

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of October 6, 2020

RESOLUTION NO. 20-92

RESOLUTION NO. 20-92 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ~~ADOPTING FINDINGS OF FACT, AND~~ APPROVING INLAND ZONING AMENDMENTS ASSOCIATED WITH THE SMALL CULTIVATOR AMENDMENTS, THE PERSONAL USE AMENDMENTS, AND THE INLAND FINANCIAL SECURITY AMENDMENTS

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend zoning ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the proposed Small Cultivator Amendments to the CCLUO in Attachment 3 provide a streamlined permitting pathway for cultivation of up to 2,000 square feet (sf) in the County while minimizing the impacts on the environment and archaeological resources; and

WHEREAS, the proposed Small Cultivator Amendments have been reviewed by appropriate county departments, state agencies and local tribes and their input has been collected and considered; and

WHEREAS, in October 2014 by Ordinance 2523, the Outdoor Cultivation of Cannabis for Personal Use on Small Parcel Ordinance was adopted to the Humboldt Code Zoning Code; and

WHEREAS, it was anticipated that additional Medical Marijuana Ordinances would be forthcoming at that time that would later address cultivation on larger parcels, greater than five acres in size; and

WHEREAS, the County has not subsequently adopted a new nor updated this existing Ordinance to address cannabis cultivation for personal use on larger parcel sizes above five acres; and

WHEREAS, the proposed Personal Use Amendments to the Zoning Ordinance in Attachment 4 establish standards for cannabis cultivation for personal use on parcels larger than five acres in size; and

WHEREAS, in June 2017 by Ordinance 2575, the Ordinance of the Board of Supervisors of the County of Humboldt Amending Sections 719-3 through 719-7, and 719-12 Commercial Marijuana Cultivation Tax; and

WHEREAS, the proposed Inland Financial Securities Amendments to the Zoning Ordinance in Attachment 5A establish standards for Ordinance to establish financial security requirements in

the CCLUO and better align the provisions of the CCLUO with the Marijuana Cultivation Tax Ordinance; and

~~WHEREAS, a public hearing was held on the proposed Ordinance Amendments before the Humboldt County Planning Commission on September 3rd of 2020, during which the Planning Commission reviewed and considered the staff report, the alternatives, the Addendum to the CCLUO PEIR prepared for the project, and the evidence, and other testimony presented to the Commission; and~~

WHEREAS, the Planning Commission, in response to public comments and as a result of its review recommended the Board of Supervisors approve the attached Ordinance Amendments; and

WHEREAS, on October 6, 2020 the Board of Supervisors held a public hearing on the proposed Ordinance Amendments in Attachments 3, 4, 5A and 6, and received public comments, reviewed and considered all public testimony and evidence and presented at the hearing;

Now, **THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. **FINDING:** That the proposed zoning ordinance amendments comply with the requirements of CEQA
- EVIDENCE:** a) The proposed Small Cultivator Amendments impacts have been evaluated in an Addendum to the certified Program Environmental Impact Report (PEIR) for the CCLUO (SCH # 2017042022) which is included in Exhibit A of this Resolution. The Addendum explains that the proposed Small Cultivator Amendments would not change any previous conclusions associated with effects disclosed in the CCLUO PEIR. Impacts previously found to be less than significant would not be elevated to significant as a result of the proposed Small Cultivator Amendments, no new significant impacts or more severe impacts would result, and no changes would occur in the CCLUO PEIR analysis of significant impacts. Included in the Addendum is an analysis of Vehicle Miles Traveled (VMT), which was not a required topic of analysis when the document was sent out for public review in 2017 (CEQA Section 15007(c)). However, in the interest of full transparency, staff included a VMT analysis in the Addendum for the proposed Small Cultivator Amendments and the impacts have been found to be less than significant. 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 for the Small Cultivator Amendments. The Board of

Supervisors considered this Addendum and the CCLUO Program EIR prior to making a decision on the project.

- b) An analysis for the CEQA exemption for the Personal Use and Financial Security Amendments have been evaluated which is also included in Exhibit A of this Resolution. The analysis for the CEQA exemption for the Personal Use Amendments and Financial Security Amendments explains that both of these amendments are exempt from environmental review pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines.

CONSISTENCY WITH THE ZONING ORDINANCE

2. FINDING: Section 312-50.3.1 of the Zoning Ordinance requires changes to the Zoning Ordinance to be in the public interest. The proposed Cannabis Ordinance Amendments are in the public interest.

- EVIDENCE:**
- a) The proposed Small Cultivator Amendments are intended to improve the economic stability of households by streamlining a pathway for entry into the cannabis marketplace. The environmental protection measures of the proposed amendments limiting the size of the cultivation area to 2,000 square feet within the already disturbed two-acre Homesite Area of an existing home, limiting water use to non-diversionary sources and not allowing artificial lighting supplied by generators minimize the impacts on the environment resulting from this type of economic development, which is also in the public interest.
 - b) The proposed Personal Use Amendments clarify the allowed cannabis cultivation area for personal use cultivation on parcels larger than five acres in size. Section 581 of the Humboldt County Code codified the Board's determination that three pounds of cannabis and 100 square feet of cannabis cultivation are presumptively reasonable for medical cannabis patients per Health and Safety Code section 11362.77(c). A 400 square foot cultivation area allowance for personal use cultivation on parcels larger than five acres in size would allow cultivation that is presumptively reasonable for four qualified patients, or a caregiver caring for four qualified patients. Defining the cultivation area for personal use on parcels larger than five acres in size allows for more effective environmental protection and consistent regulation.
 - c) The proposed Financial Security Amendments clarify the relationship between the cannabis cultivation area permitted in the CCLUO and the cannabis cultivation tax requirements in the Marijuana Tax Ordinance. With the proposed amendments requiring demonstrated financial security for taxes that will become due on the permitted cannabis cultivation area, the tax obligations of permitted cannabis farmers will be shared more fairly by all permit holders whether they are the owners of the property underlying the cultivation site or they rent/lease the property.

3. FINDING: Section 312-50.3.2 of the Zoning Ordinance requires changes to the Zoning Ordinance to be consistent with the General Plan. The proposed Cannabis Ordinance Amendments are consistent with the General Plan.

EVIDENCE: a) The purpose of the proposed Small Cultivator Amendments is to create a streamlined permitting pathway for small cannabis farmers on properties with existing homes to facilitate their entry into the cannabis marketplace. This is consistent with the Economic Development Element of the General Plan Implementation Measure ED-IM4, Permit Streamlining for Business Growth, which supports updating ordinances and permit processes to increase efficiency and reduce permit-processing times addressing constraints to business growth including micro enterprises and home-based businesses.

The proposed environmental protection measures limiting the size of the cultivation area to 2,000 square feet within the already disturbed 2 acre Homesite Area of an existing home, limiting water use to non-diversionary sources and not allowing artificial lighting supplied by generators is consistent with the Biological Resources Chapter of the General Plan Policy BR-P1, Compatible Land Uses, which requires discretionary land uses and building activity in proximity to sensitive habitats to be conditioned or otherwise permitted to prevent significant degradation of sensitive habitat.

b) The proposed Personal Use Amendments are intended to clarify the limit of cannabis cultivation area for personal use on parcels larger than five acres in size. Presently the ordinance has standards for smaller parcels, but it is silent on what is allowed on these larger parcels. These proposed “clean up” amendments to fill a void in the County’s cannabis ordinances are consistent with the Land Use Element of the General Plan Policy UL-P21 which states cultivation of medical cannabis shall be regulated by ordinance to provide for the health, safety, and welfare of the community, but shall not interfere with the patient’s right to medical cannabis.

c) Similarly, the proposed Financial Security Amendments are intended to “clean up” the existing cannabis ordinances by creating a better linkage between the allowances for commercial cannabis cultivation in the zoning ordinance and the Marijuana Tax Ordinance in the Revenue and Taxation code. These proposed amendments are consistent with Infrastructure Element Goal IS-G2, Sustainable Funding, which supports adequate and sustainable revenue sources for capital improvements and maintenance of infrastructure and services.

4. FINDING: Section 312-50.3.4 of the Zoning Ordinance requires changes to the Zoning Ordinance will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation). The proposed Cannabis Ordinance Amendments will not reduce the residential density for any parcel.

EVIDENCE: a) None of the proposed ordinance amendments affect residential density, so they will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The Small Cultivator Amendments allow properties with existing homes to have small permitted commercial cannabis cultivation sites, the Personal Use Amendments set a maximum personal use cannabis cultivation area of 400 sf on parcels five acres or larger, and the Financial Security Amendments help ensure the ability to pay cannabis cultivation taxes when they become due.

NOW THEREFORE, be it resolved that the Board of Supervisors hereby:

1. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage.
2. Directs Planning Department staff to prepare and file a Notice of Determination with the County Clerk and Office of Planning and Research; and
3. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on October 6, 2020 by the following vote:

Dated: October 6, 2020



Estelle Fennell, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor Madrone, seconded by Supervisor Fennell, and the following vote:

AYES: Supervisors Bohn, Bass, Wilson, Fennell, Madrone
NAYS: Supervisors --
ABSENT: Supervisors --
ABSTAIN: Supervisors --

STATE OF CALIFORNIA)
County of Humboldt)

I, KATHY HAYES, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be an original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.



Ryan Sharp
Deputy Clerk of the Board of Supervisors of
the County of Humboldt, State of California

EXHIBIT A

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 SMALL CULTIVATOR 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 changes to the Humboldt County Code known as the Small Cultivator 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 Small Cultivator 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 Small Cultivator Amendment (the Project) will facilitate permitting of small new and pre-existing cannabis farms adjacent to homes that existed prior to December 31, 2016 by establishing a streamlined permitting pathway. 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 Project and the subject of this Addendum are contained in the Small Cultivator Amendment, 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 Small Cultivator Amendment (the Project) is 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 streamlined permitting for small farms adjacent to homes that existed prior to December 31, 2016, 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. 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 Small Cultivator Amendment (the Project) amends the Commercial Cannabis Land Use Ordinance (CCLUO) to allow streamlined and reduced cost permitting of small new and pre-existing cannabis farms adjacent to homes that existed prior to December 31, 2016. Cultivation area for Project parcels is limited to 2000 square feet, and other location and operating criteria apply in order for the eligible farms to have minimal impacts on the environment, and on cultural, tribal, and archaeological resources. The Small Cultivator Amendment addresses inequities and cost barriers to licensing faced by traditional, small scale cultivators.

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 Small Cultivator 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.

The Project potentially affects parcels zoned AE, AG, FR and U that have a Resource Production General Plan land use, that are between one and five acres in size, and that have a home that existed before December 31, 2016. Under current code, the subject parcels are not eligible for cultivation with a zoning clearance permit because a five-acre minimum parcel size applies. As part of the streamlining process, under the amendment, small farms eligible for a zoning clearance through the amendment are presumed to have little to no potential for significant impacts to Tribal Cultural Resources, however, are not subject to consultation requirements. The Project amends the five-acre minimum requirement, subject to criteria including owner-occupancy, a limit on cultivation areas of 2,000 square feet, and location within the already disturbed homesite area of the existing home. In addition, eligible farms will have limits on water source, will require permaculture practice, and cultivation must be done outdoors or in a permitted or ag-exempt hoop house or greenhouse that does not use generators for electrical power. 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 Small Cultivator 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 Small Cultivator 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 Project extends permits for small scale cultivation on a limited class of parcels where no permit was allowed previously. 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 of an owner-occupancy requirement; a 2,000 square-foot limit on cultivation area; a requirement that site location be within the already disturbed homesite area of the existing home; a prohibition on water diversion; a requirement of permaculture practice; and a requirement that cultivation is done outdoors or in a permitted or ag-exempt hoophouse or greenhouse that does not use generators for electrical power, 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 Small Cultivator 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. Potential lighting/glare impacts of small scale cultivation are counteracted by the requirement that cultivation must be conducted without use of artificial lighting. 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 PM₁₀ 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 PM₁₀ 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 PM₁₀ 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 PM₁₀ Attainment Plan is in effect, no feasible mitigation measures have been identified that would reduce PM₁₀ 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 an

unavoidable.

Relevant Project Components. The Project components would have little or no impact to air quality with regard to PM₁₀ emissions because small farms 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. Subject farms are required to be owner-occupied, and are limited to 2000 square feet of cultivation area, eliminating the need for additional employees at harvest time, and thereby eliminating an increase in traffic-related PM₁₀ emissions. The Project components would have less than significant impact to air quality with respect to odors due the minimum parcel size of one acre combined with the cultivation area size limit. 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. The Small Cultivator Amendment limits new permits to already disturbed areas within the homesite area of an existing home. Permit requirements do not allow new ground disturbance, unpermitted or diverted water, artificial light, or cultivation using electrical power generation. 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, as cultivation activities must be carried out within the two (2) acre area of homes that existed before December 31, 2016.

Impact Analysis. The Project allows small scale cannabis cultivation within previously disturbed areas, eliminating the potential disturbance of historic or archaeological resources. 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 allows small scale cannabis cultivation in full sun outdoor or outdoor within permitted or ag-exempt hoopouses or greenhouses without the use of lights or fans or other components would require the use of generators for electrical power. Cultivation at Project scale would be significantly less than that considered in the PEIR. 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 Project 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. The potential for substantial soil erosion or loss of topsoil from small farm cultivation would be reduced through the required practice of permaculture. In addition, cultivation may not be located on, above, or disrupting leach field areas or systems. 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 (odors) and PM¹⁰ (traffic).

Impact Analysis. It is anticipated that the Project would not have any significant impacts from greenhouse gas emissions. Under the proposed amendment, eligible properties must have a pre-existing home that is occupied by the owners. Given that requirement, cultivation activities undertaken by property owners is unlikely to require additional employees beyond the existing homeowners. No new traffic would be generated, and small farms would not generate any additional impacts to greenhouse gas emissions. 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 affect locations adjacent to existing homes, and

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. Permaculture and polyculture depend on non-chemical means of moving nutrients and as pest control, reducing the potential for exposure to 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 Project permits small scale cultivation where the water source for irrigation is permitted and non-diversionary; permaculture is practiced; and cultivation is not located on, above, or disrupting leach field areas or systems. Cultivation using agro-forestry, swales, contour plantings, hedgerows and windbreaks, and integrated farming systems such as pond-dike aquaculture, aquaponics, intercropping, and polyculture all promote on-site soil and water management, and protect water quality. 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 Project 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 on small farms. 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. The Project limits cultivation area to 2000 square feet, and precludes the use of lights or fans or other components that would require the use of generators for electrical power. Any new construction that may result as part of the Project must adhere to the noise mitigation measure. Overall, permitted small farms would pose significantly less potential noise impacts than those considered in the PEIR due to size of cultivation sites and locations on parcels at least one acre in size. 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 adjacent to existing homes, in areas previously disturbed. In light of the PIER, 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 Project could result in increases to transportation if permitted small farms generate additional vehicle trips.

Impact Analysis. It is anticipated that the Project would not have any additional impacts to transportation and circulation. Under the proposed amendments, eligible properties must have a pre-existing home that is occupied by the owners. Given that requirement, cultivation activities undertaken by property owners will not generate any additional vehicle trips. Additionally, 2,000 square feet of cannabis is unlikely to require additional employees beyond the existing homeowners. The Project would not generate any additional impacts to either VMT or LOS. In light of the PIER, 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. Small cannabis cultivation permitted by the amendment could be located on lands that contain, or are nearby previously unknown tribal cultural resources.

Impact Analysis. Small farms with up to 2,000 square feet of cultivation area would be located entirely within the two (2) acre area of homes that existed prior to December 31, 2016, and therefore, there is no potential for significant impacts due to disturbance or destruction of cultural resources from land conversion and new development. The amendment presumes that cultivation in previously disturbed areas has little to no potential for significant impacts to Tribal Cultural Resources, however, 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. Small farms permitted through the Project could have potential indirect impacts to Utilities and Service Systems by use of additional water for irrigation. Other services would not be impacted because no increase in residents or employees are associated with the project.

Impact Analysis. It is anticipated that Project farms may require additional water for irrigation. Criteria set forth in the amendment include verification of a permitted and non-diversionary water source. This criterion, in combination with existing law and regulations, and permaculture practices that conserve, manage and recycle water, assure that the subject farms would not have a significant impact to water supply beyond what was considered as part of the PEIR. Permaculture practices generally recycle waste on-site and are anticipated to have less than significant impacts to the environment. Processing of cannabis in the small quantities produced in a 2000 square foot area are anticipated to have impacts on wastewater treatment that are less than significant. In light of the PIER, 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. Small 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. Small farms with up to 2,000 square feet of cultivation area would be located entirely within the two (2) acres area of homes that existed prior to December 31, 2016, and therefore the risk of wildfire would not be substantially worse than that for the existing home. Cultivation at the scale permitted in the Project is unlikely to require additional employees beyond the existing homeowners, thereby minimizing potential impacts of additional residents. 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 Small Cultivator Amendment (Project) 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 (PM¹⁰ 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 Project, the incremental effects of permitting small cannabis farms are likely to be similar to those of any agricultural activity carried on in conjunction with a residence, as observed in the past and as anticipated in the future. In light of the PEIR, cumulative impacts of implementing the Small Cultivator 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 Project would not result in an increase in the severity of any of those potential impacts. Accordingly, for purposes of this Addendum, the proposed Project 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 Small Cultivator 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 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 Project extends permits for small scale cultivation on a limited class of parcels where no permit was allowed previously. The expected effects 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 Small Cultivator 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 scale of permitted cultivation under the Project, combined with eligibility criteria, 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 Small Cultivator 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 Project, 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 (PM¹⁰ 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 Small Cultivator 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 Small Cultivator 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>

**ANALYSIS FOR CEQA EXEMPTION FOR THE AMENDMENTS TO THE OUTDOOR
CULTIVATION OF CANNABIS FOR PERSONAL USE ON SMALL PARCEL ORDINANCE AND
FINANCIAL SECURITY AMENDMENTS**

CEQA Compliance: The purpose of the Personal Use Amendment is to allow outdoor cultivation of medical marijuana for personal use on parcels larger than 5 acres in size. This extends the current regulations allowing outdoor cultivation of medical marijuana for personal use on parcels smaller than 5 acres in size. The current Medical Marijuana Land Use Ordinance for inland areas, Section 314-55, allows outdoor cultivation of medical marijuana for personal use on parcels smaller than 5 acres in size.

It places limits on these parcels and establishes standards for cultivation in order to prevent neighborhood nuisance impacts and harmful environmental impacts that may occur as a result of unregulated marijuana cultivation. The limits and standards established by the existing ordinance will apply equally to parcels over five acres added by the amendment. Since measures to prevent nuisance impacts are anticipated to be even more effective on parcels larger than 5 acres, where potential impacts are less, the amendment would not pose any potentially significant environmental impacts. Because compliance with the ordinance will protect the environment, staff believes the activity covered by the amendment is not subject to CEQA.

The purpose of the proposed Financial Security Amendments is to ensure that taxes due in any given year will be paid on a timely basis. The proposed ordinance identifies different options for providing the necessary financial assurance.

Pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines, an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly. The Financial Security Amendments will not result in a change to the environment because it only affects financial aspects of cultivation. Furthermore, staff believes the activity covered by the ordinance does not constitute a “project” as defined under Section 15378 of the Guidelines, in that the adoption of the Financial Security Amendments will not result in a reasonably foreseeable direct or indirect physical change in the environment.

Even if the activity governed by the ordinance is a project under CEQA, the ordinance is exempt from CEQA under the following sections:

- §15061(b)(3) “common sense exemption”: “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.
- §15308, Class 8: Actions taken by a regulatory agency to assure protection of the environment where the regulatory process involves procedures for protection of the environment.
- §15321, Class 21: Enforcement actions by regulatory agencies.

For the above reasons, staff believes the proposed Personal Use Amendment and Financial Security Amendment are exempt from environmental review under CEQA.