1 INTRODUCTION

This response to comment document has been prepared by Yolo County (County), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (California Code of Regulations (CCR) Section 15132). This document contains responses to comments received on the draft environmental impact report (Draft EIR) for the proposed Cannabis Land Use Ordinance (CLUO). This document and the Draft EIR make up the Final EIR.

1.1 PURPOSE OF THIS RESPONSE TO COMMENT DOCUMENT

CEQA requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR. This document is the mechanism for responding to these comments. This document has been prepared to respond to comments received on the Draft EIR, which are reproduced in this document, and to present corrections, revisions, and other clarifications and amplifications to the Draft EIR made in response to these comments.

Many of the comments received do not pose questions or comments about the adequacy of the information or analysis within the Draft EIR. Therefore, responses are not mandated pursuant to CEQA Guidelines Sections 15088(a) and 15132(d). Nevertheless, the County has provided responses to all comments received, including those directed solely at the various components of the CLUO. To distinguish between comments on the Draft EIR and comments on the proposed CLUO or on other non-EIR related matters, each response in Section 3.2 is identified as “EIR Comment” or “CLUO Comment.”

The Final EIR will also be used by CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit/license subsequent cannabis uses under the CLUO over which they have jurisdiction. It may also be used or referenced by other state, regional, and local agencies that may have an interest in resources that could be affected by future cannabis use permits or that have jurisdiction over components of future cannabis use permits.

As encouraged under CEQA, the County intends to use this Program EIR prepared for the CLUO to streamline the environmental review and consideration of future cannabis use permit applications. The County plans to make use of the streamlining provided by CEQA, as applicable. Subsequent to adoption of the CLUO, applicants will apply for Cannabis Use Permits pursuant to the new regulations. Individual applications for commercial cannabis operations under the ordinance will be subject to further site-specific environmental review as required under CEQA pursuant to State CEQA Guidelines Section 15168(c), Use with Later Activities. This section of the guidelines addresses environmental review of projects consistent with activities described under a series of actions for which a Program EIR was prepared. The County may determine that the environmental impacts of an individual project are adequately addressed in the Program EIR and that no further environmental review is required, or it may determine that additional environmental review is required and could require focused environmental review. Preparation of a site-specific and/or project-specific environmental review document would be required if the County determines that the individual project would cause a significant environmental impact that was not examined in the Program EIR or would substantially increase the severity of a previously identified significant impact under State CEQA Guidelines Sections 15162 and 15168(c). The subject Program EIR may also be used and/or relied upon by the California Department of Food and Agriculture for its cannabis licensing actions.

Under Public Resources Code (PRC) Section 21083.3 and State CEQA Guidelines Section 15183, lead agencies can use EIRs prepared for zoning actions (such as the proposed CLUO) to analyze the impacts of proposed cannabis projects that may be approved pursuant to the CLUO, and limit later project-level analysis to only site-specific issues not already examined (if any). Under the above-referenced code sections, CEQA
analysis for later projects will be limited to issues “peculiar” to the site or new environmental concerns not previously addressed. State CEQA Guidelines Section 15183(f) provides that impacts are not “peculiar” to the project if uniformly applied development policies or standards substantially mitigate that environmental effect. Upon adoption, the CLUO will meet the definition of a uniformly adopted standard, and compliance with the CLUO will allow for CEQA streamlining to be used.

1.2 PROPOSED CANNABIS LAND USE ORDINANCE

On March 22, 2016, in response to the Medical Marijuana Regulation and Safety Act and to effect greater local control, the Board of Supervisors (Board) adopted the Marijuana Cultivation Ordinance (Ordinance Number 1467), adding Chapter 20 to Title 5 of the Yolo County Code to regulate the issuance of ministerial licenses for medical cannabis cultivation in Yolo County. This ordinance, also referred to herein as the County’s cannabis licensing ordinance, was subsequently amended by the Board on July 24, 2018, to allow for adult commercial (recreational) cannabis activities, thereby eliminating the original restriction to medical marijuana only.

The overall purpose of the proposed CLUO is to add Article 14 (Cannabis Land Use Ordinance) to Title 8, Chapter 2, Zoning Regulations, of the Yolo County Code, establishing new Zoning Regulations to control land use, zoning, and development aspects of cannabis operations throughout the unincorporated County area and create a discretionary use permit process for all cannabis activities. These regulations are separate and distinct from the cannabis licensing regulations currently in Chapter 20 of Title 5 of the Yolo County Code, which will ultimately be modified and moved to a new Chapter 4 in Title 12 (Business Licenses). The proposed new CLUO and the modified existing cannabis licensing ordinance will be implemented in tandem, as an integrated set of County regulations.

1.3 EQUAL WEIGHT CANNABIS LAND USE ORDINANCE ALTERNATIVES

The County has identified five alternative variations to the CLUO for review in this EIR, recognizing that the final CLUO may combine elements of more than one alternative. Each alternative reviewed in this EIR relies on the same underlying framework that would regulate cannabis activities through land use, zoning, and development standards. The alternatives vary by the assumed type of cannabis license/activity, limits on the number of operations, and other performance standards. The County has identified Alternative 1 as the CEQA preferred alternative; however, this should not be construed as selecting this alternative over any others. These five alternatives are evaluated at an equal level of detail and are summarized below. The EIR provides analysis sufficient to allow one of the alternatives, or a modified version of one of the alternatives that incorporates features from the other alternatives, to be adopted.

1.3.1 Alternative 1: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative)

Alternative 1 assumes that existing personal use and commercial cannabis cultivation (including on-site nurseries and processing that provide support to the cultivation operation) would continue to operate but under the requirements of the new CLUO, in addition to the existing County licensing ordinance, rather than solely under the provisions of the existing licensing ordinance. As analyzed in the EIR, there are 78 existing and eligible cultivators in the County. This alternative assumes 78 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws, and the proposed CLUO:

- personal: unlimited
- cultivation: 78 operations
This alternative assumes 75-foot buffers between outdoor cannabis uses and occupied off-site residences, and 1,000-foot buffers between outdoor cannabis uses and the following uses: residentially designated lands, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers.

1.3.2 Alternative 2: All License Types with Moderate Limits

Alternative 2 assumes that all types of cannabis uses would be allowed, including commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusinesses. As defined, implementation of this alternative would result in 132 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal: unlimited
- cultivation: 80 (assumes 78 operations from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- retail: 2
- microbusiness: 5

Alternative 2 assumes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions (for example, within the defined comment areas of the County’s citizen’s advisory committees) (see Section 8-2.1406[H] of the proposed CLUO). This alternative also assumes 1,000-foot buffers between outdoor cannabis uses and occupied off-site residences and residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers.

1.3.3 Alternative 3: All License Types with High Limits

Alternative 3 assumes that all types of cannabis uses would be allowed, including commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusiness. As defined, implementation of this alternative would result in 264 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal: unlimited
- cultivation: 160 (assumes 78 operations from Alternative 1)
- nurseries: 10
- processing: 10
- manufacturing: 40
- testing: 10
- distribution: 20
- retail: 4
- microbusiness: 10

Alternative 3 assumes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions (for example, within the defined comment areas of the County’s citizen’s advisory committees) (see Section 8-2.1406[H] of the...
proposed CLUO). This alternative also assumes 75-foot buffers between outdoor cannabis uses and occupied off-site residences and residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers.

1.3.4 Alternative 4: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types

Alternative 4 assumes that personal cultivation, commercial cannabis cultivation, nurseries, processing, and microbusinesses would be limited to indoor and mixed-light operations within a structure. It is assumed that 75 of the existing and eligible cannabis cultivation sites with outdoor cultivation would convert entirely to indoor or mixed-light cultivation in indoor buildings or greenhouses. As defined, implementation of this alternative would result in 132 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal (indoor only): unlimited
- cultivation: 80 (assumes 78 operations from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- retail: 2
- microbusiness: 5

Alternative 4 assumes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions (for example, within the defined comment areas of the County’s citizen’s advisory committees) (see Section 8-2.1406(H) of the proposed CLUO). Under this alternative, implementation of the CLUO could require relocation of nine existing and eligible cultivation sites to meet the assumed zoning requirements. Because no outdoor cannabis activities are allowed under this alternative, it does not include buffers between outdoor cannabis uses identified sensitive land uses.

1.3.5 Alternative 5: All License Types with Moderate Limits, within Agricultural Zones Only, No Retail

Alternative 5 assumes all license types, with the exception of retail, but would limit commercial cannabis (including personal outdoor grows) to agricultural zone districts. Personal indoor grows would be allowed in all zoning districts. As defined, implementation of this alternative would result in 130 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal: unlimited
- cultivation: 80 (assumes 78 operations from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- microbusiness: 5
This alternative assumes 1,000-foot buffers between outdoor cannabis uses and the following uses: occupied off-site residences and residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers.

1.4 ENVIRONMENTAL REVIEW PROCESS

On October 25, 2019, the County released the Draft EIR for a 60-day public review and comment period. In order to encourage public input and facilitate review, the County opted to allow for the maximum recommended public review period for the Draft EIR (CEQA Guidelines Section 15105[a]). The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the County’s website (https://www.yolocounty.org/community-services/cannabis-3398); and made available at the Yolo County Department of Community Services and all Yolo County libraries.

A public hearing was held on December 3, 2019, before the Yolo County Planning Commission to receive input from agencies and the public on the Draft EIR.

As a result of these notification efforts, written and oral comments were received on the content of the Draft EIR. Chapter 3, “Comments and Responses,” includes comments received and responses to these comments. None of the comments received, or the responses provided, constitute “significant new information” by CEQA standards (State CEQA Guidelines CCR Section 15088.5). The information in this document clarifies and amplifies, or makes insignificant modifications, to the Draft EIR.

1.5 ORGANIZATION OF THIS DOCUMENT

This Final EIR is organized as follows:

Chapter 1, “Introduction,” describes the purpose of this document, summarizes the CLUO, provides an overview of the CEQA public review process, and describes the organization of this Final EIR.

Chapter 2, “Draft EIR Commenters,” provides a list of agencies, organizations, companies, and individuals who commented on the Draft EIR.

Chapter 3, “Comments and Responses,” contains copies of the comment letters received, a copy of the meeting notes from the December 3, 2019, Planning Commission public hearing, and responses to the comments. The chapter begins with a set of master responses that were prepared to respond comprehensively to multiple comments that raised similar issues. A reference to the master response is provided, where relevant, in responses to individual comments.

Chapter 4, “Revisions to the Draft EIR,” presents revisions to the Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by strikeouts (strikeouts) where text is removed and by underline (underline) where text is added.

Chapter 5, “References,” identifies the documents used as sources for the analysis.

Chapter 6, “List of Preparers,” identifies the lead agency contacts, as well as the preparers of this document.
The following **appendices** are included in this Final EIR:

- Appendix A, “Cannabis Cultivation Inspection Report”;
- Appendix B, “Cannabis Notice”;
- Appendix C, “Mitigation Monitoring and Reporting Program (MMRP)”;
- Appendix D, “Proposed Revisions to the Draft CLUO”;
- Appendix E, “Trinity Consultants Technical Memorandum Entitled “Modeling to Estimate Odor Impacts at Various Buffer Distances””; and
- Appendix F, “Revised Draft EIR Table ES-1: Summary of Impacts and Mitigation Measures.”