To: Supervisors
Cannabis Task Force                                      December 22, 2019

Dear Supervisors and County Staff:

At the inception of the implementation of the cannabis program by the County in 2016, problems arose so quickly after the first permits were handed out that in short order, a moratorium was placed that fall on issuing any new permits.

From the very beginning, the County’s poorly conceived and implemented cannabis plan immediately and without review granted permits which included several people who already had questionable or illegal marijuana grows, yet they were allowed to continue and expand these grows, now fully sanctioned, supported and defended by the county. A number of locally known ‘bad actors’ continue to cause serious problems for those in the surrounding area, particularly in areas where the County permitted large cannabis grows to fall amongst small residential parcels and farms – all with no CEQA review regarding changing land use, cumulative impacts, and other associated issues that have serious local impact.

A second moratorium was passed in 2017. That moratorium was requested by Capay Valley residents, because the problems brought on by the grows (and growers) were significantly damaging to our communities. We had understood that moratorium to mean that no new expansions of the existing grow activities would take place, either in size of the grow or in any activities other than the actual growing of the cannabis, until regulations that followed good government procedures were developed, public input sought and heard, and passed in properly noticed, open meetings.

That is not what has happened. Grows that started out small, such as the one on Manzanita Street in Rumsey, have become huge. This grow has expanded from a 1/4 acre permit to include 32 hoop houses, truck trailers permanently on site, multiple porta-potties, six constantly-running refrigerated trucks, dozens of cars, worker sheds, traffic, armed security. Decisions have clearly been made by staff, administratively, to expand both the size and scope of the cannabis grows and the activities on site, without any environmental review, community or public input, or notice to adjacent landowners.

As a consequence, serious problems in our small town have been ongoing without respite. This summer and fall, we who live in Rumsey have had almost no break from the constant sound of generators, day and night. The EIR flat out lies in its assumptions about generator use. Refrigerated trucks run constantly for weeks, their condensers turning the volume up even more when they come on as dictated by their thermostats. Our community is at the end of the valley, where the valley itself narrows, and sound carries everywhere. Gas-powered pumps in the Rumsey irrigation ditch, now itself overburdened by the significant water needs of the cannabis growers, run constantly as well. New wells are drilled even though the water situation in the Capay Valley is significantly different than in the greater Yolo county Central Valley areas. We have
expressed concerns regarding electrical capacity at our end of the valley, but County staff allows expansion of electrical use with no analysis, with no CEQA review, no public review or input. No serious review of fire danger, the fact that the Capay Valley has had two massive wildfires in two consecutive years with only one road in and out of the valley, seems to have been conducted.

The grow at the end of Manzanita has engendered so much traffic that as many as an estimated 80 daily trips take place up and down the less than 700 feet or so from the highway to the grow's property line, with employees throwing trash onto neighboring properties, including the bar code tags supposed to be part of “track and trace.” Kids do not feel safe at their bus stop on the west of the road, (nor on the east, when truck activities are active for days at a time.) Our children’s safety comes first, period, and the existing 1,000 foot regulation in this regard is ignored by staff. It is also ironic and ridiculous that the kids go to homes that are now much closer to grows than the school bus stop regulation allows. Protected at the bus stop, in theory, but not in their homes.

Additionally, at the meeting in Guinda at which County staff gave a presentation on how to respond to the draft EIR and CLUO, staff said that the 1,000 foot setback from certain properties did not run from parcel boundary to parcel boundary, but only to the actual cannabis canopy on the grow property. This is patently absurd. These grows have parking lots, dust, noise, trailers, trucks, generators, trash, cars, etc. The measurements must be made from the boundary line, because the entire grow property is involved, and negatively affects all adjacent and nearby properties.

Security staff hired by the grows wander around on foot or on ATVs at night and have shone their flashlights into the bedroom of one resident and the bathroom of another. The presence of security guards with no ties to the community has changed the tenor of our neighborhoods. Still, cannabis thefts occur right in our small residential village. The County seems to be requiring growers to harvest and then process and store their product on site, a policy that is causing the non-stop noise and the increase in crime.

The property values of the many properties adjacent or proximate to the grows are without question significantly depressed by the grows. These properties represent the life savings of the residents here. It is unconscionable that the promise of extraordinary profits for the very few, often backed by out-of-area investors, engaged in a speculative venture, trumps the rights of the majority of local residents in every respect: economic well-being, emotional and psychological well-being, public safety, ability of residents to conduct their businesses, our right to enjoy our properties in peace and safety, free from nuisances and harm or threat of harm.

Many locals have not officially complained to the County through its complaint procedure, because the response from the complaints that have been made, has made it clear that the staff is there first and foremost for the benefit of the growers. Some residents who have complained believe that information has been given by staff to the grower and hence the owners of the grow. Owners of grows can, and have, shown vindictive responses to opposition to their activities. No one here feels safe complaining,
further depressing residents’ sense of safety to turn to the County for redress of grievances, a right guaranteed by the Constitution.

We cannot endure another season of disruption to our communities that has come with the existing cannabis situation in Rumsey, and similarly in Guinda. We hereby request in the strongest possible terms that the County officially relocate or terminate grows located in areas where residences are in close proximity as soon as possible, and not renew permits in these areas of over-concentration. These problems were created from inception by administrative actions of the County itself, again, without public notice or input, and, many of us believe, in violation of CEQA law.

In this regard, the most egregious insult to our communities is the fact that the County exempted itself from a CEQA review when it entered the cannabis project in 2016. This is not even mentioned in the CLUO and EIR documents, and needs to be. Nonetheless, the staff now uses the existing non-EIR’d, non-CEQA’d nightmare of its current regulations as the baseline for its current EIR analysis, calling the existing baseline of 78 permits the “no cannabis alternative”- but in fact, that is a deliberate misnomer. The other alternatives presented do nothing but INCREASE the density and variety of cannabis activities in the unincorporated areas of the County. This fundamental flaw is unacceptable. If ever a project should have triggered a CEQA review with a comprehensive EIR, it was the County entering the world of commercial cannabis in 2016, a project which common sense alone indicated came with a veritable portfolio of land-use and public health and safety issues. We’ve heard that the County apparently justified exempting itself from CEQA review in 2016 because “there were illegal grows and somehow the legal grows would represent some kind of improvement, so therefore no CEQA analysis would be required.” This is an absurd argument, when the impacts of cannabis grows, legal or illegal, are obviously many and complex, and the County had no idea what it was doing. The public has the right to weigh in on the decisions that deeply affect our daily lives and our communities, and we were deliberately prevented from this by the County opting out of a CEQA review at that time.

In short, the status-quo used in the CLUO and EIR is completely unacceptable and cannot be used as the baseline on which to present alternatives, all of which make our situation even worse.

For this reason, we reject the baseline and ALL the alternatives presented in the CLUO and EIR documents. We request in the strongest terms that the documents be redone with a TRUE “No cannabis grows” (including none of the 78 given out in 2016) as the actual baseline from which to move forward and develop a community-driven set of policies.

Please note that many of us are not opposed to the County gaining revenue from cannabis. What we do object to is the County’s management and handling of the regulation of this new product up until now, and their attempts to create a permanent CLUO that only serves to maintain the current unacceptable status quo, or to intensify the existing problems, with little to no obvious effort to improve the situation in our area.
of the Capay Valley. We therefore request that the County take a harder look at their own flawed process, start anew with its analysis, and ultimately draft a CLUO that speaks more to integrity, a higher quality of life for its residents, and a better balance between these and the desired bottom line revenue the County hopes to reap from Yolo County cannabis production.

Sincerely,

Larry Alegre, Rancho Alegre
Joel Berrelleza
Gretchen Ceteras, Blue Heron Farm
Linda Deering
Corky and Vicki Facciuto
Todd Gettleman
Kathy Lowrey
Helen and Pete McCloskey, Rumsey Farms
Robin and Serge Testa
| Letter 31 | Larry Alegre, Joel Berrelleza, Gretchen Ceteras, Linda Deering, Corky and Vicki Faciuto, Todd Gettleman, Kathy Lowrey, Helen and Pete McCloskey, and Robin and Serge Testa (letter) | 12/22/2019 |

**Response to Comment 31-1**  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

The commenters provide a summary of the current licensing ordinance and express concerns about implementation of the ordinance. These concerns are acknowledged for the record. It is important to note that the licensing ordinance has always allowed eligible licensees to cultivate up to 1 acre of garden canopy. A cultivator may choose to cultivate a quarter acre 1 year and increase the size of the cultivation the following year up to an acre. The size of the cultivation for the site on Manzanita Avenue in Rumsey was within the limits of what is allowed under the licensing ordinance. The County’s summary of cannabis regulations is provided in the Draft EIR starting on page 2-11. Also, please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 31-2**  
**CLUO Comment.** The commenters’ concerns regarding the operations on Manzanita Avenue in Rumsey are acknowledged for the record. Please see MR-7, “Code Enforcement and Crime,” and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 31-3**  
**EIR Comment.** The comment expresses concern about noise from generator use. Section 8-2, 1408(T) of the proposed CLUO addresses generator use. The County staff is proposing further modification of this section to clarify that a permanent power source is required and that interim use of generators is restricted to power outages and emergencies, and under no circumstances can exceed 80 hours of use per year (see Appendix D). Any generator 50 horsepower and above would be required to be certified by the California Air Resources Board or permitted by the Yolo-Solano Air Quality Management District for air pollutant emission control.

Noise impacts are analyzed in Section 3.12 of the Draft EIR. Generator use would also be subject to the noise controls identified in Draft EIR Mitigation Measure NOI-1 and summarized in Response to Comment 9-3.

The cannabis activities at this location were approved under the County’s Licensing Ordinance which is a ministerial process with 75-foot buffer requirements for individual residences. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. The CLUO would establish a discretionary permit process in addition to the required ministerial cannabis license.

**Response to Comment 31-4**  
**EIR Comment.** The commenters express disagreement with the assumptions in the EIR regarding generator use. Because the proposed CLUO specifies that generators may only operate on a temporary or emergency basis, the Draft EIR appropriately assumes that generators are a back-up source of electricity. As identified in Section 3.3, “Air Quality and Odors,” and Draft EIR Appendix E, each mixed-light and indoor cannabis cultivation site was
assumed to have some generator use under all alternatives. It was assumed
that these back-up generators would be used for no more than 200 hours per
year. The Yolo-Solano Air Quality Management District does not define the
length of time a back-up/emergency generator can operate. Thus, the Draft
EIR relied on South Coast Air Quality Management District’s definition
identified below:

A standby ICE or turbine for non-utility power generation that does not
operate more than 200 hours a year and is only operated in the event
of an emergency power failure or for routine testing and maintenance
is considered an emergency backup generator for power generation
(South Coast Air Quality Management District 2020).

Please see Response to Comment 31-3 regarding proposed changes to the
CLUO regarding generator use and noise.

**Response to Comment 31-5 EIR Comment.** The comment expresses concern regarding noise from pumps
in the Rumsey irrigation ditch and that new wells are being drilled for
cannabis uses. Noise impacts are addressed in Section 3.12 of the Draft EIR.
Please see Response to Comment 9-3 regarding noise.

Regarding well drilling, the Draft EIR pages 3.10-7 through 3.10-13 describe
groundwater conditions in the County that includes Capay Valley. As shown in
Draft EIR Table 3.10-2, the California Department of Water Resources has
identified 501 wells in the Capay Valley. Impact Hydro-2 is discussed starting
on page 3.10-38 of the Draft EIR. The analysis analyzes groundwater that
would be used for cannabis crops and compares that to average groundwater
use for other non-cannabis crops. The analysis demonstrates that the
amount of groundwater used for cannabis activities under each of the CEQA
Alternatives would be similar to the amount used for other crops likely to be
grown on the property in the absence of contemplated cannabis uses. For
Alternatives 1 through 5 the range of groundwater estimated to be used is
132 acre-feet per year (under Alternative 1 on 156 acres) to 424 acre-feet
per year (under Alternative 3 on 517 acres). The high end of this range
equates to approximately the average groundwater used by an orchard of
about 131 acre-feet per year, thus substantiating the impact conclusion for
all alternatives of less than significant. It should also be noted that there are
29 monitoring wells in Capay Valley. Groundwater monitoring data from these
wells range from 1954 to 2020 and have not shown a significant trend in
reduced groundwater elevations for Capay Valley (Yolo Subbasin
Groundwater Agency 2020).

**Response to Comment 31-6 EIR Comment.** The commenters express concerns about electrical use in
Capay Valley. Electrical use is analyzed in Draft EIR Section 3.6, “Energy,” on
pages 3.6-11 through 3.6-13. Electricity in Yolo County is potentially available
through several sources, including Pacific Gas and Electric Company, Valley
Clean Energy Alliance, and on-site solar or wind generation. Given multiple
options for energy generation, the County did not further analyze availability
nor is such an analysis required for CEQA. Please see Response to Comment
30-21. CLUO Section 8-2.1408(O) requires that all cannabis uses
demonstrate availability of adequate energy, and compliance with applicable
local and regional energy saving goals. Cannabis uses are also required to
purchase or generate a minimum of 50-percent renewable power through the
Valley Clean Energy Alliance or other available energy purveyor. Please also
see Response to Comment 31-3.
The cannabis activities at this location were approved under the County’s Licensing Ordinance which is a ministerial process with 75-foot buffer requirements for individual residences. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. The CLUO would establish a discretionary permit process in addition to the required ministerial cannabis license. The Board of Supervisors is considering appropriate buffers to apply under the CLUO. The Draft EIR examines a range of buffers from 0 to 1,000 feet.

Response to Comment 31-7 CLUO Comment. The comment expresses concerns regarding fire danger. Please see Response to Comment 17-40.

Response to Comment 31-8 CLUO Comment. The comment expresses concern about traffic and trash as related to the facility operating on Manzanita Avenue in Rumsey. The County CTF investigates all complaints to ensure compliance with the requirements of the Licensing Ordinance and available enforcement tools. The CTF did follow-up with the complainant regarding the trash. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. Please also see MR-7, “Code Enforcement and Crime.”

The cannabis activities at this location were approved under the County’s Licensing Ordinance which is a ministerial process. The CLUO would establish a discretionary permit process in addition to the required ministerial cannabis license.

Response to Comment 31-9 CLUO Comment. The comment expresses concern about safety and buffers as related to the facility operating on Manzanita Avenue in Rumsey. Please also see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference,” and Response to Comment 24-2.

Response to Comment 31-10 CLUO Comment. The commenters recommend that buffers in all cases be measured from property boundary to property boundary. This position is acknowledged for the record. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference,” and Response to Comment 24-2.

Response to Comment 31-11 CLUO Comment. The commenters express concerns regarding security services in use by cannabis operators. The CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan. Please also see MR-7, “Code Enforcement and Crime.”

Response to Comment 31-12 CLUO Comment. The comment suggests that the County is requiring cultivators to harvest, store, and process their product on-site and expresses concern that this is resulting in undesirable effects. Under state cannabis licensing regulations and the County’s Licensing Ordinance, a licensed cannabis cultivator is allowed to process their own product on-site. However, this is not a requirement, nor is it a County requirement that cannabis be stored on-site. If the County opts to expand the allowed cannabis uses through the CLUO this would allow off-site processing at facilities licensed to conduct regional processing activities.
**Response to Comment 31-13**  
**CLUO Comment.** The commenters believe property values have been significantly and adversely affected by cannabis operations. This position is acknowledged. Please see MR-6, “Economic Effects and Property Values.” The comment also expresses that the rights of local residents have been harmed by out-of-area speculators. The County acknowledges that perspective. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 31-14**  
**CLUO Comment.** The County has an active enforcement process for the current cannabis license system as explained more in MR-7, “Code Enforcement and Crime.” Complaints are confidential. The proposed CLUO contains new regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities including notably:

- Section 8-2.1406(A) – related to compliance
- Section 8-2.1408 – Specific Use Requirements and Performance Standards
- Section 8-2.1408(CO) – Nuisance
- Section 8-2.1408(U) – Good Neighbor Communication
- Section 8-2.1410 (G) – Code Compliance
- Section 8-2.1411 – Reporting and Inspections
- Section 8-2.1412 – Enforcement

The commenters are encouraged to report violations through the County’s existing complaint process.

**Response to Comment 31-15**  
**CLUO Comment.** The commenters request that the County relocate or terminate cannabis operations in close proximity to residences as soon as possible and not renew licenses in areas of overconcentration. This recommendation is acknowledged as part of the record. Please also see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 31-16**  
**CLUO Comment.** The comment expresses that license approvals are being conducted in violation of CEQA. Please see MR-16, “Cannabis Licensing Program.”

**Response to Comment 31-17**  
**CLUO Comment.** The commenters disagree with the EIR baseline. This position is acknowledged. Please see MR-1, “No Project Alternative and No Cannabis Alternative,” and MR-2, “Baseline Conditions Used in the Draft EIR.”

**Response to Comment 31-18**  
**EIR Comment.** The commenters disagree with the range of alternatives evaluated in the Draft EIR. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR,” and MR-16, “Cannabis Licensing Program.”

**Response to Comment 31-19**  
**CLUO Comment.** The commenters believe the Licensing Program should have been subject to CEQA review. This position is acknowledged. Please see MR-16, “Cannabis Licensing Program.” The commenters feel the public was excluded from commenting on the development of the Licensing Ordinance. However, the Licensing Ordinance was adopted and amended in public meetings with input accepted from the public. This is summarized in Section 2.3.3 of the Draft EIR starting on page 2-11.

**Response to Comment 31-20**  
**EIR Comment.** The commenters disagree with the CEQA baseline used in the EIR. Please see MR-1, “No Project Alternative and No Cannabis Alternative,” and MR-2, “Baseline Conditions Used in the Draft EIR.”
Response to Comment 31-21  **EIR Comment.** The commenters recommend the County reject the baseline used in the Draft EIR, reject all of the defined alternatives, and revise the Draft EIR using “no cannabis” as the baseline to develop community policies. The frustration of the commenters is acknowledged, but the use of such a baseline would render the Draft EIR inadequate under state law. CEQA baseline is a well-defined, well-litigated concept and the approach taken in the Draft EIR is compliant with the requirements of the state and case law. The Board of Supervisors is not precluded from deciding to eliminate cannabis operations entirely; however, this was not a part of the direction given to the staff in developing the CLUO and defining the CEQA alternatives for the Draft EIR which is why the CEQA alternatives are structured and defined the way they are. Please see MR-4, “CEQA Alternatives and County Decision-Making.”

Response to Comment 31-22  **CLUO Comment.** The comment reflects possible support for cannabis activities, disagreement with the manner in which the County has conducted the Licensing Program, and a belief that the CLUO will maintain or worsen existing conditions, which the commenters find unacceptable. The commenters recommend the draft CLUO and Draft EIR be redone/revised. This position is noted. Please see MR-12, “Expression of Opinion/Preference.” County staff believe it is important to move forward with adoption and implementation of the CLUO. The CUP process and compliance with the performance standards in the CLUO will improve existing conditions. The Board of Supervisors will make policy choices regarding the number and type of cannabis uses to allow. Subsequent to adoption of the CLUO which will require a discretionary CUP approval for every cannabis operator. Each cannabis CUP applicant will be required to demonstrate CEQA compliance which may take the form of reliance on the CLUO EIR and/or additional site-specific CEQA documentation.
From: Helen [mailto:filly6@aol.com]
Sent: Sunday, December 22, 2019 11:07 PM
To: Clerkoftheboard <clerkoftheboard@yolocounty.org>; cannabis <cannabis@yolocounty.org>
Cc: larryale@gmail.com; liveoakfarm@gvsu.32.com; gceteras@gvsu.com; rumseyfarm@aol.com; Filly6@aol.com;
lowrey_kathy@yahoo.com; lndeering@ucdavis.edu; acrohc@me.com; gettleshtetl@yahoo.com; vfacciuto@gmail.com;
rumseyff@gmail.com
Subject: Letter from Rumsey residents re CLUO and EIR

To: Yolo County Board of Supervisors
Cannabis Task Force
December 22, 2019

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A number of growers continue to cause serious problems for those in the surrounding area, particularly in areas where the County permitted large cannabis grows to fall amongst small residential parcels and farms -- all with no CEQA review regarding changing land use, cumulative impacts, and other associated issues that have serious local impact.

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That is not what has happened. Grows that started out small, such as the one on Manzanita Street in Rumsey, have become huge. This grow has expanded from a 1/4 acre permit to include 32 hoop houses, truck trailers permanently on site, multiple porta-potties, six constantly-running refrigerated trucks, dozens of cars, worker sheds, traffic, armed security. Decisions have clearly been made by staff, administratively, to expand both the size and scope of the cannabis grows and the activities on site, without any environmental review, community or public input, or notice to adjacent landowners.

As a consequence, serious problems in our small town have been ongoing without respite. This summer and fall, we who live in Rumsey have had almost no break from the constant sound of generators, day and night. The EIR is wrong in its assumptions about generator use. Refrigerated trucks run constantly for weeks, their condensers turning the volume up even more when they come on as dictated by their thermostats. Our community is at the end of the valley, where the valley itself narrows, and sound and vibration carries everywhere, including through the soil. Gas-powered pumps in the Rumsey irrigation ditch, now itself overburdened by the significant water needs of the cannabis growers, run constantly as well. New wells are drilled even though the water situation in the Capay Valley is significantly different than in the greater Yolo county Central Valley areas. We have expressed concerns regarding electrical capacity at our end of the valley, but County staff allows expansion of electrical use with no analysis, with no CEQA review, no public review or input. Notwithstanding the fact that the Capay Valley has had two massive wildfires in two consecutive years with only one road in and out of the valley, no serious fire analysis including road constraints seems to have been conducted.

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cannabis-related truck activities are ongoing for days at a time.) Our children’s safety comes first, period, and the existing 1,000 foot regulation in this regard is unenforced. It is also ironic that the kids go to homes that are now much closer to grows than the school bus stop regulation allows. Protected at the bus stop, in theory, but not in their homes. We would like to see 1,000 setbacks from inhabited residences.

Additionally, at the meeting in Guinda at which County staff gave a presentation on how to respond to the draft EIR and CLUO, staff said that the 1,000 foot setback from certain properties did not run from parcel boundary to parcel boundary, but only to the actual cannabis canopy on the grow property. This is patently absurd. These grows have parking lots, dust, noise, trailers, trucks, generators, trash, cars, etc. The measurements must be made from the grow’s property boundary line, because the entire grow property is involved, and negatively affects all adjacent and nearby properties.

Security staff hired by the grows wander around on foot or on ATVs at night and have shone their flashlights into the bedroom of one resident and the bathroom of another. The presence of security guards with no ties to the community has changed the tenor of our neighborhoods. Still, cannabis and other thefts now occur right in our small residential village. The County seems to be requiring growers to harvest and then process and store their product on site, a policy that is causing the non-stop noise and the increase in crime. Again, these policies were not made in the light of day with public review and input.

The property values of the many properties adjacent or proximate to the grows are without question significantly depressed by the grows. These properties represent the life savings of the residents here. It is unconscionable that the promise of extraordinary profits for the very few, often backed by out-of-area investors, engaged in a speculative venture, trumps the rights of the majority of local residents in every respect: economic well-being, emotional and psychological well-being, public safety, ability of residents to conduct their businesses, our right to enjoy our properties in peace and safety, free from nuisances and harm or threat of harm, and even the well-being and proximity of the wildlife and birds we value.

Many locals have not officially complained to the County through its complaint procedure, because the response from the complaints that have been made, has made it clear that the staff is there first and foremost for the benefit of the growers. Some residents who have complained believe that information has been given by staff to the grower and hence the owners of the grow. Owners of grows can, and have, shown vindictive responses to opposition to their activities. No one here feels safe complaining, further depressing residents’ sense of safety to turn to the County for redress of grievances, a right guaranteed by the Constitution.

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In this regard, the most egregious insult to our communities is the fact that the County exempted itself from a CEQA review when it entered the cannabis project in 2016. This is not even mentioned in the CLUO and EIR documents, and needs to be. Nonetheless, the staff now uses the existing non-EIR’d, non-CEQA’d nightmare of its current regulations as the baseline for its current EIR analysis, calling the existing baseline of 78 permits the “no cannabis alternative”- but in fact, that is a deliberate misnomer, since it includes the existing 78 permits. The other alternatives presented do nothing but INCREASE the density and variety of cannabis activities in the unincorporated areas of the County. This fundamental flaw is unacceptable. If ever a project should have triggered a CEQA review with a comprehensive EIR, it was the County entering the world of commercial cannabis in 2016, a project which common sense alone indicated came with a veritable portfolio of land-use, environmental and public health and safety issues. We’ve heard that the County apparently justified exempting itself from CEQA review in 2016 because “there were illegal grows and somehow the legal grows would represent some kind of improvement, so therefore no CEQA analysis would be required.” This is an absurd argument, when the impacts of cannabis grows, legal or illegal, are obviously many and complex, and the County had no idea what it was doing. The public has the right to weigh in on the decisions that deeply
affect our daily lives and our communities, and we were deliberately prevented from this by the County opting out of a CEQA review at that time.

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Kathy Lowrey
Helen and Pete McCloskey, Rumsey Farms
Robin and Serge Testa
Linda Wilson

32-19 cont.
32-20
32-21
32-22
Response to Comment 32-1  CLUO Comment. This letter is identical to Letter 31 with a few exceptions, which are identified below. This comment is identical to comment 31-2 with minor differences in the second paragraph. Please see Response to Comment 31-1.

Response to Comment 32-2  CLUO Comment. These comments are identical to comment 31-2. Please see Response to Comment 31-2.

Response to Comment 32-3  EIR Comment. These comments are identical to comment 31-3. Please see Response to Comment 31-3.

Response to Comment 32-4  EIR Comment. These comments are identical to comment 31-4. Please see Response to Comment 31-4.

Response to Comment 32-5  EIR Comment. These comments are identical to comment 31-5. Please see Response to Comments 31-5.

Response to Comment 32-6  EIR Comment. These comments are identical to comments 31-6. Please see Response to Comment 31-6.

Response to Comment 32-7  CLUO Comment. These comments are identical to comment 31-7. Please see Response to Comments 31-7.

Response to Comment 32-8  EIR Comment. These comments are identical to comment 31-8. Please see Response to Comment 31-8.

Response to Comment 32-9  CLUO Comment. This comment is identical to comment 31-9 with the addition of a sentence supporting 1,000-foot buffers from inhabited residents. Please see Response to Comment 31-9. The commenters support for 1,000-foot buffers is acknowledged for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 32-10  CLUO Comment. These comments are identical to comment 31-10. Please see Response to Comment 31-10.

Response to Comment 32-11  CLUO Comment. These comments are identical to comment 31-11. Please see Response to Comment 31-11.

Response to Comment 32-12  CLUO Comment. This comment is identical to comment 31-12 with the addition of a sentence expressing concern that the licensing program was developed without public review and input. Please see Response to Comment 31-12. Please note that the Licensing Ordinance was adopted and amended in public meetings with input accepted from the public. This is summarized in Section 2.3.3 of the Draft EIR starting on page 2-11.

Response to Comment 32-13  CLUO Comment. This comment is identical to comment 31-13 with the addition of a sentence referencing concerns about wildlife and birds. Please see Response to Comment 31-13.
Response to Comment 32-14  **CLUO Comment.** These comments are identical to comment 31-14. Please see Response to Comment 31-14.

Response to Comment 32-15  **CLUO Comment.** These comments are identical to comment 31-14. Please see Response to Comment 31-15.

Response to Comment 32-16  **CLUO Comment.** This comment is identical to comment 31-16 with the addition of a sentence that the EIR alternatives do not address overconcentration or degradation of quality of life. Please see Response to Comment 31-16. Over-concentration is addressed through Draft EIR Mitigation Measure OVC-1. Adoption of the CLUO will require a discretionary CUP approval for every cannabis operator, which will allow for the unique circumstances of each proposed location and operation to be taken into consideration. Also each cannabis CUP applicant will be required to demonstrate CEQA compliance which may take the form of reliance on the CLUO EIR and/or additional site-specific CEQA documentation. Based on the analysis and evidence presented, staff believe adoption of the CLUO, including the mitigation measures identified in the Draft EIR, and other modifications identified by staff, will substantively improve the local cannabis regulatory process and the County's ability to enforce.

Response to Comment 32-17  **CLUO Comment.** These comments are identical to comment 31-17. Please see Response to Comment 31-17. Letter 32 has the same signatories as Comment Letter 31 with the addition of Linda Wilson.

Response to Comment 32-18  **EIR Comment.** These comments are identical to comment 31-18. Please see Response to Comment 31-18. Letter 32 has the same signatories as Comment Letter 31 with the addition of Linda Wilson.

Response to Comment 32-19  **CLUO Comment.** These comments are identical to comment 31-19. Please see Response to Comment 31-19. Letter 32 has the same signatories as Comment Letter 31 with the addition of Linda Wilson.

Response to Comment 32-20  **EIR Comment.** These comments are identical to comments 31-20. Please see Response to Comment 31-20. Letter 32 has the same signatories as Comment Letter 31 with the addition of Linda Wilson.

Response to Comment 32-21  **EIR Comment.** These comments are identical to comment 31-21. Please see Response to Comment 31-21. Letter 32 has the same signatories as Comment Letter 31 with the addition of Linda Wilson.

Response to Comment 32-22  **CLUO Comment.** These comments are identical to comment 31-22. Please see Response to Comment 31-22. Letter 32 has the same signatories as Comment Letter 31 with the addition of Linda Wilson.
Greetings,

If I could turn back the clock I would go back to March 2016 and suggest that the county not allow cannabis cultivation until more research on the impacts to the community had been done. Now we are having to fix what feels like a mess to the residents of the Upper Capay Valley instead of having the process roll out in a thoughtful, well-organized manner in the first place.

A couple other thoughts. Some of the options in the CLUO alternatives seem random or arbitrary. For example the number of licenses capped at 78 or 80. Indeed, the current number of licenses is 78 but that is the number that was achieved when the county decided to put a moratorium on interim licenses until the CLUO and EIR were done. It could have just as well be 25 or 50.

Buffer distances also seem arbitrary. Seventy-five feet to one thousand feet? Why not 1250 feet, for example.

The county could decide that commercial cultivation isn’t worth the headache and just let everyone who wants grow their six plants and be done with it. However, since cannabis is here and apparently not going away my alternative would look like this:

License type: Cultivation and Personal.

   Let’s not add more license types until the county has worked all the kinks out of this initial cultivation roll out.

Limits on number: Cultivation-50

   I know this is not one of the current choices but until the county gets this process organized the smaller the number the better.

Controls on overconcentration: No more than 5 grows in a 6 mile diameter area.

   Reduce concentration by first moving sites that have one or more violations against them. For example, 15730 County Road 45. After that have a lottery or something. No grandfathering-in for these over concentrated sites. Figure it out with input from the community.

   No more grows in the Upper Capay Valley, period. The area has suffered enough.

Buffers: A minimum of 1000 feet from residences. All buffers should be 1000 feet or more, including indoor operations.

Ideally, cannabis would be grown indoors in an industrial area of the county and/or on a large plot of land away from where people live. Not on 10 or 20 acre plots where it impacts the neighbors. Consolidating cultivation sites would make it much easier for the county to monitor cannabis operations and easier for the sheriff’s department to patrol.

I am concerned that the Board of Supervisors may have too much discretion once the CLUO is finalized. I can’t find the exact wording but there was a statement that the Supervisors could make exceptions to the final recommendations.

Sincerely,

Nancy K. Gray
<table>
<thead>
<tr>
<th>Letter 33</th>
<th>Nancy Gray 12/22/2019</th>
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**Response to Comment 33-1**  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter's opening statements regarding the current County cannabis cultivation regulations are acknowledged.

**Response to Comment 33-2**  
**EIR Comment.** The commenter questions the range of EIR alternatives including the assumed number of cannabis uses. This comment is acknowledged. As discussed in MR-3, “Range of Alternatives Evaluated in the Draft EIR,” the County is considering a range of alternative approaches to the CLUO consistent with the project objectives related to the extent of allowed cannabis uses, performance standards and buffers, and concentration of cannabis operations in regions of the County. The five CLUO alternatives do not commit the County to the number of cannabis uses specifically assumed for each alternative. The Board of Supervisors has the discretion to establish caps on cannabis uses independent of the CEQA alternatives; however, the County does have an obligation to demonstrate that the EIR adequately addresses the final proposed CLUO and that the requirements of CEQA have been fully met. Please see MR-4, “CEQA Alternatives and County Decision-Making.”

**Response to Comment 33-3**  
**EIR Comment.** The commenter questions the range of buffers identified. Please see MR-9, “Buffers.”

**Response to Comment 33-4**  
**CLUO Comment.** The commenter states that the County could decide to eliminate commercial cannabis and only allow personal use cannabis cultivation. The commenter is correct that the Board of Supervisors could decide not to adopt the CLUO and end the current County cannabis cultivation licensing program.

**Response to Comment 33-5**  
**CLUO Comment.** The commenter recommends an alternative that would not allow any more cultivation licensing until better regulation of cultivation is in place. This comment is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 33-6**  
**CLUO Comment.** The commenter recommends a cap of 50 cannabis cultivation operations. This comment is acknowledged. Please see MR-4, “CEQA Alternatives and County Decision-Making,” and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 33-7**  
**CLUO Comment.** The commenter recommends an overconcentration threshold of no more than five cultivation sites within a 6-mile-diameter area. This comment is acknowledged. Please see MR-10, “CUP Process and Overconcentration,” and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 33-8**  
**CLUO Comment.** The commenter recommends 1,000-foot buffers from residences for all cannabis uses (including indoor operations). This comment is acknowledged. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”
Response to Comment 33-9  **CLUO Comment.** The commenter recommends that cannabis cultivation be grown on a consolidated site in an industrial area. This comment is acknowledged. Please see MR-17, “Consolidated Cannabis Campus,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 33-10  **CLUO Comment.** The commenter is concerned that the Board of Supervisors would have undue discretion under the CLUO to make exceptions. As specified in Section 8-2.1410(A) of the proposed CLUO, the Planning Commission or Board will have the final authority regarding issuance of cannabis use permits based on compliance with all applicable regulations and making the findings of fact described in Section 8-2.1406(L) as amended by the EIR. MR-10, “CUP Process and Overconcentration,” fully describes these findings.
CHAD ROBERTS, PH.D.
SENIOR ECLOGIST (ESA), PROFESSIONAL WETLAND SCIENTIST (SWS)

22 December 2019

Susan Strachan, Cannabis Program Manager
Yolo County Department of Community Services
292 West Beamer Street
Woodland, CA 95695

cannabis@yolocounty.org

Subject: Comment Regarding Biological Resources Assessment, CLUO Draft EIR (SCH No. 2018082055)

Dear Ms. Strachan:

Thank you for providing an environmental assessment of potential effects that could result from adopting the proposed cannabis land use ordinance (CLUO) for Yolo County. My concerns for the ordinance are related primarily to potential effects on conservation within the county and in regions surrounding the county, and I do not have comments about other topics covered in the Draft Environmental Impact Report (DEIR).

I appreciate the DEIR’s incorporation of the conservation policies from the adopted Yolo County General Plan (DEIR pages 3.4-34 to 3.4-37) as standards of review, as compliance with these policies is a substantive legal obligation for Yolo County’s government. The DEIR does, however, omit the identification of several of the policies (CO-2.14, CO-2.22, CO-2.36, CO-2.37, CO-2.38, CO-2.39, CO-2.40, CO-2.41, CO-2.42, and CO-2.43) as mitigation measures for potential impacts of the general plan’s adoption that were identified in the EIR process for the general plan update, which were incorporated into the adopted plan as mitigation measures for its potential impacts. As you are aware, these measures are required as mandatory elements for all projects considered and approved by Yolo County as discretionary projects, pursuant to the California Environmental Quality Act (CEQA),¹ and they’re also mandatory elements for the CLUO.

The assessments of potential biological effects in the CLUO DEIR identify compliance with policy CO-2.22 as a potential mitigation measure for impacts to “riparian habitats” in Yolo County that might be affected by potential projects under the CLUO, using a set of “Minimum Riparian Setbacks” (Table 3.4-5). In general, the “minimum setbacks” appear to be generally consistent with the adopted general plan policy framework, including policy CO-2.22. However, the rote application of these setbacks would not fully address potential effects on all of the varied riparian areas in the county. The definition of “riparian” included in the DEIR focuses on the “riparian habitat” definitions established by the rather limited California Wildlife Habitat Relationships (CWR) system, and a systematic consideration of riparian ecosystems indicates that the concept embodied in “riparian” incorporates more than the woody vegetation series considered by the CWR. In particular, riparian concepts include a gradient of reciprocal influences involving the

¹ CEQA Guidelines §15126.4(a)(2): “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.” These mitigation measures subsequently become requirements within agency approvals pursuant to the adopted plan.

P.O. BOX 2173 • DAVIS, CA 95617
Susan Straehan, Cannabis Program Manager
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The aquatic environment and the terrestrial environment, such as the relationships described by the National Research Council (2002)\(^2\) in the following definition for “Riparian Areas:”

> “Riparian areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.”

The Draft EIR identifies a mitigation measure for biological effects (MM BIO-1: page 3.4-56), stated as follows:

**Mitigation Measure BIO-1: Conduct Preapproval Reconnaissance-Level Surveys for Biological Resources, Participate in the Yolo HCP/NCCP (including payment of fees and implementation of AMMs), and Obtain Applicable Permits (Alternatives 1, 2, 3, 4, and 5).**

MM BIO-1 incorporates a number of specific requirements to identify sensitive species and sensitive habitat elements (not included here) according to existing federal, state, and local policies and/or standards (e.g., the Clean Water Act, State Water Board and Department of Fish & Wildlife requirements, and/or completion of procedures in the Yolo HCP/NCCP). The DEIR concludes that compliance with this measure will reduce potential environmental concerns for sensitive species and habitats to a level that’s below a threshold of environmental concern. The DEIR then subsequently identifies the same terms and actions as mitigation for each of the other concerns in DEIR section 3.4, reducing all of them to a “less-than-significant” level. That is, the DEIR concludes that compliance with a small number of current agency requirements to identify certain conditions will avoid all current and future environmental effects that could result from the CLUO to such a degree that the effects are of no concern.

The DEIR does not provide evidence that substantiates that conclusion, and it does not provide a rationale that indicates how the elements in MM BIO-1 could produce information that will address existing and future impacts from implementing the CLUO. In essence, MM BIO-1 does not address any functional relationships that will enable the county’s staff and decision-makers, other responsible and trustee agencies, or members of the public to understand why and how a proposed project affects the sensitive resources, or how a project could be modified to avoid or reduce the adverse effects on the resources. Moreover, the measure fails to address important environmental and conservation concerns that are already significant, and which are expected to become overriding environmental and conservation issues in the future, including climate change.

The DEIR specifically identifies compliance with Mitigation Measure BIO-1 as sufficient to reduce potential impacts from the CLUO on riparian areas (Impact BIO-2, page 3.4-58; similar considerations are relevant for Impact BIO-3, page 3.4-62, because wetland areas require buffer functions that are not fundamentally different from those for streams) to less-than-significant levels. It’s unclear how compliance with Mitigation Measure BIO-1, as stated in the DEIR, addresses the potential effects on riparian areas (i.e., the zones of interaction from aquatic to terrestrial as identified by the NRC) from land use changes that could occur under the CLUO.

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An additional element needs to be incorporated into the stated measure; this element will commit applicants for county approval to contract with qualified biologists (or botanists, or ecologists, or other qualified persons whatever their title may be, with the emphasis being on people having relevant qualifications to address riparian ecosystems and processes) to identify and incorporate specific consideration of functional impacts to riparian areas (that is, how the project affects the riparian areas, and what needs to be included in or excluded from the project to reduce or avoid the impacts) into the studies resulting from MM BIO-1. The measure also needs to specify that the county’s decision-makers will include the recommendations regarding riparian area protection into any approvals granted by the county. Compliance with general plan policy CO-2.22 will be a consideration in such assessments, but appropriate mitigation for potential impacts to riparian area functions will include more than just not approving development within 100 feet from the top of streambanks.

It’s fundamentally unclear to me that the DEIR assessment of potential effects on landscape connectivity (Impact BIO-4, page 3.4-70) addresses current conservation planning standards, such as those included in the State Wildlife Action Plan (SWAP). Connectivity is an essential functional consideration for conservation planning, a conclusion that’s stated in the SWAP many times, and which is also included in the adopted Yolo HCP/NCCP. Connectivity is widely recognized as the most effective approach to assuring desired conservation outcomes at landscape scales (e.g., Spencer et al 2010). Riparian areas are widely linked to establishing essential habitat connectivity at landscape scales (e.g., Fremier et al 2015). Connectivity has emerged as the principal functional concern for assuring population viability for sensitive plant and wildlife species and the communities in which they occur that are affected by climate change. (The DEIR does not incorporate assessments of the effects of climate change on the conservation of sensitive species and habitats; while it’s uncertain at the present time what CEQA requires in such assessments, the interactions of land use alterations and climate change clearly should be addressed in any CEQA document where these dynamic processes are part of the environmental concern, including this DEIR.)

Connectivity is a fundamental conservation element identified in the adopted Yolo County general plan. Many of the riparian protection policies identified in the Conservation Element frame connectivity in a mutual relationship with riparian area protection, although connectivity is fundamentally a basic conservation concern is its own right that is subject to general plan protection, as in Conservation Element Goal CO-2 and in the following policies:

GOAL CO-2 Protect and enhance biological resources through the conservation, maintenance, and restoration of key habitat areas and corresponding

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3-266 Yolo County Cannabis Land Use Ordinance Response to Comments Document
Policy CO-2.1 Consider and maintain the ecological function of landscapes, connecting features, watersheds, and wildlife movement corridors.

Policy CO-2.2 Focus conservation efforts on high priority conservation areas (core reserves) that consider and promote the protection and enhancement of species diversity and habitat values, and that contribute to sustainable landscapes connected to each other and to regional resources.

Policy CO-2.3 Preserve and enhance those biological communities that contribute to the county’s rich biodiversity including blue oak and mixed oak woodlands, native grassland prairies, wetlands, riparian areas, aquatic habitat, agricultural lands, heritage valley oak trees, remnant valley oak groves, and roadside tree rows.

Policy CO-2.9 Protect riparian areas to maintain and balance wildlife values.

Policy CO-2.11 Ensure that open space buffers are provided between sensitive habitat and planned development.

Policy CO-2.26 Coordinate with local watershed stewardship groups to identify opportunities for restoring or enhancing watershed, instream, and riparian biodiversity.

Policy CO-2.30 Protect and enhance streams, channels, seasonal and permanent marshland, wetlands, sloughs, riparian habitat and vernal pools in land planning and community design.

Policy CO-2.35 Consider potential effects of climate change on the locations and connections between wildlife migration routes.

Significantly, the final policy in this excerpt establishes the effects of climate change on Yolo County’s environmental resources as a substantive issue for land use decision-making, just as climate change has already been established as a substantive issue for conservation planning in other plans affecting the county’s landscapes (e.g., as in the HCP/NCCP). MM BIO-1 clearly fails to include requirements to identify impacts to landscape connectivity from projects under the CLUO, and it also fails to include a requirement that the studies required by the measure will address potential effects of altered future climate conditions.

Additional elements need to be incorporated into MM BIO-1 (or included in additional mitigation measures). The additional elements will commit applicants for county approval to contract with qualified biologists (or generally with people having relevant qualifications and experience) to identify and incorporate specific consideration of proposed projects under the CLUO on: (1) landscape connectivity and similar conservation considerations, and (2) functional alterations in landscape dynamics and conservation processes resulting from climate change. The measure needs to specify that the county’s decision-makers will include the recommendations of the qualified persons regarding connectivity and climate change into any approvals granted by the county.

Identifying detailed assessment contents for future studies exceeds the scope of this comment. It should nonetheless be noted that the California Department of Fish and Wildlife (CDFW) has identified assessment procedures in its “Areas of Conservation Emphasis” (ACE) program that

* See URL: https://wildlife.ca.gov/Data/Analysis/Ace.
include methods for fine-scale connectivity assessment and recommendations for identifying potential effects of climate change on conservation planning. Existing methodologies will undoubtedly be refined in future enhancements. There’s no reason to avoid incorporating requirements to address these concerns into existing mitigation requirements; existing assessment methodologies can be applied now, and enhanced methodologies will improve future assessments.

Thank you for considering the effects of land uses, including possible future alterations in land use under the CLUO, on the Yolo County environment. Please don’t hesitate to get back to me if you have questions.

Regards,

Chad Roberts
Conservation Ecologist

Copies: Cormier, Lindbo, Echiburu, May, Saylor, Schneider, Greco
Response to Comment 34-1  

**EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

Response to Comment 34-2  

**EIR Comment.** The commenter states that the Draft EIR does not identify several County General Plan policies as mitigation measures for potential impacts. Pages 3.4-34 through 3.4-37 appropriately list all of these policies (with one exception) as relevant to and considered in the development of the proposed CLUO and the CEQA analysis of it. The one exception is General Plan Policy CO-2.39 which reads as follows: “Require new or retrofitted bridges, and new or expanded roads to incorporate design and construction measures to maintain the functional value of wildlife movement corridors.” There are no bridges or roadway improvements proposed under the draft CLUO, and as documented in Section 3.14, “Transportation and Circulation,” of the Draft EIR, there are none required as mitigation measures for implementation of the project. Section 8-2.1408(JJ) requires applicants to consider impacts on roadway safety and operation. It is possible that this consideration, which would occur with each application based on site-specific and project-specific circumstances could result in project-specific requirements for roadway improvements. Were this to occur the County is required to consider the potential environmental effects of such improvements and this concern as well as required demonstration of consistency with the General Plan (see CLUO Section 8-2.1406[L]), would occur at that time.

As described in Draft EIR Impacts BIO-1 through BIO-7, Mitigation Measure BIO-1, draft CLUO performance standards, and SWRCB Order WQ 2019-0001-DWQ standards incorporate biological resource protection measures and performance standards consistent with these General Plan policies, that address impacts on special-status species and habitat/wetland resources, including compliance with the Yolo HCP/NCCP, and protection of oak woodlands.

Response to Comment 34-3  

**EIR Comment.** The commenter states that compliance with General Plan policy CO-2.22 may not fully address potential effects on riparian habitat and expresses concerns regarding the definition of riparian habitat in the Draft EIR. Draft EIR Impact BIO-2, “Adversely Affect Riparian Habitat and Other Sensitive Natural Communities,” page 3.4-59 states “The riparian setbacks described in Table 3.4-7 (SWRCB Order WQ 2019-0001-DWQ setback standards) may not cover the full extent of riparian habitat adjacent to a waterway. In addition, if sensitive natural communities are not identified before construction associated with cannabis operations and appropriate protective buffers or other measures implemented, these activities could result in loss of important habitats.” Implementation of Mitigation Measure BIO-1 is required to avoid impacts on riparian habitat. Mitigation Measure BIO-1 modifies and expands Section 8-2.1408(D) of the proposed CLUO, which already includes reference to and compliance with the General Plan 100-foot setback requirements set forth in General Plan Policy CO-2.22. This
Mitigation Measure includes a performance-based measure that requires no-disturbance buffers around riparian habitat such that the habitat is completely protected from direct and indirect adverse effects of project development. This issue has been addressed sufficiently in the Draft EIR.

Response to Comment 34-4 EIR Comment. The commenter states that Draft EIR Mitigation Measure BIO-1 includes requirements to identify sensitive resources but does not provide rationale for why and how a project would affect sensitive resources or how a project could be modified to avoid or reduce the adverse effects on the resources. The impact discussions in Section 3.4.3 of the Draft EIR include descriptions of potential impact mechanisms that may result from relocation, construction, and operation of cannabis cultivation sites for each of the five CLUO alternatives. Mitigation Measure BIO-1 includes measures to identify biological resources within a project site, and also includes a framework to avoid or reduce adverse effects on these resources, including participation in the Yolo HCP/NCCP, no-disturbance buffers, consultation with CDFW, and incidental take permitting. Because the Draft EIR is programmatic, site-specific conditions are not yet known, so specific details regarding site modification or redesign should biological resources be identified cannot be described at this time. However, Mitigation Measure BIO-1 includes performance-based avoidance requirements that would guide this process and are adequate under CEQA.

Additionally, the comment states that Mitigation Measure BIO-1 does not address already significant conditions in Yolo County, or potential future conditions, including climate change. Analysis of the project’s impact in the context of current conditions and future conditions in the County are included in Section 4.0, “Cumulative Impacts and Overconcentration,” of the Draft EIR. These issues have been addressed sufficiently in the Draft EIR. As discussed in Draft EIR Section 3.8, “Greenhouse Gas Emissions and Climate Change,” the subsequent cannabis uses under the CLUO would be required to comply with the Yolo County Climate Action Plan that would mitigate GHG emissions consistent with local and state requirements to address climate change (Mitigation Measure GHG-1).

Response to Comment 34-5 EIR Comment. The commenter indicates that Draft EIR Mitigation Measure BIO-1 may not sufficiently reduce potential impacts on riparian habitat. Please see Response to Comment 34-3, above. Additionally, the commenter requests that applicants should be required to contract with qualified biologists to identify and incorporate specific consideration of functional impacts on riparian areas. Mitigation Measure BIO-1 requires reconnaissance-level surveys, protocol-level surveys, and wetland delineation surveys to be conducted by a qualified biologist. The Draft EIR defines a qualified biologist as one familiar with wildlife, plants, and habitats in Yolo County. Additionally, any surveys conducted for purposes of Yolo HCP/NCCP application approval are required to be conducted by biologists pre-approved by the Yolo Habitat Conservancy. The Yolo Habitat Conservancy process for listing acceptable biologists included review of prior experience with species and ecosystems, and biologists are only approved for surveys for which they are qualified based on experience. This issue has been addressed sufficiently in the Draft EIR.
Response to Comment 34-6  

**EIR Comment.** The commenter states that Draft EIR Impact BIO-4, “Interfere Substantially with the Movement of Resident or Migratory Wildlife Species or with Wildlife Corridors or Impede the Use of Native Wildlife Nursery Sites” (page 3.4-66), may not fully address potential impacts on landscape connectivity. The comment states that connectivity is an essential functional consideration for conservation planning, and cites the Yolo HCP/NCCP as an example. Draft CLUO performance standards require all permittees to demonstrate compliance with the Yolo HCP/NCCP, including payment of HCP/NCCP mitigation fees and implementation of applicable HCP/NCCP avoidance and minimization measures. These fees cover the Yolo Habitat Conservancy’s administration, land acquisition, restoration, and land management costs, and support the Yolo HCP/NCCP conservation strategy. The Yolo HCP/NCCP conservation strategy includes establishment of a reserve system with habitat areas large enough to support sustainable populations of covered species, and with qualities (e.g., high habitat diversity) to provide for shifting species distributions in response to climate change.

Additionally, the comment states that the Draft EIR does not incorporate assessment of climate change on the conservation of sensitive species and habitats. See Response to Comment 34-4, above. These issues have been addressed sufficiently in the Draft EIR.

Response to Comment 34-7  

**EIR Comment.** The commenter states that applicants should be required to contract with qualified biologists to identify and incorporate specific consideration of landscape connectivity and climate change. This requirement is already incorporated into the mitigation measure and the requirements of Yolo HCP/NCCP. See Response to Comment 34-5, above. Additionally, this comment suggests that fine-scale connectivity assessment and recommendations for identifying potential effects of climate change on conservation planning should be incorporated into Mitigation Measure BIO-1. See Response to Comment 34-6 (Yolo HCP/NCCP requirements) and 34-4 (Cumulative Impacts) above. This issue has been addressed sufficiently in the Draft EIR.

Response to Comment 34-8  

**EIR Comment.** This comment thanks Yolo County for consideration of the effects of land uses on the Yolo County environment. This comment is appreciated.
From: Andrew Brait [mailto:andrew@fullbellyfarm.com]
Sent: Sunday, December 22, 2019 7:28 PM
To: cannabis <cannabis@yolocounty.org>
Subject: Comments on CLUO and DEIR

Susan Strauchan
Yolo County Dept. Of Community Services
292 West Beamer Street
Woodland, CA 95695

PO BOX 83
5225 State Highway 16
Guinda, CA 95637

December 22, 2019

Dear Yolo County Board of Supervisors, Ms. Strauchan, et al.

As a 30-year resident of the Capay Valley, I write with serious concerns regarding the proposed Cannabis Land Use Ordinance (CLUO) and its Draft Environmental Impact Report (DEIR). The impact of commercial cannabis cultivation has had a domino effect of dire consequences and a sensible comprehensive ordinance is important in steering this emerging industry in a direction compatible with existing land uses. The CLUO itself maintains and promulgates an inequitable bias of representation for cannabis land use in Yolo County. This is evident by the lopsided overconcentration of issued permits in the Guinda-Rumsey area. The ordinance ultimately falls short in both a balanced and reasonable approach to land use regulation for cannabis cultivation and ensuing industry. The DEIR has a number of inadequacies in its analysis of environmental consequences. Most significantly, it is understood that the County may ultimately combine provisions from 2 or more of the listed alternatives. The dearth of comprehensive analysis of ALL possible combinations of alternatives makes it impossible for the public to appropriately comment and leaves the DEIR incomplete.

Some of the most vexing issues in the CLUO and the DEIR concern proximity, overconcentration, environmental aesthetics, odor, and crime. It is the commercial cultivation, not the legal personal cultivation of up to 6 plants, that is at issue here. My comments concern commercial cultivation and industry alone. I do not think the CLUO should address cultivation for personal use.

**Proximity** - At the heart of the Ordinance should be construct for the making of good neighbors. It is critical to understand that one of the characteristics of rural living is its emphasis on space and privacy. Proximity of neighbors for good, bad, or otherwise is part of every rural landowners’ cognition. Parcel sizes in the Capay Valley are smaller, more tightly knit, than
in other agriculturally knitted regions. The proximity of residential to traditional farming activities has long been a physical characteristic of this valley.

At present, the 75-foot setback between cannabis plants and residential domicile is fraught with an invasiveness that is not only problematic but approaching a flashpoint of tension between neighbors. Seventy-five feet is less than half the length of an Olympic swimming pool, surely unacceptable. A reasonable approach would warrant a minimum of 1000 ft. setback, unless all neighbors within that proximity can agree otherwise. It remains unclear how the DEIR measures proximity. Certainly, distance from cannabis plants to neighboring domicile fails to recognize that impact starts at property lines. One does not live exclusively inside one’s house, and therefore has the right to occupy and access the entirety of one’s property without feeling impacted. A setback standard of 1000’ should be from the perimeter of the commercial cannabis operation activity to the neighboring property line.

**Overconcentration**

The CLUO inadequately rectifies problems with commercial density. The DEIR, therefore, as such lacks coherent analysis of impact. The quantitative vagueness for the definition of overconcentration leaves this issue ripe for abuse. The DEIR fails to recognize that there are instances of 5 or less clustered grows within a 6-mile diameter that are in fact cause for overconcentration. The comingling of grow operations in small rural villages contributes to magnitude of overconcentration much more rapidly than in an area with larger ag parcels. There is a debilitating problem with overconcentration in the Upper Capay Valley. Few residents would disagree with this assessment. The disproportionate concentration of commercial grows in this community have had extreme impacts. County Road 45 in Guinda and Manzanita Street in Rumsey are conspicuous examples of devastating impact. Not only are these locations generous examples of the adverse impact of overconcentration, they have been a troubled nucleus of problems of proximity, trespassing, traffic, trash, odor, dust, light pollution, and crime.

None of the proposed equally weighted alternatives consider permit reduction. The DEIR should have in its analysis an alternative of reduction to give balance to this discussion. Reductions of permits is one possibility for remedying overconcentration, and its exclusion from the DEIR limits the scope of analysis.

**Aesthetics**

The impact of fencing in particular, has been a cause for concern. High wired barbed security fencing, plastic hurricane fencing, and other enclosures are considerable blights to the landscape. The Capay Valley aesthetic includes a symbiotic, environmental balance of pastoral, agrarian landscape along with pristine topography and beauty. The DEIR must fully address fencing as well as its dilapidation. In addition, the CLUO must effectively address the abandonment of grow sites which have already left a number of marred parcels.
Odor-

The 2 closest cannabis grows to me are approximately 1500 and 3000 feet from my house. Odor travel has been a greater impact than anticipated. Long term unrelenting odor is more than a nuisance. While the DEIR states that cannabis odor may be detectable at a distance of 2 miles, the report does not analyze odor impact over distance, nor fully address adverse reactions and potential health risks.

Crime-

Commercial cannabis grows have become a magnet for crime. 24/7 armed security presence, while serving as deterrent, has at times heightened tensions between neighbors. Repeated incidences of security shining spotlights on neighbors at night has become an ongoing problem. The ordinance must address the domain of security with regard to its impact on neighboring properties.

Increased trespassing, petty crime, and armed robbery have all been documented here. This is serious impact on a rural community. The CLUO needs to fully consider alternative siting where law enforcement and emergency service has greater presence.

In 2016, the County, unfortunately, naively entered the era of commercial cannabis cultivation. The initial approval of permits coupled with the lack of sensible long-term planning and regulation have now manifest a CLUO that attempts to set regulation after precedents have already been established. Despite all of the assertions otherwise, the reality is, it is difficult to authentically reign in or reconfigure precedent. Disingenuous political will may be an obstacle to reigning in existing grows with temporary permits to be in compliance with the new guidelines that will be established by the new CLUO. The overconcentration; lack of balanced well distributed siting throughout the county; burden of proximity and irreparable impact, should not be an untenable legacy. Unfortunately, the CLUO as proposed has quintessentially prioritized the development of a new industry inconsistent with existing values---as outlined in the County General Plan---of rural living and agriculture rooted in long term stewardship and the residency of those here for its cherished beauty and proliferation. As a resident of the Capay Valley, I have seen a cannabis land grab and pursuit of short-term profit over the long-term planning and endowment of community, environment, economy. The CLUO, as proposed, remains in need of improvement and ongoing community comment.

Sincerely,

Andrew Brait
Full Belly Farm
530.796.2214 office
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<th>Letter 35</th>
<th>Andrew Brait, Full Belly Farm 12/22/2019</th>
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**Response to Comment 35-1**  
**EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

The commenter expresses concerns that the draft CLUO allows overconcentration conditions in the Guinda-Rumsey area and the Draft EIR impact analysis fails to address environmental consequences that includes all possible alternative combinations. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR”; MR-4, “CEQA Alternatives and County Decision-Making”; and MR-10, “CUP Process and Overconcentration.”

**Response to Comment 35-2**  
**EIR Comment.** This commenter expresses concerns regarding proximity, overconcentration, aesthetics, odor, and crime from commercial cannabis uses. The comment recommends that the draft CLUO not regulate cannabis cultivation for personal use. Please see Responses to Comments 35-3 through 35-10. State law allows personal cannabis cultivation of up to six plants. Local jurisdictions are allowed to regulate personal use outside of these basic guaranteed parameters. The proposed CLUO does not include a requirement for a cannabis use permit for personal cultivation. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 35-3**  
**CLUO Comment.** The commenter recommends that the draft CLUO support good relationships between neighbors. This point is noted. County staff believe the proposed CLUO embodies the spirit and intent of this recommendation. In adoption of a final CLUO, the Board of Supervisors will, among other things, make decisions regarding appropriate buffers between identified sensitive land uses, appropriate numbers and types of cannabis activities, and the rigidity and rigor of many performance requirements standards and thresholds. All of these decisions directly or indirectly affect neighbor relationships. draft CLUO Section 8-2.1408(U) (Good Neighbor Communication) provides specific guidance for minimum required neighbor communications.

**Response to Comment 35-4**  
**CLUO Comment.** The commenter expresses concerns regarding the current 75-foot buffer between cannabis uses and individual residences, and recommends a 1,000-foot buffer. The commenter’s support for this buffer size is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 35-5**  
**EIR Comment.** The commenter states that the draft CLUO and Draft EIR fails to adequately address the impacts of overconcentration and environmental effects associated with traffic, trash, odor, light pollution, and crime. The County does not concur, and the facts do not support the comment. Draft EIR Chapter 4, “Cumulative Impacts and Overconcentration,” evaluates the environmental impacts of current and potential impacts associated with overconcentration of cannabis uses. While several of these impact areas are mitigated through draft CLUO performance standards, state cannabis requirements, and mitigation measures, the Draft EIR does acknowledge significant and unavoidable impacts in the areas of visual character and odor.
Responses to Comments  

would still occur. Please see to MR-10, “CUP Process and Overconcentration.” In addition, under the proposed CLUO as modified by the Draft ER, approval of a cannabis use permit will require 18 findings of fact. These are also discussed in MR-10. Finding #6 addresses the number of cannabis operations in the area, and finding #7 addresses the proximity of cannabis operations to each other.

Response to Comment 35-6  

**EIR Comment.** The commenter notes that the Draft EIR alternatives do not assume a reduction in the number of existing and eligible cannabis sites. Please see Response to Comment 33-2. The Board of Supervisors retains full authority to reduce/regulate the number of allowed cannabis activities. Please see MR-10, “CUP Process and Overconcentration,” on how the CLUO would address overconcentration.

Response to Comment 35-7  

**EIR Comment.** This commenter identifies that existing cannabis cultivation fencing is an aesthetic concern. The Draft EIR acknowledges changes in aesthetics associated with security features (including fencing) at existing cannabis cultivation sites (see Draft EIR page 3.1-14). Existing cannabis cultivation sites would be required to obtain approval of a Cannabis Use Permit and comply with the requirements of the CLUO. This includes requiring that fencing be maintained in good condition and not significantly diminish the visual quality of the site or surrounding area screening of outdoor cannabis uses from public rights-of-way (Section 8-2.1408[KK] items [4] and [5]).

Response to Comment 35-8  

**EIR Comment.** The commenter requests that the Draft EIR address abandoned cultivation sites. Implementation of the draft CLUO would require restoration of closed cultivation sites (Section 8-2.1412[C]).

Response to Comment 35-9  

**EIR Comment.** The commenter states that the Draft EIR fails to address the impact of long-term exposure to odor, exposure over distance, and health impacts associated with exposure to odor. Odor impacts associated with exposure to cannabis odors is addressed in Section 3.3, “Air Quality and Odors” (Draft EIR pages 3.3-5 through 3.3-10 and 3.3-29 through 3.3-38). Draft EIR documents that the County received 17 odor complaints between October 2017 and January 2019 associated with existing cannabis cultivation sites. The majority of these complaints were received during the summer and fall months prior to and during harvest and processing. These complaints were associated with cultivation sites along the State Route 16 corridor west of Woodland and sites along State Route 128 and Interstate 505 south of State Route 16.

See Response to Comment 15-3 regarding the potential for human health effects from cannabis.

Draft EIR Impact AQ-4, identifies the potential extent of odor impacts from each of the five CLUO alternatives and the effectiveness of CLUO performance standards to address nuisance odors. The draft CLUO would require buffers between outdoor cannabis uses and identified sensitive land uses. Draft CLUO Section 8-2.1408(E) establishes odor control requirements that would prohibit odors from leaving the cannabis site in excess of 7:1 dilution-to-threshold, identifies a process of corrective actions for nuisance odor conditions, and requires the development of an Odor Control Plan (draft CLUO Sections 8-2.1408[CC] and 8-2.1408[DD]). The Draft EIR identifies that odor impacts for cannabis uses in buildings and greenhouses could be addressed through using an appropriate odor control technology coupled with
an engineered ventilation design to achieve the allowable threshold for cannabis odor in draft CLUO Section 8-2.1408 (DD). It is acknowledged in the Draft EIR that operation of cannabis uses have the potential to generate nuisance odors associated with cultivation, processing, manufacturing, and microbusiness operations resulting a significant and unavoidable impact.

Response to Comment 35-10  
CLUO Comment. The commenter identifies concerns regarding crime and security related to cannabis cultivation. draft CLUO performance standards set forth in Section 8-2.1408(LL) and Section 8-2.1410(D) would minimize the potential for criminal activities through implementation of a site security system that may include access control, security cameras, alarms, security personnel, and fencing. CCR Sections 5042, 5043, 5046, 5047, 40200, and 40205 require on-site security measures. These standards would minimize the potential for criminal activities through controlled access for authorized personnel and locked door requirements at noncultivation sites (CCR Sections 5042 and 5043), security measures that include video surveillance, security personnel, and lock and alarm system requirements (CCR Sections 5044, 5045, 5046, and 5047). Manufacturing sites are required to provide a security plan that implements access controls to the building, alarm system requirements, and video surveillance (CCR Sections 40200 and 40205). Implementation of these measures would ensure protection of sites and minimize impacts on law enforcement services and facilities. Please see MR-7, “Code Enforcement and Crime.”

Response to Comment 35-11  
CLUO Comment. The commenter expresses concerns that the County has established precedents for cannabis through the licensing program and will allow overconcentration to continue. The commenter also expresses the opinion that cannabis is not consistent with the General Plan and/or community values. These comments are acknowledged. Please see MR-14, “County Cannabis Disclosures.” The proposed cannabis CUP process will be discretionary. No existing cannabis operations are proposed to be grandfathered into the new regulations. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 35-12  
CLUO Comment. The commenter states that the draft CLUO needs improvement and ongoing community comment. This comment is acknowledged. The County will continue to refine the CLUO, as well as conduct public hearings before the Planning Commission and Board of Supervisors to finalize and adopt the CLUO.
Dear Ms. Strachan:

As a longtime resident of the Capay Valley, I write this letter to offer my comments to the DEIR for the proposed Cannabis Land Use Ordinance (CLUO).

First of all, CA law allows for people to grow up to 6 plants for personal use — recreational or medicinal. This right is quintessential to reducing the black market. I believe firmly that the county should not impede a person to grow his or her 6 plants. The CLUO should only refer to the permitted licensed commercial cannabis operations.

Some of the licensed, commercial cannabis grows in the Capay Valley currently are inconspicuous and unobjectionable to neighbors. However, other grows are poorly located, too close to neighbors, and act in disregard or even disrespect to others. In an ideal world, neighbors could talk to one another and get along. However, sometimes people act in immediately gratifying, self-interest to the peril of other people, the environment, and wildlife. In times like these, government oversight is crucial.

My points of concern with the DEIR regarding permitted licensed cannabis operations follow.

1. Address the problem of overconcentration. The Alternatives outlined do not address overconcentration. Alternatives 2-4 allow for the County to address overconcentration in a future, separate resolution of the Board of Supervisors (Sec. 8-214068H). Why not include provisions to address overconcentration now in the CLUO? Furthermore, the alternatives allow for more cannabis permits in the Capay Valley. Most importantly, the DEIR does not adequately define overconcentration, so we are asked to comment on a flimsy, unmeaningful document.

2. Adequate buffer zones. Please thoroughly and meaningfully describe what these are. 1000 feet seems reasonable. 75 feet is inadequate. The draft CLUO includes a chart in Sec 8-2.14076 that effectively sets no buffers (what does X mean? TBA?), and Sec. 8-214043K. is simply confusing. Furthermore, there is confusion about points of measurement: the side of a house vs. property line. Property line is preferred. Please realize that we don’t all hole up in our houses all day and night. We are out and about on our farms working (or trying to relax) on ALL parts of our properties.
3. Reduction in land values due to proximity to ugly, noisy grows.

4. Bright night lights disrupt the dense wildlife in the area.

5. Butane processing of marijuana is known to be highly flammable and explosive and therefore, should not be permitted in the Capay Valley. Capay Valley is terribly vulnerable to the ravages of wildfires that spread quickly due to steep terrain of surrounding coastal range. Furthermore, we have limited escape routes in the Capay Valley which increases anxiety for all. The DEIR needs to specifically and adequately address this issue. Processing of plants would be better performed in industrial zones. Please include this in the CLUO so warehouses in towns could be zoned for cannabis processing.

6. Please consider creating an option for centralized grows in areas such as the Yolo County Landfill where there are established police force and professional firefighters. Furthermore, they would have access to electric grid, sewer, and water. The area of Guinda to Rumsey is not served by any community service districts. While the DEIR recognizes this as a significant impact, it fails to suggest any mitigation.

7. It is a good thing that development of buildings is restricted in the Capay Valley in order to preserve agricultural land for farming. What these means for cannabis grows however, is that they are using portable buildings or “Containers” with loud generators to refrigerate marijuana. Locating in areas with the capacity to build proper structures in the grid would be preferable.

8. Because marijuana is cash based and is still federally illegal and highly valuable, crime is inevitable. It makes much more sense to locate the grows in areas with a city police force, close and ready to respond.

In summer 2018, we had numerous problems of trespassers on our property driving to and from work at a grow on CR43 (close to us) and even joy riding around our place in the middle of the night. We had repeatedly experienced trespassers that season with cars and 4 wheelers using our private, dirt roads on our farm (Full Belly Farm) instead of using the Highway 16, at all hours of the day and night, passing on our private driveway right in front of our house. In one particular instance, my son followed a guy on our driveway to the end where it meets Highway 16 to explain that he was trespassing. Our deer gate was closed thus trapping the guy inside. The guy pulled out a gun and pointed it at my son. It was frightening to all of us, to say the least.

9. To reduce dust, we have seen that some cannabis growers like to pour gravel all over the soil surface, thus rendering the land not arable. In other words, Cannabis operations more closely resemble industrial endeavors than agriculture. Cannabis operations therefore should NOT be afforded the same “right to farm” protections as regular food
Responses to Comments

Ascent Environmental

Yolo County

3-280 Cannabis Land Use Ordinance Response to Comments Document

36-13 cont.

growing farms. Whenever I say “farms” I mean farms that grow vegetables, grain, hay, food. etc. ---NOT marijuana. Cannabis production is INDUSTRIAL not agricultural.

10. Noise 3.12: I was reading the various numbers and measurements of noise in this section of the DEIR and wondered what are the measurements for large gravel trucks, the loud beeping sound a truck makes in reverse, and generators. These noises have been happening during nighttime and predawn, sleep time hours. These noises disrupt sleep of neighbors. Over periods of months at time, this must have detrimental effects on human health and mental well-being. When a grow is repeated disruptive, what are neighbors to do if they cannot issue complaints confidentially to the County?

36-14

11. I am concerned about the introduction of agrochemicals in the Capay Valley, the regular food farms in which are predominately organic. I am concerned about contamination of waterways and groundwater. This issue is not meaningfully addressed in the DEIR. At a minimum, the DEIR needs to address the CLUO’s need to regulate soil and water contamination. It would make more sense for cannabis to grown in areas with municipal water supply and sewer system and located near toxic waste disposal and regulatory oversight.

36-15

12. I agree strongly with all of the points in Yocha De He’s comments to the County’s DEIR regarding the CLUO. Particularly “The Capay Valley and all communities west of Interstate 505 along State Route 16 have a rich, diverse history, one rooted in agriculture and protecting the natural environment and vistas.” [including the starry night sky and wildlife]. “The County’s top priority should be to protect this unique rural culture, while promoting the Capay Valley as a destination for events and supporting economic opportunities for local residents and businesses. A policy of placing the majority of marijuana grows here runs counter to these goals.” I agree with this eloquent summary and to the letter as a whole.

36-16

13. The Yocha De He tribe must be included in the decision-making process regarding cultural resources after each preliminary site survey is submitted by cannabis permit applicants in the Capay Valley.

36-17

14. Looking at the CLUO and DEIR, it is appalling that the county has failed to meaningfully include the suggestions given by Yocha De He to safeguard the environment and cultural resources.

36-18

15. Finally, to reiterate, I am VERY concerned about the lack of confidentiality and protection for people who make complaints to the County about cannabis grows. After I recently made an official complaint online, I grew concerned thinking about the violent assault to a grower that occurred on County Road 45. Would the cannabis people retaliate? History shows that cannabis workers sometimes resort to violence. I remembered my neighbors, who this summer complained to the County about the cannabis operation next door to them. The next day the infamous grower nastily confronted them for going to the County. They will never issue a complaint again due to fear of retaliation. The County absolutely should NOT be revealing to growers WHO reports violations. This anonymity protection needs to be included in the CLUO.

36-19 cont.

Thank for your efforts and for taking the time to read my comments.

Sincerely,
Anna Brait
Capay Valley Resident
Response to Comment 36-1 CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

Response to Comment 36-2 CLUO Comment. The commenter states that the draft CLUO should only address licensing of commercial cannabis uses and not regulate personal cannabis cultivation. The commenter’s statements are acknowledged. Please see Response to Comment 35-2.

Response to Comment 36-3 CLUO Comment. The commenter describes that some cannabis cultivation sites in Capay Valley are unobjectionable to neighbors while others are poorly located. The proposed CLUO would require all existing cannabis cultivation sites to obtain cannabis use permits and comply with the final adopted CLUO including buffer, zoning, and other site performance standards that address compatibility with adjoining land uses. This may result in the closure or relocation of some existing cultivation sites.

Response to Comment 36-4 EIR Comment. The commenter states that the Draft EIR does not adequately address overconcentration and could allow for more cannabis uses in Capay Valley. The proportion of cannabis cultivation licenses in Capay Valley is identified and analyzed starting on page 4-37 of the Draft EIR. Section 4.2, “Overconcentration,” of the Draft EIR contains an analysis of the issue of overconcentration in any location in the County, and concludes that the Capay Valley area is currently overconcentrated. This section identifies Draft EIR Mitigation Measure OVC-1 to mitigate this concern. Unless rejected by the Board of Supervisors, which will not be the recommendation of staff, Mitigation Measure OVC-1 applies to all of the five equal-weight alternatives. Pursuant to the conclusions of the Draft EIR, staff will recommend integration of all identified mitigation measures as a part of the final CLUO. Mitigation Measure OVC-1 would replace the draft CLUO language of concern to the commenter. Please also see MR-10, “CUP Process and Overconcentration.” The Board of Supervisors can establish caps on cannabis uses below the number assumed for each alternative. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR.”

Response to Comment 36-5 CLUO Comment. The commenter identifies support for a 1,000-foot buffer and opposition to a 75-foot buffer. The commenter also asks why the draft CLUO provides an “x” for buffer standards in Section 8-2.1407. The “x” is provided in the Draft CLUO as a placeholder until such time as the Board of Supervisors determines an appropriate buffer distance as part of final CLUO. Section 8-2.1404(K) protects a cannabis operation that is in compliance with applicable buffers at the time their CUP is granted, from being considered out-of-compliance at a later date, should an identified sensitive land use locate within the buffer area. Please see MR-9, “Buffers,” for clarification regarding measurement of buffers.
Response to Comment 36-6  **CLUO Comment.** The commenter identifies concerns regarding a reduction in property values. Please see MR-6, “Economic Effects and Property Values.” Please also see Draft EIR Section 3.1, “Aesthetics,” for an analysis of visual impacts from cannabis uses and Section 3.12, “Noise,” for the analysis of noise impacts from cannabis use operations.

Response to Comment 36-7  **EIR Comment.** This commenter identifies concerns that lighting at night disrupts wildlife. Draft EIR Impact AES-4 addresses potential lighting impacts from cannabis uses (see Draft EIR pages 3.1-46 through 3.1-48). This impact discussion identifies that draft CLUO Sections 8-2.1408(F), 8-2.1408(X), 8-2.1408(Z), and 8-2.1408(OO) would require all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts. These performance standards would avoid significant lighting impacts on wildlife. See also Draft EIR Impact BIO-1. Please also see Response to Comment 24-7.

Response to Comment 36-8  **EIR Comment.** The commenter states concerns regarding safety and fire hazards from the use of butane in cannabis processing and recommends processing to be conducted in industrial zones. The creation of cannabis products is often accomplished through extraction methods and/or chemical synthesis through licensed manufacturing operations. Extraction usually involves the use of a closed loop system using carbon dioxide or volatiles (e.g., butane) to remove the key constituents from the cannabis. While these systems can present health and safety hazards if not conducted properly, CCR Title 17, Division 1, Chapter 13 Sections 40223(b), 40225(a)(b)(d)(e), and 40280(a) require fire control measures for handling of hazardous materials. Compliance with these state-established standards would ensure that cannabis uses do not create or increase fire hazards or exposure to hazard materials. Draft EIR Table 2-6 identifies that the CLUO would allow cannabis manufacturing uses to locate in industrial zoned areas.

Response to Comment 36-9  **CLUO Comment.** The commenter recommends that cannabis cultivation activities be centralized in the County such as at the Yolo County Landfill site. Please see MR-17, “Consolidated Cannabis Campus.” The commenter also states that the Draft EIR identifies significant impacts on utilities and services but provides no mitigation measures. Draft EIR Section 3.15, “Utilities and Service Systems,” identifies no significant impacts on utilities (Draft EIR pages 3.15-19 through 3.15-24).

Response to Comment 36-10  **CLUO Comment.** The commenter indicates that Capay Valley has building restrictions which have resulted in the use of portable buildings and containers with generators to refrigerate cannabis crops. However, there is no such restriction of agricultural buildings in Capay Valley. The reason cannabis cultivators are using portable buildings is twofold: cost and restrictions on other cannabis activities within the County. Portable buildings or containers are less expensive to install than permanent buildings which helps defray costs for the farmer particularly given that the County’s licensing program is year-to-year and the subject CLUO regulations are not yet finalized. As a result of these two conditions there is not enough certainty in the regulatory process for some cannabis cultivators to justify the business decision to install permanent buildings. Also, because only cultivation and ancillary uses are allowed, cannabis farmers are restricted to on-site processing of their product. If the County opts to expand the allowed cannabis uses through the CLUO this would allow off-site processing at
facilities licensed to conduct regional processing activities. Adoption of the CLUO has the potential to address these outcomes by opening new cannabis land use opportunities, and setting uniform regulatory standards, both of which will create certainty in the process as well as new enforcement tools, and establish a rigorous process for evaluating the appropriateness of specific cannabis uses at specific sites throughout the County.

The Draft EIR identifies that exterior noise sources associated with the operation of cannabis uses could include the use of off-road utility vehicles, generators, externally mounted air condition units on storage containers, greenhouse fans, and trimming tools. Draft EIR concludes that these noise sources would generate noise levels at receptors that range from 44.4 A-weighted decibels (dBA) to 73.6 dBA (depending on the alternative and associated buffer standards) which would fall below the applicable General Plan land use compatibility standards (75 dBA).

Regarding generators and externally mounted air condition units on storage containers, please see the Response to Comment 31-3.

Response to Comment 36-11 CLUO Comment. The commenter identifies concerns about crime issues and recommends that cannabis be located in cities rather than in the unincorporated County. The cities have separate land use authority and jurisdiction from the County within their incorporated boundaries and have each independently considered cannabis uses and adopted appropriate regulations to control those uses. The proposed CLUO would apply only within the unincorporated area of Yolo County, which receives law enforcement services from the County Sheriff. Draft EIR page 3.13-7 describes the current extent of cannabis-related crimes in the unincorporated area of the County. Please see MR-7, “Code Enforcement and Crime.”

Response to Comment 36-12 CLUO Comment. The commenter describes trespassing that has occurred on their property including threats at gunpoint. It is important to report events like this to the County Sheriff and the commenter is strongly urged to do so in the future. Response to Comment 28-5 and MR-7, “Code Enforcement and Crime,” for a discussion on reporting trespass and other illegal activities, and for information on the various ways to contact the CTF and Sheriff’s Office.

In addition to CTF code enforcement staff and Sheriff detectives, the Capay Valley has a new resident deputy assigned to the area, including Esparto and Madison. Lastly, in late 2019 an intergovernmental agreement was executed between the Yocha Dehe Wintun Nation and the County increasing the number of Sheriff deputies assigned to the Capay Augmented Patrol for a total of eight. These additional deputies will be assigned to the Capay Valley, including Esparto and Madison. They will provide the Capay Valley and Cache Creek Casino area with a specialized unit, including designated and trained deputies, on a 24-hour/7-days-per-week patrol. Generally, two full-time deputies will be working within the Capay Valley on a daily basis.

Response to Comment 36-13 CLUO Comment. The commenter describes the use of gravel at cannabis sites, expresses concerns regarding the applicability of right-to-farm protections to cannabis uses, and provides their opinion that cannabis is an industrial not agricultural use. As described in Draft EIR Impact AG-1, cannabis cultivation is defined as an agricultural use (Draft EIR pages 3.2-20 and 32.-21). It is acknowledged that cannabis cultivation uses have different operational characteristics than other agricultural operations (see Draft EIR
Cannabis uses are not afforded the same protections as other agricultural operations under the County's Right-to-Farm provisions. Please see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 36-14 **EIR Comment.** The commenter identifies concerns regarding noise generated by large gravel trucks, back up beepers, and generators. Draft EIR Impact NOI-1 addresses noise associated with construction operations where large trucks may be used. This analysis identifies construction noise levels would likely range from 76 dBA to 85 dBA at a distance of 50 feet from the construction activity (see Draft EIR pages 3.12-9 and 3.12-10). Draft EIR Mitigation Measure NOI-1 requires the adoption of construction noise exposure standards of 60 dBA to 65 dBA based on certain times of the day. This mitigation measure would require reduce levels of nighttime construction noise exposure at off-site residential receptors by ensuring construction would not occur during the more noise-sensitive nighttime hours. Limiting construction to the less sensitive times of the day (i.e., 7:00 a.m. to 6:00 p.m.) would ensure that people are not disrupted during sleep. Further, people are generally not home or as sensitive to construction noise during the daytime hours when various other noise is present, and therefore, would not be exposed to a substantial temporary increase in noise.

The Draft EIR identifies that exterior noise sources associated with the operation of cannabis uses could include the use of off-road utility vehicles, generators, externally mounted air condition units on storage containers, greenhouse fans, and trimming tools. On pages 3.12-12 through 3.12-14, the Draft EIR concludes that these noise sources would generate noise levels at receptors that range from 44.4 dBA to 73.6 dBA (depending on the alternative and associated buffer standards) which would fall below the applicable General Plan land use compatibility standards (75 dBA).

The commenter also expresses concerns regarding the ability to submit complaints confidentially. Complaints to the County’s CTF are kept confidential. Complaints made directly to the Sheriff’s Office are kept confidential if requested. If a complaint is sent to a District Supervisor, submitted to the Clerk of the Board of Supervisors, or sent to other County staff, and not directly as a complaint to the CTF or through the confidential on-line complaint form, then it is treated as public information and is therefore available for public review.

Please see MR-7, “Code Enforcement and Crime,” regarding the County’s response process to complaints and Response to Comment 31-3 regarding proposed changes to the CLUO regarding generator use and noise.

Response to Comment 36-15 **EIR Comment.** The commenter expresses concerns regarding cannabis use of agrichemicals in the Capay Valley. Please see Response to Comment 17-38. SWRCB Order WQ 2019-0001-DWQ also requires water quality control protection measures for cannabis cultivation operations. Depending on the size of the site and risk level, the Order would require a site management plan, site erosion sediment control plan, disturbed area stabilization plan, and nitrogen management plan to ensure protection of surface and groundwater quality. Impacts on geology and soils are analyzed in Draft EIR Section 3.7, impacts related to hazards and hazardous materials are analyzed in Section 3.9, and hydrology and water quality impacts are analyzed in Section 3.10. Please also see the analysis of impacts on agriculture in Section 3.2.
The commenter also expresses their support for locating cannabis and uses in areas served by city water and sewer service, near toxic waste disposal sites, and with regulatory oversight. These recommendations are noted for the record. Please refer to MR-12, “Expression of Opinion/Preference.”

**Response to Comment 36-16**  
**CLUO Comment.** The commenter expresses agreement with the comments included in Letter 17 from Yocha Dehe Wintun Nation. Please see the responses to letter 17.

**Response to Comment 36-17**  
**CLUO Comment.** The commenter recommends that the Yocha Dehe Wintun Nation be included in the decision-making process cultural resources that would be affected by cannabis uses. Draft CLUO Section 8-2.1408(H)(5) requires that for any application for which a negative declaration, mitigated negative declaration, or EIR is prepared, tribal consultation must be conducted to address the potential for tribal cultural resources. Term 19 of the SWRCB Order WQ 2019-0001-DWQ prohibits cultivation sites within 600 feet of tribal lands, and Term 20 prohibits cannabis cultivation within 600 feet of a tribal cultural resource.

**Response to Comment 36-18**  
**CLUO Comment.** The commenter expresses frustration that the draft CLUO and Draft EIR have not addressed comments provided by the Yocha Dehe Wintun Nation. Please see the responses to Letter 17.

**Response to Comment 36-19**  
**CLUO Comment.** The commenter expresses concern that cannabis complaints are not confidential. Please see Response to Comment 36-14. Please also see MR-7, “Code Enforcement and Crime.”
From: Dave Speca [mailto:dave.speca@gmail.com]
Sent: Sunday, December 22, 2019 8:10 AM
To: cannabis <cannabis@yolocounty.org>
Subject: feedback from neighbor adjacent to cannabis grower

At the CLUO meeting in Davis, one of the presenters mentioned that many of the impacts that were observed fell under the umbrella of “aesthetics,” and I think that for us, this would be the case as well. The impact is difficult to quantify, but, I would say, not unimportant. The cannabis grow next to us has changed the way our family feels about our property. Our extended family is less likely to spend time there now. In the future, my wife and I had considered living there full time. Now we’re not so sure.

As the Board of Supervisors considers modifications to the CLUO, we would ask them to consider what happened with the initial policy. When the floodgates were opened, most of the permitted grows were located in relatively populated areas (relative to the area of Yolo County). Perhaps the concentration of permitted grows in relatively populated areas is one of the most undesirable consequences of the current policy.

It must certainly be a busy time for all of the policymakers in the County. We appreciate all of your efforts in designing a cultivation policy that works best for all of the constituents. Thank you.

Sincerely,
Dave Speca
1643 La Paloma Court
Davis, California 95618
Response to Comment 37-1  **EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

The commenter addresses aesthetic impacts and notes that proximity to a cannabis cultivation site has changed the way they feel about their property. This is acknowledged for the record. Draft EIR Section 3.1, “Aesthetics,” addresses the aesthetic impacts of cannabis uses allowed under the CLUO for the five alternatives.

Response to Comment 37-2  **CLUO Comment.** The commenter expresses that allowing existing licensed cannabis activities to remain in populated areas is undesirable and asks that this be considered in implementing the draft CLUO. The CLUO will put into place a new more rigorous discretionary permit process that will take into consideration site-specific and project-specific considerations. MR-10, “CUP Process and Overconcentration,” includes a discussion of 18 findings of fact required for approval of a cannabis use permit. Finding #9 includes consideration of population in the area. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 37-3  **CLUO Comment.** The commenter thanks the County for its effort. This is appreciated.
December 23, 2019

Susan Strachan, Cannabis Program Manager
Yolo County Department of Community Services
292 West Beamer St.
Woodland, CA 95695
530-406-4800
cannabis@yolocounty.org

Dear Ms. Strachan,

Below please find my comments on the DEIR and CLUO.

**Draft Environmental Impact Report comments:**

As a resident of Yolo County, I do support medical and recreational marijuana, and hemp. I do not support forcing an industry on communities in a short period of time without proper steps, or significant community involvement. In the case of cannabis and Yolo County, the cart has been placed before the horse. An EIR is being written after 78 permits have been approved? For fairness and democratic process the County must stop expansion of the cannabis industry and re-examine the process and impacts before continuing.

The current 78 cannabis permits are too many for Yolo County, as evidenced by the problems occurring in the Capay Valley that have not been resolved. Each permit/operation must be looked at individually for community impacts and mitigation. No new operations should begin until problems are resolved.

In addition, proposed cannabis manufacturing, testing, distribution, retail, and microbusinesses as suggested in the DEIR and draft CLUO, would make the current situation go from bad to worse. No new cannabis-related permits of any type should be allowed at this time. To reiterate, the current cannabis operations have caused significant problems that must be resolved right away. In addition, the number of current permits should be reduced.
The alternatives as presented in the DEIR do not include an accurate baseline alternative with no cannabis operations (before any licenses/permits were distributed). Each of the alternatives presented in the DEIR increase the number of current cannabis operations, including Alternative 1 (78 operations) because, as of now, not all of the 78 license/permit holders have started their operations.

In Section 3.63 it is pointed out that the CLUO requires those seeking commercial cannabis permits to demonstrate the availability of adequate energy. (Section 8-2.1408(O) Energy Use: Permittees shall demonstrate availability of adequate energy, and compliance with applicable local and regional energy saving goals.) The fact that current cannabis operations in Yolo County do not have adequate energy supply to operate, demonstrates that this is not a reasonable requirement. Operations should not be allowed to commence until power is available onsite. A study of the availability of energy in unincorporated areas of the County should be included in the DEIR or the CLUO.

A nearby cannabis operation runs diesel refrigerated trailers 24 hours a day. How many other Yolo County cannabis operations use them? Is there mention of cannabis operations using these trailers in the DEIR and, if so, have they been included in determining emission assumptions for cannabis operations (3.83) and Table 3.6.2 as well as other parts of the DEIR (such as 4.2)? These units create significant noise impact and low frequency vibrations when the condensers go on every 4 minutes.

Regarding the discussion of buffers for commercial cannabis operations in the DEIR, I believe that setbacks within the grower’s parcel would be more effective at mitigating negative impacts on neighboring properties.

Regarding buffers/setbacks for personal cannabis grows, I suggest that the idea be examined in more detail and described in a separate section so as to clarify and facilitate the cultivation of medical marijuana for those who want to grow it themselves.
Draft Cannabis Land Use Ordinance comments:

Section 8-2.1403 Definitions
F. Greenhouse — A structure or thermally isolated area of a building that maintains a specialized sunlit environment used for and essential to the cultivation, protection, or maintenance of plants. For the purposes of this article, cultivation in a greenhouse (including mixed light) is considered an indoor use.

Comments on Section 8-2.1403 Definitions F: According to Definitions H (Indoors), greenhouses do not require a buffer because they are considered indoor operations. Greenhouses do create light and noise disturbance so I am unclear as to why no buffer or setback would be required.

Section 8-2.1403 Definitions
Q. Qualified Odor Professional — An individual or firm accepted by the County as having expert qualifications in the analysis and control of odor, particularly cannabis odor. Expertise should include knowledge of the science of odors and odor control/abatement, experience with odor control technologies, and experience monitoring, modeling, and/or regulating odor. The issuance of more than one County Cannabis license on a single parcel

Comments on Section 8-2.1403 Definitions Q: The last sentence in this section is incomplete/doesn’t make sense.

8-2. 1404 C. Relocation — Cannabis activities on sites that do not meet the requirements of this Article must relocate and secure a Cannabis Use Permit, or cease operations on or prior to the dates identified below by license category:
Outdoor cultivation — 12 months from the effective date of this article
Mixed Light Cultivation — 24 months from the effective date of this article
Indoor Cultivation — 36 months from the effective date of this article

Comment on 8-2. 1404 C:
Relocate or mitigate effects of all operations that do not meet the requirements of this Article within 12 months from the effective date of this article, not 24 or 36 months. Some local operations are converting to greenhouses now, which would ensure that they will be in business for 3 more years if this section passes without modification, and negative impacts continue for that length of time.
Sec. 8-2.1406 Cannabis Permit Requirements H. Over-Concentration—By resolution adopted concurrently with, or subsequent to, this article, as may be amended from time to time, the Board of Supervisors may establish limitations on the number of cannabis operations that may be approved in distinct subregions of the County. The subregions correspond with the jurisdictional boundaries of local General Plan Citizens’ Advisory Committees. Note: Limitations or “caps” on the number of allowed cannabis operations in various County sub-regions have not yet been determined but are expected to be based primarily on population size and density in each subregion, with higher caps in less populated, less dense subregions. For purposes of applying any limitations set forth in such resolution, multiple licenses/permits (including permitted co-locations) at a single address shall count as one operation. Subject to this limitation, each operation covered by a development agreement approved through the “early” development agreement process that predated this article shall also count against the limitation.

If any combination of the number of approved use permits, “early” development agreements, or pending permit applications exceeds the limitation within a subregion, the Board of Supervisors shall be the final decision-making authority on any use permit application. The Board may approve a use permit if the approval would create or add to an over-concentration only upon finding that denial of the application would unduly limit development of the legal market so as to perpetuate the illegal market for cannabis and related products, and that the approval would not cause or contribute to a cannabis-related law enforcement problem or other public nuisance in the affected subregion and any surrounding affected areas.

Comment on Sec. 8-2.1406: Concerning the determination of overconcentration, each license/permit should count as one operation whether or not they are at a single address. By lumping multiple permits together for one address, as is suggested in this section, their cumulative higher impacts are falsely diminished and the number for overconcentration is falsely ‘reduced’. Also, the determination of overconcentration should be done with parameters and data and each area should be considered individually with input from the local residents. The concern for perpetuation of the illegal market should be described in detail with numbers to document.

Sec. 8-2.1406 Cannabis Permit Requirements L. Findings for Approval or Denial—This section will be expanded in later versions of the ordinance, after initial public review. The Planning Commission may grant approval of a Cannabis Use Permit if the following findings are made, based on substantialevidence in the record:

1. The requested use is a conditionally allowed use in the applicable zone designation.
2. The requested use is consistent with the general plan, and area or specific plan if applicable.
3. The proposed use complies with each of the applicable provisions of the Cannabis Land Use Ordinance and other applicable sections of the County Zoning Regulations.
4. The proposed use, together with the applicable conditions, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.
5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided, as required in applicable County and State regulations, standards, and specifications. The findings generally applicable to the grant of a use permit under the Yolo County Code do not apply to Cannabis Use Permits, which are subject only to the findings set forth above.
Comments on Sec. 8-2. 1406 Cannabis Permit Requirements L.: In the case of the town of Rumsey, the zoning designation (mostly agricultural) does not accurately portray the proximity of the houses and the small size of the parcels. Problems with impacts of a current cannabis operation in the center of Rumsey reflect this discrepancy. I suggest adding wording in this section that will alert the County to this problem. A commercial cannabis operation should be much smaller in such areas, or not allowed.

Sec. 8-2. 1408 Specific Use Requirements and Performance Standards. Buffers—A buffer of 1,000Xfeet is required from the following receptors (inside or outside of the County unincorporated area): off-site individual legal residences under separate ownership, 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 by the federal government or that is the subject of a trust application for a federally recognized tribal government tribal trust land, licensed youth centers that are in existence inside or outside of the County unincorporated area) at the time a use permit is issued for any CDFA permittee, so long as the cannabis use is operating within the terms of its approvals and conditions. These buffers apply to all outdoor cannabis uses, including outdoor personal grows, as specified in Section 8-2.14076, Table of Cannabis Development Regulations, of this article. The buffer shall be measured from the closest point of the cultivation site to 1. The closest surface of the building for residences, day cares, places of worship, schools, treatment facilities, and youth centers. 2. The closest point of the zone boundary for residentially designated land. 3. The closest point of the parcel boundary for public parks and tribal trust land.

Comments on Sec. 8-2. 1408 “Closest point of the cultivation site” is not well defined. A person will definitely want to use space outside of their home, so the surface of a residence is not the best location to measure the buffer. I suggest limiting the size of the cannabis operation based on the parcel size and requiring a setback (rather than a buffer) to be within the cannabis grower’s parcel. Smaller parcel, smaller operation.

Sec. 8-2.1408 Specific Use Requirements and Performance Standards O. Energy Use—Permittees shall demonstrate availability of adequate energy, and compliance with applicable local and regional energy saving goals.

Comments on Sec. 8-2. 1408 O: Are the power lines in the Capay Valley large enough to accommodate a number of new cannabis operations. Why have permits been given out to locations that do not have sufficient power to operate? These operations have relied on diesel powered refrigeration units for months. Did the permittee provide incorrect information to the County regarding available energy? Shouldn’t the energy be available before the operation is allowed to commence? Perhaps the County should prepare its own study as to the availability of adequate energy.
Sec. 8-2.1408 Specific Use Requirements and Performance Standards

CC.Nuisance

Subsection 2. Subject to subsection 7 below, for the purposes of this subsection, cannabis odors shall be deemed to be persistent, offensive to individuals of normal sensitivity, and adversely impacting or unreasonably interfering with the use and enjoyment of property, if the County enforcement officer (i) independently determines that the cannabis odor violates the standards of subsection 1 above, and/or (ii) the County enforcement officer receives three or more complaints of cannabis odor from individuals having normal odor sensitivity, representing separate residences or places of occupied business, of a cannabis odor emanating from the subject property for three consecutive days within any two-week period, that the enforcement officer determines violates the standards of subsection 1 above.

Comments on 8-2.1408 CC Nuisance Subsection 2. Section (ii) states that the County enforcement officer must receive at least three complaints from individuals in separate residences. This would work in Woodland or Davis or West Sacramento where houses are close together. In a rural area, the winds could blow the odors/fumes predominantly to one residence, such as is currently happening at my house. I suggest in that situation, one complaint suffice for an adverse impact/interfering determination.

Sec. 8-2.1408 Specific Use Requirements and Performance Standards

LL.Security – A fully functional, operating site security system with cameras operating 24-hours a day, seven days a week, is a requirement. Permittees shall describe how site and operational security will be addressed specific to the site and use type, including features that may consist of access control, visibility, security cameras, alarms, security personnel, guard dogs, fencing, and building/structural security. All gates, doors, and windows of structures and facilities used for cannabis activities shall be locked/secured. Permittees are responsible to prohibit individuals from loitering on the premises if they are not engaged in activity expressly related to the activity/operations. A security plan information provided to the County shall be provided to the County in a separate submittal or plan and shall be treated as confidential by the County pursuant to Section 6255(a) of the CGC Government Code. Failure to secure a site pursuant to the security plan may be grounds for revocation.

Comments on Sec. 8-2.1408 Subsection LL: Any endeavor that requires “a fully functional, operating site security system with cameras operating 24-hours a day, seven days a week” should be done as far away as possible from others. Placing these cannabis operations in small, rural communities puts the safety of property and persons at risk. Rural areas don’t have the same services as cities do. The response time to calls for help can be significantly longer than in cities.
Section 8-2.1410 Application Submittal and Processing
j. Public Noticing—Public notice shall comply with Section 8-2.211, (Public Notice) of the County Zoning Regulations, except that notification for public meetings and hearings shall extend feet from the property line boundary and shall include both residents and property owners. Note: Subject to deliberation by the Board of Supervisors

Comments on Section 8-2.1410 Subsection j: Notices could be placed at the local post office, in Citizens Advisory Committee community emails. Also mailing a notice to property owners within 1000 feet of the exterior boundaries of the property involved.

Section 8-2.1412 Enforcement A. Revocation or Modification. A Cannabis Use Permit may be revoked or modified as provided by the provisions of Sec. 8-2.217(f). In addition to the grounds for revocation or modification set forth in Sec. 8-2.217(f)(1), a Cannabis Use Permit may be revoked or modified for any one or more of the following grounds:
1. Any act or omission by a property owner or permittee in contravention of the provisions of this Chapter;
2. Unresolved violation by the applicant or permittee, or unresolved violation at the proposed cultivation site, of any provision of the County Code or State law related to the cannabis use;
3. A change in conditions occurring after the original grant of the approval or the continuation of the use as approved that is contrary to public health, safety or general welfare, or is detrimental or incompatible with other permitted uses in the vicinity;
4. The findings which were the basis for the original permit approval can no longer be made;
5. Regulations applicable when the permit was approved have been amended;
6. Cessation of all uses authorized by the cannabis use permit for a period of three or more consecutive years; or
7. Failure to comply with any requirement of this or other applicable sections of the County Code or with State law.

Comments on Section 8-2.1412 Subsection A: The County struggles to monitor the current cannabis operations, so why continue to monitor someone who cannot follow the permit requirements. I suggest revoking a permit from a grower that has a number of violations. Possibly using the following language: “8. Any permittee with more than 3 violations within 2 years.”, or something to that effect.

Sincerely,

Nina Andres-Berrelleza

P.O. Box 73
Rumsey, CA 95679
Response to Comment 38-1  

**EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

The commenter identifies support for medical and recreational marijuana and hemp and expresses concern that no EIR was prepared for the issuance of licenses under the cannabis licensing program. This position is noted for the record. MR-16, “Cannabis Licensing Program,” describes the environmental determination for the licensing program.

The comment expresses concern regarding the number of existing licensees. The commenter further states that each site should be looked at individually for impacts and mitigation. Implementation of the CLUO as proposed would be consistent with the comment. All 78 existing and eligible cultivation sites would be required to apply for and secure a cannabis use permit demonstrating consistency with the requirements of the final CLUO.

The Draft EIR evaluates the environmental impacts of the continued operation of these 78 cultivation sites as regulated by the draft CLUO under Alternative 1, “Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative).”

Response to Comment 38-2  

**EIR Comment.** The commenter opposes additional cannabis uses (manufacturing, testing, distribution, retail, and microbusiness) at this time. The commenter also recommends that the number of current permits be reduced. The commenter’s comments are acknowledged. Alternative 1 assumes no new cannabis use types as suggested by the by the commenter. The Board of Supervisors have the discretion to establish caps on cannabis uses below the assumed number assumed for each alternative. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR.”

Response to Comment 38-3  

**EIR Comment.** The commenter states that the Draft EIR does not include an accurate no cannabis alternative and notes that all of the alternatives assume an increase in cannabis uses. Please see Response to Comment 33-2. Please also see MR-1, “No Project Alternative and No Cannabis Alternative”; MR-2, Baseline Conditions Used in the Draft EIR”; MR-3, “Range of Alternatives Evaluated in the Draft EIR”; and MR-4, “CEQA Alternatives and County Decision-Making.”

The commenter notes that not all of the identified 78 existing and eligible licensees are actually active. Please see Response to Comment 12-43.

Response to Comment 38-4  

**EIR Comment.** The commenter indicates that the requirement draft CLUO Section 8-2.1408(0) to demonstrate availability of adequate energy is not reasonable because adequate energy is not available. The commenter recommends that operations should not be allowed without an adequate on-site energy supply. The commenter also requests a study of energy availability. Electricity in Yolo County is potentially available through several sources, including Pacific Gas and Electric Company, Valley Clean Energy...
Alliance, and on-site solar or wind generation. Given multiple options for energy generation, the County did not further analyze availability nor is such an analysis required for CEQA. Please see Response to Comment 30-21. Energy impacts are analyzed in Section 3.6 of the Draft EIR.

Response to Comment 38-5  
**EIR Comment.** The commenter identifies concerns regarding the use of generators for cannabis operations and asks how they have been accounted for in the Draft EIR GHG and noise impact analyses. Draft EIR analysis of GHG emissions factored the use of generators in Impact GHG-1 (see Draft EIR page 3.8-14). The Draft EIR identifies that exterior noise sources associated with the operation of cannabis uses could include the use of off-road utility vehicles, generators, externally mounted air condition units on storage containers, greenhouse fans, and trimming tools. On pages 3.12-12 through 3.12-14, the Draft EIR concludes that these noise sources would generate noise levels at receptors that range from 44.4 dBA to 73.6 dBA (depending on the alternative and associated buffer standards) which would fall below the applicable General Plan land use compatibility standards (75 dBA).

The Draft EIR examines vibration impacts on Draft EIR page 3-10 and concludes that cannabis uses would not result in vibration or vibration levels that would adversely affect receptors. Please see Response to Comment 31-3 regarding proposed changes to the CLUO regarding generator use and noise.

Response to Comment 38-6  
**EIR Comment.** The commenter recommends that buffers/setbacks for commercial cannabis operations fall within the subject parcel. Please see MR-9, “Buffers.”

Response to Comment 38-7  
**CLUO Comment.** The commenter suggests that buffers/setbacks for personal cultivation be examined separately from requirements for commercial cultivation. Please see Response to Comment 35-2.

Response to Comment 38-8  
**CLUO Comment.** The commenter questions why no buffer or setback requirements would be required for greenhouses as they generate light and noise impacts. Draft CLUO Section 8-2.1408(Z) requires all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts and the nighttime sky. Please see Response to Comment 38-5 regarding noise impacts from greenhouse fans and air conditioning units.

Response to Comment 38-9  
**CLUO Comment.** The commenter identifies a typographical error in Section 8-2.1403(Q) of the proposed CLUO. Please see Appendix D, “Proposed Revisions to the Draft CLUO.”

Response to Comment 38-10  
**CLUO Comment.** The commenter recommends that draft CLUO Section 8-2.1404(C) be modified to require that all operations be required to secure a CUP within 12 months or cease operations. Please see Response to Comment 24-17.

Response to Comment 38-11  
**CLUO Comment.** The commenter identifies concerns regarding draft CLUO Section 8-2.1406 regarding overconcentration. The commenter recommends counting each operation individually whether or not they are at the same address. The commenter also recommends that overconcentration be analyzed based on consideration of each area individually with input from local residents. The commenter also recommends consideration of the illegal market. These recommendations are noted for the record. Please see MR-10, “CUP Process and Overconcentration,” and MR-12, “Expression of Opinion/Preference.”
Response to Comment 3-12  **CLUO Comment.** The commenter recommends edits to draft CLUO Section 8-2.1406(L) related to findings of fact for approval of a cannabis use permit. Particularly in Rumsey, the commenter requests consideration of proximity of house and size of parcels. Please see MR-10, “CUP Process and Overconcentration.” Finding #15 requires consideration of parcel size and proposed uses on the non-cannabis portions of the parcel.

Response to Comment 3-13  **CLUO Comment.** The commenter recommends edits to draft CLUO Section 8-2.1408 regarding buffer sizes and how to measure them. Please see MR-9, “Buffers.”

Response to Comment 3-14  **CLUO Comment.** The commenter identifies concerns regarding energy services in Capay Valley. Pacific Gas and Electric Company is the electrical service provider in the area. Please see Responses to Comment 38-4 and 30-21 regarding energy availability and facilities.

The commenter also inquires why the County issued licenses to cannabis cultivators that do not have permanent sources of power and are relying on generator powered refrigeration units to preserve their crops. Please see Response to Comment 31-3.

Response to Comment 3-15  **CLUO Comment.** The commenter recommends that the nuisance provisions in Section 8-2.1408(CC) be triggered by one complaint rather than three. This recommendation is acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 3-16  **CLUO Comment.** The commenter observes that if a land use requires security such as the requirements described in Section 8-2.1408(LL) then the use should not be located in a small rural area. The commenter also notes that response times for law enforcement are longer in such areas than in cities. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-7, “Code Enforcement and Crime,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 3-17  **CLUO Comment.** The commenter recommends that the noticing requirements identified in draft CLUO Section 8-2.1410(J) extend 1,000 feet from the property line, and include the local post office, and citizen’s advisory community emails. These recommendations are acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 3-18  **CLUO Comment.** The commenter expresses concern that the County is not currently enforcing cannabis use permit requirements pursuant to draft CLUO Section 8-2.1412. Existing cannabis facilities operate pursuant to the County’s licensing program. Enforcement is confined to compliance with state and local regulations currently in effect. The proposed CLUO would overlay a new rigorous discretionary use permit program including related new enforcement tools. However, until a final CLUO is adopted these proposed new regulations do not apply.
From: Meg Hehner [mailto:meghehner@gmail.com]
Sent: Monday, December 23, 2019 6:08 AM
To: cannabis <cannabis@yolocounty.org>
Subject: CLUO/ EIR

To the Yolo County Board of Supervisors,

This letter is to ask you to consider these proposals to protect the lives of families on Rd 45, Guinda.

A woman and two daughters, all lawyers, backed by 10-20 million dollars, are preparing to establish a major marijuana growing and processing operation at the mid point of Rd 45 without EIR process.

Your consideration is directed to the following:

- Traffic increase on Rd 45. Our road gets an ‘F’ already. Single lane. Many potholes. Road maintenance should come from businesses using this residential road. Road upgrade should come before any development.

- It will be the only non agricultural land zoning.

- There will be a large number of warehouse sized buildings (similar to east Woodland)

- Density of buildings on a single property ( 10 acre in this case)

- Density of grow operations in our area should be no more than 1 per square mile. (We have 6 in our 1 mile radius)

- Rigorous adherence to EIR standards for the commercial marijuana buildings.

- Consider the aesthetics of a grow from the neighbors perspective.

- Compensation for depreciation of neighbors’ property given before building.

- Setbacks should be 1000’ or more from the property line of the grow near all residences, schools, churches and tribal land.

Thank you,

John Wilson, Rd 45 resident
Response to Comment 39-1

CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter requests that the County consider various concerns with respect to cultivation operations within the vicinity of County Road 45.

The commenter is understood to be referring to a cultivation site, previously licensed in 2019, that has been investing in improvements to the property for significant greenhouse development. In particular, the subject cultivation site is one of the eight sites subject to an application submitted for an early implementation development agreement. Chapter 2, “Description of the Preferred Alternative and Equal Weight Alternatives,” of the Draft EIR provides additional information on the County’s Early Implementation Development Agreement Policy (Early DA Policy).

The subject site did not proceed with a separate environmental review, which is required under the Early DA Policy before the Board of Supervisors consideration of the development agreement. If the application were to advance and an environmental review was conducted, the community and surrounding property owners would be notified and invited to comment once the environmental document is released for public review.

Separate from the Early DA Policy process, the County recognized the need for a cannabis disclosure process for licensees making investments at their sites by requiring an applicant seeking a building permit(s) for cannabis operations to sign a disclosure statement. As referenced in MR-14, “County Cannabis Disclosures,” an applicant who signs the disclosure agrees to comply with any future changes to the cannabis program, including adoption of the CLUO. The proposed CLUO does not anticipate nor does it provide for ‘grandfathering’ in previously licensed sites that have undergone significant investment for development.

The subject site is not licensed in 2020. To the extent that the subject site becomes eligible and pursues a future license, the applicant would be required to comply with the provisions of the CLUO prior to licensure.

Response to Comment 39-2

EIR Comment. The commenter states that County Road 45 requires improvements and maintenance. Draft CLUO Section 8-2.1408(JJ) (Roadways) requires that cannabis uses install/undertake roadway improvements identified by the County Engineer or District Fire Chief as appropriate, for County roads, or California Department of Transportation and District Fire Chief for state roads, to adequately resolve identified concerns in a manner consistent with adopted standards and requirements as applied to other similar uses. This would address roadway safety and design issues. Section 3.14 of the Draft EIR analyzes transportation and circulation impacts.

Response to Comment 39-3

CLUO Comment. The commenter indicates that the operation on County Road 45 is the only non-agriculturally zoned land in the area. This is not accurate. The properties in the area, including the subject cannabis cultivation site, is zoned for...
agricultural use. County staff have interpreted this comment more generally to express that the projected development at the cultivation site differs in scale from other smaller-scale agricultural uses in the area. Though the parcel sizes in the vicinity of County Road 45 are generally less than 20 acres on average, the agricultural zoning allows for the same uses on any size parcel with the same zoning. Currently, greenhouse development for cannabis and non-cannabis uses is allowed on agriculturally zoned land without a discretionary review (i.e., does not require a use permit). The proposed CLUO would require that cannabis uses, including cultivation and processing in greenhouses, be subject to approval of a use permit. Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-10, “CUP Process and Overconcentration.”

Response to Comment 39-4  
**CLUO Comment.** The commenter indicates that cannabis cultivation on County Road 45 will result in a large number of warehouse-sized buildings similar in size and scale to buildings in east Woodland. No warehouse development has been proposed on County Road 45. The commenter may be referring to greenhouses. Please see Response to Comment 39-3.

Response to Comment 39-5  
**CLUO Comment.** The commenter expresses concern about the density of buildings on the subject 10-acre cultivation site on County Road 45. This concern is noted. Subsequent to adoption of the proposed CLUO, cannabis uses would be subject to CLUO standards including required maintenance of the site and surrounding land area (Sections 8-2.1408[B] and [PP]), buildings and structures designed to be compatible with the character and scale of what is allowed in the applicable zone (Section 8-2.1408[F]), screening of outdoor cannabis uses from public rights-of-way (Section 8-2.1408[KK]), preservation of on-site trees (Section 8-2.1408[RR]), and restoration of closed sites (Section 8-2.1412[C]) among other items.

Response to Comment 39-6  
**CLUO Comment.** The commenter recommends that the density of cannabis cultivation sites should be no more than 1 per square mile. This comment is acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 39-7  
**EIR Comment.** The commenter recommends that commercial cannabis buildings be subject to CEQA. Cannabis uses under the CLUO would be required to comply with the CLUO performance standards, which would include adopted EIR mitigation measures, as well as other applicable County Code building standards.

Response to Comment 39-8  
**EIR Comment.** The commenter recommends that aesthetic impacts on neighbors be considered. Draft EIR Impact AES-3 acknowledges changes in local visual character associated cannabis uses (see Draft EIR pages 3.1-42 through 3.1-46). Cannabis uses would be subject to CLUO standards including maintenance of the site and surrounding land area (Sections 8-2.1408[B] and [PP]), buildings and structures designed to be compatible with the character and scale of what is allowed in the applicable zone (Section 8-2.1408[F]), screening of outdoor cannabis uses from public rights-of-way (Section 8-2.1408[KK]), preservation of on-site trees (Section 8-2.1408[RR]), and restoration of closed sites (Section 8-2.1412[C]) among other items.

Response to Comment 39-9  
**CLUO Comment.** The commenter recommends compensation for reduced property values. Please see MR-6, “Economic Effects and Property Values.”
**Response to Comment 39-10  CLUO Comment.** The commenter recommends that setbacks be 1,000 feet or more measured from the property line of the cannabis site to all residences, schools, churches, and tribal land. This comment is acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”
Dear Supervisors and Cannabis Program Manager,

I would like to preface my comments on the proposed Cannabis ordinance by saying that I supported legalization and therefor recognize that Cannabis is a legitimate crop which should be treated like any other agricultural commodity. I’d also like to say that the majority of growers are trying to be good neighbors and that they as well as their neighbors have been affected by the county’s uneducated rush to cash in on what they saw as a huge revenue maker. Permit holders and residents have spent 2 years with no ordinance. We’ve attended many meetings and comment sessions. Unlike the Cannabis industry we do not have endless money or lawyers to make our case. Most of us work and are hard pressed to attend your daytime meetings. We are therefore asking you to be our advocates.

After living surrounded by grows for the past 2 years and reading the EIR with the multiple proposals my opinions are as follows:

The smell of this crop is a major problem. Outdoor grows must only be allowed in areas where there will be no impact on neighbors and should be subject to the same review and rules that apply to other ag operations where odor is an issue such as dairies, hog farms, commercial chicken farms and feed lots. At least ½ mile from the nearest non grower. All other grows should be in a building or greenhouse.

There must be at least 1000 ft from the edge of a grow and the nearest residence. The tribe has insisted on this and the proposed ordinance in all cases applies this to schools, daycare and churches. Why shouldn’t homes where children live and grandchildren visit be afforded the same.

There must be specific language in the ordinance limiting the concentration of grows in any area. The Capay valley has almost 1/3 of the total permits with the majority of those in Guinda and Rumsey. Some of my neighbors are surrounded with grows impacting their enjoyment and value of their property. Perhaps a specific number of grows per square mile would work.

Lights from greenhouses and security lighting need to be off or shielded at night so as to not impact the night sky or neighbors.

Retail outlets should only be allowed in commercial areas and not at any grow or manufacturing sites. Processing, other than what is necessary to harvesting, needs to be located in industrial areas where police and fire services are readily available.

As for the number of permits allowed. I think there shouldn’t be a limit as long as the ordinance limits concentration and permits are subject to an EIR and comment from the surrounding residents. Preference should be given to growers who want to locate far away from existing homes. Grouping multiple grows together on a large parcel should be encouraged.

Because this ordinance was so slow in being adopted growers have had to make decisions that might place them in noncompliance once you finalize the rules. I feel the county must facilitate a remedy for these businesses either helping them relocate or negotiating a solution. Giving these businesses 3 years to come into compliance is unacceptable to neighbors who have already lived 2 years without an ordinance. I also feel that if concentration is the issue preference should be given to longtime residents and landowners.

In closing I want to say that many of the other issues that we who live in Guinda and Rumsey have experienced are being resolved with good communication and sometimes with the help of the Sherriff department. Hopefully getting this ordinance finished and, on the books, will resolve the rest.

Thanks for taking the time to listen.

Sincerely,

Christine Hildebrand
7938 road 49 Guinda 95637
530-867-0666
Response to Comment 40-1  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter provides introductory statements to the letter and identifies support for cannabis cultivation.

Response to Comment 40-2  
**EIR Comment.** The commenter expresses concerns about cannabis odors and recommends a minimum one-half-mile buffer from non-cultivators or restricting cultivation indoors in buildings or greenhouses. Draft EIR Impact AQ-4 identifies that operation of cannabis uses has the potential to generate odors associated with cultivation, processing, manufacturing, and microbusiness operations resulting in a significant and unavoidable impact. The draft CLUO would require buffers between outdoor cannabis uses and identified sensitive land uses. Draft CLUO Section 8-2.1408(E) establishes odor control requirements that would prohibit nuisance odors from leaving the cannabis site in excess of a 7:1 dilution-to-threshold, identifies a process of corrective actions for nuisance odor conditions, and requires the development of an Odor Control Plan (draft CLUO Sections 8-2.1408[CC] and 8-2.1408[DD]).

Response to Comment 40-3  
**CLUO Comment.** The commenter recommends a 1,000-foot buffer between the edge of a cannabis cultivation site and the nearest residence. The commenter inquires why all homes should not be provided the same buffer distance as other identified sensitive land uses. This recommendation is acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-9, “Buffers,” regarding why bifurcated buffers are appropriate. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 40-4  
**CLUO Comment.** The commenter recommends that there should be specific language in the draft CLUO limiting the concentration of cannabis cultivation in any area. The Draft EIR addresses this concern in Section 4-2, “Overconcentration.” Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 40-5  
**EIR Comment.** The commenter recommends that lights from greenhouses and security lighting be off or shielded at night to avoid lighting impacts. As identified in draft CLUO Section 8-2.1408(Z), requires all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts and the nighttime sky. All cannabis uses would also be required to use of nonreflective building materials (Sections 8-2.1408[F] and [OO]) and would be subject to a prohibition of lighting in hoop houses (Section 8-2.1408[X]). These standards would be effective in maintaining current nighttime character of the County. The commenter is referred to Draft EIR pages 3.1-46 through 3.1-48 for a detailed analysis of lighting impacts for the five CLUO alternatives. Please also see Response to Comment 24-7.
Response to Comment 40-6  **CLUO Comment.** The commenter recommends that retail only be allowed in commercial areas and not at cultivation or manufacturing sites. The commenter also recommends that processing beyond what is needed for harvesting should only be allowed in industrial areas, with available law enforcement and fire protection. Draft CLUO Section 8-2.1407 restricts cannabis retail uses to commercial and industrial zones with the exception of non-storefront retail that could locate in agricultural zones with a Cannabis Use Permit. This section of the draft CLUO would allow processing in agricultural, commercial, and industrial zones. The recommendations of the commenter are acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 40-7  **CLUO Comment.** The commenter recommends that the number of licenses should not be capped so long as overconcentration is controlled, and permits are subject to an EIR with public comment. This position differs somewhat from the approach taken with the proposed CLUO. The staff will recommend caps on permits consistent with the limits studied in the CLUO EIR. All permits will be provided for public noticing and comments. However, the County intends to promote CEQA streamlining consistent with state law. This would mean that cannabis use permit applicants compliant with the CLUO, and other applicable state and local requirements, may be able to rely on the CLUO EIR based on site-specific information and analysis. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 40-8  **CLUO Comment.** The commenter states that the County should help non-compliant licensees come into compliance with the CLUO including relocation if necessary. The commenter does not support the 3-year compliance period identified in Section 8-2.1404 for indoor cultivators. The commenter also recommends that in areas where caps are imposed in order to control for overconcentration, preference should be given to long-time residents and landowners. These recommendations are acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Regarding the issue of residency as a criterion for licensing, the County considered a similar idea in developing the licensing ordinance and concluded such an approach would be ill-advised based on constitutional grounds. Case law has established that such a restriction must meet several legal tests including demonstrating a rational government basis for having such a restriction, defending that such a restriction would not unduly burden the constitutionally protected right to travel, defending that such a restriction would not violate principles of equal protection embodied in the 14th Amendment, and possibly others.

Response to Comment 40-9  **CLUO Comment.** The comment provides closing comments and identifies that issues have been resolved through good communication. This comment is acknowledged. Thank you.