

ATTACHMENT 3

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION
FOR THE COMMERCIAL MEDICAL MARIJUANA LAND USE ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative Declaration
(State Clearinghouse # 2015102005), January 2016**

APN 107-054-014; Honeydew 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 Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Conditional Use Permit for 18,464 square feet (SF) of pre-existing mixed light cannabis cultivation and 1,840 square feet of ancillary nursery. The applicant projects two harvests per year. Water for irrigation is sourced from rainwater catchment and an existing permitted well. A hydrologic study of the well was prepared by Lindberg Geologic Consulting on April 4, 2023 and found that there has a low likelihood of being connected to surface waters or neighboring wells in a manner that may have a significant impact on surface waters or wells. Peak annual water usage has been roughly 392,260 gallons, but lower quantities have been required in other years. The applicant will have 150,000 gallons of water storage for irrigation, and one 2,500 gallon tank designated for fire suppression. Drying will occur on-site in existing structures, all other processing activities will be performed off-site by a licensed processor. Electricity is provided by eight solar panels, stored in batteries, and one emergency backup generator.

The modified project is consistent with the adopted MND for the CMMLUO because it complies with all standards of the CMMLUO which were intended to mitigate impacts of existing cultivation. These include ensuring onsite lighting adheres to Dark Sky Association standards and ensuring project related noise does not harass nearby wildlife which will limit impacts to biological resources because of light and noise.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) 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 MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous 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

A review of Appendix G impacts:

Aesthetics: The project is for relocating pre-existing mixed light cannabis cultivation to an existing flat. The project will not significantly impact scenic vistas or public views as the project site is surrounded by trees and cultivation will not be visible from the road. The project is consistent with the agricultural visual character of the area. The project is conditioned to meet International Dark-Sky Association standards and therefore should not create a source of light or glare. No impact.

Agriculture and Forestry Resources: The project will utilize agricultural for agricultural purposes. 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: Minimal construction activities are associated with the project. All construction activities are associated with the relocation and reconstruction of greenhouses to an existing clearing, which should require minimal grading for placement. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The project does utilize a gravel road, and traffic on gravel roads contributes to PM-10, for which the North Coast Air Basin is already in non-attainment. However, the project is owner-operated with no use of employees, and no increase in traffic on the gravel road is anticipated as part of the project. No impact.

Biological Resources: The project is located approximately 1.3 miles to the nearest Northern Spotted Owl (NSO) activity center. According to the California Natural Diversity Database (CNDDDB) for rare and endangered species, there is no occurrence of rare or endangered species located on the subject parcel. The project is for pre-existing cultivation with limited use of lights, water will primarily be sourced by rain catchment and a non-hydrologically connected well, and power will be primarily sourced from solar panels. Generator and fan noise will be restricted to no greater than 50 dBA. There is an ephemeral watercourse on site, but all project activities, except for removal of one greenhouse, will take place outside of the streamside management area. Less than significant impact.

Cultural Resources: The modified project was referred to the Northwest Information Center, Intertribal Sinkiyone Wilderness Council, and the Bear River Band of Rohnerville Rancheria. The THPO representative for the Bear River Band requested a Cultural Resource Survey, which has been prepared and received. The Cultural Resource Survey identified a location onsite with historical resources and recommended mitigations to protect the location from further impacts. The project is conditioned to incorporate those mitigations. Less than significant impact.

Energy: The project will obtain power from eight solar panels with emergency power only from a generator. Generator use will be limited to less than 20% of total power usage and noise will be restricted to no greater than 50 dBA. 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 agriculture. No significant grading will occur. Spent soil is amended onsite. No impact.

Greenhouse Gas Emissions: The project will obtain power from eight solar panels with emergency power only from a generator. Generator use will be limited to less than 20% of total power usage. Cultivation is mixed light. Less than significant impact.

Hazards and Hazardous Materials: The project does not propose storing fuels or fertilizers onsite, which will only be brought onsite as needed. Pesticides will be stored in existing storage structures within secondary containment and the only pesticide proposed is Lost Coast Plant Therapy, which is composed of soy oil, peppermint essential oil, citric acid, soap made without sodium lauryl nor laureth sulfate, isopropyl alcohol, sodium citrate, and water. Any hazardous materials kept onsite for longer periods of time shall be stored in a locked area with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a high fire risk area, however no significant wood framed structures will be constructed as part of this project. The project would not impair emergency response or create a significant risk from wildfire. Less than significant impact.

Hydrology and Water Quality: The project is for a total of 18,464 square feet of cannabis cultivation on two open flats. The project will not degrade any water sources or contribute to sedimentation. All cultivation and related activities will take place outside of the Streamside Management Area of the onsite ephemeral stream. The project will utilize rain catchment and a non-hydrologically connected well for irrigation. Less than significant impact.

Land Use and Planning: The project proposes an agricultural activity on a parcel zoned for agriculture. 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 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 will obtain power from eight solar panels with emergency power from a generator. Generator use will be limited to less than 20% of total power usage and noise will be restricted to no greater than 50 dBA. Noise sources from the operation will include dehumidifiers for drying activities, which will occur within an enclosed structure, as well as greenhouse fans. The temporary noise impacts from these activities would not create a substantial increase in noise levels. There is no reason to believe the noise source will be increased substantially on-site. The project will not result in the generation of excessive ground-borne vibration or noise levels. Less than significant impact.

Population and Housing: The project is for mixed light cannabis cultivation. 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 is for 18,464 square feet of cannabis cultivation on a site where agriculture is the historical dominant use. The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a park or a school. No impact.

Recreation: The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. There are no recreational facilities located within 600 feet of the project. No impact.

Transportation: The project will be owner-operated without the use of employees. A Road Evaluation Report (RER) prepared by the applicant, received January 19, 2021, states that the access road, Heidi Lane, meets Category 4 standards or better. The project site will also have adequate emergency access. No impact.

Tribal Cultural Resources: The modified project was referred to the Northwest Information Center, Intertribal Sinkyoone Wilderness Council, and the Bear River Band of Rohnerville Rancheria. The THPO representative for the Bear River Band requested a Cultural Resource Survey, which has been prepared and received. The Cultural Resource Survey identified a location onsite with historical resources and recommended mitigations to protect the location from further impacts. The project is conditioned to incorporate those mitigations. Less than significant impact.

Utilities and Service Systems: Solid waste, recycling, and refuse are taken to a transfer station in

an amount the service station is capable of handling. The project will utilize an existing onsite wastewater treatment system connected to the residence. Water for propagation and cultivation is sourced from rainwater catchment tanks and an onsite well. Power is sourced onsite via solar panels and an emergency generator. 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 original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 18,464 square feet of cultivation with processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project, as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation & Operations Plan
- Site Plan
- Notice of Applicability letter from the State Water Resources Quality Control Board
- Right to Divert & Use Water
- Road Evaluation
- Department of Environmental Health Worksheet
- County GIS

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 MND was adopted.

Project impact analysis of conformance to the Mitigated Negative Declaration Substituted Mitigation Monitoring and Reporting Program

Mitigation Measure 1: Required setback from tribal cultural resources and tribal consultation

process (55.4.10(n) and 55.4.10(c)).

- The project is within the historic aboriginal territory of the Bear River Band of Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The project was referred to the Northwest Information Center at Sonoma State (NWIC), the Bear River Band of Rohnerville Rancheria, and the Intertribal Sinkyone Wilderness Council. The Bear River Band requested that the project be surveyed for archaeological resources and the survey has been completed. Once Bear River Band reviewed the survey, they scheduled an inspection of the site with the applicant. After the inspection, Bear River Band concurred with the recommendations of the archaeological resources survey in writing to the Planning and Building Department. No response was received from the Sinkyone Wilderness Council. The NWIC recommended that the local Native American tribes be contacted regarding traditional, cultural, and religious heritage values. The project site meets or exceeds the setbacks from tribal cultural resources.

Mitigation Measure 2: Curing violations of state, county code (55.4.11(a)).

- The project is for pre-existing cultivation and project approval includes conditions to cure unresolved violations of state or county code prior to cultivation.

Mitigation Measure 3: Required setbacks from watercourses, wetlands, and Environmentally Sensitive Habitat Areas (55.4.11(d)).

- The project is located within the inland portion of the county and is subject to the setback standards in the Streamside Management Areas and Wetlands Ordinance as well as Chapter 10 (Conservation and Open Space Elements) of the General Plan. There is an ephemeral watercourse on the northwestern portion of the subject parcel. The stream bank is roughly 25 feet from a greenhouse which will be removed and relocated out of the Streamside Management Area (SMA) onto a separate flat. Once that greenhouse is removed, the project will meet the required setbacks from watercourses, wetlands, and environmentally sensitive habitat areas.

Mitigation Measure 4: Permitting Tiers and related requirements (55.4.8.2 et seq.)

- The project is for 18,462 square feet of pre-existing cultivation in an Agricultural Exclusive zone which requires a Conditional Use Permit. The project complies with the requirements described in 55.4.8.2 et seq.

Mitigation Measure 5: Retirement, Remediation, and Relocation Program (55.4.14)

- The project is not participating in the Retirement, Remediation, and Relocation program therefore this mitigation measure does not apply.

Mitigation Measure 6: Cannabis Cultivation on Forest Lands

- This project is for pre-existing cultivation consistent with baseline conditions which is eligible in an Agricultural Exclusive (AE) zone. No new increased cultivation will occur. There was no tree removal conducted for cannabis cultivation activities.

Mitigation Measure 7: Use of fertilizer, pesticide, fungicide, rodenticide, or herbicide (55.4.11(j)).

- The project operations plan describes measures that will be taken to properly store and handle hazardous materials. Compliance with the operations plan is a condition of project approval. The use of anticoagulant rodenticide is prohibited. The project is conditioned requiring the applicant to provide written compliance with the Certified Unified Program Agency (CUPA) requirements.

Mitigation Measure 8: Diversion of surface water and trucked water (55.4.11(l)-(m)).

- The project will utilize rain catchment and a well for irrigation.

Mitigation Measure 9: Generator Use (55.4.11(o)).

- Power is sourced by eight solar panels. Emergency power will be provided by a generator, housed in secondary containment under a roof.

Mitigation Measure 10: Storage of Fuel (55.4.11(p)).

- The project's operations plan ensures that fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.

Mitigation Measure 11: Performance Standards for Cultivation and Processing Activities (55.4.11(q)-(u)).

- The project will be owner-operated with no employees.

Mitigation Measure 12: Performance Standards for Mixed Light Cultivation (55.4.11(v)-(w)).

- The project is conditioned that light shall be shielded so that no light escapes and shall comply with International Dark Sky Association Standards.

Mitigation Measure 13: Humboldt Artisanal Branding Provision (55.4.15).

- The proposed project is for more than 3,000 square feet therefore this measure does not apply.

Mitigation Measure 14: Sunset Clause for applications

- The application was received on December 5, 2016, prior to the sunset of the ordinance.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit an existing cannabis operation and bring the operation into 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 MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified 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.