

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

FOR

MENDOCINO COUNTY

MEDICAL CANNABIS CULTIVATION REGULATION

SCH NO. 2016112028

DRAFT

Modified Project Description and Project History:

The Mendocino County Board of Supervisors (County) adopted a Mitigated Negative Declaration (MND) (SCH No. 2016112028) for Ordinance No. 4381, known as the Medical Cannabis Cultivation Regulations, which added Chapters 10A.17 and 20.242 to the Mendocino County Code, on April 4, 2017.

The current project includes minor changes to the previously adopted Ordinance to correct the double asterisk (**) notation to Table 1 of Chapter 20.242.040 to clarify that expansion of existing cultivation sites in the Rangeland (RL) Zoning District is allowed pursuant to a Zoning Clearance. It also involves deleting a reference to Rangeland in Section 20.242.040(D).

Within Table 1 a Zoning Clearance is identified as the permit type for existing cultivation in the Rangeland Zoning District. The requirement to obtain an Administrative Permit in the Rangeland Zoning District appears in a double asterisk (**) associated with Table 1 of Chapter 20.242. The double asterisk (**) reads as follows:

*** Existing cultivation sites in the FL, TPZ and RL zoning districts are permitted subject to limitations of this section. Expansion of existing cultivation sites in the FL, TPZ and RL zoning districts is permitted, subject to the issuance of an Administrative Permit.”

Section 20.242.040(D) reads as follows:

“An existing cultivation site, which qualifies for a MCCO permit, may continue within the FL Forest Land), the TPZ (Timber Production Zone), or the RL (Rangeland) zoning districts not to exceed 2,500 square feet of cultivation with a Zoning Clearance, Administrative Permit or Minor Use Permit as listed in Table 1. The existing cultivation site may be expanded to a MCCO Outdoor or Mixed Light permit type that allows up to 10,000 square feet of cultivation in conformance with all applicable MCCO requirements and conditions and with an approved Administrative Permit or Use Permit as listed in Table 1.”

The references to the Rangeland zoning district in both the double asterisk (**) and Section 20.242.040(D) were added late in the ordinance drafting process. Upon review, the additions were not made as a result of the CEQA analysis or mitigation measure implementation, or pursuant to the direction of the Board of Supervisors.

Under the proposed ordinance change for which this addendum is being prepared, references to Rangeland would be removed from both the double asterisk (**) for Table 1 and from Section 20.242.040(D).

The discussion in the CEQA document related to expansion in Phase 1 requiring an Administrative Permit is limited to lands zoned Forest Land and Timber Production Zone. The need to obtain an Administrative Permit was not anticipated or relied upon within the CEQA analysis for potential impacts. The analysis contained in the Initial Study was conducted assuming cultivation sites in Rangeland would comply with Table 1 and all applicable cultivation permit requirements, performance standards, and mitigation measures contained in the Ordinance and Initial Study. The requirement of an Administrative Permit was not used as a basis of this analysis.

Removing the double asterisk (**) and reference to Rangeland in Section 20.242.040(D) at this time is considered a correction to the ordinance and a non-substantive change consistent with the Board direction received on November 13, 2017.

Purpose:

Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent ND have occurred. Section 15162 states that when an ND has been adopted for a project, no subsequent ND 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 ND 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 ND 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 ND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous ND; B) significant effect previously examined will be substantially more severe than shown in the previous ND; 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 ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

Removing the double asterisk (**) notation to Table 1 of Chapter 20.242.040 and reference to Rangeland in Section 20.242.040(D) would clarify that no Administrative Permit is required for expansion in Rangeland up to the maximum amount of cultivation allowed for each permit type. These changes are considered a correction to the ordinance and a non-substantive change. No substantial changes are proposed which would require major revisions to the previously approved Mitigated Negative Declaration. The need to obtain an Administrative Permit was not anticipated or relied upon within the CEQA analysis. The analysis contained in the Initial Study was conducted assuming cultivation sites in Rangeland would comply with Table 1 and all applicable cultivation permit requirements, performance standards, and mitigation measures contained in the Ordinance and Initial Study. Because the need to obtain an Administrative Permit was not anticipated or relied upon within the CEQA analysis the change would not require major revisions to the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. No additional mitigation is required. All adopted mitigation measures will remain in full force and effect.

All previously assumed baseline conditions are still applicable and cultivation permit requirements, performance standards, and mitigation measures contained in the Ordinance and Initial Study remain. No substantial changes have occurred with respect to the circumstances under which the project was undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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 of the previous ND was certified has been identified.

Explanation of Decision Not to Prepare a Supplemental Mitigated Negative Declaration:

See **Purpose** section above. In every impact category analyzed in this review, the projected consequences of the proposed ordinance changes are either the same or less than significantly increased compared to the project for which the Mitigated Negative Declaration was adopted. Based upon this review, the following findings are supported:

Findings:

1. For the modified project there are no substantial changes 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. For the modified project no substantial changes have occurred 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.
3. For the modified 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, showing any of the following:
 - a. That the current project will have one or more significant effects not discussed in the previous MND;
 - b. That significant effects previously examined will not be substantially more severe than shown in the previous MND;
 - c. That there are mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project.
 - d. That, there are mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

Conclusion:

Based on the above analysis, it is concluded that this Addendum to the adopted Mitigated Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance changes and that no additional subsequent environmental review is needed to review the impact of the proposed ordinance changes.