

**ATTACHMENT 4**

**CEQA ADDENDUM**

**CALIFORNIA ENVIRONMENTAL QUALITY (CEQA) ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE AMENDMENTS TO THE HUMBOLDT COUNTY CODE REGULATING COMMERCIAL CANNABIS ACTIVITIES**

**(State Clearinghouse # 2017042022) September 1, 2017**

**For the**

**HUMBOLDT COUNTY RETIREMENT, REMEDIATION AND RELOCATION AMENDMENT**

**1.0 Introduction**

This Addendum to the Certified Amendments to the Humboldt County Code Regulating Commercial Cannabis Activities Environmental Impact Report (PEIR) (State Clearinghouse No. 2017042022) has been prepared by the Humboldt County Planning Department in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.), and the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3 § 15000 et seq.). The Addendum evaluates the potential environmental impacts of implementing the proposed changes to the Humboldt County Code involving changes to require that an application proposing relocation for two or more Retirement, Remediation and Relocation (RRR) sites on a single receiving site is required to get a discretionary special permit, and to remove the enhanced setback requirements for cannabis distribution and testing and research facilities (“Proposed Amendment”).

**1.0 Background and Tiering**

The Final Environmental Impact Report for the Commercial Cannabis PEIR was published in September 2017. This PEIR is a first-tier environmental document that evaluated amendments to Humboldt County Code regulating Commercial Cannabis Activities. The PEIR evaluated an ordinance which established land use regulations concerning the commercial cultivation, processing, manufacturing, and distribution of cannabis within Humboldt County.

As a part of Commercial Cannabis ordinance amendments, the Proposed Amendment is appropriately tiered from the PEIR because it (1) is geographically coincident with the Commercial Cannabis ordinance; (2) is a logical and foreseeable part of its contemplated action; (3) deals with regulations, plans, and other criteria to implement a continuing program; and (4) falls under the same authorizing statutory and regulatory authority and has generally similar environmental effects which can be mitigated in similar ways (see CEQA Guidelines §15168(a)).

The Proposed Amendment will require that an application proposing relocation for two or more Retirement, Remediation and Relocation (RRR) sites on a single receiving site is required to get a discretionary special permit. This would require a public hearing and would enable the decisions to be appealed to the Board of Supervisors consistent with the Board’s direction. These amendments would be applicable to all zoning clearance certificate applications for RRR sites and Relocation sites, including those submitted on or before December 31, 2016. Additionally, this item includes proposed amendments to the CCLUO Section 314-55.4 to remove the enhanced setback requirements for cannabis distribution and testing and research facilities. The amendment covers activities within the scope of the Commercial

Cannabis PEIR and is a minor addition, the need for which has arisen subsequent to that document. When determining whether later activities under a Program EIR require an additional environmental document, §15168(c) states, in relevant part:

(c) Use with Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

This Addendum evaluates the Project's environmental effects in the light of the program EIR.

Section 1.1 of the PEIR states its purpose as a program EIR, in accordance with CEQA Guidelines Section 15168, that examines the environmental impacts of a series of actions, including issuing discretionary permits or zoning clearance certificates. The program EIR examined the county-wide environmental effects of the entire program and potential actions carried out as part of the program, including construction and operational activities. Further, it is intended to be used by the County to streamline environmental review of subsequent site-specific/individual application actions implementing the proposed ordinance as provided for under CEQA Guidelines Section 15168(c). Therefore, the proposed amendment pertaining to small farms adjacent to homes falls within the scope of the PEIR's contemplated actions.

Section 3 of this Addendum evaluates whether any of the conditions in §15162 of the Guidelines have occurred, requiring a subsequent EIR. Section 4.0 is a statement of findings, and Section 5 recites the conclusions leading to the preparation of this Addendum to the PEIR.

## 1.2 Prior EIRs Incorporated by Reference

This Addendum addresses updates and minor changes to the 2017 Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, which was evaluated in a Programmatic Draft and Final Environmental Impact Report (PEIR) SCH 2017042022. Additionally, along with the Commercial Cannabis PEIR, the General Plan Update Final and Revised Draft Program EIR was used as background information and analysis to prepare this Addendum to the PEIR. They are a matter of public record and are hereby incorporated by reference.

- 2017 Amendments to Humboldt County Code Regulating Commercial Cannabis Activities (SCH 2017042022);
- 2017 General Plan Update Final and Revised Draft Program EIR (SCH 2007012089).

The documents are available for review during regular business hours at the Humboldt County Planning and Building Department at 3015 H Street, Eureka; or online at

<https://humboldt.gov/2308/Cannabis-EIR> and <https://humboldt.gov/547/General-Plan-Documents>.

The provisions, eligibility and siting criteria, and performance standards that make up the Proposed Amendment and the subject of this Addendum are attached here as Attachment 1 to the Staff Report.

### 1.3 Statutory Authority and Requirements

CEQA Guidelines §15164(a) states the following with respect to an Addendum to an EIR:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

CEQA Guidelines §15162, *Subsequent EIRs and Negative Declarations*, states the following with respect to Subsequent EIRs:

- (a) When an EIR has been certified or a negative declaration adopted 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 will require major revisions of the previous EIR or negative declaration 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 or Negative Declaration 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 or the Negative Declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects 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.

The County of Humboldt is the Lead Agency. The Humboldt County Planning Commission and Humboldt County Board of Supervisors have approval authority over the Commercial Cannabis Land Use Ordinance and the Small Cultivator Amendment to the Ordinance.

### 1.4 Summary of Analysis and Findings for an Addendum

The Proposed Amendments are analyzed based on the Commercial Cannabis PEIR and the General Plan's Agricultural Resources Land Use goals, and policies to support these regulations. Evaluation of the new RRR requirements, as described in the ordinance, confirms the assumptions of the Commercial Cannabis PEIR that the Project does not involve changes that would result in new or more severe physical impacts, changes to land use designation, or rezoning with potential to increase development capacities.

In re-examining the mitigation measures of the PEIR, no newly feasible or different measures or alternatives were found that would substantially reduce potential significant effects of the project. The RRR program amendments would simply increase the level of public review of proposed RRR projects.

The removal of the enhanced setback requirements for cannabis distribution and testing and research facilities will not result in any impacts addressed in the PEIR because based on site inspection of these types of facilities, there is such low amount of cannabis odors detectable in the immediate vicinity outside these types of facilities, no enhanced setback is necessary to protect sensitive receptors. Section 3 of this Addendum presents evidence supporting the decision not to prepare a subsequent EIR pursuant to §15162.

Based on evaluation of the potential environmental impacts resulting from the Project, none of the conditions described in CEQA Guidelines §15162 have occurred, and this Addendum was prepared.

## **2.0 Project Description**

The first proposed amendment to the Inland Commercial Cannabis Land Use Ordinance (CCLUO) (Section 314-55.3 of Chapter 4 of Division 1 of Title III of the Humboldt County Code) to amend the Inland CCLUO to require that locating more than two Retirement, Remediation and Relocation (RRR) sites on a single receiving site is required to secure approval of a discretionary special permit. All zoning clearance certificate applications for RRR sites and Relocation sites, including those submitted on or before December 31, 2016, shall be subject to compliance with these amendments.

The CCLUO encourages relocation pre-existing cultivation sites out of areas where the slopes are in excess of 15% and there is not a legal water source and out of areas where the slopes are in excess of 15%, or the site is not served by a road meeting the access performance standards or where the cultivation site does not meet the required setbacks. The ordinance encourages relocation through the Retirement, Remediation and Relocation (RRR) program to move out of these areas by allowing a fourfold increase in permissible cultivation area up to 20,000 square feet. To further incentivize relocation, the RRR applications are permitted through a zoning clearance certificate, or a ministerial action.

The vision of the ordinance is to allow a cultivator to relocate to a more appropriate location and provide incentive to clean up the old site. However, RRR sites have become commodities and are being assembled in a manner that was not intended by the ordinances. There is no explicit limit on the number of RRR's which can be moved to a site, and since they are allowed with a zoning clearance certificate, there is very limited opportunity for public review of these projects.

The proposed amendments to the CCLUO to require discretionary permits for more than two RRR's on a single receiving site will allow for more public review of large RRR projects. The amendments would require a public hearing and would enable the decisions by the Planning Commission to be appealed to the Board of Supervisors.

Also, the proposed amendments will eliminate the enhanced setback requirements for cannabis distribution and testing and research facilities. The enhanced setbacks were originally thought to be necessary to control odor impacts to nearby sensitive receptors, but based on site inspections of a number of permitted distribution and testing and research facilities, staff has determined enhanced setbacks for these facilities is unnecessary because there is such low amount of cannabis odors detectable in the immediate vicinity outside these types of facilities.

The passage of the County’s Commercial Medical Marijuana Land Use Ordinance in 2016 was the first proactive step in the County’s process of establishing regulations for commercial cultivation, processing, manufacturing, and distribution of cannabis in a manner consistent with California’s recently enacted Medical Marijuana Regulation and Safety Act (MMRSA). In September 2017, a draft environmental impact report (Draft EIR) was prepared to evaluate the proposed Amendments to Humboldt County Code regulating Commercial Cannabis Activities, as part of a new ordinance to establish land use regulations concerning the commercial cannabis activities within Humboldt County. The final program EIR was certified in January of 2018. This Addendum evaluates potential environmental effects of the Proposed Amendment, within the scope of the certified PEIR regulating Commercial Cannabis Land Use Ordinance.

## 2.1 Project Location and Setting

Humboldt County is located along the north coast of California. It is bounded by the Pacific Ocean, Del Norte, Siskiyou, Trinity, and Mendocino counties. The proposed amendment would apply in appropriately zoned lands in the unincorporated area of Humboldt County and would not apply to the incorporated cities, tribal, state, and federal lands.

A complete description of the project location, setting, and existing conditions can be found in Section 2.3 of the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities Project Draft Environmental Impact Report. Humboldt County consists of approximately 2.3 million acres, 75 percent of which is forested. Approximately 30 percent of the county is under federal, state, and tribal ownership. Incorporated cities consist of 24,000 acres and agricultural operations make-up 460,000 acres of the County. The reader is referred to Section

3.2, “Agriculture and Forest Resources,” and 3.3, “Biological Resources,” for a further description of the County’s natural resources. A complete description of the Project’s environmental setting is given in Section 3.1.3 of the PEIR.

## 2.2 Project Characteristics

Previous environmental review analyzed the potential effects of commercial cannabis cultivation, including establishment of land use regulations for commercial cultivation, processing, manufacturing, distribution, testing, and sale of cannabis within the County. The Project is a modification of a subset of the same cultivation and regulation activities.

No existing measures that are intended to lessen environmental impacts resulting from the Commercial Cannabis PEIR are proposed to be deleted. The full text of the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities, available for review on the County’s website (Cannabis Environmental Impact Report) and incorporated into this Addendum by reference.

### **3.0 Evidence Supporting the Addendum**

This section compares actions in the Proposed Amendment to those incorporated in the Humboldt County Code Regulating Commercial Cannabis Activities PEIR to determine whether any of the conditions in § 15162 have occurred. The decision-making body shall consider this addendum to the final certified Amendments to the Humboldt County Code Regulating Commercial Cannabis Activities PEIR prior to making a decision on the project.

#### **3.1 No Substantial Changes Requiring Major Revision**

CEQA Guidelines §15162(a)(1) requires a subsequent EIR when substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The changes proposed in the Proposed Amendment pertain to the same cultivation activities examined in the previous EIR, and therefore will have, if any, the same types of impacts on the environment described previously. Further, the amendment includes limits on cultivation area and other criteria designed to prevent any significant effects. Therefore, the Project requires no major revisions to the previous EIR, and no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will result from adoption of the amendment.

#### **3.2 No Substantial Change in Circumstances**

According to §15162(a)(1) of the Guidelines, a subsequent EIR must be prepared if substantial changes occur with respect to the circumstances under which the project is undertaken, that result in 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. No substantial change in circumstances has occurred since the Commercial Cannabis PEIR was certified in 2017 that would trigger new or more severe significant environmental effects. Therefore, no new EIR is warranted on the grounds of changed circumstances.

#### **3.3 No New, Previously Unknown Information of Substantial Importance**

No new information of substantial importance has come to light, 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. In addition:

- (A) The Proposed Amendment requires public review of projects involving placement of more than two RRR sites. Also, the removal of the enhanced setback requirements for cannabis distribution and testing and research facilities will not result in any impacts addressed in the PEIR because based on site inspection of these types of facilities, there is such low amount of cannabis odors detectable in the immediate vicinity outside these types of facilities, no enhanced setback is necessary to protect sensitive receptors. The expected effects are similar to those of the whole project, with no new or more significant effects not previously discussed in the PEIR.
- (B) Because the Proposed Amendment requires public review of projects involving placement of more than two RRR sites, and the low amount of cannabis odors detectable in the immediate vicinity outside cannabis distribution and testing and research facilities, significant effects previously examined are anticipated to be minimal, or less severe than shown in the PEIR.

(C) None of the mitigation measures or alternatives previously found not to be feasible are found in fact to be feasible, nor would they substantially reduce one or more significant effects of the project.

(D) No new mitigation measures or alternatives are known which are considerably different from those analyzed in the previous EIR, that would substantially reduce one or more significant effects on the environment.

### 3.3 Environmental Impact Analysis

CEQA Guidelines §15162(a)(3) prescribe an additional EIR when a project results in new or substantially more severe significant effects not discussed in the previous EIR. This Addendum examines the potential, indirect environmental impacts of the Project measured in light of the Program EIR to determine whether there are effects not previously examined, or substantially more severe.

The EIR determined that approval of the CCLUO ordinances would have no impact on the physical environment with respect to Mineral Resources, Population and Housing, or Recreation. Evaluation of the Proposed Amendment finds no significant impacts to the physical environment with respect to these factors, and no further analysis is considered here.

#### *3.3.1 Aesthetics*

Section 3.1 of the Commercial Cannabis PEIR evaluates environmental effects related to Aesthetics. The PEIR found that cannabis operations are aesthetically not substantially different in appearance from other agricultural operations, having less than significant aesthetic impacts.

Relevant Project Components. No Project components would impact aesthetics.

Impact Analysis. The minor changes proposed by the Project will not result in aesthetic impacts attributable to a change in activities. In light of the PEIR, the project would have no potential significant impacts.

#### *3.3.2 Agriculture and Forestry Resources*

Section 3.2 of the Commercial Cannabis PEIR evaluates environmental effects related to Agriculture and Forest Resources. The PEIR found that cannabis operations have no impact on agricultural resources or land use. Potential impacts of cannabis on conversion of forest land were found to be less than significant, as only existing cultivation sites may have had timberland conversion and on-site remediation would be subject to performance standards.

Relevant Project Components. No Project components would impact agriculture and forestry resources.

Impact Analysis. The Project would not have any additional impacts to agricultural or forestry resources, as new cultivation would be limited to previously disturbed areas. In light of the PEIR, the project would have no potential significant impacts.

#### *3.3.3 Air Quality and Greenhouse Gas Emissions*

Section 3.3 of the Commercial Cannabis PEIR evaluates environmental effects related to Air Quality and



Greenhouse Gas Emissions. Humboldt County is in attainment of all federal and state criteria air pollutant standards except for State PM<sub>10</sub> levels, for which the entire North Coast Air Basin, including Humboldt County, is currently designated as a non-attainment area. For this reason, increases in PM<sub>10</sub> emissions related to increased traffic of employees during harvest season could create significant exceedances, and although harvest season lasts approximately four to six weeks and daily PM<sub>10</sub> emissions only exceed the NCUAQMD-recommended threshold during that time, the impacts remain significant and unavoidable. Additionally, exposure of people to objectionable odors was determined to be a significant impact. In certifying the Commercial Cannabis PEIR and CCLUO, the Board of Supervisors made findings that the benefits of implementing the CCLUO outweighed the unavoidable environmental effects.

Mitigation. While a NCUAQMD PM<sub>10</sub> Attainment Plan is in effect, no feasible mitigation measures have been identified that would reduce PM<sub>10</sub> to a level less than significant. Mitigation related to odors, specifically Mitigation Measure 3.3-4, prohibits the burning of cannabis and other vegetative material will reduce odors. However, the PEIR determined that it does not reduce the impact of the odors related to outdoor cultivation and processing of cannabis. Because no feasible mitigation has been identified that would reduce these impacts to a less than significant level, the impacts are considered to be significant and unavoidable.

Relevant Project Components. The Project components would have little or no impact to air quality with regard to PM<sub>10</sub> emissions because the Proposed Amendment would not create a significant increase in traffic. The Project components would have less than significant impact to air quality with respect to odors due to mitigation measures in the ordinance.

Impact Analysis. The Proposed Amendment components would have less than significant impact to air quality with respect to odors. The removal of the enhanced setback requirements for cannabis distribution and testing and research facilities will not result in any impacts addressed in the PEIR because based on site inspection of these types of facilities, there is such low amount of cannabis odors detectable in the immediate vicinity outside these types of facilities, no enhanced setback is necessary to protect sensitive receptors. In light of the PEIR, the Project's potential impacts on air quality do not exceed those previously considered.

### *3.3.4 Biological Resources*

Section 3.4 of the Commercial Cannabis PEIR evaluates environmental effects related to Biological Resources, and finds the impacts of the PEIR to be less than significant as mitigated.

Mitigation. Species protection is assured by assessing development impacts on species diversity in wetlands, mapped sensitive habitats, threatened/endangered species ranges and in SMAs as part of the review process for discretionary permits. The PEIR includes mitigation measures that restrict development and adds buffers around wildlife corridors and nursery sites; and maps biological resources to reduce potential conflicts.

Relevant Project Components. The Project components are carried out in agricultural and resource settings, and could potentially have indirect impacts on Biological Resources.

Impact Analysis. Potentially significant impacts on biological resources are reduced to less than significant levels by ordinance requirements. Permit requirements do not allow new ground disturbance, unpermitted or diverted water, artificial light, or cultivation using electrical power generation that are not

considered in the PEIR. Therefore, these measures and adherence to state regulations already in place would reduce any impacts of the Project to a less than significant level.

### *3.3.5 Cultural Resources*

Section 3.5 of the Commercial Cannabis PEIR evaluates environmental effects related to Cultural Resources. The Commercial Cannabis ordinance contains performance standards which protect historical and archaeological resources or mitigate impacts to them.

Mitigation. Mitigation measures in the Commercial Cannabis PEIR identify potentially significant historical and archaeological resources; however, potential impacts have been reduced to a less than significant level through mitigation measures for protection of historic resources (Mitigation Measure 3.5-1) and unique archaeological resources (Mitigation 3.5-2). In addition, ordinance requirements for compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 would make this impact less than significant.

Relevant Project Components. The Project would not result in any new ground disturbance activities that are not considered in the PEIR.

Impact Analysis. In light of the PEIR, the Project's impacts on historic and archaeological resources are less than significant.

### *3.3.6 Energy*

Section 3.14 of the Commercial Cannabis PEIR evaluates environmental effects related to Energy. The energy needs for construction of commercial cannabis cultivation sites would be temporary and would not require additional capacity or increase peak or base period demands for electricity or other forms of energy. The ordinance requires all new cultivation and non-cultivation sites to derive their energy from up to 100 percent renewable energy sources. Existing outdoor or mixed-light cultivation operations that are not on the grid are required to obtain at least 80 percent of their energy demand from renewable sources. Therefore, the project would not result in wasteful, inefficient, and unnecessary consumption of energy. Given the anticipated development pattern of operations under the proposed ordinance and the amount of renewable energy that would be generated at individual sites, the impact to energy services and facilities was found to be less than significant.

Relevant Project Components. The Project components could use additional energy for cultivation, potential impacting energy use.

Impact Analysis. The Project does not change any provisions that affect energy use. No new energy use would be generated by requiring discretionary permits of some RRR projects, and no new energy use would occur from reducing enhanced setback requirements for distribution and testing/research facilities. In light of the PEIR, the Project's potential energy impacts are less than significant.

### *3.3.7 Geology and Soils*

Section 3.6 of the Commercial Cannabis PEIR evaluates environmental effects related to Geology and Soils. The Commercial Cannabis ordinance contains performance standards which protect against

damage as a result of geologic hazards or destruction of soil and undiscovered paleontological resources or mitigate impacts to them.

Mitigation. Mitigation measures in the Commercial Cannabis PEIR identify potentially significant damage to or destruction of undiscovered paleontological resources and potential impacts have been reduced to a less than significant level through mitigation measure to require the contractor to cease all work activities if paleontological discoveries are made (Mitigation Measure 3.6-5).

Relevant Project Components. The Project components are carried out in agricultural and resource settings, with potential indirect impacts from geological hazards, soil losses, or paleontological resources.

Impact Analysis. Potentially significant impacts relating to geology and soil resources are reduced to less than significant levels by adherence to existing law, and by ordinance requirements. All new cultivation permitted by the Proposed Amendment would comply with state and local regulatory requirements related to seismic or geologic hazards such that the exposure of people or structures to risk of loss, injury or death resulting from rupture of a known earthquake fault, strong seismic shaking, or exposure to expansive or unstable soils would be avoided or reduced. In light of the PEIR, the project's impacts on geology and soils are less than significant.

### *3.3.8 Greenhouse Gas Emissions*

Greenhouse Gas Emissions and impacts related to Climate Change were also evaluated in Section 3.3 of the PEIR. That analysis found that construction and operation of commercial cannabis cultivation under the CCLUO would result in GHG emissions, but it is anticipated that existing cultivation sites would be required to use at least 80 percent renewable energy sources; this would substantially reduce GHG emissions from current operations, offsetting the emissions generated by new cultivation operations. The proposed ordinance would not conflict with any applicable plan, policy, or regulation of an agency adopted for reducing GHG emissions. Therefore, this impact would be less than significant.

Relevant Project Components. The Project components are limited in size compared with CCLUO projects as a whole, but potential impacts from greenhouse gas emissions are possible from cultivation and vehicle traffic.

Impact Analysis. It is anticipated that the Project would not have any significant impacts from greenhouse gas emissions. No new GHG emissions would be generated by requiring discretionary permits of some RRR projects, and no new GHG emissions would occur from reducing enhanced setback requirements for distribution and testing/research facilities. In light of the PEIR, the Project's impacts on greenhouse gas emissions are less than significant.

### *3.3.9 Hazards and Hazardous Materials*

Section 3.7 of the Commercial Cannabis PEIR evaluates environmental effects related to Hazards and Hazardous Materials, and finds that the Commercial Cannabis ordinance contains performance standards which protect damage as a result of hazards and hazardous materials or mitigate impacts to them. In addition, compliance with existing, applicable rules and regulations specifically designed to protect the public health would be sufficient to preclude significant hazardous materials impacts.

Mitigation. Mitigation measures in the Commercial Cannabis PEIR identify potentially significant

impacts as a result of potential human hazards from exposure to existing on-site hazardous materials through requiring preparation of environmental site assessments would reduce the risks to less than significant (Mitigation Measure 3.7-2).

Relevant Project Components. The Project components could potentially expose people to hazards.

Impact Analysis. The Project components are carried out in agricultural and resource settings, and would not generally require intensive use or transport of hazardous materials. Proximity to schools or airports is not anticipated. The potential impacts of wildfires are anticipated to be reduced by adherence to existing laws. Activities carried out under the project have limited scope, and pose less potential risk than those evaluated in the PEIR. Therefore, in light of the PEIR, the Project's impacts on hazards and hazardous materials are less than significant.

### *3.3.10 Hydrology and Water Quality*

Section 3.8 of the Commercial Cannabis PEIR evaluates environmental effects related to Hydrology and Water Quality, and finds the impacts of the PEIR to be less than significant as mitigated.

Mitigation. Mitigation measures listed in Section 3.8 were found to reduce significant and potential impacts to operational water quality, groundwater supply, surface drainage and on-site flooding, and diversion of surface water and through performance standards and mitigation measures, were reduced to levels less than significant. These Mitigation Measures include minimum size of commercial cultivation activities, annual groundwater and adaptive management, design features to attenuate increase in drainage, water diversion and monitoring and reporting requirements (Mitigation Measures 3.8-2, 3.8-3, 3.8-4, and 3.8-5)

Relevant Project Components. Project components could impact hydrology and water quality, as cultivation is carried out on agricultural and resource lands.

Impact Analysis. The activities carried out under the project are limited in area, and pose less potential risk than those evaluated in the PEIR. In light of the PEIR, the project's impacts on hydrology and water quality resources are less than significant.

### *3.3.11 Land Use and Planning*

Section 3.9 of the Commercial Cannabis PEIR evaluates environmental effects related to Land Use and Planning, finding that the impacts of implementing the CCLUO would be less than significant.

Relevant Project Components. Project components are carried out on resource lands and may impact land use and planning.

Impact Analysis. The Proposed Amendment allows an agricultural activity on lands designated for such use, and therefore does not create use conflicts. Project permitting requirements would manage conditions that create public nuisances by enacting restrictions on the location, type, and size of cannabis cultivation sites and commercial activities. Impacts would be less than those evaluated in the PEIR. In light of the PEIR, The Project's impacts on land use and planning are less than significant.

### *3.3.12 Noise*

Section 3.10 of the Commercial Cannabis PEIR evaluates environmental effects related to Noise, including short-term construction noise, long-term operational noise, and long-term traffic noise, finding

that the impacts of the second two categories were less than significant, and the impact of short-term construction noise was less than significant as mitigated.

Mitigation. Mitigation measures in the Commercial Cannabis PEIR identify potentially significant impacts of short-term, construction-related noise, and requires limiting the times of operation for outdoor construction activity and use of heavy equipment to between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday.

Relevant Project Components. Activities of the Project pose potential impacts to noise similar to other CCLUO operations.

Impact Analysis. Any new construction that may result as part of the Proposed Amendment must adhere to the noise mitigation measure. In light of the PEIR, the Project's noise impacts are less than significant.

### *3.3.13 Public Services*

Section 3.11 of the Commercial Cannabis PEIR evaluates environmental effects related to Public Services. It found that compliance with existing building, electrical, and fire code regulations as well as roadway access performance standards set forth in the ordinance provide a sufficient access for fire prevention and emergency response. Commercial cannabis production and operation under the ordinance would not require increased law enforcement services resulting in the need for new or altered facilities. Therefore, that the impacts to public services of implementing the CCLUO would be less than significant.

Relevant Project Components. No Project components would impact public services.

Impact Analysis. The Project would not have any additional impacts to public services, as its components occur on sites permitted under the regulatory framework of the CCLUO. In light of the PEIR, the project would have no potential significant impacts.

### *3.3.14 Transportation*

Section 3.12 of the Commercial Cannabis PEIR describes environmental effects related to Transportation and Circulation, finding that the impacts of implementing the CCLUO would be less than significant. The analysis uses the Level of Service (LOS) metric to evaluate transportation

impacts. Beginning on July 1, 2020, amendments to the CEQA guidelines establish Vehicle Miles Traveled (VMT) as the preferred metric for transportation impacts.

Relevant Project Components. The Proposed Amendment could result in increases to transportation if it generates additional vehicle trips.

Impact Analysis. It is anticipated that the Proposed Amendment would not have any additional impacts to transportation and circulation. Under the proposed amendments, the discretionary permits of some RRR projects would be required, enhanced setback requirements for distribution and testing/research facilities would no longer be required. The Project would not generate any additional impacts to either VMT or LOS. In light of the PEIR, the project would have no potential significant impacts.

### *3.3.15 Tribal Cultural Resources*

Section 3.5 of the Commercial Cannabis PEIR evaluates environmental effects related to cultural resources and California tribal cultural resources. Potentially significant impacts that involve disturbance or destruction of cultural resources from land conversion and new development will be mitigated to a less than significant level through ordinance requirements to conduct a survey of the site and for submittal of associated technical reports documenting, assessing and avoiding impacts on resources in Areas of Traditional Tribal Cultural Affiliation in Sections 313-55.4.5.1.5 and 313-55.4.5.1.5. Further, impacts due to inadvertent discovery of human remains or tribal cultural resources would be prevented by ordinance requirements for compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097. Impacts of the CCLUO were therefore found to be less than significant.

Relevant Project Components. Cultivation permitted by the amendment could be located on lands that contain, or are nearby previously unknown tribal cultural resources.

Impact Analysis. Potentially significant impacts on cultural resources are reduced to less than significant levels by ordinance requirements. Projects are subject to the consultation requirements described in 314-55.4.5.1.5. Impacts due to inadvertent discovery of human remains or tribal resources on Project parcels are required by ordinance to comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097. Therefore, impacts of the Project are less than significant.

### *3.3.16 Utilities and Service Systems*

Section 3.13 of the Commercial Cannabis PEIR evaluates environmental effects related to Utilities and Service Systems, finding that the impacts of implementing the regulations would be less than significant as mitigated.

Mitigation. Mitigation measures and performance standards listed in Section 3.13 were found to reduce significant and potentially significant impacts related to exceeding wastewater service demand, increases in water demand from public water systems, and contribution to solid waste generation. These Mitigation Measures include treatment programs and verified wastewater services, requiring verification of adequate water supply and service, and preparation of a treatment program for all new indoor and non-cultivation activities.

Relevant Project Components. Cultivation of immature plants permitted through the Proposed Amendment could have potential indirect impacts to Utilities and Service Systems by use of water for irrigation. Other services would not be impacted because no increase in residents or employees are associated with the project.

Impact Analysis. No new utility or service use would be generated by requiring discretionary permits of some RRR projects, and no new utility or service use would occur from reducing enhanced setback requirements for distribution and testing/research facilities In light of the PEIR, the project would have no significant impacts beyond those considered in the PEIR.

### *3.3.17 Wildfire*

Section 3.7 of the Commercial Cannabis PEIR, relating to Hazards, evaluates environmental effects due

to risk of wildfires. Commercial cannabis cultivation in rural areas, areas designated as High Fire Hazard Severity Zones, or at the urban-wildland interface could expose workers, structures, and firefighters to risk of loss from wildfire hazards. The analysis found that this hazard would not be substantially worse than that for other types of land uses in the same areas, and would be reduced compared to existing cannabis cultivation occurring under baseline conditions. Existing laws would be anticipated to reduce potential impacts. For these reasons, the impacts of implementing the CCLUO would be less than significant.

Relevant Project Components. Cannabis farms in rural areas, areas designated as High Fire Hazard Severity Zones, or at the urban-wildland interface could create a risk of loss from wildfire hazards.

Impact Analysis. State and local fire safety regulations are anticipated to reduce potential impacts; therefore, the Project would not have any additional impacts to wildfire risk beyond what was considered in the PEIR. In light of the PIER, the project would have no potential significant impacts.

### *3.3.18 Significant Unavoidable Impacts*

The Proposed Amendment would not change the conclusions reached by the certified 2017 Commercial Cannabis PEIR regarding the environmental effects addressed in the Significant Unavoidable Impact Section of the PEIR.

The Project, like the CCLUO it modifies, is intended to regulate cannabis cultivation in the county and to minimize impacts, including environmental impacts. Like the CCLUO, the Project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

The cumulative impacts of commercial cannabis cultivation have already been reviewed in the Commercial Cannabis PEIR. Cumulative impacts of the CCLUO overall are considered not cumulatively considerable except with respect to air quality (PM<sup>10</sup> and odors) and water impacts. In those categories, cumulative impacts are found to be potentially significant and unavoidable. In its Resolution of May 8, 2018, the Board of Supervisors determined that the benefits of the CCLUO outweigh its unavoidable, adverse environmental impacts so that the impacts may be considered acceptable. In evaluating the Proposed Amendment, the incremental effects of permitting cannabis farms are likely to be similar to those observed in the past and as anticipated in the future. In light of the PEIR, cumulative impacts of implementing the Proposed Amendment are less than those previously considered in that document. Approval of the Project would, for that reason, have impacts that are both individually and cumulatively limited.

Project Environmental Impact Conclusions. The proposed CEQA Project would have no significant impact on any of the topical issues reviewed above, beyond those identified in the PEIR. Although the Commercial Cannabis PEIR identified significant unmitigated impacts associated with a particular area of assessment, the Proposed Amendment would not result in an increase in the severity of any of those potential impacts. Accordingly, for purposes of this Addendum, the Proposed Amendment would only

result in less than significant changes in the level of impact identified or the mitigation measures proposed by the Commercial Cannabis PEIR.

#### **4.0 STATEMENT OF FINDINGS**

An addendum to a previous EIR is appropriate when all of the required findings described below can be made.

1. No substantial changes are proposed in the project which will require 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 [§15162(a)(1)].

The changes proposed in the Proposed Amendment pertain to the same cultivation activities examined in the previous EIR, and therefore will have, if any, the same types of impacts on the environment described previously. Further, the amendment includes limits on cultivation and other criteria designed to prevent any significant effects. Therefore, the Project requires no major revisions to the previous EIR, and no new significant environmental effects or substantial increase in the severity of previously identified significant effects will result from adoption of the amendment.

2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require 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 [§15162(a)(2)].

No substantial change in circumstances has occurred since the Commercial Cannabis PEIR was certified in 2017 that would trigger new or more severe significant environmental effects. Therefore, no new EIR is warranted on the grounds of changed circumstances.

3. 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 Board of Supervisors certified the previous EIR, shows any of the following:

a. The project will not have one or more significant effects not discussed in the previous EIR [§15162(a)(3)(A)];

The expected effects of the Proposed Amendment are similar to those of the whole project, with no new or more significant effects not previously discussed in the PEIR. Therefore, there is no evidence that the Proposed Amendment will result in one or more significant new effects not discussed in the Commercial Cannabis PEIR.

b. Significant effects previously examined will not be substantially more severe than shown in the previous EIR [§15162(a)(3)(B)];

In light of the limits built into the Proposed Amendment, changes in significant effects previously examined are anticipated to be minimal, or less severe than those considered in the PEIR. No new information of substantial importance has been introduced that would increase the severity of the identified cumulative impacts or cause new significant effects not discussed in the Commercial Cannabis PEIR. Based on projected development, adopting the Proposed Amendment will not have significant effects substantially more severe than shown in the Commercial Cannabis PEIR.



c. No 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 [§15162(a)(3)(C)];

No new information of substantial importance has been introduced that would make mitigation measures or alternatives previously found not to be feasible that were discussed in the Commercial Cannabis PEIR to now be feasible. No significant impacts are anticipated as a result of the Proposed Amendment, beyond those identified in the PEIR. Statements of overriding consideration were adopted for those significant and unavoidable impacts of the CCLUO, which relate to air quality (PM<sup>10</sup> and odors) and water supply capacity. Additional mitigation measures and alternatives that were previously considered would not reduce the identified impacts for the same reasons stated in the Commercial Cannabis PEIR. Therefore, no mitigation measures or alternatives previously found not to be feasible would in fact be feasible that would substantially reduce one or more significant effects of the project.

d. No 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 [§15162(a)(3)(D)].

No new information of substantial importance has been introduced that would require mitigation measures or alternatives which are considerably different from those that were discussed in the Commercial Cannabis PEIR and/or that would substantially reduce one or more significant effects on the environment. Statements of overriding consideration were adopted for the previously identified impacts. No new or previously rejected mitigation measures or alternatives would reduce potential impacts.

## **5.0 Conclusion Regarding Preparation of an Addendum**

The Proposed Amendment would not change any previous conclusions associated with effects disclosed in the Commercial Cannabis PEIR. Impacts previously found to be less than significant would not be elevated to significant as a result of the Proposed Amendment. No new significant impacts or more severe impacts resulting from the proposed modifications were identified, and no changes would occur in the Commercial Cannabis PEIR analysis of significant impacts. Therefore, based on the information above, none of the conditions described in Section 15162 of the CEQA Guidelines have occurred and there is no substantial evidence to warrant the preparation of a subsequent EIR. The decision-making body shall consider this addendum to the final certified 2017 Amendments to Humboldt County Code Regulating Commercial Cannabis Activities Program EIR prior to making a decision on the project.

**LINK TO THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CCLUO**  
**<https://humboldt.gov/DocumentCenter/View/62689/Humboldt-County-Cannabis-Program-Final-EIR-60mb-PDF>**