To: Yolo County Board of 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.

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.

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 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.

The grow at the end of Manzanita has engendered so much traffic that as many as on 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 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 grow 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.

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. The alternatives set forth in the current EIR do nothing to correct the problem of over concentration and the attendant degradation of our quality of life.

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.

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
Barbara Clowers
Linda Deering
Corky and Vicki Facciuto
Todd Gettleman
Kathy Lowrey
Helen and Pete McCloskey, Rumsey Farms
Glenn Morgan
John Obermeier
Robin and Serge Testa
Linda Wilson
Response to Comment 51-1  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 comments that are duplicative of Comment Letter 32. Please see the responses to Comment Letter 32.

Response to Comment 51-2  CLUO Comment. This letter has the same signatories as Letter 32 with the addition of Barbara Clowers, Glenn Morgan, and John Obermeier.
From: Susan Pelican [mailto:susanpelican@gmail.com]
Sent: Monday, December 23, 2019 3:59 PM
To: cannabis <cannabis@yolocounty.org>
Subject: EIR comments

I prefer alternatives 2 and 5. I think alternative 4 is the least preferable— it eliminates outdoor grows, and Yolo is an agricultural setting and costs — already prohibitive for growers — will make cultivation impossible for many. Sun (and water and rich soil) are major contributors to healthy and health-giving Plants.

Alternative 2 expands possibilities in a moderate way— adding license types and hopefully expanding the opportunities for cultivators. Alternative3 is overkill— especially if hemp becomes possible. In that event, the county needs to limit cultivation to Current areas and only allow hemp where cross pollination is not possible.

Which gets us to the “problem” of overconcentration: first of all, no other farms Are overconcentrated.. and if it is assumed that all cannabis plots have to be situated in 40 acres, then all current licenses on 40-acre plots should not be deemed overconcentrated. Certainly fields on 100 acres should be out of overconcentrated circles.

Second, cannabis is required to be free of pesticides and other noxious substances— while conventional growers can and get Permits to apply Paraquat , atrazine, and other hazardous substances— but are not subject to eir’s... or to situate with required buffers from homes or schools...

Something is wrong with this picture. IN MY VIEW All cultivation needs to be subject to environmental impacts.

Sincerely,

Susan Pelican
Response to Comment 52-1  

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 identifies support for Alternatives 2 and 5, and concerns regarding Alternative 3 and 4. The commenter also identifies concerns with hemp. Please see MR-4, “CEQA Alternatives and County Decision-Making,” and MR-8, “Marijuana and Hemp.”

Response to Comment 52-2  

CLUO Comment. The comment provides recommendations regarding parcel size and overconcentration, indicating that cannabis cultivation on sites 40 acres in size should not be considered overconcentrated. The commenter also recommends that sites 100 acres in size should not be considered overconcentrated. These recommendations are acknowledged and will be considered as a part of the record. Please see MR-10, “CUP Process and Overconcentration,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 52-3  

CLUO Comment. The commenter identifies that cannabis cultivation cannot use pesticides that other agricultural uses use. The commenter further states that other agricultural uses are not required to meet buffer requirements. These statements are accurate. Please see Response to Comment 17-38 regarding pesticides. 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 water and groundwater quality. Please also see Response to Comment 17-38.

Response to Comment 52-4  

CLUO Comment. The commenter expresses their position that cultivation of all crops should be subject to environmental impact analysis. This position is noted. Please see MR-12, “Expression of Opinion/Preference.”
Capay Valley Community Comments on the Yolo County Draft Cannabis Land Use Ordinance (CLUO) and Draft Environmental Impact Report (DEIR).

Capay Valley Vision (CVV) is a 501(c)3 not-for-profit founded in 2000 with the goal of enhancing ongoing communication within the diverse community of the Capay Valley, reflecting all opinions and searching for common ground on the vision for the Valley’s future. Recognizing that change is inevitable, the organization works to manage and guide change in a way that best preserves the Valley’s rural character, agriculture, history and natural environment, while supporting a vital local economy.

CVV works to:

- Preserve our heritage and sense of place;
- Strengthen our personal relationships;
- Preserve the rural character of the Valley;
- Preserve farmlands, rangelands and wildlands;
- Develop a viable economic strategy;
- Protect natural resources; and
- Enhance community health and well-being for citizens of the Valley.

Given our land-based mission, Capay Valley Vision whole-heartedly applauds the language of the County’s draft Cannabis Land-Use Ordinance which states as one purpose of cannabis use in Yolo County to “support agricultural economic development including recognition of valuable new crops, preservation of agricultural land and creation of opportunities for new farmers.” However, the board members of CVV have serious concerns as to whether the ordinance itself, and the performance standards, align with preserving the agricultural landscape or enhancing opportunities for new farmers in the Capay Valley.

Several cannabis operations in Guinda and Rumsey appear to have more in common with industrial sites than agricultural ones. They are characterized by extensive infrastructure (multiple greenhouses, lights, shipping containers, heavy traffic) and lack of healthy land/soil management – pouring concrete pads or bringing in gravel to cover over prime agricultural soils.

We are aware of one young farming couple who left the Capay Valley in 2017 because they were unable to find land that they could afford to purchase. This was during the “green rush” that followed Yolo County’s initial launch of cannabis licensing, and resulted in the loss of an organic livestock operation that had been an established and contributing part of the community for several years.

We are aware of two other beginning farmers who are adjacent to sizable grows. Each of these farmers are growing organically, and both are making investments in the long-term health of their land by planting of trees and cover crops (which sequester carbon) and making investments in the community by volunteering for the organizations that provide the backbone to our rural communities. Both have been negatively impacted by noise and security issues related to the adjacent grows.

We respectfully request the Board of Supervisors and the Yolo County Planning Commission consider how cannabis cultivation has and will continue to impact agricultural preservation and opportunities for young/beginning farmers in Yolo County. We've come to realize that the idealized view of cannabis growing alongside other crops in typical patchwork agricultural landscape is not the reality - not now due to all the impacts mentioned, and not in the future when wealthy venture capitalists and big
conglomerates take over the market since they can afford all the fees and regulatory compliance requirements, not to mention construction of indoor facilities. As we’ve seen, growers who have been growing outdoors still aspire to move their operations indoors for maximum control, quality, and yield.

CVV also submits the following comments on behalf of the Western Yolo County community based on two community meetings held in Guinda and Rumsey in December 2019 to gather comment from community members on the CLUO and DEIR. More than 60 people attended the two meetings, which included grow site owners and their neighbors, providing a cross-section of the community. Every speaker at the two meetings expressed support for well-regulated cannabis operations, but many noted that several existing grow sites are creating impacts that have greatly affected quality of life in our community, causing safety, nuisance, environmental, and health problems, and greatly reducing property values in some areas.

The community is largely in agreement on the following recommendations for the CLUO:

**Buffers:** Commercial cannabis operations, including cultivation, processing and storage, must be located at least 1,000 feet from the property line of any neighboring property with a residence on it. Our residents want to be able to use and enjoy their entire property without experiencing impacts of cannabis operations, and see no legal or ethical reason why the buffers for residential properties should be any less than for public, religious or tribal properties. The buffer distance should not be measured to the nearest wall of the residence, but rather to the closest border of the property on which the residence is located.

Furthermore, a 1,000 foot buffer is necessary in order to align with the CLUO’s stated goal to “ensure neighborhood compatibility.” Chronic disturbance to neighbors and negative impacts to residents living near cannabis grows has characterized cannabis production sites in Guinda and Rumsey.

However, the community also supports flexibility for the setback requirement such that the setback distance could be less than 1,000 feet if the affected residents reach agreement with the grow operator and property owner on a shorter distance. This agreement must be in writing and allow for renegotiation when the cannabis operation changes, including in location, size, construction of new facilities, or intensity of operations. Personal grows, especially for medical cannabis, should not be subjected to the buffer requirements.

**Generator use:** Use of generators for grow operations should generally not be allowed except during power outages. Several grow operations are currently using generators 24 hours per day, 7 days per week, for drying the harvested cannabis in refrigerated truck trailers because the power grid is apparently not capable of providing their power needs. The generators are creating air quality, noise and vibration, and odor impacts on neighboring properties, including low frequency vibration that can travel long distances from the source. Several residents complained that this vibration is painful to them and disrupts their sleep. At a minimum, generator use should be held to strict emissions, noise and vibration, and odor limits such that their operation is imperceptible by area residents. We support the requirement of CLUO Section 8-2.1408(D) that grow operators demonstrate adequate energy availability of electric power as part of the permitting process, and that renewable energy must be make up at least half of their energy use; and stress that this must also be done for all existing permits once the CLUO is enacted. Permits should mandate that generator use is generally restricted to use only during power outages. The permitting process should also take into account that rural areas of the
Capay Valley are routinely subject to scheduled power outages and that the power infrastructure serving the Capay Valley is old and limited in capacity – therefore the power needs of cannabis cultivation may be inappropriate for the region. The issue of generator use should be more thoroughly analyzed in the Fina Environmental Impact Report (FEIR), including assessment of noise, air quality and odor impacts from current generator use for grow operations.

**Processing:** Currently all cannabis product must be dried and trimmed at the grow site. This is creating substantial air quality, traffic, noise and vibration, and energy impacts, as described above, and is bringing large numbers of temporary workers to the site to trim the product. According to several of its neighbors, one grow operation is generating more than 100 vehicle trips per day for processing operations. These impacts can be avoided if processing takes place in industrial warehouse facilities, which have sufficient power available for drying the product, and sufficient security to protect the processed product.

**Greenhouses:** The present draft of the CLUO would classify greenhouses as indoor operations. Several grow operations in the region are using up to 32 large greenhouses, each approximately 50 feet by 20 feet, for cultivation operations (see aerial picture), and are creating substantial light and odor impacts to neighbors. Greenhouses should not be classified as indoor operations unless they emit no light or odors at any time, and greenhouses must meet the 1,000 foot buffer requirement discussed above, unless the grow operator and owner reach agreement with affected residents.

**Market Access:** Several speakers at the meetings said the CLUO should be revised to open the cannabis market to individuals and small farms of more modest means, such as allowing them to participate in cannabis grower co-ops that can collect and process cannabis grown in small plots in a centralized processing facility.

**Concentration:** Grow operations should not be concentrated in any area that has residences, regardless of the number of residences affected, unless the grow operators and owners reach agreement with the residents to allow concentrated operations in the area. Ideally, concentrated grow and processing areas should be located in remote areas with no neighbors within 2,000 feet of a cannabis growth, processing or storage area. Buffer limits for concentration areas could be relaxed with by written agreement with affected residences. In the CLUO, Performance Standard LL – Security – states that a “fully functional, operating, site security system with cameras operating 24-hours a day, seven days a week is a requirement.” That 24 hour security is required for cannabis production/enterprise makes clear that this activity is NOT compatible within residential areas, close to residents and in neighborhoods where people live, work, sleep, grow food, and raise families.
**Compensation:** The property values of some area residences have been reduced to nearly zero because of proximity to nearby grow operations. This has substantial impacts in that many residents are relying on the equity in their properties for retirement funds. The CLUO should include some mechanism to compensate for this economic impact, such as using funds generated by cannabis operations to buy out affected properties at the pre-grow appraised value.

**CVV Comments on the DEIR:**

**Baseline:** All currently permitted cannabis grows are included in the baseline for analyses in the DEIR. The community asserts that the proper baseline should be based on conditions in 2015, before any cannabis grow was permitted. At a minimum, the FEIR should include analysis backing the conclusion that CEQA compliance was not required for the medical cannabis ordinance, which apparently was based on the assumption that impacts would be reduced when grows are permitted and regulated rather than being illegal and clandestine. For our community, this is not the case. Substantial illegal operations were discovered in past years, and no doubt they all had impacts. However, because of the need to be discreet, illegal grows did not produce the light, noise, odor and security problems that many of the present permitted grow operations produce, especially those located close to residences. The community certainly does not condone illegal cultivation, and is pleased that legalization largely has eliminated the illegal grows that previously were found in the area, but we are not at all convinced that the environmental, public health and economic impacts from present permitted grows are reduced compared to the illegal grows.

**Air Quality:** The air quality analysis conducted for the DEIR relies on an assumption in the modeling conducted for the analysis that standby generators would run a maximum of 200 hours per year, corresponding roughly to the number of hours that power has been lost in our community due to fire danger or damage to the electric power system this past year. However, at least one grow operation is currently running generators 24 hours per day, 7 days per week to power refrigerated trailers used for drying the harvested cannabis. The analysis should use at least 2,500 hours as the assumed number of hours for generator operations based on this observation, corresponding to roughly 100 days of operations done to augment utility power during drying operations, plus 200 hours for operations during power outages.

**Alternatives:** According to the California Environmental Quality Act (CEQA), alternatives are intended to be optional ways that the project proponent could achieve most of their objectives, while also reducing or eliminating the environmental impacts of the proposed project (California Public Resources Code [PRC] Section 21002; see also Friends of the Old Trees v. Department of Forestry & Fire Protection (1997)). Yet all the alternatives examined in the DEIR have the same or greater impacts, based on the number of allowed permits, compared to existing conditions. The FEIR should include analysis of an alternative that reduces impacts by reducing the number of permits, compared to existing conditions.
Response to Comment 53-1  **CLUO Comment.** Thank you for this background information and 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.

Response to Comment 53-2  **CLUO Comment.** The comment expresses concern regarding whether the CLUO aligns with County goals for agriculture. This comment is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 53-3  **CLUO Comment.** The comment expresses that cannabis operations in Guinda and Rumsey are more industrial than agricultural with extensive infrastructure and “lack of healthy land/soil management.” Please see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 53-4  **CLUO Comment.** The comment references farmers that possibly moved from the area due to land prices and expresses concerns about the loss of an organic livestock operation. These concerns are noted.

Response to Comment 53-5  **CLUO Comment.** This comment expresses concern regarding effects of noise and security on neighbors. Please see Response to Comment 9-3 regarding noise and Response to Comment 12-74 regarding security.

Response to Comment 53-6  **CLUO Comment.** The commenter encourages the Board to consider current and long-term effects of commercial cannabis cultivation on agricultural preservation and opportunities for young farmers. This perspective is noted. Please see MR-12, “Expression of Opinion/Preference.” The comment also indicates a perception that outdoor cultivators would prefer growing indoors. The commenter also states that cultivators who have been growing outdoors still aspire to move their operations indoors. This statement is not necessarily accurate. There are licensed cannabis cultivators who choose to grow outdoors. Of the 47 licensed cultivation sites as of June 30, 2020, 28 are growing completely outdoors. The remaining 19 are cultivating in greenhouses, hoop houses (which is considered outdoors under the CLUO), indoors, or a combination of outdoors, greenhouses, hoop houses, and indoors.

Response to Comment 53-7  **CLUO Comment.** The comments are described as being submitted on behalf of Western Yolo County and reflective of two community meetings held in Guinda and Rumsey in December 2019. The comment summarizes that attendees support well-regulated cannabis and that several existing cultivators are creating impacts for the community including safety, nuisance, environmental, health, and property values. These points are acknowledged.

Response to Comment 53-8  **CLUO Comment.** The commenter indicates that the community largely supports 1,000-foot buffers from the property line of any neighboring property with a residence on it in order allow neighbors to utilize their full property and to ensure neighborhood compatibility. The buffers could be flexible if the affected residents and cannabis cultivator reach a written agreement. The buffer would not apply to personal cultivation. These recommendations are noted for the record. Please see MR-5, “Cannabis as an Agricultural Crop.”
Response to Comment 53-9  

**CLUO Comment.** The commenter indicates that generators should only be allowed during power outages and summarizes other concerns about long term generator use. The comment supports Section 8-2.1408(O) of the proposed CLUO and recommends it be applied to existing cultivators. 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.

The commenter also indicates that the noise, air quality, and odor impacts of existing generator use should be considered. Emissions from the assumed use of back-up generators for mixed-light and indoor cannabis cultivation under Alternative 1 and new mixed-light and indoor cannabis cultivation uses for Alternatives 2 through 5 were factored in the air quality impact analysis (Impact AQ-3) in Section 3.3, “Air Quality and Odors” (see Draft EIR Appendix E). 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 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).

Response to Comment 53-10  

**CLUO Comment.** The comment indicates that community impacts such as air quality, traffic, noise, vibration, and energy are resulting from County requirements that all cannabis must be dried and trimmed at the cultivation site. The comment estimates that one cultivation site is resulting in 100 vehicle trips per day. The commenter believes these impacts would be avoided if processing occurred in industrial warehouses with appropriate power and security. The environmental impacts associated with harvest and processing operations identified by the commenter are provided in Section 3.3, “Air Quality and Odors”; Section 3.6, “Energy”; Section 3.12, “Noise”; and Section 3.14, “Transportation and Circulation.” Impacts unique to harvest and processing include odors (see Draft EIR Impact AQ-4 on pages 3.3-29 through 3.3-38) and operational noise (see Draft EIR Impact NOI-2 on pages 3.12-11 through 3.12-14). There are no expected ground vibration impacts from cannabis uses (Draft EIR page 3-10). Detailed traffic analysis of expected increases in traffic volumes are provided in Draft EIR Appendix G. Appendix G pages 23 through 26 identifies assumptions used to estimate cannabis cultivation traffic generation based on employment and truck service. As identified in Appendix G, cannabis cultivation sites are estimated to average 48 daily trips. This estimate factors in harvest conditions. The County is not aware of data that substantiates the commenter’s estimate of 100 vehicle trips per day.

The concerns expressed in this comment and support for restricting processing to industrially zoning is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 53-11  

**CLUO Comment.** The comment notes that a cannabis cultivator has installed 32 greenhouses (50 feet by 20 feet), resulting in light and odor emissions. The comment recommends that greenhouses not be considered “indoor” unless they “emit no light or odors at any time” and that greenhouses should
be required to meet the 1,000-foot buffer described in Response to Comment 53-8. This position is noted for the record. The Draft EIR discusses on page 3.3-34 that as compared to outdoor facilities, odor can be better controlled in indoor facilities such as greenhouses with proper emissions controls (e.g., activated carbon air filters, biofilters, plasma ion technology, and air filters); however, there is some odor emission that will occur when the system exchanges air. Air exchange can also be managed to minimize odor, and the likelihood of it being detected, through the location of the exchange venting on the top of the structure and by limiting the exchange period to late evening early morning. Regarding the comment suggesting that greenhouses emit no lighting at any time, please see Response to Comment 24-7.

Response to Comment 53-12 CLUO Comment. The comment expresses support for co-op farming and support for smaller less capitalized farmers. The CLUO as proposed would allow for consolidated cannabis sites. An applicant or group could cooperatively submit an application to conduct cannabis activities on one site. This is described in Section 8-2.1408(G) and MR-17, “Consolidated Cannabis Campus.” Please also see Response to Comment 24-12.

Response to Comment 53-13 CLUO Comment. The comment recommends that cultivation in areas of overconcentration should require an agreement with residents or not be allowed and should be no closer than 2,000 feet unless specified in an agreement. These recommendations for over-concentration are acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 53-14 CLUO Comment. The commenter indicates that the fact that 24-hour security is required for cannabis activities shows that it is not compatible with nearby residences. The proposed CLUO precludes cannabis activities (except personal cultivation) in residential zones. See Sections 8-2.1406(F) and 8-2.14-7. Regarding residences in agricultural areas, which the County refers to farm dwellings, please see Responses to Comment 24-2 and 50-8 and MR-9, “Buffers.”

Response to Comment 53-15 CLUO Comment. The commenter indicates that nearby residential property values have been reduced to “nearly zero” due to proximity to cannabis and that the CLUO should include mechanisms to compensate for economic impact. See Response to Comment 53-14, above. Please also see MR-6, “Economic Effects and Property Values.” The recommendation is acknowledged for the record.

Response to Comment 53-16 EIR Comment. The comment disagrees with the CEQA baseline used in the Draft EIR. Please see MR-2, “Baseline Conditions Used in the Draft EIR.” The comment requests information regarding the CEQA conclusions for the Licensing Ordinance. Please see MR-16, “Cannabis Licensing Ordinance.”

Existing cannabis activities 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. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. County staff believe it is important to move forward with adoption and implementation of the CLUO. The CLUO will improve existing conditions.
Response to Comment 53-17  EIR Comment. The commenter expresses disagreement with the assumptions in the EIR regarding generator use. Please see Responses to Comments 31-3 and 31-4.

Response to Comment 53-18  EIR Comment. The commenter has requested that the EIR contain an additional alternative that would reduce the number of permits compared to existing conditions. Please see Response to Comment 33-2. The Board of Supervisors retains full authority to reduce/regulate the number of allowed cannabis activities. Please also see MR-1 through MR-4.
From: Barbara Gemmill-Herren [mailto:bg11@mac.com]
Sent: Monday, December 23, 2019 3:57 PM
To: cannabis <cannabis@yolocounty.org>
Subject: DEIR

Dear Supervisors,

My comment in brief on the DEIR is that it is totally wrong and not fair to the residents of Capay Valley to not include an alternative of zero cannabis cultivation. When you first started approving ‘temporary’ permits, you always promised that citizens would have a chance to review and change this policy. Now, the DEIR does not provide this option, as it is too late, and that train has left the station. That is not democracy, and is so demoralizing to citizens, particularly the residents of Capay Valley, who would like their voice heard. You do not have to accept the existing alternatives of the DEIR, and can put such an option forward.

Barbara Gemmill Herren
Capay, CA
Sent from my iPhone
Response to Comment 54-1  

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 frustration that a "no cannabis" alternative is not included. Please see Response to Comment 33-2 and MR-1.
Shermain Hardesty
4309 Amoroso Place, Davis, CA 95618
shermainhardesty@sbcglobal.net

December 22, 2019

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

Submitted electronically to: cannabis@yolocounty.org; Susan.Strachan@yolocounty.org

Re: Draft Environmental Impact Report for County’s proposed Cannabis Land Use Ordinance

Dear Ms. Strachan:

I met you earlier this month at the South Davis community meeting regarding the County’s proposed Cannabis Land Use Ordinance earlier this month. I am a member of the South Davis Citizens Advisory Committee; however, this letter represents my personal comments, as our committee was unable to meet after that meeting. Additionally, I am an Emerita Cooperative Extension Specialist in the Department of Agricultural and Resource Economics at UC Davis. My comments below are based on my 40 years of experience working in California agriculture as an academic, an economist for a rice marketing cooperative, and an industry consultant. I have resided in Yolo County for over 45 years, and I strongly support the statement in the County’s 2030 General Plan that “Agriculture has been at the heart of Yolo County’s identity, character, economy and way of life since the County’s founding in 1850."

Alternatives Analysis:
It is puzzling why the DEIR’s alternatives analysis is not based on the “no cannabis” conditions that existed prior to the adoption of the County’s Marijuana Cultivation Ordinance (Ordinance Number 1467) in March, 2016. As noted on page 2-11 in the DEIR, this ordinance was an interim measure to address neighbor complaints and limit harmful environmental impacts while protecting patient access to medical cannabis. Since it was an interim measure, the EIR should include alternatives that decrease, as well as increase, the existing numbers of cannabis operations within the County.
Overconcentration:
Yolo County has over 550,000 acres of land available for agriculture and livestock production. The DEIR assumes that 28 percent of the cannabis sites would be located on land areas used for grazing/pastureland (page 3-3); this assumption is based on the use of the county’s agricultural and livestock acreage in 2018. However, the topography of grazing land in Yolo County is usually hilly, which is not conducive to siting greenhouses and hoop houses. Additionally, such lands would have already been used for crop production—if irrigation water were available. Groundwater is very limited in the low hills just west of the Capay Valley croplands. Thus, it seems likely that more than 33 percent of the sites would comprised of land in row crop production and more than 39 percent of the sites would be comprised of land in orchard or vineyard production.

The overconcentration issue is indicative of the type of land cannabis cultivators desire. The DEIR identifies four clusters of cannabis cultivation sites—with no justification provided for the DEIR’s 6-mile designation for a cluster. It would be more appropriate to combine Clusters 1 and 4 to recognize the importance of the Capay Valley farm community. The Capay Valley runs for approximately 26 miles between Rumsey and Esparto along a valley that is approximately 3 miles wide (my guess—I don’t the GIS resources to determine the actual width of the valley); it covers about 50,000 acres. In 2004, the farms established an organization, Capay Valley Grown (http://capayvalleygrown.net/) to collaborate on their marketing efforts. The Capay Valley is recognized nationally as the hub of organic farming and is a growing destination for agritourism. In 2007, I was appointed Director of University of California’s Small Farm Program. Since then, I have worked with small- and mid-scale farms throughout California, and particularly in the Capay Valley. I was the Project Director for the 2013-2015 California Department of Food and Agriculture-funded Specialty Crop Block Grant, Building a Farm Trail; it included creating a Farm Trail map of the Capay Valley (see http://capayvalleygrown.net/wp-content/uploads/CVFTM_8.5x11_revised.pdf). Part of this map is displayed on Page 5 of this letter; the map lists many small- and mid-scale farms lining Highway 16 offering farm stands, tours, dinners and lodging to visitors.

The overconcentration of cannabis operations is threatening the specialness of the Capay Valley. The data displayed in the DEIR’s Appendix B indicate that the acreage of the County’s 75 permitted cannabis cultivators with sites occupy a total of 3219 acres. Sorting the data by location, there are 34 sites in the Capay Valley (site cities listed as Rumsey, Guinda, Capay, and Esparto). They comprise 38.5% of the County’s total permitted site acreage and 45.3% of the permitted sites. Such a high level of concentration in the County’s cannabis cultivation is indisputably dense.
Hydrology and Water Quality:
The DEIR states that the CLUO and state regulations require each commercial cannabis cultivation operation to obtain and disclose a legal water supply source. The State Water Resources Control Board’s (SWRCB) Cannabis Cultivation Policy is specified in a 116-page document of Definition and Requirements for Cannabis Cultivation [https://www.waterboards.ca.gov/boarddecisions/adopted_orders/resolutions/2017/final_cannabis_policy_with_att_a.pdf]. It states 133 specific requirements related to water diversion and discharge, including “Cannabis cultivators shall minimize irrigation deep percolation by applying irrigation water at agronomic rates” (page 44). However, in the most recent edition of California Agriculture, [http://calag.ucanr.edu/archive/?type=pdf&article=ca.2019a0015] University of California researchers reported the results of their survey of cannabis operations. They concluded that very little research has been done on cannabis cultivation, and that agronomic rates for irrigation water, as well as fertilizers, pesticides and herbicides are essentially nonexistent.

Additionally, in the SWRCB’s 2018 Program Review and Assessment Report [https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/cannabis_program_review_report.pdf], several severe external challenges facing its program were identified, including (page 19): 1) Complexity: its dual water quality and water rights regulations are complex and require a high degree of sophistication for both enrollment and compliance; 2) Permitting Costs: Multiple layers of regulatory authority and the number of permits required has led to high cumulative permitting costs, particularly for high-risk outdoor cultivation sites; 3) Low Enforcement: Limited staff resources dedicated to enforcement, the time and resource-intensive nature of enforcement, and the high number of unenrolled cultivation sites, results in a low percentage of violators being subject to Water Boards enforcement. This low risk of enforcement coupled with a high cost of compliance does not incentivize enrollment or compliance; and 4) Cultivator Culture: Given the history of prohibition, the cannabis cultivation community tends to have a strong culture of avoiding government regulation. Given this list of significant challenges, the DEIR’s assumption of full compliance with water regulations is only wishful thinking.

Furthermore, the cannabis cultivation water usage rates used in the DEIR are questionable. On page 3.10-33, it is stated that “…the water demand factors were derived from information provided by existing cannabis cultivation operations in the County, estimates for indoor cannabis cultivation from Santa Cruz County (Santa Cruz 2017)...”. The 1.39 acre feet per acre per year for outdoor cultivation and the 4.88 acre feet per year for indoor cultivation used in the Yolo County DEIR are actually identical to the rates used in the Santa Cruz County EIR. Given the significantly cooler growing conditions in Santa Cruz county, using their 1.39 water usage rate (as reported to be provided by the existing cannabis growers in Yolo County) is very
suspect since the county is described in the DEIR as having “... a Mediterranean climate characterized by hot, dry summers...” (p. 3.10-1).

Furthermore, the Yolo Groundwater Basin was identified as a high priority SGMA basin in 2018. Particular overdraft spots include the Yolo-Woodland area on both sides of Cache Creek (https://groundwaterexchange.org/basin/sacramento-valley-17-2/). The DEIR also mentions that subsidence due to groundwater pumping (p.3.10-10) has been detected in the northern Yolo-Zamora area of Yolo County between Zamora and Knights Landing. However, the DEIR indicates that no mitigation is required for any of the alternatives regarding Impact HYDRO-2: Decrease Groundwater Supplies or Interfere with Groundwater Quality.

Clearly, water is a critical agricultural input in Yolo County. It is essential that water requirements for cannabis cultivation must be carefully determined and measures must be implemented to ensure that cannabis cultivators do not overdraft groundwater basins and pollute creeks and groundwater basins with excessive use of fertilizers, pesticides and herbicides. It is not sufficient to rely on the Central Valley Water Quality Control Board’s regulations which appear to be difficult for the Board to enforce and for cultivators to implement.

Sincerely,

Shermain Hardesty
Response to Comment 55-1  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. This commenter provides background information on the commenter.

Response to Comment 55-2  EIR Comment. The commenter questions why the Draft EIR did not use a “no cannabis” as the basis for the alternatives analysis. The commenter also expresses support for CEQA alternatives that both increase and decrease the number of cannabis operations in the County. Please see Response to Comment 33-2 and MR-1 through MR-4.

Response to Comment 55-3  EIR Comment. The comment pertains to the assumptions made on pages 3-3 and 3-4 of the Draft EIR related to underlying land cover for cannabis sites. The Draft EIR assumes that 33 percent of new cannabis sites in any alternative will be land in row crops, 30 percent of the sites will be on land in orchards and vineyards, and 28 percent will be on land in grazing or pasture. The commenter suggests that because grazing land may be more “hilly” and may have less groundwater, the assumption for grazing and pasture is too high, and the assumptions for the other two categories are too low. This observation is acknowledged. As cited in the document, the basis for the Draft EIR assumptions are overall acreages of land throughout the County that fall in these categories. While the input from the commenter is appreciated, these assumptions are reasonable for programmatic analysis purposes and are based on countywide GIS data. Actual locations for new sites are not known but actual site conditions would be a consideration for each cannabis use application.

Response to Comment 55-4  EIR Comment. The commenter questions the methodology of the overconcentration analysis in Section 4.2 of the Draft EIR, in particular the use of a 6-mile diameter cluster. The commenter also provides more background on Capay Valley farming. The overconcentration analysis was developed based on an iterative geographic-based assessment of the locations of the 78 existing and eligible license sites. The analysis did not start with a defined cluster size. Rather the assessment was performed multiple times to identify those locations where the most sites were clustered within the smallest definable areas. The smallest cluster size with the highest number of sites was the 6-mile diameter circle. As shown in Exhibit 4-1, four definable clusters emerged. Topography was not taken into account. It was solely a density analysis focused on numbers of sites within defined areas. The intent was to identify areas with extraordinary density and propose regulatory controls to preclude an overabundance of sites in any one particular area. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 55-5  EIR Comment. The commenter expresses concern regarding the overconcentration of existing cannabis cultivation sites in Capay Valley. The Draft EIR analysis concludes that the Capay Valley has the largest concentration of existing and eligible cannabis cultivation sites in the County. Draft EIR Chapter 4, “Cumulative Impacts and Overconcentration,” evaluates the environmental impacts of overconcentration of cannabis uses
in Capay Valley and identifies significant and unavoidable impacts in the areas of visual quality and odor impacts. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 55-6  

**CLUO Comment.** The commenter refers to water diversion requirements under SWRCB Order WQ 2019-0001-DWQ and expresses concern about the amount of research that has been done on cannabis cultivation associated irrigation water and pesticide use. There have been studies associated with water use and pesticide impacts on illegal cannabis cultivation as identified below:


The Draft EIR water supply impact analysis was relied primarily on water use information provided by existing cannabis cultivation operations in the County, estimates for indoor cannabis cultivation from Santa Cruz County and the 2015 City of Sacramento Urban Water Management Plan (water demands for commercial and industrial uses) (see Draft EIR page 3.10-33).

Please see Response to Comment 17-38 regarding pesticide use. 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 nitrogen management plan to ensure protection of surface water and groundwater quality.

Response to Comment 55-7  

**CLUO Comment.** The commenter references the SWRCB 2018 Program Review and Assessment Report and suggests the County should not assume compliance with water quality and water supply regulations. The Draft EIR identifies draft CLUO Sections 8-2.1408(J) and 8-2.1408(V) which require
water quality controls including discharge to on-site stormwater management systems, water quality controls during grading and land clearing, and compliance with state water quality requirements for cannabis uses.

Draft CLUO Section 8-2.1406(L)(5) and state regulations require that cannabis uses demonstrate adequate utilities including water supply. In Yolo County, possible water supplies include domestic water service from a local service provider (e.g., community service districts), water purchased from the Yolo County Flood Control & Water Conservation District, rainwater capture to storage facilities, and groundwater from on-site wells. While water supplies may be obtained from the Yolo County Flood Control & Water Conservation District or through riparian surface water rights, the Draft EIR analysis assumes that water would be supplied exclusively from groundwater because cannabis cultivation sites are generally located in rural areas and not in close proximity to where municipal water sources are available. It is possible that cannabis cultivation may use purchased water conveyed through agricultural canals; however, it is not considered likely because producing groundwater on-site is economically advantageous and not contingent on rainfall and other factors that limit surface water availability.

Draft CLUO Section 8.2-1411 requires annual reporting of compliance with CLUO and state requirements (including water quality and water supply requirements) as well as inspection by the County as necessary to confirm compliance. If violations are identified by the County and corrective actions are not taken by the cannabis operation, the County has the authority through the enforcement regulations of the County Code and proposed CLUO to revoke the cannabis license and/or the Cannabis Use Permit.

Response to Comment 55-8  **CLUO Comment.** The commenter questions the accuracy of the water usage rates used in the Draft EIR. The assumptions in the Draft ER rely upon a combination of sources, including water use information provided by existing cannabis cultivation operations in the County, estimates for indoor cannabis cultivation from Santa Cruz County, and the 2015 City of Sacramento Urban Water Management Plan (water demands for commercial and industrial uses). Indoor cultivation water demand data provided by existing cannabis cultivation operations in the County was similar to Santa Cruz County estimates (range was 4.78 to 4.96 acre-feet per year per acre). Thus, Santa Cruz County indoor rate of 4.88 acre-feet per year per acre was used. The Santa Cruz County Commercial Cannabis and Manufacturing Regulations and Licensing Program Draft EIR estimated outdoor cannabis cultivation water use of approximately 1.46 acre-feet annually based on 2016 licensing data (Santa Cruz County 2017:3.9-10). The Draft EIR used 2018/2019 Yolo County water use estimates for outdoor cultivation of 1.39 acre-feet per year per acre provided by existing cannabis cultivation operations. It is expected that each cannabis cultivation site would vary in water demand based on the specific design of their operation. While the input from the commenter is appreciated, the assumptions are reasonable for programmatic analysis purposes and are based on verified applicable sources including importantly information from existing Yolo operations. Actual operations for new sites are not known but would be a consideration for each cannabis use application.
Response to Comment 55-9  **CLUO Comment.** The commenter emphasizes the importance of protecting groundwater basins from overdraft by cannabis operations. Draft EIR Impact HYDRO-2 analyzes the potential for impacts on groundwater and demonstrates that groundwater supply demands for cannabis uses would be below the County’s typical agricultural per acre water demands that range from 2.35 to 3.05 acre-feet per year per acre of cropland (see Draft EIR Table 3.10-3). Groundwater conditions in the County have maintained consistent depth to groundwater elevations, regardless of production rates in recent years, indicating a substantial amount of available groundwater resources. Please also see Response to Comment 55-7 regarding water quality protections. Based on existing and proposed regulatory requirements, that an adequate water source be available, the concerns expressed by the commenter will also be evaluated with each cannabis use permit application.
Dear Susan and Staff,

Comments on CLUO

There are two main concerns for our farm here in Capay Valley. First is the current buffer zone for licensees that have been conducting business all three years in Yolo, should remain as is (75ft). If it does need to be increased, we propose a maximum of 500ft, and 1000 ft for new applicants/licensees. Also, we should address the current language describing cultivation site and where on site we are measuring from to get these buffer measurements. If we measure from the property line, we and may other farms in the county will be out of business or relocated if financially possible. We think the measurement should be from the neighboring residence to only the areas within the cultivation site that are flowering mature cannabis. Not from edge of the cultivation site, water wells, administrative buildings, nutrient/irrigation rooms, etc. Second is the odor concern, we feel that farms outside of residential areas should be in the range of 15 – 20 D/T and the air should be sampled 3 times within the hour with thirty minutes in-between samples. I believe the purposed amount is 7 D/T, if this is the set amount, we feel that may if not all outdoor growers will be forced inside which in turn forces some out of business that have been paying fees/taxes, and making structure investments over the past three years. For us, we have been in the county on this property for 40 years investing time, money, and energy hoping one day to be a legal tax paying business. Now that we are, the idea of our livelihood being eliminated because of set buffers and odor requirements is very concerning and scary. We believe the 75 ft limit is fit and in areas where current farms do not meet this 75ft buffer or odor threshold all neighbors that are impacted input should be accepted and addressed. Our Farm is owned by a 75-year-old local that will not and cannot relocate, this is all he’s done for the past 20 years in this county. We have 4 employees a very small operation that did not move here overnight we are all locals and part of this community. Please take our comments very seriously our livelihood depends mainly on this buffer zone issue.

We are not located in a high-density zone of cultivators and have only two neighbors that have been here for many years and never had an issue with our site being to close or odor complaints. When the buffer and odor thresholds are decided and we do not meet the minimum threshold for buffers, we feel very strongly that there should be concurrences/mitigations for neighbor approval or denial.

We read in the ordinance at one point about outdoor cultivators will be forced to use native soil and only be able to plant in the ground, not in raised beds or pots. If this is in fact in the ordinance, we propose otherwise there could be many issues and reasons that you would need to plant above ground in containers. First reason being testing of heavy metals and bacteria’s is very strict with state testing requirements. Anyone’s ground could be contaminated. We prefer growing in pots because there is less chance your crop will uptake a deadly pathogen that is present. Potting soil can be tilled back into the earth or treated correctly and reused.
For our neighboring farmers in the highly concentrated areas we propose the higher range of 22 farms per area. This will be better than dispersing these farms into other areas and moving the odor issue to more areas in the county where there could be more people affected, in turn making a bigger issue. Also giving the farm the choice to build odor-controlled greenhouses before forcing them to relocate would be appropriate.

We also are in favor of alternative 2 & 3 to let more licenses in for manufacturing, retail, and nurseries at a medium – high rate, this will allow the farms and county to flourish with having more outlets to sell our product locally.

We sincerely appreciate you kindly looking into our comments and concerns your decisions will greatly effect many lives. We appreciate you so much for letting Cannabis cultivation exist in Yolo county.

Sincerely,

Edward & Grant Owners of DBG
Response to Comment 56-1  
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 identify concerns regarding buffer sizing and recommend buffers of 75 feet for existing cannabis cultivation sites or a maximum of 500 feet, and 1,000 feet for new cannabis uses. The commenters also recommend changes to the proposed method for how the buffer distance is measured. Please see MR-9, “Buffers.”

Response to Comment 56-2  
CLUO Comment. The commenters identify concerns regarding the proposed 7:1 D/T odor threshold and recommend a range of less stringent allowable standards of 15:1 to 20:1 D/T outside of residential areas. Please see Response to Comment 43-7.

Response to Comment 56-3  
CLUO Comment. The commenters identify concerns regarding the economic impact of buffer and odor standards under the draft CLUO. These concerns 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-6, “Economic Effects and Property Values,” and MR-14, “County Cannabis Disclosures.”

Response to Comment 56-4  
CLUO Comment. The commenters note that they are long-time local residents and will be unable to comply with the new regulations depending on the final buffer distances. These comments are noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 56-5  
CLUO Comment. The commenters state that their cannabis cultivation is not located in an area of overconcentration and that they have good relationships with their neighbors. The commenters recommend that the process include a mechanism for exceptions to the regulations based on relationships with neighbors. This recommendation is noted 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 56-6  
CLUO Comment. The commenters express concern regarding requirements that outdoor cultivation use native soil only. The proposed CLUO does not include requirements for use of native soil for outdoor cannabis cultivation.

Response to Comment 56-7  
CLUO Comment. The commenters recommend that overconcentration be capped at 22 sites within a 6-mile-diameter area and that operations be given the opportunity to build odor-controlled greenhouses as an alternative to relocation. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Converting outdoor cultivation to greenhouse cultivation would be an allowed option dependent on the underlying zoning and development standards associated with that zone.

Response to Comment 56-8  
CLUO Comment. The commenters support Alternatives 2 and 5. This position is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 56-9  
CLUO Comment. The commenters provide closing statements thanking the County for consideration of their comments. Thank you.
From: Jessy Scott [mailto:farmerjessy88@yahoo.com]
Sent: Monday, December 23, 2019 3:51 PM
To: cannabis <cannabis@yolocounty.org>
Subject: CLUO COMMENTS

Dear yolo county supervisors

I am writing you as the husband of a cannabis grower. I have nothing to do with the grow, I just want to traditionally farm the remainder of our land yet I have suffered the direct discrimination of the cannabis grow. I want to grow alfalfa but our neighbors have denied us adequate access through county rd manzanita Ave. For the equipment. That road also serves as fire access to the hills yet the neighbors continue to compromise all but 8 of 60' road. It is privately maintained but I my hands are tied. Every time I till, mow, prune, or work my farm in anyway i have gotten emails from neighbors saying they are going to complain if I dont stop. Most of our complaints have nothing to even do with the cannabis. It's all over the county road access. I am very impressed with my wife's partner's and I see no reason why they should move. They aren't effecting the neighborhood anymore than any other business would in fact no other business would get a complaint of noise from ditch pump and have to build noise insulation boxes around them.
Response to Comment 57-1  

**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 describes difficulties they have experienced with their neighbors. These concerns are noted as part of the record. The commenter also indicates that access on Manzanita Avenue has been restricted by neighbors.

Manzanita Avenue is a non-maintained County right-of-way. This means that maintenance of the road, is the responsibility of the adjoining/underlying property owner. Despite the non-maintained status, improvements in the right-of-way (including maintenance of vegetation) require an encroachment permit from the County.
Dear Reader,

Thank you for taking the time to read my opinions of the new DEIR. I will try to be brief but as detailed as possible. My opinion will be based on the DEIR quote “address, among many topics, a range of social and environmental issues”, & “Avoid unintended consequences including unforeseen community impacts and over-regulation that drives cannabis activities underground”, with the focus on addressing topics, in what I believe to be in order of importance:

1. Environment
2. Residences
3. Cultivators

Preferred Alternative
I agree with the county on identifying Alternative 1 as the preferred alternative, as it is the Alternative that creates the greatest balanced solution. Alternative 1 should not be seen as a final solution, as it may be amended to address any unforeseen situations, but will correct the largest cause of residential complaints/overconcentration issues; odor, noise and/or light glare.

It is not fair for cultivators who are following the current regulations, and not causing any complaints, to be affected by issues caused in other cultivation sites. Implementing new regulations that increase the original 75ft buffer, will affect such a high percentage of cultivators, that this would be an example of over-regulation that drives certain cannabis activities underground, because it would create an unnecessary enormous financial hardship for most cultivators by forcing them to relocate and reconstruct their business, which many will not be able to due. Alternative 1 will allow licensing authorities to identify the specific cultivation sites that are causing issues, and force the site to remedy the issue. If non-criminal violations like odor, noise or glare are not corrected, the cultivation site will be forced to correct the issue, relocate or stop all cultivation activities. This creates a balance between residences and cultivators by ensuring residences, that valid complaints will be addressed and corrected, allow cultivators the ability to remedy the issue, while ultimately not affecting cultivators that are not part of the problem. It is not normal to have one business causing a nuisance or problem, affect other business not involved in the matter.

Odor, noise and glare thresholds, complemented by a non discriminating resolution process, will ensure all possible cannabis cultivations flourish, while addressing community complaints.

Indoor only
Having cultivators only cultivate indoors, would contribute to the growing black market. Indoor cultivations create a greater overhead cost, increasing the retail purchase price of products. As a cannabis retail store owner, it is very difficult to acquire affordable flower to provide to customers. According to numerous CPA’s, the black market is growing stronger due to the overpriced legal cannabis market. Increasing buffers or making yolo county cannabis cultivation only indoors, would not help the cannabis industry or allow the county to maximize its financial community benefit.

I hope that what I have expressed in this letter, is taken into high consideration, because I know that my family and other families will take great unnecessary losses from implementing the incorrect Alternative.
Response to Comment 58-1  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 58-2  CLUO Comment. The commenter expresses support for CLUO Alternative 1. This position 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 58-3  CLUO Comment. The commenter expresses opposition to expanding buffer requirements for existing cannabis operations and identifies that larger buffers will cause financial hardships and increase illegal activity. The commenter reiterates support for Alternative 1. These comments 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-6, “Economic Effects and Property Values,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 58-4  CLUO Comment. The commenter expresses support for regulation of odor, noise, and glare, and an enforcement process. The commenter is correct that the draft CLUO includes performance standards for odor (Sections 8-2.1408[CC] and 8-2.1408[DD]), noise (Section 8-2.1408[BB]), and lighting/glare (Section 8-2.1408[Z]).

Response to Comment 58-5  CLUO Comment. The comment states that requiring cannabis cultivation to be conducted indoors would increase costs and contribute to illegal activities. This concern is noted. Please see MR-6, “Economic Effects and Property Values,” and MR-7, “Code Enforcement and Crime,” regarding County measures to address illegal operations.

Response to Comment 58-6  CLUO Comment. The commenter provides closing statements thanking the County for consideration their comments. Thank you.
From: Brian Boyce [mailto:bbdeerboy@gmail.com]
Sent: Monday, December 23, 2019 3:44 PM
To: cannabis <cannabis@yolocounty.org>
Cc: Clerkoftheboard <clerkoftheboard@yolocounty.org>
Subject: DEIR/CLOU comments

To
Susan Strachan, Cannabis Program Manager, and Yolo County Board of Supervisors.

It is apparent that a great deal of time and money was spent preparing the DEIR before us.

It is an attempt to right numerous wrongs that were inflicted upon primarily unincorporated parts of the county. The parts of the county with weakest representation, and least services. Weak only because of rural vs city composition of the board.

The Interim Ordinance favored deep pockets and initially large acreages, which was then lobbied down to smaller acreages presumably to open it up to further licenses and hence more revenue. And this reduction in acreage minimum was done without notice to interested parties. (I have attended almost every meeting since day one). There were in fact local small farmers who were interested in taking out licenses, but the scope of the program discouraged and prevented participation.

So, there have been some cloaks and this DEIR is supposed to clarify, define.

Alternatives 2 thru 5 are almost seem legal filler for the purposes of fulfilling the DEIR process it seems.

If the county endeavors to expand the program I see only litigation and or pitchforks in our future. More money spent. And not good after bad money.

It is ironic that many of the items crucial to the people are "less than impactful", etc or not subject to this document, but instead left to the Board. The reality is, most of the constituents of most of the Board members are unaffected, unconcerned and unaware of what we, in these parts, are up against.

Take my son for example. There are many children in this county. I contend he is the closest person, let alone a minor person, the closest county inhabitant to any grow in yolo county: around 50 or 75 feet.

He has experienced the following first hand over the last year:
Traffic to and from school, on his driveway, as he walks to his bus stop from before sunrise, and in the afternoon, and long after dark; strong odor months on end in both his bedroom and office where he works to maintain an Honors and better than perfect grade point average—and has to leave the windows closed because of the strength of said odors; he is made aware of potential for crime or violence as the gate to the grow is right outside his room and space where he recreates.

How many constituents in yolo county, or children of yolo county board members, would put up with this??

Virtually none.

No matter your charts and graphs and measurements.

Why should he?

Why should one of the finest young men in the Esparto Class of 2022 have to endure all the above, and all the stresses he senses from his parents and other community members?
Should he put up with this so others can make money at his and others expense?

This is not lost on him. He is gifted, but not in any ivory tower. His experience shapes him. Your actions contribute how he views the world he inhabits. He will make his mark one day, but how will this experience reflect on him?? Is he learning how money corrupts process?

I implore you to consider the ramifications of what you do, tread lightly, consider well what everyone comments.

This is our future we are deciding here.

Brian Boyce

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Brian Boyce
Town of Rumsey, Capay Valley
PO Box 41 95679
Home Office/ 530.796.0775
Mobile/ 310.617.6099
Response to Comment 59-1  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 59-2  CLUO Comment. The commenter expresses concern regarding the County’s cannabis licensing program. This comment noted as part of the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 59-3  CLUO Comment. The commenter expresses opposition to Alternatives 2 through 5. Please see MR-1 through MR-4.

Response to Comment 59-4  CLUO Comment. The commenter expresses disappointment regarding the general scope and conclusions of the Draft EIR. The commenter also expresses frustration that their concerns are not experienced by most other residents or the Board members. The Draft EIR appropriately analyzes all required CEQA issue areas and reaches conclusions regarding level of impact, based on applicable significance thresholds. Please see MR-6, “Economic Effects and Property Values,” regarding economic and social concerns that are not subject to CEQA, and MR-12, “Expression of Opinion/Preference.”

Response to Comment 59-5  CLUO Comment. The commenter expresses frustration and concern regarding their son’s exposure to odor and crime related to cannabis. These important concerns are acknowledged for the record. The County recognizes the differing opinions and controversy related to cannabis cultivation. The proposed CLUO will establish a new discretionary regulatory process that would include public noticing and create a forum for public input on each individual operation. Please also see MR-11 and MR-12.
Between the smell of hogs and the smell of pot (or hemp), I’d take the hogs (tho of course our Capay Valley pigs are pastured, so there’s no problem). That’s because no pigs will run generators for hours, ruin the night sky with grow lights, and disregard their neighbors so blatantly.


School sours on scent of hemp

Ponder this excerpt from a newspaper report about children and teachers suffering stinky hemp air:

From September through October, people at Oak Grove said, they were constantly aware that their neighbors were hemp farms ready for harvest.

“Many staff, students and families have significant concerns about noxious odor during the harvest season and its impact on the health of the students and the staff,” said Michelle Cummings, Medford School District chief academic officer.

Unlike Amsterdam, which enjoys the benefits of Pot Tourism, Capay Valley would repel tourism because of the very unpleasant odor for two months every year.

Think before you leap. Belated caution is better than no caution at all. We taxpayers shouldn’t have to do the supervisors’ work for them. But we ‘coal mine canaries’ here in the Capay Valley are trying to save you from a big mistake. Be very careful about finalizing the Cannabis Land Use Ordinance (CLUO). It needs a major overhaul. If the County Supervisors listen to Capay Valley residents they will save their reputations.

The county supervisors can put our suffering to good use by learning from their mistakes. But it will take some humility to do so. Everyone knows that elected officials are allergic to admitting mistakes. But some holes are so deep that only an apology and the courage to change a misinformed policy will get elected officials out of a pit they dug themselves.

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P.S.
From what I’ve heard from my neighbors, I’m actually worried about retribution from some segment of the Cannabis industry that disapproves of my opinion. Hopefully the pen is mightier than the sword.
Response to Comment 60-1  

**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 identifies concerns regarding odor, generators, and lighting impacts from cannabis uses. These issues are analyzed in the Draft EIR. Draft EIR Impact AQ-4 identifies that operation of cannabis uses have the potential to generate odors associated with cultivation, processing, manufacturing, and microbusiness operations resulting 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 odors from leaving the cannabis site in excess of a 7:1 D/T, 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)).

Generator impacts are addressed in Draft EIR Section 3.3, “Air Quality and Odors,” regarding air pollutant emissions; Section 3.5, “Energy,” regarding energy use; Section 3.8, “Greenhouse Gas Emissions and Climate Change,” regarding GHG emissions; and Section 3.12, “Noise,” regarding operational noise impacts. Please also see Response to Comment 31-3.

The commenter also includes an excerpt from a news article expressing concern over odor from hemp, and notes that cannabis will adversely affect local tourism. These comments will be considered as part of the process. Please see MR-6 and MR-12.

Response to Comment 60-2  

**CLUO Comment.** The commenter states that the draft CLUO requires significant modification but does not specify desired changes. This comment is acknowledged. Appendix D contains additional recommended changes to the proposed CLUO. The commenter is encouraged to review the Planning Commission staff report when it is released for information reading additional modifications to the CLUO that are recommend by staff.