

ATTACHMENT 2a

**CEQA ADDENDUM TO THE
PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT
FOR THE GENERAL PLAN UPDATE**

*The General Plan Update Program Environmental Impact Report (EIR)
(State Clearinghouse # 2007012089), October 23, 2017*

APN 522-491-017, 533 State Highway 96, Willow Creek, Humboldt County

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

November 2018

Background

Modified Project Description and Project History - The project involves a Zone Reclassification (ZR) to change the zoning of APN 522-491-017 from Highway Service Commercial (CH) to Heavy Industrial with a Qualified combining zone (MH-Q) in order to implement the General Plan land use designation of Industrial, Resource Related (IR). The proposed zoning change will also better reflect the existing and historic use of the property as Mercer Fraser Company's gravel mining and processing yard operations.

The General Plan Environmental Impact Report (EIR) addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the General Plan update which included adoption of land use designations. The project site (APN 522-491-017) was analyzed for impacts that would be associated with uses consistent with the IR land use designation.

Within the EIR it is noted that:

“Foreseeable future development actions that may tier off of this EIR include amendment of the zoning ordinance, applications for approval of subdivisions, coastal development permits, conditional use permits, and special permit requests that are consistent with the updated General Plan and within the scope of this RDEIR.”

Furthermore, CEQA statute (§21083.3(b)) allows that if a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report.

The modified project description involves a zone reclassification from Highway Service Commercial (CH) to Heavy Industrial with a Qualified combining zone (MH-Q). The Zoning Consistency Matrix contained in Table 4-H of the adopted PEIR shows that the proposed zoning is consistent with the compatible zones within the IG land use designation. Conversely, the existing zoning of CH is not listed as a compatible zoning district.

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

Attachment 2a

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 or MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous EIR or MND; B) significant effect previously examined will be substantially more severe than shown in the previous EIR or MND; 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 or MND 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

No changes are proposed for the original PEIR recommended mitigations. Further, the proposal to rezone the property to a zoning district identified as consistent with the land use designation results in no significantly adverse environmental effects beyond those identified in the PEIR.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL 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. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will change the zoning at the site from Highway Service Commercial (CH) to Heavy Industrial with a Qualified Combining Zone (MH-Q) which is consistent and compatible with the land use designation of IR. The land use designation of IR for this site was evaluated within the adopted EIR. The requested zone reclassification implements the General Plan land use designation and does not constitute a substantial change, is minor in nature, and does not require additional mitigation measures not included in the original EIR.
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.

Attachment 2a

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 certified 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.

APPENDICES

- Appendix A. Board of Supervisors adopted Humboldt County General Plan Environmental Impact Report, October 23, 2017, <https://humboldt.gov/273/General-Plan-Update>, accessed November 19, 2018.

ATTACHMENT 2b

**CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION**

***MERCER FRASER WILLOW CREEK MINING OPERATION: CONDITIONAL USE PERMIT,
SPECIAL PERMIT, RECLAMATION PROJECT***

SCH NO. 2016082006

APNs 522-491-017, Willow Creek area, Humboldt County

**Prepared By
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3015 H Street, Eureka, CA 95501**

December 2017

Background

Modified Project Description and Project History - The project involves a Zone Reclassification (ZR) to change the zoning of APN 522-142-017 from Highway Service Commercial (CH) to Heavy Industrial with a Qualified combining zone (MH-Q) in order to implement the General Plan land use designation of Industrial, Resource Related (IR). The proposed zoning change will also better reflect the existing use of the property as Mercer Fraser Company's gravel yard and concrete batch plant operations. Also a Special Permit to develop and operate a cannabis products manufacturing facility of approximately 5,000 square feet in size. The facility will produce medical cannabis products using both nonvolatile and volatile solvents. According to the applicant's plan of operation, the facility may operate 24 hours a day during peak season, and will have a maximum of four (4) full time employees. The facility will not be open to the general public and will not accept visitors. The Willow Creek Community Services District provides community water to the subject property, and the applicant will to develop an on-site septic system to serve the new facility and appurtenant on-site parking facilities. The Zone Reclassification to change the principal zoning of the property from Highway Service Commercial (CH) to Heavy Industrial (MH) must be approved by the Board of Supervisors before the Special Permit for cannabis manufacturing is effective because cannabis activities are allowed on properties zoned MH, but they are not allowed on properties zoned CH.

The original project reviewed under the Mitigated Negative Declaration (MND) was a Renewal of a Conditional Use Permit, Special Permit, Reclamation Plan, and review of financial assurance cost estimates for an existing surface mining and processing operation and modification of the Conditional Use Permit to allow for the siting and operation of a concrete batch plant. The project permits the extraction of 40,000 cubic yards of sand and gravel from Trinity River gravel bars. The aggregate materials are temporarily stockpiled and loaded onto trucks or off-road haulers and then transported to the existing adjacent processing site or to off-site locations. Processing operations involve material crushing and/or sorting, onsite storage of materials, production of asphalt, and weighing and hauling by truck. Site improvements existing at the southern portion of the processing area include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office and scales. A new concrete batch plant is proposed. A 15-year permit term was granted. The MND reviewed the proposal and required specific mitigation measures due to the proximity of an elementary school, public recreation area residential uses. The impacts associated with the current proposal will be less than were associated with the surface mining and processing operation facility.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent MND have occurred. Section 15162 states that when an MND has been adopted for a project, no subsequent MND 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:

Attachment 2b

1. Substantial changes are proposed in the project which require major revisions of the previous MND 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 MND 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 MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; 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 MND 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

No changes are proposed for the original project's recommended mitigations.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL 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 MND was adopted. Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will add a resource-related industrial use to a site already host to a larger and more intensive resource-related industrial use than the one proposed. That the new resource-related industrial use is proposed and conditioned to be compatible with the surrounding uses and has fewer and less substantial impacts than the existing use. These

Attachment 2b

changes are minor in nature and do not require additional mitigation measures not included in the original MND.

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 MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the adopted MND 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 MND remain in full force and effect on the original project.

APPENDICES

Appendix A. Planning Commission adopted Mitigated Negative Declaration, Application No. 10345

Appendix B. Planning Commission Resolution No. 17-08

Appendix C. Notice of Determination

*All Appendices are on CD.