

Cannabis grow ordinance advances to Nevada County Board of Supervisors

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The cannabis cultivator wanted a tweak to Nevada County's grow ordinance.

John Foley on Thursday asked the county's Planning Commission to change a limit currently proposed for a grow's support area. The ordinance — which the commission recommended the Board of Supervisors approve — calls for a 25% limit on a support area. Those areas are used for drying, curing, storing, labeling and packaging, among other uses.

Diana Gamzon, executive director of the Nevada County Cannabis Alliance, echoed his concern.

"All of those activities simply will not fit," Gamzon said. "Drying is pretty significant. Drying alone is 20 percent."

The commission, which also recommended approval of an environmental report, added Foley and Gamzon's concerns when advancing the ordinance to supervisors. Additionally, they recommended supervisors tweak a \$5,000 certificate of deposit requirement for growers, alter restrictions to non-renumeration grows and consider passing the new rules as an urgency ordinance — which would mean faster implementation.

Commissioners reached no agreement on grandfathering in existing structures used for cannabis grows and requiring bigger setbacks for larger parcels.

"It does help when you come and state your concerns," Commissioner Laura Duncan told attendees. "There are people here who do listen."

About 50 people attended Thursday's Planning Commission meeting, the second held on the issue since February. The first meeting focused on an environmental impact report only. Thursday's meeting dealt with report and ordinance.

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Many speakers focused on suggested changes to the ordinance.

Matthew Coulter called himself a patient and argued some people have left the county since the process to create grow rules began almost three years ago.

"There is nothing in the state or this country that is this regulated," Coulter said.

Ashley Overhouse, with the South Yuba River Citizen's League, said her group is disappointed. She asked commissioners to table both environmental report and ordinance.

"SYRCL believes considerable analysis is still needed," she said.

ORDINANCE

The ordinance would allow outdoor medicinal cultivation in General Agricultural, Exclusive Agricultural and Forest zones, if it's on 5 acres or more. The largest allowed grow is 10,000 square feet, which must be on at least 20 properly zoned acres.

An indoor only grow could occur in proper zones ranging from 2 to 4.99 acres, with a 500-square-foot limit.

Growers would need two permits — one based off the size of the grow and an annual permit. They'd also have to submit a detailed site plan. Grows must have 100-foot setbacks from property lines, and 1,000-foot setbacks from sites like schools, churches, parks and daycare centers.

Cultivators would have a two-year transition period to bring their grow into compliance.

"This has not been easy," said Commissioner Rich Johansen. "This is not an easy pathway."

Johansen served on the community advisory group, a citizen's panel formed by supervisors to create recommendations for the draft ordinance. The advisory panel meet several times throughout 2017.

The citizen's group was one aspect of the county's process to create new grow rules.

Supervisors began their process after the June 2016 failure of Measure W, which if passed would have banned outdoor grows. A hand-picked panel evolved into the community advisory group, which was followed last year by an environmental review.

The process now advances to supervisors. A vote on the ordinance isn't yet scheduled.

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