

**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 000-000-000 (Countywide)
County of Humboldt**

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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Marijuana Land Use Ordinance (Section 314-55.4 of Chapter 3 of Division 1 of Title III of the County Code) as well as repealed the Medical Cannabis Testing and Research Laboratories provisions and on-site consumption prohibition found in Sections 314-55.3.15 and 314-55.3.11.7 of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 inland 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 new cannabis operations by establishing regulations for an unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted cultivation operations. The EIR prepared for the CCLUO also established local land use regulations to allow for 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. New cannabis manufacturing operations and microbusinesses were included in the environmental analysis for the EIR. The effects of the proposed ordinance update were contemplated by the EIR and compliance with the provisions of the updated CCLUO will fully mitigate all environmental impacts of the project to a less-than-significant level.

An amendment to the Microbusiness provisions of the Zoning Regulations to amend subsections 314-55.4.8.2 and 314-55.4.10.3 to broaden the permit-type options for microbusinesses and to enable nonvolatile manufacturing in association with cultivation activities.

The modified project is consistent with the adopted EIR for the CCLUO because any resulting development shall comply with all mitigations which were intended to mitigate impacts of commercial cannabis activities and will not increase any of the impacts determined to be less than significant without mitigation.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent Environmental Impact Report (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; 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 previous 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 EIR; B) significant effect previously examined will be substantially more severe than shown in the previous 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 previous 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 project will not result in any new cannabis activities where cannabis activities could not have been approved under the original analysis for the CCLUO. **No change, less than significant impact.**

Agriculture and Forestry Resources: The project adds the option for nonvolatile manufacturing activities to be permitted in agricultural and forestland, however these activities are required to be associated with cultivation activities, so no agricultural or timberland conversion will occur. Additionally, new activities in forestlands would prohibit onsite customer traffic and would be required to take place within structures in existence prior to the environmental baseline established for the Commercial Medical Marijuana Land Use Ordinance (CMMLUO) Mitigated Negative Declaration (MND) and utilized by the CCLUO EIR. **Less than significant impact.**

Air Quality: All cannabis activities have the potential to generate particulate matter (dust) during construction activities. All activities are required to meet North Coast Unified Air Quality

Management District (NCUAQMD) Air Quality standards, including Regulation 1, which prohibits nuisance dust generation and is enforceable by the District. 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. Many cannabis projects do utilize gravel roads, and traffic on gravel roads contributes to PM₁₀, for which the North Coast Air Basin is already in non-attainment. However, an increase in traffic associated with manufacturing activities is not expected, because the raw cannabis material for extraction is required to be grown onsite. The only expected trips would be associated with distribution and sales, which would be required regardless of whether the product had gone through extraction processes onsite or offsite. Easier permitting for microbusinesses is expected to have limited impact on gravel roads, due to the requirement to be on paved roads unless a Use Permit is acquired. As such, the proposed change to the code should not result in a substantial change or additional significant impact that had not been considered under the EIR for the CCLUO. **Less than significant impact.**

Biological Resources: Any development resulting from the code changes proposed by this project will require the same studies as required by the CCLUO, as assessed by the EIR. **No change, less than significant impact.**

Cultural Resources: Any development resulting from the code changes proposed by this project will require the same referrals and applicable studies as required by the CCLUO, as assessed by the EIR. **No change, less than significant impact.**

Energy: New development resulting from the code changes proposed by this project may result in increased energy usage by permitted commercial cannabis sites. This increase in energy usage will be required to comply with the CCLUO, specifically Humboldt County Code Section 314-55.4.12.5, and would therefore be sourced from renewable sources or on-grid electricity. **Less than significant impact.**

Geology and Soils: New development resulting from the code changes proposed by this project would be required to comply with state and local regulatory requirements related to seismic and geologic hazards, such that the risk to life or property through exposure to expansive or unstable soils or resulting from rupture of a known earthquake fault or strong seismic shaking would be avoided or reduced, as analyzed by the EIR. **No change, less than significant impact.**

Greenhouse Gas Emissions: Increased energy usage may result from new development permitted by the code changes proposed by this project, which typically bears the risk of increased greenhouse gas emissions. This risk is mitigated by the requirement for the new development to source power from renewable resources or on-grid electricity, in accordance with Humboldt County Code Section 314-55.4.12.5, as analyzed in the EIR. **Less than significant impact.**

Hazards and Hazardous Materials: New commercial cannabis activities resulting from the code changes proposed by this project are unlikely to involve significantly more hazardous materials than would already be utilized by each cannabis site. Self-transport distribution and farm-based retail activities do not require hazardous materials. The solvent required for non-volatile manufacturing is typically water, but potentially hazardous materials, which may or may not have been used by the site previously, may be necessary to ensure sterile workspaces. All such materials would be required to continue being compliant with all applicable standards and practices. The proposed code would not create exceptions overriding any of the codes and standards that have been established to reduce exposure to other safety hazards such as wildfires. **Less than significant impact.**

Hydrology and Water Quality: New commercial cannabis activities resulting from the code changes proposed by this project will not degrade any water sources or contribute to sedimentation, because all correctional measures, such as irrigation runoff, erosion control, and watershed protection measures, would continue be required for such activities. **Less than significant impact.**

Land Use and Planning: New commercial cannabis activities resulting from the code changes proposed by this project in agricultural or timber production zones would be accessory to any agricultural cultivation that could otherwise have already been permitted. The code changes will not introduce new uses with lower permitting needs in commercial or industrial zones, but may still spur development that would have been permissible regardless of the code changes. The project will not physically divide any established communities 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 change, less than significant impact.**

Mineral Resources: No new mining activities will be proposed as a result of this project, nor will any mining activities be hindered as a result of this project. The project will not result in the loss of availability of a known mineral resource 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 recovery site. **No change, no impact.**

Noise: Short-term, construction-related noise may result from the proposed code changes, but this noise would still be subject to the mitigation limiting valid times for construction activities and the use of heavy equipment outdoors. New long-term, non-transportation, operational noise may result from the proposed code changes, but these noises should continue to be mitigated by the setback requirements as assessed in the EIR. Increases to long-term traffic noise levels should be limited by requirements that prohibit onsite customer traffic and specify that certain production activities must utilize cannabis that had been cultivated onsite. **Less than significant impact.**

Population and Housing: No housing is proposed, nor is any removal of housing proposed. The project will not induce substantial population growth, displace housing, or displace people. The

required setbacks from residential dwellings established in the CCLUO will not be changed. **No change, no impact.**

Public Services: The project will not increase the need for fire or law enforcement services. Nonvolatile manufacturing lacks significant fire risks, so no new uses resulting from the proposed code changes are expected to require additional protection services. **Less than significant impact.**

Recreation: The proposed code changes will not affect the code sections designed to protect recreational resources, nor will they directly impact usage of recreational facilities. **No change, no impact.**

Transportation: Limitations on onsite customer traffic and offsite cannabis importation should limit potential long-term increases to traffic. Construction-related traffic resulting from the proposed code changes will be minimal, as assessed in the EIR. All new uses resulting from the proposed code changes will be subject to the current codes and standards that were established to ensure adequate emergency access. **Less than significant impact.**

Tribal Cultural Resources: Any development resulting from the code changes proposed by this project will require the same referrals and applicable studies as required by the CCLUO, as assessed by the EIR. **No change, less than significant impact.**

Utilities and Service Systems: Any development resulting from the code changes proposed by this project would be subject to the mitigations established in the EIR to protect against impacts to wastewater treatment facilities, water infrastructure, and landfill capacity. **Less than significant impact.**

Wildfire: The proposed code would not create exceptions overriding any of the codes and standards that have been established to reduce exposure to other safety hazards, such as wildfires. **Less than significant impact.**

No changes are proposed for the original EIR recommended mitigation measures. The proposal to amend the CCLUO is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the amended CCLUO by future development proposals will ensure consistency with the adopted EIR and will provide for mitigation of all project-related impacts to a less than significant level.

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.

- No change. The code section prohibiting burning plant waste material will not be amended or overridden by the proposed amendment.

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

- No change. The site-specific analyses for each new cannabis project will continue to be required prior to development, as applicable.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

Mitigation Measure 3.4-1h: Noise reduction.

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

Mitigation Measure 3.4-1l: Preconstruction vole survey and relocation.

- See Mitigation Measure 3.4-1a above.

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

- No change. All cannabis projects will continue to be required to protect and avoid known special-status plant instances and, as applicable, will continue to be required to provide seasonally appropriate botanical surveys.

Mitigation Measure 3.4-3b: Invasive plant species.

- No change. Cannabis projects will continue to be required to include proposed methodology for purging instances of invasive plant species within their Operations Plans.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

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

- See Mitigation Measure 3.4-1a above.

Mitigation Measure 3.5-1: Protection of historic resources.

- No change. The performance standards requiring evaluation for the presence of historic resources will not be amended or overridden by the proposed amendment.

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

- No change. Inadvertent Discovery Protocol will continue to be included as a condition for all cannabis projects. All projects including ground disturbance will continue to be referred to the local tribes for comment.

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.

- No change. The performance standards requiring Environmental Site Assessments for commercial cannabis projects on commercial, business park, or industrial sites will not be amended or overridden by the proposed amendments.

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.

- No change. The proposed project does not amend any code requiring water quality standards, which all continue to apply regardless of cultivation area.

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

- No change. The performance standard for monitoring groundwater levels will not be amended or overridden by the proposed amendments.

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

- No change. Cannabis projects will continue to be required to include stormwater management provisions within their Operations Plans to ensure that each project retains pre-project drainage conditions.

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

- No change. No new cannabis projects will be permitted to utilize diversionary water sources. Modifications to existing cannabis projects that utilize diversionary water sources will be required to provide for a new non-diversionary water source for the new cannabis activities.

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

- No change. Cannabis projects will continue to be conditioned to limit outdoor construction activity to the required hours or fewer.

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

- No change. State Highway access point analysis will continue to be required, as applicable. The performance standard will not be amended or overridden by the proposed amendments.

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

- No change. Applicable cannabis projects will continue to be required to include materials management plans within their Operations Plans.

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

- No change. Applicable cannabis projects will continue to be required to provide Will Serve letters from the Community Service District as evidence that there will be adequate wastewater service available for projected needs.

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

- No change. Applicable cannabis projects will continue to be required to provide Will Serve letters from the Community Service District as evidence that there will be adequate water available for projected needs.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will allow permitting of microbusinesses with Zoning Clearance Certificates under certain circumstances and will allow permitting of nonvolatile manufacturing facilities in association with cannabis cultivation while maintaining 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 EIR was adopted as complete.