

Appendix A: Comment Cards and Electronic Comments

Nevada County Cannabis Ordinance Recommendations – Nevada County Cannabis Alliance

Submitted 12.14.17

Purpose

This document provides recommendations for personal and commercial cannabis activities in Nevada County. The intent of these recommendations is to ensure neighborhood compatibility, minimize potential health, safety and environmental impacts, provide safe access to medicine, comply with state regulations and provide opportunities for economic development.

The Nevada County Cannabis Alliance acknowledges the proliferation of cannabis production in Nevada County over the last several years. We also acknowledge the reality of environmental damages and the negative impacts on neighbors by an unregulated industry. The following recommendations were drafted with the intent to create solutions in our community by increasing access to the regulated market through local permits and ultimately eliminating and greatly reducing detrimental grows. Transitioning an entire unregulated industry to a regulated one will take time. However, at the Alliance, we firmly believe that the best way to reduce unregulated cultivation is to provide a reasonable pathway for responsible growers to enter the regulated market. The weeding out of non-compliant growers may take several years. However, with an accessible and affordable permitting process that encourages and supports our small farmers, the timeframe will be accelerated as growers are encouraged to transition to the regulated system.

These recommendations are based on membership input including members meetings and results from the Alliance survey. The recommendations also culminate nearly three plus years of meeting with various stakeholders from around the community, county staff and what we've learned from the CAG meetings. For our community to see a long term successful industry, policy must be taken from a collaborative approach. Thank you to everyone who has provided us with your input.

These recommendations are purposefully designed to be modest, to ease environmental impacts and to discourage mega-grows and corporations from coming to our county. These recommendations were thoughtfully prepared and not intended as a "high bid."

References -

[CalCannabis Cultivation Regulations http://www.bcc.ca.gov/law_regs/cdfa_prop_text_emerg_reg.pdf](http://www.bcc.ca.gov/law_regs/cdfa_prop_text_emerg_reg.pdf)

These recommendations are presented along with rationale for each provision as well as reference to state laws and regulations (See Appendices).

DESCRIPTION	RECOMMENDATION	RATIONALE	STATE LAWS & REGULATIONS
GENERAL CONCERNS AND ISSUES			
Change Cannabis Regulations from General Code to Land Use	Governance of cannabis should be moved from Title II of the General Code to Title III Land Use and Development.	As cannabis transitions to legitimate businesses that are heavily regulated to address impacts, they should no longer be defaulted as a nuisance. Cannabis should be treated similarly to like permitted uses within County Code. For example: zoning, planning, agriculture, building etc.	
Property Owner Approval	<p>Anyone cultivating on a parcel who is not the legal owner(s) of the parcel must provide a) written documentation showing the owner's approval by) name and address of owner, copy of lease or rental agreement or contractual documentation.</p> <p>If the applicant is the owner of the property, the applicant shall provide a copy of the title or deed to the property.</p>	These standards are consistent with existing state regulations.	<p>State Cultivation Regulations Section 8104.</p> <p><i>Property owner approval.</i></p> <p>See Appendix F.</p>
Track and Trace & preventing diversion to youth and black market	All commercial cannabis permit holders cultivating in the county shall adhere to state requirements for track and trace.	A seed to sale traceability program creates transparency and accountability in the industry minimizing the opportunity for youth access, diversion and/or inversion by the black market.	<p>See SB 94 Section 26067.</p> <p><i>Unique identifier to track through distribution chain.</i></p> <p>Cultivation Regs Section 8109.</p> <p><i>Track & Trace User requirements.</i></p> <p>See Appendix K</p>

Background Checks for permittees	Applicants for permits must meet all state regulations requiring security and background checks.	Applicants must prove that they are in good standing with the law and eligible to operate a licensed cannabis business.	SB94 Section 26051 (a)(1)(A-C) See Appendix B
Cultivation Site Requirements	Licensees shall submit their Premises Diagram, Cultivation Plan, Waste Management Plan, and Environmental Protection Measures, alongside additional statewide requirements.	Follow state regulations. Establishes professional standards for licensed cultivation and cultivation related licenses.	State Cultivation Regulations: Article 4, Section 8300 - 8315. See Appendix A
PUBLIC HEALTH AND SAFETY & GENERAL NUISANCES			
State Labor Laws	Permittees shall comply with all applicable federal, state, and local laws and regulations governing employment.	Maintaining the same requirements as all other regulated businesses.	California State Labor Laws
Site Security Plan	All cultivation areas shall be adequately secured to prevent unauthorized entry, including a secure locking mechanism that shall remain locked at all times.	To prevent access and deter criminal activity by unauthorized individuals such as youth or criminals.	Nevada County Code: G-IV (H)(1) SB94 Section 26051 (a)(10)(C)
Public View of Cultivation Activities	There shall be no exterior evidence of cultivation as determined by visibility of plant material, in public view and/or from a public right-of-way or publicly traveled road at all stages of growth. An obscuring fence can be used to address this requirement.	To keep plants from public view.	Nevada County Code: G-IV State Cultivation Regulations, Section 8301 requires submission of a diagram of the premises as well as a plan showing all cultivation areas. See Appendix A.
Odor Mitigation for Indoor Cultivation	All structures used for Indoor Cultivation shall contain ventilation, air filtration and odor control filters to prevent odor, mold and mildew from escaping the Cultivation site.	To mitigate any impacts created by smell, as directed in the placeholder County Cannabis Ordinance	Nevada County Code: G-IV 5.4 (H)(6)

Odor Mitigation for Outdoor Cultivation	To be determined by setbacks from a neighboring residence or outdoor living area that may be impacted.	To mitigate any impacts created by smell, as directed in previous county ordinances.	Nevada County Code: G-IV 5.4 (H)(6)
Light Pollution	All lights used for the Cultivation shall be shielded and downcast. Any lights used from sundown to sunup shall be completely obscured from detection outside the cultivation area.	To decrease nuisances by restricting nighttime glare.	Draft Cultivation Regulations Section 8304. <i>Lights must be shielded from sunset to sunrise.</i> See Appendix E
Noise Pollution	Noise levels generated by cultivation shall not exceed the standards set forth in Table L-II 4.1.7 (Exterior Noise Limits) of the Nevada County Zoning Ordinance applicable to the Land Use Category and Zoning District for the Premises on which the cultivation occurs.	Noise levels should be held to the same requirements as similar activities.	Table L-II 4.1.7 (Exterior Noise Limits) of the Nevada County Zoning Ordinance applicable to the Land Use Category and Zoning District
Effect on the Health	1. Cultivation will require appropriate setbacks (defined herein) to reduce the effects of plant odors. 3. Restrictions on use of pesticides or hazardous materials should mirror state law/regulations.	The ordinance directly address known health, safety or welfare concerns (nuisances) that are not addressed in state regulations	Sec 8305 Hazardous Materials management
ENVIRONMENTAL CONCERNS & PROTECTIONS			
Environmental Protections Related to Indoor Commercial Cultivation	The State Regulations specifically address renewable energy requirements including carbon offsets and energy efficient equipment standards. There are also zero net requirements.		Cultivation Regulations Section 8315. <i>42 % Renewable source requirement.</i> <i>Zero net energy requirement.</i> <i>Purchase of carbon off-set.</i> <i>Energy efficient equipment standards.</i>

			Also, see other code sections referenced in Section 8315. See Appendix D
Hazardous Materials	The use of Hazardous Materials shall be prohibited in the Cultivation area except for limited quantities of Hazardous Materials that are below State of California threshold levels as spelled out by within the state regulations. Any Hazardous Materials stored shall maintain a minimum setback distance of 100 feet from any private drinking water well, spring, water canal, creek or other surface water body, and 200 feet from any public water supply well.	These standards are consistent with existing state regulations.	State Regs. - SB 94, Sec 177 <i>In coordination with Dept of Fish & Wildlife, regulations re: Soil disposal, water storage, runoff, fertilizers and soil, pesticides/herbicide, riparian & wetland protection mngmt etc.</i> Cultivation Regs Sec 8305 <i>Re: Hazardous Materials management, 72 hr holding period for waste, documentation etc.</i> See Appendix G
Water Source and Water Discharge	All Premises used for cultivation shall comply with all requirements of the State Water Resources Control Board as well as the Department of Fish and Wildlife, including but not limited to evidence of permits issued by the applicable Water Control Board or State Water Resources Control Board for water quality protection or written verification from the appropriate board that a permit is not necessary.	These standards are consistent with existing state regulations. These requirements serve to protect our natural habitats, wetlands and water resources.	SB 94 Legislative Council (15) ,(16) and (17). <i>Prohibition of Diversion. Identification of water source. Water discharge requirements.</i> See also Cultivation Regs Section 8313(a) and 8109. <i>Compliance with Water Board and Water Source Documentation.</i> Nevada County Code: G-IV 5.4 (H)(12) Appendix H

<p>Clear Cutting</p>	<p>Any tree removal for the purpose of cannabis cultivation shall be subject to Land Use and Development Code Sec L-II 4.3.15. (Reference L-V 17.3 for exemption criteria for grading and clearing on AG, AE, and Res AG over 3 acres.)</p> <p>All Board of Forestry regulations apply to the cultivation of cannabis.</p>	<p>Environmental protection consistent with County Code and Board of Forestry</p>	<p>Nevada County Code: Board of Forestry</p>
<p>Grading</p>	<p>Grading of any slope in excess of 30 degrees is subject to Grading Ordinance L-V 3.25 and may require an Erosion and Sediment Control Plan. See L-II 4.3.13. (Reference L-V 17.3 for exemption criteria for grading and clearing on AG, AE, and Res AG over 3 acres.)</p> <p>Grading considerations, as outlined by the State Water Resources Control Board must be followed.</p>	<p>Environmental protection consistent with County Code.</p>	<p>Nevada County Code State Water Quality Control Board</p>
<p>Pesticides</p>	<p>Any pesticides used in the cultivation of cannabis must adhere to guidelines set out by the California Department of Pesticides and the Central Valley Water Quality Control Board Order. No pesticides (and biological controls) will be used in cannabis cultivation operations unless the pesticides are explicitly authorized.</p>	<p>Environmental protections for our soil, wetlands and wildlife, consistent with state regulations.</p>	<p>SB 94 Legislative Counsel Digest Sections (18) and (19). <i>Development of Standards by Dept. of Pesticide Regulation.</i> SB 94 Section 26060 (d)(e)(g). State Draft Cultivation Regs Section 8301(a) (4). <i>Pesticide Storage Area.</i> Section 8301(c) (1). <i>Pest Management Plan.</i> Section 8313 (f) (2) <i>Wildlife Protection Storage Protocols, labeling, drift, consideration of</i></p>

			<i>pollinators, surface and groundwater protection.</i>
PLANNING, BUILDING AND CODE COMPLIANCE			
Compliance with All County Codes.	<p>All new structures used or intended for cannabis licensed business activity shall submit complete construction plans and obtain permits as required per Nevada County Building code. All electrical, mechanical, and plumbing used for cannabis commercial activity shall be installed with valid electrical, mechanical, and plumbing permits in accordance with current building codes.</p> <p>Existing structures must be brought into compliance via the transition period program.</p> <p>See below "Additional Recommendations for transition period"</p>	Commercial enterprises are expected to operate under proper code compliance to maintain public health and safety standards.	
Accessory Structures	We recommend that the existing county code regulating accessory structures used in cannabis cultivation (G-IV 5.1 I) be repealed and replaced using existing land use codes and policies governing Agricultural Temporary Greenhouses, Greenhouses, High Tunnel Cold Frame	Maintain parity with like agriculture uses for accessory structures.	

	Structures, Low Tunnel Cold Frame Structures, and U Occupancy structures pursuant to Building Department Policy Number BD-CBC-10-001.		
Compliance Transition Period	See Additional Recommendations Below		
Exemptions from permit requirements - Personal Cultivation	No local permit or registration will be required for non-commercial personal cultivation of 6 plants or less or from qualified caregivers as defined by state codes.	Personal grows should not require the same stringent requirements as commercial cultivation due to their minimal impact.	SB 94. SEC. 20. Section 26033 (a) (b) <i>Qualified Patient Licensure Exemption.</i>

Additional Recommendations

1) Addressing Land Speculation through a residency requirement

a) Recommendation

- (1) Require cannabis businesses to prove 1-year residency in Nevada County from date of ordinance passing.
- (2) Residency could be proven with a valid California Driver's license along with one of the following:
 - (a) Utility Bill
 - (b) Insurance Bill (medical, dental, vision, life, home, rental and vehicle)
 - (c) DMV Registration
 - (d) Internal Revenue Service or California Franchise Board Tax Return
 - (e) Voter Registration
- (3) Rationale: The Alliance recognizes and shares concerns of a possibility of an influx of new cannabis farmers when the county authorizes commercial cultivation. A residency requirement will prevent a wave of new cultivators flooding into the county. Most of those seeking to enter the industry see urgency as a top priority and being stalled by waiting a year is a strong deterrent. A residency requirement has received support from

across the board, including members of the CAG, various members of the Ag Community, the Cannabis Community, elected officials and other stakeholders.

(a) Other counties (Trinity County, City of Oakland) and states (Washington) have been successful in preventing influx of new cannabis cultivation businesses, allowing local farmers to make the transition into a licensed and regulated industry without the additional challenge of new competitors.

2) **Access to the Legal Market through Temporary Licenses** The success of the county's permitting program will be measured by how many existing operators are given a pathway to enter the regulated market.

- a) Recommendation: Start the regulation process by "registering" cultivators currently in operation, where they pay a fee and agree to abide by certain basic operating standards. The registry will serve as local authorization for existing cannabis operator to apply for a temporary state licenses after our ordinance and while operators are in process for their local permit.
- b) Rationale: Existing cannabis businesses wanting to enter the local and state licensure process need a pathway forward that allows them to operate while legitimizing their current operations if they are to succeed in the regulated marketplace.

3) **Transition Period Program**

- a) Recommendation: Nevada County to implement up to a 3-year transition period program to allow current operators the ability to bring parcels and premises related to cannabis activity into compliance with regulations. The transition period would allow farmers the ability to operate, and avoid land use fines, while their permit applications are being processed.
- b) Definitions:
 - i) "Parcel" Means the same definition as "lot."
 - ii) "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

- c) Requirements: The issuance of a local permit for the operation of a cannabis business on an operator's parcel and/or premise is subject to adherence to all county building and safety codes. Permittees may receive a cannabis permit conditioned upon the following requirements for code compliance.
- (1) Any code violations on the Premise of the cannabis business being permitted, and which constitutes an immediate threat to public health and safety, must be remedied before a cannabis permit can be issued.
 - (2) Any code violation on the Premise of a cannabis business, which DOES NOT pose an immediate threat to public health and safety, must be remedied within twelve (12) months of the issuance of a cannabis business permit. Failure to remedy the code violations within a twelve month period will result in the cannabis business permit being revoked and the state being notified that the permittee is out of compliance.
 - (3) Any code violations on the Parcel, not related to the Premise, of the cannabis business being permitted and which constitutes an immediate threat to public health and safety must be remedied prior to the issuance of a cannabis permit.
 - (4) Any code violations on the Parcel, not related to the Premise of the cannabis business that DOES NOT constitute an immediate threat to public health and safety must be remedied within three (3) years of the issuance of a cannabis business permit by the property owner by seeking and maintaining active building permits. Failure to remedy the code violations within the three (3) year transition period will result in the cannabis business permit being revoked and the state being notified that the permittee is out of compliance.
 - (5) In the event that an applicant has shown due diligence in their efforts to remedy any violation that does not pose an immediate threat to public health and safety but has been unable to remedy the violation in the time allotted, the cannabis business may request a reasonable extension of the transition period to the Community Development Agency.

d) **Rationale**

- i) Ordinance provisions should not serve to reduce the amount of cannabis cultivation permits in the county unless they are clear and direct. Notwithstanding those clear and direct measures, all cannabis businesses who desire to leave the black market and enter the regulated market should be encouraged to do so. The permitting of cannabis cultivation will be unique and unprecedented. Removing unnecessary barriers, so long as their removal does not result in concerns about public health and safety, or environmental impacts is encouraged.

- ii) There is an abundance of building and safety code violations throughout the county by not only cannabis farmers, but many other residents as well. Most will not come to the attention of Code Enforcement and will continue unremediated. Allowing some concessions such as a transition period will result in many who are not compliant to come forward and begin remediations.
- iii) The implementation of a transition period will create a clear distinction between those who are ready to move forward with permitting and are already code compliant (green dot), those that apply for a cannabis business permit but need a transition period (yellow dot) and those that do not seek a local cannabis business permit (red dot). This clear distinction will help reduce ambiguities for code and law enforcement efforts. Cannabis businesses will either be in compliance, in transition with documented areas to improve, or out of compliance.

4) Neighborhood Compatibility & Conditional Use Permits

a) Recommendation:

- i) Cultivation on property that does not meet the designated setbacks defined herein, may seek a Conditional Use Permit to mitigate environmental consequences as a result of water courses, contours and grading, forestry areas, and neighboring compatibility.
- ii) Cultivation on any property that is less than 5 acres, regardless of zoning designation, will be subject to Conditional Use Permits. CUPs will require notifying the legal owners of all parcels adjacent to the Parcel. All of the requirements associated with obtaining a cannabis business permit must be met.
- iii) Cultivators on parcels greater than five acres, and who are closer in parcel size to the next land size tier, I may apply for a license type allowed by the next tier in property size (10+, 20+) through a conditional use permit.
- iv) Notwithstanding (iii), no permits will be issued for cultivation on properties less than five acres for over 25 plants or 2500 square feet.
- v) The Alliance does not recommend commercial cultivation on parcels zoned residential.

b) Rationale

- i) If setbacks are not met, yet do not create a conflict with the adjacent neighbor, a cultivator may still obtain a permit through the conditional use process.
- ii) The Alliance recognizes the imperative to address neighborhood nuisances, especially on parcel less than 5 acres and in residential and higher density zoning.
- iii) Responsible operators who have the capacity to increase the size of their cultivation without creating impacts to neighbors or environment should have the ability to do so.

- iv) Neighborhood considerations are additionally addressed within areas of the Alliance recommendations; including, obstruction of view from the public right of way, odor mitigations, setbacks, and zoning restrictions. Additionally, the Alliance supports the requirement for secure locking gates for cultivation as a minimum with strong encouragement for video surveillance.

5) Protection of Ag Zoned Land for Traditional Agricultural Purposes

- a) Recommendation: Provide a tax incentive for cannabis farmers that also produce other Agricultural Products.
 - i) Upon determination of local cultivation tax, the county could agree to allow cultivators to offset a determined portion of their tax obligation if the cultivator is using a portion or allowing for the use of their premises for other agricultural production and:
 - (1) The Cultivator can show that all or a portion of their non-cannabis agricultural production was sold.
 - (2) The Cultivator can show that all or a portion of their non-cannabis agricultural production was donated to a Nevada County based non-profit.
 - ii) A minimum threshold for the value of non-cannabis products which would have to be distributed in order to receive the tax incentive.
- b) Rationale: Representatives from the local Agriculture community have expressed concerns that farmers will opt to cultivate cannabis and not other agricultural products thus resulting in a reduction of the production of non-cannabis products in Nevada County. Creating an incentive for farmers to grow other products, and for those products to be distributed within the county, would mitigate those concerns. This innovative measure would support increased food production which stays within our local economy.

6) CEQA Considerations

- a) Recommendation In order to meet CEQA requirements, the Alliance recommends that Nevada County adopts the Programmatic Environmental Impact Report provided by the California Department of Food and Agriculture, including Appendix J.
- b) Rationale
 - i) Pursuant to CEQA the CDFA has prepared a Program Environmental Impact Report (PEIR) in connection with the regulations for the licensing of commercial cannabis cultivation under MAUCRSA. The PEIR evaluates the potential environmental impacts that could result for commercial cannabis cultivation licensing. It is intended to serve as a program- level, first -tier CEQA document.

- ii) CDFA has developed the CalCannabis Cultivation Licensing PIER Tiering Checklist to provide an easy-to-use tool for determining the extent to which CEQA compliance for cultivation licensing program activity may be tiered off the PEIR.
- iii) The tiering checklist (Appendix J) *will be most useful for local agencies seeking to determine what tiered CEQA documentation, if any, should be prepared to support local permitting programs, local ordinances, or other discretionary approvals.*
- iv) As described in the PEIR, CDFA has concluded that all potential impacts of CDFA's statewide licensing program would be less than significant.

7) Public Health/Youth Access Prevention

a) Recommendation:

- i) The Alliance plans to work with permitted Nevada County based retail outlets in the creation of educational materials to be distributed to new customers. These materials can include:
 - (1) How to safely and securely store cannabis
 - (2) Proper dosage of cannabis waste
 - (3) How to talk to kids about cannabis
 - (4) The effects of cannabis on developing brains
- ii) The Alliance supports the requirement that all applicants seeking a local permit complete an educational session (video or live) addressing the potential effects of cannabis on the developing brain as well as industry responsibility. Certificate of completion would be required for a local permit.
- iii) In addition to other safety measures in the state and local ordinance, such as security requirements, sensitive use setbacks, and packaging restrictions, the Alliance supports the creation of a coalition of appropriate stakeholders to review and prepare educational materials for our community.

b) Rationale:

- i) The above recommendations have received support amongst key stakeholders with an interest in preventing youth access, diversion and use.
- ii) The Alliance shares the concerns expressed by our community and the stakeholders we have met with regarding youth access and the effects of cannabis on developing brains. It is of the utmost importance that we work together to keep cannabis out of the hands of youth. After all, we are parents in this community too.

8) Non-Remunerative Patient Caregiver Cultivation

- a) Recommendation: Working in partnership with the Caladrius Network and Forrest Hurd, the Alliance recommends an allowance for non-remunerative cultivation for catastrophically ill patients and/or their caregivers that exceed standard personal use limitations.
 - i) Pursuant to SB94 Section 26033 (a)(b) a patient or primary caregiver may cultivate cannabis for their patient(s) without remuneration and be exempt from licensure.
 - ii) Patients or caregivers that grow cooperatively under this provision and who grow more than the allotted six (6) plants for personal use, must register with the county and provide the same information and adhere to the same requirements as commercial cultivators in regards to state regulations and other local land use restrictions.
 - iii) Given the nature of this non remuneration program, the process would be exempt from fees.
- b) Rationale:
 - i) Allowing for non-remunerative cultivation will allow for continued access for those who are most critically ill and sensitive in our community. An example is the Caladrius Network which helps children like Silas Hurd.

9) Multiple Premises on a Single Parcel & Cooperative Farming

- a) Recommendation: The Alliance supports cooperative farming and recommends that conditional use permits are considered for the pooling of no more than four (4) cultivation licenses totaling 40,000 square feet of cultivation on properties that are 20 acres or more and zoned Agricultural. These licenses must be held by separate entities having separate premises. The county may limit the number of these special use permits.
 - i) Multiple Premises on a single Parcel will be allowed as long as the number of premises does not exceed the size limitation allowed on the parcel. For instance, if a parcel allows for 10,000 square feet of cultivation, this could be divided into two 5,000 square foot premises, or four 2,500 square foot premises.
 - ii) The CA Dept of Food and Agriculture cannabis regulations provide for the formation of “Cooperative Associations” which are fashioned after Agricultural Cooperatives. These Associations allow cannabis farmers to come together in order to:
 - (1) Promote, foster, and encourage the intelligent and orderly marketing of cannabis product through cooperation.
 - (2) Eliminate speculation and waste.
 - (3) Make the distribution of cannabis product as direct as can be efficiently done.
 - (4) Stabilize the marketing of cannabis product.
- b) Rationale:

- i) This would allow for larger parcels that are more appropriate for cultivation to lease to multiple smaller cultivators who may have to relocate from areas that are not suitable. This will accommodate the needs of both the community and the relocated farmers.
- ii) Cooperatives will be vital for the success of local independent businesses. The ability to form cooperatives will give small businesses the ability to achieve economy of scales by pooling resources and sharing best management practices.

10) Enforcement

- a) Recommendation The Alliance fully supports the necessary enforcement actions and penalties to address and deter issues of public health and safety as well as environmental impacts. We recommend establishing clearly outlined distinctions for growers in different stages of compliance and licensure so that law enforcement can focus its efforts on unregulated activity.
 - i) Employ a three color dot system to clearly designate cultivators:
 - (1) Green Dot (permitted businesses) - fully code compliant, with active local permits and state license or temporary state license.
 - (2) Yellow Dot (transitional businesses) - in the transition period for non essential code issues and active local permits and state license or temporary state license. .
 - (3) Red Dot (unlicensed businesses) - unlicensed and unregulated business.
 - ii) We recommend that the CDA would be responsible for green and yellow dots. We recommend that law enforcement be responsible for red dots, and focus its priority enforcement efforts on the most egregious violators as spelled out in the Cole Memo.
 - iii) The county should designate the appropriate authority to the agency best accustomed to handling the impacts: Community Development Agency for code compliance; Sheriff's Department for criminal activity; and Fish and Wildlife, and other appropriate agencies for environmental damages. We strongly recommend the county to create a Cannabis Permitting Department or Cannabis Program Manager within the Community Development Agency. Consideration should be given to funding the Agricultural Commissioner for inspection and enforcement of non-criminal activities.
 - iv) Cost of enforcement will be offset by tax revenue collected from the county's commercial cannabis program.
 - v) Fines and penalties will be sufficient to deter non-compliance.

b) Rationale:

- i) Creating clear lines for enforcement will help officials target and eliminate unlicensed, non-compliant or criminal activity.

11) Adult Use License And Medical Use License

a) Recommendation:

- i) The Alliance strongly recommends for the county to allow cannabis businesses to apply to the state for **both** an Adult (A license) and a Medical (M license).

b) Rationale:

- i) Other than the mere designation, **state regulations makes no distinction between the standards, quality or requirements for operators conducting business under an “M” license or an “A” license** (taxation at the retail level being the only exception). These two designations were only necessary as a matter of procedure when MCRSA and Prop. 64 were combined.
- ii) Allowing both “A” and “M” licenses ensures plenty of business opportunities for local farmers to get their product to market outside of Nevada County, instead of product being stockpiled in county for lack of opportunity and thus fueling a black market. Providing cannabis businesses as much opportunity for legal market access will mean more tax revenues for the community.
- iii) Once the county authorizes commercial cannabis activities, after considering public health and safety and neighborhood impacts, the county should not further restrict commerce in a way that will have negative consequences for our community by encouraging a black market.

12) Taxes:

a) Recommendation:

- i) The ordinance should include a provision authorizing the county to impose reasonable taxes on all commercial cannabis activity.
- ii) The Alliance supports using tax revenues generated from the cannabis permitting program to fund enforcement activities and public education. *Alliance to submit tax recommendations at a later date.*

b) Rationale:

- i) Using the funds generated as a result of cannabis business activity to fund public education can help the community achieve its goals of youth access prevention. In addition, the county could generate several jobs as a result of new enforcement activities it will have to carry out.

13) Other Cannabis Business License types

- a) Recommendation: The Alliance strongly advocates for the **entire** cannabis supply chain to be represented within the ordinance. This includes allowances for: distribution, manufacturing, processing, packaging, dispensary and testing labs.
 - i) Refer to land use grid for specific zoning recommendations
- b) Rationale: The economic stability of rural communities like ours will largely depend on a wholistically integrated and regulated industry where sales taxes and jobs get to stay in the county. A fully integrated industry in the area will also help farmers succeed as they can more easily get their products processed, packaged, manufactured and onto the shelves of dispensaries way more quickly by working with local ancillary businesses. Allowing for license types such as manufacturing provides the opportunity for existing cannabis businesses to transition into appropriate licensed facilities in the appropriate land use designation. Processing, for example, could now happen in licensed facilities where quality standards and cleanliness are upheld. A local cannabis industry that is cultivation-centric only will not help solve many of the issues we are trying to address through regulation, specifically issues of crime and diversion.

16) Housing for Seasonal Workers

1. Recommendation: The Alliance recommends for their to be a provision, similar to Nevada County Code L-II 3.10 and L- 2 3.15, to allow for seasonal agricultural employee housing.
2. Rationale: Providing temporary housing for seasonal cannabis workers will be in the best public health and public safety interest of Nevada County. Allowing for temporary housing will help solve issues associated with seasonal workers such as camping in public areas, loitering, and crime. In addition, having proper regulated housing will increase employer accountability and reduce issues associated with environmental degradation and overcrowding

A	B	C		E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V
STATE LICENSE TYPE	LAND USE	MAXIMUM CULTIVATION AREA PER STATE LICENSE TYPE (square feet or plant)	MIN PARCEL SIZE (Acres)	MAX CULTIVATION AREA ALLOWED IN ZONING DISTRICT (Plant count and/or square footage)	MINIMUM SETBACK FROM PROPERTY LINE (Feet or please explain calculation method)	MINIMUM SETBACK FROM NEIGHBOR LIVING SPACE (Feet or please explain calculation method)	ZONING DISTRICT														
							Rural				Residential					Commercial			Ind.	Ind.	Ind.
							General Agriculture	Agriculture Exclusive	Forest	Timber Production Zone	Residential Agriculture	Residential Agriculture	Single Family Residential	Medium Density Residential	High Density Residential	Neighborhood Commercial	Community Commercial	Commercial Highway	Light Industrial	Heavy Industrial	Business Park
AG	AE	FR	TPZ	RA-R	RA-E	R1	R2	R3	C1	C2	HC	M1	M2	BP							
PERSONAL																					
N/A	Personal Outdoor	N/A	.5 ac	2	30'	50'	NP	NP	NP	NP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
N/A	Personal Outdoor	N/A	1 ac	4	30'	75'	NP	NP	NP	NP	NP	NP	NO	NO	NO	NO	NO	NO	NO	NO	NO
N/A	Personal Outdoor	N/A	2 ac	6	30'	100'	NP	NP	NP	NP	NP	NP	NO	NO	NO	NO	NO	NO	NO	NO	NO
COMMERCIAL																					
TYPE 1																					
1	Specialty Outdoor	5,000 sq. ft. or 50 plants	5	5,000	30'	150'	P	P	P	NO	P	P	NO	NO	NO	NO	NO	NO	NO	NO	NO
1A	Specialty Indoor	501 - 5,000	5	5,000	30'	150'	P	P	P	NO	P	P	NO	NO	NO	NO	NO	NO	P	P	NO
1B	Specialty Mixed Light	2,501 - 5,000	5	5,000	30'	150'	P	P	P	NO	P	P	NO	NO	NO	NO	NO	NO	NO	NO	NO
1C	Cottage Outdoor	25 plants	2*	2,500	30'	100'	P*	P*	P*	NO	P*	P*	NO	NO	NO	NO	NO	NO	NO	NO	NO
1C	Cottage Indoor	500	2*	2,500	30'	100'	P*	P*	P*	NO	P*	P*	NO	NO	NO	NO	NO	NO	P	P	NO
1C	Cottage Mixed Light	2,500	2*	2,500	30'	100'	P*	P*	P*	NO	P*	P*	NO	NO	NO	NO	NO	NO	NO	NO	NO
TYPE 2																					
2	Small Outdoor	5,001 - 10,000	10	10,000	50'	200'	P	P	CUP	NO	P	P	NO	NO	NO	NO	NO	NO	NO	NO	NO
2A	Small Indoor	5,001 - 10,000	10	10,000	30'	200'	P	P	CUP	NO	P	P	NO	NO	NO	NO	NO	NO	P	P	NO
2B	Small Mixed Light	5,001 - 10,000	10	10,000	50'	200'	P	P	CUP	NO	P	P	NO	NO	NO	NO	NO	NO	NO	NO	NO
TYPE 4																					
4	Wholesale Nursery Outdoor	43,560	2	22,000	50'	100'	P	P	CUP	NO	P	P*	NO	NO	NO	NO	NO	CUP	NO	NO	NO
4	Wholesale Nursery Indoor/GH	22,000	2	22,000	30'	100'	P	P	CUP	NO	P	P*	NO	NO	NO	NO	NO	CUP	P	P	NO
ADDITIONAL LICENSES																					
P	Processing	N/A	N/A	N/A	N/A	N/A	P	P	NO	NO	P*	P*	NO	NO	NO	NO	NO	NO	P	P	P
P	Packaging	N/A	N/A	N/A	N/A	N/A	P	P	NO	NO	P*	P*	NO	NO	NO	NO	NO	NO	P	P	P
6	Manufacturing 1 - Non-Volatile	N/A	N/A	N/A	N/A	N/A	P	P	NO	NO	P	NO	NO	NO	NO	NO	P	P	P	P	P
7	Manufacturing 2 - Volatile	N/A	N/A	N/A	N/A	N/A	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	CUP	CUP	P	P	P
N	Infused Products	N/A	N/A	N/A	N/A	N/A	P**	P**	NO	NO	P**	NO	NO	NO	NO	NO	P	P	P	P	P
8	Testing Laboratories	N/A	N/A	N/A	N/A	N/A	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P	P	P
10	Retailer	N/A	N/A	N/A	N/A	N/A	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P	P	NO	NO
11	Distributor	N/A	N/A	N/A	N/A	N/A	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	CUP	P	P	P	P	P
12	Microbusiness (non-retail)	5,000	5	5,000	30'	150'	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P
12	Microbusiness (non-retail)	10,000	10	10,000	50'	200'	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	P	P	P

* requires a Conditional Use Permit for under 5 acres

** requires a Conditional Use Permit if activities requires a commercial kitchen

NO Not Allowed

NP No Permit Necessary

P Permitted and Requires Cultivation/Use Permit

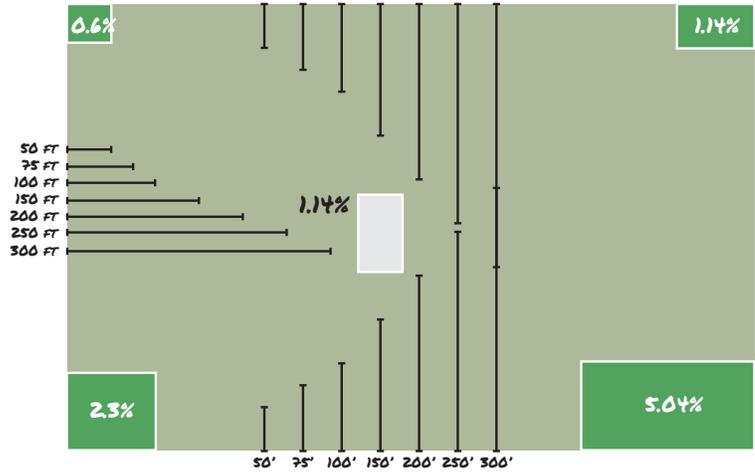
CUP Conditional Use Permit Required

PROPERTY SIZE, LICENSE TYPE + SETBACK CHART

KEY

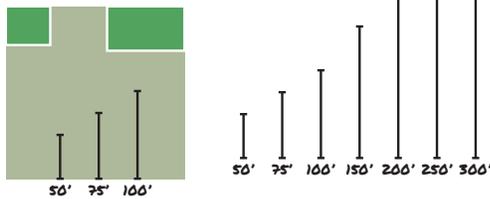


10 ACRES

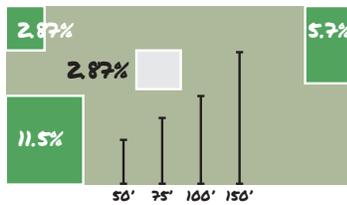


SETBACKS (IN FT)

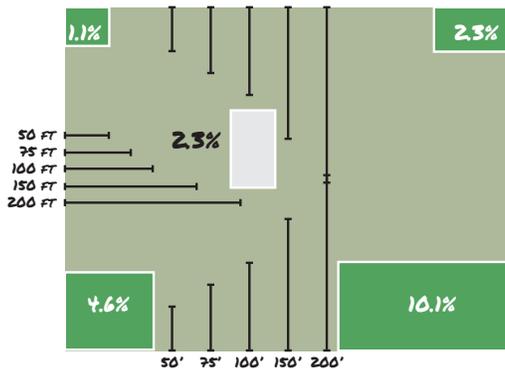
1 ACRE



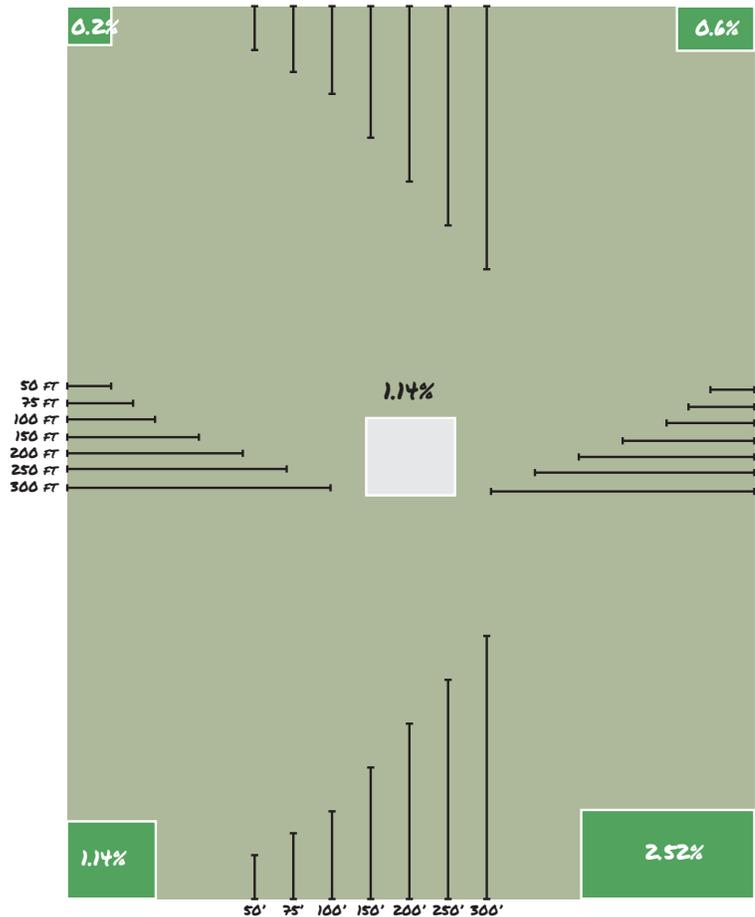
2 ACRES



5 ACRES



20 ACRES



ALL DRAWINGS + DIMENSIONS ARE APPROXIMATE

Nevada County Cannabis Alliance Recommendations

12.14.17

Appendix

DEFINITIONS

(k) **“Commercial cannabis activity”** includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this division.

(l) **“Cultivation”** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(m) **“Cultivation site”** means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(aj) **“Nursery”** means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

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

(d) **“Primary caregiver”** means the individual, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that patient, and may include any of the following:

(1) In a case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2, a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2, a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2, a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.

(2) An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.

(3) An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card.

(e) A primary caregiver shall be at least 18 years of age, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Section 6922, 7002, 7050, or 7120 of the Family Code.

(f) **“Qualified patient”** means a person who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to this article.

26070.

Retailers and Distributors.

(a) State licenses to be issued by the bureau related to the sale and distribution of cannabis and cannabis products are as follows:

(1) **“Retailer,”** for the retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery.

(2) **“Distributor,”** for the distribution of cannabis and cannabis products. A distributor licensee shall be bonded and insured at a minimum level established by the licensing authority.

(3) (A) **“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.

Cannabis Cooperative Associations

Article 3. Purposes

26223.

(a) Three or more natural persons, who are engaged in the cultivation of any cannabis product, may form an association pursuant to this chapter for the purpose of engaging in any activity in connection with any of the following:

(1) The cultivation, marketing, or selling of the cannabis products of its members.

- (2) The growing, harvesting, curing, drying, trimming, packing, grading, storing, or handling of any product of its members.
- (3) The manufacturing, selling, or supplying to its members of machinery, equipment, or supplies.
- (4) The financing of the activities that are specified by this section.
- (b) Members of a cannabis cooperative shall be disclosed to the licensing authority before the application is processed.
- (c) Members of a cannabis cooperative formed pursuant to this chapter shall be limited to cultivators who only hold a single Type 1 or Type 2 license.
- (d) Collectively, members of a cannabis cooperative shall not grow more than four acres of total canopy size of cultivation throughout the state during the period that the respective licensees are valid.
- (e) No member of a cooperative formed pursuant to this section shall be licensed to operate a cannabis business in another state or country.

APPENDIX A

Public View of Cultivation Activities.

Draft Cultivation Requirements Article 4: Cultivation Site Requirements

§ 8300. Cultivation Requirements for Specialty Cottage, Specialty, Small, and Medium Licenses. (a) Cannabis plants maintained outside of the designated canopy area(s) are prohibited from flowering. Should plants outside of the canopy area(s) begin to flower, a UID shall be applied, the plant(s) shall be moved to the designated canopy area without delay, and reported in the track-and-trace system. (b) All plants, or portions of a plant used for seed production shall be tagged with a UID pursuant to section 8403 of this Chapter. (c) Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license. (d) Licensees shall process their harvested cannabis only in area(s) designated for processing in their cultivation plan provided they are compliant with packaging and labeling requirements pursuant to section 8212 of this Chapter, or transfer their harvested cannabis to a licensed processor, manufacturer or distributor via a licensed distributor.

§ 8105. Property Diagram. A property diagram shall be submitted with each application and shall contain the following: (a) Boundaries of the property and the proposed premises wherein the license privileges will be exercised with sufficient detail to enable ready determination of the bounds of the premises showing all perimeter dimensions, entrances, and exits to both the property and premises; (b) If the proposed premises consists of only a portion of a property, the diagram shall be labeled indicating which part of the property is the proposed premises and what the remaining property is used for. (c) All roads and water crossings on the property; (d) If the applicant is proposing to use a diversion from a waterbody, groundwater well, or rain catchment system as a water source for cultivation, include the following locations on the property diagram with locations also provided as coordinates in either latitude and longitude or the California Coordinate System: (1) Sources of water used, including the location of waterbody diversion(s), pump location(s), and distribution system; and (2) Location, type, and capacity of each storage unit to be used for cultivation. (e) The assessor's parcel number(s); (f) The diagram shall be to scale;

APPENDIX B

Site Security Plan

SB 94 Section A

(10) Provide proof of a bond to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

(b) An applicant shall also include in the application a detailed description of the applicant's operating procedures for all of the following, as required by the licensing authority:

6. Security Protocols

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8313. Environmental Protection Measures.

All licensees shall comply with the following environmental protection measures:

(b) All outdoor lighting used for security purposes shall be shielded and downward facing.

Background Check

26051.5. (a) An applicant for any type of state license issued pursuant to this division shall do all of the following:

(1) Require that each owner of the applicant electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(A) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(B) The licensing authority shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(C) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

26057.

(a) The licensing authority shall deny an application if either the applicant, or the premises for which a state license is applied, do not qualify for licensure under this division.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

(1) Failure or inability to comply with the provisions of this division, any rule or regulation adopted pursuant to this division, or any requirement imposed to protect natural resources, including, but not limited to, protections for instream flow, water quality, and fish and wildlife.

(2) Conduct that constitutes grounds for denial of licensure under Chapter 2 (commencing with Section 480) of Division 1.5, except as otherwise specified in this section and Section 26059.

(3) Failure to provide information required by the licensing authority.

(4) The applicant, owner, or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant, owner, or licensee is otherwise suitable to be issued a license, and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant or owner, and shall evaluate the suitability of the applicant, owner, or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications,

functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

- (A) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
 - (B) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
 - (C) A felony conviction involving fraud, deceit, or embezzlement.
 - (D) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 - (E) A felony conviction for drug trafficking with enhancements pursuant to Section 11370.4 or 11379.8 of the Health and Safety Code.
- (5) Except as provided in subparagraphs (D) and (E) of paragraph (4) and notwithstanding Chapter 2 (commencing with Section 480) of Division 1.5, a prior conviction, where the sentence, including any term of probation, incarceration, or supervised release, is completed, for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related, and shall not be the sole ground for denial of a license. Conviction for any controlled substance felony subsequent to licensure shall be grounds for revocation of a license or denial of the renewal of a license.
- (6) The applicant, or any of its officers, directors, or owners, has been subject to fines, penalties, or otherwise been sanctioned for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.
- (7) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unauthorized commercial cannabis activities, has had a license suspended or revoked under this division in the three years immediately preceding the date the application is filed with the licensing authority.
- (8) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.
- (9) Any other condition specified in law.

APPENDIX C

Effect on the Health, Safety, or General Welfare.

SB 94 Section 13276. of the Water Code is amended to read:

- (a) The multiagency task force, the Department of Fish and Wildlife and state board pilot project to address the Environmental Impacts of Cannabis Cultivation, assigned to respond to the damages caused by cannabis cultivation on public and private lands in California, shall continue its enforcement efforts on a permanent basis and expand them to a statewide level to ensure the reduction of adverse impacts of cannabis cultivation on water quality and on fish and wildlife throughout the state.
- (b) The state board or the appropriate regional board shall address discharges of waste resulting from cannabis cultivation under Division 10 of the Business and Professions Code and associated activities, including by adopting a general permit, establishing waste discharge requirements, or taking action pursuant to Section 13269. In addressing these discharges, the state board or the regional board shall include conditions to address items that include, but are not limited to, all of the following:
 - (1) Site development and maintenance, erosion control, and drainage features.
 - (2) Stream crossing installation and maintenance.
 - (3) Riparian and wetland protection and management.

- (4) Soil disposal.
- (5) Water storage and use.
- (6) Irrigation runoff.
- (7) Fertilizers and soil.
- (8) Pesticides and herbicides.
- (9) Petroleum products and other chemicals.
- (10) Cultivation-related waste.
- (11) Refuse and human waste.
- (12) Cleanup, restoration, and mitigation.

Draft Proposed Regulations Article 2: Applications

8102. Application Requirements

(18) Evidence of permits issued by the applicable Regional Water Quality Control Board or State Water Resources Control Board for water quality protection or written verification from the appropriate Board that a permit is not necessary;

(19) Evidence that the applicant has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety;

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8305. Cannabis Waste Management

(a) For the purposes of this Chapter, “cannabis waste” is waste that is not hazardous waste as defined in Section 40141 of Public Resources Code, and is solid waste, as defined in Section 40191 of Public Resources Code, that contains cannabis and that has been made unusable and unrecognizable in the manner prescribed in subsection (e). A licensee may not sell cannabis waste.

(b) A licensee shall manage all waste that is hazardous waste, as defined in Section 40141 of Public Resources Code, in compliance with all applicable hazardous-waste statutes and regulations.

Section 40141 of Public Resources Code

(a) “Hazardous waste” means a waste, defined as a “hazardous waste” in accordance with Section 25117 of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:

(1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(b) Unless expressly provided otherwise, “hazardous waste” includes extremely hazardous waste and acutely hazardous waste.

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8313. Environmental Protection Measures.

All licensees shall comply with the following environmental protection measures:

(a) (b) (c)...

(d) The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency.

APPENDIX D

Environmental Protections Related to Indoor Commercial Cultivation

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8315. Additional Environmental Protection Measure for Indoor Licenses.

Indoor license types of all sizes shall ensure that electrical power used for commercial cannabis activity shall be provided by any combination of the following:

(a) On-grid power with 42 percent renewable source.

(b) Onsite zero net energy renewable source providing 42 percent of power.

(c) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.

(d) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

Authority: Sections 19302.1, 19304, 19322, and 19332 Business and Professions Code and Section 11362.777, Health and Safety Code. Reference: Sections 19302.1, 19320, 19322, and 19332, Business and Professions Code.

APPENDIX E

Light Pollution

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8314. Additional Environmental Protection Measure for Mixed-Light Licenses.

Mixed Light license types of all sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

Authority: Sections 19302.1, 19304, 19322, and 19332 Business and Professions Code and Section 11362.777, Health and Safety Code. Reference: Sections 19302.1, 19320, 19322, and 19332, Business and Professions Code.

§ 8304. General Environmental Protection Measures. All licensees shall comply with all of the following environmental protection measures: (a) Compliance with Section 13149 of Water Code as implemented by the State Water Resources Control Board or Regional Water Quality Control Boards. (b) Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under Section 26060.1, subdivision (b)(1), of Business and Professions Code. (c) All outdoor lighting used for security purposes shall be shielded and downward facing. (d) Immediately halt cultivation activities and implement Section 7050.5 of Health and Safety Code if human remains are discovered. (e) Requirements for generators pursuant to section 8306 of this Chapter. (f) Compliance

with pesticide laws and regulations as enforced by the Department of Pesticide Regulation pursuant to section 8307 of this Chapter. (g) Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

APPENDIX F

Property Owner Approval

8104. Property Owner Approval

8104. Legal Right to Occupy. (a) If the applicant is the owner of the property on which the premises is located, the applicant shall provide to the department a copy of the title or deed to the property. (b) If the applicant is not the owner of the property upon which the premises is located, the applicant shall provide the following to the department: (1) A document from the property owner or property owner's agent where the commercial cannabis activity will occur that states the applicant has the right to occupy the property and acknowledges that the applicant may use the property for commercial cannabis cultivation; (2) The property owner's mailing address and phone number; and (3) A copy of the lease or rental agreement, or other contractual documentation.

APPENDIX G

Hazardous Materials

SB 94 Section 177. Section 13276 of the Water Code is amended to read:

(a) The multi-agency task force, the Department of Fish and Wildlife and state board pilot project to address the Environmental Impacts of Cannabis Cultivation, assigned to respond to the damages caused by cannabis cultivation on public and private lands in California, shall continue its enforcement efforts on a permanent basis and expand them to a statewide level to ensure the reduction of adverse impacts of cannabis cultivation on water quality and on fish and wildlife throughout the state.

(b) The state board or the appropriate regional board shall address discharges of waste resulting from cannabis cultivation under Division 10 of the Business and Professions Code and associated activities, including by adopting a general permit, establishing waste discharge requirements, or taking action pursuant to Section 13269. In addressing these discharges, the state board or the regional board shall include conditions to address items that include, but are not limited to, all of the following:

- (1) Site development and maintenance, erosion control, and drainage features.
- (2) Stream crossing installation and maintenance.
- (3) Riparian and wetland protection and management.
- (4) Soil disposal.
- (5) Water storage and use.
- (6) Irrigation runoff.
- (7) Fertilizers and soil.
- (8) Pesticides and herbicides.
- (9) Petroleum products and other chemicals.
- (10) Cultivation-related waste.
- (11) Refuse and human waste.

(12) Cleanup, restoration, and mitigation.

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8305. Cannabis Waste Management

(a) For the purposes of this Chapter, “cannabis waste” is waste that is not hazardous waste as defined in Section 40141 of Public Resources Code, and is solid waste, as defined in Section 40191 of Public Resources Code, that contains cannabis and that has been made unusable and unrecognizable in the manner prescribed in subsection (e). A licensee may not sell cannabis waste.

(b) A licensee shall manage all waste that is hazardous waste, as defined in Section 40141 of Public Resources Code, in compliance with all applicable hazardous-waste statutes and regulations.

Section 40141 of Public Resources Code

(a) “Hazardous waste” means a waste, defined as a “hazardous waste” in accordance with Section 25117 of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:

(1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

(b) Unless expressly provided otherwise, “hazardous waste” includes extremely hazardous waste and acutely hazardous waste.

Section 25117 of the Health and Safety Code

(a) Except as provided in subdivision (d), “hazardous waste” means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Section 25141.

(b) “Hazardous waste” includes, but is not limited to, RCRA hazardous waste.

(c) Unless expressly provided otherwise, “hazardous waste” also includes extremely hazardous waste and acutely hazardous waste.

(d) Notwithstanding subdivision (a), in any criminal or civil prosecution brought by a city or district attorney or the Attorney General for violation of this chapter, when it is an element of proof that the person knew or reasonably should have known of the violation, or violated the chapter willfully or with reckless disregard for the risk, or acted intentionally or negligently, the element of proof that the waste is hazardous waste may be satisfied by demonstrating that the waste exhibited the characteristics set forth in subdivision (b) of Section 25141.

Section 25141 of the Health and Safety Code

(a) The department shall develop and adopt by regulation criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes.

(b) The criteria and guidelines adopted by the department pursuant to subdivision (a) shall identify waste or combinations of waste, that may do either of the following, as hazardous waste because of its quantity, concentration, or physical, chemical, or infectious characteristics:

- (1) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
- (2) Pose a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative properties, or persistence in the environment, when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (c) Except as provided in Section 25141.5, any regulations adopted pursuant to this section for the identification of hazardous waste as it read on January 1, 1995, which are in effect on January 1, 1995, shall be deemed to comply with the intent of this section as amended by this act during the 1995 portion of the 1995–96 Regular Session of the Legislature.

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8313. Environmental Protection Measures.

All licensees shall comply with the following environmental protection measures:

- (a) Compliance with Section 13149 of Water Code as enforced by the State Water Resources Control Board.
- (b) All outdoor lighting used for security purposes shall be shielded and downward facing.
- (c) Immediately halt cultivation activities if human remains are discovered and implement Section 7050.5 of Health and Safety Code.
- (d) The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency.
- (e) Compliance with pesticide laws and regulations as enforced by the Department of Pesticide Regulation.
- (f) For all pesticides that comply with subsection (e) above and are exempt from registration requirements, licensees shall comply with the following pesticide application and storage protocols:
 - (1) Comply with all pesticide label directions;
 - (2) Store chemicals in a secure building or shed to prevent access by wildlife;
 - (3) Contain any chemical leaks and immediately clean up any spills;
 - (4) Apply the minimum amount of product necessary to control the target pest;
 - (5) Prevent offsite drift;
 - (6) Do not apply pesticides when pollinators are present;
 - (7) Do not allow drift to flowering plants attractive to pollinators;
 - (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
 - (9) Do not apply pesticides when they may reach surface water or groundwater; and
 - (10) Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

Authority: Sections 19302.1, 19304, 19322, 19332, and 19332.2, Business and Professions Code and Section 11362.777, Health and Safety Code. Reference: Sections 19302.1, 19320, 19322, 19332, and 19332.2, Business and Professions Code. Section 12753 Food and Agricultural Code. Section 7050.5 Health and Safety Code. Section 13149 Water Code

APPENDIX H

Water Source and Water Discharge

SB 94 Legislative Counsel's Digest

(15) Existing law requires the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. Existing law authorizes the State Water Resources Control Board, the Department of Fish and Wildlife, and other agencies to establish fees to cover the costs of their cannabis regulatory programs.

This bill would require an application for a license for cultivation to identify the source of water supply. The bill would require a license for cultivation to include additional requirements for compliance with the above-described provisions and to include in every license for cultivation a condition that the license is prohibited from being effective until the licensee has complied with provisions relating to a streambed alteration agreement or has received written verification from the Department of Fish and Wildlife that a streambed alteration agreement is not required. The bill would prohibit the Department of Fish and Wildlife from issuing new licenses or increasing the total number of plant identifiers within a watershed or area if the board or the Department of Food and Agriculture finds, based on substantial evidence, that cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area. The bill would expand the authorization for the State Water Resources Control Board, the Department of Fish and Wildlife, and other agencies to establish fees to cover the costs of their cannabis programs, regardless of whether the programs are regulatory.

(16) AUMA requires each California regional water quality board and authorizes the State Water Resources Control Board to address discharges of waste resulting from medical cannabis cultivation and adult-use cannabis cultivation.

This bill would require the state board or the appropriate regional board to address the discharges of waste resulting from cannabis cultivation.

(17) Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake, without first notifying the Department of Fish and Wildlife of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. Existing law exempts an entity from the requirement to enter into a lake or streambed alteration agreement with the department for activities authorized by a license or renewed license for cannabis cultivation issued by the Department of Food and Agriculture for the term of the license or renewed license if the entity submits to the department the written notification, a copy of the license or renewed license, and the fee required for a lake or streambed alteration agreement, and the department determines certain requirements are met. Existing law authorizes the department to adopt regulations establishing the requirements and procedure for the issuance of a general agreement in a geographic area for a category or categories of activities related to cannabis cultivation that would be in lieu of an individual lake or streambed alteration agreement.

This bill would instead authorize the department to adopt general agreements for the cultivation of cannabis and would require the adoption or amendment of a general agreement to be done by the

department as an emergency regulation. The bill would require any general agreement adopted by the department subsequent to adoption of regulations to be in lieu of an individual lake or streambed alteration agreement.

Draft Proposed Regulations Article 4: Cultivation Site Requirements

8313. Environmental Protection Measures.

All licensees shall comply with the following environmental protection measures:

(a) Compliance with Section 13149 of Water Code as enforced by the State Water Resources Control Board.

8109. Water Source Supplemental Information

The following information shall be provided for the applicable water source(s):

(a) Retail water supply sources:

(1) If the water source is a retail supplier, such as a municipal provider, and meets the description in subdivision (a)(1)(A) of Section 19332.2 of the Business and Professions Code the applicant shall provide the name of the retail water supplier.

(2) If the water source is a small retail supplier, such as a delivery service, and is subject to subdivisions (a)(1)(B) and either (a)(2) or (a)(3) of Section 19332.2 of the Business and Professions Code:

(A) And if the contract is for delivery or pickup of water from a surface water body or an underground stream flowing in a known and definite channel, the applicant shall provide all of the following:

(i) The name of the contract water supplier;

(ii) The geographic location coordinates in either latitude and longitude or the California Coordinate System of any point of diversion used by the contract water supplier to divert water delivered to the applicant under the contract;

(iii) The authorized place of use for any water right used by the contract water supplier to divert water delivered to the applicant under the contract; and

(iv) The maximum amount of water delivered to the applicant for cannabis cultivation in any year.

(B) And if the contract is for delivery or pickup of water from a groundwater well, the applicant shall provide all of the following:

(i) The name of the contract water supplier;

(ii) The geographic location coordinates for any groundwater well used to supply water delivered to the applicant, in either latitude and longitude or the California Coordinate System;

(iii) The maximum amount of water delivered to the applicant for cannabis cultivation in any year; and TEXT OF PROPOSED REGULATIONS Page 15 of 56 (iv) A copy of the well log filed with the Department of Water Resources pursuant to Section 13751 of Water Code for each percolating groundwater well used to divert water delivered to the applicant. If no well log is available, the applicant shall provide a letter from the Department of Water Resources indicating that the Department does not have a record of the well log.

If no well log is available, the State Water Resources Control Board may request additional information about the well.

- (b) If the water source is a groundwater well, the applicant shall provide all of the following:
- (1) The groundwater wells geographic location coordinates in either latitude and longitude or the California Coordinate System; and
 - (2) A copy of the well log filed with the Department of Water Resources pursuant to Section 13751 of Water Code. If no well log is available, the applicant shall provide a letter from the Department of Water Resources indicating that the Department does not have a record of the well log. If no well log is available, the State Water Resources Control Board may request additional information about the well.
- (c) If the water source is a rainwater catchment system:
- (1) The total square footage of the catchment footprint area(s);
 - (2) The total storage capacity, in gallons, of the catchment system(s); and
 - (3) A detailed description of the type, nature, and location of each catchment surface. Examples of catchment surfaces include a rooftop and greenhouse.
- (d) If the water source is a diversion from a waterbody, the applicant shall provide any applicable statement, application, permit, license, or small irrigation use registration identification number(s); and either
- (1) A copy of any applicable registrations, permits, or licenses or proof of a pending application, issued under Part 2 (commencing with Section 1200) of Division 2 of the California Water Code as evidence of approval of a water diversion by the State Water Resources Control Board;
 - (2) A copy of any statements of diversion and use filed with the State Water Resources Control Board before July 1, 2017 detailing the water diversion and use; or
 - (3) A copy of documentation submitted to the State Water Resources Control Board before July 1, 2017 demonstrating that the diversion is authorized under a riparian right and that no diversion occurred in any calendar year between January 1, 2010 and January 1, 2017.
- (e) If the water source is a diversion and the applicant has claimed an exception from the requirement to file a statement of diversion and use, the applicant shall provide a copy of the documentation submitted to the State Water Resources Control Board before July 1, 2017 demonstrating that the diversion is subject to subdivision (a), (c), (d), or (e) of Section 5101 of Water Code.

Authority: Sections 19302.1, 19304, 19322, 19324, and 19332.2 Business and Professions Code and Section 11362.777, TEXT OF PROPOSED REGULATIONS Page 16 of 56 Health and Safety Code. Reference: Sections 19322, 19332, and 19332.2, Business and Professions Code and Sections 5101 and 13751, Water Code.

APPENDIX K

Track and Trace

Cultivation Requirements: 8109. Track-and-Trace System User Requirements.

§ 8109. Applicant Track and Trace Training Requirement. (a) Each applicant is responsible for registering for state mandated training, as prescribed by the department, within ten (10) business days of receiving notice from the department that their application for licensure has been received and is complete. (b) Documentation of training completion shall be provided to the department within ten (10) business days of completion. Applicants approved for an annual license shall not have access to the track-and-trace

system until the licensee's designated account manager has completed, and provided proof of completion, of the track-and-trace training prescribed by the department.

APPENDIX L

Enforcement

Draft Cultivation Requirements Article 7: Enforcement

8600. Applicability.

Notwithstanding any other provision of law the Department may take a licensing or administrative action, at any time within five years after the Department discovers, or with reasonable diligence should have discovered any violation of state law or local ordinances.

Authority: Sections 19304 and 19332, Business and Professions Code and Section 11362.777, Health and Safety Code. Reference: Sections 19307, 19311, 19312, 19314, 19327, and 19332 Business and Professions Code.

APPENDIX M

Clear Cutting/Grading

Land Use and Development Code: Sec. L-II 4.3.15 Trees

- A. **Purpose.** To minimize removal of existing trees and protect existing trees during construction. To encourage protection of trees to provide suitable habitat for native wildlife. To preserve and minimize the disturbance of landmark and heritage trees and groves from development projects through on-site vegetation inventories, mandatory clustering, and other measures necessary to protect such habitat. To maximize the long-term preservation, protection, and integrity of their natural setting.
- B. **Definitions**
 - 1. **Landmark Trees** - Any oak (*Quercus* species) 36+ inches at diameter breast height (dbh or 4' 6"), or any tree whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the County, State, or Federal government.
 - 2. **Landmark Groves** - Hardwood tree groves with 33+% canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the County, State, or Federal government.
 - 3. **Heritage Trees And Groves** - A tree or a group of hardwood trees designated by the Board of Supervisors to be of historical or cultural value, outstanding specimens, unusual species, or of significant community benefit due to size, age, or any other unique characteristic and considered to be in good health.
- C. **Standards.**

1. For all applicable projects, the applicant shall have a Biological Inventory prepared by a qualified biologist, to determine whether the habitat for the defined resource, or the resource itself may be affected by a proposed project.

2. Projects shall be approved only when they do not remove or disturb defined trees or groves, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 3 below. Exempted from this standard shall be trees or groves determined to be dead, dying, or a public safety hazard by a certified professional arborist, licensed landscape architect, registered professional forester, or qualified biologist or botanist (referred to herein as a qualified professional). In addition, exemption shall apply to those trees that must be removed to ensure fire safe access or provide adequate fuel reduction as determined by the California Department of Forestry or local fire district. Tree removal may also be allowed where necessary to provide for site access and public utilities or public right-of-way.

3. If the above standard effectively precludes development of the project or a revised project, or adversely affects another environmentally-sensitive resource, a Management Plan shall be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. Said Plan shall evaluate the impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. Defined trees that must be removed shall be replaced on an inch for an inch replacement of the removed tree(s). The total of replacement trees shall be required to have a combined diameter of the tree(s) removed. The Plan shall provide for the long-term maintenance of the replacement trees.

Management Plans shall emphasize protection of two varieties of oak: Blue Oak (*Quercus Douglasii*) and Valley Oak (*Quercus Lobata*). Both are of very limited distribution in the County and considered to be sensitive plants worthy of special protection.

4. If impacts remain, or if the Planning Agency determines that the planting of replacement trees is infeasible or the project site is not capable of supporting all the replacement trees, the applicant shall pay to Nevada County the current market value of the tree removed and the value of the replacement trees (including the cost of planting and maintenance), as established by a qualified professional, to go into a Tree Preservation Fund. Fund monies received in lieu of replacement trees shall be used for the planting and maintenance of trees on publicly owned property, or for purchase of replacement habitat.

5. The above standards shall also apply in those instances in which it can be determined that a defined tree or grove has existed on site 3 years prior to project application. In such instances, standards under paragraphs 1, 2, and 3 above shall be implemented as though the trees or groves were still on-site.

6. Alternative standards to those above may be applied where the Planning Agency finds that the alternative standards have the same practical effect, further the intent of this Section, and provide equal or greater mitigation.

7. Protection of all trees and groves to be retained during and after project construction shall occur consistent with a Tree Protection Plan prepared by a qualified professional, as listed in C.1 above. Said Plan shall specify pre-construction and post-construction protection measures. Pre-construction measures shall identify a tree protection zone and protection type (typically fencing), specify work required prior to construction (pruning, bracing systems, mulch, pest management, irrigation, fencing installation), and construction plans.

Post-construction protection measures and specifications shall detail specific protection requirements, i.e. water needs, monitoring, and maintenance to ensure long-term care.

8. Where the County determines that vegetation identified as an environmentally sensitive resource as defined by General Plan Policy 1.17, has been removed from the site in anticipation of development, or, within one year prior to submittal of a land use application, the following shall be required:

Prior to issuance of any development permits (i.e., grading or building permits), the developer shall fund a native plant restoration program to return the site to a naturally-functioning habitat. If on-site restoration is not feasible, the restoration program shall include the identification of a suitable replacement site to be reviewed and approved of by the Nevada County Planning Agency. The restoration program shall include the hiring of a specialist, selected and contracted by the County, to (1) identify a suitable location or replacement site for the vegetation that has been removed, with the preferred location being the project site or within the vicinity of the site; (2) prepare a restoration, monitoring, and maintenance plan; (3) initiate the restoration; and (4) conduct a five-year maintenance and monitoring program. The developer shall record or cause to record, a conservation easement on the selected property to preserve the restored habitat in perpetuity. The applicant shall be responsible for incurring all costs associated with the restoration project. The restoration shall represent a 3:1 ratio of habitat restored to habitat lost.

9. **Tree Removal Near Nevada City.**

a. No person, firm or corporation shall remove or cause to be removed any tree located outside a Timberland Preserve Zone (TPZ) and within the Nevada City Sphere of Influence as adopted by the Local Agency Formation Commission without first obtaining a tree removal permit from the Planning Director, except those:

- 1) That have been identified for removal as part of a Use Permit, Development Permit or Subdivision.
- 2) That are on developed residentially-zoned property.
- 3) That have been identified by a licensed forester as being in a hazardous condition presenting an immediate danger to health and property.
- 4) Where the trunks measure less than 10 inches in diameter, measured 4 1/2 feet above grade and where less than 20% of the trees over 8 inches in diameter are proposed to be removed every 5 years.
- 5) Located on parcels aggregating 3 acres or more in size, subject to preemptive State regulations identified for commercial tree removal pursuant to an approved Timber Harvest Plan.
- 6) Located within a public or public utility right-of-way when such trees are to be removed by a public agency or public utility.

b. **Application Content.** A tree removal application shall include, but is not limited to, the following:

- 1) An inventory of on-site trees, including the percentage of trees over 10 inches in diameter to be removed, and the size, species and condition of each tree to be removed.
- 2) Statement of fact stating the purpose of the removal.
- 3) Size and species of any trees proposed to replace removed trees.

c. **Tagging Required.** Trees proposed for removal shall be identified by flagging, staking, painting or other suitable means not detrimental to the health of the tree that is readily visible for field inspection.

d. **Removal Standards.** A tree may be removed only when:

- 1) Dead or diseased beyond reclamation.
- 2) Crowded beyond good forestry practices.
- 3) Interfering with existing utilities or structures.
- 4) Obstructing existing or proposed improvement that cannot be designed to avoid tree removal.
- 5) Inhibiting sunlight necessary for solar access.
- 6) Any other reason that may be identified by the Planning Director based on a consultation with the recognized expert in the field including, but not limited to, a licensed landscape architect, forester or horticulturist. (Ord. 2090, 7/9/02)

Land Use and Development Code: Section L-V 11.3 Buildings/Landform Grading for Agriculture/Criteria

To qualify as other clearing and grading of land for agricultural operations that may be exempted from grading permit requirements pursuant to this Article, all of the following criteria must be met:

1. The land to be cleared and/or graded is zoned for agricultural use as:
 - a. "AG" (General Agriculture), or
 - b. "AE" (Agricultural Exclusive), or
 - c. "RA" (Residential Agriculture) where the parcel is 3 acres or more in size and the General Plan designation is Rural;
2. The clearing and/or grading is exclusively for agricultural purposes not associated with buildings that require a building permit;
3. Any vegetation removal or soil disturbance is outside any floodplain, watercourse, wetland or riparian area and any non-disturbance buffer for those areas as defined in Section L-II 4.3;
4. The work occurs on slopes of thirty percent (30%) or less;
5. The work does not disturb cultural resources;
6. Any excavated material remains on site, without changing the natural terrain or drainage and without creating any cuts or fills, except as follows:
 - a. The work, if associated with construction or maintenance of a pond for livestock raised on site, aquaculture or irrigation, does not create a dam that exceeds two feet in height above grade, an excavation in excess of six feet or a storage capacity of more than ten acre feet and results in no adverse hydrological impacts on surrounding properties that are not mitigated to a level of insignificance, or
 - b. The work, if associated with construction of a farm or ranch road, is solely for the purpose of providing on-site access to water supplies, storage areas, grazing/crop lands or fence lines, does not service a structure requiring a building permit, and does not create a cut or fill greater than two feet in height;
7. Projects potentially impacting heritage oak groves or trees, as defined in LUDC Section L-II 4.3.15.B, and verified by a field inspection conducted by the Agricultural Commissioner or his/her agent, shall provide a management plan as defined in LUDC Section L-II 4.3.3.C Resource Standards. A Management Plan to mitigate the impacts of the proposed project on landmark trees or groves

shall be required.” An Agricultural Grading Exemption shall be denied to parcels or sites where these resources exist and no mitigation and/or avoidance is available through the Management Plan process.

8. To the extent possible, all work will be conducted between April 15th and October 15th to avoid the rainy season. Any work before April 15th or after October 15th of any year shall be permitted only if disclosed in the application and approved in the Permit Exemption. To secure such approval, the applicant shall submit an erosion and sediment control plan, including an effective re-vegetation program to stabilize all disturbed areas, expressly approved in writing by a State Certified Professional Erosion and Sediment Control (CPESC). If grading occurs, or if the land is left open and unplanted during the period from October 15th to April 15th, all projects over 2,500 square feet on slopes over 15% in areas of moderate to high erosion potential as defined by the Soil Survey of Nevada County, shall have an Erosion and Sediment Control Plan expressly approved in writing by the State Certified Professional Erosion and Sediment Control (CPESC) and shall be implemented after October 15th, and maintained through April 15th.

9. Projects shall be in compliance with the RWQCB regarding Clean Water Act requirements, and all other applicable laws.

10. The following conditions of approval shall be applied to all projects approved through this agricultural grading exemption:

a. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of the proposed project.

b. Fugitive dust emissions resulting from site clearing shall be minimized at all times, utilizing control measures including dust palliatives, regularly applied water, graveled or paved roads, etc. Control measures shall be noted on grading plans.

c. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended to prevent excessive windblown dust when winds are expected to exceed 20 mph.

11. Verification of NSAQMD clearance shall be filed with the Agricultural Commissioner prior to any surface disturbance (including clearing and grubbing) associated with agricultural (or other) road construction in any of the sections listed in the table. Mapping of areas of ultramafic rock/serpentine occurrence within the project area shall be on file at the Agricultural Commissioner’s office. In addition, if naturally occurring ultramafic rock/serpentine is discovered once grading for a road commences, the NSAQMD must be notified no later than the next business day and requirements in CCR, Title 17, Section 93105 must be implemented within 24 hours. (see http://qcode.us/codes/nevadacounty/view.php?topic=3-v-11-l_2&frames=off for the map of sections containing Ultramafic Rock/Serpentine)

Land Use and Development Code:

Sec. L-II 4.3.13 Steep Slopes/High Erosion Potential

A. Purpose. To preserve the natural, topographic, and aesthetic characteristics of steep slopes, and to minimize soil erosion, water quality impacts, earth movement and disturbance, and the adverse impact of grading activities, while providing for reasonable use of private property. (Ord. 2152, 5/25/04)

B. Definitions.

1. Steep Slopes - Slopes of (30+) %.

2. High Erosion Hazard Areas - Areas determined to have highly-erodible soils based on soils surveys prepared by the U.S. Soil Conservation Service and U.S. Forest Service.
- C. Standards.
1. Development, including access, shall be approved only when not within the defined areas, except as provided in this Section.
 2. Limited development is allowed on steep slopes, subject to a grading permit pursuant to Section L-V 3.25 of the Land Use and Development Code (Grading Ordinance). If the amount of disturbance does not require a grading permit, limited development shall be subject to an Erosion and Sediment Control Plan, approved by the Building Department. Limited development shall mean the following:
 - a. Utility trenching, including, but not limited to, water, electric, gas, sewer and phone lines.
 - b. Crop and tree planting.
 - c. Water wells and sewage disposal systems for allowed on-site uses.
 - d. No more than one single-family residence, including driveway access to the residence, is allowed within steep slopes, on a parcel legally created, or approved by the Nevada County Planning Agency, prior to October 12, 1981, subject to the issuance of a grading permit pursuant to Section L-V 3.25 of the Land Use and Development Code, and the following standards:
 - 1) Lot pad grading shall be limited in size to a maximum 5,000 square feet, to allow for the construction of the primary single-family residence, a garage, a yard, and parking area.
 - 2) Cut or fill slopes shall be designed and constructed to not exceed a vertical height of 10 feet.
 - 3) Slopes created by grading shall not exceed a ratio of 2:1 (horizontal to vertical), unless a steeper slope is certified by a geo-technical engineer to be stable.
 - 4) Structures are designed to “fit” or step up the natural slope by using split pads, stepped footings and grade separations.
 - 5) All outdoor light fixtures on steep slopes shall be fully shielded to prevent the light source of lens from being visible from adjacent properties and roadways. Mercury vapor light fixtures, floodlights and spotlights shall be prohibited.
 - 6) Driveway access shall comply with Article 3, Chapter XVI of the Nevada County Land Use and Development Code, Driveways.
 3. If standard #1 effectively precludes development of the project or a revised project, disturbance within the defined area is allowed subject to the approval of a Management Plan, pursuant to Section 4.3.3.C of this Chapter, and the following:
 - a. The Management Plan shall consist of an Erosion and Sediment Control Plan, prepared by a licensed geotechnical or civil engineer, engineering geologist, or certified soil erosion control specialist. The Plan shall comply with the erosion control standards of LUDC Chapter V: Buildings, Article 3: Uniform Building Code Amendments, and shall provide for, at a minimum, the structural control of flowing water and vegetative measures necessary to stabilize the soil surface. If the entire site is within a high erosion area, the Plan shall provide for the development of the project on the least sensitive portion of the site. Where seeding is deemed necessary in order to stabilize the soil surface, only native seed mixes shall be used. Where native seed mixtures are not

available, then non-seed measures such as straw wattles, chips, erosion control blankets and weed-free straw shall be used.

b. The Management Plan shall be approved, provided the following findings can be made:

- 1) That the proposed development ensures the preservation of the natural and topographic character of the slope; and
- 2) The aesthetic quality of the slope is ensured, including the preservation of significant rock outcroppings and native plant materials; and
- 3) That alternatives to development on steep slopes are not feasible; and
- 4) That disturbance of steep slopes is minimized to the greatest extent possible; and
- 5) That water quality problems created by sedimentation and/or excessive vegetation removal are minimized.

4. All grading within the defined area that requires a grading permit shall include an evaluation by a registered geotechnical engineer who shall provide a written determination as to whether a design level, geotechnical investigation report is recommended. If recommended by the geotechnical engineer, a design level geotechnical investigation report, prepared by a registered geotechnical engineer, shall be included with the grading permit. The report shall include, but not be limited to, comments on slope stability, retaining wall design, foundation design, and other impacts associated with the disturbance of steep slopes. The report shall explain how the design of the project addresses those issues.

5. Fuel modification shall be provided and maintained around all structures developed on steep slopes, as follows:

Fuel Models

1-3*	Grasses	100'
4-6*	Brush	200'
8-13*	Timber	200'

APPENDIX N

Pesticides

SB94. Legislative Counsel's Digest

(18) AUMA requires standards developed by the Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis to apply to licensed cultivators.

This bill would require the Department of Pesticide Regulation to develop guidelines for the use of pesticides in the cultivation of cannabis and residue in harvested cannabis. The bill would prohibit a cannabis cultivator from using any pesticide that has been banned for use in the state.

(19) Under existing law, the Department of Pesticide Regulation generally regulates pesticide use. A violation of those provisions and regulations adopted pursuant to those provisions is generally a misdemeanor. AUMA requires the Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, to promulgate regulations that require the application of pesticides or other pest control in connection with cannabis cultivation to meet standards equivalent to certain provisions of existing law where the department generally regulates pesticide use.

This bill would instead require the Department of Pesticide Regulation to require that the application of pesticides or other pest control in connection with cannabis cultivation comply with the department's general regulation of pesticide use. Because the violation of those provisions and regulations adopted pursuant to those provisions is a crime, this bill would impose a state-mandated local program.

SB94 Section 26060 of the Business and Professions Code is amended to read:

(a) (b) (c)...

(d) The Department of Pesticide Regulation shall develop guidelines for the use of pesticides in the cultivation of cannabis and residue in harvested cannabis.

(e) A cannabis cultivator shall not use any pesticide that has been banned for use in the state.

(f) The regulations promulgated by the Department of Food and Agriculture under this division shall implement the requirements of subdivision(b) of Section 26060.1.

(g) The Department of Pesticide Regulation shall require that the application of pesticides or other pest control in connection with the indoor, outdoor, nursery, specialty cottage, or mixed-light cultivation of cannabis complies with Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

8301. Cultivation Plan Requirements for Speciality Cottage, Specialty, Small and Medium Licenses.

The Cultivation Plan for Specialty Cottage, Specialty, Small and Medium licenses shall include the following information:

(a) A diagram showing all boundaries and dimensions in feet of the following proposed areas:

(1) (2) (3)...

(4) Designated pesticide and other agricultural chemical storage area(s);

8313. Environmental Protection Measures

(e) Compliance with pesticide laws and regulations as enforced by the Department of Pesticide Regulation.

(f) For all pesticides that comply with subsection (e) above and are exempt from registration requirements, licensees shall comply with the following pesticide application and storage protocols:

(1) Comply with all pesticide label directions;

(2) Store chemicals in a secure building or shed to prevent access by wildlife;

(3) Contain any chemical leaks and immediately clean up any spills;

- (4) Apply the minimum amount of product necessary to control the target pest;
 - (5) Prevent offsite drift;
 - (6) Do not apply pesticides when pollinators are present;
 - (7) Do not allow drift to flowering plants attractive to pollinators;
 - (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
 - (9) Do not apply pesticides when they may reach surface water or groundwater; and (10) Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.
- Authority: Sections 19302.1, 19304, 19322, 19332, and 19332.2, Business and Professions Code and Section 11362.777, Health and Safety Code. Reference: Sections 19302.1, 19320, 19322, 19332, and 19332.2, Business and Professions Code. Section 12753 Food and Agricultural Code. Section 7050.5 Health and Safety Code. Section 13149 Water Code.

APPENDIX O

Exemptions from Permit Requirements

SB 94 Section 26033

(a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this division.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this division.

APPENDIX P

Patient and Caregiver Considerations

SEC. 20.

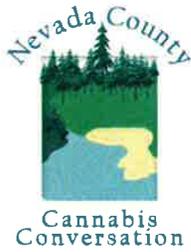
Section 26033 is added to the Business and Professions Code, to read:

26033.

(a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this division.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and

Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this division.



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



COMMENT CARD

Date: _____
Name: _____
Address: Nevada City, CA

Comments:

How to keep growers from flooding the county?

· Create a registry after the passing of an ordinance. growers looking to seek a permit must sign up for the registry. (Green DOT)

· If a grower would like to apply for a permit but they have land improvements they get a (yellow dot)

· Growers not seeking a permit (REDDOT)

There are nuances to this and I plan to submit a recommendation.....

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

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

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



Community Advisory Group (CAG)

Nevada County Cannabis Regulation
Community Planning Process



COMMENT CARD

Date: _____
 Name: _____
 Address: SMARTVILLE, -

Comments: • ENFORCEMENT IS HANDLED BY THE REGULATIONS - IF YOU ARE NOT COMPLIANT YOUR LICENCE WILL BE REVOKED OR NOT ISSUED IN THE FIRST PLACE, BEYOND THAT PERMIT FEES WILL PAY FOR COUNTY STATE TO COORDINATE WITH THE STATE
 • "TRUST FACTOR" IS WHY THE STATE HAS ISSUED NEW REGULATIONS.

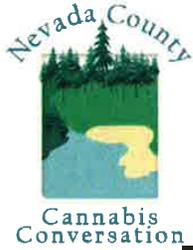
• BUS STOPS WERE REMOVED FROM STATE REGS BECAUSE THEY ARE TOO RESTRICTIVE AND NOT A SIGNIFICANT IMPACT GIVEN THE AMOUNT OF TIME YOU'D BE AT THE STOP

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Community Advisory Group (CAG)

Nevada County Cannabis Regulation
Community Planning Process



COMMENT CARD

Date: _____
Name: _____
Address: _____
S. M. JUSTIN

Comments:
I strongly advocate for consideration of type 3
license type.
I also ~~am~~ advocate for multiple licenses to
be permitted on one parcel if its size permits.
I advocate for a blue ribbon committee. Preferably
with a grower on the board.

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CAGmeetingcomments@migcom.com

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Community Advisory Group (CAG)

Nevada County Cannabis Regulation
Community Planning Process



COMMENT CARD

Date: _____
Name: _____
Address: _____

Nevada City, Ca. 95959

Comments:

So much time wasted by micro-managing. So many different ~~was~~ issues that are not explored in enough detail to be meaningful data.

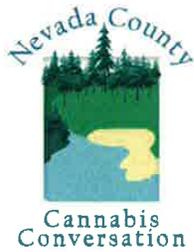
I strongly request that 'existing use' come into play with the zoning & planning process. The whole purpose of regulation is to ~~bring~~ bring out good actors and identify & close bad actors. If the ~~the~~ new ordinance is restrictive then everyone will become a bad actor. Regulation that is reasonable could allow cannabis to be a source of good in our community. I would welcome a chance to continue contributing to this conversation.

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Community Advisory Group (CAG)

Nevada County Cannabis Regulation
Community Planning Process



COMMENT CARD

Date: _____
Name: _____
Address: North San Juan

Comments: In the spirit of encouraging the greatest amount of compliance, I encourage you to recommend to the board of supervisors that garden setbacks be measured from the closest neighbor's structure rather than from the property boundary. To ease this transition and from the standpoint of encouraging economic development, we should make this process the least burdensome possible for the farmer. There are many reasons - topography, parcel shape, water ways, etc - that the most appropriate area to cultivate may be adjacent to the boundary line. A farmer should be allowed to determine the best area for cultivation. Concerns regarding access or visibility may be mitigated by existing methods - fences, security, etc. Concerns regarding smell may be treated by nuisance laws in residential areas. Agricultural areas are already expected and delineated to deal with smells associated with plant and animal agriculture, thus should not be limited in any way based on smell.

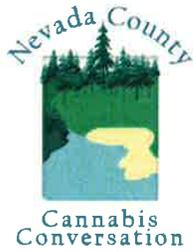
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Community Advisory Group (CAG)
Nevada County Cannabis Regulation
Community Planning Process



COMMENT CARD

Date: _____
Name: _____
Address: Nevada City, CA

Comments:

per the BOS mtng on 9/5 the
BOS prioritized "addressing
commercial activity other than
cultivation" from column
C to column A.

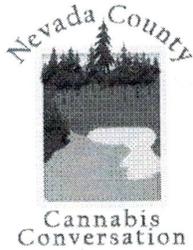
This means the CAG must
cover this.
It was only gently glossed
over.
we did not fully cover
- manufacturing
- distribution
- dispensary
- ag cooperatives.

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



COMMENT CARD

Date: _____
Name: _____
Address: Nevada City

pg 1

Comments: I say No! No! No! to 3 acre grows of 5000 sq ft. I can not imagine being surrounded by grows of that size. It must be acknowledged that the plant has different aspects of growing fruits + vegies, that being the INTENSE smell that it puts out. It must be acknowledged that this does affect neighbors in a negative way.

Start w/ 12 plants on 5 acres w/ current setbacks. No setback waivers allowed.

3-5yr to come into compliance is way too long. Business startups have required licenses + regulations required before opening up for business. If these are legit businesses they should do the same in a timely manner.

No Sales or processing in Res/tg. This brings additional traffic, noise and potentially crime into the neighborhood.

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11/17/17

Pg 2

[REDACTED]
Nevada City

Allow personal grows of 6 plants outside w/ setbacks w/o a permit required.

All grows should have a permitted residence on Ag land.

Require residency of at least 3yrs so we are not inundated w/ new growers. Our young families are already being affected when it comes to housing.

And last but not least:

Once an Ordinance is put into affect give our officers what they need to make sure everyone is in compliance and give them the means to get rid of those that continue to play in the Black market. Those that don't get licensed and follow ordinances are only in it to make \$\$\$.

I support small, organic, sustainable growers.

Thank you!

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

Comment 1:

To all the community members who have contributed their valuable time to this ongoing process, hello and thank you. I have watched all the meetings and here are my observations and requests.

It seemed at first that some of the CAG members weren't as informed on this issue as much as they should have been. Now towards the end phase of the process it seems they have educated themselves on all the nuanced issues, but aren't being allowed to fully participate in the process. The way the questions are presented doesn't take into account why each member agrees or disagrees with the said question; for example if the question was, "Do you support permits for 5000 square feet of canopy on 10 acre parcels?", some members might object because they think that is too big of a garden and others may object because they feel it is too restrictive. Give the CAG members more credit for being intelligent people and let them work out the nuances instead of giving them poorly conceived multiple choice questions. It also seems that the county is over steering the process that we as taxpayers have payed a lot of money to MIG to perform. Everyone involved must remember that the community of this county has already voted on this issue and 60 percent of them support idea of giving the cannabis farmers an option to legally comply with state and local laws and codes.

With the goal of bringing as many farmers into compliance as possible and not being so restrictive as to make it more attractive to stay in the grey/black market here are a few suggestions.

- Form the blue ribbon commision, some CAG members are much more knowledgeable than others and clearly there is more work to be done.
- Allow permits on smaller parcels as long as they are in the right zoning, e.g. industrial, agricultural, and forrest zoned
- determine what license type is appropriate for which parcel size by limiting the grow area to a percentage of the parcel rather than on an arbitrarily set minimum parcel size. There are many people growing without nuisance issue on parcels less than 3 acres. Remember that the primary goal is to allow as many farmers as possible to come into compliance, operate within a regulated market and pay taxes. There is no more nuisance issue on a 2.9 acre parcel than on a 3 acre parcel.
- Don't make setbacks any more restrictive than other ag crops or products. When people buy land in ag zones, it is with the knowledge that their neighbors may be farmers and they may have to deal with sights, sounds, and smells that are associated with farming. My property is in a cultivation dense area, yet the biggest nuisance isn't from people's gardens being too close to their property line, but from the non growing neighbors incessantly barking dogs.
- Allow the 22,000 sq. ft. license types because even "small, craft, or boutique farmers need to have some benefits of scale in order to be competitive with the operators in other counties. As long as they are in the right zones, 22,000 sq. ft. farms are very small compared to any conventional industrial ag operation.
- Always defer to state regs. whenever possible and appropriate to our county because being consistent will make regulation much easier and efficient.
- Require residency in the county but not a residence on the grow site. For all the people who wish to cultivate but live in residential zones, finding a rural property is the logical solution. As long as the security and safety issues are addressed, requiring a residence on site is unnecessary.
- Allow existing operations a grace period to comply as long as progress is demonstrated. The state regulations alone are quite in depth and some can be expensive and time consuming to comply with, people will need some time to install the required infrastructure.
- Consider that odor is the biggest nuisance that is repeatedly mentioned by anti-cannabis community members. While it is 100 percent true that cannabis may have a strong scent, the idea that it stinks is completely subjective. We are after all talking about flowers that some say smell like lemons, tangerines, grapes, or other fruits and flowers. I rather live next to any of these smells as opposed to someone who keeps livestock on their property. My point isn't to complain about farmers keeping livestock but to propose that the county stop over regulating what honest, hard working people, do with their private property that they own and pay taxes on.

Thanks again for all the time put in to come up with a plan to move forward from the outdated, prohibitionist, prejudiced ideas of the past.

Comment 2:

To whom it may concern:

My name is [REDACTED] an owner of [REDACTED] and co-founder of [REDACTED], two businesses with an operational base in Nevada County. For the past seven years we have served national audiences for the general agriculture and cannabis markets alike. We are small businesses, employing up to 10 people at a time, with steady growth ahead. Our business model addresses large distribution while also providing products and educational/consultative services directly to our local Nevada County based cannabis industry. The feedback received from our local farmers aids our ongoing product development and we proudly honor local farms to showcase exemplary, organic, farming methods at a national level. We are excited to continue operating as Nevada County moves forward with creating an ordinance that allows for cannabis businesses.

It is our recommendation that the CAG recommends an ordinance that allows the majority of cultivators to come into permitted process.

Some specific recommendations that we have are:

- The need for all license types (as defined by the state) to be represented within the county.
- The need to have outdoor personal grows OUTSIDE.
- Setbacks that do not eliminate parcels due to shape constraints.
- The need to further the CAG conversations with a specialized committee (a blue ribbon committee)
- The need for zoning overlays for sensitive neighborhoods
- The need to have a permitting process that ENCOURAGES cultivators to come into the permitted system.
- The need for a transition period for cultivators to bring their land into compliance while they apply for state licensure.

Nevada County stands to become a showcase for artisanal, crafted cannabis. Our successful growers trend towards conscientious, organic and professional practices as they define standards in the CA -and global - marketplace. Not only would it be such a loss to see this terra-minded group lose their capability to farm - the industry itself would suffer a loss without our local platforms on which to validate such healthy and clean growing methods. Nevada County growers are already known for setting the bar - it's an opportune time to embrace this and move forward as a "Napa" of the Cannabis industry. We hope to continue and work with local farmers in Nevada County as we identify models of "The Beneficial Method". Without the local presence, our company will likely find alternative space to continue our growth and development.

Thank you for your consideration

Comment 3:

Business and Professions Code section 26055(h), a gift from on high in SB 94. Is your city or county adopting a land-use ordinance that provides discretionary review (such as a CUP process) of commercial cannabis projects? Act before July 1, 2019, and we'll throw in a valid CEQA exemption FOR FREE! BPC 26055(h):

Comment 4:

Thoughts on the legally permitted residence requirement:

I am a cultivator who owns a 21 acre parcel of AG land that does **not** have a legally permitted residence. I have lived here for 10 + years and have deep ties to my community. Until I started outing myself as a cultivator as much as possible, I imagine the people around me would not have pegged me as a "grower".

I bought 20+ acres of AG land about 5 years ago because from reading the ordinances, it seemed you had to have 20 acres to be able to feed your family and to increase your chance of complying with future ordinances. I have been reading ordinances since I moved here and they were clearly not meant for actual compliance, so in lieu of being compliant, we became good neighbors. We are not a nuisance to our neighbors, on the ridge or even on the 8 acres in Alta Sierra where we rented for 6 years.

My family currently rents in town as we have children spanning an age range that has us shuttling kids to school, activities and stores too often to enjoy living on our property. We have plans to build a home out there, but the price of cannabis has been steadily dropping and we need to save our money because compliance will be expensive as well.

Which leaves me with some questions that I hope will change your perspective on this topic.

What zoning holds the largest concentration of legally permitted residences? Is this the most appropriate zoning for cultivation? Must we keep crafting catch-22s in our ordinances? If I were to search 20 acres AG parcels for sale, what percentage of those have legally permitted residences?

I am in full support of the necessity of bringing parcels up to code, permitting all existing structures and not allowing people to live in unpermitted structures. As we get rolling toward legitimacy, there will be many cultivators lining up at the CDA office asking for help in getting up to code. Cultivators absolutely need a transition period to get up to code, but it will be necessary for CDA to have a transition period as well. Is the plan to get as many structures permitted as possible to protect the public safety of Nevada County? Or is the plan to use the residence requirement to block people outright from achieving compliance as a way to solve the statewide problem of too much product?

What is the purpose of this requirement and can it be satisfied in another way? Perhaps a residency requirement of 2 years if the reasoning is that having a residence proves that the cultivator is invested in the community. If security is the issue, then outline definitive security measures.

Does the presence of a legally permitted residence prevent a person from illegally diverting water, grading without a permit or being a disrespectful neighbor?

Will building a residence fill me with more integrity than I have in this current moment? No, it will make me very poor and most likely unable to afford becoming compliant at either the local or state level.

Why do I grow?

I grow to provide for my family and because of deeply personal reasons that have everything to do with personal healing experiences from using the plant as medicine. I've been providing consumers clean medicine, grown in soil, under the sun and without pesticides out of respect for the land and for the people that consume it. Even without rules to follow, I have been testing my cannabis and it passes. I knew it would but it's nice to have documentation.

From a cultivator's perspective, the ordinances have historically been written for LE to have a wide selection of reasons for abatement to ensure that every nuisance complaint results in abatement. So much for patient's rights...

As an aside, the 2008 guidelines from the Ca Department of Justice created the framework for growers to be reasonably compensated for growing medical marijuana within the collective model, i.e. make a living from the sale of medical marijuana. If you think growers are engaging in commercial activity within the medical framework, you are correct, but take it up with the DOJ.

I for one, would rather be a licensed cultivator, as my business model is more accurately reflected by state license types and open for-profit commercial activity. Measure W, which was worded to ban outdoor grows AND commercial activity was soundly defeated. I imagine the BOS would never have put that in writing had they realized who 30-50% of their

constituency actually is. It was defeated by 60%, but not all were cultivators, some residents were simply offended by such an overstep in land rights, while others are non-cultivating business owners who understand tanking our local economy is in no one's best interest.

What are the unintended consequences of a restrictive ordinance?

The proven consequences of a restrictive ordinance is what we already have and it doesn't seem to be working for neighbors, cultivators, LE or the environment.

My 20 + acres is mostly comprised of a healthy forest. Over time, we have cut down the dead pine trees and masticated the undergrowth for fire prevention. There is a flatish 5 acre meadow cleared by the previous owner that we have not had to grade where we have our garden. All my neighbors have 20 acre parcels and no one is nuisance to anyone. I can't see anyone's garden but through google earth. My garden is currently 40 ft away from the property line in a sunny meadow. If we have to move our garden for some arbitrary setbacks that almost overlap, we will have to make do with a 100 ft strip of heavily wooded steep terrain and will have to cut down a lot of trees. I had considered moving the garden space to try and comply with the current "ban" because the new fines were so scary, but in the end I could not chop a great swath of healthy forest for a set of rules that will only be in place for a short amount of time.

When bringing up the 300 ft setbacks to CDA, my situation is laughingly referred to as a bowling alley lot. So this must be a common occurrence as it has a nickname. Well, I don't think facing economic and political uncertainty is very funny. I am pleased to finally see reasonable setbacks. I have been told by CDA that there is a precedent for setbacks increasing with increased parcel size. I'd like to know the code section on that and also know if the situation is comparable to nuisances and land use.

To anyone who believes making Nevada County unfriendly to commercial cannabis will result in cultivators moving away in droves, I'm sorry, it is just not going to happen. We are going to have to learn to compromise.

If Nevada County doesn't get on board with state regs, many small business owners and their families will start approaching poverty, and quite suddenly. I'm not saying we won't grow, we will have to, even if we are starting another career. But the black market is booming and busting at the same time and will not provide for very much longer.

What happens if you block the local heritage cannabis farmers from creating the initial legal industry in Nevada County? Time moves on, elections happen, eventually local government embraces commercial cultivation. But will the small farmer have had a chance to get settled and capture a niche in the market or will big business move into the vacuum that their absence has created? Would it be a great irony to create the very thing we are all in agreement that we do not want? When we make it past the ideology that has been dividing us, it is clear we should band together to protect our own cultivating community of patients and business owners from big business that is waiting to take over the whole industry.

Is there a county plan for increasing social services for our cultivating constituents who don't have enough money to build a home by March? Or can't make the transition into the regulated market? Is there awareness that stripping the self sufficiency of a large group of residents could create huge consequences for our community? Right now I spend my free time reading regulations and working on my business. If forced to stay in the black market, I suppose I will start researching medi-cal and calfresh. I will be scared and stressed and my children will feel it. I will adapt, but when I find work, will a non-cultivating resident will be displaced from that job?

The consequences of restricting patients access to medicine has never been fully explored by the CAG in my opinion. I know how I feel when my kids have a fever and are sick for a few days, I feel for them and would do anything to make them feel better. I feel that patients have never been taken seriously by the BOS. I have not witnessed empathy toward a patient at any meeting I have ever attended, but I do acknowledge that this is changing. The research is coming and

the anecdotal medicinal experience will be proved over and over as the science catches up to what a cultivator and a patient already know to be true.

I would like to remind you that bad actors don't read ordinances, and never will and they are not the majority of local cultivators. When making recommendations, I beg of you to frame your responses by asking yourself: Will this block a significant number of good actors from local compliance? the state market? feeding their families? Patient access?

It is occurring to me as I write this, that not many people outside of our cultivating community know that there are so many good actors. The Alliance member number is not an accurate representation of our community. Many good people who cultivate are still in hiding, overwhelmed by the huge amounts of change that is happening to our industry and our culture. In my circle of friends, I'm in the minority of being an Alliance member. All my friends are curious, most think there is no way to make it so why go broke trying. Others want to believe they will make it into the state market, but they are waiting to see if anything really bad happens to me for attending public meetings and speaking out. I know a few people who use pesticides and I think it's so wrong on so many levels and I tell them so. I'm excited that I have an opportunity to separate myself from people who are willing to cut corners and don't consider the health of the end user.

Cultivators are everywhere in Nevada County, but the good news is that you already know us and you already like us. We chat with you when you are in line at the grocery store, you hold a door for us at a restaurant, you catch eyes with our children and think, my what a lovely family. We are part of your community.

My final plea to strongly suggest the BOS actually listen to the Alliance as they represent their member's interests. We are interested in compliance as long as we can survive. Making compliance easy for large AG parcels should be simple as I'm pretty sure that is where the majority of people want cultivation to happen. I would like to see decisions based on data and not emotions. My previous emotional pleas were for an ordinance written with ease of compliance as the top priority. Why? Because the higher compliance rates we have, the greater public health and safety we are creating. Only through massive amounts of compliance from local cultivators can we rein in the wild west and get to the problem solving parts of regulations.

How do state regulations solve problems?

Are you worried that cultivators on wells will use up all the water? So is the state, which is why they have a gage system that monitors water levels at checkpoints throughout the state. If the water usage is too much there is a way to restrict water for cultivation... only for cultivators enrolled with the water boards... which you can only do if you are compliant... and have a local permit. Questions? Email the State Water Boards and ask them.

Worried about youth access? The current industry standard is to have many, many pounds of cannabis strewn about the county, driven all over the place, "secured" by a twist tie on a plastic bag with no record keeping whatsoever Google track n trace and child-proof cannabis containers and tell me what seems more secure. Again, no compliance = no track n trace = cannabis could be literally anywhere in the county.

Education: There are people in the county completely unaware that the unpermitted terraces they made will need to be remediated. I have a basic understanding of rules and code because with the exception of growing cannabis, I am a law-abiding citizen.

What if, instead of the CDA hosting general building code workshops, they actually identified the most common problems and provided a path for for people to do things properly.

Honestly I was offended by the county's presentation on code violations. Were the violators pictured even cultivating because I didn't learn anything specific about the damages cultivators are creating through being uneducated in the code. The trashed sites were horrible, but made me wonder if the residents had mental health issues or perhaps a meth problem. Maybe these people need help and not ridicule?

Our Future

Measure W activated our community and we are not going away. This is my home and yeah I cultivate for a living. I will fight for my continued survival and the ability to have money to care for my family. I will vote, I will educate and encourage others to vote. If you thought W was a surprise, prepare to be surprised a lot in the coming elections. With that in mind, the ordinance recommendations given to the BOS by the Alliance over a year ago were not dissimilar to the chart we saw the other day. But the county process of ignoring cultivators input is becoming very expensive for the tax payers. And having a portion of taxes I pay go toward trying to eradicate my job and my culture is simply not going to work anymore.

I will encourage my supervisor to view me a constituent and small business owner. I am not a blemish to be removed from the county. I could have been clearing hillsides and blowing it up and would probably have money to build a home, but instead I grew what I could manage to ensure quality, which is about 3,000 sq ft. What would I do with more square footage? First I would spread them out for better air flow and sunlight. And yes, then I would plant more, to make sure I can afford the transition period.

What am I facing as a cultivator going legit?

- Threat of being abated under an openly punitive ordinance written for a whack a mole approach to cannabis enforcement. The Sheriff publically stated he wanted it to have teeth and it does, but that doesn't translate into trust or compliance.
- The cost of getting my property up to code by permitting a cabin that was on the property when we purchased it, permitting my coldframes, paying a draftsman and an engineer, and any other service provider.
- Business formation, and a team of Consultants, Attorneys, a CPA and Bookkeeper, I have to hire specialists who understand the restrictions of running a cannabis business and the ever changing regulations. I need assistance and support in putting together a compliance binder which outlines how in fact I will operate in compliance with local and state ordinances and regulations. I've heard some prices quoted that I simply can't afford, so now have to find resources to do it myself.
- In Nevada County, we will not be able to apply for temporary license in January 2018 because we can't get a local permit. So without that, we are legally blocked from doing business with dispensaries, distributors, delivery, manufacturers etc who will have temporary licenses. As we move closer to entering the regulated market, we are literally pushed back into the black market where there is no way to know if we will make enough income to survive this transition at all.
- Stress is the biggest concern for me. I would rather plan fun activities for my family and make happy memories, instead of being constantly filled with concerns and questions that there are no answers to.

In closing, I would like to thank each and every MIG/CAG member for making history in Nevada County. The shift in the conversation has been huge and incredible to witness. We are closer than we have ever been to healing the divide between cultivators and non-cultivators. Honestly, Nevada County is home to all of us and one way or another a balance will be found. I will remain hopeful that we find a true compromise that balances the actual needs of patients, cannabis business owners and the greater community and move away from the clashing ideological mess that we started in.

Thank you

Comment 5:

I have lived in Nevada County for over 27 years. During that time I have been an active community member, volunteering for community service project and more. Nevada County used to be a great, family friendly, peaceful place to enjoy and call home. However, with the recent changes in how marijuana is handled and the open and prolific growing operations that have moved into our county, there have been many derogatory changes that now impact and individuals property rights, including the enjoyment of your own property.

I will use the area where I live as an example. A property near me, supposedly owned by someone in New York (per public record), now has un-permitted "grow" structures. Along with the illegal non-conforming structures, came un-permitted grading with no erosion control. These are the things I now see from my back deck, in my plain view while the growers make a sad attempt to keep it's view from the public road where it lies directly behind our community mailboxes. This property is up stream from a year-round creek that NID utilizes to deliver area water, along with being up stream from domestic wells. It is commonly known that marijuana growers do not heed the rules and regulations that other law-abiding citizens do. There are obvious issues associated with un-permitted structures, grading and contaminating waterways without using erosion control and proper grading technique, along with the often illegal chemicals applied to the marijuana plants in the form of fertilizer and pest control. It is also a well known fact that there is generally a criminal element that follows these types of "non-conforming" grows. This particular grow now rests directly behind our community mailboxes, and for the first time in the 27 years of living where I do, we now have our mail and packages stolen on a regular basis.

A second prime example involves my direct neighbor, who decided to make extra money growing and selling marijuana. I found this out after I investigated a PG&E bill that went from its normal \$120 a month, to a whopping \$400 in a month. How did this happen? My neighbor decided to find a lower cost option for "grow" lights and heaters, which came at my expense from my unlocked out building. Additionally, we found the same neighbor was attempting to steal water from our well, which is out of view from our house...but conveniently located within 100 ft of their grow area. This neighborly grow creates a tremendous obnoxious odor which is at my front door. Our quiet little neighborhood now has constant traffic at all hours. This has caused our neighborhood to be on the alert for theft, as this is obviously not traffic associated with folks that live on our road.

My last example comes from a property I pass on the way home. Normally, the evening drive is enjoyable, with tall trees and beautiful stars that dot an open dark sky. However, another set of marijuana growers moved in on 20 unoccupied acres and installed yet another "grow" facility. The sky now looks like the middle of Sacramento, with obnoxious orange sodium lights disrupting the reason why people have chosen to buy and live in Nevada County.

I am only one person in Nevada County, yet look at how the way we chose to address, or should I say, not address marijuana and its impact on our community has affected me. I am tired of hearing the "medical use excuse", as I am a bone cancer patient and understand the actual facts and science behind medical marijuana instead of the ridiculous public campaign used as an excuse by growers so they can attempt to profit off of other persons misery. I am also a property owner who is tired of hearing that other people's right to grow marijuana, is more important than mine, when I work, pay taxes, and want a place to call home. Real estate disclosure in California now requires the disclosure of marijuana grow areas, even if they are not directly located on your property. These disclosures include neighboring areas that can create offensive smells, light pollution, increased crime, and potential environmental pollutants. Who is going to compensate a property owner for their real estate investment being devalued because of growing operations? Should the county be liable since they are allowing it and supposedly regulating it? Should a property owner from New York who allows growers to squat and grow on the property be responsible? Obviously we know the growers won't be responsible, as they have no vested interest in our county or community.

In the above situations, county authorities were called and complaints by the community were made. We watched these growers ignore and evade notices and warnings. Then we watched them bring in U Haul trucks and move their plants and equipment from the premise to evade inspection, then saw the U Haul trucks come back with the same plants and equipment to re-establish business as usual. It has all become quite the game, at which the growers and criminals are better players.

What is the solution? A regulation is not a regulation if it is not enforceable. If the county is going to issue permits to grow, a condition of that permit should be spontaneous inspection with minimal notice. Additionally, grows should have restricted capacity and not infringe upon the rights of other area property owners, such as with obnoxious smell and light pollution. Part of regulation should be the testing of soils and waters to ensure our environment is protected

from these operations and the growers ignorance of community health and safety. The county should think long and hard about regulating and enforcing marijuana grow ordinances, as they may find themselves needing a defense from homeowners looking for restitution when property becomes devalued due to mandated real estate disclosures. I'm pretty sure you would be hard pressed to locate a buyer that would be happy and content, and consider it a good investment to purchase and move-in to a home next to a grow operation. Additionally, the county may find trouble with the EPA should it allow grow operations to contaminate area soils, wells, and waterways because of a lack of regulation and enforcement. In the long run, maybe it would be better to follow federal law and not allow it at all.

Again, I am but one single person in all of Nevada County. How many more stories and complaints are there? It is time to be reasonable, logical, and not elevate the rights of non-invested growers over the rights of property owners wishing to protect their real estate investment and the community they live in. Thank you.

Comment 6:

Supervisor Hall..... Since I can not be at the meeting tomorrow because of work (like 90% of the population) I would like to comment on recommendations:

Please note I have been following all the CAG meetings and know of the CA State Regs.

I am an impacted neighbor of a cannabis grower who is out of compliance and has no plans of getting into compliance with licensing etc. He is growing too many plants on his 5 acres, is not compliant with current setbacks, we are getting lots of in and out traffic at all time of the day and night, and the least of my worries is the smell which can be overpowering at times.

I know that the industry that is here does add to our economy, however, it is the not most important sector of employment in our area. I would argue that most of us moved here for the quality of life that our small town has to offer as well as the recreational opportunities.

I have lived here 40 yrs and I have witnessed what the cannabis industry has done to our community first hand. I believe it has brought more crime to the area. Very recently friends of mine had their house broke into and they were both beat by two young men that thought they were growers and wanted all their money. Those friends have been severely impacted by this invasion and may never fully recover mentally or physically.

Here is what I would like to see and feel it would be a compromise as I know we can not eliminate the good growers out there and I believe that children and adults with REAL medical needs should have access to cannabis. However, I do not want a free for all. I think it is bad for our community.

These comments are from the CAG meetings and in no particular order.

It is important to keep setbacks from neighbors and there should not be any waivers.

It should be plant count as opposed to sq footage because it would be easier on our compliance officers to count vs measure.

Noise pollution needs to be considered as now generators are running sometimes all night long.

There needs to be fines for those that don't want to come into compliance that are not only a slap on the hand but will have an impact on their growing.

All grows should be on property with a permitted residence preferably on Ag land.

Require a residency period so that we are not inundated with new growers and the prices of homes/land go through the ceiling making it hard for our young families that already live to find a home or even an affordable rental.

Allow "personal" grows of 6 plants outside without a permit.

Do not allow any sales or processing in Residential/Ag land not fair to the neighborhood with increased noise, traffic and potentially crime.

MOST IMPORTANT OF ALLONCE THE ORDINANCE IS DECIDED ON GIVE OUR OFFICERS WHAT THEY NEED TO MAKE SURE EVERYONE GROWING IS IN COMPLIANCE AND IF THEY ARE NOT GIVE THEM THE MEANS TO GET RID OF THE BACK APPLES.

Thank you for your time and thank you serving as my Supervisor. I realized this is a really hot topic but we must insure a safe community for all.

Comment 7:

To whom it may concern,

My property is a 2.5 acres with a permitted home and zoned AG 5. After seeing the draft commercial cannabis zoning chart I was very concerned that the minimum acreage for all the license types are 3. This would disqualify me from cultivating cannabis for my patients who rely on me with their lives.

I believe that a 2 acres should be the minimum for Type 1 Specialty indoor and mixed light license in Agriculture zoned properties. Especially for Indoor Cultivation since there is no nuisance or smell associated with indoor cultivation. Which is all I plan on doing on my property. If you look at ordinance at the other counties such as Sonoma or Mendocino county, you will see that all their minimal acreage for mixed light or indoor cultivation is 2 acres (some are even less for indoor).

Thank you.

Comment 8:

Please follow suit with Sonoma County and limit farm growing to 1 acre MAX with proper setbacks in place, and zoning for AG only no residential.

<http://www.pressdemocrat.com/news/7650062-181/california-releases-cannabis-regulations-with>

Comment 9:

<http://www.clearhorizonmg.com/2017/12/13/breakdown-californias-microbusiness-license/>

Keep the draft simple allow commercial on ag 3 acres or above and 5 acres for RA and allow 6 plants outdoor for personal in a 10 x 10 area 30 ft setbacks ...

I personally did not like that the cannabis alliance sent in recommendations written by their non elected board with no member or public feedback ...

Please keep the draft KISS

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