

*Before the Board of Supervisors
County of Monterey, State of California*

In the matter of the application of:

North County Cannabis Initial Study/Negative Declaration

RESOLUTION NO. 22-384

Resolution by the Monterey County Board of
Supervisors Adopting a Negative Declaration (ND)
pursuant to section 15074 of the California
Environmental Quality Act (CEQA) Guidelines;

The North Monterey County Cannabis Initial Study/Negative Declaration (IS/ND) (REF220024) came on for public hearing before the Monterey County Board of Supervisors on October 4, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION.** An Initial Study (IS)/ Negative Declaration (ND) has been prepared pursuant to the California Environmental Quality Act (CEQA) for 7 sites on 5 properties with pending applications for cannabis cultivation and processing located within the North Monterey County unincorporated area.
EVIDENCE: a) At the time of consideration of this resolution, the County of Monterey has received 118 applications for land use entitlements to allow commercial cannabis operations on land in the unincorporated areas of Monterey County. Of those 118 applications, 76 applications are for commercial cannabis cultivation within existing greenhouses or industrial buildings in the unincorporated areas of Monterey County. The remaining 42 applications are for cannabis retailers, cannabis testing, manufacturing, outdoor cultivation, distribution, or amendments and extensions to previously approved permits and do not include new cultivation within existing greenhouses or industrial buildings. Prior to receiving all 118 applications for commercial cannabis uses, the County approved 13 commercial cannabis cultivation entitlements, leaving 63 remaining permit applications pending (from the 76 total cultivation applications). Each of the 13 approved permits were individually found to be categorically exempt pursuant to CEQA. CEQA requires consideration of the effects of past, present, and reasonably probable future projects (cumulative considerations) when evaluating potential environmental impacts for individual projects (CEQA Guidelines sections 15064(h), 15065(a)(3), and 15300.2(b)). With 63 remaining cultivation permits pending, in addition to the 13 already approved, staff identified a need to review the potential cumulative effects of the cannabis permits on the whole rather than on a case-by-case basis, particularly in the areas that contain a higher concentration of

greenhouses. On November 17, 2020, the Board of Supervisors adopted an Initial Study/Negative Declaration that evaluated the potential cumulative effects of 45 sites in the Salinas Valley with applications pending to cultivate cannabis within existing greenhouses or industrial buildings. A separate but similar effort has been undertaken to evaluate projects in the geographically distinct North Monterey County area (See CEQA Guidelines section 15130 (b)(3)). Within North Monterey County, 7 pending applications have been evaluated in a programmatic Initial Study (IS). The North County IS found that the 7 projects would have less than significant effects on the environment, and consequently, staff prepared a Negative Declaration (ND) under CEQA. The adoption of the North County IS/ND by this resolution is not an approval of any individual permit application, each of which will be subject to future discretionary decisions, including CEQA review, in accordance with the appropriate decision-making processes.

b) Specific sites with pending applications for cannabis cultivation and processing analyzed as part of this proposed IS/ND are listed below with the Assessor's Parcel Number, address, and application file number:

1. 117-401-021, 117-401-022, 117-401-004, and 117-401-020
723 and 735 San Juan Road, Royal Oaks (PLN170282)
745 San Juan Road, Royal Oaks (PLN170284)
755 San Juan Road, Royal Oaks (PLN170285)
2. 117-401-004
723 San Juan Road, Royal Oaks (PLN170263)
3. 267-012-009
35 Kortright Lane, Aromas (PLN170225)
4. 117-231-010, 117-231-017, 117-231-021, and 117-231-025
250 Lewis Road, Royal Oaks (PLN170321)
5. 181-022-005
37 McGinnis Road, Royal Oaks (PLN180109)

The 5 project sites are located within in the northern unincorporated Monterey County.

c) The 7 projects covered in this IS/ND represent the majority of cannabis cultivation applications currently pending within the North County area. Within this area, there are 9 permits for commercial cannabis cultivation in greenhouses. 2 permits were approved prior to consideration of the Salinas Valley IS/ND (Part of the 13 approved as of that date). 7 permits are still pending. The North County IS/ND evaluated both the project specific and cumulative impacts of the applications in North Monterey County. Applications for indoor cultivation in Moss Landing, Castroville, and Pajaro are being considered separately from the mixed light cultivation within existing greenhouses.

2. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Board of Supervisors, there is no substantial evidence that the proposed project will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code section 21080 and California Environmental Quality Act (CEQA) Guidelines section 15060 provide a process for determining the type of environmental review required for projects.
 - b) 7 cannabis applicants agreed to fund the preparation of technical reports and an Initial Study that examines the potential cumulative effects on the environment of their cannabis applications. Cannabis applicants hired Denise Duffy & Associates (DDA) to prepare an Initial Study (IS) pursuant to CEQA. The preliminary draft IS was submitted to County staff for review. County staff reviewed and edited the preliminary draft IS; the final IS reflects staff's independent judgment and analysis. The Initial Study/ND, entitled North Monterey County Cannabis Facilities Projects, attached as Attachment B to the October 4, 2022 staff report to the Board of Supervisors, is on file in the offices of HCD-Planning, and is hereby incorporated by reference (REF220024).
 - c) The Initial Study found that the 7 projects would cause less than significant direct effects on the environment and less than significant cumulative effects in the geographic region. As such, staff prepared a "Negative Declaration" prepared pursuant to CEQA.
 - d) Staff prepared the Draft Negative Declaration (ND) was prepared in accordance with CEQA and circulated it for public review from March 16, 2022 through April 16, 2022 (SCH#: 2020060325).
 - e) Issues that were analyzed in the IS/Negative Declaration include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, noise, transportation/traffic, tribal cultural resources, utility/service systems, wildfire, and cumulative impacts.
 - f) Evidence that has been received and considered includes: A Traffic Impact and Vehicle Miles Traveled Study prepared by Kimley Horn, CalEEMod outputs with estimated emissions, staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings.
 - g) Staff analysis contained in the Initial Study and the record as a whole indicate some or all of the 7 applications considered in the Initial Study could result in changes to the resources listed in section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the 45 projects analyzed in the IS/ND may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend

necessary conditions to protect biological resources in this area. Therefore, the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD) will be required.

- h) During the public review period, comments on the IS/ND were submitted by the Bureau of Cannabis Control (BCC), the California Department of Fish and Wildlife (CDFW), Kris Del Piero, and Juana Alanis t. The County has considered the comments received during the public review period. Responses to comments have been prepared and minor revisions to the IS/ND that clarify and amplify the analysis have been incorporated to address some of the comments. Revisions include clarifying: the permit applications numbers considered; the types of water efficiency measures that will be considered, the permitting authority of BCC; and water and wastewater information for 37 McGinnis Road. Other comments were considered but did not result in changes to the IS/ND. The clarifications and amplifications do not alter the conclusions in the IS/ND. As such, recirculation of the IS/ND was not required pursuant to section 15073 of the CEQA Guidelines. Revisions to the IS/ND are shown in strikeout and underline (attached as Exhibit B to the October 4, 2022 staff report for this item) and are more fully described in the response to comments document attached as Exhibit D to the staff report.
- i) Monterey County HCD-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

Adopt the Negative Declaration prepared pursuant to California Environmental Quality Act Guidelines section 15074 for 7 pending commercial cannabis permit applications at 5 different sites located in the North Monterey County unincorporated area.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

PASSED AND ADOPTED on this 4th day of October 2022, by roll call vote

AYES: Supervisors Alejo, Phillips, Lopez, Askew, and Adams

NOES: None

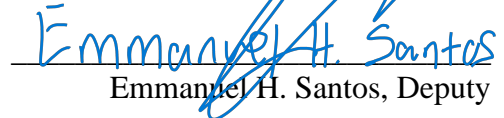
ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on October 4, 2022

Dated: October 6, 2022
File ID: RES 22-179
Agenda Item No. 16

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Emmanuel H. Santos, Deputy