

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

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

**APN 507-261-020; Arcata area, County of Humboldt**

**Prepared By  
Humboldt County Planning and Building Department  
3015 H Street, Eureka, CA 95501**

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## **Background**

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

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

The modified project involves a Conditional Use Permit to add distribution to a previously approved cannabis operation. Project is located within 1,000 feet of an incorporated city. Previously approved uses per PLN-11968-CUP include 10,000 square feet of indoor commercial cannabis cultivation, a 2,800 square foot nursery, and 2,250 square feet of on-site processing. The added distribution use will occur within existing buildings so the project footprint is not changing. Power is provided through enrollment in PGE's Repower+ program. Water is provided by McKinleyville CSD, and wastewater through an onsite sewage disposal system.

The modified project will occur within the interior of an existing enclosed building and there will be no ground disturbance.

The project will also comply with provision of the CCLUO intended to eliminate impacts to sensitive species from noise and from light. Additionally, the project includes relocation to an environmentally superior location and habitat restoration, both of which are consistent with the original project and the EIR's mitigation measures. Compliance with these and other measures of the CCLUO ensure consistency with the EIR.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Final Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162

states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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

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

A review of Appendix G impacts:

**Aesthetics:** The project is to add distribution operations to an already approved cannabis cultivation operation. The distribution activities will occur within an existing building. No impact.

**Agriculture and Forestry Resources:** The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use. No impact.

**Air Quality:** No construction is proposed other than possible minor interior improvements. Access is from a paved road. The modified project will increase vehicles trips by six to nine trips per year. Less than significant impact.

**Biological Resources:** The project is in an industrial area within an existing building. No ground disturbance is proposed. No impact.

**Cultural Resources:** No ground disturbance or demolition is proposed. No archaeological or historic resources will be impacted. No Impact.

**Energy:** The project will receive power from the renewable RePower+ program. The use of renewable power does not conflict with or obstruct any state or local plan for renewable energy or energy efficiency. Less than significant impact.

**Geology and Soils:** No new structures are proposed that would expose people to risk of life from earthquakes. The project occurs on flat land that has historically been used for light industrial uses. No grading will occur. No impact.

**Greenhouse Gas Emissions:** The site uses Pacific Gas and Electric grid electricity and is required to demonstrate the sourcing of 100% renewable power through an eligible program. Less than significant impact.

**Hazards and Hazardous Materials:** The distribution operation will not use hazardous materials. no impact.

**Hydrology and Water Quality:** Water is provided by the community service district. The distribution operation will not add any additional employees. No impact.

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

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

**Noise:** The project occurs entirely within and enclosed building. No impact.

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

**Public Services:** The project adds distribution to an already existing cannabis cultivation operation. This addition will not increase the need for fire or law enforcement services. No impact.

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

**Transportation:** The number of employees is not changing. The project site takes access from a publicly maintained, paved, category 4 road. The distribution and processing will result in six to nine additional vehicle trips per year. The project site will also have adequate emergency access. Less than significant impact.

**Tribal Cultural Resources:** No ground disturbance is proposed. The lead agency consulted with

local tribes through the project referral process. The project will adhere to the Inadvertent Discovery Protocol. Less than significant impact.

**Utilities and Service Systems:** Solid waste is handled by local service and wastewater is handled by an onsite system. Less than significant impact.

**Wildfire:** The project will not interfere with any evacuation plan. There will be no significant new structures that will increase the risk of wildfire. Less than significant impact.

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project to bring the operation into compliance with the CCLUO is fully consistent with the impacts identified and adequately mitigated in the Final EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the Final EIR.

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

- County GIS
- Operations Plan
- Site Plan

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

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

See **Purpose** statement above.

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

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

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

- Not applicable, project is for distribution.

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

- Not applicable, project will occur within existing structure. No ground disturbance proposed.

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

- No new construction proposed.

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

- No new construction proposed.

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

- No new construction proposed.

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

- No new construction proposed.

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

- No new construction proposed.

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

- No new construction proposed.

Mitigation Measure 3.4-1h: Noise reduction.

- Distribution operation will occur within an existing enclosed building.

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

- No new construction proposed.

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

- No new construction proposed.

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

- No new construction proposed.

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

- No new construction proposed.

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

The California Natural Diversity Database indicates the potential presences of a ranked plant Eulachon (*Thaleichthys pacificus*) within the vicinity. However, this project site is mostly paved and contains existing buildings. The project footprint is not changing and no ground disturbance is proposed. Therefore, staff concluded there is little to no risk of significant impact to any sensitive communities or species.

Mitigation Measure 3.4-3b: Invasive plant species.

- Project occurs within an existing enclosed building.

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

- No special sensitive natural communities are known to be present. Project will occur within existing building.

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

- No known wetlands will be affected

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

- See Mitigation Measure 3.4-5 above.

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

- See Mitigation Measure 3.4-1j above.

Mitigation Measure 3.5-1: Protection of historic resources.

- No known historic resources are present. No alteration of site is proposed.

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

- No ground disturbance proposed. Inadvertent discovery protocol included as condition of approval.

Mitigation Measure 3.6-5 Protection of discovered paleontological resources.

- See Mitigation Measure 3.5-2 above.

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

- No ESA required because building already permitted for cannabis operation.

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

- See Mitigation Measure 3.7-2a above.

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

- Project is not for cultivation.

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

- Project does not utilize a well.

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

- No onsite drainage will result from project within existing enclosed building.

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

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

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

- No construction proposed.

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

- Project is accessed off a county-maintained road.

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

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

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

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

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

- The community service district confirmed site is served with district water.

Based upon this review, the following findings are supported:

## **FINDINGS**

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

## **CONCLUSION**

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

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