

**SUPPLEMENTAL INFORMATION
NUMBER:**

For Zoning Administrator Agenda of:

Consent Agenda Item	Item Number:
Continued Hearing Item	Item Number:
Public Hearing Item	Item Number:
Department Report	Item Number:
Old Business	Item Number:

Re:

Record Number:

Assessor's Parcel Number (APN):

Area:

Attached for the Zoning Administrator's record and review is the following supplementary information:

Revised ATTACHMENT 2

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

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

**APN 107-086-020, 40740 Mattole Road
Honeydew, County of Humboldt**

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

June 2021

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 specific regulations for location and conditions under which the development of new commercial cannabis could occur. The EIR prepared for the CCLUO also established local land use regulations for new 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. 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.

Project Description: A Special Permit application for 10,000 SF of new cultivation and 13,400 SF of RRR mixed-light cultivation being attained from app. no. 14348 Hanging Gardens. Cultivation proposal totals 23,400 square feet of new mixed-light cannabis cultivation. Cultivation will occur in six (6) proposed greenhouses measuring 30' x 130' each. One greenhouse is separated 76' from one end and 54' from the other end to separate the 10k of new mixed-light cultivation being applied for and 13,400 SF of mixed-light cultivation being received from app. no. 14348. Propagation would occur on-site in a proposed 2,000 square foot area for phase one of the project which encapsulates the 10k of new being applied for, and phase two will include the RRR cultivation and allot one 3,900 SF greenhouse for entire full scale propagation space, totaling 3,900 SF of propagation space for the project. Cultivation activities extend from March to October and is anticipated to achieve up to three (3) harvest cycles per year. Estimated annual water use is 358,600 gallons. The irrigation water source is rainwater catchment. Rainwater will be captured and stored on-site in a proposed 500,000 gallon pond and two 5,000 gallon water tanks. An additional 5,000 gallons will be dedicated for fire protection. Water storage totals 515,000 gallons. Drying will occur on-site in a proposed 1200 SF metal building. Processing is off-site. Up to six workers are needed at peak operations.

The project has been enrolled as a Tier 1 Low Risk site under the State Water Board General Order WQ 2019-0001-DWQ, WDID: 1_12CC428105, and a Notice of Applicability letter dated August 24, 2020 is on-file. A Site Management Plan (SMP) has been prepared for the project by Timberland Resource Consultants, in July of 2020. The applicant shall adhere to the maintenance and winterization methods outlined within the report.

The applicant has had a Biological Assessment (BA) prepared by Timberland Resource Consultants for the project location in February of 2020. The BA states that the assessment found minimal risks to biological resources as a result of the proposed project. The applicant shall adhere to the invasive species control plan outlined in the recommendation of the BA regarding

Himalayan blackberry. **An updated Northern Spotted Owl assessment was provided in a revised biological assessment indicating that though there is a potential habitat for NSO, that no NSO have been identified in proximity to the project area. An appendix was also included in the assessment revision to conclude that the activity center 0.7-0.83 miles away has not had any NSO hooting response during multiple surveys conducted in 2018, 2019, and 2020.**

The modified project is consistent with the adopted EIR for the CCLUO because it complies with all standards of the CCLUO which were intended to mitigate impacts of cultivation activities. These include sourcing power for the additional cultivation activities from 100% renewable energy source, ensuring supplemental lighting and security lighting adheres to Dark Sky Association standards and ensuring project related noise does not exceed 3 decibels above ambient noise levels at the property line.

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 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 previous 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 EIR; B) significant effect 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.

Summary of Significant Project Effects and Mitigation Recommended

No changes are proposed for the original EIR recommended mitigations. The proposal to authorize the project is fully consistent with the impacts identified and adequately mitigated in the original EIR. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the EIR. Compliance with the CCLUO ensures consistency with the adopted EIR and provides for mitigation of all project related impacts to a less than significant level.

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

- Cultivation and Operations Plan prepared by Timberland Resource Consultants, dated March of 2020.
- Site Management Plan prepared by Timberland Resource Consultants in July of 2020.
- Notice of Applicability letter dated August 24, 2010 for proof of enrollment under in the State Water Resources Control Board (SWRCB) under the General Order WQ 2019-0001-DWQ under WDID: 1_12CC428105 for the shallow domestic well.
- Cultural Resources Investigation prepared for site by Nick Angeloff, M.A., Archeological Research and Supply Company in April of 2018.
- ~~Biological Assessment prepared by Timberland Resource Consultants for the project location in August of 2020.~~
- **Biological Assessment prepared by Timberland resource Consultants for the project location in June of 2021.**

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. 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 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.