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 033-271-021, Piercy 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 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 Special Permit for 34,705 square feet of new mixed light commercial cannabis cultivation, distribution, non-volatile manufacturing, and off-site processing. Also proposed is a Conditional Use Permit for farm-based retail sales with customer traffic. The project parcel has a previously approved Special permit (10993) for 8,855 square feet of existing mixed light commercial cannabis cultivation. If approved total cultivation will be one acre of mixed light commercial cannabis cultivation. The estimated annual water usage of 560,000 gallons for the entire operation is sourced from rainwater catchment supported by a proposed 950,000-gallon pond. The existing approved irrigation groundwater well will transition to a backup and supplemental water source once rainwater catchment infrastructure is installed. Power is sourced from an existing PGE connection and a proposed solar array.

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, based on 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; or

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 34,705 square feet of new mixed light 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. Less than significant 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 road that is partially unpaved, and traffic on unpaved 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 unpaved road for this cannabis project is therefore not a substantial change or additional significant impact not considered under the EIR. Less than significant impact.

Biological Resources: The project is in the Piercy area and no surface waters are affected by the project. A Biological report made several recommendations which are incorporated into the conditions of approval. A summary of recent Northern Spotted Owl (NSO) surveys within 1.3 miles was provided demonstrating that no NSOs were detected. 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: Consultation with the Bear River Band of the Rohnerville Rancheria resulted in the standard inadvertent discovery protocol and a request for a cultural monitor. No Impact.

Energy: The project is for mixed light commercial cannabis cultivation with offsite 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 source of rainwater catchment will replace an existing permitted well as the primary water source. Sufficient evidence has been provided demonstrating that adequate water can be collected from rainwater catchment. The well was previously determined to not be hydrologically linked to surface waters. 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 was provided. Potential noise sources include circulation and exhaust fans and use of the generator in emergencies. The noise assessment took three 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 mixed light 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 24 employees are expected at peak operation. The cultivation sites are accessed from a privately maintained road equivalent to Category 4. The commercial areas are accessed from Highway 271 which is a public maintained Category 4 road. The project site will also have adequate emergency access. Less than significant impact.

Tribal Cultural Resources: 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 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
- Biological Assessment
- Botanical Survey
- Noise Assessment and Mitigation Plan
- County GIS
- Road Assessment Report
- Well Completion Report
- Northern Spotted Owl Surveys
- Site Management Plan
- Notice of Applicability

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 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 Assessment 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 Assessment 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.

- Protocol level surveys have been conducted in the vicinity of the project site in association with Timber Harvest Plans. These surveys did not identify a positive occurrence of Northern Spotted Owl within 1.3 miles of the project site.

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 Assessment.

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.

Mitigation Measure 3.4-1h: Noise reduction.

- Pacific Gas and Electric supplies power the site. Generator use is reserved for emergencies only and must comply with specific noise standards. Project is subject to multiple 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 Assessment.

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 3.4-1l: 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 Survey concluded that no sensitive, rare, threatened, or endangered plants were detected during floristically appropriate 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.

- No sensitive natural communities, riparian habitat or wetlands are present.

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.

- No known historical resources are present.

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

- Project conditions of approval include inadvertent discovery protocol to protect any unknown 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.

- Applicant provided a copy of the Notice of Applicability and a Site Management plan demonstrating Enrollment with the State Water Resources Control Board (SWRCB) General Order NO WQ 2019-0001-DWQ.

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 public road maintained by CalTrans.

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 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.