

**CEQA ADDENDUM TO THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL  
CANNABIS LAND USE ORDINANCE**

**Commercial Cannabis Land Use Ordinance Final Environmental Impact Report  
(EIR)  
(State Clearinghouse # 2017042022), January 2018**

**APN 511-141-015, McKinleyville Area**

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## **Background**

### **Modified Project Description and Project History –**

The Commercial Cannabis Land Use Ordinance (CCLUO) updated the County's existing Commercial Medical Marijuana Land Use Ordinance (Section 313-55.4 and 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repeal of the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 313-55.3.15, 314-55.3.15, 313-55.3.11.7, and 314-55.3.11.7 of Division 1 of Title III of the County Code, respectively. These regulations establish land use regulations for the commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within Humboldt County. These regulations were developed in concert with the Final Environmental Impact Report (EIR) that was adopted for the ordinance in order to implement the mitigation measures of the EIR. The EIR addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The EIR specified that the regulations established in the CCLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for continued commercial cannabis operations in the unincorporated area of the County that ensure the health and safety of residents, employees, County visitors, neighboring property owners and end users of cannabis. The proposed project is consistent with all regulations within the CCLUO and all mitigation measures of the EIR. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the EIR. The current project was contemplated by the EIR and compliance with the provisions of the CCLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit to add 33,560 square feet of new mixed light commercial cannabis cultivation to an approved project in the McKinleyville Community Planning Area. If approved, the total cultivation will be 43,560 square feet of mixed light cultivation. Accessory nursery space will increase to 4,350 square feet. The site will be reconfigured to consolidate operations. The proposed irrigation sources are a well, rainwater catchment, and water recapture. The previously approved spring will no longer be used for cannabis irrigation. Annual water usage will increase from 120,000 gallons to a total of 610,000 gallons. Existing water storage is 110,000 gallons. Previously approved onsite processing will continue. Electricity is sourced from PGE through an eligible renewable energy program with a generator for emergencies only.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light and noise. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous Final EIR; B) significant effects previously examined will be substantially more severe than shown in the Final EIR; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

A review of Appendix G impacts:

**Aesthetics**: The modified project is for 33,560 square feet of new commercial cannabis cultivation to a previously approved cultivation operation. The modified project will not significantly impact scenic vistas or public views. The project is consistent with the visual character of the area. Per the performance standard of the CCLUO, the project will not create a source of light or glare. No impact.

**Agriculture and Forestry Resources**: The project will utilize agricultural land for

agricultural purposes as contemplated in the EIR. The project will not convert prime farmland in excess to what is allowed under the CCLUO or conflict with existing zoning for agricultural use or Williamson Act contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use. No impact.

**Air Quality:** Typical construction activities are associated with the project. All construction activities are associated with the development of greenhouse space and accessory structures to an agricultural operation. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The project does utilize a gravel road, and traffic on gravel roads contribute to PM-10, for which the North Coast Air Basin is already in non-attainment, however the EIR for the CCLUO identified this as a significant and unavoidable impact and a Statement of overriding considerations was made by the Board of Supervisors. The use of this gravel road for this cannabis project is therefore not a substantial change or additional significant impact not considered under the EIR.

**Biological Resources:** The project is in the McKinleyville area and no surface waters are effected by the project. A revised Biological Scoping report made several recommendations which are incorporated into the conditions of approval. The report concluded that no suitable Northern Spotted Owl habitat occurs in the proposed project area as it is currently non-forested grassland habitat. Therefore, the proposed project will not result in the loss of Northern spotted owl nesting, roosting, or foraging habitat. A Botanical Report concluded that no sensitive, rare, threatened, or endangered plants were present and no un-common species included in California Rare Plant Ranks three or four were detected during surveys. The Botanical Report concluded that a sensitive natural vegetation community (Sitka spruce Forest and Woodland Alliance G5, S2) occurs on the western and southern edges of the parcel. The Botanical Report noted that the proposed development does not include the removal of any Sitka spruce Forest or Woodland and no impacts are expected to occur. It was determined that the project and operations will have less than significant impacts if management recommendations from the Biological Report are implemented. The findings and conclusions of the Biological Report are consistent with the findings and conclusions of the EIR for the CCLUO. Less than significant impact.

**Cultural Resources:** A Cultural Resource Investigation was completed for the project area by Roscoe and Associates in October 2016. No archaeological or historic resources were identified. No Impact.

**Energy:** The project is for mixed light commercial cannabis cultivation with on-site drying and processing. As an ongoing operational condition, the project is required to furnish verification upon request of the purchase of 100% renewable electricity through an eligible program such as the Redwood Coast Energy Authority RePower+ program. The requirement for renewable power does not conflict with or obstruct any state or local plan

for renewable energy or energy efficiency. Less than significant impact.

**Geology and Soils:** No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for agriculture. Any grading will require an erosion and sediment control plan. Less than significant impact.

**Greenhouse Gas Emissions:** The site uses Pacific Gas and Electric grid electricity and is required to demonstrate the sourcing of 100% renewable power through an eligible program. The project includes a generator for emergency purposes which is not uncommon for agricultural operations in rural areas. Less than significant impact.

**Hazards and Hazardous Materials:** The project will store fertilizers, herbicides and fuel for use in farm equipment existing storage structures. All hazardous materials are stored in an area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a high fire risk; however no significant wood framed structures will be constructed as part of this project. The project would not impair emergency response or create a significant risk from wildfire. Less than significant impact.

**Hydrology and Water Quality:** The proposed irrigation water sources will replace an existing surface water diversion with a combination of reclaimed water from dehumidification and air conditioning units, rainwater collection, and an existing, permitted groundwater well. The existing, permitted surface water diversion of 120,000 gallons per year for cannabis will cease. Sufficient evidence has been provided demonstrating that adequate water can be reclaimed from dehumidifiers and air conditioning units as well as rainwater catchment. A well evaluation demonstrates that the well is likely not connected to surface water resources nor have an impact on neighboring wells. Less than significant impact.

**Land Use and Planning:** The project proposes an agricultural activity on a parcel zoned for agriculture. The project will not physically divide an established community or result in a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impact.

**Mineral Resources:** No mining is proposed. The project will not result in the loss of availability of known mineral resources that would be of value to the region and the residents of the state. The project will not result in the loss of availability of a locally important mineral resource recover site. No impact.

**Noise:** A Noise Source Assessment and Mitigation Plan dated April 2021 was provided. Potential noise sources include circulation and exhaust fans and use of the generator in emergencies. The noise assessment took four readings at various property lines to establish

an average decibel (dB) baseline. In accordance with the CCLUO performance standards, the noise limits are incorporated into the conditions of approval. There is no reason to believe the noise source will be increased substantially onsite. The project will not result in the generation of excessive groundborne vibration or noise levels. Less than significant impact.

**Population and Housing:** The project is for outdoor cannabis cultivation. No housing is proposed nor is any removal of housing proposed. The project will not induce substantial unplanned population growth in an area nor displace substantial numbers of existing people or housing necessitating the construction of replacement housing. No impact.

**Public Services:** The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a park or a school. No impact.

**Recreation:** The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. No impact.

**Transportation:** Up to 10 employees are expected per previously approved permits. The road will support an increase to 14 employees per an Engineer's road evaluation. The project parcel is accessed from the privately maintained Hooven Road. The recommendations of an Engineer prepared road evaluation have been incorporated into the conditions of approval. The project site will also have adequate emergency access. Less than significant impact.

**Tribal Cultural Resources:** A Cultural Resource Investigation was completed for the project area by Roscoe and Associates in October 2016. No archaeological or historic resources were identified. The lead agency consulted with local tribes through the project referral process. The project will adhere to the Inadvertent Discovery Protocol. Less than significant impact.

**Utilities and Service Systems:** Solid waste is taken to a local transfer station in an amount the service station is capable of handling. The project will provide water and wastewater for employees. Water for propagation and cultivation is sourced from an onsite groundwater well, reclamation, and rainwater catchment. Less than significant impact.

**Wildfire:** The project will not interfere with any evacuation plan. Proposed new structures will not substantively increase the risk of wildfire and will comply with all building and fire codes. Less than significant impact.

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project and minor improvements necessary to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned implements responsible agency

recommendations, resulting in no significantly adverse environmental effects beyond those identified in the Final EIR.

In reviewing the application for consistency with the adopted EIR the County considered the following information and studies, among other documents:

- Operations Plan
- Site Plan
- Revised Biological Scoping Report
- Botanical Report
- Noise Assessment and Mitigation Plan
- County GIS
- Road Evaluation
- Well Evaluation
- Well Completion Report
- Updated Road Evaluation

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

## **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the EIR was adopted.

### **Project impact analysis of conformance to the Final Environmental Impact Report Mitigation Monitoring and Reporting Program**

Mitigation Measure 3.3-4: Prohibit burning of cannabis and other vegetative material.

- Condition of project approval.

Mitigation Measure 3.4-1a: Pre-approval biological reconnaissance surveys.

- Biological Assessment Report was considered. Adherence to and implementation of the recommendations described in the report is a condition of project approval.

Mitigation Measure 3.4-1b: Special-status amphibian preconstruction surveys.

- The biological report concluded there is no occurrence of this species within the

project area.

Mitigation Measure 3.4-1c: Western pond turtle preconstruction surveys and relocation.

- The biological report concluded there is no occurrence of this species within the project area.

Mitigation Measure 3.4-1d: Nesting raptor preconstruction survey and establishment of protective buffers.

- The project contains a condition to avoid construction during migratory bird season or to perform a nesting survey if any construction will occur.

Mitigation Measure 3.4-1e: Northern spotted owl preconstruction habitat suitability surveys and determination of presence or absence.

- The Biological Report concluded there will be no impact to Northern spotted owl or habitat.

Mitigation Measure 3.4-1f: Special-status nesting bird surveys and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Report.

Mitigation Measure 3.4-1g: Marbled murrelet preconstruction habitat suitability surveys and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Assessment Report.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric supplies power the site. There is one generator on site for emergency use only that is not proposed to be used as part of the project. Project is subject to performance standards for noise.

Mitigation Measure 3.4-1i: American badger preconstruction survey and establishment of protective buffers.

- No presence or habitat was identified in the vicinity of the proposed project per the Biological Report.

Mitigation Measure 3.4-1j: Fisher and Humboldt marten preconstruction survey and preservation of active den sites.

- No habitat for fisher was identified in the vicinity of the project.

Mitigation Measure 3.4-1k: Preconstruction bat survey and exclusion.



- No presence or habitat was identified in the vicinity of the proposed project per the Biological Report.

Mitigation Measure 3.4-11: Preconstruction vole survey and relocation.

- No habitat for Sonoma tree vole was identified in the vicinity of the project.

Mitigation Measure 3.4-3a: Special-status plants.

- The Botanical Report concluded that no sensitive, rare, threatened, or endangered plants were detected during floristically appropriate surveys in 2021. No uncommon species included in California Rare Plant Ranks three or four were detected during surveys.

Mitigation Measure 3.4-3b: Invasive plant species.

- The project Operations Plan includes an invasive species control plan that satisfies the requirements of this mitigation measure.

Mitigation Measure 3.4-4: Sensitive natural communities, riparian habitat, and wetland vegetation.

- The Botanical Report concluded that a sensitive natural vegetation community (Sitka spruce Forest and Woodland Alliance G5, S2) occurs on the western and southern edges of the parcel. The Botanical Report noted that the proposed development does not include the removal of any Sitka spruce Forest or Woodland and no impacts are expected to occur.

Mitigation Measure 3.4-5: Waters of the United States.

- There are no known waters of the United States present on the project property.

Mitigation Measure 3.4-6a: Implement Mitigation Measure 3.4-5: Waters of the United States.

- See Mitigation Measure 3.4-5 above.

Mitigation 3.4-6b: Retention of fisher and Humboldt marten habitat features.

- See Mitigation Measure 3.4-1j above.

Mitigation Measure 3.5-1: Protection of historic resources.

- A Cultural Resource Investigation did not identify any historic resources needing protection.

Mitigation Measure 3.5-2: Avoid potential effects on unique archaeological resources.

- A Cultural Resource Investigation did not identify any archaeological or cultural resources within the project area and concluded that the project is therefore not anticipated to have an adverse effect on significant cultural or archaeological

resources. Project conditions of approval are incorporated regarding an inadvertent discovery protocol to protect cultural and archaeological resources.

Mitigation Measure 3.6-5 Protection of discovered paleontological resources.

- See Mitigation Measure 3.5-2 above.

Mitigation Measure 3.7-2a: Prepare Environmental Site Assessments.

- Project does not propose development of commercial cannabis facilities on existing commercial, business park, or industrial sites.

Mitigation Measure 3.7-2b: Prepare a Hazardous Materials Contingency Plan for Construction Activities.

- See Mitigation Measure 3.7-2a above.

Mitigation Measure 3.8-2: Minimum Size of Commercial Cultivation Activities.

The subject parcel exceeds the minimum parcel size for the proposed project at full buildout per Section 55.4.6.5.9(d) of the CCLUO.

Mitigation Measure 3.8-3: Annual groundwater monitoring and adaptive management.

- The subject parcel exceeds 10 acres in size and is not subject to the requirements of Section 55.4.12.9 of the CCLUO regarding well drawdown testing.

Mitigation Measure 3.8-4: Provision of drainage facilities to attenuate increases in drainage flows.

- Enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ is a condition of project approval. Applicant must provide Notice of Applicability and Site Management Plan prior to commencing proposed cultivation.

Mitigation Measure 3.8-5: Implement water diversion restrictions and monitoring and reporting requirements.

- No water diversion will be utilized for the proposed project.

Mitigation Measure 3.10-1: Implement construction-noise reduction measures.

- Condition of project approval.

Mitigation Measure 3.12-2: Proper design of highway access points.

- Project is accessed off a privately maintained road that intersects a county-maintained road.

Mitigation Measure 3.13-1a: Prepare a treatment program for all new indoor cultivation and non-cultivation activities.

- The proposed project is not for new commercial indoor cultivation or a non-cultivation cannabis operation.

Mitigation Measure 3.13-1b: Verification of adequate wastewater service and necessary improvements for public wastewater systems.

- The property is not serviced by a public wastewater system.

Mitigation Measure 3.13-2: Verification of adequate water supply and service for municipal water service.

- The property is not serviced by a municipal water service.

Based upon this review, the following findings are supported:

## **FINDINGS**

1. The proposed project will permit a new cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted as complete.

## **CONCLUSION**

Based on these findings it is concluded that an Addendum to the previous Final EIR is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the EIR, remain in full force and effect on the original project.

There are no new significant environmental effects and no substantial increases in the severity of previously identified effects. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.