



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION OF THE COUNTY OF NEVADA ADOPTING AN ADDENDUM TO THE CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT (EIR18-0001, SCH#2018082023) FOR AMENDMENTS TO SECTION L-II 3.30 OF THE ZONING ORDINANCE FOR COMMERCIAL CANNABIS CULTIVATION.

WHEREAS, on May 14, 2019, pursuant to Resolution No. 19-199 the Nevada County Board of Supervisors Certified the Final Environmental Impact Report (EIR18-0001, SCH#2018082023) as adequate and complete and adopted the Mitigation, Monitoring and Reporting Program for the Commercial Cannabis Cultivation Ordinance and adopted the Ordinance 2467 to add Section L-II 3.30 to the Nevada County Zoning Ordinance for Commercial Cannabis Cultivation; and,

WHEREAS, The County desires to make modifications to the Ordinance to address certain license types, setbacks, canopy sizes, and support area uses among other considerations; and,

WHEREAS, the County of Nevada is the Lead Agency pursuant to Public Resources Code Section 21067 and it has the principal responsibility to approve and regulate the project; and,

WHEREAS, the County determined as Lead Agency that the proposed modifications to the previously approved Commercial Cannabis Cultivation Ordinance for purposes of the California Environmental Quality Act (“CEQA” –Public Resources Code Sections 21000 et. seq.) and CEQA Guidelines Section 15378; and,

WHEREAS, the County, through Kimley Horn and Associates, has prepared an environmental analysis of the project and it was concluded that an Addendum to the Certified Final Environmental Impact Report (EIR18-0001, SCH#2018082023) was appropriate pursuant to California Environmental Quality Act Section 21166 and Guidelines Sections 15162, 15163 and 15164; and,

WHEREAS, the County as Lead Agency, although not required pursuant to CEQA Guidelines Section 15164, published a Notice of Intent to Adopt of an Addendum to the Certified Final Environmental Impact Report for the project and the Addendum was made available for review to affected local stakeholders and to regional and State Agencies; and,

WHEREAS, on December 8, 2022, the Nevada Planning Commission held a duly noticed Public Hearing on the proposed Ordinance Amendments (Ord 22-2) in which the Nevada County Planning Commission also reviewed the proposed Addendum to the Certified Final Environmental Impact Report (EIS22-0012), together with all comments received during the public review period and recommended adoption (3-1, 1 absent for the Addendum and 4-0, 1 absent for the Ordinance) of these same amendments to the Board of Supervisors on the project; and,

WHEREAS, the Nevada County Board of Supervisors on January 10, 2023, held a duly noticed public hearing on the proposed project to consider the recommendations of the Nevada County Planning Commission, staff's presentation, staff report and all supporting studies and documents, including written and oral testimony, related to the proposed Addendum to the Certified Final Environmental Impact Report and to the project; and,

WHEREAS, a separate Ordinance of the Nevada County Board of Supervisors approved the proposed Zoning Ordinance Amendments based on the Addendum; and,

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Board of Supervisors having reviewed and considered the recommendation of the Planning Commission, has independently reviewed the Addendum to the Certified Final Environmental Impact Report (EIR18-0001, SCH#2018082023) together with all comments received during the public review period, and hereby adopts the proposed Addendum to the certified Final Environmental Impact Report (EIR18-0001, SCH#2018082023) dated November 2022, and attached to this Resolution as Exhibit A, for the Commercial Cannabis Cultivation Ordinance Amendments, pursuant to Section 15164 of the California Environmental Quality Act Guidelines and determines as follows:

1. The proposed project will not result in a substantial changes that would lead to the identification of new or previously unidentified significant environmental effects that would require major revisions of the previously certified Final Environmental Impact Report; and,
2. No 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 Final Environmental Impact Report was certified, has been discovered which would require major revisions of the previously certified Environmental Impact Report; and,

3. There is no substantial evidence in the record as a whole that the project as revised may have a significant effect on the environment. With the incorporation of all previously approved Mitigation Measures, the project will not result in any new or additional significant adverse impacts; and,
4. The Addendum to the previously Certified Final Environmental Impact Report has been prepared as required by law and in accordance with all requirements of the California Environmental Quality Act and the California Environmental Quality Act Guidelines and the document as adopted reflects the independent judgement and analysis of Nevada County, which has exercised overall control and direction of the preparation of the Addendum; and,
5. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED, the Nevada County Planning Department is hereby directed to file a Notice of Determination with the County Recorder pursuant to Public Resources Code Section 21152(a) and Section 15094 of the State CEQA Guidelines.