Department of Cannabis Control
CALIFORNIA

NOTICE of EXEMPTION from CEQA
CALIFORNIA DEPARTMENT OF CANNABIS CONTROL

P.O. BOX 419106, RANCHO CORDOVA, CA 95741-9106

PHONE: (844) 612-2322

Email: LICENSING@CANNABIS.CA.GOV

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

From: Department of Cannabis Control
Cultivation Licensing Branch
P.O. Box 419106
Rancho Cordova, CA 95741-9106

Project Title: Blue Ocean Xenia LLC

Project Location: The Project is located at 19440 Edgett Lane Penn Valley, CA 95946, in Nevada

County: Nevada

Project Description:
The Department of Cannabis Control, pursuant to authority granted under Business and Procession Code Division 10, Chapter 2, Section 26012, approved a Cannabis Cultivation License.

An Administrative Development Permit for the commercial cannabis operation located at 19440 Edgett Lane, Penn Valley CA, 95945. The project is located on a rural, 11.6-acre parcel in an Agricultural zoning district. This approval is for a two-phase operation. Phase 1 will include 4,320 square feet of mixed-light canopy area and 2,425 square feet of support area. The phase 1

Project Activities:

The Project will consist of cannabis cultivation including mature and immature canopy areas along with processing activities.

Exemption Status:

- ☐ Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- ☐ Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec.15269(a)]
- ☐ Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec.15269(b)(c)]
- ☐ Categorical Exemption: [Class 1 Categorical Exemption Cal. Code Regs,. Title 14, §15301]
- ☒ Statutory Exemptions: [CCR, Section 15183]
- ☐ General Rule [CCR, Sec. 15061(b)(3)]

Reasons Why Project is Exempt:

The Department of Cannabis Control has determined that the project is consistent with the local jurisdiction community plan and/or zoning designations. CEQA mandates that project is consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified and shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The project activity fits within the parameters included in CEQA Guidelines Section 15183 and the activity does not require additional CEQA analysis.

This is to certify that the final environmental document, comments and responses, and the record of project approval are available to the public at the following location:

Department of Cannabis Control
Cultivation Licensing Branch
P.O. Box 419106
Rancho Cordova, CA 95741-9106

Chris Bacon	Environmental Scientist	279-217-3629
Contact Name	Contact Title	Phone #

Bacon, Chris@Cannabis

Digitally signed by Bacon, Chris@Cannabis
Date: 2023.08.14 10:28:31 -07'00'

TO BE COMPLETED BY OPR ONLY

RESOLUTION No. 19-199

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION OF THE COUNTY OF NEVADA CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE NEVADA COUNTY COMMERCIAL CANNABIS CULTIVATION ORDINANCE PROJECT (EIR18-0001, SCH#2018082023) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND MAKING CERTAIN FINDINGS CONCERNING ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND ALTERNATIVES TO THE PROJECT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, IN CONNECTION WITH APPROVAL OF THE PROJECT CONTEMPLATED BY THE FINAL ENVIRONMENTAL IMPACT REPORT

WHEREAS, On May 1, 2018, County staff presented a draft cannabis ordinance to the Board of Supervisors for review and direction. After public testimony and directing staff to make revisions to the document the Board directed staff to begin the RFP process for an EIR based on the draft cannabis ordinance.

WHEREAS, The County of Nevada is the Lead Agency pursuant to Public Resources Code section 21067 as it has the principal responsibility to approve and regulate the Project.

WHEREAS, based on the nature of the proposed Project, including the potential for new significant impacts as a result of the proposed Project, the County determined that an Environmental Impact Report ("EIR") was required for the proposed Project; and

WHEREAS, The County exercised its independent judgment in accordance with Public Resources Code section 20182.1(c), in retaining the independent consulting firm Kimley-Horn and Associates (Kimley-Horn) to prepare the Final EIR, and Kimley-Horn prepared the Final EIR under the supervision and at the direction of the County's Planning Director and Community Development Agency.

WHEREAS, on August 10, 2018, the County, as the lead agency, published a Notice of Preparation of a EIR ("NOP") for the proposed Project; and

WHEREAS, the NOP provided notice of the County's determination, and solicited public input on the proposed scope and content of the EIR for the proposed Project; and

WHEREAS, The County, through Kimley-Horn, initially prepared the Draft EIR and circulated it for review by responsible and trustee agencies and the public and submitted it to the State Clearinghouse for review and comment by state agencies, for a comment period which ran from January 11, 2019, through February 25, 2019. As noted above, the Final EIR includes the Draft EIR, copies of all comments on the Draft EIR submitted during the comment period, the County's responses to those comments, and changes made to the Draft EIR following its public circulation.

WHEREAS, during the 45-day public comment period the County received 25 letters commenting on the Draft EIR and numerous public testimonials, including from the Planning Commission and members of the public on February 7, 2019, at a noticed public hearing; and

WHEREAS, the County prepared written responses to all written comments received on the Draft EIR, said responses being contained in a Final Environmental Impact Report ("Final EIR") for the proposed Project, which Final EIR was prepared pursuant to Section 15089 of the CEQA Guidelines; and

WHEREAS, the Final EIR was published and distributed on April 1, 2019, and consists of the Draft EIR, a list of commenters, copies of all written comments received, responses to those comments that raise environmental issues, and any revisions to the text of the Draft EIR made in response to the comments or as staff-initiated text changes, as required by Section 15132 of the CEQA Guidelines; and

WHEREAS, the County proposes to approve and adopt the Project as analyzed by the Final EIR; and

WHEREAS, recommendation of certification of the Final EIR and approval of the proposed Project were scheduled for hearing by the Planning Commission to be held on April 11, 2019, in the Board of Supervisors Chambers located at 950 Maidu Avenue, Nevada City, California, at which date and time evidence both oral and documentary was received and considered by the Commission; and

WHEREAS, certification of the Final EIR and approval of the proposed Project were scheduled for hearing by the Board of Supervisors to be held on May 7, 2019 ad May 14, 2019, in the Board of Supervisors Chambers located at 950 Maidu Avenue, Nevada City, California at which date and time evidence both oral and documentary was received and considered by the Board; and

WHEREAS, the County Planning Commission and Board of Supervisors have received and considered the Final EIR for the proposed Nevada County Commercial Cannabis Cultivation Ordinance project (SCH No. 2018082023) which analyzes the potential environmental effects of the proposed Project; and

WHEREAS, the County Planning Commission recommended that the Board of Supervisors certify the EIR and adopt the Findings set forth in Exhibit "A"; and

WHEREAS, CEQA requires that, in connection with the certification of a Final EIR, the decision-making agency make certain written findings.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada that it hereby finds and determines as follows:

1. The foregoing recitals are true and correct; and

2. The Final EIR has been completed in compliance with CEQA; and

3. The Final EIR has been presented to the Board of Supervisors and the Board has reviewed and analyzed the Final EIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the Final EIR; and

4. That the Findings set forth in Exhibit "A" and incorporated by this reference are hereby adopted as the County's findings under the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, et seq., and the CEQA guidelines, Cal. Code Regs., Title 13, sec. 15000, et seq., relating to the Project. The Findings provide the written analysis and conclusions of the Board regarding the Project's environmental impacts, mitigation measures and alternatives to the Project; and

5. That pursuant to Public Resources Code Section 21091 and CEQA Guidelines Sections 15091, et seq., the Board of Supervisors hereby adopts and makes the Statement of Overriding Considerations as set forth in Section V of Exhibit A attached hereto and incorporated by this reference, regarding the remaining significant and unavoidable impacts of the Project and the anticipated environmental, economic, legal, social, technological, and other benefits of the Project. The significant and unavoidable impacts identified in the Final EIR cannot be avoided or substantially reduced by feasible changes or alterations to the Project, other than the changes or alterations already adopted; and

6. The Mitigation Monitoring and Reporting Program for the Final EIR ("MMRP") is contained in the Final EIR and is attached to this resolution as Exhibit "B", incorporated by this reference. The MMRP identifies impacts of the Project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action. The Board hereby adopts the MMRP; and

7. The Final EIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft EIR for the Project and also incorporates information obtained by the County since the Draft EIR was issued. This Board hereby finds and determines that such changes and additional information are not significant new information as that term is defined under the provisions of the CEQA, because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the proposed Project and do not reflect any substantial increase in the severity of any environmental impact; no feasible mitigation measures considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project; and no feasible alternatives considerably different from those analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the proposed Project. Accordingly, this Board hereby finds and determines that recirculation of the Final EIR for further public review and comment is not warranted; and

8. The Board of Supervisors does hereby designate the Planning Department at 950 Maidu Avenue, Nevada City, California 95959 as the custodian of documents and record of proceedings on which this decision is based; and

9. The Board of Supervisors does hereby make the foregoing findings with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting certification of the Final EIR, which full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commenters to the Draft EIR and were not certified as part of the Final EIR are hereby expressly rejected for the reasons stated in the responses to the comments set forth in the Final EIR and elsewhere in the record; and

10. The Final EIR and al findings contained herein represent the independent judgment of the County of Nevada; and

11. The Final EIR and all findings contained herein represent the independent judgment of the County of Nevada; andThe Clerk of the Board is directed to file a Notice of Determination (NOD) with the County Clerk within five (5) working days of the date of this approval in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094. The NOD shall be posted by the County Clerk in the Clerk's Office for no less than 30 full days.

BE IT FURTHER RESOLVED by the Board of Supervisors that it hereby certifies the Final Environmental Impact Report for the Nevada County Commercial Cannabis Ordinance (EIR18-0001, SCH No. 2018082023), a copy of which is available in the County Clerk of the Board Office.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of May, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield and Susan K. Hoek.

Noes: Dan Miller and Richard Anderson.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: _____

Richard Anderson, Chair

5/14/2019 cc: Planning*
AC*

March 28, 2019

NEVADA COUNTY COMMERICAL CANNABIS CULTIVATION ORDINANCE
ENVIRONMENTAL IMPACT REPORT (SCH# 2018082023)
FINDINGS AND STATEMENTS REQUIRED UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 *et seq.*)

I. Introduction

The County of Nevada (the "County"), pursuant to the California Environmental Quality Act ("CEQA"), has prepared a Final Environmental Impact Report (the "FEIR") and this Statement of Findings to address the environmental effects associated with the for the Nevada County Commercial Cannabis Cultivation Ordinance (NCCO)[1] and other related approvals described below (collectively, the "proposed project" or "project"). The County is the lead agency for the FEIR.

The Nevada County Board of Supervisors (Board of Supervisors), in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.), and Sections 15091, 15092, and 15093 of the CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.). All statements set forth in this Resolution constitute formal findings of the Board of Supervisors, including the statements set forth in this paragraph.

These findings are made relative to the conclusions of the Nevada County Commercial Cannabis Cultivation Project Final Environmental Impact Report (State Clearinghouse No. 2018082023) (the "Final EIR"), which includes the Draft Environmental Impact Report ("Draft EIR"). The Final EIR addresses the environmental impacts associated with implementation of the Nevada County Commercial Cannabis Cultivation Ordinance (the "project," as further defined in Section 2(b) below) and is incorporated herein by reference. Approving the project would require the County take the following actions:

1. Certify the project's Environmental Impact Report and adopt the Mitigation Monitoring and Reporting Program; and,
2. Approve an ordinance to permit commercial cannabis cultivation in the AE, AG, and FR zones in the unincorporated area of Nevada County as permitted by the Nevada County Commercial Cannabis Cultivation Ordinance.

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project and the EIR. The findings and determinations constitute the independent findings and determinations by the Board of Supervisors in all respects and are fully and completely supported by substantial evidence in the record as a whole.

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[1] For the sake of brevity and readability the acronym for the proposed ordinance has been shorted from NCCCCO to NCCO for this Findings document.

Although the findings below identify specific pages within the Draft EIR and Final EIR in support of various conclusions reached below, the Board of Supervisors incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the County's approval of the mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR. The County further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the County with respect to any particular subject matter of the project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

Statutory Requirements for CEQA Findings and Statement of Overriding Considerations

The California Environmental Quality Act, Public Resources Code §§ 21000 et seq. and the regulations implementing that statute, Cal. Code Regs. tit. 14, §§ 15000 et seq. (the "CEQA Guidelines") (collectively, the act and the CEQA Guidelines are referred to as "CEQA") require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code, § 21081, subd (a); see also CEQA Guidelines, § 15091, subd. (a).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also Citizens of Goleta Valley v. Board of Supervisors (Goleta II) (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417 (City of Del Mar).) "[F]easibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Ibid.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715 (Sequoyah Hills); see also California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001 [after weighing "'economic, environmental, social, and technological factors' ... 'an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground'"].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, supra, 52 Cal.3d at p. 576.) Here, because all of the potentially significant impacts of the project will be reduced to a less-than-significant level by the implementation of mitigation, the County is not required to adopt a statement of overriding considerations.

In making these Findings and the determination regarding the project approvals, the Board of Supervisors recognizes that the project implicates a number of controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board of Supervisors has acquired an understanding of the range of this technical and scientific opinion by its review of the EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters and reports regarding the Final EIR and the merits of the project. The Board of Supervisors has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR and the consultants the EIR preparers relied upon, the County's planning consultants, and by staff, addressing these comments. In particular, the Board of Supervisors has considered the Alternatives presented in the EIR, as well as the proposed comments submitted by various commenters and the responses of the EIR

preparers and staff to those comments. The Board of Supervisors has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, the understanding has enabled the Board of Supervisors to make its decisions after weighing and considering the various viewpoints on these important issues. Accordingly, the Board of Supervisors certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

These findings constitute the Board of Supervisors' best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These findings are not merely informational, but rather constitute a binding set of obligations that come into effect with the County's approval of the project. In particular, in adopting these findings, the County commits itself to ensure the implementation of the mitigation measures approved in these findings.

The Board of Supervisors is adopting these findings for the entirety of the actions described in these findings and in the Final EIR. Although the findings below identify specific pages within the Draft and Final EIR in support of various conclusions reached below, the Board of Supervisors incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Board of Supervisors' approval of all mitigation measures, policies and implementation programs recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR.

As noted, the Final EIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse impacts. In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted below, such a mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure does not accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall control, unless the language of the policies and implementation measures has been specifically and expressly modified by these findings. Where the language of such measures differs between the Final EIR and these findings, the more stringent language shall control. The Board of Supervisors provides this direction in order to ensure that any such discrepancy shall be regarded as inadvertent and shall not be regarded as an effort by the Board of Supervisors to undermine its commitment to adopt mitigation measures as necessary to avoid or substantially lessen significant environmental effects of the project.

These findings provide the written analysis and conclusions of the Board of Supervisors regarding the environmental impacts of the project and the mitigation measures included as part of the Final EIR and adopted by the Board of Supervisors as part of the project. To avoid duplication and redundancy, and because the Board of Supervisors agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not always repeat the analysis and conclusions in the Final EIR,

but instead incorporates them by reference herein and relied upon them as substantial evidence supporting these findings.

In making these findings, the Board of Supervisors has considered the opinions of other agencies and members of the public. The Board of Supervisors finds that the determination of significance thresholds is a judgment decision within the discretion of the Board of Supervisors; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and County staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the project. Thus, although, as a legal matter, the Board of Supervisors is not bound by the significance determinations in the EIR (see Pub. Resources Code, § 21082.2, subd. (e)), except as expressly set forth in these findings, the Board of Supervisors finds these significance thresholds persuasive and hereby adopts them as its own.

These findings summarize the environmental determinations of the Final EIR and project's potentially significant impacts before and after mitigation. The findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, the findings provide a summary description of each impact, set forth the mitigation measures identified to reduce or avoid the impact, and state the Board of Supervisors' findings on the significance of each impact after imposition of the adopted project's provisions and the recommended mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determination regarding the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board of Supervisors ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

II. Legal Effects of Findings

These Findings constitute the County's evidentiary and policy basis for its decision to approve the project in a manner consistent with CEQA. To the extent that these Findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, Nevada County binds the project applicant to implement these measures. These Findings are not merely informational, but constitute a binding set of obligations that will come into effect when Nevada County approves the NCCO (Public Resources Code Section 21081.6(b)). The mitigation measures identified as feasible and within the County's authority to require implementation for the approved project are incorporated into the conditions of approval for the project and must be satisfied/implemented by the project applicant. The Board of Supervisors, upon review of the Final EIR (which includes the Draft EIR) and based on all the information and evidence in the administrative record, hereby makes the Findings set forth herein.

Approval of legislative actions including the adoption of the NCCO constitutes the project for purposes of CEQA and these determinations of the Board of Supervisors. These findings are based upon the entire record of proceedings for the project. The Board of Supervisors finds as follows:

1. The record of proceedings in Section VI of these findings is correct and accurate.

2. The Final EIR has been prepared in accordance with all requirements of CEQA, the CEQA Guidelines, and the County's Environmental Review Ordinance, codified in Chapter XIII of the Nevada County Code.

3. Both the Draft EIR and Final EIR were presented to and reviewed by the Board of Supervisors.

4. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Board of Supervisors has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.

5. The County finds that the EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA and the CEQA Guidelines.

6. The Board of Supervisors hereby certifies the EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the NCCO and makes the following specific findings with respect thereto. The Board of Supervisors has considered evidence and arguments presented during consideration of the project and the Final EIR. In determining whether the project may have a significant impact on the environment, and in adopting the findings set forth herein, the Board of Supervisors certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

7. The Board of Supervisors agrees with the characterization of the Final EIR with respect to all impacts initially identified as "less than significant" or "no impact" and finds that those impacts have been described accurately and are less than significant or no impact would occur as so described in the Final EIR (including those evaluated in the Initial Study circulated with the Notice of Preparation, Appendix A). This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the Final EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.

8. All mitigation measures in the Final EIR applicable to the project alternative approved are adopted and incorporated into the Nevada County Commercial Cannabis Ordinance.

9. The Mitigation Monitoring and Reporting Program (MMRP) includes all mitigation measures adopted with respect to the project and explains how and by whom they will be implemented and enforced.

10. The mitigation measures and the MMRP have been incorporated into the NCCO and have thus become part of and limitations upon future entitlements conferred by the NCCO.

11. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.

12. The County is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with CEQA §21152(a) and CEQA Guidelines §15094.

III. Statutory Requirements for Findings

Significant effects of the NCCO were identified in the Draft EIR. CEQA §21081 and CEQA Guidelines §15091 require that the Lead Agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Less than significant effects (without mitigation) of the project were also identified in the Draft EIR and Initial Study. CEQA does not require that the Lead Agency prepare written findings for less than significant effects.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would result from implementation of the project. Project mitigation or alternatives are not required, however, where substantial evidence in the record demonstrates that they are infeasible or where the responsibility for carrying out such mitigation or alternatives lies with another agency. Specifically, CEQA Guidelines §15091 states:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The "changes or alterations" referred to in §15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines §15370, including avoiding, minimizing, rectifying, or reducing the impact over time, or compensating for the impact by replacing or providing substitute resources.

IV. Project Description and Objectives

Adoption of the proposed NCCO would result in regulation of the cultivation of cannabis within unincorporated areas of the County. All existing and proposed cannabis cultivation would be subject to the guidance contained in the proposed NCCO. Under the proposed NCCO, a Cannabis Cultivation Permit (CCP) would be required for cultivation with less than 2,500 square feet (sf) of canopy, and an Administrative Development Permit (ADP) would be required for cultivation between 2,500 sf and 10,000 sf of canopy. An Annual Cannabis Permit (ACP) would also be the needed and would be required to be renewed annually. The following pages provide a detailed summary of the proposed NCCO with the above considerations and describes the land uses and areas in which cultivation would be allowed as well as the amount of cannabis that could be cultivated based on the locations.

The type of cannabis cultivation within the County would be defined as either indoor, mixed-light, or outdoor cultivation. The definitions of these terms are as follows:

> Indoor or Indoors – "indoor" or "indoors" means cultivation with exclusively artificial light within a detached fully enclosed and secure accessory structure using artificial light at a rate above twenty-five watts per square foot and that complies with the California Building Code (Title 24, California Code of Regulations) for that specific occupancy type, as adopted by the County of Nevada, except for structures that are exempt from the requirement to obtain a building permit under the Nevada County Land Use and Development Code. For purposes of Personal Use only, "Indoor" or "Indoors" shall also include Cultivation inside a private Residence or attached garage, but not in areas inhabited by humans, including, but not limited to bedrooms and kitchens.
>
> Mixed-Light- "mixed-light" means the cultivation of mature or immature cannabis plants in an accessory structure permitted in compliance with local building codes and permitted specifically for cannabis cultivation using light deprivation and/or one of the artificial lighting models described below:
>
> > *Mixed-Light Tier 1: The use of artificial light at a rate of six watts per sf or less;*
> >
> > *Mixed-Light Tier 2: The use of artificial light at a rate above 6 watts and up to 20 watts per sf. Mixed-light cultivation must take place in an accessory structure permitted in compliance with local building codes and permitted specifically for cannabis cultivation.*
>
> Outdoor or Outdoors- outdoor cultivation means cultivation of cannabis in any location that is not "indoors" nor "mixed-light" and which is cultivated without the use of any artificial light at any time.

The proposed NCCO has been written, in part, to remedy existing environmental degradation to water quality, creation of objectionable odors, land use conflicts, impacts to biological resources, and to address potential use of agricultural and forest resources, and to protect the visual character of the County. The proposed NCCO establishes certain requirements for the initial issuance of cannabis cultivation permits and the continued annual permitting process. Under the proposed project, there would be a three-tier system for 1) personal use; 2) commercial use; and 3) non-remuneration cultivation use. The regulations for cultivation of cannabis have been developed to be consistent with requirements of other commercial activities as well as consistent with State law. Under the proposed project, cannabis cultivation would be managed using the policies and regulations within the NCCO.

Cultivation of cannabis is prohibited on any Parcel or Premises located within the following areas:

- Upon any premises located within 1,000 feet of any "Sensitive Site." This setback is measured from the edges of the designated canopy area to the property line of the Sensitive Site.
- In any location where the cannabis would be visible from the public right-of-way or publicly traveled private roads at any stage of growth.

- Within any setback area required by the NCCO.

Table 2-1: Cannabis Cultivation for Personal Use, below, provides a breakdown of the allowable number of cannabis plants based on zoning, parcel acreage, and cultivation method. Cultivation in all other zones would not be a permitted use.

Table 2-1: Cannabis Cultivation for Personal Use

Zoning	Parcel Acreage	Cultivation Method		
		Indoor	*Mixed-Light*	*Outdoor*
R1 **R2** **R3** **RA (Residential Designation**	Parcel of Any Size	Maximum of six plants, mature or immature.	Cultivation is Prohibited	Cultivation is Prohibited
R-A (Rural and Estate Designation)	5.00 acres or greater	Maximum of Six Plants, mature or immature		
AG **AE** **FR** **TPZ**	1.99 or less	Maximum of Six Plants, mature or immature	Cultivation is Prohibited	Cultivation is Prohibited
	Parcels 2.00 acres or greater	Maximum of Six Plants, mature or immature		
Source: Nevada County, 2018 Abbreviations: R-1 (Single Family); R-2 (Medium Density); R-3 (High Density); R-A (Residential Agriculture); AG (General Agriculture), AE (Agriculture Exclusive), FR (Forest), TPZ (Timber Production Zone).				

Table 2-2: Cannabis Cultivation for Commercial Use, below, provides a breakdown of the of the allowable square feet of plant canopy based on zoning, parcel acreage, and cultivation method.

Table 2-2: Cannabis Cultivation for Commercial Use

Zone	Parcel acre	Cultivation Method		
		Indoor	*Mixed-Light*	*Outdoor*
R1 **R2** **R3** **RA (Regardless of Zone Designation), and TPZ**	Parcel of Any acreage	Commercial Cultivation is Prohibited		
AG	2.0 acres or less	Commercial Cultivation is Prohibited		

Table 2-2: Cannabis Cultivation for Commercial Use

Zone	Parcel acre	Cultivation Method		
		Indoor	*Mixed-Light*	*Outdoor*
AE FR	Parcels 2.00 acres to 4.99 acre	Maximum of 500 sf canopy	Commercial Cultivation is Prohibited	
	Parcels 5.00 acres to 9.99 acres	Up to a maximum of 2,500 sf of canopy for any method or combination thereof.		
	Parcels 10.00 acres to 19.99 acres	Up to a maximum of 5,000 sf of canopy for any method or combination thereof.		
	Parcels 20 acres or greater	Up to a maximum of 10,000 sf of canopy for any method or combination thereof.		

Source: Nevada County, 2018

Abbreviations: R-1 (Single Family); R-2 (Medium Density); R-3 (High Density); R-A (Residential Agriculture); AG (General Agriculture), AE (Agriculture Exclusive), FR (Forest), TPZ (Timber Production Zone).

A detailed description of the proposed project components is included in *Section 3: Project Description*, of this document.

The EIR is also available for use by responsible and trustee agencies or other agencies that may have jurisdiction, approval authority, or environmental review and consultation requirements for the project. These agencies may include: U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife (Streambed Alteration Agreement); California Department of Transportation (encroachment permit); California Office of Historic Preservation; California Bureau of Cannabis Control; California Department of Toxic Substances Control; California Regional Water Quality Control Board; Nevada County Transportation Commission; Nevada County (encroachment and other permits); Nevada County Resource Conservation District; Nevada Irrigation District; Nevada County Sanitary District; and/or, Northern Sierra Air Quality Management District.

Project Objectives

The proposed project objectives as set forth in Section 3.1.4 of the Draft EIR, are:

1. Provide a mechanism for the regulation of a legal commercial cannabis cultivation industry within the unincorporated county;
2. Reduce the level of nuisance that existing commercial cannabis cultivation represents to adjacent areas of existing growers;
3. Encourage existing cannabis businesses to secure a license to operate in compliance with County and state regulations;
4. Reduce the adverse effects of commercial cannabis cultivation on the environment through implementation of these regulations and permitting process;
5. Adopt an ordinance that defines specific zones within the County in which production of commercial cannabis cultivation will be allowed;

6. Adopt an ordinance that defines, within the specific zones, the total area of commercial cannabis cultivation that will be allowed;

7. Reduce the effects of potential adverse effects of commercial cannabis cultivation on sensitive receptors by ensuring compatibility with existing surrounding land uses;

8. To align cannabis regulations with regulations applicable to other commercial activities.

V. Procedural History

- A Notice of Preparation (NOP) for the EIR was filed with the State Clearinghouse on August 10, 2018. The 30-day public review comment period for the NOP ended on September 10, 2018. The purpose of the NOPS was to provide responsible agencies and interested persons with sufficient information describing the project and its potential environmental effects to enable them to make a meaningful response as to the scope and content of the information to be included in the EIR. The project described in the August 2018 NOP included: The Nevada County Commercial Cannabis Cultivation Ordinance is intended to detail County regulations consistent with state law to enable a structured and logical management procedure for the cultivation of cannabis within all unincorporated areas within the County. Commercial cannabis cultivation would be strictly limited for medical purposes. An unincorporated area is defined as an area or region of land that is not governed by a local municipal corporation, such as a city. The proposed project defines and provides for the regulation for the personal use of cannabis and commercial cannabis cultivation within unincorporated County land. The proposed project is a substantial overhaul and comprehensive update to the County's existing cannabis regulations and is being proposed, in part, as an attempt to regulate the cultivation and reduce existing environmental effects of illegal cultivation operations. Adoption of the proposed project would render indoor, mixed-light, and outdoor cultivation of cannabis, on any parcel or premises in an area or in a quantity greater than as provided by the proposed project, or in any other way not in conformance with or in violation of the provisions of the proposed project and/or state law, as a public nuisance that may be abated by any means available by law. The NOP was also published on the County's website and filed at the County Clerk's Office.

- Two public scoping meetings for the EIR were held on August 22, 2018, and one meeting on August 20, 2018 in order to determine the scope and content of the environmental information that the responsible or trustee agencies may require, and also to accept public comment. Comments received during the scoping meeting, as well as those received during the public comment period for the NOP, were considered during the preparation of the Draft EIR.

- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on January 11, 2019. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on February 25, 2019. A Notice of Availability (NOA) for the Draft EIR was published in The Union and the Sierra Sun on January 11, 2019 and agencies. The DEIR was also published on the County's website and filed at the County Clerk's office.

- Copies of the Draft EIR were available for review at the following location:

County of Nevada
Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

- A public hearing to receive testimony on the Draft EIR was held before the County's Planning Commission on February 7, 2019. The public comment period for the Draft EIR closed on February 25, 2019. The comments from the Planning Commission hearing are included in the Final EIR as Comment Letter Y.

VI. RECORD OF PROCEEDINGS

In accordance with CEQA §21167.6(e), the record of proceedings for the County's decision on the NCCO includes, without limitation, the following documents:

- The NOP and Initial Study (provided in Appendix A of the Draft EIR) and all other public notices issued by the County in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP (provided in Appendix A of the Draft EIR);
- The Draft EIR (January 2019) for the project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- All comments and correspondence submitted to the County with respect to the project, in addition to timely comments on the Draft EIR;
- The Final EIR (April 2019) for the project, including comments received on the Draft EIR and responses to those comments;
- Documents cited or referenced in the Draft and Final EIRs;
- The project MMRP;
- All findings and resolutions adopted by the County in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the project;
- All documents submitted to the County by other public agencies or members of the public in connection with the project;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings;

- The Nevada County General Plan and all environmental documents prepared in connection with the adoption of the plan.
- Any and all resolutions and/or ordinances adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by CEQA §21167.6(e).

The Board of Supervisors has relied on all of the information sources listed above in reaching its decision on the project, even if not every document, staff presentation, and/or public testimony was formally presented to the Board of Supervisors or County Staff as part of the County files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Board of Supervisors was aware in approving the NCCO. Other documents influenced the expert advice provided to County staff or consultants, who then provided advice to the Board of Supervisors. For that reason, such documents form part of the underlying factual basis for the Board of Supervisor's decisions relating to approval of the NCCO project.

The record of proceedings does not include documents or other materials subject to the attorney/client privilege, the common-interest doctrine, the deliberative process privilege, or other privileges recognized by statute or common law. Administrative draft documents that were prepared at the County's direction but were not provided to the public or other agencies, and intra-County communications with respect to such administrative draft documents, are not part of the record of proceedings; rather, such documents reflect the County's deliberative process, and reflect initial drafts of documents that later appeared in final form in the record of proceedings. Because these initial working drafts do not reflect the final evidence and analysis relied upon by the County, they are not part of the record of proceedings. In adopting these findings, the County does not waive its right to assert applicable privileges.

The public hearing minutes, a copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR, as well as additional materials concerning approval of the Project and adoption of these findings are contained in County files and are available for review by responsible agencies and interested members of the public during normal business hours at the Nevada County Planning Department.

The official custodian of these documents is the Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, California 95959,

VII. List of Impacts of the Proposed Project Determined to be Less Than Significant or No Impact Without Implementation of Mitigation Measures

By these Findings, the County Board of Supervisors ratifies and adopts the FEIR's conclusions for the following potential environmental impacts which, based on the analyses in the FEIR, the Board of Supervisors determines to be less than significant:

1. **Aesthetics**

Impact 4.1-1: Implementation of the project would not have an adverse effect on a scenic vista.

Impact 4.1-3: Implementation of the project would not substantially degrade the existing visual character or quality of the site and its surroundings.

2. **Agricultural Resources**

Impact 4.2-2: Implementation of the project would not conflict with existing agricultural zoning or a Williamson Act contract.

Impact 4.2-3: Implementation of the project would not conflict with existing Zoning for, or Cause Rezoning of, Forest Land, Timberland, or Timberland Zoned Timberland Production.

2. **Air Quality**

Impact 4.3-4: Implementation of the project would not expose sensitive receptors to substantial pollutant concentrations.

Impact 4.3:7: Implementation of the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

3. **Geology and Soils**

Impact 4.6-1: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault.

Impact 4.6-2: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Impact 4.6-3: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

Impact 4.6-4: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Impact 4.6-5: Implementation of the project would not result in substantial soil erosion or loss of topsoil.

Impact 4.6-6: Implementation of the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Impact 4.6-7: Implementation of the project would not be located on expansive soil, as defined in table 18-1-b of the uniform building code (1994), creating substantial risks to life or property.

Impact 4.6-8: Implementation of the project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

4. **Hazards and Hazardous Materials**

Impact 4.7-1: Implementation of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Impact 4.7-2 Implementation of the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment.

Impact 4.7-3 Implementation of the project would not emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of a proposed school.

Impact 4.7-4: Implementation of the project would not be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and create a significant hazard to public or the environment.

Impact 4.7-5: Implementation of the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact 4.7-6: The project would not be located within the vicinity of a private airstrip or result in a safety hazard for people residing or working in the project area.

Impact 4.7-7: Implementation of the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Impact 4.7-8: Implementation of the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

5. **Hydrology and Water Quality**

Impact 4.8-1: Implementation of the project would not violate any water quality standards or waste discharge requirements.

Impact 4.8-3: Implementation of the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on-site or off-site.

Impact 4.8-4: Implementation of the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial flooding on-site or off-site.

Impact 4.8-5: Implementation of the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Impact 4.8-6: Implementation of the project would not otherwise substantially degrade water quality.

Impact 4.8-7: Implementation of the project would not place housing within a 100-year flood hazard area as mapped on a federal hazard boundary or flood insurance rate map or other flood hazard delineation map.

Impact 4.8-8: Implementation of the project would not place structures within a 100-year flood hazard area which would impede or redirect flood flows.

Impact 4.8-9: Implementation of the project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impact 4.8-10: Implementation of the project would not result in inundation by seiche, tsunami, or mudflow.

6. **Land Use and Planning**

Impact 4.9-1: Implementation of the project would not physically divide and established community.

7. **Mineral Resources**

Impact 4.10-1: Implementation of the project would not result in the loss of availability of a known mineral resource that would be of value to the reginal and the residents of the state.

Impact 4.10-2: Implementation of the project would not result in the loss of availability of a locally important mineral resource recover site delineated on a local general plan, specific plan, or other land use plan.

8. **Noise**

Impact 4.11-1: Implementation of the project would not result in exposure of persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.

Impact 4.11-2: Implementation of the project would not result in exposure of persons to, or generate, excessive ground borne vibration or ground borne noise levels.

Impact 4.11-3: Implementation of the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact 4.11-4: Implementation of the project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact 4.11-5: Implementation of the project would not be located within and airport land use plan or, where such a plan has been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Impact 4.11-6: Implementation of the project would not be located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

9. **Population and Housing**

Impact 4.12-1: Implementation of the project would not induce substantial population growth in an area, either directly or indirectly.

Impact 4.12-2: Implementation of the project would not displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere.

Impact 4.12-3: Implementation of the project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere.

10. **Populations and Housing**

Impact 4.12-1: Implementation of the project would not induce substantial population growth in an area, either directly or indirectly.

Impact 4.12-2: Implementation of the project would not displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere.

Impact 4.12-3: Implementation of the project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere.

11. Public Services

Impact 4.13-1: Implementation of the project would not result in substantial physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, law enforcement protection, schools, parks or other public services.

12. Recreation

Impact 4.14-1: Implementation of the project would not increase the use of existing neighborhood regional parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated.

Impact 4.14-2: Implementation of the project would not include recreational facilities or require construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

13. Transportation and Traffic

Impact 4.15-3: Implementation of the project would not result in a change in air traffic patterns that result in substantial safety risks.

Impact 4.15-4: Implementation of the project would not substantially increase hazards due to a design feature or incompatible uses.

Impact 4.15-5: Implementation of the project would not result in inadequate emergency access.

Impact 4.15-6: Implementation of the project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

14. Utilities and Service Systems

Impact 4.16-1: Implementation of the project would not exceed wastewater treatment requirements of the applicable regional water quality control board.

Impact 4.16-2: Implementation of the project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact 4.16-3: Implementation of the project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact 4.16-4: Implementation of the project would not have insufficient water supplies available to serve the project from existing entitlements and resources, thereby requiring new or expanded entitlements.

Impact 4.16-5: Implementation of the project would not result in a determination by the wastewater treatment provider which serves or may

serve the project that it has inadequate capacity to serve the project's project demand in addition to the provider's existing commitments.

Impact 4.16-6: Implementation of the project would not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.

Impact 4.16-7: Implementation of the project would comply with federal, state, and local statutes and regulations related to solid waste.

15. Energy

Impact 4.17-3: Implementation of the project would not conflict with existing energy standards, including standards for energy conservation.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

VIII. Findings and Recommendations Regarding Significant Environmental Impacts and Mitigation Measures

A detailed analysis of the potential environmental impacts and the proposed mitigation measures for the NCCO is set forth in Chapter 4 of the DEIR, as incorporated into the FEIR. The Board of Supervisors concurs with the conclusions in the DEIR, as incorporated into the FEIR, that: (i) changes or alterations have been required, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects identified in the DEIR; and (ii) specific economic, legal, social, technological, or other considerations make it infeasible to substantially lessen or avoid the remaining significant impacts, as further described in the Statement of Overriding Considerations below.

Table of Impacts, Mitigation Measures, and CEQA Findings of Fact:

NEVADA COUNTY COMMERICAL CANNABIS CULTIVATION ORDINANCE EIR CEQA FINDINGS

Table of Impacts, Mitigation Measures, and CEQA Findings

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
Aesthetics				
Impact 4.1-2: Implementation of the project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	PS	**MM AES-1: Protected Tree Avoidance.** Amend the NCCO to require all commercial cannabis applications to show on project site plans any landmark trees, landmark groves, and heritage trees and groves that exist on the project site. If such trees exist, the applicant shall indicate that the proposed cultivation sites and any proposed ancillary structures would not require removal of any of the listed trees and that all cannabis cultivation and accessory structures are outside the existing drip line of all trees. If any cultivation or accessory structure would require removal or encroach in the drip line of any trees and the project plans shall be revised to avoid the trees. If any trees or groves are dead, dying, or a public safety hazard as determined by a qualified professional, no further action is required.	LS	**Finding:** Implementation of Mitigation Measure AES-1 which has been incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that Mitigation Measure AES-1 be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR. **Explanation:** Mitigation Measure AES-1 would amend the proposed NCCO to include a requirement for commercial cannabis project applicants to identify any trees on the project site that meet the standards of landmark trees, landmark groves, and heritage trees and groves based on the definitions in Section L-II 4.3.15 – Trees. If any of these resources are proposed for removal the application would not be processed until the applicant revises the site plan to avoid

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				impacts to the resources. This requirement would not apply to any 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 (qualified professional). Implementation of this mitigation measure would ensure that potential impacts are less than significant.
IMPACT 4.1-4: Implementation of the project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	PS	**MM AES-2: Lighting Control Plan.** Amend the NCCO to require commercial cannabis cultivation applicants with exterior light fixtures (including mixed light applications) to submit a light control plan that would demonstrate how light used for cultivation purposes would be controlled. Light control measures may include but not be limited to means such as using blackout tarps to completely cover all greenhouses and hoop-houses or restricting the use of lighting between sunset and sunrise.	SU	**Finding:** Implementation of Mitigation Measure AES-2 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AES-2 and the requirements in Section L-II 4.2.8 Lighting of the Nevada County Land Use Development Code, nighttime lighting impacts would be reduced to less than significant. Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects identified in Impact 4.1-4. Incorporation of emissions reduction measures would not inherently reduce impacts to less than significant levels. While the listed mitigation measure would reduce lighting impacts, light from other non-cultivation uses such as security lighting and other nighttime lighting, could still result in changes to the nighttime environment and impact sky and nighttime

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				glow. Therefore, impacts would remain significant. The Board hereby directs that Mitigation Measure AES-2 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations. **Explanation:** While conformance to Section L-II 4.2.8 Lighting of the Nevada County Land Use Development Code, would likely result in limitation of the use of artificial lighting sources and potentially reflective building, it would not provide adequate controls on increased glow effects. Accordingly, while some problem lighting effects would be screened out and rejected during the CCP or ADP project development review process, this would not be adequate to ensure increased sky and nighttime glow is not substantial. Therefore, while conformance with the resource standard would reduce the light and glare impacts, the scale and scope of long term operational impacts from cannabis cultivation activities on glow would be significant. While the listed mitigation measure would reduce lighting impacts, light from other non-cultivation uses such as security lighting and other nighttime lighting, could still result in changes to the nighttime environment and impact sky and nighttime glow. Therefore,

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				impacts would remain significant. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.
Cumulative Impact: Implementation of the project may permanently degrade the existing visual character/quality of the project area.	PS	Implement MM AES-1 and MM AES -2	SU	**Finding:** Implementation of these Mitigation Measures which have been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that reduces the potential significant environmental effect as identified in the DEIR. **Explanation:** Future commercial cannabis operations would blend with the existing character of the County as viewed from scenic vistas and state highways and would not visually conflict with the rural/agricultural landscape character. Thus, the project's contribution to cumulative impacts on scenic vistas, scenic resources, and visual character of the County would not be cumulatively considerable. The proposed ordinance performance standards are intended to offset lighting and glare impacts by requiring cultivators to use

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				items such as blackout tarps that would disallow light to escape from mixed-light cultivation and nursery structures during nighttime lighting sessions. While this is the intent, it would not be possible to ensure that all cultivators conform to this requirement and is not possible to ensure those that do, block 100% of artificial light. Therefore, some nighttime glow from artificially lighted nighttime cultivations may occur. Additionally, while security lighting would be required to be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the site, it is likely these sources would add some nighttime glow. Thus, the project's contribution to cumulative impacts on light and glare would be cumulatively considerable. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.
Agricultural Resources				
Impact 4.2-1: Implementation of the project would convert prime farmland, unique farmland, or farmland of	PS	**MM AG-1: Farmland Resources.** Amend the proposed NCCO, to require all commercial cannabis applications to show on project site plans any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance based on the most recent available mapping provided by the California Department of Conservation (CDOC) Farmland Mapping & Monitoring	SU	**Finding:** Implementation of Mitigation Measure AG-1 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AG-1 and the requirements of Section L-II 4.3.4 Agricultural

S – Significant
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LCC – Less Than Cumulatively Considerable
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CS – Cumulatively Significant
CC – Cumulatively considerable
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N – No Impact

Table of Impacts, Mitigation Measures and CEQA Findings (continued)

statewide importance to non-agricultural use.		Program (FMMP) that exist on the project site. If such lands exist, the applicant shall show on the site plan(s) that any proposed accessory structure and related improvements (e.g., driveways, staging areas, etc.) have been located on the property in which impacts to mapped farmlands are reduced to the maximum extent practicable. Implement Land Use and Development Code Section L-II 4.4.3 regarding Important Agricultural Lands		Lands, Important, of the LUDC provides an additional tool to minimize the conversion of important agricultural areas to non-agricultural uses and reduce the impairment of agricultural productivity. Therefore, impacts on Farmland Resources would be reduced, but would remain significant. **Explanation:** Future cannabis cultivation project applications would be evaluated for compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to agricultural lands. As discussed above, the proposed project includes a mitigation measure and would, when appropriate, require a management plan to reduce impacts to important agricultural lands for certain projects under an ADP. Mitigation Measure AG-1 requires that any new structures proposed for cannabis site development are sited on areas of the property that do not contain prime soils, to the maximum extent feasible. During the review of applications for cannabis site development, the County Planning Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid prime agricultural soils on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				buildout scenario for cannabis related development, impacts to prime soils will remain significant and unavoidable. While impacts associated with CCPs would be reduced to less than significant, a significant impact from potential conversions under an ADP would remain. No additional mitigation measures have been identified that would reduce potential impacts to less than significant. The Board finds that the feasible mitigation measure (MM AG-1) has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with this mitigation measure, impacts to agricultural resources (Impact 4.2-1) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

Impact 4.2-4: Implementation of the project would result in the Loss of Forest Land or Conversion of Forest Land to Non-Forest Use.	PS	No additional feasible mitigation measures have been identified beyond implementation of the County Land Use and Development Code. Implement Land Use and Development Code Section L-II 4.3.3 regarding Important Agricultural Lands Implement Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources.	SU	**Finding:** Even with conformance to the listed regulations, the proposed project could result in a permanent loss of forest lands and impacts on forest lands would be considered significant and unavoidable. No mitigation is available to further reduce impacts to less than significant. **Explanation:** Future cannabis cultivation project applications would be evaluated for compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to agricultural lands. As discussed above, the proposed project would implement the County Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources and would, when appropriate, require a management plan to reduce impacts to important agricultural lands for certain projects under an ADP. During the review of applications for cannabis site development, the County Planning Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid Forest Land and minimize Forest Land Conversion on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, impacts to forest land will

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				remain significant and unavoidable. The Board finds that Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources would be implemented as part of NCCO application to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. These regulations will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with the requirements of Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources, impacts to agricultural resources (Impact 4.2-4) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Impact 4.2-5: Implementation of the project would involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or	PS	Implementation of Mitigation Measure AG-1. Implement Land Use and Development Code Sections L-II 4.3.3 regarding Important Agricultural land and Section L-II 4.3.14 regarding Important Timber Resources.	SU	**Finding:** Implementation of Mitigation Measure AG-1 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AG-1. Impacts on Farmland Resources would be reduced but would remain significant. **Explanation:** Future cannabis cultivation project applications would be evaluated for

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conversion of forest land to non-forest use				compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to forest lands. As discussed above, the proposed project includes mitigation measure AG-1 that would be required for certain projects upon review of a CCP or ADP. Although these measures are expected to substantially reduce the level of impact on agricultural and forest resources, a significant impact would remain. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.
Cumulative Impact: Implementation of the project would convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use.	PS	The project would result in the permanent conversion of prime farmland, unique farmland, or farmland of statewide importance to a non-agricultural use.	SU	**Finding:** Implementation of Mitigation Measure AG-1 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AG-1 and the requirements of Section L-II 4.3.4 Agricultural Lands, Important, of the LUDC provides an additional tool to minimize the conversion of important agricultural areas to non-agricultural uses and reduce the impairment of agricultural productivity. Therefore, impacts on Farmland Resources would be reduced, but would remain significant. **Explanation:** Future cannabis cultivation project applications would be evaluated for

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				compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to agricultural lands. As discussed above, the proposed project includes a mitigation measure and would, when appropriate, require a management plan to reduce impacts to important agricultural lands for certain projects under an ADP. Mitigation Measure AG-1 requires that any new structures proposed for cannabis site development are sited on areas of the property that do not contain prime soils, to the maximum extent feasible. During the review of applications for cannabis site development, the County Planning Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid prime agricultural soils on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, impacts to prime soils will remain significant and unavoidable. While impacts associated with CCPs would be reduced to less than significant, a significant impact from potential conversions under an ADP would remain. No additional mitigation measures have been identified that would

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				reduce potential impacts to less than significant. The Board finds that the feasible mitigation measure (MM AG-1) has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with this mitigation measure, impacts to agricultural resources are cumulatively considerable and will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Air Quality and Greenhouse Gas Emissions				
Impact 4.3-1: Implementation of the project would conflict with or obstruct implementation of the applicable air quality plan; **Impact 4.3-2:**	**PS**	**MM AIR-1: Conformance to NSAQMD Rules and Regulations.** Amend the NCCO to require all commercial cannabis applications to include language in project cultivation plans and on project site plans when applicable, that that the grading or building permit for the proposed project shall comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the NSAQMD during any construction and	**SU**	**Finding:** The EIR identified significant project-specific and cumulative impacts related to air quality and greenhouse gas emissions from future cannabis activities that would be permitted if the project is approved. Specifically, the EIR identified the following adverse and unavoidable effects: inconsistency with the Clean Air Plan (Impact

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Implementation of the project would violate any air quality standard or contribute substantially to an existing or projected air quality violation; **Impact 4.3-3:** Implementation of the project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standards; **Impact 4.3-6:** Implementation of the project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance		during operations of cannabis facilities. Compliance with NSAQMD Rule 226 Dust Control Plan shall be required, and all construction equipment (75 horsepower and greater) shall not be less than Tier 3, less than Tier 4 Interim if construction starts after 2025, and Tier 4 Final if construction starts after 2030Written documentation that the cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.		4.3-1), violate and air quality standard (Impact 4.3-2), result in a cumulatively considerable net increase for a criteria pollutant (Impact 4.3-3), and generate greenhouse gas emissions that may have a significant impact on the environment (Impact 4.3-6). The EIR identified mitigation measure AIR-1 to reduce impacts associated with construction related air quality impacts and greenhouse gas emissions. Impacts on air quality be reduced but would remain significant. **Explanation:** Mitigation measure AIR-1 requires that cannabis applicants implement feasible air pollution control measures consistent with Northern Sierra Air Quality Management District requirements and subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce air quality impacts. Cumulative impacts related to air quality and greenhouse gas emissions are mitigated to the maximum extent feasible with mitigation measure AIR-1. Since the County is anticipated to remain in non-attainment, the project's contribution to cumulative air quality impacts would be cumulatively considerable and, therefore, significant and unavoidable. Under a reasonable buildout scenario for cannabis-related development, impacts from

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				construction related air quality will not be fully mitigated and will remain significant and unavoidable. The Board finds that the feasible mitigation measure (MM AIR-1) has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts on air quality to the maximum extent feasible. However, even with this mitigation measure, impacts on air quality, (Impact 4.3-1; 4.3-2; 4.3-3; and 4.3-6) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts on air quality are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Impact 4.3-5: Implementation of the project would create objectionable odors, affecting a substantial number of people	PS	**MM AIR-2: Prohibit burning of cannabis and other vegetation.** Amend the NCCO to prohibit all commercial and non-remuneration operations to from burning any cannabis or other vegetative materials. The following language shall be added to the proposed NCCO: "The burning of any part of the cannabis plant or plant materials that is considered excess or waste is prohibited from being burned."	SU	**Finding:** The EIR identified significant project-specific and cumulative impacts related to air quality from future cannabis activities that would be permitted if the project is approved. The EIR identified mitigation measure AIR-2 to reduce impacts associated with objectionable odors through restricting burning of cannabis plant materials, but found that potential impacts

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		Commercial cannabis cultivation would generate objectionable odors despite a required 100-foot setback from property lines.		associated with objectionable odors would remain significant. **Explanation:** Mitigation measure AIR-2 requires that cannabis applicants implement feasible measures to restrict the burning of cannabis plant materials. No other feasible mitigation measures are known that will further reduce odor impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from objectionable odors will not be fully mitigated and will remain significant and unavoidable. The Board finds that the feasible Mitigation Measure AIR-2 has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts on air quality to the maximum extent feasible. However, even with this mitigation measure, impacts on air quality (Impact 4.3-5) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts on air quality are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.

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Biological Resources				
Impact 4.4-1: Implementation of the project would cause disturbance to or loss of special status wildlife species and habitat; **Impact 4.4-2:** Implementation of the project would cause disturbance to or loss of special status plant species and habitat; **Impact 4.4-3:** Implementation of the project would cause disturbance to or loss of riparian habitat or other sensitive natural communities **Impact 4.4-4:** Implementation of the project would cause disturbance to or loss of wetland or water of the united states; **Impact 4.4-5:** Implementation of the project would interfere with	PS	**MM BIO-1 Generator Noise:** The proposed NCCO shall be amended to require all projects under either a CCP or an ADP to keep all generators in containment sheds whiles in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. This would be an annual requirement and verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or the held in abeyance until the project infraction is brought into conformance with the NCCO. **MM BIO-2 Biological Resources Pre-Screening:** The proposed NCCO shall be amended to require all applicants to submit biological pre-screening materials of all project sites for both CCP and ADP applications. The materials shall include adequate information to define site constraints and show potentially sensitive biological resource areas. Materials shall include, at a minimum, project location (site address and parcel numbers); site aerials, photographs of proposed areas of disturbance (includes canopy area, accessory structures, and any related improvements [e.g., driveways, staging areas, etc.]), photographs of vegetative cover, a thorough project description describing all phases of construction, all proposed structures and cultivation areas, location of any streams, rivers, or other water bodies, limits and depth of grading, any grading cut or fill in a stream, river, or other water body, any water diversions and/or description of the source of water, water storage locations, and source of electricity (if applicable). The applicant shall provide site plan(s) showing all areas of disturbance, multiple site plans may be used to clearly show the following; site aerials showing vegetation patterns and	LS	**Finding:** The EIR identified the following potentially significant but mitigable project-specific impacts from future cannabis activities: adverse impacts on special status wildlife species (Impact 4.4-1); adverse effects on special status plant species (Impact 4.4-2); adverse effects on riparian habitats and sensitive natural communities (Impact 4.4-3); adverse effects on wetland habitats (Impact 4.4-4) and adverse impacts on wildlife corridors (Impact 4.4-5). The EIR identifies mitigation measures that would reduce potentially significant impacts to less than significant. **Explanation:** The Board finds that Mitigation Measure BIO-1 and Mitigation Measure BIO-2, have been incorporated into the NCCO. Mitigation Measure BIO-1 would require future applicants to keep all generators in containment sheds whiles in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. Mitigation Measure BIO-2 would require all applicants to submit biological pre-screening materials of all project sites for both CCP and ADP applications. If the pre-screening materials identify habitats known to support sensitive or special status plant or animal species, then avoidance of the sensitive or

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resident or migratory wildlife corridors or native wildlife nursery sites		habitats (without snow cover), location of any water courses including ephemeral drainages and any other water bodies, all existing or proposed cultivation areas and structures, location of electric generators (if applicable), and grading plans with areas of cut and fill (if applicable). If the pre-screening materials identify habitats known to support sensitive or special status plant or animal species, then avoidance of the sensitive or special status species shall be required. If avoidance of a special status species cannot be achieved, then a Biological Inventory shall be prepared. The Biological Inventory shall be prepared by a qualified biologist. The Biological Inventory shall contain an environmental setting, a project description, review of CNDDB database for the project location, a description of potential sensitive habitats existing on site, field survey methodology and findings (if needed), mitigation to reduce impacts (if needed), level of impacts conclusion. Due to the varying nature of biological conditions and variable locations of habitat types and dispersion of sensitive species, additional evaluations such as wetland delineations, protocol level surveys, nesting bird surveys, etc., may be required consistent with the applicable resources standards identified in Sections L-II 4.3 of the Nevada County Land Use and Development Code. If additional avoidance or protection measures are required, a Habitat Management Plan (HMP) consistent with the requirements of Section L-II 4.3.3 of the Nevada County Land Use and Development Code shall be prepared for both CCP and ADP permit applications. The HMPs would be implemented on a project by project basis and included as part of the project-specific approval process. If potential impacts on these biological resources cannot reduced to less than significant, no permit shall be issued.		special status species shall be required. If avoidance of a special status species cannot be achieved, then a Biological Inventory shall be prepared. The Biological Inventory shall be prepared by a qualified biologist. The Board finds that implementation of Mitigation Measure BIO-1 and Mitigation Measure BIO-2 would reduce the significant project-specific environmental effects related to biological resources (Impacts 4.4.-1, 4.4-2, 4.4-3, 4.4-4, and 4.4-5) to less than significant level.

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Cumulative Impact: The project's contribution to significant cumulative impacts on sensitive natural communities, special status plants, riparian habitats, wetlands and waters of the United States, and wildlife corridors would be cumulatively considerable and significant and unavoidable when considered over the unincorporated area of the County.	PS	Implement MM BIO-1 and MM BIO-2	SU	**Finding:** The EIR identified significant cumulative impacts on biological resources future cannabis activities that would be permitted if the project is approved. The EIR identified Mitigation Measures BIO-1 and BIO-2 to reduce impacts associated with cumulative impacts on biological resources but would remain significant. **Explanation:** Mitigation Measures BIO-1 and BIO-2 require that cannabis applicants implement feasible measures to reduce or avoid impacts on sensitive natural communities, special status plants, riparian habitats, wetlands and waters of the United States, and wildlife corridors. No other feasible mitigation measures are known that will further reduce biological resource impacts. Under a reasonable buildout scenario for cannabis- related development, impacts on biological resources will not be fully mitigated and will remain significant and unavoidable. The Board finds that the feasible Mitigation Measures BIO-1 and BIO-2 have been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. These mitigation measures will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts on biological

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				resources to the maximum extent feasible. However, even with these mitigation measures, cumulative impacts on biological resources will remain significant and unavoidable. Therefore, the Board finds the NCCO residual cumulative impacts on biological resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Cultural and Tribal Resources				
Impact 4.5-1: Implementation of the project would cause a substantial adverse change in the significance of a historical resource; **Impact 4.5-2:** Implementation of the project would cause a substantial adverse change in the significance of an archaeological resource; **Impact 4.5-3:** Implementation of the project would directly or indirectly destroy a unique paleontological resource or	PS	**MM CUL-1:** Prior to project approval of either a CCP or an ADP, the project applicant, to the satisfaction of the County Planning Department shall submit a Non-Confidential Records Search to NCIC to determine the sensitivity of potential commercial cannabis cultivation site to disturb historic, cultural, or tribal resources. The applicant shall submit the sensitivity letter with the CCP or ADP. Upon receipt, should the County find the NCIC recommends a cultural resource study, the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. No permit shall be issued until the completion of such report, and if needed, until recommended mitigation is implemented, or a plan has been submitted to the County for implementation. **MM CUL-2:** The proposed NCCO shall be amended to include a Cultural Resources Inadvertent Discovery Protocol (IDP) for projects that require grading or ground disturbance. The IDP shall include requirements that if subsurface archaeological features or deposits are discovered during construction or ground disturbance all activities within 50-feet of the find shall cease and the County shall be notified immediately. A	LS	**Finding:** The EIR identified potentially significant but mitigable impacts to historical resources (Impact 4.5--1), archaeological resources, paleontological resources (Impacts 4.5-2 and 4.5-3), human remains (impact 4.5-4) or tribal cultural resources (Impacts 4.5-5 and 4.5-6), from future cannabis activities. The EIR identifies two mitigation measures that would reduce potentially significant impacts to less than significant level. **Explanation:** Mitigation Measure CUL-1 requires future cannabis applicants to submit a Non-Confidential Records Search to NCIC to determine the sensitivity of potential commercial cannabis cultivation site to disturb historic, cultural, or tribal resources. Upon receipt, should the County find the NCIC recommends a cultural resource study, the applicant shall retain a qualified

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site or unique geologic feature; **Impact 4.5-4:** Implementation of the project would disturb any Human Remains, including those Interred outside of Formal Cemeteries **Impact 4.5-5:** Implementation of the project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074, that is listed or eligible for listing in the California register of historical resources, or in a local register of historical resources as defined in PRC section 5020.1(k); **Impact 4.5-6:** cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074, that is a resource determined by Nevada county to be significant pursuant to criteria set forth in PRC section 5024.1(c);		qualified archeologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. If buried human remains are discovered during construction or ground disturbance all activities shall cease and the County shall be notified immediately. The County shall notify the coroner to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified, and all sections detailed in Section 5097.98 of the California Public Resources Code shall be followed. Implement Land Use and Development Code Section L-II 4.3.6 Significant Cultural Resources		professional to conduct a cultural resource study of the project area. Mitigation Measure CUL-2 requires a Cultural Resources Inadvertent Discovery Protocol (IDP) for projects that require grading or ground disturbance. The IDP shall include requirements that if subsurface archaeological features or deposits are discovered during construction or ground disturbance all activities within 50-feet of the find shall cease and the County shall be notified immediately. A qualified archeologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. The Board finds that the feasible Mitigation Measure CUL-1 and Mitigation Measure CUL-2 have been incorporated into the NCCO. The Board finds that implementation of Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would reduce the significant project-specific and cumulative effects related to cultural resources (Impacts 4.5-1 through 4.5-6, and cumulative impacts) to a less than significant level.

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Cumulative Impact: Cumulative impacts to historic and archaeological resources				
Hydrology and Water Quality				
Impact 4.8-2: Implementation of the project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. **Cumulative Impact:** Substantially deplete groundwater supplies.	PS	No feasible mitigation measures have been identified that could be implemented on a project by project basis.	SU	**Finding:** The project would result in an increase in demand for local groundwater resources that could contribute to cumulative groundwater supply and impacts in areas of the County with limited groundwater resources (e.g., fractured bedrock conditions). The County currently does not monitor groundwater extraction for residential or agricultural uses. An increase in groundwater extraction in existing wells or new wells for commercial cannabis activities could result in unknown reductions in local groundwater levels that could adversely impact adjacent wells. Project-specific impacts would be cumulatively considerable and significant and unavoidable. No mitigation is available to further reduce impacts to less than significant. **Explanation:** No feasible mitigation measures are known that will further reduce impacts. Creating groundwater monitoring regulations that applied only to future cannabis applicants and not to all residential

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				and agricultural users in the County is not considered a feasible measure for the County as it would not apply regulations equitably for all groundwater users in the unincorporated area of the County. Under a reasonable buildout scenario for cannabis related development, project specific and cumulative impacts on groundwater supply will be significant and unavoidable. Therefore, the Board finds the NCCO residual impacts groundwater supply are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Land Use and Planning				
Impact 4.9-2: Implementation of the project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding mitigating an environmental effect.	PS	Potential conflicts with the Truckee Sphere of Influence are significant. No feasible mitigation measures are available.	SU	**Finding:** Implementation of the proposed NCCO could result in the permitting of a commercial cannabis operation within the Truckee SOI. The Town, however, does not provide for cultivation of cannabis beyond the six plants allowed by California State Law. This cultivation may conflict with a future land uses in these areas should the Town of Truckee choose to annex one of these areas. Land use conflicts could arise because commercial cultivation is not an allowable uses pursuant to Truckee planning documents. Ultimately, cannabis cultivation within the Truckee SOI may lead to future land use conflicts resulting in a significant

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				impact to the environment. Therefore, although the County finds this unlikely, this impact is considered significant and unavoidable. No mitigation is available to further reduce impacts to less than significant. **Explanation:** No feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, project specific impacts as a result of land use conflicts with the Town of Truckee SOI will be significant and unavoidable. Therefore, the Board finds the NCCO residual impacts groundwater supply are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Transportation and Circulation				
Impact 4.15-1: Implementation of the project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.	PS	After the payment of the RTMF and LTMF fees, no feasible mitigation measures have been identified.	SU	**Finding:** Commercial cannabis cultivation would have the potential to create a substantial increase in vehicle travel on a regional and local level. Traffic generated from commercial cannabis cultivation would be dispersed throughout a wide area of Nevada County, as the proposed commercial cannabis cultivation would be allowed in the AG, AE, and FR zones. Depending on the eventual siting of cultivation locations, some areas, due to existing Level of Service (LOS)

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				on the roadways in proximity to those locations, would be more susceptible to concentrated traffic impacts. Accordingly, areas with relatively higher population density would be more likely to experience higher increases in traffic volumes than areas with more sparse development. However, with a maximum 10,000 sf of canopy area, there is no individual project that would result in a significant increase in traffic on any roadway segments or intersections. Other than the payment of the western Nevada County Regional Transportation Management Fee (RTMF) and the Local Transportation Management Fee (LTMF), no additional feasible mitigation has been identified that could be implemented on an application by application basis that would reduce these impacts to less than significant. Therefore, traffic impacts in this regard impacts would be significant and unavoidable. **Explanation:** No feasible mitigation measures are known that will further reduce potential traffic impacts. Under a reasonable buildout scenario for cannabis related development, project specific impacts as a result of increased traffic generated from commercial cannabis cultivation would be dispersed throughout the County will be significant and unavoidable. However, with a maximum 10,000 sf of canopy area, there is

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PS – Potentially Significant
LCC – Less Than Cumulatively Considerable
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CS – Cumulatively Significant
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SU – Significant and Unavoidable
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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				no individual project that would result in a significant increase in traffic on any roadway segments or intersections. Therefore, the Board finds the NCCO impacts on the existing transportation system are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Utilities and Service Systems				
Impact 4.16-4: Implementation of the project would have insufficient water supplies available to serve the project from existing entitlements and resources, thereby requiring new or expanded entitlements. **Cumulative Impacts:** Impacts on water supply of public water service providers and groundwater supply.	PS	No feasible mitigation measures have been identified	SU	**Finding:** Groundwater supplies from Fractured rock systems can be difficult to trace and sometimes have limited yield based upon underground flow conditions. Neither the County nor the State has governing rules that would give one overlying groundwater user an advantage over a new overlying groundwater user for cannabis cultivation purposes. Neither the County nor the State have a mechanism in place to track or monitor groundwater production in individual wells. For these reasons, potential impacts on groundwater supply are considered significant. Mitigation measures for reducing impacts to groundwater use could include new County policies regarding groundwater extraction and monitoring. However, new County policy and regulations for groundwater use is beyond the scope of the proposed project and are not considered feasible. Therefore, groundwater impacts are considered significant and unavoidable.

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				Explanation: No feasible mitigation measures are known that will further reduce impacts. Creating groundwater monitoring regulations that applied only to future cannabis applicants and not to all residential and agricultural users in the County is not considered a feasible measure for the County as it would not apply regulations equitably for all groundwater users in the unincorporated area of the County. Under a reasonable buildout scenario for cannabis related development, project specific and cumulative impacts on groundwater supply will be significant and unavoidable. Therefore, the Board finds the NCCO residual impacts groundwater supply are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Energy				
Impact 4.17-1: Implementation of the project would use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner.	PS	No feasible mitigation measures have been identified Implement Land Use Development Code Section L-II 4.3.9 regarding Energy Conservation of the Nevada County Land Use Development Code	SU	**Finding:** Under a conservative buildout scenario for cannabis buildout development, project specific impacts as a result of a significant increase in energy use as a result of indoor and mixed-use commercial cannabis cultivation. A substantial increase in electrical energy consumption combined with an additional 153,525 new daily vehicle miles traveled would result in significant and unavoidable impacts. However, with a maximum 10,000 sf of canopy area, there is

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				no individual project that would result in a significant increase in energy consumption in any one location that would use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner. No feasible mitigation measures have been identified. **Explanation:** No feasible mitigation measures are known that will further reduce energy consumption impacts on an individual project basis. Under a conservative buildout scenario for cannabis related development, project specific impacts on energy use will be significant and unavoidable. Therefore, the Board finds the NCCO impacts from increased energy use are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Impact 4.17-2: Implementation of the project would constrain local or regional energy supplies, affect peak and base periods of electrical or natural gas demand, require or result in the construction of new electrical generation and/or transmission facilities, or necessitate the expansion of existing facilities, the construction of	PS	No feasible mitigation measures have been identified.	SU	**Finding:** It is possible that due to the substantial increased energy demand expected as part of the proposed project, the local and or regional energy supplies could become constrained resulting in an effect on peak and base periods of demand for electricity. Although, the proposed cultivation sites would be phased in over time, if the number of new commercial cannabis operations increases at a rapid rate or more parcels are developed for cultivation than anticipated, a substantial increased demand for energy could result. However, with a maximum 10,000 sf of canopy area,

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

which could cause significant environmental effects				there is no individual project that would result in a significant increase in energy consumption in any one location that would Constrain local or regional energy supplies, affect peak and base periods of electrical or natural gas demand, or require or result in the construction of new electrical generation and/or transmission facilities. No feasible mitigation measures have been identified. **Explanation:** No feasible mitigation measures are known that will further reduce energy consumption impacts on an individual project basis. Under a conservative buildout scenario for cannabis related development, project specific impacts on energy use will be significant and unavoidable. Therefore, the Board finds the NCCO impacts from increased energy use are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.

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IX. Findings Regarding Project Alternatives.

A. Basis for Alternatives Feasibility Analysis

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. (Guidelines §15126(a)). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range. (*Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 C.3d 553, 566). CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (Guidelines §15126.6(a)). An EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* (1992), 10 Cal.App.4th 908); and the Guidelines provide that an EIR need not consider alternatives that are infeasible. (CEQA Guidelines §15126.6(a)). The Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." (CEQA Guidelines §15126.6(f)(1)). The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines §15126.6(f)).

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ("*Goleta II*") (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Id.; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*.)

The review of project alternatives is guided primarily by the need to substantially reduce potential impacts associated with the project, while still achieving the basic objectives of the project (Project Objectives (DEIR, p. 3-19)), which are as follows:

- Provide a mechanism for the regulation of a legal commercial cannabis cultivation industry within the unincorporated county;
- Reduce the level of nuisance that existing commercial cannabis cultivation represents to adjacent areas of existing growers;
- Encourage existing cannabis businesses to secure a license to operate in compliance with County and state regulations;
- Reduce the adverse effects of commercial cannabis cultivation on the environment through implementation of these regulations and permitting process;
- Adopt an ordinance that defines specific zones within the County in which production of commercial cannabis cultivation will be allowed;
- Adopt an ordinance that defines, within the specific zones, the total area of commercial cannabis cultivation that will be allowed;
- Reduce the effects of potential adverse effects of commercial cannabis cultivation on sensitive receptors by ensuring compatibility with existing surrounding land uses;
- To align cannabis regulations with regulations applicable to other commercial activities.

The review of project alternatives is guided primarily by the need to substantially reduce potential impacts associated with the project, while still achieving the basic objectives of the project.

The detailed discussions in Sections VII and VIII of this document demonstrate that many of the significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR.

The County can fully satisfy its CEQA obligations by determining whether any alternatives identified in the Draft EIR are both feasible and environmentally superior with respect to the project impacts identified in the EIR. (See *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 520-521, 526-527; *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403; see also Pub. Resources Code, Section 21002.) These Findings will assess whether each alternative is feasible in light of the County's objectives.

As discussed in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. But differing factors come into play at each stage. For the first phase -- inclusion in the EIR -- the standard is whether the alternative is potentially feasible. (Guidelines, § 15126.6, subd. (a).) By contrast, at the second phase -- the final decision on project approval -- the decision-making body evaluates whether the alternatives are

actually feasible. (See Guidelines, § 15091, subd. (a)(3).) At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as being potentially feasible.

Therefore, the Board of Supervisors ("Board"), in considering the five alternatives identified in the DEIR and these findings, needs to determine whether any alternatives are environmentally superior with respect to those impacts which cannot be mitigated to less than significant. If any of the alternatives are superior with respect to those impacts, the Board is then required to determine whether the alternatives are feasible. If the Board determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified above, then the Board may approve the project as mitigated after adopting a Statement of Overriding Considerations.

Under CEQA, "feasible" means *capable of being accomplished in a successful manner within the reasonable period of time, taking into account economic, environmental, legal, social, and technological factors* (CEQA Guidelines 15364). The concept of feasibility permits an agency's decision- makers to consider whether an alternative is able to meet some or all of the projects objectives. In addition, the definition of "feasibility" encompasses "desirability" to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by evidence.

Alternatives Considered

CEQA does not specify the methodology for comparing alternatives. However, the issues and impacts that are most germane to a particular project must be evaluated when comparing an alternative to a proposed project. As such, the issues and impacts analyzed in project alternatives vary depending on the project type and the environmental setting. Long-term impacts (e.g., visual impacts and permanent loss of farmland or land use conflicts) are those that are generally given more weight in comparing alternatives. Impacts associated with construction (i.e., temporary or short-term) or those that are easily mitigable to less than significant levels are considered to be less important.

The alternatives analysis below compares each alternative to the proposed project according to whether it would have a mitigating or adverse effect for each of the environmental resource areas analyzed in this EIR. The Final EIR identified and compared the significant environmental impacts of the project alternatives listed below in accordance with the provisions of the CEQA Guidelines Section 15126.6. The following project alternatives were evaluated:

No Project Alternative: CEQA Guidelines Section 15126.6(e)(1) requires that a No Project Alternative be analyzed. Under this Alternative, an amendment to Nevada County Code Title 2, Chapter IV Article 5 Section G-IV 5.4, which defines the current parameters of allowable medical cultivation activities based on the land use designations would not occur. This alternative would allow cultivation in accordance with the current ordinance and state law providing for cultivation for personal use and for medical purposes only. No commercial

cannabis cultivation would be allowed. This alternative would not place any restriction on the number of properties on which cultivation could occur. This alternative would maintain that any cultivation undertaken outside the restrictions of the code would be considered a nuisance and may be abated by any legal means available. This alternative also would not permit commercial cultivation and would not provide the County with additional enforcement mechanisms for illegal cultivation activities.

Finding: The County has determined that specific economic, social, and environmental considerations render the No Project Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

While impacts under this Alternative would be reduced in nearly all impact categories, the No Project Alternative would not meet any of the objectives of the project – that is, there would be no mechanism for regulation of legal commercial cannabis cultivation, the nuisances from existing commercial cannabis cultivation would remain, existing commercial cannabis businesses would remain unlicensed and unregulated, the environmental effects associated with the existing commercial cannabis cultivation would not be reduced, no specific zones and/or grow areas would be identified or defined, sensitive receptors would remain subject to impacts from existing cultivation, and the County's regulation of cannabis would not be aligned with its regulation of other commercial activities. The County would also have to continue to spend economic resources and staff time attempting to abate nuisances stemming from unregulated cannabis cultivation without the project's abatement process and framework for collecting penalties to fund that abatement. And the unincorporated area of the County would not obtain the social and public health benefits associated with availability of medical cannabis. For these reasons, the No Project Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Project Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

Thirty Percent Commercial Cannabis Alternative: This Alternative would reduce the number of eligible parcels zoned, (AG, AE, or FR) within the County that could be used for commercial cannabis cultivation from 100% to 30%. Within the County, there are a currently total of 27,207 parcels zoned AG, AE, and FR. Under this alternative, the total number of AG, AE, and FR parcels on which commercial cultivation would be allowed is reduced to 8,162 or approximately 30% of 27,207.

Finding: The County has determined that specific economic, social, and environmental considerations render the Thirty Percent Commercial Cannabis Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The Thirty Percent Cultivation Alternative would meet or partially meet most the project objectives and would result in an overall reduction of potential environmental effects. However, this Alternative would substantially limit the total number of permits issued for commercial cannabis cultivation and non-remuneration cultivation. A large focus of the proposed project is to provide a mechanism to permit and regulate existing as well as future cultivation operations. This Alternative would substantially reduce the ability of the County to focus on that effort. This Alternative also would not eliminate all significant and unavoidable environmental impacts. Most impacts related to the project would be incrementally reduced, but all mitigation measures would still be required. While environmental impacts would be reduced, this Alternative would conflict with the regulatory intent of the proposed project. Further, existing cannabis cultivation operations located outside the reduced number of eligible parcels proposed under this Alternative would remain unregulated and would still have the potential to cause nuisances and require the County to spend economic and staff resources on abatement without the benefit of the project's abatement process and framework for collecting penalties to fund that abatement. For these reasons, this Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the Thirty Percent Commercial Cannabis Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

No Groundwater Cultivation Alternative: This Alternative removes the eligibility of cultivators from using personal wells to draw groundwater for irrigation of commercial cannabis operations. All water would be provided by either Nevada Irrigation District (NID) or other provider. In areas where ground water is the only water source, cultivation activities would be required to cease or an alternative source such as a water diversion or rainwater catchment could be used. Although this alternative would not directly restrict cultivation or change the zones in which cultivation would be permitted, it is expected to decrease the overall area that would be cultivated. Cultivation would still be permitted in the same areas as the proposed project but the increased cost from purchasing water, or from developing alternative sources (diversion from a stream or spring, installing a rainwater catchment system, or purchase water to be trucked in.)

Finding: The County has determined that specific economic, social, and environmental considerations render the No Groundwater Cultivation Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The No Groundwater Cultivation Alternative would meet or partially meet most the project objectives. While this Alternative would result in an overall reduction of potential environmental effects, specifically significant impacts on groundwater use in the unincorporated areas of the County. Accordingly, the overall total number of permits issued for commercial cannabis cultivation and non-remuneration cultivation would be reduced and environmental impacts associated with the project would also be reduced, including the potential for projects on an individual and cumulative basis to deplete groundwater supplies. However, this Alternative would be expected to increase the demand for instream water diversions, which would result in other direct impacts to water courses. And a large focus of the proposed project is to provide a mechanism to permit and regulate existing as well as future cultivation operations, but this Alternative would substantially reduce the ability of the County to focus on that effort. Under this Alternative, the unincorporated area of the County would obtain fewer social and public health benefits associated with availability of medical cannabis due to the reduced number of permits. This Alternative also would not eliminate all significant and unavoidable impacts – just those associated with groundwater. Most impacts related to the project would remain the same, and all mitigation measures would still be required. For these reasons, this Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Groundwater Cultivation Alternative, the County believes they are acceptable, given

the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

Cultivation Allowed in RA Zones Alternative: This Alternative would maintain the current cultivation proposed for the AE, AG, and FR zones but also includes commercial cultivation in some RA zoned areas (identified in Table 6-2 in the Draft EIR). With the increased cultivation allowed in the RA zones, this Alternative would result in potential cultivation on approximately 20,833 parcels, an increase of approximately 76%.

Finding: The County has determined that specific economic, social, and environmental considerations render the Cultivation Allowed in RA Zones Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The Cultivation Allowed in RA Zones Alternative would meet or partially meet most of the project objectives. However, this Alternative would result in a substantially increased area that would permit commercial and non-remuneration cultivation. Not only would this Alternative result in the same or greater environmental impacts as the project in all impact categories, it would increase the area in which those environmental impacts are spread across the County. This Alternative therefore would not meet the project objectives aimed at protection of the environment and reduction of potential cannabis cultivation nuisances. For these reasons, the Cultivation Allowed in RA Zones Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Groundwater Cultivation Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

No Permanent Structures in Designated Farmland Alternative: This Alternative is proposed to avoid significant impacts on Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (collectively identified as Designated Farmland). Under this

alternative commercial cannabis would be permitted on designated farmland, but only without the development of any permanent structures that would result in the conversion of Designated Farmland to non-agricultural uses. This would include permanent structures such as buildings pads or permanent structures for use in support of commercial cannabis cultivation, permanent structures to be used as greenhouses or mixed light facilities, or other improvements such as paved roadways or other infrastructure improvements that would result on the conversion of designated farmland to a non-agricultural use. This alternative requires the NCCO to be amended to preclude the development of permanent structures on designated farmland which would provide County staff with an additional mechanism for managing agricultural resources beyond what is currently required in the County's Land Use and Development Code.

Finding: The County has determined that specific economic, social, and environmental considerations render the No Permanent Structures in Designated Farmland Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The No Permanent Structures in Designated Farmland Alternative would meet or partially meet most of the project objectives. This Alternative would generally result in an overall reduction of potential environmental effects, specifically impacts on prime farmlands in the unincorporated areas of the County. However, implementation of this Alternative would potentially result in greater impacts to biological resources and geology and soils due to the increased amount of outdoor cultivation and bare soil exposed to rain and subsequent water run-off as well as wind and water-driven erosion. Moreover, this Alternative would not eliminate all significant and unavoidable impacts – only those related to designated farmland. Most impacts related to the project would remain the same, and all mitigation measures would still be required. This Alternative may also result in fewer or reduced grow operations, which will result in a reduction in County patients' access to medical cannabis. For these reasons, this Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Permanent Structures in Designated Farmland Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

These five alternatives were determined to be an adequate range of reasonable alternatives as required under CEQA Guidelines Section 15126.6 (DEIR, p. 6-1). The environmental impacts of each of these alternatives are identified and compared with the "significant" and "potentially significant" impacts resulting from the proposed project. That comparison is shown on **Table 6-3** at the end of EIR Section 6.0, Alternatives. The "No Project" alternative would be the environmentally superior alternative because it would eliminate all of the potentially significant impacts of the proposed project. However, while the "No Project" alternative is the environmentally superior alternative, it is not capable of meeting any of the basic objectives of the proposed project. After the "No Project" alternative, the environmentally superior alternative to the proposed project is the one that would result in the fewest or least significant environmental impacts. Based on the evaluation undertaken, Thirty Percent of Parcels Alternative is the environmentally superior alternative. This is the environmentally superior project alternative because it would have a less intense commercial cannabis cultivation footprint throughout the County compared to the proposed project and would result in fewer environmental impacts. However, the limited number of allowed permits would substantially hinder the County's project objectives as described in the EIR and in these Findings.

X. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this Board of Supervisors adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, legal, social, and other benefits of the Project.

Approval by the Nevada County Board of Supervisors (the "Board") of the Nevada County Commercial Cannabis Cultivation Ordinance (the "project") will result in significant adverse environmental effects which cannot be mitigated or avoided, notwithstanding the Board has adopted all feasible mitigation measures. Despite the ultimate occurrence of these expected effects, the Board, in accordance with *Public Resources Code* Section 21081(b) and *CEQA Guidelines* Section 15093, has balanced the benefits of the proposed Project Final EIR against the following unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The Board has also (i) independently reviewed the information in the DEIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures as identified in the EIR; and, (iii) balanced the project's benefits against the project's significant unavoidable impacts. The Board has also examined alternatives to the proposed project and has determined that adoption and implementation of the proposed project is the most desirable, feasible, and appropriate action. The Board has chosen to approve the Project EIR because in its judgment, it finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the Project's significant effects on the environment. Substantial evidence supports the various benefits and can be found at a

minimum in the preceding CEQA findings, which are incorporated by reference into this Statement, the DEIR, and the documents which make up the record of proceedings.

Significant and Unavoidable Impacts

Based on the information and analysis set forth in the Draft Environmental Impact Report ("DEIR") and the record of proceedings, construction of the proposed project would result in the following significant unavoidable impacts even with the implementation of all feasible mitigation measures:

Aesthetics

1. **Cumulative Impact:** The project would result in cumulative nighttime glow from artificially lighted nighttime cultivations may occur. Taken in sum, for all cultivation operations, this could result in a significant lighting impact.

Agriculture and Forestry Resources

2. **Impact 4.2-1:** The project would result in the permanent conversion of prime farmland, unique farmland, or farmland of statewide importance to a non-agricultural use.
3. **Impacts 4.2-4:** The project would result on the loss of forest land or conversion of forest land to a non-forest use.
4. **Impact 4.2-5:** The project would result in changes to the environment which would result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.
5. **Cumulative Impact:** The project would result in the permanent conversion of prime farmland, unique farmland, or farmland of statewide importance to a non-agricultural use.

Air Quality and Greenhouse Gas Emissions

6. **Impact 4.3-1**: The project would conflict with or obstruct implementation of the applicable air quality plan.
7. **Impact 4.3-2:** The project would violate any air quality standard or contribute substantially to an existing or projected air quality violation.
8. **Impact 4.3-3:** The project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standards.
9. ***Impact 4.3-5:*** The project would create objectionable odors affecting a substantial number of people.

10. **Impact 4.3-6:** The project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance.

11. ***Cumulative Impact:*** The project would result in peak emissions of PM_{10} during the harvest season from road dust, which would contribute to an existing or projected air quality violation.

12. ***Cumulative Impact:*** The project would result in an increase to the number of commercial cannabis outdoor and mixed-light cultivation operations throughout the County that are a significant source of cannabis odor, thereby increasing the potential cultivation-related odor sources throughout the County.

Biological Resources

13. **Cumulative Impact:** The project's contribution to significant cumulative impacts on sensitive natural communities, special status plants, riparian habitats, wetlands and waters of the United States, and wildlife corridors would be cumulatively considerable and significant and unavoidable when considered over the unincorporated area of the County.

Hydrology and Water Quality

14. **Impact 4.8-2**: The project would substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

15. **Cumulative Impact:** The project would result in an increase in demand for local groundwater resources that could contribute to cumulative groundwater supply and impacts in areas of the County with limited groundwater resources (e.g., fractured bedrock conditions). In addition, the potential decrease of water infiltration due to development of accessory structures combined with the cumulative increase in groundwater use being unknown at this time, the potential impacts would be cumulatively considerable and significant and unavoidable.

Land Use

16. ***Impact 4.9-2:*** Implementation of the proposed NCCO could result in the permitting of a commercial cannabis operation within the Truckee SOI. Land use conflicts could arise in future annexation applications because commercial cultivation is not an allowable uses pursuant to Truckee planning documents.

Transportation and Traffic

17. ***Impact 4.15-1:*** The project would result in additional traffic on regional roadways segments causing a decrease in LOS standards and conflicting associated goals, policies, and objectives related to traffic service standards for local, regional, and highways and would make existing unacceptable LOS conditions worse.

18. ***Impact 4.15-2:*** The project would increase traffic volumes, some of which would reasonably be dispersed to intersections located outside of the County's jurisdiction (i.e. Caltrans facilities) that currently and/or are projected to operate at or near deficient LOS, the proposed project may contribute towards an exceedance of LOS standards or exacerbate existing deficient roadway LOS.

Utilities and Service Systems

19. ***Impact 4.16-4:*** The project would utilize groundwater supply for commercial cannabis irrigation. Neither the County nor the State has governing rules that would give one overlying groundwater user an advantage over a new overlying groundwater user for cannabis cultivation purposes. Neither the County nor the State have a mechanism in place to track or monitor groundwater production in individual wells. As such, commercial cannabis operations could result in overdrafting of local groundwater aquifers.

20. **Cumulative Impact:** The project would increase the demand for groundwater within the Nevada Irrigation service area, and it is unknown whether the public water service providers would have adequate water supply to meet future development needs and potential commercial cannabis operations located within their service boundaries, and the existing ground water supply for some cultivation sites may be inadequate, the proposed NCCO's contribution to water supply would be cumulatively considerable and significant and unavoidable.

Overriding Considerations

The following statement of considerations identifies why, in the Board of Supervisors' judgment, the Project and its benefits to Nevada County outweigh its unavoidable significant environmental impacts. The Board of Supervisors has balanced "the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in the NCCO against these effects and makes the following Statement of Overriding Considerations, which warrants approval of the project (as modified by incorporation of EIR mitigation measures, and additional

development standards shown in NCCO) notwithstanding that all identified adverse environmental effects are not fully avoided or substantially lessened [CEQA Guidelines Section 15093(a)]. The Board finds that the benefits of the "proposed project outweigh the unavoidable adverse environmental effects," and therefore, "the adverse environmental effects may be considered 'acceptable'" [CEQA Guidelines Section 15093(a)]. The Board has determined that any one of these considerations override, on balance, the cumulative significant negative environmental impacts of the project. The substantial evidence supporting these various considerations is found in the following findings based on the EIR and/or the contents of the record of proceedings for the Project:

1. **Provision for a regulated and viable cannabis industry in the unincorporated area of Nevada County.**

   The NCCO, as modified by incorporation of EIR mitigation measures and additional development standards shown in the attached ordinance, allows for the orderly development and oversight of commercial cannabis activities by applying development standards that require appropriate siting, setbacks, security, and nuisance avoidance measures, thereby protecting public health, safety, and welfare. Orderly development and oversight of these operations will result in fewer cannabis-related nuisances as well as County staff time and economic resources required to abate them. Therefore, adoption of the NCCO provides legal, social, and economic benefits to the regulation of commercial cannabis cultivation in the unincorporated area of Nevada County.

2. **Expansion of the production of medical cannabis in the unincorporated area of Nevada County.**

   The NCCO, as modified by incorporation of EIR mitigation measures and additional development standards shown in the attached ordinance, provides a social and public health benefit to the County because it expands the production and availability of medical cannabis, which is known to help patients address symptoms related to glaucoma, epilepsy, arthritis, and anxiety disorders, among other illnesses.

3. **Reduction of Nuisance Activities Related to Commercial Cannabis Production in the unincorporated area of Nevada County.**

   The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown in the attached ordinance, establishes land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of neighborhood character, obnoxious odors, noise nuisances, hazardous materials, and fire hazards. These requirements will result in fewer cannabis-related nuisances as well as County staff time and economic resources required to abate them. Therefore, the project results in legal and economic benefits.

4. **Protection of residential and sensitive populations in the unincorporated area of Nevada County.**

The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown the attached ordinance, minimizes the potential for adverse social and public health impacts on children and sensitive populations by imposing appropriate setbacks and ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, youth facilities, recreational amenities, and educational institutions. For detailed discussions on compatibility, see Section 4.9, Land Use, in the EIR, incorporated herein by reference, as well as the other Findings in this document. Therefore, adoption of the NCCO results in social and public welfare benefits as a result of the orderly administration of commercial cannabis cultivation in the unincorporated area of Nevada County.

5. **Protection of sensitive natural resources in the unincorporated area of Nevada County.**

   The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown in the attached ordinance, protects agricultural resources, natural resources, cultural resources, and scenic resources by limiting where cannabis activities can be permitted and by enacting development standards that would further avoid or minimize potential impacts to the environment. Therefore, adoption of the NCCO results in social and economic benefits by avoiding and minimizing adverse impacts on the County's natural resources that could otherwise be impacted through unauthorized cannabis cultivation.

6. **Provision of an enforcement mechanism and funds necessary to abate illegal and unlicensed activities in the unincorporated area of Nevada County.**

The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown the attached ordinance, provides a method for commercial cannabis businesses to operate legally and secure a permit and license to operate in full compliance with County and state regulations, maximizing the proportion of licensed activities and minimizing unlicensed activities. Minimization of unlicensed activities will occur for two reasons. First, the County will be providing a legal pathway for members of the industry to comply with the law. Second, the County can use the additional development standards and enforcement requirements of the ordinance, including collected fines and penalties, to strengthen and increase code enforcement actions in an effort to remove illegal and noncompliant operations occurring in the County unincorporated areas. Therefore, adoption of the NCCO results in social and economic benefits that provides the County with legal authority for abatement activities related to illegal commercial cannabis cultivation that may not meet current protections related to natural resources, setbacks from adjacent neighbors, best management practices for water quality, and electrical and plumbing fixtures that do not meet current building codes.

XI. Growth Inducement Findings

Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the

establishment of policies or other precedents that directly or indirectly encourage additional growth. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth would directly or indirectly have a significant effect on the environment.

Development can induce growth by increasing the local population, which may lead to increased commercial activity, which may increase the local supply of jobs. Extension of public infrastructure or services can accommodate growth by removing constraints to development. A growth-inducing project directly or indirectly:

- Fosters economic or population growth or additional housing;
- Removes obstacles to growth;
- Taxes community services or facilities to such an extent that new services or facilities would be necessary; or
- Encourages or facilitates other activities that cause significant environmental effects.

As discussed in Chapter 5.5 of the Draft EIR, the project is not expected to make a significant contribution to regional growth. The California Department of Food and Agriculture estimated that cannabis production in the state in the year 2016 was approximately 13.5 million pounds and at the time did not anticipate increases in overall production from implementation of the then guiding legislation of the Medical Cannabis Regulation and Safety Act (MCRSA) and Adult Use of Marijuana Act (AUMA) by the year 2018 (California Department of Food and Agriculture 2017: 3-22 and 3-23). Neither of these previous regulations are now controlling legislation, and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) is now the foundation of cannabis law in California. The MAUCRSA provides a vehicle in which the large number of existing cannabis cultivation operations can become legal. While some new areas may be developed for cannabis cultivation, it is anticipated that the majority of commercial cannabis will be produced from existing cultivation operations applying for licenses within counties that adopt ordinances to legalize production in those jurisdictions. The County currently contains approximately 3,500 cannabis operations that would require licensing under the proposed NCCO. Therefore, the proposed project is not anticipated to result in substantial growth in cannabis operations state-wide.

Implementation of the proposed ordinance is intended to regulate commercial cultivation, processing, and distribution of cannabis in a manner consistent with the existing character and goals of the County. The number of new commercial cannabis operations does not represent a dramatic increase in development or the division of existing properties into numerous parcels for dense and intensified development. The project would not substantially increase population growth in the surrounding region because it would not require the construction of new housing. Commercial cannabis cultivation within the

County must be connected with a legal residence. If new residences are built in association with commercial cannabis operations, new housing stock would be added to the County that could be used by cannabis operators. Many of the employees necessary during harvest and cultivation are already present within the County and adjoining counties, as evidenced by the level of commercial cannabis cultivation currently within the County. Additionally, the project would not remove barriers to population growth because no new or expanded (beyond what is currently planned) public infrastructure facilities would be installed as part of the proposed project. Potential development associated with the proposed ordinance is not anticipated to meaningfully affect employment or other growth in the region, given the size of the regional economy and current conditions.

The project would result in increased revenue with the County, both by residents and the County itself, however, with respect to increased revenue for the County, this is anticipated to increase the ability of the Nevada County Sheriff's Office, Nevada County Code Compliance, and the Nevada County Planning and Building Department to process, monitor, and enforce cannabis-related activities within the County, per the County's requirements. Therefore, the project would not contribute to substantial population growth or be considered growth-inducing.

> **Finding:** The proposed project would not induce substantial growth in the unincorporated area of Nevada County. While some new areas may be developed for cannabis cultivation, it is anticipated that the majority of commercial cannabis will be produced from existing cultivation operations applying for licenses within counties that adopt ordinances to legalize production in those jurisdictions. The County currently contains approximately 3,500 cannabis operations that would require licensing under the proposed NCCO. While the project may add new residents to the unincorporated area of Nevada County, the number of new residents would not tax existing community services or facilities to such an extent that new services or facilities would be necessary. Similarly, the development of individual commercial cannabis cultivations is not anticipated to encourages or facilitate other activities that cause significant environmental effects Accordingly, the proposed NCCO would not generate a significant increase in population or generate a significant increase in employment. Based on the foregoing, the Board of Supervisors finds the project would not be growth-inducing.

XII. Significant Irreversible Environmental Changes Involved if the Project is Implemented

CEQA Guidelines Section 15127 specifically limits the consideration of "Significant Irreversible Environmental Changes Which Would be Caused by the Project Should It be Implemented" to the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a Local Agency Formation Commission of a resolution making determinations; or

(c) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4347.

The construction and implementation of the project would result in irreversible environmental changes to project sites where commercial cannabis cultivation is proposed. Grading for cultivation sites would result in an irreversible change to the existing topography. Site where clearing and grading is proposed resulting in the permanent removal of on-site habitat as detailed in the Draft EIR. Cumulative impacts on biological resources would be significant and unavoidable as discussed in the Draft EIR.

Construction of cultivation sites under the NCCO would require the commitment of energy, natural resources, and building materials (e.g., wood, concrete). Fuels would be used by equipment during the grading and construction period, by trucks transporting construction materials to the site, and by construction workers during their travel to and from the project site. Energy also would be used in the harvesting, mining, and/or manufacturing materials for structure and roadway construction.

Post-construction operational energy uses of the site would include the use of electricity, natural gas, and water by cultivation operators and employees. This energy use would be a long-term commitment and the use of energy would be irretrievable, although any energy-saving features of the project would reduce this commitment. The project site does not contain any significant mineral, oil, or other energy sources that would be adversely affected by project implementation. No potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state would occur as a result of implementing the project have been identified.

XIII. Incorporation By Reference

The Draft EIR and Final EIR are hereby incorporated into these Findings in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the rationale for approving the proposed project.

XIV. Recirculation Not Required

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes: (i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further

provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the Draft EIR. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required.

XV. Approvals

1. The foregoing statements of procedural history are correct and accurate.
2. The Final EIR has been prepared in accordance with all requirements of CEQA, the CEQA Guidelines, and the Nevada County Environmental Review Ordinance, codified in Chapter XIII of the Nevada County Land Use and Development Code.
3. The Final EIR was presented to and reviewed by the Board of Supervisors. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Board of Supervisors has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.
4. The County finds that the Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision-making, public participation and a reasoned choice. Thus, the alternatives analysis in the EIR is sufficient to carry out the purposes of such analysis under CEQA and the CEQA Guidelines.
5. The Board of Supervisors hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the Nevada County Commercial Cannabis Cultivation Ordinance and makes the following specific findings with respect thereto.
6. The Board of Supervisors agrees with the characterization of the Final EIR with respect to all impacts initially identified as "less than significant" and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant by mitigation measures, or those impacts identified as significant and unavoidable included in the Final EIR. Each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in this document.

7. All mitigation measures in the Final EIR are adopted and incorporated into the Nevada County Commercial Cannabis Cultivation Ordinance.

8. The Mitigation Monitoring and Reporting Program (MMRP) will apply to all mitigation measures adopted with respect to the project and will be implemented.

9. The mitigation measures and the MMRP have been incorporated into the Nevada County Commercial Cannabis Cultivation Ordinance and have thus become part of and limitations upon the entitlements conferred by the project approvals.

10. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.

11. Having independently reviewed and analyzed the Final EIR, certified the Final EIR, and incorporated the mitigation measures into the proposed project, the Board of Supervisors hereby adopts these Findings in their entirety.

12. The Clerk of the Board is directed to file a Notice of Determination (NOD) with the County Clerk within five (5) working days of the date of this approval in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094. The NOD shall be posted by the County Clerk in the Clerk's Office for no less than 30 full days.

Exhibit B

NEVADA COUNTY

COMMERCIAL CANNABIS CULTIVATION ORDINANCE

MITIGATION MONITORING AND REPORTING PROGRAM

ORD18-2
EIR18-001
SCH No. 2018082023

Prepared for:

County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue
Nevada City, California 95959
Contact: Brian Foss, Planning Director

Prepared by:

Kimley»Horn

APRIL 2019

Exhibit B

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INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Nevada County Commercial Cannabis Program Ordinance project. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." An MMRP is required for the proposed project because the Environmental Impact Report (EIR) has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in the Draft EIR as well as any measures that were revised as part of the Final EIR.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- Mitigation Measures: The mitigation measures are taken verbatim from the Draft EIR, as well as any measures which were revised as part of the Final EIR, in the same order that they appear in the Draft EIR.
- Monitoring Responsibility: Identifies the department within the County, project applicant, or consultant responsible for mitigation monitoring.
- Mitigation Timing: Identifies at which stage of the project mitigation must be completed.
- Compliance Verification Responsibility: Identifies the department of the County or other State agency responsible for verifying compliance with the mitigation.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

Proposed Mitigation	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
Aesthetics				
MM AES-1	**MM AES-1: Protected Tree Avoidance.** Amend the NCCO to require all commercial cannabis applications to show on project site plans any landmark trees, landmark groves, and heritage trees and groves that exist on the project site. If such trees exist, the applicant shall indicate that the proposed cultivation sites and any proposed ancillary structures would not require removal of any of the listed trees and that all cannabis cultivation and accessory structures are outside the existing drip line of all trees. If any cultivation or accessory structure would require removal or encroach in the drip line of any trees and the project plans shall be revised to avoid the trees. If any trees or groves are dead, dying, or a public safety hazard as determined by a qualified professional, no further action is required.	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	
MM AES-2	**MM AES-2: Lighting Control Plan.** Amend the NCCO to require commercial cannabis cultivation applicants with exterior light fixtures (including mixed light applications) to submit a light control plan that would demonstrate how light used for cultivation purposes would be controlled. Light control measures may include but not be limited to means such as using blackout tarps to completely cover all greenhouses and hoop-houses or restricting the use of lighting between sunset and sunrise.	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	
Agricultural Resources				
MM AG-1	**MM AG-1: Farmland Resources.** Amend the proposed NCCO, to require all commercial cannabis applications to	County of Nevada	Prior to issuance of CCP or ADP permits for	

Proposed Mitigation	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	show on project site plans any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance based on the most recent available mapping provided by the California Department of Conservation (CDOC) Farmland Mapping & Monitoring Program (FMMP) that exist on the project site. If such lands exist, the applicant shall show on the site plan(s) that any proposed accessory structure and related improvements (e.g., driveways, staging areas, etc.) have been located on the property in which impacts to mapped farmlands are reduced to the maximum extent practicable.		commercial cannabis cultivation.	
Air Quality				
MM AIR-1	**MM AIR-1: Conformance to NSAQMD Rules and Regulations.** Amend the NCCO to require all commercial cannabis applications to include language in project cultivation plans and on project site plans when applicable, that the grading or building permit for the proposed project shall comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the NSAQMD during any construction and during operations of cannabis facilities. Compliance with NSAQMD Rule 226 Dust Control Plan shall be required, and all construction equipment (75 horsepower and greater) shall not be less than Tier 3, less than Tier 4 Interim if construction starts after 2025, and Tier 4 Final if construction starts after 2030. Written documentation that the cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	

Proposed Mitigation	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM AIR-2	**MM AIR-2: Prohibit Burning of Cannabis and Other Vegetation.** Amend the NCCO to prohibit all commercial and non-remuneration operations to from burning any cannabis or other vegetative materials. The following language shall be added to the proposed NCCO: "The burning of any part of the cannabis plant or plant materials that is considered excess or waste is prohibited from being burned." Commercial cannabis cultivation would generate objectionable odors despite a required 100-foot setback from property lines (unless a variance is issued pursuant to the requirements of Sec. L-II 5.7 of the Nevada County Land Use and Development Code).	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	
Biological Resources				
MM BIO-1	**MM BIO-1: Generator Noise.** The proposed NCCO shall be amended to require all projects under either a CCP or an ADP to keep all generators in containment sheds whiles in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. This would be an annual requirement and verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or the held in abeyance until the project infraction is brought into conformance with the NCCO.	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	
MM BIO-2	**MM BIO-2: Biological Resources Pre-Screening.** The proposed NCCO shall be amended to require all applicants to submit biological pre-screening materials of all project sites for both CCP and ADP applications. The materials	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	

Proposed Mitigation	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	shall include adequate information to define site constraints and show potentially sensitive biological resource areas. Materials shall include, at a minimum, project location (site address and parcel numbers); site aerials, photographs of proposed areas of disturbance (includes canopy area, accessory structures, and any related improvements [e.g., driveways, staging areas, etc.]), photographs of vegetative cover, a thorough project description describing all phases of construction, all proposed structures and cultivation areas, location of any streams, rivers, or other water bodies, limits and depth of grading, any grading cut or fill in a stream, river, or other water body, any water diversions and/or description of the source of water, water storage locations, and source of electricity (if applicable). The applicant shall provide site plan(s) showing all areas of disturbance, multiple site plans may be used to clearly show the following; site aerials showing vegetation patterns and habitats (without snow cover), location of any water courses including ephemeral drainages and any other water bodies, all existing or proposed cultivation areas and structures, location of electric generators (if applicable), and grading plans with areas of cut and fill (if applicable). If the pre-screening materials identify habitats known to support sensitive or special status plant or animal species, then avoidance of the sensitive or special status species shall be required. If avoidance of a special status species cannot be achieved, then a Biological Inventory shall be prepared. The Biological Inventory shall be prepared by a			

Proposed Mitigation	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	qualified biologist. The Biological Inventory shall contain an environmental setting, a project description, review of CNDDB database for the project location, a description of potential sensitive habitats existing on site, field survey methodology and findings (if needed), mitigation to reduce impacts (if needed), level of impacts conclusion. Due to the varying nature of biological conditions and variable locations of habitat types and dispersion of sensitive species, additional evaluations such as wetland delineations, protocol level surveys, nesting bird surveys, etc., may be required consistent with the applicable resources standards identified in Sections L-II 4.3 of the Nevada County Land Use and Development Code. If additional avoidance or protection measures are required, a Habitat Management Plan (HMP) consistent with the requirements of Section L-II 4.3.3 of the Nevada County Land Use and Development Code shall be prepared for both CCP and ADP permit applications. The HMPs would be implemented on a project by project basis and included as part of the project-specific approval process. If potential impacts on these biological resources cannot reduced to less than significant, no permit shall be issued.			
Cultural and Tribal Cultural Resources				
MM CUL-1	**MM CUL-1: Records Search.** Prior to project approval of either a CCP or an ADP, the project applicant, to the satisfaction of the County Planning Department shall submit a Non-Confidential Records Search to NCIC to determine the sensitivity of potential commercial cannabis cultivation site to disturb historic, cultural, or tribal resources. The applicant shall submit the	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	

Proposed Mitigation	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	sensitivity letter with the CCP or ADP. Upon receipt, should the County find the NCIC recommends a cultural resource study, the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. No permit shall be issued until the completion of such report, and if needed, until recommended mitigation is implemented, or a plan has been submitted to the County for implementation.			
MM CUL-2	**MM CUL-2: Cultural Resources Inadvertent Discovery Protocol.** The proposed NCCO shall be amended to include a Cultural Resources Inadvertent Discovery Protocol (IDP) for projects that require grading or ground disturbance. The IDP shall include requirements that if subsurface archaeological features or deposits are discovered during construction or ground disturbance all activities within 50-feet of the find shall cease and the County shall be notified immediately. A qualified archeologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. If buried human remains are discovered during construction or ground disturbance all activities shall cease and the County shall be notified immediately. The County shall notify the coroner to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified, and all sections detailed	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	

Proposed Mitigation	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	in Section 5097.98 of the California Public Resources Code shall be followed. Implement Land Use and Development Code Section L-II 4.3.6 Significant Cultural Resources			
MM CUL-3	**MM CUL-3: Paleontological and Unique Geologic Resources Inadvertent Discovery Protocol.** The proposed NCCO shall be amended to include a Paleontological and Unique Geologic Resources Inadvertent Discovery Protocol (IDP) for projects that require grading or ground disturbance. The IDP shall include requirements that if subsurface paleontological features or unique geologic features are discovered during construction or ground disturbance all activities within 50-feet of the find shall cease and the County shall be notified immediately. A qualified paleontologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work.	County of Nevada	Prior to issuance of CCP or ADP permits for commercial cannabis cultivation.	

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ORDINANCE No. 2467

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN URGENCY ORDINANCE ADDING SECTION L-II 3.30 TO ARTICLE 3 OF CHAPTER II AND AMENDING TABLES L-II 2.2.1.B, L-II 2.2.2.B, L-II 2.3.D, L-II 2.4.D, L-II 2.5.D, AND L-II 2.6.F OF ARTICLE 2 OF CHAPTER II OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE REGARDING CANNABIS CULTIVATION (4/5ths AFFIRMATIVE VOTE REQUIRED)

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Section L-II 3.30 of Article 3 of Chapter II of the Nevada County Land Use and Development Code is hereby added to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION II:

Tables L-II 2.2.1.B, L-II 2.2.2.B, L-II 2.3.D, L-II 2.4.D, L-II 2.5.D, and L-II 2.6.F of Article 2 of Chapter II of the Nevada County Land Use and Development Code are hereby amended to read as shown in Exhibit B attached hereto and incorporated herein by this reference.

SECTION III:

Article 5 of Chapter IV of the Nevada County General Code, entitled Marijuana Cultivation, is hereby repealed in its entirety.

SECTION IV:

Based on the findings set forth in Exhibit A attached hereto, this ordinance is declared to be an urgency ordinance necessary for the immediate preservation of the public health, safety and welfare and shall be effective immediately upon adoption by the Board of Supervisors.

SECTION V:

If any provision of this amended ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase

hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County code, ordinance, resolution or policy, the terms and conditions of this ordinance shall prevail.

Pursuant to Government Code section 25123(d), this Ordinance shall take effect and be in force immediately upon the passage hereof, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union and Sierra Sun, newspapers of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a four fifths vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of May, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Susan K. Hoek and Richard Anderson.

Noes: Dan Miller.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: _____

Richard Anderson, Chair

5/20/2019 cc: GIS*
Union*
Sierra Sun*
COB*
CoCo*
QC*
Planning*

EXHIBIT A

Section L-II 3.30 Cannabis Cultivation

A. Authority and Title

Pursuant to the authority granted by Article XI, section 7 of the California Constitution, Health and Safety Code section 11362.83, and Government Code section 25845, the Board of Supervisors does enact this Section.

B. Findings and Purpose

1. On October 9, 2015, the State of California enacted AB 266 (codified in the Business & Professions Code, the Government Code, the Health and Safety Code, the Labor Code, and the Revenue and Taxation Code) regulating commercial cultivation of cannabis and providing a standard definition of "cannabis" that includes marijuana and certain components of cannabis plants, SB 643 (codified in the Business & Professions Code) establishing standards for the issuance of prescriptions for medical cannabis as well as a comprehensive licensing scheme, and AB 243 (codified in the Business & Professions Code, the Fish and Game Code, the Health and Safety Code, and the Water Code) regulating medical cannabis cultivation. All three bills (together, the "Medical Cannabis Regulation and Safety Act" or MCRSA) became effective on January 1, 2016.
2. In January of 2016, the Board of Supervisors passed Ordinance No. 2405 including provisions which banned outdoor cultivation. Also in January of 2016, Resolution 16-038 was passed authorizing the placement of Measure W on the June 2016 ballot. Measure W put amendments made to Article V, sections G-IV 5.4(C) and (E) of the Nevada County General Code to the vote of the people. In February of 2016, the Board of Supervisors passed Resolution 16-082 memorializing the intent of the Board to repeal the ban on outdoor cultivation and to consider and adopt other outdoor regulations if Measure W failed to pass at the next available meeting after the results of the June 7, 2016 election were certified. On June 7, 2016, Measure W failed to pass, and those results were certified on July 19, 2016. Consistent with the intent stated in Resolution 16-082, a Board of Supervisors subcommittee met with local cannabis cultivation advocates on three occasions to attempt to craft regulations to put into place while repealing the outdoor cultivation ban. Consensus was not reached. Action is necessary to uphold the commitment to repeal the outdoor cultivation ban and to adopt other regulations.
3. On November 8, 2016, California voters passed Proposition 64, known as the Adult Use of Marijuana Act (AUMA). AUMA legalized the nonmedical use and personal cultivation of up to six living cannabis plants within, or upon the grounds of, a private residence, by persons 21 years of age and older. Proposition 64 provided that a county may not ban personal indoor cultivation of up to six plants within a person's private residence or certain accessory structures, but may reasonably regulate such indoor grows. The County desires to comply with the limited allowance for indoor personal cultivation of nonmedical cannabis as set forth in Proposition 64, while maintaining reasonable regulations regarding such cultivation activities to address the potentially significant land use, building, public safety and other impacts associated with unregulated indoor grows and to protect the public health, safety and welfare, and preserve the peace and integrity of neighborhoods within the unincorporated areas.
4. In June 2017, the Legislature enacted SB 94 (codified in the Business & Professions Code) that integrated MCRSA with AUMA to create the "Medicinal and Adult-Use Cannabis Regulation and Safety Act" (MAUCRSA). Under MAUCRSA, a single regulatory system governs the medical and adult use cannabis industry in California. Under MAUCRSA, counties may regulate or ban cultivation of marijuana within their jurisdiction. The Legislature has therefore recognized the importance of retained local control over cannabis cultivation within the County's jurisdiction.

5. The Federal Controlled Substances Act, 21 U.S.C. sections 801, et seq., classifies cannabis as a Schedule I Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, cannabis. The Federal Controlled Substances Act contains no exemption for the cultivation, manufacture, distribution, dispensation, or possession of cannabis for medical purposes.
6. The County's unique geographic and climatic conditions, which include dense forested areas receiving substantial precipitation, along with the sparse population in many areas of the County, provide conditions that are favorable to cannabis cultivation. Cannabis growers can achieve a high per-plant yield with high economic value because of the County's favorable growing conditions.
7. MAUCRSA does not provide comprehensive local regulation of cannabis cultivation. The unregulated cultivation of cannabis in the unincorporated area of Nevada County can adversely affect the health, safety, and well-being of the County and its residents.
8. Since approximately 2011, Nevada County has experienced an increase in citizen complaints regarding the odor, threats to public safety and other nuisances that cultivation sites can and have created. In May of 2012, Nevada County enacted Article 5 of the General Code setting forth comprehensive civil regulations governing the cultivation of medical cannabis within the unincorporated areas of Nevada County to address the adverse effects to the health, safety, and well-being of the County and its residents as the result of unregulated cannabis cultivation. The regulations in Article 5 have proven to be inadequate to control the negative impacts of cannabis cultivation. Since the adoption of Article 5, there has been increased cannabis cultivation throughout the unincorporated areas of the County in violation of the provisions of that Article. In addition, the graduated areas for cultivation and setback requirements based on parcel size and the complex regulations required to define cultivation areas have proven cumbersome and problematic to administer and enforce.
9. According to the Nevada County Sheriff, unregulated cannabis cultivation is occurring in residential areas, in close proximity to residences, and on vacant, unsupervised and unsecured properties. Despite existing local regulations regarding cannabis cultivation, Nevada County has continued to experience significant numbers of citizen complaints regarding odor, threats to public safety, significant increases in criminal activity, degradation of the natural environment, malodorous and disagreeable smells, and other hazards and nuisances arising from cannabis cultivation. The revised provisions contained in this Section are intended to address these nuisances and concerns, and simplify the regulations to be more readily understood by those affected and improve the enforcement process, and to more effectively control the adverse impacts associated with cannabis cultivation as stated herein, while accommodating the desires of qualified patients and their primary caregivers.
10. Nevada County and other public entities have reported other adverse impacts from cannabis cultivation, including but not limited to increased risks of criminal activity, acts of violence in connection with attempts to protect or steal cannabis grows, degradation of the natural environment, unsanitary conditions, violations of building codes, malodorous and disagreeable odors, and negative effects on physical, mental and community health. The creation of persistent strong odors as cannabis plants mature and flower is offensive to many people, results in complaints of respiratory problems, and creates an attractive nuisance, alerting persons to the location of valuable cannabis plants and creating an increased risk of crime. Cultivation sites have been the subject of serious criminal activity and associated violence including armed robberies, assault, battery, home invasion robberies, homicides and burglaries. An increasing number of sites are very visible to, and easily accessible by, the public, including children and youth. To protect the cannabis, some of these cultivation sites use aggressive and vicious dogs, booby-trap devices, and persons with weapons that threaten severe bodily harm or death to those who attempt to access the site. Left

unregulated, cultivation sites also result in loitering, increased traffic, noise, environmental health issues, unreasonable odors and other public nuisances that are harmful to the public health, safety and welfare of the surrounding community and its residents. Current regulations have not sufficiently curtailed this activity, requiring additional regulations to protect the health and safety of the community and its residents.

11. The indoor cultivation of substantial amounts of cannabis within a residence presents potential health and safety risks to those living in the residence, especially to children, including, but not limited to, increased risk of fire from grow light systems and improper electrical wiring, exposure to fertilizers, pesticides, anti-fungus/mold agents, and exposure to potential property crimes targeting the residence.
12. Cultivation of any amount of cannabis at locations or premises within 1,000 feet of a school, church, park, child or daycare center, or youth-oriented facility creates unique risks that the cannabis plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of cannabis in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the cannabis.
13. As recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use, the cultivation or other concentration of cannabis in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. In addition, the indoor cultivation of cannabis without compliance with basic building code requirements creates increased risks of electrical fire, mold, mildew, plumbing issues and other damage to persons and property.
14. Comprehensive regulation of premises used for cannabis cultivation is proper and necessary to address the risks and adverse impacts as stated herein, that are especially significant if the amount of cannabis cultivated on a single premises is not regulated and substantial amounts of cannabis are thereby allowed to be concentrated in one place. In Nevada County, the typical outdoor growing season for cannabis is approximately April through September of each year. Surrounding counties have adopted restrictions and, in some cases, bans on the cultivation of cannabis in their jurisdictions. Nevada County continues to encounter increasing numbers of cannabis cultivation sites of increasing sizes, in locations which conflict with the provisions of this Section and operate in manners which create public nuisance to the surrounding community and its residents. There is an immediate need to provide certainty and guidance to those who might choose to legally cultivate cannabis in Nevada County and to preserve the public peace, health and safety of Nevada County residents by regulating and addressing the public nuisances associated with cannabis cultivation.
15. It is the purpose and intent of this Section to implement State law by regulating the cultivation of cannabis in a manner consistent with State law. It is also the intent of this Section to balance the needs of medical patients and their caregivers and to promote the health, safety, and general welfare of the residents and businesses within the unincorporated territory of the County of Nevada. This Section is intended to be consistent with State law. The intent and purpose of this Section is to establish reasonable regulations regarding the manner in which cannabis may be cultivated, including restrictions on the amount and location of cannabis that may be cultivated on any premises, in order to protect the public health, safety, and welfare in Nevada County, and to address the adverse impacts previous local regulations have failed to curtail.
16. The limited right of qualified patients and their primary caregivers under State law to cultivate cannabis plants for medical purposes does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Section, the County will achieve a significant reduction in the aforementioned harms caused or threatened by the unregulated cultivation of cannabis in the unincorporated area of Nevada County.

17. Nothing in this Section shall be construed to allow any activity relating to the cultivation, distribution, processing, storage, transportation or consumption of cannabis that is otherwise illegal under State or Federal law. No provision of this Section shall be deemed to be a defense or immunity to any action brought against any person in Nevada County by the Nevada County District Attorney, the Attorney General of the State of California, or the United States of America.
18. With the legalization of cannabis in California and implementation of a State permitting system, cannabis cultivation, processing, manufacturing and related activities have become emerging and rapidly growing industries. Small craft cannabis cultivators contribute to the local economy and culture of the County of Nevada. Providing small craft cannabis cultivators with a path to legalization and the ability to obtain State permits will support this industry and provide new opportunities for economic growth in the County.
19. Nevada County will benefit from fully addressing and regulating the potential impacts of cannabis cultivation through a local regulatory system that works in conjunction with State requirements.
20. In Nevada County, the typical growing season for cannabis is approximately April through October of each year. There is an immediate need to provide certainty and guidance to those who might choose to cultivate cannabis in Nevada County and allow cultivators access to the State cannabis permitting system. There is also an immediate need to preserve the public peace, health and safety of Nevada County residents by regulating and addressing the potential nuisances associated with cannabis cultivation, while also providing access to local residents to commercial cannabis cultivation and the potential benefits it brings to the community.
21. On May 14, 2019, the Nevada County Board of Supervisors reviewed and approved Resolution (19-199) adopting the Nevada County Commercial Cannabis Cultivation Environmental Impact Report (EIR) providing detailed information about the environmental impacts related to cannabis cultivation activities as well as mitigation measures regarding cannabis cultivation activities in the County of Nevada.

C. Definitions

As used herein the following definitions shall apply:

1. "Accessory Structure" means a separate and legally permitted building or structure located on the same Parcel as a Primary Place of Residence. The structure must be permitted pursuant to applicable building codes and, although it may be permitted for other uses, it must also be permitted specifically for Cannabis Cultivation. Notwithstanding the foregoing, an Accessory Structure may include an attached structure, but Cultivation may not take place in any space inhabited by humans, and must comply with all other local regulations pertaining to Accessory Structures to the extent they are applicable to an attached structure.
2. "Annual Cannabis Permit" (ACP) means a permit issued by Nevada County in final form allowing the permit holder to conduct Commercial Cannabis Activities as set forth in the permit.
3. "Cannabis" shall have the same meaning as that set forth in Health and Safety Code section 11018, as may be amended. Cannabis, Medical Cannabis, and the Cultivation thereof, as defined in this Section shall not be considered an agricultural activity, operation or facility under Civil Code section 3482.5 or an Agricultural Product as defined in Section L-II 3.3 of the Nevada County Land Use and Development Code, or an Agricultural Operation as defined in Sections L-II 3.3, L-II 6.1 and L-XIV 1.1 of the Nevada County Land Use and Development Code.
4. "Canopy" and "Canopy Area" mean the designated area(s) at a licensed and permitted Premises, including Nurseries but excluding Immature Plant Areas, that may contain mature Cannabis plants at any point in time:

a. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain the entirety of mature plants at any point in time, including all of the space(s) within the boundaries.

b. Canopies must be clearly identified on site plans, and may be noncontiguous, but each unique area included in the total Canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, Accessory Structure walls, or fencing. This definition does not include ancillary spaces such as spaces used for drying, curing, or trimming.

c. Canopy boundaries shall encompass the entire plant. Cannabis plants which extend outside the boundaries are considered outside the "Canopy" boundaries and would be considered out of compliance with any permit issued pursuant to this Section.

5. "Childcare Center" means any licensed childcare center, daycare center (including small family), childcare home, or any preschool.
6. "Church" means a structure or lease portion of a structure, which is used primarily for religious worship and related religious activities.
7. "Commercial Cannabis Activity" means all Commercial Cannabis-related activities contemplated by or for which a license may be required by the State of California as codified in its Business & Professions Code, Code of Regulations, Government Code, Health and Safety Code, Labor Code and Revenue and Taxation Code, as may be amended.
8. "Commercial Cannabis Cultivation" means Cultivation of Medical Cannabis only, excluding Cultivation of no more than six (6) plants for Personal Use consistent with state law, including operation of a Nursery.
9. "Cultivation" or "Cultivate" means the grading, planting, growing, harvesting, drying, curing, trimming, or storage, or any combination of these activities, of one or more Cannabis plants or any part thereof in any location, Indoor or Outdoor, including from within a fully enclosed and secure building.
10. "Daycare Center" means resident or non-resident-based daycare services for over 14 children including resident children, under the age of ten (10) years old, if located within a residence, or as provided for in the Health and Safety Code section 1596.76, as may be amended.
11. "Daycare, Small Family" means where resident child daycare services are provided in the home for 8 or fewer children, including the resident children, under the age of ten (10) years old, or as provided for in Health and Safety Code section 1596.78(c), as may be amended.
12. "Designated Responsible Party(ies)" means the individual or entity legally and primarily responsible for all the Commercial Cannabis Activities on the Parcel and/or Premises related to Commercial Cannabis Activities. The Designated Responsible Party(ies) must be licensed by the State of California for the Commercial Cannabis Activities which he/she/they intend on conducting in Nevada County. If the licensee is not the property owner, the legal property owner of any Parcel and/or Premises upon which any Commercial Cannabis Activity will be conducted in Nevada County will also be considered a Designated Responsible Party.
13. "Enforcing Officer" means the Community Development Agency Director, Code Compliance Program Manager, Building Department Director, Environmental Health Director, Sheriff, Fire Authority, or their respective authorized designees, or any other official authorized to enforce local, state or federal laws.
14. "Fire Authority" means the CAL Fire unit chief, Fire Marshal, or the Fire Chief of any local fire protection district located in whole or in part within the County of Nevada, and all chief officers, Office of Emergency Services staff, contractors or designees, company officers and trained prevention staff as may be designated by a Fire Chief to enforce the provisions of this Section.

15. "Habitable Space" means space intended for or which is used for habitation by humans or which is occupied by humans.
16. "Hazardous Materials" means any Hazardous Material as defined in California Health and Safety Code section 25501, as may be amended.
17. "Hearing Body" means a hearing officer or hearing body designated by the Board of Supervisors to conduct administrative hearings as provided in Section L-II 5.23 of this Chapter.
18. "Identification card" shall have the same definition as California Health and Safety Code section 11362.7, as may be amended.
19. "Immature Plant" means a Cannabis plant which is not flowering.
20. "Immature Plant Area" means an area designated for the production of only clones, Immature Plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis on and solely for the use of a licensed Cannabis Cultivation Premises.
21. "Indoor" or "Indoors" means Cultivation using exclusively artificial light within a detached fully enclosed and secure Accessory Structure using artificial light at a rate above twenty-five watts per square foot and that complies with the California Building Code (Title 24, California Code of Regulations) for that specific occupancy type, as adopted by the County of Nevada, except for structures that are exempt from the requirement to obtain a building permit under the Nevada County Land Use and Development Code. For purposes of Personal Use only, "Indoor" or "Indoors" shall also include Cultivation inside a private Residence or attached garage, but not in areas inhabited by humans, including, but not limited to bedrooms and kitchens.
22. "Local Authorization," as required by California Code of Regulations, section 8100(b)(6), California Code of Regulations, section 8110, California Business and Professions Code section 26050.1(a)(2), or as amended respectively and by any other regulation requiring local license, permit or other local authorization to engage in Commercial Cannabis Activity, means a permit issued in final form by the Permitting Authority specifically allowing the holder of said permit to engage in the Commercial Cannabis Activity within the limitations set forth in said permit and allowing for the type of Commercial Cannabis Activity sought by the individual seeking the state license.
23. "Medical Cannabis" shall mean Cannabis recommended by a licensed physician, in accordance with California Health and Safety Code sections 11362.5 through 11362.83, commonly referred to as the Compassionate Use Act and the Medical Cannabis Program Act.
24. "Mixed Light" means the Cultivation of mature or Immature Cannabis Plants in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation using light deprivation and/or one of the artificial lighting models described below:

    "Mixed Light Tier 1": the use of artificial light at a rate of six watts per square foot or less.

    "Mixed Light Tier 2": the use of artificial light at a rate above six watts and below or equal to twenty watts per square foot." "Mixed Light" cultivation must take place in an Accessory Structure permitted in compliance with local building codes and permitted specifically for Cannabis Cultivation.
25. "Non-Remunerative Cultivation" means the Cultivation of Medical Cannabis only by a Primary Caregiver on behalf of a Qualified Patient for no monetary compensation except for actual expenses as allowed by Health and Safety Code section 11362.765(c). Non-remunerative Cultivation must comply with all Commercial Cannabis Cultivation regulations.

26. "Nursery" means the production of only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of Cannabis for wholesale distribution or sales to another State licensee in accordance with California law.
27. "Outdoor" or "Outdoors" means Cultivation of Cannabis in any location that is not "Indoors" nor "Mixed Light" and which is cultivated without the use of any artificial light at any time.
28. "Parcel" means any legal parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the California Government Code).
29. "Parks" means private and public parks, playgrounds, play lots, athletic fields, tennis courts, public outdoor gathering area, recreational area, restrooms and similar facilities.
30. "Permitting Authority" means the Community Development Agency Director, Building Director, Planning Director, Environmental Health Director, Code Compliance Program Manager, and/or Fire Authority and/or their designee(s).
31. "Personal Use" means Cannabis cultivated for Personal Use, not for any commercial purpose and not for sale, donation, gifting, or any other purpose other than the Personal Use of the individual who Cultivates. Personal Use does not include Cannabis which is Cultivated for non-remuneration.
32. "Premises" refers to the site where Cultivation occurs, and includes at least one legal Parcel but may include multiple Parcels if such Parcels are under common ownership or control and at least one Parcel contains a legally permitted and occupied Primary Place of Residence.
33. "Primary Caregiver" shall have the definition set forth in Health and Safety Code section 11362.7(d), as may be amended.
34. "Primary Place of Residence" shall mean the Residence at which an individual resides, uses or otherwise occupies on a full-time, regular basis.
35. "Qualified Patient" shall have the definition as set forth in Health and Safety Code sections 11362.7(c) and (f), as may be amended.
36. "Residence" shall mean a fully enclosed permanent structure used, designed or intended for human occupancy that has been legally established, permitted, and certified as a single-family or multi-family dwelling in accordance with the County Land Use and Development Code. Recreational Vehicles (RVs), trailers, motorhomes, tents or other vehicles or structures which are used, designed, or intended as temporary housing shall not constitute a Residence for purposes of this Section, whether or not such vehicle or structure is otherwise permitted or allowed under the Nevada County Land Use and Development Code.
37. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
38. "Sensitive Site" means a School, Church, Park, Child or Daycare Center, or Youth-Oriented Facility.
39. "Sheriff" or "Sheriff's Office" means the Nevada County Sheriff's Office or the authorized representatives thereof.
40. "Support Area" means an area associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured Cannabis products and/or supplies necessary for Cannabis Cultivation, and Immature Plant Areas.
41. "Transport" means the movement of Cannabis by a person or entity holding a Distributor Transport Only (Self-Transport) license from the State of California to transport its own Cannabis off its own Cultivation site.

42. "Violator" means any person or entity who causes, permits, maintains, conducts or otherwise suffers or allows a violation of this Section and/or a nuisance to exist, including but not limited to the owner(s) of the Parcel or Premises, the occupant(s) if other than the owner(s), the holder(s) of any permit obtained pursuant to this Section, any Designated Responsible Party, and/or any person or entity who causes a public nuisance as described in this Section L-II 3.30, including any person or entity who causes such nuisance on property owned by another.
43. "Youth-oriented Facility" means any facility that caters to or provides services primarily intended for minors, or where the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

D. Nuisance Declared; Cultivation Restrictions

1. Cannabis Cultivation, either Indoors, Mixed Light or Outdoors, on any Parcel or Premises in an area or in a quantity greater than as provided herein, or in any other way not in conformance with or in violation of the provisions of this Section L-II 3.30, any permit issued pursuant to this Section, and/or state law, is hereby declared to be a public nuisance that may be abated by any means available by law. The provisions of Section L-II 5.19 (Nonconforming Uses and Structures) of the Nevada County Land Use and Development Code shall not apply to Cannabis Cultivation hereby declared to be a public nuisance. No person owning, leasing, occupying, or having charge or possession of any Parcel or Premises within the County shall cause, allow, suffer, or permit such Parcel or Premises to be used for Cannabis Cultivation in violation of the California Health and Safety Code or this Section.
2. Cannabis Cultivation is prohibited on any Parcel or Premises within the unincorporated territory of Nevada County except on Parcels or Premises with a legally established Residence.
3. Cannabis Cultivation is hereby prohibited and declared a nuisance pursuant to this Section, except that Cannabis Cultivation may be undertaken in accordance with this Section as follows:
    a. On Premises improved with a permanent, occupied, legally permitted Residence.
    b. Only by an individual or entity who engages in Commercial Cannabis Cultivation for medical purposes, including operation of a Nursery in accordance with state and local law.
    c. By an individual for Personal Use in accordance with Subsection E below and in accordance with state and local law.
4. Indoor and Mixed-Light Cannabis Cultivation may occur only within a permitted Accessory Structure that meets the requirements of this Section and complies with all applicable provisions of the County's Land Use and Development Code and which is permitted for purposes of the specified type of Cannabis Cultivation. Cultivation shall not take place in a kitchen, bathroom, bedrooms, common areas or any other space in the structure, which is used as, designed or intended for human occupancy. Structures that are exempt from the requirement to obtain a building permit under the Nevada County Land Use and Development Code may be used for Commercial Cannabis Cultivation if meeting all requirements of the Nevada County Land Use and Development Code for that specific structure. Notwithstanding the above, Cannabis Cultivation for Personal Use may occur inside a private residence, but not in bedrooms or kitchens.
5. Cultivation of Cannabis is prohibited on any Premises located within the following areas:
    a. Upon any Premises located within 1,000 feet of any Sensitive Site. This setback is measured from the edges of the designated Canopy Area and from any Support Area to the property line of the Sensitive Site.

b. In any location where Cannabis, or any portion thereof and whether mature or Immature, is visible from the public right-of-way or publicly traveled private roads at any stage of growth.

c. Within any setback area required by this Section.

6. All Cannabis Cultivation areas shall comply with the following requirements:

a. All Cannabis Cultivation Premises shall be adequately secure 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.

b. Cannabis Cultivation shall not adversely affect the health, safety, or general welfare of persons at the Cultivation site or at any nearby residence by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, light, or vibration, by the use or storage of hazardous materials, processes, products or wastes, or by any other way. Cannabis Cultivation shall not subject residents of neighboring parcels who are of normal sensitivity to reasonably objectionable odors.

c. All electrical, mechanical, and plumbing used for Indoor or Mixed-Light Cultivation of Cannabis shall be installed with valid electrical, mechanical, and plumbing permits issued and inspected by the Nevada County Building Department, which building permits shall only be issued to the legal owner of the Premises or their authorized agent. The collective draw from all electrical appliances on the Premises shall not exceed the maximum rating of the approved electrical panel for the Parcel. Electrical utilities shall be supplied by a commercial power source. If generators are used for emergency purposes as approved by the Enforcing Officer, all generators shall be located in containment sheds while in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. This is an annual requirement and shall be verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or held in abeyance until the project infraction is brought into conformance with this Section.

d. Cultivation of Cannabis indoors shall contain effective ventilation, air filtration and odor-reducing or odor-eliminating filters to prevent odor, mold and mildew in any area used for Cultivation or which is used as, designed or intended for human occupancy, or on adjacent Premises.

e. All structure and site utilities (plumbing, electrical and mechanical) shall comply with the California Building Standards Codes as adopted by the County of Nevada.

f. All lights used for Cannabis Cultivation shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the Premises, and shall comply with the requirements of Section L-II 4.2.8.D. of this Chapter. Lights are not permitted to be detectable during the nighttime hours. If lights are to be used during nighttime hours, black out or light barriers must be used to ensure no light is visible during nighttime hours.

g. Noise levels generated by Cultivation shall not exceed the standards set forth in Table L-II 4.1.7 (Exterior Noise Limits) of this Chapter applicable to the Land Use Category and Zoning District for the Premises on which the Cultivation occurs.

h. If the person(s) engaging in Cannabis Cultivation is/are not the legal owner(s) of the Parcel, the person(s) who is engaging in Cannabis Cultivation on such Parcel shall: (a) give written notice to the legal owner(s) of the Parcel prior to commencing Cannabis Cultivation on such Parcel, and (b) shall obtain a signed and notarized Nevada County issued authorization form from the legal owner(s) consenting to the specific Commercial Cannabis Activity for which a local permit and state license are being sought on the Parcel and provide said authorization to Nevada County prior to the commencement of any Cultivation activities and at least annually thereafter. A copy of the most current

letter of consent shall be displayed in the same immediate area as designated in the permit and license, in such a manner as to allow law enforcement and other Enforcing Officers to easily see the authorization without having to enter any building of any type. Such authorization must also be presented immediately upon request by an Enforcing Officer.

i. The use of Hazardous Materials shall be prohibited in Cannabis Cultivation except for limited quantities of Hazardous Materials that are below State of California threshold levels of 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of compressed gas. Any Hazardous Materials stored shall maintain a minimum setback distance from water sources in accordance with Nevada County Land Use and Development Code Chapter X. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

j. All Premises used for Cannabis Cultivation shall have a legal and permitted water source and shall not engage in unlawful or unpermitted drawing of surface water or permit illegal discharges of water. For purposes of engaging in Cannabis Cultivation pursuant to this Section, water delivery is prohibited.

k. All Premises used for Cannabis Cultivation shall have a legal and permitted sewage disposal system and shall not engage in unlawful or unpermitted drawing of surface water or permit illegal discharges of water.

7. Accessory Structures used for Cannabis Cultivation shall meet all of the following criteria:

   a. The Accessory Structure, regardless of size, shall be legally constructed in accordance with all applicable development permits and entitlements including, but not limited to, grading, building, structural, electrical, mechanical and plumbing permits approved by applicable federal, state and local authorities prior to the commencement of any Cultivation Activity. The conversion of any existing Accessory Structure, or portion thereof, for Cultivation shall be subject to these same permit requirements and must be inspected for compliance by the applicable federal, state and local authorities prior to commencement of any Cultivation Activity. Any Accessory Structure must also be permitted for the specific purpose of Commercial Cannabis Cultivation. Agricultural structures constructed in compliance with the Nevada County Land Use and Development Code may be used for Commercial Cannabis Cultivation if a letter of exemption is issued by the Nevada County Chief Building Official or his/her designee certifying that the structure meets all requirements to receive a letter of agricultural exemption.

   b. The Accessory Structure shall not be built or placed within any setback as required by the Nevada County Land Use and Development Code or approved development permit or entitlement.

   c. Accessory Structures shall not be served by temporary extension cords. All electrical shall be permitted and permanently installed.

   d. Accessory Structures used for Indoor Cultivation shall be equipped with a permanently installed and permitted odor control filtration and ventilation system adequate to prevent any odor, humidity, or mold problem within the structure, on the Premises, or on adjacent Parcels.

   e. Any structure used for Indoor Cultivation shall have a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2″ x 4″ or thicker studs overlain with 3/8″ or thicker plywood, polycarbonate panels, or equivalent materials. Exterior walls must be constructed with non-transparent material. Plastic sheeting, regardless of gauge, or similar products do not satisfy these requirements.

8. Where the provisions of this Section are more restrictive than the Nevada County Land Use and Development Code, the provisions of this Section shall govern.
9. Nothing herein shall limit the ability of the Enforcing Officer or any other state or local employees or agents from entering the property to conduct the inspections authorized by or necessary to ensure compliance with this Section, or the ability of the Sheriff to make initial inspections or independent compliance checks. The Enforcing Officer is authorized to determine the number and timing of inspections that may be required.
10. All Canopy Areas and Support Areas must 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 Cultivation site. Cannabis or any portion thereof and whether mature or Immature shall not be visible from a public right-of-way.
11. Notwithstanding the above, Cannabis Cultivation of up to six (6) Immature or mature plants for Personal Use may be Cultivated inside a private Residence or attached garage except that it may not be Cultivated in any space inhabited by humans, including but not limited to bedrooms and kitchens.

E. Personal Use Cannabis Cultivation

All Cultivation of Cannabis for Personal Use must conform to the regulations and requirements set forth in Section D, above, in addition to the following regulations and requirements.

Personal Use Cannabis Cultivation is allowed as follows:

1. For Personal Use only, Cannabis Cultivation may occur only on a Parcel or Premises with an occupied legally permitted Primary Place of Residence and only in the following zones:

    a. R-1, R-2, R-3 and R-A (Residential Designation) on Parcels of any size:

        Indoors: Maximum of six (6) plants, mature or immature.

        Mixed Light or Outdoors: Cultivation is prohibited.

    b. RA (Rural and Estate Designation):

        Parcels of 5.00 acres or more:

            Indoors, Mixed-Light and Outdoors or a combination of methods: a maximum of six (6) plants, mature or immature.

    c. AG, AE, FR, and TPZ:

        Parcels of equal to or less than 1.99 acres:

            Indoors: a maximum of six (6) plants, mature or immature.

            Mixed-Light and Outdoors: Cultivation is prohibited.

        Parcels of 2.00 acres or greater:

            Indoors, Mixed-Light and Outdoors: a maximum of six (6) plants, mature or immature.

2. The following setbacks apply to all Cannabis Cultivation sites regardless of purpose or Cultivation method:

    a. For all Premises: 100 linear feet measured from the edge of the Canopy Area to the adjacent property lines.

    b. For all Premises: 100 linear feet measured from the edge of any Support Area to the adjacent property lines.

c. In a mobile home park as defined in Health and Safety Code section 18214.1, 100 feet from mobile home that is under separate ownership.

F. Commercial Cannabis Cultivation

Except as explicitly allowed in this Section, Commercial Cannabis Activities are prohibited. All Commercial Cannabis Activities must conform to the regulations and requirements set forth in Subsection D, above, in addition to the following regulations and requirements:

Commercial Cannabis Cultivation is permitted as follows:

1. Commercial Cannabis Cultivation may occur only on Premises with an occupied legally permitted Primary Place of Residence, and only in zones as set forth as follows:
   a. R-1, R-2, R-3 and R-A (Regardless of General Code Designation) and TPZ:

      Commercial Cannabis Cultivation is prohibited.

   b. AG, AE, FR:

      Parcels of less than 2.00 acres:

      Commercial Cannabis Cultivation is prohibited.

      Parcels 2.00 acres up to 4.99 acres:

      Indoors: a maximum of 500 square feet of Canopy.

      Mixed-Light and Outdoors: Commercial Cannabis Cultivation is prohibited.

      Parcels 5.00 acres up to 9.99 acres:

      Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 2,500 square feet of Canopy.

      Parcels of 10.00 acres up to 19.99 acres:

      Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 5,000 square feet of Canopy.

      Parcels of 20 acres or greater:

      Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 10,000 square feet of Canopy.

2. The six (6) plants permitted to be Cultivated on any Premises for Personal Use in accordance with this Section and state law may be Cultivated in addition to the amounts allowed for Commercial Cannabis Cultivation by this Section.
3. Commercial Cannabis may be Cultivated on Premises with multiple Parcels only if there is direct access from one Parcel to the other. The total Canopy Area shall not exceed that allowed area based on the largest of the Parcel sizes. The total Canopy Area shall not exceed the area of the Parcel used for Cultivation. The total Canopy Area and any Support Area must comply with all setback requirements and may not straddle any Parcel boundary. This provision does not prohibit, for example, location of one Canopy Area on one Parcel and another Canopy Area on an adjacent Parcel as long as setback, total square footage, and other requirements of this Section are met.
4. All those engaged in Commercial Cannabis Cultivation in Nevada County must possess and maintain the appropriate Commercial Cannabis license(s) from the State of California. State licenses must cover and allow for the Commercial Cannabis Cultivation activities being conducted in Nevada County.
5. The holder of an Annual Cannabis Permit for Commercial Cannabis Cultivation or for Non-Remuneration Cultivation in Nevada County may also Transport its own Cannabis from its licensed and permitted Premises to the extent allowed by the permit holder's State license and State law without obtaining an additional permit from Nevada County. The permit from

Nevada County, however, must indicate that such Transport is specifically allowed. In order to engage in Transport of Cannabis or Cannabis products, the permit holder must provide the County with proof of possession of a "Distributor Transport Only" (Self-Distribution only) California State license, as set forth in California Code of Regulations, Title 16, Division 42, Chapter 2, section 5315, allowing for Transport of Cannabis from the Cultivation site as long as said license is necessary under State law. Said State license must be maintained in good standing in order to engage in the Transport of Cannabis in the County of Nevada. Notwithstanding the foregoing, this provision does not authorize the holder of an ACP to Transport Cannabis away from the Cultivation sites of other permit holders.

6. Commercial Cannabis Activity in the County of Nevada may only be conducted by individuals and/or entities licensed by the State of California to engage in the activity for which a permit was issued by the County of Nevada. Commercial Cannabis Activities may not commence, and the Nevada County permit is not valid, until the appropriate license is obtained from the State of California.
7. A maximum of three (3) Cultivation permits will be issued per person or entity for purpose of engaging in Commercial Cannabis Activities. No person or entity may have any financial interest in more than eight (8) Commercial Cannabis businesses and/or enterprises in Nevada County Cannabis Cooperatives as defined by Business and Professions Code, Division 10, Chapter 22 are exempt from the limitations contained in this Subsection F.7.
8. A Primary Caregiver may cultivate no more than five hundred (500) square feet of Canopy per Qualified Patient for up to five (5) 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, if said Primary Caregiver 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. Cultivation under this provision, however, must otherwise comply with all other regulations applying to Commercial Cannabis Cultivation under this Section.
9. Cannabis Support Areas are limited to a maximum area equal to 90% of the allowed Canopy Area. The Support Area boundary shall be clearly identified on any plans that are submitted and on the Premises.

G. Permitting of Commercial and Non-Remuneration Cannabis Activities

Permitting to engage in Commercial Cannabis Activities or Non-Remunerative Cannabis Cultivation in Nevada County is a two-step process. One must obtain both a land use permit (either a CCP or an ADP) and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Subsection G and this Section.

1. Cannabis Cultivation Permit (CCP) requirements are as follows:

    a. Canopy sizes of a combined total of up to 2,500 sq. feet (Indoors, Mixed-Light or Outdoors) on the Premises.
    b. Compliance with all local CCP permitting requirements is necessary.
    c. CCPs are not transferrable or assignable to any other person, entity or property.
    d. Applicant must provide the following as part of their application for a CCP:
        i. A complete application.
        ii. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
        iii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
        iv. All CCP permits are subject to all of the resource protection standards identified in Section L-II 4.3.3 of this Chapter.

v. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section. In addition the site plan shall include:
   a) All landmark trees, landmark groves and heritage trees and groves as defined in the Nevada County Land Use and Development Code. If such trees exist, the applicant shall indicate that the proposed cultivation sites and any proposed ancillary structures would not require removal of any of the listed trees and that all Cannabis cultivation and Accessory Structures are outside the existing drip line of all trees. If any Cultivation or Accessory Structure would require removal or encroach in the drip line of any trees and the project plans shall be revised to avoid the trees. If any trees or groves are dead, dying, or a public safety hazard as determined by a qualified professional, no further action is required.
   b) All Prime Farmland, Unique Farmland, or Farmland of Statewide Importance based on the most recent available mapping provided by the California Department of Conservation (CDOC) Farmland Mapping & Monitoring Program (FMMP) that exist on the project site. If such lands exist, the applicant shall show on the site plan(s) that any proposed Accessory Structure and related improvements (e.g., driveways, staging areas, etc.) have been located on the property in which impacts to mapped farmlands are reduced to the maximum extent practicable. A Management Plan pursuant to LUDC section L-II 4.3.3 shall be required if any Cultivation activities or structures encroach into mapped farmland.

vi. Irrigation water service verification.

vii. Sewer/septic service verification.

viii. Electrical service verification.

ix. A security plan.

x. A light control plan that demonstrates how light used for cultivation purposes would be controlled. Light control measures may include but not be limited to means such as using blackout tarps to completely cover all greenhouses and hoop-houses or restricting the use of lighting between sunset and sunrise.

xi. All Commercial Cannabis Cultivation applications shall include language in project Cultivation plans and on project site plans when applicable, that the grading or building permit for the proposed project shall comply with applicable state and federal air pollution control laws and regulations, and with applicable rules and regulations of the NSAQMD during any construction and during operations of Cannabis facilities. Compliance with NSAQMD Rule 226 Dust Control Plan shall be required, and all construction equipment (75 horsepower and greater) shall not be less than Tier 3, less than Tier 4 Interim if construction starts after 2025, and Tier 4 Final if construction starts after 2030. Written documentation that the Cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.

xii. All Commercial Cannabis Cultivation and Non-Remuneration Cultivation operations are restricted from burning any Cannabis or other vegetative materials. The following language shall be included on all site plans: "The burning of any part of the Cannabis plant or plant materials that is considered excess or waste is prohibited from being burned."

xiii. All applications shall include biological pre-screening materials. The materials shall include adequate information to define site constraints and show potentially sensitive biological resource areas. Materials shall include, at a minimum, project location (site address and parcel numbers); site aerials, photographs of proposed areas of disturbance (includes Canopy area, Accessory Structures, and any related improvements [e.g., driveways, staging areas, etc.]), photographs of vegetative

cover, a thorough project description describing all phases of construction, all proposed structures and Cultivation areas, location of any streams, rivers, or other water bodies, limits and depth of grading, any grading cut or fill in a stream, river, or other water body, any water diversions and/or description of the source of water, water storage locations, and source of electricity (if applicable). If avoidance or protection measures are required, a Habitat Management Plan (HMP) consistent with the requirements of Section L-II 4.3.3 of the Nevada County Land Use and Development Code shall be prepared. If potential impacts on these biological resources cannot be reduced to less than significant levels, no permit shall be issued.

xiv. Applications shall include a Non-Confidential Records Search to NCIC to determine the potential for Commercial Cannabis Cultivation sites to disturb historic, cultural, or tribal resources. Upon receipt, should the County find the NCIC recommends a cultural resource study; the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. No permit shall be issued until the completion of such report, and if needed, until recommended mitigation is implemented, or a plan has been submitted to the County for implementation.

xv. All applications that include ground disturbance shall include a note on the plans that if subsurface archeological and/or paleontological features or unique geologic features are discovered during construction or ground disturbance, all activities within 50-feet of the find shall cease and the County shall be notified immediately. A qualified archaeologist/paleontologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. If buried human remains are discovered during construction or ground disturbance, all activities shall cease and the County shall be notified immediately. The County shall notify the coroner to examine the remains. If the remains are determined to be of Native American origin, the Native American Heritage Commission shall be notified, and all sections details in Section 5097.98 of the California Public Resources Code shall be followed.

xvi. Copy of Deed to Property indicating applicant ownership.

xvii. Acknowledgement of all standards and requirements set forth in this Section.

xviii. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).

xix. Lease information.

xx. Payment of applicable fees.

xxi. Provide proof of purchase of a Certificate of Deposit or Bond from a commercial banking institution approved by the Enforcing Officer in the amount of $5,000.00 which may be accessed by County of Nevada.

xxii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.

e. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.

f. Secondary Access and Dead End Road Requirement Exemption:
Secondary access may be waived at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises and that the general public will not have access to the Premises.

g. Applicant shall obtain and keep a valid and active ACP for the CCP to remain active. If an ACP is not obtained within six months of issuance of the CCP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the CCP.

2. Administrative Development Permit (ADP) requirements are as follows:

a. Canopy sizes of a combined total of 2,501-10,000 sq. feet (Indoors, Mixed-Light or Outdoors on the Premises.
b. Compliance with all ADP permitting requirements is necessary.
c. ADPs are not transferrable or assignable to any other person, entity or property.
d. Applicant must provide a complete application that contains all requirements of the CCP application listed in Section G.1.d, above.
e. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
f. Secondary Access and Dead End Road Requirement Exemption:
Secondary access may be waived at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises, that the general public will not have access to the Premises, that no more than ten (10) employees will be on the Premises at any given time, and that the Fire Authority approves the exemption.
g. Applicant shall obtain and keep a valid and active ACP for the ADP to remain active. If an ACP is not obtained within six months of issuance of the ADP, or if the ACP is revoked or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADP.

3. Annual Cannabis Permit (ACP): This permit may be issued to the individual/entity engaging in the Commercial Cannabis Activity and Non-Remuneration Cultivation.
a. Permit for Commercial Cannabis Activities:
Applicant must submit the following information as part of the application process:
i. A complete application.
ii. The exact location of the proposed Cannabis Activity.
iii. A copy of all applications of licensure submitted to the State of California related to the proposed Cannabis Activities.
iv. A list of all individuals and/or entities with any financial interest in the Commercial Cannabis Activity, including names, addresses, titles, nature and extent of financial interest, and disclosure of all financial interest in any and all Cannabis businesses in the County.
v. Tax identification information.
vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Activities.
vii. Copy of identification acceptable to County, including but not limited to driver's license or passport.
viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended Cannabis Activities, setbacks, descriptions of existing and proposed structures and any other aspects required to show compliance with this Section.
ix. Irrigation water service verification.
x. Sewer/septic service verification.
xi. Electrical service verification.
xii. A security plan.
xiii. Notarized landlord authorization to engage in activity or deed of ownership.
xiv. Acknowledgement of standards and requirements set forth in this Section.
xv. Copy of valid state license application allowing for type of Commercial Cannabis Activity applied for (if available).
xvi. Lease information.
xvii. Payment of applicable fees as may be established and amended by the County.
xviii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.
b. Non-Remunerative ACP applicants must submit the following:
i. A complete application.
ii. The exact location of the proposed Cultivation.

iii. Sufficient proof that the applicant is a Qualified Caregiver.
iv. Copies of valid recommendations from qualified physicians for each Qualified Individual for whom Cannabis is being Cultivated.
v. Background information, including but not limited to a statement that the applicant and owner have submitted to a Live Scan background check no earlier than 30 days prior to the date of application.
vi. Detailed description of any law enforcement and/or code enforcement activities at the Premises proposed for the Cannabis Cultivation.
vii. Copy of approved identification.
viii. A detailed site plan setting forth the intended location of the Canopy Area and any Support Area, detailed description of intended activities, setbacks, descriptions of existing and proposed structures and any other information required to show compliance with this Section.
ix. Irrigation water service verification.
x. Sewer/septic service verification.
xi. Electrical service verification.
xii. A security plan.
xiii. Notarized landlord authorization to engage in activity or deed of ownership.
xiv. Acknowledgement of standards and requirements set forth in this Section.
xv. Lease information.
xvi. Payment of applicable fees as may be established and amended by the County.
xvii. A valid email address and acknowledgement that the applicant agrees to accept service of any notice required or allowed by this Section via email.

c. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.
d. Secondary Access and Dead End Road Requirement Exemption:
Secondary access may be mitigated at the discretion of the Permitting Authority if applicant attests that there will be no special events held on the Premises, that the general public will not have access to the Premises, that no more than ten (10) employees will be on the Premises at any given time, and that Fire Authority approves the exemption.
e. ACPs must be renewed annually.

4. In the event that the proposed site plan does not meet the setback requirements of this Section, the applicant may propose use of an easement agreement with an adjacent property owner or obtain a setback variance in order to satisfy the setback requirements (a "Setback Easement" or "Setback Variance"). Setback Easements and/or Setback Variances relating to Indoor, Mixed-Light and Outdoor Cultivation and Support Areas will be granted and issued at the discretion of the Permitting Authority, and only as follows:

a. Setback Variances shall follow the requirements of Sec. L-II 5.7 of the Nevada County Land Use and Development Code. Setback Variances shall be limited to a minimum setback of 60 feet to property lines; provided, however, existing structures permitted prior to May 1, 2019 shall be limited to a minimum setback of 30 feet to property lines. Except as set forth in Subsections below, no Setback Variance will be considered for any other provision of this Section including, but not limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation. The findings required for approval of a Setback Variance shall be those listed in Sec. L-II 5.7 in addition to the following finding:

i. The Setback Variance will not result in any increased odor impacts to neighboring properties and all potential increases in odor impacts have been adequately mitigated.

b. Setback Easements are intended to allow limited flexibility for purposes of compliance with setback requirements only. Except as set forth in Subsections below, no Setback Easement will be considered for any other provision of this Section including, but not

limited to, Canopy Area, minimum parcel size, zoning designations or methods of cultivation.

c. Setback Easements must comply with the following:
   i. Setback Easement area cannot exceed 40% of the required setback.
   ii. The majority of the burden of the setback must remain with the applicant.
   iii. The easement must contain the following language: "This easement may be used to meet the Nevada County setback requirements for the purpose of Cultivation Indoors, Mixed-Light, or Outdoors pursuant to the Nevada County Code."
   iv. All other legal and local requirements of a Setback Easement must be met.

d. The Permitting Authority has the discretion to authorize a Cultivation Site or Support Area at a distance less than 1000 feet from a state and/or federal Park if the following criteria are met:
   i. the proposed site is at least 300 feet from the property line of the state or federal Park; and
   ii. the portion of the state or federal Park that is adjacent to the Parcel or Premises upon which the Cultivation Site or Support Area is proposed to be constructed is inaccessible by the public and is unimproved.

   The Permitting Authority has the authority to submit the application through the Planning Commission process for approval if, in his/her discretion, such approval is appropriate.

5. Transition Period for Non-Cannabis Violations on the Premises.

   The issuance of Cannabis Cultivation Permits, Administrative Development Permits, or Annual Cannabis Permits may be withheld if any violations of Nevada County Municipal Codes not related to Cannabis Activities exist on the Parcel or Premises upon which Commercial Cannabis Activities are proposed to be conducted. At the discretion of the Permitting Authority, applicants may be given up to two years from the date of the submission of the application for Cannabis Activity permits, including use and development permits, to bring existing building code and other violations not related to Cannabis Activities into compliance with local regulations. Minor grading that does not present a fire, life and/or safety hazard as determined by the Enforcing Officer may be included in the two-year transition period. For this Subsection to apply, all required permits to correct code defects must be submitted and substantial progress toward compliance made during this transition period. Failure to correct said code violations by the initial expiration of an ACP may result in the ACP not being renewed. Nothing in this provision precludes the County from proceeding to seek revocation of land use permits for failure to correct code defects. This provision does not apply to any structure, other site improvements in which Cannabis Activities will be conducted which was not previously properly permitted, or to any code violations which adversely impact health and safety, including but not limited to electrical or fire hazards. Structures, grading, and utilities which will be used for Cannabis Activities must be in compliance with all local and state regulations prior to the commencement of Commercial Cannabis Activities unless said structures were previously properly permitted. This provision providing for a transition period expires two years from the date this Section is initially adopted, after which time, no CCP or ADP will be issued for Commercial Cannabis Activities unless the Parcel and/or Premises, and all improvements thereon, are fully compliant with all Nevada County Codes.

H. Change in Land Use

To the extent feasible, the County shall encourage any person proposing to construct or operate a new or relocated School, Sensitive Site, Church, Park, Day Care, or Child Care Center, or Youth-Oriented

Facility to consider whether the proposed location of such use is within 1,000 feet of a Premises upon which Cannabis Cultivation is permitted or where a Notice to Abate has been issued within the past year. Upon request, the Enforcing Officer shall inform any person proposing to construct or operate a new or relocated School, Church, Park, Daycare, Childcare Center, or Youth-Oriented Facility regarding whether there is such a Premises within 1,000 feet of the proposed location of such use, and, if so, shall also inform the person, owning, leasing, occupying, or having charge or possession of that Premises that such a use is being proposed within 1000 feet of the Premises.

I. Denial, Suspension, and Revocation of Permits

1. Denial – Initial Application for Any Permit.
   An application for any permit to be issued pursuant to this Section shall be denied following review of the application if the Permitting Authority determines that the applicant has not complied with the requirements of this Section or makes any of the findings listed in Subsection I.5 below.
2. Denial – Renewal of ACP.
   Renewal of an existing Annual Cannabis Permit shall be denied if the Permitting Authority makes any of the findings listed in Subsection I.5 below.
3. Suspension of ACP.
   Prior to or instead of pursuing revocation of an ACP, the Permitting Authority may suspend an ACP for thirty (30) days if the Permitting Authority makes any of the findings listed in Subsection I.5 below. The Permitting Authority shall issue a Notice of Suspension to the holder of the ACP by any of the methods listed in Subsection L.1 below. Such Notice of Suspension shall state the reason for suspension and identify what needs to be cured and corrected during the suspension period. Suspension is effective upon service as described in Section L.2 below. All Cannabis Activities must cease upon suspension. The Permitting Authority's decision to suspend an ACP may be appealed to the Hearing Body within five (5) days after service of the Notice of Suspension. Any hearing requested pursuant to this Subsection I.4 may be combined with any other hearing pertaining to the same Cannabis activities, Premises, or Parcel that is held by the Hearing Body pursuant to this Section, including an abatement hearing. Nothing in this provision shall be construed to limit the Permitting Authority's ability to revoke an ACP without first issuing a suspension.
4. Revocation – ACP
   An ACP may be revoked if the Permitting Authority makes any of the findings listed in Subsection I.5, below. The Permitting Authority shall issue a Notice of Revocation to the holder of the ACP by any of the methods listed in Section L.1. Such Notice of Revocation shall state the reason for revocation, and that the holder of the ACP may appeal the revocation to the Hearing Body within five (5) days of service of the Notice of Revocation. The Hearing Body's decision on the ACP revocation shall be final. Any hearing requested pursuant to this Subsection I.4 may be combined with any other hearing pertaining to the same Cannabis activities, Premises, or Parcel that is held by the Hearing Body pursuant to this Section, including an abatement hearing.
5. Revocation – CCP or ADP.
   Any CCP or ADP may be revoked in accordance with the procedure set forth in Section L-II 5.11. A CCP or ADP may be revoked based on a finding that any of the following have occurred:
   a. Discovery of untrue statements submitted on a permit application.
   b. Revocation or suspension of any State license required to engage in Commercial Cannabis Activities.

c. Previous violation by the applicant or violation by the permittee, of any provision of the Nevada County Code or State law, including any land use permit conditions associated with the permittee's business operations.

d. Failure to meet any of the general eligibility requirements to obtain a permit as set forth in this Section.

e. Violation of, or the failure or inability to comply with, any of the restrictions or requirements for the issuance of a license or conducting business operations as set forth in this Section, including any administrative rules or regulations promulgated by the Permitting Authority or any conditions associated with the issuance of the permit or any associated land use permit or other permit.

f. Violation of, or failure to comply with, any land use or other permit requirements associated with the licensee's Commercial Cannabis Activities, including but not limited to zoning, building, fire, and agricultural permits as may be required for the activity and the operations site.

g. Violation of, or failure to comply with, any State or local law in conducting business operations, including any laws associated with the MAUCRSA.

h. With the exception of those employed at a Cultivation site, allowing any person between the ages of 18 and 21 years of age to enter a Cultivation site, or allowing any person younger than 18 years of age to enter a Cultivation site without a parent or legal guardian.

i. Failure to contain all irrigation run-off, fertilizer, pesticides, and contaminants on-Premises.

j. Failure to allow inspections of the Premises and business operations by the Permitting Authority, Building Official, Fire Authority, law enforcement, or Enforcing Officer at any time, with or without notice.

k. Failure to timely pay any local, State, or federal tax associated with or required by the licensee's Cannabis business activities, including any taxes required to be paid under the Nevada County Code, as may be established or amended.

l. Creation or maintenance of a public nuisance.

m. Conviction of a criminal offense by any permit holder that would justify denial of a state license.

n. Failure to post and maintain at the Cultivation site, in a prominent location, a copy of the local permit(s) issued pursuant to this Section and a copy of any State license(s) required for the Cannabis activity.

o. Failure to fully cooperate with a financial audit by the State or County of Nevada of any and all aspects of the permittee's business, including but not limited to on-site inspection and review of financial transactions, sales records, payroll and employee records, purchase orders, overhead expense records, shipping logs, receiving logs, waste disposal logs, bank statements, credit card processing statements, inventory records, tax records, lease agreements, supplier lists, supplier agreements, policies and procedures, and examination of all financial books and records held by the licensee in the normal course of business.

p. Intentional or negligent diversion of Cannabis to minors, failure to secure and safeguard Cannabis from minors, or Transport of Cannabis not authorized by this Section or State law.

6. If an initial application or renewal permit is denied, or if a permit is revoked, all Cultivation on the Premises shall cease immediately; provided, however, that the operations may be allowed to continue for a brief period of time to complete miscellaneous wind-down operations at the discretion of the Permitting Authority or other final decision-maker.

7. Under no circumstances shall a cause of action for monetary damages be allowed against the County of Nevada, the Permitting Authority, Hearing Body, or any other County official or employee as a result of a denial or a revocation of a permit. By applying for a permit, the applicant and owners associated with a Commercial Cannabis Cultivation business waive any and all claims for monetary damages against the County and all other aforementioned officials and employees of the County of Nevada that may be associated with the denial or revocation of a permit.

J. Enforcement; Notice to Abate Unlawful Cannabis Activities

1. Issuance of Notice to Abate Unlawful Cannabis Activities ("Notice to Abate")

   Whenever the Permitting Authority, as may be assisted by the Enforcing Officer, determines that a public nuisance as described in this Section exists on any Parcel or Premises within the unincorporated area of Nevada County, he or she is authorized to notify the Violator(s) through issuance of a "Notice to Abate Unlawful Cannabis Cultivation"; provided, however, that nothing in this Section shall affect or preclude the Sheriff, or other Enforcing Officer, from taking immediate abatement action without notice to address any Cannabis which is Cultivated, possessed, or distributed in violation of state law or when Cannabis Cultivation constitutes an immediate threat to the public health or safety, and where the procedures set forth herein would not result in abatement of that nuisance within a short enough time period to avoid that threat.

2. Costs and Administrative Civil Penalties; Cure Period

   Whenever a Notice to Abate is issued, the Violator shall be provided with five (5) calendar days from date of service, as defined in Subsection L.2, to correct the violation before imposition of costs and/or civil penalties as set forth in Subsection N, below.

K. Contents of Notice

The Notice of Abatement shall be in writing and shall:

1. Identify the Violator(s), including owner(s) of the Parcel or Premises upon which the nuisance exists, as named in the records of the County Assessor; the occupant(s), if other than the owner(s), and if known or reasonably identifiable; and the holder(s) of any permit obtained pursuant to this Section, if applicable and different than the foregoing.
2. Describe the location of such Parcel or Premises by its commonly used street address, giving the name or number of the street, road or highway and the number, if any, of the property.
3. Identify such Parcel or Premises by reference to the Assessor's Parcel Number(s).
4. Contain a statement that unlawful Cannabis Cultivation exists on the Parcel or Premises and that it has been determined by the Permitting Authority or Enforcing Officer to be a public nuisance as described in this Section.
5. Describe the unlawful Cannabis Cultivation that exists and/or any permit violations and/or any Land Use and Development Code violations, and the actions required to abate the nuisance.
6. Contain a statement that the Violator is required to abate the unlawful Cannabis Cultivation and pay any applicable administrative civil penalties within five (5) calendar days after the date that said Notice was served pursuant to Subsection L.
7. Contain a statement that, if the condition is not abated within five (5) calendar days from the service of this Notice, costs and administrative civil penalties in the amounts set forth in Subsection N will begin to accrue on the sixth (6^{th}) calendar day following service of this Notice.
8. Contain a statement that the Violator may, within five (5) calendar days after the date that said Notice was served, make a request in writing to the Clerk of the Board of Supervisors

pursuant to Subsection N for a hearing to appeal the determination of the Permitting Authority or Enforcing Officer or to show other cause why the conditions described in the Notice should not be abated in accordance with the Notice and the provisions of this Section.

9. Contain a statement that, unless the Violator abates the unlawful Cannabis Cultivation or requests a hearing before the Board of Supervisors or its designee within the time prescribed in the Notice, the Permitting Authority or Enforcing Officer will take any or all of the following actions, as applicable: (i) revoke any permit issued pursuant to this Section, (ii) abate the nuisance at the Violator's expense, and (iii) impose costs and administrative civil penalties pursuant to this Section. If any of these actions are currently proposed, the Notice shall so state and shall state the amounts of any penalties. The Notice shall also state that any costs and/or administrative civil penalties may be imposed as a special assessment added to the County assessment roll and become a lien on the real property, or be placed on the unsecured tax roll.

L. Service of Notice to Abate

1. A Notice to Abate may be served by any of the following methods:
   a. By personal service to any Violator, the owner of the Parcel or Premises, occupant of the Parcel or Premises, Designated Responsible Party, or any person appearing to be in charge or control of the affected Parcel or Premises.
   b. By first class or certified U.S. Mail to any Violator, the owner of the Parcel or Premises, occupant of the Parcel or Premises, or Designated Responsible Party at the address shown on the last available equalized secured property tax assessment roll, or otherwise known by the Enforcing Officer.
   c. By posting the Notice in a prominent and conspicuous place on the affected Parcel or Premises or abutting public right-of-way; however, if access is denied because a common entrance to the property is restricted by a locked gate or similar impediment, the Notice may be posted at that locked gate or similar impediment.
   d. By email to any CCP, ADP, or ACP holder; however, if service is by email, the Notice shall also be deposited in the U.S. Mail. The date of the email is the effective service date.
2. The date of service is deemed to be either the date of personal delivery, posting, email, or three calendar days following deposit in the U.S. mail.

M. Administrative Review; Abatement Hearing

1. The Board of Supervisors delegates the responsibility to conduct a hearing in conformance with this Section to a Hearing Body.
2. Any Violator upon whom a Notice to Abate has been served may appeal the determination of the Permitting Authority or Enforcing Officer in order to show cause before the Hearing Body why the conditions described in the Notice should not be abated in accordance with the provisions of this Section or to prove that they have been abated. Any such appeal shall be commenced by filing a written request for a hearing with the Clerk of the Board of Supervisors within five (5) calendar days of service of the Notice to Abate as described in Subsection L of this Section. The written request shall be accompanied by the County's appeal fee (as may be approved by the Board of Supervisors from time to time) and payment of any administrative civil penalties identified in the Notice to Abate. The appeal shall also include a statement of all facts supporting the appeal, including why the Cannabis Cultivation that is the subject of the Notice to Abate is not in violation or is no longer in violation of this Section. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed appeal by way of written request for a hearing that complies fully with the requirements of this Section, the findings of the

Enforcing Officer contained in the Notice to Abate shall become final and conclusive on the sixth calendar day following service of the Notice to Abate.

3. Upon timely receipt of a written request for hearing which complies with the requirements of this Section, the Clerk of the Board of Supervisors shall set a hearing date not less than five (5) calendar days or more than twenty (20) calendar days from the date the request was filed. The Clerk of the Board shall send written notice of the hearing date to the Violator, to any other parties upon whom the Notice to Abate was served, and to the Enforcing Officer and/or Permitting Authority. Continuances of the hearing will only be granted on a showing of good cause. Unavailability of an attorney does not constitute "good cause."
4. Any hearing conducted pursuant to this Section need not be conducted according to technical rules relating to evidence, witnesses and hearsay. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence in civil actions. The Hearing Body has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
5. The Hearing Body may continue the administrative hearing from time to time based on a showing of good cause as stated above. Unavailability of an attorney does not constitute "good cause."
6. The Hearing Body shall consider the matter de novo, and may affirm, reverse, or modify the determinations contained in the Notice to Abate. The Hearing Body shall issue a written decision, which shall include findings relating to the existence or nonexistence of the alleged unlawful Cannabis Cultivation at the time the Notice to Abate was served, findings concerning the property and means of abatement of the conditions set forth in the Notice, whether any abatement efforts were made at all after the Notice was served, and whether imposition of any administrative civil penalties is proper. The Hearing Body may announce its decision at the hearing or take the matter under submission. In either case, a written copy of the decision shall be mailed to the Violator, any other parties upon whom the Notice was served, and the Enforcing Officer and/or Permitting Authority within ten (10) calendar days. Service of the Hearing Body's decision shall be deemed complete three (3) calendar days after mailing.
7. The decision of the Hearing Body shall be final and conclusive. Following the Hearing Body's decision, Violators may only seek judicial remedies. If the Hearing Body removes any administrative penalties already paid by the Violator prior to the hearing, Violator is entitled to reimbursement of those penalties. Failure to appear at a properly noticed hearing constitutes failure to exhaust administrative remedies.

N. Liability for Costs; Administrative Civil Penalties

1. In any enforcement action initiated by a Notice to Abate, any Violator shall be liable for all costs incurred by the County, including, but not limited to all costs and attorneys' fees as described in this Subsection. Any such Violator shall also be liable for any and all administrative civil penalties described in this Subsection.
2. For purposes of this Section, "costs" include any and all costs incurred to undertake, or to cause or compel any Violator to undertake, any abatement action in compliance with the requirements of this Section, whether those costs are incurred prior to, during, or following enactment of this Section. "Costs" also include direct and indirect costs related to the performance of various administrative acts required to enforce this Section, which include but are not limited to costs associated with: administrative overhead, County staff time and expenses incurred by County Officers, site inspections, investigations, notices, telephone contacts and correspondence, conducting hearings, time expended by County staff in

calculating the above expenses, time and expenses associated with bringing the matter to hearing, costs of judicially abating a violation, and all costs associated with removing, correcting or otherwise abating any violation including calculating and imposing civil penalties pursuant to this Section.

3. For purposes of this Section, "attorneys' fees" include any attorneys' fees incurred by the County before and during preparation of the Notice to Abate and as a result of administrative hearing proceedings or the abatement process. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees exceed the amount of reasonable attorneys' fees incurred by the County in the action or proceeding.
4. Administrative Civil Penalties.
    a. In addition to any other remedy prescribed in this Section, including liability for costs described in this Subsection N, the County may impose administrative civil penalties for any violation of this Section. Administrative civil penalties may be imposed via the administrative process set forth in this Section, as provided by Government Code section 53069.4, or may be imposed by the court if the violation requires court enforcement.
    b. Acts, omissions, or conditions in violation of this Section that continue to exist, or occur on more than one day constitute separate violations on each day.
    c. Violators are subject to the imposition of administrative civil penalties as follows:
        i. An amount equal to three times the total of the permit fees per violation; or
        ii. An amount equal to $1,000 per violation per day, whichever is greater.
        iii. In any event, the maximum annual penalty per violation per year is $25,000.
        iv. These administrative civil penalties will begin to accrue on the 6th day after the Notice to Abate is served and will continue to accrue until the nuisance is abated to the satisfaction of the Enforcing Officer or as otherwise directed by a Hearing Body presiding over any hearing regarding abatement of the nuisance.
        v. These amounts are separate and distinct from any administrative civil penalties that may be imposed by the County for building or safety code violations as described in Subsection N.4.d, below.
        vi. In determining the amount of the administrative civil penalty to be imposed, the Enforcing Officer, Hearing Body, or the court if the violation requires court enforcement, shall take into consideration the nature, circumstances, extent and gravity of the violation or violations, any prior history of violations, the degree of culpability, and economic savings, if any, resulting from the violation and any other matters justice may require.
        vii. Nothing in this Section precludes an Enforcing Officer from conducting inspections day to day as permitted by law and this Section to determine if a violation has been abated or otherwise corrected.
    d. Separate, apart from and in addition to the administrative civil penalties described in this Section, the following administrative civil penalties may be imposed for violations of any building and safety code provisions of the County's Land Use and Development Code. Notice of any such violations may be included in a Notice to Abate issued pursuant to this Section, and administrative civil penalties may be imposed by the Enforcing Officer and/or Hearing Body. Such violations are considered violations of this Section and are also grounds for permit revocation or denial. The administrative civil penalties issued to a Violator for violation of any building or safety code are as follows:
        i. First violation in a 12-month period: $130 per day/per violation that nuisance remains unabated.
        ii. Second violation in a 12-month period: $700 per day/per violation that nuisance remains unabated.

iii. Any additional violation thereafter in a 12-month period: $1,300 per day/per violation that nuisance remains unabated.

iv. Each additional violation within a 24-month period of the first violation: $2,500 per day/per violation that nuisance remains unabated if the violation is due to failure to remove visible refuse or failure to prohibit unauthorized use of the property.

v. Each violation of building and safety codes constitutes a separate violation. Each day or part of any day a violation exists constitutes a separate violation.

vi. Nothing in this Section precludes an Enforcing Officer from conducting inspections day to day as permitted by law and this Section to determine if a violation has been abated or otherwise corrected.

vii. In determining the amount of the administrative penalty, the Enforcing Officer, or the court if the violation requires court enforcement without an administrative process, shall take into consideration the nature, circumstances, extent and gravity of the violation or violations, any prior history of violations, the degree of culpability, economic savings, if any resulting from the violation and any other matters justice may require.

5. Imposition of Costs and Administrative Civil Penalties.

The Enforcing Officer may impose costs and administrative civil penalties by issuance and service of a Notice to Abate, which shall state the amount of the proposed administrative penalty pursuant to this Section. Following service of a Notice to Abate, imposition of costs and administrative civil penalties shall occur as follows:

a. Imposition of costs and administrative civil penalties may be appealed to the Hearing Body. Any such appeal shall be commenced by filing a written request for a hearing with the Clerk of the Board of Supervisors within five (5) calendar days of service of the date that the Notice to Abate was served as described in Subsection L. The written request shall be accompanied by the County's appeal fee (as may be approved by the Board of Supervisors from time to time) and payment of any costs and administrative civil penalties identified in the Notice to Abate. The appeal shall also include a statement of all facts supporting the appeal, including why the administrative civil penalties should not be imposed. The time requirement for filing such a written request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed appeal by way of written request for a hearing that complies fully with the requirements of this Section, the findings and administrative civil penalties of the Enforcing Officer contained in the Notice to Abate shall become final and conclusive on the sixth calendar day following service of the Notice to Abate.

b. Any hearing conducted pursuant to this Section shall be conducted pursuant to the process set forth in Subsection M. The decision of the Hearing Body is final. Nothing in this Subsection N shall be construed to prohibit combination of any hearing for administrative civil penalties with any other hearing required or allowed by this Section, including an abatement hearing.

c. Payment of an administrative penalty imposed by the Hearing Body shall be made to the County within twenty (20) calendar days of service the Hearing Body's decision, unless timely appealed to the Superior Court in accordance with Government Code section 53069.4(b).

d. Interest shall accrue on all amounts under this Section from the effective date of imposition of the administrative civil penalty to the date fully paid pursuant to the laws applicable to civil money judgments.

e. Abatement of unlawful Cannabis Cultivation prior to any hearing or appeal of a Notice to Abate Unlawful Cannabis Cultivation does not absolve the Violator of the obligation to pay the administrative civil penalties.

6. Lien.

   In addition to any other legal remedy, whenever the amount of any costs or administrative civil penalties imposed pursuant to this Section has not been satisfied in full within ninety (90) days of service of the Notice to Abate or service of the Hearing Body's decision, whichever is later, and whenever that amount has not been timely appealed to the Superior Court in accordance with Government Code section 53069.4 (b), or if appealed, such appeal has been dismissed or denied, this obligation may be enforced as a lien against the real property on which the violation occurred.

   a. The lien provided herein shall have no force and effect until recorded with the County Recorder. Once recorded, the administrative order shall have the force and effect and priority of a judgment lien governed by the provisions of California Code of Civil Procedure section 697.340, and may be executed as provided in the California Code of Civil Procedure sections 683.110 to 683.220, inclusive.

   b. Interest shall accrue on the principal amount of the lien remaining unsatisfied pursuant to the law applicable to civil money judgments.

   c. Prior to recording any such lien, the Enforcing Officer shall prepare and file with the Clerk of the Board of Supervisors a report stating the amounts due and owing.

   d. The Clerk of the Board of Supervisors will fix a time, date, and place for the Board of Supervisors to consider the report and any protests or objections to it.

   e. The Clerk of the Board of Supervisors shall serve the owner of the property with a hearing notice not less than ten (10) calendar days before the hearing date. The notice must set forth the amount of the delinquent administrative penalty that is due. Notice must be delivered by first class mail, postage prepaid, addressed to the owner at the address shown on the last equalized assessment roll or as otherwise known. Service by mail is effective on the date of mailing and failure of the owner to actually receive notice does not affect its validity.

   f. Any person whose real property is subject to a lien pursuant to this Section may file a written protest with the Clerk of the Board of Supervisors and/or may protest orally at the Board of Supervisors meeting. Each written protest or objection must contain a description of the property in which the protesting party is interested and the grounds of such protest or objection.

   g. At the conclusion of the hearing, the Board of Supervisors will adopt a resolution confirming, discharging, or modifying the lien amount.

   h. Within thirty (30) days following the Board of Supervisors' adoption of a resolution imposing a lien, the Clerk of the Board of Supervisors will file same as a judgment lien in the Nevada County Recorder's Office.

   i. Once the County receives full payment for outstanding principal, penalties, interest and costs, the Clerk of the Board of Supervisors will either record a Notice of Satisfaction or provide the owner with a Notice of Satisfaction for recordation at the Nevada County Recorder's Office. This Notice of Satisfaction will cancel the County's lien under this Section.

   j. The lien may be foreclosed and the real property sold, by the filing of a complaint for foreclosure in a court of competent jurisdiction, and the issuance of a judgment to foreclose. There shall be no right to trial by jury. The County shall be entitled to its attorneys' fees and costs.

7. Administrative penalties imposed pursuant to this Section shall also constitute a personal obligation on each Violator – that is, on each person or entity who causes, permits, maintains, conducts or otherwise suffers or allows the nuisance to exist. In the event the administrative

penalties are imposed pursuant to this Section on two or more persons for the same violation, all such persons shall be jointly and severally liable for the full amount of the penalties imposed. In addition to any other remedy, the County may prosecute a civil action through the Office of the County Counsel to collect any administrative penalty imposed pursuant to this Section.

8. The Board of Supervisors delegates the responsibility to conduct a hearing in conformance with this Subsection N to a Hearing Body.

O. Abatement by Violator

Any Violator may abate the unlawful Cannabis Cultivation or cause it to be abated at any time prior to commencement of abatement by, or at the direction of, the Enforcing Officer or Hearing Body. Abatement prior to a hearing will not absolve Violator from paying costs and administrative civil penalties which accrued up to the date of abatement. Proof of abatement should be provided to the Enforcing Officer upon completion or to the Hearing Body at the time of hearing. Both the Enforcing Officer and the Hearing Body have the authority to find that abatement has occurred and that no violations of this Section continue to exist. Abatement will not preclude or forestall a report to the appropriate State agency and/or local, State law and/or federal enforcement and/or prosecuting authorities.

P. Failure to Abate

Whenever the Enforcing Officer becomes aware that a Violator has failed to abate any unlawful Cannabis Cultivation within five (5) calendar days of the date of service of the Notice to Abate Unlawful Cannabis Cultivation, unless timely appealed, or as of the date of the decision of the Hearing Body requiring such abatement, the Enforcing Officer may take one or more of the following actions:

1. Enter upon the property and abate the nuisance by County personnel, or by private contractor under the direction of the Enforcing Officer. The Enforcing Officer may apply to a court of competent jurisdiction for a warrant authorizing entry upon the property for purposes of undertaking the work, if necessary. If any part of the work is to be accomplished by private contract, that contract shall be submitted to and approved by the Board of Supervisors prior to commencement of work. Nothing herein shall be construed to require that any private contract under this Code be awarded through competitive bidding procedures where such procedures are not required by the general laws of the State of California; and/or
2. Request that the County Counsel commence a civil action to redress, enjoin, and abate the public nuisance; and/or
3. Issue administrative penalties in accordance with Subsection, N of this Section and/or Section L-II 5.23, et seq., of the Nevada County Land Use and Development Code; and/or
4. Take any other legal action as may be authorized under State or local law to abate and/or enforce the provisions of this Section.

Q. Accounting

The Enforcing Officer shall keep an account of the cost of every abatement and all administrative civil penalties and shall render a report in writing, itemized by parcel, to the Violator and the Hearing Body. The accounting will show the cost of abatement, the administrative penalties, and the administrative costs and fees for each parcel. The Enforcing Officer may have a copy of the accounting prepared to date at the time of a hearing requested by the Violator following a Notice to Abate, but the Enforcing Officer is not required to render its report to the Violator until the County completes abatement, if necessary.

R. Notice of Hearing on Accounting; Waiver by Payment

Upon completion of any abatement by the County and finalization of the accounting of all abatement costs and administrative civil penalties due at completion of abatement, the Clerk of the Board of Supervisors shall serve a copy of the accounting to Violator(s) in accordance with Subsection L with a notice informing the Violator(s) that the Violator(s) may appeal the Enforcing Officer's determination of the accounting. Any such appeal shall be commenced by filing a written request for a hearing with the Clerk of the Board of Supervisors within five (5) calendar days of service of the date that the notice was served as described in Section L of this Section. The written request shall be accompanied by the County's appeal fee (as may be approved by the Board of Supervisors from time to time). The appeal shall also include a statement of all facts supporting the appeal, including why the accounting is incorrect. The Violator may waive the hearing on the accounting by paying the full amount due prior to the time set for the hearing by the Hearing Body. Unless otherwise expressly stated by the Violator, payment of the full amount due prior to said hearing shall be deemed a waiver of the right thereto and an admission that said accounting is accurate and reasonable.

S. Appeal Hearing on Accounting

1. At the time fixed, the Hearing Body shall meet to review the accounting of the Enforcing Officer. Violator must appear at said time and be heard on the questions whether the accounting, so far as it pertains to the cost of abating a nuisance is accurate and the amounts reported reasonable. The cost of administration shall also be reviewed.
2. The accounting of the Enforcing Officer shall be admitted into evidence. The Violator shall bear the burden of proving that the accounting is not accurate and reasonable. The Hearing Body shall make such modifications in the accounting, as it deems necessary and thereafter shall confirm the accounting.
3. Notwithstanding the above, any hearing conducted pursuant to this Section shall be conducted pursuant to the process set forth in Subsection M of this Section. The decision of the Hearing Body is final. Nothing in this Subsection S shall be construed to prohibit combination of any hearing on accounting with any other hearing required or allowed by this Section, including an abatement hearing.
4. Failure to attend a properly noticed hearing shall constitute a waiver and the Hearing Body shall issue an order for costs, administrative penalties and fees as requested by the Enforcing Officer at the hearing. Failure to attend a properly noticed hearing shall also constitute failure to exhaust administrative remedies.

T. Special Assessments and Lien

The Board of Supervisors may order that the cost of abating nuisances pursuant to this Section and the administrative civil penalties as confirmed by the Board be placed upon the County tax roll by the County Auditor as special assessments against the respective parcels of land, or placed on the unsecured roll, pursuant to Section 25845 of the Government Code; provided, however, that the cost of abatement and administrative civil penalties as finally determined shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll. The Board of Supervisors may also cause notices of abatement liens to be recorded against the respective parcels of real property pursuant to Section 25845 of the Government Code.

U. Summary Abatement

Notwithstanding any other provision of this Section, when any unlawful Cannabis Cultivation constitutes an immediate threat to the public health or safety, and where the procedures set forth in this Section would not result in abatement of that nuisance within a short enough time period to avoid that threat, the Enforcing Officer may direct any officer or employee of the County to summarily abate the nuisance as permitted by law. The Enforcing Officer shall make reasonable efforts to notify the persons identified in

Subsection K of this Section but the formal notice and hearing procedures set forth in this Section shall not apply. The County may nevertheless recover its costs for abating that nuisance in the manner set forth in in this Section.

V. No Duty to Enforce

Nothing in this Section shall be construed as imposing on the Enforcing Officer or the County of Nevada any duty to issue a Notice to Abate Unlawful Cannabis Cultivation, nor to abate any unlawful Cannabis Cultivation, nor to take any other action with regard to any unlawful Cannabis Cultivation, and neither the Enforcing Officer nor the County shall be held liable for failure to issue a Notice to Abate any unlawful Cannabis Cultivation, nor for failure to abate any unlawful Cannabis Cultivation, nor for failure to take any other action with regard to any unlawful Cannabis Cultivation.

W. Reporting of Violations

In addition to the remedies set forth in this Section L-II 3.30, a violation of this Section, including operating any Commercial Cannabis Activity without a valid and appropriate license from the State of California or permit from the County of Nevada, shall be a misdemeanor and may result in permit revocation and/or denial of permit or denial of permit renewal. Any individual or entity found to be operating Commercial Cannabis Activities in violation of this Section, local permitting requirements, or without a valid and appropriate state license may be reported to the State of California licensing authorities, the District Attorney's Office, and any other local, state and/or federal enforcing and prosecuting agencies.

EXHIBIT B

Table L-II 2.2.1.B

Single-Family Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance

DP Development Permit required per Section 5.5

UP Use Permit required per Section 5.6

NP Not Permitted

NA Not Applicable

Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Residential Uses			
Community Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities, and alcoholism and drug abuse recovery or treatment facilities, allowing a maximum 10 clients in the R1 district, and 12 clients in the R2 and R3 districts; and in the R1, R2 and R3 districts where the facility is federally funded, registered sex offenders are excluded as clients.	NP	UP	
Day Care Home, small family (8 or fewer children)	A	A	
Day Care Home, large family (9 to 14 children)	DP	DP	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	A	
Dwellings, Multiple-Family (including Transitional and Supportive Housing)	UP	UP	3.17
Dwelling, Accessory Unit	A	A	3.19.1
Dwellings, Second Units consistent with allowed density	DP	DP	3.19.2
Dwelling Groups, consistent with allowed density	UP	UP	
Employee Housing	A	A	3.10
Dwellings, Duplexes, Duets and Four-plexes [1]	A	A	
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Residential Guest Quarters	A	A	3.18
Temporary Model Homes	A	A	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
Commercial Uses			
Bed & Breakfast Inns	UP	UP	3.5
Commercial Uses (cont'd)			
Cemetery	UP	NP	
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
Medical clinics and medical support services, non-profit	UP	UP	
Parking facilities not attached to a specific use	Varies	Varies	2.7.10
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	3.30
Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	NP	3.3
Agritourism Activities, Field Retail Stand and Farm Stand	Varies	NP	3.3
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	DP	NP	3.3
Crop and tree farming	A	A	3.3

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	RA	R1	L-II Sections
Mining, Mineral Exploration	Varies	Varies	3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining.	UP	UP	3.22
Power plants, private, non-commercial bio-mass, cogeneration, and small hydroelectric.	UP	UP	
Stables, commercial	UP	NP	
Wineries	A	NP	3.24
Wildlife Rehabilitation Facilities	DP	NP	3.26
Woodyard	UP	NP	
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	3.8
Churches	UP	UP	3.7
Communication Towers	UP	NP	3.8
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	3.14
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	4.1.8

Footnote:

(1) Duplexes, duets and four-plexes may be allowed in Community Regions consistent with underlying General Plan/Zoning densities and minimum water and sewage disposal requirements.

Table L-II 2.2.2.B

Multi-Family Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance

DP Development Permit required per Section 5.5

UP Use Permit required per Section 5.6

NP Not Permitted

NA Not Applicable

Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Residential Uses			
Community Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	
Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities, and alcoholism and drug abuse recovery or treatment facilities, allowing a maximum 10 clients in the R1 district, and 12 clients in the R2 and R3 districts; and in the R1, R2 and R3 districts where the facility is federally funded, registered sex offenders are excluded as clients.	UP	UP	
Community Care facilities for 7-12 people, including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities where the facility is federally funded and where registered sex offenders are excluded as clients.	UP	UP	
Day Care Home, small family (8 or fewer children)	A	A	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	R2	R3	L-II Sections
Day Care Home, large family (9 to 14 children)	DP	DP	3.9
Day Care Center (more than 14 children)	UP	UP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP(1)	
Dwellings, Multiple-Family (including Transitional and Supportive Housing)	DP	DP	3.17
Dwelling, Accessory Unit	A	NP(1)	3.19.1
Dwelling, Second Units—Consistent With Allowed Density	DP	NP	3.19.2
Dwelling, Single Room Occupancy (SRO)	UP	UP	
Emergency shelter housing for 6 or fewer people	A	A	
Residential Uses (cont'd)			
Emergency shelter housing for more than 6 people	UP	UP	
Mobilehome Parks (must include MH District)	UP	UP	2.7.4
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs	A	A	
Rooming and boarding houses	UP	UP	
Senior citizen and disabled housing facilities	UP	UP	3.20
Temporary Model Homes	A	A	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling	A	A	3.15
Commercial Uses			
Bed & Breakfast Inns	UP	UP	3.5
Community meeting and social event facilities	UP	UP	3.7
Home Businesses	A	A	3.11
Hospitals and convalescent homes	UP	UP	
Medical clinics and medical support services, non-profit	UP	UP	
Medical Marijuana Dispensary	NP	NP	
Commercial Cannabis Cultivation	NP	NP	3.30
Industrial Uses			
None Listed			
Agricultural, Resource, and Open Space Uses			
Animal keeping and raising	Varies	Varies	3.4
Certified Farmers' Markets	NP	NP	3.3
Field Retail Stand and Farm Stands	NP	NP	3.3
Crop and tree farming	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	3.22.D.2
Mining, subsurface	UP	UP	3.21
Mining, surface vent and escape shafts for subsurface mining	UP	UP	3.22
Institutional and Public Uses			
Antennae, minor and certain non-commercial	A	A	3.8
Churches	UP	UP	3.7
Emergency services (including fire and ambulance stations)	UP	UP	
Public utility uses and structures	Varies	Varies	3.14
Schools	UP	UP	
Temporary Staging Areas for public road projects	UP	UP	
Recreational Uses			
Parks and Playgrounds	UP	UP	
Trails, Pedestrian and Equestrian	A	A	4.1.8

Footnote:

(1) Not permitted, unless it can be proven that single-family development will otherwise produce and guarantee low and moderate income housing.

Table L-II 2.3.D

Rural Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance

DP Development Permit required per Section 5.5

UP Use Permit required per Section 5.6

NP Not Permitted

NA Not Applicable

Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	AG	AE	FR	TPZ	L-II Sections
Residential Uses					
Community Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	A	A	A	
Community Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	NP	UP	NP	
Day Care Home, small family (8 or fewer children)	A	A	A	A	
Day Care Home, large family (9 to 14 children)	DP	DP	DP	DP	3.9
Day Care Center (more than 14 children)	UP	NP	UP	NP	
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	A	A	A	
Dwelling, Accessory Unit	A	A	A	A	3.19.1
Dwellings, Second Units consistent with allowed density	DP	DP	DP	DP	3.19.2
Dwellings, Multiple-Family (including Transitional and Supportive Housing)	UP	UP	UP	UP	3.17
Dwelling Groups, consistent with allowed density	UP	UP	UP	UP	
Employee Housing	A	A	A	A	3.10
Mobilehome Parks (must include MH District)	UP	NP	UP	NP	2.7.4
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	A	A	A	
Residential Guest Quarters	A	A	A	A	3.18
Temporary Model Homes	A	NP	NP	NP	3.12
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	3.15
Commercial Uses					
Bed & Breakfast Inns	UP	UP	UP	UP	3.5
Cemetery	UP	NP	UP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	3.7
Home Businesses	A	A	A	NP	3.11
Medical Clinics and medical support services, non-profit	UP	NP	UP	NP	
Nursery, Retail Plant	UP	UP	NP	NP	
Veterinary Hospitals and Clinics	UP	UP	UP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	
Commercial Cannabis Cultivation	Varies			NP	3.30
Industrial Uses					
None Listed					
Agricultural, Resource, and Open Space Uses					
Accessory structures incidental to an allowable use.	A	A	A	A	
Agricultural support uses and structures including, but not limited to, farm equipment sales and service, feed stores, feedlots, processing/slaughtering facilities, packing facilities for products grown off-site, custom farming services, and waste handling and disposal services	UP	UP	NP	NP	
Agricultural uses and structures including, but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, private stables	A	A	A	A	3.3

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	AG	AE	FR	TPZ	L-II Sections
Agritourism Activities, Field Retail Stand and Farm Stand	A	A	A	NP	3.3
Airstrips heliports, private	UP	UP	UP	UP	
Animal Keeping and Raising	Varies				3.4
Certified Farmers' Markets	DP	DP	DP	NP	3.3
Crop and Tree Farming	A	A	A	A	3.3
Development & processing natural resources (lumber mills)	UP	UP	UP	UP	
Kennels, commercial	UP	UP	UP	NP	
Mining, Mineral Exploration	Varies				3.22.D.2
Mining, Subsurface	UP	UP	UP	UP	3.21
Mining, Surface access to subsurface mining.	UP	UP	UP	UP	3.22
Mining, Surface (must include ME District). In TPZ district, boulder collection only allowed subject to use permit and reclamation plan.	Varies				3.22
Power plants, private, including biomass fuel production	UP	NP	UP	NP	
Stables, commercial	UP	UP	UP	UP	
Wineries	A	A	A	NP	3.24
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	3.26
Woodyard	UP	UP	UP	UP	
Institutional and Public Uses					
Antennae, minor and certain non-commercial	A	A	A	A	3.8
Airports	UP	NP	UP	NP	
Churches	UP	NP	UP	NP	3.7
Communication Towers	UP	UP	UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	UP	UP	UP	
Public Utility Uses and Structures	Varies				3.14
Schools	UP	NP	UP	NP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	
Recreational Uses					
Camp, Low Intensity	UP	UP	UP	UP	3.6
Campgrounds, Low Intensity	UP	UP	UP	UP	3.6
Parks and Playgrounds	UP	UP	UP	UP	
Ski Tow Facilities	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	A	A	A	A	4.1.8

Table L-II 2.4.D

Commercial Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance

DP Development Permit required per Section 5.5

UP Use Permit required per Section 5.6

NP Not Permitted

NA Not Applicable

Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
Residential Uses						
Community Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	UP	UP	NP	NP	UP	
Community Care Facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities. Such facilities shall be self-contained and provide on-site educational facilities.	UP	UP	NP	NP	UP	
Community meeting facilities	UP	UP	UP	NP	UP	3.7
Day Care Center (more than 14 children)	DP	DP	NP	NP	NP	
Dwelling units as a part of a mixed-use development where residential is not the primary use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	Varies	UP	UP	Varies	Varies	2.7.10
Dwelling, Single Room Occupancy (SRO)	UP	UP	NP	NP	NP	3.17.1
Home Businesses, limited	Varies	NA	NA	NA	Varies	3.11
Emergency Shelter Housing (6 or fewer people)	A	A	NP	A	A	
Emergency Shelter or Transitional/Supportive Housing[1]	UP	A	UP	UP	UP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	A	A	3.15
Commercial Uses						
Auditoriums	NP	UP	UP	NP	NP	
Auto and truck rental and leasing	NP	UP	DP	UP	NP	
Auto repair within an enclosed structure	UP	DP	DP	DP	NP	
Auto, truck, boat, motorcycle sales, including outdoor sales	NP	DP	DP	NP	NP	
Bars	UP	UP	NP	UP	NP	
Building Supply sales and storage	NP	DP	DP	NP	NP	
Car wash, automatic or self service	UP	DP	DP	DP	NP	
Cemetery	UP	DP	NP	NP	UP	
Commercial activities that normally require extensive storage areas including but not limited to, lumberyards, contractors' equipment yards, vehicle storage yards, and sales and storage of fuel.	NP	NP	UP	NP	NP	
Community meeting and social event facilities	UP	UP	UP	NP	UP	3.7
Equipment rental and leasing	NP	UP	DP	NP	NP	
Fitness centers	UP	DP	DP	NP	UP	
Flea markets, permanent	UP	UP	UP	UP	NP	3.23
Funeral home, mortuary	UP	DP	DP	NP	UP	
Hospitals and Convalescent Homes	NP	UP	NP	NP	UP	
Hotel, motels	UP	DP	DP	DP	UP	
Kennels, commercial	NP	UP	UP	NP	NP	
Medical support services (i.e. ambulance services, laboratories)	DP	DP	NP	DP	DP	
Movie theaters	UP	DP	DP	NP	NP	
Commercial Uses (cont'd)						
Movie theaters, drive-in	NP	NP	NP	UP	NP	
Museum	NP	DP	NP	DP	UP	
Nursery, retail plant	DP	DP	DP	NP	NP	
Offices and services, including, but not limited to, financial institutions, insurance, and real estate office, business services such as duplicating, mailing, blueprinting, photocopying, and stenographic services, janitorial services, employment agencies	DP	DP	DP	NP	DP	
Parking facilities not attached to a specific use.	Varies	UP	UP	Varies	Varies	2.7.10
Personal mini-storage buildings for storage of household or personal goods (does not include the conduct of business from a storage building).	UP	UP	UP	NP	NP	
Personal services including, but not limited to, barber and beauty shops, laundromats, dry cleaners, photography studios, locksmiths, repair of consumer products, and taxidermies.	DP	DP	DP	DP	NP	
Recreation facilities, including, but not limited to, video arcades, bowling	UP	DP	DP	DP	NP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.						
Restaurants, fast food	UP	DP	NP	DP	NP	
Restaurants, not including fast food	DP	DP	NP	DP	NP	
Retail sales conducted indoors.	DP	DP	DP	DP	NP	
Retail sales including outdoor sales or storage.	UP	DP	DP	DP	NP	
Service stations	DP	DP	DP	DP	NP	
Shooting ranges, indoor	NP	UP	UP	NP	NP	
Temporary Commercial Uses	A	A	A	A	NP	3.23
Veterinary hospitals and clinics	UP	UP	UP	NP	NP	
Medical Marijuana Dispensary	NP	NP	NP	NP	NP	
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	3.30
Industrial Uses						
Auto painting and bodywork within an enclosed structure.	NP	UP	UP	NP	NP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	A	A	
Recycling collection facilities	DP	DP	DP	DP	NP	
Limited light industrial uses	UP	UP	UP	NP	NP	
Agricultural, Resource, and Open Space Uses						
Field Retail Stand	NP	NP	NP	NP	NP	3.3
Farm Stand	DP	DP	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	A	A	3.3
Mining, Mineral Exploration	Varies	Varies	Varies	Varies	Varies	3.22.D.2
Mining, Subsurface	UP	UP	UP	UP	UP	3.21
Mining, Surface vent and escape shafts (subsurface mining)	UP	UP	UP	UP	UP	3.22
Pre-Grading not associated with a specific development project	DP	DP	DP	NP	NP	3.28
Institutional and Public Uses						
Antennae, minor and certain non-commercial	A	A	A	A	A	3.8
Churches	UP	UP	UP	NP	UP	3.7
Communication Towers	UP	UP	UP	UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	DP	DP	DP	UP	
Public Utility Uses and Structures	Varies	Varies	Varies	Varies	Varies	3.14
Schools and Schools, trade	UP	UP	UP	NP	UP	
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	C1	C2	C3	CH	OP	L-II Sections
Recreational Uses						
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP	NP	UP	NP	
Trails, Pedestrian and Equestrian	DP	DP	DP	DP	DP	4.1.8

Footnote:

(1) Subject to Government Code Sections 65582, 65583 and 65589.5, as may be amended.

Table L-II 2.5.D

Industrial Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance

DP Development Permit required per Section 5.5

UP Use Permit required per Section 5.6

NP Not Permitted

NA Not Applicable

Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	BP	M1	M2	L-II Sections
Residential Uses				
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the non-residential use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	UP	UP	UP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	A	A	3.15
Commercial Uses				
Accessory uses for employees, including fitness centers, and restaurants, when in combination with support uses does not exceed 10% of the gross floor area of the structures on site.	UP	DP	DP	
Auto repair within an enclosed structure.	NP	DP	DP	
Auto painting and body work within an enclosed structure.	NP	DP	DP	
Commercial activities that normally require extensive storage areas including, but not limited to, contractors equipment yard, vehicle storage yard, sales and storage of fuel, building/farm supply, equipment rental, kennels.	NP	DP	DP	
Day Care Facilities as an accessory, employee use when in combination with accessory uses, does not exceed 10% of the gross floor area of the business park.	UP	NP	NP	
Fitness Centers.	UP	UP	UP	
Flea Market, permanent.	NP	UP	UP	
Lumberyards.	NP	DP	DP	
Parks if developed as employee accessory uses.	UP	UP	UP	
Parking facilities not attached to a specific use.	UP	UP	UP	
Personal mini storage buildings.	UP	UP	UP	
Shooting ranges, indoor.	NP	UP	UP	
Support uses for the primary light industrial use, including offices, services and retail sales associated with the marketing of products produced on-site, when in combination with accessory uses does not exceed area of the structures on site.	DP	DP	DP	

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	BP	M1	M2	L-II Sections
Temporary Commercial Uses.	A	A	A	3.23
Medical Marijuana Dispensary.	NP	NP	NP	
Commercial Cannabis Cultivation	NP	NP	NP	3.30
Adult Businesses, Existing Structure.	NP	A	NP	3.29; G-III 13
Adult Businesses, New Construction.	NP	DP	NP	3.29 and G-III 13
Industrial Uses				
Light industrial including research and development, the manufacturing, production, repairing, distribution, fabrication, processing, wholesaling, and warehousing of a wide variety of goods.	DP	DP	DP	
Any other intensive industrial use not allowed in the BP or M1 Districts.	NP	NP	UP	
Auto painting and body work.	NP	DP	DP	
Hazardous waste management facilities for waste produced on-site.	A	A	A	
Hazardous waste management facilities for waste produced off-site.	NP	UP	UP	
Parking facilities not attached to a specific use.	Varies	NA	NA	2.7.10
Power plants, private, including biomass fuel production.	NP	UP	UP	
Ready mix, asphalt, or concrete plants.	NP	UP	UP	
Recycling centers.	NP	UP	DP	
Recycling collection facilities.	DP	DP	DP	
Research and development activities.	DP	DP	DP	
Salvage enterprises; auto, trucks, and equipment dismantling yards.	NP	NP	UP	
Storage of explosives.	NP	UP	UP	
Storage and distribution of bulk petroleum products.	NP	UP	UP	
Agricultural, Resource, and Open Space Uses				
Field Retail Stand	NP	NP	NP	3.3
Farm Stand	DP	DP	DP	3.3
Certified Farmers' Market	DP	DP	DP	3.3
Crop and Tree Farming	A	A	A	3.3
Pre-Grading not associated with a specific development project	NP	DP	DP	3.28
Institutional and Public Uses				
Schools.	UP	NP	NP	

Table L-II 2.6.F

Special Purpose Districts Allowable Uses and Permit Requirements

Key to Land Use Permit Requirements:

A Allowed subject to zoning compliance and building permit issuance

DP Development Permit required per Section 5.5

UP Use Permit required per Section 5.6

NP Not Permitted

NA Not Applicable

Varies Refer to listed L-II Section for allowable uses and permit requirements

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	IDR [1]	OS	PD [2]	P [3]	REC [4]	L-II Sections
Residential Uses						
Community Care Facilities for 6 or fewer people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities.	A	NP		A	NP	
Day Care Home, small family (8 or fewer children)	A	NP		A	NP	
Day Care Home, large family (9 to 14 children)	DP	NP		NP	NP	3.9
Dwelling, Single-Family (including Transitional and Supportive Housing)	A	NP		UP	UP	
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the nonresidential use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	NP	NP		UP	UP	
Emergency Shelter Housing (6 or fewer people)	NP	NP		A	NP	
Security Housing, Temporary	NP	NP		UP	NA	3.15
Residential accessory uses and structures including, but not limited to, private greenhouses, private garages or carports, private kennels, swimming pools, fences, walls, and owner/address signs.	A	NP		A	NP	
Temporary use of a mobilehome or an RV during dwelling construction where there is a valid building permit for a dwelling.	A	NP		A	NP	3.15
Commercial Uses						
Bed and Breakfast Inns	NP	NP		NP	UP	3.5
Community meeting and social event facilities	NP	NP		UP	UP	3.7
Fitness Centers	NP	NP		NP	UP	3.11
Parking facilities not attached to a specific use	NA	NA		Varies	NA	2.7.10
Recreation facilities, including, but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs.	NP	NP		NP	UP	
Commercial Cannabis Cultivation	NP	NP	NP	NP	NP	3.30
Industrial Uses						
None Listed						
Agricultural, Resource, and Open Space Uses						
Animal Keeping and Raising	Varies					3.4
Agricultural uses and structures, including but not limited to, equipment storage structures, packing facilities for products grown on-site, wholesale plant nurseries, and private stables.	A	NP		NP	NP	
Field Retail Stand	NP	NP	NP	NP	NP	3.3
Farm Stand	DP	NP	DP	DP	DP	3.3
Certified Farmers' Markets	DP	NP	DP	DP	DP	3.3
Crop and Tree Farming	A	UP	A	A	A	3.3
Mining, Mineral Exploration	Varies					3.22.D.2
Agricultural, Resource, and Open Space Uses (cont'd)						
Mining, Subsurface	UP	UP		UP	UP	3.21
Mining, surface (must include ME District)	NP	NP		UP	NP	3.22
Mining, surface access to subsurface mining	UP	NP		UP	UP	3.22
Mining, Surface vent and escape shafts (subsurface mining)	UP	NP		UP	UP	3.22
Wildlife Rehabilitation Facilities	DP	DP	DP	DP	DP	3.26
Stables, commercial	NP	NP		NP	UP	
Institutional and Public Uses						
Antennae, minor and certain non-commercial	NP	NP		A	A	3.8
Airports or airstrips	NP	NP		UP	NP	
Churches	NP	NP		NP	UP	3.7
Communication Towers	NP	NP		UP	UP	3.8
Emergency services (including fire and ambulance stations)	UP	NP		DP	UP	
Heliports	NP	NP	NP	UP	NP	
Hospitals	NP	NP		UP	NP	
Public Facilities and Uses	UP	NP		UP	UP	
Public Utility Uses and Structures	Varies					3.14

ALLOWABLE LAND USES (See Section L-II 1.4.D for Similar Uses)	IDR [1]	OS	PD [2]	P [3]	REC [4]	L-II Sections
Temporary Staging Areas for public road projects	UP	UP	UP	UP	UP	
Recreational Uses						
Accessory and support uses related directly to a primary recreational use, including, but not limited to, restaurants, retail facilities, administrative offices, sales offices, laundromats, educational facilities, churches, service organization facilities, community meeting facilities.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre.	NP	NP		UP	UP	
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 beds per acre.	NP	NP		UP	UP	
Parks and Playgrounds	NP	UP		UP	UP	
Recreational activities, including, but not limited to, destination and day use resorts, ski runs and facilities, golf courses and driving ranges, country clubs, marinas, sports fields and stadiums, arenas and gyms, guest and dude ranches, shooting ranges, gun clubs, skeet shooting, recreational structures, motorized recreational facilities, and exhibition, convention, conference, and sporting facilities.	NP	NP		UP	UP	
Trails, Pedestrian and Equestrian	A	UP		A	A	4.1.8
Watchman/caretaker unit (1 per publicly owned park facility)	NP	NP		A	A	
Other Uses						
Continuation of any use which was lawfully established on the property before any such property was zoned IDR or PD.	A	NA	A	NA	NA	

Footnotes:

* Uses that satisfy the permitting criteria for Administrative Development Permits, consistent with Table 5.5 of this Chapter, shall be processed with a Development Permit.

(1) All permitted uses must be consistent with Section 2.6.B.1.

(2) See Section 2.6.C for PD allowable uses and standards.

(3) All uses must be consistent with Section 2.6.B.4.

(4) See Section 2.6.E for REC standards.