



ORDINANCE NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING NEVADA COUNTY CODE SECTION 12.03.300 (COMMERCIAL CANNABIS) AND ADDING SECTION 12.02.713 CANNABIS EXCLUSION COMBINING DISTRICT (CE)

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

SECTION I:

The Nevada County Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION II:

Pursuant to Nevada County Code Section 12.05.090, the Board of Supervisors hereby finds and determines as follows:

1. That the zoning code text amendments are intended to modify the Nevada County Code pertaining to cannabis cultivation and add a Combining District. The ordinance proposes the following general changes in addition to other minor changes, clarifications, and clean-up: 1) Allow a maximum of two (2) Retail Dispensaries in select areas of the unincorporated County through a competitive selection and Use Permit process; 2) Allow for manufacturing, indoor cultivation, distribution, and testing laboratories in Industrial (M1) zone districts in the unincorporated County; 3) Create an Exclusion Zone Combining District that would prohibit all commercial cannabis activities; 4) Allow temporary cannabis events/markets in certain commercial/industrial zones and certain other properties; 5) Require all cannabis sold at storefront and non-storefront retail stores to be Nevada County grown only; 6) Require all property taxes to be paid prior to issuing cannabis permits.
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 exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15308 and is consistent with Section 15162 which states a new or subsequent EIR or Mitigated Negative Declaration is not required if no new significant environmental impacts have been identified and the project is within the scope of the original EIR. By separate Resolution, the Board of Supervisors adopted an EIR (EIR18-0001, SCH#2018082023) and an Addendum to the certified EIR pursuant to CEQA Sections 15162 and 15164 and made the appropriate CEQA findings for the Ordinance adoption.

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 12th day of December, 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.