



# **ORDINANCE NO. \_\_\_\_\_**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

### **AN ORDINANCE AMENDING CHAPTER II OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE ZONING REGULATIONS SECTION L-II 3.30 COMMERCIAL CANNABIS CULTIVATION**

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

#### SECTION I:

Chapter II of the Nevada County Land Use and Development Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

#### SECTION II:

Pursuant to land Use and Development Code Section L-II 5.9.G, the Board of Supervisors hereby finds and determines as follows:

1. That the zoning text amendments are intended to modify the cannabis cultivation ordinance. The ordinance proposes the following general changes in addition to other minor changes, clarifications, and clean-up: 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, microbusinesses, and retail sales; 4) Remove onsite residence requirement for adjacent parcels included in common ownership or control of overall Premises; 5) Allow a percentage of Support Area 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 to increase setbacks for larger cultivation sites, modify setbacks to sensitive sites to be consistent with State requirements, and modify setbacks for shared property lines of a Premises; 8) Add parking requirements; 9) Add language regarding compliance with Covenants Conditions and Restrictions (CC&R's); 10) Other minor changes and language clarifications.
2. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, and supports the cannabis industry and adds protections for adjacent properties; and
3. The County finds that this Article is subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15162 and 15164. 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 conditions calling for the preparation of a subsequent EIR have occurred. By separate Resolution, the Board of Supervisors adopted an Addendum to the certified EIR (EIR18-0001, SCH#2018082023) pursuant to CEQA Sections 15162 and 15164 and made the appropriate CEQA findings for the Ordinance amendments.

### SECTION III:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

### SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the 9th day of February, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.