December 23, 2019

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

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

Dear Ms. Strachan:

Initially, we incorporate herein oral and written comments presented to the Yolo County Planning Commission and Ms. Susan Strachan at the special session of the Commission held to accept comments on the Draft EIR on the Yolo County Cannabis Land Use Ordinance on December 3, 2019. Therein, we focused on the fundamental incompatibility between Yolo County Conventional Agriculture and cannabis outdoor grows. Yolo County agriculture will be marginalized if outdoor grows are allowed in Yolo County. Most incompatibilities between Yolo County traditional agriculture and cannabis growing will be eliminated if all cannabis grows and other related activities are required to be in enclosed, air insulated and treated space: even better, if these activities are allowed only in such space located within industrially zoned areas.

We want to emphasize that when we state “conventional” or “traditional” Yolo County agriculture we include organic farming of traditional Yolo County crops in that definition. We exclude cannabis cultivation or activities related thereto.

Project Objectives:

We note that the DEIR describes, among these, that the new ordinance is intended to “protect environmental resources and minimize environmental impacts, and also ensure neighborhood compatibility (p. 2.21): However, outdoor grows marginalize or destroy adjacent or nearby conventional agriculture. We are concerned because nowhere in the DEIR is protection of neighboring agriculture listed as protecting an environmental resource. Protected, productive agriculture is the hallmark of Yolo County. It provides not only the main economic driver for the County, but it also constitutes the valued “viewshed” that is enjoyed by Yolo County urban residents. Cannabis can negatively impact neighboring agricultural operations in several ways. Provisions to protect these neighboring agricultural activities should be part of the analysis, but it is not. The Project Objectives state that environmental resources will be protected under the CLUO, and impacts on them by the cultivation of cannabis will be regulated. (See, p. 2-21). However, nowhere in the DEIR is conventional Yolo County agriculture that neighbors or is in the vicinity of a cannabis grow or operation deemed an environmental resource that is entitled to protection nor are the impacts of cannabis on neighboring agriculture deemed an environmental issue. This is no doubt a consequence of labeling cannabis an agricultural product. Any labeling for purposes of the DEIR must be consistent with the reality of farming near a cannabis grow or operation, as we have described in these comments.

The DEIR provides 5 CLUO Alternatives: Yolo County Farm Bureau has taken the position from the inception that to protect existing agriculture and the quality of life of rural residents, all cannabis cultivation
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and related activities must be indoors, in vented and controlled space where inside air does not escape to the exterior without treatment, and unfiltered outside air is not permitted into the enclosed area. This type of facility is, basically, Alternative 4. To our surprise, the DEIR does not acknowledge that proper operation of this type of facility will not have the significant negative impacts on the environment that we agree all other alternatives will have. See discussion at pg. 3.3-8 (air scrubbers) pg. 3.3-31, 3.3-34, 3.3-37) instead, it recites “the assumptions of this alternative and the identified odor control measures would minimize the likelihood of nuisance odors, the potential for odor emissions to occur remains. This impact is conservatively considered significant . . .” (Emphasis added).

From our perspective, utilization of currently available and constantly improving technology and use of best practices to stop untreated air transfer coupled with requiring all cannabis activities to be enclosed in vented indoor space resolves most if not all of the incompatibilities if cannabis operations are permitted in the agriculturally zoned areas of the County.

The DEIR continues the posture that we pointed out with concern in our scoping comments: it ignores the reality of Yolo County agriculture. We see this from “a” to “z”: please note project objectives (2.4.2 (c) (e) (f) (pg. 2.21) and “alternatives considered but not evaluated further (5.2.1) (c) (e) (f) (pg. 5-2-5-3)

GENERAL PLAN AMENDMENTS: those of us in conventional Yolo County agriculture, farming traditional Yolo County crops, do not believe that cannabis should be included in the definition of agriculture because of the inevitable conflicts between the two arenas that have already surfaced and are discussed in these comments. These incompatibilities have been addressed in numerous letters written by the Yolo County Farm Bureau to the Yolo County Board of Supervisors and others in county government. We recognize that state law defines cannabis etc. as an agricultural crop. The reality is that cannabis has its own cost and value structure unrelated to that of neighboring conventional agriculture. A new sentence should be added to policy ag-3.22: “in the event of conflict, priority shall be given to the needs of existing traditional/conventional/organic Yolo County CROPS AND GROWERS. (P 2-42)

We return to our scoping comments: agriculture and forestry resources: the fact that various codes have defined cannabis as an agricultural product does not make it so in the context of actual land use. There are conflicts with the “real” agriculture surrounding or near a cannabis grow: (1) failure of the cannabis grower to maintain existing orchards or other permanent crops surrounding a cannabis grow: failure to maintain them free of pests will negatively impact the costs of neighboring farmers; (2) schedule 1 status of cannabis makes it very difficult for a cannabis operation to bring in a “real” farmer to maintain permanent crops or farm annual crops on land not used in the cannabis operation which will lead to agricultural land going out of production, and potentially hosting pests that will put surrounding crops at risk. The EIR needs to focus on practical ways that neighboring farmers do not have the quality of their crop impaired and thus their costs increase, and/or their crop income decrease, because the cannabis growing neighbor does not take care of his non cannabis crop. This evaluation needs to include the reality of the impact of federal laws and regulations on agricultural lenders and thus, their inability to be involved with operations funded by cannabis operations. The DEIR ignores these issues. For your convenience, we attach copies of correspondence and notices that Yolo County Farm Bureau has received from various federally connected agencies warning growers that relationship with cannabis growers or cannabis activities jeopardizes Federally connected agriculture support and relationships.

The DEIR again fails to recognize the impact of cannabis on adjacent and nearby conventional agriculture (PG. 3.20). Once again, the DEIR points to the fact that the state has defined cannabis to be an agricultural product. One major difference is that cannabis growers do not farm the entire parcel that they control: the cannabis parcel is an average of 40 acres but the amount in cannabis is at most 2 acres: the issue is what happens to the balance of the acreage. The DEIR depends on the county agricultural commissioner to ensure that the balance of the acreage is either farmed in conventional crops or
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maintained to the standard necessary to protect adjacent agricultural plantings. This statement concedes that land will go out of agricultural production: calling for maintenance in a pest and disease free manner is also a stretch. This provision depends on neighboring farmers to police the cannabis grower: in addition, these neighbors will shoulder the financial burden of the cannabis growers’ failure to do so. It bears repeating what we pointed out in our scoping memo: federal status of cannabis as a schedule 1 drug precludes conventional farmers, who get any funding from federal credit agencies, either directly chartered or insured by FDIC, from participating in any cannabis operation in any manner. This forecloses most Yolo County traditional growers from farming any parcel that is part of a cannabis operation.

The last statement on “impact analysis” (pg. 3.2-21) is set out as follows: “thus, cannabis cultivation and noncultivation operations that may occur under CLUO would not convert farmland to a nonagricultural use for any of the alternatives. No impact would occur.” By our above comments we point out the obvious loss of land in agricultural production, and its marginalization, by cannabis activities. The DEIR statement is patently incorrect. Permit conditions do not mean compliance.

We note further that the DEIR does not mention the fact that licensed Pest Control Operators in some areas of the State will not apply pesticides near cannabis grows due to the very strict state chemical/pesticide standards to market a cannabis crop and thus, they have fear of resulting potential financial liability. The inability to get pest control operators to apply needed pesticides in a timely manner subjects growers of traditional Yolo County crops to added risk and financial loss. We also object to the 3 bullet point conclusions at the bottom of page 3.2-22 and the top of page 3.23: outdoor cannabis grows on the same larger parcel or adjacent to or nearby an agricultural parcel will marginalize those operations, leading to their impairment or displacement.

We also direct your attention to the 2nd paragraph on page 3.2-25. After noting, in the immediately preceding paragraph, that the county agricultural commissioner does not regulate the drift of dust from field to field during normal farming operations, which dust could carry sufficient pesticide residue to render a cannabis crop valueless, the DEIR states that it declines to further evaluate the impacts of lawful spray drift on cannabis operations in the context of the impacts on the surrounding agricultural operations, i.e., the “environment”. We point out that this situation creates a substantial risk of litigation to the surrounding traditional operations. Litigation is expensive in terms of both time and money regardless of its outcome. It can lead to marginalization of existing conventional operations and their eventual displacement.

We also point out, again, that the CLUO relies heavily on the county agricultural commissioner to ensure that the remainder of parcels that are the sites of cannabis operations are to be farmed or maintained so they are not harboring pests that impact neighboring operations. (Pg 3.2-25) Obviously, the commissioner will have to rely on neighbors to “police” for his agency. The conclusion that there would be no impact – or a less than significant impact – on neighboring agricultural operations is optimistic at best and is more accurately described as totally unfounded in the DEIR discussion.

We see throughout the DEIR references to necessary modifications of the General Plan to recognize that cannabis is an appropriate land use and that a policy should be inserted to the effect that cannabis cultivation is a new agricultural opportunity; it will support agricultural economic development, preserve agricultural land and create opportunities for new farmers. (Pg 3.2-26). Suffice it to state that we have demonstrated above that outdoor cannabis production will take agricultural land out of production and, we contend that the only “new farmers” it creates will be cannabis growers: do not look to them to raise food and fiber or be involved in the raising of Yolo County traditional crops.

We point out the need for another modification to the Yolo County General Plan: the DEIR contains a discussion of odors and sensitive receptors (pg 3.3-10 – 3.3-11): “[S]ensitive receptors . . . are locations
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where human populations, especially children, seniors and persons with poor health are found . . . In general, these sensitive receptors are concentrated in the incorporated cities and unincorporated communities in the county; however, scattered rural residences are also located throughout the undeveloped or rural lands. Rural residences located in agricultural designated land areas of the county are not considered sensitive receptors under the general plan”. Yolo County Farm Bureau members, their families and their employees, live and work in the rural areas of our county. Children, seniors and people in poor health live in these rural residences. The Yolo County General Plan should be amended to include any rural residence within the definition of “sensitive receptor”. Presumably, a rural resident has no less human value than an urban resident: thus rural residents should not have their quality of life and possibly health marginalized and minimized by this derogatory classification.

A key part of the DEIR is the analysis of odor control (PP 3-3.20-3.3-22): we conclude that the analysis does not come to grips with the cannabis odor and its negative impact on neighbors. It must be remembered that in the context of a cannabis operation the neighbors were there first and the cannabis grow should have no negative impact on them.

Air Quality and Odors: actual examples of cannabis odors negatively impacting down wind properties in Yolo County, of which we are aware, illustrate the inappropriateness of outdoor grows: weather and inversion conditions can negatively impact areas miles away from a cannabis grow. The EIR needs to focus on the diminished quality of life over a wide potential zone caused by odors emanating from outdoor grows and indoor grows without adequate air filtration, etc. Since filing our scoping comments Yolo County Farm Bureau board members and others have complained about offensive cannabis odors that have come with outdoor cannabis operations located throughout the county. One example was 6 miles away from the source (Clarksburg area) because of unusual wind and surface atmospheric conditions. We assume that DEIR Alternative 4 would eliminate most or all cannabis odor “trespasses” onto lands not under the control of the cannabis operator: it is the only alternative that will not marginalize the quality of life of rural residents. (see, discussion at pg. 3.3-34)

Although cannabis odor crop contamination is not typically talked about and to our knowledge is not discussed at all in the DEIR, cannabis odor can and will “taint” wine grapes (among other crops such as rice and onions) that are grown in sufficient proximity: this “proximity” will differ depending on prevailing winds and other atmospheric conditions. This potential for wine contamination exists during most of the growing season, from May through September. This issue has been described as “cannabis odor rich terpenes” that can alter the taste of the wine, or, “turpene drift”. The Yolo County Wine Grape crop had a farmgate value of $83.66M in 2018: certainly it is a crop sector worth protecting! Again, the only way to ensure that there is no turpene drift is to isolate cannabis grows and related operations in enclosed space with treated entrance and exit air exchange (as discussed above).

We now turn to the DEIR Alternatives that propose “buffers” as a means of controlling odor. We have major concerns that any Alternative proposed in the DEIR would seriously propose a 75 foot “buffer” from the perimeter of a cannabis grow or other cannabis operation, that is NOT completely enclosed with controlled air conditions, to a neighboring residence not under the control of the cannabis owner or operator. For that reason we reject Alternative 1 and Alternative 3: This very limited 75 foot buffer to neighboring occupied residences should not even be considered a serious option to be studied in agricultural areas. We also argue that any buffer should be to the property line: not to a residence occupied by someone not under the ownership/control of the cannabis operation. If the buffer extends to the residence of another, the cannabis operator is essentially gaining control over property that he does not own.

We take the position (see above) that rural residences are also sensitive receptors so if the CLUO were to adopt the 1,000 foot buffer, required in Alternative 2 & Alternative 5, that buffer also should be applied
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in rural areas. However, with that being said, we do not agree that a 1,000 foot buffer is adequate since the actual experiences of Yolo County rural residents (discussed above) have demonstrated that it is not: the only reasonable alternative is to require all cannabis grows and cannabis activities, etc. to be in enclosed controlled space.

We do not believe that the DEIR has adequately addressed the issues we raise with reference to the added costs to adequately police and protect neighbors of cannabis operations. Portions of our scoping discussion on this topic are as follows: *Unfortunately it is a characteristic of the cannabis industry that a criminal element can become involved. There is added danger and risk to properties and neighbors of cannabis grows and other cannabis operations out in rural areas of the county.*

**Additional sheriff protection will need to be placed into rural areas to protect those rural residents: this will require an analysis of current rural sheriff staffing, its adequacy, and the needed staffing levels to provide the necessary safety to residents who do not, by definition, live near police or sheriff stations. The financing to provide these increased staffing levels will also have to be analyzed.** It should not be the responsibility of the existing tax base to provide the policing force required to ensure the preexisting safety levels marginalized by the cannabis industry.

We have looked at the DEIR at pages 3.13 6-3.13-8) Law Enforcement: it does not discuss the need for or funding of additional law enforcement services to protect neighbors of cannabis operations. The very limited DEIR discussion is merely a summary of existing services at best. There is no discussion of the need to protect neighbors made more vulnerable by a neighboring cannabis operation.

We have attached a copy of our Scoping Memo and, at the risk of repeating our above discussion, highlight below issues that are not, in our opinion, adequately covered in the DEIR:

Sec 8-2.1401

How can the ordinance be drafted seriously stating that cannabis land uses must conform to local, state and federal law when the substance is an illegal, Schedule 1 drug.

Sec. 8-2.102

A. Introducing cannabis, which has a known criminal element into rural areas, is not conducive to public safety and welfare.

B. Cannabis growers are well known to use illegal pesticides that cause harm to the environment.

C. Outdoor cannabis is not consistent with neighborhood compatibility

D. Introducing cannabis does not support neighboring agricultural economic development nor does it provide opportunities for new farmers who intend to grow food and fiber. The only “farming” sector that will be encouraged by this ordinance to develop new farmers is the cannabis industry.

F. Why is cannabis being recognized as an agricultural crop. The only thing that it has in common with the rest of agriculture is that it is a plant that is grown in soil. The regulations may designate it as agriculture but it is completely different in its market, its consequences to its neighbors and its economic structure. Calling it “agriculture” does not make it so.

Sec. 8-2.1403

E. Cannabis is not an agricultural land use. It is not food nor is it fiber. This cannabis is grown for its mind altering qualities. These comments are made with knowledge that one can argue that tobacco is not “food” or “fiber” either but it is not grown for the same purpose as cannabis. At the very least cannabis should be in an asterisked category of its own.
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1. Yolo County Farm Bureau regrets the decision taken by a majority of the Yolo County Board of Supervisors on 6/26/18 and considers it shortsighted.

Sec. 8-2.1404

B. There should be no outdoor grows, including cannabis nurseries, allowed at all. Existing outdoor grows should be shut down as soon as legally possible.

Sec. 8-2.1405

H. It appears that Yolo County government is penalizing the less populated part of the county by increasing the number of cannabis activities that can occur there versus the more populated areas: Yolo County needs to recognize that the less populated areas have less public authority protection. Cannabis should be located in industrial areas of the county where public services are readily available.

Sec. 8-2.1407

B. Yolo County appears to believe that portions of agriculturally zoned property that are not part of the cannabis activity on the parcel can be used for other agriculture. Please remember that lenders that are chartered or otherwise regulated by federal law cannot have banking relationships with anyone involved in cannabis or who receives money from cannabis. Thus, a farmer who may have a banking relationship with such an institution will not be able to lease or otherwise farm “extra” land around a cannabis operation. Thus, agricultural areas of the county will have “islands” of cannabis operations surrounded by “oceans” of fallowed (and probably poorly maintained) land.

F. The 1,000 foot buffer from the cannabis operation should run to the neighboring property line: the emphasis should not be to an “off-site individual legal residence”. Otherwise, the cannabis grow will impact the ability of the neighboring landowner to fully utilize and enjoy his/her land for a residence, etc. where s/he may choose to locate it: the value of the neighboring property should not be diminished for the benefit of locating an incoming cannabis operation.

M. We discussed the potential serious negative impact of dust created by Yolo County traditional agriculture on cannabis grows at page 3 of these comments. However, there is also a very negative flip side: cannabis operators can cause excessive dust on neighboring traditional growers with crops that need to be protected from dust. Dust control is a very important part of some sectors of traditional Yolo County agriculture (examples: walnuts, grapes): a concern is that neighboring cannabis operations will not respect their farming/ranching neighbors by their overuse and excessive speeds on their own internal roads and their excessive speeds and overuse of county roads that have been allowed to go back to gravel (example: CR 17 east of I-505 where there are extensive plantings of grapes) Dust carries spider mites: failure to meticulously control speeds and dust will impair the market value of neighboring crops.

DD. Nuisance: it seems inappropriate to limit “nuisance” in this instance to “individuals of normal sensitivity” when considering the well known odors emanating from cannabis grows. So long as there are any outdoor grows in Yolo County, any odor from cannabis that is detectable across property lines from grows should be considered a nuisance. Otherwise, innocent neighbors who receive no benefit at all from the cannabis grow are forced to deal with negative consequences: the only remedy is to locate all grows and related cannabis operations indoors. And, indoor cannabis operations must have adequate odor control so untreated interior air is not expelled to the outdoors.

MM. Cannabis has street value if it falls outside the control of the [presumably] responsible owner/grower. Thus, it can be viewed as a particularly dangerous version of an “attractive nuisance”: it attracts people who may be armed. The neighbors of a cannabis project can reasonably have added
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risk. The Sheriff’s office should review and approve cannabis operation security plans from the standpoint of neighbor and passersby protection, not just the integrity of the operation. This review and approval should take place before any operation is allowed to commence and should be reviewed by the Sheriff annually.

Sec 8-2.1409

E. The county should recognize that it is placing activities that pose unusual risk to neighboring people, property and operations into rural areas. It should insist on insurance limits adequate to compensate neighbors and passersby from damage that may be caused directly or indirectly by that activity.

Sec 8-2.1410

D. The county should require a security plan oriented to protecting the surrounding neighborhood as part of the Required Operational Information.

If you have any questions concerning the Farm Bureau comments please call the office at 530.662.6316.

Sincerely,

[Signature]

President

CC: Oscar Villegas, Yolo County Supervisor 1st District
Don Saylor, Yolo County Supervisor 2nd District
Gary Sandy, Yolo County Supervisor 3rd District
Jim Provenza, Yolo County Supervisor 4th District
Duane Chamberlain, Yolo County Supervisor 5th District
Assemblymember Cecilia Aguiar Curry
Senator Bill Dodd
Congressman John Garamendi
Patrick Blacklock, Yolo County Administrator
John Young, Agricultural Commissioner & Sealer of Weights & Measures
Tom Lopez, Yolo County Sheriff
Jamie Johansson, California Farm Bureau Federation
Chris Scheuring, California Farm Bureau Federation
Comments made by Nancy Lea on December 3, 2019
Yolo County Planning Commission Meeting
Chair and Members of the Commission
Ms Susan Strachan, Cannabis Program Manager

Yolo County Farmers and Ranchers, and Rural Residents, have been dealing with cannabis grows located out in the unincorporated parts of the County since 2016. Yolo County Farm Bureau represents and advocates for our members: we have been working with them to ascertain whether or not these cannabis grows impact their farming/ranching activities or in other ways impact their lives.

Several concerns based on numerous incidents require accommodation when the CLUO is finalized and adopted. There are incompatibilities between “traditional agriculture” (in this context we mean typical Yolo County crops whether conventionally or organically farmed) and outdoor cannabis grows. Summarized briefly, these are described as follows: each is based on factual situations related to us.

Farmers create dust during normal agricultural activities: this dust can itself damage the value of nearby cannabis blossoms. If this dust becomes airborne (as it frequently does) and carries with it residue from pesticides lawfully applied on a traditional crop, it can render the cannabis crop valueless due to rigorous state testing standards. This can place the traditional farmer at risk of being sued: I comment that lawsuits, whether won or lost, take time and increase costs. And, please remember the vastly different economics of the cannabis grow vs. the traditional grow: an acre of cannabis can be worth over $500,000 and an acre of canning tomatoes - perhaps $4,000.

Farmers have to apply pesticides during certain “time windows” (pest vulnerability, weather, etc.) in some counties Pest Control Operators refuse to treat crops when there is a cannabis grow in the vicinity that could potentially be impacted. The traditional farmer then is forced into a situation where he cannot spray: his crop may be devalued or even destroyed.

Farmers occasionally plant crops, i.e., rice, that can pick up the odor of a cannabis grow in the vicinity. Rice that have a cannabis odor are valueless. Thus, cannabis limits the options Yolo County farmers have to put their ground to best use.

Quality of life issues are also involved: rural residents who live in the ag zoned areas of our County are not considered “sensitive receptors”. Many rural residents including our members have let us know that the smell from the outdoor cannabis grows has impacted their appetite and their sleep, their ability to enjoy their family and friends in their homes and gardens, and caused them great anxiety and stress. This is a new, unpleasant characteristic of their lives. They receive no benefit from the cannabis grow or related economic activity. They want relief.

Happily, there is a planning solution that will accommodate the cannabis grower, the rural resident and the farmer/rancher. That is to require all cannabis grows and related activities to be enclosed in buildings where the air is managed: odorous air does not leave the building unless it has been scrubbed and air - carrying dust or? cannot come in. This is the one solution, the key feature of Alternative 4, that the DEIR points to as having the best chance of confining odors (and also isolating the grow from the neighboring traditional farmer, thus insulating the grow from any chemical or dust contamination. We strongly urge that the County adopt the requirement that all grows be enclosed as described above. Yolo County should not allow any outdoor grows or related cannabis activities.

YCFB will provide additional written comments before the end of the comment period on December 23rd. However, requiring the grows to be contained in closed off interior spaces is so critical to the continued success of Yolo County traditional agriculture that it merits your immediate focus and attention.

Thank you,
Yolo County Farm Bureau
June 11, 2019

Yolo County Board of Supervisors
ATTN: Don Saylor, Chair
625 Court Street
Woodland, CA 95695

RE: ABATEMENT LETTER:

A fundamental agricultural incompatibility issue that is presented by some cannabis operations is the prospect of uncared for orchards or other permanent plantings on the cannabis parcel that are adjacent to or near plantings of the same species, owned by others, that are cultivated by those we describe as more typical Yolo County farmers. Yolo County orchardists and vineyard operators put substantial investment of land, development funds and years in order to bring their new permanent crop into production. Analyses as to the outcome of the investment are made based on assumptions that neighboring farmers are equally committed to farming clean and pest free crops, orchards, vineyards and fields. However, cannabis grows coming into an intensively farmed area have demonstrated that this assumption fails: the cannabis operation can increase costs to neighboring farming operations thus marginalizing the farmer’s financial investment, and land/line commitment.

This is evident in the conduct of the cannabis growers, “Yolo Gardens”, who farm AFN 025-130-027. The cannabis operators’ conduct has belied the statements made in their “Project Statement” in which they affirm that they will maintain and actively farm the old walnut orchard which is located onsite. There have been no signs of active “farming” of this parcel other than occasional mowing. Failure to maintain this walnut orchard endangers the investment into three different walnut orchards in the immediate area: west, northwest and northeast. Vertebrate pests have multiplied and are coming onto these adjacent parcels.

Our web search discloses that the owner purchased this property in January, 2017. The walnut orchard would have been dormant. Reasonably, if the owners had planned to farm any portion of that orchard they would have retained a PCA, joined the subwatershed coalition for reporting purposes, cultivated and otherwise cared for their orchard eliminating weeds and other pests and marketed a crop in the fall of 2017. The same sequence of events would have occurred in 2018.

Yolo County officials and planners need to understand that if a walnut crop is not Class 1 (less than 5% insect damage) there is no economic value to harvest it. Uncontrolled or poorly controlled pests on a neighboring orchard will certainly negatively impact the quality of a neighbor’s crop and cause increased pesticide costs. PCA’s have advised growers who neighbor the Yolo Gardens cannabis grow that their orchards are increasingly at risk of Naval Orange Worm and Coddling Moth infestations, both of which will require added effort and chemicals to control because of the neighboring orchard’s lack of maintenance. The ability to market Class 1 walnuts, which is essential in order to clear costs, is impaired by the lack of consideration for Yolo County agriculture in general, and surrounding farmed properties specifically, that these neighboring property owners have demonstrated.

Thus, we request that Yolo County, through the authority it has under existing law, proceed to abate the nuisance walnut orchard created by this cannabis grow.

Very truly yours,

Joe F Martinez
President

Cc: Yolo County Planning Commissioners
Yolo County Ag Department, John Young
Yolo County CEO, Patrick Blacklock
Yolo County Community Services, Taro Echiburu Yolo County Community Services, Susan Strachan
June 11, 2019

Yolo County Board of Supervisors  
ATTN: Don Saylor, Chair  
625 Court Street  
Woodland, CA 95695  
RE: General Cannabis in ag zoned areas letter.

Principle 1 in our Yolo County General Plan states that the success of our County depends on the success of our agriculture. Another goal in the current County "Strategic Plan" is "Flourishing Agriculture". When these Principles and Goals are measured against the increasingly evident impacts of a cannabis operation on its ag neighbors, these fundamental County objectives can be best met by requiring cannabis grows and related activities to be located indoors, in unvented space and preferably in industrially zoned areas.

It is important to emphasize that the only similarity between cannabis and conventional crops is that all are grown in soil: the critical difference is that soil for cannabis is typically in pots. Unlike most conventional crops, these pots can be placed and the crop cultivated in a fully enclosed and unvented interior space. There is absolutely no reason to have cannabis grows out in the Country. Understand-ably, the cannabis grower may prefer rural acreage because the cost of the land is certainly less: ag zoned land prices are substantially less than industrial land whether in the County or one of the Yolo County cities. However, the siting of cannabis grows and/or related activities in the County rural ag areas marginalizes the very purpose of zoning land for agriculture because that cannabis siting damages the ability of neighboring farmers to raise food and fiber here in Yolo County.

We first discuss the reality that the smell of cannabis negatively impacts the quality of life of rural neighbors. This is exacerbated when grows are located in areas with smaller acreages and rural residents. The cannabis odor can be offensive miles away from grows under certain weather conditions. Outdoor cannabis grows, or enclosed grows that are vented to the outside, create odor issues that these rural residents should not have to endure. In order to eliminate this issue, all cannabis grows must be completely enclosed with no air exchange to the outside.

An additional reason rural residents choose country living is the advantage of a "dark sky". Thus, cannabis greenhouses must be shielded so any lighting directed to the interior is not visible from the outside. And, any outdoor lighting must be shielded and directed down.

A major issue for ag which would be ameliorated by requiring all grows to be indoors is abuse of the "Right to Farm" ordinance. The Yolo County Farm Bureau has already seen instances where abuse of this ordinance has occurred: cannabis growers threaten to seek damages from conventional growers for "damage" to their grow caused by normal Yolo County farming practices. A cannabis grower is apparently entitled to the protections of the Right to Farm ordinance after 3 years. This poses a huge risk to a neighboring farmer in the event of outdoor grows: for instance, a cannabis grower may contend that dust on his cannabis crop generated by a neighbor doing field cultivation caused damage in the many thousands of dollars. These possibilities can pose financial risks that the conventional farmer cannot be expected to assume and may well not be able to insure against at reasonable cost. Abuse of the Right to Farm ordinance is another compelling justification for requiring all grows to be in non-vented indoor.
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space. We note that this space does not need to be in the rural part of the county: there is no reason why all cannabis activities cannot be located in industrially zoned areas.

Cannabis operators are frequently concerned about the security of their operation and retain guards, etc. to attempt to protect their grow and themselves. The focus of these security details is misplaced: the cannabis operation is a “high risk” operation, which has been injected into a rural area and attracts a certain criminal element. The emphasis of the security should be on the safety and security of the neighbors rather than the cannabis operation. These neighbors have to contend with a use that brings them no benefit and puts them at increased risk. Any cannabis operation should have to develop a security plan and supporting budget funded by that operation with the goal of protecting the neighborhood from the consequences of the cannabis operation. This plan and budget should be provided to the Yolo County Sheriff, and approved by the Office of the Sheriff, before any cannabis operations are allowed to commence on site.

Neighborizing farmers have legitimate concerns when cannabis operations are located nearby. As noted above, cannabis attracts a criminal element and farmers are already victimized by fuel theft, etc. However, a more fundamental agricultural issue is the prospect of uncared for orchards or other plantings adjacent to or near plantings, owned by others, of the same species that are under cultivation with the normal Yolo County goal of earning a profit. The failure of the cannabis activity owners to properly maintain their more typical crop is of great concern. Saying it will be done does not make it so, and the damage that can be caused to orchards re: crop quality by neighboring orchards that are not maintained can be significant. Obviously, requiring all grows and cannabis activities to be indoors will ameliorate damage done to neighboring crops and permanent plantings.

These are issues that must be part of the analysis of any Cannabis regulatory or Land Use ordinance. They must be addressed by any cannabis operation that is located in a county ag zoned area, and certainly any operation seeking an Early Implementation Development Agreement. They must be solved to the satisfaction of neighboring residents and landowners. The resolution of these issues must be consistent with the Yolo County Principles and Goals we cite in our opening paragraph. In closing, it is readily apparent that all of these siting incompatibilities can be completely remedied by requiring that all cannabis grows and operations be enclosed, not vented to the outside and located on industrially zoned properties.

Very truly yours,

Joe F. Martinez
President

Cc: Yolo County Ag Department, John Young
Yolo County CEO, Patrick Blacklock
Yolo County Community Services, Taro Echiburu Yolo
County Community Services, Susan Strachan
California Farm Bureau Federation
October 9, 2018

Yolo County Community Services
ATTN: Susan Strachan, Cannabis Program Manager
292 W Beamer Street
Woodland, CA 95695

RE: Early Implementation Development Agreement Projects

Dear Susan,

We have been advised that 7 applications are pending for approval of Early Implementation Development Agreements: these are for cannabis projects out in the county that typically will involve more than just culti-vation. I have driven by and looked at each of these proposed projects (except #6 which I could not locate). Due to the many proposals received I am going to address all concerns in this letter.

The applicants are:

1. ZF#-2018-0057 21531 CR 8 (Schimmel/Kind Farms (north of Winters)

   This is a proposal for a vertically integrated cannabis facility consisting of 20 acres proposed for construction of a 10,000 sq ft structure for distribution, processing and packaging. 50,000 ft. to the west is for cultivation, which will be developed for greenhouses. Outside cultivation exists and its continuance is not ruled out in the application. They anticipate a maximum of 25 employees and up to 50 vehicle trips per day, with an additional 2-8 daily truck trips during harvest.

2. ZF# 2018-0061 South of CR 23 and west of CR 83 Brett Hogge/Aaron Uriah Mills (Surreal Solutions)
   (North of CR State Highway Address : west of Esparto):

   This application includes two adjacent parcels totaling approximately 28 ½ acres. The area looks like it is susceptible to wildland fires. The proposed plan is to build a total of one acre of greenhouses. Apparently an outdoor grow presently exists on the land and it appears from the application that it will continue in existence. The applicant conceded that airing out of the greenhouses will lead to odor emissions. The proposal anticipates a maximum of 19 employees and two daily truck trips.

3. ZF# 2018-0028 5454 State Highway 16 John Karonas (north of Guinda)

   This proposal is for construction of two, 2,500 square foot greenhouses and the conversion of existing structures for cultivation, processing, packaging and storage. The project map shows an outdoor grow although there is no reference to this in the text. The applicant anticipates between one to two truck trips per week. The project is located at the base of the hills very near the edge of the County Fire, there is some danger from wildfires.
Yolo County Community Services
ATTN: Susan Strachan, Cannabis Program Manager
September 20, 2018
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4. ZF# 2018-0033 8/E corner of CR 26 and CR 93 Anna Lewis/Yolo County Creative, LLC

Two existing one acre outdoor grows are currently in operation, one on each parcel. The proposal plans a construction program over ten years during which time outdoor grows would gradually be replaced by in-door "mixed light" grows. Each of the two parcels at buildout will have 112,000 square feet of greenhouses. There will be a 4,480 square foot processing building; and plans for ten employees. The proposal anticipates one truck trip per day. There is a very nice home about .2 miles south on CR 93, on the west side of road and a cluster of homes about ½ mile north same side of CR 93. The owners appear to be hedging the property on the north with a dense planting including palm trees. Applicant has alleged an ag agreement with a local farmer - there could be issues involving credit and banking relationships because of federal cannabis laws.

5. ZF# 2018-0018 31905 CR 17 South side of CR 17, east of 1-505 Fred Barnum/Green Coast:

This is a six phase proposed ten year development agreement. It is a 100 acre project on 2 A-X zoned parcels that includes cultivation, processing distribution and testing. Outdoor growing will remain part of the operation. Permits have been obtained to grade for two 40,000 square feet cannabis greenhouses with an integrated 20,000 square foot "head house" processing center. The applicant anticipates 19 employees and four trucks per day. Access is by a gravel road that is bordered on the north side of the property by an extensive well-kept olive orchards and vineyards. There need to be "Caution" signs for dust control.

6. ZF# 2018-0046 16530 CR 56 Guinda Kyu Kim/Outdoor Properties LLC

This 20 acre parcel is allegedly presently improved with 13 existing structures including 8 2,800 square foot greenhouses and wants to add 6 more 2,000 square foot greenhouses. The applicant expects to have between 5 and 7 employees. There are outdoor grows. I could not locate this parcel.

7. ZF# 2018-0042 36459 CR 21 Woodland Stephen Brown, Yolo Gardens LLC

I did not need to go out to look at his parcel as it borders the east side of the north walnut planting on one of our ranches. The applicant wants a total build out of 139,000 square feet and assumes he will have between 30-50 employees. (I question the accuracy of this application as our walnuts are described as "almonds"). The applicant recites that he intends to raise and process "eco-friendly organic cannabis". He does not mention outdoor grows.

================================

Farm Bureau makes the following comments and/or suggestions:

(1) As a condition for any type of development agreement there can be no outdoor grows at all.

(2) Any cannabis activity should be at least 1000 feet from the nearest property line. Focusing on distance from residences on neighboring property misses the point: Whether or not a residence is located on adja-cent property is not relevant because bringing in a cannabis operation impairs the suitability and reduces
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ATTN: Susan Strachan, Cannabis Program Manager
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The diminution of value should be on the land owned by the cannabis operator, not on his/her/its neighbors.

(3) There must be recognition that cannabis brings in a higher risk of physical harm to neighbors. Any development agreement should contain provisions for trained and licensed security at all times. A security plan for each project which is oriented to protection of the neighbors and surrounding area should be approved by the Sheriff and the provider of the security should be evaluated/approved by his office.

The concern is for the neighbors to these projects as these individuals and families are not benefiting at all from this new cannabis activity but their personal and property risks are going up, and their property values risk declining.

(4) What happens to the land that is owned by the applicant but is not involved in the cannabis operation. There is sentiment that the applicant can get a farmer to come in and farm it but current federal regulations impacting lenders suggest that will not readily happen.

A related issue is the damage that the cannabis grower can cause neighboring ranchers/farmers by not maintaining crops on the land. For instance, if there is an orchard currently planted on the parcel with a planned cannabis operation and it is adjacent to an orchard of the same species. If the applicant does not remove all of his orchard trees or does not maintain his trees properly, the field will become a pest magnet which will damage the neighboring operation. Any development agreement must build in protection for contamination of neighboring agriculture.

I would be happy to discuss any of these comments or answer questions you may have.

Sincerely,

Nancy Lea
President
Sept. 24, 2018

Yolo County Community Services
ATTN: Susan Strachan, Cannabis Program Manager
292 W Beamer Street
Woodland, CA 95695

RE: Yolo County Draft Cannabis Ordinance
Scoping Meeting for Draft EIR for the Yolo County Cannabis Land Use Ordinance

Dear Susan;

Thank you for the opportunity to provide comments on the Yolo County Draft Cannabis Ordinance. Yolo County Farm Bureau makes the following comments:

II. Description of Proposed Ordinance:

B. States that various environmental issues will be regulated under the ordinance. Nowhere is protection of neighboring agriculture listed as an environmental issue. Protected, productive agriculture is the hallmark of Yolo County. Cannabis can negatively impact neighboring ag operations in several ways. Provisions to protect neighboring ag operations should be part of the analysis.

Alternative 1.
This very limited 75 foot buffer to neighboring occupied residents should not even be considered a serious option to be studied in ag areas. Arguably, there could be less distance between a grow and a neighboring home in a rural, ag zoned area than the allowed separation in an urbanized area dealing with legal “recreational” cannabis grows.

Ag and Forestry Resources: the fact that various codes have defined cannabis as ag products does not make it so in the context of actual land use. There can be conflicts with the “real” ag surrounding or near a cannabis grow: (1) failure of the cannabis grower to maintain existing orchards surrounding a cannabis grow; failure to maintain them free of pests will negatively impact the costs of neighboring farmers; (2) schedule 1 status of cannabis makes it very difficult for a cannabis operation to bring in a “real” farmer to maintain permanent crops or farm annual crops on land not used in the cannabis operation which will lead to ag land going out of production, and potentially hosting pests that will put surrounding crops at risk. The EIR needs to focus on practical ways that neighboring farmers do not have the quality of their crop impaired and thus their costs increase, and/or their crop income decrease, because the cannabis growing neighbor does not take care of his non cannabis crop. This evaluation needs to include the reality of the impact of federal laws and regs on ag lenders and thus, their inability to be involved with operations funded by cannabis opera-tions.

Air Quality and Odors: actual examples of cannabis odors negatively impacting down wind properties in Yolo County illustrate the inappropriateness of outdoor grows; weather and inversion conditions can negatively impact areas miles away. The EIR needs to focus on the diminished quality of life over a wide potential zone caused by odors emanating from outdoor grows and indoor grows without adequate air filtration, etc.
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Public Services: Unfortunately it is a characteristic of the cannabis industry that a criminal element can become involved. There is added danger and risk to properties and neighbors of cannabis grows and other cannabis operations out in rural areas of the county. Additional sheriff protection will need to be placed into rural areas to protect those rural residents: this will require an analysis of current rural sheriff staffing, its adequacy, and the need for staffing levels to provide the necessary safety to residents who do not, by definition, live near police or sheriff stations. The financing to provide these increased staffing levels will also have to be analyzed. It should not be the responsibility of the existing tax base to provide the policing force required to ensure the preexisting safety levels marginalized by the cannabis industry.

We have also undertaken a quick review of some sections of the Draft Ordinance as follows:

Sec 8-2-1401: How can the ordinance be drafted seriously stating that cannabis land uses must conform to local, state and federal law when the substance is an illegal, Schedule 1 drug

Sec. 8-2.102
A. Introducing cannabis, which has a known criminal element into rural areas, is not conducive to public safety and welfare.

B. Cannabis growers are well known to use illegal pesticides that cause harm to the environment

C. Outdoor cannabis is not consistent with neighborhood compatibility

D. Introducing cannabis does not support neighboring ag economic development nor does it provide opportunities for new farmers who intend to grow food and fiber. The only “farming” sector that will be encouraged by this ordinance to develop new farmers is the cannabis industry.

F. Why is cannabis being recognized as an ag crop? The only thing that it has in common with the rest of ag is that it is a plant that is grown in the ground. The regulations may designate it as agriculture but it is completely different in its market, its consequences to its neighbors and its economic structure. Calling it “agriculture” does not make it so.

Sec. 8-2.1403
E. Cannabis is not an ag land use. It is not food nor is it fiber. This cannabis is grown for its mind altering qualities. These comments are made with knowledge that one can argue that tobacco is not “food” or “fiber” either but it is not grown for the same purpose as cannabis. At the very least it should be in an asterisked category of its own.

I. YCFB regrets the decision taken by a majority of the BOS on 6/2 6/18 and considers it shortsighted.

Sec. 8-2.1404
B. There should be no outdoor grows, including cannabis nurseries, allowed at all. Existing outdoor grows should be shut down as soon as legally possible.

Sec. 8-2.1405
H. It appears that the county is penalizing the less populated part of the county by increasing the number of cannabis activities that can occur there vs. more populated areas: The county needs to recognize that the less populated areas have less public authority protection. Cannabis should be located in industrial areas of the county where public services are readily available.

Sec. 8-2.1407
B. The county appears to believe that portions of ag zoned property that are not part of the cannabis activity on the parcel can be used for other agriculture. Please remember that lenders that are chartered or otherwise
regulated by federal law cannot have banking relationships with anyone involved in cannabis or who receives money from cannabis. Thus, a farmer who may have a banking relationship with such an institution will not be able to lease or otherwise farm “extra” land around a cannabis operation. Thus, ag areas of the county could have “islands” of cannabis operations surrounded by ‘oceans’ of fallowed (and probably poorly maintained) land.

F. The 1,000 foot buffer from the cannabis operation should run to the neighboring property line: the emphasis should not be to an “off-site individual legal residence”. Otherwise, the cannabis grow will impact the ability of the neighbor-ing landowner to fully utilize and enjoy his/her land for a residence, etc. where s/he may choose to locate it: the value of the neighboring property should not be diminished for the benefit of locating an incoming cannabis operation.

M. Dust control is a very important part of cultivation: a concern is that neighboring cannabis operations will not respect their ag neighbors by their overuse and excessive speeds on their own internal roads and their use of county roads that have been allowed to go back to gravel (example: CR 17 east of I-505) Dust carries spider mites: failure to meticulously control speeds and dust will impair the market value of neighboring crops.

DD. Nuisance: it seems inappropriate to limit “nuisance” in this instance to “individuals of normal sensitivity” when considering the well known odors emanating from cannabis grows. So long as there are any outdoor grows in Yolo County, any odor from cannabis that is detectable across property lines from grows should be considered a nuisance. Otherwise, innocent neighbors who receive no benefit at all from the cannabis grow are having to deal with negative consequences: the only remedy is to locate all grows indoors. And, indoor cannabis operations must have adequate odor control so untreated interior air is not expelled to the outdoors.

MM. Cannabis has street value if it falls outside the control of the [presumably] responsible owner/grower. Thus, it can be viewed as a particularly dangerous version of an “attractive nuisance”: it attracts people who may be armed. The neighbors of a cannabis project can reasonably have added concerns for their own safety. Review of this para-graph suggests that the emphasis has been placed on the security of the cannabis grow from intrusion. There should be equal concern and emphasis on ensuring that neighbors and persons in the vicinity are not at increased risk. The Sheriff’s office should review and approve cannabis operation security plans from the standpoint of neighbor and passersby protection, not just the integrity of the operation. This review and approval should take place before any operation is allowed to commence and should be reviewed by the Sheriff annually.

Sec 8-2.1409
E. The county should recognize that it is placing activities that pose unusual risk to neighboring people, property and operations into rural areas. It should insist on insurance limits adequate to compensate neighbors and passersby from damage that may be caused directly or indirectly by that activity.

Sec 8-2.1410
D. The county should require a security plan oriented to protecting the surrounding neighborhood as part of the Required Operational Information.

If you have any questions about our comments, please contact me.

Sincerely,

[Signature]
Nancy Lea
President

Yolo County
Cannabis Land Use Ordinance Response to Comments Document 3-487
February 21, 2017

Dear Farm Credit West Customer:

Farm Credit West and its subsidiaries including Farm Credit Services Southwest, ("FCW") is aware that some farmers/borrowers may be considering the conversion of some or all of their traditional farm operations to the growing of marijuana/cannabis ("marijuana"). While this may not apply to you, FCW wishes to make all of its customers aware of FCW’s position regarding this serious issue.

Although certain marijuana cultivation operations may be able to operate legally under state law in CA or AZ, marijuana is still listed as a Schedule I controlled substance under the federal Controlled Substances Act. So regardless of any state law relating to the growing of marijuana, it remains illegal under federal law. As a federally chartered entity, FCW must comply with federal law and cannot be involved with any aspect of financing a marijuana cultivation operation or receiving loan payments which consist in full or in part of proceeds generated from a marijuana operation—even if such operation is legal under applicable state law. FCW’s real property collateral cannot be used for the production/growing, processing or sale of marijuana regardless of whether the borrower is directly involved or a tenant is using the real property collateral as part of a marijuana operation. Furthermore, even if a marijuana operation is located on a borrower’s real property that does not serve as collateral for FCW loans, this still creates critical issues that have to be addressed. In either of these situations, involvement in a marijuana operation will potentially have a significant and serious impact on the lending relationship between FCW and the borrower and may, in some instances, result in actions such as the cancellation of revolvement of funds, the commencement of a judicial foreclosure, etc.

Since the vast majority of FCW’s stockholder/borrowers will not be involved in a marijuana operation and all operations have differences, this letter will not go into detail about the actions that FCW will take when such a situation arises. However, you can be assured that FCW will take all the steps necessary to protect the Association’s interests and those of its stockholders/borrowers.

Should you have any questions regarding FCW’s position, please contact either Dan Clawson (Chief Credit Officer) or Kevin Ralph (Exec. VP Administrative Services). Dan and Kevin are located in FCW’s Administrative Office and can be reached at (916) 780-1166.

Sincerely,

Mark D. Littlefield
President and CEO
Farm Credit West
FARMCREDIT

Mark D. Littlefield
President and CEO
Farm Credit West
Farm Credit West, FLCA
Farm Credit West, PCA
Farm Credit Services Southwest, ACA
Subsidiaries of Farm Credit West, ACA
The Farm Credit System
Recent changes in California state law regarding the use of recreational marijuana has caused some confusion regarding conservation services possible through the federal Natural Resources Conservation Service (NRCS) in California. This FAQ is intended to clarify assistance that is and is not possible in this evolving climate.

Under the federal Controlled Substances Act (21 U.S.C. Section 801 et seq., 21 CFR Part 1308), marijuana is a Schedule-I controlled substance. Therefore, regardless of any changes in state law, it remains illegal under federal law for producers to grow, sell, or possess any amount of marijuana.

When a producer signs a conservation contract with NRCS, it is expected that they read and understand the contract language which states that the producer agrees to comply with the terms and conditions of the contract and all applicable federal, state, tribal, and local laws. This includes laws pertaining to controlled substances.

NRCS is unable to provide technical assistance and financial assistance on any field that is producing marijuana or other controlled substances in violation of federal law, even if the cultivation of such controlled substances are lawful under state or tribal law.

Limited technical assistance may be possible under conditions discussed in this document.

The Role of NRCS Employees in Identifying/Reporting Cannabis Production

1) **Q:** What do we do when a landowner challenges our contention that they are growing cannabis, i.e. I received a report from a co-worker that she clearly saw cannabis growing on a landowner’s property, but the landowner denied it was cannabis.

**A:** When you first make your visit to the site and believe that cannabis is being grown, photograph it so that it is part of the record. If this becomes part of a contract action related to program participation, there is an opportunity for participants to demonstrate their compliance by providing additional information or appealing the NRCS determination.

2) **Q:** As NRCS employees are we required to notify FSA if we know there are customers of theirs growing cannabis?

**A:** There are no specific requirements for NRCS to notify FSA regarding a USDA customer growing cannabis. However, when NRCS provides technical assistance for conservation compliance activities, specific FSA program implementation, and other areas where the two agencies’ activities overlap, NRCS should notify FSA as part of our technical assistance role.

Helping People Help the Land
Additionally, even if NRCS is not providing technical assistance specifically on behalf of FSA, it is likely good office practice to notify FSA when we are aware of such activity with respect to one of their customers. In this manner, FSA may make their own determination with respect to their programs.

3) **Q:** How do we determine if a grower is a cannabis producer or not? I'm not sure I would be able to definitively identify a pot plant.

**A:** As discussed above, it is good field practice to photograph the plant suspected of being cannabis and consult a plant specialist to confirm.

4) **Q:** Are we expected or allowed to report likely illegal cannabis production sites? What are the consequences if we fail to do so?

**A:** NRCS is not responsible for drug enforcement. NRCS access to producer properties is subject to Section 1619 of the Food, Conservation, and Energy Act of 2008, under which NRCS is required to maintain the confidentiality of information about a producer’s operation.

5) **Q:** What should we do if we come across a pot producer?

**A:** If the producer participates in one of our conservation programs, then the participant is notified about the potential violation of the Drug Free Workplace provision in their contract and given the opportunity to come back into compliance. If there are safety concerns, such as illegal growing of marijuana on the land of someone else, you should report it to your supervisor in accordance with the safety policies within your office. Otherwise you have no responsibility.

6) **Q:** If a landowner is assisted by a local Resource Conservation District to grow cannabis and NRCS is made aware of this through office talk, is NRCS required to confront the landowner or only if NRCS staff themselves witness the cannabis in the field?

**A:** If the producer has a conservation program contract with us, we need to make the farmer aware of the potential violation and, again, give them the opportunity to come into compliance.

7) **Q:** If NRCS identifies cannabis in the field and the landowner does not accept our assessment can we enforce our policy?

**A:** Yes. You are required to comply with policy that our assistance cannot take place on farms growing cannabis. You may photograph the plant and send it along with a letter to the operator and let them know we will need to terminate assistance unless they come into compliance.

8) **Q:** I have heard that our current policy is limited to Farm Bill programs i.e. EQIP, CSP, WRE etc., and therefore not applicable to CTA and EWP. Is this true? This seems to be born out of the Contract Appendix language associated with a ‘drug free workplace’. If we are only providing technical assistance via CTA, there is no appendix.

**A:** All federal assistance is covered by the prohibition relative to growing cannabis. The scope of the limitation of our assistance depends upon whether we are providing technical assistance only or whether we are providing both technical and financial assistance pursuant to any of our conservation programs. Where we are only providing technical assistance, then we cannot provide technical assistance on any land that is being used to grow cannabis, but may provide technical assistance on any other land that is farmed by our customer. However, all financial assistance activities are subject to Drug-Free Workplace prohibitions.

USDA is an equal opportunity provider, employer, and lender.
We cannot provide financial assistance for activities on any land that is being used to grow cannabis or any other land that is part of that customer's operation.

**Entities and operations**

The operator of record is the party that we work with to assure compliance with our policies including the prohibition of growing cannabis.

1) **Q:** Current NRCS policy references ‘agricultural operations’ with respect to prohibition of providing financial or technical assistance. If we discover cannabis growing outside of what landowner has defined as their ‘agricultural operations’ as defined by farm records established with FSA, are we still prohibited from providing assistance?

   **A:** If the farmer is growing cannabis on land that is not part of their operation, then we can provide assistance for activities on the operation itself but not any land that is associated with the land that is being used to grow cannabis. This is because the restriction related to our financial assistance is limited to the area that constitutes the work place of our customer.

2) **Q:** What about land that is owned by one person that has been split with two operators. One grows marijuana, one does not. Can the other tenant that is adjacent to marijuana apply if they lease off the same parcel but have no interest in the marijuana?

   **A:** The tenant without the cannabis is eligible for assistance.

3) **Q:** If a landowner has different parcels of land and is growing cannabis on one parcel (e.g. the home base), and is not requesting our assistance on that particular parcel, may NRCS provide assistance on the other parcels where no cannabis is being grown?

   **A:** NRCS may provide assistance on the other parcels only if those parcels are not part of the same operation as the parcel on which the cannabis is being grown. Operators who are not growing cannabis are eligible for assistance.

4) **Q:** Are we prohibited from working any part of an operation that grows cannabis on only the enterprise/fields where it is cultured?

   **A:** Yes, if you see cannabis being grown on part of an operation, you may not conduct any activity related to conservation program participation on any part of that operation. If you are on the operation for technical assistance purposes only, unrelated to any conservation program, then you are only prohibited from working on the land that is being used to grow cannabis but may provide technical assistance on land unassociated with the growing of cannabis.

5) **Q:** If a landowner interested in our programs leases out part of his land to cannabis growers and then requests assistance only for the land he is not leasing out, where no cannabis is being grown, is this okay?

   **A:** The leased land growing the cannabis is under the control of the lessee and the owner would be eligible for assistance on the land that he did not lease out.

**Miscellaneous**

1) **Q:** Can we do erosion control on ground that used to have cannabis but all the plants have been burned away (recent fires)?

   **A:** Yes, NRCS can provide erosion control assistance if the cannabis plants are gone and are not going to be replanted.

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USDA is an equal opportunity provider, employer, and lender.
2) Q: What about providing technical review or support to partners who are working on projects that provide information to minimize adverse impacts to natural resources resulting from cannabis production? Example, ag commissioners, conservation districts, others who may provide information on proper chemical storage facilities, water use, setbacks from waterways, etc. I understand we would not provide direct support to producers for any such projects, but what about review of written materials, training curriculum, etc. that would target minimizing adverse impacts on resources?

A: If we are not going on the property or providing direct assistance to the landowner this assistance would probably be prudent inasmuch it is still our mission to address natural resource issues associated with agricultural production. In this case the customer is the partners and not the grower.

3) Q: What if a customer changes to cannabis after a contract has been obligated?

A: The customer becomes ineligible or in violation of his contract.

4) Q: Are there certain varieties of cannabis that are acceptable to work with (i.e., hemp, ornamental, non-THC strains)?

A: NRCS may provide technical and financial assistance to a producer of industrial hemp who is growing the industrial hemp in compliance with Section 7606 of the Agricultural Act of 2014. Section 7606 provides a limited exception where the industrial hemp production is pursuant to a pilot research project conducted by a State Department of Agriculture or university. It is the producer's responsibility to provide documentation that their activities meet the requirements of Section 7606.

5) Q: If a producer has a California medical license to grow marijuana and is doing so, can we still provide CTA? Can they have an EQIP contract?

A: No.

6) Q: If a property has marijuana on-site with no license, can we work with that property?

A: No.

7) Q: Do we have to ask to see a license, or just self-certification from point of contact?

A: Whether or not the producer has a license, NRCS cannot provide assistance.

8) Q: Will there be any distinction between a producer growing a handful of plants for personal use and those who are growing commercially?

A: No. Neither is eligible for assistance.

More Information

https://cannabis.ca.gov/contact-us/

Updated: Jan. 2018

USDA is an equal opportunity provider, employer, and lender.
Adding Cannabis Cultivation to Your Farm Could Impact Your USDA Loans and Payments

Submitted by Peter Nell on Mon, 03/19/2018 - 10:34

In light of California's new recreational cannabis cultivation and sales allowances, some organic producers are considering adding cannabis cultivation to their operations. However, producers should be aware that USDA has a long-standing policy regarding cannabis production, which could impact grower's eligibility for a range of USDA programs including Natural Resource Conservation Service (NRCS), Farm Service Agency (FSA), and crop insurance.

USDA staff cannot provide technical assistance to cannabis producers and producers with conservation contracts with NRCS who are growing cannabis are in violation with their contracts.

In the recently released Cannabis Guidance for NRCS California Employees, NRCS notes that producers growing cannabis cannot receive technical assistance or participate in conservation programs regardless of state law or medical cannabis licenses. Additionally, NRCS employees are prohibited from working on land that is being used to grow cannabis.

All federal assistance to cannabis producers is prohibited due to cannabis' federal status as a schedule-1 controlled substance. Therefore, regardless of state law, cannabis remains illegal under federal law for producers to grow, sell, or possess. NRCS notes that when a producer signs a conservation contract, they are expected to read and understand the contract language and are required to comply with federal law, including the prohibition of cannabis.

The guidance notes that producers with conservation program contracts that are growing cannabis should be made aware of the violation and that producers will be given the opportunity to come into compliance. Failure to comply will lead to termination of assistance. NRCS will not provide assistance to growers regardless of whether they have medical licenses to grow cannabis.

NRCS may provide technical and/or financial assistance to producers of industrial hemp who are in compliance with federal hemp regulations (Section 7606 of the Agricultural Act of 2014).

For more information or clarifications regarding conservation program contracts, contact your local NRCS Service Center.

Tags: financial assistance  general organic  policy  regulatory
Response to Comment 71-1  **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 comment refers to comments submitted in written and verbal form at the December 3, 2019, Planning Commission. Please see responses to Letter 11 and Response Comments 12-24 through 12-27 from the Farm Bureau to the Planning Commission.

Response to Comment 71-2  **CLUO Comment.** The comment expresses that Farm Bureau concerns regarding effects of non-cannabis agriculture and cannabis agriculture will be eliminated if cannabis activities are required to be conducted in “enclosed, air insulated and treated space” and additionally improved if cannabis activities are further restricted to industrially zoned land. This position is acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-3  **CLUO Comment.** The commenter explains the Farm Bureau’s terminology for non-cannabis crops. This background info is appreciated. The County uses the terms non-cannabis agriculture and cannabis agriculture.

Response to Comment 71-4  **CLUO Comment.** The comment expresses concern that the Draft EIR does not protect neighboring agriculture from agriculture and points out this is likely because the County considers cannabis to be agriculture. Please see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 71-5  **EIR Comment.** The comment expresses support for Alternative 4, which requires all cannabis activities to be conducted indoors and indicates that with the use of best practices to stop untreated air transfer and by requiring all cannabis activities to be indoors in unvented facilities, most or all concerns related to cannabis would be addressed. Cannabis cultivation in a building requires temperature and humidity control to ensure proper plant growth, which requires ventilation of the building. Ventilation has been identified as an important part of cannabis growth because proper air movement over the plants helps keep them healthy by reducing the chance of mold growth, distributing heat and humidity, and preventing pest and fungus infestations (*The ACHR NEWS* 2018; *Cannabis Business Times* 2020). For those working in cannabis facilities, ventilation is important as well for worker safety (*The ACHR NEWS* 2018). In summary ventilation is necessary for proper operation and safety. A requirement for unvented indoor space is likely to adversely affect cannabis plants and workers and is not recommended.

Response to Comment 71-6  **EIR Comment.** The comment expresses that the Draft EIR “ignores the reality of Yolo County agriculture” and notes that the “No Cannabis” alternative is rejected as infeasible. Please see MR-1, “No Project Alternative and No Cannabis Alternative.” The County notes that a fundamental difference between the position taken by the Farm Bureau and the policy of the County relates to whether cannabis is considered an agricultural endeavor or not. The County acknowledges the Farm Bureau’s position that cannabis is not agriculture. Please see MR-12, “Expression of Opinion/Preference.”
Response to Comment 71-7  **CLUO Comment.** The commenter acknowledges the proposed adoption of a new Policy AG-3.22 (see page 2-42 of the Draft EIR):

> Based on statewide and local voter support, accept cannabis cultivation, nurseries, processing, manufacturing, retail, and microbusiness operations as a new agricultural opportunity in support of agricultural economic development, preservation of agricultural land, and creation of opportunities for new farmers. Recognize unique challenges, and competing and evolving community values, by allowing for adaptive regulatory considerations over time.

The commenter recommends the addition of the following text: “in the event of conflict, priority shall be given to the needs of existing traditional/conventional/organic Yolo County crops and growers.” County staff does not support this recommendation or the premise that cannabis is not agriculture. A policy statement of this nature would deliberately identify cannabis as inferior to other crops, a position the staff does not share. Notwithstanding the staff position these comments are noted for the record and will be considered by the Planning Commission and Board of Supervisors. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-8  **EIR Comment.** The comment expresses concern regarding how cannabis operators maintain existing orchards or other permanent crops, and pest control. Section 8-2.1408(B) of the draft CLUO addresses Agricultural Maintenance and requires cannabis operators to use their agricultural property for agricultural activities and/or properly maintain it. Please also see, MR-5, “Cannabis as an Agricultural Crop.”

The commenter notes that typical agricultural lenders, federal advisors, and federally sponsored advisers are precluded from assisting cannabis operators due to the federal status of cannabis as a Schedule 1 controlled substance. The commenter indicates that the Draft EIR ignores these issues. These issues are not addressed in the EIR because they are not CEQA impact areas as defined by state law. Please see MR-6, “Economic Effects and Property Values,” and MR-11, “Cultural Change.”

Response to Comment 71-9  **EIR Comment.** The comment states that the Draft EIR fails to recognize the impact of cannabis on adjoining agriculture and identifies that cannabis operators that do not farm all of their farmland remove land from agricultural production. Please see Response to Comment 71-8 above and MR-5, “Cannabis as an Agricultural Crop.”

It may also be compelling to note that, based on the assumptions for each alternative, the following maximum acreage associated land disturbance could result (see Table 2-4 on page 2-32 of Chapter 2 of the Draft EIR):

- Alternative 1 and No Project – 156 acres
- Alternative 2 and 4 – 260 acres
- Alternative 3 – 517 acres
- Alternative 5 – 259 acres

Using the high end of 517 acres associated with Alternative 3, this is overall a relatively minute percentage (0.0008) of the overall County acreage, which totals 653,550 acres. This underscores that cannabis overall utilizes a very small proportion of agricultural land countywide. Based on aerial
reviews of farmland over the County individual non-cannabis cultivators have fallow land or land designated Agriculture but used for other purposes far in excess of this total.

Response to Comment 71-10 EIR Comment. The commenter disagrees with the conclusions for Impact AG-1 on page 3.2-21 of the Draft EIR related to conversion of farmland. The commenter’s view is that agricultural land on cannabis sites that is not in production should be considered converted for purposes of CEQA. This position is acknowledged for the record. The County staff do not share this position. Please see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 71-11 EIR Comment. The commenter notes that pest control operators may not apply pesticides near cannabis crops due to fear of financial liability. Please see Response to Comment 11-3.

Based on the Farm Bureau’s position that cannabis is not agriculture, the comment also expresses disagreement with the conclusion that cannabis uses could satisfy the Williamson Act compatibility requirements listed at the bottom of page 3.2-22 and top of 3.2-23 of the Draft EIR. This position is noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-12 EIR Comment. The comment objects to a statement in the Draft EIR that the impact of the environment on the project are not analyzed. This statement reflects case law that clarifies that the general requirement under CEQA is to analyze and disclose the effects of the project on the environment, not the reverse. Please see Responses to Comments 11-2 and 12-61 and MR-5, “Cannabis as an Agricultural Crop.”

The comment expresses concern regarding threat of litigation. Please see Response to Comment 12-61.

Response to Comment 71-13 EIR Comment. The commenter disagrees with the conclusions reached for Draft EIR Impact AG-3 and maintains that cannabis activities will create conflicts with non-cannabis agriculture and/or convert agricultural land to non-agricultural uses. These comments are reflective of the Farm Bureau’s position that cannabis is not agriculture. This position is acknowledged, noting respectfully that it is inconsistent with state and local law regarding cannabis.

Response to Comment 71-14 EIR Comment. The commenter reiterates the Farm Bureau’s opposition to cannabis, those who farm it, and its place in the agricultural market. These comments are noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-15 EIR Comment. The comment supports amending the General Plan to include farm dwellings in the definition of “sensitive receptor.” For the purposes of cannabis, farm dwellings are identified in the CLUO as a sensitive land use. Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-9, “Buffers.”

The comment recommends that the air quality and odor analysis in the Draft EIR focus on diminished quality of life from cannabis and takes the position that Alternative 4 would eliminate all or most cannabis odor. The Draft EIR addresses these items. Section 3.3, “Air Quality and Odors,” of the Draft EIR and Chapter 4 examine air quality and odor impacts at the project level, under countywide cumulative conditions, and in sub-regions throughout the County. This analysis discloses that cannabis odors can travel far, based on various conditions such as topography and winds, and that even with air
filtration controls, indoor systems have odor impacts (Draft EIR pages 3.3-29 through 3.3-32). Alternative 4 is identified as environmentally superior to the other alternatives, for minimization of odor impacts (Draft EIR page 5-7). Odor impacts at all three analyzed geographies (countywide, countywide cumulative, and sub-regional) are conservatively identified as significant and unavoidable based on quality-of-life concerns.

**Response to Comment 71-16** EIR Comment. The commenter expresses concern regarding the effect of odor on wine grapes. The commenter takes the position that cannabis must be restricted to indoor operations to prevent impacts on wine grapes. Please see Response to Comment 11-4.

**Response to Comment 71-17** EIR Comment. The commenter expresses opposition to Alternatives 1 and 3 and asks why 75-foot buffers are studied in the Draft EIR. The Draft EIR alternatives look at 75-foot buffers as the low end of the assumed range because that is currently the buffer required in the Licensing Ordinance for the minimum distance between cannabis and farm dwellings.

The commenter expresses support for measuring buffer distances from property line to property line. This position is noted. Please see Response to Comment MR-9, “Buffers.”

**Response to Comment 71-18** CLUO Comment. The commenter recommends that the same buffers should be applied to farm dwellings as to other identified sensitive land uses. The commenter finds 1,000 buffers to be inadequate and recommends cannabis activities be restricted to “enclosed controlled space.” This position is noted for the record. Please see Please see Response to Comment MR-12, “Expression of Opinion/Preference.”

**Response to Comment 71-19** EIR Comment. The commenter expresses that the Draft EIR does not adequately address “costs to police and protect neighbors.” The commenter recommends the Draft EIR analyze law enforcement staffing and adequacy, and that existing taxes not be used to address policing necessary for the cannabis industry. The commenter found the Draft EIR discussion of law enforcement to be limited and missing analysis of need and funding for law enforcement services to protect neighbors of cannabis operations. The pages cited in this comment comprise the summary of the environmental setting for the issue of law enforcement. The Impact analysis begins on page 3.13-34 and extends through page 3.13-37. The applicable CEQA threshold for law enforcement is whether implementation of the CLUO would result in “substantial adverse physical impacts associated with the need for new or physically altered law enforcement facilities.” For the following reasons, the Draft EIR concludes that this impact would be less than significant for all alternatives:

- Cannabis operators pay the County Facilities and Services Development Fee when they pull building permits. This is an impact fee for their fair share of planned County facilities and services.

- The proposed CLUO includes Section 8-2.1408(LL) regarding security and Section 8-2.1412 related to enforcement.
• The Licensing Ordinance includes Section 5-20.04(A)(2)(a)(4)(v), which requires a $10,000 surety bond to ensure performance; Section 5-20.04(A)(2)(c)(4), which requires fingerprinting of owners of the business and the property; and Section 5-20.10, which addresses enforcement. All of these sections will continue to apply.

• State licensing regulations include requirements for security. CCR Sections 5042, 5043, 5046, 5047, 40200, and 40205 require on-site security measures. These standards would minimize the potential for criminal activities through controlled access for authorized personnel and locked door requirements at noncultivation sites (CCR Sections 5042 and 5043), security measures that include video surveillance, security personnel, lock and alarm system requirements (CCR Sections 5044, 5045, 5046, and 5047). Manufacturing sites are required to provide a security plan that implements access controls to the building, alarm system requirements and video surveillance (CCR Sections 40200 and 40205).

• Property tax revenue from each parcel in the county contributes to law enforcement and other County services.

• Cannabis licensing fees include funding for the CTF, which conducts enforcement activities related to cannabis licenses, and includes two Sheriff’s detectives.

• Cannabis operators must pay the local Cannabis tax enacted through Measure K of 2018. The revenue from this tax, currently set at 4 percent of gross receipts for commercial cannabis cultivation, can be used for general government purposes including criminal enforcement of illegal cultivation (see page 3.13-22 of the Draft EIR).

Response to Comment 71-20 EIR Comment. This comment expresses the Farm Bureau’s opinion that the Draft EIR is not adequate for the reasons provided in subsequent comments. Please see the responses below.

Response to Comment 71-21 CLUO Comment. The comment asks for clarification regarding Section 8-2.1401. The intent of the statement was to reinforce compliance with applicable laws. Appendix C of the Draft EIR included the revised proposed draft CLUO, which contains amended language to clarify this point.

Response to Comment 71-22 CLUO Comment. The comment reflects the Farm Bureau position that cannabis is inconsistent with Section 8-2.1402 (A) through (F) of the draft CLUO purpose statement. This view is acknowledged. Enforcement is critical and the County has an active effective enforcement team called the Cannabis Task Force. The proposed CLUO would significantly strengthen the regulations and the ability to enforce non-compliant operators. Please see MR-7, “Code Enforcement and Crime,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-23 CLUO Comment. The comment refers to Section 8-2.1403 of the proposed CLUO. Given modifications to the proposed CLUO included in Appendix C of the Draft EIR, the section to which the commenter appears to be referring is now 8-2.1404. Please see Appendix C of the Draft EIR, which contains many important clarifications and corrections to the proposed CLUO.
The comment reflects the Farm Bureau position that cannabis is not an agricultural use, in that it is neither food nor fiber. This narrow view of agriculture would not only exclude cannabis, but also wine grapes, equestrian operations, ornamental nurseries, floriculture and horticulture, Christmas tree farms and many other forms of agriculture conducted all over the state and country. This view is acknowledged. The definition of agriculture in Yolo County is very broad and not restricted to crops that are food or fiber. Page 3.2-11 of the Draft EIR cites the current General Plan definition of the Agriculture (AG) land use designation, which is stated in Policy LU-1.1 of the Land Use and Community Character Element (adopted 2009) as follows:

Agriculture includes the full range of cultivated agriculture, such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, horticulture, floriculture, apiaries, confined animal facilities and equestrian facilities. It also includes agricultural industrial uses (e.g. agricultural research, processing and storage; supply; service; crop dusting; agricultural chemical and equipment sales; surface mining; etc.) as well as agricultural commercial uses (e.g. roadside stands, “Yolo Stores,” wineries, farm-based tourism (e.g. u-pick, dude ranches, lodging), horseshows, rodeos, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas. Agriculture also includes farmworker housing, surface mining, and incidental habitat.

Please also see MR-5, “Cannabis as an Agricultural Crop.”

**Response to Comment 71-24 CLUO Comment.** The commenter expresses regret over the Board decision made on June 26, 2018 to expand commercial cannabis from medicinal only to include adult recreational. This position is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 71-25 CLUO Comment.** The comment refers to Section 8-2.1404(B) of the proposed CLUO, but it appears this may be an incorrect reference. The section to which the commenter appears to be referring is now 8-2.1405(B). Please see Appendix C of the Draft EIR, which contains many important clarifications and corrections to the proposed CLUO.

The comment expresses opposition to outdoor cultivation and recommends they be moved indoors as soon as possible. This position is noted.

**Response to Comment 71-26 CLUO Comment.** The comment refers to Section 8-2.1405(H) of the proposed CLUO, but it appears this may be an incorrect reference. The section to which the commenter appears to be referring is now 8-2.1406(H). Please see Appendix C of the Draft EIR, which contains many important clarifications and corrections to the proposed CLUO.

The comment expresses opposition to this section of the originally proposed ordinance addressing overconcentration. Contrary to the commenter’s understanding, the intent of this section in not to increase the number of cannabis users in over-concentrated areas but rather to decrease them. Also, this section would be significantly modified by Mitigation Measure OVC-1 starting on page 4-45 of the Draft EIR. Please also see MR-10, “CUP Process and Overconcentration.”
Response to Comment 71-27  **CLUO Comment.** The comment refers to various performance standards under Section 8-2.1407 of the proposed CLUO, but it appears this may be an incorrect reference. The section to which the commenter appears to be referring is now 8-2.1408. Please see Appendix C of the Draft EIR, which contains many important clarifications and corrections to the proposed CLUO.

The commenter references Section 8-2.1408(B) addressing Agricultural Maintenance and expresses their belief that cannabis properties are likely to have considerable fallowed land. The federal status of cannabis does not preclude cannabis farmers from farming the full extent of their land thought the fact that many cannabis farmers do not fully utilize their land is disclosed and acknowledged in the Draft EIR (see Draft EIR pages 3.2-20 and 3.2-21). Please see Response to Comment 71-9. Also please note that additional modifications to this section were included in Appendix C of the Draft EIR.

Response to Comment 71-28  **CLUO Comment.** The commenter references buffers, which are now addressed in Section 8-2.1408(F), and recommends a 1,000-foot buffer measured from property line to property line. This recommendation is noted. Please see MR-9, “Buffers.”

Response to Comment 71-29  **CLUO Comment.** The commenter references dust control, which is now addressed in Section 8-2.1408(L), and notes that dust from cannabis operations can adversely affect walnut and grape crops and can carry spider mites, which also affect crops. Air quality and dust are analyzed in Section 3.3 of the Draft EIR. With the application of the requirements of the Yolo-Solano Air Quality Management District (District) and the performance standard in this Section, impacts are less than significant.

Health and Safety Code Section 41704(g) provides agricultural operations with exceptions from the Ringelmann requirements (opacity) in Section 41701, and from District Rule 2.3 – Ringelmann of the District.

The District does have authority to regulate dust from agricultural operations if it becomes a public nuisance pursuant to District Rule 2.5, and the Compliance Manager with the District has indicated that they do so as appropriate on a complaint basis. They have confirmed that dust from normal agricultural practices under normal weather conditions does not generally result in nuisance conditions.

Response to Comment 71-30  **CLUO Comment.** The commenter references to nuisance, which is now addressed in Section 8-2.1408(CC). The commenter expresses their position that it is not appropriate to limit nuisance to individuals of normal odor sensitivity, that any odor detectable across a property line should be considered a nuisance, and that all cannabis operations should be restricted to indoor facilities with adequate odor control. These positions are acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-31  **CLUO Comment.** The commenter refers to security, which is now addressed in Section 8-2.1408(LL), and recommends that the Sheriff’s office should annually review and approve cannabis security plans from the standpoint of neighbor and passersby protection, as well as for the integrity of the operation. Later in Response to Comment 71-41 this is further explained as a recommendation that the required security plan should focus on “protecting the neighborhood from the consequences of the cannabis operation.” It is not entirely clear what the Farm Bureau envisions this might specifically include, but County staff take the
position that a secure cannabis operation is a benefit to neighboring property owners and thus this requirement would already satisfy this recommendation. The Cannabis Task Force does include Sheriff detectives who would be involved in the review of all cannabis CUPs, including required security plans.

Response to Comment 71-32 **CLUO Comment.** In reference to Section 8-2.1409(E) of the proposed CLUO, the commenter indicates that cannabis activities “pose unusual risk” and cannabis operations should be required to maintain insurance that compensates neighbors and others for damages. The proposed CLUO includes a number of requirements that address safety and security including 8-2.1408(LL), 8-2.1408(00), and 8-2.1412 among others. Please see MR-7, “Code Enforcement and Crime”; MR-9, “Buffers”; and Response to Comment 5-3.

Response to Comment 71-33 **CLUO Comment.** Please see Responses to Comments 71-31 and 71-32. Section 8-2.1410(D)(3) requires submittal of a Security Plan, which is protected as confidential information (Section 8-2.1409(D)).

Response to Comment 71-34 **CLUO Comment.** Please see responses to Comment Letter 11.

Response to Comment 71-35 **CLUO Comment.** This comment is a copy of a June 2019 letter to the County requesting abatement of conditions associated with an existing walnut orchard at a specific licensed cannabis facility and does not contain comments on the proposed CLUO. This letter is acknowledged as a part of the record.

The County Agricultural Commissioner addressed the pest issues associated with the walnut orchard with the cultivator. The County Agriculture Department will be conducting a follow-up inspection in 2020 to further verify compliance. The cultivator has addressed the matter to the satisfaction of the County. No additional complaints have been received beyond those made in 2019.

Response to Comment 71-36 **CLUO Comment.** The commenter recommends that cannabis activities be restricted to indoor unvented space in industrial areas to best meet General Plan policies. This comment is noted. Please see Response to Comment 71-5 and MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-37 **CLUO Comment.** The commenter expresses their position that there is no reason to allow cannabis on agricultural land and that it damages the ability of neighboring farmers to raise food and fiber. This position is acknowledged. The definition of agriculture in Yolo County is not limited to food and fiber, nor is usage of agricultural and limited to these two items. Please see Response to Comment 71-23.

Response to Comment 71-38 **CLUO Comment.** The commenter reiterates the Farm Bureau position that all cannabis cultivation should be enclosed with no air exchange. This position is acknowledged.

Response to Comment 71-39 **CLUO Comment.** The commenter takes the position that no lighting should be visible from the outside of a cannabis greenhouse. Please see Response to Comment 24-7.

Response to Comment 71-40 **CLUO Comment.** The comment expresses concerns related to whether cannabis cultivators are covered under the County’s right-to-farm protections. The County staff has taken the position that cannabis activities are not covered under these County provisions. Please see MR-5, “Cannabis as an Agricultural Crop.”
Response to Comment 71-41 CLUO Comment. The commenter recommends that cannabis security plans include protections for the neighborhood from the consequences of the cannabis operation and a budget from the cannabis operator to support implementation of the neighborhood security plan. This recommendation is acknowledged. Please see Response to Comment 71-31.

Response to Comment 71-42 CLUO Comment. The commenter reiterates concerns regarding uncared for orchards and other plantings on cannabis properties. Please see Responses to Comments 71-9 and 71-27.

Response to Comment 71-43 CLUO Comment. The comment reiterates that siting incompatibilities identified by the Farm Bureau would be resolved by requiring cannabis activities to be conducted indoors in odor-controlled facilities that do not vent to the outside. This position is acknowledged.

Response to Comment 71-44 CLUO Comment. This comment summarizes seven Early Implementation Development Agreement applications. These applications are each conducting their own site/project-specific CEQA analysis. This comment is noted as part of the record.

Response to Comment 71-45 CLUO Comment. This comment reiterates the Farm Bureau’s position that no outdoor cultivation should be allowed. This recommendation is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-46 CLUO Comment. This comment supports a minimum 1,000-foot buffer measured from the property line of cannabis activities and identified sensitive land uses. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 71-47 CLUO Comment. The comment supports the requirements for a security plan for each cannabis operation. Please see Responses to Comments 31-11 and 71-31.

Response to Comment 71-48 CLUO Comment. This comment expresses concern that security risk to neighbors proximate to cannabis operations will be increased and property values will decrease. Please see Response to Comments 71-19. Compliance with state security requirements (Draft EIR pages 3.13-14 through 3.13-20), security requirements in the Licensing Ordinance, security requirements in the CLUO, code compliance, and law enforcement through the Sheriff’s Office adequately address security concerns for cannabis operators and neighboring properties. Please see MR-6, “Economic Effects and Property Values.”

Response to Comment 71-49 CLUO Comment. The comment asks what will happen to farmland not involved in the cannabis operation and notes that federal regulations prohibit federally funded farmers and farm advisors from becoming involved with cannabis operations. Please see Responses to Comments 71-8, 71-9, and 71-27.

Response to Comment 71-50 CLUO Comment. The commenter reiterates the potential for pests from fallowed land on a cannabis property to harbor pests that adversely affect the crops or trees on a neighboring farm. Please see Responses to Comments 71-8, 71-9, and 71-27.
Comment to Response 71-51  EIR Comment. This comment resubmits the Farm Bureau EIR scoping letter, which was included in Appendix A of the Draft EIR. This letter repeats comments addressed in Responses to Comment 71-1 through 71-51. Please see these responses above.

Response to Comment 71-52  CLUO Comment. This comment presents a letter from Farm Credit West regarding its status as a federally chartered entity and its policies and restrictions related marijuana.

Response to Comment 71-53  CLUO Comment. This comment presents a brochure from the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) entitled “Cannabis Guidance for NRCS California Employees.” This document clarifies that NRCS employees are prohibited from providing technical or financial assistance on any field producing cannabis.

Response to Comment 71-54  CLUO Comment. This comment submits an article by Peter Nell, Government Affairs Officer with California Certified Organic Farmers entitled “Adding Cannabis Cultivation to Your Farm Could Impact Your USDA Loans and Payments.” The article warns members that cannabis cultivation could impacts eligibility for USDA programs and refers to the document mentioned in Comment 71-53, above.
December 24, 2019

Susan Strachan  
Yolo County  
292 W. Beamer Street  
Woodland, CA 95695

Subject: Yolo County Cannabis Land Use Ordinance  
SCH#: 2018082055

Dear Susan Strachan:

The State Clearinghouse submitted the above named EIR to selected state agencies for review. The review period closed on 12/23/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: https://ceqnet.opr.ca.gov/2018082055/2 for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse
Response to Comment 72-1  **EIR Comment.** This letter from the State Clearinghouse documents County compliance with review requirements for CEQA documents. The letter incorrectly states that no state agencies submitted comments to the State Clearinghouse. The County did receive comments from the California Department of Food and Agriculture (Comment Letter 22) and from the Delta Stewardship Council (Comment Letter 26). Responses to both letters are provided in this document.
Susan Strachan, Cannabis Program Manager  
Yolo County Department of Community Services  
292 West Beamer Street  
Woodland, CA 95695  

December 23, 2019

Dear Ms. Strachan:

I appreciate the opportunity to comment on the Cannabis Land Use Ordinance [CLUO] Draft Environmental Impact Report (DEIR), October 25, 2019. I also appreciate that Yolo County had to forge forward on cannabis regulation without much guidance about what will work best, because of the lack of precedent for legal, commercial Cannabis.

Given this very new territory, the county wisely issued temporary cultivation permits, informing applicants that the regulatory framework could change substantially and growers should not count on their permits being renewed. In the meantime, the interim period has demonstrated many pitfalls of the interim Cannabis ordinance – and ways to fix these pitfalls.

My comments 1) address the pitfalls that residents of the Capay Valley experience every day, but that the DEIR does not address; and 2) offer suggestions about how the DEIR could address them to create a better environment for residents and growers, while still meeting the needs of marijuana consumers. Neither I nor any of the neighbors with whom I’ve discussed the DEIR are against having legal Cannabis grows in the Capay Valley. However, we do not want Cannabis operations to compromise the quality of life that has arisen here from the blend of caring neighbors and a beautiful landscape where food production intermixes almost seamlessly into natural areas.

THE DEIR DOES NOT OFFER ANY ALTERNATIVES THAT WOULD TRULY REDUCE IMPACTS OF CANNABIS OPERATIONS, LEAVING RESIDENTIAL NEIGHBORHOODS VULNERABLE TO ENVIRONMENTAL DEGRADATION

1. THE DEIR NEEDS A TRUE “NO CANNABIS” ALTERNATIVE

- The County declared the interim CLUO exempt from CEQA review. The County issued 78 temporary Cannabis cultivation permits without any environmental review under the interim CLUO.

- The DEIR defined the mandated “no project alternative” for the permanent CLUO as “consist[ing] of the 78 cannabis cultivation sites that are currently allowed to cultivate in the County” (p. ES-9). This means that no review ever occurred of the environmental impact of 78 Cannabis cultivation permits, even though no cultivation was allowed in the County only 4 years ago.
• Of the 5 analyzed in the DEIR beyond the alternatives “no project alternative” maintains the status quo of the existing 78 permits with existing buffer requirements will the others allow more permits. Thus, it is a given “status quo” alternative is the recommended on as all other alternatives have worse impacts merely on surface review. It is this aspect of the DEIR that leads to the appearance that the alternatives were constructed to result in a foregone conclusion. It is also important to note that all the alternatives that allow greater buffers – an important mitigation – also allow more permits, though there are no operational or other factors inherent to Cannabis production that connect the number of permits to the size of buffers.

For the County to have never analyzed the impacts of permitting Cannabis production to the alternative of no Cannabis production is a betrayal of the County’s residents.

Recommendation: Revise the DEIR to include an alternative reflecting no permitted cannabis operations.

2. THE DEIR MUST INCLUDE ALTERNATIVES THAT WOULD PROTECT THE UNIQUE CHARACTERS OF ALL YOLO COUNTY COMMUNITIES.

a. RURAL RESIDENTIAL AREAS. The DEIR should recognize that zoning maps do not reflect the true underlying diversity of the communities in Yolo County. The DEIR assumes a parcel size for cannabis production of 40 acres. Since most of the Capay Valley is zoned AN (intensive agriculture), it might be assumed to have a majority of parcels of at least 40 acres. In actuality, the Capay Valley has many spur roads off SR16 with clusters of residences on parcels under 5 acres. These legacy parcels have been grandfathered into current zoning. In some cases, families have occupied these parcels for more than 50 years. All residents who purchase property before 2016 brought into small, rural neighborhoods surrounded by the incredible beauty of the Valley, the starry night skies, and the deep silence of the nights, as well as the comity of the communities. The noise, odor, need for enhanced security and general nature of Cannabis operations do not fit with these residential clusters. Children living in these areas go to schools separated from Cannabis production by 1,000 feet buffers, but return to homes that can be only 75 feet from a cannabis operation. Such a situation exists within my neighborhood.

Recommendation: Revise the DEIR to include an alternative that either:

1. Allows Cannabis production only on parcels of 40 acres or more that do not adjoin any parcels of 5 acres or less with residences at the time the ordinance is enacted, or that

2. Requires all Cannabis operations to have buffers of 1,000 feet from property lines bordering parcels with residences of 5 acres or less at the time the ordinance is enacted. Also provide for a process that allows waivers from the 1,000 foot buffers if the Cannabis operations obtain agreement from all neighbors within 1,000 feet of the operation that they have developed a plan that mitigates negative impacts to odors, noise, and aesthetics as well as any other impacts incompatible with residential quality of life such as armed security guards and vicious dogs.
b. AESTHETIC ENVIRONMENTAL ASSETS.

The DEIR finds under “Impact AES-3: Substantially Degrade the Existing Visual Character or Quality of the Project Area” that

Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the adopted CLUO, would allow for the development of new cannabis uses that would alter the rural and agricultural character of the County (p.3.1-42).

The DEIR also states:

Notwithstanding implementation of these measures and other identified existing and proposed regulations, the potential for aesthetics impacts to occur is conservatively identified as significant and unavoidable because aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other traditional forms of agriculture in the County. Therefore, this impact is conservatively considered significant and unavoidable for all alternatives (p.3.1-46).

Furthermore, the DEIR understates the negative impacts to the beauty of Yolo County areas. The DEIR says “the typical agricultural character of the typical agricultural character of the unincorporated areas of the County in Exhibits 3.1-1a through 3.1-1c. These exhibits do not fully represent the full diversity of the County’s visual character, instead including only the flat, broad, featureless areas of the county characteristic of the Sacramento Valley Floor, rather than any of the narrower, oak-fringed valleys and riparian areas. Pages 3.1-7 lists the roadways designated scenic in the County’s 2030 General Plan. Page 3.1-9 lists the scenic viewsheds designated in the 2030 General Plan. Pages 3.1-17 to 21 lists all the policies from the County’s General Plan and local community plans to preserve these resources.

Given that the DEIR finds that cannabis production will have unavoidable, negative visual impacts, it would be sensible to keep cannabis production out of these special areas. Doing so would protect, for example, the work that the Capay Valley organic and other farmers have lavished on keeping it beautiful, so that it has become an agritourism destination attracting thousands of visitors with its Almond festival, Hoes Down, Lavender festivals, Taste of Capay and many other individual farm events.

Recommendation: Include an alternative in the DEIR that prohibits cannabis production from scenic roadways and view sheds described on pages 3.1-7 and 3.1-9 of the DEIR, or that conflict in any way with the county 2030 General Plan or local community plans listed on pages 3.1-17 to 21. An alternative that allowed Cannabis production only within the area described on page 3.1-6 as “Valley Floor” would meet these requirements, especially given that the all the photos in Exhibits 3.1-1a to c described as characterizing typical Yolo County agricultural areas appear to have come from the Valley Floor. This would eliminate the supposedly “unavoidable damage” DEIR identifies for Cannabis operations.

3. Much cannabis production is only nominally an agricultural activity. The plants often grow in pots, in growing medium that is discarded with each crop. The cannabis production site near me has not one bit of green visible. The plants are covered in hoop houses. The ground between houses is...
completely barren. Industrial areas and the large scale farming areas offer sites away from residences where noise, orders and negative aesthetic value would not infringe on current environmental quality of the County.

Recommendation: An alternative for moving cannabis production to industrial or large scale farming areas should be included.

OTHER COMMENTS

The following would be extremely helpful:

1. Please distinguish “potential” from “existing” sites on maps. Also, please provide a definition of a “potential” site.

2. Page ES-8 of the DEIR states

   SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

   The 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 DEIR, after implementation of the CLUO performance standards and identified mitigation measures, implementation of the CLUO would result in the following significant and avoidable impacts: (emphasis mine)

From the context, it seems that either “avoidable” should read “unavoidable” or the paragraph needs other changes to make sense. Could this be corrected in some way?

I appreciate your attention to these comments.

Sincerely,

Mica Bennett

December 23, 2019
Response to Comment 73-1  **CLUO Comment.** Thank you for submitting comments on the Draft EIR. The comment expresses concerns regarding impacts on Capay Valley residents and things that could be improved in the Draft EIR. These comments are noted.

Under CEQA Guidelines Section 15105, the County is legally required to provide a 45-day public review period for a Draft EIR. In order to provide additional time, the County instead provided 60 days for public review and comment of the subject Draft EIR. These comments were received after the close of the extended comment period.

Pursuant to CEQA, a lead agency is required to consider comments on environmental issues if the comments are received within the public comment period (PRC Section 21091[d] and CEQA Guidelines Section 15088). When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond (PRC Sections 21091[d][1] and 21092.5[c]). Although a lead agency is not required to respond to late comments, it may choose to do so (Gray v. County of Madera [2008] 167 Cal. App. 4th 1099, 1110; Gilroy Citizens for Responsible Planning v. City of Gilroy [2006] 140 Cal.App.4th 911, 925, fn. 10).

Response to Comment 73-2  **EIR Comment.** The comment states that the Draft EIR does not analyze alternatives that would reduce impacts from cannabis operations. Please see MR-1, MR-2, MR-3, and MR-4. Alternative 1, 2, 4, and 5 are all identified as having less impact that the No Project Alternative. Please see pages 5-7 through 5-15 of the Draft EIR. Please also see Response to Comment 33-2.

Response to Comment 73-3  **EIR Comment.** The commenter requests a “true no cannabis” alternative. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR,” and MR-4, “CEQA Alternatives and County Decision-Making.” The commenter also expresses concern regarding the lack of CEQA analysis of the licensees under the Licensing Ordinance. Please see MR-16, “Cannabis Licensing Program.”

Response to Comment 73-4  **EIR Comment.** The commenter expresses concerns that the no project alternative includes the 78 existing and eligible cannabis cultivation sites. Please see MR-1, “No Project Alternative and No Cannabis Alternative.”

Response to Comment 73-5  **EIR Comment.** The commenter expresses concern regarding CEQA analysis of the 78 existing and eligible cultivation sites. Please see MR-2, “Baseline Conditions Used in the Draft EIR,” and MR-16, “Cannabis Licensing Program.”

Response to Comment 73-6  **EIR Comment.** The commenter expresses concerns regarding the no project alternative and the assumptions underlying the five alternatives analyzed at equal-weight in the Draft EIR. Please see MR-1, “No Project Alternative and No Cannabis Alternative,” and MR-3, “Range of Alternatives Evaluated in the Draft EIR.” The number of cannabis operations assumed with each alternative is merely an analytical assumption for the purposes of the EIR. In conjunction with adoption of the CLUO, the Board of Supervisors will determine the appropriate buffer between identified sensitive land uses and the appropriate cap on operations by type.
Response to Comment 73-7  **CLUO Comment.** The commenter expresses disagreement with the CEQA assessment for the original Licensing Ordinance and 78 existing and eligible licensees. This position is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 73-8  **EIR Comment.** The comment recommends the addition of a no cannabis alternative. Please see MR-1, “No Project Alternative and No Cannabis Alternative,” and MR-4, “CEQA Alternatives and County Decision-Making.”

Response to Comment 73-9  **EIR Comment.** The commenter expresses concerns about the assumption for parcel size used in the Draft EIR, and the number of small agricultural parcels under five acres in size throughout the Capay Valley. The parcel size assumption is derived from actual average data for the County (see Draft EIR page 3-3). Please see MR-9, “Buffers.” The commenter expresses concern about noise, odor, security, general compatibility, and farm dwellings with small 75-foot buffers. These concerns are acknowledged. These issues are analyzed in the Draft EIR. Please see Response to Comment 31-3 regarding noise and the 75-foot buffer. Please see MR-9 regarding buffers for farm dwellings. Please see Response to Comment 5-3 regarding odor. Please see Response to Comment 71-19 regarding security.

Response to Comment 73-10  **CLUO Comment.** The commenter recommends that cannabis cultivation be allowed on parcels of 40 acres or more that do not adjoin parcels of five acres or less. This recommendation regarding parcel size is acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 73-11  **CLUO Comment.** The commenter supports 1,000-foot buffers measured from property lines of parcels of five acres or less, with residences. The commenter also supports a process to allow waivers from the 1,000-foot buffer with agreement from all neighbors within 1,000 feet of the operation based on implementation of a mitigation plan. This recommendation is acknowledged. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 73-12  **EIR Comment.** The commenter expresses concerns over aesthetic impacts and recommends that cannabis production be prohibited in identified areas, and only be allowed on the valley floor. The commenter further indicates this would mitigate this impact to acceptable levels. The commenters’ recommendations are noted for the record. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR,” and MR-17, “Consolidated Cannabis Campus.” Section 8-2.1407 identifies zoning restrictions for various types of cannabis.

As described in Draft EIR Impact AES-3, commercial cannabis activities under the CLUO for the five alternatives would introduce a new agricultural land use with characteristics that could adversely affect the rural and agricultural character of the County. Operations dedicated to cultivation are more densely arranged with the supporting buildings and greenhouses located close to each other as compared to other County agricultural operations such as row crops, orchards and vineyards, and pastureland that commonly use the entire parcel area. Cultivation sites often include solid fencing that obstruct open public views across agricultural fields. Other features that differ from existing agricultural operations include security features (e.g., gates, security personnel, and guard dogs) and in some cases, the lack of maintenance of the remaining land areas of the parcel that are not used as part of the cannabis operation. The proposed CLUO contains requirements described on
Draft EIR pages 3.1-24 and 3.1-25 that would regulate the overall visual quality of cannabis operations including the appearance of buildings and structures, and general maintenance of the sites. The discussion of aesthetic impacts in the Draft EIR reflects that aesthetic considerations are subjective and concludes conservatively that due to described changes in the visual environment aesthetic impacts would remain significant and unavoidable.

**Response to Comment 73-13** EIR Comment. The commenter recommends that cannabis production be limited to industrial areas or areas with “large scale farming.” This recommendation is acknowledged. Section 8-2.1407 identifies zoning restrictions for various types of cannabis. Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 73-14** EIR Comment. The commenter asks for a map that shows existing vs potential cannabis locations. The 78 existing and eligible cultivation sites are mapped on Exhibit 2-2 on page 2-5 of the Draft EIR. The potential additional site assumed under each alternative are shown on Exhibits 2-4 through 2-8 on pages 2-23 through 2-29. The number of active licensees changes each year. For 2020, 47 of the 78 existing and eligible licensees are licensed.

**Response to Comment 73-15** EIR Comment. The commenter points out a topographical error in the last line on page ES-8. Please see the correction below as well as provided in Chapter 4, “Revisions to the Draft EIR.”

Draft EIR page ES-8, the following changes are made to the last paragraph:

...The 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...
From: Helen [mailto:filly6@aol.com]
Sent: Tuesday, December 24, 2019 9:33 PM
To: Clerkoftheboard <clerkoftheboard@yolocounty.org>; cannabis <cannabis@yolocounty.org>
Subject: additional signatures on the Dec. 22 Rumsey group letter re CLUO and EIR

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

Dear Supervisors and County Staff:

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

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

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

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

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

2.

-conducted.

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

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

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

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

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

We cannot endure another season of disruption to our communities that has come with the existing cannabis situation in Rumsey, and similarly in Guinda. We hereby request in the strongest possible terms that the County officially relocate or terminate grows located in areas where residences are in close proximity as soon as possible, and not renew permits in these areas of over-concentration. These problems were created from inception by administrative actions of the County itself, again, without public notice or input, and, many of us believe, in violation of CEQA law. The alternatives set forth in the current EIR do nothing to correct the problem of over concentration and the attendant degradation of our quality of life.

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

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

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

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

Sincerely,

Larry Alegre, Rancho Alegre
Joel Berrelleza
Gretchen Ceteras, Blue Heron Farm
Barbara Clowers
Linda Deering
Corky and Vicki Facciuto
Todd Gettleman
Kathy Lowrey
Helen and Pete McCloskey, Rumsey Farms
Glenn Morgan
John Obermeier
Charley Oppen, Cache Creek Lavender
Robin and Serge Testa
Linda Wilson
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<th>Larry Alegre, Joel Berrelleza, Gretchen Ceteras, Barbara Clowers, Linda Deering, Corky and Vicki Facciuto, Todd Gettleman, Kathy Lowrey, Helen and Pete McCloskey, Glenn Morgan, John Obermeier, Charlie Opper, Robin and Serge Testa, and Linda Wilson</th>
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**Response to Comment 74-1**  
**EIR Comment.** Thank you for submitting comments on the Draft EIR. The commenters provide comments that were also provided in Comment Letter 32. Please see responses to Comment Letter 32.

Under CEQA Guidelines Section 15105, the County is legally required to provide a 45-day public review period for a Draft EIR. In order to provide additional time, the County instead provided 60 days for public review and comment of the subject Draft EIR. These comments were received after the close of the extended comment period.

Pursuant to CEQA, a lead agency is required to consider comments on environmental issues if the comments are received within the public comment period (PRC Section 21091[d] and CEQA Guidelines Section 15088). When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond (PRC Sections 21091[d][1] and 21092.5[c]). Although a lead agency is not required to respond to late comments, it may choose to do so (Gray v. County of Madera [2008] 167 Cal. App. 4th 1099, 1110; Gilroy Citizens for Responsible Planning v. City of Gilroy [2006] 140 Cal.App.4th 911, 925, fn. 10).

**Response to Comment 74-2**  
**CLUO Comment.** This letter has the same signatures as Letter 51 with the addition of Charlie Opper.
From: Kokyou T. Chau [mailto:kokyou@yahoo.com]
Sent: Thursday, December 26, 2019 12:19 PM
To: cannabis <cannabis@yolocounty.org>; Jacqueline Diaz <Jacqueline.Diaz@yolocounty.org>
Subject: Bro Properties

We here at Bro Properties LLC (Parcel 049-180-059) would like the following in our new land use ordinance if possible.

Alternative #6
1) Max 300 feet setback
2) Micro licenses
3) 8 Growers @5 miles
Response to Comment 75-1

CLUO Comment. Thank you for submitting comments on the Draft EIR. The commenter recommends 300-foot buffers, an overconcentration cap of 8 sites within a 5-mile area, and the ability to operate a microbusiness. These recommendations are noted.

Under CEQA Guidelines Section 15105, the County is legally required to provide a 45-day public review period for a Draft EIR. In order to provide additional time, the County instead provided 60 days for public review and comment of the subject Draft EIR. These comments were received after the close of the extended comment period.

Pursuant to CEQA, a lead agency is required to consider comments on environmental issues if the comments are received within the public comment period (PRC Section 21091[d] and CEQA Guidelines Section 15088). When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond (PRC Sections 21091[d][1] and 21092.5[c]). Although a lead agency is not required to respond to late comments, it may choose to do so (Gray v. County of Madera [2008] 167 Cal. App. 4th 1099, 1110; Gilroy Citizens for Responsible Planning v. City of Gilroy [2006] 140 Cal.App.4th 911, 925, fn. 10).
From: wyatt cline <knothammer@yahoo.com>
Sent: Friday, December 27, 2019 9:26 AM
To: Duane Chamberlain <Duane.Chamberlain@yolocounty.org>; Patrick Blacklock <Patrick.Blacklock@yolocounty.org>
Subject: Fw: Dear Supervisor, some facts and history on our State of Cannabis

Dear Sir,

I am writing to you outside of the DEIR response period in hopes that I don't get lost in the pile and my words can be absorbed.

Three years ago this Cannabis journey was started and started very wrong, residents and resident growers were told many different things and told of rules or requirements that did not exist but in the mind of our County Ag Commissioner only. With that said, this journey seems to be ending wrong with many problems not addressed or ignored. I believe that you all have an opportunity here to make this work, not make it perfect but make it work for our residents whom are non growers and growers alike treated with respect with process and truth.

There are several things that weigh heavily on the affected communities of which I live in 2 of them, Monument Hills District and Guinda.

1) The finger printing or live scans of workers and not the owners or principles.

2) Roads in close proximity to commercial grows, Mr. Panos needs to survey them, is it not true that some gravel companies are responsible for road repair with regard to damage that their enterprise causes?

There are some grows off of private roads with little public road impact and there should be no mitigation requirement for them but others are a different story.

3) Land values, this has to some how be considered, unless you want to be in close proximity to a grow, your values are going to decline or property be difficult to sell, there are examples of this in the upper valley.

4) Like kind Zoning does not work for blanket rules when it comes to Cannabis, AN or Ag intensive is not an equal zoning with regard to the proposed Cannabis ordinance, there are what I would call clustered parcels of very small acreages, some only one or a half an acre, more of a neighborhood or village and some are 20, 40, or 100 plus acres. The same rules cannot apply to all, some how the buffer requirements must be different, most of the issues come from these clustered areas.

5) It seems as though in some cases a grower and a impacted resident could work out a mediation if desired by both parties, maybe like a "grow easement".

There are many items still to be addressed, the above are some that present to me. I am not for abolishing Cannabis in our County and not for warehousing it all in doors, that also comes with a myriad of problems.

Many folks talk of the seemingly small amount of tax revenue that was garnered this year, though it was not the 2 million that some were hoping for, I appreciate the funding we received in our community and look forward to our fair share in the future for our community.

Thank you, Wyatt Cline
Response to Comment 76-1  
CLUO Comment. Thank you for submitting comments on the Draft EIR. Under CEQA Guidelines Section 15105, the County is legally required to provide a 45-day public review period for a Draft EIR. In order to provide additional time, the County instead provided 60 days for public review and comment of the subject Draft EIR. These comments were received after the close of the extended comment period.

Pursuant to CEQA, a lead agency is required to consider comments on environmental issues if the comments are received within the public comment period (PRC Section 21091[d] and CEQA Guidelines Section 15088). When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond (PRC Sections 21091[d][1] and 21092.5[c]). Although a lead agency is not required to respond to late comments, it may choose to do so (Gray v. County of Madera [2008] 167 Cal. App. 4th 1099, 1110; Gilroy Citizens for Responsible Planning v. City of Gilroy [2006] 140 Cal.App.4th 911, 925, fn. 10).

The commenter acknowledges their intention to submit late comments. These comments are noted.

Response to Comment 76-2  
CLUO Comment. The commenter describes the County’s regulated cannabis process to date. This comment is acknowledged.

Response to Comment 76-3  

Response to Comment 76-4  
CLUO Comment. The commenter identifies possible concerns regarding road damage due to cannabis uses. The draft CLUO requires cannabis uses to comply with the following that addresses roadways:

Section 8-2.1408(JJ): Roadways: In accordance with the County’s adopted policies and standards cannabis operators are strongly encouraged to take affirmative measures to combine trips, reduce greenhouse gas emissions, and minimize vehicle miles traveled. Policy CI-3.1 of the Circulation Element of the County General Plan identifies level of service policies intended to retain capacity on rural roads for agricultural uses, which includes cannabis cultivation.

If triggered by conditions identified in the Yolo Transportation Impact Study Guidelines, e.g. 100 new trips or more, applicants will prepare a traffic assessment for consideration as part of their use permit application. 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 adopted General Plan, roadway improvements (e.g. safety improvements) or other circulation improvements will be required as appropriate.
The permittee shall install/undertake appropriate roadway improvements identified by the County Engineer or District Fire Chief as appropriate, for County roads, or Caltrans and District Fire Chief for State roads, to adequately resolve identified concerns in a manner consistent with adopted standards and requirements as applied to other similar uses.

Response to Comment 76-5  
CLUO Comment. The commenter states concerns regarding property values. Please see MR-6, “Economic Effects and Property Values.”

Response to Comment 76-6  
CLUO Comment. The commenter identifies concerns regarding cannabis uses in A-N and A-I zones, parcel sizes, and states that rules buffer standards must be different for each zone. This comment is acknowledged.

Response to Comment 76-7  
CLUO Comment. The commenter suggests that a cultivator and an impacted resident could collaborate through mediation to develop a “grow easement.” Draft CLUO Section 8-2.1408(U) (Good Neighbor Communication) requires that cannabis uses to make available to property owners and residents/tenants within 1,000 feet of the property line an operable method of communication with a local or on-site responsible party having prompt access to the site/operation/activities. The purpose of this requirement is to facilitate communication between neighbors related to conditions at and operation of the activity. Draft CLUO Section 8-2.1408(DD)(3) includes suggested odor control for outdoor cannabis uses that may consist of odor easements.

Response to Comment 76-8  
CLUO Comment. The commenter identifies that many items regarding cannabis uses need to be addressed but is not in favor of abolishing cannabis or warehousing of uses. The commenter also states that cannabis has generated a small amount of tax revenue. This comment is acknowledged.
From: Anonymous  
Sent: Friday, December 27, 2019 11:24 AM  
To: Stephanie Cormier <Stephanie.Cormier@yolocounty.org>  
Subject: Cannibals EIR

I would like to address some comments and questions for the Yolo County Cannabis cultivation EIR. I would like to do this anonymously. In my opinion Yolo County opened the ability to grow marijuana without proper over site and planning. This has lead to adverse impacts on existing and future residence. These impacts effect safety, air quality, and property values.

Question 1

How do other jurisdiction mitigate the impact of safety, air quality and property values of stakeholders that otherwise are not involved in marijuana cultivation. Areas such as Las Vegas, Nevada, Denver Colorado and its surrounding area, or other jurisdictions known for best practices for adverse impact mitigation. What are these jurisdiction doing to mitigate adverse impacts?

Question 2

At what distance can the skunky smell from a commercial grow be detected during active harvest from the following type and size grows:

One acre outside grow plot?  
Five acre outside grow plot?  
An inside 2000 (or similar) square foot inside grow with filtrated exhaust air?  
An inside 2000 (or similar) square foot inside grow with out filtrated exhaust air?

Question 3

Will future land use rules be put into place based on scientific study of the smell from cannabis grows? If not what are the land use separation decision being based on?

Question 4

How does atmospheric conditions such as (but not exclusive to) inversion layers, temperature, air moisture levels and wind effect the distance the smell can be detected?

Question 5

Have other jurisdiction or Yolo county established that the smell from cannibals cultivation is a adverse impact? Was the smell impacting neighbors taken into consideration for current licensing application and land use? If not why not?
Question 6

Will the EIR make specific request to following people or organization for input into the EIR on public safety, officer safety and public impact?

The Yolo County Sheriff
The Yolo County Sheriffs associations
YONET
Incorporated Police Chiefs
Yolo county CHP Commander

Suggestions:

In order to mitigate the adverse public impacts of cannabis cultivation on the non-cultivating citizens of Yolo I would like to suggest that all current land use licencing that do not comply with the new mitigation requirements adopted by the supervisors have a sunset date. After that date the cultivator would be required to move to a location more suitable for this crop. No permit fees should be charge for this move. All new land permits be restricted to areas of the county with no residential units. Areas like the land fill and wast water treatment properties. To gain a permit outside of such areas the application would need to gain written permission from all property owners within an area that can smell the cannabis during harvest. This distance would be established buy a the EIR. Allow large property owners in newly zoned cultivation areas to lease or subdivide smaller parcels for sale to cultivators. This might promote grow zones where the grower could pool resources and economy of scale for profit and increased safety. Follow recommendations of our police organizations and leader to improve the safety of police officers, growers and the community.
Response to Comment 77-1

**CLUO Comment.** Thank you for submitting comments on the Draft EIR. Under CEQA Guidelines Section 15105, the County is legally required to provide a 45-day public review period for a Draft EIR. In order to provide additional time, the County instead provided 60 days for public review and comment of the subject Draft EIR. These comments were received after the close of the extended comment period.

Pursuant to CEQA, a lead agency is required to consider comments on environmental issues if the comments are received within the public comment period (PRC Section 21091[d] and CEQA Guidelines Section 15088). When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond (PRC Sections 21091[d][1] and 21092.5[c]). Although a lead agency is not required to respond to late comments, it may choose to do so (Gray v. County of Madera [2008] 167 Cal. App. 4th 1099, 1110; Gilroy Citizens for Responsible Planning v. City of Gilroy [2006] 140 Cal.App.4th 911, 925, fn. 10).

The commenter states that they would like their comments to be anonymous, and that the County process of cannabis cultivation permitting has resulted in impacts on safety, air quality, and property values.

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) and air quality and odor impacts in Section 3.3, “Air Quality” (see Draft EIR pages 3.3-20 through 3.3-38). Please see MR-6, “Economic Effects and Property Values.” Changes in property values do not require analysis under CEQA, except to the extent that there is substantial evidence to support a finding that they would result in physical environmental effects. A lead agency is also not required to analyze conclusory statements regarding social and economic impacts that are not supported by substantial evidence in the record. However, they may be considered by the Planning Commission and Board of Supervisors during their deliberations on the merits of the CLUO.

Response to Comment 77-2

**CLUO Comment.** The commenter asks how other jurisdictions (specifically, Las Vegas, Nevada, and Denver, Colorado) mitigate the impact on safety, air quality, and property values of stakeholders not involved in marijuana cultivation. Each jurisdiction that allows cannabis cultivation has adopted local regulations to address issues related to land use compatibility and nuisance concerns. These regulations vary but do often include requirements for security (e.g., fencing and site access control), odor control, and code enforcement actions for noncompliance. Please see MR-6, “Economic Effects and Property Values.”

Response to Comment 77-3

**CLUO Comment.** The commenter asks at what distance from various sized outdoor and indoor cannabis cultivation sites would odor be detected. It is not possible to identify the exact distances of odor detection as they are affected by topography, wind patterns, weather conditions, cannabis plant strain, and personal perception. For the same cannabis strain, at the same point in the harvest cycle, it is unlikely that odor from 1 acre of outdoor
cannabis would be distinguishably different from odor emitted from a 5-acre site. Odor emissions are not additive. For example, two odorous sources adjacent to one another will not be perceived as twice as strong by a receptor, though they may generally be perceived as stronger. More importantly, Yolo County does not allow any site to have more than 1 acre of garden canopy under any circumstance. However, odor from two similarly sized greenhouses, one with odor control and one without, might be noticeable. Please also see Response to Comment 62-5.

Odor emissions are not constant; they vary. For outdoor cultivation, odors are typically strongest prior to and during harvest and processing. The plant flowers or buds emit their strongest odor at that time, and there are odor emissions as well associated with harvesting activities, such as removal and transport of the marketable parts of the plant. For indoor cultivation with odor controls, odors are typically strongest when the ventilation system exchanges air. For indoor cultivation without odor control, odors will be concentrated inside the facility over time; therefore, stronger emissions will occur each time doors are opened and closed or when air escapes through other means. Please see Response to Comment 49-15.

Notwithstanding the questions posed by the commenter, the proposed CLUO establishes performance standards that must be met under any circumstance. These include restrictions to specified land use zones (Section 8-2.1407), requirements for communications between neighbors (8-2.1408(U)), buffers (8-2.1408(E)), overconcentration caps (8-2.1406(H) as modified by Mitigation Measure OVC-1), setbacks (County Zoning Code), odor strength thresholds (8-2.1408(DD)), site design (8-2.1408(OO)), and enforcement (8-2.1412). All cannabis operations will be required to demonstrate compliance with the final CLUO in order to secure a cannabis use permit.

Section 8-2.1408(CC) of the draft CLUO establishes that odor nuisance conditions will occur when a cannabis odor 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 over the specified period. If it is determined that a nuisance exists, the County enforcement officer will 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 the proposed CLUO to abate. Please see MR-7, “Code Enforcement and Crime.”

Section 8-2.1408(DD) of the draft CLUO, which addresses odor control, does not specify a specific required technology, but it does establish odor performance standards (e.g., a maximum dilution-to-threshold [D/T] ratio of seven parts clean or filtered air to one part odorous air [7:1] at the property line). Cannabis facilities operating in compliance with this threshold, the terms of their cannabis use permit, and other applicable regulations would not be considered a nuisance.
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. The combination of these various controls and standards will provide multiple tools for controlling odor to acceptable levels. This approach is superior to defining a specific technology that may be replaced by better methods over time.

As identified by the Draft EIR and the commenter, the 7:1 D/T standard is based on scientific research regarding human reactions to odor concentration levels (objectionable), which is not the same as a detectable odor. Draft EIR Impact AQ-4 identifies that operation of cannabis uses has the potential to generate detectable odors associated with cultivation, processing, manufacturing, and microbusiness operations. This impact is therefore conservatively identified as significant and unavoidable.

Response to Comment 77-4 CLUO Comment. The commenter asks what regulations are proposed for odor control and what are the bases for those controls. Please see Response to Comment 77-3 and Draft EIR Section 3.3, “Air Quality and Odors.”

Response to Comment 77-5 CLUO Comment. The commenter asks whether atmospheric conditions affect the extent of odor detection. The extent of odor detection and impacts can be affected by wind patterns and weather conditions. The majority of the odor complaints in the County were received during the summer and fall months when cannabis is ready for harvest. Weather conditions associated with these complaints generally consisted of calm weather conditions (light wind and temperatures ranging from 75 to 95°F) (see Draft EIR page 3.3-10).

Response to Comment 77-6 CLUO Comment. The commenter asks whether other jurisdictions have identified cannabis odors as an adverse impact. The commenter also asks whether odors were considered in the licensing of current cultivation sites in the County. Counties that have prepared EIRs for cannabis programs that have identified significant odor impacts from cannabis uses in Humboldt, Trinity, Nevada, and Santa Barbara counties. While the current licensing program under Yolo County Code Title 5, Chapter 20 does not provide odor control standards, the current Code does allow the County to conduct enforcement action for confirmed odor impacts.

Response to Comment 77-7 EIR Comment. The commenter asks whether law enforcement personnel were consulted as part of the EIR process. Preparation of the Draft EIR and draft CLUO included consultation with the Yolo County Sheriff-Corner Office, where appropriate. Please see MR-7, “Code Enforcement and Crime,” regarding code enforcement and crime.

Response to Comment 77-8 CLUO Comment. The commenter recommends that licensed cannabis operations that do not comply new mitigation measures have a sunset date. Please see Responses to Comments 5-14 and 49-24 and MR-10. The commenter also suggests the County should waive permit fees for operations that seek to relocate to a new site. This comment is noted. Relocation will require an operator to apply for a cannabis use permit and appropriate other approvals for a new location. The County bills applicants for this process based on time spent. If fees were to be waived this would mean that the County general fund would be covering the costs for a private applicant to secure permits to operate at a given site. County staff do not support public funding for private land development applications.
Response to Comment 77-9  **CLUO Comment.** The commenter recommends that all cannabis permits be restricted to areas of the County with no residential units. This comment is noted. Draft EIR Table 2-6 (Draft EIR page 2-34) identifies that commercial cannabis uses would not be allowed in residential zones under the proposed CLUO. The proposed CLUO would also require buffers between outdoor cannabis uses and residences. Buffers may be different for residences in residential zones versus residences in agricultural areas (farm dwellings) (see MR-9, “Buffers”). The size of the buffer would be determined by the Board of Supervisors. The commenter also expresses support for locating cannabis uses near the landfill or wastewater treatment facilities. This comment is noted. Please also see MR-17.

Response to Comment 77-10  **CLUO Comment.** The commenter recommends that cannabis applicants must secure written permission from each property owner that could smell odors from the cannabis site. This determination of what property owners could smell a site would be required to be analyzed in an EIR. This comment is noted.

Response to Comment 77-11  **CLUO Comment.** The commenter recommends creation of a new cannabis cultivation zone, in which large property owners could lease or subdivide smaller parcels for use by other cultivators. This comment is noted. Please see MR-17.

Response to Comment 77-12  **CLUO Comment.** The commenter recommends that the County follow the recommendations of law enforcement organizations. This comment is noted. Please see MR-12.
January 14, 2020

Susan Strachan
Yolo County Community Services Department
292 West Beamer Street
Woodland, CA 95695

RE: Comments Offered by the City of Woodland Concerning Yolo County’s Proposed Cannabis Land Use Ordinance and Draft EIR

Dear Ms. Strachan:

The City of Woodland would like to submit the following comments to Yolo County Community Services Department with regard to the proposed Cannabis Land Use Ordinance and Draft EIR. We appreciate and applaud the County’s effort to evaluate and consider the range of interests related to commercial cannabis, as outlined in the Project Objectives in the DEIR. Further, the County is commended for providing a thorough and robust analysis and public outreach. As mentioned in our meeting with you on December 13, 2019, the City is particularly concerned about impacts that may occur within and directly adjacent to the City’s Sphere of Influence. The following comments summarize comments offered by the City.

Buffers
Many of the impacts associated with cannabis cultivation are relative to their proximity to other uses and sensitive receptors. The City of Woodland requests that no commercial cultivation be allowed within the City’s Sphere of Influence, or within a half-mile of the City’s sphere/Urban Limit Line boundary. Further, it is suggested that the buffer setback should be no-less than 1,000 feet, and scaled up appropriately where adjacent to sensitive uses such as parks, recreation areas, schools, or residential. In these instances, a larger buffer distance is recommended. Further, it is recommended that only mixed light/indoor cultivation facilities be permitted, particularly where adjacent to sensitive uses.

Overconcentration
The DEIR identifies where there is existing overconcentration of existing cultivation permits in West Woodland and Capay Valley. The City recommends that disbursement of these permits be required. The DEIR states that greater than five permits/licenses
within a six-mile radius is an overconcentration. The City suggests that no more than five permits/licenses be allowed in a qualified area with appropriate buffers.

Air Quality/Odors
Odors present some of the most noticeable impacts associated with commercial cannabis operations and represent the greatest number of complaints received by the City from residents. Odors from both cultivation and manufacturing processes can affect the quality of life for sensitive uses and may result in loss of use of property, including effects on existing agricultural tourism uses. The City suggests that cultivation only be permitted to occur in mixed-light/indoor cultivation facilities that are equipped with appropriate filters to mitigate odor impacts on adjacent properties.

Visual Quality/Character/Light and Glare
As discussed in the DEIR, impacts from commercial cannabis operation on the rural aesthetics and visual character can be significant. Light and glare affect the nighttime ambiance and dark sky. Further, characteristics of commercial cannabis cultivation sites are often not consistent with the traditional agrarian nature of the Capay Valley and lands surrounding Woodland. The City suggests that additional mitigation requirements be imposed to prevent light pollution, including for site operations and mixed-light cultivation structures.

Use Types
The City recognizes that the County DEIR was scoped to allow a range of commercial cannabis use types to be considered. It is the City’s position that, similar to existing practice, more intensive manufacturing uses be located in industrially designated and zoned areas within city limits where utilities and compatible uses exist.

Hemp
While less regulated by the State, there is concern that Hemp cultivation and manufacturing could have impacts that are very similar to those outlined in the DEIR for cannabis including odors, light and glare, visual impacts, and overconcentration. It is recommended that the County Ordinance include Hemp, to be regulated in a manner similar to cannabis, particularly for cultivation.

The City appreciates the opportunity to provide comments and looks forward to any follow up dialog on how to best address these concerns.

Thank you,

Paul Navazio
City Manager
Response to Comment 78-1  
**CLUO Comment.** Thank you for submitting comments on the Draft EIR. The commenter expresses concerns regarding impacts that may occur within and adjacent to the City’s Sphere of Influence (SOI).

Under CEQA Guidelines Section 15105, the County is legally required to provide a 45-day public review period for a Draft EIR. In order to provide additional time, the County instead provided 60 days for public review and comment of the subject Draft EIR. These comments were received after the close of the extended comment period.

Pursuant to CEQA, a lead agency is required to consider comments on environmental issues if the comments are received within the public comment period (PRC Section 21091[d] and CEQA Guidelines Section 15088). When a comment letter is received after the close of the public comment period, a lead agency does not have an obligation to respond (PRC Sections 21091[d][1] and 21092.5[c]). Although a lead agency is not required to respond to late comments, it may choose to do so (Gray v. County of Madera [2008] 167 Cal. App. 4th 1099, 1110; Gilroy Citizens for Responsible Planning v. City of Gilroy [2006] 140 Cal.App.4th 911, 925, fn).

Response to Comment 78-2  
**CLUO Comment.** The commenter recommends the prohibition of commercial cultivation within the SOI or within one-half mile of the SOI. The commenter also recommends that buffers should be a minimum of 1,000 feet and greater near parks, recreation areas, schools, and residential uses. The commenter recommends that only mixed-light (greenhouse) and indoor cultivation facilities be allowed, particularly adjacent to identified sensitive land uses. These recommendations are noted for the record. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 78-3  
**EIR Comment.** The commenter supports disbursement of existing cannabis permits within areas of overconcentration identified in Guinda/Rumsey and Willow Oaks/ Monument Hills. The commenter recommends that no more than five sites be allowed within a 6-mile-diameter area, with recommended minimum 1,000-foot buffers. These comments will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-9, “Buffers”; MR-10, “CUP Process and Overconcentration”; and MR-12, “Expression of Opinion/Preference.”

Response to Comment 78-4  
**EIR Comment.** The commenter expresses concerns that odors from cultivation and manufacturing uses will affect quality of life, result in loss of use of property, and adversely affect existing agricultural tourism uses. The comment recommends that cultivation be limited to greenhouses and enclosed buildings with odor control. Draft EIR Impact AQ-4 identifies that operation of cannabis uses have the potential to generate odors associated with cultivation, processing, manufacturing, and microbusiness operations resulting a significant and unavoidable impact. The draft CLUO would require buffers between outdoor cannabis uses and identified sensitive land uses. Draft CLUO Section 8-2.1408(E) establishes odor control requirements that would prohibit odors from leaving the cannabis site in excess of 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]). The Draft EIR identifies that odor impacts for cannabis uses in buildings and greenhouses could be addressed through use of appropriate odor control technology coupled with an engineered ventilation design to achieve and the allowable threshold for cannabis odor in CLUO Section 8-2.1408 (DD). Alternative 4 would prohibit outdoor cannabis uses as suggested by the commenter. These recommendations are noted. Please see MR-6 and MR-12. The comment regarding effects on agricultural tourism is unclear and there is not enough explanation to provide additional response.

Response to Comment 78-5  
**EIR Comment.** The commenter identifies concerns regarding nighttime lighting impacts from cannabis cultivation sites. Draft CLUO Section 8-2.1408(Z) requires all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts and the nighttime sky. Cannabis uses would also be required to use nonreflective building materials (Sections 8-2.1408[F] and [OO]) and would be subject to a prohibition against lighting in hoop houses (Section 8-2.1408[X]). These standards would be effective in maintaining current nighttime character of the County. The commenter is referred to Draft EIR pages 3.1-46 through 3.1-48 for a detailed analysis of lighting impacts for the five CLUO alternatives. Please also see Response to Comment 24-7. The commenter supports additional mitigation measures for impacts from lighting, but no recommendations are provided, so it is not possible to comment further. The commenter suggests that cannabis cultivation is not consistent with the “agrarian nature” of the Capay Valley and lands around Woodland. This position is noted. Please see MR-12.

Response to Comment 78-6  
**CLUO Comment.** The commenter recommends that cannabis manufacturing uses be directed to industrial zoned lands within the city limits. Section 8-2.1407 of the proposed CLUO restricts cannabis manufacturing (volatile, nonvolatile, and infusion) to County industrial zones, subject to demonstration of compliance with the proposed CLUO and issuance of a cannabis use permit, which require, among other things, access to required utilities and a determination of land use compatibility. This addresses the concerns expressed by the commenter.

Response to Comment 78-7  
**CLUO Comment.** The commenter expresses concerns regarding hemp and recommends the proposed CLUO apply to hemp as well as cannabis. These comments are noted. Please see MR-8, “Marijuana and Hemp.”

Response to Comment 78-8  
**CLUO Comment.** The commenter expresses appreciation for the opportunity to comment and looks forward to a continuing dialog. Thank you. The County will provide additional opportunities for comment on the CLUO and EIR during public hearings before the Planning Commission and Board of Supervisors. The commenter is encouraged to continue to participate.
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