

ATTACHMENT 3
CEQA ADDENDUM TO THE
ENVIRONMENTAL IMPACT REPORT FOR THE COMMERCIAL CANNABIS LAND
USE ORDINANCE

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

APN 107-272-007; Honeydew area, on the south side of Applewood Road, approximately
0.25 miles east from the intersection of Old Hindley Ranch Road and Applewood Road, on
the property known as 270 Applewood Road.

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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 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.

The modified project involves a Special Permit to allow for 33,560 square feet of new light deprivation cannabis cultivation, in addition to 43,330 square feet of permitted cannabis cultivation (PLN-11067-SP). A total of 76,890 square feet of commercial cannabis cultivation will be occurring onsite. The applicant is proposing 3,300 square feet of new ancillary propagation. The applicant anticipates there will be a maximum of three cultivation cycles occurring annually. All processing will occur onsite in a previously approved commercial processing facility. The applicant anticipates a maximum of ten (10) employees will be required for proposed operations, in addition to a maximum of twenty-six (26) employees required for existing operations, for a total of thirty-six (36) employees at peak operations. Power for the project will be 100% renewable energy provided by PG&E, with a generator on site for emergency backup use in power outage events.

Water for irrigation will be provided by an existing 2.5-million-gallon rainwater catchment pond. The applicant projects an annual water use of 1,000,000 gallons for the combined 76,890 square feet of cannabis cultivation (approximately 13 gallons per square foot per year). The applicant provided rainwater catchment calculations utilizing PRISM data showing an average rainfall of 91 inches per year. According to catchment calculations the 38,000 square foot pond can collect up to 2.15 million gallons annually. Accounting for evaporation, the projected rainwater catchment is appropriate for the proposed water use. According to rainwater catchment calculations submitted by the applicant, the rainwater catchment pond will be unable to collect enough rainwater for irrigation in multiple consecutive drought years. In the event of multiple consecutive drought years, the applicant has proposed to install rainwater catchment infrastructure on the existing greenhouses to obtain additional irrigation water. The applicant submitted calculations

demonstrating in a drought year the rainwater catchment system proposed on greenhouses can collect enough water to provide for estimated irrigation needs.

The project site is located in the Cape Mendocino Planning Watershed, which under Resolution 18-43 is limited to 650 permits and 223 acres of cultivation. With the approval of this project the total approved permits in this Planning Watershed would be 227 permits and the total approved acres would be 80.47 acres of cultivation. The parcel is approximately 600 feet from a mapped summer-run steelhead trout CNDDDB occurrence surrounding the Mattole River. The nearest NSO activity center (HUM1012) is approximately 2.77 miles west of the cultivation area, and another activity center (HUM0536) is approximately 2.97 miles southwest of the cultivation area. Mapped Marbled Murrelet habitat is present approximately 0.5 miles south of the subject parcel. Due to the proximity of mapped Marbled Murrelet habitat, the project has been conditioned to limit project related noise to 50db 100 feet from the noise source.

The applicant submitted a Biological Assessment prepared by Timberland Resource Consultants that determined the project as proposed poses no potential of impacting special status fish, birds, mammals, reptiles, amphibians, or invertebrates. The Biological Assessment found no populations of invasive species on the site; however recommendations were included to monitor and control invasive species should they occur on site.

No sensitive natural communities were identified on the subject parcel, and the project area experiences frequent disturbances due to the proximity of existing permitted cultivation areas. According to the Biological Assessment, the project area does not contain any natural plant communities or potential for special status plant occurrences. The project as proposed will not have any negative impacts on sensitive natural communities or special status plant species.

The project is located in the Bear River Band and Sinkyone Aboriginal Ancestral Territories. The project was referred to Northwest Information Center, Bear River Band, and Sinkyone tribe. The applicant submitted a Cultural Resource Investigation included in the application materials, evaluating the subject property. An isolated chert flake, a portion of an abandoned airstrip, and the remnants of a fruit orchard were identified on the subject parcel. No new structures are proposed for the areas containing the chert flake or the remains of the fruit orchard. The cultivation is proposed to be built on the remnants of the airstrip. While the airstrip has not been formally evaluated, the resource has been degraded resulting from neglect and the introduction of multiple structures and associated infrastructure on the airstrip across multiple properties. These facts make the airstrip unlikely to be considered a cultural resource for the purposes of CEQA. The Cultural Resource Investigation recommended Inadvertent Discovery Protocol, which has been included as a recommended condition of approval.

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 for impacts of existing cultivation. These include compliance with noise and light standards to limit disturbance to wildlife, increased water storage to allow for complete forbearance from water diversion during the dry season, and proper storage of fertilizers and soil amendments.

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 15164 calling for a subsequent EIR or Negative Declaration have occurred. Section 15164 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

No changes are proposed for the Final EIR recommended mitigations. The proposal to authorize the project in 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.

Technical documents utilized in conducting this review included, but are not limited to the following:

- Cultivation and Operations Plan prepared by Northpoint Consulting Group INC. dated June 2022, updated September 2022.
- Site Plan prepared by Northpoint Consulting Group INC. received July 2022, updated September 2022.
- Biological Assessment prepared by Timberland Resource Consultants dated August 2021.
- Cultural Resource Investigation prepared by William Rich and Associates dated September 2017.

- Road System Assessment Report prepared by Northpoint Consulting Group INC dated June 2022.

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 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.