



# COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY

## Cannabis Compliance Division

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617  
(530) 265-1222 ~ FAX (530) 478-5799 <http://mynevadacounty.com>

Craig Griesbach, Director

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November 6, 2020

Dear Commercial Cannabis Permit Applicant/Stakeholder,

In the coming month it will be a year and a half since the implementation of our local commercial cannabis permitting ordinance and the overall cannabis compliance program. Staff has worked hard to maintain flexibility through the process, and we have learned a great deal from applicants about what has worked and not worked well for the cannabis community. We seek to improve the permitting processes so that they work well for applicants, while ensuring that projects meet regulatory mandates that protect the human community, environmental quality we all value, and rural quality of life in Nevada County. The attached policies will guide staff in implementing policy interpretations that better support cannabis applicants in navigating permitting processes.

Stakeholders and staff have worked together to address process problems, and staff have already implemented suggestions to streamline application documents, improve routing within the agency and improve permit software. In addition, key process improvements have been identified by staff and stakeholders over the past several months, as some aspects of the process have resulted in unintended barriers to entry into the legal cannabis permitting program. Desired improvements identified include:

- The need for minor electrical in ag exempt high/low tunnel greenhouses
- Flexibility and clarification of disabled accessible parking not associated with permitted commercial structures
- Issuance of related land use permits (grading, building, septic, etc) prior to finalization of Commercial Cannabis Administrative Development Permit (ADP) or Commercial Cannabis Permit (CCP)
- Development of options for restroom, waste disposal, and septic standards for commercial cannabis projects

In addressing these concerns, staff has sought to develop flexible solutions to these barriers to successful ADP applications, consistent state and local regulatory mandates. We have heard from applicants that in addition to flexibility, there is a need to provide clear and simple policies that applicants can follow to make successful applications for ADP permits with a minimum of modification. The following policies represent the CDA's efforts to meet the needs of the cannabis community while ensuring that policies reasonably interpret specific code mandates. We based direction contained in policies on resolving issues identified by our stakeholders, and on industry best practices. The policy memorandums addressing these issues are attached to this letter for reference. These policies will be effective the date of this letter.

If you are a current commercial cannabis applicant in the review process and your project will benefit by these policies, ensure your resubmitted plans include a reference to these policies specific the aspect of your project. If you are a current commercial cannabis applicant and have been fully permitted and want to make changes to your project based on these policy updates, reach out to your project Planner or Cannabis staff member. If you are unsure on how to move forward or have any questions, do not hesitate to reach out to the appropriate CDA department at 530-265-1222 or email [cannabiscompliance@co.nevada.ca.us](mailto:cannabiscompliance@co.nevada.ca.us) and a staff member will help connect you to the appropriate staff member.

CDA staff will continue to look for opportunities to improve access and the efficiency of the cannabis permitting and enforcement processes in the coming months and years. If you have any specific questions and/or concerns, please don't hesitate to reach out to our team. We are your partner and will help you be successful!

Thank you,

*Craig Griesbach*

Craig Griesbach  
Director of Building/Code/Cannabis Compliance  
Nevada County Community Development Agency 530-265-1222  
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Sean Powers, Agency Director

Agricultural Commissioner

Building

Environmental Health

Farm Advisor

Planning

Public Works

**NEVADA COUNTY**  
**COMMUNITY DEVELOPMENT AGENCY POLICY**  
**BUILDING DEPARTMENT**

<b>Subject:</b>	Agricultural Building Exemptions	<b>Policy #:</b>	BD-CSC-10-001
<b>Original Policy:</b>	August 10, 2010	<b>Last Revised:</b>	November 2, 2020

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  2. Analysis
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**1. Purpose:**

The purpose of this policy is to provide clarification to staff related to the implementation of requirements and procedures for agriculturally exempt structures association to County of Nevada Land Use and Development Code Sec. L-V 2.4 (15), and to ensure that interpretation of the LUDC and Zoning Ordinance does not provide unnecessary limitations to applicants who seek to construct exempt structures.

**2. Analysis:**

The rural nature of the Nevada County community and geography result in the abundance of agricultural farming operations small and large. With these types of operations comes the need for several accessory agricultural structures relating to the farming and agricultural practices. This includes but is not limited to animal husbandry structures, pole barns, shade structures, pump houses, greenhouses, storage containers, and high/low tunnel greenhouses. The structures are accessory to primary use structures such as single-family dwellings/commercial buildings and necessary to the operation of these agricultural activities.

**3. Policy:**

Agricultural structures, not intended for habitation, accessory to residential property in zoning districts "AG", "AE", "RA", "FR" and "TPZ" that meet all of the following conditions qualify for an agricultural exemption:

- a. Not a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. High and low tunnel greenhouses may be used by employees only related to cultivation and drying of crops.

- b. Of simple construction using conventional construction methods (concrete, steel frame, masonry and other technologies that generally require engineering are not exempt) or specifically approved manufactured structures.
- c. No plumbing, electrical, or mechanical utilities installed. *See Sec. d(7) for electrical that may be permitted and independently installed related to high/low tunnel greenhouse structures.*
- d. Structures must meet the following limits:
  - 1) Pole Barns. Limited in size to 1,000 square feet maximum. One pole barn per parcel or 20 acres. Open from ground to eave on all sides. Distance to other structures must be equal to its height, minimum of 20 feet. Minimum of 100 feet from property line.
  - 2) Shade Structures. Cover limited to woven shade fabric.
  - 3) Animal Husbandry. Limited in size to 400 square feet maximum. One per 5 acres. Single wall construction. Dirt floor or gravel. Distance to other structures minimum of 10 feet. Minimum of 40 feet from property line.
  - 4) Pump Houses. Limited in size to 100 square feet.
  - 5) Greenhouses. Limited in size to 400 square feet. One structure per parcel or 10 acres. Wood or PVC construction with rigid plastic or fiberglass cover. Dirt or gravel floor.
  - 6) Storage Containers. Limited in size to 320 square feet. One container per parcel or 5 acres. Container is used for light nonhazardous agricultural storage and shall not be structurally modified or have any electrical, mechanical or plumbing utilities.
  - 7) High and low tunnel greenhouses meeting the following criterion:
    - Easily moveable
    - Constructed of metal or plastic tubing and covered with agricultural cloth, plastic film, or shade screening.
    - Exits are in compliance with the most recently adopted editions of the California Building and Fire Codes.
    - Structures meet vegetation management clearance requirements in accordance with the most recently adopted edition of the California Fire Code and Public Resource Code Section 4291.
    - Setbacks and height limitations in accordance with Chapter II of the Nevada County Land Use and Development Code.
    - Electrical may be installed completely structurally independent and not attached to high/low tunnel greenhouse structures meeting the following standards.
      - A maximum of one, 20 ampere, 4-gang receptacle outlet may be installed at each end of high/low tunnel structures.
      - All electrical connected to receptacle outlets shall be self-contained, listed, plug connected equipment. Extension cords shall not be used in lieu of permanent wiring.

- All electrical and associated plug connected equipment shall be mounted structurally independent of high/low tunnel greenhouse structures in accordance with the California Building Standards Codes and local ordinances.
  - All electrical components and wiring shall meet all standards associated to electrical installed for exterior locations.
  - Any cord connected lighting shall be shielded from exterior when operated during non-daylight hours.
  - A building permit shall be obtained prior commencing any electrical work and shall be inspected/finalized prior to use in accordance with the California Building Standards Codes.
  - A service disconnect shall be installed within sight and within 50ft of the electrical location with all other grounding, bonding, and electrical installation standards met per the California Electrical Code.
- i) Parcels 3 acres or greater in size shall meet the following size and setback standards:
- 3,600sqft per acre maximum
  - 35ft in width maximum
  - One story
  - 5ft separation between structures minimum
  - Clustering of structures is allowed
- ii) Parcels less than 3 acres in size shall meet the following size and setback standards:
- 3,600sqft maximum
  - 35ft in width maximum
  - One story
  - 5ft separation between structures minimum if multiple are proposed

All structures require site plan review and approval and a letter of exemption issued by the Building Official and Planning Director.

#### 4. **Policy Interpretation:**

The Director of Building and/or approved building department designee shall have the authority for the interpretation of this policy.

Policy Initiated By: Craig Griesbach, Director of Building

Approved: *Craig Griesbach*

Date: *11/2/2020*

Craig Griesbach  
Director of Building



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**NEVADA COUNTY**  
**COMMUNITY DEVELOPMENT AGENCY POLICY**  
**PLANNING DEPARTMENT**

<b>Subject:</b>	Cannabis Parking Requirements	<b>Policy #:</b>	PLN 1
<b>Original Policy Date:</b>	November 2, 2020	<b>Last Revised Date:</b>	N/A

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**1. Purpose:**

This policy is intended to provide direction to staff in implementing ADA requirements for accessible parking associated with Commercial Cannabis Projects. The Department's intent is to provide clear direction to applicants as to ADA parking requirements for specific uses under Commercial Cannabis ADPs. Due to the lack of LUDC direction specific to Commercial Cannabis uses, ADA standards applied must be specific to the use/structure for which application is being made. Thus, in most cases the Building Department will be the authority in applying ADA parking regulation to specific cannabis uses.

**2. Analysis:**

The Nevada County Land Use and Development Code contains parking standards for different land use types in Section L-II 4.2.9. The parking requirements are based on square footages of structures and based on the use types of the structures and activities occurring onsite.

Commercial Cannabis operations are not specifically listed in the land use tables. The land uses associated with commercial cannabis cultivation and processing generally include office use, storage, processing and cultivation similar to agricultural uses. Given the rural nature of the parcels that qualify for commercial cannabis permits, permanent parking lots and wheelchair accessible (ADA) parking spaces can provide a challenge for commercial business and are generally in areas that do not provide improved access connectivity to the rest of the site and/or areas where commercial cannabis operations occur. Therefore, a use specific interpretation is required.

**3. Policy:**

Standard Parking Spaces: One (1) space per employee\*

Wheelchair Accessible Parking Spaces: The accessible parking standards for Commercial Cannabis operations shall be in accordance with the most recently adopted version of the California Building Standards Codes. These standards will be in accordance to Public Accommodations as outlined in Chapter 11B of the California Building Code, and will be applied by the Building Department. Accessible parking is required based on the table below only when there are fully permitted commercial accessory structures such as processing structures, office buildings, and greenhouse structures. Ag exempt structures do not require disabled accessible parking facilities.

Excerpt from the California Building Code showing minimum disabled accessible parking standards related to parking facilities:

TABLE 11B-208.2  
PARKING SPACES

TOTAL NUMBER OF PARKING SPACES PROVIDED IN PARKING FACILITY	MINIMUM NUMBER OF REQUIRED ACCESSIBLE PARKING SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

\*Parking spaces for non-ADA spaces may be gravel or other compacted surface capable of supporting vehicles. If employees are living onsite parking spaces required for the residence may be credited toward the total employee spaces required onsite (up to 2 spaces per legal dwelling). ADA parking spaces (if required) may be counted in the total required parking space count (i.e. 7 employees proposed, 6 regular spaces and 1 ADA space for a total of 7). Any parking spaces provided in excess of the required parking are not required to meet County standards. Driveway standards are required to be met for all cannabis projects regardless of parking requirements.

**4. Policy Interpretation:**

The Director of Planning Department, Director of Building and/or their designee shall have the authority for the interpretation of this policy.

Policy Initiated By: Brian Foss, Planning Director

Approved: *Brian Foss*

Date: *11/2/2020*

Brian Foss  
Planning Director





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**NEVADA COUNTY**  
**COMMUNITY DEVELOPMENT AGENCY POLICY**  
**PLANNING DEPARTMENT**

<b>Subject:</b>	Grading/Building Permit Approval prior to Administrative Permit Approval	<b>Policy #:</b>	PLN 2
<b>Original Policy Date:</b>	November 2, 2020	<b>Last Revised Date:</b>	N/A

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  3. **Analysis**
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**1. Purpose:**

The purpose of this policy is to clarify when grading and/or building permits may proceed in advance of Administrative Permit finalization. Permits addressed by this policy are those associated with development that may require an Administrative Permit process but that do not independently require an approved Administrative Permit for permits to issue. Thus, some of these permits may be processed independently of the Administrative Permit, including prior to Administrative Permit issuance. The intent of clarifying this policy is to direct staff in assisting applicants in processing permits in a manner consistent with policy that works best for applicants' project timelines.

**2. Definitions:**

Administrative Permit:

A permit that does not require discretionary approval by a hearing body (Zoning Administrator, Planning Commission, and/or Board of Supervisors) and may include Administrative Development Permits (ADP), Zoning Compliance, and/or Commercial Cannabis Permits.

**3. Analysis:**

Existing County of Nevada Land-Use and Development Code Section L-II 5.5.B.2 states that no building permit shall be issued for any structure which would violate or fail to comply with any approved Development Permit and conditions for the parcel or parcels on which such structure or use is to be located.

The historical procedure related to Administrative Permit processing was to only approve building permits and grading permits after the approval of an Administrative Permit to allow a certain land

use. Certain circumstances may warrant the issuance of building and grading permits prior to the approval of an Administrative Permit that is in process. Portions of the overall project can be approved such as grading or to begin construction of a building in advance of adverse weather conditions or to be in place to operate/use as soon as the Administrative Permit is issued. Prohibiting permit issuance until after the approval of an Administrative Permit can delay a projects operation, have negative financial implications, and/or prevent projects from being constructed in a timely manner. At the same time, allowing permits subsidiary to an ADP to move forward without CDA analysis would risk allowing applicants to construct aspects of their project that later create obstacles to ADP approval. The following policy is intended to allow permits to move forward when they are not likely to result in obstacles to Cannabis ADP approval.

#### **4. Policy:**

In some cases, a building permit, including a grading permit, may be approved by the Planning Department prior to the approval of an Administrative Permit. In order for a grading and/or building permit associated with an Administrative Permit to be approved prior to approval of the Administrative Permit, the following requirements must be met:

1. The building permit/grading permit is for a structure or use that does not require the approval of the Administrative Permit to be constructed and/or occupied (i.e. the grading/structure can be used for another allowed use per the zoning code and a Management Plan is not required or has been approved). If the structure is dependent on the approved use of the Administrative Permit the building/grading permit may be issued but a final certificate of occupancy shall not be granted by the Building Department for the structure until the Administrative Permit is approved. This will allow grading/construction while the Administrative Permit review and processing is finalized.
2. A complete Administrative Permit application package has been submitted to and accepted by the Planning Department for the intended use of the building permit/grading permit.
  - a. The Administrative Permit application has been distributed and comments have been provided by all of the applicable reviewing agencies.
  - b. No comments have been received by commenting agencies that would cause the building permit/grading permit to be amended, relocated, or otherwise modified in any way in order to allow the structure or use intended by the Administrative Permit. This will prevent undue financial or other hardships to the applicant if the physical work is commenced onsite but later found to be inconsistent with requirements for ADP approval
3. The building permit structure does not require Design Review pursuant to Section L-II 5.3 of the LUDC.
4. The applicant must sign a compliance agreement that states the structure shall not be used for any such use that requires an Administrative Permit until such time that one is approved and the 10-day appeal period has elapsed without an appeal. The

agreement shall acknowledge that the applicant is being issued the building/grading permit at their own risk and that if the Administrative Permit is not issued for any reason the structure/grading may need to be removed/restored or only used for allowed uses per the applicable parcel zoning.

**5. Policy Interpretation:**

The Director of Planning and/or approved Planning Department designee shall have the authority for the interpretation of this policy.

Policy Initiated By: Brian Foss, Planning Director

Approved: *Brian Foss*

Date: *11/2/2020*

Brian Foss  
Planning Director



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**NEVADA COUNTY**  
**COMMUNITY DEVELOPMENT AGENCY POLICY**  
**ENVIRONMENTAL HEALTH DEPARTMENT**

<b>Subject:</b>	Commercial Cannabis Cultivation Portable Toilet Use and Permitting	<b>Policy #:</b>	EH 1
<b>Original Policy Date:</b>	November 2, 2020	<b>Last Revised Date:</b>	N/A

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1. **Purpose**
  2. **Analysis**
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**1. Purpose:**

The purpose of this policy is to provide staff and customers with direction regarding permissible options for Commercial Cannabis Administrative Permit applicants to meet requirements for waste disposal, and to facilitate economically efficient cannabis operations while ensuring protection of the environment and human health and safety in the context of Commercial Cannabis operations.

**2. Analysis:**

The rural nature of the Nevada County community and geography result in the abundance of agricultural and Commercial Cannabis farming operations, both small and large. These operations employ migrant and/or permanent employees. The addition of employees on site at Cannabis operations necessitate sanitary facilities that provide for sustainable sewage disposal and access to clean water in the short and long term.

Historically, the CDA has required the installation of a distinct and separate sewage disposal facilities and water sources commercial operations where employees are located on parcels. The rural nature of Nevada County and geographical/topographical aspects of the majority of the County make this challenging. Requiring dual systems may not be financially sustainable or desirable in rural zoning designations. To meet health and safety requirements and to ensure that applicants are able to implement these requirements, Environmental Health explored alternative solutions that meet the intent of minimum standards and practices. Based on specific operations and number of employees onsite, other options for sanitation may meet the intent of minimum standards while also protecting employees, community members and the environment.

**3. Policy:**

**A. Permissible use of portable waste disposal facilities:**

i. Commercial Cannabis businesses with **six (6) or fewer** full-time and/or temporary/seasonal employees are permitted to use portable toilets with portable hand washing sinks on an annual basis. In order to comply with these standards, business operations shall comply with the below minimum standards:

- The Commercial Cannabis Operator will be required to obtain a Portable Toilet with Portable Hand Washing Station Annual Permit from the Nevada County Department of Environmental Health (NCDEH) and pay any associated permit fees. As this permit is an annual permit, fees will be invoiced annually and shall be paid by the applicant prior to permit expiration. Failure to renew permit and pay annual fees will result in permit termination.
- The portable toilet and hand washing station shall be serviced on a routine basis as determined by the NCDEH and said service shall be provided by a licensed and certified septic pumper commercial business. This may be the same commercial businesses from which the portable units are rented.
- Shall be located on the specific parcel as approved by the NCDEH and the approved Commercial Cannabis Administrative Permit and plans.
- Service receipts shall be provided to the NCDEH after each routine visit by the Portable Toilet Company either via email ([Env.Health@co.nevada.ca.us](mailto:Env.Health@co.nevada.ca.us)) or via regular mail: County of Nevada NCDEH, 950 Maidu Avenue, Nevada City, CA 95959.
- The ongoing use of portable facilities will only be permitted if annual inspections indicate that applicant is in compliance with all relevant use portable sanitation facility standards.

ii. Commercial Cannabis businesses with **seven (7) or more** full-time and/or temporary/seasonal employees are permitted to use portable toilets with portable hand washing sinks for four (4) years from their approval to operate. In order to comply with these four (4) year transitional standards, business operations shall comply with the below minimum standards:

- The Commercial Cannabis Operator will be required to obtain a Portable Toilet with Portable Hand Washing Station Annual Permit from the Nevada County Department of Environmental Health (NCDEH) and pay any associated permit fees. As this permit is an annual permit, fees will be invoiced annually and shall be paid by the applicant prior to permit expiration and will sunset four (4) years from start of operations. Failure to renew permit and pay annual fees will result in permit termination.
- The number of portable toilets shall follow current State and OSHA guidance. This is recommended that one (1) toilet and one (1) hand sink shall be provided for every ten (10) employees.
- The portable toilet and hand washing station shall be serviced on a routine basis as determined by the NCDEH and said service shall be provided by a licensed and certified septic pumper commercial business. This may be the same commercial businesses from which the portable units are rented.
- Shall be located on the specific parcel as approved by the NCDEH and the approved Commercial Cannabis Administrative Permit and plans.
- Service receipts shall be provided to the NCDEH after each routine visit by the Portable Toilet Company either via email ([Env.Health@co.nevada.ca.us](mailto:Env.Health@co.nevada.ca.us)) or via regular mail: County of Nevada NCDEH, 950 Maidu Avenue, Nevada City, CA 95959.

- Within the four (4) year transitional timeframe, the Commercial Cannabis Applicant shall comply with Section “B” requirements shown below.

**B. Permanent waste disposal requirements:** These standards are associated to the installation of permanent septic disposal systems for Commercial Cannabis operations and permits. The following standards shall be met for either “i” or “ii” shown below within the four (4) year transitional period for operators with seven (7) or more employees as shown in Section “A”:

- i. Installation of a new septic disposal system (tank and disposal field) or connection to sewer district as applicable:
  - Employ a consultant to apply for an On-Site Soils Evaluation (OSSE)
  - Based on the results of the OSSE, apply for a Septic Permit by submitting Septic Design and Permit Application.
  - Obtain approval of septic system by NCDEH
- ii. Connect to the existing residential disposal field via a new septic tank installation and permitted as a Centralized System:
  - Employ a consultant to apply for an On-Site Soils Evaluation (OSSE)
  - Based on the results of the OSSE, submit an application for the installation of the septic tank for the commercial operation and modification of the existing disposal/leach field which shall be sized adequately to handle flows from the residence and the commercial operation including the 100% repair area.
  - Apply for a Maintenance and Monitoring Permit (requires annual maintenance and monitoring reporting)
  - Receive a Centralized Septic System Permit from the NCDEH (annual fee is required)

C. During annual inspections completed under the Annual Cannabis Permit (ACP) by the Nevada County Cannabis Compliance Division, any findings of ground contamination, unsanitary conditions, spillage inside the portable toilets or lack of adequate soap, towels or water at hand washing stations may result in enforcement action by the NCDEH. Where violations exist onsite that are health and safety related and/or the presence of repeated violations, annual permits may be revoked.

#### **4. Policy Interpretation:**

The Director of Environmental Health and/or approved Environmental Health Department designee shall have the authority for the interpretation of this policy.

Policy Initiated By: Amy Irani, Environmental Health Director

Approved: *Amy Irani*

Date: *11/2/2020*

Amy Irani  
Environmental Health Director