



COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY

Cannabis Compliance Division

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Nevada County Commercial Cannabis Regulation Frequently Asked Questions (FAQ)

This FAQ is based on regulations shown in Nevada County Cannabis Ordinance No. 2467. This document is not all inclusive for all commercial cannabis and land use requirements but is intended to provide information to help property owners bring their properties into compliance.

Transition Period

What improvements can be included in the transition period?

- Improvements included in a transition period are on a case-by-case basis upon approval by the Community Development Agency. Improvements associated with commercial cannabis cultivation or health and safety issues will not be included in the transition plan. Examples of improvements that may qualify for the transition period are as-built residential outbuildings, as-built underground utilities, and/or as-built retaining walls that are all unassociated to the commercial cannabis activities. Minor grading for outdoor cultivation areas will be reviewed on a case-by-case basis when requested to be included in the transition period.

What are examples of improvements that would not qualify for the transition period?

- Greenhouses for cannabis cultivation
- Accessory structures used for processing or storage of cannabis
- Electrical, plumbing, and/or mechanical utilities serving buildings or graded areas related to the cannabis operations.
- Improvements required by the local fire districts for access, vegetation management, and/or fire standards

Can the required permitted residence be included in the transition period?

- A permitted residence may be included in the transition period on a case-by-case basis as long as the following is completed:
 - A building permit has been issued for the construction of a new residence.
 - Construction has commenced onsite for the new residence.
 - A permitted well and septic has been installed, inspected, and approved by the Nevada County Environmental Health Department.
 - A temporary residence permit is issued, inspected, and approved by the local fire district and Building Department. Reference the Recreational Vehicle Use & Temporary Occupancies handout for complete information and requirements.

How long does the transition period last so I can bring my property into full compliance?

- The transition period expires two years from the date of cannabis permit application. The transition period allowance in the ordinance also expires on May 14, 2021.

How do I apply to qualify for the transition period?

- This will be a part of the commercial cannabis cultivation permit application. Supplemental information will need to be provided giving a timeline of forward progress to bring the improvements into compliance (dates for plan submittals, permit issuance, construction onsite, etc).

Grading/Access Standards

What grading activity requires a grading permit?

- There are several grading exemptions for minor grading activity per Nevada County ordinance. The Nevada County Grading ordinance is available online at:
<https://www.mynevadacounty.com/349/County-Codes>

Can commercial cannabis operations apply for grading agricultural exemptions?

- No. Per the draft cannabis ordinance commercial cannabis operations are not considered agricultural activity.

How do I apply for a grading permit?

- All application materials and submittal checklists are available on the Building Department website at <https://www.mynevadacounty.com/1114/Building-Department> or you can contact the Building Department at (530) 265-1222 or BuildingDept@co.nevada.ca.us.

What are the driveway access standards to commercial cultivation operation areas?

- Driveways shall meet the fire safe driveway standards per Nevada County Code Section L-XVI 3. This fire safe access shall be provided to all structures on the site related to commercial cannabis operations. This code can be viewed online at <https://www.mynevadacounty.com/349/County-Codes>. Additional access standards and/or commercial roadway access standards may be required by the local fire district depending on the specific commercial cannabis operations on a site.

Are there any specific parking standards related to commercial cultivation operations?

- Yes. County parking standards are shown in Nevada County Code Section L-II 4.2.9 based on the specific use. This code can be viewed online at <https://www.mynevadacounty.com/349/County-Codes>.

If I have a grading permit where the disturbed area is over 1 acre do I have to obtain a Stormwater Construction General Permit in addition to the General Waste Discharge Permit Associated with Cannabis Cultivation Activities I have obtained from the CA State Water Resources Control Board?

- No. In accordance with recommendations from the Water Resources Control Board this can serve in lieu of your Stormwater Construction General Permit. You will need to include this permit number as well as the erosion control plan from the state permit in your grading plan submittal.

Building/Construction Standards

What types of structures/improvements are exempt from building permits?

- There are several building permit exemptions per Nevada County Ordinance. The Nevada County Building Ordinance is available online at <https://www.mynevadacounty.com/349/County-Codes>. There is also helpful information regarding building permit exemptions on the Building Department website at <https://www.mynevadacounty.com/1114/Building-Department>.

If I have an existing structure and will use it for commercial cannabis operations what is required?

- If the structure is an existing residential or agricultural structure you will need to submit complete plans and obtain a building permit for the change of building use to a commercial use and occupancy type. These plans will need to be completed by a licensed California Architect and/or engineer. The Building Permit Application and Commercial Submittal Checklist are available online at:
<https://www.mynevadacounty.com/1114/Building-Department>.

What are some of the typical minimum code implications of changing the use of a structure to commercial use?

- Fire resistive construction (*Reference Chapters 5, 6, 7, and 7A of the California Building Code*)
- Fire separations if attached to a different use (*Reference Chapters 4-7 of the California Building Code*)
- Commercial exiting standards (*Reference Chapters 4 and 10 of the California Building Code*)
- Change in structural risk category (structural design of building) (*Reference Chapters 1 and 16 of the California Building Code and the California Existing Building Code*)
- Disabled accessibility (*Reference Chapter 11B of the California Building Code*)
- Required plumbing fixtures (*Reference Chapter 4 of the California Plumbing Code*)
- Specific electrical requirements (*Reference the California Electrical Code*)
- Energy efficiency standards (*Reference the California Energy Code – Non-Residential Standards*)

All codes available online at <https://www.dgs.ca.gov/BSC/Codes>

Are shipping containers allowed to be used for commercial cultivation and/or product processing?

- Yes, if they are fully permitted through the building permit process based on the specific use. There will be alterations required to meet access, egress, structural, and utility requirements. Any project plans are required to be completed by a California Licensed Engineer and/or Architect. A typical requirement for these structures are to install a compliant egress door, structural anchoring, and alterations for any utilities installed. See the Nevada County Building Ordinance for exemptions related to storage containers of a certain size, not used by employees/public, meets setbacks, and does not have utilities installed: <https://www.mynevadacounty.com/349/County-Codes>.

Do greenhouses require building permits?

- There are certain building permit exemptions and agricultural building exemptions that are allowed per County Ordinance. Reference the Greenhouse Permitting Requirements handout available online at <https://www.mynevadacounty.com/documentcenter/view/21107> for a simple overview of these requirements. Permitted greenhouse plans required design by a California Licensed Engineer and/or Architect.

If I want to use a low tunnel structure based on the limitations shown in the Greenhouse Permitting Requirements document shown above, how long can it be?

- If all other conditions are met meeting the agricultural exemption for the structure, the key to the length is for the structure to meet the easily movable requirement. The applicant shall provide complete information proving how this is meeting this requirement includes overall sizes, construction types, uses, etc. Low tunnel structures that are 50ft in length have previously been determined with existing projects to meet this requirement depending on construction type, placement, setup, and use.

What are some examples of typical building occupancy types related to commercial cannabis activities per the CA Building Code?

- Occupancy types vary on a case-by-case basis depending on specific uses and activities within the building. In all cases commercial standards apply. Some typical occupancy types are as follows per the California Building/Fire Code.
 - Building used for trimming, drying, and packaging: F-1
 - Building used only for storage of processed cannabis: S-1
 - Greenhouses: U

Do I need a restroom for my commercial cannabis facility?

- Yes, all commercial facilities require access to restroom facilities. A restroom is required in each structure required to have plumbing facilities per the California Plumbing Code. When approved the restroom can be up to 500ft from improved areas. Contact the Nevada County Environmental Health regarding septic requirements at 530-265-1222 or env.health@co.nevada.ca.us. Where employees or the public are present onsite a restroom complying with disabled accessibility standards is required. See “Disabled Accessibility” section for additional resources/references.

Disabled Accessibility (ADA)

When is my commercial cannabis facility required to comply with disabled accessibility (ADA) requirements?

- Any commercial facility that will affect commerce is required to meet disabled access requirements. This is intended to apply where the public and/or employees will use a facility. Examples of this are facilities used by full-time employees, seasonal employees, vendors, public access, public tours, and events for customers.

When a facility is required to meet disabled accessibility (ADA) requirements what are some of the primary requirements?

- Accessible restroom
- Accessible parking space/unloading zone
- Accessible routes to buildings, restroom, parking, work areas, etc.
- Accessible doors/landings
- Accessible ramps

Does disabled accessibility (ADA) requirements apply to as-built and other existing structures that will have employees and/or the public use the facility?

- Yes, the same requirements apply as per new construction based on the change in use/occupancy.

What are some resources for learning more about disabled accessibility (ADA) requirements?

- If you are not familiar with these requirements the best thing to do is hire a licensed contractor and/or licensed architect or engineer that has experience with commercial construction projects to help you navigate the requirements. There are other resources online available at:
 - <https://www.mynevadacounty.com/DocumentCenter/View/15420/ADA-Powerpoint-Presentation-PDF>
 - <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards>
 - <https://www.ada.gov/>
 - <https://ccda.ca.gov/>
 - <http://www.bsc.ca.gov/Codes.aspx>
 - https://www.ada.gov/2010ADASTandards_index.htm

Fire Standards

What are the vegetation defensible space requirements around structures?

- Defensible space of 100ft is required around structures in accordance with CA Fire Code Section 4906 and Public Resource Code 4291. Reference the Wildland Urban Interface (WUI) Brochure or vegetation clearance handout available online at <https://www.mynevadacounty.com/1236/Handout-Library>.

Will fire sprinklers be required for any of my cannabis related structures?

- Fire sprinklers are required based on specific occupancy type per the California Building/Fire Codes. Depending on the available fire flow, occupancy type, and construction type at the site a structure greater than 3,600sqft could require fire sprinklers to be installed. It is recommended to discuss your specific project with your licensed design professional and local fire district related to fire requirements for your site/structures. The California Fire Code is available online to view at: <https://codes.iccsafe.org/public/document/details/toc/1004>.

Are cannabis structures required to meet fire resistance Wildland Urban Interface (WUI) requirements?

- Yes, any new construction of structure that changes use/occupancy is required to meet WUI construction requirements per chapter 7A of the California Building Code. Accessory structures such as greenhouses with a minimum setback of 50ft to support structures or residences may be exempt from these construction standards. Consult with the Building Department regarding your specific site and structures. Reference the WUI Brochure on the Building Department website at <https://www.mynevadacounty.com/DocumentCenter/View/25876/WUI-Brochure-PDF>.

Electrical Standards

What type of power source is required if I need electrical services for my cannabis cultivation activities?

- Connection to a commercial power source is required for cannabis cultivation activities. Generators shall not be used in lieu of a permanent power source. All electrical installed for cannabis cultivation activities shall be permitted, inspected and finalized by the Building Department prior to use.

Can I use extension cords to run electricity to or in greenhouses/accessory structures?

- No, extension cords cannot be used in lieu of permanent wiring.

Do low voltage landscape lighting and fan fixtures require building permits?

- Many low voltage landscape fixtures are exempt from building permit requirements. Discuss with the building department by providing the specific fixture specifications you are proposing to review specific building permit exemptions and any permitting requirements.

Cannabis Specific Requirements

What is the setback from property lines to canopy areas and cannabis support areas?

- 100ft

Are there any options if my structure and/or canopy area is closer than 100ft to the property line?

- A setback easement may be granted for a maximum of 40% of the required setback on the neighboring parcel. A setback variance can also be requested in accordance of Sec. L-II 5.7 of the Nevada County Land Use and Development Code, which requires a special circumstance on the property that would prevent the project from meeting setback requirements. Setback variances shall be limited to a minimum setback of 60ft (*30ft for structures permitted prior to May 1, 2019*) to property lines and meet required conditions specific to the variance requested. Contact the Nevada County Planning Department regarding the process of establishing and applying for a setback easement and/or a setback variance at 530-265-1222 or planning@co.nevada.ca.us.

What are the setbacks from canopy areas and cannabis support areas to sensitive sights (school, church, child care, etc)?

- 1,000ft measured to property line of sensitive sight.

Do I have to shield my lights in my greenhouse?

- Yes, all lights shall be shielded, downcast, or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel. Lights shall not be detectable during night time hours. Lights that are used during night time hours, black out or light barriers must be used to ensure no light is visible during night time hours.

What are the noise limits associated to my commercial cannabis operations?

- Noise levels shall not exceed the standards set forth in Table L-II 4.1.7 (Exterior Noise Limits) per the Nevada County Land Use and Development Code.

Can I cultivate on the vacant parcel adjacent to the parcel I live on?

- Yes, if the parcels are under common ownership, the parcel you live on has a legally permitted residence, there has direct access from one parcel to the other, and the canopy area does not exceed the area allowed based on the larger of the two parcels. The total canopy area shall not exceed that of the specific parcel being cultivated on.

What type of permits will be required for me to complete commercial cannabis cultivation activities?

- There will be two permits required for commercial cannabis cultivation activities; a land-use permit and an annual permit based on overall cultivation canopy size. An Administrative Development Permit (ADP) will be required for canopy sizes from 2,501sqft – 10,000sqft and a Commercial Cannabis Permit (CCP) will be required for canopy sizes less than or equal to 2,500sqft. An Annual Cannabis Permit (ACP) will be required to be issued and renewed annually.

Do the land use permits (ADP or CCP) have to be renewed annually?

- No, if there are not any changes to your commercial cannabis operations then only the annual permit (ACP) will need to be renewed.

Will site inspections be required for commercial cannabis cultivation permits?

- Yes, an inspection will be completed when the annual permit is issued within 90 days from permit issuance as scheduled by the permit applicant and an additional random site inspection will be completed during the cultivation season to verify continued compliance. Any violation of the cannabis permit/ordinance during the cultivation season inspection may be subject to citation, abatement, and/or permit revocation in accordance with the cannabis ordinance. The applicant shall be in compliance with all state and track/trace requirements at time of inspections.

When am I required to have a site inspection by the local fire district?

- You are required to have a passing inspection from the local fire district prior to scheduling your pre-cultivation inspection with the Nevada County Cannabis Division. The local fire district representative will sign the Annual Cannabis Permit (ACP) card when they have passed the site inspection.

Will I have to screen my cannabis cultivation site?

- Any cannabis or any portion thereof and whether mature or immature shall be screened so not visible from the public right-of-way or publicly traveled private roads.

Is my processing area and immature plant area included in the canopy area allowance?

- No, a support area will be allowed in addition to the canopy area equal to or less than 90% of the permitted canopy area. The support area will be for processing, packaging, storage, and immature plant cultivation.

Does my outdoor cultivation and/or support area(s) have to be fenced to meet security requirements per the draft ordinance?

- All cannabis cultivation premises shall be adequately secured to prevent unauthorized entry, including a secure locking mechanism that shall remain locked at all times when the cultivator is not present within the cultivation area. All canopy and support areas shall be adequately secured to prevent unauthorized entry and entry by children and include a locking gate that shall remain locked at all times when a designated responsible party is not present within the site. The best way to achieve this requirement is to install an approved and secure fence around these areas. All other proposals will have to show how they provide equivalent or greater security measures and will be reviewed on a case-by-case basis.

Do I have to submit a Certificate of Deposit or Bond with my commercial cannabis ADP or CCP and if so when is this needed?

- A Certificate of Deposit (CD) or Bond from a commercial banking institution approved by the enforcing officer in the amount of \$5,000 which may be accessed by the County of Nevada shall be submitted for every ADP or CCP.

What are my options for canopy layouts?

- Canopy layouts shall be designed as to be easily measurable and clearly defined on your submitted plans as well as located onsite. Reference the Canopy Guidance Document located online at <https://www.mynevadacounty.com/DocumentCenter/View/26466/Canopy-Guidance-Document>. For any proposals that are different from designs shown in the canopy guidance document will be reviewed on a case-by-case basis.

Do I need to identify biological and environmental resources and what is required regarding this for my ADP or CCP application?

- There is complete information on the Nevada County Cannabis Compliance webpage regarding what is required related to evaluating these resources. Reference the Guidelines for Biological/Environmental Resources document located online at <https://www.mynevadacounty.com/DocumentCenter/View/26535> for complete information.

When is a boundary line verification required and who has to complete this?

- When cultivation and support areas are within 200ft to property lines a boundary line verification is required to be completed by a licensed surveyor. They are only required to survey property lines within this distance and not the entire property. Reference the Boundary Line Verification handout online at <https://www.mynevadacounty.com/documentcenter/view/15482>.

Environmental Health Standards

What is the setback from the septic leach field to the cultivation area?

- The setback is 50ft from the nearest leach line to the nearest point of the cultivation area.

What is the setback from the cultivation area to ephemeral streams, creeks, rivers and/or lakes?

- The setback is 50ft from ephemeral streams, creeks, rivers and/or lakes. The Environmental Health Department will need to review any cultivation areas located near Wolf Creek as per the Central Valley Regional Water Quality Control Board; Wolf Creek is an impacted body of water. Due to the sensitive nature of the current composition of Wolf Creek, each cultivation submittal located near or around Wolf Creek will be evaluated and the setback could be increased to 100ft but no more than 400ft.

What is the setback from the cultivation area to a residential well?

- The setback is 50ft from the permitted residential well that supplies potable drinking water to the residential home upon said parcel.

What is the requirement if I use a separate propane tank to run my cultivation operation?

- The propane tank used for the commercial cultivation operation may be required to have a permit with the Hazardous Materials Division of the Environmental Health Department. Please contact the EH Department for more details.