March 28, 2019

NEVADA COUNTY COMMERICAL CANNABIS CULTIVATION ORDINANCE
ENVIRONMENTAL IMPACT REPORT (SCH# 2018082023)
FINDINGS AND STATEMENTS REQUIRED UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 *et seq*.)

I. Introduction

The County of Nevada (the "County"), pursuant to the California Environmental Quality Act ("CEQA"), has prepared a Final Environmental Impact Report (the "FEIR") and this Statement of Findings to address the environmental effects associated with the for the Nevada County Commercial Cannabis Cultivation Ordinance (NCCO)[1] and other related approvals described below (collectively, the "proposed project" or "project"). The County is the lead agency for the FEIR.

The Nevada County Board of Supervisors (Board of Supervisors), in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.), and Sections 15091, 15092, and 15093 of the CEQA Guidelines (14 Cal. Code Regs., § 15000 et seq.). All statements set forth in this Resolution constitute formal findings of the Board of Supervisors, including the statements set forth in this paragraph.

These findings are made relative to the conclusions of the Nevada County Commercial Cannabis Cultivation Project Final Environmental Impact Report (State Clearinghouse No. 2018082023) (the "Final EIR"), which includes the Draft Environmental Impact Report ("Draft EIR"). The Final EIR addresses the environmental impacts associated with implementation of the Nevada County Commercial Cannabis Cultivation Ordinance (the "project," as further defined in Section 2(b) below) and is incorporated herein by reference. Approving the project would require the County take the following actions:

1. Certify the project's Environmental Impact Report and adopt the Mitigation Monitoring and Reporting Program; and,
2. Approve an ordinance to permit commercial cannabis cultivation in the AE, AG, and FR zones in the unincorporated area of Nevada County as permitted by the Nevada County Commercial Cannabis Cultivation Ordinance.

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project and the EIR. The findings and determinations constitute the independent findings and determinations by the Board of Supervisors in all respects and are fully and completely supported by substantial evidence in the record as a whole.

[1] For the sake of brevity and readability the acronym for the proposed ordinance has been shorted from NCCCCO to NCCO for this Findings document.

Although the findings below identify specific pages within the Draft EIR and Final EIR in support of various conclusions reached below, the Board of Supervisors incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the County's approval of the mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR. The County further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the County with respect to any particular subject matter of the project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

Statutory Requirements for CEQA Findings and Statement of Overriding Considerations

The California Environmental Quality Act, Public Resources Code §§ 21000 et seq. and the regulations implementing that statute, Cal. Code Regs. tit. 14, §§ 15000 et seq. (the "CEQA Guidelines") (collectively, the act and the CEQA Guidelines are referred to as "CEQA") require public agencies to consider the potential effects of their discretionary activities on the environment and, when feasible, to adopt and implement mitigation measures that avoid or substantially lessen the effects of those activities on the environment. Specifically, Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code, § 21081, subd (a); see also CEQA Guidelines, § 15091, subd. (a).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also Citizens of Goleta Valley v. Board of Supervisors (Goleta II) (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417 (City of Del Mar).) "[F]easibility" under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Ibid.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715 (Sequoyah Hills); see also California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001 [after weighing "'economic, environmental, social, and technological factors' … 'an agency may conclude that a mitigation measure or alternative is impracticable or undesirable from a policy standpoint and reject it as infeasible on that ground'"].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, supra, 52 Cal.3d at p. 576.) Here, because all of the potentially significant impacts of the project will be reduced to a less-than-significant level by the implementation of mitigation, the County is not required to adopt a statement of overriding considerations.

In making these Findings and the determination regarding the project approvals, the Board of Supervisors recognizes that the project implicates a number of controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The Board of Supervisors has acquired an understanding of the range of this technical and scientific opinion by its review of the EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters and reports regarding the Final EIR and the merits of the project. The Board of Supervisors has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR and the consultants the EIR preparers relied upon, the County's planning consultants, and by staff, addressing these comments. In particular, the Board of Supervisors has considered the Alternatives presented in the EIR, as well as the proposed comments submitted by various commenters and the responses of the EIR

preparers and staff to those comments. The Board of Supervisors has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, the understanding has enabled the Board of Supervisors to make its decisions after weighing and considering the various viewpoints on these important issues. Accordingly, the Board of Supervisors certifies that its findings are based on a full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

These findings constitute the Board of Supervisors' best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. These findings are not merely informational, but rather constitute a binding set of obligations that come into effect with the County's approval of the project. In particular, in adopting these findings, the County commits itself to ensure the implementation of the mitigation measures approved in these findings.

The Board of Supervisors is adopting these findings for the entirety of the actions described in these findings and in the Final EIR. Although the findings below identify specific pages within the Draft and Final EIR in support of various conclusions reached below, the Board of Supervisors incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Board of Supervisors' approval of all mitigation measures, policies and implementation programs recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR.

As noted, the Final EIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse impacts. In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted below, such a mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure does not accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the policies and implementation measures as set forth in the Final EIR shall control, unless the language of the policies and implementation measures has been specifically and expressly modified by these findings. Where the language of such measures differs between the Final EIR and these findings, the more stringent language shall control. The Board of Supervisors provides this direction in order to ensure that any such discrepancy shall be regarded as inadvertent and shall not be regarded as an effort by the Board of Supervisors to undermine its commitment to adopt mitigation measures as necessary to avoid or substantially lessen significant environmental effects of the project.

These findings provide the written analysis and conclusions of the Board of Supervisors regarding the environmental impacts of the project and the mitigation measures included as part of the Final EIR and adopted by the Board of Supervisors as part of the project. To avoid duplication and redundancy, and because the Board of Supervisors agrees with, and hereby adopts, the conclusions in the Final EIR, these findings will not always repeat the analysis and conclusions in the Final EIR,

but instead incorporates them by reference herein and relied upon them as substantial evidence supporting these findings.

In making these findings, the Board of Supervisors has considered the opinions of other agencies and members of the public. The Board of Supervisors finds that the determination of significance thresholds is a judgment decision within the discretion of the Board of Supervisors; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and County staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the project. Thus, although, as a legal matter, the Board of Supervisors is not bound by the significance determinations in the EIR (see Pub. Resources Code, § 21082.2, subd. (e)), except as expressly set forth in these findings, the Board of Supervisors finds these significance thresholds persuasive and hereby adopts them as its own.

These findings summarize the environmental determinations of the Final EIR and project's potentially significant impacts before and after mitigation. The findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, the findings provide a summary description of each impact, set forth the mitigation measures identified to reduce or avoid the impact, and state the Board of Supervisors' findings on the significance of each impact after imposition of the adopted project's provisions and the recommended mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determination regarding the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board of Supervisors ratifies, adopts and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

II. Legal Effects of Findings

These Findings constitute the County's evidentiary and policy basis for its decision to approve the project in a manner consistent with CEQA. To the extent that these Findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, Nevada County binds the project applicant to implement these measures. These Findings are not merely informational, but constitute a binding set of obligations that will come into effect when Nevada County approves the NCCO (Public Resources Code Section 21081.6(b)). The mitigation measures identified as feasible and within the County's authority to require implementation for the approved project are incorporated into the conditions of approval for the project and must be satisfied/implemented by the project applicant. The Board of Supervisors, upon review of the Final EIR (which includes the Draft EIR) and based on all the information and evidence in the administrative record, hereby makes the Findings set forth herein.

Approval of legislative actions including the adoption of the NCCO constitutes the project for purposes of CEQA and these determinations of the Board of Supervisors. These findings are based upon the entire record of proceedings for the project. The Board of Supervisors finds as follows:

1. The record of proceedings in Section VI of these findings is correct and accurate.

2. The Final EIR has been prepared in accordance with all requirements of CEQA, the CEQA Guidelines, and the County's Environmental Review Ordinance, codified in Chapter XIII of the Nevada County Code.

3. Both the Draft EIR and Final EIR were presented to and reviewed by the Board of Supervisors.

4. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Board of Supervisors has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.

5. The County finds that the EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA and the CEQA Guidelines.

6. The Board of Supervisors hereby certifies the EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the NCCO and makes the following specific findings with respect thereto. The Board of Supervisors has considered evidence and arguments presented during consideration of the project and the Final EIR. In determining whether the project may have a significant impact on the environment, and in adopting the findings set forth herein, the Board of Supervisors certifies that it has complied with Public Resources Code sections 21081, 21081.5, and 21082.2.

7. The Board of Supervisors agrees with the characterization of the Final EIR with respect to all impacts initially identified as "less than significant" or "no impact" and finds that those impacts have been described accurately and are less than significant or no impact would occur as so described in the Final EIR (including those evaluated in the Initial Study circulated with the Notice of Preparation, Appendix A). This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the Final EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.

8. All mitigation measures in the Final EIR applicable to the project alternative approved are adopted and incorporated into the Nevada County Commercial Cannabis Ordinance.

9. The Mitigation Monitoring and Reporting Program (MMRP) includes all mitigation measures adopted with respect to the project and explains how and by whom they will be implemented and enforced.

10. The mitigation measures and the MMRP have been incorporated into the NCCO and have thus become part of and limitations upon future entitlements conferred by the NCCO.

11. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.

12. The County is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with CEQA §21152(a) and CEQA Guidelines §15094.

III. Statutory Requirements for Findings

Significant effects of the NCCO were identified in the Draft EIR. CEQA §21081 and CEQA Guidelines §15091 require that the Lead Agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Less than significant effects (without mitigation) of the project were also identified in the Draft EIR and Initial Study. CEQA does not require that the Lead Agency prepare written findings for less than significant effects.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would result from implementation of the project. Project mitigation or alternatives are not required, however, where substantial evidence in the record demonstrates that they are infeasible or where the responsibility for carrying out such mitigation or alternatives lies with another agency. Specifically, CEQA Guidelines §15091 states:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The “changes or alterations” referred to in §15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines §15370, including avoiding, minimizing, rectifying, or reducing the impact over time, or compensating for the impact by replacing or providing substitute resources.

IV. Project Description and Objectives

Adoption of the proposed NCCO would result in regulation of the cultivation of cannabis within unincorporated areas of the County. All existing and proposed cannabis cultivation would be subject to the guidance contained in the proposed NCCO. Under the proposed NCCO, a Cannabis Cultivation Permit (CCP) would be required for cultivation with less than 2,500 square feet (sf) of canopy, and an Administrative Development Permit (ADP) would be required for cultivation between 2,500 sf and 10,000 sf of canopy. An Annual Cannabis Permit (ACP) would also be the needed and would be required to be renewed annually. The following pages provide a detailed summary of the proposed NCCO with the above considerations and describes the land uses and areas in which cultivation would be allowed as well as the amount of cannabis that could be cultivated based on the locations.

The type of cannabis cultivation within the County would be defined as either indoor, mixed-light, or outdoor cultivation. The definitions of these terms are as follows:

> Indoor or Indoors – "indoor" or "indoors" means cultivation with exclusively artificial 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.
>
> Mixed-Light- "mixed-light" means 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 sf or less;*
>
> *Mixed-Light Tier 2: The use of artificial light at a rate above 6 watts and up to 20 watts per sf. Mixed-light cultivation must take place in an accessory structure permitted in compliance with local building codes and permitted specifically for cannabis cultivation.*
>
> Outdoor or Outdoors- outdoor cultivation means 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.

The proposed NCCO has been written, in part, to remedy existing environmental degradation to water quality, creation of objectionable odors, land use conflicts, impacts to biological resources, and to address potential use of agricultural and forest resources, and to protect the visual character of the County. The proposed NCCO establishes certain requirements for the initial issuance of cannabis cultivation permits and the continued annual permitting process. Under the proposed project, there would be a three-tier system for 1) personal use; 2) commercial use; and 3) non-remuneration cultivation use. The regulations for cultivation of cannabis have been developed to be consistent with requirements of other commercial activities as well as consistent with State law. Under the proposed project, cannabis cultivation would be managed using the policies and regulations within the NCCO.

Cultivation of cannabis is prohibited on any Parcel or Premises located within the following areas:

- Upon any premises located within 1,000 feet of any "Sensitive Site." This setback is measured from the edges of the designated canopy area to the property line of the Sensitive Site.
- In any location where the cannabis would be visible from the public right-of-way or publicly traveled private roads at any stage of growth.

- Within any setback area required by the NCCO.

Table 2-1: Cannabis Cultivation for Personal Use, below, provides a breakdown of the allowable number of cannabis plants based on zoning, parcel acreage, and cultivation method. Cultivation in all other zones would not be a permitted use.

Table 2-1: Cannabis Cultivation for Personal Use

Zoning	Parcel Acreage	Cultivation Method		
		Indoor	***Mixed-Light***	***Outdoor***
R1 **R2** **R3** **RA (Residential Designation**	Parcel of Any Size	Maximum of six plants, mature or immature.	Cultivation is Prohibited	Cultivation is Prohibited
R-A (Rural and Estate Designation)	5.00 acres or greater	Maximum of Six Plants, mature or immature		
AG **AE**	1.99 or less	Maximum of Six Plants, mature or immature	Cultivation is Prohibited	Cultivation is Prohibited
FR **TPZ**	Parcels 2.00 acres or greater	Maximum of Six Plants, mature or immature		
Source: Nevada County, 2018 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).				

Table 2-2: Cannabis Cultivation for Commercial Use, below, provides a breakdown of the of the allowable square feet of plant canopy based on zoning, parcel acreage, and cultivation method.

Table 2-2: Cannabis Cultivation for Commercial Use

Zone	Parcel acre	Cultivation Method		
		Indoor	***Mixed-Light***	***Outdoor***
R1 **R2** **R3** **RA (Regardless of Zone Designation), and TPZ**	Parcel of Any acreage	Commercial Cultivation is Prohibited		
AG	2.0 acres or less	Commercial Cultivation is Prohibited		

Table 2-2: Cannabis Cultivation for Commercial Use

Zone	Parcel acre	Cultivation Method		
		Indoor	***Mixed-Light***	***Outdoor***
AE **FR**	Parcels 2.00 acres to 4.99 acre	Maximum of 500 sf canopy	Commercial Cultivation is Prohibited	
	Parcels 5.00 acres to 9.99 acres	Up to a maximum of 2,500 sf of canopy for any method or combination thereof.		
	Parcels 10.00 acres to 19.99 acres	Up to a maximum of 5,000 sf of canopy for any method or combination thereof.		
	Parcels 20 acres or greater	Up to a maximum of 10,000 sf of canopy for any method or combination thereof.		
Source: Nevada County, 2018 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).				

A detailed description of the proposed project components is included in *Section 3: Project Description*, of this document.

The EIR is also available for use by responsible and trustee agencies or other agencies that may have jurisdiction, approval authority, or environmental review and consultation requirements for the project. These agencies may include: U.S. Army Corps of Engineers; U.S. Fish and Wildlife Service; California Department of Fish and Wildlife (Streambed Alteration Agreement); California Department of Transportation (encroachment permit); California Office of Historic Preservation; California Bureau of Cannabis Control; California Department of Toxic Substances Control; California Regional Water Quality Control Board; Nevada County Transportation Commission; Nevada County (encroachment and other permits); Nevada County Resource Conservation District; Nevada Irrigation District; Nevada County Sanitary District; and/or, Northern Sierra Air Quality Management District.

Project Objectives

The proposed project objectives as set forth in Section 3.1.4 of the Draft EIR, are:

1. Provide a mechanism for the regulation of a legal commercial cannabis cultivation industry within the unincorporated county;
2. Reduce the level of nuisance that existing commercial cannabis cultivation represents to adjacent areas of existing growers;
3. Encourage existing cannabis businesses to secure a license to operate in compliance with County and state regulations;
4. Reduce the adverse effects of commercial cannabis cultivation on the environment through implementation of these regulations and permitting process;
5. Adopt an ordinance that defines specific zones within the County in which production of commercial cannabis cultivation will be allowed;

6. Adopt an ordinance that defines, within the specific zones, the total area of commercial cannabis cultivation that will be allowed;

7. Reduce the effects of potential adverse effects of commercial cannabis cultivation on sensitive receptors by ensuring compatibility with existing surrounding land uses;

8. To align cannabis regulations with regulations applicable to other commercial activities.

V. Procedural History

- A Notice of Preparation (NOP) for the EIR was filed with the State Clearinghouse on August 10, 2018. The 30-day public review comment period for the NOP ended on September 10, 2018. The purpose of the NOPS was to provide responsible agencies and interested persons with sufficient information describing the project and its potential environmental effects to enable them to make a meaningful response as to the scope and content of the information to be included in the EIR. The project described in the August 2018 NOP included: The Nevada County Commercial Cannabis Cultivation Ordinance is intended to detail County regulations consistent with state law to enable a structured and logical management procedure for the cultivation of cannabis within all unincorporated areas within the County. Commercial cannabis cultivation would be strictly limited for medical purposes. An unincorporated area is defined as an area or region of land that is not governed by a local municipal corporation, such as a city. The proposed project defines and provides for the regulation for the personal use of cannabis and commercial cannabis cultivation within unincorporated County land. The proposed project is a substantial overhaul and comprehensive update to the County's existing cannabis regulations and is being proposed, in part, as an attempt to regulate the cultivation and reduce existing environmental effects of illegal cultivation operations. Adoption of the proposed project would render indoor, mixed-light, and outdoor cultivation of cannabis, on any parcel or premises in an area or in a quantity greater than as provided by the proposed project, or in any other way not in conformance with or in violation of the provisions of the proposed project and/or state law, as a public nuisance that may be abated by any means available by law. The NOP was also published on the County's website and filed at the County Clerk's Office.

- Two public scoping meetings for the EIR were held on August 22, 2018, and one meeting on August 20, 2018 in order to determine the scope and content of the environmental information that the responsible or trustee agencies may require, and also to accept public comment. Comments received during the scoping meeting, as well as those received during the public comment period for the NOP, were considered during the preparation of the Draft EIR.

- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on January 11, 2019. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on February 25, 2019. A Notice of Availability (NOA) for the Draft EIR was published in The Union and the Sierra Sun on January 11, 2019 and agencies. The DEIR was also published on the County's website and filed at the County Clerk's office.

- Copies of the Draft EIR were available for review at the following location:

County of Nevada
Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

- A public hearing to receive testimony on the Draft EIR was held before the County's Planning Commission on February 7, 2019. The public comment period for the Draft EIR closed on February 25, 2019. The comments from the Planning Commission hearing are included in the Final EIR as Comment Letter Y.

VI. RECORD OF PROCEEDINGS

In accordance with CEQA §21167.6(e), the record of proceedings for the County's decision on the NCCO includes, without limitation, the following documents:

- The NOP and Initial Study (provided in Appendix A of the Draft EIR) and all other public notices issued by the County in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP (provided in Appendix A of the Draft EIR);
- The Draft EIR (January 2019) for the project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- All comments and correspondence submitted to the County with respect to the project, in addition to timely comments on the Draft EIR;
- The Final EIR (April 2019) for the project, including comments received on the Draft EIR and responses to those comments;
- Documents cited or referenced in the Draft and Final EIRs;
- The project MMRP;
- All findings and resolutions adopted by the County in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the project;
- All documents submitted to the County by other public agencies or members of the public in connection with the project;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings;

- The Nevada County General Plan and all environmental documents prepared in connection with the adoption of the plan.
- Any and all resolutions and/or ordinances adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by CEQA §21167.6(e).

The Board of Supervisors has relied on all of the information sources listed above in reaching its decision on the project, even if not every document, staff presentation, and/or public testimony was formally presented to the Board of Supervisors or County Staff as part of the County files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the Board of Supervisors was aware in approving the NCCO. Other documents influenced the expert advice provided to County staff or consultants, who then provided advice to the Board of Supervisors. For that reason, such documents form part of the underlying factual basis for the Board of Supervisor's decisions relating to approval of the NCCO project.

The record of proceedings does not include documents or other materials subject to the attorney/client privilege, the common-interest doctrine, the deliberative process privilege, or other privileges recognized by statute or common law. Administrative draft documents that were prepared at the County's direction but were not provided to the public or other agencies, and intra-County communications with respect to such administrative draft documents, are not part of the record of proceedings; rather, such documents reflect the County's deliberative process, and reflect initial drafts of documents that later appeared in final form in the record of proceedings. Because these initial working drafts do not reflect the final evidence and analysis relied upon by the County, they are not part of the record of proceedings. In adopting these findings, the County does not waive its right to assert applicable privileges.

The public hearing minutes, a copy of all letters regarding the Draft EIR received during the public review period, the administrative record, and background documentation for the Final EIR, as well as additional materials concerning approval of the Project and adoption of these findings are contained in County files and are available for review by responsible agencies and interested members of the public during normal business hours at the Nevada County Planning Department.

The official custodian of these documents is the Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, California 95959,

VII. List of Impacts of the Proposed Project Determined to be Less Than Significant or No Impact Without Implementation of Mitigation Measures

By these Findings, the County Board of Supervisors ratifies and adopts the FEIR's conclusions for the following potential environmental impacts which, based on the analyses in the FEIR, the Board of Supervisors determines to be less than significant:

1. Aesthetics

Impact 4.1-1: Implementation of the project would not have an adverse effect on a scenic vista.

Impact 4.1-3: Implementation of the project would not substantially degrade the existing visual character or quality of the site and its surroundings.

2. Agricultural Resources

Impact 4.2-2: Implementation of the project would not conflict with existing agricultural zoning or a Williamson Act contract.

Impact 4.2-3: Implementation of the project would not conflict with existing Zoning for, or Cause Rezoning of, Forest Land, Timberland, or Timberland Zoned Timberland Production.

2. Air Quality

Impact 4.3-4: Implementation of the project would not expose sensitive receptors to substantial pollutant concentrations.

Impact 4.3:7: Implementation of the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

3. Geology and Soils

Impact 4.6-1: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault.

Impact 4.6-2: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Impact 4.6-3: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

Impact 4.6-4: Implementation of the project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving landslides.

Impact 4.6-5: Implementation of the project would not result in substantial soil erosion or loss of topsoil.

Impact 4.6-6: Implementation of the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Impact 4.6-7: Implementation of the project would not be located on expansive soil, as defined in table 18-1-b of the uniform building code (1994), creating substantial risks to life or property.

Impact 4.6-8: Implementation of the project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

4. Hazards and Hazardous Materials

Impact 4.7-1: Implementation of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Impact 4.7-2 Implementation of the project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment.

Impact 4.7-3 Implementation of the project would not emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of a proposed school.

Impact 4.7-4: Implementation of the project would not be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and create a significant hazard to public or the environment.

Impact 4.7-5: Implementation of the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact 4.7-6: The project would not be located within the vicinity of a private airstrip or result in a safety hazard for people residing or working in the project area.

Impact 4.7-7: Implementation of the project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

Impact 4.7-8: Implementation of the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

5. Hydrology and Water Quality

Impact 4.8-1: Implementation of the project would not violate any water quality standards or waste discharge requirements.

Impact 4.8-3: Implementation of the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on-site or off-site.

Impact 4.8-4: Implementation of the project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial flooding on-site or off-site.

Impact 4.8-5: Implementation of the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Impact 4.8-6: Implementation of the project would not otherwise substantially degrade water quality.

Impact 4.8-7: Implementation of the project would not place housing within a 100-year flood hazard area as mapped on a federal hazard boundary or flood insurance rate map or other flood hazard delineation map.

Impact 4.8-8: Implementation of the project would not place structures within a 100-year flood hazard area which would impede or redirect flood flows.

Impact 4.8-9: Implementation of the project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam.

Impact 4.8-10: Implementation of the project would not result in inundation by seiche, tsunami, or mudflow.

6. Land Use and Planning

Impact 4.9-1: Implementation of the project would not physically divide and established community.

7. Mineral Resources

Impact 4.10-1: Implementation of the project would not result in the loss of availability of a known mineral resource that would be of value to the reginal and the residents of the state.

Impact 4.10-2: Implementation of the project would not result in the loss of availability of a locally important mineral resource recover site delineated on a local general plan, specific plan, or other land use plan.

8. Noise

Impact 4.11-1: Implementation of the project would not result in exposure of persons to, or generate, noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies.

Impact 4.11-2: Implementation of the project would not result in exposure of persons to, or generate, excessive ground borne vibration or ground borne noise levels.

Impact 4.11-3: Implementation of the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact 4.11-4: Implementation of the project would not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Impact 4.11-5: Implementation of the project would not be located within and airport land use plan or, where such a plan has been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

Impact 4.11-6: Implementation of the project would not be located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

9. Population and Housing

Impact 4.12-1: Implementation of the project would not induce substantial population growth in an area, either directly or indirectly.

Impact 4.12-2: Implementation of the project would not displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere.

Impact 4.12-3: Implementation of the project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere.

10. Populations and Housing

Impact 4.12-1: Implementation of the project would not induce substantial population growth in an area, either directly or indirectly.

Impact 4.12-2: Implementation of the project would not displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere.

Impact 4.12-3: Implementation of the project would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere.

11. Public Services

Impact 4.13-1: Implementation of the project would not result in substantial physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection, law enforcement protection, schools, parks or other public services.

12. Recreation

Impact 4.14-1: Implementation of the project would not increase the use of existing neighborhood regional parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated.

Impact 4.14-2: Implementation of the project would not include recreational facilities or require construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

13. Transportation and Traffic

Impact 4.15-3: Implementation of the project would not result in a change in air traffic patterns that result in substantial safety risks.

Impact 4.15-4: Implementation of the project would not substantially increase hazards due to a design feature or incompatible uses.

Impact 4.15-5: Implementation of the project would not result in inadequate emergency access.

Impact 4.15-6: Implementation of the project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

14. Utilities and Service Systems

Impact 4.16-1: Implementation of the project would not exceed wastewater treatment requirements of the applicable regional water quality control board.

Impact 4.16-2: Implementation of the project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact 4.16-3: Implementation of the project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Impact 4.16-4: Implementation of the project would not have insufficient water supplies available to serve the project from existing entitlements and resources, thereby requiring new or expanded entitlements.

Impact 4.16-5: Implementation of the project would not result in a determination by the wastewater treatment provider which serves or may

serve the project that it has inadequate capacity to serve the project's project demand in addition to the provider's existing commitments.

Impact 4.16-6: Implementation of the project would not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.

Impact 4.16-7: Implementation of the project would comply with federal, state, and local statutes and regulations related to solid waste.

15. Energy

Impact 4.17-3: Implementation of the project would not conflict with existing energy standards, including standards for energy conservation.

Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

VIII. Findings and Recommendations Regarding Significant Environmental Impacts and Mitigation Measures

A detailed analysis of the potential environmental impacts and the proposed mitigation measures for the NCCO is set forth in Chapter 4 of the DEIR, as incorporated into the FEIR. The Board of Supervisors concurs with the conclusions in the DEIR, as incorporated into the FEIR, that: (i) changes or alterations have been required, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects identified in the DEIR; and (ii) specific economic, legal, social, technological, or other considerations make it infeasible to substantially lessen or avoid the remaining significant impacts, as further described in the Statement of Overriding Considerations below.

Table of Impacts, Mitigation Measures, and CEQA Findings of Fact:

NEVADA COUNTY COMMERICAL CANNABIS CULTIVATION ORDINANCE EIR CEQA FINDINGS

Table of Impacts, Mitigation Measures, and CEQA Findings

Environmental Impact	Level of Significance Without Mitigation	Mitigation Measure	Level of Significance After Mitigation	Finding of Facts
Aesthetics				
Impact 4.1-2: Implementation of the project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	PS	**MM AES-1: Protected Tree Avoidance.** Amend the NCCO to require all commercial cannabis applications to show on project site plans any landmark trees, landmark groves, and heritage trees and groves that exist on the project site. 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.	LS	**Finding:** Implementation of Mitigation Measure AES-1 which has been incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that Mitigation Measure AES-1 be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that avoids the potential significant environmental effect as identified in the DEIR. **Explanation:** Mitigation Measure AES-1 would amend the proposed NCCO to include a requirement for commercial cannabis project applicants to identify any trees on the project site that meet the standards of landmark trees, landmark groves, and heritage trees and groves based on the definitions in Section L-II 4.3.15 – Trees. If any of these resources are proposed for removal the application would not be processed until the applicant revises the site plan to avoid

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				impacts to the resources. This requirement would not apply to any trees or groves determined to be dead, dying, or a public safety hazard by a certified professional arborist, licensed landscape architect, registered professional forester, or qualified biologist or botanist (qualified professional). Implementation of this mitigation measure would ensure that potential impacts are less than significant.
IMPACT 4.1-4: Implementation of the project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.	PS	**MM AES-2: Lighting Control Plan.** Amend the NCCO to require commercial cannabis cultivation applicants with exterior light fixtures (including mixed light applications) to submit a light control plan that would demonstrate 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.	SU	**Finding:** Implementation of Mitigation Measure AES-2 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AES-2 and the requirements in Section L-II 4.2.8 Lighting of the Nevada County Land Use Development Code, nighttime lighting impacts would be reduced to less than significant. Changes or alterations have been required in or incorporated into the project that substantially lessen but do not completely avoid the potential environmental effects identified in Impact 4.1-4. Incorporation of emissions reduction measures would not inherently reduce impacts to less than significant levels. While the listed mitigation measure would reduce lighting impacts, light from other non-cultivation uses such as security lighting and other nighttime lighting, could still result in changes to the nighttime environment and impact sky and nighttime

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				glow. Therefore, impacts would remain significant. The Board hereby directs that Mitigation Measure AES-2 be adopted. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations. **Explanation:** While conformance to Section L-II 4.2.8 Lighting of the Nevada County Land Use Development Code, would likely result in limitation of the use of artificial lighting sources and potentially reflective building, it would not provide adequate controls on increased glow effects. Accordingly, while some problem lighting effects would be screened out and rejected during the CCP or ADP project development review process, this would not be adequate to ensure increased sky and nighttime glow is not substantial. Therefore, while conformance with the resource standard would reduce the light and glare impacts, the scale and scope of long term operational impacts from cannabis cultivation activities on glow would be significant. While the listed mitigation measure would reduce lighting impacts, light from other non-cultivation uses such as security lighting and other nighttime lighting, could still result in changes to the nighttime environment and impact sky and nighttime glow. Therefore,

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				impacts would remain significant. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.
Cumulative Impact: Implementation of the project may permanently degrade the existing visual character/quality of the project area.	PS	Implement MM AES-1 and MM AES -2	SU	**Finding:** Implementation of these Mitigation Measures which have been required or incorporated into the project will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board therefore finds that changes or alterations have been required in or incorporated into the project that reduces the potential significant environmental effect as identified in the DEIR. **Explanation:** Future commercial cannabis operations would blend with the existing character of the County as viewed from scenic vistas and state highways and would not visually conflict with the rural/agricultural landscape character. Thus, the project's contribution to cumulative impacts on scenic vistas, scenic resources, and visual character of the County would not be cumulatively considerable. The proposed ordinance performance standards are intended to offset lighting and glare impacts by requiring cultivators to use

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				items such as blackout tarps that would disallow light to escape from mixed-light cultivation and nursery structures during nighttime lighting sessions. While this is the intent, it would not be possible to ensure that all cultivators conform to this requirement and is not possible to ensure those that do, block 100% of artificial light. Therefore, some nighttime glow from artificially lighted nighttime cultivations may occur. Additionally, while security lighting would be required to be shielded and angled in such a way as to prevent light from spilling outside of the boundaries of the site, it is likely these sources would add some nighttime glow. Thus, the project's contribution to cumulative impacts on light and glare would be cumulatively considerable. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.
Agricultural Resources				
Impact 4.2-1: Implementation of the project would convert prime farmland, unique farmland, or farmland of	PS	**MM AG-1: Farmland Resources.** Amend the proposed NCCO, to require all commercial cannabis applications to show on project site plans any 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	SU	**Finding:** Implementation of Mitigation Measure AG-1 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AG-1 and the requirements of Section L-II 4.3.4 Agricultural

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

statewide importance to non-agricultural use.		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. Implement Land Use and Development Code Section L-II 4.4.3 regarding Important Agricultural Lands		Lands, Important, of the LUDC provides an additional tool to minimize the conversion of important agricultural areas to non-agricultural uses and reduce the impairment of agricultural productivity. Therefore, impacts on Farmland Resources would be reduced, but would remain significant. **Explanation:** Future cannabis cultivation project applications would be evaluated for compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to agricultural lands. As discussed above, the proposed project includes a mitigation measure and would, when appropriate, require a management plan to reduce impacts to important agricultural lands for certain projects under an ADP. Mitigation Measure AG-1 requires that any new structures proposed for cannabis site development are sited on areas of the property that do not contain prime soils, to the maximum extent feasible. During the review of applications for cannabis site development, the County Planning Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid prime agricultural soils on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				buildout scenario for cannabis related development, impacts to prime soils will remain significant and unavoidable. While impacts associated with CCPs would be reduced to less than significant, a significant impact from potential conversions under an ADP would remain. No additional mitigation measures have been identified that would reduce potential impacts to less than significant. The Board finds that the feasible mitigation measure (MM AG-1) has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with this mitigation measure, impacts to agricultural resources (Impact 4.2-1) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

Impact 4.2-4: Implementation of the project would result in the Loss of Forest Land or Conversion of Forest Land to Non-Forest Use.	PS	No additional feasible mitigation measures have been identified beyond implementation of the County Land Use and Development Code. Implement Land Use and Development Code Section L-II 4.3.3 regarding Important Agricultural Lands Implement Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources.	SU	**Finding:** Even with conformance to the listed regulations, the proposed project could result in a permanent loss of forest lands and impacts on forest lands would be considered significant and unavoidable. No mitigation is available to further reduce impacts to less than significant. **Explanation:** Future cannabis cultivation project applications would be evaluated for compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to agricultural lands. As discussed above, the proposed project would implement the County Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources and would, when appropriate, require a management plan to reduce impacts to important agricultural lands for certain projects under an ADP. During the review of applications for cannabis site development, the County Planning Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid Forest Land and minimize Forest Land Conversion on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, impacts to forest land will

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				remain significant and unavoidable. The Board finds that Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources would be implemented as part of NCCO application to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. These regulations will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with the requirements of Land Use and Development Code Section L-II4.3.14 regarding Important Timber Resources, impacts to agricultural resources (Impact 4.2-4) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Impact 4.2-5: Implementation of the project would involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or	PS	Implementation of Mitigation Measure AG-1. Implement Land Use and Development Code Sections L-II 4.3.3 regarding Important Agricultural land and Section L-II 4.3.14 regarding Important Timber Resources.	SU	**Finding:** Implementation of Mitigation Measure AG-1 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AG-1. Impacts on Farmland Resources would be reduced but would remain significant. **Explanation**: Future cannabis cultivation project applications would be evaluated for

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

conversion of forest land to non-forest use				compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to forest lands. As discussed above, the proposed project includes mitigation measure AG-1 that would be required for certain projects upon review of a CCP or ADP. Although these measures are expected to substantially reduce the level of impact on agricultural and forest resources, a significant impact would remain. The Board concludes that the project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.
Cumulative Impact: Implementation of the project would convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use.	PS	The project would result in the permanent conversion of prime farmland, unique farmland, or farmland of statewide importance to a non-agricultural use.	SU	**Finding:** Implementation of Mitigation Measure AG-1 which has been required or incorporated into the project will help to reduce this impact. With implementation of Mitigation Measure AG-1 and the requirements of Section L-II 4.3.4 Agricultural Lands, Important, of the LUDC provides an additional tool to minimize the conversion of important agricultural areas to non-agricultural uses and reduce the impairment of agricultural productivity. Therefore, impacts on Farmland Resources would be reduced, but would remain significant. **Explanation:** Future cannabis cultivation project applications would be evaluated for

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				compliance with the County Land Use and Development Code, all applicable State laws, and ordinance requirements of any affected special districts related to agricultural lands. As discussed above, the proposed project includes a mitigation measure and would, when appropriate, require a management plan to reduce impacts to important agricultural lands for certain projects under an ADP. Mitigation Measure AG-1 requires that any new structures proposed for cannabis site development are sited on areas of the property that do not contain prime soils, to the maximum extent feasible. During the review of applications for cannabis site development, the County Planning Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid prime agricultural soils on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, impacts to prime soils will remain significant and unavoidable. While impacts associated with CCPs would be reduced to less than significant, a significant impact from potential conversions under an ADP would remain. No additional mitigation measures have been identified that would

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				reduce potential impacts to less than significant. The Board finds that the feasible mitigation measure (MM AG-1) has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with this mitigation measure, impacts to agricultural resources are cumulatively considerable and will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Air Quality and Greenhouse Gas Emissions				
Impact 4.3-1: Implementation of the project would conflict with or obstruct implementation of the applicable air quality plan; **Impact 4.3-2:**	**PS**	**MM AIR-1: Conformance to NSAQMD Rules and Regulations.** Amend the NCCO to require all commercial cannabis applications to include language in project cultivation plans and on project site plans when applicable, that 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	**SU**	**Finding:** The EIR identified significant project-specific and cumulative impacts related to air quality and greenhouse gas emissions from future cannabis activities that would be permitted if the project is approved. Specifically, the EIR identified the following adverse and unavoidable effects: inconsistency with the Clean Air Plan (Impact

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

Implementation of the project would violate any air quality standard or contribute substantially to an existing or projected air quality violation; **Impact 4.3-3:** Implementation of the project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standards; **Impact 4.3-6:** Implementation of the project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance		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 2030Written documentation that the cannabis facility is in compliance with the NSAQMD shall be provided to the Nevada County Planning Department.		4.3-1), violate and air quality standard (Impact 4.3-2), result in a cumulatively considerable net increase for a criteria pollutant (Impact 4.3-3), and generate greenhouse gas emissions that may have a significant impact on the environment (Impact 4.3-6). The EIR identified mitigation measure AIR-1 to reduce impacts associated with construction related air quality impacts and greenhouse gas emissions. Impacts on air quality be reduced but would remain significant. **Explanation:** Mitigation measure AIR-1 requires that cannabis applicants implement feasible air pollution control measures consistent with Northern Sierra Air Quality Management District requirements and subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce air quality impacts. Cumulative impacts related to air quality and greenhouse gas emissions are mitigated to the maximum extent feasible with mitigation measure AIR-1. Since the County is anticipated to remain in non-attainment, the project's contribution to cumulative air quality impacts would be cumulatively considerable and, therefore, significant and unavoidable. Under a reasonable buildout scenario for cannabis-related development, impacts from

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

				construction related air quality will not be fully mitigated and will remain significant and unavoidable. The Board finds that the feasible mitigation measure (MM AIR-1) has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts on air quality to the maximum extent feasible. However, even with this mitigation measure, impacts on air quality, (Impact 4.3-1; 4.3-2; 4.3-3; and 4.3-6) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts on air quality are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Impact 4.3-5: Implementation of the project would create objectionable odors, affecting a substantial number of people	PS	**MM AIR-2: Prohibit burning of cannabis and other vegetation.** Amend the NCCO to prohibit all commercial and non-remuneration operations to from burning any cannabis or other vegetative materials. The following language shall be added to the proposed NCCO: "The burning of any part of the cannabis plant or plant materials that is considered excess or waste is prohibited from being burned."	SU	**Finding:** The EIR identified significant project-specific and cumulative impacts related to air quality from future cannabis activities that would be permitted if the project is approved. The EIR identified mitigation measure AIR-2 to reduce impacts associated with objectionable odors through restricting burning of cannabis plant materials, but found that potential impacts

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

		Commercial cannabis cultivation would generate objectionable odors despite a required 100-foot setback from property lines.		associated with objectionable odors would remain significant. **Explanation:** Mitigation measure AIR-2 requires that cannabis applicants implement feasible measures to restrict the burning of cannabis plant materials. No other feasible mitigation measures are known that will further reduce odor impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from objectionable odors will not be fully mitigated and will remain significant and unavoidable. The Board finds that the feasible Mitigation Measure AIR-2 has been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts on air quality to the maximum extent feasible. However, even with this mitigation measure, impacts on air quality (Impact 4.3-5) will remain significant and unavoidable. Therefore, the Board finds the NCCO residual impacts on air quality are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

Biological Resources				
Impact 4.4-1: Implementation of the project would cause disturbance to or loss of special status wildlife species and habitat; **Impact 4.4-2:** Implementation of the project would cause disturbance to or loss of special status plant species and habitat; **Impact 4.4-3:** Implementation of the project would cause disturbance to or loss of riparian habitat or other sensitive natural communities **Impact 4.4-4:** Implementation of the project would cause disturbance to or loss of wetland or water of the united states; **Impact 4.4-5:** Implementation of the project would interfere with	PS	**MM BIO-1 Generator Noise:** The proposed NCCO shall be amended to require all projects under either a CCP or an ADP to keep all generators in containment sheds whiles 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 would be an annual requirement and verified yearly when the ACP is renewed. If conformance is not shown, the permit shall be denied or the held in abeyance until the project infraction is brought into conformance with the NCCO. **MM BIO-2 Biological Resources Pre-Screening:** The proposed NCCO shall be amended to require all applicants to submit biological pre-screening materials of all project sites for both CCP and ADP applications. 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). The applicant shall provide site plan(s) showing all areas of disturbance, multiple site plans may be used to clearly show the following; site aerials showing vegetation patterns and	LS	**Finding:** The EIR identified the following potentially significant but mitigable project-specific impacts from future cannabis activities: adverse impacts on special status wildlife species (Impact 4.4-1); adverse effects on special status plant species (Impact 4.4-2); adverse effects on riparian habitats and sensitive natural communities (Impact 4.4-3); adverse effects on wetland habitats (Impact 4.4-4) and adverse impacts on wildlife corridors (Impact 4.4-5). The EIR identifies mitigation measures that would reduce potentially significant impacts to less than significant. **Explanation:** The Board finds that Mitigation Measure BIO-1 and Mitigation Measure BIO-2, have been incorporated into the NCCO. Mitigation Measure BIO-1 would require future applicants to keep all generators in containment sheds whiles in use to reduce generator noise to no greater than 50dB as measured at 100 feet from any sensitive habitat or known sensitive species. Mitigation Measure BIO-2 would require all applicants to submit biological pre-screening materials of all project sites for both CCP and ADP applications. If the pre-screening materials identify habitats known to support sensitive or special status plant or animal species, then avoidance of the sensitive or

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Table of Impacts, Mitigation Measures and CEQA Findings (continued)

resident or migratory wildlife corridors or native wildlife nursery sites		habitats (without snow cover), location of any water courses including ephemeral drainages and any other water bodies, all existing or proposed cultivation areas and structures, location of electric generators (if applicable), and grading plans with areas of cut and fill (if applicable). If the pre-screening materials identify habitats known to support sensitive or special status plant or animal species, then avoidance of the sensitive or special status species shall be required. If avoidance of a special status species cannot be achieved, then a Biological Inventory shall be prepared. The Biological Inventory shall be prepared by a qualified biologist. The Biological Inventory shall contain an environmental setting, a project description, review of CNDDB database for the project location, a description of potential sensitive habitats existing on site, field survey methodology and findings (if needed), mitigation to reduce impacts (if needed), level of impacts conclusion. Due to the 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 consistent with the applicable resources standards identified in Sections L-II 4.3 of the Nevada County Land Use and Development Code. If additional 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 for both CCP and ADP permit applications. The HMPs would be implemented on a project by project basis and included as part of the project-specific approval process. If potential impacts on these biological resources cannot reduced to less than significant, no permit shall be issued.		special status species shall be required. If avoidance of a special status species cannot be achieved, then a Biological Inventory shall be prepared. The Biological Inventory shall be prepared by a qualified biologist. The Board finds that implementation of Mitigation Measure BIO-1 and Mitigation Measure BIO-2 would reduce the significant project-specific environmental effects related to biological resources (Impacts 4.4.-1, 4.4-2, 4.4-3, 4.4-4, and 4.4-5) to less than significant level.

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Cumulative Impact: The project's contribution to significant cumulative impacts on sensitive natural communities, special status plants, riparian habitats, wetlands and waters of the United States, and wildlife corridors would be cumulatively considerable and significant and unavoidable when considered over the unincorporated area of the County.	PS	Implement MM BIO-1 and MM BIO-2	SU	**Finding:** The EIR identified significant cumulative impacts on biological resources future cannabis activities that would be permitted if the project is approved. The EIR identified Mitigation Measures BIO-1 and BIO-2 to reduce impacts associated with cumulative impacts on biological resources but would remain significant. **Explanation:** Mitigation Measures BIO-1 and BIO-2 require that cannabis applicants implement feasible measures to reduce or avoid impacts on sensitive natural communities, special status plants, riparian habitats, wetlands and waters of the United States, and wildlife corridors. No other feasible mitigation measures are known that will further reduce biological resource impacts. Under a reasonable buildout scenario for cannabis- related development, impacts on biological resources will not be fully mitigated and will remain significant and unavoidable. The Board finds that the feasible Mitigation Measures BIO-1 and BIO-2 have been incorporated into the NCCO to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. These mitigation measures will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts on biological

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				resources to the maximum extent feasible. However, even with these mitigation measures, cumulative impacts on biological resources will remain significant and unavoidable. Therefore, the Board finds the NCCO residual cumulative impacts on biological resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Cultural and Tribal Resources				
Impact 4.5-1: Implementation of the project would cause a substantial adverse change in the significance of a historical resource; **Impact 4.5-2:** Implementation of the project would cause a substantial adverse change in the significance of an archaeological resource; **Impact 4.5-3:** Implementation of the project would directly or indirectly destroy a unique paleontological resource or	PS	**MM CUL-1:** Prior to project approval of either a CCP or an ADP, the project applicant, to the satisfaction of the County Planning Department shall submit a Non-Confidential Records Search to NCIC to determine the sensitivity of potential commercial cannabis cultivation site to disturb historic, cultural, or tribal resources. The applicant shall submit the sensitivity letter with the CCP or ADP. 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. **MM CUL-2:** The proposed NCCO shall be amended to include a Cultural Resources Inadvertent Discovery Protocol (IDP) for projects that require grading or ground disturbance. The IDP shall include requirements that if subsurface archaeological features or deposits 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	LS	**Finding:** The EIR identified potentially significant but mitigable impacts to historical resources (Impact 4.5--1), archaeological resources, paleontological resources (Impacts 4.5-2 and 4.5-3), human remains (impact 4.5-4) or tribal cultural resources (Impacts 4.5-5 and 4.5-6), from future cannabis activities. The EIR identifies two mitigation measures that would reduce potentially significant impacts to less than significant level. **Explanation:** Mitigation Measure CUL-1 requires future cannabis applicants to submit a Non-Confidential Records Search to NCIC to determine the sensitivity of potential commercial cannabis cultivation site 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

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site or unique geologic feature; **Impact 4.5-4:** Implementation of the project would disturb any Human Remains, including those Interred outside of Formal Cemeteries **Impact 4.5-5:** Implementation of the project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074, 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); **Impact 4.5-6:** cause a substantial adverse change in the significance of a tribal cultural 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);		qualified archeologist 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 detailed in Section 5097.98 of the California Public Resources Code shall be followed. Implement Land Use and Development Code Section L-II 4.3.6 Significant Cultural Resources		professional to conduct a cultural resource study of the project area. Mitigation Measure CUL-2 requires a Cultural Resources Inadvertent Discovery Protocol (IDP) for projects that require grading or ground disturbance. The IDP shall include requirements that if subsurface archaeological features or deposits 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 archeologist shall be retained by the County to assess the find and shall have the authority to prescribe all appropriate protection measures to future work. The Board finds that the feasible Mitigation Measure CUL-1 and Mitigation Measure CUL-2 have been incorporated into the NCCO. The Board finds that implementation of Mitigation Measure CUL-1 and Mitigation Measure CUL-2 would reduce the significant project-specific and cumulative effects related to cultural resources (Impacts 4.5-1 through 4.5-6, and cumulative impacts) to a less than significant level.

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Cumulative Impact: Cumulative impacts to historic and archaeological resources				
Hydrology and Water Quality				
Impact 4.8-2: Implementation of the project would **s**ubstantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. **Cumulative Impact:** Substantially deplete groundwater supplies.	PS	No feasible mitigation measures have been identified that could be implemented on a project by project basis.	SU	**Finding:** The project would result in an increase in demand for local groundwater resources that could contribute to cumulative groundwater supply and impacts in areas of the County with limited groundwater resources (e.g., fractured bedrock conditions). The County currently does not monitor groundwater extraction for residential or agricultural uses. An increase in groundwater extraction in existing wells or new wells for commercial cannabis activities could result in unknown reductions in local groundwater levels that could adversely impact adjacent wells. Project-specific impacts would be cumulatively considerable and significant and unavoidable. No mitigation is available to further reduce impacts to less than significant. **Explanation:** No feasible mitigation measures are known that will further reduce impacts. Creating groundwater monitoring regulations that applied only to future cannabis applicants and not to all residential

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				and agricultural users in the County is not considered a feasible measure for the County as it would not apply regulations equitably for all groundwater users in the unincorporated area of the County. Under a reasonable buildout scenario for cannabis related development, project specific and cumulative impacts on groundwater supply will be significant and unavoidable. Therefore, the Board finds the NCCO residual impacts groundwater supply are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Land Use and Planning				
Impact 4.9-2: Implementation of the project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding mitigating an environmental effect.	PS	Potential conflicts with the Truckee Sphere of Influence are significant. No feasible mitigation measures are available.	SU	**Finding**: Implementation of the proposed NCCO could result in the permitting of a commercial cannabis operation within the Truckee SOI. The Town, however, does not provide for cultivation of cannabis beyond the six plants allowed by California State Law. This cultivation may conflict with a future land uses in these areas should the Town of Truckee choose to annex one of these areas. Land use conflicts could arise because commercial cultivation is not an allowable uses pursuant to Truckee planning documents. Ultimately, cannabis cultivation within the Truckee SOI may lead to future land use conflicts resulting in a significant

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				impact to the environment. Therefore, although the County finds this unlikely, this impact is considered significant and unavoidable. No mitigation is available to further reduce impacts to less than significant. **Explanation:** No feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, project specific impacts as a result of land use conflicts with the Town of Truckee SOI will be significant and unavoidable. Therefore, the Board finds the NCCO residual impacts groundwater supply are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Transportation and Circulation				
Impact 4.15-1: Implementation of the project would conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system.	PS	After the payment of the RTMF and LTMF fees, no feasible mitigation measures have been identified.	SU	**Finding:** Commercial cannabis cultivation would have the potential to create a substantial increase in vehicle travel on a regional and local level. Traffic generated from commercial cannabis cultivation would be dispersed throughout a wide area of Nevada County, as the proposed commercial cannabis cultivation would be allowed in the AG, AE, and FR zones. Depending on the eventual siting of cultivation locations, some areas, due to existing Level of Service (LOS)

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				on the roadways in proximity to those locations, would be more susceptible to concentrated traffic impacts. Accordingly, areas with relatively higher population density would be more likely to experience higher increases in traffic volumes than areas with more sparse development. However, with a maximum 10,000 sf of canopy area, there is no individual project that would result in a significant increase in traffic on any roadway segments or intersections. Other than the payment of the western Nevada County Regional Transportation Management Fee (RTMF) and the Local Transportation Management Fee (LTMF), no additional feasible mitigation has been identified that could be implemented on an application by application basis that would reduce these impacts to less than significant. Therefore, traffic impacts in this regard impacts would be significant and unavoidable. **Explanation:** No feasible mitigation measures are known that will further reduce potential traffic impacts. Under a reasonable buildout scenario for cannabis related development, project specific impacts as a result of increased traffic generated from commercial cannabis cultivation would be dispersed throughout the County will be significant and unavoidable. However, with a maximum 10,000 sf of canopy area, there is

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				no individual project that would result in a significant increase in traffic on any roadway segments or intersections. Therefore, the Board finds the NCCO impacts on the existing transportation system are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Utilities and Service Systems				
Impact 4.16-4: Implementation of the project would have insufficient water supplies available to serve the project from existing entitlements and resources, thereby requiring new or expanded entitlements. **Cumulative Impacts:** Impacts on water supply of public water service providers and groundwater supply.	PS	No feasible mitigation measures have been identified	SU	**Finding:** Groundwater supplies from Fractured rock systems can be difficult to trace and sometimes have limited yield based upon underground flow conditions. Neither the County nor the State has governing rules that would give one overlying groundwater user an advantage over a new overlying groundwater user for cannabis cultivation purposes. Neither the County nor the State have a mechanism in place to track or monitor groundwater production in individual wells. For these reasons, potential impacts on groundwater supply are considered significant. Mitigation measures for reducing impacts to groundwater use could include new County policies regarding groundwater extraction and monitoring. However, new County policy and regulations for groundwater use is beyond the scope of the proposed project and are not considered feasible. Therefore, groundwater impacts are considered significant and unavoidable.

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				Explanation: No feasible mitigation measures are known that will further reduce impacts. Creating groundwater monitoring regulations that applied only to future cannabis applicants and not to all residential and agricultural users in the County is not considered a feasible measure for the County as it would not apply regulations equitably for all groundwater users in the unincorporated area of the County. Under a reasonable buildout scenario for cannabis related development, project specific and cumulative impacts on groundwater supply will be significant and unavoidable. Therefore, the Board finds the NCCO residual impacts groundwater supply are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Energy				
Impact 4.17-1: Implementation of the project would use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner.	PS	No feasible mitigation measures have been identified Implement Land Use Development Code Section L-II 4.3.9 regarding Energy Conservation of the Nevada County Land Use Development Code	SU	**Finding**: Under a conservative buildout scenario for cannabis buildout development, project specific impacts as a result of a significant increase in energy use as a result of indoor and mixed-use commercial cannabis cultivation. A substantial increase in electrical energy consumption combined with an additional 153,525 new daily vehicle miles traveled would result in significant and unavoidable impacts. However, with a maximum 10,000 sf of canopy area, there is

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				no individual project that would result in a significant increase in energy consumption in any one location that would use large amounts of fuel or energy in an unnecessary, wasteful, or inefficient manner. No feasible mitigation measures have been identified. **Explanation**: No feasible mitigation measures are known that will further reduce energy consumption impacts on an individual project basis. Under a conservative buildout scenario for cannabis related development, project specific impacts on energy use will be significant and unavoidable. Therefore, the Board finds the NCCO impacts from increased energy use are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.
Impact 4.17-2: Implementation of the project would constrain local or regional energy supplies, affect peak and base periods of electrical or natural gas demand, require or result in the construction of new electrical generation and/or transmission facilities, or necessitate the expansion of existing facilities, the construction of	PS	No feasible mitigation measures have been identified.	SU	**Finding:** It is possible that due to the substantial increased energy demand expected as part of the proposed project, the local and or regional energy supplies could become constrained resulting in an effect on peak and base periods of demand for electricity. Although, the proposed cultivation sites would be phased in over time, if the number of new commercial cannabis operations increases at a rapid rate or more parcels are developed for cultivation than anticipated, a substantial increased demand for energy could result. However, with a maximum 10,000 sf of canopy area,

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which could cause significant environmental effects				there is no individual project that would result in a significant increase in energy consumption in any one location that would Constrain local or regional energy supplies, affect peak and base periods of electrical or natural gas demand, or require or result in the construction of new electrical generation and/or transmission facilities. No feasible mitigation measures have been identified. **Explanation:** No feasible mitigation measures are known that will further reduce energy consumption impacts on an individual project basis. Under a conservative buildout scenario for cannabis related development, project specific impacts on energy use will be significant and unavoidable. Therefore, the Board finds the NCCO impacts from increased energy use are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Section V.B below.

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IX. Findings Regarding Project Alternatives.

A. Basis for Alternatives Feasibility Analysis

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. (Guidelines §15126(a)). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range. (*Citizens of Goleta Valley v. Board of Supervisors* (1990), 52 C.3d 553, 566). CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (Guidelines §15126.6(a)). An EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* (1992), 10 Cal.App.4th 908); and the Guidelines provide that an EIR need not consider alternatives that are infeasible. (CEQA Guidelines §15126.6(a)). The Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." (CEQA Guidelines §15126.6(f)(1)). The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines §15126.6(f)).

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ("*Goleta II*") (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Id.; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*.)

The review of project alternatives is guided primarily by the need to substantially reduce potential impacts associated with the project, while still achieving the basic objectives of the project (Project Objectives (DEIR, p. 3-19)), which are as follows:

- Provide a mechanism for the regulation of a legal commercial cannabis cultivation industry within the unincorporated county;
- Reduce the level of nuisance that existing commercial cannabis cultivation represents to adjacent areas of existing growers;
- Encourage existing cannabis businesses to secure a license to operate in compliance with County and state regulations;
- Reduce the adverse effects of commercial cannabis cultivation on the environment through implementation of these regulations and permitting process;
- Adopt an ordinance that defines specific zones within the County in which production of commercial cannabis cultivation will be allowed;
- Adopt an ordinance that defines, within the specific zones, the total area of commercial cannabis cultivation that will be allowed;
- Reduce the effects of potential adverse effects of commercial cannabis cultivation on sensitive receptors by ensuring compatibility with existing surrounding land uses;
- To align cannabis regulations with regulations applicable to other commercial activities.

The review of project alternatives is guided primarily by the need to substantially reduce potential impacts associated with the project, while still achieving the basic objectives of the project.

The detailed discussions in Sections VII and VIII of this document demonstrate that many of the significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR.

The County can fully satisfy its CEQA obligations by determining whether any alternatives identified in the Draft EIR are both feasible and environmentally superior with respect to the project impacts identified in the EIR. (See *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 520-521, 526-527; *Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403; see also Pub. Resources Code, Section 21002.) These Findings will assess whether each alternative is feasible in light of the County's objectives.

As discussed in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. But differing factors come into play at each stage. For the first phase -- inclusion in the EIR -- the standard is whether the alternative is potentially feasible. (Guidelines, § 15126.6, subd. (a).) By contrast, at the second phase -- the final decision on project approval -- the decision-making body evaluates whether the alternatives are

actually feasible. (See Guidelines, § 15091, subd. (a)(3).) At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as being potentially feasible.

Therefore, the Board of Supervisors ("Board"), in considering the five alternatives identified in the DEIR and these findings, needs to determine whether any alternatives are environmentally superior with respect to those impacts which cannot be mitigated to less than significant. If any of the alternatives are superior with respect to those impacts, the Board is then required to determine whether the alternatives are feasible. If the Board determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified above, then the Board may approve the project as mitigated after adopting a Statement of Overriding Considerations.

Under CEQA, "feasible" means *capable of being accomplished in a successful manner within the reasonable period of time, taking into account economic, environmental, legal, social, and technological factors* (CEQA Guidelines 15364). The concept of feasibility permits an agency's decision- makers to consider whether an alternative is able to meet some or all of the projects objectives. In addition, the definition of "feasibility" encompasses "desirability" to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by evidence.

Alternatives Considered

CEQA does not specify the methodology for comparing alternatives. However, the issues and impacts that are most germane to a particular project must be evaluated when comparing an alternative to a proposed project. As such, the issues and impacts analyzed in project alternatives vary depending on the project type and the environmental setting. Long-term impacts (e.g., visual impacts and permanent loss of farmland or land use conflicts) are those that are generally given more weight in comparing alternatives. Impacts associated with construction (i.e., temporary or short-term) or those that are easily mitigable to less than significant levels are considered to be less important.

The alternatives analysis below compares each alternative to the proposed project according to whether it would have a mitigating or adverse effect for each of the environmental resource areas analyzed in this EIR. The Final EIR identified and compared the significant environmental impacts of the project alternatives listed below in accordance with the provisions of the CEQA Guidelines Section 15126.6. The following project alternatives were evaluated:

No Project Alternative: CEQA Guidelines Section 15126.6(e)(1) requires that a No Project Alternative be analyzed. Under this Alternative, an amendment to Nevada County Code Title 2, Chapter IV Article 5 Section G-IV 5.4, which defines the current parameters of allowable medical cultivation activities based on the land use designations would not occur. This alternative would allow cultivation in accordance with the current ordinance and state law providing for cultivation for personal use and for medical purposes only. No commercial

cannabis cultivation would be allowed. This alternative would not place any restriction on the number of properties on which cultivation could occur. This alternative would maintain that any cultivation undertaken outside the restrictions of the code would be considered a nuisance and may be abated by any legal means available. This alternative also would not permit commercial cultivation and would not provide the County with additional enforcement mechanisms for illegal cultivation activities.

Finding: The County has determined that specific economic, social, and environmental considerations render the No Project Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[…] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

While impacts under this Alternative would be reduced in nearly all impact categories, the No Project Alternative would not meet any of the objectives of the project – that is, there would be no mechanism for regulation of legal commercial cannabis cultivation, the nuisances from existing commercial cannabis cultivation would remain, existing commercial cannabis businesses would remain unlicensed and unregulated, the environmental effects associated with the existing commercial cannabis cultivation would not be reduced, no specific zones and/or grow areas would be identified or defined, sensitive receptors would remain subject to impacts from existing cultivation, and the County's regulation of cannabis would not be aligned with its regulation of other commercial activities. The County would also have to continue to spend economic resources and staff time attempting to abate nuisances stemming from unregulated cannabis cultivation without the project's abatement process and framework for collecting penalties to fund that abatement. And the unincorporated area of the County would not obtain the social and public health benefits associated with availability of medical cannabis. For these reasons, the No Project Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Project Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

Thirty Percent Commercial Cannabis Alternative: This Alternative would reduce the number of eligible parcels zoned, (AG, AE, or FR) within the County that could be used for commercial cannabis cultivation from 100% to 30%. Within the County, there are a currently total of 27,207 parcels zoned AG, AE, and FR. Under this alternative, the total number of AG, AE, and FR parcels on which commercial cultivation would be allowed is reduced to 8,162 or approximately 30% of 27,207.

Finding: The County has determined that specific economic, social, and environmental considerations render the Thirty Percent Commercial Cannabis Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[…] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The Thirty Percent Cultivation Alternative would meet or partially meet most the project objectives and would result in an overall reduction of potential environmental effects. However, this Alternative would substantially limit the total number of permits issued for commercial cannabis cultivation and non-remuneration cultivation. A large focus of the proposed project is to provide a mechanism to permit and regulate existing as well as future cultivation operations. This Alternative would substantially reduce the ability of the County to focus on that effort. This Alternative also would not eliminate all significant and unavoidable environmental impacts. Most impacts related to the project would be incrementally reduced, but all mitigation measures would still be required. While environmental impacts would be reduced, this Alternative would conflict with the regulatory intent of the proposed project. Further, existing cannabis cultivation operations located outside the reduced number of eligible parcels proposed under this Alternative would remain unregulated and would still have the potential to cause nuisances and require the County to spend economic and staff resources on abatement without the benefit of the project's abatement process and framework for collecting penalties to fund that abatement. For these reasons, this Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the Thirty Percent Commercial Cannabis Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

No Groundwater Cultivation Alternative: This Alternative removes the eligibility of cultivators from using personal wells to draw groundwater for irrigation of commercial cannabis operations. All water would be provided by either Nevada Irrigation District (NID) or other provider. In areas where ground water is the only water source, cultivation activities would be required to cease or an alternative source such as a water diversion or rainwater catchment could be used. Although this alternative would not directly restrict cultivation or change the zones in which cultivation would be permitted, it is expected to decrease the overall area that would be cultivated. Cultivation would still be permitted in the same areas as the proposed project but the increased cost from purchasing water, or from developing alternative sources (diversion from a stream or spring, installing a rainwater catchment system, or purchase water to be trucked in.)

Finding: The County has determined that specific economic, social, and environmental considerations render the No Groundwater Cultivation Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[…] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The No Groundwater Cultivation Alternative would meet or partially meet most the project objectives. While this Alternative would result in an overall reduction of potential environmental effects, specifically significant impacts on groundwater use in the unincorporated areas of the County. Accordingly, the overall total number of permits issued for commercial cannabis cultivation and non-remuneration cultivation would be reduced and environmental impacts associated with the project would also be reduced, including the potential for projects on an individual and cumulative basis to deplete groundwater supplies. However, this Alternative would be expected to increase the demand for instream water diversions, which would result in other direct impacts to water courses. And a large focus of the proposed project is to provide a mechanism to permit and regulate existing as well as future cultivation operations, but this Alternative would substantially reduce the ability of the County to focus on that effort. Under this Alternative, the unincorporated area of the County would obtain fewer social and public health benefits associated with availability of medical cannabis due to the reduced number of permits. This Alternative also would not eliminate all significant and unavoidable impacts – just those associated with groundwater. Most impacts related to the project would remain the same, and all mitigation measures would still be required. For these reasons, this Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Groundwater Cultivation Alternative, the County believes they are acceptable, given

the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

Cultivation Allowed in RA Zones Alternative: This Alternative would maintain the current cultivation proposed for the AE, AG, and FR zones but also includes commercial cultivation in some RA zoned areas (identified in Table 6-2 in the Draft EIR). With the increased cultivation allowed in the RA zones, this Alternative would result in potential cultivation on approximately 20,833 parcels, an increase of approximately 76%.

Finding: The County has determined that specific economic, social, and environmental considerations render the Cultivation Allowed in RA Zones Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[…] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The Cultivation Allowed in RA Zones Alternative would meet or partially meet most of the project objectives. However, this Alternative would result in a substantially increased area that would permit commercial and non-remuneration cultivation. Not only would this Alternative result in the same or greater environmental impacts as the project in all impact categories, it would increase the area in which those environmental impacts are spread across the County. This Alternative therefore would not meet the project objectives aimed at protection of the environment and reduction of potential cannabis cultivation nuisances. For these reasons, the Cultivation Allowed in RA Zones Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Groundwater Cultivation Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

No Permanent Structures in Designated Farmland Alternative: This Alternative is proposed to avoid significant impacts on Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (collectively identified as Designated Farmland). Under this

alternative commercial cannabis would be permitted on designated farmland, but only without the development of any permanent structures that would result in the conversion of Designated Farmland to non-agricultural uses. This would include permanent structures such as buildings pads or permanent structures for use in support of commercial cannabis cultivation, permanent structures to be used as greenhouses or mixed light facilities, or other improvements such as paved roadways or other infrastructure improvements that would result on the conversion of designated farmland to a non-agricultural use. This alternative requires the NCCO to be amended to preclude the development of permanent structures on designated farmland which would provide County staff with an additional mechanism for managing agricultural resources beyond what is currently required in the County's Land Use and Development Code.

Finding: The County has determined that specific economic, social, and environmental considerations render the No Permanent Structures in Designated Farmland Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, "Feasible" means "[…] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

The No Permanent Structures in Designated Farmland Alternative would meet or partially meet most of the project objectives. This Alternative would generally result in an overall reduction of potential environmental effects, specifically impacts on prime farmlands in the unincorporated areas of the County. However, implementation of this Alternative would potentially result in greater impacts to biological resources and geology and soils due to the increased amount of outdoor cultivation and bare soil exposed to rain and subsequent water run-off as well as wind and water-driven erosion. Moreover, this Alternative would not eliminate all significant and unavoidable impacts – only those related to designated farmland. Most impacts related to the project would remain the same, and all mitigation measures would still be required. This Alternative may also result in fewer or reduced grow operations, which will result in a reduction in County patients' access to medical cannabis. For these reasons, this Alternative is rejected as infeasible.

To the extent that the project has greater environmental impacts than the No Permanent Structures in Designated Farmland Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").)

These five alternatives were determined to be an adequate range of reasonable alternatives as required under CEQA Guidelines Section 15126.6 (DEIR, p. 6-1). The environmental impacts of each of these alternatives are identified and compared with the "significant" and "potentially significant" impacts resulting from the proposed project. That comparison is shown on **Table 6-3** at the end of EIR Section 6.0, Alternatives. The "No Project" alternative would be the environmentally superior alternative because it would eliminate all of the potentially significant impacts of the proposed project. However, while the "No Project" alternative is the environmentally superior alternative, it is not capable of meeting any of the basic objectives of the proposed project. After the "No Project" alternative, the environmentally superior alternative to the proposed project is the one that would result in the fewest or least significant environmental impacts. Based on the evaluation undertaken, Thirty Percent of Parcels Alternative is the environmentally superior alternative. This is the environmentally superior project alternative because it would have a less intense commercial cannabis cultivation footprint throughout the County compared to the proposed project and would result in fewer environmental impacts. However, the limited number of allowed permits would substantially hinder the County's project objectives as described in the EIR and in these Findings.

X. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this Board of Supervisors adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, legal, social, and other benefits of the Project.

Approval by the Nevada County Board of Supervisors (the "Board") of the Nevada County Commercial Cannabis Cultivation Ordinance (the "project") will result in significant adverse environmental effects which cannot be mitigated or avoided, notwithstanding the Board has adopted all feasible mitigation measures. Despite the ultimate occurrence of these expected effects, the Board, in accordance with *Public Resources Code* Section 21081(b) and *CEQA Guidelines* Section 15093, has balanced the benefits of the proposed Project Final EIR against the following unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The Board has also (i) independently reviewed the information in the DEIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures as identified in the EIR; and, (iii) balanced the project's benefits against the project's significant unavoidable impacts. The Board has also examined alternatives to the proposed project and has determined that adoption and implementation of the proposed project is the most desirable, feasible, and appropriate action. The Board has chosen to approve the Project EIR because in its judgment, it finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the Project's significant effects on the environment. Substantial evidence supports the various benefits and can be found at a

minimum in the preceding CEQA findings, which are incorporated by reference into this Statement, the DEIR, and the documents which make up the record of proceedings.

Significant and Unavoidable Impacts

Based on the information and analysis set forth in the Draft Environmental Impact Report ("DEIR") and the record of proceedings, construction of the proposed project would result in the following significant unavoidable impacts even with the implementation of all feasible mitigation measures:

Aesthetics

1. **Cumulative Impact:** The project would result in cumulative nighttime glow from artificially lighted nighttime cultivations may occur. Taken in sum, for all cultivation operations, this could result in a significant lighting impact.

Agriculture and Forestry Resources

2. **Impact 4.2-1:** The project would result in the permanent conversion of prime farmland, unique farmland, or farmland of statewide importance to a non-agricultural use.
3. **Impacts 4.2-4:** The project would result on the loss of forest land or conversion of forest land to a non-forest use.
4. **Impact 4.2-5:** The project would result in changes to the environment which would result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.
5. **Cumulative Impact:** The project would result in the permanent conversion of prime farmland, unique farmland, or farmland of statewide importance to a non-agricultural use.

Air Quality and Greenhouse Gas Emissions

6. **Impact 4.3-1**: The project would conflict with or obstruct implementation of the applicable air quality plan.
7. **Impact 4.3-2:** The project would violate any air quality standard or contribute substantially to an existing or projected air quality violation.
8. **Impact 4.3-3:** The project would result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standards.
9. ***Impact 4.3-5:*** The project would create objectionable odors affecting a substantial number of people.

10. **Impact 4.3-6:** The project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment based on any applicable threshold of significance.

11. ***Cumulative Impact:*** The project would result in peak emissions of PM_{10} during the harvest season from road dust, which would contribute to an existing or projected air quality violation.

12. ***Cumulative Impact:*** The project would result in an increase to the number of commercial cannabis outdoor and mixed-light cultivation operations throughout the County that are a significant source of cannabis odor, thereby increasing the potential cultivation-related odor sources throughout the County.

Biological Resources

13. **Cumulative Impact:** The project's contribution to significant cumulative impacts on sensitive natural communities, special status plants, riparian habitats, wetlands and waters of the United States, and wildlife corridors would be cumulatively considerable and significant and unavoidable when considered over the unincorporated area of the County.

Hydrology and Water Quality

14. **Impact 4.8-2**: The project would substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

15. **Cumulative Impact:** The project would result in an increase in demand for local groundwater resources that could contribute to cumulative groundwater supply and impacts in areas of the County with limited groundwater resources (e.g., fractured bedrock conditions). In addition, the potential decrease of water infiltration due to development of accessory structures combined with the cumulative increase in groundwater use being unknown at this time, the potential impacts would be cumulatively considerable and significant and unavoidable.

Land Use

16. ***Impact 4.9-2:*** Implementation of the proposed NCCO could result in the permitting of a commercial cannabis operation within the Truckee SOI. Land use conflicts could arise in future annexation applications because commercial cultivation is not an allowable uses pursuant to Truckee planning documents.

Transportation and Traffic

17. ***Impact 4.15-1:*** The project would result in additional traffic on regional roadways segments causing a decrease in LOS standards and conflicting associated goals, policies, and objectives related to traffic service standards for local, regional, and highways and would make existing unacceptable LOS conditions worse.

18. ***Impact 4.15-2:*** The project would increase traffic volumes, some of which would reasonably be dispersed to intersections located outside of the County's jurisdiction (i.e. Caltrans facilities) that currently and/or are projected to operate at or near deficient LOS, the proposed project may contribute towards an exceedance of LOS standards or exacerbate existing deficient roadway LOS.

Utilities and Service Systems

19. ***Impact 4.16-4:*** The project would utilize groundwater supply for commercial cannabis irrigation. Neither the County nor the State has governing rules that would give one overlying groundwater user an advantage over a new overlying groundwater user for cannabis cultivation purposes. Neither the County nor the State have a mechanism in place to track or monitor groundwater production in individual wells. As such, commercial cannabis operations could result in overdrafting of local groundwater aquifers.

20. **Cumulative Impact:** The project would increase the demand for groundwater within the Nevada Irrigation service area, and it is unknown whether the public water service providers would have adequate water supply to meet future development needs and potential commercial cannabis operations located within their service boundaries, and the existing ground water supply for some cultivation sites may be inadequate, the proposed NCCO's contribution to water supply would be cumulatively considerable and significant and unavoidable.

Overriding Considerations

The following statement of considerations identifies why, in the Board of Supervisors' judgment, the Project and its benefits to Nevada County outweigh its unavoidable significant environmental impacts. The Board of Supervisors has balanced "the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in the NCCO against these effects and makes the following Statement of Overriding Considerations, which warrants approval of the project (as modified by incorporation of EIR mitigation measures, and additional

development standards shown in NCCO) notwithstanding that all identified adverse environmental effects are not fully avoided or substantially lessened [CEQA Guidelines Section 15093(a)]. The Board finds that the benefits of the "proposed project outweigh the unavoidable adverse environmental effects," and therefore, "the adverse environmental effects may be considered 'acceptable'" [CEQA Guidelines Section 15093(a)]. The Board has determined that any one of these considerations override, on balance, the cumulative significant negative environmental impacts of the project. The substantial evidence supporting these various considerations is found in the following findings based on the EIR and/or the contents of the record of proceedings for the Project:

1. **Provision for a regulated and viable cannabis industry in the unincorporated area of Nevada County.**

   The NCCO, as modified by incorporation of EIR mitigation measures and additional development standards shown in the attached ordinance, allows for the orderly development and oversight of commercial cannabis activities by applying development standards that require appropriate siting, setbacks, security, and nuisance avoidance measures, thereby protecting public health, safety, and welfare. Orderly development and oversight of these operations will result in fewer cannabis-related nuisances as well as County staff time and economic resources required to abate them. Therefore, adoption of the NCCO provides legal, social, and economic benefits to the regulation of commercial cannabis cultivation in the unincorporated area of Nevada County.

2. **Expansion of the production of medical cannabis in the unincorporated area of Nevada County.**

   The NCCO, as modified by incorporation of EIR mitigation measures and additional development standards shown in the attached ordinance, provides a social and public health benefit to the County because it expands the production and availability of medical cannabis, which is known to help patients address symptoms related to glaucoma, epilepsy, arthritis, and anxiety disorders, among other illnesses.

3. **Reduction of Nuisance Activities Related to Commercial Cannabis Production in the unincorporated area of Nevada County.**

   The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown in the attached ordinance, establishes land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of neighborhood character, obnoxious odors, noise nuisances, hazardous materials, and fire hazards. These requirements will result in fewer cannabis-related nuisances as well as County staff time and economic resources required to abate them. Therefore, the project results in legal and economic benefits.

4. **Protection of residential and sensitive populations in the unincorporated area of Nevada County.**

The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown the attached ordinance, minimizes the potential for adverse social and public health impacts on children and sensitive populations by imposing appropriate setbacks and ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, youth facilities, recreational amenities, and educational institutions. For detailed discussions on compatibility, see Section 4.9, Land Use, in the EIR, incorporated herein by reference, as well as the other Findings in this document. Therefore, adoption of the NCCO results in social and public welfare benefits as a result of the orderly administration of commercial cannabis cultivation in the unincorporated area of Nevada County.

5. Protection of sensitive natural resources in the unincorporated area of Nevada County.

The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown in the attached ordinance, protects agricultural resources, natural resources, cultural resources, and scenic resources by limiting where cannabis activities can be permitted and by enacting development standards that would further avoid or minimize potential impacts to the environment. Therefore, adoption of the NCCO results in social and economic benefits by avoiding and minimizing adverse impacts on the County's natural resources that could otherwise be impacted through unauthorized cannabis cultivation.

6. Provision of an enforcement mechanism and funds necessary to abate illegal and unlicensed activities in the unincorporated area of Nevada County.

The NCCO, as modified by incorporation of EIR mitigation measures, and additional development standards shown the attached ordinance, provides a method for commercial cannabis businesses to operate legally and secure a permit and license to operate in full compliance with County and state regulations, maximizing the proportion of licensed activities and minimizing unlicensed activities. Minimization of unlicensed activities will occur for two reasons. First, the County will be providing a legal pathway for members of the industry to comply with the law. Second, the County can use the additional development standards and enforcement requirements of the ordinance, including collected fines and penalties, to strengthen and increase code enforcement actions in an effort to remove illegal and noncompliant operations occurring in the County unincorporated areas. Therefore, adoption of the NCCO results in social and economic benefits that provides the County with legal authority for abatement activities related to illegal commercial cannabis cultivation that may not meet current protections related to natural resources, setbacks from adjacent neighbors, best management practices for water quality, and electrical and plumbing fixtures that do not meet current building codes.

XI. Growth Inducement Findings

Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the

establishment of policies or other precedents that directly or indirectly encourage additional growth. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth would directly or indirectly have a significant effect on the environment.

Development can induce growth by increasing the local population, which may lead to increased commercial activity, which may increase the local supply of jobs. Extension of public infrastructure or services can accommodate growth by removing constraints to development. A growth-inducing project directly or indirectly:

- Fosters economic or population growth or additional housing;
- Removes obstacles to growth;
- Taxes community services or facilities to such an extent that new services or facilities would be necessary; or
- Encourages or facilitates other activities that cause significant environmental effects.

As discussed in Chapter 5.5 of the Draft EIR, the project is not expected to make a significant contribution to regional growth. The California Department of Food and Agriculture estimated that cannabis production in the state in the year 2016 was approximately 13.5 million pounds and at the time did not anticipate increases in overall production from implementation of the then guiding legislation of the Medical Cannabis Regulation and Safety Act (MCRSA) and Adult Use of Marijuana Act (AUMA) by the year 2018 (California Department of Food and Agriculture 2017: 3-22 and 3-23). Neither of these previous regulations are now controlling legislation, and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) is now the foundation of cannabis law in California. The MAUCRSA provides a vehicle in which the large number of existing cannabis cultivation operations can become legal. While some new areas may be developed for cannabis cultivation, it is anticipated that the majority of commercial cannabis will be produced from existing cultivation operations applying for licenses within counties that adopt ordinances to legalize production in those jurisdictions. The County currently contains approximately 3,500 cannabis operations that would require licensing under the proposed NCCO. Therefore, the proposed project is not anticipated to result in substantial growth in cannabis operations state-wide.

Implementation of the proposed ordinance is intended to regulate commercial cultivation, processing, and distribution of cannabis in a manner consistent with the existing character and goals of the County. The number of new commercial cannabis operations does not represent a dramatic increase in development or the division of existing properties into numerous parcels for dense and intensified development. The project would not substantially increase population growth in the surrounding region because it would not require the construction of new housing. Commercial cannabis cultivation within the

County must be connected with a legal residence. If new residences are built in association with commercial cannabis operations, new housing stock would be added to the County that could be used by cannabis operators. Many of the employees necessary during harvest and cultivation are already present within the County and adjoining counties, as evidenced by the level of commercial cannabis cultivation currently within the County. Additionally, the project would not remove barriers to population growth because no new or expanded (beyond what is currently planned) public infrastructure facilities would be installed as part of the proposed project. Potential development associated with the proposed ordinance is not anticipated to meaningfully affect employment or other growth in the region, given the size of the regional economy and current conditions.

The project would result in increased revenue with the County, both by residents and the County itself, however, with respect to increased revenue for the County, this is anticipated to increase the ability of the Nevada County Sheriff's Office, Nevada County Code Compliance, and the Nevada County Planning and Building Department to process, monitor, and enforce cannabis-related activities within the County, per the County's requirements. Therefore, the project would not contribute to substantial population growth or be considered growth-inducing.

> **Finding:** The proposed project would not induce substantial growth in the unincorporated area of Nevada County. While some new areas may be developed for cannabis cultivation, it is anticipated that the majority of commercial cannabis will be produced from existing cultivation operations applying for licenses within counties that adopt ordinances to legalize production in those jurisdictions. The County currently contains approximately 3,500 cannabis operations that would require licensing under the proposed NCCO. While the project may add new residents to the unincorporated area of Nevada County, the number of new residents would not tax existing community services or facilities to such an extent that new services or facilities would be necessary. Similarly, the development of individual commercial cannabis cultivations is not anticipated to encourages or facilitate other activities that cause significant environmental effects Accordingly, the proposed NCCO would not generate a significant increase in population or generate a significant increase in employment. Based on the foregoing, the Board of Supervisors finds the project would not be growth-inducing.

XII. Significant Irreversible Environmental Changes Involved if the Project is Implemented

CEQA Guidelines Section 15127 specifically limits the consideration of "Significant Irreversible Environmental Changes Which Would be Caused by the Project Should It be Implemented" to the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a Local Agency Formation Commission of a resolution making determinations; or

(c) A project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4347.

The construction and implementation of the project would result in irreversible environmental changes to project sites where commercial cannabis cultivation is proposed. Grading for cultivation sites would result in an irreversible change to the existing topography. Site where clearing and grading is proposed resulting in the permanent removal of on-site habitat as detailed in the Draft EIR. Cumulative impacts on biological resources would be significant and unavoidable as discussed in the Draft EIR.

Construction of cultivation sites under the NCCO would require the commitment of energy, natural resources, and building materials (e.g., wood, concrete). Fuels would be used by equipment during the grading and construction period, by trucks transporting construction materials to the site, and by construction workers during their travel to and from the project site. Energy also would be used in the harvesting, mining, and/or manufacturing materials for structure and roadway construction.

Post-construction operational energy uses of the site would include the use of electricity, natural gas, and water by cultivation operators and employees. This energy use would be a long-term commitment and the use of energy would be irretrievable, although any energy-saving features of the project would reduce this commitment. The project site does not contain any significant mineral, oil, or other energy sources that would be adversely affected by project implementation. No potentially significant loss of availability of a known mineral resource of value to the region and the residents of the state would occur as a result of implementing the project have been identified.

XIII. Incorporation By Reference

The Draft EIR and Final EIR are hereby incorporated into these Findings in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the rationale for approving the proposed project.

XIV. Recirculation Not Required

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes: (i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further

provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the Draft EIR. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the EIR is not required.

XV. Approvals

1. The foregoing statements of procedural history are correct and accurate.
2. The Final EIR has been prepared in accordance with all requirements of CEQA, the CEQA Guidelines, and the Nevada County Environmental Review Ordinance, codified in Chapter XIII of the Nevada County Land Use and Development Code.
3. The Final EIR was presented to and reviewed by the Board of Supervisors. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Board of Supervisors has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.
4. The County finds that the Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision-making, public participation and a reasoned choice. Thus, the alternatives analysis in the EIR is sufficient to carry out the purposes of such analysis under CEQA and the CEQA Guidelines.
5. The Board of Supervisors hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the Nevada County Commercial Cannabis Cultivation Ordinance and makes the following specific findings with respect thereto.
6. The Board of Supervisors agrees with the characterization of the Final EIR with respect to all impacts initially identified as "less than significant" and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant by mitigation measures, or those impacts identified as significant and unavoidable included in the Final EIR. Each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in this document.

7. All mitigation measures in the Final EIR are adopted and incorporated into the Nevada County Commercial Cannabis Cultivation Ordinance.

8. The Mitigation Monitoring and Reporting Program (MMRP) will apply to all mitigation measures adopted with respect to the project and will be implemented.

9. The mitigation measures and the MMRP have been incorporated into the Nevada County Commercial Cannabis Cultivation Ordinance and have thus become part of and limitations upon the entitlements conferred by the project approvals.

10. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.

11. Having independently reviewed and analyzed the Final EIR, certified the Final EIR, and incorporated the mitigation measures into the proposed project, the Board of Supervisors hereby adopts these Findings in their entirety.

12. The Clerk of the Board is directed to file a Notice of Determination (NOD) with the County Clerk within five (5) working days of the date of this approval in accordance with Public Resources Code Section 21152(a) and CEQA Guidelines Section 15094. The NOD shall be posted by the County Clerk in the Clerk's Office for no less than 30 full days.