

# **Nevada County Commercial Cannabis Cultivation Ordinance (NCCCO)**

## **Addendum to the Previously Certified Environmental Impact Report (SCH No. 2018082023)**

November 2022

*Prepared for:*

Nevada County  
Planning Department  
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Nevada County Cannabis Cultivation Ordinance  
Final Environmental Impact Report

SCH NO. 2018082023

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Date	November 2022

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Appendix A- Strikeout Underline Version of the Updated Ordinance

## 1. INTRODUCTION

This document is an Addendum to the Nevada County Cannabis Cultivation Ordinance EIR that was originally published on January 11, 2019 State Clearinghouse (SCH #2018082023) (hereafter referred to as the “original ordinance”). The Final EIR for the project was certified by the Nevada County Board of Supervisors on May 14, 2019. Over the last three years, numerous cultivation permits have been issued under that guidance, but based on public input and request, and a desire by the County to be responsive to comment and to streamline the permitting process, minor changes have been proposed. The changes are included in a revised ordinance (hereafter referred to as the “updated project,” or “updated ordinance”). This Addendum evaluates whether the proposed modifications to the ordinance, would result in any new or substantially more significant effects or require any new mitigation measures not identified in either the 2019 Final EIR. This Addendum, together with the 2019 Final EIR will be used by the County when considering approval of the updated ordinance.

Based on the review and analysis provided in this document, it was determined that the updates to the original ordinance would not cause any new significant effects not identified in the previous documentation nor would the update result in substantial or significant effects not previously disclosed. As such, no new mitigation measures would be required, but all previously adopted mitigation would remain and be implemented as appropriate on a project by project basis. There are no substantial changes to the circumstances related to the project and there is no new available information with respect to updated project that would cause new or substantially more severe environmental effects that were not identified in the previous document.

As noted, this Addendum incorporates by reference the mitigation measures detailed in the 2019 Final EIR. Thus, the updated project would still be within the framework of the evaluation for the original project as documented in the 2019 Final EIR and further environmental review for this updated project, beyond that contain in this Addendum is not required.

### **Purpose of this Addendum**

The purpose of this Addendum is to evaluate whether the updated project as currently proposed would result in any new or substantially greater significant effects or require any new mitigation measures not identified in the 2019 Final EIR prepared for the original project. This Addendum, together with the 2019 Final EIR will be used by the County when considering approval of the updated project.

### **CEQA Framework for Addendum**

For a project with modification from an original approved project, State CEQA Guidelines (Sections 15162 and 15164) discuss subsequent EIR’s and Negative Declaration and provides that an Addendum to a certified EIR may be prepared if only minor technical changes or additions are necessary or none of the following conditions calling for the preparation of a subsequent EIR have occurred:

- Substantial changes are proposed in the project which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of EIR certification, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the EIR,
  - B. The project will result in impacts substantially more severe than those disclosed in the EIR,
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or
  - D. Mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

Based on the analysis and evaluation provided in this Addendum, no new significant impacts would occur as a result of the modifications that are proposed. Nor would there be any substantial increase in the severity of any previously-identified significant environmental impact(s). Lastly, there is no new information of substantial importance that shows the mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the 2019 Final EIR would substantially reduce one or more significant effects on the environment. Therefore, none of the conditions described in Section 15162 of the CEQA Guidelines has occurred.

For this reason, an addendum, prepared in accordance with Section 15162, is the appropriate document that will comply with CEQA requirements for the updated project. This is consistent with Section 15164(a) – Addendum to an EIR or Negative Declaration, discussed as follows:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred, and
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

## Findings

This Addendum evaluated whether the updated ordinance would result in any new or substantially more significant effects or require any new mitigation measures that project proponents decline to adopt. The original ordinance was approved in 2019, and since that time there have been no substantial changes to the existing environmental and context in which it would continue to be implemented and the updates to the original project would not result in previously unidentified significant impacts. More specifically, the environmental setting surrounding the project has not changed in a manner that would lead to new or substantially different impacts.

The County would maintain jurisdiction and authority to permit cannabis cultivation and all processing, manufacture, and sales of cannabis within the unincorporated County lands. The Department of Cannabis Control (DCC) would remain the state permitting agency with which the County would coordinate the permitting process. The updated ordinance would does not constitute a substantial change but it would meet the needs of cultivators, streamline the cannabis process outside of cultivation, and adoption of the new ordinance, along with the included performance standards and safety and environmental requirements, would ensure that previously unidentified impacts would not result.

Accordingly, the updated project would not result in any previously unidentified impacts or require substantial modifications to any previously identified mitigation measures, nor would it require new mitigation measures the County would decline to adopt. Thus, this Addendum verifies the analysis and conclusions in the 2019 Final EIR, and that document remains valid.

As discussed above, the updated project consists of minor changes to the original ordinance and would not cause new significant effects nor increase the level of environmental effect to being significant as shown in the detailed analysis that follows. This Addendum satisfies environmental review under CEQA for the updated project and incorporates by reference the previous mitigation measures detailed in the 2019 Final EIR and includes mitigation measures recommended in that same document.

## 2. DESCRIPTION OF UPDATED PROJECT

### Project Setting and Location

The updated project is located in the unincorporated areas of Nevada County (County). Nevada County's total land area is approximately 978 square miles or approximately 612,900 acres, of which approximately 70percent is privately owned and approximately 30percent is public lands. Public lands are managed by the U.S. Forest Service (USFS) in the Tahoe National Forest (TNF), while other public lands are managed by the Bureau of Land Management (BLM). The County has an estimated total population of 101,242 people of which 67,191 people live in unincorporated areas and 34,051 people live in incorporated cities. The three incorporated cities include Grass Valley with 13,617 people, Truckee with 17,100 people, and Nevada City with 3,334 people [California Department of Finance (CDOF), 2021].

**Figure 1**, *Regional Location Map* shows Nevada County in relation to its position within the State of California and **Figure 2**, *Nevada County Vicinity Map* shows Nevada County in relation to surrounding counties, major cities, and major roadways. Nevada County consists of urbanized areas as well as rural residential, commercial, industrial, open space, and agricultural lands. The updated ordinance would not apply to and would not authorize cannabis cultivation or other related activities in the three incorporated cities of Grass Valley, Nevada City, and Truckee.

The geography of Nevada County is generally comprised of low lying valleys on the west to rugged mountainous terrain on the east. Nevada County is within a portion of the Sierra Nevada Mountains, a geologic block approximately 400 miles long and 80 miles wide that extends in a north-south band along the eastern portion of California. The western third of the County is comprised of rolling foothills, which form a transition between the Sacramento Valley on the west and the mountains to the east. The eastern two-thirds of the County is comprised of generally steep, granitic terrain within the Sierra Nevada Mountains.

### Updated Project Description

Since the original project was approved by the Nevada County Board of Supervisors user groups and stakeholders have requested updates to the ordinance. The County has received input, and continues to solicit input from residents, cultivators, and other stakeholders requesting suggestions for updates and modifications to the original ordinance. Most recently, the County circulated the proposed updates in a Notice of Opportunity for Comments on Proposed Zoning Ordinance Amendments to Regulations for Commercial Cannabis Cultivation (County File No. PLN22-0160, ORD22-2) for a 30 day review period that closed on October 3, 2022. This was done prior to finalization of the ordinance evaluated in this document and to incorporate public comment.

It should be noted that the updated ordinance is being used to balance the demand for cannabis and the feasibility of starting a cannabis business. Cannabis cultivation occupies a very small percentage of the overall 612,900 acres of County land. Cannabis cultivation has experienced a very small expansion in comparison to what was anticipated after approval of the original ordinance. Since the original ordinance was passed in 2019. In 2020, there were a total of 57 permits for a total cultivation area of 9.13 acres in the County. In 2021 the total number of permits issued increased by 55 to a total of 112 permits County wide and a total of 18.74 acres. As of October 2022, an additional 20 permits had been issued in 2022 for

a total of 207 permits in the County. This is an extremely small percentage of the approximate 450,996 acres of County land zoned general agriculture (AG), exclusive agriculture (AE) and forest land (FR) which provide opportunities for cultivation.

Based on the above information, desire to support the industry, and public comment, additional modifications and adjustments to the original ordinance were made and are considered in the analysis in this document. **Table 1-** *Nevada County Modified Commercial Cannabis Cultivation Areas*, provides a summary of the zoning in which cannabis cultivation and activities would be allowed and the acreages based on parcel size and other land use constraints (e.g. sensitive resources, proximity to other uses such as schools) that could be permitted, and **Table 2-** *Nevada County Cannabis Cultivation Ordinance Modification Summary* below provide a tabular listing of the proposed changes, the specific section of the ordinance that would be changed, and the potential for that change to result in new impacts. **Table 2** also provides the text of minor proposed administrative changes that are typically noted as not having the potential to result in new impacts on the environment. These changes typically refer to process changes, definitions added for clarity, and generally do not require further analysis in this Addendum as they do not have the potential to result in new or more significant impacts. Proposed changes and modifications that have the potential to result in new impacts on the environment are discussed in additional detail throughout Addendum, as applicable. The entire ~~strike-out~~ underline text of the revised ordinance is provided in Appendix A.

The updated ordinance is intended to respond to the needs of the cannabis cultivation community and to the evolving state laws and regulations. This intent is matched by providing a more comprehensive process and viable business model to enable residents to be involved in the industry. These changes have been made while being sensitive to concerns and discussions with other members of the public and with consideration for potential environmental concerns.

It should be noted, the updated ordinance does not change the three zones (AG - General Agriculture, AE - Agriculture Exclusive, and FR - Forest) in which cannabis operations would be authorized, but it would allow small areas of properties to be used for cannabis related uses including manufacturing or manufacturing opportunities, distribution, and retail sales, as well as operation as a microbusinesses.

A generalized list of the proposed changes and how they relate to the updated ordinance is shown immediately below. All updates are considered minor and been made to clarify the permitting process and make the cultivation process within the County more efficient and responsive to the needs of permittees. The list of summarized changes below are followed by a more detailed list of the modifications that would help achieve the intent of the amendment to Section L-II 3.30 of Chapter II Zoning Regulations of Nevada County.

1. Allow adult use cultivation in addition to medical use cultivation.
2. Combine Commercial Cannabis Permit (CCP) and Administrative Development Permit (ADP) application/permitting process.
3. Add standards and requirements for additional license types for distribution, non-volatile manufacturing, retail sales, and microbusinesses.
4. Remove onsite residence requirement for adjacent parcels included in common ownership or control of overall premises.

5. Allow a percentage of previously included Support Area(s) to be used for additional Canopy Area and/or manufacturing/distribution operations.
6. Allow aggregate parcel sizes of multiple parcels to be used to calculate allowed maximum canopy sizes.
7. Modifications to setback requirements:
  - a. Increase setbacks for larger cultivation sites,
  - b. modify setbacks to sensitive sites to be consistent with State requirements, and
  - c. modify setbacks for shared property lines of a Premises.
8. Add parking requirements.

The following discussion provides additional detail on the elements that have been modified from the original ordinance and immediately following the change, uses, or new requirements, is a brief summary of the difference with the original ordinance. As noted previously, the modifications are consistent with the allowances of state law and would provide the County with a more complete system in which they can manage and regulate the cannabis industry and associated permitting process.

**“Manufacturing” or “Manufacturing Operation”** relates to the extraction process (removal/isolation of cannabis oils from the plant), infusion process, post-processing, remediation, and packaging and labeling, preparing, holding, and storing of cannabis products, or doing the same with other components or ingredients. Under the updated ordinance manufacturing would be allowed but be required to use non-volatile methods that could include using carbon dioxide, ethanol, and nonhydrocarbon-based or other solvents such as water, vegetable glycerin, vegetable oil, animal fat, and glycerin. All manufacturing would be required to be conducted on the licensed premises and must register and operate the licensed premises as a shared-use facility in accordance with State requirements.

**“Distributing” or “Distribution Operation”** generally relates to the movement of cannabis and cannabis products between cultivation, manufacturing, or distribution premises; the movement of finished cannabis goods to retail premises; providing storage services to other licensees; and arrange for testing of cannabis goods. However, a distribution license under the updated ordinance will only be used for the transport of cannabis cultivated and/or processed on a given premise and taken to a local and state license holder for manufacturing, retail, and/or testing. Storage will only be allowed for products cultivated on the premises.

**“Retail Sales”** –

(a) Storefront Retail Sales - refer to a building, room, or other area that is open to the public, and that is on the licensed retailer or licensed microbusiness premises. If properly licensed, retailers are authorized to engage in retail sales in which cannabis goods are sold or displayed. Delivery of cannabis products will not be allowed.

(b) Non-Storefront Retail Sales – means conducting retail sales exclusively by delivery as defined in Business and Professional Code section 26001(o) and be closed to the public.

**“Microbusiness”** – is an operation that engages in at least three (3) of the above commercial cannabis activities: (cultivation, manufacturing, distribution, and retail sales). Similar to the other uses and for each use on a microbusiness site, the proprietor must comply with all the rules and requirements (state and local) applicable to the respective activities. In accordance with Department of Cannabis Control (DCC) requirements microbusinesses, would be required to have a maximum cultivation area of 10,000 total square feet (sf), manufacturing must use of non-volatile solvents, mechanical extraction, or infusion, can only use distribution for transport, and can have a storefront or non-storefront (the updated ordinance, however, would not allow non-storefront retail delivery).

**Summary of modification** - The updated project would allow for manufacturing, distribution, retail, or microbusinesses, but these uses would be limited to a 1,000 sf structure and required to maintain all appropriate setbacks and conform to all applicable Department of Cannabis Control (DCC) and County regulations.

**“Support Areas”** were allowed under the original ordinance subject to State of California licensing requirements. Support areas would be used for activities such as drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured cannabis products and/or supplies, and infrastructure (water storage tanks) exclusively used for and necessary for cannabis cultivation, and Immature plant areas.

**Summary of modification** – Support areas were included in the original ordinance but the allowance for infrastructure (water storage tanks) have been added.

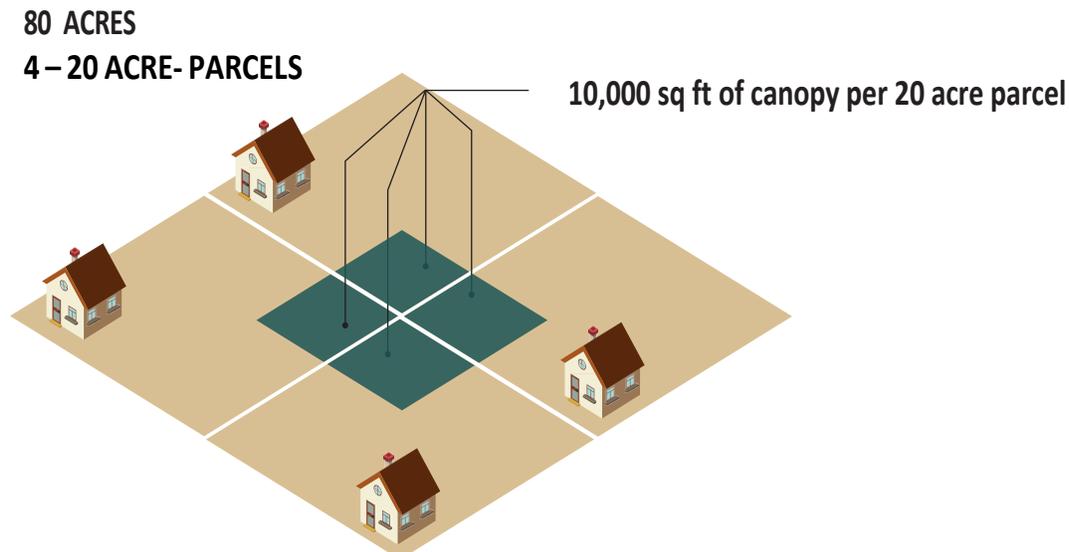
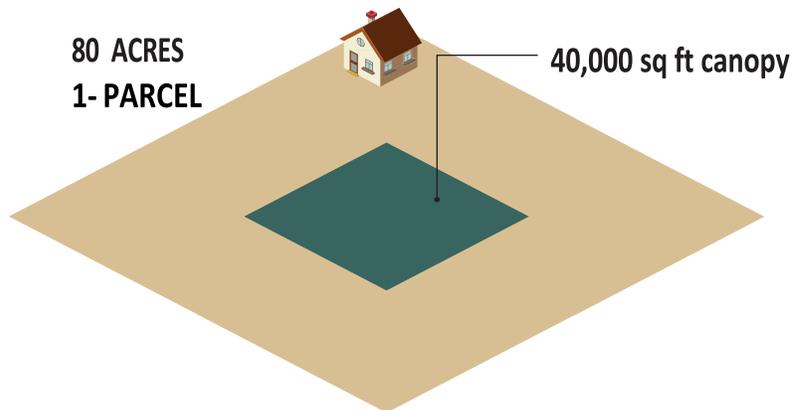
**“Commercial Cannabis Cultivation”** - The updated ordinance would not change any cultivation regulations pertaining to personal use. The updated ordinance would maintain the prohibition of commercial cultivation in R-1, R-2, R-3, and R-A zones. Commercial cultivation would still be allowed in AG, AE, and FR zones. The updated ordinance would allow cultivation on an adjacent, commonly owned AG, AE, and FR zoned parcels provided one of the contiguous parcels has a legally established residence. While these areas could be used for cultivation, the total canopy area cannot exceed what would be allowed based on the total aggregate size of all contiguous parcels included in the operation. The total canopy area and any support area must comply with all setback requirements in the ordinance. For a parcel to be counted to the aggregate it must be a minimum of 5.00 acres. For example, if there are two adjacent parcels, one being 10 acres and the second 4 acres, only the 10 acre parcel could be for cultivation. Additionally, if there are two contiguous parcels one being 12 acres and the second being 13 acres, and provided all other conditions are met, the full 25 acres could be counted.

**Summary of modification** – The ordinance has been updated to allow cultivation on contiguously owned properties provided one has a residence and the contributing parcel is 5 acres or greater.

**Table 1- Modified Commercial Cannabis Cultivation Area**

Zone	Parcel acre	Cultivation Method			Contiguous Parcel Allowance	Support Area Transfer
		Indoor	Mixed-Light	Outdoor		
<b>R1, R2, R3, RA (Regardless of Zone Designation), and TPZ</b>	Parcel of Any acreage	Commercial Cultivation is Prohibited			N/A	N/A
	2.0 acres or less	Commercial Cultivation is Prohibited			N/A	N/A
<b>AG AE FR</b>	Parcels 2.00 acres to 4.99 acre	Maximum of 500 sf canopy	Commercial Cultivation is Prohibited		NO	NO
	Parcels 5.00 acres to 9.99 acres	Up to a maximum of 2,500 sf of canopy for any method or combination thereof.			<b>Yes*</b>	<b>Yes</b>
	Parcels 10.00 acres to 19.99 acres <sup>1</sup>	Up to a maximum of 5,000 sf of canopy for any method or combination thereof.			<b>Yes*</b>	<b>Yes</b>
	Parcels 20 to 39.99 <sup>2</sup>	Up to a maximum of 10,000 sf of canopy for any method or combination thereof.			<b>Yes*</b>	<b>Yes</b>
	Parcels 40 to 59.99 <sup>2</sup>	Maximum of 10,000 sf canopy	Up to a maximum of 20,000 sf of canopy for any method or combination thereof.		<b>Yes*</b>	<b>Yes</b>
	Parcels 60 to 79.99 <sup>2</sup>	Maximum of 10,000 sf canopy	Up to a maximum of 30,000 sf of canopy for any method or combination thereof.		<b>Yes*</b>	<b>Yes</b>
	Parcels 80 or greater <sup>2</sup>	Maximum of 10,000 sf canopy	Up to a maximum of 40,000 sf of canopy for any method or combination thereof.		<b>Yes*</b>	<b>Yes</b>
	<p>*The acreage of contiguous parcels under common ownership with at least one residence may be added together to increase allowable cultivation area.                      Note: the total canopy area shall not exceed that allowed area based on the total aggregate size of all contiguous parcels.                      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).  <sup>1</sup> The original Ordinance allowed a maximum of 5,000 sf of canopy for parcels between 10 to 19.99 acres.  <sup>2</sup> The original Ordinance allowed a maximum of 10,000 sf of canopy for any parcel greater than 20 acres.</p>					

**Summary of modification** – The original ordinance allowed cultivation for any method or combination thereof for a maximum of 10,000 sf for all parcels greater than 20 acres. The updated ordinance would allow larger cultivation sizes, to a maximum of 40,000 sf, on the largest parcels or contiguous parcels totaling 80 acres or greater. A cultivation area greater than 40,000 sf would not be allowed no matter how large the parcel(s). The increased cultivation area was implemented to account for requests from the cultivation community and to provide for a more reasonable ratio of cultivation to overall parcel size. While the original ordinance limited cultivation area to 10,000 sf for all parcels greater than 20 acres, cannabis cultivation projects could have subdivided large individual parcels into smaller 20 acre parcels enabling each to be cultivated with 10,000 sf of canopy area. Accordingly, under the original ordinance, an 80 acre parcel could be subdivided into four 20 acre parcels resulting in a total allowable canopy area of 40,000 sf. The updated ordinance would remove the need for subdivisions, simply the entitlement process and reduce the potential for effects associated with subdivision of larger parcels throughout the County (e.g. expansion of roads and utility infrastructure, housing development, etc.). It should be noted that approximately 1,951 of the total 17,693 County parcels are 40 acres or greater and on which an increased cultivation area would be permitted. Thus, while the updated ordinance would allow for greater canopy areas on individual larger sized parcels, it would not increase the overall allowable canopy areas or cultivation footprint as shown in the inserted figures below. (Note: the drawings are *not to scale* and are for illustrative purposes only).



**Table 2 – Increased Cultivation Canopy Based on Parcel Size** (shown on the following page), provides an information showing the canopy that would be available under the updated ordinance and the increase compared to the original ordinance. potential for increased sf of canopy based on the number of parcels within each size category.

“Modified Setbacks” – The setback for cultivation in proximity to a sensitive site has been reduced from 1,000 feet to 600 feet from the edges of the designated canopy area or from any support area to the property line of the Sensitive Site. Other setbacks, however, with the exception cultivation under 10,001 sf which is still 100 feet, have all been increased. Required setback distances from both cultivation and support areas would all increase by 100 feet for each additional cultivation area in increments of 10,000 sf (e.g. 150’ setback for 10,001 to 20,000 sf; 200’ setback for 20,001 to 40,000 sf).

**Summary of modification** – As discussed above, the ordinance has been updated to allow larger cultivation sizes, to a maximum of 40,000 sf on parcels (or contiguous parcels) 80 acres or greater. The potential for larger cultivation areas on larger parcels would be balanced by increasing the setbacks required.

Additional Regulations – The updated ordinance also includes new regulations related to the provision of parking and accessible parking; and providing parking to meet Americans with Disabilities Act (ADA). New regulations also are being introduced to help ensure effects from new permitted uses (manufacturing, distribution, retail, and microbusinesses) are minimized. More specifically, non-volatile manufacturing is limited in scope and scale, includes measures to ensure compliance with state regulations, to reduce noise, glare, fumes, or other conditions that may affect off-site areas. Retail would be limited to on-site sales with delivery prohibited and operating hours would be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m., including deliveries, or as otherwise allowed by the use permit, which may be further restricted through the use permit process and depending on land use compatibility.

Similar to the above, microbusinesses, which are defined by having three or more of the aforementioned uses (cultivation, manufacturing, distribution, or retail) also would be subject to specific requirements. Microbusinesses without retail will be required to have all cultivation, manufacturing, and distribution on the same premises and all will conform to their respective requirements including parking, access (including secondary access) and accessibility, provision of security, signage, and will be subject to revocation of licenses should violations occur. In addition, microbusinesses must keep the retail component physically separated from other areas. It is the owners responsibility to show and ensure compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County.

**Summary of modification** – The modifications to the ordinance include specific requirements placed on microbusinesses, manufacturing, distribution, and retail as appropriate. These measures would assist the County in enforcing regulations and help minimize potential effects on some environmental resource areas (i.e. primarily, aesthetics, noise, and transportation, and hazards to include wildfire).

Table 2- Nevada County Cannabis Cultivation Ordinance Modification Summary Table

Ordinance Section	Description and Change to the Ordinance <i>[the modifications to the original ordinance are reflected in strike-out (removed) underline text (added)]</i>	Potential Environmental Effects (Y/N)	Discussion
Sec. L-II3.30) B	<del>B Findings and</del> <u>Purpose and Intent</u>	No	This is an administrative change and adds the words “and intent”.
(Sec. L-II3.30) B 1-14	Previous Findings numbers “1 through 14 and 16 through 21”, were all struck. The former text provided a summary of state legislation. The discussion also includes a brief overview of the intent of the original ordinance. (The strikeout underline versions of the ordinance can be viewed in Appendix A in its entirety).	No	This is an administrative change and removes the history of cannabis regulation. This modification would not result in any new impacts.
(Sec. L-II3.30) B	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 <u>adult uses and</u> 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, <u>distributed, and processed including non-volatile manufacturing, and retail sales,</u> 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.	No	This is an administrative change to define the intent of including distribution, processing, and retail sales in the ordinance. These elements are discussed in additional detail below. This modification would not result in any new impacts.
(Sec. L-II3.30) C.8	Cultivation of Medical Cannabis <u>and/or Adult Use Cannabis only</u>	No	This is an administrative change to be consistent with State Law. This modification would not result in any new impacts.
C.13	<u>13 Distribution - the procurement, sale, and transport of cannabis and cannabis products between licensees.</u>	No	This is an administrative change to be consistent with State Law, and defines distribution. More detail is provided below. This modification would not result in any new impacts.
C.14	Enforcing Officer - The Community Development Agency Director, Code Compliance or <u>Cannabis Program Manager,</u>	No	This is an administrative change describing the personnel to whom the enforcing officer would

	<u>Compliance Department Director 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</u>		report. This modification would not result in any new impacts.
C.15 - C23, 25, 27, 28, 31-42, 44-46, and 48 – 50.	The subsection numbers were updated to accommodate inclusion of Distribution C.13.	No	This is an administrative change in numbering due to changes to other definitions modifications. This modification would not result in any new impacts.
C.24	<u>Manufacturing” or “Manufacturing Operation” means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.</u>	No	This modification provides the definition of manufacturing. The particular circumstances in which manufacturing may occur are discussed in the context of the updated project as a whole as part of the analysis in this Addendum.
C.25	<u>Microbusiness - an operation that engages in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.</u>	No	This modification provides the definition of microbusiness. The particular circumstances in which a microbusiness may be uses is discussed in the context of the updated project as a whole as part of the analysis in this Addendum.
C.29	<u>Non-Volatile Manufacturing - extractions using mechanical methods or nonvolatile solvents as defined by this section. A Non-Volatile Manufacturing operation may also: (a) Conduct infusion operations on the licensed premises; (b) Conduct packaging and labeling of cannabis products on the licensed premises; and (c) Register and operate the licensed premises as a shared-use facility in accordance with State requirements.</u>	No	This modification provides the definition of non-volatile manufacturing. The particular circumstances in which this activity may occur are discussed in the context of the updated project as a whole as part of the analysis in this Addendum.
C.30	<u>Non-Volatile solvent - means any solvent used in the extraction process that is not a volatile solvent. “Nonvolatile solvent” includes carbon dioxide, ethanol, and nonhydrocarbon-based or other solvents such as water, vegetable glycerin, vegetable oil, animal fat, and glycerin.</u>	No	This modification provides the definition of non-volatile solvent. The particular circumstances in which this use may occur are discussed in the context of the updated project as a whole as part of the analysis in this Addendum.
C.43	<b>Retail Sales –</b> <u>(a) Storefront Retail Sales - refer to a building, room, or other area that is open to the public, and that is on the licensed retailer or licensed microbusiness premises. If properly licensed, retailers are authorized to engage in retail sales in which cannabis goods are sold or displayed. Delivery of cannabis products will not be allowed.</u>	No	This modification provides the definition of retail sales. The particular circumstances in which retail sales may occur are discussed in the context of the updated project as a whole as part of the analysis in this Addendum.

	<u>(b) Non-Storefront Retail Sales – means conducting retail sales exclusively by delivery as defined in Business and Professional Code section 26001(o) and be closed to the public.</u>		
C.47	Support Area - An area associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured Cannabis products and/or supplies, <u>and infrastructure (water storage tanks) exclusive used and necessary for Cannabis Cultivation, and Immature Plant Areas.</u>	No	This adds to the definition of support area and discusses a use that was already included to and allowed by the original ordinance. The particular circumstances in which this use may occur are discussed in the context of the updated project as a whole as part of the analysis in this Addendum.
D.2	Cannabis Cultivation is prohibited on any Parcel or Premises within the unincorporated territory of Nevada County except on <u>Parcels or Premises with a legally established Residence or an adjacent Parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.</u>	Yes	These sections modify the ordinance to allow cultivation on adjacent parcels under common ownership provided one parcel has a residence. Although the previous ordinance made the same allowance, due to changes in the allowable canopy area for some locations, this could have an effect that requires evaluation in the Addendum.
D.3.a	<del>On Premises improved with a permanent, occupied, legally permitted Residence. On Parcels or Premises with a legally established Residence or adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.</del>		
D.3.b	Only by an individual or entity who engages in Commercial Cannabis Cultivation for medical <u>or adult</u> purposes	No	This is an administrative change and adds adult purposes. This modification would not result in any new impacts.
D.5.a	Cultivation of Cannabis is prohibited on any Premises located within the following areas: a. Upon any Premises located within <del>1,000</del> <u>600</u> 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.	Yes	This section reduces the setback distance from sensitive sites. Although other setbacks are increased under the updated ordinance and would minimize potential effect, this could have an effect that requires evaluation in the Addendum.
D.6.i	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	No	Use of propane tanks would have been allowed under the original ordinance and their use is common for rural areas in which cannabis operations would occur in the County. This modification is minor and only increases the size of allowable propane tanks. All propane use would

	<p>County Land Use and Development Code Chapter X. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.</p> <p><u>Exception: Liquefied Propane tanks up to 1,000 gallons installed in accordance with the California Fire Code and California Health and Safety Code and approved by the Fire Authority, Nevada County Building Department and Nevada County Environmental Health Department.</u></p>		<p>still be required to conform to all requirements and safety standards. While no effects are anticipated, this could have an effect and is discussed the Hazards and Hazardous Materials section of this Addendum.</p>
E.2.a and b	<p>The following setbacks apply to all Cannabis Cultivation sites regardless of purpose or Cultivation method:</p> <p>a. For all <u>External, Non-shared Premises Property Lines</u>:</p> <p>100 linear feet measured from the edge of the Canopy Area to the adjacent property lines <u>for canopy sizes under 10,001 square feet.</u></p> <p><u>150 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.</u></p> <p><u>200 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.</u></p> <p>b. For all <u>External, Non-Shared Premises Property Lines</u>:</p> <p>100 linear feet measured from the edge of any Support Area to the adjacent property lines <u>for canopies sizes under 10,001 square feet.</u></p> <p><u>150 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.</u></p> <p><u>200 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.</u></p> <p>c. <u>For all Shared Internal Premises Property Lines of the parcels under common ownership that are part of the permitted Premises:</u></p>	Yes	<p>The introduction of larger canopy sizes, although setbacks would increase with progressively larger areas is a new element of the updated ordinance these changes are not anticipated to result in additional areas of disturbance and would not create a greater potential for impacts if existing rules and regulations are followed. This is a part of the updated project description and is considered in the discussion of each resource element throughout this Addendum.</p>

	<p><u>Indoor and Mixed Light Canopy Areas and all structures including Support Area structures shall meet the setbacks of the base zoning district identified by this Chapter.</u></p> <p><u>Outdoor Canopy Areas that do not include any structures do not require setbacks from shared parcel lines that are under common ownership that are part of the permitted Premises.</u></p> <p>d. 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.</p>		
<p>F.1.b</p>	<p><b>Commercial Cannabis Cultivation.</b> 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:</p> <p>Commercial Cannabis Cultivation is permitted as follows:</p> <p>1. Commercial Cannabis Cultivation may occur only on Premises with an occupied legally permitted Primary Place of Residence, <u>or an adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has an established Residence. Multiple, contiguous parcels under common ownership or control may be used to qualify for the minimum acreage required for the canopy maximum square footage as described below, however, all parcels must be a minimum of 5.00 acres in size to qualify for aggregate parcel size totals. Commercial Cannabis may occur and</u> only in zones as set forth as follows:</p> <p>a. R-1, R-2, R-3, and R-A (Regardless of General Code Designation) and TPZ: Commercial Cannabis Cultivation is prohibited.</p> <p>b. AG, AE, FR: Parcels of less than 2.00 acres:</p>	<p>Yes</p>	<p>This section modifies the ordinance and clarifies languages that allows cultivation on adjacent parcels under common ownership provided one parcel has a residence. This adds an additional restriction requiring the parcel sizes to be at least five acres, which is anticipated to reduce the instances in which this would occur. This is a part of the updated project description and is considered in the discussion of each resource element throughout this Addendum.</p>

	<p>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.</p> <p>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. <u>Up to 55percent of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.</u></p> <p><u>Parcels or multiple contiguous parcels under common ownership of 10.00 acres up to 19.99 acres:</u>                  Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 5,000 square feet of Canopy. <u>Up to 55percent of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage.</u></p> <p><u>Parcels or multiple contiguous parcels under common ownership of 20 acres up to 39.99 acres or greater:</u>                  Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 10,000 square feet of Canopy. <u>Up to 55percent of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage for Mixed-Light and/or Outdoor cultivation only.</u></p> <p><u>Parcels or multiple contiguous parcels under common ownership of 40.00 acres up to 59.99 acres:</u></p> <p><u>Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 20,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.</u></p>	<p>Yes</p>	<p>The allowance for use of some support area for cannabis cultivation is anticipated to reduce the overall area of installation of hardscape and structures reducing overall impacts. This is a part of the updated project description and is considered in the discussion of each resource element throughout this Addendum.</p>
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	<p><u>Parcels or multiple contiguous parcels under common ownership of 60.00 acres up to 79.99 acres:</u></p> <p><u>Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 30,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.</u></p> <p><u>Parcels or multiple contiguous parcels under common ownership of 80.00 acres or greater:</u></p> <p><u>Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 40,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet</u></p>	Yes	The increased in cultivation areas for the larger parcel sizes, although not anticipated to create substantial new impacts, is a part of the project description and is considered in the discussion of each resource element throughout this Addendum.
F.3	<p>Commercial I Cannabis may be Cultivated on Premises with multiple Parcels only if there is direct access from one Parcel to the other. <del>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 that allowed area based on the total aggregate size of all contiguous parcels included in the operation as identified in Section F.1(b) above. The total Canopy Area shall not exceed the area of the Parcel used for Cultivation.</del> The total Canopy Area and any Support Area must comply with all setback requirements <u>as described in Section E.2 above. 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.</u></p>	Yes	This section modifies the ordinance and clarifies languages that allows cultivation on adjacent parcels under common ownership (e.g. straddling), clarifies allowable aggregate cultivation areas and setbacks. These requirements are anticipated to minimize the potential for new or greater impacts to occur. This is a part of the updated project description and is considered in the discussion of each resource element throughout this Addendum.
F.5.	<p>California State license, <u>and/or "Distributor" California State license</u>, 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. <u>If a</u></p>	No	This is an administrative change to be consistent with State Law, and defines distribution. This modification would not result in any new impacts.

F.10.	<p><u>Standard Parking: One regular space per employee shall be provided onsite.</u></p> <p><u>Accessible Parking: The accessible parking standards for Commercial Cannabis operations shall be in accordance with the most recently adopted version of the California Building Standards Codes. These standards will be in accordance with Public Accommodations as outlined in Chapter 11B of the California Building Code, Accessible parking is required only when there are fully permitted commercial accessory structures such as processing structures, office buildings, and greenhouse structures. Ag exempt structures do not require disabled accessible parking facilities.</u></p> <p><u>Parking spaces for non-ADA spaces may be gravel or other compacted surface capable of supporting vehicles. If employees are living onsite parking spaces required for the residence may be credited toward the total employee spaces required onsite (up to 2 spaces per legal dwelling). ADA parking spaces (if required) may be counted in the total required parking space count (i.e. 7 employees proposed, 6 regular spaces and 1 ADA space for a total of 7). Any parking spaces provided in excess of the required parking are not required to meet County standards. Driveway standards are required to be met for all cannabis projects regardless of parking requirements.</u></p>	No	These are requirements that already would have been required upon issuance of a permit. These modifications add clarifying language to the future permittees and their responsibilities to include these elements in their projects. These elements would have been required previously and thus, are accounted for the previous analysis. Further discussion in the Addendum is not required. This modification would not result in any new impacts
G	<p>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 an <u>Administrative Development Permit</u> and <u>use permit (either a Cannabis Cultivation Permit or an Administrative Development Permit)</u> and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Subsection <del>FG</del> and this Section.</p> <p>1. <u>Administrative Development Permit (ADP) requirements are as follows: Cannabis Cultivation Permit (CCP) requirements are as follows:</u></p>	No	These are all administrative changes related to permit issuance. This does not change the nature of the project or allowable uses. These updates would not result in any additional impacts compared to what was previously evaluated in the original ordinance. This modification would not result in any new impacts.

	<p>a. Canopy sizes of a combined total of up to <del>40,000-2,500</del> sq. feet (Indoors, Mixed-Light, or Outdoors) on the Premises <u>depending on parcel(s) size.</u></p> <p>b. <del>Compliance with all local CCP permitting requirements is necessary.</del></p> <p>c. <del>CCPs are not transferrable or assignable to any other person, entity, or property.</del></p> <p>d. Applicant must provide the following as part of their application for an <u>ADP CCP</u>:</p> <p>iv. All <u>ADP CCP</u> permits are subject to all of the resource protection standards identified in Section L-II 4.3.3 of this Chapter.</p> <p>xi <u>All Administrative Development Permit Commercial Cannabis Cultivation applications.</u></p> <p>xii <u>All Administrative Development Permit Commercial Cannabis Cultivation applications.</u></p> <p><u>xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&amp;R) provisions, not required by the County, shall be the sole responsibility of the property owner.</u></p> <p>g. Applicant shall obtain and keep a valid and active <u>ACP CCP</u> for the <u>ADP CCP</u> to remain active. If an ACP is not obtained within six months of issuance of the ADPCCP, or if the ACP is revoked, <u>expires</u>, or denied renewal, the County may take any actions allowed by this Section or by law to revoke the <u>ADP CCP</u>.</p> <p>2. <del>Administrative Development Permit (ADP) requirements are as follows:</del></p> <p>a. <del>Canopy sizes of a combined total of 2,501-10,000 sq. feet (Indoors, Mixed-Light, or Outdoors) on the Premises.</del></p> <p>b. <del>Compliance with all ADP permitting requirements is necessary.</del></p> <p>c. <del>ADPs are not transferrable or assignable to any other person, entity, or property.</del></p>		
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	<p><del>d. Applicant must provide a complete application that contains all requirements of the CCP application listed in Section G.1.d, above.</del></p> <p><del>e. Applicant must allow for right of entry and inspections to ensure permit eligibility and compliance.</del></p> <p><del>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.</del></p> <p><del>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.</del></p>		
<p>H and I</p>	<p><u>H. Permitting of Distribution. Permitting to engage in Distribution requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G, and this Section.</u></p> <p><u>1. Distribution is allowed only on a legally permitted cannabis cultivation premises site with an approved Administrative Development Permit. The area dedicated to distribution shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.</u></p> <p><u>2.A licensed distributor shall distribute only cannabis and cannabis products, cannabis accessories, and licensees' branded merchandise or promotional materials.</u></p> <p><u>3. Distribution activities may include:</u></p> <p><u>(a) Moving cannabis and cannabis products between cultivation, manufacturing, or distribution premises</u></p>	<p>Yes</p>	<p>This section modifies the ordinance and expands on the new uses, distribution, manufacturing (non-volatile), equipment, setbacks, etc., and where and when they would be allowed within project parcels. These changes are a part of the updated project description and are considered in the discussion of each resource element throughout this Addendum.</p>

	<p>(b) <u>Moving finished cannabis goods to retail premises</u></p> <p>(c) <u>Providing storage services to other licensees</u></p> <p>(d) <u>Arranging for testing of cannabis goods</u></p> <p>4. <u>All activities associated with distribution shall be limited to a maximum of six (6) vehicle trips per day.</u></p> <p>5. <u>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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.</u></p> <p>I. <u>Permitting of Non-Volatile Manufacturing. Permitting to engage in Manufacturing Activities using Non-Volatile solvents requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G, and this Section.</u></p> <p>1. <u>Non-Volatile Manufacturing is allowed only on a legally permitted cannabis cultivation site with an approved Administrative Development Permit. The area dedicated to non-volatile manufacturing shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.</u></p> <p>2. <u>Non-Volatile Manufacturing shall be located within permitted structures that meet setbacks required by this section.</u></p> <p>3. <u>Non-Volatile Manufacturing 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.</u></p>		
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	<p><u>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.</u></p> <p><u>(a) A manufacturer licensee shall not manufacture, prepare, package, or label any products other than cannabis products at the licensed premises.</u></p> <p><u>(b) A manufacturer licensee shall only use cannabinoid concentrates and extracts that are manufactured or processed from cannabis cultivated onsite and/or obtained from a licensed cannabis cultivator.</u></p> <p>4. <u>No equipment or process shall be used in any manufacturing operation which generates noise in excess of the Noise Standards contained in this Chapter.</u></p> <p>5. <u>No equipment or process shall be used in any manufacturing operation which generates off-site, detectable vibration, glare, fumes, significant odors, or electrical interference.</u></p> <p>6. <u>All parking for the operation shall be provided on site and shall meet the standards set forth in this chapter.</u></p> <p>7. <u>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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.</u></p>		
J	<p><u>J. Permitting of Microbusiness without Storefront Retail Sales: Such facilities require the approval of an Administrative</u></p>	Yes	This section modifies the ordinance and expands on the new uses, microbusinesses, and retail sales

	<p><u>Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G, and this Section including the following standards:</u></p> <ol style="list-style-type: none"> <li>1. <u>All cultivation, manufacturing, and distribution shall occur on the same licensed premises.</u></li> <li>2. <u>Microbusiness without Storefront Retail Sales shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution, and Non-Storefront Retail Sales) for all activities occurring onsite.</u></li> <li>3. <u>Retail delivery is only allowed for licensed Non-Storefront Retailer conducting the sales exclusively by delivery as defined in Business and Professional Code section 26001(o) and shall be closed to the public.</u></li> <li>4. <u>All parking for the operation shall be provided onsite and shall meet the standards set forth in this chapter.</u></li> <li>5. <u>A Microbusiness without Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.</u></li> <li>6. <u>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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.</u></li> </ol>		<p>(delivery prohibited) and where and when they would be allowed within project parcels. These changes are a part of the updated project description and is considered in the discussion of each resource element throughout this Addendum.</p>
<p>J</p>	<p><u>K. Permitting of Microbusiness with Storefront Retail Sales: Such facilities are allowed subject to approval of a Use Permit as</u></p>		

	<p><u>defined in Section L-II 5.6 of this Chapter and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Chapter including the following standards:</u></p> <ol style="list-style-type: none"> <li>1. <u>All cultivation, manufacturing, distribution, and retail activities shall occur on the same licensed premises. The area dedicated to retail sales shall be a maximum of 1,000 square feet and shall be included in the total support area allowed for the operation.</u></li> <li>2. <u>Microbusiness shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution, and/or storefront retail sales) for all activities occurring onsite.</u></li> <li>3. <u>No cannabis or cannabis products shall be consumed onsite.</u></li> <li>4. <u>Operating days and hours for all Storefront Retail Sales activities shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m., including deliveries, or as otherwise allowed by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.</u></li> <li>5. <u>Retail delivery is prohibited.</u></li> <li>6. <u>All parking for the operation shall be provided onsite and shall meet the standards set forth in this chapter.</u></li> <li>7. <u>Any and all signages for advertisement of any Storefront retail sales related activities, products, or services shall comply with Section L-II 4.2.12 of this chapter.</u></li> </ol>		
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	<p>8. <u>Secondary Access shall be provided for locations that do not meet dead end road standards.</u></p> <p>9. <u>A Microbusiness with Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.</u></p> <p>10. <u>Areas of the permitted premises for manufacturing, cultivation, and distribution shall be separated from the retail areas by a wall and all doors between the areas shall remain closed when not in use.</u></p> <p>11. <u>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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.</u></p>		
<p>L.a. xxiii</p>	<p><u>xxiii.Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&amp;R) provisions, not required by the County, shall be the sole responsibility of the property owner.</u></p>	<p>No</p>	<p>These is an administrative change. This relates to the ACP regulations and requirements and would serve to place additional requirements on the property owner. This modification would not result in any new impacts.</p>
<p>d.</p>	<p>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. <u>This exemption does not apply to Microbusinesses with Storefront Retail.</u></p>	<p>No</p>	<p>This would not result in an exemption for any of the modified uses. This modification would not result in any new impacts.</p>
	<p>M-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</p>	<p>No</p>	<p>This does not have to do with new cannabis uses but with the citing of new or relocated School, Sensitive Site, Church, Park, Day Care, or Child Care Center, or Youth-Oriented Facility within proximity</p>

	whether the proposed location of such use is within <del>1,000</del> <u>600</u> 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 <del>1,000</del> <u>600</u> 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 <del>1000</del> <u>600</u> feet of the Premises.		to existing cannabis cultivation. This does not decrease the setback from which a new cannabis use must be from the aforementioned uses. This modification does not have the potential to result in any new impacts.
5	Revocation – <del>CCP</del> <del>or</del> ADP. Any <del>CCP</del> <del>or</del> ADP may be revoked in accordance with the procedure set forth in Section L-II 5.11. of this Chapter. An <del>CCP</del> <del>or</del> ADP may be revoked based on a finding that any of the following have occurred:	No	These are all administrative changes This removes CCP permit but does not result in any physical changes. This modification would not result in any new impacts.
O-S	Changes to the letter numbering	No	These are all administrative changes This is a lettering change of the order of the ordinance. This modification would not result in any new impacts.



**FIGURE 1: Regional Location Map**  
 Nevada County Cannabis EIR Addendum



### 3. ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

Previous review under the California Environmental Quality Act (CEQA) for the Nevada County Cannabis Cultivation Ordinance was completed with an EIR certified by the County Board of Supervisors on May 14, 2019 (State Clearinghouse No. 2018082023). The EIR evaluated the potential effects of adoption of the cannabis ordinance and the subsequent cultivation that could occur if it was adopted.

### 4. RECOMMENDATION

Based on the updated project as described above, and analysis in the checklist below. The proposed modifications to the Nevada County Cannabis Cultivation Ordinance are within the scope of the previous analysis and will not cause any new significant environmental impacts, substantially increase previously identified impacts, nor require any new or modified mitigation.

In making this finding, the County has considered evidence presented by County Staff, and other interested parties has determined the updated project and analysis contained herein is consistent with the requirements of CEQA Sections 15162 and 15164. It was further determined that:

- (1) NO substantial changes are proposed in the project which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) NO substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information which was not known and could not have been known with the exercise of reasonable diligence at the time the previously adopted EIR was adopted, does NOT show any of the following:
  - (A) The project will have one or more significant effects not discussed in the previously certified EIR;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based on the above, and discussion, comparison, and analysis contained in the subsequent checklist, it is concluded that the previous disclosures and the conclusions reached in the Final EIR certified March 2019

remain valid. The proposed revisions to the updated project would not cause new significant impacts not identified in the 2019 Final EIR and no new mitigation measures would be needed to reduce impacts. Accordingly, the updated project would not result in any new significant impacts, and in some instances would assist in reducing impacts (e.g. the addition of new permitting conditions). Although some regulations have been updated the updated project is in conformance with these regulations and all subsequently approved cannabis projects permitted by the County would be required to conform to applicable Department of Cannabis Control (DCC) regulations. Accordingly, there are no substantial changes directly applicable to the updated project that have occurred or that would result in a new or previously unidentified significant environmental impact. In addition, the updated project would not contribute considerably, and no new information has become available that shows the updated project would result in new significant cumulative environmental impacts and further environmental review beyond what is contained in this addendum is not required. Lastly, as discussed above and pursuant to CEQA Guidelines Section 15164, an addendum need not be circulated for public review but can be included in or attached to the certified Environmental Impact Report. Although circulation is not required, it should be noted that public input was invited as the revised ordinance was published on the County website for a 30 day comment period and some of those comments, as well as previous comments, have been included to the updated ordinance. The changes have been considered in the analysis contained in this Addendum, which has been attached to the Final EIR.

## 5. SUPPLEMENTAL ENVIRONMENTAL CHECKLIST FORM

For use when reviewing subsequent discretionary documents pursuant to a previously approved or certified environmental document

**Project Title:**

Nevada County Cannabis Cultivation Ordinance Update

**Lead Agency Name and Address:**

Nevada County – Planning Department

950 Maidu Avenue

Nevada City, CA 95959

**Contact Person and Phone Number:**

Brian Foss, Planning Director (530) 265-1222

**Project Location:**

Unincorporated Nevada County

**Project Sponsor's Name and Address:**

Nevada County – Community Development Agency

950 Maidu Avenue

Nevada City, CA 95959

**Zoning:** (AG - General Agriculture, AE - Agriculture Exclusive, and FR - Forest)

**Previous Environmental Document:** Previous review under the California Environmental Quality Act (CEQA) for the updated Nevada County Cannabis Cultivation Ordinance was completed with an EIR certified by Nevada County in 2019 (State Clearinghouse No. 2018082023). The EIR evaluated the potential impacts from adoption and subsequent implementation of cannabis projects in accordance with the ordinance.

The EIR found that certain impacts to aesthetics, agriculture, air quality, hydrology and water quality, land use and planning, transportation and traffic, utilities and service systems, energy, and cumulative impacts to air quality, biological resources, hydrology and water quality, utilities and service systems, and energy also would be significant and unavoidable. Mitigation measures were adopted, where feasible, to reduce these potentially significant impacts to less than significant.

The environmental factors checked below would be potentially affected by this updated project, involving at least one impact that would represent a new significant environmental effect, a substantial increase in the severity of a significant impact previously identified, or new information of substantial importance, as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources                  | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions            | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning                   | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation/Traffic              | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                            | <input type="checkbox"/> Mandatory Findings of Significance |

## 6. DETERMINATION

On the basis of this initial evaluation:

- I find that the Modified Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Modified Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Modified Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the Modified Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Modified Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Modified Project, nothing further is required.

**APPROVED**

By Brian Foss at 12:22 pm, Nov 21, 2022

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Signature

Brian Foss

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Date

For: Nevada County

## 7. EVALUATION OF ENVIRONMENTAL IMPACTS

A finding of “No New Impact/No Impact” means that the potential impact was fully analyzed and/or mitigated in the prior CEQA document and no new or different impacts will result from the proposed activity. A brief explanation is required for all answers except “No New Impact/No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question.

A “No New Impact/No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No New Impact/No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

A finding of “New Mitigation is Required” means that the project would have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document and that new mitigation is required to address the impact.

A finding of “New Potentially Significant Impact” means that the project may have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document that cannot be mitigated to below a level of significance or be avoided.

A finding of “Reduced Impact” means that a previously infeasible mitigation measure is now available, or a previously infeasible alternative is now available that will reduce a significant impact identified in the previously prepared environmental document.

### Environmental Issue Areas

The following discussion provides an evaluation of the updated project and potential for impacts to result to the environmental resource areas. Each resource, as shown in the checklist above, is discussed individually below. All mitigation measures and/or modifications to mitigation are listed below this evaluation section. The updated ordinance would not result in substantial changes to the way projects are implemented, allow use not associated with cannabis cultivation, substantially change the location and size of allowable uses, or make changes that would ease the requirements of permitting process that could result in substantial increases in the potential for environmental impacts to occur.

## Aesthetics

The Final EIR certified in 2019 identified one significant and unavoidable impact to aesthetics related to the creation of a new source of light and glare which could affect day or nighttime views in the area. The updated project would maintain MM AES-2 that requires a lighting control plan for projects that are applying for cultivation licenses and the plans would include light control measures such as shielded and directed lighting and use of blackout tarps. The updated project does not include any uses that would substantially increase the use of nighttime lighting and would not substantially increase the areas that could be used for cultivation resulting substantial new sources of light or glare. The updated project would maintain the same mitigation to help reduce impacts, but nonetheless, impacts would remain significant and unavoidable.

The updated project would occur within the same visual environment that was discussed in the Draft and Final EIR's and the presence of the topographically diverse landscape and with hills, valley, rivers, mountains, rock outcroppings, trees, and variety of other vegetation types has not changed. The project boundaries still contain topographically diverse areas with low lying valleys, rivers, streams, and high mountain peaks generally in the eastern portions of the County also have not changed. Many areas within the County are considered to have high visual quality and some offer scenic views and vistas (defined as expansive views of highly valued landscapes from publicly accessible viewpoints and include views of natural features such as topography, watercourses, rock outcroppings, and natural vegetation, and man-made scenic structures, such as high mountain peaks and ridges, trees and dense forests, open grasslands, deep river cut valleys, and lakes, rivers, and streams). Due to the undeveloped and rural character and the presence of scenic resources some areas are located in proximity to scenic views and portions of scenic highways. Operationally, then as now, the updated project would introduce new visual elements into the environment but all cultivation and other related uses would occur in the same areas on parcels zoned (AG, AE,, and FR). No additional zones would be authorized for cannabis uses. Specifically related to tree preservation, MM AES-1 relates to protected tree avoidance and this measures would be maintained. Thus, project elements in these regards and potential for substantial new impacts to the visual environment would not be substantially different than previous discussed and no new impacts would occur.

The Final EIR certified in 2019 identified one significant and unavoidable impact to aesthetics related to the creation of a new source of light and glare which could affect day or nighttime views in the area. The updated project would maintain Mitigation Measure MM AES-2 that requires a lighting control plan for projects that are applying for cultivation licenses. The lighting control plan would include light control measures such as shielded and directed lighting and use of blackout tarps as applicable. This would remain consistent with in Section L-II 4.2.8 Lighting of the Nevada County Land Use Development Code. The updated project does not include any uses that would substantially increase the use of nighttime lighting and would not substantially increase the areas that could be used for cultivation resulting substantial new sources of light or glare. The updated project would maintain the same mitigation to help reduce impacts, but nonetheless, impacts would remain significant and unavoidable.

The updated project would not result in substantial changes to the way the Nevada County Cannabis Cultivation Ordinance (NCCCO) is implement, the allowable uses, the location of allowable uses, or the permitting process. The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to the visual environment or aesthetics.

In some areas, but only on parcels or groups of parcels greater than 20 acres cultivation activities would have the potential to increase in size. It is noted that only parcels greater than 80 acres or a combination of parcels totaling 80 acres or greater, would be allowed to a maximum of 40,000 sf. Considering the size and nature of these parcels, as well as potential to join contiguous parcels, the ratio of cultivation area to parcel size is not considered a substantial increase and visibility of these areas and potential for visual contrast is anticipated to remain low. In addition, the appearance of cultivation is consistent with other agricultural uses within parcels that would be eligible for such uses.

The updated ordinance would not change the major constituents of the cultivation activities and projects would include hoop houses, water storage tanks, appurtenance buildings/sheds, greenhouses, and gardens of cannabis plants. Depending on the precise nature of the projects, some grading may be required to create building pads for the structures that could be used for support areas. All the same and pertinent portions of the land use and development code, such Section L-II 4.3.15 which protects ridgelines and view sheds would remain applicable.

The Final EIR certified in 2019 identified one significant and unavoidable impact to aesthetics related to the creation of a new source of light and glare which could affect day or nighttime views in the area. The updated project would maintain MM AES-2 that requires a lighting control plan for projects that are applying for cultivation licenses and the plans would include light control measures such as shielded and directed lighting and use of blackout tarps. The updated project does not include any uses that would substantially increase the use of nighttime lighting and would not substantially increase the areas that could be used for cultivation resulting substantial new sources of light or glare. The updated project would maintain the same mitigation to help reduce impacts, but nonetheless, impacts would remain significant and unavoidable. Thus, impacts would remain consistent with previous findings of the Final EIR and no additional mitigation would be required.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation measures were proposed within the Final EIR. No new mitigation is required but applicable measures are listed in the Final EIR.

## Agricultural and Forest Resources

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to agricultural and forest resources. Impacts to agriculture and forest resources from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

The updated project would occur within the same environment with the same agricultural resources that was discussed in the Draft and Final EIR's. All projects that occur under the updated ordinance would be reviewed by County staff to determine if the layout of the proposed cultivation, modified uses, and appurtenant structures would result in a conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. In this instance, Mitigation Measure AG-1 would remain in place and the application would not be processed until the applicant revises the site plan and the revision is demonstrated to minimize impacts to farmlands. Implementation of this mitigation measure would be similarly applied under the updated ordinance. In other instances, Section L-II 4.3.3 General Provisions would enable the use of compensation (replacing or providing a substitute resource - on-site or off-site provision or creation, protection, and maintenance of a resource or habitat), as appropriate, when it is not realistic or effective to avoid or minimize impacts using the mitigation measure.

Other sections of the Land Use Development Code (LUDC) that are intended to protect farmland would still apply to projects occurring under the update ordinance. This would include Section L-II 4.3.4 - Agricultural Lands, Important," which requires the implementation of a management plan to compensate for impacts that would become conditions of project approval for cultivation projects such as through the acquisition of lands through fee title or conservation easements and that would maintain agricultural lands in perpetuity. All such agreements would be subject to approval by the Planning Agency.

Similarly, Section L-II 4.3.14 of the LUDC, discusses important Timber Resources and includes development standards including use of a management plan prepared by a registered forester, a certified arborist, or a qualified botanist or biologist. The management plan would still be required under the updated ordinance and includes measures to avoid or minimize impacts such as requiring projects to site cultivation area or support structures in portion of the property determined to have the least impact on the long-term management of the timber resource. In properties zoned FR, the proposed cultivation operations would be required to comply with the Forest Practices Act (FPA) and Rules. This requires harvest of trees by Licensed Timber Operator (LTO) who is licensed by CALFIRE under a subsequently issued permit, which could include a Less-Than-3-Acre Conversion Exemption under the requirements of 14 CCR§1104 1(a). For a harvest of greater than 3 acres or greater than 40 acres, which is unlikely, a Timber Harvest Plan in conformance with Section L-II 4.3.14. None of these requirements would change under the updated ordinance.

Regarding impacts to Williamson Act Contracts, per the California Health and Safety Code (HSC) Section 11362.77(a) and the California Business and Professions Code Section 26067(a), cannabis is defined as an agricultural product and cannabis cultivation on these lands would not result in a conversion under the updated ordinance, impacts in this regard would remain less than significant.

Thus, as under the original project, all future cannabis cultivation projects and applications that are received under the updated ordinance would be evaluated for compliance with the LUDC), all applicable State laws, and ordinance requirements of any affected special districts related to agricultural lands. In

most cases it is anticipated that impacts to important farmland, forest and timberlands, would be reduced to less than significant through avoidance and/or minimization, adoption of protection plans as conditions of approval or as part of projects, and conformance with existing regulations. However, in regard to timber and forest resources if an area is cleared it would not be immediately returned to use for timber or forest production. In addition, in the case of agricultural land, some areas although small, would be anticipated to experience a permanent loss and conversion. Although the modified project would enable an increase in the areas that could be used for cultivation and associated uses, the increase is not substantial and would not result in considerably larger impacts to agricultural and forest resources. Thus, as previously disclosed in the Final EIR, impacts would remain significant and unavoidable.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR but impacts were found to be significant and unavoidable. No additional mitigation is available to further reduce impacts.

## Air Quality and Greenhouse Gasses

### Air Quality

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to air quality. Impacts to air quality from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

The Final EIR identified significant and unavoidable impact to air quality related to the potential for project implementation to conflict with the NSAQMD thresholds related to emissions of reactive organic gases (ROG), nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM<sub>10</sub>) during construction and NO<sub>x</sub> during operations, and federal standards for ozone (O<sub>3</sub>). Because the NSAQMD is in non-attainment for the aforementioned emissions, implementation of the original project required mitigation, which included ensuring conformance to NSAQMD rules and regulations. However, although mitigation was anticipated to reduce emissions, because it was not possible to specifically quantify, due to the uncertainty of how many projects would occur, how much cultivation would occur, and where specifically in the County they would be located, the anticipated emissions were considered substantial because if a large number of projects did occur, emissions could be expected to exceed thresholds. Accordingly, it was considered speculative to conclude emissions could be reduced to below NSAQMD's for the total buildout. Thus, these impacts were found to be significant and unavoidable.

Similar to the above, the original ordinance was found to violate an air quality standard or that it would contribute to an existing or projected air quality violation. In this instance impacts also were concluded to be significant and unavoidable even with mitigation. This is because the implementation of each subsequent project, the machinery and equipment used, and levels disturbances were unknown at the time, and are still unknown, so an exceedance of the thresholds could occur.

Because the NCCO would result in violations, taken with past, present, and future projects, it was found to have a significant and unavoidable impact from violation of a federal or state ambient air quality standard including releasing emissions that exceed quantitative thresholds for O<sub>3</sub> precursors. As discussed above, while mitigation was included, and while it would reduce impacts, due to the scale of the project, impacts were significant and unavoidable.

The potential for increased odors from cultivation to reach sensitive receptors under the updated project would not be substantially increased under the revised project. Additional acres of cultivation, even on the largest parcels or contiguous parcels owned by a single party would not occur. For example, while cultivation on larger 40-60 acre parcels could be increased from 20,000 to 30,000 sf, this allowance would not enable an overall increased canopy. Under the previous ordinance the parcel could have been subdivided to allow 10,000 sf on each parcel resulting in the same total canopy area. Similarly an 80 acre parcel of commonly owned parcels could have been subdivided into 4 (four) 20 acre parcels, each allowing 10,000 sf of canopy and equal to the previously allowed 80 acres of cultivation. Thus there would be no net increase in cultivation.

Thus, although the cultivation area for a given parcel size has increased, the ordinance would not provide for more total cultivation. In addition, considering the overall size of these parcels, increasing larger setbacks, and buffers from adjacent and/or neighboring parcels, the changes to the ordinance would not result in a greater potential for impacts.

As discussed in the Final EIR, projects were and are anticipated to be dispersed throughout the County due to the location and zoning of parcels in which cultivation would be allowed. This would have the effect of minimizing concentrations of pollutants in proximity to sensitive receptors as well as resulting in an anticipated diffusion of cultivation and potential for odor impacts. Regarding the air quality analysis, it was determined that on an individual level, the operation of even the most intensive cultivation facility would not exceed NSAQMD Level C significance thresholds. Further, the primary air toxic associated with the updated project is the emissions of diesel particulate matter (DPM) from the truck(s) that may be used during construction and operations. The updated project would not generate a substantially greater number of truck trips at the potential future cultivation sites. In addition, most of the larger cultivation sites would be located in portions of the County with larger parcels and are anticipated to be substantially distanced from sensitive receptors. For these reasons, the updated project would have the same less than significant impacts on sensitive receptors as the original project.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR but impacts were found to be significant and unavoidable. No additional mitigation is available to further reduce impacts.

### **Greenhouse Gas Emissions**

The updated or and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to greenhouse gas emissions. Impacts to greenhouse gasses from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

The updated project would permit construction for cannabis cultivation and associated uses in the same zones and as was previously analyzed within the NSAQMD. At the time the original Final EIR was written the NSAQMD did not have adopted GHG thresholds and still does not. Based on guidance from NSAQMD and typical industry practice the use of a 10,000 metric tons per year (MTCO<sub>2e</sub>) threshold for determining whether a project's GHG impacts are significance is often used. Using this thresholds would result in the updated project, at total buildout, exceeding the GHG emissions threshold. For these reasons, the updated project would, similar to the original project, result in significant and unavoidable impacts to from GHG emissions.

Under the updated project, some additional areas used for cultivation could be constructed with structures for ancillary uses and manufacturing, processing, and storefront retail could be. However, while some additional small support structures could be built it is anticipated that these buildings would achieve the latest Building Energy Efficiency Standards which would be ensured through the development review process. During the project review process and prior to issuance of any County permits, the County would ensure that building plans show that all new structures built under the updated ordinance would be constructed in conformance with all applicable CALGreen standards, which requires measures such as use of high-efficiency water fixtures for indoor plumbing, water efficient irrigation systems and water reuse systems, following the Model Water Efficient Landscape Ordinance (MWELO), encouragement for use of solar voltaic panels, following recycling programs, etc..

The updated project also would be required to comply with DCC § 8306 which sets forth certain prescriptions related to the use of generators including the requirement that if a generator greater than 50 horsepower is used it complies with the Airborne Toxic Control Measures for Stationary engines and has a Portable Equipment Registration Certificate provided by CARB, or a permit to operate issued by the local air district with authority over the licensed premises. All generators also would be required to meet the listed DCC standards. Further, all cultivators, under the updated ordinance (beginning January 1, 2023) would still be required to meet the listed standards to reduce GHG emissions. As part of the permitting process, all project applicants would still be required to provide evidence of their energy plan that would enable meeting of the listed BCC requirements. Thus, impacts in this regard would remain less than significant and no additional mitigation would be required to reduce conflicts with an applicable air quality plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR, but impacts were found to be significant and unavoidable in relation to violations and exceedance of thresholds, specifically 10,000 MTCO<sub>2e</sub> per year. No additional mitigation is available to further reduce impacts. Impacts associated with violations of an applicable agency adopted air quality plan, policy, or regulation adopted for the purpose of reducing GHG emissions would remain less than significant.

## Biological Resources

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to biological resources. Impacts to biological resources from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

The Final EIR determined that implementation of the original project under the original ordinance that ground disturbance, construction of buildings and establishment of cultivation areas, and eventual operation of cultivation facilities could result in adverse effects on biological resources. The addition of an allowance for areas to be used for support, buildings for manufacturing, distribution, or retail sales would not result in changes to the overall area of disturbance and would not change previous conclusions. A total of 27 special status wildlife species were identified as having potential to occur in Nevada County that includes reptiles, amphibians, nesting birds, mammals, bats, fairy shrimp/crustaceans, and fish. A total of 36 special status plants also have potential occur. In addition, the County contains habitats including wetlands, riparian habitat adjacent to streams or rivers, trees, etc. species. Similar to the original projects, the updated project would result in new cultivation projects that could result in impacts to these habitats as well as migration corridors if they would impede the flow or functionality of a stream or river, could interrupt fish movements and aquatic corridors.

The updated project would result in the same types of uses and similar disturbance patterns and would occur within the same environment as that which was previously evaluated. All projects would still undergo an initial prescreening in which the project footprint and plans would be cross checked for the potential presence of sensitive species and biological resources.

The same as in the original ordinance, for all new cannabis cultivation projects application materials would be evaluated to determine if a subsequent Biological Inventory prepared by a qualified biologist would be needed. The Biological Inventory would be used to determine whether habitat for the defined resource, or the resource itself may be affected by the project. The Biological Inventory would contain project background, a project description, review of CNDDDB database, potential sensitive habitats existing on site, field survey methodology and findings (if needed), mitigation to reduce impacts (if needed), and a level of impacts conclusion. Due to 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 and would be performed as needed.

Section L-II 4.3.12 of the Nevada County Land Use and Development Code; Rare, Threatened and Endangered Species and Their Habitat establishes resource standards to avoid the impact of development to these sensitive and special status species through the preparation of a site-specific Habitat Management Plan (HMP) and would be applied to cannabis cultivation permits. These standards would remain in place under the updated project. In addition, Mitigation Measure BIO-2 would amend the NCCO to require HMPs for both CCP and ADP permits. Section L-II 4.3.17 of the Land Use and Development Code requires the preparation of a HMP when construction activities or disturbance is located within 100 feet of all wetlands and riparian areas. Other requirements of Section L-II 4.3.12 of the Nevada County Land Use and Development Code would apply to the projects, and applicability would be determined on a project by project basis, and as applicable and only if determined necessary by the Qualified Biologist and to supplement findings of the Biological Inventory.

If any project site under the updated ordinance has the potential to contain special status species; the project and project applicant would be required to comply with all requirements of the FESA and CESA and the requirements of § 8304(b) to include portions of (Section 26060.1(b)(1) and authority granted to CDFW in the BPC.

CDFW under Section 1600-1616 of the CFGC SWRCB General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, which prohibits cannabis cultivation within at least 50 feet of all surface water. Army Corps of Engineers (USACE), per Section L-II 4.3.17, project applicants are required to obtain appropriate authorizations from the U.S. Fish and Wildlife Service, State Department of Fish and Wildlife, and U.S. Army Corps of Engineers prior to project approval.

Implementation of projects under the updated ordinance would not result in changes to the way in which impacts to special status wildlife species and habitat would occur compared to under the original ordinance. Because the projects under the updated ordinance would follow the same procedures to clear biological resources and implement the same mitigation measures, there are no circumstances that would change a projects ability to avoid, minimize, reduce, or eliminate effects to sensitive biological resources. Further, depending on the results of the site specific biological resources evaluation, some of the commercial cannabis cultivation projects and areas used for manufacturing, distribution, and retail would occur in areas in which cultivation could occur under the updated ordinance, could be required to implement habitat replacement to account for impacts to such resources. This would entail preparation of a HMP prepared by a qualified biologist and that conforms to all County and professional standards. Similarly, the qualifier that If potential impacts on these biological resources cannot be reduced to less than significant, no permit would be issued would remain in place. Compliance with the applicable Nevada County Code, state and federal regulations, and other species and habitat protection measures, that would be ensured through implementation of MM-BIO-2 which requires a biological resources pre-screening would ensure impacts would not be greater or more significant in this regard and would remain less than significant. No additional mitigation would be required.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR that were found to reduce impacts to biological resources to less than significant. All the same mitigation would be applied to the updated project and no additional mitigation is needed. Impacts would remain less than significant.

## Cultural Resources

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to biological resources. Impacts to biological resources from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

As discussed in the Final EIR, previous archaeological surveys conducted in Nevada County indicate that prehistoric and historic archeological site types could be encountered within the County. The updated project would occur within the same cultural resources environment considered in the Final EIR and would have a similar potential to encounter archaeological and prehistoric resources. While the updated ordinance would enable larger cannabis cultivation projects on larger parcels, as described above, this would remove the need for subdividing larger parcels to enable the same overall cultivation area. Thus, overall the footprint of disturbance would be consistent with the original ordinance. The updated ordinance also would allow cannabis cultivation to occur within area previously identified as support area this would not increase the overall area of disturbance, and therefore, no net increase would occur. Therefore, taken in sum, site preparation for agricultural activities and use for support functions associated with the updated ordinance would not require or result in greater ground disturbing activities with the potential to encounter unknown archaeological resources.

Ground disturbing activities under the updated project, however, would be similar to those and in the same areas as that would be allowed by the original ordinance. Development of commercial cultivation sites would generally require disturbance of surficial deposits to create planting beds or placement of planting containers. This disturbance, however, could result in exposure of cultural resources (historic district, site, building(s), structure(s) thereby resulting in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines). Although the allowable cultivation area would increase for the larger parcel sizes under the updated ordinance, the potential for impacts to cultural resources would be substantially the same as under the original project. This is because the total area used for cultivation and related activities would not experience a net increase.

Cannabis projects also have the potential to impact unique paleontological resource or unique geologic feature exist that may have historic or historical value. While it is expected that most existing and future commercial cannabis cultivation sites would not contain significant paleontological or geologic features either buried or known that would be affected by the proposed activities, some existing and future cultivation sites may contain such resources. Cannabis cultivation activities could result in discovery and recovery of these resources; however, it is possible that such resources would be damaged or destroyed. Therefore, where ground disturbance on sites where unknown or buried resources do exist would occur, such disturbances could result in destruction, loss, or damage to the resources. These impacts would be considered significant. In order to reduce impacts to unknown or buried paleontological or unique geologic resources the updated ordinance will contain the same mitigation, Mitigation Measure CUL-3 to include an inadvertent discovery protocol for these resources.

Projects occurring under the revised ordinance would comply with the same standards and conditions, and mitigation as previously adopted. This would include MM CUL-1 which would require all applicants to submit a records search request that would provide non-confidential records searches, or "sensitivity letters," to members of the public which would be submitted to the County to verify if a cultural resources

study would be required to be prepared by a qualified professional. Although some additional areas could be used for cultivation and ancillary uses, impacts would be the same as under the original project and would be less than significant.

In addition, all projects under the updated ordinance would still be required to conform the County Code and Standards contained in Section L-II 4.3.6 Significant Cultural Resources. These standards include requirements such as no disturbance of resources unless a Cultural Resources Management Plan (CRMP) is prepared. The CRMP, consistent with State Office of Historic Preservation (SHPO) standards, will require analysis of the significance of the cultural resource and disclosure of the investigation, potential for project impacts, and mitigation providing for the maximum protection of the resource and/or maximum preservation of knowledge contained within the resource. These measures would be fully developed by the qualified professional and implemented to the satisfaction of the County, SHPO, cultural representative or other responsible party. Accordingly, if Native American resources are involved a qualified Native American Consultant will be consulted and report prepared that summarizes the findings. All reports would be submitted to the County.

All projects under both the original and updated ordinance would include a condition of approval that accounts for inadvertent discovery of resources including human remains. Human burials can occur outside of dedicated cemeteries or burial sites and include Native American or historic-era graves. Ground disturbing construction activities from projects approved under both the original and updated ordinance could uncover previously unknown human remains, which could be culturally or historically significant. Embellishment of appropriate buffers and notifications of qualified archaeologist, County Coroner, and if remains are of Native American origin, the Native American Heritage Commission (NAHC) or the most likely descendants of the buried individual(s) would be contacted. Specific treatment of Native American human remains shall occur consistent with State law. More specifically, the procedures for the treatment of discovered human remains are contained in Sections 7050.5 and 7052 of the California Health and Safety Code and Section 5097 of the California Public Resources Code, which also is a requirement of BCC regulation §8304(d), to which the updated project would comply.

Similar to the original project, it is anticipated that most existing and future commercial cannabis cultivation sites would not contain significant archaeological resources either buried or known that would be affected by the proposed activities, due to past uses and areas known to contain cultural resources, some may contain such resources. Nonetheless, the incorporation of the above-listed Mitigation Measures CUL-1 and CUL-2, as well as Development Standards under Section L-II 4.3.6 Significant Cultural Resources are anticipated to reduce impacts to human remains at the future project-level as well as secondary or inadvertent impacts. With conformance to these standards of development, implemented and included as a part of the updated project as required by the County Land Use and Development Code, impacts would not be greater or more significant in this regard and would remain less than significant. No additional mitigation would be required.

### **Mitigation Program**

### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR that were found to reduce impacts to cultural resources to less than significant. All the same mitigation would be applied to the updated project and no additional mitigation is needed. Impacts would remain less than significant.

## **Tribal Cultural Resources**

Tribal cultural resources were discussed in the Final EIR. Notifications from the County were sent to Native American Tribes and representatives, as well as the Native American Heritage Commission. These parties had previously requested to be notified of projects in the County and in accordance with Assembly Bill 52, which requires such notification, the Susanville Indian Rancheria; Tsi Akim Maidu United Auburn Indian Community of the Auburn Rancheria; and two representatives of the Washoe Tribe of Nevada and California, were sent letters advising of their opportunity for consultation. No requests were received back from the County.

As discussed, above, the prehistoric and archaeological setting of Nevada County consists of a diverse history throughout the region and artifacts that date from 14,000 BC, typical to the Martis Valley, have been found and indicating a hunter-gatherer system, but that eventually grew into an existence of more permanent villages in ecologically rich areas. The people who inhabited these areas are most likely ancestral to the Nisenan, the Indian group inhabiting the area at the time of Euro-American contact.

In regard to the updated Ordinances, the environmental context, and locations in which the cannabis cultivation projects would occur has not changed. There are no additional areas, or lands, or projects sites that vary from the original and as such, as discussed in the Final EIR, the updated project would not result in a substantial adverse change to the significance of a known tribal cultural resource defined in PRC 21074, 5030.1(K), or 5024.1(C).

As discussed in the Final EIR, consistent with this Addendum, the same mitigation measures, Mitigation Measures CUL-1 and CUL-2, as well as Development Standards under Section L-II 4.3.6 Significant Cultural Resources would continue to be implemented for all future projects. This inclusion of resource protection measures placed on future projects would reduce project-specific impacts to 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). This is the same finding as in the Final EIR and impacts in this regard would be less than significant.

Similarly, the same regulations and policies pertaining to consideration and protection of Tribal Cultural Resources would remain in place. As noted in the Final EIR, these regulations and policies include the following.

### **Summary of Applicable Existing Regulations and Policies Related to Tribal Cultural Resources**

- Section 106 of the NHPA and NRHP protect tribal cultural resources through guidelines, processes, and providing criteria that must be met to determine a resources significance.
- Native American Grave Protection and Repatriation Act sets provisions for the intentional removal and inadvertent discovery of human remains and clarifies the ownership of human remains.

- CEQA and the CRHR protect tribal cultural resources through guidelines, processes, and providing criteria that must be met to determine a resources significance.
- Public Resources Code 5097.91 and 5097.98 relate to the NAHC, tribal cultural resources, Native American human remains, and guidance on inventory and preservation of these resources.
- SB 18 and AB 52 relate to Native American Tribal consultation and preservation of tribal cultural resources.

Thus, the inclusion of the resource protections that would be placed on these projects would effectively reduce project-specific impacts to 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). In addition, all subsequent projects would undergo individual CEQA analysis on a project by project basis, which would include an evaluation of tribal cultural resources and would identify local properties and require measures to reduce minimize impacts to less than significant.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR that were found to reduce impacts to tribal cultural resources to less than significant. All the same mitigation, as well as applicable regulations regarding notifications, and proper treatment of resources would be applied to the updated project and no additional mitigation is needed. Impacts would remain less than significant.

## Geology and Soils

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to geology and soils. Impacts to geology and soils from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

### Seismic-Related Hazards

Implementation of projects under the updated ordinance would occur within the same geologic setting that was discussed within the Final EIR. Nevada County is located in a seismically active region of California, and while not mapped on the Alquist-Priolo Earthquake Fault Zone Map, it is underlain by numerous faults and fault zones. The Final EIR determined that while surface rupture is unlikely to occur, existing and future cultivation sites would likely experience moderate ground shaking as a result of earthquakes occurring on off-site faults. Under the updated ordinance, similar to the original ordinance, cannabis cultivation would be limited to parcels zoned as AG, AE, and FR. The updated ordinance would therefore not have the potential to impact additional zones within the County, as compared to the original ordinance. Further, all future cannabis cultivation projects and associated construction and use of buildings under the updated ordinance would be required to demonstrate compliance with applicable federal, State, and local laws and requirements, including, but not limited to, the most recent California Building Code, Alquist-Priolo Act, Nevada County General Plan, and the Nevada County Land Use and Development Code. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated ordinance would not result in greater or more significant impacts associated with rupture of a known earthquake fault or seismic-induced hazards including ground-shaking and liquefaction.

Concerning landslides the Final EIR stated that areas of Nevada County contain areas of steep slopes greater than 30 percent. However, as discussed above, the updated ordinance would not allow for cannabis cultivation projects on parcels not previously considered by the Final EIR. Therefore, potential impacts associated with landslides would be consistent with analysis of the Final EIR. All cannabis cultivation projects would be subject to a design review process and evaluated for conformance with applicable building codes. This would include verification that projects would not be located in a landslide hazard zone. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of projects under the updated ordinance would not result in greater or more significant impacts associated with these seismic hazards.

The updated project would allow for larger cultivation areas based on parcel size and associated cannabis cultivation projects, however, because the overall area that could be used for cultivation would not be increased, there would not be a proportionally greater amount of vegetation removed during grading, and earthwork. As described above, the overall footprint of disturbance would be consistent with the original ordinance because the updated ordinance would allow cannabis cultivation to occur within areas previously identified as support areas that would have been disturbed in preparation for that use. Therefore, no net increase in the area of disturbance would occur. Similar to cultivation projects considered in the Final EIR, larger cannabis cultivation projects could expose the topsoil and underlying soils to erosive forces and increase the potential for erosion from wind or stormwater runoff. However, all future projects facilitated by the updated ordinance would be required to conform to development standards, including, but not limited to, Section L-II 4.3.13 Steep Slopes/High Erosion Potential and would

be required to obtain grading permits pursuant to the County Grading Ordinance. Further, all projects would be subject to an Erosion and Sediment Control Plan to reduce potential impacts to erosion and loss of topsoil associated with the intensified cultivation activities allowed by the updated ordinance. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of projects under the updated ordinance would not result in greater or more significant impacts associated with erosion and loss of topsoil.

The Final EIR determined potential impacts to Geology and Soils would be less than significant following compliance with relevant Federal, State, and local laws and regulations. Cannabis cultivation projects facilitated by the updated ordinance would similarly be required to demonstrate compliance with relevant laws and regulations. The updated project does not include any uses that would result in new or more significant impacts to Geology and Soils. Impacts would not be greater or more significant in this regard and would remain less than significant. No additional mitigation would be required.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR that were found to reduce impacts to geology and soils to less than significant. All the same mitigation would be applied to the updated project and no additional mitigation is needed. Impacts would remain less than significant.

## Hazards and Hazardous Materials

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to hazards and hazardous materials. Impacts to hazards and hazardous materials from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

### Transport, Use, or Disposal of Hazardous Materials

As discussed in the Final EIR, implementation of cannabis cultivation projects facilitated by the updated ordinance would be in conformance with existing laws and regulations pertaining to hazards and hazardous materials. The updated ordinance would increase the size of allowable propane tanks to 1,000 gallons; however, all propane tanks would be installed in accordance with the California Fire Code and California Health and Safety Code and be subject to approval by the County Fire Authority, Building Department, and Environmental Health Department. This modification has no potential to change any previously disclosed impacts or result in a new undisclosed impact(s).

The updated ordinance would allow for larger canopy areas on the larger parcels as compared to the original ordinance, but this would not result in a substantially greater use of hazardous materials including cleaning solvents, fertilizers, pesticides, and other materials and equipment commonly used for agricultural production and facilities maintenance. In addition, as discussed in the Final EIR, all projects would be required to comply with BCC regulation §8307 Pesticide Use Requirements and §8106(a)(3) requiring preparation of a pest management plan. This modification has no potential to change any previously disclosed impacts or result in a new undisclosed impact(s).

The updated ordinance would allow distribution and non-volatile manufacturing uses. Distribution activities may include moving cannabis and cannabis products between cultivation, manufacturing, or distribution premises; movement of finished cannabis goods; and storage and/or testing of cannabis goods. All distribution activities would be limited to six vehicle trips per day. Transport of cannabis and cannabis goods would not be considered potentially hazardous and no new impacts would occur. Non-volatile manufacturing includes mechanical methods or use of nonvolatile solvents including carbon dioxide, ethanol, and solvents such as water, oil, and glycerin. All non-volatile manufacturing operations would be required to register and operate in accordance with State requirements. The nature of distribution and non-volatile manufacturing uses would not increase the potential for impacts associated with hazardous materials. This modification has no potential to change any previously disclosed impacts or result in a new undisclosed impact(s).

All cannabis cultivation projects facilitated by the updated ordinance would be subject to the requirements of an Annual Cannabis Permit and would be required to demonstrate compliance with applicable laws and regulations concerning hazards and hazardous materials. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### Release of Hazardous Materials

The updated ordinance would occur within the same zones previously considered by the Final EIR. As discussed in the Final EIR, implementation of future cannabis cultivation projects would require transportation of potentially hazardous materials along major corridors. However, compliance with the

Federal Hazardous Materials Regulations and relevant State and local requirements would result in less than significant impacts concerning release of hazardous materials into the environment. This updated project has no potential to change any previously disclosed impacts or result in a new undisclosed impact(s). Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

#### **Hazardous Emissions or Handling of Hazardous Materials within 0.25-mile of a School**

The updated ordinance would reduce the setback requirements for cannabis cultivation projects from 1,000 feet to 600 feet from Sensitive Sites, including schools. However, cannabis cultivation would still be limited to AG, AE, and FR zones, and it is unlikely that proposed cannabis projects would occur proximate to school sites. Further, the updated ordinance includes greater setbacks associated with the larger canopy areas which would reduce the potential for impacts associated with sensitive sites. Further, as discussed in the Final EIR, prior to the construction of any project site within one-quarter mile of an existing school, all requirements of CEQA Guidelines Section 15186 and Division 20 of the Health and Safety Code would be required to be met. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

#### **Hazardous Materials Sites**

Similar to the original ordinance, cannabis cultivation projects would be limited to AG, AE, and FR zones. Therefore, the updated project would not allow for cannabis cultivation or ancillary uses on parcels not previously considered by the Final EIR. All future projects would be subject to site-specific review, including records searches of the DTSC EnviroStor database and SWRCB Geotracker website. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts.

#### **Airport Land Use Plan, Public Use Airports, and Private Airstrips**

The updated project would not allow for cannabis cultivation on parcels not previously considered by the Final EIR. Any proposed new cannabis-related activities around public or private airstrips would be subject to policies and criteria set forth by applicable ALUCs when assessing land use compatibility. Cannabis cultivation operations generally would not include tall structures, glare, or other features that would interfere with air traffic. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

#### **Emergency Response Plan or Emergency Evacuation Plan**

The updated ordinance would not have the potential to result in impacts concerning an emergency response plan or emergency evacuation plan. Future cannabis cultivation projects would be required to demonstrate compliance with all relevant laws including the Nevada County Hazardous Waste Management Plan. Implementation of the HWMP and the policies pertaining to hazards and hazardous materials set forth in the Nevada County General Plan and Land Use Development Code, and the

implementation of the Local Hazard Mitigation Plan mitigation strategies, would ensure a less than significant impact to the adopted emergency or evacuation plans. Implementation of the updated project would not result in greater or more significant impacts in this regard.

### **Wildland Fires**

Similar to the original ordinance, cannabis cultivation projects would be limited to AG, AE, and FR zones under the updated ordinance. Therefore, the updated project would not allow for cannabis cultivation on parcels not previously considered by the Final EIR. However, the updated ordinance would increase the size of allowable propane tanks to 1,000 gallons. Use of propane tanks would have been allowed under the original ordinance and their use is common for rural areas in which cannabis operations would occur in the County. All propane use would still be required to conform to all requirements and safety standards, and would not have the potential to result in impacts concerning wildland fires. Further, all projects would be required to demonstrate compliance with Federal, State, and local requirements as verified by the Fire Marshall and the Environmental Health Department. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR that were found to reduce impacts to hazards and hazardous materials to less than significant. All the same mitigation would be applied to the updated project and no additional mitigation is needed. Impacts would remain less than significant.

## Hydrology and Water Quality

The Final EIR did not identify any significant impacts associated with Hydrology and Water Quality requiring mitigation, but identified a significant and unavoidable impact to groundwater resources. The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to hydrology and Water Quality. Impacts to hydrology and water quality from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

### Water Quality Standards or Waste Discharge Requirements

The updated project would allow for slightly larger (less than 1 percent larger in overall area in comparison to the parcels) cultivation areas based on parcel size and use of the areas for cultivation as opposed to for support uses. These elements of the updated ordinance would not result in a substantially greater proportion of vegetation removal, grading, and earthwork. Demolition and construction activities associated with larger cultivation projects also would not result in proportionally greater potential for impacts associated with erosion and sedimentation on future project sites. This is because, as described above, the overall footprint of disturbance would be consistent with the original ordinance. The updated ordinance would allow cannabis cultivation to occur within areas previously identified for use as support areas, and therefore, no net increase in the area of disturbance would occur.

As discussed in the Final EIR, sediments and particulates could be conveyed off-site resulting in water quality degradation and violation of water quality standards. All projects with over 1.0-acre of disturbance would be required to demonstrate compliance with the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ, or The Lahontan Regional Water Board (Regional Water Board 6SLT) that has adopted its own permit (R6T -2016-0010) to regulate storm water discharges from construction activity in the Lake Tahoe Hydrologic Unit. Conformance with these requirements, should they be needed, would reduce impacts to less than significant.

Operation of larger cultivation projects on individual parcels would not require a proportionally greater use of agrochemicals, pesticides, and fertilizers that could result in impacts to water quality. Uses under the revised ordinance would not result in a net increase of the total area that could be used for cannabis cultivation or support uses. While the proportions of uses may change (percentage of cultivation compared to support uses) all , storage, use, and disposal of building maintenance chemicals such as paints or solvents for any uses would be required to comply with all local, state, and federal laws. Fuels, fertilizers, pesticides, fungicides, and other chemicals also require proper storage and use to ensure standards are met. Further, projects would be required to demonstrate compliance with applicable RWQCB cannabis policies, State Cannabis Policy, DCC regulations, and all applicable local water quality control board requirements. Compliance with these water quality standards would result in less than significant impacts associated with larger cannabis cultivation projects. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of projects under the updated ordinance would not result in greater or more significant impacts in this regard.

### **Groundwater Supplies or Recharge**

The Final EIR determined impacts to groundwater supplies or groundwater recharge would be significant and unavoidable. As the County does not have a mechanism to regulate groundwater use within unincorporated areas, there was no way for the County to ensure impacts from withdrawals would not affect the groundwater table. While the updated ordinance would allow for larger canopy areas within the larger parcels, it is not anticipated to result in substantially greater volumes of water usage. As discussed, the permitted overall net cultivation area would not be increase. Additionally, based on the existing issuance of permits to date, it remains unlikely that the maximum cannabis cultivation capacity within the County would be realized. As seen in permit application trends since adoption of the original ordinance, proposed cannabis projects only occur on a fraction of allowable parcels. Therefore, while larger cannabis cultivation would be allowed on the larger parcels, it is not anticipated that the maximum cultivation capacity would be met. Notwithstanding, the Final EIR determined that depletion of aquifers and/or groundwater as a result of groundwater wells associated with cannabis cultivation would result in significant impacts. As with the original ordinance, impacts under the revised ordinance would remain significant and unavoidable.

### **Stormwater Drainage**

All cannabis cultivation projects facilitated by the updated ordinance would be subject to Federal, State, and local requirements concerning stormwater drainage, erosion, and siltation. As part of permitting process, the sites proposed for use for commercial cultivation and ancillary uses would be required to provide proof of compliance with all federal, State, and local laws and regulations related to protection of water quality. Following compliance with the established regulatory framework, as discussed in the Final EIR, adoption and implementation of the updated ordinance would not result in greater or more significant impacts in this regard.

### **Flooding**

The Final EIR determined impacts associated with flooding and flood hazards would be less than significant. As part of the permitting process, the sites proposed for use for commercial cannabis cultivation and other uses (manufacturing, distribution, and retail sales) would be required to provide proof of compliance with all federal, State, and local laws and regulations related to protection of water quality, and potential to affect the risk of flooding. Under the updated ordinance, similar to the original ordinance, cannabis cultivation would be limited to parcels zoned as AG, AE, and FR. The updated ordinance would therefore not have the potential to impact additional areas of the County, as compared to the original ordinance. The updated ordinance would not include modifications with the potential to result in impacts concerning flooding. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated ordinance would not result in greater or more significant impacts in this regard.

### **Mitigation Program**

#### **Mitigation Measures from the Final EIR**

Mitigation was proposed and adopted in the Final EIR that were found to reduce impacts to hydrology and water quality to less than significant. All the same mitigation would be applied to the updated project and no additional mitigation is needed. Impacts would remain less than significant.

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## Land Use and Planning

The Final EIR did not identify any significant impacts associated with Land Use and Planning requiring mitigation. The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to land use and planning. Impacts to land use and planning from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

### Physically Divide and Established Community

Under the updated ordinance, similar to the original ordinance, cannabis cultivation would be limited to parcels zoned as AG, AE, and FR. The updated ordinance would therefore not have the potential to impact additional areas of the County, as compared to the original ordinance. As discussed in the Final EIR, commercial cultivation areas would be required to be setback at least 100 feet from all property lines which would help prevent physical divisions of any established community. Under the updated ordinance, although larger canopy areas would be allowed, this would only occur on the larger parcels. Additionally, for these potentially larger projects, there would be an increase in the setbacks from adjacent property lines. Setbacks would progressively increase by 50 feet at each larger canopy limit, up to a maximum of 200 feet. Further, all structures and equipment associated with cultivation operations would be located within existing parcels and would not result in division of an established community. Therefore, the updated ordinance would not result in new or more significant impacts concerning the physical division of an established community. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### Conflict with Applicable Land Use Plan, Policy, or Regulation

The updated ordinance is intended to respond to the needs of the cannabis cultivation community and to the evolving state laws and regulations, while providing a more complete process for residents to be involved in the industry. These changes have been made while being sensitive to concerns of members of the public and with consideration for potential environmental concerns. The updated ordinance does not change the three zones (AG - General Agriculture, AE - Agriculture Exclusive, and FR - Forest) in which cannabis operations would be authorized, but it would allow additional cannabis related uses including manufacturing or manufacturing opportunities, distribution, and retail sales and fourth option to operate as a microbusinesses.

As discussed in the Final EIR, future cannabis cultivation projects, including those with cannabis related uses facilitated by the updated ordinance, would be required to demonstrate compliance with the goals, policies, and objectives of the County General Plan. Similarly, as part of the ADP application process, individual projects would be reviewed for consistency with all relevant land use plans including, but not limited to, County Adopted Area Plans and the County Zoning Ordinance. Activities allowed by the updated ordinance would remain consistent with typical cannabis cultivation operations and would be subject to project-specific review. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

## **Mitigation Program**

### ***Mitigation Measures from the Final EIR***

No mitigation was proposed or needed to be adopted to reduce impacts to land use and planning to less than significant. Similarly, no mitigation is needed to reduce impacts to land use and planning that would occur under the updated project. Impacts would remain the same as previously analyzed, less than significant.

## **Mineral Resources**

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to mineral resources. Impacts to mineral resources from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

As discussed in the Final EIR, mineral resource operations within the County are only allowed in zones with the ME designation. Cannabis cultivation is not authorized in these zones under the original or updated project and would be limited to the AG, AE, and FR zones. In addition, cultivation of cannabis that may be located in proximity to a mining operation is not considered a use that would conflict with the mining operation and result in a future preclusion of the mining use. Therefore, the updated ordinance would not result in new or more significant impacts concerning mineral resources. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

No mitigation was proposed or needed to be adopted to reduce impacts to mineral resources to less than significant. Similarly, no mitigation is needed to reduce impacts to mineral resources that would occur under the updated project. Impacts would remain the same as previously analyzed, less than significant.

## Noise

The Final EIR did not identify any significant impacts associated with Noise requiring mitigation. The updated project would not result in substantial changes to the way the Nevada County Cannabis Cultivation Ordinance is implemented, its allowable uses, the location of allowable uses, or the permitting process. The proposed project and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to Noise.

### Established Noise Standards

The Final EIR determined that construction activities associated from commercial cannabis cultivation activities could involve use of off-road construction equipment for site preparation and construction of support structures. These projects could also require earth-moving construction activities. However, all future projects would be subject to County Noise Ordinance, Section LL4.1.7 Noise. Construction noise would be temporary and impacts were determined to be less than significant. Similarly, construction activities associated with larger canopy areas facilitated by the updated ordinance would be subject to the County Noise Ordinance and construction-related impacts would remain less than significant.

Concerning operational noise impacts, the Final EIR determined that depending on location relative to sensitive noise receptors, operation of future cannabis cultivation projects could result in noise levels in excess of the County's thresholds. However, the original ordinance requires a minimum of 100-foot setbacks from the property line (unless a variance is issued). Further, cannabis cultivation activities would be limited to agricultural and forest zones, which are not anticipated within close proximity to sensitive receptors. For these reasons, operational noise impacts were considered less than significant.

While the proposed project would allow for larger canopy areas, these would be associated with proportionally greater setbacks from the property line. This would reduce the potential for off-site noise impacts. Further, all future projects facilitated by the updated ordinance would still be limited to agricultural and forest zones, and would not occur proximate to zones associated with sensitive uses (e.g. residential). Following compliance with County Noise Ordinance standards, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### Ground-Borne Vibration

The Final EIR determined that project construction could have the potential to generate low levels of ground borne vibration. However, vibration levels decrease rapidly with distance. Sensitive receptors that could be impacted by construction-related vibration if activities are located approximately 100-feet, or further, from project site construction areas due to required setbacks. At these distances, construction vibrations would not exceed acceptable levels. Construction activities associated with projects facilitated by the updated ordinance would be similar to those considered by the Final EIR and potential impacts would be consistent. Further, projects with larger canopy areas facilitated by the updated ordinance would be subject to greater setbacks from property lines and sensitive receptors. Operation of cannabis cultivation projects would not require use of equipment that could generate groundborne vibration that could be felt at surrounding uses. Therefore, implementation of the updated project would not result in greater or more significant impacts in this regard.

### Ambient Noise Levels

The Final EIR determined that long-term impacts associated with noise from traffic on vicinity roads could occur if cannabis activities generate enough additional vehicle trips to result in roadway noise increases that exceed thresholds. Similarly, if equipment noise associated with cultivation and farming operations exceed thresholds, it could contribute to long-term noise impacts. However, as part of project-level review, future cannabis projects would be required to demonstrate compliance with applicable noise standards including BCC regulations. Therefore, noise sources as a result of operations were determined to result in less than significant impacts. Similarly, future projects facilitated by the updated ordinance would be required to demonstrate compliance with applicable standards. While the proposed project would allow for larger canopy areas, outdoor cultivation activities do not generally generate high levels of noise.

Concerning mobile sources, neither the original nor the updated ordinance would substantially increase vehicle trips or traffic volumes along any one road or intersection, as proposed cannabis activities would be dispersed across the County. Vehicle trips associated with transport of cannabis to processing facilities would conform to the County's regulatory standards and would ensure that cannabis activities would not produce noise levels that exceed County standards. Additionally, storefront retail sales facilitated by the updated ordinance could result in additional vehicle trips within the potential to increase traffic-related noise. However, a Use Permit and project-specific environmental documentation would be required for all storefront retail projects to determine if potential impacts would occur. If potential impacts are identified, mitigation measures would be required to reduce impacts to the greatest extent feasible. Additionally, future cannabis cultivation projects would require increased setbacks to avoid exposure of incompatible noise to nearby sensitive receptors, in compliance with the Nevada County General Plan Noise Element. Therefore, implementation of the updated project would not result in greater or more significant impacts in this regard.

### **Airport Noise**

Future cannabis cultivation projects could occur within the vicinity of the Nevada County Airport. Noise from airport operations at the Nevada County Airport or private airstrips could expose workers to noise associate with airport operations. The updated ordinance would facilitate cannabis cultivation projects within the same zones previously considered in the Final EIR and would not have the potential to impact additional sites. Any potential impacts associated with airport operations at the Nevada County would be infrequent and temporary. Impacts would remain less than significant.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

No mitigation was proposed or needed to be adopted to reduce impacts to noise to less than significant. Similarly, no mitigation is needed to reduce impacts to noise that would occur under the updated project. Impacts would remain the same as previously analyzed, less than significant.

## Population and Housing

The updated ordinance and associated cannabis activities would not result in substantial changes to the previously disclosed impacts to population and housing. Impacts to population and housing from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

### Population Growth

As discussed in the Final EIR, The development of new homes or businesses are activities that are generally associated with directly inducing population growth. The extension of roads or other infrastructure is generally associated with inducing population growth indirectly. The Final EIR identifies the projected number of employees needed per sf of cannabis cultivation as 3.3 jobs for outdoor, 4.3 jobs for indoor, and 3.2 jobs for mixed-light cultivation. Based on these factors, the Final EIR assumed that implementation of the original ordinance would result in an employee demand of approximately 22,866 employees. The updated project would increase the allowable canopy area within the County and would have the potential to generate additional demand for employees. However, it is unlikely that 100percent of eligible parcels would be used for cultivation due to development constraints. This is evidenced by the actual cannabis cultivation permit applications received since adoption of the original ordinance in 2019. The actual permitted area under cultivation have grown slowly from 57 permits issued in 2020 to cover 18.74 acres of cultivation to 112 permits in 2021 for a total of 18.74 acres. As of October 2022, an additional 20 permits had been issued in 2022 for a total of 207 permits in the County. Therefore, based on past demand, even with the increase in allowable sf for larger properties, it is unlikely that employee demand associated with larger canopy areas and manufacturing, distribution, and retail sales would generate substantial population growth. Further, similar to the original ordinance, it is expected that population growth would occur over a prolonged period of time and would be less than significant. Therefore, the updated ordinance would not result in new or more significant impacts concerning population growth.

### Displacement of Housing

The updated ordinance would not allow for commercial cultivation activities on residentially zoned parcels. Consistent with the original ordinance, as part of the permitting process, the Planning Director or designee(s) would ensure that all proposed commercial cannabis cultivation occurs are on a parcel or premises with an occupied legally permitted residence, or on a vacant parcel adjacent to a parcel with an occupied legally permitted residence under common ownership, or that a residence is constructed prior to project approval. This would ensure that housing is not displaced but would be created., the updated ordinance would not result in new or more significant impacts concerning displacement of housing.

### Mitigation Program

#### *Mitigation Measures from the Final EIR*

No mitigation was proposed or needed to be adopted to reduce impacts to population and housing to less than significant. Similarly, no mitigation is needed to reduce impacts to population and housing that would occur under the updated project. Impacts would remain the same as previously analyzed, less than significant.

## Public Services

The updated ordinance and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to public services. Impacts to public services from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019.

Under the updated ordinance, consistent with original ordinance, cannabis cultivation would be limited to parcels zoned as AG, AE, and FR. The updated project would therefore not have the potential to impact additional areas of the County, as compared to the original ordinance. Further, while the updated ordinance would allow for larger cultivation areas based on parcel size and for additional uses including distribution, manufacturing, and microbusiness, all proposed cultivation projects would be required to demonstrate compliance with applicable Federal, State, and local laws and requirements, including but not limited to, fire protection and codes and implementation of a formal Security plan. As with the original ordinance, no significant increase in demand of Fire or Police protection services would occur from the updated project.

As discussed above, the updated ordinance would not have the potential to generate population growth beyond considerations of the Final EIR. All future projects facilitated by the updated ordinance would be required to demonstrate compliance with County codes and policies, including those for future expansion of schools and payment of all required development fees. Compliance is expected to offset any incremental increase in school demand or demand for other public facilities. Therefore, the updated ordinance would not result in new or more significant impacts concerning public services. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### Mitigation Program

#### *Mitigation Measures from the Final EIR*

No mitigation was proposed or needed to be adopted to reduce impacts to public services to less than significant. Similarly, no mitigation is needed to reduce impacts to public services that would occur under the updated project. Impacts would remain the same as previously analyzed, less than significant.

## Recreation

The updated ordinance and associated cannabis activities would not result in substantial changes to the previously disclosed impacts to public services. Impacts to public services from implementation of the updated project would be consistent with those disclosed in the Final EIR certified in 2019. The updated ordinance would not result in direct development of residential uses and would not directly increase the use of existing recreational facilities. Further, the updated ordinance would not require the construction and/or expansion of recreational facilities.

As discussed in the Final EIR, cannabis-related development could result in indirect population growth from increased employment demand. The updated project would allow for larger canopy areas within the larger parcels, but this would not have a proportionally greater demand for employees nor result in the potential for substantial population growth. As discussed above under Population and Housing, it is unlikely that 100 percent of eligible parcels would be used for cultivation due to development constraints and observed permit application trends. It is unlikely that employee demand associated with larger canopy areas would generate substantial population growth from employment. Further, similar to the original ordinance, it is expected that population growth would occur over a prolonged period of time and would be less than significant. Additionally, if residential development occurs as a result of population growth associated with future cannabis cultivation projects, residential projects would be subject to the planning review process and payment of development impact fees as required by existing County codes. Payment of such fees could allow for the provision of new recreational resources as demand increases. All such projects also would undergo required development review and environmental evaluations. Therefore, the updated ordinance would not result in new or more significant impacts concerning recreation facilities. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### Mitigation Program

#### *Mitigation Measures from the Final EIR*

No mitigation was proposed or needed to be adopted to reduce impacts to recreation to less than significant. Similarly, no mitigation is needed to reduce impacts to recreation that would occur under the updated project. Impacts would remain the same as previously analyzed, less than significant.

## Transportation and Traffic

The Final EIR identified a significant and unavoidable impact associated with increase in vehicle trips and vehicle miles travelled. The updated project would not result in substantial changes to the way the Nevada County Cannabis Cultivation Ordinance is implemented, its allowable uses, the location of allowable uses, or the permitting process. The proposed project and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to Transportation and Traffic.

### Conflict with Applicable Plan, Ordinance, and Policy

As discussed in the Final EIR, estimates of traffic increase are based on the conservative assumption that all parcels of land that are available for cannabis cultivation would be used. These estimates represent a worst-case scenario, resulting in an increase of 30,705 average daily trips and 153,525 daily vehicle miles travelled under 100-percent buildout. This was considered a significant and unavoidable impact in the Final EIR. However, it is unlikely that 100 percent of eligible parcels would be used for cultivation due to development constraints. This is evidenced by the actual cannabis cultivation permit applications received since adoption of the original ordinance in 2019. The actual applications represent small percent of the total sites on which cultivation is allowed.

The updated ordinance would allow for larger canopy areas within the larger parcels; however, as discussed above, the overall cultivation footprint would not increase beyond that considered in the Final EIR. There would not be a net increase in cultivation area that would substantially increase vehicle trips associated with cannabis cultivation projects. Additionally, as the updated ordinance would enable on-site processing and manufacturing, it is anticipated some of the areas that would have been used for cultivation would instead be used for processing and/or manufactured on-site. These types of uses are generally less labor intensive requiring fewer employees and vehicle trips, and also, instead of having to ship cannabis off-site for processing/manufacturing, these activities could occur on-site thereby reducing the potential for vehicle trips.

As discussed under Population and Housing, the increased employee demand would not generate substantial population growth and both the original and updated ordinance would not result in an exceedance of population growth projections as discussed in the Final EIR. This is further evidenced by the actual permit applications since 2019. Additionally, due to the distribution of cannabis cultivation projects throughout the County, the vehicle trips and increase in VMT associated with retail sales would not result in new or more significant impacts as compared to the Final EIR.

It is noted that storefront retail sales facilitated by the updated ordinance could result in additional vehicle trips, however, all such uses would require issuance of a Use Permit. These projects would undergo the development review process which includes project-specific environmental documentation to determine if potential impacts would occur. If potential impacts are identified, mitigation measures would be required to reduce impacts to the greatest extent feasible. Additionally, all non-storefront retail uses facilitated by the updated ordinance would be limited to 6 daily vehicle trips. The updated ordinance also is anticipated to reduce the overall trips and vehicle miles travelled as multiple deliveries to multiple customers would be made in a single trips as opposed to individual customers travelling to the storefront retail sites thereby reducing total trips and VMT. Therefore, potential impacts associated with storefront and non-storefront retail sales would remain consistent with impact conclusions of the Final EIR.

Lastly, all future cannabis cultivation projects facilitated by the updated ordinance would be subject to development impact fees including the Nevada County Regional Transportation Mitigation Fee (RTMF) program. The County would collect Transportation Mitigation Impact Fee, Local Traffic Mitigation Fee, Western Nevada County RTMF, or other RTMFs, as applicable based on future project location. Payment of these fees by future project applicants would ensure that a project contributes its fair share of the cost necessary for future roadway network improvements. Therefore, the updated ordinance would not result in new or more significant impacts concerning conflict with an applicable plan, policy, or ordinance. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the proposed project would not result in greater or more significant impacts in this regard.

### **Conflict with an Applicable Congestion Management Program**

The Final EIR determined that the cannabis cultivation ordinance could result in the increased generation of vehicle trips associated with employees, movement of equipment and/or operational support vehicles. This would occur along roadway segments that operate unacceptable at LOS D or E. As previously discussed, future cannabis cultivation projects would be subject to applicable Transportation Mitigation Impact Fees and Local Traffic Mitigation Fees, in addition to other RTMF fees, as appropriate. Projects facilitated by the updated ordinance would be subject to these fees to help reduce impacts to County transportation facilities. However, as discussed in the Final EIR, the increase in traffic volumes could contribute to an exceedance in LOS or exacerbate existing LOS deficiencies. These impacts were considered significant and unavoidable, as no feasible mitigation could be implemented to further reduce these impacts. However, as noted above, actual permit applications since adoption of the ordinance have been xx-percent of the worst-case scenario analyzed by the Final EIR. This would not change as a result of the proposed project. Therefore, the updated ordinance would not result in new or more significant impacts concerning conflict with an applicable congestion management plan. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the proposed project would not result in greater or more significant impacts in this regard.

### **Change in Air Traffic Patterns**

All cannabis cultivation operations facilitated by the original and updated ordinance in the vicinity of public use airports would be subject to review by the respective Airport Land Use Commission (ALUC). As discussed in the Final EIR, it is not anticipated that cannabis cultivation projects would result in development of new structures or accessory buildings that would be high enough to violate height restrictions or present a hazard to air traffic. Therefore, following compliance with the established regulatory framework and ALUC requirements, the updated ordinance would not result in new or more significant impacts concerning conflict with an applicable congestion management plan. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the proposed project would not result in greater or more significant impacts in this regard.

### **Hazards Due to a Design Feature**

As discussed in the Final EIR, cannabis cultivation projects would not result in any design or improvements of roadways or intersections with the potential to substantially increase hazards. Cannabis cultivation projects facilitated by the original and updated ordinance would permit the cultivation of cannabis on existing private properties and any connections from a private road to a County road would be required

to meet County design standards. Conformance with standards would be reviewed by the County Department of Public Works prior to permit issuance. Therefore, following compliance with the established regulatory framework and County requirements, the updated ordinance would not result in new or more significant impacts concerning hazards due to a design feature.

### **Emergency Access**

Emergency access to cannabis operations would be provided primarily via existing public and private roadways, and access to driveways would be required to meet the County's Road Standards and the County's access standards. Future roads or driveways constructed in relation to cannabis operations facilitated by the updated ordinance would be subject to project-level review to determine compliance with applicable laws and regulations to ensure activities would not interfere with emergency access. Further, consistent with analysis of the Final EIR, all cannabis cultivation operations would be reviewed by the California Department of Forestry Director (or designee) for necessary wildland fire mitigation protocol. Additionally, as noted above, future cannabis cultivation projects would be required to demonstrate adequate connection to public roads from private property and meet County roadway design standards prior to issuance of permits. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the proposed project would not result in greater or more significant impacts in this regard.

### **Conflict with Policies, Plans, or Programs Supporting Alternative Transportation**

The Final EIR determined that the cannabis cultivation ordinance would not include actions that would limit or adversely affect transit, bicycle and pedestrian traffic infrastructure or activities in the County. The updated ordinance would facilitate future cannabis cultivation projects with larger canopy areas or additional components including retail sales and manufacturing. These uses would be similar to operations evaluated by the Final EIR and would be subject to review by the County on a project-by-project basis to determine compliance with applicable transportation standards, including those from the County's Bicycle Master Plan and Pedestrian Improvement Plan. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the proposed project would not result in greater or more significant impacts in this regard.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation measures were not proposed within the Final EIR and no new mitigation is required.

## Utilities and Service Systems

The Final EIR identified a significant and unavoidable impact to groundwater resources for which no feasible mitigation measures was available. The updated project would not result in substantial changes to the way the Nevada County Cannabis Cultivation Ordinance is implemented, its allowable uses, the location of allowable uses, or the permitting process. The updated project and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to Utilities and Service Systems.

### Wastewater

The Final EIR determined that future cultivation activities could result in increased wastewater service demand that could be discharged to municipal treatment systems. However, the Final EIR considered that many of the existing cultivation areas located within AG, AE, and FR zones utilize onsite wastewater treatment systems and would not require off-site treatment. Further, on properties without OWTS, it is likely that established residences would already maintain connections to existing wastewater treatment systems or individual septic systems. Additional uses facilitated by the updated ordinance including manufacturing, distribution, and microbusiness would be located on the same parcels previously considered by the Final EIR. Therefore, these uses would not increase the demand such that new facilities would be needed.

Similar to the original ordinance, cannabis cultivation projects facilitated by the updated ordinance would require irrigation water and would have the potential to result in runoff. However, all future cannabis cultivation projects, including larger canopy areas facilitated by the updated ordinance, would be subject to NPDES permit requirements and compliance with RWQCB standards. Therefore, the updated ordinance would not result in new or more significant impacts concerning wastewater treatment capacity. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### Water

Future cultivation activities, including larger canopy areas within the larger parcels, facilitated by the updated ordinance would result in increased water demand as a result of personal use and commercial cannabis cultivation. However, as discussed in the Final EIR, demand for surface water associated with future projects would be governed by the SWRCB and subject to the requirements of a normal water right application. Future projects would be required to demonstrate that there is sufficient water to meet the project's need. Therefore, no adverse impacts associated with surface water would occur from implementation of the update ordinance.

Similarly, the updated ordinance would result in additional demand for groundwater resources associated with irrigation for larger canopy areas within the larger parcels. However, neither the County nor the state have mechanisms in place to track or monitor groundwater production individual wells. For these reasons, potential impacts on groundwater supply would remain significant and unavoidable, as noted in the Final EIR. Mitigation measures could include new County policies regarding groundwater extraction and monitoring, but would be beyond the scope of the project. Therefore, as with the original projects, impacts would be significant and unavoidable. Therefore, the updated ordinance would not result in new

or more significant impacts concerning water supplies and implementation of the updated project would not result in greater or more significant impacts in this regard.

### **Stormwater Drainage**

Implementation of the updated ordinance could generate additional stormwater runoff through an increase in impervious surfaces associated with allowed uses including distribution, manufacturing, and microbusiness. However, these uses would be ancillary and a majority of cannabis cultivation project sites would remain pervious with agriculture-related uses. Therefore, the updated ordinance would not facilitate development that could substantially increase demand for stormwater drainage facilities. Further, similar to the original project, all cannabis cultivation projects facilitated by the updated ordinance would be subject to the development review process to ensure compliance with NPDES and other relevant permits. Further discussion of stormwater drainage is provided above under Hydrology and Water quality. Therefore, the updated ordinance would not result in new or more significant impacts concerning stormwater drainage. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### **Solid Waste**

Implementation of the updated ordinance is not anticipated to result in the generation of substantially more solid waste associated with larger canopy areas within the larger parcels, or the addition of allowed uses including distribution, manufacturing, and microbusiness. As with the original ordinance, all future cannabis cultivation projects would be required to apply for an ADP and would be subject to project-specific review of compliance with applicable regulations regarding solid waste disposal. In addition, the overall net areas used for cannabis cultivation or for support uses would remain the same and would not generate substantially different volumes of waste materials. Therefore, the updated ordinance would not result in new or more significant impacts concerning solid waste generation. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the updated project would not result in greater or more significant impacts in this regard.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

No mitigation was proposed or needed to be adopted to reduce impacts to utilities and service systems to less than significant. Similarly, no mitigation is needed to reduce impacts to utilities and service systems that would occur under the updated project. Impacts would remain the same as previously analyzed, less than significant.

## Energy

The Final EIR identified a significant and unavoidable impact associated with energy demand during project operations. The updated project would not result in substantial changes to the way the Nevada County Cannabis Cultivation Ordinance is implemented, its allowable uses, the location of allowable uses, or the permitting process. The proposed project and associated cannabis activities also would not result in substantial changes to the previously disclosed impacts to Energy.

The Final EIR determined that the Cannabis Cultivation Ordinance would result in substantial increase in energy demand associated with operation of future cannabis cultivation projects. The Final EIR analysis assumed a worst-case scenario with reasonable reductions based on known constraints and likely cultivation types and energy uses. With applicable reductions, projects facilitated by the ordinance could result in energy use greater than the existing Countywide use. However, future projects would be subject to CDFA requirements for use of energy from renewable sources. Notwithstanding, due to the overall scope and scale of the ordinance, impacts were determined to be significant and unavoidable.

The updated ordinance would allow for larger canopy areas within the larger parcels but this is not anticipated to result in a proportionally greater energy demand for either site preparation, maintenance, or operational activities. The increase in energy demand would not exceed the energy use assumptions of the Final EIR. It is further noted that the actual number of permit applications received since adoption of the ordinance represent a small-percent of allowable parcels, and those previously assumed to be used, and this trend is not expected to change substantially under the revised ordinance. Further, as discussed above, the proposed project would not significantly increase employees in a manner that could increase energy use associated with operational vehicle emissions. All future projects facilitated by the updated ordinance would be required to demonstrate compliance with DCC and other applicable energy standards and regulatory requirements. Additionally, the updated ordinance would not be of the scope or scale to necessitate new or expanded energy supply facilities, the construction of which could cause significant environmental effects. Following compliance with the established regulatory framework, as discussed in the Final EIR, implementation of the proposed project would not result in greater or more significant impacts in this regard.

### Mitigation Program

#### *Mitigation Measures from the Final EIR*

No feasible mitigation was proposed or needed to be adopted to reduce impacts to energy to less than significant. Similarly, no feasible mitigation exists to reduce potential impacts to less than significant under the under the updated project. Impacts would remain the same as previously analyzed, significant and unavoidable.

## Wildfire

The 2019 Final EIR and other environmental documentation prepared for the original project did not evaluate the effects of wildfires. At the time of approval, although wildfire was a known danger, impacts related to wildfire was not a required stand-alone element for CEQA review and was not included to the environmental checklist. The Notice of Preparation (NOP) for the original project was published on August 10, 2018, four months prior to the December 28, 2018, amendments to the State CEQA Guidelines which set forth requirements for the analysis of wildfires under CEQA and hence was not included to that analysis. It should be noted however, that although there was no specific CEQA section dedicated to the discussion of wildfire, the Hazards and Hazardous Material section did have a discussion on environmental impacts from wildfire.

The determination of whether wildfires needs to be analyzed for this project is governed by the law on supplemental or subsequent EIRs (PRC § 21166 and CEQA Guidelines §§15162 and 15163). Wildfire impacts are not required to be analyzed under those standards unless it constitutes “new information of substantial importance, which was not known and could not have been known at the time” the 2019 Final Plan EIR was approved (State CEQA Guidelines §15162(a)(3)).

The issue of wildfires is not new information that was not known or could not have been known at the time of the certification of the Final EIR. For example, prior to the adoption of the amended CEQA guidelines on December 28, 2018, the prior CEQA guidelines required evaluation to determine if a project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, wildfire impacts were known at the time of adoption of the Final EIR and therefore, under CEQA standards, it is not new information that requires analysis in a supplemental EIR or negative declaration.

Nonetheless, the following discussion is provided to addresses the listed thresholds related to wildfire. Projects that occur under the updated ordinance would occur within the same environment as existing operations under the old ordinance and new operations under the original ordinance if the updated ordinance is not adopted. While projects introduced under the updated ordinance would result in projects in wildfire prone areas, this is no different than under the original ordinance. All projects implemented under either ordinance would be required to conform to the same for safety requirements and rules, regulations, policies, and plans to reduce the risk of wildfire.

For example, all projects would be required to be developed to comply with all California Building Code (CBC) requirements related to fire and wildfire prevention, conform to the State Board of Forestry and Fire Protection 2018 Strategic Fire Plan. As part of the project review process inclusion of applicable elements of these regulations and plans would be verified by the County. In addition, both applicants and the County would be responsible for complying with the goals and policies of the Nevada County General Plan that are applicable to each respective entity. This includes the policies listed under Goal EP-10.1 Provide a coordinated approach to hazard and disaster response preparedness; Goal FP-10.7 Enhance fire safety and improve fire protection effectiveness through infrastructure; and Goal FP-10.8 Reduce fire risk to life and property through land use planning, ordinances, and compliance programs, as listed in the County General Plan. In addition, all projects would be required to implement all applicable development standards of the County Zoning Ordinance, as well as CALFIRE defensible space demands.

The updated ordinance would not result in a substantial increase in activity, or populations of people that would impair an evacuation from areas susceptible to wildfire, or create a substantial increase in the susceptibility to the after effects of wildfire (increased potential for exposure to landslides, flooding, mudslides, etc.,). As noted above, all projects implemented under the updated ordinance would be required to conform to the same safety precautions, and do to the dispersed low density uses, and relatively few number of employees, would not increase congestion on any roadways that would be used for evacuation. Thus, the updated project would not exacerbate. Thus, the proposed updates would not result in a substantial increase to any existing wildfire hazards, the modifications would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to wildfires. Therefore, preparation of a subsequent environmental analysis is not warranted.

### **Mitigation Program**

#### ***Mitigation Measures from the Final EIR***

Mitigation was proposed and adopted in the Final EIR that were found to reduce impacts wildfire to less than significant. All the same mitigation would be applied to the updated project and no additional mitigation is needed. Impacts would remain less than significant.

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## 8. SECTION 15162 – SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:
- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Nevada County proposes to implement the updated ordinance within the original ordinance, as described herein this analysis. As discussed herein, the updated project would result in changes to the project evaluated in the Final EIR, specifically adjustments to the maximum cannabis cultivation area and additional allowable uses including manufacturing, distribution, and microbusiness. However, as discussed herein, no new or substantially more severe significant environmental effects beyond what was evaluated in the Final EIR would occur and project implementation would not trigger any of the criteria identified in Section 15162(a) of the CEQA Guideline. No major revisions to the Final EIR are required.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

As documented herein, no circumstances associated with the location, type, setting, or operations of the proposed Amendment have substantively changed beyond what was evaluated in the Final EIR; and none of the proposed updated ordinance elements would result in new or substantially more severe significant environmental effects than previously identified. No major revisions to the Final EIR are required.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;

No new significant environmental effects beyond those addressed in the Final EIR were identified. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

No mitigation measures or alternatives were found infeasible in the certified Final EIR. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No other mitigation measures or feasible alternatives have been identified that would substantially reduce significant impacts. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation, no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

None of the conditions listed in subsection (a) would occur as a result of the proposed Amendment. No subsequent EIR is required.

## 9. CONCLUSION

This Addendum been prepared in accordance with the provisions of the State CEQA Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15168 of the State CEQA Guidelines, exist in connection with the updated project. No major revisions would be required to the Nevada County Cannabis Cultivation Ordinance Final EIR prepared for Nevada County as a result of the update ordinance. No new significant environmental impacts have been identified. Since the certification of the Final EIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible or showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the EIR that the County declined to adopt. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore, pursuant to Section 15168(c)(2), the County can approve the project as within the scope of evaluated in the Final EIR and no further environmental document is required.

## **APPENDIX A**

**Strikeout Underline Version of the Updated Ordinance**

## EXHIBIT B

### Sec. 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 and Intent.**

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 adult/recreational uses and 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, distributed and processed including non-volatile manufacturing, and retail sales, 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** - A separate and legally permitted building or structure located on the premise where cannabis is being cultivated~~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)** - 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** - 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.
- d. Cultivation of mature plants using a shelving system or moveable horizontal benches, the surface area of each level shall be included in the total canopy cultivation.
5. **Childcare Center** - Any licensed childcare center, daycare center (including small family), childcare home, or any preschool.
6. **Church** - A structure or lease portion of a structure, which is used primarily for religious worship and related religious activities.
7. **Commercial Cannabis Activity** - 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** - Cultivation of Medical Cannabis and/or Adult Use 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** - 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** - 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** - 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)** - 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. Distribution - the procurement, sale, and transport of cannabis and cannabis products between licensees.
143. **Enforcing Officer** - The Community Development Agency Director, Code Compliance or Cannabis Program Manager, Compliance Department Director 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.
154. **Fire Authority** - 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.
165. **Habitable Space** - Space intended for or which is used for habitation by humans or which is occupied by humans.

176. **Hazardous Materials** - Any Hazardous Material as defined in California Health and Safety Code section 25501, as may be amended.
187. **Hearing Body** - 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.
198. **Identification card** shall have the same definition as California Health and Safety Code section 11362.7, as may be amended.
2019. — **Immature Plant** - A Cannabis plant which is not flowering.
210. **Immature Plant Area** - 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.
224. **Indoor or Indoors** - Cultivation using exclusively artificial light or mixed 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.
232. **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.
24. Manufacturing" or "Manufacturing Operation" means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
253. **Medical Cannabis** - 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.
26. Microbusiness - an operation that engages in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale.
274. **Mixed Light** - 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-five 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.
285. **Non-Remunerative Cultivation** - 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.
- 29 Non-Volatile Manufacturing - extractions using mechanical methods or nonvolatile solvents as defined by this section. A Non-Volatile Manufacturing operation may also:

- \_\_\_\_\_ (a) Conduct infusion operations on the licensed premises; and
  - \_\_\_\_\_ (b) Conduct packaging and labeling of cannabis products on the licensed premises; and
  - \_\_\_\_\_ (c) Register and operate the licensed premises as a shared-use facility in accordance with State requirements.
30. Non-Volatile solvent - means any solvent used in the extraction process that is not a volatile solvent. "Nonvolatile solvent" includes carbon dioxide, ethanol, and nonhydrocarbon-based or other solvents such as water, vegetable glycerin, vegetable oil, animal fat, and glycerin.
3126. **Nursery** - 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.
3227. **Outdoor or Outdoors** - 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.
3328. **Parcel** - 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).
3429. **Parks** - Private and public parks, playgrounds, play lots, athletic fields, tennis courts, public outdoor gathering area, recreational area, restrooms and similar facilities.
350. **Permitting Authority** - 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).
364. **Personal Use** - 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.
372. **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.
383. **Primary Caregiver** shall have the definition set forth in Health and Safety Code section 11362.7(d), as may be amended.
394. **Primary Place of Residence** - The Residence at which an individual resides, uses or otherwise occupies on a full-time, regular basis.
- 4034.1 **Processing** - Any method used to prepare cannabis for commercial sale, including, but not limited to: drying, cleaning, curing, grading, trimming, and packaging of cannabis and nonmanufactured cannabis products.
4135. **Qualified Patient** shall have the definition as set forth in Health and Safety Code sections 11362.7(c) and (f), as may be amended.
4236. **Residence** - 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.
43. Retail Sales – (a) Storefront Retail Sales - means a building, room, or other area that is open to the public, upon the licensed retailer or licensed microbusiness premises authorized to engage in retail sales in which cannabis goods are sold or displayed.
- \_\_\_\_\_ (b) Non-Storefront Retail Sales – means conducting retail sales exclusively by delivery as defined in Business and Professional Code section 26001(o) and be closed to the public.

4537. **School** - 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.

4638. **Sensitive Site** - A School, Church, Park, Child or Daycare Center, or Youth-Oriented Facility.

4739. **Sheriff** or **Sheriff's Office** - The Nevada County Sheriff's Office or the authorized representatives thereof.

480. **Support Area** - An area associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of non-manufactured Cannabis products and/or supplies, and infrastructure (water storage tanks) exclusively used for and necessary for Cannabis Cultivation, and Immature Plant Areas.

494. **Transport** - 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.

5042. **Violator** - 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.

5143. **Youth-oriented Facility** - 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 or an adjacent Parcel with direct access to a Parcel or Premises with common ownership or control that has 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.~~ On Parcels or Premises with a legally established Residence or adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has a legally established Residence.
  - b. Only by an individual or entity who engages in Commercial Cannabis Cultivation for medical or adult 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 1,000-600 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 and clearly identifiable 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.  
Exception: Liquefied Propane tanks up to 1,000 gallons installed in accordance with the California Fire Code and California Health and Safety Code and approved by the Fire Authority, Nevada County Building Department and Nevada County Environmental Health Department.
  - 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 or piped 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 and clearly identifiable 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.
  12. Offsite Processing: The processing of permitted and licensed cannabis product grown offsite may occur at a local and State licensed and permitted cultivation premises subject to all limitations and requirements contained within the provisions of this Section, including, but not limited to: noise standards, odor controls, sanitation requirements, accessory structure requirements, support area size limitations, setbacks, parcel sizes, etc.
    - a. Offsite processing facilities shall meet commercial occupancy requirements and be specifically described in commercial cannabis cultivation permit applications including the number of employees and the areas for offsite processing shall be delineated on the site plan.
    - b. Traffic associated with offsite processing activities shall be limited to 8 a.m. to 5 p.m. Monday through Saturday. No more than 6 vehicle trips (round trips) shall be allowed for offsite processing activities per day.
- E. **Personal Use Cannabis Cultivation.** All Cultivation of Cannabis for Personal Use must conform to the regulations and requirements set forth in subsection 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 External, Non-shared Premises Property Lines:  
\_\_\_\_\_ 100 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes under 10,001 square feet.  
\_\_\_\_\_ 150 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.  
\_\_\_\_\_ 200 linear feet measured from the edge of the Canopy Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.
  - b. For all External, Non-Shared Premises Property Lines:  
\_\_\_\_\_ 100 linear feet measured from the edge of any Support Area to the adjacent property lines for canopies sizes under 10,001 square feet.  
\_\_\_\_\_ 150 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 10,001 - 20,000 square feet.  
\_\_\_\_\_ 200 linear feet measured from the edge of the Support Area to the adjacent property lines for canopy sizes 20,001 - 40,000 square feet.
  - c. For all Shared Internal Premises Property Lines of the parcels under common ownership or control that are part of the permitted Premises:  
\_\_\_\_\_ Indoor and Mixed Light Canopy Areas and all structures including Support Area structures shall meet the setbacks of the base zoning district identified by this Chapter.  
\_\_\_\_\_ Outdoor Canopy Areas that do not include any structures do not require setbacks from shared parcel lines that are under common ownership or control that are part of the permitted Premises.
  - d. 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, or an adjacent parcel with direct access to a Parcel or Premises with common ownership or control that has an established Residence. Multiple, contiguous parcels under common ownership or control may be used to qualify for the minimum acreage required for the canopy maximum square footage as described below, however, all parcels must be a minimum of 5.00 acres in size to qualify for aggregate parcel size totals. Commercial Cannabis may occur -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. Up to 55% of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage for Mixed-Light and/or Outdoor cultivation only.  
Parcels or multiple contiguous parcels under common ownership or control 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. Up to 55% of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage for Mixed-Light and/or Outdoor cultivation only.  
Parcels or multiple contiguous parcels under common ownership or control of 20.00 acres up to 39.99 acres or greater:  
Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 10,000 square feet of Canopy. Up to 55% of the allowed Support Area square footage may be transferred to and used as additional Canopy square footage for Mixed-Light and/or Outdoor cultivation only.  
Parcels or multiple contiguous parcels under common ownership or control of 40.00 acres up to 59.99 acres:  
Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 20,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.  
Parcels or multiple contiguous parcels under common ownership or control of 60.00 acres up to 79.99 acres:  
Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 30,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.

Parcels or multiple contiguous parcels under common ownership or control of 80.00 acres or greater:

Indoors, Mixed-Light, Outdoors or a combination of said methods: a maximum of 40,000 square feet of Canopy, however Indoor shall not exceed 10,000 square feet.

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 that allowed area based on the total aggregate size of all contiguous parcels included in the operation as identified in Section F.1(b) above. 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 as described in Section E.2 above. 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, and/or "Distributor" 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.

10. Standard Parking: One regular space per employee shall be provided onsite.

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

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

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 an Administrative Development Permit land-use permit (either a ~~Cannabis Cultivation Permit or an Administrative Development Permit~~) and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Subsection ~~FG~~ and this Section.

1. Administrative Development Permit (ADP) requirements are as follows: ~~Cannabis Cultivation Permit (CCP) requirements are as follows:~~

- a. Canopy sizes of a combined total of up to ~~40,000~~2,500 sq. feet (Indoors, Mixed-Light or Outdoors) on the Premises depending on parcel(s) size as described in F.1 above.
- 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 an ADPCCP:
  - 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 ADPCCP 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 ~~Administrative Development Permit~~ 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 ~~Administrative Development Permit~~ 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.
- xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.
- 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 ADPGCP to remain active. If an ACP is not obtained within six months of issuance of the ADPGCP, or if the ACP is revoked, expires or denied renewal, the County may take any actions allowed by this Section or by law to revoke the ADPGCP.

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.~~

H. Permitting of Distribution. Permitting to engage in Distribution requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.

1. Distribution is allowed only on a legally permitted cannabis cultivation premises site with an approved Administrative Development Permit. The area dedicated to distribution shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.
2. A licensed distributor shall distribute only cannabis and cannabis products, cannabis accessories, and licensees' branded merchandise or promotional materials.
3. Distribution activities may include:
  - (a) Moving cannabis and cannabis products between cultivation, manufacturing or distribution premises
  - (b) Moving finished cannabis goods to retail premises
  - (c) Providing storage services to other licensees
  - (d) Arranging for testing of cannabis goods
4. All activities associated with distribution shall be limited to a maximum of six (6) vehicle trips per day.
5. 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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

I. Permitting of Non-Volatile Manufacturing. Permitting to engage in Manufacturing Activities using Non-Volatile solvents requires the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section.

1. Non-Volatile Manufacturing is allowed only on a legally permitted cannabis cultivation site with an approved Administrative Development Permit. The area dedicated to non-volatile manufacturing shall be a maximum of 1,000 square feet and shall be included in the total allowed support area square footage for the operation.
2. Non-Volatile Manufacturing shall be located within permitted structures that meet setbacks required by this section.

3. Non-Volatile Manufacturing 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.

(a) A manufacturer licensee shall not manufacture, prepare, package or label any products other than cannabis products at the licensed premises.

(b) A manufacturer licensee shall only use cannabinoid concentrates and extracts that are manufactured or processed from cannabis cultivated onsite and/or obtained from a licensed cannabis cultivator.

4. No equipment or process shall be used in any manufacturing operation which generates noise in excess of the Noise Standards contained in this Chapter.

5. No equipment or process shall be used in any manufacturing operation which generates off-site, detectable vibration, glare, fumes, significant odors or electrical interference.

6. All parking for the operation shall be provided on site and shall meet the standards set forth in this chapter.

7. 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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

J. Permitting of Microbusiness without Storefront Retail Sales: Such facilities require the approval of an Administrative Development Permit and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of Subsections D, E, F, G and this Section including the following standards:

1. All cultivation, manufacturing, and distribution, shall occur on the same licensed premises.

2. Microbusiness without Storefront Retail Sales shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution and Non-Storefront Retail Sales for all activities occurring onsite.

3. Retail delivery is prohibited only allowed for licensed Non-Storefront Retailer conducting the sales exclusively by delivery as defined in Business and Professional Code section 26001(o) and shall be closed to the public.

4. All parking for the operation shall be provided onsite and shall meet the standards set forth in this chapter.

5. A Microbusiness without Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.

6. 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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

K. Permitting of Microbusiness with Storefront Retail Sales: Such facilities are allowed subject to approval of a Use Permit as defined in Section L-II 5.6 of this Chapter and an Annual Cannabis Permit. The Permitting Authority may issue permits to Applicants meeting the requirements of this Chapter including the following standards:

1. All cultivation, manufacturing, distribution, and retail activities shall occur on the same licensed premises. The area dedicated to retail sales shall be a maximum of 1,000 square feet and shall be included in the total support area allowed for the operation.
2. Microbusiness shall comply with all the rules and requirements applicable to the respective activities (cultivation, manufacturing, distribution, and/or storefront retail sales) for all activities occurring onsite.
3. No cannabis or cannabis products shall be consumed onsite.
4. Operating days and hours for all Storefront Retail Sales activities shall be limited to Monday through Saturday from 8:00 a.m. to 6:00 p.m., including deliveries, or as otherwise allowed by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.
4. Retail delivery is prohibited.
5. All parking for the operation shall be provided onsite and shall meet the standards set forth in this chapter.
6. Any and all signages for advertisement of any Storefront Retail Sales related activities, products or services shall comply with Section L-II 4.2.12 of this chapter is prohibited.
7. Secondary Access shall be provided for locations that do not meet dead end road standards.
8. A Microbusiness with Storefront Retail Sales shall comply with all the security rules and requirements applicable to the corresponding license type suitable for the activities of the licensee.
9. Areas of the permitted premises for manufacturing, cultivation, and distribution shall be separated from the retail areas by a wall and all doors between the areas shall remain closed when not in use.
10. 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. A suspension or revocation of a microbusiness permit shall affect all commercial cannabis activities allowed pursuant to that license.

L. 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.
  - xxiii. Compliance and consistency with recorded deed restrictions and/or Codes, Covenants, and Restrictions (CC&R) provisions, not required by the County, shall be the sole responsibility of the property owner.

- 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. This exemption does not apply to Microbusinesses with Retail.
  - 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.

**MH. 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 ~~4,000-600~~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 ~~4,000-600~~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 ~~4000 600~~feet of the Premises.

**NI. 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 may 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 1.5 below.

2. Denial – Renewal of ACP.

Renewal of an existing Annual Cannabis Permit may be denied if the Permitting Authority makes any of the findings listed in Subsection 1.5 below. The Permitting Authority's decision to deny the renewal of an ACP may be appealed to the Hearing Body as described in Section L-II 5.23 of this Chapter.

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 1.5 below. The Permitting Authority shall issue a Notice of Suspension to the holder of the ACP by any of the methods listed in Section L-II 5.23 of this Chapter. 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 of Notice as described in Section L-II 5.23 of this Chapter. All Cannabis Activities must cease upon suspension. Nothing in this provision shall be construed to limit the Permitting Authority's ability to revoke an ACP without first issuing a suspension. The Permitting Authority's decision to suspend an ACP may be appealed to the Hearing Body as described in Section L-II 5.23 of this Chapter.

4. Revocation – ACP

An ACP may be revoked if the Permitting Authority makes any of the findings listed in Subsection 1.5, 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-II 5.23 of this Chapter. The Permitting Authority's decision to revoke an ACP may be appealed to the Hearing Body as described in Section L-II 5.23 of this Chapter.

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- of this Chapter. An ~~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. Current or previous violation by the applicant or violation by the permittee, of any provision of the Nevada County Code or State law relating to cannabis cultivation, including any land use permit conditions associated with the permittee's cannabis 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 cannabis 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 associated 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 relating to cannabis cultivation, 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 related to cannabis cultivation.
  - 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.
7. If an initial application or renewal permit is denied, or if a permit is revoked, the Permitting Authority may impose a probationary period during which an application to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two years.

8. 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.

**OJ. Enforcement.**

1. Except as provided herein, this Section shall be enforced by the County's Administrative Enforcement Ordinance as provided in Section L-II 5.23 of this Chapter.
2. Requests for appeals of a Notice to Abate shall be conducted as provided in Section L-II 5.23 of this Chapter.
3. Administrative hearings will be conducted as provided in Section L-II 5.23 of this Chapter.

**PK. Administrative Civil Penalties.**

1. Administrative Civil Penalties.
  - a. In addition to any other remedy prescribed in this Chapter, including liability for costs described in Section L-II 5.23 of this Chapter, 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, in Section L-II 5.23 of this Chapter, 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. Violations of this Section are subject to the immediate imposition of administrative civil penalties shown below, including violations of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements, if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis.
    - 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.
  - d. These amounts are separate and distinct from any administrative civil penalties that may be imposed by the County for other Code Violations, including building or safety code violations as described in in Section L-II 5.23 of this Chapter.
  - 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.

**QL. 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 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; however, 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 this Section or Section L-II 5.23 of this Chapter.

**RM. 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.

SN. **Reporting of Violations.** In addition to the remedies set forth in this Section L-II 3.30 or Section L-II 5.23 of this Chapter, 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.