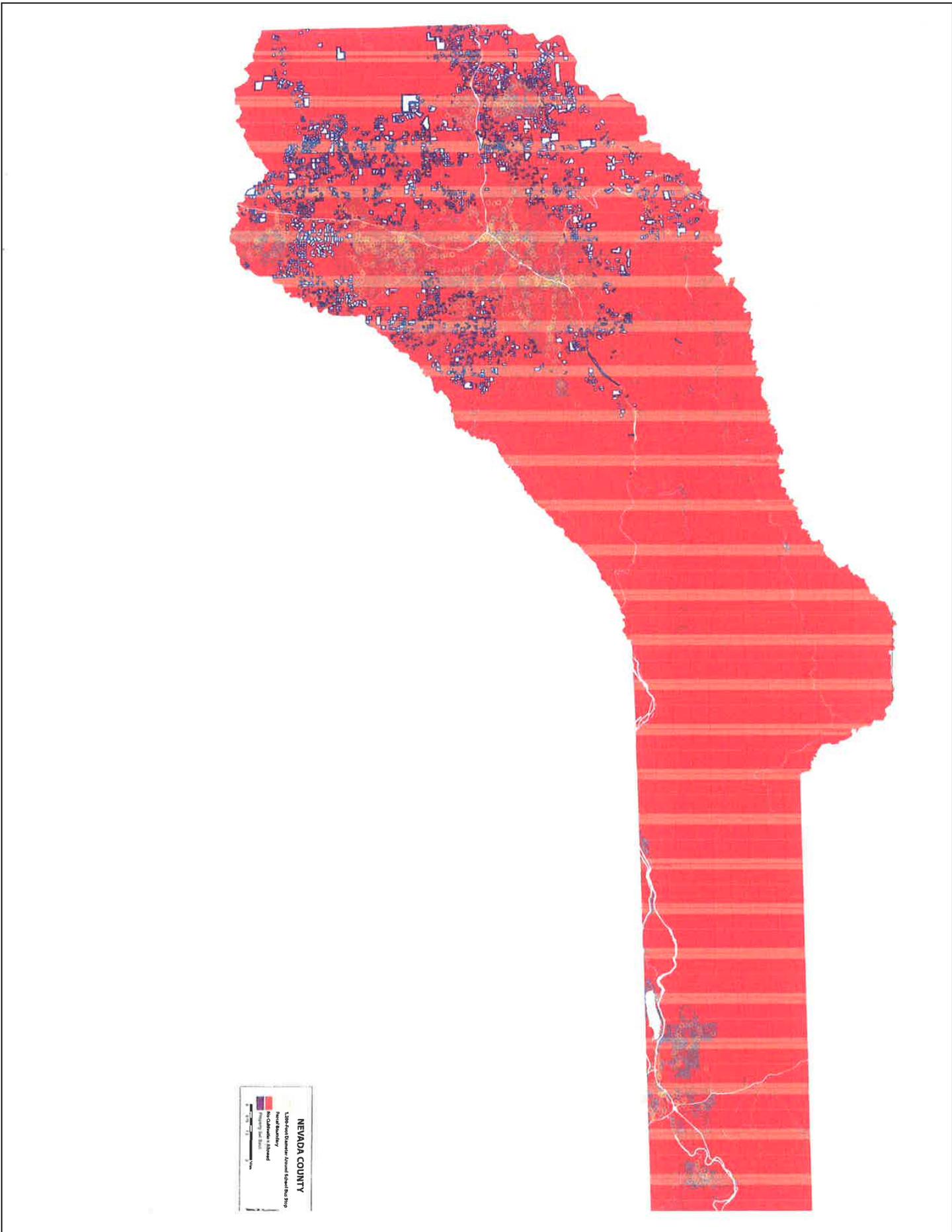
**CAG RECOMMENDATIONS: NEVADA COUNTY LAND USE POLICY FOR CANNABIS CULTIVATION**

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

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

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



	<b>Total</b>	<b>% of total</b>
Total Properties in Nevada County:	64505	100.00%
Total Properties in Nevada County Above 500 acres:	248	0.38%
Total Properties in Nevada County from 100 to 499.9 acres:	922	1.43%
Total Properties in Nevada County from 99.9 to 50 acres:	732	1.13%
Total Properties in Nevada County from 49.9 to 20.0 acres:	2491	3.86%
Total Properties in Nevada County from 19.9 to 10 acres:	3520	5.46%
Total Properties in Nevada County from 9.9 to 5 acres:	5687	8.82%
Total Properties in Nevada County from 5.9 to 1 acres:	12600	19.53%
below 1 acre:	38305	59.38%

Properties with a minimum improved value of \$65K (residential designation):	48339	74.94%
Number of properties that are above 2 acres:	22952	35.58%
<b>Properties with a minimum improved value of \$65K (residential designation) in county land:</b>	<b>6403</b>	<b>9.93%</b>
<b>Number of properties that meet current setback and elevational requirements:</b>	<b>952</b>	<b>1.48%</b>

**Facts:**

**Largest property in Nevada County 782.5 acres**  
**Average sized property (mean) in Nevada County is 9.53 acres**

<b>Current Guidelines 06/2017</b>				
<b>Acre Sizing</b>	<b>Sq Ft of property</b>	<b>Current space Allowed SqFt</b>	<b>Zoning</b>	<b>% available to use</b>
100	4,356,000	1000	RA (Rural), AG, AE, FR, TPZ	0.00023
50	2,178,000	1000	RA (Rural), AG, AE, FR, TPZ	0.000459
20	871,200	1000	RA (Rural), AG, AE, FR, TPZ	0.001148
10	435,600	600	RA (Rural), AG, AE, FR, TPZ	0.001377
5	217,800	300	RA (Rural), AG, AE, FR, TPZ	0.001377
2	87,120	300	RA (Rural), AG, AE, FR, TPZ	0.003444
1	43,560	0		0

**Current Setbacks for all Parcels: Outdoor**

Code	Description
G-IV 5.4	Parcels of greater than 2 acres up to 5 acres: 100 ft.
G-IV 5.4	Parcels of greater than 5 acres up to 10 acres: 150 ft.
G-IV 5.4	Parcels of greater than 10 acres up to 20 acres: 200 ft.
G-IV 5.4	Parcels of greater than 10 acres: 300 ft.



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



COMMENT CARD

Date: 6-27-17  
Name: [REDACTED]  
Address: Penn Valley CA

Comments: When the county created the ballot  
questions for measure W -  
they asked if we wanted to Ban commercial  
growing - We said NO 66% NO Ban  
to 38% yes -  
We have already addressed this w/  
Measure W -

Please turn in your comment card at the end of the meeting or send your comments by email to:  
[CAGmeetingcomments@migcom.com](mailto:CAGmeetingcomments@migcom.com)

Comment cards and email comments received within 48 hours of the CAG meeting will be summarized and included in the summary for that meeting. Those received after that time will be summarized and included in the next meeting summary.

Please complete a form and provide it to staff. When your name is called, please approach the microphone, and, after receiving recognition from the Facilitator, give your name and comments or questions as all meetings are recorded. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion.

Individuals or organizations desiring to address the CAG shall: 1.) Address the CAG from the microphone. Speakers are encouraged but not required to give their name and city of residence before addressing the CAG.

Speakers shall direct their comments to the CAG, not the audience or staff. 2.) Comment on the specific matter before the CAG with reasons for the position taken. 3.) The Facilitator may, at his or her discretion, allow up to five (5) minutes for those who are serving as a spokesperson for a group or organization. 4.) A speaker may not yield time to another speaker. 5.) No individual may speak more than once during the Public Comment period or on an item on the agenda unless recognized by the Facilitator as having new information. 6.) In the interest of civil discourse, the rules specified in this Order and Decorum and Robert's Rules of Order, to the extent such Rules are not in conflict with the Brown Act, shall apply at all CAG meetings. It shall be the responsibility of the Facilitator to ensure public comments are conducted in such a manner that avoids disruptive activity, promotes mutual respect, keeps comments focused on issues, and avoids personal attack. Time limits may be modified at the Facilitator's discretion.

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

[REDACTED]  
30 year resident of Nevada County.

For 25 years, I have been an organic farmer, growing produce and cut flowers for the local market.

I, for one, am glad to see our state and county finally working past the artificial and politically motivated stigma that has been laid on cannabis for so many years.

That said, I would like to make three points:

1. In August of 2016, the CDFA conducted a survey to query California residents about their interest in applying for Cannabis licensing. In other words, becoming legitimate, tax paying small businesses in the emerging Cannabis market place.  
Nevada County posted 930 replies! 930 potential small businesses added to the economic community in Nevada County. That is huge. We can't ignore that big a request for "reasonable" local Cannabis regulation.  
I have heard the economic potential of this industry in Nevada County poo-pooed at BOS meetings over and over, but these numbers speak for themselves.
2. Secondly, I'd like to talk about how we define "reasonable" as it applies to your recommendations to our BOS?

Of course, "reasonable" regulations need to work for neighbors and neighborhoods, and of course, "reasonable" regulations need to restrict access to Cannabis by our youth, BUT, "reasonable" also needs to allow farmers and other small businesses a level of production that enables them to compete in what is sure to be a very competitive industry. 600-1200 square ft., or one small greenhouse on a 5-10 acre parcel will not allow that level of participation in the market.

3. Third, I'd like to suggest that you folks recommend changing the setbacks for a grow back to a more reasonable "from your nearest neighbor's house or living space" approach. If your goal is to have a high level of compliance with county regulations, you need to recommend regulations that encourage compliance. When the BOS changed setbacks

to a “from your own property line” rule, they instantly forced hundreds of county residents to be out of compliance. These are people who were in compliance with the previous regulations!

I am not an advocate for huge grows or giant manufacturing operations, just “reasonable” regulations that will allow Nevada County small farmers and business owners to compete and succeed in the new market ahead.

Thank you

## CalCannabis Cultivation Licensing Survey Results by County

A CDFA Survey of California Counties, August 2016

The California Department of Food and Agriculture (CDFA) posted a survey on the CalCannabis website for about one month to query industry about the types of licenses cannabis cultivators would like to have and the county where they would like to be licensed. Many thanks to the industry associations that encouraged industry members to participate in the survey. The following table features the results. We appreciate the efforts of all those who took the time to complete the survey, as it provides us with valuable information on where to target outreach and training efforts. Thanks again to all who participated.

\* results by county attached

**CDFA SURVEY RESULTS - LICENSE TYPE BY COUNTY - FINAL**

County	Type 1	Type 1A	Type 1B	Type 2	Type 2A	Type 2B	Type 3	Type 3A	Type 3B	Type 4	Type 6/7	Type 8	Type 10/10	Type 11	Type 12	Total
Alameda	80	105	46	48	75	40	30	64	35	66	149	32	115	126	130	1,141
Alpine	8	4	5	7	7	6	5	5	9	9	2	4	3	7	3	84
Amador	9	5	5	3	4	3	7	2	4	4	5	1	6	5	1	64
Butte	49	23	31	33	17	20	32	15	21	33	21	10	18	28	36	387
Calaveras	86	44	57	40	27	40	72	29	118	54	59	22	38	66	91	843
Colusa	4	1	-	-	-	1	1	1	1	-	2	-	-	3	-	14
Contra Costa	28	41	20	21	30	15	8	19	10	21	35	8	34	38	39	367
Del Norte	8	9	6	6	5	2	-	-	3	7	6	-	3	3	5	63
El Dorado	44	34	32	30	23	23	38	19	31	39	35	15	30	40	45	478
Fresno	24	20	14	13	12	13	16	13	18	24	12	11	31	32	27	280
Glenn	3	1	2	1	2	2	2	3	2	3	2	-	4	7	3	37
Humboldt	88	38	46	37	18	34	59	22	38	51	88	18	38	61	86	722
Imperial	13	9	9	11	6	8	10	7	12	9	12	2	9	6	13	136
Inyo	2	3	3	5	2	2	2	3	6	4	4	1	1	1	4	43
Kern	23	20	24	18	18	20	23	17	17	17	17	11	26	21	27	299
Kings	15	13	14	13	13	14	17	14	14	12	12	9	10	10	9	189
Lake	40	16	22	29	11	25	39	19	30	30	24	3	17	21	27	353
Lassen	15	3	2	5	2	3	10	1	2	8	3	1	5	6	12	78
Los Angeles	187	248	141	110	174	101	90	178	113	152	273	83	275	300	293	2,718
Madera	10	4	5	5	5	5	9	5	6	8	10	3	13	10	12	110
Marin	15	11	10	10	10	9	8	6	9	10	13	6	29	19	17	182
Mariposa	13	6	6	6	5	6	8	5	10	7	9	4	8	4	9	106
Mendocino	159	36	79	83	19	64	104	16	68	71	101	11	49	69	112	1,041
Merced	11	7	6	7	9	6	10	8	8	9	10	6	14	13	11	135
Modoc	3	1	-	1	1	1	2	-	-	-	-	-	-	-	1	10
Mono	-	1	2	-	-	-	2	-	1	-	1	1	-	2	2	12
Monterey	36	26	24	26	19	37	33	28	47	28	43	8	26	33	41	455
Napa	6	11	7	8	6	5	8	11	6	9	9	3	11	13	14	127
Nevada	157	52	84	90	31	58	53	17	31	70	76	18	33	58	102	930
Orange	54	71	39	34	52	35	24	46	34	42	72	30	114	108	97	852
Placer	71	54	51	41	28	42	53	40	50	50	46	14	53	48	63	704
Plumas	2	2	2	3	2	3	5	2	4	3	4	-	2	5	5	44
Riverside	85	78	47	41	64	34	40	70	49	66	82	25	85	93	100	959
Sacramento	79	103	61	49	80	55	45	73	61	70	100	40	109	131	121	1,177
San Bernardino	87	99	68	61	77	51	48	70	56	64	72	37	88	100	117	1,095
San Diego	122	102	89	75	82	75	69	68	71	91	110	47	132	144	138	1,415
San Francisco	30	47	18	17	40	19	13	28	18	27	61	10	92	92	76	588
San Joaquin	22	23	16	11	13	12	14	11	10	17	20	7	24	23	22	245
San Luis Obispo	61	39	42	34	28	27	32	24	38	35	38	13	43	50	59	563
San Mateo	10	9	7	5	12	7	3	8	8	8	6	2	14	9	11	119
Santa Barbara	24	19	20	20	16	17	28	13	23	20	29	9	33	32	33	336
Santa Clara	18	17	11	10	14	9	9	12	9	12	12	1	27	19	21	201
Santa Cruz	45	31	34	29	22	26	27	21	23	28	42	5	26	37	49	445
Shasta	25	21	16	11	10	10	12	7	12	16	12	2	12	12	19	197
Sierra	12	1	4	4	-	2	5	-	2	5	1	-	1	5	7	49
Siskiyou	17	5	5	16	6	6	15	6	5	9	8	-	4	5	12	119
Solano	18	15	10	12	12	8	8	8	6	17	11	4	20	17	18	184
Sonoma	63	53	46	48	33	42	55	40	51	54	93	11	51	65	86	791
Stanislaus	11	10	9	8	14	9	12	14	9	14	12	4	19	13	14	172
Sutter	6	8	6	4	4	5	5	5	8	6	4	-	3	8	9	81
Tehama	10	4	7	4	4	3	5	1	1	5	3	1	3	6	8	65
Trinity	34	18	18	24	10	14	18	5	15	17	16	3	7	10	26	235
Tulare	14	14	8	7	7	5	7	5	6	6	6	1	9	10	11	116
Tuolumne	15	17	13	13	11	7	9	6	7	15	12	4	8	6	12	155
Ventura	34	29	31	24	25	18	29	19	24	29	32	10	31	33	49	417
Yolo	39	17	23	14	10	14	38	16	36	23	21	6	26	27	36	346
Yuba	17	4	13	17	7	10	16	9	14	14	13	2	10	15	18	179
<b>Total</b>	<b>2,161</b>	<b>1,702</b>	<b>1,416</b>	<b>1,302</b>	<b>1,234</b>	<b>1,128</b>	<b>1,342</b>	<b>1,154</b>	<b>1,320</b>	<b>1,518</b>	<b>1,971</b>	<b>579</b>	<b>1,892</b>	<b>2,125</b>	<b>2,409</b>	<b>23,253</b>

# Melody Oaks Mutual Irrigation Company, Inc.

Post Office Box 224, Smartsville CA 95977

e-mail: momic4water@gmail.com; website: momic.weebly.com



April 25, 2017

To: Community Advisory Group

From:



Re: Agricultural water usage

At the most recent meeting of the MOMIC Board of Directors, it was decided to forward this information to your group. This is for general informational purposes. MOMIC does not have any specific data on the uses to which the water applied.

If you would like additional information about this organization, please visit our website noted above.

Thank you.

Year	Total gallons pumped	Seasonal Average (miners Inches)
2013	78,936,000	27.1
2014	76,698,600	26.5
2015	70,468,200	24.4
2016	76,570,000	22.7
2017 (to 6/9/17)	13,645,000	15.9

1

2 In late 2015, the California State Legislature passed, and Governor Jerry Brown signed into  
3 law, the Medical Cannabis Regulation and Safety Act (MCRSA).<sup>1</sup> This act, initially consisting  
4 of three separate bills (Assembly Bill [AB] 243 [2015], AB 266 [2015], and Senate Bill [SB]  
5 643 [2015]) and subsequently amended, outlines a new structure for regulation and  
6 enforcement of medical cannabis production and use in California. On November 8, 2016,  
7 California voters passed Proposition 64 (the Adult Use of Marijuana Act [AUMA]), legalizing  
8 the use and possession of nonmedical cannabis products within California by adults aged 21  
9 years and older.

10 Both acts establish a regulatory structure for cultivation, processing, manufacturing,  
11 tracking, quality control, testing, inspection, distribution, and retail sale of commercial  
12 cannabis. The acts designate applicable responsibilities for oversight of cannabis commerce  
13 to several State agencies.

14 It is important to note that, although California now allows for both medical and adult  
15 (nonmedical) use of cannabis, cannabis remains classified as a Schedule 1 controlled  
16 substance under the federal Controlled Substances Act of 1970. Individuals engaging in  
17 cannabis cultivation and other cannabis-related activities risk prosecution under federal  
18 law.

19 The California Department of Food and Agriculture (CDFA) is tasked with licensing  
20 commercial cannabis cultivation, as well as establishing a “track-and-trace” system, which  
21 involves development of a unique identifier for each plant, a reporting system, and  
22 documentation of the path of plants from cultivation to distribution as a commercial  
23 cannabis product. To accomplish this, CDFA is proposing to implement the CalCannabis  
24 Cultivation Licensing program, by establishing regulations for the medical and adult use  
25 licensing program and track-and-trace system.

26 CDFA has prepared this Draft Program Environmental Impact Report (PEIR) to provide an  
27 up-to-date, transparent, and comprehensive evaluation of the proposed regulations and the  
28 activities that would occur in compliance with the regulations. The PEIR will serve as an  
29 overarching California Environmental Quality Act (CEQA) framework for efficient and  
30 proactive implementation of the CalCannabis program. This PEIR is intended to provide  
31 CEQA compliance for the adoption of regulations to implement the Proposed Program. To  
32 achieve this, it considers future Proposed Program activities as described in Chapter 2,  
33 *Proposed Program Description*, and Chapter 3, *Proposed Program Activities*. CDFA will use  
34 the PEIR in deciding whether to approve, approve with modifications, or deny the Proposed  
35 Program. The regulations that CDFA is considering adopting, as they are described in this  
36 PEIR, are referred to as the “Proposed Program.”

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<sup>1</sup> Formerly known as the Medical Marijuana Regulation and Safety Act; renamed in 2016.

1 This PEIR is intended to provide the public, responsible agencies, and trustee agencies with  
2 information about the potential environmental effects of implementation of the Proposed  
3 Program. This Draft PEIR has been prepared in compliance with the California  
4 Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines  
5 (Title 14, California Code of Regulations Section 15000 et seq.).

## 6 **ES.1 Overview of the Proposed Program**

### 7 **Goals and Objectives**

8 The overarching goal of the Proposed Program is to establish a regulatory licensing  
9 program that would ensure that commercial cannabis cultivation operations would be  
10 performed in a manner that protects the general public, cannabis cultivation workers, and  
11 the environment from the individual and cumulative effects of these operations. Licensees  
12 must also comply with all applicable laws. An additional Program purpose is to establish a  
13 track and trace program to ensure the movement of medical and adult-use (nonmedical)  
14 cannabis items are tracked throughout the production chain.

15 In meeting these goals, the Proposed Program has the following objectives:



- 16 ■ Establish minimum requirements for indoor, outdoor, and mixed light commercial  
17 cannabis cultivation operations that must be achieved by cultivators in order to  
18 obtain a cultivation license from CDFA;
- 19 ■ Establish a license limit for the medium size cultivation categories;
- 20 ■ Require that individual and cumulative effects of water diversion and discharge  
21 associated with cultivation do not affect the instream flows needed for fish  
22 spawning, migration, and rearing, and the flows needed to maintain natural flow  
23 variability;
- 24 ■ Require that cultivation will not negatively impact springs, riparian wetlands, and  
25 aquatic habitats;
- 26 ■ Require that cannabis cultivation by licensees is conducted in accordance with  
27 applicable federal, state, and local laws related to land conversion, grading,  
28 electricity usage, water usage, water quality, woodland and riparian habitat  
29 protection, species protection, agricultural discharges, and similar matters;
- 30 ■ Establish procedures for the issuance and revocation of unique identifiers for  
31 activities associated with a cannabis cultivation license;
- 32 ■ Prescribe standards for the reporting of information as necessary related to unique  
33 identifiers;
- 34 ■ Establish a scale of application, licensing, and renewal fees, based upon the cost of  
35 administering and enforcing the Proposed Program; and
- 36 ■ Develop a cultivation checklist tool that can be used by CDFA, other agencies, and  
37 local governments to evaluate environmental impacts of cannabis cultivation license  
38 programs.

1 **Program Area**

2 Cannabis cultivation can occur in a combination of urban, rural, natural, and agricultural  
3 settings in the State; therefore, Proposed Program activities occur in various locations  
4 throughout California (**Figure ES-1**). The potential geographic extent of a cultivation site  
5 depends on a number of factors, including suitable climatic and ecological conditions for the  
6 cannabis plants. Cannabis cultivation can be generally divided into three basic categories –  
7 outdoor, indoor, and mixed light cultivation techniques. Processing of cannabis may occur  
8 as part of cultivation, or as a separately licensed activity. Nurseries also involve a particular  
9 type of cultivation, and are also described. A combination of these cultivation techniques  
10 may occur at one site. The location, area and extent of specific activities under the Proposed  
11 Program ultimately would vary on a site-specific basis, considering the cultivation  
12 technique, license procured, the regulatory requirements and the management approaches  
13 available.

14 The Proposed Program outlines specific requirements for license eligibility, including but  
15 not limited to:

- 16 ■ Board of Equalization seller’s permit number;
- 17 ■ Proof of fingerprinting submission to the California Department of Justice;
- 18 ■ Under MCRSA, a copy of a local license, permit or other authorization from a local  
19 jurisdiction to cultivate;
- 20 ■ Proof of any CEQA compliance which has been completed;
- 21 ■ Documentation issued by the local jurisdiction in which the proposed business  
22 would be operating certifying that the applicant is or will be in compliance with all  
23 local ordinances and regulations;
- 24 ■ A cultivation plan detailing grow site dimensions, chemical use protocols, water  
25 source and storage, waste removal plan, inventory tracking procedures, quality  
26 control procedures, product storage and labeling, pest management plan, and  
27 details regarding the method of compliance with applicable environmental  
28 requirements;
- 29 ■ Proof of the legal right to occupy the proposed cultivation site;
- 30 ■ Proof of a bond in the amount of \$5,000;
- 31 ■ If applicable, copy of a valid Fish and Game Code section 1602 lake or streambed  
32 alteration agreement or written verification from the Department of Fish and  
33 Wildlife that an agreement is not required;
- 34 ■ Evidence that the proposed cultivation site is located beyond a 600-foot radius from  
35 a school;
- 36 ■ Information regarding the water source for the operation operation, and if  
37 applicable, approval of water diversion and water rights; and
- 38 ■ For each “owner,” a list of convictions and evidence of rehabilitation for each  
39 substantially related criminal conviction.

1           Additionally, as part of the Proposed Program, CDFA would require licensees to attest to the  
2 following:

- 3           ▪ No owner of the business is a licensed retailer of alcoholic beverages.
- 4           ▪ The applicant is an “agricultural employer” as defined by the Alatorre-Zenovich-  
5 Dunlap-Berman Agricultural Labor Relations Act of 1975.
- 6           ▪ For an applicant with 20 or more employees, the applicant is entered into a Labor  
7 Peace Agreement.
- 8           ▪ For an indoor license type, that the local fire department has been notified of the  
9 cultivation site.
- 10          ▪ Under penalty of perjury, the information in the application is complete, true and  
11 accurate; all owners agree to operate in compliance with all applicable laws and  
12 regulations.

### 13   **Summary of the Proposed Program**

14           The Proposed Program governs the licensing of commercial indoor, outdoor, and mixed-  
15 light, processing, and nursery activities; as well as establishing a track-and-trace system,  
16 which involves development of a unique identifier for each plant, a reporting system, and  
17 documentation of the path of plants from cultivation to product distribution. The Program  
18 establishes license definitions, applications requirements, cultivation license fees and  
19 requirements, cultivation site requirements, including environmental protection measures  
20 and other environmentally beneficial provisions, and requirements related to records and  
21 reporting. Activities conducted under the Proposed Program would also be subject to  
22 inspection, investigations, audits, and enforcement of license requirements.

23           Licensing would involve the thorough review and approval of a proposed site-specific plan  
24 for cultivation of cannabis. Among many activities, CDFA’s CalCannabis Cultivation  
25 Licensing program would be responsible for ensuring licensee compliance with relevant  
26 mitigation measure requirements determined by the environmental analysis; requiring  
27 compliance with applicable principles, guidelines and requirements established by the State  
28 Water Resources Control Board and relevant Regional Water Quality Control Boards;  
29 requiring the application of pesticides in connection with cannabis cultivation is compliant  
30 with existing pesticide use laws and regulations established by the Department of Pesticide  
31 Regulation; and requiring that individual and cumulative effects of water diversion and  
32 discharge do not affect instream flows needed for fish spawning, migration and rearing.

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**Table ES-1** specifies the various types of licenses that could be procured by applicants as part of the Proposed Program. Cultivation techniques are specifically defined in the Proposed Program regulations (see Chapter 2, *Proposed Program Description*). Outdoor cultivation refers to the cultivation of cannabis without the use of light deprivation and/or artificial lighting in the canopy area. Supplemental low intensity lighting is permissible only to maintain immature plants as a source for propagation. Indoor cultivation refers to the cultivation of cannabis within a structure using artificial light, at a rate greater than 25 watts per square foot. Mixed-light cultivation refers to the cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot. Outdoor cultivation typically produces one harvest per year, while indoor and mixed-light cultivation can produce multiple harvests per year. Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis. Processing operations covered under the processing licenses or the other cultivation license types include trimming, drying, curing, grading or packaging of cannabis and nonmanufactured cannabis products. The Proposed Program outlines license allowances and constraints for licensees, including providing a clear understanding of license combinations, total canopy size allowable for each person, as defined by MCRSA, license renewal requirements, associated fees, and reasons for denial for license approval and/or revocation.

20 **Table ES-1. License Types**

Cultivation Category	Outdoor	Indoor	Mixed
Specialty Cottage Cultivator	Up to 25 mature plants	Up to 500 sq. ft.	Up to 2,500 sq. ft.
Specialty Cultivator	Up to 5,000 square feet (sq. ft.), or up to 50 mature plants on noncontiguous plots	501 - 5,000 sq. ft.	2,501 to 5,000 sq. ft.
Small Cultivator	5,001 - 10,000 sq. ft.	5,001 - 10,000 sq. ft.	5,001 - 10,000 sq. ft.
Cultivator	10,001 sq. ft. to one acre	10,001 - 22,000 sq. ft.	10,001 - 22,000 sq. ft.
Nursery	No size Restriction	No size Restriction	No size restriction
Processor	Includes all activities associated with trimming, drying, curing, grading or packaging of cannabis and nonmanufactured cannabis products. No size or location limits.		



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23

The Proposed Program is described in detail in Chapter 2, *Proposed Program Description*, and Chapter 3, *Proposed Program Activities*.

1 **Nature of the Discretionary Action Considered in the PEIR**

2 This PEIR is intended to provide CEQA compliance for the adoption of regulations to  
3 implement the Proposed Program. To achieve this, it considers future Proposed Program  
4 activities as described in Chapter 2, *Proposed Program Description*, and Chapter 3, *Proposed*  
5 *Program Activities*. CDFA will use the PEIR in deciding whether to approve, approve with  
6 modifications, or deny the Proposed Program. Note that many aspects of the Proposed  
7 Program are prescribed by law, and CDFA's act of discretion in adopting the regulations is  
8 therefore limited to those aspects of the regulations not specifically prescribed by law  
9 and/or those which have involved CDFA's interpretation or addition of further specificity in  
10 the regulations.

11 This PEIR is intended to meet CEQA requirements for CDFA's CalCannabis Cultivation  
12 Licensing program, and consider reasonably foreseeable cannabis cultivation activities  
13 associated with the Proposed Program. The Proposed Program does not attempt to capture  
14 all potential future cannabis cultivation programs, regulations, and activities, but only those  
15 that are reasonably foreseeable based on existing information regarding the status of the  
16 cultivation of cannabis for commercial purposes in the State of California.

17 The PEIR may be used for subsequent CEQA evaluation, to evaluate project-level cannabis  
18 cultivation activities, as well as local and regional programs, newly developed management  
19 approaches, or other emerging aspects of cannabis cultivation. Use of the PEIR to facilitate  
20 CEQA compliance for individual activities and program components will enable CDFA to  
21 efficiently implement an adaptable program. The strategy to be implemented for the  
22 Proposed Program is described further below.

23 **CEQA Tiering Strategy**

24 To facilitate the determination of whether applications for proposed cultivation activities  
25 and related management approaches have been sufficiently described in the Proposed  
26 Program and adequately addressed in the PEIR, a CEQA Tiering Strategy and checklist are  
27 being developed by CDFA. Using these tools, future commercial cannabis cultivation  
28 activities would be assessed to determine the extent to which potentially significant  
29 environmental impacts have been adequately addressed in this PEIR, and if not, what  
30 additional measures may be necessary.

31 **ES.2 Public Involvement Process**

32 Public disclosure and dialogue are priorities under CEQA and for CDFA. Accordingly, CEQA  
33 mandates two periods during the environmental impact report (EIR) process when public  
34 and agency comments on the environmental analysis of a project or program are to be  
35 solicited: during the scoping comment period and during the review period for the Draft  
36 EIR. CEQA and the State CEQA Guidelines also allow for lead agencies to hold public  
37 meetings or hearings to obtain scoping comments, and provide the public and agencies with  
38 an opportunity to review both the draft and final versions of an EIR. Brief descriptions of  
39 these milestones are provided below, as they apply to this document; for a more complete  
40 description, please refer to Chapter 1, *Introduction*.

1 **Notice of Preparation**

2 A Notice of Preparation (NOP) for the Medical Cannabis Cultivation Program (MCCP) was  
3 circulated on September 1, 2016, and invited the public to offer comments during the  
4 scoping period. The NOP presented general background information on the MCCP, the  
5 scoping process, the environmental issues to be addressed in the Draft PEIR, and the  
6 anticipated uses of the Draft PEIR.

7 Following the passage of AUMA, a revised NOP including both medical and adult-use  
8 (nonmedical) cultivation activities was circulated on April 27, 2017, and invited the public  
9 to offer comments during this second scoping period. The revised NOP presented general  
10 background information on the CalCannabis Cultivation Licensing program, the scoping  
11 process, the environmental issues being included in the Draft PEIR, and the anticipated uses  
12 of the Draft PEIR.

13 **Scoping Comments and Workshops**

14 During the initial (2016) scoping period, CDFA conducted eight scoping workshops across  
15 California, in Sacramento, Redding, Eureka, Oakland, San Luis Obispo, Coalinga, Pasadena,  
16 and Desert Hot Springs. These workshops welcomed input from the public and interested  
17 public agencies regarding the nature and scope of environmental impacts to be addressed in  
18 the Draft PEIR. Scoping workshop information and notices were mailed to potentially  
19 interested parties, published in local newspapers, and posted on CDFA's website before the  
20 meetings to invite attendees.

21 Oral comments were received at the scoping workshops in 2016; in addition, written  
22 comment letters were received during both 2016 and 2017 scoping periods. These  
23 comments have been summarized, as well as included in their entirety, in a *Scoping*  
24 *Summary Report*, provided in Appendix D. The information contained in the NOP (e.g.,  
25 program description, range of topics) was further refined, based on the helpful input  
26 received in written and oral comments, and was reflected in the text of the Draft PEIR.

27 **Draft EIR Public Review and Comment Period**

28 CDFA has issued a Notice of Availability (NOA) to provide agencies and the public with  
29 formal notification that this Draft PEIR is available for review. The NOA has been sent to all  
30 responsible and trustee agencies, any person or organization requesting a copy, and all 58  
31 county clerks' offices for posting. A legal notice has also been published in a number of  
32 general-circulation newspapers. CDFA has also submitted the NOA and a Notice of  
33 Completion (NOC) to the State Clearinghouse.

34 Publication of the NOA initiated a 45-day public review period, during which CDFA will  
35 receive and collate public and agency comments on the Proposed Program and the Draft  
36 PEIR. CDFA will host multiple public meetings in locations throughout the state after release  
37 of the Draft PEIR. The purpose of public circulation and the public meetings is to provide  
38 public agencies, other stakeholders, and interested individuals with opportunities to  
39 comment on or express concerns regarding the contents of the Draft PEIR.

- 1           ▪ Potential effects on emergency response and evacuation and costs to local and
- 2           county departments for a potential need for increased law enforcement and public
- 3           service agencies.
- 4           ▪ Potential harassment and rights violations from law enforcement towards growers.
- 5           ▪ Potential effects of the Proposed Program on the accumulation of solid waste, use of
- 6           substandard septic systems, and general increased demands on existing utilities.

7       **ES.3 Issues to Be Resolved**

8           Section 15123(b) of the State CEQA Guidelines requires that an EIR summary identify issues  
 9           to be resolved. The primary issue which is receiving consideration for resolution is the  
 10          inconsistency between various provisions of MCRSA and AUMA. At the time of publication  
 11          of this Draft PEIR, a trailer bill has been introduced, and is being considered for adoption by  
 12          the State legislature. Should the trailer bill pass, the licensing programs may be adjusted to  
 13          ensure a consistent licensing approach for both types of cultivation (medical and adult use  
 14          [nonmedical]).

15       **ES.4 Overview of Environmental Topics Evaluated in the**  
 16       **Draft PEIR**

17          This section presents the resource topics evaluated in the PEIR, and presents an overview of  
 18          key impacts and conclusions. Environmental areas that potentially would be affected by the  
 19          Proposed Program include:

- |  |                                 |
|--|---------------------------------|
| ▪ Aesthetics                                     | ▪ Hydrology and Water Quality   |
| ▪ Agriculture and Forestry Resources             | ▪ Land Use and Planning         |
| ▪ Air Quality                                    | ▪ Noise                         |
| ▪ Biological Resources                           | ▪ Public Services               |
| ▪ Cultural Resources                             | ▪ Transportation and Traffic    |
| ▪ Energy Use and Greenhouse Gas (GHG) Emissions  | ▪ Tribal Cultural Resources     |
| ▪ Hazards, Hazardous Materials, and Human Health | ▪ Utilities and Service Systems |

20       **ES.5 Alternatives Considered**

21          The purpose of the alternatives analysis in an EIR is to describe a reasonable range of  
 22          potentially feasible alternatives to a proposed project that could feasibly attain most of the  
 23          objectives of a proposed project while reducing or eliminating one or more of a proposed  
 24          project’s significant effects. The range of alternatives considered must include those that  
 25          offer substantial environmental advantages over the proposed project in question, and may  
 26          be feasibly accomplished in a successful manner considering economic, environmental,  
 27          social, technological, and legal factors.

1 The following alternatives were evaluated for their potential feasibility and their ability to  
2 achieve most of the Proposed Program objectives while avoiding, reducing, or minimizing  
3 significant impacts identified for the Proposed Program:

- 4 ■ No Program Alternative
- 5 ■ No Natural Light Alternative
- 6 ■ No High-Intensity Grow Light Alternative
- 7 ■ Restricted Size Alternative

## 8 **No Program Alternative**

9 Under the No Program Alternative, CDFA would not implement the CalCannabis Cultivation  
10 Licensing program; create, issue, renew, discipline, suspend, or revoke licenses for the  
11 cultivation of cannabis; or collect fees in connection with activities regulated by the  
12 Proposed Program. CDFA would not implement the proposed track-and-trace system for  
13 the purposes of tracking commercial cannabis, nor would the agency implement the  
14 proposed reporting system, and documentation requirement imposed by such a program.  
15 For the purposes of discussion, it is assumed that existing cannabis cultivation operations  
16 (both permitted and unpermitted) would continue to operate under the existing regulatory  
17 climate. The No Program Alternative would fail to meet MCRSA and AUMA obligations,  
18 which require CDFA to adopt regulations to establish a cannabis cultivation licensing  
19 program and track-and-trace system.

20 Because no information exists to determine whether commercial cannabis cultivation  
21 would increase or decrease under the No Program Alternative, it is assumed to remain  
22 static in terms of the types of grow operations (outdoor, indoor, mixed light) and the extent  
23 of unpermitted operations.

24 The No Program Alternative would fail to meet MCRSA and AUMA obligations, requiring  
25 CDFA to establish a regulatory framework for cannabis cultivation policies, procedures, and  
26 regulations in California. CDFA would need to consider appropriate CEQA review and  
27 documentation for any new medical or adult-use (non-medical) cannabis cultivation  
28 programs that are proposed in the future.

## 29 **No Natural Light Alternative**

30 The No Natural Light Alternative would require that all cultivation be limited to the use of  
31 artificial light, and only indoor cultivation would be allowed. This would eliminate license  
32 types for outdoor and mixed-light cultivation, as both techniques rely upon natural light. As  
33 described in Chapter 3, *Proposed Program Activities*, indoor cultivation is conducted within  
34 buildings without the use of any natural light. High-intensity lighting is typically used to  
35 stimulate photosynthetic activity and plant growth, and the duration of light and darkness is  
36 manipulated to simulate and accelerate the seasonal changes in daylight that trigger various  
37 growth stages of the plant. In some cases, the intensity of light is also changed throughout a  
38 particular photoperiod to simulate the changing intensity of sunlight throughout the day.  
39 The No Natural Light Alternative would include a track-and-trace component similar to that

1 described for the Proposed Program. The legislature would need to amend MCRSA and  
2 AUMA to allow implementation of this alternative.

### 3 **No High Intensity Grow Light Alternative**

4 The No High-Intensity Grow Light Alternative would require that all cannabis cultivation  
5 operations use natural light and/or low-intensity artificial light. This would eliminate the  
6 license types for indoor cultivation and would restrict mixed-light cultivation to the use of  
7 low-intensity lighting. In addition, outdoor licenses would not be allowed to use high-  
8 intensity grow lights for propagation. The No High-Intensity Grow Light Alternative would  
9 include a track-and-trace component similar to that described for the Proposed Program.  
10 The legislature would need to amend MCRSA and AUMA to allow implementation of this  
11 alternative.

### 12 **Restricted Size Alternative**

13 The Restricted Size Alternative would limit the size of cultivation sites to “Specialty  
14 Cottage,” “Specialty,” or “Small Cultivator” sized operations, less than 10,000 square feet.  
15 This alternative was suggested during the Draft PEIR scoping process. This would eliminate  
16 the issuance of medium cultivation licenses, would eliminate the issuance of licenses for  
17 large outdoor cultivation. The Restricted Size Alternative would include a track-and-trace  
18 component similar to that described for the Proposed Program. The legislature would need  
19 to amend MCRSA and AUMA to allow implementation of this alternative.

### 20 **Environmentally Superior Alternative**

21 Considering all environmental aspects, the Proposed Program is considered to be  
22 environmentally superior to any of the alternatives. It strikes a balance between the various  
23 environmental issues and ensures that impacts would not be significant. It is important to  
24 note that the California State Legislature and the voters, in adopting MCRSA and AUMA,  
25 respectively, directed CDFG to develop regulations, to address environmental impacts of  
26 commercial cultivation, and these considerations have guided the development of the  
27 Proposed Program.

28 From among the alternatives, the No High-Intensity Grow Light Alternative is considered  
29 environmentally superior. This alternative would focus cultivation activities on outdoor and  
30 mixed-light techniques using natural lighting and would prohibit indoor cultivation and  
31 some mixed-light cultivation techniques that rely solely or partially on high-intensity grow  
32 lights. Therefore, this alternative would lead to a substantial reduction in energy use and  
33 related air quality and GHG emissions associated with indoor cultivation. It would also  
34 avoid the various fire and health risks associated with indoor cultivation. Because indoor  
35 cultivation typically occurs in more urban settings, impacts in these locations may be  
36 reduced, although if they were replaced with outdoor or mixed-light cultivation in urban  
37 settings, this could create greater security issues, as these operations are easier to detect.  
38 The No High-Intensity Grow Light Alternative could also result in other adverse  
39 environmental impacts. Outdoor and mixed-light cultivation sites are typically located in  
40 more rural settings, with greater potential for aesthetic impacts, forestland conversion, and  
41 effects on biological resources, cultural resources, hydrology and water quality, noise, and

1 tribal cultural resources. However, compliance with Proposed Program requirements, other  
2 applicable laws and regulations, and requirements from local jurisdictions would ensure  
3 that such impacts would not be significant.

4 The other alternatives were not selected as the environmentally superior alternative for the  
5 following reasons:



6 **No Program Alternative.** Because a greater number of unpermitted cultivators would  
7 continue to operate under this alternative, it would result in impacts due to  
8 noncompliance with requirements related to water use, illegal use of pesticides, waste  
9 disposal, and illegally obtained energy. In addition, the activities of permitted growers  
10 would not benefit from the implementation of environmental protection measures  
11 contained within the Proposed Program regulations. As a result, impacts would be  
12 greater overall than those of either the Proposed Program or the No High-Intensity  
13 Grow Light Alternative (the Environmentally Superior Alternative), including the  
14 significant noise and biological resources impacts of the Proposed Program, rendering  
15 this alternative less environmentally desirable.

16 **No Natural Light Alternative.** This alternative would avoid potential impacts  
17 associated with outdoor and mixed-light cultivation techniques, which rely on natural  
18 light, and instead would encourage the use of indoor cultivation techniques that utilize  
19 artificial lighting. This would generally lead to a reduction of impacts in more rural  
20 settings, where outdoor and mixed-light cultivation is much more common. These  
21 reduced impacts may include issues such as aesthetics, biological resources, cultural  
22 resources, hydrology and water quality, forest conversion, noise, and tribal cultural  
23 resources. However, the No Natural Alternative could also result in other adverse  
24 environmental impacts. Because indoor cultivation methods rely heavily on high-  
25 intensity grow lights and other equipment to regulate indoor artificial environments,  
26 this alternative would result in greater impacts related to energy use, air quality, and  
27 GHG emissions. Additionally, indoor practices are much more commonly associated  
28 with fire and other health risks, such as elevated levels of mold and CO<sub>2</sub>. These offsetting  
29 adverse effects from a potential increase in indoor cultivation as a result of restricting  
30 outdoor and mixed-light cultivation render this alternative less environmentally  
31 desirable than either the Proposed Program or the No High-Intensity Grow Light  
32 Alternative (the Environmentally Superior Alternative).

33 **Restricted Size Alternative.** This alternative would generally reduce potential impacts  
34 at any given site but there may be a larger number of sites, which may collectively have  
35 similar impacts to the Proposed Program. It is unclear whether this alternative would  
36 reduce the significant biological resources or noise impacts of the Proposed Program.  
37 Therefore, this alternative was not selected as environmentally superior as it did not  
38 deviate meaningfully from the Proposed Program and would not avoid the substantial  
39 impacts addressed by the No High-Intensity Grow Light Alternative (the  
40 Environmentally Superior Alternative).

1 **ES.6 Submittal of Comments**

2 The purpose of circulating the Draft PEIR is to provide agencies and interested individuals  
3 with opportunities to comment on or express concerns regarding its contents and analysis.  
4 During the public review period, CDFA will be holding public meetings, which will have the  
5 same purpose. Specific dates, times, and locations for these meetings will be provided in the  
6 NOA, on CDFA's website ([calcannabis.cdfa.ca.gov](http://calcannabis.cdfa.ca.gov)), and in newspaper notices.

7 For those interested, written comments or questions concerning this Draft PEIR should be  
8 submitted (preferably via email in Microsoft Word format) within this review period and  
9 directed to the following:

10 Attention: Amber Morris  
11 CalCannabis Cultivation Licensing Program Comments  
12 California Department of Food and Agriculture  
13 1220 N Street, Suite 400  
14 Sacramento, CA 95814  
15 Email: [calcannabis.peir@cdfa.ca.gov](mailto:calcannabis.peir@cdfa.ca.gov)

16 This CEQA document is available for review at the Proposed Program website:  
17 [calcannabis.cdfa.ca.gov](http://calcannabis.cdfa.ca.gov). In addition, hard copies can be reviewed at CDFA's offices in  
18 Sacramento, California. To arrange to view documents during business hours, call (916)  
19 263-0801. This Draft PEIR also can be reviewed electronically at libraries throughout the  
20 state that are serving as document repositories; a full list of locations is provided on the  
21 Proposed Program website.

22 Written comments received in response to the Draft PEIR during the public review period  
23 will be addressed in the Response to Comments chapter of the Final PEIR. Comments  
24 submitted to CDFA, and the commentor's name, are considered public information. Contact  
25 information will be redacted, and the commentor's name can also be redacted by providing  
26 a request in the comment.

1 **Table ES-2. Summary of Impacts and Mitigation**

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>Aesthetics</b>			
AES-1: Result in a substantial adverse effect on a scenic vista, scenic resource, or State-designated scenic highway, and/or the existing visual character or quality of a site and its surroundings.	LTS	None required	LTS
AES-2: Create a new source of substantial light or glare as a result of outdoor security lighting.	LTS	None required	LTS
AES-3: Create a new source of substantial light or glare as a result of indoor cultivation techniques.	LTS	None required	LTS
AES-4: Create a new source of substantial light or glare as a result of mixed-light cultivation.	LTS	None required	LTS
<b>Agriculture and Forestry Resources</b>			
AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use.	NI	None required	NI
AG-2: Convert farmland to cannabis cultivation from other crops.	LTS	None required	LTS
AG-3: Potential conflict with existing zoning for agricultural use or Williamson Act contract.	LTS	None required	LTS
AG-4: Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for timberland production.	LTS	None required	LTS
AG-5: Cause loss of forestland or conversion of forestland to nonforest uses.	LTS	None required	LTS
AG-6: Involve other changes in the existing environment that, because of their location or nature, could result in conversion of farmland to nonagricultural use or conversion of forest land to nonforest use.	LTS	None required	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>Air Quality</b>			
AQ-1: Conflict with or obstruct implementation of an applicable air quality plan, and/or violate any air quality standard or contribute substantially to an existing or projected air quality violation.	LTS	None required	LTS
AQ-2: Expose sensitive receptors to substantial pollutant concentrations as a result of cannabis cultivation.	LTS	None required	LTS
AQ-3: Create objectionable odors affecting a substantial number of people as a result of cannabis cultivation.	LTS	None required	LTS
<b>Biological Resources</b>			
BIO-1: Cause adverse effects on aquatic and semi-aquatic special-status species.	LTS	None required	LTS
BIO-2: Cause substantial adverse effects on special-status plant species.	LTS	None required	LTS
BIO-3: Cause substantial adverse effects on wildlife due to increased light, including special-status terrestrial wildlife species.	LTS	None required	LTS
BIO-4: Cause substantial adverse effects on special-status terrestrial wildlife species due to increased noise and human presence.	LTS	None required	LTS
BIO-5: Cause substantial adverse effects on riparian habitat, other sensitive natural communities, or federally protected wetlands.	LTS	None required	LTS
BIO-6: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or wildlife corridor, or impede the use of native wildlife nursery sites.	LTS	None required	LTS
BIO-7: Conflict with applicable habitat conservation plans or natural community conservation plans.	LTS	None required	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
BIO-8: Conflict with local policies or ordinances protecting biological resources.	NI	None required	NI
BIO-9: Cause substantial adverse effects on wildlife due to pesticide use (besides rodenticides).	LTS	None required	LTS
BIO-10: Cause substantial adverse effects on wildlife due to rodenticide use.	LTS	None required	LTS
BIO-11: Cause substantial adverse impact on nesting birds as a result of outdoor cultivation.	LTS	None required	LTS
<b>Cultural Resources</b>			
CR-1: Cause substantial adverse impacts on historical resources, archaeological resources, and human remains.	S	CR-1: Suspend Cultivation Immediately if Cultural Resources are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.	LSM
<b>Energy Use and Greenhouse Gas Emissions</b>			
GHG-1: Potential to conflict with an applicable plan, policy, or regulation adopted to reduce the emissions of GHGs, result in wasteful, inefficient, and unnecessary consumption of energy, or cause a substantial increase in energy demand and the need for additional energy resources.	Beneficial	None required	Beneficial
GHG-2: Use off-road equipment and motor vehicles for outdoor cultivation activities, resulting in GHG emissions.	NI	None required	NI
<b>Hazards, Hazardous Materials, and Human Health</b>			
HAZ-1: Release hazardous materials from routine transport, use, and disposal.	LTS	None required	LTS
HAZ-2: Create a significant hazard through release of hazardous materials from upset or accident conditions.	LTS	None required	LTS
HAZ-3: Cause health risks from pesticide use.	LTS	None required	LTS
HAZ-4: Emit hazardous emissions or materials within 0.25 mile of a school.	LTS	None required	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>Noise</b>			
NOI-1: Expose people or residences to excessive noise levels within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.	LTS	None required	LTS
NOI-2: Use mechanical equipment for the cultivation of cannabis resulting in generation of excessive groundborne vibration or groundborne noise levels.	LTS	None required	LTS
NOI-3: Use of mechanical equipment for the cultivation of cannabis resulting in a substantial permanent increase in ambient noise levels in the vicinity of a Proposed Program activity above levels existing without the Proposed Program.	LTS	None required	LTS
NOI-4: Use mechanical equipment for the cultivation of cannabis resulting in excessive noise for sensitive receptors, and/or resulting in a substantial temporary or periodic increase in ambient noise levels.	LTS	None required	LTS
<b>Public Services</b>			
PS-1: Cause a substantial adverse impact related to police protection services.	LTS	None required	LTS
PS-2: Cause a substantial adverse impact related to schools.	LTS	None required	LTS
PS-3: Cause a substantial adverse impact related to parks or other public services.	LTS	None required	LTS
PS-4: Cause a substantial adverse impact related to fire protection services from outdoor cultivation.	LTS	None required	LTS
PS-5: Cause a substantial adverse impact related to fire protection services from indoor cultivation.	LTS	None required	LTS
PS-6: Cause a substantial adverse impact related to fire protection services from mixed-light cultivation.	LTS	None required	LTS

Impact	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>Transportation and Traffic</b>			
TRA-1: Conflict with circulation plans, ordinances, or policies.	LTS	None required	LTS
TRA-2: Conflict with congestion management programs.	LTS	None required	LTS
TRA-3: Result in a change to air traffic patterns.	LTS	None required	LTS
TRA-4: Increase hazards due to a design feature or incompatible uses.	LTS	None required	LTS
TRA-5: Result in effects on emergency access.	LTS	None required	LTS
TRA-6: Result in effects related to public transit, bicycle, or pedestrian facilities.	LTS	None required	LTS
<b>Tribal Cultural Resources</b>			
TCR-1: Cause a substantial adverse impact on tribal cultural resources.	S	TCR-1: Consult with Native American Tribes and Prepare and Implement Treatment Plans for any TCRs Identified at the Site.	LSM
<b>Utilities</b>			
UTL-1: Exceed wastewater treatment requirements, result in expansion of wastewater treatment facilities, or result in a determination by the wastewater treatment provider that it has inadequate capacity to serve Proposed Program activities.	LTS	None required	LTS
UTL-2: Require or result in the construction of new or expanded water treatment facilities.	LTS	None required	LTS
UTL-3: Require or result in the construction of new or expanded stormwater facilities.	LTS	None required	LTS
UTL-4: Potential to be served by a landfill with insufficient capacity.	LTS	None required	LTS
UTL-5: Failure to comply with existing statutes related to solid waste.	LTS	None required	LTS

1 **Notes:** LSM = less than significant with mitigation incorporated; LTS = less than significant; NI = no impact; S = significant.

GOOD AFTERNOON MEMBERS OF THE  
CAG,

I serve as a volunteer member  
on the BOARD OF DIRECTORS FOR  
MEADOW OAKS MUTUAL IRRIGATION  
COMPANY, WHICH IS A  
PRIVATE NEIGHBORHOOD WATER SYSTEM  
THAT BUYS WATER FROM N.I.D.

OUR SYSTEM INCLUDES A NUMBER  
OF FIRE HYDRANTS THAT PROTECT  
THE AREA.

OTHER THAN THAT THE WATER IS  
ONLY USED FOR AGRICULTURAL PURPOSES  
RANGING FROM CATTLE, TO ORCHARDS,  
VINYARDS & CANNIBLS.

~~BETWEEN~~ I HAVE GREAT NEWS THAT  
SHOULD EASE WATER USE CONCERNS.  
BETWEEN 2013 & 2016 OUR TOTAL WATER  
USE DROPPED OVER 2 MILLION GALLONS.

between 2013 & 2015 our use  
dropped by over 8 million gallons.

please review the licensing  
information from the state.

Almost all of the concerns express  
by the CAG (water, slope setbacks,  
setbacks from waterways)  
will be addressed in the state laws  
and will be required by the  
state before any commercial permit  
is issued.

1000 square feet is 0.0011 percent  
of 20 acres, 20,000 sqft is .02 percent.

measure S was opposed by growers  
& landowners in general ~~for~~ ~~and~~  
~~people~~ ~~it~~ ~~was~~ because it took rights  
away from property owners and gave  
it to renters.

The following comments were submitted by email to [cagcomments@migcom.com](mailto:cagcomments@migcom.com):

**Comment 1:**

Please accept the attached comments for CAG meeting #3.

We believe that this document may be helpful to the conversations moving forward. It is our goal that by submitting this document 48 hours prior to the next CAG it will be included in the packets that each CAG member receives prior to the next meeting.

We prepared this document to outline updates on the state cannabis regulations and the commercial cannabis license types.

We look forward to seeing you on Tuesday,  
Nevada County Cannabis Alliance

(See Attachment B1, beginning page B-52)

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**Comment 2:**

Please kindly accept the attached documents as part of the documents to be distributed among CAG members for the June 27, 2017 meeting.

Nevada County Cannabis Alliance

(See Attachment B2, page B-72)

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**Comment 3:**

At the June 13h CAG Meeting, a speaker presented an Cannabis Tax Revenue projection based upon a 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 years 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 are 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 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 and estimates there are 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 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). Irregardless of the best intent, what is to prevent Nevada County of experiencing the same plight as Calaveras County with an unscalable and unenforceable cannabis ordinance?

---

**Comment 4:**

Hello!

Here are my comments from this meeting. Cannabis heals me from MS. I take no other drugs for my condition. I am an academic and a market researcher. I will complete my PhD in sociology by the end of the year. I do not work in the cannabis industry. I live in Grass Valley.

- 1) Square foot and plant limits are ALL currently too small to make sense for farmers AND patients. It is a defacto ban. 25 plants is VERY small. 100 sq feet is too small even on a parcel as small as 1 acre.
- 2) Medical can and should be commercial. I buy aspirin at the store, afterall.
- 3) We must preserve complaint driven process. It is important heritage.
- 4) Urban residential patients need to be able to grow outside too.
- 5) If setbacks remain, they must be calculated from neighboring dwelling, not property line. Set backs must be increased to at the very largest 150 feet from nearest dwelling, not property line.
- 6) Sun grown outdoor grows require far less energy and must be the preferred strategy.
- 7) A garden on 5 acres should be allowed to be up to 2.5 acres.
- 8) We need to lead this industry for our economic future. There are few good jobs in this area. Young people need more than just service industry jobs! Let farming be successful and generational.
- 9) Do not thwart efforts to create a Nevada County cannabis Appellation of Origin. The state gives us this option, but we cannot pursue this without county licenses. We do not have a pathway to licenses here. Instead, we have a defacto ban. We have premium cannabis growing here. Allow us to claim it's full value.
- 10) Protect local farmers and microbusinesses, type 1, 1a, 1b, 1c, and 3 licence types from competing with multi nationals and agrobusiness. They will not care about the land and community the way locals do. Residency requirement of 1- 2 years would be reasonable, with requirement to remain a resident that physically resides in the community.
- 11) Do not tell people where in their homes they can grow. None of anyone's business if someone grows in their bathroom. It also limits indoor growing unfairly, which makes no sense, since in some areas is preferable to neighbors.
- 12) Canada, Mexico, and half of our country now has legal cannabis. This is a major industry, let us lead it, not just pick up scraps!
- 13) Don't add any regulations that would increase operating costs by more than 5%. No business could survive this.
- 14) Cannabis is more regulated than any other crop. It is currently more eco friendly than any other crop. Protect the environment, but don't unfairly regulate cannabis more than tomatoes.
- 15) Setbacks from schools are silly. Simply teach kids not to use cannabis until they are 18, just like cigarettes.
- 16) Temporary housing would allow farms to come into compliance. A permanent structure should not be required.
- 17) End the defacto ban! Set backs are unfair and sneaky. It bans 92% of county and makes land planning unreasonable. Set backs must be to neighboring dwelling not property line.
- 18) Dictating where the grow is on the property is not useful or sensible.
- 19) Patient shouldn't need to reside on grow site - Anyone should be able to grow their medicine.
- 20) 100 foot setbacks from streams are fine.
- 21) Follow the state regs!!!! People want those licenses! And appellations! Rely on the state to do its job, it has invested a lot!

- 22) Do an economic impact report! NCCA is trying to do this, but this is the direct responsibility of the county, not a small local non profit.
- 23) This industry already exists and sustains us. Prepare to see community vanish if all of these jobs are regulated out of existence.
- 24) Let the community shape these ordinances, not a top down government.

Thank you so much for providing this opportunity to provide feedback. I look forward to a more fair set of ordinances.

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**Comment 5:**

I was unable to make the in person meeting, but enjoyed seeing the forum that's happening around this contentious Cannabis conundrum. Reminded me a scene from one of my favorite movies, Milagro Bean Field War.

I am 38, and grew up my whole life under the Just Say No to drugs mentality.

I bought the message, and lived a "pure" existence until a few years ago when I met someone who really showed me the two-fold possibilities of Cannabis.

One is for inspiration—to show me what is possible outside of my normal range of experience of life. I have used Cannabis to expand my sense of what's possible for a human being, and instead of being addicted or a heavy user, now use it as occasional reminders as to what I'm missing out on, through my day to day limitations.

Then, I got introduced to the medical uses—not the way people call THC medical (which I understand how the argument could be made), but the high CBD rich plants as I saw in the documentary Weed, on CNN.

I am disgusted by what I have heard about large grows, clearly driven by out of control greed, and look to leave an environmental mess in their wake.

Grows forced indoors because of regulation also look tragic to me as we have an idillic environment for a hardy, fast growing, literal weed, outdoors in the sun the way the plant has evolved since it's advent.

What does look important to me in regulation is three-fold: That growing happen with those who are invested in this community—the land, the economics, and the future health of soil, water, and energy use. I don't know what regulation looks like towards this end, but it seems that the land raping could only happen to something that you feel no connection to.

That environmental impact is checked. Now, I think this should be no different than any other agricultural product. This would be warranted for a massive tomato grow as well.

A check in size, greed, and scale. This almost seems anti capitalist, but it seems necessary here because there is a community impact to such Grows Gone Wild. This accompanies an impact on neighbors. But, with the possibility that neighbors could work out their own agreements that wouldn't need to involve county overlay.

—What I see is a "perfect" model could be drawn around what Wade is doing on his property. <http://www.houseofharlequin.org/> He has extended an invitation, and I hope it is accepted, to see his property. An integrated system, serving the local community, and not hidden, nor needing to be.

I now help in getting CBD rich tinctures out to people in need, and the stories are remarkable about issues that have plagued people for years getting relief and healing from this ancient herbal plant that humans have been cultivating for 1000s of years.

Please make it easy for cottage farms with their on-site processing to continue to grow, and sell a real gift that this county can provide and be known as an example of good stewards of. Sun-grown, quality Cannabis for inspirational use, and the growing finding of its medical value for a host of ailments which has virtually no side effects, vs. the litany of issues caused by the pharmaceutical equivalents.

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**Comment 6:**

To Whom it May Concern,

First of let me say thank you for having such an open and intelligent discussion regarding this touchy subject. I am writing today to address a few topics of today's meeting. First I would like to have setbacks be reconsidered. I would like to see it measured from the neighboring residence. I also would like to see a setback variance put in place. I have a place I would like to rent out in District 4 to a responsible and compliant licensed business. I think the county should follow the state guidelines set by the new state regulations.

For acreage 2-5 acres i believe we should be allowed a small license  
5-10 acres i believe should be allowed a type 1 license  
10-20 a type 2  
20+ type 3

Something else i would like to see considered is a transition period for those who have raw land and are in the process of building a residence. They should be allowed a 2-3 year transition period as long as they show progress.

I don't understand why a grower must live onsite. Doesn't make sense and shouldn't be a requirement.

I also think the 6 plant allowance for personal adult should be allowed outdoors and not just inside. Too expensive and limited.

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**Comment 7:**

2016 ordinance a scam

This is the first season this new ban ordinance has really been effect ... and cannot be enforced except by selective enforcement ...

We should be reflecting on the previous ordinance that people go into compliance with for years and increase the sqft for commercial grows / require a local permit and call it a done deal ...

<http://www.omarfigueroa.com/wp-content/uploads/2012/07/Nevada-City.pdf>

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**Comment 8:**

Thank you everyone for your time and efforts.

**Fact:** The relationship of Cannabis and Nevada County is not going away. Regulated or Unregulated.

**Fact:** It is a WASTE of time and resources discussing plant count and the current "interim ordinance" when there are regulations and license types detailed on the state level. The assembly trailer bill was passed less than two weeks ago merging both Adult Use and MCRSA now (MAUCRSA) SB94

[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB94](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB94).

Educate yourselves on WHAT IS happening in the cannabis space in the 6th largest economy in the world not WHAT HAS happened. It's time to move forward.

**Fact:** Prop 215 was passed in 1996 and gave patients the right to cultivate medical cannabis, however it clearly instilled much interpretation in the form of large patient collectives which allowed many cultivators to operate in a grey area of state law vs county law over the past two decades while there hasn't been much change. I, like many, am one of them. I have done everything I possibly can to navigate the intricacies of these parameters in the form of entities, collectives, EINs, state and federal taxation and am navigating this transitional year.

**Fact:** There have been FEAR based tactics deployed on Cannabis and its culture on a broad scope and especially within this county based on propaganda, not real facts. It's time to wake up and see A NEW FACE of Cannabis, the people, the consumers, the antidotal data. For example, the largest consumer base of cannabis statewide and beyond is the baby boomer generation, 58 years and older. Many of you are in that demographic or know people who are. This momentum is not going away.

**Fact:** There are people in this Cannabis "movement" not yet "an industry" that we need to look at, at this time, with this CAG process as a movement towards shaping an industry in this community that will have profound effects on its culture, social responsibility, economic viability, community development on a local level as well as major influence on the state level.

With these stated facts and the evidence to support them I now invite ALL of you to look at what is happening on a state level and identify with what a responsible and conscious cultivator and entrepreneur looks like locally. I have cultivated in this community for 7 years. I own properties here. I upkeep my properties like many other "homesteaders" I have spent thousands of dollars on goods in services in local business such as:

**Hills Flat, B n C Lumber, Peaceful Valley, Hansen Brothers Equipment Rental, Green Bros, Pearsons Motors, Peters Well, Vital Garden Supply, Ag Natural, A to Z Plumbing, Sierra Plumbing, Riebes Auto Supply, Ace Welding, Karmens, Suburban Propane, PGE, Solar Companies, every eatery in Grass Valley & Nevada City** to name a few. I have employed countless ancillary skilled technicians, e.g. excavators, electricians, plumbers, solar power companies, graphic designers, IT resources. The economic viability that cannabis contributes to this county as well as the ancillary and symbiotic support it generates is REAL. I have supporting invoices to support these claims.

With the inevitable movement of "legitimizing & legalizing" cannabis in the state of CA I decided to develop a multi faceted brand in early 2016 and build out a company in the midst of an in flux local ordinance because I see entrepreneurial opportunity as well as the window closing shut as every day moves closer to July 2nd 2018. I want to keep my business local. I want to have a profound impact on my local community, the ecosystem here, the patients and consumers I serve, while having an influence on the state level all the while collaborating with like minded individuals, and executing innovative and conscious business practices that serve the planet and the people in it.

Before yesterdays CAG meeting, SYRCL was filming a portion of their documentary focused on Cannabis in this county at my "homestead" They were there because of the organic and sustainable BMPs we deploy there, the minimal environmental impact we have displayed, zero water discharge, yes ZERO, that we take measure in, the exact volume of water we can show that we utilize on a daily basis, the cost and economic data as well as the socially responsible business practices (people, planet, profits, in that order) we fold in, in the form of cultivating a percentage of our crop for a well known and outspoken non profit organization here in this county that dedicates its existence to

catastrophically ill children, all the while being transparent of who we are and what we do. I have collaborated with a multitude of engaging minds, one being a PHD Horticulturist to assist me with this "proof of concept" as a "model grow/demonstration site" because I am smart enough, eager enough, open minded enough to understand that I CAN NOT do this alone and need scientific professionalism from conventional farming tactics and practical wisdom from decades of experience. We focus on the "cottage grow" Specialty 1C "Type 1C, or "specialty cottage," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises." or AB 2516.

The work my team is executing in this "proof of concept" is to not only take action in a very pivotal year, but it is being conducted with intention of building a platform for a diverse network of cottage growers as well as providing a tangible demonstration site of BMPs focused on the cottage grow "plant canopy" and what a "good actor" IS and how they present themselves internally and outwardly in the Cannabis space. Many of my peers are in FEAR of retribution. I am not. It's time to get out of the meeting room and see for yourself what "an actual Cannabis permaculture homestead" conducted by a passionate team of people looks and feels like, what the philosophy is behind it with the proper educational tools that will mitigate the fear based stigmas that have been placed on Cannabis, and plant count myths.

In conclusion, I request that this cultivation site, and its data can be utilized as a tool to the CAG, MIG and the BOS as a demonstration to the majority of the key points of discussion: setbacks, variances, plant count vs canopy, ,mixed light greenhouses, license types, BMPs, the cultural, social, political and environmental best practices that it executes. There is a lot of TALK out there in this community of what is, what should be, what could be, but not enough action. I have taken action, with an incredible supporting team, while building a brand in the midst of a hostile county, because I TRUST that it'll work itself out in a positive fashion and see the light ahead. I do not want to stand on the sidelines any longer when I firmly know I am doing the right thing. I openly extend an invitation to ALL CAG members and interested parties to visit this "demonstration site" as that is WHY it was built and see for yourselves that the current face of Cannabis can deploy ethical practices that take ALL stakeholders into consideration while having a deep understanding of the BIG picture. How about we showcase physical evidence, not cyclical spinning verbiage and banter based around propaganda and incorporate this request as a scientifically, economically. socially responsible data driven "pilot program" during this ongoing process?

I invite all questions, comments and engaging conversations.

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**Comment 9:**

**Microbusinesses** present a desirable option for small and craft cultivators. A new category of Type 12 microbusiness licenses is established for small retailers with farms not exceeding 10,000 sq. ft. (26067 (e) 2). This is essentially an all-inclusive license that allows any business occupying less than 10,000 square feet to act as cultivator, distributor, and retailer. "[Testing](#),"\* meanwhile, must be wholly independent, and theoretically speaking, all Cannabis will be tested with a mass spectrometer for a variety of fertilizers, pesticides, and other chemicals including THC and CBD/CBN content. Testing and product information will be available on every Cannabis product label, and consumers will know exactly what they are smoking.

\*Link URL: <https://www.thrillist.com/lifestyle/san-francisco/marijuana-legalization-california-proposition-64-2016-election-day>

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**Comment 10:**

The Community Advisory Group (CAG) is tasked to represent all of the stakeholders of Nevada County, including our neighborhoods and community, and not just the growers or those who will reap potential economic profit.

The June 7, 2016 defeat of Measure W, was a vote to reject the proposed marijuana cultivation ordinance, 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 opinion's of some of the public speakers at the June 27, CAG meeting; it was NOT a mandate for allowing the "commercialization" of cannabis cultivation.

Approximately **18,000** 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. Approximately **26,380** 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.

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 has already spoken by voting **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.

Please remember all of the Nevada County stakeholders impacted by the CAG's advisory recommendations and not just the more vocal pro-cannabis advocates (that livelihoods and economic gain) that tend to overwhelm the CAG and County Board of Supervisors meetings.

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**Comment 11:**

To Whom It May Concern,

I come from a variety of professional industries including finance, technology, and alcohol but have settled on a career in cannabis because I am constantly impressed and motivated by the diverse group of entrepreneurs that I am lucky enough to interact everyday.

Over years of dedicated farming and living, I have developed an immense passion for this little wonderland in the Sierra Foothills. It's gracefully flowing rivers, glistening crystal lakes, colossally wise trees, and sublime community of artists, farmers, and entrepreneurs continue to inspire me on a daily basis. It's a place that has now seen the growth of two gold

rushes, but still maintains a sense of purpose. A strong community of cannabis farmers ready to embrace these new regulatory changes and continue to lead a strong charge in California.

I am an owner of two large parcels in Nevada County and am hopeful that we can come up with a permitting framework that closely mimics the State's. Assuming all the stakeholders can come to agreement and the BOS accepts the inevitable, I am hopeful that I can be a leader and good actor within our cannabis community by coming into compliance and illustrating a desire to do things the right way.

I truly believe that given Nevada County's strong community and growing environment, that we can be powerful leaders in the CA Cannabis industry assuming we all work together. We need to give farmers a clear path to compliance and licensing. If done the right way, there is no reason to limit the types of licenses available given the foundation already in place. In terms of my priority within the potential framework, I will be going after a Type 3 Cultivation Permit with the intention of supplying CA patients across the state with high quality, organic medicine.

Thank you for listening. I am more than willing to provide my own insight and best practices to CAG and MIG if needed. We all must work together and give the good people of Nevada County to continue with their livelihoods. It's the only way!

Thank you! and please don't hesitate to reach out to me with any questions.

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**Comment 12:**

To Whom It Concerns,

I believe Nevada County should adopt the following:

- 100 foot setback from neighboring residences
- 50 foot setback from property lines
- Wood fence when plants are visible from a neighboring property
- 1000 square feet of cultivation for properties below 5 acres
- 2500 square feet of cultivation for properties between 5 and 10 acres
- 5000 square feet of cultivation for properties between 10 and 20 acres
- 10,000 square feet of cultivation for properties above 20 acres
- 10,000 square feet of cultivation for every 40 acres between 40 and 400 acres
- 3 years should be given to come into compliance

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**Comment 13:**

Shall an ordinance be adopted which (a) bans outdoor cultivation, commercial cultivation and other commercial cannabis activities, (b) limits indoor cultivation to 12 plants per parcel in residential and rural areas, (c) prohibits indoor marijuana cultivation in unpermitted structures and areas used or intended for human occupancy, and (d) allows marijuana cultivation only by qualified patients and primary caregivers and only for medicinal purposes?

Good morning CAG members,

Above are the words the county used to ask the community of Nevada County what they wanted concerning the issue of Cannabis in our county. As you can see, they asked very clearly concerning COMMERCIAL CULTIVATION and OTHER COMMERCIAL CANNABIS ACTIVITIES. We know that this ordinance was put forth by our county to clarify the feelings of those of us who live here. This measure was knocked down by a large percentage.

I believe it is a mistake to ignore what the voters have voted for due to a couple of reasons-

1. It is happening here now and has been for a LONG time.

2. It is going to continue.

If we do not address this now, we will be behind the eight ball trying to push it up hill. While I understand wanting to look at what other counties are doing- I do not feel that this should be the driving force. We- YOU have a chance to help create a NEW WAY- One is which people can come out of the shade and into the light of new regulations and laws. If we create reasonable ones, ACKNOWLEDGING that commercial grows are already happening- we can have so much more control over the issue. If we continue to ignore it, the growing goes on in the shadows.

While I am a PATIENT- As a 40 yr resident of our wonderful community, I have seen commercial growing have a effect on our county. I would not try to stop it any more then I would get in a raging body of water- but I would consider being able to direct its movement. Note I did not say dam it- as one cant not stop it- But if we build good fair regulations, we can have dialog with each other and that in its self is invaluable.

Each of you volunteered to be on this committee- so you must be brave already ! This is the time to pull out the B- BE BRAVE,BOLD AND BEAUTIFUL. This is a historic moment-time for us.

I have heard that people do not want Cannabis being grown here for people outside our county- yet our food, wood, and certainly our WATER is being sent out. Let me suggest that we reconsider our thoughts-If one is able to get a permit, then we need to consider this a business-

I thank you all for your commitment to our county- and to a new way in which our community members can come to the table-

Please always remember the PATIENT FIRST- but we can and must acknowledge the commercial part of this big picture.

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**Comment 14:**

Greetings,

I believe the following cannabis ordinance suggestions would put Nevada County on par with other county ordinances as well as state law, while preventing Nevada County from being overrun by large commercial cannabis businesses. Thus, allowing Nevada County to maintain its rich culture.

- 100 foot setback from neighboring residences
- 50 foot setback from property lines
- Wood fence when plants are visible from a neighboring property
- 1000 square feet of cultivation for properties below 5 acres
- 2500 square feet of cultivation for properties between 5 and 10 acres
- 5000 square feet of cultivation for properties between 10 and 20 acres
- 10,000 square feet of cultivation for properties above 20 acres
- At least 2 to 3 years should be given to come into compliance
- 300 foot setback from schools and parks
- All of these standards apply to both outdoor and mixed light operations

**Postscript to Comment 14:**

I would like to update to my comment the following:

I believe the county would benefit from the following:

- 5 acres 5,000 square feet
- 10 acres 10,000 square feet
- 20 acres 22,000 square feet mixed light
- 40 acres 1 acre

Personal medical use right now and personal adult recreational use 6 plants outdoors.

Thank you for your consideration.

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**Comment 15:**

Please accept this chart as a resource during your deliberations.

(See Attachment B3, page B-73)

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**Comment 16:**

Dear CAG members,

Please consider creating a recommendation that includes a transition period that allows current cannabis farmers to come into compliance with a new ordinance.

- **Transition Period:** Several Counties have established a “**transition period**” prior to enforcing cannabis cultivation ordinances, or some sort of remediation action, to allow cultivators a path towards compliance, this includes a transition period to come into compliance with as-built structures, grading and greenhouse permitting
  - **Sonoma County:** Existing cannabis cultivation cooperatives or collectives that demonstrate to the review authority that they were in operation before January 1, 2016 shall have until January 1, 2018 to come into compliance with the new ordinance. (The ordinance was enacted in 2016, giving farmers two years to comply)
  - **Humboldt County:** Officials implemented the Retirement, Remediation, and Relocation (RRR) program (55.4.14) was added to the ordinance as part of the substituted mitigation measures related to permitting as described in 4 above. The purpose of the RRR program is, “to incentivize, promote, and encourage the retirement, remediation and relocation of existing cannabis cultivation occurring in inappropriate or marginal environmentally sensitive sites to relocate to environmentally superior sites.” RRR allows existing operators that meet the criteria to relocate to a site that meets the criteria for new cannabis cultivation.
  - **Mendocino:** Mendocino has implemented the Application Affidavits to demonstrate **Proof of Cultivation**. Applicants must show that they were actually cultivating, where on the parcel, and how large the cultivation area was at the time. This documentation can take many forms, but photographic imagery is one of the best. Proof of participation in the County’s 9.31 cultivation program. At least one additional document demonstrating cultivation activities prior to January 1, 2016, which may be used to substitute for photographic documentation or map imagery of cultivation activities prior to January 1, 2016 Medical Cannabis Cultivation - Regulation Application Checklist

These are all measures that would allow our current operators to not only provide local patients with the medicine they need, but also to enter the statewide market and be able to supply a niche market that demands high quality, small batch organically grown cannabis. Without some local authorization before Jan 1st 2018, our local farmers will be left behind, they will be left to sink further into the black markets and the problems that we are trying to address -- public health and safety, youth access and environmental degradation -- will go unsolved.

## Attachment B1 - Email Comment 1



Educational Material for CAG Meeting #3  
June 27, 2017

Prepared by The Nevada County Cannabis Alliance

### Policy History and Context

In the 2016 legislative cycle the State Legislature passed three bills intended to regulate Medical Cannabis: AB266, AB243 and SB643. Together, those bills are referred to as the Medical Cannabis Regulations and Safety Act or MCRSA. A summary of those bills can be found here: [Summary of Bills](#). MCRSA has been codified in the California Business and Professions Code. The complete text can be found here: [Complete text of MCRSA](#). MCRSA only applies to medicinal use of cannabis with a doctor's recommendation.

In November of 2016 California voters passed Proposition 64 to legalize the cultivation and use of cannabis for nonmedical purposes. Prop 64 is referred to as the Adult Use of Marijuana Act or AUMA. The complete text of AUMA can be found here: [Text of AUMA](#).

MCRSA and AUMA created statutory framework for what the cannabis industry in California will look like, the rules and regulations are still being developed. Three state agencies were commissioned with developing the regulations: CalCannabis within the Department of Food and Agriculture, Bureau of Cannabis Control within the Department of Consumer Affairs, and the Office of Manufactured Cannabis Safety within State Department of Public Health. These agencies have already created draft regulations based on the MCRSA statutory framework.

While MCRSA and AUMA were similar in many respects, there were also some substantive differences. In an effort to reconcile the two Acts and avoid the need for two separate regulatory tracks, Governor Brown introduced a trailer bill to the legislative budget that would reconcile the two acts. That trailer bill passed earlier this month through both the State Assembly and the Senate and is now the new law. MCRSA has been repealed and AUMA has been amended. **The reconciliation bill is SB 94 and is**

**referred to as the Medical and Adult Use Regulatory and Safety Act or MAURSA. The text of MAURSA can be found here: [Text of MAURSA](#)**

Rules and regulations will now need to be amended in accordance with the new statutory framework that MAURSA provides. The MCRSA draft rules and regulations will be used as the basis for the new MAURSA rules and regulations. The draft regulations can be found here: Draft Cultivation Regulations , Draft BCC Regulations, Draft Manufacturing Regulations.

Based on the statutory requirements of MAURSA it is clear that there will be 18 different license types offered by the various agencies. Below is a summary of those licenses and how the state defines each activity. You will also find examples from other counties and photos to help you gain a tangible image of each cannabis industry license and its activities:

**Before you get to reading the different types of licenses as defined by the state, here are a few definitions that will help you navigate the language of the cannabis industry and its regulations:**

**“Outdoor cultivation”** means cultivation using the sun, and typically taking the full life cycle of a plant, without the use of light deprivation and/or artificial light.

**“Mixed light”** is typically associated with the light deprivation style of cultivation. Plants are typically grown in a greenhouse or other light permeable structure using both sunlight and supplemental artificial light during plant vegetation and then depriving plants of all light during the flowering phase. Note: Cannabis plants are photosensitive and naturally progress into a flowering state when the days get shorter and they are naturally deprived of sunlight.

**“Indoor cultivation”** cultivation that takes place strictly indoor where everything that occurs in nature (light cycles, temperature, humidity, irrigation) Needs to be recreated and strictly controlled by a cultivator. Indoor cultivation requires light equipment, insulation, thermostats and humidifiers. Plants typically don't grow as big as in outdoor or mix-light scenarios. Cultivation cycles last between 7 to 8 weeks.

**“Premises”** in this case is the parcel of land used by the applicant to conduct commercial cannabis cultivation. Premises are distinguished from “cultivation site” which means the portion of the premises actually used for cultivation.

Applicants will be required to submit a plan showing the cultivation site within the premises. In case of a Type 1 or “specialty outdoor” license there can be no more than 5000 square feet of canopy or up to 50 mature plants within the cultivation site.

“**Canopy**” is defined as:

- (1) The designated area(s) at a licensed premises that will contain mature plants at any point in time;
- (2) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- (3) Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and
- (4) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

### **Type 1 Licenses**

These licenses apply to specialty cultivation sites.

- **Type 1** or “specialty outdoor”: This license is for farmers seeking to farm outdoor using no artificial lighting in a garden less than or equal to 5,000 square feet of total canopy size on one premise, or up to 50 mature plants on non contiguous plots.
- **Type 1A** or “specialty indoor”: This license is best suited for farmers wanting to cultivate between 501 and 5,000 square feet of total canopy size on one indoor premise using exclusively artificial lighting or grow lights.
- **Type 1B**, or “specialty mixed-light”: This license is for farmers who use a combination of natural and supplemental artificial lighting, at a maximum threshold to be determined by the licensing authority, to cultivate cannabis. This license allows between 2,501 and 5,000 square feet of total canopy size on one premises.
- **Type 1C**, or “specialty cottage”: This license is for farmers using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.



Small Indoor garden

Small greenhouse with personal use cannabis growing alongside other vegetables



## Type 2 Licenses

These licenses are for farmers cultivating on gardens considered “small” size.

- **Type 2**, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- **Type 2A**, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- **Type 2B**, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.



Small Greenhouse

Small Outdoor Garden



### Type 3 Licenses

These licenses are for farmers cultivating on gardens considered “medium” sized.

- **Type 3**, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- **Type 3A**, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- **Type 3B**, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.



Medium  
Greenhouse

## Medium Outdoor garden



Video of approximately one acre garden:

<https://www.youtube.com/watch?v=BLvolW9YThY>

## Nurseries

- Type 4, or “nursery” for cultivation of cannabis solely as a nursery. Nurseries typically produce clones, immature plants, seeds and other agricultural products used specifically for planting, propagation, and cultivation of cannabis. Clones are typically produced using artificial light to keep a “mother” plant in the vegetative state. Cuttings are then taken from the mother plant and rooted to make baby plants or clones. The state does not specify how small or large nurseries can be.



Cannabis Nursery

### **Type 5 Licenses**

- Type 5, or “outdoor,” means for outdoor cultivation using no artificial lighting greater than one acre, inclusive, of total canopy size on one premises.
- Type 5A, or “indoor,” means for indoor cultivation using exclusively artificial lighting greater than 22,000 square feet, inclusive, of total canopy size on one premises.
- Type 5B, or “mixed-light,” means for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, greater than 22,000 square feet, inclusive, of total canopy size on one premises.

Video of Good Meds 90,000-foot growing facility in Denver, CO:

<https://www.youtube.com/watch?v=4C3nd1C1J3Y&list=PLUIqOm8uRSvZvOM52Ce6fCNq4UzyRoZKc>

Video of 7-acre outdoor permitted farm in Humboldt County:

<http://kymkemp.com/2017/06/18/video-of-seven-acre-fully-permitted-cannabis-grow-says-emerald-family-farms/>



Large indoor facility

Large Mix-light cultivation facility

Large Mix-light cultivation facility



**No Type 5, Type 5A, or Type 5B cultivation licenses may be issued before January 1, 2023**

### **Manufacturing Licenses**

Manufacturing typically refers to the process of extracting cannabis oil, concentrates and other plant compounds such as CBD, THC and terpenes from the plant's raw materials. State regulations define manufacturing as all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products. The specific type of manufacturing that is used can change the medical effects and chemical makeup of the cannabis product.

For example some oils, when consumed raw, have unique benefits such as reducing tumor growth, dealing with muscle spasms and treating PTSD. But when smoked, some oils work as pain relievers.



Extraction equipment

- Type 6: Manufacturing using non-volatile solvents
  - “Nonvolatile solvent” means any solvent used in the extraction process that is not a volatile solvent. Examples of non-volatile solvents are carbon dioxide or CO<sub>2</sub>, and steam extraction.
  - The CO<sub>2</sub> extraction process allows cannabis compounds to be extracted with low toxicity; it utilizes a high pressure vessel containing cannabis. Supercritical CO<sub>2</sub> is inserted into the vessel and pumped through a filter where it is separated from the plant matter once the pressure is released. Next, the supercritical CO<sub>2</sub> evaporates and is dissolved into the cannabinoids.
  - Products resulting from nonvolatile extraction methods include CO<sub>2</sub> oil; rosin, which is a solid form of resin that is obtained by adding pressure & heat to vaporize volatile liquid terpenes, typically with an industrial heat press; and Hash, which is extracted using ice water.
  
- Type 7: Manufacturing using volatile solvents.
  - Definition: A volatile solvent is one that produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
  - When extracting with volatile solvents, closed loop systems are required. A closed loop system does not allow any of the solvent to escape the

extraction system. Meaning no solvent is released into the surrounding area creating the potential for explosion.

- Volatile extraction is used to make:
  - Essential oils
  - Vegetable oil
  - Perfumes
  - Caffeine



### Testing Laboratories

There are a number of reasons why cannabis is tested: to figure out the percentage of certain types of cannabinoids such as THC and CBD, potency contaminants and pesticides. Under new state regulations all cannabis must be tested before reaching the end consumer.

- Type 8: Testing Laboratory
  - All testing laboratory must be licensed by the bureau to conduct sampling and analyses of medical cannabis goods and includes personnel, specialized apparatus, and instruments used to analyze medical cannabis goods.
  - State regulations require that all product pass rigorous tests to ensure items are free from pesticides, mold and contaminants.
  - Any product that does not meet strict criteria must be destroyed.





### Retail/Dispensaries

Dispensaries are like pharmacies except they only carry cannabis and cannabis products. These retail spaces have been tightly regulated by the local governments that have allowed them in their jurisdiction, typically requiring them to have strict security and track-and-trace systems, programs to prevent diversion and theft as well as community outreach. While dispensaries will have to seek state licensing, most local jurisdictions will have the most say about how they are operated and regulated.



Airfield Supply dispensary in San Jose

- Type 10: Dispensary- general: a cannabis retailer.

- These licenses are best suited for entrepreneurs wanting to open a cannabis retail space to allow access to patients, and now under Prop 64, to persons over the age of 21.



Harvest dispensary in San Francisco

- Type 10A: Dispensary – no more than three retail sites
  - This license type is for business owners wanting to open several locations.



Bud and Bloom dispensary, Santa Ana

## Distribution

Cannabis distribution companies won't be too different from food distribution companies or wine and alcohol distributors. Under state regulations distributors will be in charge of getting cannabis products from the means of production to retailers across California. The regulations spell out how distributor may take possession of cannabis after harvest but prior to manufacturing. A distributor may sell the medical cannabis to a manufacturer or enter into a contract with a manufacturer for manufacturing the medical cannabis into medical cannabis products.

- Type 11: Distribution
  - Definition: distribution is the procurement, sale, and transport of cannabis and cannabis products between licensees.
  - Many distributors package and label medical cannabis in the form of dried flower on behalf of a cultivator or another distributor or while holding title.



### **Transportation**

Under state regulations, transportation is defined as the relocation of goods from one place of the supply chain to another. Note that because of Interstate Commerce Laws, there is no legal transportation of cannabis from California to another state.



- Type 12: The transportation of cannabis and cannabis products shall only be conducted by persons holding a distributor license or employees of those persons. State regulations establish minimum security and transportation safety requirements for the commercial distribution and delivery of cannabis and cannabis products. The transportation safety standards established by the state include, minimum standards governing the types of vehicles in which cannabis and cannabis products may be distributed and delivered and minimum qualifications for persons eligible to operate such vehicles. Here are a few of those provisions:
  - The driver of a vehicle transporting cannabis or cannabis products shall be directly employed by a licensee authorized to transport cannabis or cannabis products.
  - All vehicles transporting cannabis and cannabis products for hire shall be required to have a valid motor carrier permit pursuant to Chapter 2 (commencing with Section 34620) of Division 14.85 of the Vehicle Code. The Department of the California Highway Patrol shall have authority over the safe operation of these vehicles.
  - Prior to transporting cannabis or cannabis products, a licensed distributor shall do both of the following:
    - Complete an electronic shipping manifest as prescribed by the licensing authority
    - Securely transmit the manifest to the bureau and the licensee that will receive the cannabis product. The bureau shall inform the Department of Food and Agriculture of information pertaining to commercial cannabis activity for the purpose of the track and trace program identified in Section 26067.

- During transportation, the licensed distributor shall maintain a physical copy of the shipping manifest.
- Transporting, or arranging for or facilitating the transport of, cannabis or cannabis products in violation of this chapter is grounds for disciplinary action against the license.

### **Microbusinesses**

Microbusiness are vertically integrated small businesses that are allowed to hold several licenses at the same time. In microeconomics and management, vertical integration is typically described as an arrangement in which the supply chain of a company is owned by that company. That means the farm, the distribution channels and the retail businesses are all owned by one individual or entity. Usually each member of the supply chain produces a different product or (market-specific) service, and the products combine to satisfy a common need.

- **Type 12:** “Microbusiness,” 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 under this division, provided such licensee can demonstrate compliance with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities. Microbusiness licenses that authorize cultivation of cannabis shall include the license conditions described in subdivision (b) of Section 26060.1.

### **Processing & Packaging**

Most people have heard of trimming, but “Processing” as defined by the state means all activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of non-manufactured cannabis products.



- Type P: Processor license applications shall include a long list of requirements, including, a diagram showing all boundaries and dimensions of the premises, designated holding area for cannabis scheduled for destruction, designated processing areas, designated packaging areas, if the licensee will package products on site and designated composting area if the licensee will compost plant waste on site. Here are some of the Processing Requirements for Specialty Cottage, Specialty, Small, and Medium Licenses:
  - Licensees shall process their cannabis only in designated processing area(s) or transport it to a licensed Processor.
  - Licensees may produce non-manufactured cannabis products for distribution without a Manufacturing license, provided compliance with packaging and labeling requirements in Sections 8307 and 8308 of this Chapter



Another form of a “Type P” license is for entities that only package or repackage medical cannabis products or label or relabel the cannabis product container to go to retail. Entities that engage in packaging or labeling of their own product as part of the manufacturing process do not need to hold a separate Type P license.

### **Type N**

A “Type N” license for manufacturers that produce edible products or topical products using infusion processes, or other types of medical cannabis products other than

extracts or concentrates, and that do not conduct extractions. The Type N licenses are subject to the same restrictions as a Type 6 license.



Sweet Grass Edibles Company

**Other pertinent provisions of MAUCRSA include the following provisions:**

- **Contribution to local governments for implementation and administration of local programs:**
  - The secretary may enter into a cooperative agreement with a county agricultural commissioner or other state or local agency to assist the department in implementing the provisions of this division related to administration, investigation, inspection, fee collection, document management, education and outreach, distribution of individual licenses approved by the secretary, and technical assistance pertaining to the cultivation of cannabis. The department shall pay compensation under a cooperative agreement from fees collected and deposited pursuant to this division and shall provide reimbursement to a county agricultural commissioner, state, or local agency for associated costs. The secretary shall not delegate through a cooperative agreement, or otherwise, its authority to issue cultivation licenses to a county agricultural commissioner, local agency, or another state agency. The secretary shall provide notice of any cooperative agreement entered into pursuant to this section to other relevant state agencies involved in the regulation of cannabis cultivation. No cooperative agreement under this section shall relieve the department of its obligations under paragraph (2) of subdivision (a) of Section 26012 to administer the provisions of this division related to, and associated with, the cultivation of cannabis.

- **Potential creation of a “non-profit license”**

- The bureau shall, by January 1, 2020, investigate the feasibility of creating one or more classifications of nonprofit licenses under this section. The feasibility determination shall be made in consultation with the relevant licensing agencies and representatives of local jurisdictions which issue temporary licenses pursuant to subdivision (b). The bureau shall consider factors including, but not limited to, the following:
  - (1) Should nonprofit licensees be exempted from any or all state taxes, licensing fees and regulatory provisions applicable to other licenses in this division?
  - (2) Should funding incentives be created to encourage others licensed under this division to provide professional services at reduced or no cost to nonprofit licensees?
  - (3) Should nonprofit licenses be limited to, or prioritize those, entities previously operating on a not-for-profit basis primarily providing whole-plant cannabis and cannabis products and a diversity of cannabis strains and seed stock to low-income persons?

Any local jurisdiction may issue temporary local licenses to nonprofit entities primarily providing whole-plant cannabis and cannabis products and a diversity of cannabis strains and seed stock to low-income persons so long as the local jurisdiction does all of the following:

- (1) Confirms the license applicant’s status as a nonprofit entity registered with the California Attorney General’s Registry of Charitable Trusts and that the applicant is in good standing with all state requirements governing nonprofit entities.
- (2) Licenses and regulates any such entity to protect public health and safety, and so as to require compliance with all environmental requirements in this division.
- (3) Provides notice to the bureau of any such local licenses issued, including the name and location of any such licensed entity and all local regulations governing the licensed entity’s operation.
- (4) Certifies to the bureau that any such licensed entity will not generate annual gross revenues in excess of two million dollars (\$2,000,000).
- (c) Temporary local licenses authorized under subdivision (b) shall expire after 12 months unless renewed by the local jurisdiction.
- (d) The bureau may impose reasonable additional requirements on the local licenses authorized under subdivision (b).
- (e) (1) No new temporary local licenses shall be issued pursuant to this section after the date the bureau determines that creation of nonprofit licenses under this division is not feasible, or if the bureau determines such licenses are feasible, after the date a licensing agency commences issuing state nonprofit licenses.

- **Funding Youth Education**

- 34019 (f)(1): Sixty percent shall be deposited in the Youth Education, Prevention, Early Intervention and Treatment Account, and disbursed by the Controller to the State Department of Health Care Services for programs for youth that are designed to educate about and to prevent substance use disorders and to prevent harm from substance use. The State Department of Health Care Services shall enter into interagency agreements with the State Department of Public Health and the State Department of Education to implement and administer these programs. The programs shall emphasize accurate education, effective prevention, early intervention, school retention, and timely treatment services for youth, their families and caregivers.

- **Local Taxation**

- 34021.5.

(a) (1) A county may impose a tax on the privilege of cultivating, manufacturing, producing, processing, preparing, storing, providing, donating, selling, or distributing cannabis or cannabis products by a licensee operating under Division 10 (commencing with Section 26000) of the Business and Professions Code.

## Attachment B2 - Email Comment 2



Educational Materials CAG #3

June 27, 2017

Prepared by the Nevada County Cannabis Alliance

### **Personal vs Commercial**

Personal Use Cannabis means just that: the person engaged in the cultivation or manufacturing is planning to consume the product he or she is cultivating.

Commercial Cannabis means that the cannabis being cultivated or manufactured will be sold in a regulated market for market value price for others -- patients or persons above the age of 21 -- to consume.

Under the new state guidelines there will be cultivation or other cannabis activities that requires a license from the state and cultivation that does not require a license.

AUMA, or the Adult Use Marijuana Act, allows all citizens to grow up to 6 plants for their personal use without getting a commercial license. Patients with a doctor's recommendation can also grow 6 plants of medicinal cannabis without a license. "Caregivers" as defined in the Health and Safety Code can grow medicinal cannabis, without a license for up to five different patients. The parameters for caregivers will be developed more by regulations.

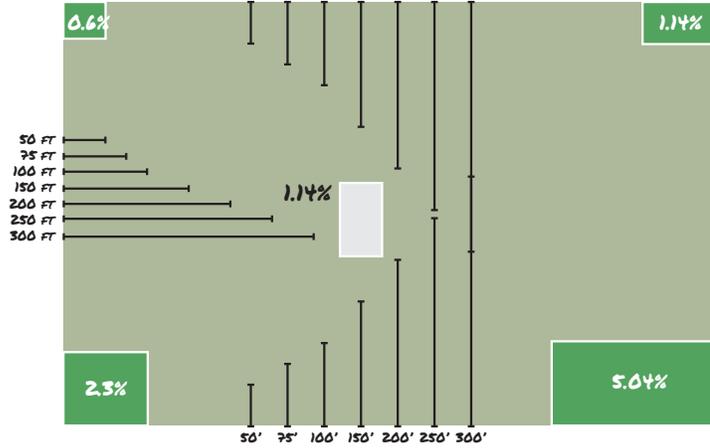
Commercial licenses will be designated as one of two classes: Medicinal and Adult Use. Anyone who wants to grow more than 6 plants (unless they are a Caregiver) or manufacture cannabis products to sell to others must obtain a commercial license. Licenses can be for commercial medical cannabis or for commercial adult use cannabis.

# PROPERTY SIZE, LICENSE TYPE + SETBACK CHART

## KEY

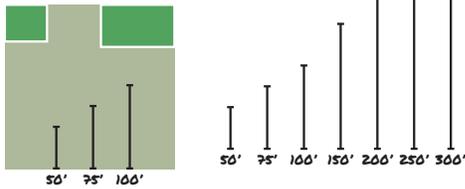
<b>TYPE 1</b> "COTTAGE" 2500 SQ/FT	<b>TYPE 1</b> "SPECIALTY" 5000 SQ/FT
<b>TYPE 2</b> "SMALL" 10,000 SQ/FT	<b>TYPE 3</b> "MEDIUM" MIXED LIGHT 22,000 SQ/FT

## 10 ACRES

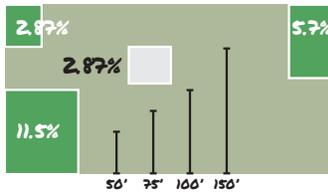


## SETBACKS (IN FT)

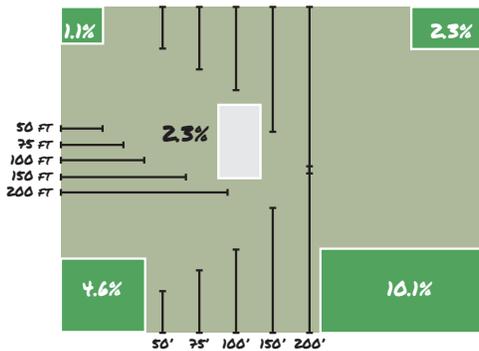
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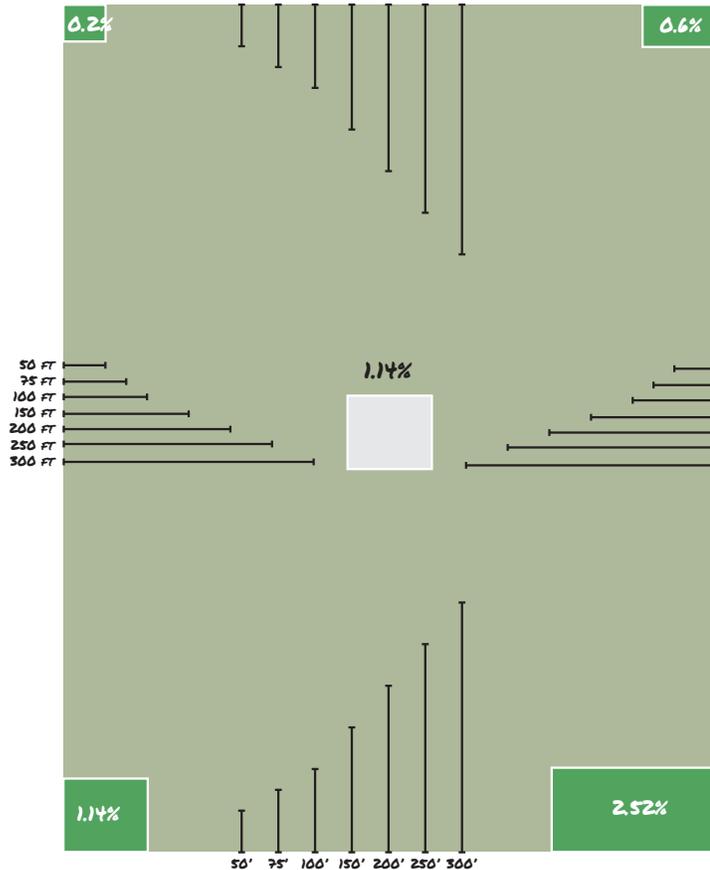
### 2 ACRES



### 5 ACRES



## 20 ACRES



ALL DRAWINGS + DIMENSIONS ARE APPROXIMATE