December 23, 2019

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

Re: Comments of PuffingHill Farm to the Draft Environmental Impact Report Regarding Yolo County’s Cannabis Land Use Ordinance

Dear Ms. Strachan,

On behalf of PuffingHill Organics, I appreciate the opportunity to submit comments on the Draft EIR.

The draft EIR purports to evaluate the potential environmental impacts of adoption and implementation of the Yolo County Proposed Cannabis Land Use Ordinance (CLUO). However, despite its selection of Alternative One as the preferred alternative, it defers significant analysis of existing operations. Under the interim ordinance, farmers have already been paying over $100,000 in permitting fees. Additional permitting costs and fees could be devastating, yet there is no discussion of the likely costs and benefits of the deferred mitigation proposed in the Draft EIS. To the extent that such analysis is essential, it should be completed at this time for the overwhelming majority of sites that are already known and have been in operation for over 3 years.

Alternative One is largely a continuation of the status quo. The 78 existing sites are very small for agricultural operations, limited to one acre in size, must comply with substantial setback standards, and are prohibited from causing a nuisance. See 2.3.3 Draft EIS. The draft EIS assumes that only 9 of the 78 existing and eligible cannabis one acre cultivation sites will relocate due to proposed zoning standards. It assumes that these sites would relocate nearby within other areas zoned for agricultural and would disturb, at most, an additional 18 acres of land. Yet, even the landowners of existing operations would have to hire a qualified biologist to complete at a reconnaissance-level survey for biological resources. Landowners would presumably also have to bear the cost of the wind pattern evaluation that would be conducted by county staff for each cannabis use application.

Comparatively speaking, a one-acre cultivation site in an agricultural area is miniscule. Other agricultural operators do not have to bear the cost of such extensive analysis. Moreover, the draft EIS explains that Cannabis cultivation is also extremely limited in terms of pesticide application. Given the possibility of only minimal surface disturbance, we would also question whether there should be exceptions to the cultural resource assessment requirement for new and expanded cannabis cultivation activities.
Granted, odor problems are unique, but any problems have surely already manifested after 3 years under the interim ordinance. Mitigation proposed for odor is particularly problematic. In addition to relying on landowner submission of an odor control plan certified by a professional engineer, the report assumes the viability of post-permitting review and resolution. The analysis admits that odor problems are most prevalent prior to harvest, but proposes abatement (total destruction of the crop) as a possible solution. The analysis fails to study or even mention how odor might be mitigated for outdoor cultivation in a short time period prior to harvest. The landowner is burdened with the uncertainty, including the loss of the entire crop with no means to pay the costs of production or permitting fees already incurred. The Draft EIS notes that the County may determine that a public nuisance exists even if less than three verified complaints are received or if no complaints are received but County officials or employees observe prohibited cannabis odor conditions.

Thank you for considering our comments and concerns,

Sincerely,

J. Anne Rawlins
Response to Comment 61-1  

**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 states that the Draft EIR defers analysis of permitting fees and costs of compliance associated with deferred mitigation. The scope and content of the Draft EIR analyses is compliant with the requirements of state law. It will be incumbent on each cannabis use permit applicant to independently assess permit fees and compliance costs as part of their business decision-making regarding feasibility. County staff will be able to provide application fees and other County processing costs once a use permit process is established; however, it is highly likely that operators/applicants will need input from contractors, engineers, and/or other professionals to assist with compliance costs.

The reference to “deferred mitigation” is unclear. Mitigation measures identified in the EIR are in the form of modified or new CLUO regulations that will reduce potential impacts where they might occur, to acceptable levels. The Draft EIR analyzes all potential issues of concern in full compliance with CEQA. The CLUO will put into place a discretionary use permit process that ensures greater regulation of cannabis operations and provides public notice and hearing opportunities not currently available through the ministerial licensing process.

Response to Comment 61-2  

**CLUO Comment.** The commenter summarizes CLUO Alternative 1 and identifies concerns regarding the costs necessary to comply with the CLUO following adoption. Please see Response to Comment 61-1.

Response to Comment 61-3  

**CLUO Comment.** The commenter expresses concerns that the burdens imposed by compliance with the draft CLUO are infeasible in light of the restrictions on size and location of cannabis activities. This concern is acknowledged as part of the record. Please see MR-6. While it is acknowledged that ground disturbance for cultivation uses would be small in comparison to other agricultural activities, there is potential for impacts on cultural resources to occur. The commenter also questions whether there should be exceptions to the cultural resource assessment requirements for cannabis cultivation activities. In addition to the draft CLUO cultural resource requirements in Sections 8-2.1408(D) and 8-2.1408(H), cannabis cultivation sites are required to comply with the SWRCB Order WQ 2019-0001-DWQ. Terms 21 and 22 of the SWRCB Order require California Historical Resources Information System records searches, Native American Heritage Commission record searches, and archaeological surveys or evaluations (if necessary). Compliance with the above Terms of the SWRCB Order would reduce impacts on known archaeological resources that may include tribal cultural resources through requiring standard record searches, requiring archaeological evaluations of identified features, and implementing necessary measures to ensure the protection of archaeological resources and tribal cultural resources.
Response to Comment 61-4  **EIR Comment.** The commenter identifies concerns regarding the draft CLUO odor standards that are evaluated in the Draft EIR. The commenter specifically notes issues with proposed abatement that includes destruction of the crop and that the Draft EIR fails to include mitigation for outdoor cultivation. The proposed CLUO does not specifically require the destruction of a cannabis crop associated with compliance with the odor and nuisance standards. 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 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)). Draft CLUO draft CLUO Section 8-2.1408(DD)(3) includes suggested odor control for outdoor cannabis uses including using different plant strains, relocation of outdoor cultivation to greenhouse or indoor building, odor easements, and/or other methods proven to be effective and accepted by the County. There are cannabis plant strains under development that have reduced odor potential. Conversion to indoor or mixed-light cultivation in a greenhouse building can provide effective odor control through operation of filtration systems and comply with the CLUO 7:1 D/T standard. Odor easements and buffer areas are often used for facilities such as landfills and wastewater treatment plants (e.g., Sacramento Regional Wastewater Treatment Plant) to effectively address nuisance odors.

Section 8-2.1408(CC) of the draft CLUO establishes that odor nuisance conditions will occur when a cannabis odor exceeding 7:1 D/T is identified at the property line of a site for 3 or more consecutive days during a 2-week period. The County code enforcement officer may independently determine that cannabis odor exceeds the threshold or may make this determination based on receiving complaints from three or more separate homes or businesses. If it is determined that a nuisance exists, the County enforcement officer must issue an alert, a warning citation, or a Notice of Violation that identifies the need for corrective action. 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. Cannabis facilities operating in compliance with the terms of their cannabis use permits and other applicable regulations would not be considered a nuisance. Please see MR-7, “Code Enforcement and Crime.”
December 20, 2019

Ms. Susan Strachan  
Cannabis Policy & Enforcement Manager  
YOLO County Community Services Department  
292 West Beamer Street  
Woodland, California 95695

Submitted via email to: Cannabis@YOLOcounty.org

Re: Proposed Comments to YOLO County’s Community Services Department (the “County” or “Department”) Cannabis Land Use Ordinance (“CLUO”) & Draft Environmental Impact Report (“DEIR”)

Dear Ms. Strachan,

Thank you for your consideration as we present the correspondence enclosed herein. It has been a pleasure to meet you and your esteemed colleagues throughout the public outreach sessions. We appreciate the hard work and resources that have been made by the County in this process.

Comments

With our team’s knowledge of the cannabis industry, and years of operations in other matured & developed farming industry segments, please find enclosed comment points for the DEIR/CLUO.

Support for the Cannabis Industry

By way of introduction, we support the cannabis industry as it creates jobs and taxes for local improvements. With a robust regulated cannabis market, the traditional market is forced to come out of the shadows. As a result, law enforcement and regulation of cannabis becomes more manageable. We believe a healthy vertically integrated supply chain is most desired as County residents have voiced and voted in favor of cannabis since the inception of Amendment 64. As you know, some areas of the County had residents of 70% voting in favor. The cannabis industry in YOLO County supports the community. The cannabis industry in YOLO County supports non-profits. We encourage the County to continue agricultural cultivation and allow for the integration of supply chain segments of manufacturing, processing, and retail, and in efforts to expand upon the benefits of the industry.

Land Use Ordinance Alternatives

We have assessed all five (5) of the Land Use Ordinance Alternatives and are of the opinion that certain assumptions from various of the Alternatives is the recommended approach, and as outlined herein, next:
I. The Department’s DEIR Should Include Provisions to Address Change(s) of Ownership for Cannabis Licensee’s Consistent with State Law.

As licensed operators under state regulations, we begin with a technical item, but an important one. Currently, the DEIR (nor the existing County Code) allows for a process to update changes of ownership for licensed cannabis businesses. In fact, the County disallows it! As we are governed at the state level for reporting changes of ownership, we advance that the Department take up this issue and create a process for current reporting updates in a consistent manner.

Pursuant to requirements under the Bureau of Cannabis Control (“BCC”) and the California Department of Food & Agriculture (“CDFA”), a local jurisdiction will be contacted to confirm aligning changes of ownership designations at the state and local levels. We understand that upon YOLO reporting back to the state level agencies that changes of ownership are not allowable, an error in the state’s system will occur with no real-time current resolution in sight for completion of state reporting requirements. See 3 CCR § 8102(e)(e).

Changes of ownership at the state level require continuity of ownership to mitigate Big Weed from taking over and to provide for the opportunity of local farmer’s to participate in this emerging industry. See 16 CCR § 5023(c)(1).

Changes of ownership allow for investment into regulated cannabis operators, a necessity to compete with and stamp out unregulated market bad actors.

Consider the addition of changes of ownership procedures for existing cannabis licensees. Under the DEIR the Department may address rules similar to those devised at the state level. The DEIR addresses administrative licensing matters at DEIR Section 2.3.2, which may specifically include additional changes of ownership parameters. The DEIR addresses administrative matters at Sections 8-2.1401 to 8-2.1413, which may include changes of ownership parameters within one of said desired Sections as well.

The inclusion of changes of ownership procedures for existing cannabis licensees will bolster a platform to secure efficient reporting for state and local licensing alignment as well as provide the County a process to carry-out the legislative intent of the state statutory areas as cited, namely to ensure that owners of cannabis operators in YOLO County are completely legit, and committed to local causes and concerns.

II. Five-Hundred (500) Foot & Seventy-Five (75) Foot Buffers.

We submit that the DEIR and CLUO should set the buffer for outdoor cultivation and indoor cultivation to five-hundred (500) feet and seventy-five (75) feet respectively, as measured from outbuildings or to canopy space, as applicable. Five-hundred (500) foot buffers for outdoor cultivation is closely aligned with state regulation setbacks. See Section 26001 of the Business and Professions Code.

Community comments regarding the proposed buffer distance have been centered around odor concerns. The DEIR acknowledges that odor is an unavoidable impact of cannabis cultivation and the proposed Buffer Distances as contained within the five (5) Alternatives range from seventy-five (75) feet to one-thousand (1,000) feet as summarized in Table 3.3-7 of the DEIR. If a one-thousand (1,000) foot buffer is
adopted there is concern regarding the impact that will have on farmland available for the cultivation of cannabis.

The difference in odor that will result from a one-thousand (1,000) foot buffer and a five-hundred (500) foot buffer is not significant. A five-hundred (500) foot buffer combined with odor control techniques would be adequate to mitigate impacts on the community.

We suggest a five-hundred (500) foot buffer be adopted into the DEIR and CLUO. We also suggest Section 8-2.1408(DD) is updated to acknowledges planting of odor mitigating crops such as rosemary, thyme, eucalyptus, lemon balm, juniper, lavender, marjoram, basil, calendula and garlic around the perimeter of an outdoor cultivation site as an effective odor control technique.

Furthermore, as the industry continues to mature, we can expect to see innovation in odor control techniques that will continue to make a five-hundred (500) foot outdoor buffers sufficient for odor control. As the industry matures, we can also expect to have less odor concerns from the community as the scent becomes more familiar. We also expect the community to be less concerned as more people learn and become educated that odor is not harmful to public health as stated in the DEIR. Odor is not new to the agriculture industry, with neighboring cows, pigs, etc....

See these sections of the DEIR addressing odor, and related comment:

- **(Page 3.3-21)** DEIR odor threshold is 7:1, many other jurisdictions are 15:1. To address scale at 15:1 as working in other agricultural areas.
- **(page 3.3-21)** Under the DEIR, three (3) complaints in two (2) weeks from unique businesses or residence constitutes a violation. This is a bit aggressive and easy to pad/influence, other jurisdictions have used five (5) complaints.
- **(page 3.3-22)** Section 8-2.1408 (DD) Odor Control
  - Propose to remove the section about odor control plans, and to address in the future based upon complaints and confirmed violations by industry operators.

III. **Create a Variance Process if > Five-Hundred (500) Foot Buffer Requirement.**

We suggest the CLUO allow for existing cultivation sites to be grandfathered into a variance program that allows operations to continue at their current location should a buffer of greater than five-hundred (500) feet be adopted.

As discussed above, odor mitigation techniques can be immediately put into place at these sites to reduce impacts. Meanwhile a variance program should call for a five (5) year timeline for sites to continue to operate, depending on the complexity and degree of challenges faced for implementation of the Ordinance. Operators should monitor and utilize innovation in the field of odor control techniques during this time. The County can continue to track complaints to determine progress in the area of odor controls and other aspects of concern tied to the buffer requirements, and by specific property and related circumstance. Please refer to existing variance processes and development agreements to be utilized by the County at **County Code Sections 8-2.218 and 8-2.210, respectively.**
IV. Co-Location Processor/Nursery.

Nursery and Processing Facilities Pilot Program and Early Implementation are addressed in DEIR Section 2.3.4.

The DEIR and CLUO acknowledge the co-location of licenses within the County. We feel it is necessary for operators, as beneficial to the community, to allow processing and nursery licenses for co-located sites in the County. This allowance should be considered as a form of mitigation measures for over concentration, odor, and aesthetics.

In absence of allowing co-located license to hold nursery and processing licensure, each licensee will need to have an area for nursery and processing operations that is separate from one another. No licenses can co-mingle these operations due to state and County regulations. The result is a larger footprint for processing centers and nursery structures. With the additional square footage there is less control of odor output as finances have to be allocated to the additional building space and HVAC needs as opposed to cutting edge odor control techniques.

With a smaller footprint for processing and nursery operations, there is a far less impact on the aesthetics of the community. Additionally, these benefits are realized with such adoption (and impacts with no adoption):

- Allows for a smaller processing and nursery buildings.
  - Less disturbed natural habitat.
  - More odor control in the smaller space.
  - Less impact on visual aesthetics.
  - Less expenses for the build-out, meaning greater funds available for odor control technology.
- Economic Impacts
  - Processing/nursery jobs lost to neighboring counties.
  - Taxes and economic stimulation lost to neighboring counties.
  - Central location is good. Processing work could come into the County from neighbors.

V. Other: Align County Regulations with State Regulations. Canopy Space as an Example.

We see this as a prime opportunity for YOLO County to align with the state of California regulatory bodies regarding cannabis operations. Due diligence to ensure canopy measurements, setbacks and license types are aligned at the state and local would create ongoing continuity for the YOLO County cannabis industry.

Specifically, regarding licensed canopy measurements, vegetative canopy space should not be included in the licensed canopy measurement at the County level. CDFA licensing gives a cultivator the ability to grow a set amount of square feet of “canopy” which does not include areas that are designated solely for plants in the vegetative stage. The CDFA views canopy as all areas that will contain mature plants at any point in time. See 3 CCR § 8000(f)(1).
The County however licenses a set amount of “Garden Canopy” which is not as clearly defined to only spaces that will contain mature flowering plants at some point in time. The definition leaves County canopy measurements open to including areas designated solely for immature plants while the state would not. **See County Code Title 5 Section 5-20.03(K).**

To eliminate costs and create more efficient operations it is ideal to have County canopy space aligned with the CDFA. We suggest the County adopt regulations into the CLUO that align canopy definitions and measurement of licensed canopy space with the state.

We suggest that the County look to existing definitions and approaches at the state level while aligning definitions and practices that are integral aspects of cannabis business operations. Cultivators could be expected to better follow regulations with as much alignment between the state and County as possible.

We can attest that the state has a regulatory regime that works, and with the onboarding of Metrc track and trace systems, controls for public safety and the welfare of the citizens of the state are further promoted.

**VI. Expansion of Licensing.**

It is important for the County to allow for more licenses and license types. Our County is going to benefit from the additional jobs and taxes should more license types be allowed. Keeping the full supply chain in the County will also keep taxes in the County.

Expanding license types is important as at this time cultivators are required to source clones from outside of YOLO County due to the ban on nurseries. Similarly, once the clones grow, flower and harvested product must leave YOLO County if cultivators are using a processor license to efficiently mass-process large crops. Other license types such as manufacturing and retail have proven to be beneficial for local employment. Retail has also proven to bolster nearby business as customers frequent the locations, and to increase property values for the County’s assessment base.

Increasing the number of licenses in the County is also necessary to meet the demands of YOLO County residents. YOLO County has highly skilled cannabis farmers established and operating, it has a great climate for agriculture, and a central location that is prime for statewide distribution. By increasing the number of licenses, the County will become a state leader in the cultivation, and production of high-quality cannabis and cannabis products.

If the County chooses not to expand license types and increase license numbers, the County risks becoming stagnant without a proper return on investment for YOLO County cannabis policy to date, and expense to undertake the DEIR/CLUO as addressed herein. If we are not making progress as a County, we are falling behind the rest of the state and losing our competitive edge to become the leader in producing quality cannabis and cannabis product.

**Conclusory Remarks**

We appreciate your consideration of the comments made herein and thank you for your hard work as you cause to create a successful framework for the YOLO County Land Use Ordinance program. The origin of
“YOLO” is in the native tribe translation of "a place abounding in rushes". We appreciate your outlook to keep agriculture rich in YOLO County with the adoption of the CLUO & DEIR in such manner. Respectfully yours.

ACKNOWLEDGMENTS

REPRESENTATIVES:

SEE ATTACHED PAGE FOR ALL SIGNATURES. THANK YOU.

Anthony Bianchi, Compliance Director
Gian-Paolo Veronese, Public Affairs Liaison

David Nagel, General Counsel
Ross Haley, Representative

Sean Smutny, S&R Pharms
David Kaufman, Representative

Jake Hendrickson, Apex Agriculture

Contact: Kathryn Sanders
ksanders@cultivatetruth.com
Proposed Comments to YOLO County CLUO & DEIR
December 20, 2019
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"YOLO" is in the native tribe translation of "a place abounding in rushes". We appreciate your outlook to keep agriculture rich in YOLO County with the adoption of the CLUO & DEIR in such manner. Respectfully yours.

ACKNOWLEDGMENTS

REPRESENTATIVES:

Anthony Bianchi
Anthony Bianchi, Compliance Director

David Nagel, General Counsel

Sean Smutny, S&R Pharms

Ross Haley, Representative

David Kaufman, Representative

Contact: Kathryn Sanders
ksanders@cultivatetruth.com
Response to Comment 62-1  
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.

Response to Comment 62-2  
CLUO Comment. The commenters express support for the cannabis industry and for a vertically integrated supply chain. This comment is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 62-3  
CLUO Comment. The commenters identify that they have assessed the five CLUO alternatives to develop a recommended approach. This comment is acknowledged, and responses to the commenters’ recommendations are provided below.

Response to Comment 62-4  
CLUO Comment. The commenters recommend that the Draft EIR and draft CLUO allow for changes in ownership for licensed cannabis businesses consistent with state cannabis regulations. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO and the licensing ordinance. Appendix D contains revised recommended changes to the proposed CLUO. The commenters also are 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.

Response to Comment 62-5  
CLUO Comment. The commenters recommend cannabis cultivation buffers of 500 feet for outdoor cultivation sites and 75 feet for indoor cultivation sites with odor control based on the Draft EIR odor analysis. The commenters express concern that a 1,000-foot buffer will affect the farmland available for cannabis cultivation. The comment suggests that the additional 500 feet of distance would not have noticeable results and would not be worth the financial effects on cultivators.

Modeling conducted for the County by Trinity Consultants (see Appendix E) indicates that the difference between no buffer and a 500-foot buffer can be substantial in terms of odor control for a receptor. It also suggests that increasing the buffer from 500 feet to 1,000 feet results in important (up to about half again as much) but progressively diminishing results. Beyond 1,000 feet, the gains are dramatically smaller. This supports the observation that from a regulatory standpoint, a threshold between 500 and 1,000 feet would have a notable effect on mitigating for odor. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.” See also Response to Comment 77-3.

Based on a preliminary assessment using County GIS data, over 430,000 acres of agriculturally zoned land would potentially be available for outdoor cannabis cultivation uses under Alternatives 2 and 5, which assume a 1,000-foot buffer requirement from identified sensitive land uses. The implications of various buffers and other restrictions on cannabis uses will be further refined for the Planning Commission and Board of Supervisors deliberations on the proposed CLUO.
Response to Comment 62-6  

**CLUO Comment.** The commenters express support for a 500-foot buffer and for the addition of language to Section 8-2.1408(DD)(3) that recognizes odor mitigating crops. The commenters’ support for a 500-foot buffer is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.” Section 8-2.1408(DD)(3) is already proposed to be modified to recognize “other methods proven to be effective and accepted by the County” (see Appendix C of the Draft EIR). This additional language will allow for new effective methods to be utilized; additional modification is not necessary. Also, Section 8-2.1408(DD) requires the development of an odor control plan that could include any effective method of odor control including odor mitigating crops or other measures.

The commenters suggest that as odor control techniques evolve, the community becomes more familiar with cannabis as a legalized crop, and the public becomes more educated about cannabis, buffers and odor will become less of an issue. This perspective is noted. Please see Response to Comment 8-10. Section 8-2.1413 of the proposed CLUO requires an assessment of effectiveness after a period of implementation. The County would have the opportunity at that time to consider modifications of the CLUO to reflect appropriate changes to the CLUO. Moreover, as with any County regulation, the County may institute regulatory changes at any time following appropriate notice, public input, and deliberation. Concerns overall will be reduced.

Response to Comment 62-7  

**CLUO Comment.** The commenters recommend that the 7:1 D/T under draft CLUO Section 8-2.1408(DD) be changed to 15:1 D/T. Please see Response to Comment 43-7. This suggestion 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.” Odor impacts are analyzed in Section 3.3 of the Draft EIR.

Response to Comment 62-8  

**CLUO Comment.** The commenters recommend that the complaint provisions of draft CLUO Section 8-2.1408(CC)(2), which establish a trigger of three complaints for triggering enforcement action proceedings, be changed to five complaints. This suggestion 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 62-9  

**CLUO Comment.** The commenters recommend that draft CLUO Section 8-2.1408(DD) regarding odor control plans (item 3) be removed and addressed in the future. The commenters provide no rationale on why odor control plans are not appropriate or feasible to address odor impacts. Odor control plans are intended to provide the County with details on how a cannabis operation would minimize odors that would meet the 7:1 D/T threshold under draft CLUO Section 8-2.1408(DD). No changes to this requirement of the CLUO are recommended. This suggested change in standards 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 62-10  

**CLUO Comment.** The commenters recommend that existing cultivation sites be grandfathered into a variance program of 5 years should a buffer of greater than 500 feet be adopted. Please see Response to Comment 43-11 regarding a discussion of variances under state law. Regarding the issue of “grandfathering,” please see Responses to Comments 12-57 and 14-3.
MR-14, “County Cannabis Disclosures.” The County may choose to establish maximum terms for CUPs, such as 5 years as suggested by the commenters, which would allow circumstances at an individual site to be revisited on a case-by-case basis as a CUP comes up for renewal (see Sections 8-2.1406[I], [J], and [K]). Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 62-11 CLUO Comment. The commenters express support for co-location. Section 8-2.1408(G) of the proposed CLUO allows for co-location and Section 8-2.1408(UU) allows for vertical Integration. Both terms are defined in Section 8-2.1403. Generally, the primary difference is that co-location involves multiple license types held by different owners and vertical integration refers to multiple license types held by the same owner.

The Draft EIR impact analysis assumes that cannabis uses under CLUO Alternatives 2 through 5 could include both co-location and/or vertical integration (see Draft EIR pages 3-5 through 3-6 and Draft EIR Appendix D).

Response to Comment 62-12 CLUO Comment. The commenters recommend that the County align the draft CLUO and licensing requirements with state cannabis regulations particularly as related to measurement of canopy, setbacks, and license types. The commenters make specific recommendations regarding changes in the County licensing ordinance pertaining to measurement of “garden canopy.” These suggested changes will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations.

Response to Comment 62-13 CLUO Comment. The commenters express support for expanding allowed license types. in the County. This recommendation is noted. Please see MR-12, “Expression of Opinion/Preference.” Alternatives 2, 3, 4, and 5 include the consideration of expanded commercial cannabis operations and license types that include nursery, processing, distribution, testing, manufacturing, retail, and microbusiness licenses. The only state license type not under consideration in the proposed CLUO is the Special Cannabis Event license type, which is a state license available in the retail category.

Response to Comment 62-14 CLUO Comment. The commenters thank the County for consideration of their comments. The County appreciates the commenters’ participation in the review and comment of the draft CLUO and Draft EIR.
From: Meg Hehner [mailto:meghehner@gmail.com]
Sent: Monday, December 23, 2019 3:26 PM
To: cannabis <cannabis@yolocounty.org>
Subject: CLUO/EIR response

Dear Yolo County,

By allowing unchecked spread of pot farms in Guinda and Rumsey, you, the county, have created unnecessary hazards and problems for those of us living here, causing anger, frustration and fear. Only you have the power to fix this problem, to create a new way for cannabis and rural residents to coexist through the CLUO. So think out of the box and go beyond these CLUO/EIR proposals. This valley deserves better.

Here are some of my recommendations for serious adoption.

Buffers - If cannabis must stay in the Capay Valley, which I do not support, then you must protect rural residents with minimum 1,000' setbacks from the neighbors’ property line.

Density - If cannabis stays in the rural areas, which I don't support, it must be only allowed where there is no impact to neighbors or the environment. One pot farm per mile would work only if neighbors can say yea or nay about it getting its permits. What is the plan for neighbors to have a say, some control, over the EIR process? If any pot farms has had multiple complaints and violations already they should lose all chance of ever being permitted again. They blew it.

Zoning - These cannabis operations in Guinda and Rumsey are industrial, not agricultural. They have destroyed farmland and threaten neighbors. They belong in industrial areas or useless land far away from residences. The county could cluster all grows into grow zones and provide security to protect a crop worth millions of dollars that in turn provides the county with much needed revenue. Why wouldn't the county want to be in charge of protecting its source of income?

This option would remove all the problems of guns, dogs, etc. away from rural families and place grows in the appropriate industrial areas.

Permitting - We rural residences have lost all faith in our county government to protect and represent our interests in any way. We fear that existing developments of infrastructure on pot farms will be grandfathered in and allowed to stay despite vehement opposition by neighbors. Where are the protections for neighbors to remove egregious operations? The county must remove them, they don't belong here.

Manufacturing - No cannabis manufacturing in rural areas.

Roads and Traffic - Removing cannabis operations from Capay Valley will help save our deteriorated roads, which the county has told us it can’t afford to maintain. Large trucks delivering to pot operations really ruin our small, fragile roads and can block them as they are only one lane wide.

Aesthetics - Pot farms are a blight and danger in our area, well proven in the past three growing seasons. Fences with plastic wrap scream "Pot Farm!" then the plastic deteriorates and is blown off. Ecological disaster.

Resources - Water, air and farmland would be more protected by removing pot farms from our valley.

EIR - I support Alternative 1 with 1000' setbacks minimum for residences, the same as churches, school, etc.

Additionally, I support the comments expressed in the letters of Paul Muller, Helen McCloskey, and Yoche DeHe Tribe, among others, on this CLUO/EIR subject. We are trying to defend and protect our beautiful Capay Valley.

This valley deserves better from you.

Thank you.
Response to Comment 63-1  **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 expresses concerns regarding cannabis cultivation in Guinda and Rumsey and recommends the County consider new measures to address cannabis beyond the draft CLUO and Draft EIR. Responses to the comments submitted are provided below.

Response to Comment 63-2  **CLUO Comment.** The commenter indicates they do not support cannabis activities in the Capay Valley. This position is noted. The commenter also notes that if cannabis is allowed, buffers should be 1,000-feet setbacks measured from the neighbor’s property line. This recommendation is noted. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 63-3  **CLUO Comment.** The commenter indicates they do not support cannabis activities in rural areas. This position is noted. The commenter also recommends an overconcentration cap of one cannabis cultivation site per mile coupled with a requirement for sign-off on the permit by neighbors and a prohibition against use permit issuance for operations that have had multiple complaints or violations. This position is noted. Lastly, the commenter asks what mechanisms are proposed for neighbor input. By instituting a discretionary use permit process for all cannabis activities, the CLUO will ensure public noticing requirements and public hearings for each application. See Sections 8-2.1410(A) and (J).

Response to Comment 63-4  **CLUO Comment.** The commenter suggests that the County could cluster all cannabis cultivation into “grow zones” and provide security. Please see response MR-17, “Consolidated Cannabis Campus.”

Response to Comment 63-5  **CLUO Comment.** The commenter states concerns that existing cannabis operations will be grandfathered and that the County will not factor neighbor concerns. The draft CLUO includes no grandfather provisions for existing cannabis cultivation sites. Each cannabis use (including existing sites) would be required to obtain a Cannabis Use Permit which would be a discretionary approval by the Planning Commission (and potentially the Board of Supervisors) and would involve public input. Regarding the issue of “grandfathering,” please see Responses to Comments 12-57 and 14-3, and MR-14, “County Cannabis Disclosures.” Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 63-6  **CLUO Comment.** The commenter recommends that no cannabis manufacturing be allowed in rural areas. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12.

Response to Comment 63-7  **CLUO Comment.** The commenter recommends removal of cannabis uses from Capay Valley to eliminate large delivery trucks that are damaging and/or blocking roadways. Transportation and circulation impacts are analyzed in Section 3.14 of the Draft EIR. The vehicle types associated with operation of
cannabis operations (i.e., passenger vehicles, light-duty vehicles, single unit trucks) are consistent with or less impactful than the vehicle types expected to service other allowed uses in various zone categories. draft CLUO Section 8-2.1408(JJ) notes that if triggered by conditions identified in the Yolo Transportation Impact Study Guidelines (e.g., 100 new trips or more), cannabis use applicants will be required to prepare a traffic assessment for consideration as part of Cannabis Use Permit application process. Additionally, pursuant to draft CLUO Sections 8-2.1408(K) and 8-2.1408(JJ) in situations where a project would substantially and adversely alter physical or operational conditions on a County roadway beyond the planned condition anticipated in the General Plan, roadway improvements (e.g., safety improvements or emergency access consistent with General Plan Policy CI-3.18) or other circulation improvements may be required as conditions of approval.

**Response to Comment 63-8** 
CLUO Comment. The commenter states that cannabis cultivation sites are blight and the use of plastic wrapped fences are a hazard. Aesthetics impacts are analyzed in Section 3.1 of the Draft EIR. 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 63-9** 
CLUO Comment. The commenter states that water, air, and farmlands would be more protected by removing cannabis cultivation from Capay Valley. Water impacts are analyzed in Section 3.10 of the Draft EIR. Air quality impacts are analyzed in Section 3.3 of the Draft EIR. Agricultural impacts are analyzed in Section 3.2 of the Draft EIR. This position is noted. As identified on Draft EIR pages 3.2-20 through 3.2-26 and pages 3.10-35 through 3.10-50, no significant and avoidable environmental impacts related to water, farmland, or air quality (with the exception of odor) are expected from cannabis uses under any of the five CLUO alternatives. Draft EIR Impact AQ-4 does identify 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 under all of the five CLUO alternatives (Draft EIR pages 3.3-29 through 3.3-38). Please see MR-12.

**Response to Comment 63-10** 
CLUO Comment. The commenter expresses support for Alternative 1 with minimum 1,000-foot setbacks for residences, schools, and churches. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12.

**Response to Comment 63-11** 
CLUO Comment. The commenter states support for the comments provided in letters from Paul Muller (see comment letter 24), Helen McCloskey (see comment letters 30, 31, 32, and 74), and the Yocha Dehe Wintun Nation (comment letter 17). Please see responses to comment letters 17, 24, 30, 31, 32, and 74.
Project: Yolo County Cannabis Land Use Ordinance

Dear Susan Strachan:

My name is Kristina Haley. I am the owner of 20750 County Road 103. I lease the property to Apex Agriculture and S & R Pharms, both cannabis cultivation operations. I am writing today to comment on the proposed Cannabis Land Use Ordinance.

When Yolo County overwhelmingly passed a desire to allow for cannabis, I purchased the property. I have been a resident of Northern California my entire upbringing and am a supporter of the agriculture industry, and for all crops (whether recognized by bureaucratic designation or otherwise).

I would like to offer and respectfully request that Yolo County take a pragmatic approach to the cannabis industry, as with any other farming businesses when implementing the Cannabis Land Use Ordinance. Cannabis farmers are like other farmers requiring support to reap and sow the land.

I am a supporter of Apex and S&R Agriculture as they are great stewards of the land. Since taking possession of the property, the businesses have consistently made improvements to the property, and to the County, including areas of:

1. Security
2. Dust control
3. Lighting mitigation with downcast and opaque features
4. Background checks for operators based upon state standards versus those operating in the unregulated market
5. Organic methods free from pesticides
6. Tenant improvements for harvesting land, and outbuildings for drying and cure
7. Going green strategic plans
8. Creation of jobs
I ultimately support Alternative #3 of the Cannabis Land Use Ordinance Alternatives allowing for the continued expansion of the cannabis industry in Yolo County, and to include additional license types, particularly for cultivation, nurseries, processing, manufacturing, testing, distribution, and retail. The value added industries will keep the economic benefits in Yolo County.

The County Code has been established to provide criteria and parameters to for implementation of these activities, and each additional cannabis industry license may be scrutinized on its own case-by-case merits.

By having a sound regulated framework and industry, unsafe conditions of unpermitted grow sites in the County will not have a chance. Tax dollars from the regulated industry are and can continue to be used for task force enforcement.

I am not an activist of cannabis, but have researched the positive benefits before and now after having invested for such purposes.

As an aside, I was happy to see that the County understands that the cannabis plant and hemp plant are one in the same, just a difference of THC levels as grown and bred within the plant itself. I believe this similarity is important as the County develops other crops in the future.

The cannabis industry increases property values, creates tax benefits for the County, and employment benefits by the creation of jobs. The cannabis industry provides a net positive economic impact to areas that have embraced the industry, as reported by evidenced based data and research.

From a real estate perspective, the cannabis industry provides investment for the purchase and transfer of real property further supporting County residents and businesses including real estate professionals, title companies, surveyors, architects, consultants and so forth.

For those reasons, and for the betterment of Yolo County, please make sensible policies when finalizing your work on the Cannabis Land Use Ordinance.

Thank you for your time and commitment in these respects. I remain,

Kristina Haley
Landowner
Yolo County
Response to Comment 64-1  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 64-2  CLUO Comment. The commenter provides background about their land ownership in Yolo and expresses that cannabis cultivation is no different from other forms of cultivation. This comment is acknowledged. Please see MR-12.

Response to Comment 64-3  CLUO Comment. The commenter expresses support for Apex and S&R Agriculture and identifies improvements made to the properties on which they cultivate which include security, dust control, lighting mitigation, background checks, organic farm methods, tenant improvements, going green strategic plans, and creation of jobs. This comment is acknowledged.

Response to Comment 64-4  CLUO Comment. The commenter states support for Alternative 3. This comment is acknowledged. Please see MR-12.

Response to Comment 64-5  CLUO Comment. The commenter states that the County Code provides a process for each cannabis license to be evaluated on its own merits. This comment is acknowledged.

Response to Comment 64-6  CLUO Comment. The commenter notes that tax revenue from regulated cannabis will be used for code enforcement. This comment is acknowledged. Please see MR-7 and MR-13.

Response to Comment 64-7  CLUO Comment. The commenter appreciates that the County understands the commonalities of cannabis and hemp. This comment is acknowledged. Please see MR-8, “Marijuana and Hemp.”

Response to Comment 64-8  CLUO Comment. The commenter identifies benefits to the County from the cannabis industry. This comment is acknowledged. Please see MR-12.

Response to Comment 64-9  CLUO Comment. The commenter expresses support for sensible regulations through the draft CLUO. This comment is noted. Please see MR-12.
To whom it may concern,

My name is Santiago Miguel, Operations director of Yolo Green a Yolo County cultivation farm and manager of Blessed Extracts a type 7 extraction facility in Davis, and hopeful cultivation licensee applier. In regards to the Cannabis Land Use Ordinance, this is my list of concerns, agreements and amendments for the proposed final draft.

- Buffers of 1000 feet will cause millions of dollars in losses for the 30 farms that would need to relocate due to the permitting, purchasing of land, lease agreements and infrastructure costs in building/dismantling permanent greenhouses and other farming structures. Therefore 1000 ft. buffers would be ill advised.
  - 75 ft. buffers from occupied residences will pose a better alternative as fewer farms would have to relocate.

- Alternative 3 will benefit Yolo County as current cultivation operations will have access to expand their farms and allow other business people to apply for licenses and take advantage of new types of businesses. This will generate more revenue for the county especially since not all current license holders are actively cultivating.
  - I think current licensee holders should have first call in applying for those new issued permits/licenses since they have shown good standing with the county and state authorities.

- Hoop houses and outdoor type grows should be allowed. As a manager of an extraction facility, I see how scarce the outdoor flower is and we cannot buy enough of that particular type of cannabis. All other types of cannabis ie. indoor and greenhouse are too expensive to purchase and some California extraction facilities will go months without operating due to scarcity of inexpensive outdoor and hoop house products.

- For the large concentration of cultivation licenses, there should be a limit of 50 farms in a 6 mile radius so that current farms have the opportunity to expand and continue to operate.

- If farms have to transfer or relocate due to the buffers, current farms should have at least 5 years to continue operation due to the millions of dollars in costs in infrastructure from building current greenhouses and state of the art indoor grows and drying facilities. After 5 years then close all operations in that location in order to relocate.

Thank you for your time in reading my concerns for the CLUO

Sincerely, Santiago Miguel and Leon Miguel
Response to Comment 65-1  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 65-2  CLUO Comment. The commenter states that buffers of 1,000 feet would result in large economic impacts on existing farms that would be required to relocate. The commenter recommends 75 feet from occupied residences. These comments are noted. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 65-3  CLUO Comment. The commenter expresses support for Alternative 3 and recommends that existing license holders have priority for new licenses. These comments are acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 65-4  CLUO Comment. The commenter expresses support for hoop houses and outdoor cultivation as an important component of the market. This position is noted. draft CLUO Section 8-2.1408(X) allows the use of hoop houses temporarily during growing season.

Response to Comment 65-5  CLUO Comment. The comment recommends an overconcentration cap of 50 cannabis cultivation sites within a 6-mile radius area. This recommendation is noted. Mitigation Measure OVC-1 of the Draft EIR identifies an overconcentration threshold of 6 to 22 sites within a 6-mile diameter area. The recommended alternative limit is acknowledged for the record. The recommendation would allow just under double the maximum amount identified the Mitigation Measure within double the area. Please also see MR-12.

Response to Comment 65-6  CLUO Comment. The commenter recommends a 5-year transition period for cultivation sites that are required to relocation for farms required to relocate due to buffers. This recommendation is noted. Sections 8-2.1404(B) and (C) address transitioning to the CLUO process and time periods for relocation which are significantly less than this recommendation. Please see Response to Comment 5-14, MR-10, and MR-12.

Response to Comment 65-7  CLUO Comment. The commenter thanks the County for consideration of their comments. Thank you.
Personal response to the Yolo County proposed CLUO and accompanying Draft EIR.

1. A lot of work went into this document. Unfortunately, the document is so large that I doubt anyone will be able to read it in its entirety. I don’t have that kind of time and I am skeptical that anyone signing off on this document will have truly read it through. In the sections I read, my concern is the decisions are not data driven, are not verifiable, and do not accomplish the stated goals of the project. A simple error noted in my reading is in verbiage in 6.2 Significant and Unavoidable Adverse Impacts - an error at the end of the 1st paragraph, “following significant and avoidable (Unavoidable) impacts:”

2. I was disappointed in reading the references and felt the document lacked data driven, objective, decision making (see some examples in 3). Cannabis has been legal in the States of Colorado and Washington since 2012, and I know of several articles that have been published regarding public health issues, safety, and odor control. On page 8-2 I saw one reference to the City of Denver, 2018, Cannabis Environmental Best Management Practices, “Draft Section for Review” – is a draft really the best reference that could be found? There were also several phone conversations and conversations with individuals that were cited in the references, but how is one to reference check a phone conversation? This is not what I expected from the educated community in which we reside.

3. I read the project objectives on ES-4, but could not see how the CLUO achieved those objectives. I encourage you to take each objective and then find in the document just one example of how that objective was met. For example:

Objective C. Ensure neighborhood compatibility
3.11 Land Use -“Physically Divide an Established Community – “No mitigation is required for any of the alternatives.” How does this ensure neighborhood compatibility? Once our rural residential farming community became aware of “Kind Farms LLC” we met with our district Supervisor (who himself voted “No” on the cannabis issue), we spoke out at Supervisor Board Meetings, sent several written opinions in opposition to “Kind Farms LLC”, and sent a signed petition in opposition to cannabis in our rural, residential neighborhood. I don’t see any criteria, or methods in this document that “Ensure neighborhood compatibility”, am I missing something?

Objective E. ………… “preservation of agricultural land”. Did I miss where it says in this document how this is being done? As a farmer, it is unconscionable that Yolo County has allowed the Cannabis Sativa plant to be grown on our Class 1 & 2 soils, when it can be grown without difficulty on non-prime soils, in greenhouses, and hydroponically without soil. Whether you like it or not, Cannabis Sativa is not Federally approved because it has not been studied and has not been proven safe! The 3 studies that have been done thus far, indicate that it is detrimental to the developing brains of our youth. In 2016 the American Lung Association warned that popcorn lung could be a “dangerous risk” of flavored e-
cigarettes. No one really listened. As of Nov. 2019 there have been 2, 290 cases of e-cig. or vaping related acute lung injury across 49 States and there have been 47 deaths. The Surgeon General recently requested a warning on all THC products regarding the dangers to the fetus in pregnancy.

The State has given each county the ability to make their own rules. There are many things that can be done to allow the Cannabis Sativa industry into our community and still preserve our agricultural roots, our prime soils, and the health, safety, and happiness of our residents.

Example: The only prime soils that Cannabis Sativa should be allowed to be grown on are those owned by farmers who also grow other commodities, and have enough land that the borders of their grow site are at least 2 miles (an objective measure of odor travel) from any neighbor. If a neighbor is less than 2 miles, then written notification and agreement should be required. Using Class 3 & 4 soils or industrial parks for the growing and processing of Cannabis Sativa, is another way to show farmers that you do care and value the Yolo County General Plan and our agricultural heritage.

It is sad that Kind Farms bought a 60 acre farm property with a beautiful old house and Class 1 soil. The owner, Timothy Schimmel, lives in Davis, and not on the property. He has not been neighborly, was not around when the early AM or late evening “skunk smells” were the strongest, and has a security person stationed in the front yard, unlike any other farm in the surrounding area.

Schimmel had an outdoor grow of almost 6 acres in 2019 (yes, real farmers measure in acres, and not the canopy of their crop) of Cannabis Sativa and put in a cement foundation, for green houses and processing buildings, covering about an acre of Class 1 or 2 soil. This prime soil is lost forever! The “winter calm” seen on other farms in the area is not a part of Kind Farms, LLC. There are numerous cars in and out of the property daily, and with the muddy conditions most cars are now parked right at the entry gate, since they cannot get to the back of the property (a daily eyesore that could have been prevented had his business been put in an industrial park that has established security and parking).

All growers on Class 1 or 2 soils should have mandatory participation in research by UCD to study the effects of Cannabis Sativa on our environment and our health. We are lucky to have such a prestigious University within Yolo County.

Lastly I want to talk about 6.2 Significant and “Unavoidable” Adverse Impacts, in particular, Impact CUM-3 Odor. Odor control is not new in industry and there are numerous articles that document ways to prevent or mitigate cannabis odor. Unfortunately, I did not see any of them in the CLUO reference section. The mitigation of AQ-4 (Adverse Odors) was to conduct a wind pattern evaluation. What is a bad wind pattern? I have clocked winds as high as 65 mph on my farm and it has been recorded in all directions. What does that mean for the grower within 2100 ft. from me? No one can control the wind, but there is data to show that odor travels about 2 miles, so why not use that information to decide how close grow sites should be to existing residences and to other grow sites (eliminating the over concentration issue)? There are numerous documented ways to mitigate and prevent cannabis odor as an adverse impact. Once such article by Crystal Hammon on “Odor control: Does Your Cannabis Business Stink?” she states that many states, including Oregon, Washington, and Iowa, require odor control plans or clean air permits as part of the licensing process, and some regulators impose hefty
fines to companies that transmit a perceptible odor...” Early planning is the key to effective odor control for cannabis operations.” She talks about well-constructed buildings, ionization and photo catalytic oxidation, HVAC systems with carbon filters for all incoming and outgoing air, and Fogco uses high pressure fog and has been used in the agricultural environments for more than 25 years to treat odor as it exits outdoors. She talks of things to help in outdoor grows; befriending your neighbors, and strain selection to stay away from a very ‘skunky’ terpene profile in favor of cultivars high in limonene or geraniol. For outdoor grows there was also mention of barriers. Have you ever heard of “Skip Laurels”. They are a dense evergreen, drought tolerant, moderate growth, need no maintenance, pest & disease free, and grow 10-18 feet in height. This privacy hedge would benefit the cannabis grower by alleviating any visual character impact, providing a wind and dust screen for the grow, and although not studied, it is believed the hedge will decrease the odor impact on surrounding neighbors. Using plant based barriers around grow sites in agricultural areas is much more pleasing to the eye than 6 foot wooden fencing as seen surrounding a grow site on Rd. 24.

One other article I read talked of a high flume system used in indoor grows in Santa Rosa. This system shoots the odor 35 feet in the air so it is carried on wind currents well above ground level.

All I am saying is there is a lot of data out there on how to mitigate and prevent cannabis odor from causing adverse impact and I did not see that information reflected in the CLUO draft.

Lastly I encourage you all to read an article by Charles Lehman dated September 6, 2019, “Colorado Doctor Sounds Alarm on Marijuana Legalization”. Dr. Randall, an emergency room physician certified in “cannabis science and medicine” ended the article with “This is going to be a crisis with potential long-term consequences that will far outpace the opioid crisis, with lasting damages and lasting injuries, as well as a significant cost to the public.”

As Supervisors, we elect you to make decisions that will promote the growth and well-being of our community. Don’t be blinded by the promise of dollar signs today, think about our tomorrow! Read and educate yourself. I implore you to protect our youth and our community from the dangers of an unstudied drug. If you have to accept some marijuana, then do so in a study mode, or at least make decisions based on verifiable data that will help the industry to succeed, but still protect our youth, our environment, and the citizens that make up this community. Perhaps promoting hemp in our community might be a better focus. It is a type of cannabis that is State and Federally legal, has been shown to have some medicinal qualities (CBD oil with <3% THC, so no psychoactive influence), and the entire plant can be used for some commodity – rope, cement, clothing, etc. Some types of hemp are even used as cover crops because they are one of the best nitrogen fixers.
Response to Comment 66-1  

**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 states that the analysis in the Draft EIR is not data driven or verifiable. County staff strongly disagree with this opinion and note that the commenter provides no substantiation for their position. Throughout the Draft EIR detailed information and analysis is provided for each topical area including environmental setting, regulatory background, data sources, methodology, analysis, and conclusions.

The commenter identifies an error on Draft EIR page 6-2 regarding the use of the term “avoidable.” This error is corrected in Chapter 4 of this response to comment document.

On page 6-2 of the Draft EIR, the following text change is made to the first paragraph under Section 6.3, “Significant and Unavoidable Adverse Impacts”:

> ... State CEQA Guidelines Section 15126.2(c) requires EIRs to include a discussion of the significant environmental effects that cannot be avoided if the proposed project is implemented. As documented throughout Chapter 3 (project level impacts) and Chapter 4, “Cumulative Impacts and Overconcentration,” of this Draft EIR, after implementation of the CLUO performance standards and identified mitigation measures, implementation of the CLUO would result in the following significant and unavoidable impacts: ...

The commenter also states that the Draft EIR does not “accomplish the stated goals of the project.” The role of the Draft EIR is to examine and disclose the potential adverse environmental effects of the proposed CLUO. Please also see Response to Comment 66-3, below.

Response to Comment 66-2  

**EIR Comment.** The commenter expresses disappointment regarding a citation to a draft document from Denver, Colorado, and references to personal communications. The cited document was finalized in October 2018 and updated in October 2019. The reference to an earlier Draft of that guide was in error. The updated practices still identify that exposure to direct volatile organic compound emissions from cannabis does not pose a direct threat to human health (City of Denver 2019). This error is corrected in Chapter 4 of this response to comment document. On page 8-2 of the Draft EIR, the following text change is made.


https://www.denvergov.org/content/dam/denvergov/Portals/
The use of personal communications (such as telephone conversations or electronic mail) to substantiate information in a Draft EIR is common and accepted practice and meets the definition of substantial evidence under State CEQA Guidelines Section 15384.

Response to Comment 66-3  
CLUO Comment. The commenter states the draft CLUO does not achieve its stated purposes which are identified in Section 8-2.1402 and repeated on page ES-4 of the Draft EIR as objectives of the project. This position is noted. In particular the commenter points to project objectives C and E associated with neighborhood compatibility and preservation of agricultural land.

With regard to neighborhood compatibility, the proposed CLUO would require, among many relevant items: a discretionary use permit process that ensures neighborhood notification and opportunities for neighborhood comments on every cannabis use permit application; caps on the maximum number of use permits allowed in a given area in order to prevent overconcentration; restrictions by zone and type of cannabis activity; buffers between cannabis uses and identified special land uses; and 49 performance standards that apply on a site-specific and project-specific basis.

With regard to agricultural economic development, growing and processing legalized medical and commercial cannabis are new agricultural activities of high value that provide new opportunities for existing and new farmers and that have brought many new farmers and farming jobs to the County. The commenter expresses their position that cannabis should not be grown on Class 1 and 2 soils because it can be grown on soils of lesser quality, in greenhouses, and hydroponically. This position is noted, however, virtually all crops can be grown on soils of lesser quality, in greenhouses, and hydroponically.

Response to Comment 66-4  
CLUO Comment. The commenter states that cannabis is not federally approved because it has not been proven to be safe. The proposed CLUO includes language in several sections recognizing the federal status (see Sections 8-2.1401, 8-2.1402, and 8-2.1409). Please see also MR-11. It is acknowledged that the improper use of cannabis and cannabis products can result in health impacts. In recognition of this, the County has directed portions of the cannabis tax revenue stream to various intervention, prevention, and educational programs. Please see MR-13.

Response to Comment 66-5  
CLUO Comment. The commenter notes that California allows each County to regulate cannabis uses and establish its own standards. The commenter further states that cannabis regulation can be undertaken in a manner that protects agricultural roots and addresses neighborhood concerns. This position is noted.

Response to Comment 66-6  
CLUO Comment. The commenter recommends that only existing farmers that grow other commodities, be allowed to grow cannabis on prime soils, and further that this only be allowed if the farmer’s land holdings extend a minimum of 2 miles from the nearest neighbor. If landholdings do not extend a minimum of 2 miles, then written notification to the neighbor should be provided and an agreement with the neighbor should be required. Outside of those conditions the commenter advocates for restrictions on cannabis to
Class 3 and 4 soils, or “industrial parks.” These recommendations are noted and will be considered by the Planning Commission and Board of Supervisors as part final modifications and approval of the CLUO. Please see MR-12

Response to Comment 66-7  

**CLUO Comment.** The commenter expresses disappointment with licensee Kind Farms particularly as related to odor, use of concrete foundations for agricultural buildings, and on-site activity during winter. These concerns are noted. Please see MR-12.

Odor impacts associated with cannabis operations and draft CLUO odor control requirements and mitigation measures are addressed in Draft EIR Impact AQ-4 (see Draft EIR pages 3.3-29 through 3.3-38). Draft EIR identifies 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.

As further discussed in MR-5, “Cannabis as an Agricultural Crop,” cannabis cultivation is defined as an agricultural use and would not result in the conversion agricultural lands. The construction and operation of buildings to support cannabis cultivation is similar to other agricultural uses in the County. Many agricultural uses include buildings used for equipment storage and processing of agricultural product, offices, hoop houses and greenhouses, and shipping containers such as those provided at Syngenta Seeds (see Draft EIR Exhibit 3.1-1c). Other examples of existing agricultural operations that have buildings and storage facilities include the Gambos Company (County Road 28 northwest of the City of Woodland), Grow West (State Route 113 north of the City of Woodland), and Golden Farm Products (Interstate 505 south of the City of Winters). Residences in agricultural areas (referred to as “farm dwellings”) are also required to have concrete foundations.

The Draft EIR acknowledges changes in aesthetics associated with security features at existing cannabis cultivation sites (see Draft EIR page 3.1-14). Aesthetic impacts of security features (as well as overall development of cannabis uses) are addressed in Draft EIR pages 3.1-23 through 3.1-48.

The vehicle types associated with operation of cannabis operations (i.e., passenger vehicles, light-duty vehicles, single unit trucks) are consistent with or less impactful than the vehicle types expected to service other allowed uses in various zone categories. draft CLUO Section 8-2.1408(JJ) notes that if triggered by conditions identified in the Yolo Transportation Impact Study Guidelines (e.g., 100 new trips or more), cannabis use applicants will be required to prepare a traffic assessment for consideration as part of Cannabis Use Permit application process. Additionally, pursuant to draft CLUO Section 8-2.1408(K) and 8-2.1408(JJ) in situations where a project would substantially and adversely alter physical or operational conditions on a County roadway beyond the planned condition anticipated in the General Plan, roadway improvements (e.g., safety improvements or emergency access consistent with General Plan Policy CI-3.18) or other circulation improvements may be required as conditions of approval.

Response to Comment 66-8  

**CLUO Comment.** The commenter recommends that all cannabis cultivation sites on Class 1 or 2 soils should be required to participate in research by UCD to study the effects of cannabis on the environment and public health. This recommendation is noted. Please see MR-12.
Response to Comment 66-9  

**EIR Comment.** The commenter asks about the value of the wind pattern evaluation identified in Mitigation Measure AQ-4 and states that the Draft EIR does not provide a full range of information regarding odor control. The addition of a requirement for wind pattern evaluation through Mitigation Measure AQ-4 will provide additional information for evaluating downwind impacts from cannabis odors associated with a specific cannabis use permit application. Draft EIR Section 3.3, “Air Quality and Odors,” provides the information sought by the commenter, including the following:

- Description and science associated with odors and health impacts (Draft EIR pages 3.3-5 through 3.3-8)
- Odor regulation controls currently employed by other government agencies (see Draft EIR pages 3.3-8 through 3.3-10)
- Odor control measures. Section 8-2.1408(DD), which addresses Odor Control, does not specify a specific required technology, but does establish odor performance standards (e.g., a maximum dilution-to-threshold ratio of seven parts clean or filtered air to one-part odorous air [7:1] at the property line). The proposed regulations also specify other requirements, including preparation of an Odor Control Plan; certification of controls by a Professional Engineer or Qualified Odor Professional; and use of accepted/available industry-specific best control technologies. This approach is superior to defining a specific technology that may be replaced by better methods over time. Other controls include restricting cannabis uses to agricultural, commercial, and industrial zoned land (draft CLUO Section 8-2.1407) and establishing buffers between outdoor cannabis uses and identified sensitive land uses (draft CLUO Section 8-2.1408[E]). Draft CLUO Section 8-2.1408(U) (Good Neighbor Communication) also requires a mechanism for communication between operators and neighbors related to conditions at, and operation of, the activity.

As discussed on Draft EIR page 3.3-34, compliance with odor control requirements under draft CLUO Section 8-2.1408(DD)(1) for cannabis uses located within a greenhouse or building can be accomplished through the use of equipment such as the following (Trinity Consultants 2019):

- Activated carbon air filters (carbon scrubber) – forced air circulation through activated carbon filter to filter out odors prior release from the facility.
- Biofilters – a control that utilizes biological adsorptive media.
- Plasma ion technology – odorous gases and aerosols interact with ions and are neutralized.
- Air filters – air passes through densely woven fiber screens which trap odorous particulates (this is viewed as a less effective option relative to carbon scrubbers, biofilters, and is often paired with other technologies).

Draft CLUO Section 8-2.1408(DD)(3) includes suggested odor control for outdoor cannabis uses that consist of using different plant strains, relocation of outdoor cultivation to mixed-light or indoor cultivation in a greenhouse or indoor building, odor easements, and/or other methods proven to be
effective and accepted by the County. There are cannabis plant strains under development that have reduced odor potential. However, no technical studies are available at this time to confirm the effectiveness of these strains.

**Response to Comment 66-10**  **CLUO Comment.** The commenter recommends an article by Charles Lehman dated September 6, 2019, “Colorado Doctor Sounds Alarm on Marijuana Legalization,” regarding health impacts of cannabis. This comment is acknowledged. County staff appreciate the reference and have reviewed this article.

**Response to Comment 66-11**  **CLUO Comment.** The commenter is very concerned that cannabis is dangerous and unstudied, asks the Board of Supervisors to make careful decisions about cannabis, and urges allowing hemp rather than cannabis. These recommendations are acknowledged as art of the record. Please see MR-8, “Marijuana and Hemp,” and MR-12, “Expression of Opinion/Preference.”
From: Larry Alegre [mailto:larryale@gmail.com]
Sent: Monday, December 23, 2019 11:28 PM
To: Susan Strachan <Susan.Strachan@yolocounty.org>
Subject: Cannabis Land Use

Dear Susan,

My name is Larry Alegre, I lived in Rumsey, CA, on 3588 Highway 16, for 20 years. My ranch, Rancho Alegre, is very close to two cannabis grows, mentioned in the recent letter sent to you on December 22, 2019, by Helen McCloskey. My main concern is the marijuana grow on Manzanita Street in Rumsey, CA.

Please refer to this letter and know that I am in complete agreement with the concerns listed in this communication. We are a small, unified community, and strongly recommend that the license for this grow NOT to be renewed.

Please do your job and assist with the relocation of this damaging grow as soon as possible. I have not complained in the past because it seemed like a waste of time and for fear of retaliation from the grower’s themselves.

Please feel free to contact me either electronically or by phone.

Thank you for your careful consideration of this request.

Larry Alegre- Rancho Alegre
415-305-8149 cell
530-796-2229
larryale@gmail.com
Response to Comment 67-1  **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 explains his proximity to licensed cannabis operations on Manzanita Avenue in Rumsey.

Response to Comment 67-2  **CLUO Comment.** The commenter indicates his agreement with comments made in Letters 30, 31, 32, 51, and 74. Please see responses to the comments made in these letters. The commenter is in strong opposition to renewal of the license for the operations on Manzanita Avenue. This comment is noted. Please see MR-12.

Response to Comment 67-3  **CLUO Comment.** The commenter supports relocation of the operations on Manzanita Avenue and notes concerns about the County’s complaint systems. Please see MR-7.
From: Jenn Tompkins [mailto:tompkinsranch@yahoo.com]
Sent: Monday, December 23, 2019 8:09 AM
To: cannabis <cannabis@yolocounty.org>; Susan Strachan <Susan.Strachan@yolocounty.org>; Oscar Villegas <Oscar.Villegas@yolocounty.org>; Don Saylor <Don.Saylor@yolocounty.org>; Gary Sandy <Gary.Sandy@yolocounty.org>; Jim Provenza <Jim.Provenza@yolocounty.org>; Duane Chamberlain <Duane.Chamberlain@yolocounty.org>
Subject: Comments on Draft Environmental Impact Report - Cannabis Land Use Ordinance

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Cannabis Land Use Ordinance (CLUO).

As citizens of the Capay Valley, we want to express our deepest concerns regarding the DEIR. From the start of the cannabis program, the County has allowed the proverbial cart out of the barn before the horse not just on one of the many issues & negative impacts this program has had on the Capay Valley but at every single step of this process. We, as citizens, have been paying the price for that for more than three years now through increased crime, offensive odors, increased road traffic & road damage, downgrading of valley aesthetics, etc.

The DEIR has identified that there is an over concentration of cannabis grows in the Capay Valley but offers no substantive recommendations as to how the negative effects of this over concentration can be mitigated. For example, the DEIR indicates in the section on effects on public roadways that there is no substantive effect by the cannabis grows. How can that be stated if no studies were conducted on traffic counts & road conditions PRIOR to the inundation of cannabis grows in the Capay Valley? This shows a huge flaw in the DEIR. In addition, the DEIR does not specifically address how to handle the over concentration issue. It leaves the decisions surrounding over concentration measures to the County Board of Supervisors in an entirely subjective way. This is a dangerous road to venture down.

None of the options mentioned in the DEIR include a reduction in the amount of cannabis grows. The stated options only offer keeping the current grow count in effect or increasing the number of permitted grows substantially. This definitely brings about concern for the reasons surrounding why the status quo or increases in permitted grows were the only types of options given. This appears one sided & highly questionable.

We continue to be highly concerned with the buffer zone options that have been mentioned in the alternatives section of the DEIR. The buffer options range from seventy five feet to 1,000 feet. What are these measurements based on? How can the DEIR make buffer zone recommendations when it did not research the impact of cannabis grows (personal & commercial) over the last three years? Again, the basis for the alternatives provided in the DEIR is severely inadequate. For example, the offered buffers do not offer a solution to the foul odors that are created by the cannabis grows. As has been suggested many times at community meetings, the cannabis grows should be required to be located in commercial areas, indoor, with air scrubbers. Allowing them to be located in residential areas where the community is negatively effected by the persistent odors, traffic, and crime is unfair & shows a preference to the cannabis growers rather than giving fair & proper consideration to the residents of the towns of Guinda & Rumsey.

Given the significant gaps in the DEIR we are not confident that the CLUO will prove to be a useful & fair document to regulate the cannabis industry in Yolo County.

Thank you for your consideration & the opportunity to comment.

Mark & Jenn Tompkins
Guinda, CA
Response to Comment 68-1  

**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 68-2  

**EIR Comment.** The commenters express deep concerns regarding the Draft EIR and impacts of the current cannabis program on Capay Valley associated with crime, odors, traffic, road damage, and aesthetics. The County’s current cannabis licensing program is a ministerial process. The proposed CLUO would add a new discretionary cannabis use permit process as part of the County’s approval process for cannabis activities. Under the CLUO the 78 existing and eligible cultivation sites in the County would be required to obtain Cannabis Use Permit approvals from the Planning Commission. The Draft EIR evaluates the environmental impacts of implementing the proposed CLUO under five alternative scenarios.

Regarding the specific areas of concern identified by the commenter, the Draft EIR addresses potential impacts on law enforcement in Section 3.13, “Public Services” (see Draft EIR pages 3.13-35 through 3.13-37); odor impacts in Section 3.3, “Air Quality and Odors” (see Draft EIR pages 3.3-29 through 3.3-38); traffic impacts in Section 3.14, “Transportation and Circulation” (see Draft EIR pages 3.14-16 through 3.14-22); and aesthetic impacts in Section 3.1, “Aesthetics” (see Draft EIR pages 3.1-22 through 3.1-48). Please also see MR-16.

Response to Comment 68-3  

**EIR Comment.** The commenter states that the Draft EIR provides no substantive recommendations as to how to address overconcentration impacts on Capay Valley. The commenter also states that the Draft EIR traffic analysis does not include traffic counts and road conditions prior to existing cannabis cultivation operations. The Draft EIR includes mitigation measures OVC-1a, OVC-1b, OVC-1c which would ensure that the unique setting of subregions of the County where overconcentration is projected to potentially occur (Capay Valley), is considered in issuing Cannabis Use Permits and establishing regionally-based caps on cannabis activities. These measures would also establish consistent thresholds to guide processing of all future Cannabis Use Permits to ensure the same considerations of overconcentration are implemented over time as cannabis operations are established and removed under the program. Notwithstanding implementation of these mitigation measures, the Draft EIR concludes that aesthetic and odor impacts due to overconcentration in identified areas would be significant and unavoidable for all alternatives (see Draft EIR pages 4-37 through 4-68). Please see MR-10, “CUP Process and Overconcentration,” for further discussion on how Cannabis Use Permit processing would be handled in identified overconcentration areas.

As discussed in MR-2, “Baseline Conditions Used in the Draft EIR,” CEQA does not intend environmental review of or mitigation for historic or pre-project conditions. State CEQA Guidelines Section 15125(a) states that the baseline physical conditions are the basis by which a lead agency determines...
whether an impact of the project is significant. The Draft EIR properly identifies the 78 existing and eligible sites as part of the physical baseline conditions (including traffic conditions). Draft EIR traffic impact analysis is based on the Traffic Impact Analysis provided in Draft EIR Appendix G. Traffic counts were taken in May 2018 and April 2019 (See Appendix G page 9).

Response to Comment 68-4  
**EIR Comment.** The commenter questions why the alternatives evaluated in the Draft EIR assume only increases in the number of cannabis activities and no decreases. This comment is acknowledged. Please see Response to Comment 33-2 and MR-3, “Range of Alternatives Evaluated in the Draft EIR.”

Response to Comment 68-5  
**EIR Comment.** The commenter states concerns regarding the range of buffers evaluated in the Draft EIR and inquires regarding the basis for the range of buffers. Please see MR-9, “Buffers.” The Draft EIR examines a range of buffers from 0 to 1,000 feet. The high end of this range is based on the highest buffer currently required in the licensing ordinance.

Response to Comment 68-6  
**CLUO Comment.** The commenter states that the buffers do not address odor impacts and recommends that cannabis uses should be located in commercial areas within buildings with odor control. These recommendations are noted. Please see MR-12. The commenter further states that allowing cannabis uses in residential areas has resulted in negative impacts from odors, traffic, and crime. 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 as farm dwellings, please see Response to Comment 24-2 and MR-9, “Buffers.”

Response to Comment 68-7  
**EIR Comment.** The commenter states that there are gaps in the Draft EIR that impact the usefulness of the draft CLUO. This position is noted. Please see MR-1 through MR-4, MR-12, and MR-16.
December 22nd, 2019

Re: Comments in response to proposed CLUO

To the Board of Supervisors and Whom It May Concern:

Please find the following comments on the licensing changes proposed in the County of Yolo Cannabis Land Use Ordinance, respectfully submitted by Yolo County Creative LLC. Yolo County Creative LLC owns and manages (3) 1 acre cultivation licenses in the County of Yolo.

- Proposed number of Nursery licenses in ALL existing Alternatives is not sufficient

There are two important limitations under the State regulation that have made it difficult for cultivation operations over 10,000 square feet to operate efficiently. One, the state limits each applicant to 1 medium license which is the equivalent to 1 acre of outdoor for a Medium Outdoor, or up to 22,000 square feet for a Medium Mixed-Light. This limitation has resulted in the need to stack smaller licenses to accommodate the square footage of canopy. As an example, an applicant that has 2 acres of outdoor will at the very least need to obtain (6) state licenses, one medium outdoor and 5 small outdoor licenses. The County of Yolo accommodates up to 1 acre on all licenses, but this is not in line with the state format. The second limitation is that at the state level, even if you have adjacent stacked licenses under the same entity and operator, they are considered separate premises. The state does allow a cultivator to produce their own immature plants and vegetate them on their premise, but it requires a separate designated area for each license. So, in the example of the cultivator who has 2 acres, and 6 state licenses, the state is requiring that each of the 6 licenses have a designated area for each license where mother plants and immature plants live. This is not feasible. In an operation where an operator has 2 acres of adjacent canopies, under the same license entity, they most likely have one shared area where mother plants and immature plants stay, not a separate one for each license. The state will not allow you to take cuts off a mother plant that is designated to one license, for the use on another adjacent license, unless you have a Nursery license. In order to solve this issue at the local level, the County of Yolo should be aware that a cultivator who is producing their own immature plants from mother plants, with the intention of only using them on their property, will need to have a Nursery license in order to avoid having to have separate designated areas for each license. With a Nursery license, the applicant can take cuts off their mother plants and use the cuttings for any of their licenses. Without a nursery license, applicants that have had to stack their state licenses in order to accommodate canopy will not feasibly have space to designate mothers and immature plants for each licenses. The County should adopt a sub group of Nursery licenses whereas the applicant is propagating only for use on their property, for stacked licenses that are under the same direction/control, including collocated sites. With this extra license type, applicants will be able to receive a Nursery license at the state level that will allow them to propagate on their own premise without having to have designated spaces for stacked licenses that should really be using the same resources. The alternatives proposed only show 5-10 nursery licenses. In addition to the 5-10 nursery licenses, the County should ensure that all existing 70+ cultivation operators have the ability to receive a pre-requisite local permit for a Nursery license at the state level. The subcategory would include cultivators who are limited to propagating for use of accommodating their stacked licenses.

Example: For each (1) county license Yolo County Creative has, it has 5 small outdoor licenses at the state level. That would mean there would have to be 15 designated spots, one spot for each license that does not change or move throughout the year, to produce immature plants. With a Nursery license, there can be one designate area to provide cuts for all 15 licenses.
- **Undue concentration measurement is too limiting**

  Yolo County Creative LLC recommends the 6 mile diameter is measured from the center of each cultivation site. Please consider adjusting the way in which the grouping for OVC-1 is done. I feel by simply moving a 6-mile-diameter-area circle around the map isn’t using usable data. The only way to truly capture what it is you are trying to achieve, which is over-saturation; each grow would need to have a unique 6-mile-diameter-area or larger, measured from the center of grow. As presented, there are cases of sole (Beecan Organics) or minimal number (YCC and ASLewis) at the fringe of a true over-saturation circle. They will be lumped into a real over-saturation as presented. If measurement is done from center of grow, those same sites would be the only ones within 18-mile-diameter-area.

  69-3

- **CEQA compliance with state**

  The state has extended all Provisional licenses until 2022. This is to accommodate the time it may take for a local environmental review to be completed. County of Yolo should ensure it is in line with this extension of time by continuing to grant temporary local authorization in regards to CEQA compliance for each applicant that holds a Provisional License at the state, and that is renewing on a yearly basis until 2022.

  69-4

- **Outdoor cultivation sites**

  Due to the limited environmental impact that an outdoor cultivation poses, the county should continue to permit outdoor cultivation sites. Applicants who are operating in a food plain zone will have no chance of being able to build green houses on the property. Applicants who are operating outdoor have already established their operation, signed leases, and have invested a substantial amount of time, money and resources in maintaining a compliant operation. Outdoor cultivation is the most cost effective method to growing in agriculture land. Providing these license types will allow smaller farmers to stay in business, and existing operations to thrive.

  69-5

- **Odor control**

  Instead of measuring cannabis odor at the property line of the site, the odor concentration should be measured only if, and where, an existing complaint exists, anywhere outside the property line. Cannabis is a crop much like any other in that it produces an unavoidable odor at certain stages of its life cycle (take garlic for example). There is still a stigma that exists that encourages those who are not supportive of the cannabis industry to submit complaints with no factual basis. To validate these complaints, the concentration should be measured at the location of said complaint, that falls outside the property line. This will ensure that existing operations, and operations that meet proper setbacks, zoning, and distances are able to continue to operate. There cannot be additional restrictions on location and measuring odor based off a distance to an unhappy neighbor could pose this issue.

  69-6

Sincerely,

[Signature]

Sophia Herrera
Director of Compliance
Yolo County Creative LLC | Connected Cannabis Co.
Response to Comment 69-1  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 69-2  CLUO Comment. The commenter notes that the County’s restriction to a maximum of 1 acre of cultivation for any license type is more restrictive than the applicable state requirement. This is correct and is noted in Footnote 5 of the table in Section 8-2.1407. The state allows one location/operator to have multiple small licenses – referred to as “stacking.” Yolo County has a 1-acre garden canopy limit per premise.

The commenter also notes the importance of expanding the County’s licensing to allow for nurseries, in order to address the unintended consequence at the state level of needing multiple nursery licenses for each small cultivation license. The commenter advocates for the ability to operate a nursery to propagate for on-site use only, including for co-located sites.

The commenter indicates that the number of commercial nursery licenses assumed in the Draft EIR should be increased. The County could allow more nursery sites than are assumed in the Draft EIR. For each application, the ability to rely on and/or tier from the CLUO EIR will be assessed. If the County determines that a proposed cannabis use permit could result in impacts not covered by the CLUO EIR, additional CEQA analysis would be required. Currently, under a cultivation license, a cultivator can have a nursery and process its own plants. The County could allow a cultivator with multiple small licenses to obtain a state nursery and/or processing license to grow and/or process its own product only. CTF would ensure that only a cultivator’s own product was being grown and/or processed through regular inspections.

Response to Comment 69-3  CLUO Comment. The commenter recommends that the 6-mile-diameter area relevant for overconcentration be measured from the center of each cultivation site. This recommendation will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-10, “CUP Process and Overconcentration,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 69-4  CLUO Comment. The commenter notes that the state has extended provisional licenses until 2022. The commenter recommends that the County align its cannabis licensing, and process for implementing the CLUO, with this timeframe. The County anticipates certifying the CLUO Final EIR and taking action on the CLUO in early 2021. Implementation would begin immediately as described in MR-10. Depending on the final content of the CLUO, and the number of applicants for cannabis use permits, the process of getting all existing licensees through the use permit process could take several years. The County is aware of the state’s deadline for the issuance of provisional licenses and is working to address it. Please also see Response to Comment 22-8.
Response to Comment 69-5  **CLUO Comment.** The commenter recommends that the County continue to allow outdoor cannabis cultivation, particularly for operators in a flood zone which would preclude them from being able to construct a greenhouse for indoor cultivation. The commenter suggests that the investment already made by these operators should be a consideration in granting cannabis use permits, and that outdoor cultivation is cost effective. These comments are acknowledged. Please see MR-12

Response to Comment 69-6  **CLUO Comment.** The commenter recommends that the measurement of cannabis odor occur at the location at which the complaint is made, rather than at the property line or at other possible locations. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”
December 23, 2019

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

RE: Comments on Draft Environmental Impact Report and Cannabis Land Use Ordinance

Dear Ms. Strachan:

The intent of this letter is to share thoughts and considerations of Kind Farms LLC as they relate to the Environmental Impact Report (EIR) and Cannabis Land Use Ordinance (CLUO).

In our opinion, the EIR was exhaustive and covered wide range of important topics. Many of the unavoidable impacts relating to cannabis cultivation show that the EIR conclusions are fair and accurate. Yolo County’s CLUO is a more complicated endeavor to navigate in a manner that leaves all parties content. We hope that our suggestions strike a balance between what is best for the residents, what is best for Yolo County (YC), and also what is best for the local cannabis industry.

Achieving this goal requires a combination of EIR Alternatives I, II, and III. In the following portions of our letter, we will address our comments and offer solutions on the EIR’s Project Objectives, Areas of Controversy, and Issues to be Resolved. In the specific subjects, we will offer our opinions on new retail and manufacturing, existing cultivation, and where these different activities should be allowed as well as suggestions on buffers of different cannabis uses.

PROJECT OBJECTIVES

1. Protect the public health, safety, and welfare.

It will take multiple strategies working together to accomplish this goal. YC should consider allocating cannabis tax funds to the Sheriff’s department for resources that will keep our YC safer. In order to have sufficient resources to make a difference, a key component is to develop the cannabis industry, which will in turn grow the cannabis tax fund. In-County processing would help centralize post-harvest product for growers who don’t have the infrastructure or who elect not to hire cost-burdensome security officers.

Kind Farms LLC
1901 C.R. 99
Winters, CA 95694
www.kindfarms.com
2. Protect environmental resources and minimize environmental impact.
By State of California definition, cannabis is an agricultural product. Ultimately, cannabis cultivation, processing, and distribution is happening on agricultural land. Cannabis should not be grown on steep hillsides that cause runoff and difficulties on the environment by distribution happening in logistically challenging locations. Nor should cannabis be grown inside warehouses under permanent high intensity grow lights. Utilizing the sun’s resources is imperative to minimize environmental impacts.

3. Ensure neighborhood compatibility.
In our opinion this is a fairly straightforward objective to accomplish. Cannabis is a plant that is grown in the ground. Cannabis should be grown in agricultural areas with other crops as well. Commercial cannabis activities should not be taking place in rural residentially zoned areas. Conforming to neighborhood compatibility should be a priority of cannabis businesses. If a nursery, processing, manufacturing or even farm stand style retail wants to start a business, we would suggest looking at the current neighborhood. Are there any of those businesses in the immediate vicinity for other agricultural industries? How would adding a business impact neighborhood conformity?

4. Ensure safe access to medical cannabis for patients.
Storefront retail and delivery services should be in certain strategic areas of the County. The more safe-access points are in the County, the safer the cannabis, and more tax revenue will be produced.

5. Support agricultural economic development including recognition of valuable new crops, preservation of agricultural land, and creation of opportunities for new farmers.
Cannabis production is the definition of this objective. The industry is creating jobs and opportunity for new farmers by recognizing the value of the new crop. Cultivating cannabis is preserving agricultural land. And because of the industry’s strict testing requirements, growers cannot use any of the harsh fertilizers and pesticides that contaminate our prime farmland.

6. Recognize cannabis as an agricultural crop with unique challenges including Federal classification, legal history, crop value, transaction security, distinct odor, and energy and water requirements.
- Federal classification makes banking challenging. Although some banking services exist, they can be costly.
- The legal history brings unnecessary challenges in the form of propaganda, lack of education, and fear. Security is financially burdensome but necessary under the current regulatory framework.
- Cannabis has strong odor similarly to other strong-scented agricultural crops and industries. We believe stigma and legal history help drive odor complaints. During the onset of the program, rural residents knew that the County was encouraging growers who were getting odor complaints to move. This point along with the beginning of a regulated industry that’s out in the open was a considerable change. It’s worth noting odor complaints are significantly down each year.
- Energy is unique if we are forced to grow inside due to the intense power demand. Water requirements are similar to other plants.
7. Recognize competing and evolving community values and interests related to the cannabis industry.

This is an objective that local governments have to deal with on a multitude of levels, as part of everyday life. Because cannabis is controversial, we are fortunate to have more constituent data specific to cannabis to add value to decision making. So far, no county in California has passed a cannabis ballot measure with the margin of victory in Yolo County (79%) (See Local marijuana tax on the ballot).

CA state average was 57.1 voting in favor of Proposition 64 legalizing cannabis for adults. Yolo County voted 60.5% in favor of legalization. Several metropolitan based counties passed at a higher rate, although Yolo County was the largest percentage voting yes in California’s world renowned, rich agricultural valley. (See California Proposition 64 — Legalize Marijuana — Results: Approved — Election Results 2016)

This data strongly indicates that Yolo County is a good candidate to be a leader in progressing cannabis policy. Responsibility should be shared by the county, community, and industry. Yolo County should continue to progress policy and assist in educating changing regulations in a manner that allows all constituents to participate. The community should acknowledge that Yolo County’s voters have spoken and attempt to see the new industry as any other agricultural business. The local cannabis industry should be responsible for acting like any other business and, as a good neighbor, be willing to help educate others. For example, we at Kind Farms have given many tours to concerned constituents and will continue to offer them.

8. Avoid establishing undesirable precedents for other agricultural sectors.

This issue has two sides, depending on your perspective. One side is that the cannabis industry is over regulated from things such as cost, testing, and odor. One might say that tomato growers do not have the growing challenges cannabis growers undertake. Tomato growers can use fertilizers and pesticides that would put cannabis growers out of business.

The other issue is that the food we eat needs to be grown with the restrictions of cannabis. We consume food sprayed with harmful pesticides and grown with synthetic fertilizers that contain large amounts of heavy metals. One could argue that if food was grown with the restrictions cannabis growers had, everyone would be a lot healthier. When we talk about cost to operate business, our food prices would skyrocket if tomato growers had to comply with such standards.

Another precedent is odor, which should be considered thoughtfully. Like many other plants, cannabis produces terpene profiles. Other operations produce more pungent agricultural odors, which is the reason these types of operations are done on ag land. Cannabis is a new agricultural odor that will take getting used to.

9. Avoid unintended consequences including unforeseen community impacts and over-regulation that drives cannabis activities underground.

The cannabis industry is in a state of turmoil due to an existing underground industry, high taxes for the compliant operators and a tremendous amount of regulatory compliance costs. There are still not enough access points for the end consumer. Jurisdictions with sufficient retail, over-taxation still continue to drive business underground. As much as 80 percent of the cannabis sold in CA is sold in the unregulated marketplace. Cannabis was/s already prevalent throughout Yolo County. It is often said that it is easier for junior high children to buy cannabis than alcohol because they are not 21. The more
safe-access points there are, the safer cannabis will be and the less access teens will have. History has shown legal access at competitive prices is the only way to truly combat an illicit market with questionable operators.

10. Allow for adaptation to changing market, cultural, and regulatory considerations over time.
Society is changing their views on cannabis. It would be wise to keep all options open and let the market and the community dictate Yolo County’s progression. We should keep an open mind to the possibilities the emerging cannabis industry can bring. For example, agri-tourism/education is a goal of the County, and done the right way in cannabis, it would have immense demand. The cannabis industry is at a stage where counties are competing against counties. Policy progression at this stage of the industry will unfortunately decide winners and losers in this space instead of the market. For example, if Santa Barbara County growers can grow 40 acres of canopy and Yolo County allows only one acre, SB growers will benefit from their scale to drive the cost to produce down so much that Yolo will not be able to compete once there is enough supply. Yolo County must stay on the forefront of policy progression if we want a long-term industry here.

11. Acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016.
We have given several examples of why this is important. Responsibility of cannabis operators to conduct themselves openly, honestly and professionally during this transition period is essential.

AREAS OF CONTROVERSY

1. Whether cannabis uses and activities should be allowed in unincorporated Yolo County:
Absolutely. Our voters have asked for it and cannabis businesses coincide with the objectives of the EIR and CLUO.

2. Whether non-cultivation cannabis activities should be allowed:
Absolutely. Value-added businesses like manufacturing could be the difference in a business’s viability. Having the flexibility to turn the crop into a higher value product not only helps the operation, it commands more tax revenue. Distribution helps growers test, transport, and ultimately sell the end product. Distributors are coming to farms currently, but allowing manufacturing will give growers the option to transport product out of county instead of having other distro companies travel within our county.

Processing options would help evolve the industry to a more traditional agricultural approach. Current growers could elect to have crop processed off site, which would save them considerable amounts of capital on labor and security. By pooling multiple growers’ resources and networks, a centralized processing location that offers different processing options would drive the cost of production down further. Nurseries make good sense because propagation is costly and space prohibitive. Having a local nursery would impact cannabis cultivation similar to the tomato transplant business on CR 89 and 27 and the value it brings to our tomato growers in county.

Retail and delivery are also extremely important. Having access points throughout the county will minimize the amount of untested/illegal product comes in and is distributed in Yolo County. Access points do not all need to be dispensary style shops. For example, access could come in the form of the winery model, where people visit a farm, learn about the operation, and ultimately purchase the
3. Whether existing allowed cannabis cultivation should be allowed to expand:
Allowing existing cultivators to expand shouldn’t be a question of if but how. If cultivators are not able to scale their businesses to compete on a broader level against larger grows in other jurisdictions, our industry will suffer dearly, if not collapse. Existing cultivators in good standing should be allowed to scale their business based on land use and zoning. If a cultivator wishes to expand their business, they could acquire additional state licenses on their existing property or properties that comply with the CLUO. Yolo County Board of Supervisors would decide which locations and operations fit well with the county’s vision.

4. Interplay of non-cannabis agriculture and cannabis agriculture:
This topic is difficult for us. We’ve heard the YCFB’s concerns regarding dust and drift. Frankly, we don’t know any “traditional” farmers who enjoy getting their crops dusted out or contaminated from their neighbor’s pesticide drift. It makes sense as neighbors, whether cannabis or not, that we are considerate of wind direction if we are plowing, tilling or spraying.

5. Whether cannabis is an agricultural land use:
Yes, it’s an agricultural land use. See PROJECT OBJECTIVE #6

6. Odor impacts from cannabis uses and activities:
Agricultural land is riddled with distinct odors at different times of the year. It seems ambitious to elect to allow cannabis cultivation, yet mandate that growers control the smell. We do not use that strategy for any other agricultural crop. Furthermore, to restrict growers to indoors environments, on industrial zoned land would only exacerbate the cost-to-consumer problem and worsen the environmental impacts. The roadmap to combat the illicit market is to drive down the cost and increase accessibility to the end consumer. Indoor cost of production per pound ranges from $600-$1000 per pound. We can cultivate comparable product for a fraction of that cost outside, in our native soil. One solution that could help would be to allow a centralized processing facility. If growers elected to use this option, it would eliminate odorous weeks after harvest from those locations when they were used for drying and trimming packaging.

7. Impacts in all environmental issue areas from cannabis uses and activities:
We don’t see cannabis causing much of any environmental impacts unless we mandate indoor growing which would be taxing on our electrical grid. Environmental impacts and concerns associated with cannabis cultivation historically have been in the emerald triangle. Trinity, Humboldt, and Mendocino Counties have been notorious for illegal grows that have been detrimental to the environment. Clear cutting and bulldozing mountainsides to pull irrigation from sensitive watersheds, only to allow heavy fertilizer runoff back to the same river has been the norm, and ecosystems have collapsed. Growing on ag land, in the soil, without harsh pesticides or metal dense fertilizers will only increase the quality of Yolo County soil compared to even our “traditional” farmers who use products that are legal but proven dangerous to the environment.
8. Impacts of overconcentration of cannabis uses in particular areas:
It is understandable that certain areas might be seen as over concentrated, although the four overconcentration areas identified present their own specific challenges. For example, an overconcentration of cannabis grows in one identified area may impact many more community members than one of the other identified areas. In our opinion, overconcentration shouldn’t be driven by only the number of grows in a radius, it should additionally take into consideration population within the zone. There should be a population-per-zone benchmark that helps determine the severity of an over concentration zone. For areas that still fall in over concentration zones, the option to reduce canopy size to half an acre or relocation should be given.

9. Social, economic, and safety/crime impacts of cannabis uses and activities:
Regulating cannabis instead of prohibiting the product makes our communities safer. From fading out street dealers selling to teens to an operator being able to call law enforcement, legitimizing this industry is a step in the right direction of public safety. Once banking is resolved, we will all be in a better position. Economic growth has been proven, and tax revenue is being collected. As the local industry grows, it can fund different programs that strengthen our communities. Cannabis in general, cannabis reform, and cannabis use are becoming more socially acceptable every day. Two thirds of Americans believe cannabis use should be legal, while only eight percent of Americans think it shouldn’t be used for medical benefits. (See Poll: Marijuana should be legal, two-thirds of Americans say - The)

10. Concerns about the adequacy of the proposed buffers from sensitive land uses or receptors:
We remain in favor of significant buffers from places of worship and where children gather. However, due to infrequent and circumstantial odors that are not proven to be harmful to one’s health, we do not agree with restrictive buffers.

ISSUES TO BE RESOLVED

1. Should the proposed CLUO be adopted?
No, there needs to be several adjustments in order to regulate this industry while properly striking a balance between the commerce, county, and the community. In addition, there should be overconcentration clarity, adding population or number of households to the radius equation.

2. Which project alternative (or combination) should be adopted?
A combination of alternative 1, 2, and 3 should be adopted. Retail access is a must if a goal is to combat the illicit marketplace and keep the industry from going underground. 1000-foot buffers to residences are too restrictive. 75-foot buffers should remain if properties are in agricultural zoned land and in greenhouses that have odor mitigation. 300-foot buffers from agricultural zoned residences for outdoor grows is sufficient for the Infrequency of harmless odor.

3. What level of density/intensity of cannabis uses and activities (license types) are appropriate and where?
This is a land-use and zoning decision. For example, we’d suggest using, Table 8-2.304(d) Allowed Land Uses and Permit Requirements for Agricultural Industrial, Resource Extraction, and Utilities of Yolo County’s zoning code. Types of cannabis businesses should be identified as any other added value agricultural endeavor. Utilize county building department resources to ensure any added value development is done properly and to code. We encourage regulators to think about if a particular use or
activity in a given location conforms to the neighborhood or would cause obvious complications. The greater the project, the greater the scrutiny, similar to any other development.

4. **What buffers are most appropriate and from what uses?**
   - 1000-foot buffers from places of worship and where children gather on all license types.
   - Odor controlled greenhouses on ag zoned land can be 75 feet from a residence. If a tomato grower can be that close, so should an odor-controlled greenhouse that grows cannabis.
   - 300-foot buffers to residences in ag zoned land on outdoor cultivation and processing.
   - 300-foot buffers for volatile manufacturing sites and 75-foot buffers for non-volatile manufacturing sites on ag zoned land, that adds value to current operations.
   - Retail, delivery and event space should not have limitations and should be determined on a case-by-case basis. Baskets delivered by the farmer to your door happens in other ag sectors. It happens currently, except with middlemen.

5. **How and where should overconcentration be applied?**

   Overconcentration should be applied with population of residences being taken into consideration. Each overconcentration location has its own aspects and challenges. We cannot run government based on whether a small number of people oppose progress that the majority wants. We’d suggest doing what the County has already elected to do. We are moving to a discretionary public review process that will convey the arguments of the opposition, and the Board can determine if there’s enough merit for approval.

**CONCLUSION**

Kind Farms attends Board of Supervisors meetings, planning commission meetings, and advisory committee meetings and has seen how much thought staff and the supervisors have put into crafting careful regulations. We need to continue to grow as the industry matures to ensure the viability of our industry in the future. Value added additions that enable cultivators with more access across the entire vertical, along with scaling production to compete at a broader scale, will give our local industry an advantage. We feel fortunate to do business in Yolo County with the constituency, staff, and board that we currently have.

Thank you for taking the time to read our thoughts on Yolo County’s DEIR and CLUO. We appreciate your consideration.

Sincerely,

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Response to Comment 70-1 **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 70-2 **CLUO Comment.** The commenter states that their comments focus on recommendations regarding the proposed CLUO. Responses to these comments are provided below.

Response to Comment 70-3 **CLUO Comment.** The commenter expresses their view about how the proposed CLUO would satisfy Section 8-2.1402(A). The commenter suggests that the County consider allocating tax funds to the Sheriff’s Department to improve law enforcement in support of the cannabis program. The commenter also recommends centralized cannabis processing in order to improve post-harvest security. These comments are noted and are consistent with the approach taken in the proposed CLUO. Please see MR-12, “Expression of Opinion/Preference,” and MR-13, “Cannabis Tax Revenue.”

Response to Comment 70-4 **CLUO Comment.** The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(B). The commenter notes that the state defines cannabis as an agricultural crop and therefore it should be grown, processed, and distributed on agricultural land where impacts are minimized. The commenter identifies greater environmental issues associated with cannabis cultivation on hillsides and in “logistically challenging” areas. The commenter also advises against cultivation of cannabis in warehouses because of greater environmental impacts. These comments are acknowledged. The Draft EIR evaluates the countywide environmental impacts of cannabis uses in a variety of conditions that could include sloped sites and warehouses. The Draft EIR discloses the water quality and energy impacts of these types of operations (see Draft EIR pages 3.6-4 through 3.6-15 and pages 3.10-19 through 3.10-50). The County agrees with the characterization of cannabis as an agricultural land use and this is reflected in the proposed CLUO. Please also see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 70-5 **CLUO Comment.** The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(C). The commenter emphasizes the importance of ensuring neighborhood compatibility and identifies that cannabis uses should take place in agricultural areas in order to support this objective. The commenter expresses opposition to cannabis activities in rural residential areas. These comments are acknowledged and are consistent with the approach taken in the proposed CLUO.

Response to Comment 70-6 **CLUO Comment.** The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(D). The commenter recommends that cannabis retail and delivery services should be in strategic areas of the County to serve greater number of people and states that more tax revenue would be produced as a result. This recommendation is noted and is consistent with the approach taken in the proposed CLUO. Please see MR-12.
Response to Comment 70-7  CLUO Comment. The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(E) by creating jobs and opportunity, preserving agricultural lands, and because typical agricultural fertilizers and pesticides and prohibited from use on cannabis crops. This comment is acknowledged and is consistent with the approach taken on the proposed CLUO. Please also see Response to Comment 66-3.

Response to Comment 70-8  CLUO Comment. The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(F). The commenter identifies challenges to cannabis uses due to limitations in banking services, legal history of cannabis, and security needs. This comment is acknowledged.

Response to Comment 70-9  CLUO Comment. The commenter states that cannabis has a strong odor similar to other agricultural crops, and that odor complaints are driven by stigma and legal history. These comments are noted. Please see MR-11, “Cultural Change.”

Response to Comment 70-10  CLUO Comment. The commenter states that indoor cultivation increases energy use. The commenter also states that water demands of cannabis cultivation are similar to other plants. These comments are consistent with the conclusions in the Draft EIR. This table identifies that cannabis cultivation in a building (mixed-light and indoor) uses electricity at a rate 1.8 to 4.6 greater than outdoor cultivation. Draft EIR pages 3.10-38 through 3.10-45 identify that water demands for cannabis cultivation on a per acre basis are less than the County’s typical agricultural per acre water demand.

Response to Comment 70-11  CLUO Comment. The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(G). The commenter observes that while cannabis is controversial, it has been supported by state and County voters. The commenter further states that the data strongly indicates that the County is a good candidate to be a leader in progressive cannabis policy. This comment is acknowledged. Please see MR-12.

Response to Comment 70-12  CLUO Comment. The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(H). The commenter states that cannabis is regulated more than other agricultural uses and that food would be healthier if required to comply with the same standards as cannabis. These comments are acknowledged. Please see MR-11 and MR-12.

Response to Comment 70-13  CLUO Comment. The commenter states that cannabis odor is a new agricultural odor that will be more accepted over time. This comment is acknowledged. Please see MR-11.

Response to Comment 70-14  CLUO Comment. The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(I). The commenter identifies challenges associated high regulatory costs and taxes that drive illegal sales. The commenter further states that legal access at competitive prices is the best way to combat the illegal market. This comment is acknowledged.

Response to Comment 70-15  CLUO Comment. The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(J). The commenter states that society is changing its views on cannabis and the County should remain flexible regarding cannabis regulation. The commenter notes that Santa Barbara allows much larger cultivation sites than Yolo which will make it hard to compete with product from Santa Barbara. This comment is acknowledged.
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Response to Comment 70-16  CLUO Comment. The commenter expresses their view about how the proposed CLUO will satisfy Section 8-2.1402(K). The commenter states that it is the responsibility of cannabis operators to conduct themselves professionally during the transition to legalized cannabis. This comment is acknowledged.

Response to Comment 70-17  CLUO Comment. The commenter states that cannabis uses should continue to be allowed in the County based on voting results and the objectives of the CLUO. This comment is acknowledged.

Response to Comment 70-18  CLUO Comment. The commenter identifies support for noncultivation uses in the County, in particularly centralized processing and nurseries. The commenter also expresses support for retail, delivery, and special event licenses. This comment is acknowledged. Please see Response to Comment 62-13.

Response to Comment 70-19  CLUO Comment. The commenter states that cannabis uses should be expanded to compete with larger cultivation sites allowed in other counties. This comment is acknowledged. Please see Response to Comment 69-2.

Response to Comment 70-20  CLUO Comment. The commenter advocates for all farmers to consider wind direction prior to plowing, tilling, or spraying. This comment is acknowledged.

Response to Comment 70-21  CLUO Comment. The commenter emphasizes that cannabis is an agricultural land use. This is consistent with the County’s position and state law. Pursuant to California Health and Safety Code Section 11362.777(a) and Business and Profession Code Section 26067(a), the state has defined medical and adult-use cannabis as agricultural products (Draft EIR page 3.2-20). Section 8-2.1404(E) of the proposed CLUO identifies cannabis cultivation and related activities as agricultural land uses. Please see MR-5.

Response to Comment 70-22  CLUO Comment. The commenter states that many agricultural activities release odor and notes that other agricultural crops and activities are not required to control odor. The commenter states that the restriction of cannabis cultivation to indoor environments and industrial zoned lands would increase costs and worsen environmental impacts. The commenter also advocates for a centralized processing facility. These comments are noted. Please also see responses to earlier comments made in this letter.

Response to Comment 70-23  CLUO Comment. The commenter states that cannabis cultivation has very little effect on the environment unless indoor cultivation is required. This commenter is consistent with the conclusions in the Draft EIR. The Draft EIR acknowledges that cannabis cultivation in buildings would result in increases in electrical demand as well as increases in GHG emissions (see Draft EIR page 3.6-13 [Table 3.6-2] and page 3.8-15 [Table 3.8-2]). The commenter also identifies that environmental impacts associated with cannabis cultivation have occurred in Trinity, Humboldt, and Mendocino counties. This comment is noted.

Response to Comment 70-24  CLUO Comment. The commenter states that overconcentration should not be determined by the number of cultivation sites in a specified area. The commenter recommends that population also be considered, and that operators in overconcentrated areas be given an option to reduce canopy size by half or relocate. Draft EIR Section 4.2, “Overconcentration,” evaluates the environmental impacts of the concentration of existing and future cannabis uses in identified cluster areas of the County (Draft EIR pages 4-37 through 4-68). Please also see MR-10, “CUP Process and Overconcentration.”
Response to Comment 70-25 **CLUO Comment.** The commenter states that regulating cannabis instead of prohibiting the product makes communities safer. This comment is acknowledged.

Response to Comment 70-26 **CLUO Comment.** The commenter supports buffers between cannabis uses and places of worship and where children gather. The commenter states opposition to buffers associated with addressing odor. This comment is acknowledged. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 70-27 **CLUO Comment.** The commenter recommends modifying the draft CLUO overconcentration component to consider population or number of households in an area. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12.

Response to Comment 70-28 **CLUO Comment.** The commenter recommends adoption of a combination of Alternatives 1, 2, and 3. The commenter identifies the importance of retail uses. The commenter opposes 1,000-foot buffers, supports 75-foot buffers for odor-controlled greenhouse cultivation on agricultural land, and supports 300-foot buffers between outdoor cultivation and farm dwellings (residences on agricultural land). These comments will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-8 and MR-12.

Response to Comment 70-29 **CLUO Comment.** The commenter recommends using Table 8-2.304(d) from the County Zoning Code for the determination of density and intensity of cannabis uses and activities instead of Section 8-2.1407 and other relevant requirements in the proposed CLUO. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

Response to Comment 70-30 **CLUO Comment.** The commenter provides recommendations for buffers that range from 75 feet to 1,000 feet depending on circumstances. This recommendation will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see Response to Comment 70-28.

Response to Comment 70-31 **CLUO Comment.** The commenter recommends that overconcentration standards be based on the population of an area. The commenter suggests that overconcentration caps should be circumstance-based and arguably are not necessary in light of the proposed discretionary use permit process. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12.

Response to Comment 70-32 **CLUO Comment.** The commenter thanks the County for consideration of their comments. The County appreciates the commenter’s participation in the review and comment of the draft CLUO and Draft EIR.