

CEQA UPDATE FOR CANNABIS PERMITTED BUSINESSES

November 22, 2021



What Is CEQA?

- California Environmental Quality Act (CEQA)
 - Requires an environmental assessment of discretionary projects
 - Consider environmental consequences and inform decisionmakers and public of potential environmental effects of the project.
 - Lead Agency Vs. Responsible Agency
- Frequently used CEQA outcomes
 - ND/MND
 - EIR
 - Exempt
 - Tiering

CEQA Utilized for Cannabis in SC

- County land use permits are discretionary permits
 - Requires CEQA
 - State Law requires CEQA be completed for cannabis State licensing
- In most cases, County utilized General Plan EIR to find;
 - Commercial Cannabis uses were consistent with similar uses permitted within the appropriate zoning district
 - No further CEQA analysis was needed

Post Land Use Approval

- Cal-Cannabis requested additional information related to adopted environmental review
 - Site specific CEQA Review
 - General Plan EIR did not include Commercial Cannabis
 - Suggested additional environmental review post land use approval
 - County has limited means in adopting additional environmental documents without reopening land use approvals

Post Land Use Approval Continued

- County staff worked with Cal-Cannabis to develop a consistency checklist
 - to be used for projects previously approved
 - Cal-Cannabis provided feedback that checklist would not be adequate
- Post merger of State cannabis licensing agencies
 - No longer only cultivation projects under review
 - County staff reiterated position to DCC staff
 - County Lead Agency
 - NOD recorded and not challenged
 - CEQA completed by Stanislaus County



DCC Determination

- DCC determined that;
 - County's CEQA determination inadequate for state licensing
 - Without additional CEQA review in progress;
 - existing provisional licenses will no longer be renewed
 - new provisional licenses will not be issued
- County Staff met with DCC General Counsel
 - DCC reiterated previous position of CEQA inadequacy
 - Concluded DCC would need to assume role as lead agency



Path Forward

- County Permitted Businesses with provisional licenses;
 - Will need to contact DCC prior to licensee expiration to start CEQA process
 - Per DCC, as long as process ongoing, operation can continue
 - Potential for group CEQA action to satisfy DCC process for permittees in Stanislaus County
- County will assist with document sharing to ensure correct project description to align with County permits



Questions

