

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

APPLICANT: County of Nevada

HEARING DATE: February 7, 2019

OWNER: N/A

FILE NO: ORD18-2, EIR18-0001

PROJECT: Public hearing to accept comments on the adequacy of the Draft Environmental Impact Report (EIR18-0001) for the Nevada County Commercial Cannabis Cultivation Ordinance (NCCO) drafted to be consistent with state law and to enable a procedure for the cultivation of cannabis within all unincorporated areas within the County. The proposed NCCO has been drafted 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 proposed NCCO would be adopted to replace the existing cannabis regulations in the Nevada County Land Use and Development Code (Development Code under Title 2, Chapter IV, Article 5 Cannabis Cultivation). The proposed NCCO details new County-specific regulations to address the licensing of cannabis cultivation activities only in the unincorporated areas of the County.

LOCATION: The proposed project would apply to all parcels located in the unincorporated areas of Nevada County. Nevada County's total land area is 978 square miles, of which approximately 70% is privately owned and approximately 30% is public lands.

ASSESSOR'S PARCEL NO's.: N/A - Countywide Ordinance

PROJECT PLANNER: Brian Foss, Director of Planning
Alex Jewell, AICP, LEED AP, EIR Consultant

General Plan:	All Designations	Schools:	N/A
Zoning:	All Districts	ZDM No.:	All ZDM maps
Region/Center:	All Regions	Recreation:	All Districts
Sewage:	N/A	Parcel Size:	N/A
Water:	N/A	Sup. Dist.:	All Districts
Fire:	All Districts		
Flood Map:	All unincorporated ares of County		
Date Filed:	June 26, 2018 (Original EIR Contract Date)		
Prev. File No's:	N/A		

ATTACHMENTS:

1. Draft Environmental Impact Report (PC Only)

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- I. Open the public hearing to allow comments on the adequacy of the Draft EIR.
- II. After closing the public hearing, direct Kimley-Horn to respond in writing to all the applicable comments generated through this public hearing and those generated through the required review period. The close of the required public comment period will be on Monday, February 25, 2019, at 5:00 PM.

STAFF COMMENT:

The purpose of this public hearing agenda item is to provide an opportunity for both the public and the Planning Commission to comment on the Draft EIR prepared by Kimley-Horn, the environmental firm retained by the County to undertake the preparation of the environmental document on behalf of the County for the Commercial Cannabis Cultivation Ordinance project.

The purpose of the EIR is to review all the potential environmental impacts associated with the project. To help identify those potential impacts, a Notice of Preparation (NOP) has been circulated to various state and local agencies prior to preparation of the Draft EIR. The responses to the NOP are included in the appendices of the Draft EIR.

A **45-day** public review period is being provided to allow agencies and the public to submit written comments regarding the adequacy of the Draft EIR. This EIR comment period opened on **Friday, January 11, 2019** and will close on **Monday, February 25, 2019**, at 5:00 PM.

The County has prepared a Draft Environmental Impact Report (DEIR) to address specific environmental effects of implementing the Nevada County Commercial Cannabis Cultivation Ordinance project. The DEIR analyzes the following potentially significant environmental impacts areas that may be impacted by the project:

Aesthetics	Agriculture and Forestry	Air Quality
Biological Resources	Cultural and Tribal Resources	Energy Conservation
Geology and Soils	Greenhouse Gas Emissions	Hazards, Hazardous Material
Hydrology and Water Quality	Land Use and Planning	Mineral Resources
Noise	Population and Housing	Public Services
Recreation	Transportation and Traffic	Utilities and Service Systems
Cumulative Impacts	Growth Inducing Impacts	

Implementation of the proposed mitigation measures would reduce these impacts to a less than significant level, with the exception of Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Hydrology and Water Quality, Land Use and Planning, Utilities and Service Systems and Energy in which there are significant and unavoidable impacts.

After taking public comments the Planning Commission should direct the consultant to respond to the applicable verbal comments offered at this hearing, as well as those written comments submitted to the Planning Department during the review period. After preparation of the responses to all the comments, an additional public hearing will be held in order for the Commission to:

1. Determine whether the document has been adequately prepared;
2. Determine that adequate responses have been made to both oral and written comments, and if both of the foregoing are found to be adequate;
3. Recommend Certification the EIR to the Board of Supervisors; and,
4. Recommend action on the project ordinance to the Board of Supervisors.

Because the Planning Commission is acting in an advisory capacity to the Board of Supervisors for the project, the project will be forwarded to the Board of Supervisors for final action following consideration and a recommendation by the Planning Commission.

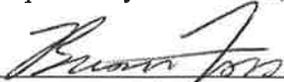
Certification of the EIR is required before the Board of Supervisors can take final action on the project. Copies of the EIR are available at the following locations:

- On-line by visiting the Nevada County Cannabis Conversation webpage:
<https://www.mynevadacounty.com/2188/Supporting-Documents>.
- At the Nevada County Planning Department. 950 Maidu Avenue, Suite 170 Nevada City, CA 95959.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- I. Open the public hearing to allow comments on the adequacy of the Draft EIR.
- II. After closing the public hearing, direct Kimley-Horn and Associates to respond in writing to all the applicable comments generated through this public hearing and those generated through the required review period. The close of the required public comment period will be on Monday, February 25, 2019, at 5:00 PM.

Respectfully Submitted,



Brian Foss, Director of Planning