NOTICE OF AVAILABILITY and
NOTICE OF PLANNING COMMISSION ONLINE WORKSHOP AND HEARING for the
FINAL ENVIRONMENTAL IMPACT REPORT on the
PROPOSED CANNABIS LAND USE ORDINANCE (CLUO) for YOLO COUNTY

DATE: August 28, 2020
TO: Interested Agencies and Individuals
FROM: Yolo County Department of Community Services

The Final Environmental Impact Report (Final EIR) (SCH #2018082055) for the Proposed Cannabis Land Use Ordinance (CLUO), including new proposed revisions to the Draft CLUO, is available for public review on September 1, 2020.

An online public workshop on the Draft CLUO and related approval process will be conducted by the Planning Commission on Thursday, September 10, 2020 at 8:30 a.m.

An online Planning Commission public hearing on the Draft CLUO will be held on Thursday, November 12, 2020 at 8:30 a.m. and Thursday, December 10, 2020 at 8:30 a.m., if necessary.

More information on the workshop and hearing is provided below.

Yolo County (County) is proposing to adopt a Cannabis Land Use Ordinance (CLUO). The proposed ordinance will apply to all unincorporated areas of the County. The County currently regulates the cultivation of cannabis under the Marijuana Cultivation Ordinance codified in Chapter 20 of Title 5 of the Yolo County Code. The Marijuana Cultivation Ordinance includes standards for licensing, setbacks, compliance with State regulations, surety bonding, lighting restrictions for mixed-light cultivation, and implementation and enforcement provisions. The approval process for cannabis cultivation licenses is ministerial with no public notification or hearing process. Cannabis cultivation licenses are required to be renewed annually.

The County proposes to amend the County Code to add a discretionary conditional use permit requirement for all cannabis activities including comprehensive zoning, site design, development, and operational standards. The CLUO will potentially reduce or expand allowed cannabis activities in the unincorporated County, and will include requirements for public noticing, buffers from identified sensitive land uses, caps on the number of operations and license types, and other performance standards. Amendment of several policies of the County General Plan, and of several other related County regulations, is also proposed.

The Draft EIR analyzed at an equal level of detail five alternative variations to the proposed CLUO, all of which rely on the same underlying regulatory requirements with varied assumptions for cannabis license types, numbers of operations, allowed location, allowed density, and required buffers from identified sensitive uses.
The alternatives are: **Alternative 1**: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative); **Alternative 2**: All License Types with Moderate Limits; **Alternative 3**: All License Types with High Limits; **Alternative 4**: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types; and **Alternative 5**: All License Types with Moderate Limits, Within Agricultural Zones Only, No Retail.

The Final EIR includes the Draft EIR volumes by reference, and provides: copies of all of the comment letters received on the Draft EIR, master responses to common comments, individual responses to all comments, identified changes to correct and clarify the Draft EIR, the Mitigation Monitoring and Reporting Program (MMRP), and additional relevant information.

Adoption of the proposed CLUO will require several actions by the County, including the following:

- Certification of the Final EIR
- Adoption of a General Plan Amendment for revisions to the text of Policy LU-1.1 and Table LU-4, modification of Policies LU-2.3 and AG-1.3, and inclusion of a new Policies LU 1.4 and AG-3.21
- Adoption of the CLUO adding Article 14 (Cannabis Land Use Ordinance) to Chapter 2 (Zoning Regulations) of Title 8 of the Yolo County Code
- Adoption of amendments to other sections of the County Code to comport to the CLUO

The Final EIR (including the Draft EIR and the Draft CLUO) is available for public review on September 1, 2020 at the following website: [https://www.yolocounty.org/community-services/cannabis-3398](https://www.yolocounty.org/community-services/cannabis-3398)

Electronic copies of the document may be downloaded at no cost at the link provided above. Printed copies of the document may be requested for a fee to cover the cost of copying and delivery. Printed or electronic copies of the document are also provided at all Yolo County libraries including the Woodland Public Library at 250 First Street, Woodland, CA 95695; however, access to these facilities may restricted or prohibited due to COVID-19 orders. Please contact Susan Strachan (using the contact information provided below) for more information:

Susan Strachan, Cannabis Policy and Enforcement Manager
Yolo County Department of Community Services
292 West Beamer Street
Woodland, CA 95695
Phone: (530) 406-4800
Email: cannabis@yolocounty.org.

Based on guidance from the California Governor’s Office and the California Department of Public Health, in order to minimize the spread of COVID-19, you can participate in the Planning Commission workshop and hearings online or by phone. Meeting agendas, staff reports, and related information will be available at least 72 hours prior to each meeting at the following link: [https://www.yolocounty.org/Home/Components/Calendar/Event/49989/428](https://www.yolocounty.org/Home/Components/Calendar/Event/49989/428)

An online **public workshop** on the Draft CLUO and related approval process will be conducted by the Planning Commission on Thursday, September 10, 2020 at 8:30 a.m.

An online **public hearing** on the CLUO will be conducted by the Planning Commission. The hearing schedule is as follows:
• Thursday, November 12, 2020 at 8:30 a.m.
• Thursday, December 10, 2020 at 8:30 a.m., if necessary

You may watch and/or participate in the workshop and hearing via computer by clicking on the link below and entering the meeting ID Number: https://zoom.us/j/91217693177?pwd=bHRTaGxoSUlKOElON1E1czBjeVlEdz09, Meeting ID: 912 1769 3177. You can also listen and/or participate by phone by calling: 1-669-900-9128, Meeting ID: 912 1769 3177#, Passcode=174319.

You may submit written comments prior to the hearing via email: cannabis@yolocounty.org or via mail to Susan Strachan with the Department of Community Services at the address above.

There will be no transcript of the workshop or hearing. However, the workshop and hearing will be summarized in future Planning Commission and Board of Supervisors staff reports, respectively.

If you require special accommodations to participate in the public hearing, please contact the Yolo County Department of Community Services at (530) 666-8078. Please make your request as early as possible and at least one-full business day before the start of the meeting.

In compliance with CEQA Guidelines Section 15087(c)(6) the lists specified under Government Code Section 65962.5.5 related to hazardous waste conditions include a total of 39 known hazardous material and contamination sites in the County (see Exhibit 3.9-1 of the DEIR).

Pursuant to California Government Code Section 65009(b)(2) and other provisions of law, any lawsuit challenging the approval of a project described in this notice shall be limited to only those issues raised at the public hearing or described in written correspondence delivered for consideration before the hearing is closed.

For more specific questions about the project, please contact Susan Strachan using the contact information provided above.
Final Environmental Impact Report
for the

Yolo County Cannabis Land Use Ordinance
State Clearinghouse No. 2018082055

PREPARED FOR

Yolo County
Department of Community Services
292 W. Beamer Street
Woodland, CA 95695

Susan Strachan, Cannabis Policy and Enforcement Manager
(530) 406-4800

PREPARED BY

Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Pat Angell
Project Manager

September 2020
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOTICE OF AVAILABILITY FOR THE FINAL EIR</td>
<td></td>
</tr>
<tr>
<td>LIST OF ABBREVIATIONS</td>
<td>iii</td>
</tr>
<tr>
<td>1 INTRODUCTION</td>
<td>1-1</td>
</tr>
<tr>
<td>1.1 Purpose of This Response to Comment Document</td>
<td>1-1</td>
</tr>
<tr>
<td>1.2 Proposed Cannabis Land Use Ordinance</td>
<td>1-2</td>
</tr>
<tr>
<td>1.3 Equal Weight Cannabis Land Use Ordinance Alternatives</td>
<td>1-2</td>
</tr>
<tr>
<td>1.4 Environmental Review Process</td>
<td>1-5</td>
</tr>
<tr>
<td>1.5 Organization of This Document</td>
<td>1-5</td>
</tr>
<tr>
<td>2 DRAFT EIR COMMENTERS</td>
<td>2-1</td>
</tr>
<tr>
<td>3 COMMENTS AND RESPONSES</td>
<td>3-1</td>
</tr>
<tr>
<td>3.1 Master Responses</td>
<td>3-1</td>
</tr>
<tr>
<td>3.2 Comments and Responses</td>
<td>3-36</td>
</tr>
<tr>
<td>4 REVISIONS TO THE DRAFT EIR</td>
<td>4-1</td>
</tr>
<tr>
<td>5 REFERENCES</td>
<td>5-1</td>
</tr>
<tr>
<td>6 LIST OF PREPARERS</td>
<td>6-1</td>
</tr>
</tbody>
</table>

## Appendices

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

## Tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-1</td>
<td>List of Commenters</td>
</tr>
<tr>
<td>3-1</td>
<td>Crimes Related to Cannabis Sites</td>
</tr>
<tr>
<td>3-2</td>
<td>Land Area Impacted by Buffer Distances</td>
</tr>
<tr>
<td>3-3</td>
<td>Differences in the Definition of Sensitive Land Uses Between the CLUC and County Code</td>
</tr>
<tr>
<td>3-4</td>
<td>Differences in the Definition of Sensitive Land Uses Between the CLUC and General Plan</td>
</tr>
<tr>
<td>3-5</td>
<td>Traffic Generation by Alternative</td>
</tr>
</tbody>
</table>

## Exhibits

Revised Exhibit 2-2
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>Board</td>
<td>Yolo County Board of Supervisors</td>
</tr>
<tr>
<td>BVOC</td>
<td>biogenic volatile organic compound</td>
</tr>
<tr>
<td>CAC</td>
<td>citizens advisory committee</td>
</tr>
<tr>
<td>CCR</td>
<td>California Code of Regulations</td>
</tr>
<tr>
<td>CDFA</td>
<td>California Department of Food and Agriculture</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CGC</td>
<td>California Government Code</td>
</tr>
<tr>
<td>CHSC</td>
<td>California Health and Safety Code</td>
</tr>
<tr>
<td>CLUO</td>
<td>Cannabis Land Use Ordinance</td>
</tr>
<tr>
<td>CNEL</td>
<td>community noise equivalent level</td>
</tr>
<tr>
<td>Council</td>
<td>Delta Stewardship Council</td>
</tr>
<tr>
<td>County</td>
<td>Yolo County</td>
</tr>
<tr>
<td>CTF</td>
<td>Cannabis Task Force</td>
</tr>
<tr>
<td>CUP</td>
<td>conditional use permit</td>
</tr>
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<td>dBA</td>
<td>A-weighted decibels</td>
</tr>
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<td>Delta</td>
<td>Sacramento–San Joaquin Delta</td>
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<td>Yolo County Department of Financial Services</td>
</tr>
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</tr>
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<td>Draft EIR</td>
<td>draft environmental impact report</td>
</tr>
<tr>
<td>D/T</td>
<td>dilution-to-threshold</td>
</tr>
<tr>
<td>Final EIR</td>
<td>final environmental impact report</td>
</tr>
<tr>
<td>GHG</td>
<td>greenhouse gas</td>
</tr>
<tr>
<td>HCP/NCCP</td>
<td>habitat conservation plan/natural community conservation plan</td>
</tr>
<tr>
<td>LOS</td>
<td>level of service</td>
</tr>
<tr>
<td>MMRP</td>
<td>mitigation monitoring and reporting program</td>
</tr>
<tr>
<td>MR</td>
<td>master response</td>
</tr>
<tr>
<td>MTCO$_2$/year</td>
<td>metric tons of carbon dioxide equivalent per year</td>
</tr>
<tr>
<td>NOA</td>
<td>notice of availability</td>
</tr>
<tr>
<td>NOP</td>
<td>notice of preparation</td>
</tr>
<tr>
<td>NRCS</td>
<td>Natural Resources Conservation Service</td>
</tr>
<tr>
<td>PRC</td>
<td>Public Resources Code</td>
</tr>
<tr>
<td>SACSIM</td>
<td>Sacramento Activity-Based Travel Simulation Model</td>
</tr>
<tr>
<td>SMUD</td>
<td>Sacramento Municipal Utility District</td>
</tr>
<tr>
<td>SOI</td>
<td>Sphere of Influence</td>
</tr>
<tr>
<td>SWRCB</td>
<td>State Water Resources Control Board</td>
</tr>
<tr>
<td>TIA</td>
<td>traffic impact analysis</td>
</tr>
<tr>
<td>USDA</td>
<td>U.S. Department of Agriculture</td>
</tr>
<tr>
<td>VMT</td>
<td>vehicle miles traveled</td>
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<tr>
<td>VOC</td>
<td>volatile organic compound</td>
</tr>
<tr>
<td>WDR</td>
<td>waste discharge requirement</td>
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1 INTRODUCTION

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

1.1 PURPOSE OF THIS RESPONSE TO COMMENT DOCUMENT

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

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

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

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

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

1.2 PROPOSED CANNABIS LAND USE ORDINANCE

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

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

1.3 EQUAL WEIGHT CANNABIS LAND USE ORDINANCE ALTERNATIVES

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

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

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

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

1.3.2 Alternative 2: All License Types with Moderate Limits

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

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

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

1.3.3 Alternative 3: All License Types with High Limits

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

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

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

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

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

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

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

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

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

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

1.4 ENVIRONMENTAL REVIEW PROCESS

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

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

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

1.5 ORGANIZATION OF THIS DOCUMENT

This Final EIR is organized as follows:

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

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

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

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

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

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

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

Table 2-1 presents the list of Draft EIR commenters, including the author and the date of the comment letter. Chapter 3 includes a copy of each letter and responses to each comment.

<table>
<thead>
<tr>
<th>Letter No.</th>
<th>Commenter</th>
<th>Date</th>
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<tr>
<td>1</td>
<td>Elaine Roberts Musser</td>
<td>11/1/2019</td>
</tr>
<tr>
<td>2</td>
<td>John and Rita Harvey</td>
<td>11/12/2019</td>
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<td>5</td>
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<td>8</td>
<td>Brian and Gretchen Paddock</td>
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<td>9</td>
<td>A Rumsey Resident</td>
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<td>Yolo County Farm Bureau</td>
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<td>December 3, 2019 Planning Commission – Staff Prepared Summary of Meeting</td>
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<td>13</td>
<td>Erich Linse Jr.</td>
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<td>Nicole Goi, Sacramento Municipal Utility District (SMUD)</td>
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<td>Anthony Roberts, Tribal Chairman, Yocha Dehe Wintun Nation</td>
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<td>Candice Schaer</td>
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<td>David Gray</td>
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<td>Meg Hehner and Steve Schroeder</td>
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<td>Lindsay Rains, California Department of Food and Agriculture</td>
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<td>Paul Muller and Frank Espriella</td>
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<td>John Cooliris, Boyen, Cooliris, and Saxe PC</td>
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<td>David Scheuring</td>
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<td>Vincent and Victoria Faccuito</td>
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<td>Pam Welch and Tom Frederick</td>
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<td>Helen McCloskey</td>
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<td>31</td>
<td>Larry Alegre, Joel Berrelleza, Gretchen Ceteras, Linda Deering, Corky and Vicki Facciuto, Todd Gettleman, Kathy Lowrey, Helen and Pete McCloskey, and Robin and Serge Testa (letter)</td>
<td>12/22/2019</td>
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### Table 2-1 List of Commenters

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<thead>
<tr>
<th>Letter No.</th>
<th>Commenter</th>
<th>Date</th>
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<tr>
<td>32</td>
<td>Larry Alegre, Joel Berrelleza, Gretchen Ceteras, Linda Deering, Corky and Vicki Facciuto, Todd Gettleman, Kathy Lowrey, Helen and Pete McCloskey, and Robin and Serge Testa (email)</td>
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<td>33</td>
<td>Nancy Gray</td>
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<td>34</td>
<td>Chad Roberts</td>
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<td>Andrew Brait, Full Belly Farm</td>
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<td>36</td>
<td>Anna Brait</td>
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<td>37</td>
<td>Dave Speca</td>
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<td>38</td>
<td>Nina Andres-Berrelleza</td>
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<td>Meg Hehner and John Wilson</td>
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<td>41</td>
<td>Jackie Scott</td>
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<td>Jessica Harvey/Jessy Scott</td>
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<td>43</td>
<td>Michael Hicks, Woodland Roots Inc.</td>
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<td>Brendan Smith, Yolo Family Farms Inc.</td>
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<td>45</td>
<td>Zach Drivon, Drivon Consulting, Cashe Creek Cultivators and Cashe Creek Cannabis</td>
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<td>Undersigned Constituents of Yolo County</td>
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<td>Lauren Ayers</td>
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<td>Dimitri Lublin</td>
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<td>Linda Deering and Brian Boyce</td>
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<td>50</td>
<td>Gwenael Engelskirchen</td>
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<td>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, Robin and Serge Testa, and Linda Wilson</td>
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<td>52</td>
<td>Susan Pelican</td>
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<td>Capay Valley Vision</td>
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<td>54</td>
<td>Barbara Gemmill Herren</td>
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<td>55</td>
<td>Sherman Hardesty</td>
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<td>56</td>
<td>Edward and Grant, Diamondback Genetics</td>
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<td>57</td>
<td>Jessy Scott</td>
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<td>58</td>
<td>YTS Grow</td>
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<td>59</td>
<td>Brian Boyce</td>
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<td>60</td>
<td>Lauren Ayers</td>
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<td>61</td>
<td>J. Anne Rawlins, Puffing Hill Organics</td>
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<td>Meg Hehner</td>
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<td>Kristina Haley</td>
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<td>Santiago and Leon Miguel</td>
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<tr>
<td>66</td>
<td>Anonymous</td>
<td>12/23/2019</td>
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Table 2-1  List of Commenters

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<th>Letter No.</th>
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<tr>
<td>67</td>
<td>Larry Alegre</td>
<td>12/23/2019</td>
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<td>68</td>
<td>Mark and Jenn Tompkins</td>
<td>12/23/2019</td>
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<td>69</td>
<td>Sophia Herrera, Yolo County Creative LLC</td>
<td>12/23/2019</td>
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<td>70</td>
<td>Timothy Schimmel, Kind Farms</td>
<td>12/23/2019</td>
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<tr>
<td>71</td>
<td>Joe Martinez, Yolo County Farm Bureau</td>
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Comments Received After the Comment Deadline

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<th>Letter No.</th>
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<tbody>
<tr>
<td>72</td>
<td>Scott Morgan, Governor’s Office of Planning and Research, State Clearinghouse and Planning Unit</td>
<td>12/27/2019</td>
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<td>73</td>
<td>Mica Bennett</td>
<td>12/24/2019</td>
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<td>74</td>
<td>Larry Alegre, Joel Berrelleza, Gretchen Ceteras, Barbara Clowers, Linda Deering, Corky and Vicki Faciuto, Todd Gettleman, Kathy Lowrey, Helen and Pete McCloskey, Glenn Morgan, John Obermeier, Charlie Opper, Robin and Serge Testa, and Linda Wilson</td>
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<td>75</td>
<td>Kokyou Chau, Bro Properties</td>
<td>12/26/2019</td>
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<td>76</td>
<td>Wyatt Cline</td>
<td>12/27/2019</td>
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<tr>
<td>77</td>
<td>Anonymous</td>
<td>12/27/2019</td>
</tr>
<tr>
<td>78</td>
<td>Paul Navazio, City of Woodland</td>
<td>1/14/2020</td>
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3 COMMENTS AND RESPONSES

This chapter contains comment letters received during the public review period for the Draft EIR, which concluded on December 23, 2019, including a summary of the comments received during the December 3, 2019 Planning Commission public hearing. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft EIR.

The letters received during the public review period on the Draft EIR are provided in their entirety. Oral comments from the Planning Commission meeting are provided in summary form. Each set of comments is bracketed to separate one distinct comment from another, and each bracket is numbered to allow for a corresponding response. Responses are provided immediately following each comment letter/document.

Many of the comments received do not pose questions or comments about the adequacy of the information or analysis within the Draft EIR; therefore, responses are not mandated pursuant to CEQA Guidelines Sections 15088(a) and 15132(d). Nevertheless, the County has provided responses to all comments received, including those directed solely to the various components of the CLUO.

Where revisions to the Draft EIR text are called for, the Draft EIR page number is identified, followed by a description of the appropriate revision. Added text is indicated with underlined text, and deleted text is shown in strikeout. Text revisions to the Draft EIR are identified fully in Chapter 4, “Revisions to the Draft EIR,” of this response to comments document.

3.1 MASTER RESPONSES

Several comments raised similar issues. Rather than responding individually, master responses have been developed to address the comments comprehensively. A reference to the master response is provided, where relevant, in responses to the individual comment. Master Response 1 is referenced as MR-1, Master Response 2 is referenced as MR-2, and so on.

3.1.1 Summary of Master Responses

The following is a summary of master responses provided below:

- Section 3.1.2 – Master Response 1: No Project Alternative and No Cannabis Alternative
- Section 3.1.3 – Master Response 2: Baseline Conditions Used in the Draft EIR
- Section 3.1.4 – Master Response 3: Range of Alternatives Evaluated in the Draft EIR
- Section 3.1.5 – Master Response 4: CEQA Alternatives and County Decision-Making
- Section 3.1.6 – Master Response 5: Cannabis as an Agricultural Crop
- Section 3.1.7 – Master Response 6: Economic Effects and Property Values
- Section 3.1.8 – Master Response 7: Code Enforcement and Crime
- Section 3.1.9 – Master Response 8: Marijuana and Hemp
- Section 3.1.10 – Master Response 9: Buffers
- Section 3.1.11 – Master Response 10: CUP Process and Overconcentration
- Section 3.1.12 – Master Response 11: Cultural Change
- Section 3.1.13 – Master Response 12: Expression of Opinion/Preference
- Section 3.1.14 – Master Response 13: Cannabis Tax Revenue
- Section 3.1.15 – Master Response 14: County Cannabis Disclosures
• Section 3.1.16 – Master Response 15: Traffic Analysis
• Section 3.1.17 – Master Response 16: Cannabis Licensing Program
• Section 3.1.18 - Master Response 17: Consolidated Cannabis Campus

3.1.2 Master Response 1: No Project Alternative and No Cannabis Alternative

Several comment letters state that the No Project Alternative in the Draft EIR does not meet CEQA requirements because it includes the 78 existing and eligible cannabis cultivation sites. Many commenters request that a “no cannabis alternative” should be considered.

CEQA Guidelines Section 15126.6(a) requires that EIRs include an assessment of:

- a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project, and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be considered other than the rule of reason (Citizens of Goleta Valley v. Board of Supervisors [1990] 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of California [1988] 47 Cal.3d 376r).

Evaluation of a no project alternative is required under CEQA (CEQA Guidelines Section 15126.6(e)). The purpose of the no project alternative is to allow a comparison of the environmental impacts of approving the proposed project with the effects of not approving it. Pursuant to Section 15126.6(e)(3) of the CEQA Guidelines, the discussion of the “no project” alternative usually involves one of two approaches:

(A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

(B) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the “no project” alternative is the circumstance under which the project does not proceed.

The No Project-No CLUO Alternative satisfies approach “A.” Alternative 1, “Cultivation (Ancillary Nurseries and Processing Only) With Existing Limits (Existing Operations With CLUO) CEQA Preferred Alternative,” assumes retention of the identified 78 existing and eligible cannabis cultivation sites. It would implement the CLUO and would not be considered the No Project Alternative. Draft EIR Chapter 5, “Alternatives,” evaluates the No Project-No CLUO Alternative as the CEQA required No Project Alternative. The No Project-No CLUO Alternative is similar to Alternative 1 in that it assumes continued operation of the 78 cannabis cultivation sites that are currently allowed or eligible to cultivate in the County under Yolo County Code Title 5, Chapter 20 (Marijuana Cultivation Ordinance). However, the No Project–No CLUO Alternative would not include the adoption of the proposed CLUO. Rather, it would assume continued operation of those licensed facilities under the existing licensing program (Yolo County Code Title 5, Chapter 20) without implementation of the proposed CLUO.
The Draft EIR does identify a ban on commercial cannabis operations in the County as a potential alternative. Under this alternative, the County would implement a ban on commercial cannabis cultivation operations. No new commercial cannabis cultivation, processing, or distribution facilities would be allowed (Draft EIR, Section 5.2.1, “Ban on Commercial Cannabis Operations in the County,” page 5-2). This alternative would also result in the cessation of commercial cultivation cannabis operations currently allowed under the Marijuana Cultivation Ordinance. Enforcement activities would be undertaken by the County and other agencies, if necessary, to ensure proper closure of existing commercial cannabis cultivation operations.

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Draft EIR identified that this alternative was rejected from further evaluation for the following reasons:

- It is inconsistent with the passage of Proposition 64 in November 2016 which carried in Yolo County by a margin of 60.5 percent to 39.5 percent.
- It is inconsistent with the passage of Measure K in June 2018 which carried in Yolo County by a margin of 79 percent to 29 percent.
- As described on page 5-2 of the Draft EIR, it does not attain six of the 11 project objectives (D, F, G, I, J, and K) and is arguably inconsistent with project objective E. All of the project objectives are listed below for convenience:
  
  A. Protect the public health, safety, and welfare.
  B. Protect environmental resources and minimize environmental impact.
  C. Ensure neighborhood compatibility.
  D. Ensure safe access to medical cannabis for patients.
  E. Support agricultural economic development including recognition of valuable new crops, preservation of agricultural land, and creation of opportunities for new farmers.
  F. Recognize cannabis as an agricultural crop with unique challenges including Federal classification, legal history, crop value, transaction security, distinct odor, and energy and water requirements.
  G. Recognize competing and evolving community values and interests related to the cannabis industry.
  H. Avoid establishing undesirable precedents for other agricultural sectors.
  I. Avoid unintended consequences including unforeseen community impacts and over-regulation that drives cannabis activities underground.
  J. Allow for adaptation to changing market, cultural, and regulatory considerations over time.
  K. Acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016.

As described in Draft EIR Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” the County is considering a range of alternatives for the implementation of the CLUO related to the extent of allowed cannabis uses, performance standards and buffers, and concentration of cannabis operations in regions of the County. MR-4, “CEQA Alternatives and County Decision-Making,” discusses this in greater detail.
3.1.3 Master Response 2: Baseline Conditions Used in the Draft EIR

Several comment letters state that the Draft EIR does not adequately define baseline conditions. These commenters state that the baseline conditions for the Draft EIR should be conditions from before adoption of Chapter 20 to Title 5 of the Yolo County Code and the subsequent licensing of cannabis cultivation sites in the County.

CEQA Guidelines Section 15125(a) provides the following guidance for establishing the baseline in an EIR:

(a) An EIR must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.

(1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project’s impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.

The notice of preparation (NOP) was issued on August 24, 2018. Typically, and in accordance with CEQA Guidelines Section 15125, the date on which the NOP is issued is considered appropriate for establishing the baseline. As described in Draft EIR Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” and the “Approach to the Environmental Analysis” section in Section 3, baseline conditions for the consideration of the impacts of the proposed CLUO consist of the identified 78 existing and eligible cannabis cultivation sites allowed in Chapter 20 of Title 5 of the Yolo County Code, which include ordinance amendments adopted October 25, 2016, November 7, 2017, and July 24, 2018 (see Draft EIR pages 2-3 through 2-12, 3-1, and 3-2). Countywide baseline conditions for each environmental issue area described in Draft EIR Sections 3.1 through 3.16 reflect existing cannabis cultivation operations, as well as the most recent information and technical studies that were available when the Draft EIR was prepared.

The description of baseline conditions in the Draft EIR is consistent with CEQA requirements and published case law. CEQA does not require environmental review of or mitigation for historic or pre-project conditions. CEQA Guidelines Section 15125(a) states that the baseline physical conditions are the basis by which a lead agency determines whether an impact of the project is significant. In Center for Biological Diversity et al. v. California Department of Fish and Wildlife (2015) 234 Cal.App.4th 214 (183 Cal.Rptr.3d 736), the Fourth Appellate District Court upheld the baseline conditions and ruled that the baseline condition must reflect the physical conditions at the time the environmental analysis begins even if the current conditions include unauthorized and even environmentally harmful conditions that never received environmental review. Other published court decisions that support this interpretation of CEQA are Riverwatch v. County of San Diego (1999) 76 Cal.App.4th 1428 (91 Cal.Rptr. 2d 322) and Fat v. County of Sacramento (2002) 97 Cal.App.4th 1270 (119 Cal.Rptr.2d 402).
3.1.4 Master Response 3: Range of Alternatives Evaluated in the Draft EIR

Commenters identified concerns regarding the extent of the alternatives evaluated. Specifically, these comments state that the alternatives do not address environmental impacts of cannabis uses, do not consider reductions in allowed cannabis uses, and may not consider all of the possible combinations of CLUO implementation that could be adopted (e.g., buffers, noncultivation cannabis uses, overconcentration, and placement of cultivation in greenhouses and buildings).

As discussed in MR-1, “No Project Alternative and No Cannabis Alternative,” CEQA Guidelines Section 15126.6(a) requires EIRs to describe a range of alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. The proposed CLUO would continue to regulate, and potentially reduce or expand, allowed cannabis activities in the unincorporated area that is currently allowed under Chapter 20 to Title 5 of the Yolo County Code. As described in Draft EIR Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” the County is considering a range of alternative approaches to the CLUO consistent with the project objectives related to the extent of allowed cannabis uses, performance standards and buffers, and concentration of cannabis operations in regions of the County. The Draft EIR discloses the effectiveness of variations in CLUO performance standards/buffers under each of the five alternatives in addressing environmental impacts. Examples include effectiveness of different buffer distances on odor impacts (Draft EIR Impact AQ-4), noise impacts (Draft EIR Impacts NOI-1 and NOI-2), and overconcentration impacts (Draft EIR Chapter 4). The Draft EIR provides adequate disclosure of these CLUO provisions to allow the County to blend features into a modified alternative that would not require recirculation under CEQA Guidelines Section 15088.5.

The Draft EIR identifies the assumed number, type, and distribution of cannabis uses under each alternative (see Draft EIR Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives”). The distribution assumptions are based on current licensed cultivation operations in the County, review of cannabis applications received in response to the nursery and processing facilities pilot program and the early implementation development agreements for cannabis operations, and input from County staff based on an understanding of the local cannabis industry. The intent is to reflect reasonable dispersion assumptions for purposes of the countywide environmental impact analysis. The five CLUO alternatives do not commit the County to reach the number of cannabis uses identified under each alternative. The Board of Supervisors (Board) has the discretion to establish caps on cannabis uses below the assumed number identified for each alternative. Reduction in the assumed number of cannabis uses is unlikely to require recirculation of the Draft EIR under CEQA Guidelines Section 15088.5. As explained further in MR-4, “CEQA Alternatives and County Decision-Making,” below, the issue of recirculation will be evaluated following an indication from the Board regarding its likely decision/direction.

3.1.5 Master Response 4: CEQA Alternatives and County Decision-Making

Several commenters have indicated that the Board should be limited to considering only the specifically defined CEQA alternatives described in the Draft EIR. Others have gone further and suggested that should the Board make any modifications to the identified alternatives, recirculation of the Draft EIR would be required. To the contrary, the Board is not restricted in its consideration of an alternative or of changes to the CLUO under any of the alternatives. However, the County does have an obligation to demonstrate that the EIR adequately addresses the final proposed CLUO and that the requirements of CEQA have been fully met.

Alternatives, in the context of CEQA, reflect different ways that a project proponent could achieve most of the stated objectives, while also reducing or eliminating the environmental impacts of the proposed project (see MR-3, “Range of Alternatives Evaluated in the Draft EIR”). The Lead Agency is required to evaluate and compare the environmental impacts of alternatives to the proposed project in an EIR, though not at the same level of detail as the proposed project (CEQA Guidelines Section 15126.6(d)). However, the County elected to analyze five alternatives at a detailed equal level of review, as described further below.
A fundamental mandate of CEQA is that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project” (PRC Sections 21002, 21081) and meet the objectives of the project. Therefore, as part of the decision-making process for projects involving the preparation of an EIR, governmental agencies are required under CEQA to consider alternatives to proposed actions affecting the environment (PRC Section 21001[g]).

An EIR can be overturned if it analyzes a range of alternatives, but fails to identify one of the alternatives as the preferred project. The courts have said that a broad range of alternatives without a stable project presents the public with a moving target and an obstacle to informed participation (Washoe Meadows Community v. Department of Parks and Recreation, 2017). The CLUO Draft EIR addresses this by clearly identifying the Preferred Project as Alternative 1.

As described in MR-3, “Range of Alternatives Evaluated in the Draft EIR,” the CLUO Draft EIR examines a total of seven alternatives (Alternatives 1–5, the No Project-No CLUO Alternative, and the Ban on Cannabis Alternative). Alternative 1 is identified as the preferred project. Alternatives 2 through 5 are analyzed at the same level of detail as Alternative 1 in Draft EIR Chapters 1–4. This level of detail goes well beyond the requirements of CEQA but was undertaken to provide additional detailed information to the Board for decision-making purposes. The No Project—No CLUO Alternative is analyzed at a comparative level-of-detail in Draft EIR Chapter 5. Comparative alternatives analysis satisfies the requirements of CEQA which allows for alternatives to be considered at a lesser level of detail than the preferred project. The Ban on Cannabis Alternative is considered but rejected from further evaluation in Draft EIR Chapter 5 (see pages 5-2 through 5-3 and MR-1, “No Project Alternative and No Cannabis Alternative”). The Ban on Cannabis Alternative was rejected as infeasible for reasons summarized in MR-1.

Identification of Alternative 1 as the preferred project does not limit the discretion of the Board in considering any of the alternatives, nor in making changes to the preferred project before adoption. Similarly, rejection of the Ban on Cannabis alternative in Chapter 5 of the Draft EIR, does not limit the Board from re-evaluating that conclusion, should they so choose.

Upon determining which alternative is most closely in alignment with a majority of the Board members, and further determining what changes (if any), the Board wishes to make to that alternative, the County’s obligation under CEQA is to determine whether recirculation is required before certification of the EIR (CEQA Guidelines Section 15088.5). Recirculation is required when significant new information changes the EIR in a way that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.” Significant new information may include any of the following:

- changes in the project,
- changes in the environmental setting,
- additional data, or
- other new information.

CEQA Guidelines Section 15088.5 provides the following four examples of “significant new information” that would trigger recirculation:

1) A disclosure that a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

2) A disclosure that a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3) A disclosure that a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Some commenters have identified more specific site and/or zoning controls as a desirable option for siting cannabis uses. This is examined further in MR-9, “Buffers.”

In the course of deliberating the proposed CLUO, the various County citizens advisory committees (CACs) were given the opportunity to provide their recommendations regarding the final CLUO. They were asked which alternative is most closely in alignment with a majority of the CAC members and their particular community, and what changes (if any), the CAC wishes to recommend to that alternative. The recommendations of the CACs were considered by staff in the preparation of a staff recommendation to the Planning Commission and will be subsequently and independently considered by the Planning Commission and the Board of Supervisors.

The Planning Commission will consider the staff recommendation, the CAC recommendations, and all other public and agency comments, in formulating its recommendation to the Board. The Planning Commission will be asked which alternative is supported by a majority of the Commissioners, and what changes (if any), the Commission wishes to recommend to that alternative, for consideration by the Board. The recommendations of the staff, the CACs, the Planning Commission, and all other public and agency comments will be considered by the Board in making its final decision regarding the proposed CLUO. Following a public hearing(s) and deliberation by the Board, the Board members will be asked to articulate their direction regarding the final CLUO. County staff, with input from the CEQA consultant and technical team, will assess whether additional environmental impact analysis of the Board’s articulated direction is necessary to comply with CEQA, and provide this information to the Board for its consideration.

A proposed new alternative constitutes new information only if all three tests in Section 15126.6(a) of the CEQA Guidelines are met: (1) the alternative was feasible; (2) the alternative was considerably different from alternatives already analyzed; and (3) the alternative would clearly lessen the significant environmental impacts of the project (South County Citizens for Smart Growth v. County of Nevada, 2013 WL 5936664, Cal. App. 3 Dist.).

3.1.6 Master Response 5: Cannabis as an Agricultural Crop

Commenters raised concerns that cannabis cultivation and noncultivation activities conflict with agricultural uses that are the County’s primary industry as set forth in the General Plan and should not be considered an agricultural crop. As described below, cannabis does fit within the County’s definition of Agriculture as set forth in the General Plan and zoning regulations. The County considers cannabis to be an agricultural crop and has issued annual cannabis cultivation licenses for the last 4 years in reliance on this determination.

Commenters also identified the following concerns which are addressed below.

- Cannabis uses may alter the visual character of the County and result in quality of life impacts.
- Outdoor cannabis cultivation may pose a threat to noncannabis agricultural operations because of conflicts with pesticide spray drift and the potential for contamination from agricultural dust. The potential for pesticide spray drift and agricultural dust contamination of cannabis cultivation may result in potential financial and litigation liability to nearby agricultural uses.
- Operation of cannabis cultivation sites may create pest impacts and remove agricultural lands from production as a result of cannabis site density and potential lack of maintenance of the remaining agricultural area of the parcel.
CANNABIS AS AN AGRICULTURAL CROP AND ITS IMPACTS

Pursuant to California Health and Safety Code Section 11362.777(a) and Business and Profession Code Section 26067(a), the state has defined medical and adult-use cannabis as agricultural products (Draft EIR page 3.2-20). Section 8-2.1404(E) of the proposed CLUO identifies cannabis cultivation and related activities as agricultural land uses. Section 8-2.1404(E) states:

Cannabis Cultivation and Related Activities are Agricultural Land Uses – Legal cultivation of cannabis is an agricultural use.

The cultivation and commerce process for cannabis involves largely the same practices as other agricultural products currently generated in the County. These similar practices include:

- cultivation of the crop through a growth medium (soil), light, water, and nutrients;
- harvesting and processing of the crop for sale;
- industrial activities that create products from the crop; and
- sales of crop and/or products created from the crop.

The Draft EIR does acknowledge that there are differences in how cannabis cultivation operations are conducted in the County as compared to other agricultural operations. While the current average parcel size for cannabis cultivation in the County is roughly 40 acres, the cannabis cultivation activity footprint is generally no larger than 2 acres because the cultivation garden canopy is limited to 1 acre under Yolo County Code Section 5-20.04(A)(2)(a)(1). As a result, the operations dedicated to cultivation are generally limited to a portion of the parcel and the remaining land areas of the parcel are often not used for cultivation. This differs from other County agricultural operations such as row crops, orchards and vineyards, and pastureland that more commonly use the entire parcel area. Cannabis cultivation sites often include solid fencing that obstruct open public views across agricultural fields. Other features that differ from existing agricultural operations (or that do not exist) 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 cultivation operation (Draft EIR pages 3.1-13 and 3.1-14 and 3.2-20 and 3.2-21).

Noncultivation cannabis uses under CLUO Alternatives 2, 3, 4, and 5 would support the success of cannabis cultivation consistent with General Plan policies AG-3.2, AG-3.4, AG-3.7, and ED-1.3 that allow for uses that support agriculture including commercial uses, product sales, processing, and distribution of locally produced crops. Noncultivation cannabis uses are considered by the County as compatible with agriculture and are similar to agricultural land uses currently allowed under the Zoning Regulations. Section 8-2.303 of the Yolo County Code defines agricultural land use types and operations as including processing of agricultural products, accessory uses such as greenhouses, commercial uses such as agricultural chemical/fertilizer sales, wineries, breweries, and industrial uses such as regional processing facilities (e.g., wine, beer, spirit, olive oil production, canneries, and commercial composting). The corresponding Zoning Regulation Tables 8-2.304[a], 8-2.304[c], and 8-2.304[d] list examples of common uses and the permits required relative to agricultural production, commercial, and industrial uses.

The environmental impacts associated with the operational characteristics of cannabis uses are disclosed in Draft EIR Sections 3.1 through 3.15 and Chapter 4, “Cumulative Impacts and Overconcentration.” The Draft EIR impact analysis does conclude that adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the adopted CLUO, would result in significant and unavoidable visual character and odor impacts (see Draft EIR Impacts AES-3, AQ-4, CUM-1, CUM-3, OVC-1, and OVC-3), but does not conclude there would be significant impacts on agriculture or agricultural resources.
PESTICIDE SPRAY DRIFT AND DUST CONTAMINATION ISSUES

Draft EIR Impact AG-3 addresses conflicts with adjoining agricultural uses consisting of pesticide usage and dust contamination. The use of restricted pesticides is an existing component of the ongoing agricultural operations countywide. The California Department of Pesticide Regulation places controls on pesticides based on the results of risk characterization studies and documentation that limits their use to trained individuals and then only at times and places approved by county agricultural commissioners. The Yolo County Agricultural Commissioner has established 10 “use conditions” for the use of restricted materials (pesticides) for the protection of public health and adjoining land uses that include application restrictions, wind direction and speed, and buffers and setbacks for ground and aerial application (Draft EIR pages 3.2-8 through 3.2-14).

Technical studies have confirmed the effectiveness of the use of buffers and drift-reducing spray nozzles, limiting speed of application, and monitoring wind speeds to address pesticide drift (Rasmussen et al. 2011; Egan et al. 2014; Al Heidary et al. 2014). Exposure to restricted pesticides due to pesticide drift resulting from applications occurring at off-site farming operations is prohibited. Pesticide drift could adversely affect cannabis cultivation in a manner similar to organic crops currently grown in the County. The Yolo County Agricultural Commissioner investigates reported improper pesticide applications, including pesticide drift. Confirmation of pesticide drift can result in warning letters, fines, or loss of licensing to conduct pesticide application (Draft EIR page 3.2-24).

Unlike pesticide drift occurring during application, the Agricultural Commissioner does not regulate the migration of dust from field to field during wind events, farming operations, or otherwise. Dust generated from agricultural operations is regulated by the Yolo/Solano Air Quality Management District if it becomes a public nuisance (District Rule 2.5) and a farmer generating the dust may be advised to temporarily cease activities or face citation. Dust from normal agricultural practices under normal weather conditions does not generally result in nuisance conditions. The Draft EIR identifies on page 3.2-25 that as a result of the migration of dust containing residue from pesticides properly applied on nearby farming operations, “the potential may exist for a cannabis crop to be rendered unmarketable” depending on the results from required laboratory testing pursuant to CCR Title 16, Division 42, Sections 5304 and 5702 (Draft EIR pages 3.2-23 and 3.2-24).

Approximately 5 percent of all cannabis flower product tested in 2019 in the state failed to meet Bureau of Cannabis Control quality standards (Bureau of Cannabis Control 2019). The Bureau of Cannabis Control does not require testing laboratories to determine the specific source of the substances found in the cannabis goods (Bureau of Cannabis Control 2020). However, whether the contamination may be due to pesticide drift or a subsequent migration of dust from nearby fields, the use of restricted pesticides in a lawful manner and windblown dust is part of the environmental setting. CEQA does not consider effects of the environment on a project to be “environmental impacts” for purposes of analysis, mitigation, or otherwise. Rather, CEQA is directed at adverse environmental changes anticipated to be caused by a project. (California Building Industry Association v. Bay Area Air Quality Management Dist., 62 Cal.4th 369, 377 [2015].)

Appropriate resolution of this concern would be for neighboring farmers to work collaboratively to accommodate one another or to request the assistance of the Cannabis Task Force (CTF), Agricultural Commissioner, the Farm Bureau, or other industry leadership to help achieve a mutually beneficial outcome. Mediation services may also be appropriate, and ultimately the courts are available as a last resort. In 2019, the Agricultural Commissioner identified six complaints by cannabis farmers about pesticide applications on nearby crops. In five of the instances the complaint involved claims of aerial application of pesticides on nearby noncannabis crops with no notice to neighboring cannabis farmers. The sixth incident involved a claim of pest migration from a noncannabis crop to cannabis crop. The complaints were resolved with communication between parties facilitated by County staff.

AGRICULTURAL LANDS TAKEN OUT OF PRODUCTION AND PEST CONCERNS

As noted above, cannabis cultivation activities may be conducted on only a limited portion of a parcel, and remaining land areas of the parcel (particularly if it is large) may not be used as part of the cultivation operation. Based on the business decisions of the landowner, this may occur with any agricultural endeavor.
and is not limited solely to cannabis cultivation. Although this land may be fallowed for some period of time, the land is not converted to another use. It remains available for agricultural use. While Yolo County supports productive agricultural use of agricultural land, the business decision to fallow all or a portion of any particular agricultural property is generally considered a common, acceptable practice, and remains at the discretion of the land owner and/or land manager.

If left unmaintained, these areas could harbor agricultural pests that could affect adjoining agricultural uses. Draft EIR Impact AG-3 identifies the following requirement for maintenance of cannabis sites and associated fallow land to avoid nuisances and pest issues that could result in impacts on adjoining agricultural uses:

Section 8-2.1408(B) Agricultural Maintenance: Permittees on agricultural land must demonstrate to the satisfaction of the County Agricultural Commissioner that the majority of the parcel, excluding the area in cannabis cultivation, will be used for agricultural activities and/or will be properly maintained (e.g. weed abatement, pest management, etc.) when not in agricultural use to, among other things, avoid maintenance deficiencies that conflict with agriculture on other nearby properties.

Verification of compliance with this CLUO requirement would be provided through annual reporting and inspections by the County as provided under CLUO Section 8-2.1411 (Reporting and Inspections). Failure to comply could result in Cannabis Use Permit revocation and requirements for site restoration under CLUO Section 8-2.1412 (Enforcement).

**CLUO CONSISTENCY WITH GENERAL PLAN AGRICULTURAL POLICIES**

The discussion of Agricultural Resources in Section 3.2 of the Draft EIR lists several General Plan policies from the Land Use and Community Character and Agriculture and Economic Development Elements that are specific to agriculture and potentially relevant to the CLUO and its implementation. Several of these policies are cited above under “Cannabis as an Agricultural Crop and Its Impacts.” Page 3.2-11 of the Draft EIR also cites the 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 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), horsesheows, rodeos, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas. Agriculture also includes farmworker housing, surface mining, and incidental habitat.

Page 3.2-11 of the Draft EIR includes an incomplete version of this language. Chapter 4, “Revisions to the Draft EIR,” of this document contains a text change to correct the missing General Plan text, which is cited in its entirety, above.

In addition to the General Plan policies listed above, several others were referenced in Section 3.2 of the Draft EIR, including Policy LU-2.2, which seeks to allow additional agricultural commercial and agricultural industrial land uses in the agricultural areas; Policy AG-1.1 which encourages the growth of emerging crops and value-added processing; Policy AG-3.8 which encourages reuse of agricultural facilities to reflect changing economic conditions; Policy AG-3.16 which promotes agricultural innovation, including nontraditional agricultural operations to expand business opportunities; and Policy AG-5.1 which promotes markets for locally and regionally grown and/or prepared agricultural products and services.
The proposed CLUO includes an amendment to the General Plan to explicitly acknowledge cannabis as a legal crop, consistent with state law, and as such provides for new agricultural opportunities in support of agricultural economic development, preservation of agricultural land, and creation of opportunities for new farmers. Impact AG-4 (Conflict with Yolo County General Plan and Community Policies Related to Agricultural Resources) concludes that adoption of the CLUO and the associated updated policies and regulations would not conflict with the General Plan (Draft EIR page 3.2-25). The proposed amendments to the General Plan that acknowledge legal cannabis operations as agricultural land uses form the basis of this conclusion because the emerging legal industry provides additional opportunities for processing, distribution, and marketing of a locally grown crop.

CANNABIS AND RIGHT-TO-FARM PROTECTIONS

Unless the Board of Supervisors determines otherwise, County staff has taken the position that cannabis is not covered by the County right-to-farm ordinance (County Code of Ordinances, Title 10 (Environment), Article 6 (Agriculture), Sections 10-6.101 through 10-6.104 (Right-to-Farm). Moreover, if the proposed CLUO is enacted, the standards and requirements of the proposed ordinance would largely nullify any such protections. The County has taken no position on whether cannabis is or is not covered by the state right-to-farm provisions located in the California Civil Code, Division 4 (General Provisions), Part 3 (Nuisance), Title 1 (General Principles), Section 3482.5.

3.1.7 Master Response 6: Economic Effects and Property Values

CEQA is an environmental protection statute that is concerned with foreseeable physical changes on the environment from the project. Significant effects on the environment are those that result in a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by implementation of the CLUO, including conditions related to land, air, water, mineral resources, flora, fauna, noise, and objects of historic or aesthetic significance.

In evaluating the environmental impacts of a project, an EIR must evaluate indirect physical effects, in addition to the direct effects of a project. Direct effects are effects that are caused by a project and occur in the same time and place. An indirect environmental effect is a change in the physical environment that is not immediately related to a project, but that is caused indirectly by a project.

Although economic or social changes may have an indirect effect, economic or social changes alone are not considered significant effects on the environment. CEQA Guidelines Section 15064(e) provides that economic and social changes resulting from a project shall not be treated as significant effects on the environment (see also CEQA Guidelines Sections 15358[b], 15064[e], and 15382). As a result, evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment do not provide substantial evidence of a significant impact that require analysis under CEQA. Examples of socioeconomic effects that are typically not evaluated under CEQA include effects on property values, health care, job opportunities, property taxes, and impacts on specific businesses (see Preserve Poway v. City of Poway [2016], 245 Cal.App.4th 560 [a change in community character absent an adverse change in the physical environment was not subject to CEQA]; Saltonstall v. City of Sacramento [2015], 234 Cal.App.4th 549, 585 [allegations that a proposed basketball stadium would result in post-event impacts on safety by event crowds and the potential for crowd violence raised a social issue rather than an environmental issue that must be reviewed under CEQA]; Maintain Our Desert Env’t v. Town of Apple Valley [2004], 124 Cal.App.4th 430 [large national retailer need not be identified as end user in EIR’s project description because social, economic, and business competition concerns are not relevant under CEQA unless it is shown that they bear directly in the EIR’s analysis of effects on the physical environment]; Friends of Davis v. City of Davis [2000], 83 Cal.App.4th1004 [economic effect of a new store on similar stores was not a CEQA issue, absent substantial evidence of an adverse physical change]; City of Pasadena v. State [1993], 14 Cal.App.4th 810 [the social effects of locating a parole office in downtown were not subject to CEQA]).
In summary, 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.

Concerns regarding effects on property values were raised by a number of commenters. Some expressed opinions speculating that cannabis has or will harm property values and property tax revenue. While not a CEQA issue, as established above, the County nevertheless undertook research to explore this as an economic and social issue to be considered by the Board in its deliberations. The County has identified pertinent research on the effects of dispensaries on homes values in urban areas, and on the effects on agricultural prices of increased densities of cannabis cultivation in an area. In both cases the evidence indicates that property values increased. This is summarized more below.

The question of effects on property values specifically for residences on agricultural land (e.g., farm dwellings) is not directly addressed, however staff does not consider this to be pertinent. As described in MR-9, “Buffers,” the policy of allowing homes on agricultural land is relevant to this discussion. Yolo County has historically discouraged residential development on agricultural land and when allowed, such residences are generally considered incidental to the principal agricultural use. This acknowledges that the conduct of agricultural operations on designated agricultural land is the principal allowed use, and that such uses may create externalities for residents living in the agricultural area. In other words, the compatibilities and protections afforded a residential use in a residential area do not extend to homes on agricultural land. For this same reason, analyzing effects on farm dwellings from cannabis grown as a legal crop on agricultural land would not be determinative and is not further explored here.

Effects on homes near cannabis dispensaries are analyzed in a number of studies available online and seem to consistently conclude that the location of cannabis dispensaries increases both residential and commercial property values. Several more recent reports are summarized below:

“The Effect of Marijuana Dispensary Openings on Housing Prices,” Jesse Burkhardt and Matthew Flyr, Contemporary Economic Policy, November 29, 2018. This study was prepared by a policy and economic analysis firm. It used real estate and census information in the Denver area to assess the effect of dispensary openings on housing prices in Denver, Colorado. The study concludes home prices near new dispensaries do increase. The effect diminishes with distance but remains consistent over time.

“Marijuana and Real Estate: A Budding Issue,” National Association of Realtors Research Group, November 2018. This study reports the findings of a membership survey regarding interaction with marijuana and the real estate sector in states where marijuana is legal. The study concludes that the demand for both residential and commercial properties on/in which marijuana activities are conducted is a growing market. Of those that expressed knowledge related to the question, members observed no or increased change in residential property values near dispensaries. Some members reported difficulty selling a “grow house” even in states where marijuana is legal. Many reported tightening residential inventory associated with all cash purchases as a result of the emerging industry. This study also explored several relevant questions focused on the commercial real estate sector. Members reported a net increase in demand for warehouses, storefronts, and land in states where marijuana use is legal. Of those that expressed knowledge related to the question, members reported no net increase in perception of crime and no net change in actual increase in crime in states where marijuana use is legal. There were other questions explored in this report (relating to leasing and tenancy concerns) that are not pertinent to the Draft CLUO and not reported here.

“How Legalizing Recreational Marijuana Impacts Home Values,” Luke Babich, Clever Real Estate, April 09, 2019. This study was prepared by a real estate marketing firm. It used various real estate data bases to explore questions related to effects of legalized cannabis on home values in an urban environment, effects on crime rates, the relationship between cannabis crime and home values, and the effect of dispensaries on home value in an urban setting. The study makes the following conclusions:

- Recreational dispensaries lead to higher local home values.
- The connection between cannabis legalization and crime is unclear.
- Recreational cannabis legalization leads to an initial bump in home values, even without commercial sales.

Effects of cannabis cultivation on rural land prices are analyzed in several studies as well and the findings generally indicate a positive relationship between cannabis cultivation density and property prices. A summary of several available reports is provided below:

Sonoma County Cannabis Economic Report, Task Force Report, Sonoma County Economic Development Board, October 7, 2016. This task force report was prepared by a business group in Sonoma County and focuses on economic impacts and opportunities. Among many recommendations and conclusions in this report, Section 5 contains a statement from an industry expert that “property prices have skyrocketed in cities and counties throughout California that are considering, or have passed, regulations for medical cannabis businesses.” The report generally reflects a belief that the cannabis industry contributes to increasing property values and opportunities related to sales or lease for cannabis operations.

“Estimating the Impact of Cannabis Production on Rural Land Prices in Humboldt County, CA,” Benjamin Schwab and Van Butsic, Kansas State University/University of California Berkeley, September 2016. This academic paper focuses on Humboldt County and analyzes the competing forces of pricing reflective of cannabis cultivation revenue potential and pricing reflective of rural residential values in light of perceived externalities from cannabis such as crime, transient workers, odor, etc. The results indicate that the density of cannabis production in an area has a positive relationship with property prices. In other words, areas best suited for cannabis production have statistically significant higher prices than similar prices in parts of the County that do not produce cannabis.

“Green Acres? Cannabis Agriculture and Rural Land Values in Northern California,” Benjamin Schwab and Van Butsic, Kansas State University/University of California Berkeley, July 2017. This academic paper focuses on Humboldt County and analyzes the effect of cannabis cultivation on land prices. The results indicate that cannabis production has been a driver of increasing land values in Humboldt County. This paper also explores the effects on property value from passage of a cannabis land use ordinance. Post ordinance, eligible properties experienced increased values and the relative value of ineligible properties declined. Overall the study demonstrates that cannabis likely increases property values generally, and as regulations make growing more legitimate, eligible properties specifically exhibit increasing values. The authors indicate that whether the observed property premiums continue long-term may depend on the rigor of enforcement and whether cultivators perceive benefits from operating legally. The authors also point out that increasing prices may create competition for land between cannabis farmers and farmers of traditional crops, and that price gains in Humboldt County may stabilize as other areas allow outdoor cultivation.

3 https://listwithclever.com/real-estate-blog/marijuana-housing-market-study/.
4 http://sonomaedb.org/Data-Center/Special-Reports/.
6 https://pdfs.semanticscholar.org/7b31/6f07554ec0f7a780dd2a73886545c4285ad4.pdf.
3.1.8 Master Response 7: Code Enforcement and Crime

Several commenters raised concerns regarding code enforcement associated with licensed cannabis sites, specifically sites in Rumsey and near Guinda; how the County addresses complaints, and how to make complaints or obtain cannabis information from the County; and crime associated with cannabis sites.

While code enforcement of licensed cannabis sites may be funded through licensing fees, code enforcement of illegal cannabis operations cannot be funded through licensing fees, but may be funded through revenue from the cannabis tax. More information about the cannabis tax is provided in MR-13, “Cannabis Tax Revenue.”

The Yolo County CTF within the Department of Community Services is responsible for the enforcement of licensed cannabis cultivation sites. The CTF staff includes three cannabis code enforcement officers, a program supervisor, and a policy and enforcement manager. There are also two Sheriff detectives assigned to the CTF. The licensed cannabis cultivation sites are equally divided amongst the enforcement officers. Each enforcement officer is responsible for conducting unannounced monthly inspections of his/her assigned cultivation sites. An electronic inspection form is used to verify compliance with the provisions of the County’s Licensing Ordinance (Yolo County Code Title 5, Chapter 20, Marijuana Cultivation). The inspection form identifies the items with which licensees must be in compliance, based on the interim ordinance and applicable local and state laws, ordinances, and regulations. A copy of the inspection form is included in Appendix A.

If a licensee is not in compliance with an item on the inspection form, the corrective action(s) is identified and a deadline for making the correction(s) is documented. A summary of the inspection is provided to the licensee or his/her representative (if the licensee is not present) after the inspection is completed. The inspection form is then signed by the code enforcement officer and the licensee or his/her representative. A copy of the inspection form is emailed to the licensee if he/she was not present during the inspection.

If a correction action(s) was identified during the inspection, a follow-up inspection is conducted to verify whether the corrective action was made. Depending on the severity of the noncompliance, a notice of violation may be issued. A notice of violation may also be issued if the licensee fails to take corrective action(s) by the specified date(s). As of June 30, 2020, since the program’s inception, the CTF has issued 62 notices of violation.

The number of notices of violation issued to a licensee are tracked by the CTF pursuant to County Code Section 5-20.11(A)(11) of the Interim Ordinance, as amended in November 2017:

> “Upon the occurrence of three verified violations or hearing officer determinations of violation of any of the License requirements or standards issued to the owner or operator at any property or combination of properties of the same owner or operator within a two-year period, all Licenses for marijuana cultivation held by said owner or operator shall be automatically deemed nullified, voided and revoked.”

As of June 30, 2020, five licensees have received three or more notices of violation within a 2-year period. The renewal license applications for these licensees were denied; they chose not to apply for a license renewal; or the license was withdrawn.

In addition, pursuant to Section 5-20.10(H), the CTF may revoke a license or deny the renewal of a license based on noncompliance activities at a cultivation site. As of June 30, 2020, an additional two licensees were denied a license renewal based on noncompliance activities at the cultivation sites.

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7 Upon adoption of the CLUO, the Licensing Ordinance will be modified as necessary to align with the CLUO and to reflect additional provisions based on public input, CTF and Sheriff Office experience, and experience from other counties that allow cannabis activities.
COMPLAINTS

Another responsibility of the CTF is responding to and verifying complaints on licensed cannabis sites. (Complaints associated with illegal cannabis cultivation sites are immediately referred to and addressed by the two CTF Sheriff detectives.) The County has an online complaint form which complainants can fill out anonymously or provide their name/contact information. A link to the complaint form is below:

https://survey123.arcgis.com/share/99a6cb2272b94bcca383db7dbc2a5495

Providing contact information is helpful to CTF staff since it enables them to contact the complainant to seek further information and/or provide follow-up information on the complaint. If complainant name and contact information are provided, this information is not disclosed to the licensee or his/her staff. The complaint form specifically states:

NOTE: If you would like to be contacted by a staff member to update you on the status and/or findings of the complaint, please provide a contact number where you can be reached. You may remain anonymous as this contact information will not be disclosed to the public.

Complaints made directly to the Sheriff’s Office are kept confidential upon request. However, complaints made to the Board of Supervisors, the Clerk of the Board, or sent to other County staff are considered public information and are not kept confidential.

Once a complaint is received, it is directed to the assigned enforcement officer for investigation. The enforcement officer will contact the complainant, if his/her contact information is provided. Some complaints are resolved through the CTF answering questions the complainant may have regarding activities on the cultivation site in question. Other complaints require the enforcement officer to verify the complaint and determine if a violation has occurred. In these instances, the licensee or his/her staff is informed that CTF personnel are there to follow-up on a complaint. This is necessary because once a complaint is verified by the CTF, the licensee is required to pay for the CTF time spent on addressing the complaint. Once a complaint is verified, the licensee must take corrective action as specified by the CTF. Throughout this process, the source of the complaint remains confidential.

Additional information regarding the County’s cannabis program and the CTF can be found on the County’s website, by calling 530-406-4800, or emailing cannabis@yolocounty.org. The link to the website is provided below:

https://www.yolocounty.org/community-services/cannabis-3398

CRIME

There are two Sheriff’s detectives assigned to the CTF. These detectives review licensee and property owner background checks, review any required security plans, and participate in site inspections. The detectives are also responsible for investigating thefts or other crimes that may occur on a licensed cannabis site and addressing illegal (nonlicensed) cannabis cultivation and other related activities in unincorporated Yolo County.

In 2017 the County investigated four crimes (e.g., theft, burglary, or robbery) occurring at cannabis sites, in 2018 there were 16 crimes, and in 2019 there were 14 crimes. These occurred geographically (by area) as follows:

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<thead>
<tr>
<th>Table 3-1 Crimes Related to Cannabis Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>Guinda</td>
</tr>
<tr>
<td>Woodland</td>
</tr>
<tr>
<td>Rumsey</td>
</tr>
<tr>
<td>Dunnigan</td>
</tr>
<tr>
<td>Capay</td>
</tr>
<tr>
<td>Zamora</td>
</tr>
<tr>
<td>Knights Landing</td>
</tr>
<tr>
<td>Esparto</td>
</tr>
</tbody>
</table>
As noted earlier, background checks are currently required for the licensee and property owner on which a licensed cannabis cultivation site is located. If the licensee or property owner has been convicted of a crime “that is substantially related to the qualifications, functions, or duties of marijuana cultivation” the County may impose administrative penalties, deny an application, revoke a license, or suspend, place on probation with terms and conditions, or otherwise discipline the licensee. The crimes, as specified in Section 5-20.10(H)(14) of the Interim Ordinance include, but are not limited to:

a. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

b. A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.

c. A felony conviction involving fraud, deceit, or embezzlement.

d. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.

e. A felony conviction for drug trafficking.

Section 5-20.10(H)(15) of the Interim Ordinance also states that with the exception of items (d) and (e) above, a prior conviction where the sentence was completed for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is not considered substantially related to marijuana cultivation and shall not be the sole ground for denial of a license. However, a conviction of this type after a site is licensed is grounds for revocation of a license or denial of the renewal of a license.

As stated in Draft EIR Section 3.13, “Public Services,” County staff will recommend that background checks be expanded to also include cannabis employees (Draft EIR page 3.13-7). It is believed that this could help reduce crimes on licensed cannabis sites. In addition, it could provide residents near licensed cannabis sites assurances that the employees at the site have not committed crimes such as those identified above.

As noted in Draft EIR Section 3.13, “Public Services,” the Sheriff’s Office has two resident deputies in Clarksburg. In addition, last year the Board of Supervisors approved the addition of a resident Sheriff’s Office deputy in the Capay Valley, including Esparto and Madison. The resident deputy is dedicated to the area, both living and working in the Capay Valley. (Draft EIR page 3.13-7)

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

The addition of a Capay Valley resident deputy and the two additional deputies who will be part of the Capay Augmented Patrol will provide further protection for residents in that area.

**CEQA ANALYSIS OF LAW ENFORCEMENT**

CEQA focuses EIR analysis of law enforcement on impacts resulting from physical improvements of needed facilities, essentially construction impacts. Consistent with this mandated focus, impacts on law enforcement associated with implementation of the draft CLUO are addressed on Draft EIR pages 3.13-34 through 3.13-37.

In general, the focus of CEQA is on disclosure of significant adverse physical effects. Economic and social concerns are not CEQA topics (see MR-6, “Economic Effects and Property Values”). However they are relevant project considerations that will be considered by staff and the Board in their deliberations. These
“non-CEQA” concerns expressed by the commenters are directly addressed in the draft CLUO through the performance standards set forth in Section 8-2.1408(LL) and Section 8-2.1410(D), which would minimize the potential for criminal activities through implementation of site security systems that may include access control, security cameras, alarms, security personnel, and fencing at sites. CCR Sections 5042, 5043, 5046, 5047, 40200, and 40205 also require on-site security measures for identified cannabis uses. These standards 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). Similarly, manufacturing sites are required to provide security plans that address access controls to buildings, alarm system requirements and video surveillance (CCR Sections 40200 and 40205).

3.1.9 Master Response 8: Marijuana and Hemp

Several commenters raised questions and concerns regarding hemp, including how it is currently being regulated by the County, and whether and how that might change. Hemp and marijuana are both strains of the plant Cannabis Sativa. Hemp is defined as follows:

“Industrial hemp” or “Hemp” means an agricultural product, whether growing or not, that is limited to types of the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis. (California Food and Agriculture Code, Division 24 Industrial Hemp, Section 8100(a)(6))

The difference between Industrial hemp and marijuana is that industrial hemp consists primarily of cannabidiol. It cannot have more than 0.3 percent of tetrahydrocannabinol, the principal psychoactive constituent of marijuana.

FEDERAL HEMP LAWS AND REGULATIONS

The Federal Agriculture Improvement Act of 2018 (the 2018 Farm Bill), which went into effect on January 1, 2019, removed hemp from Schedule I of the Federal Controlled Substances Act, thus, no longer federally regulating hemp as a controlled substance. It also allowed the transfer of hemp-derived products across state lines for commercial or other purposes and put no restrictions on the sale, transport, or possession of hemp-derived products, so long as those items are produced in a manner consistent with the law.

The U.S. Department of Agriculture (USDA) established the U.S. Domestic Hemp Production Program through an interim final rule on October 31, 2019. This rule provides that the requirements for state and tribal regulatory plans regarding the production of industrial hemp be developed and submitted to USDA for review and approval.

CALIFORNIA HEMP LAWS AND REGULATIONS

In October 2019, Governor Newsom signed into law Senate Bill 153 (Statutes 2019, Chapter 838, Section 2. Effective January 1, 2020) which revised provisions of State law regulating the cultivation and testing of industrial hemp. Specifically, it requires the Secretary of the California Department of Food and Agriculture (CDFA), in consultation with the governor and state attorney general, to develop and submit a State plan consistent with the requirements of the 2018 Farm Bill and the interim final rule discussed above, and

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8 For purposes of this Draft EIR response, the term “hemp” refers to industrial hemp as defined by California Food and Agriculture Code, Division 24 Industrial Hemp, Section 8100(a)(6). The terms “marijuana or cannabis” refers to the definitions in the County’s Licensing Ordinance under Title 5, Chapter 20 of the Yolo County Code.
submit the plan to the USDA for approval on or before May 1, 2020. However, as of May 1, the State plan had not yet been submitted. The law also includes:

- requirements for established agricultural research institutions, hemp cultivators, and hemp breeders to register annually with county agriculture commissioners;
- requirements for hemp testing; and
- consequences for violating the law.

CCR Title 3, Food and Agriculture, Division 4, Chapter 8, Industrial Hemp Cultivation, provides additional details regarding registration fees and testing requirements for industrial hemp.

YOLO COUNTY HEMP REQUIREMENTS

In January 2019, the Yolo County Board of Supervisors adopted a 45-day moratorium on the cultivation of industrial hemp in the unincorporated areas of Yolo County. The moratorium was extended an additional 10 months and 15 days on February 26, 2019, which resulted in an expiration date of January 15, 2020.

On October 22, 2019, the Board directed staff to extend the moratorium on industrial hemp cultivation until January 14, 2021. The Board also directed County staff to develop a program to allow indoor (greenhouse) nursery production of hemp. In addition, the Board directed staff to work on strategies for how hemp could be cultivated more broadly in 2021 and thereafter.

On November 19, 2019, the Board adopted the ordinance extending the temporary moratorium on industrial hemp cultivation within the unincorporated area of Yolo County. The moratorium is in effect until January 14, 2021. The ordinance includes a limited exemption to allow the indoor (greenhouse) cultivation of nursery stock, transplants, research, or seed breeding. This program is administered through the County’s Agriculture Commissioner’s office.

The County has also established a Hemp Working Group to develop strategies for the cultivation of hemp more broadly beginning in 2021. The working group is comprised of representatives of the County Administrator’s Office, County Counsel’s Office, Department of Community Services, CTF, Sheriff’s Office, Agriculture Commissioner’s Office, UC Davis, the Yolo County Farm Bureau, and cannabis and hemp cultivators. The working group will address the following issues associated with hemp to assist in developing a future county ordinance on hemp cultivation:

- cross pollination between hemp and cannabis,
- odor impacts since hemp has similar odor issues as cannabis,
- hemp for human consumption vs. industrial purposes, and
- crime given the similarities between hemp and cannabis as related to appearance and odor

Lastly, since there is currently no state guidance on the processing and manufacturing of industrial hemp, on December 17, 2019, the Board directed County staff to develop an ordinance banning industrial hemp processing, manufacturing, and sales until a state legal framework for such activities is adopted. On March 17, 2020, the Board approved an ordinance banning the processing, manufacturing, and storage of industrial hemp (except for processing, manufacturing, and sales associated with the indoor (greenhouse) cultivation of nursery stock, transplants, research, or seed breeding as allowed under the ordinance approved on November 19, 2019). The March 2020 approved ordinance also prohibits storage of industrial hemp (maintaining harvested hemp in an enclosed, secure, and legally complaint structure) unless the facility was used for this purpose as of February 25, 2020.
3.1.10 Master Response 9: Buffers

A number of commenters provided input on setbacks and buffers, including how they should be measured, what size they should be, the circumstances under which they should apply, and whether they should differ for existing licensees versus new applicants. This master response addresses these issues.

SETBACKS AND BUFFERS

Although the terms “setback” and “buffer” are often used interchangeably, in the land use regulatory environment they typically have different meanings. Setbacks are regulatory tools that define “no-build” or “no activity” zones based on the requirements of the County Zoning Regulations for each zone district (Yolo County Code Title 8, Chapter 2). Unless otherwise specified in the regulations, they are measured from the property line of a parcel inward towards the center of the property. They are applied to all parcels within a zone. Their focus is identification of the allowable area of a parcel for various uses/activities typically in the form of various “yard” areas such as side yard, front yard, and back yard. Buffers are also regulatory in the literal sense but their focus is generally on environmental and/or compatibility issues. Buffers focus more on distance between defined on- and off-site uses, typically to address issues related to environmental protection (e.g., buffers from biological resources or waterways) and/or compatibility between potentially conflicting uses (e.g., buffers between defined uses to dissipate noise or odor).

BUFFERS ESTABLISHED BY THE STATE

Section 26054(b) of the California Building and Professions Code allows local jurisdictions to establish different buffers that may be more or less stringent than the state requirements (600 feet from a K-12 school, day care center, or youth center). The County’s Licensing Ordinance which is in effect currently establishes buffers in Section 5-20.05, which are summarized below. The proposed CLUO will include buffers that supersede both the State and current County regulations and may differ. In addition, the State Water Resources Control Board’s Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation General Requirements and Prohibitions, Term 20 prohibits cannabis cultivation activities from occurring within 600 feet of an identified tribal cultural resources site. The State Water Resources Control Board may modify this requirement for specific identified tribal cultural resource sites at the request of an affected California Native American tribe(s) after consultation with the affected tribe(s).

CLUO SETBACKS

Section 8-2.1407 contains the CLUO Table of Cannabis Regulations including references to applicable zoning setbacks. This table clarifies that minimum setbacks applicable to the relevant zoning district will apply to the cannabis operation. For example, minimum front and side yard setbacks in agricultural zones (A-N and A-X) are 20 feet from property line or 50 feet from roadway centerline (whichever is greater). Rear setbacks are a minimum of 25 feet, and side yards require a minimum setback of 20 feet. Greenhouses and other structures must be located outside of these setback areas. Agricultural crops are not subject to zoning setbacks.

CLUO BUFFERS

Section 8-2.1408E of the proposed CLUO addresses buffers and how they would or would not apply under a variety of circumstances. Buffer distances and their effectiveness would differ based on many variables. Cannabis (like other agricultural crops and operations such as garlic and dairies) is a crop with a strong odor, considered offensive to some. The proposed CLUO establishes performance standards for odor that identify acceptable and unacceptable odor strengths. In other words, the ordinance would allow for some odor to be emitted from this crop without it being considered a nuisance. The Draft EIR substantiates that cannabis odor generally dissipates over distance and may also be affected by intervening conditions like vegetation, topography, and wind patterns.
Buffer Distance – The proposed CLUO does not assume a precise buffer distance. The CLUO Draft EIR examines a range of 0 to 1,000 feet through the defined CEQA alternatives. The distance for CLUO buffers will be defined ultimately by the Board and is not constrained by the range examined in the Draft EIR. Based on preliminary direction from the Board, staff will confirm that CEQA coverage is adequate and whether recirculation would be triggered (see MR-4, “CEQA Alternatives and County Decision-Making”). The final buffer distance(s) adopted by the Board will be integrated into the final CLUO. The Board may choose to apply variable buffers for different uses and/or under different circumstances.

Buffer distance would have a notable effect on the location of cannabis operations. One square acre of cannabis would have dimensions of approximately 208 feet by 208 feet. Rounding these to 200 x 200 for quick analysis purposes, a required buffer of 1,000 feet would extend over an area totaling 121 acres surrounding the cannabis cultivation on all sides. A required buffer of 500 feet would extend over an area totaling 36 acres surrounding the cannabis cultivation area on all sides. Table 3-2 reflects the approximate extent of the buffer area for various buffer distances.

### Table 3-2 Land Area Impacted by Buffer Distances

<table>
<thead>
<tr>
<th>Buffer Distance</th>
<th>Affected Area¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,000 feet</td>
<td>±256 acres</td>
</tr>
<tr>
<td>1,000 feet</td>
<td>±121 acres</td>
</tr>
<tr>
<td>700 feet</td>
<td>±64 acres</td>
</tr>
<tr>
<td>500 feet</td>
<td>±36 acres</td>
</tr>
<tr>
<td>200 feet</td>
<td>±9 acres</td>
</tr>
<tr>
<td>75 feet</td>
<td>2 to 3 acres</td>
</tr>
</tbody>
</table>

¹Notes: Surrounding a 1-acre-square cultivation site.

Identified Sensitive Land Uses – The Draft CLUO identifies the following sensitive land uses as those to which the CLUO buffers would apply:

- off-site individual legal residences under separate ownership,
- residentially designated land,
- licensed day cares,
- public parks,
- recognized places of worship,
- public or licensed private schools,
- licensed treatment facilities for drugs or alcohol,
- federal lands held in trust by the federal government or that is the subject of a trust application for a federally recognized tribal government, and
- licensed youth centers that are in existence at the time a use permit is issued for any CDFA permittee.

This list in the proposed CLUO differs somewhat from, and would supersede, a similar list identified in the County’s current Licensing Ordinance (see Section 5.20.05[A][1] of the County Code). The differences and the reasons for them are described in Table 3-3.
Table 3-3  Differences in the Definition of Sensitive Land Uses Between the CLUO and County Code

<table>
<thead>
<tr>
<th>Proposed CLUO Sensitive Land Uses</th>
<th>Existing County Code Sensitive Land Uses</th>
<th>Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-site individual legal residences on agriculturally zoned parcels under separate ownership</td>
<td>Any occupied residence located on a separate parcel</td>
<td>Clarified; removes occupancy requirement.</td>
</tr>
<tr>
<td>Residually zoned land</td>
<td>Not included</td>
<td>Added to proposed CLUO to parallel General Plan definition and allow for distinction between homes on residually zoned land and homes of non-residually zoned land.</td>
</tr>
<tr>
<td>Licensed day cares</td>
<td>Not included</td>
<td>Added to proposed CLUO to parallel General Plan definition and capture a vulnerable population.</td>
</tr>
<tr>
<td>Public parks</td>
<td>Park</td>
<td>Clarified; applies to “public” parks only.</td>
</tr>
<tr>
<td>Recognized places of worship</td>
<td>Church</td>
<td>Expanded to include all religions.</td>
</tr>
<tr>
<td>Public or licensed private schools</td>
<td>School</td>
<td>Clarified; does not cover private schools that are not licensed; corresponds to available data base.</td>
</tr>
<tr>
<td>Licensed treatment facilities for drugs or alcohol</td>
<td>Residential treatment facility</td>
<td>Clarified; corresponds to available data base.</td>
</tr>
<tr>
<td>Federal lands held in trust by the Federal government or that is the subject of a trust application for a federally recognized Tribal government</td>
<td>Federal lands held in trust by the Federal government or that is the subject of a trust application for a federally recognized Tribal government (shall apply prospectively)</td>
<td>Identical; not necessary to say “applies prospectively” as that is true as a matter of law unless otherwise stated.</td>
</tr>
<tr>
<td>Licensed youth centers</td>
<td>Youth-oriented facility</td>
<td>Clarified; corresponds to available data base.</td>
</tr>
<tr>
<td>Not included</td>
<td>School bus stop</td>
<td>Deleted; schools bus stops in rural locations may change based on student enrollment; they are not defined or designated making buffer measurement difficult; can be considered with each conditional use permit.</td>
</tr>
</tbody>
</table>

This list of identified sensitive land uses defined in the proposed CLUO also differs from defined sensitive receptors in the County General Plan. As shown below, the General Plan provides identical definitions of sensitive receptors for purposes of air emissions, hazardous materials, and noise emissions:

**Action CO-A108:** Regulate the location and operation of land uses to avoid or mitigate harmful or nuisance levels of air emissions to the following sensitive receptors: residually designated land uses; hospitals, nursing/convalescent homes, and similar board and care facilities; hotels and lodging; schools and day care centers; and neighborhood parks. Home occupation uses are excluded. New development shall follow the recommendations for siting new sensitive land uses consistent with the CARB’s recommendation as shown in the table below. (Policy CO-6.1, Policy CO-6.2)

**Action HS-A46:** Provide adequate separation between areas where hazardous materials are present and sensitive uses. The following land uses are considered sensitive receptors for the purpose of exposure to hazardous materials: residually designated land uses; hospitals, nursing/convalescent homes, and similar board and care facilities; hotels and lodging; schools and day care centers; and neighborhood parks. Home occupation uses are excluded. (Policy HS-4.1)

**Action HS-A62:** Regulate the location and operation of land uses to avoid or mitigate harmful or nuisance levels of noise to the following sensitive receptors: residually designated land uses; hospitals, nursing/convalescent homes, and similar board and care facilities; hotels and lodging; schools and day care centers; and neighborhood parks. Home occupation uses are excluded. (Policy HS-7.1, Policy HS-7.4)
The differences between the Draft CLUO sensitive uses and General Plan sensitive receptors are described in Table 3-4.

<table>
<thead>
<tr>
<th>Proposed CLUO Sensitive Land Uses</th>
<th>General Plan Sensitive Receptors</th>
<th>Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-site individual legal residences on agriculturally zoned parcels under separate ownership</td>
<td>Not included</td>
<td>The General Plan specifically excluded this category based on the determination that homes on agricultural land are incidental to the principal agricultural use.</td>
</tr>
<tr>
<td>Residentially zoned land</td>
<td>Residentially designated land uses</td>
<td>Identical</td>
</tr>
<tr>
<td>Licensed day cares</td>
<td>Day care centers</td>
<td>Clarified; consistent with how General Plan is implemented.</td>
</tr>
<tr>
<td>Public parks</td>
<td>Neighborhood parks</td>
<td>General Plan focused solely on neighborhood serving parks.</td>
</tr>
<tr>
<td>Recognized places of worship</td>
<td>Not included</td>
<td>Considered a public and quasi-public use in the General Plan.</td>
</tr>
<tr>
<td>Public or licensed private schools</td>
<td>Schools</td>
<td>Clarified; consistent with how applied in the General Plan.</td>
</tr>
<tr>
<td>Licensed treatment facilities for drugs or alcohol</td>
<td>Board and care facilities</td>
<td>Effectively consistent</td>
</tr>
<tr>
<td>Federal lands held in trust by the Federal government or that is the subject of a trust application for a federally recognized Tribal government</td>
<td>Not included</td>
<td>Not addressed in the General Plan; considered to be addressed through zoning setbacks.</td>
</tr>
<tr>
<td>Licensed youth centers</td>
<td>Not included</td>
<td>Not specified in General Plan; would be considered with each CUP application.</td>
</tr>
<tr>
<td>Not included</td>
<td>Hospitals and nursing/convalescent homes</td>
<td>Not specified in CLUO; would be considered with each CUP application.</td>
</tr>
<tr>
<td>Not included</td>
<td>Hotels and lodging</td>
<td>Not specified in CLUO; would be considered with each CUP application.</td>
</tr>
</tbody>
</table>

Note: CUP = conditional use permit.

Measurement of Buffers – As specified in Section 8-2.1408(E) of the proposed CLUO, buffers are proposed to be measured from “the closest point of the cultivation site” to the following:

1. The closest surface of the building for residences, day cares, places of worship, schools, treatment facilities, and youth centers.
2. The closest point of the zone boundary for residentially designated land.
3. The closest point of the parcel boundary for public parks and Tribal trust land.

Several commenters have taken issue with these proposed methods of measurement and/or have recommended alternative measurement methods. When contemplating how and where to establish buffers, staff takes into consideration the following:

- General Plan consistency
- Consistency with the County’s history of protection of agricultural uses and the practices and supporting uses necessary for the economic success of agriculture.
- Recognition that incidental uses allowed in agricultural zones should be treated deferentially to the principal use.
- Ability to feasibly and consistently implement in the field.
The County has traditionally discouraged/prohibited use of agriculturally zoned land for residential development. Where allowed, the purpose of farm dwellings on agricultural land has been to support the principal agricultural use. The County has historically endeavored to preclude residences in agricultural areas recognizing that they may erode the ability to successfully use the land for agricultural purposes by creating incompatibilities related to agricultural odor, noise, and practices. The following General Plan policies and actions reflect this:

- **Policy AG-1.2**: Maintain parcel sizes outside of the community growth boundaries large enough to sustain viable agriculture and discourage conversion to non-agricultural home sites.

- **Policy AG-1.3**: Prohibit the division of agricultural land for non-agricultural uses.

- **Policy AG-1.4**: Prohibit land use activities that are not compatible within agriculturally designated areas.

- **Policy AG-1.7**: Locate farm dwellings in a manner that protects both on-site and off-site agricultural practices. All dwellings in agriculturally zoned areas shall be encouraged to be located on portions of the parcel less suitable for agricultural use and in “clustered” configurations.

- **Policy AG-1.8**: Regulate and encourage removal of incompatible land uses and facilities from agriculturally designated lands.

- **Action AG-A7**: Work with agricultural interests to develop farm dwelling site criteria. Proposed homes that comply with the criteria would be issued building permits, while those that are not consistent with the criteria would require prior approval of a use permit. Criteria would apply to both the primary and the ancillary home and may include the following:
  - Size and mass of the home(s).
  - Location of the homes(s) to avoid areas of excessive slope, higher quality agricultural soils, native vegetation, flooding, lack of water availability, or other physical constraints.
  - Location of the home(s) within the property to avoid restricting the extent of pesticide/herbicide spray on adjoining farm operations.
  - Approval of a stewardship plan demonstrating how the property would be farmed.
  - Cluster homes in a location within the parcel with the least impact to agricultural operations. New farm dwellings may be clustered in proximity to existing homes on adjoining properties.
  - Consideration of an agricultural conservation easement deed restriction or similar instrument on all or a portion of the remainder of the property, outside of any home site(s).
  - Recordation of a “rural oath” acknowledging the potential for nuisances to occur, such as dust, agricultural chemical applications, etc.
  - Recordation of a deed notice acknowledging the County’s right-to-farm ordinance. (Policy AG-1.7)
With this in mind, staff has proposed (see Appendix D) the following refinements to the proposed CLUO buffers and how they are measured:

1. Off-site individual legal residences under separate ownership located on agriculturally zoned land shall be distinguished between those on parcels of 20 acres or more, and those on parcels less than 20 acres. Those residences on parcels of 20 acres or more are considered “farm dwellings” and recognized as supportive or incidental uses to the agricultural use of the parcel. Consistent with the underlying principal use of the zone, farm dwellings on agricultural zoned parcels of 20 acres or more should be expected to accept the typical externalities associated with agricultural uses. Therefore, farm dwellings would not be afforded the same buffers as residences would receive if they were located on non-agriculturally zoned land or on smaller agriculturally zoned parcels clustered in small rural communities, such as in areas just outside of Guinda and in Rumsey.

2. Buffers applied to residences on agriculturally zoned parcels of 20 acres or more, day cares, places of worship, schools, treatment facilities, and youth centers would be measured from the closest surface of the building to the closest point of any structure or outdoor area containing cannabis.

3. Buffers applied to residences of agriculturally zoned parcels less than 20 acres would be measured from the closest point of the parcel boundary to the closest point of any structure or outdoor area containing cannabis.

4. Buffers applied to residentially zoned land would be measured from the closest point of the residential zone boundary to the closest point of any structure or outdoor area containing cannabis.

5. Buffers applied to public parks and Tribal trust land would be measured from the closest point of the parcel boundary to the closest point of any structure or outdoor area containing cannabis.

The Planning Commission will independently consider these recommendations, and the Board of Supervisors has final decision-making authority on this issue.

3.1.11 Master Response 10: CUP Process and Overconcentration

A number of commenters have asked questions about or made statements regarding the proposed cannabis conditional use permit (CUP) process. This master response provides general information about CUPs, the findings of fact that will be required under the proposed CLUO to approve a CUP, and the anticipated application process for a CUP including a proposed “batch” process for applications in identified areas of potential overconcentration and overconcentration.

GENERAL INFORMATION ABOUT CONDITIONAL USE PERMITS

A CUP allows a city or county to consider through a public hearing process, special uses which may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district (Governor’s Office of Planning and Research 1997). Among other things, a CUP enables a jurisdiction to control certain uses that could have detrimental effects on a community (Neighborhood Action Group v. County of Calaveras, 1984, 156 Cal.App.3d 1176).

Consideration of a CUP is a discretionary act with respect to CEQA, which means each cannabis CUP approved under the final CLUO will require appropriate CEQA compliance. The County intends to use this Program EIR prepared for the CLUO to streamline the environmental review and consideration of future cannabis CUP applications. Individual applications for cannabis CUPs under the ordinance will be subject to further site-specific environmental review as applicable under CEQA Guidelines Section 15168(c), Use with Later Activities. This section of the CEQA Guidelines addresses environmental review of projects intended to be addressed in a program for which an EIR was prepared. The County may determine that the environmental impacts of an individual project are adequately addressed in the CLUO Final EIR and that no
further environmental review is required, or it may determine that site-specific environmental review is required and could require additional focused environmental review. Preparation of a site-specific environmental review document would be required if the County determines that the proposed cannabis application could cause a significant environmental impact that was not examined in the CLUO Final EIR or would substantially increase the severity of a previously identified significant impact (CEQA Guidelines Sections 15162 and 15168[c]). The CLUO Final EIR and any other site specific CEQA documentation will also be used and/or relied upon by CDFA for its licensing actions.

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

CUPs may not authorize uses that the zoning ordinance does not allow, nor uses not expressly authorized by the permit. A CUP applies the provisions of the zoning ordinance and its standards to the specific set of circumstances which characterize the proposed activity at the proposed location. For this reason, approval of a CUP is considered an administrative or quasi-judicial decision rather than a legislative decision of the jurisdiction. The rules under which a jurisdiction may issue a CUP are provided by state regulation and case law. In Yolo County, the rules for issuance of a non-cannabis-related CUP are set forth in Section 8-2.217 of the Zoning Regulations. The County is proposing separate and distinct regulations for issuance of a cannabis CUP. These will be set forth in the final adopted CLUO which will be promulgated in the zoning regulations.

California Government Code (CGC) Section 65905 requires a public hearing to be held on an application for a CUP. At a minimum, advance public notice, an opportunity to be heard, and a fair hearing are constitutional due process rights (Horn v. County of Ventura, 1979, 24 C.3d 605). Depending on local ordinance requirements, hearings are typically held by a board of zoning, the planning commission, or a zoning administrator. Residents and property owners near the site are sent advance notice of the date, time, and place of the hearing. At a minimum, state law requires that notice must be mailed to all property owners within 300 feet of the proposal’s site boundary at least 10 days before the public hearing (CGC Section 65091[a][4]). Jurisdictions may exceed the minimum public noticing standards set by the state.

The proposed CLUO identifies the Planning Commission as the hearing body for cannabis CUPs except in areas where an overconcentration of cannabis activities (as defined in the CLUO) is determined to exist, in which case the Board of Supervisors would be the final hearing body (Section 8-2.1410(A) as modified by Mitigation Measure OVC-1(a)IV). Section 8-2.1410(J) of the revised CLUO (see Appendix D) identifies a 1,000-foot public noticing distance.

**FINDINGS REQUIRED FOR APPROVAL OF A CANNABIS CONDITIONAL USE PERMIT**

As a quasi-judicial decision, the approval of a CUP requires the decision-making body to adopt written findings to support its action. Written “findings of fact” are required to support the decision of the hearing body to approve or deny a CUP (Topanga Association for a Scenic Community v. County of Los Angeles, 1974, 11 C.3d 506). Findings are the legal support upon which local decision-makers rely to show how the decision-making process progressed from the initial facts to the decision. Findings “bridge the analytical gap between the raw evidence and ultimate decision.” If the decision is challenged, a court will examine the evidence supporting the findings to determine whether the hearing body abused its discretion when acting on a CUP. The County would be required to demonstrate the following: (1) that they followed the law; (2) that the decision was supported by findings; and (3) that the findings were supported by evidence in the administrative record.
The Draft CLUO, as amended by Mitigation Measure OVC-1, identifies in Section 8-2.1406(L) the following required findings:

1. The requested use is a conditionally allowed use in the applicable zone designation.
2. The requested use is consistent with the general plan, and area or specific plan if applicable.
3. The proposed use complies with each of the applicable provisions of the Cannabis Land Use Ordinance and other applicable sections of the County Zoning Regulations.
4. The proposed use, together with the applicable conditions, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.
5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided, as required in applicable County and State regulations, standards, and specifications.
6. The number of cannabis operations in the area has been taken into consideration.
7. The proximity of cannabis operations to each other, and/or to other identified sensitive land uses has been taken into consideration.
8. The proximity to adjoining/nearby land uses has been taken into consideration.
9. The population in the area has been taken into consideration.
10. The crime rate in the area has been taken into consideration.
11. The compliance history of the applicant and/or operator has been taken into consideration.
12. The record of nuisance abatements in area has been taken into consideration.
13. Community character has been taken into consideration.
14. Community support has been taken into consideration.
15. Parcels size and proposed uses on the non-cannabis portion(s) of the parcel have been taken into consideration.
16. Subject matter input relevant to the specific location or proposed project from County department and division heads, and the Cannabis Task Force have been taken into consideration.
17. Other cultural, social, equity, and environmental justice concerns deemed applicable by the County have been taken into consideration.
18. Site efficiency and use of the site to minimize fallowing of agricultural land has been taken into consideration.

In earlier versions of the Draft CLUO, Section 8-2.1406(H) included special findings that the Board of Supervisors could make to create an exception to the over-concentration cap. The staff is proposing that this language be deleted (see Appendix D).

As implied by the title of the permit, cannabis CUPs will include conditions that limit the applicant’s use of the property and/or manner in which the proposed activity is undertaken. There are limitations on the County in establishing conditions of approval which are generally as follows: 1) the County must be acting within its police powers; 2) the condition must substantially further a legitimate public purpose; 3) the
condition must further the same public purpose for which it was imposed; and 4) the property owner may not be required to carry a disproportionate load in furthering the public purpose. In other words, there must be a proportional relationship between the extent of the condition and the particular demand or impact of the project (Dolan v. City of Tigard, 1994, 129 L. Ed 2nd 304). In addition, the applicant cannot be burdened with a requirement for impact fees or public improvements that are not reasonably related to the proposed project. Limitations on impact fees are described in the Mitigation Fee Act (CGC Section 66000 et seq.). If a condition applied to a CUP is not linked to some legitimate public need or burden the project creates, the condition imposed could be deemed a taking of property in violation of the U.S. Constitution’s Fifth and Fourteenth Amendments.

THE APPLICATION PROCESS FOR A CANNABIS CONDITIONAL USE PERMIT

Following adoption of the CLUO, County staff will identify procedures for implementation. The process overall will be similar to the process the County uses currently for use permit applicants, but specific to the CLUO and the cannabis program. These procedures will include, among other things, an application package, various compliance checklists, processing protocols, submittal templates and samples, CEQA compliance questionnaire, and fee schedule. The application will be subject to public notifications and hearings including neighboring property owner notices, CEQA noticing (if applicable), and hearing notices. As described in Mitigation Measure OVC-1, staff anticipates processing existing and eligible licensees under the County’s current program first, using an application batching process that limits the number of permit applications being processed at any one time to a manageable number in terms of available resources.

To secure approval of a cannabis CUP, applicants would be required to demonstrate compliance with applicable state requirements, the new CLUO, other applicable County requirements, and CEQA. Each application would be evaluated against the required findings of fact identified above, and assessed by staff for “best fit” within each of the required findings. Relevant CACs would provide input for consideration by the Planning Commission. For applications in areas determined to be overconcentrated, the Planning Commission would provide its recommendations to the Board of Supervisors. In situations where a cap on the number of CUPs and/or allowable cannabis use types has been established, the decision-making body would identify those applications that are best suited based on compliance and site-specific characteristics, including compatibility and community character features.

There are a variety of additional anticipated limitations and disclosures worth noting, including:

- Because CUPs are discretionary, a compliant application may not ultimately receive an approval.
- Overconcentration caps in cluster areas may prevent otherwise approvable CUPs from being granted.
- In addition to an assessment of whether a CUP will satisfy each finding of fact, the County will also consider best fit within each required finding of fact.
- Licensees are required to secure a CUP to operate; failure to meet submittal deadlines could result in rejection of the CUP application which could result in loss of the cannabis license.
- Failure to meet batch deadlines could result in an inability to secure CUP approval within an area with overconcentration limits.
- Applications for new or amended CUPs will be examined in light of applicable overconcentration caps; the overconcentration analysis is proposed as an ongoing requirement.
- The capital investments made by existing cannabis licensees were made at risk given the modifications to the cannabis program as a result of the CLUO.
- Performance history as a licensee will be a valid consideration in the CUP process.
3.1.12 Master Response 11: Cultural Change

Cannabis regulation is currently both challenging and unique for a variety of reasons. Foremost among these is the fact that cannabis remains illegal at the Federal level. Its recent change from illegal to legal in the State of California and elsewhere reflects the rapidly changing regulatory environment. As of January 2020, cannabis is legal for adult use in 11 states plus Washington, D.C. Medical cannabis is legal in another 23 states. This leaves 16 states plus the Federal government where it remains illegal. As the number of states that allow cannabis in some form increase, it is likely the federal government will take action as some point to legalize or decriminalize its use.

However, cannabis is legal in California based on the will of the voters. At both the state and local level it is a form of agriculture. In 2016, the Board of Supervisors directed staff to develop an “interim ordinance” that addressed neighbor complaints about certain outdoor cannabis cultivation sites and limited harmful environmental impacts that are sometimes associated with cannabis cultivation. This ordinance created a ministerial licensing and enforcement program for cannabis cultivation. In October 2017, the Board initiated the process of developing a CLUO through the approval of Guiding Principles for development of the CLUO. The CLUO will establish a discretionary use permit process that will provide an important tool for addressing community concerns, and allowing for the detailed examination of the compatibility of proposed locations and operations based on site-specific conditions. Adoption and implementation of some form of the CLUO as soon as feasible is strongly recommended by County staff. Annual licenses will still be required pursuant to the County’s Marijuana Cultivation Ordinance; however, this ordinance will be modified to reflect additional provisions based on public input, CTF and Sheriff Office experience, experience from other counties which allow cannabis activities, and as necessary to align with the CLUO.

The County staff acknowledge the strongly held beliefs of some commenters fundamentally opposed to cannabis activities. However, with the performance standards including in the CLUO the transparency tied to public notification and participation in the CLUO’s discretionary use permit process, and modifications to the County’s licensing ordinance, there will be a better balance between the concerns of residents and the permitting process in the future.

3.1.13 Master Response 12: Expression of Opinion/Preference

The County appreciates the time and effort taken by commenters to express their views and concerns as a part of this process. These views and recommendations will be considered by County staff in developing the staff recommendation, and by the Planning Commission and Board of Supervisors in their deliberations and decision-making regarding certification of the EIR and adoption of the CLUO.

Section 15088(a) of the CEQA Guidelines directs that lead agencies must prepare written responses to those comments received during the Draft EIR comment period that raise “significant environmental issues.” This means that the County is under no legal obligation in the Final EIR to respond to comments on other issues or to respond to late comments. Nevertheless, the County has chosen to respond to all comments received on the Draft EIR and Draft CLUO in this Response to Comments document. The County has opted to take this broad approach to facilitate the public process, document the exchange of information, and provide important information about considerations relevant to the proposed CLUO.

Where a comment provides substantial evidence in support of a conclusion different from that reached in the Draft EIR, the County and its expert consultants have considered the evidence and responded accordingly. Section 15151 of the CEQA Guidelines (and the judicial opinions that have explored it) directs that in situations where there is a disagreement between experts, the EIR should summarize the main points of disagreement for consideration by the Board in reaching its decision. Disagreements between experts do not preclude the process from moving forward, nor do they preclude the Board from considering the evidence and making its decision(s).
Where a comment provides the opinion, preference, or observation of the commenter, without substantiation, this is acknowledged for the record, and no further response is provided. As noted above, all comments, whether substantiated by facts or simply reflecting the position of the commenter, will be considered by the County throughout this process.

3.1.14 Master Response 13: Cannabis Tax Revenue

Several commenters inquired regarding the County’s Cannabis Tax Measure including how it is structured, current revenue streams, and how revenues have been spent.

In March 2018, the County Board of Supervisors adopted an ordinance amending Chapter 18 to Title 3 of the Yolo County Code to impose a general tax on the gross receipts of commercial cannabis activities in the unincorporated area of Yolo County. The tax measure (Measure K) required voter approval and was placed on the June 5, 2018 ballot. It was approved by approximately 70 percent of the Yolo County voters who participated in the election and took effect on July 1, 2018. The tax measure imposed a tax on cannabis businesses of between 1 and 15 percent of gross receipts, with a 4-percent initial rate on cultivation and 5-percent for other cannabis businesses.

In April 2020, the Board voted to maintain the existing tax percentages for cultivation and other cannabis businesses. The tax rate will be reconsidered after the CLUO process for the 2021-22 fiscal year budget.

A seven-member Citizen’s Oversight Committee was developed to act in an advisory role to the Board in reviewing the annual revenue and expenditures generated by the tax. The cannabis tax is for general governmental purposes and revenue generated from the tax can be spent on criminal enforcement of illegal cultivation, early childhood intervention and prevention, youth development, substance abuse education and treatment for children and adults, rural infrastructure and programs, cannabis research, and other unrestricted general revenue purposes. The Citizen’s Oversight Committee makes annual recommendations to the Board on how the cannabis tax funds should be spent as part of the County annual budget process.

During the first year of tax collection, July 1, 2018 to June 30, 2019, the County collected approximately $780,000 in cannabis tax revenue. The Board has directed allocation of this revenue to the following programs:

- $15,000 California Cannabis Authority participation fee
- $70,000 Sheriff Department illegal cultivation enforcement
- $75,000 Sheriff patrol vehicle
- $100,000 First Five Yolo early childhood prevention program
- $100,000 Health and Human Services Agency analysis of underage cannabis use
- $240,000 Rural Community Investment Program economic development and health/safety programs
- $100,000 AgTech Innovation Alliance matching funds for Lab@AgStart food science wet lab facility
- $80,000 Ten-Percent Reserve
- $780,000

Tax revenue has increased each quarter that taxes are due. The Department of Financial Services (DFS), which collects the tax, works with the County’s CTF to ensure that taxes collected from cultivators are consistent with the amount of cannabis cultivated. In addition, DFS conducts tax audits of cannabis cultivators. Penalties are imposed to those who have not paid their taxes or those who have paid less than what was determined is due. In addition, the CTF does not renew a cultivator’s annual license if he/she is not current on his/her cannabis tax.
3.1.15 Master Response 14: County Cannabis Disclosures

Several commenters expressed concern that existing cultivation sites would be allowed to continue, regardless of whether or not the operations comply with an adopted CLUO, based on financial considerations, such as significant investments in equipment and facilities.

This response addresses how the County has communicated to the existing set of licensed and eligible cultivators regarding the lack of uncertainty with respect to the future of cannabis operations in unincorporated Yolo County. The following provides information on the County’s current regulatory processes for renewing cannabis cultivation licenses.

Under the County’s existing Licensing Ordinance administered under Chapter 20, Title 5 (Marijuana Cultivation) of the Yolo County Code, the commercial cultivation of cannabis is allowed only following the issuance of a license and is otherwise prohibited (Yolo County Code Section 5-20.04). The Interim Ordinance explicitly states that a marijuana (i.e., cannabis) cultivation license does not create any interest or value, constitutes a revocable privilege, does not run with the land, and is only valid until the end of one calendar year. Each cannabis cultivation license expires on December 31 of the year it was issued (County Code Section 5-20.04[A][2][b]). Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” of the Draft EIR explains in the second paragraph on page 2-1 that existing County regulation of cannabis cultivation includes a ministerial licensing program in which licenses are required to be renewed annually (see also MR-16, “Cannabis Licensing Program”).

Provisions for renewal of a license require a cultivator to reapply and pay all applicable fees. License holders, including those eligible for renewal, must be in good standing and in compliance with the County Code and state law. Issuance of a County cannabis license does not create, confer, or convey any vested or nonconforming right or benefit regarding cultivation or other commercial cannabis activity (County Code Section 5-20.15).

The County has employed several methods for implementing the Interim Ordinance, including a license renewal process that is conducted by the CTF, responsible for enforcing the provisions of the County Code (see MR-7, “Code Enforcement and Crime,” for further details on enforcement). As indicated in Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures,” of the Draft EIR, page 3-2, operations that are not in compliance are subject to code enforcement and/or law enforcement unless remedied.

License holders choosing to make significant investments to their operations, such as construction of facilities and purchasing of expensive equipment, do so at their own risk and are required to sign a “Cannabis Notice” upon submittal of building permit applications for construction or grading activities. A copy of the notice is included in Appendix B. The notice states that the owner of the property and owner of the business understand there are pending changes to the regulatory program that could affect the operations, and that by signing the notice they agree they would like to pursue the construction activities and will comply with the requirements and ordinances in effect, including any future changes to the County’s regulations. There are also signs posted at the front counter of the Department of Community Services building informing cultivators of pending changes to the cannabis program.

Lastly, in an effort to address odor and other issues stemming from outdoor cultivation, the Board approved an early implementation development agreement policy on March 6, 2018, for existing licensed cannabis cultivators proposing projects that include indoor or mixed-light (greenhouse) cultivation. The intent of this policy was to provide licensed cultivators in good standing, who were willing to make significant investments to reduce odor and other nuisances, an opportunity to apply for a development agreement as a way to vest their operations for a period of up to 10 years. As described in Section 2.3.4 of Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” in the Draft EIR, the County received eight completed applications for the early implementation development agreements, all of which would be subject to a robust and independent environmental review. To date, none of the applications have completed the environmental review process and have not moved forward for the Board’s consideration.
In summary, notable business risk is involved when seeking to proceed with cannabis cultivation. This is made clear by County staff through discussions with cultivators and any time a cultivator submits a building permit application for permanent facilities. The County’s effort to draft a set of land use regulations to replace and/or complement the current licensing program was put into motion to address a more permanent solution for appropriately siting cultivation and noncultivation activities. Use permits, unlike licenses, run with the land and would be vetted on a case-by-case basis for a multitude of issues related to land use and community compatibility.

Section 8-2.1409(B) of the proposed CLUO contains similar language acknowledging applicant/operator risk. Section 8-2.1409(E) contains indemnification language and also establishes a requirement for cannabis operators to maintain general liability insurance.

**3.1.16 Master Response 15: Traffic Analysis**

Commenters raised concerns that analysis of potential transportation impacts from implementation of the proposed CLUO provided in the Draft EIR did not adequately analyze the cannabis use generated traffic and associated impacts on roadway conditions, traffic operations, and safety.

**TRANSPORTATION ANALYSIS METHODOLOGY FOR THE CLUO**

The proposed CLUO would further regulate, and potentially reduce or expand, cannabis activities in the unincorporated area that are currently allowed under Chapter 20 to Title 5 of the Yolo County Code. As described in Draft EIR Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” the County is considering a range of alternative approaches to sections of the Draft CLUO related to the extent of allowed cannabis uses, performance standards and buffers, and concentration of cannabis operations in regions of the County. The Draft EIR identifies an assumed distribution of these cannabis uses under each alternative (see Draft EIR Exhibits 2-4 through 2-8). The distribution is based on current licensed cultivation operations in the County, review of cannabis applications received in response to the nursery and processing facilities pilot program and the early implementation development agreements for cannabis operations, and input from County staff based on an understanding of the local cannabis industry and an intent to reflect reasonable assumptions for purposes of the countywide environmental impact analysis.

The evaluation of potential transportation impacts is analyzed in Draft EIR Section 3.14, “Transportation and Circulation.” This section analyzed whether implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the adopted CLUO, could result in increased transportation impacts under each of the five alternatives. The transportation analysis in the Draft EIR is based on the report prepared by KD Anderson and Associates (provided in Appendix G of the Draft EIR) which analyzed both vehicle miles traveled (VMT) as required under recent state direction, and operational impacts using thresholds in the County General Plan.

The CLUO would not directly entitle any commercial cannabis uses and therefore the exact locations of all future commercial cannabis uses are not known at this time. For these reasons, the Draft EIR traffic analysis evaluates roadway segment traffic operations countywide under each of the five CLUO alternatives as defined. The roadway segments evaluated were the same roadway segments evaluated in the Yolo County 2030 Countywide General Plan EIR which focused primarily on roadways that provide regional circulation. Conditions on local roadways would be examined through the CUP process.

The roadway segment traffic operations analysis was conducted based on the assumed number, type, size, and general location of commercial cannabis uses under each of the five alternatives. It is important to note that these assumptions were established solely for analysis purposes in the Draft EIR, and do not commit the County to allowing the levels of commercial cannabis development assumed in the Draft EIR. Additionally, as detailed on page 20 of the traffic analysis in Appendix G of the Draft EIR, assumptions regarding specific trip generation rates were made in order to conduct the roadway segment level of service
(LOS) analysis. The report describes that these trip generation rates were derived from existing and permitted cannabis use data throughout the state, results of Yolo County-initiated surveys of current cannabis cultivators, and cannabis dispensary trip generation rates published in the Institute of Transportation Engineers Trip Generation Manual, 10th Edition.

**TRANSPORTATION ANALYSIS CONCLUSIONS**

As discussed on page 3.14-12 of the Draft EIR, CEQA Guidelines Section 15064.3 was added in the 2018 CEQA Guidelines to address the requirements of Senate Bill 743 (PRC Chapter 2.7, “Modernization of Transportation Analysis for Transit-Oriented Infill Project”), which changes the focus of transportation analysis conducted under CEQA away from congestion to, among other things, reduction in greenhouse gas emissions, encouraging mixed use development, and other factors. More specifically, PRC Section 21099(b)(2) directs that automobile delay and congestion as determined through a LOS analysis “shall not” be considered a significant impact on the environment upon certification of the updated CEQA Guidelines. The updated CEQA Guidelines were certified by the Secretary of the Natural Resources Agency on December 28, 2018; and thus, in accordance with PRC Section 21099(b)(2), LOS (i.e., automobile delay) is no longer considered a valid impact analysis metric for the purposes of CEQA. Therefore, as shown on page 3.14-16 of the Draft EIR, the significance criteria used to assess impacts on the transportation and circulation system associated with implementation of the project do not include roadway segment LOS, and instead focus on VMT, which measures amount and distance of travel. Jurisdictions may, however, continue to assess LOS as it relates to other topics valued by the agency, such as General Plan consistency. Because the Yolo County General Plan retains policies related to LOS, and preservation of capacity in local roads for planned/allowed uses, such an assessment was conducted.

**General Plan Consistency**

Draft EIR Impact TRANS-1 details the general plan consistency analysis which addresses whether implementation of the CLUO would conflict with General Plan circulation policies. As described on page 3.14-17 of the Draft EIR, use of the County roadways for farm-to-market traffic from trucks and employees within the County is allowed by-right, and therefore not considered an adverse impact. Generally countywide, the rural road network is “reserved” for allowed uses, including specifically and primarily by-right agricultural activities. General Plan text on page AG-1 identifies agriculture as the primary business in Yolo County, and to date virtually all farming-related agricultural activities remain primarily by-right with no discretionary approvals required for cultivation on land designated for Agricultural use. General Plan text on page CI-1, and Policies CI-3.1, CI-3.10, and CI-7.3 reinforce this. The proposed CLUO would be the first time the County has imposed a use permit requirement for a particular crop.

Pursuant to Draft CLUO Section 8-2.1408(JJ) applicants that would add 100 or more new trips on local roadways would be required to submit a traffic assessment for consideration as part of Cannabis Use Permit application process. Additionally, proposed CLUO Sections 8-2.1408(K) and 8-2.1408(JJ) would require that in some situations roadway improvements (e.g., safety improvements or emergency access consistent with General Plan Policy CI-3.18) or other circulation improvements may be required as conditions of approval.

Therefore, it was determined that the proposed CLUO, including subsequent Cannabis Use Permits approved pursuant to the adopted CLUO, would not conflict with the transportation related objectives, goals, and policies of the General Plan associated with transportation policies under the five alternatives. Compliance with these Draft CLUO requirements would also ensure all roadway improvements associated with new cannabis operations would be constructed in accordance with all applicable County and Caltrans design and safety standards. Additionally, the vehicle types associated with operation of cannabis operations (i.e., passenger vehicles, light-duty vehicles, single unit trucks) are consistent with the vehicle types currently utilizing the County roadway network and thus would not result in the operation of incompatible uses. Therefore, implementation of the CLUO would not increase hazards because of a design feature or incompatible uses.
Traffic Operations
The Draft EIR Appendix G, “Traffic Impact Analysis (TIA) for Yolo County Cannabis Land Use Ordinance,” provides a traffic operational analysis for each of the five CLUO alternatives. The TIA estimates traffic generated from cannabis uses for each alternative associated with employment, materials transport, and retail sales (Draft EIR Appendix G pages 20–22). The TIA identifies traffic generated forecasted for each of the five CLUO alternatives as summarized below. These traffic forecasts are based on the cannabis use assumptions provided in Table 2-4 of the Draft EIR (presented here as Table 3-5) (Draft EIR pages 2-30 through 2-32).

Table 3-5  Traffic Generation by Alternative

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Total Daily Trips</th>
<th>Total PM Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3,600</td>
<td>915</td>
</tr>
<tr>
<td>2</td>
<td>7,458</td>
<td>1,537</td>
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<tr>
<td>3</td>
<td>14,864</td>
<td>3,064</td>
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<tr>
<td>4</td>
<td>7,708</td>
<td>1,617</td>
</tr>
<tr>
<td>5</td>
<td>6,330</td>
<td>1,414</td>
</tr>
</tbody>
</table>

The TIA used County traffic analysis zones and roadway segments from the 2020 General Plan EIR traffic analysis. Assumed locations of existing and eligible cannabis cultivation sites (Alternative 1) as well as assumed locations of new cannabis uses for Alternatives 2 through 5 identified in Draft EIR Exhibits 2-4 through 2-8 were applied to the 2020 General Plan EIR traffic analysis zones (TAZs) and roadway segments to evaluate changes in traffic operations (see Draft EIR pages 2-23 through 2-29 and Appendix G).

Potential changes in traffic operations (roadway volume changes and LOS) for existing plus CLUO conditions (all five alternatives) are provided in Appendix G Table 6 (Appendix G pages 26–29) and cumulative plus CLUO conditions (all five alternatives) are provided in Appendix G Table 7 (Appendix G pages 36–38). Under Alternative 1, assumed cannabis uses consist of existing and eligible cultivation sites. For purposes of the TIA, this represents the baseline condition. Increases in roadway volumes for Alternatives 2 through 5 vary by roadway segment.

As identified in the report, with only two exceptions, projected conditions under all defined CLUO alternatives will have no effect on LOS conditions modeled to occur under existing and/or cumulative conditions without the project. The two exceptions are CR 32B from Mace Boulevard to Webster Road and CR 98, under cumulative conditions only (20 additional trips); and from CR 24 to SR 16, under existing and under cumulative conditions (180 additional trips in each scenario). These conditions would only occur under Alternative 3.

With respect to traffic operations and LOS, it is relevant to consider the relationship between LOS and ultimate capacity of a particular roadway (see Table 1 on page 7 of the report). For a two-lane rural road, a capacity of 1,000 vehicles per hour per lane was assumed in the Yolo County General Plan Draft EIR, based on methods from the Highway Capacity Manual. This reflects an LOS F condition and generally represents the maximum design capacity of the road assuming traffic in both directions. The volume thresholds for other levels of service (e.g., C, D, E) are lower. If LOS F represents a heavily used road with 1,000 cars flowing in each direction, LOS C is generally about 40 percent of that volume, and LOS D is generally about 80 percent of the maximum volume. From a fiscal perspective, LOS thresholds lower than D (i.e., LOS A–C) represent a significant underuse of the full capacity of a roadway, which is among the more expensive pieces of public infrastructure. This is one of many reasons why congestion has fallen out of favor as a CEQA impact metric.

Vehicle Miles Traveled
As described on page 3.14-14 of the Draft EIR, an extensive evaluation process was undertaken to determine whether a transportation model could be used to accurately quantify changes in VMT resulting from the proposed CLUO, including subsequent Cannabis Use Permits approved pursuant to the adopted
Due to concerns regarding accuracy, the quantitative modeling tools evaluated were rejected. It was determined that there is no reliable method for quantitatively assessing VMT for this nature and scale of use. As further discussed below, consistent with CEQA Guidelines Section 15064.3(b)(3), the Draft EIR relied on a qualitative analysis of VMT.

Draft EIR modeling and analysis of VMT under the Draft CLUO and the associated alternatives evaluated the combined effect on total daily VMT under each alternative, and accounted for changes to travel patterns resulting from the new employment opportunities created by cannabis uses assumed under the five CLUO alternatives. Change in employment associated with the Draft CLUO is used to assess the transportation-related effects of the Draft CLUO because employment is the primary trip generating unit used by the Sacramento Activity-Based Travel Simulation Model (SACSIM) to estimate VMT for the industrial and retail land use categories. SACSIM addresses travel within the six-county area composed of Yolo, Sacramento, Placer, El Dorado, Yuba, and Sutter Counties. Although SACSIM’s inventory of land uses does not include agricultural employment (i.e., the land use that would most closely approximate the trip generation and VMT of cannabis uses associated with cultivation), it does include industrial uses. Similar to agricultural land uses, the travel patterns associated with the industrial land use category would account for employee commute travel but would also reflect regional deliveries of materials and products. Due to the relatively similar travel characteristics between agricultural and industrial land uses in general, the trip generation characteristics of industrial land uses were applied to cultivation operations and nursery facilities for the purposes of this analysis. Additionally, the SACSIM industrial land use type was assigned to the processing, manufacturing, testing, and distribution facilities under the Draft CLUO. The SACSIM retail land use category was assigned to the retail cannabis uses under the Draft CLUO, and a combination of the SACSIM industrial and retail land use categories (i.e., two-thirds industrial and one-third retail) was assigned to the Draft CLUO micro business land uses. (Draft EIR page 3.14-14)

Because SACSIM does not account for travel outside of its six-county area in its VMT calculation, off-model adjustments were made to SACSIM outputs for each alternative to ensure that the VMT was not truncated as described above. The off-model adjustments were based on census data and characteristics for employee travel generated by Yolo County. It was assumed that each alternative’s net effect on total VMT outside of the SACSIM area would be 34 percent of the effect of each alternative on internal VMT. (Draft EIR page 3.14-15)

While the modeling did identify changes in VMT, results were nominal and were within the typical forecasting margin of error for these model types. Further, SACSIM is not designed to factor the proximity of cannabis cultivation and noncultivation uses that are assumed in the Draft EIR analysis for alternatives 2 through 5. Due to the limitations of SACSIM as detailed above, and in the absence of relevant studies and data, SACSIM could not accurately measure VMT for this project. However, the provision of a range of cultivation and noncultivation operations within the unincorporated area of the County would reduce VMT generated as compared to traveling to cities and/or outside the County for commercial nurseries, testing, manufacturing, and retail uses.

Draft EIR Impact TRANS-2 addresses the Draft CLUO’s impacts on VMT under each of the five alternatives and considers whether or not the proposed ordinance would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). Based on the qualitative impact analysis it was determined that implementation of the proposed CLUO, including subsequent Cannabis Use Permits approved pursuant to the adopted CLUO, would not conflict or be inconsistent with CEQA Guidelines 15064.3(b) for any of the alternatives. Alternative 1 would retain existing cannabis cultivation uses and would not result in an increase in VMT. Alternatives 2 through 5 are assumed to result in the addition of noncultivation facilities (i.e., processing, manufacturing, testing, distribution, retail sales, and microbusiness facilities) within the County, which is currently devoid of any such facilities. The placement of such facilities in the unincorporated area of the County near existing and future cultivation uses would allow cultivators to avoid transporting cannabis to more distant locations where these facilities currently exist (e.g., existing testing facilities are located in the cities of Davis and Sacramento). Therefore, allowing for noncultivation facilities to be located in close proximity to cultivation operations could potentially reduce VMT, as well as through compliance with the requirements of Draft CLUO Sections 8-2.1408(N) and 8-2.1408(JJ) that include vehicle trip reduction measures. In other words, the
CLUO is likely to be neutral or supportive of reduced VMT because growing and processing cannabis closer to customers and with greater proximity between the raw materials and value-added processing will minimize trips and shorten their length.

Thus, implementation of CLUO is not expected result in a net increase in countywide VMT beyond what was evaluated in the General Plan EIR. As described in Draft EIR Section 3.14.3 under “VMT Significance Threshold Methodology,” implementation of the proposed CLUO, including subsequent Cannabis Use Permits approved pursuant to the adopted CLUO, would not conflict or be inconsistent with CEQA Guidelines 15064.3(b). (See Draft EIR pages 3.14-18 through 3.14-21.)

3.1.17 Master Response 16: Cannabis Licensing Program

The history of the County’s cannabis regulations is summarized in Section 2.3.3 of the Draft EIR starting on page 2-11. The County’s first marijuana cultivation ordinance was adopted in March of 2016 and later amended in October and November of 2017 which resulted in the current cap of 78 existing and eligible licenses. The original ordinance limited cannabis activities to cultivation for medicinal purposes only. However, in July of 2018 the Board amended the regulations to allow cultivation for adult recreational uses as well.

A number of commenters have expressed questions and opposition to the County’s current licensing regulations, in particular to the position taken by the County that CEQA compliance is not required for license issuance.

At the time the licensing ordinance was adopted, the Board of Supervisors determined that adoption and implementation of the ordinance was not subject to CEQA review based on three conclusions:

1. Pursuant to CEQA Guidelines Section 15060(c)(2) the licensing ordinance was statutorily exempt because it would not result in a direct or reasonably foreseeable indirect physical change in the environment;

2. Pursuant to CEQA Guidelines Section 15061(b)(3) the ordinance was statutorily exempt because there was no possibility the ordinance would have a significant effect on the environment; and

3. Pursuant to CEQA Section 15308 the ordinance was categorically exempt under the Class 8 Categorical Exemption which applies to actions by regulatory agencies to assure the protection of the environment.

These findings reflected the County’s position that the ordinance contained fixed standards and consistent measurable standards that would be applied objectively to all applicants for an activity that was merely the planting of a new legal crop. Cannabis cultivation was viewed fundamentally as no different from other legal crops in the County and Yolo County did not at the time, nor does it now, regulate a farmer’s choice of crops.

The licensing ordinance put into place a ministerial process for how cannabis cultivation would be allowed to be carried out, and each potential licensee was examined for compliance with the identified standards and requirements. Applicants that met the requirements were issued a license and those that did not were not licensed. The County did not exercise discretion or judgement in reaching a decision about issuance of the license. These characteristics align with the legal definition of a ministerial action (CEQA Guidelines Section 15369) and pursuant to CEQA Guidelines Section 15002(j)(1) CEQA does not apply to ministerial actions.

Notwithstanding the above, in October of 2017 the Board of Supervisors directed staff to commence the process of developing a Cannabis Land Use Ordinance, with the express intent to establish a set of requirements for conditional use permits for cannabis activities, the effect of which would render applications for cannabis activities discretionary and subject to CEQA. The subject project is the adoption of the proposed CLUO which would overlay a rigorous discretionary process on top of the existing ministerial licensing process. Until a CLUO is in place, absent other changes by the Board, cannabis cultivation license approvals will remain ministerial and limited to eligible and existing licensees.
3.1.18 Master Response 17: Consolidated Cannabis Campus

Some commenters have identified more specific site and/or zoning controls as a desirable option for siting cannabis uses. Examples include restricting cannabis activities to certain areas of the County, such as industrial areas only, remote special cannabis overlay areas, co-located cannabis mini-plots like a community garden, centralized nurseries or processing locations, and/or one or more cannabis campuses on public lands such as on buffer land at the County landfill.

Under Alternatives 1 through 5, the proposed CLUO allows for one or more applicants to develop a cannabis campus with centralized services and security. This is referred to as “co-location” (see Section 8-2.1408[G]). The County can restrict cannabis activities to certain zones and/or areas through the CLUO. Alternative 5 for example restricts cannabis to agricultural zones only. A variant of this alternative would be to restrict cannabis activities to industrial zones only, or to restrict it to only certain areas within agricultural or industrial zones through the use of an overlay zone.

Some comments suggest the County should find “the best location” countywide to consolidate commercial cannabis activities (such as the County landfill) and that the County become a landlord and property manager for cannabis activity at that location. The County has not undertaken a feasibility analysis of the possibility of such a campus being owned and operated by the County. Nevertheless, the Board could choose to explore this under the CLUO, as well as explore private-sector partnerships that could involve variations of the cannabis campus concept.

The proposed CLUO effectively allows for one or more cannabis campuses, but at the expense and risk of the private sector rather than the public sector (i.e., County land ownership and/or property manager). A CUP applicant would bear responsibility for identifying and ensuring economic feasibility of a particular site and operation. The County has not explored the feasibility or desirability of a County-owned/managed cannabis campus, though the Board could choose to do so. The analysis assumes cannabis uses would occur solely on private land, but would not be materially changed should such uses occur on public land. However, should the Board choose to pursue such an outcome, the CLUO would require modification to allow cannabis uses within the Public/Quasi Public (PQP) zone/designation. For example, Section 8-2.1407 (Table of Cannabis Development Regulations) would require modification to indicate that cannabis would be allowed on land zoned PQP under specified circumstances, and Section 8-2.1408(II), which prohibits cannabis on public land would require modification to eliminate that prohibition.

In summary, the cannabis campus idea would fit within the range of CEQA alternatives analyzed in the Draft EIR which explore different cannabis use types, buffers, and location based on zoning restrictions and other performance measures. The cannabis campus idea could be accomplished through zoning controls in the form of a zoning overlay district. Ownership of the land, whether public or private, would have no effect on the potential for CEQA impacts and therefore would be the same for both. If determined to be feasible, this alternative would not differ substantively from the alternatives explored in the Draft EIR. Potential environmental impacts would be expected to be the same as those identified within the Draft EIR and mitigation measures identified in the Draft EIR would apply.

3.2 COMMENTS AND RESPONSES

The verbal and written individual comments received on the Draft EIR and the responses to those comments are provided below. The comment letters, including a summary of the verbal comments made at the December 3, 2019, Planning Commission meeting, are numbered according to the date they were received, reproduced in their entirety, and followed by individual responses to each comment. Each letter is bracketed to separate distinct comments, and each bracket is numbered to allow for a corresponding response.
From: Elaine Roberts Musser [mailto:erobertsmusser@gmail.com]
Sent: Friday, November 1, 2019 7:34 AM
To: cannabis <cannabis@yolocounty.org>
Subject: Re: County cannabis alternatives

To Whom It May Concern:
I favor alternative 1: This option would allow continued commercial cultivation, including nurseries and processing that provide support to a cultivation operation, but limit it to the existing 78 permitted cultivators. It would require a 75-foot buffer between outdoor cannabis cultivation sites and occupied off-site residences and a 1,000-foot buffer between outdoor cultivation sites and day cares, public parks, places of worship, schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust and licensed youth centers.

Under this alternative, nine of the existing permitted cultivators would have to relocate to meet the buffer and zoning requirements.

If we don't limit cannabis growth and production, we are going to be known as the "cannabis county." 80 cannabis businesses is more than enough for this sized county. Already these businesses have caused problems, and a headache for law enforcement. It makes no sense to allow more cannabis businesses, so that we have an even bigger problem to manage. I would be in favor of forcing the existing businesses to have to have greenhouses, since they have already caused problems for the neighbors.

--
Elaine Roberts Musser
Attorney at Law
PO Box 2366, Davis, CA 95617
e-mail: erobertsmusser@gmail.com
tele: 530-758-8045
cell: 530-574-6556
| Letter 1 | Elaine Roberts Musser  
11/1/2019 |

Response to Comment 1-1  

**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. Your support for Alternative 1 is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”
Dear Supervisors and Yolo Cannabis Task Force,

Thank you Mr. Villegas for email, and also thank you very much for the phone call from Cannabis Task Force from Community Services this morning (I didn't get chance to write down your name).

My apologies that our email was not completely clear. We did not intend to file a complaint, but the intention of the email was to provide background comment towards the draft ordinance. **We support Alternative 4 (indoor cultivation).**

I am sending this email to you all again. After reviewing the Cannabis website, and FAQs about participation (https://www.yolocounty.org/home/showdocument?id=60886), it is not clear exactly HOW to send written comments on the draft ordinance and EIR. A suggestion is to update the FAQ to include the specific email or website or other means you prefer to receive written comments.

Thank you,

John & Rita Harvey

On Sun, Nov 10, 2019 at 10:21 AM John Harvey <jharvey.consult@gmail.com> wrote:

Dear Supervisors and County Staff Working on Cannabis Ordinance,

My wife and I are residents of Davis, and recent small farmers off County Road 2 in Dunnigan. I work for UCD in civil engineering and Rita works for the Davis School District running the high school lunch program.

Not coming from families with inherited land, and not being independently wealthy, we saved for 20 years to be able to buy 20 acres of wheat land in Dunnigan off Road 2 near Road 88 to plant almonds. I grew up in Chico and worked in the orchards as a young adult. We were able to find land we could afford 6 years ago, and plant 4 years ago, after having to postpone for a year because of the drought. We hope to break even on cash flow this year, and have some additional income to supplement our pensions when we begin to retire over the next 6 years. We also need to finish paying back loans from my family that we needed to buy our tractor and put in a 400 ft well as back up during the drought.

The problem we now have is that a marijuana farm was started by our neighbor directly on the corner of Road 2 and Road 88 a couple years ago. Since then we have had to deal with:  
- Theft attempts, with criminals coming through our next neighbors orchard and abandoning rental vans intended for stealing when scared off by the people guardians the marijuana. We have encountered people on the road in to our property who were trying to find a way into the marijuana property. We are concerned about continued risk of criminals trying to steal the marijuana, and the guards who are trying to keep them out. The recent killing of an El Dorado County deputy is what has prompted me to write this email. We do not want to be caught in a cross-fire, and we don't want to see our neighbors and law enforcement put at this kind of risk for a reason like this.
- Odor. We are about 600 ft away from the outdoor grow. I have no problem with an occasional whiff. But we have a strong smell on about a quarter of our property when we are out working. We do most of our own farm labor, and it gets tiring to be smelling this. We are concerned for our neighbors who live full time nearby and the value of their homes and just having to live with that constantly.

- We have some concern about future issues with viability of farming next to marijuana grows. We are currently searching for another 15 to 20 acres in the area to use for agriculture. We are concerned that if we buy a property, and an outdoor marijuana grow pops up next to us, we will be at great risk of liability when we have to spray, raise dust, or do anything else for which we could be sued for potential damage to a crop that has value far beyond what ours would be. That would put a lifetime of saving and years of work getting our property up and running at risk.

We have nothing against legalization of marijuana if it helps reduce the levels of criminal activity and environmental impact (stealing of water, garbage everywhere, dumping of herbicides and pesticides into streams) that my sisters face in Mendocino County, and my parents neighbors faced in Humboldt County, and the fires set by the marijuana farmers when I worked for the US Forest Service as a firefighter.

However, we strongly believe that the marijuana grows should be done right: in completely indoor facilities, with industrial odor control, and the ability to provide appropriate security that doesn't endanger neighborhoods. The current system of outdoor grows in Yolo County is a step better than the illegal grows in the woods, but it is still a taking of property value without compensation, and more important an endangering of ourselves and neighbors, if the outdoor grow permits continue as is.

Thank you for the opportunity to write to you.

John & Rita Harvey
1723 de Soto Place
Davis, CA 95616

Harvey Popoca Ranch
off County Road 2
Dunnigan, CA

j.harvey.consult@gmail.com

ejumil2@yahoo.com

mobiles: 510 206 8349 and 530 400 9121
Response to Comment 2-1  
**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. Your support for Alternative 4 is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 2-2  
**EIR Comment.** The commenters indicate that the process for submitting Draft EIR comments was not clear. We extend our apologies that the process was unclear. The Draft EIR Notice of Availability, which is posted online and the first page (after the cover) of any copy of the Draft EIR, provides the submittal instructions. The instructions were also provided in the PowerPoint at every public presentation during the review period. Copies of the PowerPoint, which were distributed at the meetings and are posted online, also had this information.

Response to Comment 2-3  
**CLUO Comment.** The commenters provide background information regarding their situation. Thank you for this background information.

Response to Comment 2-4  
**CLUO Comment.** The commenters identify concerns regarding theft and crime. Please see MR-7, “Code Enforcement and Crime.”

Response to Comment 2-5  
**EIR Comment.** The commenters express concerns regarding odor from existing cannabis cultivation near their property. Odor is analyzed in the Draft EIR. Please see Draft EIR Section 3.3, “Air Quality and Odors”; Chapter 4, “Cumulative Impacts and Overconcentration”; and Chapter 5, “Alternatives.” Cannabis odor is acknowledged in the Draft EIR as a significant and unavoidable impact under all alternatives and scenarios (Draft EIR Impact AQ-4). The proposed CLUO includes specific requirements and performance regulations for Odor Control (Section 8-2.1408[DD] and Nuisance 8-2.1408[CC]). All CUP applicants for any cannabis activity, including outdoor cultivation, will be required to submit an Odor Control Plan (see Section 8-2.1410[D][2]) as a component of their application.

Response to Comment 2-6  
**CLUO Comment.** The commenters identify concerns regarding the viability of farming near cannabis uses. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 2-7  
**CLUO Comment.** The commenters indicate their support for legalized cannabis if it helps reduce crime and environmental impacts. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 2-8  
**CLUO Comment.** The commenters’ support for indoor cultivation with odor control and security is acknowledged. Please see MR-12, “Expression of Opinion/Preference,” and MR-6, “Economic Effects and Property Values.”
Dear Susan,

It is with sadness that I write to you about how the legal commercial growing of cannabis has changed our small neighborhood in the Upper Capay Valley.

The character of the neighborhood has been immeasurably altered by the establishment of two commercial grow operations. I don't refer to them as farms, because it seems like they should be zoned industrial rather than agricultural. The local farms have periods of high activity during harvest. The cannabis grows have vehicles coming at all hours of the day and night, often speeding down our small rural roads. What was, for the 20 years I lived there, a rural community of neighbors and friends, is now the center of two loud industrial operations, with people who have none of the community oriented volunteer spirit that made this a place I wanted to live and raise a family.

There is a real financial cost to being the neighbors of industrial cannabis grows. I haven't seen any studies, but know from our own experience that the real property value next to these grows has been significantly reduced. There is probably not a universal figure, but it's possibly 25% to 30% of a value reduction in what is the most significant purchase Capay Valley families have invested in. Please let that sink in. Everything residents have worked for in their lifetime, to build equity in their properties, has been reduced by something like 25% because of the close proximity of these industrial grows.

If the value of individual families finances doesn't effect you, consider this effect on taxes. This is a potential 25% loss of tax revenue for each home sold for the entire tax period of the new owner. For every $100,000 loss of value for property sold, that means roughly a loss of $1,000 per year for Yolo County in property taxes. I don't know the number of properties effected, but ten home sales a year at just $100,000 loss of value, is a $100,000 loss per year in property taxes. Ten years of a single loss in property tax values and sales for just ten homes with this effect is $1,000,000 to Yolo County. I sincerely hope the County has done projections and calculations on the loss of property tax income due to loss of value in home sales next to cannabis operations. If the individual financial effects to families are not being considered, I hope the fiscal impact on the county tax collection is.

Our rural community is now filled with the anxiety of things like neighbors cutting down landscaping on other peoples property in the middle of the night, loud vehicles coming through at all hours of the day and night, gunshots heard from the cannabis grows, sometimes fired over neighboring properties in what seems like intimidation techniques, the constant speeding vehicles making it unsafe for children to ride bicycles and the general discomfort of having an industrial grow with no concern for aesthetics or quietness in our neighborhood. We have seen video captured of one of the cannabis workers trespassing with a firearm on a neighbors farm. No one would want to have this next to their home. It is horrendous for the neighbors effected by these operations. These are some of real costs that have come with the licensing of industrial cannabis grows in rural Capay Valley.

Sadly,

Todd Gettleman
Capay Valley Citizen's Advisory Committee Member 2003-2013
Rumsey Improvement Association Board Member 2006-2016
Rumsey Water Users Association Treasurer 2008-2011
Yocha Dehe Tribal Government Employee 1998-2016
Todd Gettleman
tgettleman@mac.com
530-867-2475
Response to Comment 3-1  
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. Your concerns regarding conditions in Capay Valley are noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 3-2  
CLUO Comment. The concerns expressed by the commenter are acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference.” Agriculture is the County’s top industry and some agricultural endeavors are more intensive than others. Please see MR-5, “Cannabis as an Agricultural Crop.” The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities.

Response to Comment 3-3  
CLUO Comment. The commenter’s input regarding financial cost, property values, and property tax revenue are acknowledged. Please see MR-6, “Economic Effects and Property Values,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 3-4  
CLUO Comment. The commenter states nuisance concerns regarding cannabis uses. The County has an active enforcement process for the current cannabis license system as explained more in MR-7, “Code Enforcement and Crime.” As noted above the proposed CLUO contains new regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities including notably:

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

The commenter is encouraged to report violations through the County’s existing complaint process. Please see MR-7, “Code Enforcement and Crime,” for information on how to make a complaint.
An alternative idea for how to manage Cannabis in Yolo County

Dear Yolo County Supervisors and Cannabis Program Manager,

The goals for allowing the privilege of commercial cannabis production in Yolo County should be:

- Sustainable environmental habitat with elimination of negative impacts
- A harmonious sense of community and public safety for the whole county
- Allowing for an adequate California supply of medicinal cannabis
- Allowing for efficient and effective county administration of the commercial cannabis program.

The proposed direction of the CLUO is inadequate to achieve all of these goals.

We need to solve basic conflicts of interest of cannabis cultivation within our community.

There are a whole lot of issues that have already appeared but are probably unrecognized by county staff and are therefore not being satisfactorily addressed. The public issues will not go away no matter which alternatives you select.

One particular issue is that the Capay Valley has less ag land than elsewhere in Yolo County, but most of the current grows are here. The reduced safety and quality of life leave many residents feeling ignored and exploited.

One possible solution is for the county to allow commercial cannabis cultivation in one publicly-owned location that is environmentally and sociologically acceptable. Allow commercial cannabis cultivation to succeed by having one designated county owned location just like a community garden, business park or business campus which is gated and secured by the county or its contractor.

This way, the county, rather than property owners, provides security on behalf of society at large. Public safety is lost when individuals use weapons, intimidating and threatening language, uncontrolled animals, or dangerous barriers on private property.

The economics of cannabis commerce have changed and require a new model in order to assure long term sustainability and product availability for medical use.

Californians voted for both medicinal cannabis and personal marijuana cultivation for recreational use. But the economics of commercial cultivation and distribution are still highly impacted by federal laws, which regulate interstate commerce. Therefore, the black market is a fly in the ointment. ABC's 60 Minutes showed the problems of legal vs. illegal cultivation in the Emerald Triangle and California (10-23-19, Channel 3).

60 Minutes also showed that California already produces too much legal cannabis and, therefore, growers might be tempted to supply the black (illegal) market. The return to the illegal grower is generally 3 times that to the legal grower. Because of the in state over supply legal growers will probably see further declines in returns. Tax revenue from growers might, therefore, also decline. That is why the county must find ways to reduce overall county costs of regulating the cannabis cultivation programs.

The simple solution for the county is to consolidate all the growing into one location. This will improve county oversight, control and administration!

We need to think outside the box to develop a better, more community-service oriented and public-friendly commercial cannabis cultivation program than the proposed alternatives in the CLUO for Yolo County.

Why not find the best location in the county to consolidate all the commercial growing, processing, storage and distribution of cannabis into one secured area which is accessible to county employees for administration, control and other operations. The restored areas of the Yolo County Landfill might be appropriate for a commercial cannabis business and grow park, as other counties and municipalities have converted landfill sites into parks and golf courses.
Suppose the county started with approximately 160 acres dedicated to commercial cannabis cultivation and other allowed activities. The county should consider:

- Double perimeter fencing, a gated main entrance, and 3 emergency entrances,
- Leasing our small parcels to growers yearly with a renewable clause at the discretion of the county to be based on conduct and performance,
- Provide roads and utility services,
- Charge fees for security which can only be provided by the county or its contractor,
- Charge utility usage fee,
- Charge a facility use, maintenance and improvement fee,
- Charge applicable permit and program fees.

Exorbitant fees and taxes could be self-defeating. Especially for products certified for medicinal use which is documented as sold to fill a Rx prescribed by a licensed medical physician.

This plan could allow for approved buildings and structures, which could be temporary or permanent, and may or may not be removable at the discretion of the county upon termination of a lease.

Public meetings alone will not provide you with the education you need to make really hard decisions about the best way to help pull communities together when there are opposing opinions and expectations.

As a community leader, a supervisor must find common ground, rather than ignore the concerns of the minority of county residents who live in the Capay Valley or any other part of Yolo County for the sake of insufficient county revenue which will be spent for analysis of underage use of cannabis and then development and funding of programs to reduce underage use.

If Supervisors and Cannabis Program Administrators haven't experienced living for a time within a distance of 75 feet to 1000 feet of a commercial cannabis cultivation site then at least visit some residents who are living and raising children within that distance so that you can see, taste, smell, hear and experience what it's like, and what changes will satisfy the people who were living here before the cannabis allowances went into effect or are now forced to live in these areas because of circumstances beyond their control.

Cultivators (principles and workers) are not inherently a problem but they face three challenges: Federal enforcement authorities, illegal growers, and the general public who might blame them for violations, noise, odor, traffic, animals, rudeness, and other important issues.

Not all of the principles and workers appear to have been adequately vetted and trained to respect public norms and congenial neighborly behavior. In fact, county employees isolated them from public identity and meeting neighbors to bring about better community relationships and acceptance.

It is the County's opportunity and responsibility to reduce this potential for conflict and strengthen community unity. Please take into account safety for both the growers of cannabis and for the public, as well as safety for county employees, and law enforcement and first responders.

Cannabis commerce still has many problems which have to be addressed by the general community. We want to avoid the problems like El Dorado County just experienced which the currently proposed CLUO doesn't address adequately. Instead of privately owned cannabis grows scattered around the county, please consider consolidating all cannabis operations on Yolo County land away from urbanization, rural residences, schools, school bus stops, churches and parks.

Sincerely,

Franklin Escribella
P.O. Box 206, Guinda, CA 95637
11/14/19


Response to Comment 4-1  
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. Your proposed goals are acknowledged for the record. They are similar in many respects with the ordinance purpose statements in Section 8-2.1402 (Purpose) of the proposed CLUO. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 4-2  
CLUO Comment. The commenter believes the proposed CLUO will be inadequate to achieve the goals specified in Comment 4-1. The County does not share that view. The proposed CLUO contains new regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities.

Response to Comment 4-3  
CLUO Comment. This input from the commenter is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 4-4  
CLUO Comment. This input from the commenter is acknowledged. Please see MR-12, “Expression of Opinion/Preference.” Concerns regarding overconcentration are shared by County staff and the Board of Supervisors. The proportion of cannabis cultivation licenses in the Guinda/Rumsey area is identified and analyzed starting on page 4-37 of the Draft EIR. Section 4.2, “Overconcentration,” of the Draft EIR contains an analysis of the issue of overconcentration in any location in the County, and concludes that the Guinda/Rumsey area is currently overconcentrated. This section identifies Draft EIR Mitigation Measure OVC-1 to mitigate this concern. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 4-5  
CLUO Comment. The commenter advocates for one central publicly owned location for cannabis with public services and security. The proposed CLUO allows for an applicant to develop a cannabis campus with centralized services and security. The County can restrict cannabis activities to certain zones and/or areas through the CLUO. Alternative 5 for example restricts cannabis to agricultural zones only. A variant of this alternative would be to restrict cannabis to industrial zones only, or to restrict it to only certain areas within agricultural or industrial zones through the use of an overlay zone. The County has not undertaken a feasibility analysis of the possibility of such a campus being owned and operated by the County. The Board could choose to explore this under the CLUO, as well as explore private-sector partnerships that could involve variations of the cannabis campus concept. Please see MR-17, “Consolidated Cannabis Campus.”

Response to Comment 4-6  
CLUO Comment. The commenter expresses their opinion that the economics of cannabis commerce has changed and requires a new model. This input from the commenter is acknowledged.
Response to Comment 4-7  **CLUO Comment.** The commenter expresses concern regarding the economic feasibility of legal commercial cannabis. This input from the commenter is acknowledged. The County costs associated with regulating the cannabis cultivation program are borne by the cannabis businesses licensed by the program.

Response to Comment 4-8  **CLUO Comment.** The commenter suggests that the County should find “the best location” countywide to consolidate commercial cannabis activities (such as the County landfill) and that the County become a landlord and property manager for cannabis activity at such location. The commenter identifies recommended components of such an approach. The proposed CLUO effectively allows for this same process but at the expense and risk of the private sector rather than the County. A CUP applicant would bear responsibility for identifying and ensuring economic feasibility of a particular site and operation. The CLUO approach would also allow for operations to be spread out over more of the unincorporated area rather than being limited to one or more specific locations. The County has not explored the feasibility or desirability of a County-owned/managed cannabis campus, though the Board could choose to do so. Please see Response to Comment 4-5 and MR-17, “Consolidated Cannabis Campus.”

The comment regarding effects of taxes and fees on operator feasibility is a recognized concern. It is reflected, for example, in Section 8-2-1402(I).

Response to Comment 4-9  **CLUO Comment.** The commenter identifies that the plan could allow for buildings (permanent and temporary). This input from the commenter is acknowledged.

Response to Comment 4-10  **CLUO Comment.** The commenter expresses concern that public meetings will not provide the education to make decisions. This input from the commenter is acknowledged. See also MR-12, “Expression of Opinion/Preference.”

Response to Comment 4-11  **CLUO Comment.** The commenter expresses that the role of a supervisor is to find common ground regarding cannabis regulations. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 4-12  **CLUO Comment.** The commenter indicates the importance of living near cannabis cultivation sites to fully understand the impacts as part of the cannabis regulation development process. This recommendation of the commenter is acknowledged. See MR-12, “Expression of Opinion/Preference.”

Response to Comment 4-13  **CLUO Comment.** The commenter notes the challenges cannabis cultivators face and that they do not always represent themselves well. The comment suggests that County staff precludes cannabis cultivators or their staff from interacting with neighbors. This is not the case. County staff encourage cultivators to reach out to their neighbors. County staff also continually remind cultivators of the importance of being a good neighbor.

Response to Comment 4-14  **CLUO Comment.** The commenter believes it is the County’s role to address cannabis cultivation conflicts within communities. This input from the commenter is acknowledged.

Response to Comment 4-15  **CLUO Comment.** The commenter expresses support for consolidation of cannabis operations in the County in certain limited areas. Please see Responses to Comments 4-5 and 4-8 and MR-17, “Consolidated Cannabis Campus.”
MINUTES
JOINT MADISON/ESPARTO CITIZENS ADVISORY COMMITTEE SPECIAL MEETING
November 19, 2019
7:00 p.m.
Esparto Regional Library
17065 Yolo Ave, Esparto, CA 95627

Attending ECAC: Babs Beckwith, Susan Cooper, Randy Jacobs, Pat Harrison, John Hulsman Jr, Giacomo Moris

Absent ECAC: Sandie Reed, Jesus Veloz

Attending MCAC: Sherrie Barnett

Absent MCAC: Rachel De La Cruz

MEETING ADMINISTRATION
1. CALL TO ORDER at 7:00 by Chair J. Hulsman

2. APPROVAL OF AGENDA
   a) Motion to approve the agenda by P. Harrison second by S. Cooper. Vote: all in favor, none opposed.

3. APPROVAL OF MEETING MINUTES
   a) Minutes of October 8, 2019:
      a. Motion by B. Beckwith to approve the minutes. Second by S. Cooper.
      b. Vote: all in favor, none opposed. Abstentions by R. Jacobs, P. Harrison

4. CORRESPONDENCE AND ANNOUNCEMENTS (none)

PUBLIC FORUM
5. PUBLIC COMMENTS (none)

6. COUNTY UPDATE
   a) Draft Environmental Impact Report (DEIR) on the Cannabis Land Use Ordinance (CLUO) – Susan Strachan and Leslie Lindbo presented slides (attached).
      a. They will return to CAC’s in January/February for recommendations to the Planning Commission on the final CLUO including:
         i. Number/type of cannabis uses
         ii. Buffers
         iii. Controls for over-concentration
   b) Of the 78 eligible permit holders, 54 are currently cultivating.

d) Brian Paddock – What is the position of the Board of Supervisors? Supervisor Chamberlain responded that he went along with medical, but was against recreational, noting he was out voted on the latter (3-2). He wants to see cannabis inside with odor control. Some farmers want to try hemp, but moratorium was just established on it. He can’t speak for other supervisors. He hopes UCD does some good research on this. County’s medical advisor is against cannabis use by people under 25 (brains still developing). He also doesn’t like the small 75 feet buffer. It is going to be hard to get 5 supervisors to agree with 5 alternatives.

e) Brian Paddock – How much pressure is on supervisors to allow it based on financial incentive. Supervisor Chamberlain explained money from permits could not be used for (illegal) enforcement. He called a meeting with the CAO, Sheriff, DA, and Ag Commissioner. They agreed to give $200K to sheriff for enforcement from the general fund (since tax money was not available yet per clarification below).

f) J. Hulsman – Code enforcement & the Water Board? – Susan explained that the EIR was paid out of cannabis fees, as well as enforcement (legal growers), including 2 sheriff’s on the task force. Illegal enforcement costs are not allowed to be paid from cannabis fees.

g) B. Beckwith – Is the County not giving out more permits? The 78 is the current amount limited by the moratorium.

h) G. Moris – All 78 existing cultivators will have to come to CAC’s for use permits, right. Yes, they will be in line first ahead of new licenses.

i) Supervisor Chamberlain noted that there is the cannabis tax too, with proceeds going to First 5 etc. That’s where we have money can be tapped.

j) Public – Concern with potential for hemp cultivation – much higher acreage and it smells too!

k) B. Beckwith – Who pays the tax mentioned? Cultivators do, Yolo County Measure K was voted on in June last year. Taxes Cultivators 4% and $80K was raised last year, with $80K buckets going to different beneficiaries per Supervisors direction based on an advisory committee’s recommendation.

l) Brian Paddock – Wind pattern analysis should be relative for specific time of year. Susan “wind rose” method used. Brian – Do you live in areas impacted by grows? People actually experiencing this are us. The other 4 supervisors and their districts are not experiencing this as much.

m) G. Moris asked about the CAC recommendation process with the upcoming Planning Commission meeting on 12/3, since this is not an action item on the agenda tonight. No, this is outreach for now. The Planning Commission meeting on 12/3 is a public workshop, CAC recommendations will be around March.

n) Public – Once CLUO is identified, what is lead time for licenses to go through process? Susan answered that they are working on the schedule. Any other businesses in the area that have issues with smell that are held to same standards, that we as cultivators could examine? Dairies, sewage mentioned.
o) J. Huisman noted that the agricultural zoning code has limits on cows, chickens etc. (Yolo County Zoning Code Title 8, Chapter 2, Article 3) and questioned why this crop is split out separately in its own ordinance rather than included in that code.

p) Brian Paddock – Have you compared notes with other counties/states? Yes.

q) B. Beckwith – With different areas providing input, will regulations be county-wide or area specific? TBD – Board level decision.

r) G. Moris – Is there legal exposure for relocating 30 cultivators (if buffer requirements are 1000 feet)? At risk disclosures are signed by cultivators. Michael ?? explained they sign annual indemnification clauses so they could not sue the County, but an outside organization could.

s) S. Barnett – Regarding green house gasses, they should consider the impact of driving all the way to Sacramento (vs local cannabis retail which is not currently allowed other than Davis).

t) Public – If hemp was allowed, is that a new EIR, etc? Indoor only currently being considered. Leslie and Susan will be looking into it in more detail, but moratorium for now.

u) Supervisor Chamberlain – Regarding buffers, be warned property lines are often wrong. Look at easement and add a safety factor.

v) Public – Mentioned his complaints have not been answered by the people involved with Cannabis or supervisors other than Duane Chamberlain who has responded to him. Supervisor Chamberlain added that they have got some growers to move due to neighbor complaints.

7. ACTION ITEMS (none)

8. DISCUSSION ITEMS

9. FUTURE AGENDA ITEMS
   a) CLUO EIR response from ECAC (action item for letter or minutes to capture feedback)

10. ADJOURNMENT
    a) Motion by P. Harrison to adjourn, second by B. Beckwith.
       i. Vote: All in favor, none opposed.
       ii. Meeting adjourned at 8:30 pm.

COMMUNITY FORUM

GLM
11/20/19

GLM
12/02/19
Response to Comment 5-1  **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. This comment summarizes the staff presentation. Further response is not necessary.

Response to Comment 5-2  **CLUO Comment.** The comment reflects that 54 of 78 existing and eligible licensees are cultivating. That number may change as licensee renewals are processed.

Response to Comment 5-3  **CLUO Comment.** The comment also includes a suggestion that employees be vetted as part of the process. Section 5-20.04 (2)(c)(4) of the Licensing Ordinance currently requires that background checks are conducted on owners and operators of each licensed cannabis site through fingerprinting. This information is vetted by the Sheriff detectives assigned to the CTF. Staff concurs with the suggestion and will recommend a modification to the Licensing Ordinance to include similar vetting of all employees.

The comment also inquires regarding required technology for odor reduction. Section 8-2.1408(DD) which addresses Odor Control does not specify a specific required technology, but does establish odor performance standards (e.g., a maximum dilution-to-threshold ratio of seven parts clean or filtered air to one-part odorous air (7:1) applicable at the property line of the cannabis site). The proposed regulations also specify other requirements including; preparation of an Odor Control Plan; certification of controls by a Professional Engineer or Qualified Odor Professional; and use of accepted/available industry-specific best control technologies. This approach is superior to defining a specific technology that may be replaced by better methods over time.

Response to Comment 5-4  **CLUO Comment.** This comment provides a summary of an exchange between a committee member and Supervisor Chamberlain. Further response is not necessary.

Response to Comment 5-5  **CLUO Comment.** This comment provides a summary of an exchange between a committee member and Supervisor Chamberlain. Further response is not necessary. Please also see MR-7, “Code Enforcement and Crime,” and MR-13, “Cannabis Tax Revenue.”

Response to Comment 5-6  **CLUO Comment.** This comment provides a summary of an exchange between a committee member and County staff. See MR-13, “Cannabis Tax Revenue.”

Response to Comment 5-7  **CLUO Comment.** This comment summarizes staff response to a committee member question, confirming that cannabis cultivation is currently capped at 78 existing or eligible licensees.

Response to Comment 5-8  **CLUO Comment.** The commenter asks about the use permit process for existing cultivators. Please see MR-10, “CUP Process and Overconcentration.”
Response to Comment 5-9  **CLUO Comment.** The commenter provides information regarding the cannabis tax. Please see MR-13, “Cannabis Tax Revenue.”

Response to Comment 5-10  **CLUO Comment.** The commenter identifies concerns regarding hemp cultivation. Please see MR-8, “Marijuana and Hemp.”

Response to Comment 5-11  **CLUO Comment.** This comment summarizes staff response to a committee member question regarding the cannabis tax. Please also see MR-13, “Cannabis Tax Revenue.”

Response to Comment 5-12  **EIR Comment.** In response to a question regarding use of wind pattern analysis specific to time of year, staff referenced Draft EIR Mitigation Measure AQ-1 which modifies Section 8-2.1408(DD) of the proposed CLUO to require wind pattern evaluation for each cannabis application. Consistent with the comment, the measure specifies that this evaluation will consider wind from multiple directions over a specified period of time.

Response to Comment 5-13  **CLUO Comment.** The commenter inquires regarding the process for CACs to provide recommendations. The CAC recommendations on the CLUO were provided in February and March 2020.

Response to Comment 5-14  **CLUO Comment.** The commenter inquires regarding the length of time for licensees to secure a CUP. Section 8-2.1404(B) of the proposed CLUO addresses Regulatory Transition Period and identifies a 12-month period for all licensees to apply and Section 8-2.1404(C) identifies maximum timeframes for relocation (by cannabis use type), if required. Staff has been analyzing in more detail the staffing and resources required to implement the transition to the new CLUO and anticipates this process may take longer. In addition Draft EIR Mitigation Measure OVC-1 requires the development of detailed implementation procedures, including priority processing of applications in areas of overconcentration.

As a result, in the staff reports for Planning Commission and the Board of Supervisors, staff expects to identify a proposed process for processing CUP applications for all licensees, including possible changes to Sections 8-2.1404(B) and (C) to accommodate feasible processing and compliance periods if determined to be merited. Please also see Response to Comment 49-24 and MR-10, “CUP Process and Overconcentration.”

Response to Comment 5-15  **CLUO Comment.** The commenter asked why regulations for cannabis are being prepared separately from those regulations that apply to other agricultural activities. The proposed CLUO has been prepared at the direction of the Board of Supervisors for the reasons identified in Section 8-2.1402.

Response to Comment 5-16  **CLUO Comment.** This comment summarizes staff response to a committee member question, confirming that the regulations and experiences in other jurisdictions and states has been considered in preparation and refinement of the CLUO. Among many examples, this has included specifically the following: Calaveras County, City of Davis, Humboldt County, City of Los Angeles, Santa Barbara County, and the City of Denver, Colorado.

Response to Comment 5-17  **CLUO Comment.** This comment summarizes staff response to a committee member question regarding the geographic scope of the CLUO. The proposed CLUO would apply throughout the unincorporated area countywide. Pursuant to Draft EIR Mitigation Measure OVC-1 geographic caps are under
consideration to address unacceptable densities of cannabis activity in certain areas. The Board of Supervisors will be asked to provide final direction on an overconcentration threshold may choose to apply other geographic restrictions as well such as limitations on types of activities in some community areas.

**Response to Comment 5-18**  
CLUO Comment. The commenter asks if there is legal exposure from requiring relocation of existing cannabis cultivation sites. Please see MR-14, “County Cannabis Disclosures.”

**Response to Comment 5-19**  
EIR Comment. The commenter notes that the County should consider the impact of greenhouse gases (GHG) the would be emitted from driving to the City of Sacramento for retail cannabis uses. This was not a consideration in undertaking the EIR analysis because licensed retail cannabis uses are available in the City of Davis which is closer. Draft EIR discusses this on page 2-8. Travel patterns for current cannabis product consumers are already captured as part of the existing conditions for GHGs and other air emissions. The Draft EIR estimates the extent of GHG stationary and mobile source emissions generated for each of the five CLUO alternatives (see Draft EIR pages 3.8-14 through 3.8-18 and Draft EIR Appendix E). The Draft EIR concludes that Alternatives 2, 3, and 4 would reduce vehicle miles traveled and associated GHG emissions by providing cannabis retail uses within the unincorporated area of the County.

**Response to Comment 5-20**  
CLUO Comment. The commenter asks if hemp was allowed would it require a new EIR. Yolo County currently has a moratorium on hemp cultivation. Please see MR-8, “Marijuana and Hemp.”

**Response to Comment 5-21**  
CLUO Comment. As related to the establishment of buffers, Supervisor Chamberlain noted that property lines may be incorrect. This concern from Supervisor Chamberlain is acknowledged.

**Response to Comment 5-22**  
CLUO Comment. This comment provides a summary of an exchange between a participant and Supervisor Chamberlain. Further response is not necessary.
From: Daniel Hrøy [mailto:dbh@citrone.com]
Sent: Thursday, November 21, 2019 10:41 AM
To: cannabis <cannabis@yolocounty.org>
Subject: Cannabis public comment

This is an updated version of the letter I sent to Supervisor Sandy earlier this year, and would like to have it entered into the record regarding feedback for cannabis planning:

I have looked at the attached notice from Yolo County, and agree with the “zero impact” goal. Certainly the odor and light are paramount concerns, especially with the Nursery and Processing facilities that his notice concerns. The industrial nature of the facilities present a very depressing aspect to the neighbors. According to the map provided, these facilities seem to be clustered in certain areas, i.e. in the Capay Valley and in Western Yolo County. This clustering creates de facto industrial zones, with attendant traffic, road degradation, and pollution. Years ago, I argued in front of the Board of Supervisors not to allow the breaking of a Williamson Act contract in order to build the Sunswet plant on road 27, saying that it would open the way to unwelcome development. With Westside Transplants, Sunswet, Kind, and possibly Dark Heart, this will be a very built up area, all done without adequate planning.

Another major problem not addressed in the notice is open air and illegal cultivation. I have frequently passed areas where the stench of cannabis cultivation is unmistakable. In these areas and in nursery cultivation, it is essential that the plants be grown in a contained space, as it has been recently shown that besides the nuisance odors, they produce dangerous VOC emissions, which could have ramifications for the public health of nearby citizens. (https://science.howstuffworks.com/life/botany/how-booming-legal-marijuana-industry-could-harm-air-quality.htm) In all the cannabis cultivations, it should be mandatory that the growers are subject to the rules of the agriculture department, including permitting, application methods, disposal and reporting, as well as strict control over what materials are applied.

I am generally in favor of legalization of marijuana, mainly to take the criminal element out of the trade. Many counties and localities have opted not to allow cannabis facilities. I think it is a danger that Yolo County will become the go-to area of concentrated cannabis processing and cultivation, which will inevitably erode the quality of life in the country.

Sincerely,

Daniel B. Hrøy, M.D.
Response to Comment 6-1

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

This comment appears to reference to one of the Early Implementation Development Agreement notices. On March 3, 2018 the Board adopted final policy on this matter, entitled “Early Implementation Development Agreements Policy (Cannabis).” Under Section B (Performance Standards) the policy guidance indicates: “The objective is to achieve as close to a “zero impact” outcome for each project, particularly for offsite odor impacts, as may be feasible with current technology....” The proposed CLUO would replace this general standard with more specific performance standards. Please see Response to Comment 5-3.

The commenter expresses concerns that cannabis activities have an industrial appearance and appear to be clustered in certain areas which are having the effect of creating “de facto industrial zones” with aesthetic, odor, and traffic impacts. Aesthetic impacts are examined in Section 3.1, “Aesthetics,” of the Draft EIR and Overconcentration is examined in Section 4.2, “Overconcentration.” For both impact areas the Draft EIR concludes that significant and unavoidable impacts will result. Please also see Response to Comment 3-2 and MR-5, “Cannabis as an Agricultural Crop.” Traffic impacts are analyzed in Section 3.14, “Transportation and Circulation,” of the Draft EIR and see also MR-15, “Traffic Analysis.” Traffic impacts are found to be less than significant.

Response to Comment 6-2

**CLUO Comment.** The commenter inquires regarding volatile organic compound (VOC) emissions from cannabis suggesting that cultivation be restricted to “contained space” and that pesticide application be subject “to the rules of the agriculture department.”

The comment suggests that outdoor cannabis cultivation emits VOCs and could lead to adverse health effects for individuals living near outdoor cultivation sites. Cannabis plants release terpenes which are a type of biogenic volatile organic compound (BVOC). BVOCs are also emitted by other types of vegetation (such as trees) and constitute 89 percent of the total atmospheric VOCs (Goldstein and Galbally 2007). Terpenes are not considered a toxic substance, and are not listed as such by either the Center for Disease Control and Prevention or the California Air Resources Board. For these reasons, the Draft EIR does not identify health impacts from outdoor cannabis cultivation.

Alternative 4 assumes that all cannabis activities occur indoors. The Board of Supervisors will be deliberating this option as part of its final action on the CLUO.

Regarding pesticide use on cannabis please see Responses to Comments 17-38 and 17-39.

Response to Comment 6-3

**CLUO Comment.** The commenters support for legalization of marijuana, and concerns regarding overconcentration and quality of life are noted for the record. The CLUO would create a regulatory process that would allow the County to address these concerns countywide and on a case-by-case basis.
From: Carmen Myers [mailto:4cmyers2@gmail.com]
Sent: Sunday, December 1, 2019 2:29 PM
To: cannabis <cannabis@yolocounty.org>
Subject: comments on cluo changes

-- Nathan Myers

Carmen Myers. I am commenting on proposed cluo alternatives for yolo county. First let me say I didn’t like cannabis farms operating in my neighborhood without first notifying us of their licensing in advance. Since cannabis is still outlawed federally, and we operate under usda rules, it is still illegal. That being said, I live within 2000 ft of the licensed cannabis operation on Z line rd in Clarksburg, Ca. The smell is awful, producing a skunk like smell that is impossible to get away from. We close all windows and doors, but the smell still permeates our house at night. There are at least 12 homes within 1/4 mile or so of this grow, and I believe it is irresponsible to allow this operation here. It is impossible to mask the skunk like smell, thus also allowing for the potential for criminal activity by others. If we are going to have medical marijuana grown, it should be grown in an enclosed, controlled environment, away from prying eyes and outdoor potential for crime, smell, migration, etc. Also, FDA should be the one to control processing and distribution of this substance. Any good medical substances that are in cannabis can be extracted and put in pill form for proper medical use...not smoked & inhaled by those nearby. I have never heard of a prescription drug that you smoke, thus damaging lungs, and causing contact high. Please reconsider what you are allowing in Yolo county, as once this is fully implemented, it will be nearly impossible to reverse course. I believe any monies made by yolo county for this product will be used up by the consequences of the abuse of this substance. Please reconsider. Thank you...Nathan Myers, 48339 Hamilton Rd., Clarksburg, Ca 95612
| Letter 7 | Carmen and Nathan Myers  
12/1/2019 |

**Response to Comment 7-1**  
**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. Your concerns regarding public noticing for cannabis activities are noted for the record. Adoption of the CLUO will require all cannabis activities to apply for a CUP, which will trigger public notice requirements for every application.

The federal status of cannabis is acknowledged in draft CLUO Section 8-2.1409(A).

**Response to Comment 7-2**  
**EIR Comment.** The commenters identify strong odor emissions from a nearby cannabis operation and do not feel the use should be allowed at that location. Odor impacts are analyzed in Section 3.3 of the Draft EIR. The proposed CLUO would establish performance standards for cannabis activities including requirements for odor and buffers. Please see Responses to Comments 2-5 and 5-3, and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 7-3**  
**CLUO Comment.** The commenters express ideas for controlling medical marijuana including that cultivation should occur indoors with odor control. In their action taken July 24, 2018, the Board of Supervisors expanded the County licensing ordinance to include recreational marijuana. As a result, the CLUO would apply to both medical and/or recreational marijuana activities. Alternative 4 of the Draft EIR would require all cannabis activities to be conducted within a structure. The commenters’ support for restrictions to indoor uses only is acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 7-4**  
**CLUO Comment.** The commenters express ideas for controlling medical marijuana including that including that processing and distribution should be regulated by the Federal Drug Administration. This idea is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 7-5**  
**CLUO Comment.** The commenters express an opinion that cannabis abuse will result from legalized cannabis activities and urges the Board of Supervisors to “reconsider.” This is acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference.”
From: Brian & Gretchen Paddock [mailto:bgpaddock@gmail.com]
Sent: Sunday, December 1, 2019 8:21 PM
To: cannabis<cannabis@yolocounty.org>
Subject: Cannabis Comments for EIR

Susan & Leslie:

Thank you for coming to Esparto and briefing the DEIR, please accept these comments towards the Cannabis Land Use Ordinance Draft Environmental Impact Report. Please forward to BOS and Planning commission too.

The EIR authors, the Yolo County cannabis staff and most of the Board of Supervisors must not live near a pot farm. If they did, I’m quite certain they would have a different and more negative approach to the issue. We have more illegal activities, traffic and the smell is horrible.

I have formally complained to the County Cannabis Staff about:

1. Illegal activities. At the corner of Rd 22 and 23 there have been drug deals occurring. The Yolo Sheriff commented that these incidents were not directly related to the 4 pot farms within 1.5 miles of our home, but having cannabis cultivation in the area has obviously attracted an illegal element we don’t want.

2. I have seen and called Yolo Co Sheriff complaining of cars parked along 22 and 23 smoking POT. I have no idea what progress the Sheriff may have made. They smoke, then they drive off DUI.

3. During Summer and Fall (about 3-4 months) it smells like skunk. If there is a variety which does not smell, they grow the smelly one. I wonder if the county leadership would support POT farms if they could have a skunk in their home for a few months?

As for the alternatives proposed to the BOS, I don’t like any of them. I suggest the following:

1. DO NOT increase the number of licenses

2. All growers must use greenhouses to control odor and acquire the best technology available to control the smell regardless of cost


4. If ANY permits are granted (including the one’s currently operating) under the new ordinance or law, all BOS supervisors voting in favor must live with a live skunk in a cage in their yard every year for 4 months.

5. Any tax funds for law enforcement generated from the growers should also pay back funds that were used for enforcement, prior to the tax code enactment when funds came from the general fund.

6. Greatly increase buffers to mitigate smell. This means miles from nearest residence, not feet. All alternatives offer buffers that are too little. 75 ft is ridiculous and even 1000 ft does not mitigate smell. Wind pattern analysis should be done during prime odor season—later summer and fall. Any other time is worthless data.

7. Research needs to be done on odor control and odor travel.

8. BOS should not approve anything if they are motivated by tax revenue or donations from cultivators.

9. The EIR seems to use a rather random metric for over-concentration of growers. The limit should be set by the smell. If you can smell it, it is too close and there are too many of them OVC-1 with limit of 5 is far too many and random.

10. Right now dealing with the everyday problems that surround cannabis cultivation is being shouldered by those who live in unincorporated areas. I suggest the BOS push to move commercial cultivation in all areas of the county. I’m confident if everyone in the county could feel what we feel, there would be greater opposition to such enterprises.

11. NO Retail, anywhere!

12. No enough research on impacts to children and community in general on cannabis.

Brian & Gretchen Paddock
C 530 908-9448
Response to Comment 8-1  **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. Your concerns are noted for the record. Please see more detailed responses below.

Response to Comment 8-2  **CLUO Comment.** The commenters express concerns about illegal activities resulting from allowing cannabis licenses, including driving while under the influence. This concern is noted for the record. The County has an existing enforcement program which is summarized in MR-7, “Code Enforcement and Crime.”

Response to Comment 8-3  **EIR Comment.** The commenters describe the strength and nature of odor emissions. Odor impacts are analyzed in Section 3.3 of the Draft EIR. The proposed CLUO would establish performance standards for cannabis activities including requirements for odor and buffers. Please see Responses to Comments 2-5 and 5-2, and MR-12, “Expression of Opinion/Preference.”

Response to Comment 8-4  **CLUO Comment.** The commenters do not support any of the alternatives in the Draft EIR and identifies 12 suggestions. The first is that the commenter recommends no increases in the number of licenses. This is acknowledged for the record. See responses below and MR-12, “Expression of Opinion/Preference.” This request is embodied in Alternative 1 which assumes cannabis cultivation only, limited to the 78 current existing and eligible sites, and including implementation of the CLUO. The Board of Supervisors will deliberate whether and how to adjust the current cap on cultivation licenses. Among other actions, it will also be asked to provide direction regarding other types of cannabis uses.

Response to Comment 8-5  **EIR Comment.** The commenters recommend that all cultivation occur in greenhouses with best available odor controls technology regardless of cost. This suggestion is noted for the record. Alternative 4, which assumes that all cannabis activities occur indoors, is the closest to this suggestion. Odor impacts are analyzed in Section 3.3 of the Draft EIR.

Response to Comment 8-6  **CLUO Comment.** The commenters recommend a better relationship between citizens and the Sheriff’s office to catch “law breakers.” This suggestion is noted for the record. Please also see MR-7, “Code Enforcement and Crime.”

Response to Comment 8-7  **CLUO Comment.** The commenters feel that Supervisors voting in favor of any permit under the CLUO should “live with a skunk cage in their yard every year for 4 months.” This position is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 8-8  **CLUO Comment.** The commenters recommend that tax revenue from the cannabis tax should be used to repay the County general fund for enforcement expenditures that occurred prior to the enactment of the tax. This recommendation is noted. Please also see MR-12, “Expression of Opinion/Preference.”
**Response to Comment 8-9**  
**EIR Comment.** The commenters do not support the buffers analyzed in any of the alternatives, indicating they would be inadequate to address odor. The commenters support buffers that are “miles from nearest residence, not feet.” This position is acknowledged for the record. See MR-12, “Expression of Opinion/Preference.” Odor impacts are analyzed in Section 3.3 of the Draft EIR.

The commenters also indicate support for wind pattern analysis during “prime odor season – later summer and fall.” Draft EIR Mitigation Measure AQ-1 which modifies Section 8-2.1408(DD) of the proposed CLUO would require wind pattern evaluation for each cannabis application. The measure specifies that this evaluation will consider wind from multiple directions over a specified period of time.

**Response to Comment 8-10**  
**EIR Comment.** The commenters support more research on odor control and odor travel. Odor impacts are analyzed in Section 3.3 of the Draft EIR. The legal cannabis industry and in particular legalized outdoor cultivation is a relatively young industry. County staff expect research and technological innovation in this field to continue, fueled by industry demand and recognition that odor control is critical to success. The draft CLUO includes performance thresholds for odor rather requirements for specific technology. Please see Responses to Comments 2-5 and 5-3. As technology improves the County will be able to apply this to new CUP approvals over time. The County may choose to establish maximum terms for CUPs which will allow this issue to be revisited on a case-by-case basis as a CUP comes up for renewal. The proposed CLUO includes Section 8-2.1413 which ensures a formal assessment of the effectiveness of the CLUO after a specified period of time. The County could also modify this section to require a regular, rather than one time, assessment of effectiveness. Notwithstanding Section 8-2.1413, the County can revisit the CLUO at any time to make modifications that improve effectiveness and/or recognize new technology.

**Response to Comment 8-11**  
**CLUO Comment.** The commenters state that the County should not approve cannabis based on anticipated revenues. The position of the commenters is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 8-12**  
**EIR Comment.** The overconcentration analysis is a GIS based analysis that focuses on concentration of uses within proximity to one another. The County ran multiple iterations of density analysis to find unusual patterns of concentration anywhere within the unincorporated area. The results of that analysis are reflected in Section 4.2, “Overconcentration,” of the Draft EIR and summarized in MR-10, “CUP Process and Overconcentration.” The position of the commenters in opposition to Draft EIR Mitigation Measure OVC-1 is noted for the record. The commenters do not support the determination that five or fewer operations within a 6-mile-diameter area is NOT overconcentration. Please also see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 8-13**  
**CLUO Comment.** The commenters suggest that commercial cultivation be distributed throughout the County geographically as a matter of equity. The use of buffers, permit caps by cannabis activity type, and overconcentration thresholds would have the effect of distributing cannabis activities in the manner suggested by the comment. The requirement for consistency with the performance standards in the CLUO will ensure greater control over cannabis operations, and ensure a public notice and review process for each application.
Response to Comment 8-14  

CLUO Comment. The commenters’ opposition to retail cannabis is acknowledged. Please see MR-12, “Expression of Opinion/Preference.” This restriction was analyzed as an assumption under Alternative 5 and is an option available to the Board of Supervisors.

Response to Comment 8-15  

CLUO Comment. The comment expresses that there is not enough research on the effects of cannabis on children and community in general. This comment is noted for the record. Similar to regulations for alcohol and tobacco products, state and local cannabis regulations, including the CLUO, prohibit use by or employment of children. Under state law, you must be 21 years of age or older to buy recreational cannabis or be employed in a cannabis activity. Adults between the ages of 18 and 21 may purchase medical cannabis with a medical use card.
December 1, 2019

Dear Supervisors Don Saylor, Gary Sandy, Jim Provenza, Oscar Villegas, and Dwane Chamberlain,

I am writing to inform you of problems with a large industrial cannabis operation in an agricultural zone close to eleven residences (Figure 1) at the end of Manzanita St., west of Hwy 16 in Rumsey.

The cannabis operation comprises 32 open-air hoop-houses containing raised beds of cannabis plants that generate obnoxious odors, several refrigerated trucks powered by noisy generators and seven boxcar style storage containers. Recently, dozens of trucks have been dumping gravel over much of the property to provide a parking lot for the numerous cars that park there during the day.

ODOR
The undesirable cannabis odor is always present because the cannabis is grown in the open.

NOISE
The cannabis farm is situated in a populated area of Rumsey with many neighbors living nearby full time. The noise from the refrigeration units causes a disturbance day and night. The nearest neighbors must sleep with windows closed. There are dozens of workers and various trucks and machines driving into the farm daily. The cannabis farm is an industrial facility in an agricultural area.

ECONOMIC EFFECTS
The cannabis facility has an adverse effect on property values of the 11 houses nearby. One neighbor grows lavender and has derived income from weddings and a lavender festival. The strong cannabis odor interferes with his business. The constant disturbance of cars and equipment entering and exiting daily along with the odor are a deterrent to non-cannabis farmers who would otherwise be interested in the properties.

DETERIORATION OF PRIME FARMLAND
Many acres of this farm have been covered with gravel to create a parking lot. Gas and oil leaks from intense vehicle activity will pollute farmland and groundwater.

RECOMMENDATIONS
The ordinance passed should:

1. Require that cannabis farming take place in indoor closed systems.
2. Require a 1000 ft. buffer between a cannabis farm and a private residence.
3. Prohibit large industrial cannabis operations in residential areas.

The above-mentioned farm should be relocated to an appropriate site in order to reduce impact on the Rumsey community.

Thank you for your careful consideration of this problem.
Best regards,
A Rumsey Resident
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**Response to Comment 9-1**  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

This comment concerns regarding cannabis operations on Manzanita Avenue in Rumsey are noted an have been shared with the CTF. Please see more detailed responses below and MR-7, “Code Enforcement and Crime,” regarding the code enforcement program.

**Response to Comment 9-2**  
**EIR Comment.** The comment expresses concern about odor emissions from the outdoor cultivation at this location. Odor impacts are analyzed in Section 3.3 of the Draft EIR. Please see Responses to Comments 2-5 and 5-3 regarding how odor would be addressed under the CLUO. All existing and eligible licensees would be required to secure a CUP under the CLUO. This process would allow for individual considerations of site suitability for every cannabis location. Please also see MR-10, “CUP Process and Overconcentration.”

**Response to Comment 9-3**  
**EIR Comment.** The commenter expresses concern about noise from refrigerated units and other equipment and vehicles associated with this operation. As noted above, all existing and eligible licensees would be required to secure a CUP under the CLUO. This process would allow for individual considerations of site suitability for every cannabis location. Please see MR-10, “CUP Process and Overconcentration.” Noise impacts are analyzed in Section 3.12, “Noise,” of the Draft EIR. Section 8-2.1408(BB) of the proposed CLUO identifies applicable General Plan noise standards which establish that 75 dBA Ldn is the “normally acceptable” community noise equivalent level (CNEL) threshold within an Agricultural area. The discussion of Impact NOI-1 of the Draft EIR, starting on Draft EIR page 3.12-8, analyzes impacts from construction activities and concludes the potential for unacceptable impacts under all alternatives is significant. Draft EIR Mitigation Measure NOI-1 identifies additional new construction noise controls that would apply to all cannabis activities under the CLUO prohibiting construction noise in excess of 80 dBA Leq during the day and 65 dBA Leq at night at the property boundaries of the cannabis site. The Leq noise standard is an average of the sound energy occurring over a specified period of time, while the CNEL is an average of the sound levels occurring over a 24-hour period with a 10-dB penalty applied to sound occurring during the night hours to factor greater sensitivity to noise during nighttime. The 10-dB penalty for night hours is applied because people are more sensitive to noise at night. Also, ambient noise levels are lower, which means people are more likely to feel disrupted by noise and noise in general is more noticeable.

Staff is recommending an addition to the proposed CLUO to require that a permanent power source be used. It would also prohibit the use of generators except for temporary use in the event of a power outage or emergency.
The comment also expresses that the cannabis activity is “an industrial facility in an agricultural area.” These concerns are acknowledged. Please see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 9-4  CLUO Comment. The commenter’s concerns regarding property values are noted for the record. MR-6, “Economic Effects and Property Values,” provides information related to property values and cannabis.

Response to Comment 9-5  CLUO Comment. The concerns regarding use of gravel is noted. Impacts on water quality are analyzed in Section 3.10 of the Draft EIR. Impacts on agriculture are analyzed in Section 3.1.

Vehicle activity with cannabis cultivation does not generally appear to differ significantly from vehicle activity associated with other forms of agriculture. The County is not aware of evidence that suggests pollution of farmland and groundwater is occurring from vehicles used for cannabis operations. Nevertheless, Section 8-2.1408(J) of the proposed CLUO addresses drainage and storm water discharge and requires compliance with existing state and local requirements for discharge and water quality. Also, within the existing Licensing Ordinance Section 5-20.04 (B)(1), Additional Prohibitions, states as follows:

Notwithstanding compliance with the provisions of this chapter, cultivation of marijuana is prohibited if cultivated in any amount or quantity, upon any premises, that discharges from any source whatsoever such quantities of air contaminants, odor or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons, to the environment or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

Response to Comment 9-6  CLUO Comment. The commenter recommends that cultivation be restricted to indoor closed systems. Alternative 4 is most consistent with this recommendation.

Response to Comment 9-7  CLUO Comment. The commenter recommends 1,000-foot buffer between cannabis cultivation and a residence. Alternatives 2 and 5 include such a buffer. Please see MR-4, “CEQA Alternatives and County Decision-Making,” and MR-9, “Buffers.”

Response to Comment 9-8  CLUO Comment. The commenter expresses opposition to “large industrial cannabis operations” in residential areas. None of the draft CLUO alternatives allow commercial cannabis in any residential zone. In recognition of historic town centers that are located on agriculturally designated land, staff is proposing to make a distinction between farm dwellings on parcels of 20 acres or more and homes on smaller agriculturally designated parcels that are smaller than 20 acres in size. Under the staff recommendation the latter would be treated the same as residually designated land with regard to buffers. Please see MR-9, “Buffers.”

Response to Comment 9-9  CLUO Comment. The commenter recommends relocation of the site on Manzanita Avenue. This comment is acknowledged for the record. The proposed CLUO would require all licensees to apply for a CUP and demonstrate compliance with the performance standards and findings of fact. Please see MR-10, “CUP Process and Overconcentration.”
To Whom it may Concern,

I write to you today to express my opinion on the Yolo County CLUO (Cannabis Land Use Ordinance), as well as the recent EIR (Environmental Impact Review). As a personal use grower in a residential neighborhood, my primary concern is the implementation of buffer zones restricting the outdoor cultivation of cannabis. I am including below the text of the CLUO regarding these zones:

**E. Buffers** – A buffer of X feet is required from the following receptors (inside or outside of the County unincorporated area): off-site individual legal residences under separate ownership, residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust by the federal government or that is the subject of a trust application for a federally recognized tribal government, licensed youth centers that are in existence at the time a use permit is issued for any CDFA permittee. These buffers apply to cannabis uses, including outdoor personal grows, as specified in Section 8-2.14076, Table of Cannabis Development Regulations, of this article. The buffer shall be measured from the closest point of the cultivation site to:

1. The closest surface of the building for residences, day cares, places of worship, schools, treatment facilities, and youth centers.

2. The closest point of the zone boundary for residentially designated land.

3. The closest point of the parcel boundary for public parks and tribal trust land.

Approved cannabis uses, operating within the terms of their approvals and conditions, shall be exempted from the buffer requirement as applicable to later new uses within the categories identified above, that locate within the described buffer distance.

Of the 5 plans enumerated in the EIR, 3 restrict personal outdoor grows to a 1000-foot setback from the above applicable land uses. One alternative does away with outdoor growing entirely, and the other (Alternative 3 – all license types with high limits) only specifies a 75-foot buffer. I am unsure as to whether the 75 ft. option is a state mandated minimum buffer space or a distance proposed by the county, but I would like to use this letter to advocate for the minimum buffer distance possible between personal cultivation and the above land uses. I would also like to express my displeasure for Alternative 4: Mixed Light/Indoor License Types Only. I have no real preference for any of the other alternatives governing commercial cannabis cultivation, only a wish that whichever is approved (or whatever hybridization of the 5 is developed) allows for outdoor personal use cultivation with the minimum possible buffer distance.

No explanation for the WHY of the buffer zones has been included in the CLUO or the draft ordinance, so I can only speculate as to the intent. I believe that these buffers are a gesture of good faith to the prohibitionist element who still retain the perspective that cannabis is a danger to our communities and our families. The value of this sentiment is certainly debatable, but to my knowledge there were no buffers in existence regulating the personal cultivation of Medical cannabis under Prop. 215, and my fear is that as Prop. 215 is replaced in Yolo county by our cannabis ordinance and the CLUO, legitimate patients who reside in these areas and who, up until now have been able to supply themselves with medicine without controversy or fear of legal repercussion, will now be prohibited from doing so.
I urge the Planning Commission to recognize the fact that rural communities are traditionally built around churches, and that in Guinda approximately 90% of the developed parcels with residential zoning have a property boundary that is within 1000 ft. of the church’s property boundary (please see attached documentation).

I also put before you that the more densely populated areas of Guinda are made up of smaller parcels – and that due to affordability they are more likely to be inhabited by working class households, low income families, senior citizens, and minorities – people who would suffer economic hardship having to travel outside of the valley to purchase medical cannabis rather than grow it themselves. This is due to factors such as economic disadvantage (either low wages or fixed incomes), lack of mobility, lack of skill in English-speaking situations, or poor health. This is in contrast to the more affluent and generally more Caucasian property owners who can afford large parcels with significant acreage outside of town and hence out of buffer range of the church. It appears to me that these buffers inadvertently create a hardship which disproportionately affects some of the most vulnerable members of our community.

I would also like to direct your attention to this section of the interim ordinance (clean version) dealing with “Additional Prohibitions” on cultivation – if the buffers are a reaction to perceived aesthetic bias or a pre-emptive effort against nuisance grows, I believe that this section already provides guidance for these situations without the need for a buffer:

B. Additional Prohibitions.

1. Notwithstanding compliance with the provisions of this Chapter, cultivation of marijuana is prohibited if cultivated in any amount or quantity, upon any Premises, that discharges from any source whatsoever such quantities of air contaminants, odor or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons, to the environment or to the public or which endanger the comfort, repose, health, or safety of such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

As well as these additional guidelines:

At the discretion of the County, all marijuana grown in Yolo County is subject to the requirement that it be in a location fully enclosed by an aesthetically pleasing, opaque fence at least six feet in height, adequately secured by a locked gate to prevent unauthorized entry. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth except shade cloth may be used on the inside of the fence.

In addition, I urge you to consider a change to this part of the ordinance. It restricts personal outdoor grows in residential areas NOT affected by the buffer zone. To meet this requirement, one must have a property big enough that your garden is not within 75 feet of any neighbor’s house:

2. Outdoors within 75 feet of any occupied residence located on a separate parcel.

Notwithstanding the foregoing, a proposed outdoor Cultivation Site that is the subject of an application for an initial License filed between October 24, 2017 and December 31, 2017 must be at least 1,000 feet from any occupied residence located on a separate parcel.
I believe that with the existing nuisance laws and the restrictions surrounding visibility, an upset neighbor would have enough recourse to prevent a personal use grow without the necessity of setting residential buffer limits in stone. However, not all neighbors will be offended by a grow, and not all grows create a nuisance. Doing away with this restriction would better allow grows which are non-controversial or detrimental, while still providing enforcement options for those which prove to be more invasive.

This brings me to my last topic – I spoke before about my resistance to “Alternative 4” which allows indoor growing only. This is an especially bad idea considering the Board’s resistance to retail sales in unincorporated Yolo County. The lack of rural cannabis dispensaries creates an accessibility problem for any medical cannabis patient on a budget, or with a mobility problem. If our laws are going to consider our low-income residents who need access to medical cannabis, I do not believe that the county can seriously consider this alternative. Indoor growing requires not only costly equipment, but also a much higher level of expertise. The temperature and humidity controls necessary to mitigate mite and mildew infestations in an indoor growing setting are energy consumptive, which creates a financial drain in addition to the initial cost of lights and fans. There is also the very real necessity of setting an entire area of your house apart for the purpose – be it a closet or an entire room. Many people cannot afford the space. Amateurs who attempt indoor growing oftentimes damage their houses significantly – from unprofessional wiring to water damage on the floors, this option poses a danger to those without experience. In contrast, soil and sun are free. Mildew and mites do not thrive as well in full sun and wind, and an inexperienced medical marijuana patient is much more likely to have success in a normal garden setting.

In closing, I would like to highlight the fact that the majority of the issues raised at our CAC meetings in the Capay Valley are specific to large scale commercial operations, and though issues of odor and aesthetics pertain to any cannabis cultivation site, I have not heard one person complain about a personal use garden in our community. These small gardens have a negligible impact on the environment, are more in keeping with the rural aesthetic of our general plan, and in the long run they reduce the need for larger grows, as self-sufficient cannabis users, be they medical or adult recreational, have less use for dispensaries and commercially farmed cannabis. I thank you sincerely for taking into account these important issues of scale, race, income, medical need, and the priorities of our rural communities when addressing this complex issue.

Sincerely,

Jesse Capitanio
ATTACHMENT 1:

Map containing the rural zoned parcels in Guinda, Ca. The Guinda church is the purple square at the intersection of Forest and Webster. Incidentally, as Rumsey is zoned only ag or commercial, these plots are the entirety of all rural parcels in the Capay Valley which are not held by the Rumsey Wintun tribe.
A very rudimentary map of the church setback created by measuring out from the church itself in Google Maps and then creating a circle in a photo editing program with the church at the center and the endpoint of my line as the outer edge. Since the buffer laws written in the ordinance dictate that the buffer falls at the property line of the church, the buffer would be larger and somewhat different shaped than this. Also, the text of the ordinance says that the buffer is from property border to property border, so any lands touched by this circle would be prohibited from growing anywhere on their property regardless of the actual cannabis’ distance from the church boundary. This is simply to illustrate that virtually all residential parcels in Guinda are affected. The following text is from the ordinance:

“A. The cultivation of marijuana, in any amount or quantity, shall not be allowed in the following areas, if in existence at the time an initial License is issued: 1. Outdoors within 1,000 feet of a Youth-oriented facility, a School, a School bus stop, a Park, a Church, a Residential treatment facility or federal lands held in trust by the federal government, or that is the subject of a trust application, for a federally recognized tribal government. The setback from lands held in trust, or the subject of a trust application, for a federally recognized tribal government shall apply prospectively and not be applicable to those exempt under 5-20.04(A)(1) and (2).a. Such distance shall be measured in a straight line from the boundary line of the Premises upon which marijuana is cultivated to the boundary line of the Premises upon which the Youth-oriented facility, School, School bus stop, Park, Church, Residential treatment facility or tribal lands are located.”
Ascent Environmental  Responses to Comments

Yolo County  Cannabis Land Use Ordinance Response to Comments Document 3-71

Letter 10  Jesse Capitanio  12/3/2019

Response to Comment 10-1  CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter's interest in implementation of the buffer zones is noted. Please see MR-9, “Buffers,” and detailed responses below.

Response to Comment 10-2  CLUO Comment. The commenter advocates for the smallest possible buffer from personal cultivation and identified sensitive land uses. This position is noted for the record. Table 2-3, on page 2-20 of the Draft EIR, clarifies that buffers from “residentially designated land” would not apply to outdoor personal cultivation as that would eliminate the possibility of outdoor personal cultivation, which is not the intent. This will be clarified in the proposed CLUO in Sections 8-2.1407 and 8-2.1408(E). Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 10-3  CLUO Comment. The commenter expresses opposition for Alternative 4, and support for minimum buffers for personal use cultivation. This comment is noted for the record. See also Response to Comment 10-2, above. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 10-4  CLUO Comment. The buffers provide protections for identified sensitive land uses. They are similar to those already in place under the Licensing Ordinance and are a common tool for uses that are controversial or have compatibility concerns. Jurisdictions that do not have buffers from certain state-identified uses must implement minimum the 600-foot buffers identified in state law. Please also see MR-9, “Buffers.”

Response to Comment 10-5  CLUO Comment. This comment is noted for the record. In recognition of historic town centers that are located on agriculturally designated land, staff is proposing to make a distinction between farm dwellings on parcels of 20 acres or more and homes on smaller agriculturally designated parcels that are smaller than 20 acres in size. Under the staff recommendation the latter would be treated the same as residentially designated land with regard to buffers. Please see MR-9, “Buffers.”

Response to Comment 10-6  CLUO Comment. This perspective is acknowledged for the record. State law guarantees personal cultivation, but local jurisdictions may otherwise regulate how it is grown, such as restricting it to indoor cultivation only. Please see MR-12, “Expression of Opinion/Preference.” Please also see Response to Comment 10-2, above.

Response to Comment 10-7  CLUO Comment. The commenter identifies regulatory sections in the Licensing Ordinance that would preclude the need for new or expanded buffers in the proposed CLUO. This recommendation is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”
Response to Comment 10-8  **CLUO Comment.** The commenter notes that buffers could adversely affect the ability to undertake personal cultivation on smaller parcels in residential areas. This concern is acknowledged. Appropriate regulation of personal cultivation will be decided in conjunction with taking action on the proposed CLUO.

Response to Comment 10-9  **CLUO Comment.** The commenter points to existing regulations in the Licensing Ordinance that they believe adequately address nuisance and protect neighbors on nearby residential land. This recommendation is noted for the record.

Response to Comment 10-10  **CLUO Comment.** The commenter provides additional explanation regarding their opposition to Alternative 4. These concerns are noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 10-11  **CLUO Comment.** This commenter overview of CAC comments and support for minimal regulation of personal cultivation is noted for the record.

Response to Comment 10-12  **CLUO Comment.** The comment presents a map of Guinda. No response is necessary.

Response to Comment 10-13  **CLUO Comment.** The commenter expresses concern regarding the existing required buffer from the Guinda church. This comment is understood to refer to the existing Licensing Ordinance. This concern is acknowledged. Please see MR-9, “Buffers,” for further discussion about proposed new buffers under the CLUO. The final buffer language adopted in the CLUO will supersede buffer language in the Licensing Ordinance.
YOLO COUNTY FARM BUREAU  
69 W. KENTUCKY  
WOODLAND CA 95695  

DECEMBER 3, 2019

Chair Reynolds and Members of the Commission  
Ms Susan Strachan, Cannabis Program Manager

Yolo County Farmers and Ranchers, and Rural Residents, have been dealing with outdoor cannabis grows located 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 incompatibilities are described as follows: each is based on factual situations described 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: Lawsuits, whether won or lost, take time and increase costs. And, please consider 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 has a cannabis odor is 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.

Fortunately, there is a planning solution that will accommodate the cannabis grower, the rural resident and the farmer/rancher. The CLUO should 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 comment period ends on December 23rd. However, requiring 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
Response to Comment 11-1  **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expressed an opinion that outdoor cannabis farming is not compatible with non-cannabis farming. This position is acknowledged for the record. Please also see responses to Letter 12 (starting with Comment 12-24) and Letter 71.

Response to Comment 11-2  **CLUO Comment.** The comment expresses concern about the effects of dust from neighboring non-cannabis farming on cannabis cultivation. This concern is noted for the record. Air quality and dust are analyzed in Section 3.3 of the Draft EIR.

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 Yolo-Solano Air Quality Management District (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 (Pinnow, pers. comm., 2020). They have confirmed that dust from normal agricultural practices under normal weather conditions does not generally result in nuisance conditions. Please see MR-5, “Cannabis as an Agricultural Crop.”

The District confirmed that agricultural activities creating significant dust concerns affecting identified sensitive land uses (e.g., during high wind conditions) might be advised to temporarily cease activities or face citation. The Compliance Manager also indicated that most cultivators have been quick to make corrections upon notice.

This comment raises two distinct concerns. The first is that the Draft EIR should analyze effects of the environment (existing conditions) on the project. Because CEQA in generally is statutorily focused on the effects of a project on the environment and not the reverse, this is sometimes referred to as “reverse CEQA” analysis. Except in very limited circumstances which would not apply here, analysis of the effects of the environment (in this case dust from neighboring farmers) on the project (assumed to be a future cannabis CUP applicant under the CLUO) are not required in the Draft EIR. While the Board of Supervisors may consider this if they find it to be relevant to their deliberations, it is not required under CEQA. Please see MR-6, “Economic Effects and Property Values.”

The second distinct economic/legal concern raised by this comment is that the off-site effects of one farmer’s operations should be made the responsibility of a neighboring farmer to accept and accommodate, even in circumstance where the latter might experience economic harm. The comment suggests that such a consideration should both be considered by
the Board and reflected in the form of modifications in the CLUO. Yolo County has a history of supporting all agricultural endeavors, and this approach would arguably reflect a departure from that long-standing approach in effect favoring one crop over another. The staff does not propose changes to the CLUO embody this approach. Local government cannot reasonably solve all problems between property owners through regulatory means. Appropriate resolution of this concern would be for neighboring farmers to work collaboratively to accommodate one another or to request the assistance of the CTF, Agricultural Commissioner, the Farm Bureau, or other industry leadership to help achieve a mutually beneficial outcome. As a last result mediation services may also be appropriate. Ideally neighbors are able to work out conflicts between themselves, but when this does not occur, the courts are available as a last result. Please see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 11-3  
CLUO Comment. The commenter expresses concern that a non-cannabis farmer may face difficulties finding pest control applications services if located near a cannabis farmer, and that that difficulty could result in devaluation or destruction of a non-cannabis crop. This concern is acknowledged for the record and discussed in MR-5, “Cannabis as an Agricultural Crop.” Similar to Comment 11-2, this comment suggests that the off-site effects of one farmer’s operations should be made the responsibility of a neighboring farmer to accept and accommodate. Please also see Response to Comment 11-2 above and MR-12, “Expression of Opinion/Preference.” This dynamic is not an unusual agricultural concern. The potential for conflicts between organic and non-organic crops is similar if not identical.

Response to Comment 11-4  
EIR Comment. This comment suggests that neighboring cannabis crop could adversely affect the smell of a neighboring rice crop. This is often referred to as “taint” where the smell or taste of one product affects the smell or taste of another. The County is not aware of evidence of this occurring in Yolo; nevertheless, this concern is acknowledged for the record. Similar to Comment 11-2, this comment suggests that the off-site effects of one farmer’s operations should be made the responsibility of a neighboring farmer to accept and accommodate. Please see Response to Comment 11-2 above and MR-12, “Expression of Opinion/Preference.” This dynamic is not an unusual agricultural concern and the staff does not believe that a regulatory solution is required. Please note odor is analyzed in Section 3.3 of the Draft EIR.

The concern that organic compounds released by cannabis plants will adversely affect the flavor of wine produced nearby has been raised elsewhere in California and in other states that support both industries. Available research supports that, despite anecdotal accounts, the concern is unlikely. The reasons for this include: cannabis oils are not strong enough to have the effect; cannabis harvest is not long enough to allow for taint to occur; cannabis and wildfire smoke do not share similar characteristics that would lead to taint; cannabis and eucalyptus do not share similar characteristics that would lead to taint; and buffers of over 200 feet appear to be beneficial. Research continues and more analysis of whether the size of the cannabis crop and other situational facts (like proximity, grape type, climate, etc.) have an effect will be useful and could be used to support future modifications of the proposed CLUO. At this time, proximity between
various crops with strong characteristics, using various methods of pest control, appears manageable through cooperation between farmers as has occurred for years. Common examples in California include onion and garlic crops, which have strong odor characteristics, and organic and conventional pest control, which require drift considerations.

In May of this year, at the request of a local farmer, County CTF staff reached out to the California Association of Winegrape Growers regarding concerns over cannabis and wine grapes. A keyword search of the association’s website revealed no articles or positions on the matter. No response from representatives from the California Association of Winegrape Growers has been received.

Assuming the proposed CLUO includes controls such as caps on cannabis by use type, acreage maximums, and/or overconcentration thresholds, this concern is even less likely to materialize. The summary below provides an overview of applicable opinions and research conclusions:


This study by Dr. Vizuete examined the potential for cannabis odor to transfer to wine grapes and concluded it would take over 1,120 days of continuous interaction between the flowering cannabis plants and grape vines for the vapor transfer to meet the threshold level that would affect the fruit’s flavor. This is substantially longer than the typical 21- to 56-day period (depending on the type of plant) the plants are mature and emitting odors.


This wine industry article concludes that cannabis does not share similarities with eucalyptus tree leaves or wildlife smoke, and dismisses as rumor and anecdote that cannabis odor could influence wine grapes.


This article describes that when wood burns, it releases aroma compounds called volatile phenols. In the vineyard, these compounds can permeate the grape skins and rapidly bond with the sugars inside to form molecules called glycosides. This process, called glycosylation, renders the phenols no longer volatile, meaning their smokiness cannot be detected by smell or taste. However, once the grapes are fermented, the acidity in the resulting wine begins to break these bonds, rendering the phenols volatile once again. This typically happens during fermentation but can continue to occur after the wine has been bottled. It can even happen right as you drink the wine. The enzymes in your mouth break down any glycosides that remain, and the undesirable aromas can be vaporized as you taste—a wine might smell fine
but taste off. This article concludes that smoke effects on wine from fires in California are unlikely and notes that expected smoke taint from past fires has not resulted in reports of tainted wine.


The research conducted by the Australian Wine Research Institute examines the effects on wine of the active organic compound in eucalyptus oil called eucalyptol. Eucalyptus oil has been shown to attach itself to the waxy surface of grapes where it can then make its way into the wine when the grapes are crushed. The closer the vineyard to the eucalyptus trees, the more likely it is the compound will be found. Eucalyptus leaves and nuts that fall into a grape bin during harvest can also contribute eucalyptol. In the industry this is called “matter other than grapes.” This study, and related research, concluded that grapes harvested within about 160 feet (50 meters) of eucalyptus trees produced wine with notable levels of eucalyptol. In particular the study identified that the inclusion of even a few eucalyptus leaves in the grape bunches results in very high levels of eucalyptol that affect the character (flavor and aroma) of wine. The research also indicates that the effect dissipates during fermentation when skins are removed and can be effectively eliminated by blending the grapes with a batch harvested from a location further from the trees and/or with no leaves mixed with the grapes. While eucalyptus trees are ubiquitous in Australia, they are much less so in Yolo County.

Response to Comment 11-5 CLUO Comment. The comment refers to buffers for individual homes in agricultural areas. Please refer to Response to Comment 9-8 and MR-9, “Buffers.”

Response to Comment 11-6 EIR Comment. The commenter indicates support for Alternative 4 with odor control. This preference is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 11-7 CLUO Comment. The commenter notes that they will be providing additional comments. Please see responses to Letters 12 and 71.
Yolo County Planning Commission  
Staff Prepared Summary of Meeting  
December 3, 2019

ITEM #9 – ORAL COMMENTS ON DRAFT CANNABIS LAND USE ORDINANCE AND DRAFT ENVIRONMENTAL IMPACT REPORT:

Staff Presentation:

Staff Presentation by Cannabis Policy and Enforcement Manager, Susan Strachan and Contract Planner, Heidi Tschudin.

Commissioner Questions during Staff Presentation:

**Commissioner Elisabeth Dubin** - Questioned the purpose of the ‘ceiling’ with respect to the overconcentration issue in Guinda (upper Capay Valley).

**Contract Planner Heidi Tschudin** - Responded that for 23 (cultivation sites) and above, the DEIR identifies this as overconcentrated. The mitigation measure indicates that you cannot add any more businesses within a cluster that has that many sites. It becomes a ceiling because it limits the number of future use permits that can be issued within an identified cluster so it becomes a new cap based on overconcentration.

**Commissioner Dubin** – Replied, what is the reasoning for the overconcentration thresholds selected in the EIR? For example, 6 to 22 is potentially overconcentrated, and less than 5 is ok? Where do the numbers come from?

**Contract Planner Tschudin** – The numbers were derived from a GIS analysis and observing where there are identifiable clusters that were unusually dense compared to other parts of the County. The areas of concentration and numbers are based on that analysis.

**Commissioner Dubin** - Responded to clarify she meant the ‘qualitative’ part, the judgment that 5 is some kind of threshold and 22 or 23 is another threshold. Was a qualitative analysis used for concluding overconcentration numbers?

**Contract Planner Tschudin** - Explained that since 23 is approximately 30% of the total licenses concentrated within one area, the DEIR concluded this particular area as overconcentrated. When compared to other parts of the County, the numbers (in the upper Capay Valley) are significantly higher. The lower number (5) is the number below where there were any other identified clusters. The EIR looked at how the clustering occurred and then derived the bottom (low) and top (high) numbers.

**Commissioner Darin Hall** - Questioned if it would be better to set the bar lower for purposes of conducting an analysis to address overconcentration, i.e., why a 6-mile radius, why not 3?

**Contract Planner Tschudin** - Responded that the GIS analysis looked for where there were clusters in any size area. The 6-mile diameter was identified as the size of the area within which you started to see clustering occur. It was a repetitive exercise by doing multiple looks at varying cluster sizes, identifying densities that stood out or that were unusual when compared to the overall number of total licenses throughout the County.
Commissioner Dubin - Questioned if this process was only in reference to Yolo County; in other words, did any of these thresholds come from looking at other counties?

Contract Planner Tschudin - Clarified that the thresholds only reference Yolo County sites. She indicated that this DEIR is the only one we are aware of that delves into the issue of overconcentration in these smaller areas. This analysis addresses an interest of the Board and was identified as a task to be accomplished through the EIR analysis. In short, the DEIR only looks at Yolo County.

Commissioner Hall – Could a cap be applied to address overconcentration by allowing no new sites within a concentrated area, such as required relocations?

Contract Planner Tschudin - Responded yes, the overconcentration analysis is proposed to be a part of the implementation of the CLUO over time. Each CUP application will be analyzed against the overconcentration thresholds that are ultimately set. Staff will be processing the existing or eligible 78 sites first. If the Board does not increase or open up any other license types, then once the 78 sites are done, the process will be complete. However, if we assume the Board does allow more cultivation and non-cultivation uses to occur, or that there are relocations, the 6-mile diameter analysis will be conducted in all future use permits. Any time a use permit application is received, staff will perform an analysis of whether or not there is an overconcentration within a 6-mile diameter area around the use permit application site, based on the threshold set in the adopted ordinance. It is not so much that the circle moves but that there would be new circles, which would allow for a discussion of density of the existing businesses in particular areas over time.

Commissioner Hall - Expressed concern regarding cannabis uses moving outside of a circle resulting in new overconcentration areas. Can the overconcentration circles move around? Would new circles be developed? Questioned if staff envisions that the circles would overlap?

Contract Planner Tschudin – Responded, yes, they could. In effect, that is what happened in area #1 (Guinda/Rumsey). There is such a large cluster that it is actually two clusters, two 6-mile diameter circles overlapping one another. Ms. Tschudin pointed out that another part of the same mitigation measure is to identify a process for implementation. The CLUO is the ordinance that will set up the performance standards and regulatory requirements, but it is a complicated issue. One way to accomplish this is to develop protocols for both implementing the mitigation measures to address the 78 existing and eligible sites first and for subsequently processing additional use permits, if allowed. This creates consistency and certainty regarding the process over time.

Commissioner – Regarding the existing 78 licenses, would there be any provisions for those to change, to increase or decrease the size of their cultivation areas? Or, does that stay fixed in time?

Contract Planner Tschudin - Responded by stating that at the state level there are limits on sizes (regarding license types) and at the County there are limits on sizes, so the two work together. What applies at the local level is the most stringent. In 2023 large cannabis sites would be allowed under state law. The proposed ordinance refers to these large state licenses, but those would be evaluated in 2023 when the County would determine how to handle them. A change to the CLUO will be required to allow for them.

Commissioner - Questioned if the County was assuming if the 78 sites would remain as is?
Contract Planner Tschudin - Indicated no, that may not be the case. The final decision by the Board may reduce the 78; however, the same process would still take place.

Cannabis Policy Manager Susan Strachan – Added a caveat regarding cultivation site sizes: As an example, Santa Barbara County is in the news a lot for the volume and size of cannabis grown in their jurisdiction. The state has different types of cultivation licenses and they have allowed businesses to stack small licenses; stacking small licenses has enabled cultivators to grow more than one acre. Ms. Tschudin is correct – the local government dictates what is allowed, and in Yolo County the limit is one acre.

Commissioner Chuck Dudley – Asked if the state increased license size in 2023 is defined?

Manager Strachan – Responded yes; however, specific regulations for the larger grow sites have not yet been promulgated by the state. She indicated that is what is envisioned.

Commissioner Dudley – Asked what is a larger license size – is it an acre and a half?

Manager Strachan – Answered it is unlimited in terms of size.

Commissioner Dubin – Can you help me understand “process simultaneously?” Is this just in regard to the initial processing of the 78 existing licenses?

Contract Planner Tschudin – Responded, yes. Within the clusters, for example Willow Oaks where we have 13 of the 78 current licenses, assuming the ordinance is put into place and assuming that all 13 submit an application (some may choose not to submit or some may be precluded due to buffer or zoning restrictions, depending on what is adopted), those applications will be evaluated individually, but they will be processed as a batch.

Commissioner Muller: - Questioned who gets to decide who stays in a concentrated area and how will overconcentration and reductions in uses be determined?

Contract Planner Tschudin: - Responded that overconcentration will be analyzed with each CUP application. If the number of compliant CUP applications exceeds the overconcentration limit then some will not receive approvals. The process will be guided primarily by the requirements of the land use ordinance and the ability to make the findings, not just the basic use permit findings, but the expanded findings (outlined in the DEIR).

Commissioner Muller – Questioned what happens to existing cannabis businesses during the EIR/CLUO process?

Contract Planner Tschudin – They would continue to operate under the existing licensing regulations and that would be the case up until a land use ordinance is in place. Once the land use ordinance is in place, depending on what features it contains, the transition process would start by integrating the existing licensing process into the new required use permit process, with timeframes for how that would occur over time, and specific deadlines for applications, starting with the cluster areas and then eventually encompassing all 78 of the existing/eligible licenses. If the ordinance is adopted with caps that allow other uses or additional cultivation, that process would be also integrated.

Commissioner Muller – Replied, that means they could still be operating for another couple of years. Will businesses be allowed to continue to operate while they are going through the process?
Responses to Comments

Yolo County

3-82 Cannabis Land Use Ordinance Response to Comments Document

**Contract Planner Tschudin** – Responded yes. The proposed CLUO addresses that issue and staff will be adding additional detail in the form of procedures.

**Commissioner Dudley** – Questioned if wind patterns can identify that a site is not suitable for cannabis operations? One can evaluate the wind pattern, but is there action to determine that depending on the wind pattern the site is not suitable?

**Contract Planner Tschudin** – Responded that the wind rose evaluation is identified as another tool for looking at the fit between the proposed application and the requirements of the ordinance. It is one more piece of information that would be evaluated for a permit but would not necessarily be determinative. It is something that would be considered on a site-specific basis as part of each application review.

**Commissioner Trini Campbell** – Questioned whether or not terms could be applied to individual CUPs? I understand that the license is valid for a year and renewed annually if the grower is compliant. How long are the use permits valid?

**Contract Planner Tschudin** – Responded that use permits traditionally have no end point. The permit runs with the land and so long as one is compliant with the requirements of the use permit, one can enjoy the benefits. The Board does have the discretion to limit the life of use permits, so that is something they can consider. The Planning Commission could also consider this as part of their recommendations on the final CLUO.

**Commissioner Campbell** – It was determined that the interim cannabis ordinance was exempt from CEQA. Why is that?

**Senior Deputy County Counsel Eric May** – Answered that the licensing ordinance was not a discretionary process, it was ministerial and therefore not subject to CEQA.

**Commissioner Campbell** – Questioned whether or not each Use Permit would have to undergo additional environmental analysis? For whatever alternative is selected, how would the environmental analysis be conducted? At what point does another EIR get triggered?

**Contract Planner Tschudin** – Responded that yes, each CUP will require CEQA compliance but they may be able to rely on the programmatic EIR and demonstrate compliance through site-specific studies. One goal in doing such a rigorous programmatic document (EIR) for the CLUO is to facilitate streamlining as much as possible, so we can focus on site specific issues during the use permit review. If a site doesn’t satisfy the criteria or performance standards, then it wouldn’t be able to move forward or would need additional review or revision. That decision will be made on an individual permit application basis, similar to what happens with use permits now. There will be a lot of use permits to process at the front end (once the ordinance is adopted).

**Commissioner Muller** – Expressed concern that sensitive receptors (i.e., rural residents) were not addressed in the EIR. The original list of sensitive receptors included school bus stops, but was lifted from the CLUO and was not analyzed in the EIR – why was it removed?

**Contract Planner Tschudin** – Responded that “sensitive receptor” is identified in the County General Plan, and does not include individual rural residences. The CLUO describes “identified sensitive uses”, which is different than a sensitive receptor (as defined in the General Plan), and it does include individual rural residences. This is a more conservative approach, which is something to keep in mind. The original list of
sensitive uses (as defined in the Interim Ordinance) included bus stops and other features. The main reason that list was pared down and revised in the CLUO is because we have to be able to have a data base of these characteristics in order to assess whether or not a permit is too close or far enough away. School bus stops move every year or within a year and there isn’t a data base or way to look at them as a buffering issue. That doesn’t mean that it wouldn’t be a consideration, however, in an individual use permit analysis.

**Commissioner Hall** – Asked if a sensitive use would be allowed to move in next to a permitted cannabis site. If the buses were used as a buffer, then they could never put a bus stop there – would it work both ways?

**Contract Planner Tschudin** – Responded that no, it wouldn’t. The way the ordinance is written, once a permit is issued that permit gives ‘protection’ – that’s my own term – to the user. For instance, if a resident moves next door to a cannabis use, and/or a bus stop is located right in front, the cannabis use is protected in the sense that they do not have to relocate.

**Commissioner Campbell** – Stated that for those interested in the traffic impact analysis, it is important for people to know that it is available electronically only. It is not in the hard copy document.

**Contract Planner Tschudin** – Indicated that is correct. It is also on the website accessible through a link.

**Commissioner Hall** – Asked if it would be a viable solution to say this is a cap, wherever we are right now, this cap could be applied to future licenses?

**Contract Planner Tschudin** – Responded, as a mechanism, yes, this could be done. It is the same concept as ‘grandfathering’. The Planning Commission could consider this and make it part of the recommendation, if it felt this is a good way to resolve the concentration issue.

**Public Comments:**

**Nancy Lea** -- Commented representing the Farm Bureau that outdoor cannabis farming is incompatible with “traditional Agriculture”.

Farming dust can damage nearby cannabis grows. Dust may carry residue from pesticides legally applied which can lead to damage to the cannabis crop. This will lead to lawsuits. One acre of cannabis can yield $500,000. One acre of canning tomatoes will yield $4,000. Pesticide applicators will not spray crops if cannabis is nearby because of concerns regarding liability. Rice crops can pick up the odor of a cannabis grow and be rendered unsuitable for market.

Rural residential is not considered a sensitive receptor, but rural lifestyles are affected by introduction of a new crop and the unpleasant experience without receiving any benefit.

The solution is an enclosed grow in a managed building. She urges adoption of Alternative 4. Don’t allow outdoor grows. This is critical to the continued success of traditional agriculture.

**Meg Hehner** – Guinda resident in cluster and mini cluster around her with one being particularly problematic. Buffer is extremely important. Site is within 300 feet of her back door.

Suggestions: If a grow has had violations or complaints, that should be a reason to have the site removed.
There was a felon at one site who staged an armed robbery. There have been dog issues. There are armed guards. On Nov. 4th fences and hoop houses were removed and put in a large pile. It is still sitting there. They decided to grade property for greenhouses with backing of $10 million. It was previously an organic farm.

She is concerned about water discharge.

She is concerned that there was no EIR for the greenhouse development. She is afraid the County will be persuaded by the investments made on the property.

David Gray – Wants 1,000 feet as minimum buffer.

It’s hypocritical to ask for monitoring on hemp. This is a very divisive issue.

Should consider adding an “opt out” option for certain parts of the County.

Some Counties just say no (Glenn Co is an example).

The County Agricultural Commissioner thought he was the sheriff and allowed all of this.

Michael Hicks – There have been no issues regarding dust contamination in Yolo or in California. Cannabis is passing testing where pesticides are being applied next door. Dust does not cause cannabis crop failure and there are no lawsuits regarding such failures. Pesticide restrictions are stricter for cannabis, but things can still be workable.

Terpenes are a natural protectant and are emitted from many plants that are the same as cannabis. Odor can be a nuisance but it is not toxic and does not create a public health concern. This is more of a cultural issue. Indoor cultivation is backwards. It’s putting us back in prohibition.

Outdoor grow is most sustainable and has smallest carbon footprint. Indoor growing has huge issues regarding power use. Allowing outdoor grow supports the legal market and helps with costs for poor people.

What is the definition of “traditional agriculture”? New ag commodities are introduced every day. Does this mean the Farm bureau does not support new crops? Then why is Farm Bureau supporting hemp? Its inconsistent and hypocritical.

Timour Khousnoutdinov – He lives in Davis and been in cannabis for over 5 years. Cannabis is an important issue – provides job growth opportunities. Concerns that have been stated are based on biases or lack of information.

There are not currently 78 licensed - it’s more like 54. State requirements are very prohibitive.

The CLUO could be detrimental to cultivators. Going indoors is terrible. Yolo Co has some of the best soils and air – we should use them.

There is no serious regulatory structure in place to regulate hemp. The moratorium is to allow time to figure out the best way to proceed.

Rob Reed – Resident of Yolo Co and co-owner of F Street Dispensary in Davis. His comments are from a retailer’s perspective. F Street is the first licensed dispensary in Davis – he would like to be one of Yolo
County's first. CLUO provides an opportunity to bring new licenses for retail and supportive cannabis uses to Yolo County. We need to look at what is needed to support the base of cultivators in the County. We should keep the money and the product in the County. Invited people with questions about retail to get tour of dispensary.

**Mel Smith** – Resident of Dunnigan. He is on CAC in Dunnigan. They have a meeting scheduled for 12/11 to provide their comments on DEIR.

He wanted to provide verbal comments discussed by CAC. He is concerned about the impact a cannabis grow in an area has on neighboring farmer who uses pesticides. Cannabis doesn’t use pesticides that affect farmer but farmer’s pesticides could affect cannabis. Cannabis pesticide testing levels are so low. Cannabis crop has to be destroyed if it tests positive for pesticide and neighboring traditional farmer would be held responsible and could be held liable for value of crop that had to be destroyed. This is an impact that was not addressed in the DEIR. Solution is to limit cultivation to indoor grows. CUPs should include AQ requirements for intake and exhaust air. Then if cannabis tests positive for pesticides, the responsibility would fall on the cannabis grower.

**Tim Schimmel** – Wish Farm Bureau speaker was still here in order to address her comments. His property is on 89. Neighbors don’t spray when wind is blowing in the direction of his site. Are there any cases of pesticide drift?

He is not against hemp, just need to look at pollination issues more. Terpenes are everywhere -- they are not harmful Farm Bureau newsletter front page had info on why cannabis is bad yet they are advocating hard for hemp. They have the same odor – this makes no sense.

Growing indoors is not a good solution – adds too much cost. The black market is biggest issue due to high taxes, regulation. Being required to grow indoors is going to make this worse. We need to be able to grow for as low a price as possible.

**Response to Public Comments**

Contract Planner Tschudin provided responses/clarification to some public comments:

- Could violations and complaints on a specific grower be considered as part of the process? Response: Yes. The additional findings of fact identified in mitigation measure for overconcentration addresses this issue. It is Mitigation Measure OVC-1C on page 4-47 of the DEIR.

- A concern was raised that in the consideration of issuance of use permits, the County may be persuaded by the sizeable investments made by cultivators. Response: There are signs posted in the planning department notifying licensed cultivators that they are proceeding at their own risk and there is no guarantee that their investments will be realized beyond the one year their licenses are valid. They also have to sign a document attesting that they fully understand this issue.

- A commenter suggested that pesticide drift is not addressed in the DEIR. Response: There is considerable discussion on this issue in the Agriculture Section 3.2 of the DEIR.
Planning Commission Comments and Discussion:

**Commissioner Darin Hall** – There has been a change in direction regarding indoor grows. Industry is now saying indoor-only is not viable. He is confused about this.

He has concerns regarding violations and complaints – anybody can complain. Complaints need to be viable complaints. Need to make sure what complaint actually is and how that process will play out. Individuals have put time and money into their business.

Related to setting caps, existing operations should be grandfathered in, then get to lower numbers through attrition. Otherwise process doesn’t seem fair and equitable.

**Alternative 4 (indoors) fits well and covers a lot of concerns. It’s the best of both worlds.**

The Board of Supervisors clearly supports cannabis so how can we make it a place where people can live and cannabis operators can have a business.

**Commissioner Elizabeth Dubin** – Compelled by concern about energy use – why move grows indoors. And if we move them indoors then why allow in Agricultural zone at all? She would like more info on this. How does growing indoors compare to growing outdoors in terms of electricity use? Seems like energy issues are more of an indoor issue. Also growers don’t use native soil so why is that important?

Legal issues are plaguing her. We cannot make decisions based on a threat of litigation. What is real versus what is fear in terms of how farmers can be negatively impacted? She will reread Section 3.2 (Agricultural Resources, Pesticide Drift). Wants to hear from Eric May.

She is concerned about the 75-foot versus the 1000-foot buffer. The 75-foot is small -- not a lot of value. But 1000 feet may be excessive. A number in between could be chosen as a buffer. Doesn’t like 75-foot buffer.

**Commissioner Trini Campbell** - In Section 3.2 (Agricultural Resources) DEIR she would like to see the effect of cannabis on the inventory of parcels available for the ag. conservation easements. She understands that cannabis cannot go into a conservation easement.

The no project alternative concerns her – it’s based on a false premise.

The baseline should be before the 78 licenses were issued and before the interim ordinance. Otherwise you can’t tell effect on traffic, noise, etc. This needs to be addressed in Section 3.14 (Transportation and Circulation). The licensed sites are in remote areas with limited access.

LOS and traffic patterns should be analyzed. There already has been impacts to these roads. The number of trips has increased on these roads.

On page 3.14-13 regarding the Vehicle Miles Traveled (VMT) significance threshold and the bottom bullet – would any increase be presumed to be significant? We need to count trips to show this impact.

She also wants to see impacts on property values near and adjacent to cannabis operations. This may fall outside the EIR.

At the top of page 3.14-18, it notes that a traffic assessment is required of applications if over 100 new trips will be generated. It is piecemeal to analyze these individually; traffic should be considered
cumulatively when Use Permits are required. This is a real impact that needs to be addressed. Her biggest concern is the traffic issue.

**Commissioner Marcia Gibbs** – Has concerns similar to Commissioner Campbell. Overconcentration triggered most concern for her. Feels like something needs to be done but hard to figure out how you would undo those business licenses that already exist.

One of the problems is what happens to property values. This concerns her because it is not addressed in DEIR.

As a member of Yolo Agricultural Alliance, they considered cannabis a viable option for farmers. Impacts from dust, drift, and pesticides are common problems farmers are used to dealing with. Good communication and proper application can address these issues. Peoples’ views about cannabis could change overtime. Commissioner Gibbs agreed with the comment contract planner Tschulin made on this topic. We should think about it as a viable crop that could bring revenue to farmers and retailers. Our biggest goal should be finding ways to make it work.

**Commissioner Amon Muller** – He has issues with the document. Traffic was under analyzed. Some of the roads with two or three grows will be highly impacted due to employee traffic. Trips are high during harvest and trimming season. Some roads that may only see 20 trips per day will see increased use. These new trip levels are likely to be significant. As a whole, traffic may not be increased; but for individual sites more traffic analysis is needed. In areas of overconcentration more data is needed.

Safety of neighbors is a significant concern – security is over the top. The security features negate the benefits of living in rural areas. Gave an example of resident with a site 100-feet from her home. She gets followed up her driveway each night. Security lights, cameras, guards, affects rural nature of area. A 1000-foot buffer would address this. Regular crops don’t have security all around them. The impacts of theft are real. He has 6 or 7 grows within a mile of where he lives.

Likes the way overconcentration is analyzed. He does not think the Board of Supervisors will kick people out.

The 1000-foot buffer is a reasonable buffer that will address these concerns.

**Commissioner Chuck Dudley** – Echoes others comments on road impacts. Overconcentration needs to be addressed by applying adequate buffers.

Concerned about concentrating production in certain rural areas. Use permits could be stacked and located in least intrusive areas. Doesn’t know where this area would be but maybe there is one.

**Chair Patrick Reynolds** – Appreciates the process. Back on track with a good public process. Both sides' opinions have been taken into account. It is a good detailed DEIR. Having projects tier off DEIR makes sense. Voters passed cannabis so it is here to stay so we need to find a way to make it happen for most people.

We should move forward slowly. Alternative 1 is a good starting place. Stay within the limits we have today. After a couple of years we could add more uses to capture tax revenue and economic development.
Commissioner Campbell – Regarding overconcentration, especially in the Capay Valley, it would be helpful to consider the placement of existing residences. Most are zoned A-N. This should be considered in the CUPs.

Staff Responses to Planning Commission Comments:

Contract Planner Tschudin – The alternatives analysis does have an alternative that is “no cannabis” and that alternative was considered and rejected from further analysis in the DEIR because the County has moved forward with allowing cannabis and the voters have supported cannabis. There are other reasons that are identified in the DEIR.

Regarding baseline, both the statute and case law for CEQA define what we are supposed to use as the baseline and the analysis used in the DEIR is consistent with those requirements. We can provide more detail in our formal responses.

The no project alternative looks at how the project will change the environment from what exists today. Baseline is defined as existing conditions.

EIRs are required by state law to look at required issue areas. EIRs do not look at social or economic issues.

Commissioner Dubin – It is my understanding that the No Project Alternative is defined within the CEQA process as what would happen if you did nothing. However, I think Commissioner Campbell’s comment regarding baseline was something different.

Contract Planner Tschudin – The purpose of it is to show how a particular project or proposal, in this case a regulation, would create a different environmental effect than what is currently being experienced. I understand that as a decision maker you may be looking at it from a different perspective and that is OK. However, for CEQA review the baseline is defined as the existing conditions. EIRs only look at the environmental aspects of the project and do not at other issues that may be legitimate or factors for you to consider in your decision making such as social, cultural, or economic issues.

County Counsel Eric May – Regarding the issue of dust drift, EIRs look at the project’s effect on the environment not the environment’s effect on the project. Staff report will include information on this issue. We can also research the issue of cannabis impact on property values and report on this in the staff report.

Commissioner Muller – He is concerned that this document will set the bar differently for other agricultural operations in terms of impact analysis and litigation.

County Counsel May – This process shouldn’t affect other agricultural crops because they don’t require a discretionary approval. It should not set a precedent. The discretionary permit is what triggers the scrutiny. Cannabis is being treated differently from other agriculture in this regard. Other agricultural products are not subject to same requirements. Just because cannabis is subject to more scrutiny doesn’t mean other agricultural crops would be also. The permit is what triggers the more detailed scrutiny.

Commissioner Muller – Inquired regarding the buffer analysis and what it means for availability of land to conduct cannabis activities.

Contract Planner Tschudin – We generally looked at the effect of buffers and zoning on a programmatic basis. There were slides presented earlier in the presentation that noted how many sites might be
removed based on those assumptions. We did not conduct a detailed site specific analysis. Until we know the direction of the Board we don’t know what the exact results would be. The analysis was conducted at a high level. A grower could change the location of their grow and this could affect the results. The level of this analysis did not include detailed site-specific measuring. However, this would happen with a use permit application. We have the capability to conduct a GIS analysis of buffers that explores at a gross level how many acres are not eligible depending on different buffer distances. We can do an analysis of what is kicked out.

**Commissioner Muller** – As part of the staff report, this analysis would be helpful for both existing and future grows.

**Commissioner Dudley** – If someone has to move, is there anything that prohibits someone that has permitted and gone through the process to relocate somewhere else in a suitable location?

**Contract Planner Tschudin** – No. The act of operating once you have the appropriate approvals is a business decision. You could secure approvals and not utilize them. The CLUO has language about use permits going stale if they are not used.

**Commissioner Dudley** – In the Guinda/Rumsey area could someone move from that area without prejudice? Could there be a grace period for someone who has to move.

**Contract Planner Tschudin** – Yes to both. The CLUO includes a proposed transition process for operations that need to move.

*The discussion of this item ended at approximately 10:45 am. These staff summary minutes were prepared by Susan Strachan as part of the CEQA process for the CLUO Final EIR. They are not the official minutes of the Planning Commission.*
<table>
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<tbody>
<tr>
<td><strong>Response to Comment 12-1</strong></td>
<td><strong>EIR Comment.</strong> These comments were prepared by staff to have a more detailed summary of the Planning Commission meeting in the record.</td>
</tr>
<tr>
<td><strong>Response to Comment 12-2</strong></td>
<td><strong>EIR Comment.</strong> The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”</td>
</tr>
<tr>
<td><strong>Response to Comment 12-3</strong></td>
<td><strong>EIR Comment.</strong> The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”</td>
</tr>
<tr>
<td><strong>Response to Comment 12-4</strong></td>
<td><strong>EIR Comment.</strong> The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”</td>
</tr>
<tr>
<td><strong>Response to Comment 12-5</strong></td>
<td><strong>EIR Comment.</strong> The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”</td>
</tr>
<tr>
<td><strong>Response to Comment 12-6</strong></td>
<td><strong>EIR Comment.</strong> The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”</td>
</tr>
<tr>
<td><strong>Response to Comment 12-7</strong></td>
<td><strong>EIR Comment.</strong> The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”</td>
</tr>
<tr>
<td><strong>Response to Comment 12-8</strong></td>
<td><strong>EIR Comment.</strong> The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”</td>
</tr>
<tr>
<td><strong>Response to Comment 12-9</strong></td>
<td><strong>CLUO Comment.</strong> The Commissioner requested clarification regarding the assumption of 78 existing and eligible licensees. A response was provided by staff at the meeting. Further clarification is not needed.</td>
</tr>
<tr>
<td><strong>Response to Comment 12-10</strong></td>
<td><strong>CLUO Comment.</strong> The Commissioner requested clarification regarding the assumption of 78 existing and eligible licensees. A response was provided by staff at the meeting. Further clarification is not needed.</td>
</tr>
</tbody>
</table>
Response to Comment 12-11 **CLUO Comment.** The Commissioner asked about the future new state cultivation license category called “Large.” A response was provided by staff at the meeting. Further clarification is not needed.

Response to Comment 12-12 **EIR Comment.** The Commissioner asked for clarification about the overconcentration mitigation measure (OVC-1). A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”

Response to Comment 12-13 **EIR Comment.** The Commissioner asked for clarification about the overconcentration analysis. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”

Response to Comment 12-14 **EIR Comment.** The Commissioner asked about existing cannabis businesses during the transition to the CLUO. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”

Response to Comment 12-15 **EIR Comment.** The Commissioner asked about existing cannabis businesses during the transition to the CLUO. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-10, “CUP Process and Overconcentration.”

Response to Comment 12-16 **EIR Comment.** The Commissioner asked about assessment of wind patterns. A response was provided by staff at the meeting. Draft EIR Mitigation Measure AQ-1 modifies Section 8-2.1408(DD) of the proposed CLUO to require wind pattern evaluation for each cannabis application. The measure specifies that this evaluation will consider wind from multiple directions over a specified period of time.

Response to Comment 12-17 **CLUO Comment.** The Commissioner asked about setting terms for the life of the permits. A response was provided by staff at the meeting. Further clarification is not needed.

Response to Comment 12-18 **EIR Comment.** The Commissioner asked about CEQA compliance for the Licensing Ordinance. A response was provided by staff at the meeting. Further clarification is not needed. Please see MR-16, “Cannabis Licensing Program.”

Response to Comment 12-19 **EIR Comment.** The Commissioner asked whether each CUP will require CEQA compliance. A response was provided by staff at the meeting. The County has described on pages ES-7 through ES-8 of the Draft EIR the obligation under CEQA to activate applicable CEQA streamlining and expressed County intent to incorporate this into the cannabis CUP process. Each CUP application will require individual analysis to determine appropriate CEQA compliance. Provided appropriate site-specific analysis is undertaken and that the applicant can demonstrate full compliance with the CLUO, some applications will be able to rely on the CLUO EIR for CEQA compliance, thus making them statutorily exempt. Others may trigger a negative declaration and/or possibly a focused project-level EIR. This will be determined with each CUP application on a case-by-case basis.

Response to Comment 12-20 **CLUO Comment.** The Commissioner asked about sensitive receptors. A response was provided by staff at the meeting. Further clarification is not needed. Please also see MR-9, “Buffers.”
Response to Comment 12-21 CLUO Comment. The Commissioner asked for clarification regarding buffers, in the situation where an identified sensitive land use locates next to a cannabis site after that site is in place and operating. A response was provided by staff at the meeting. Section 8-2.1404(K) of the proposed CLUO addresses this issue.

Response to Comment 12-22 EIR Comment. The Commissioner clarified that the Draft EIR traffic analysis is available online. Staff confirmed this at the meeting. The CLUO Draft EIR including all attachments is available at the following e-location:

https://www.yolocounty.org/community-services/cannabis/cannabis-land-use-ordinance/-fsiteid-1

Response to Comment 12-23 CLUO Comment. The Commissioner asked whether a cap could be set at the current number of existing and eligible licenses. Staff confirmed this is a possible approach. This aligns with the assumptions embodied in Alternative 1.

Response to Comment 12-24 CLUO Comment. The commenter expressed an opinion that outdoor cannabis farming is not compatible with non-cannabis farming. This position is acknowledged for the record. Please see Response to Comment 11-2 and MR-12, “Expression of Opinion/Preference.”

The written comments from this commenter are identified as Letter 11 and a second written submittal from this commenter is identified as Letter 71.

Response to Comment 12-25 CLUO Comment. Please see Responses to Comment 11-2, 11-3, and 11-4.

Response to Comment 12-26 CLUO Comment. Please see Response to Comment 11-5.

Response to Comment 12-27 CLUO Comment. Please see Response to Comment 11-6.

Response to Comment 12-28 CLUO Comment. Please see MR-7, “Code Enforcement and Crime.” The commenters support for buffers is noted for the record. Please see MR-9, “Buffers.”

Response to Comment 12-29 CLUO Comment. The commenter suggests that an operation’s history of violations or complaints should be relevant. Please see MR-10, “CUP Process and Overconcentration.” Findings 11 and 12, listed under “Findings Required for Approval of a Cannabis Condition Use Permit,” address this issue.

Response to Comment 12-30 CLUO Comment. The County’s CTF investigates all cannabis related complaints to ensure compliance with applicable rules. The CLUO will establish a discretionary use permit requirement and new requirements for all operators. Please see MR-7, “Code Enforcement and Crime,” and MR-10, “CUP Process and Overconcentration.” As stated in MR-7, pursuant to Code Section 5-20.11(A)(11) of the Interim Ordinance, as amended in November 2017:

> Upon the occurrence of three verified violations or hearing officer determinations of violation of any of the License requirements or standards issued to the owner or operator at any property or combination of properties of the same owner or operator within a two-year period, all Licenses for marijuana cultivation held by said owner or operator shall be automatically deemed nullified, voided and revoked.

The Cannabis Task Force issues Notices of Violation when warranted and has utilized this provision while enforcing the Interim Ordinance.
Response to Comment 12-31 **EIR Comment.** The commenter expresses concern for water discharge from cannabis sites. Section 8-2.1408(J) of the proposed CLUO addresses Drainage and Storm Water Discharge and requires compliance with existing state and local requirements for discharge and water quality. Also, within the existing Licensing Ordinance Section 5-20.04 (B)(1), Additional Prohibitions, states as follows:

Notwithstanding compliance with the provisions of this chapter, cultivation of marijuana is prohibited if cultivated in any amount or quantity, upon any premises, that discharges from any source whatsoever such quantities of air contaminants, odor or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons, to the environment or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

Response to Comment 12-32 **CLUO Comment.** The commenter expresses concern that there was no EIR prepared for greenhouse development occurring within approximately 300 feet of her residence. The commenter refers to a previously licensed cultivation site that had engaged in grading activities to develop the site with greenhouses. Please see MR-7, “Code Enforcement and Crime.”

As indicated in other responses to comments, including Responses to Comments 28-6, 39-1, and 39-3, greenhouse development for agricultural purposes is an allowed use on agriculturally-zoned property so long as the structures, including site preparation, are properly permitted. In instances where the size of a greenhouse exceeds 100,000 square feet, a Site Plan Review is required, which is a non-discretionary administrative review conducted by the Planning Division to ensure consistency with all applicable County standards (Yolo County Code Section Table 8-2.304[a]). The greenhouse development associated with the site referenced by the commenter did not meet the criteria that would have required a Site Plan Review.

The commenter also expressed concern that investments made by licensees will become a consideration for CUP applications. Please see MR-14, “County Cannabis Disclosures.” While consideration of existing investments in property is not prohibited, an applicant would nevertheless be required to demonstrate compliance with the requirements of the CLUO. As pointed out in MR-14, the County has ensured that licensees who construct greenhouses or make other improvements in advance of adoption of the CLUO are aware of the risk that they may not be allowed to continue cannabis activities at their site, and/or that they may not be granted a CUP.

Response to Comment 12-33 **CLUO Comment.** The commenters support for 1,000-foot buffers is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 12-34 **CLUO Comment.** Please see MR-8, “Marijuana and Hemp.”

Response to Comment 12-35 **CLUO Comment.** The commenters recommendation regarding an “opt out” for certain parts of the County is acknowledged for the record. The CLUO will apply countywide; however, the Board of Supervisors will deliberate whether to apply aspects of the CLUO differently in different geographic areas of the County. For example, overconcentration thresholds are anticipated to apply only in certain areas of the County.
Response to Comment 12-36  **CLUO Comment.** This information regarding Glenn County is acknowledged. Thank you.

Response to Comment 12-37  **CLUO Comment.** The comment regarding the Agricultural Commissioner is noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 12-38  **CLUO Comment.** The commenter provides information regarding issues raised in Comments 12-24 through 12-27. This information is noted for the record.

Response to Comment 12-39  **EIR Comment.** The comments regarding terpenes are noted for the record.

Response to Comment 12-40  **EIR Comment.** The commenters support for outdoor cultivation is noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 12-41  **CLUO Comment.** The commenter requests clarification from the Farm Bureau regarding their position on cannabis.

Response to Comment 12-42  **CLUO Comment.** The commenter expressed support for cannabis. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 12-43  **CLUO Comment.** The clarification regarding the current number of licensees is acknowledged. As explained in the Draft EIR, there are 78 existing and eligible licensees. There are 51 who have applied to renew their licenses in 2020. As of June 30, 2020, there are 47 who are currently licensed.

Response to Comment 12-44  **CLUO Comment.** The commenters support for outdoor cultivation is acknowledged.

Response to Comment 12-45  **CLUO Comment.** Please see MR-8, “Marijuana and Hemp.”

Response to Comment 12-46  **CLUO Comment.** The commenters support for retail activity is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 12-47  **CLUO Comment.** The commenter notes that they are the Citizens Advisory Committee for Dunnigan that has a meeting to go over the Draft EIR on December 11, 2019. Please see responses to Comment Letter 23.

Response to Comment 12-48  **CLUO Comment.** The commenter reflects concern about the effects of neighboring non-cannabis farming operations on adjoining cannabis cultivation. Please see Response to Comment 11-2 and MR-5

Response to Comment 12-49  **CLUO Comment.** The commenter requests clarification from the Farm Bureau regarding their position on cannabis.

Response to Comment 12-50  **CLUO Comment.** Please see MR-8, “Marijuana and Hemp.”

Response to Comment 12-51  **CLUO Comment.** The commenters support for outdoor cultivation is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 12-52  **CLUO Comment.** This comment addresses whether violations or complaints can be considered as part on a CUP application. A response was provided by staff at the meeting. See also Response to Comment 12-29.
Response to Comment 12-53 **CLUO Comment.** This comment addresses whether investments made by licensees will become a consideration for CUP applications. A response was provided by staff at the meeting. See also Response to Comment 12-32 and MR-14, “County Cannabis Disclosures.”

Response to Comment 12-54 **EIR Comment.** The comment identifies where pesticide drift is addressed in the Draft EIR. Further response is not needed.

Response to Comment 12-55 **CLUO Comment.** The Commissioner observed that cannabis industry is now promoting outdoor cultivation and not indoor.

Response to Comment 12-56 **CLUO Comment.** The Commissioner encouraged that complaints be verified when undertaking code enforcement. The County’s CTF investigates all cannabis related complaints to ensure compliance with applicable rules. Verification of the facts is a component of that process. Please also see MR-7, “Code Enforcement and Crime.”

Response to Comment 12-57 **CLUO Comment.** The Commissioner suggested that existing operations be grandfathered into any caps on permits. Please see MR-14, “County Cannabis Disclosures.” While consideration of existing investments in property is not prohibited, an applicant would nevertheless be required to demonstrate compliance with the requirements of the CLUO. As pointed out in MR-14, the County has ensured that licensees are aware of the risk that they may not be allowed to continue, and/or that they may not be granted a CUP.

Response to Comment 12-58 **CLUO Comment.** The Commissioner expressed preliminary support for Alternative 4 which allows for indoor cultivation only. This comment is acknowledged.

Response to Comment 12-59 **CLUO Comment.** The Commissioner expressed that the Board of Supervisors supports cannabis and therefore the goal is to balance competing interests. This comment is acknowledged.

Response to Comment 12-60 **EIR Comment.** The Commissioner expressed concern about increased energy usage associated with indoor cultivation. Draft EIR Table 3.6-2 identifies energy use by cannabis use type (see Draft EIR page 3.6-13). This table identifies that cannabis cultivation in a building (mixed-light and indoor) uses electricity at a rate 1.8 to 4.6 greater than outdoor cultivation. The energy estimates provided in the Draft EIR for cannabis cultivation in a building are similar to the Sacramento Municipal Utility District’s (SMUD’s) experience with the range electrical demands for indoor cultivation (McGregor, pers. comm., 2019). SMUD was consulted for electrical energy demand data because of its experience with indoor cannabis facilities in its service area and SMUD’s proximity to Yolo County.

The commenter also suggested that cannabis cultivators do not use native soil. Actually, almost half of the currently active cultivators are growing in native soil. Of 47 active licensees as of June 30, 2020, 17 are cultivating entirely in native soil, and another nine are growing partially in native soil. Together, this reflects about 55 percent of the total.

Response to Comment 12-61 **CLUO Comment.** The Commissioner expressed concerns regarding liability issues between farmers. This comment is understood to be in response to comments made by the Farm Bureau representative (see Response to Comment 11-2, and see also responses to letters 11 and 71). The issue is
whether the off-site effects of one farmer’s operations should be made the responsibility of a neighboring farmer to accept and accommodate, even in circumstance where the latter might experience economic harm. Yolo County has a history of supporting all agricultural endeavors and this would arguably reflect a departure from that long-standing approach. It also suggests that the County favor one agricultural crop over another which has not historically been the County’s practice.

The staff does not propose any changes to the Draft EIR or the proposed CLUO to embody these perspectives. The concerns raised involve the potential effects of existing conditions on the project. Because CEQA in general is statutorily focused on the effects of a project on the environment and not the reverse, this is sometimes referred to as “reverse CEQA” analysis. Except in very limited circumstances which would not apply here, analysis of the effects of the environment (e.g., pesticides and dust from neighboring farmers) on the project (assumed to be a future cannabis CUP applicant under the CLUO) are not required in an EIR. While the Board of Supervisors may consider this if they find it to be relevant to their deliberations, it is not required under CEQA. Please see MR-6, “Economic Effects and Property Values.”

Local government cannot reasonably solve all problems between property owners through regulatory means. Appropriate resolution of this concern would be for neighboring farmers to work collaboratively to accommodate one another or to request the assistance of the CTF, Agricultural Commissioner, the Farm Bureau, or other industry leadership to help achieve a mutually beneficial outcome. As a last result mediation services may also be appropriate. Ideally neighbors are able to work out conflicts between themselves, but when this doesn’t occur, the courts are available as a last result.

Response to Comment 12-62  CLUO Comment. The Commissioner indicates that a buffer between 75 feet and 1,000 feet might be ideal. This perspective is acknowledged. Please see MR-9, “Buffers,” for more information about buffers.

Response to Comment 12-63  EIR Comment. The Commissioner requests information regarding how cannabis cultivation would affect parcels available for agricultural conservation easements. There are no known general prohibitions on placing an easement on a parcel that contains cannabis cultivation; however, the funding for purchase of the easement may be relevant. A summary of the main forms of conservation easement, or similar protection with respect to agricultural land, is provided below.

Contracts Pursuant to Williamson Act – The Williamson Act (California Land Conservation Act of 1965: Government Code Section 51200 et seq.) is a state agricultural land protection program in which local governments elect to participate. The intent of the program is to preserve agricultural lands by discouraging their premature and unnecessary conversion to urban uses. Landowners may apply to contract with the County to voluntarily restrict their land to agricultural and compatible uses. Restrictions are enforced through a rolling 10-year term contract. Unless the landowner or the County files a notice of nonrenewal, the 10-year contract is automatically renewed at the beginning of each year. In return for the voluntary restriction, contracted parcels are assessed for property tax purposes at a rate consistent with their actual (agricultural) use, rather than potential market value. While sometimes referred to as an “easement” the instrument used to effectuate the Williamson Act is actually a contract. Senate Bill 527 (Chapter 527, Statutes of 2019) amended the
Williamson Act to clarify that cannabis cultivation may constitute a compatible use on contracted or non-contracted land within an agricultural preserve thus clarifying that cannabis can be grown on a parcel under Williamson Act.

Conservation Easements (general) -- Conservation Easements are enabled through Sections 815–816 of the California Civil Code, Division 2, Part 2, Title 2, Chapter 4 (Conservation Easements) which is also often referred to as the California Conservation Easement Act of 1979. These sections establish that conservation easements are restrictions on the use of real property, entered into voluntarily, perpetual in duration, the purpose of which is to retain the land “predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.” These regulations contain no restrictions on the placement of a conservation easement on a property on which cannabis is being grown.

Conservation Easements Pursuant to a habitat conservation plan/natural community conservation plan (HCP/NCCP) – It does not appear that the US Fish and Wildlife Service has taken an official position or established official policy regarding cannabis on HCP reserve lands. Nevertheless, because cannabis is illegal under federal law, the County presumes that parcels with cannabis activities would not be eligible to join an HCP reserve system. There are many agricultural crops that are not viewed as desirable for conservation easement purposes based on incompatibilities with special species needs and success. In addition to cannabis, examples include vineyards and orchards. The Yolo HCP/NCCP was effective January 11, 2019, and relies on the creation of a conservation reserve totaling 33,362 acres. 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 the effects of cannabis under the CLUO would be too small to have any material effect on the ability of the Yolo HCP/NCCP to be successfully implemented.

Response to Comment 12-64  EIR Comment. The Commissioner expresses concern about the assumptions underlying the No Project Alternative. Please see MR-1, “No Project Alternative and No Cannabis Alternative.”

Response to Comment 12-65  EIR Comment. The Commissioner expresses a concern regarding the impact baseline used in the Draft EIR. Please see MR-2, “Baseline Conditions Used in the Draft EIR.”

Response to Comment 12-66  EIR Comment. The Commissioner expressed concern about the impact of vehicle trips on local roads. This issue is addressed in Draft EIR Section 3.14, “Transportation and Circulation” (see Draft EIR pages 3.14-12 through 3.14-18), and Draft EIR Appendix G. Please see MR-15, “Traffic Analysis.”
**Response to Comment 12-67  EIR Comment.** The Commissioner asks about text on the bottom of page 3.14-13. The last paragraph and bullet on page 3.14-13 are in error and should be deleted. This edit to the Draft EIR is provided below. The text on Draft EIR pages 3.14-12 and 3.14-13 under the heading “VMT Significance Threshold Methodology” provides a discussion of the applicability of this section to the subject land use ordinance and to cannabis activities in general. The impact threshold for VMT is identified on page 3.14-16 as: “Conflict or be inconsistent with CEQA Guidelines Section 15064.3.”

Section 15064.3 of CEQA is focused on urban residential and transportation projects that generate significant VMT and does not apply to the CLUO or outdoor cultivation. It is possible, that it could apply to other future cannabis uses (e.g., retail or manufacturing). This will be assessed with each cannabis CUP application. Projects that generate 100 new trips per day or more would be required by the County to prepare a traffic operations analysis (see draft CLUO Section 8-2.1408[J]). As noted in the Draft EIR text, this is generally consistent with the 110-trip threshold referenced in the OPR Technical Advisory as a likely threshold for less-than-significant transportation impacts. Cannabis uses in the various zones in which they would be allowed per draft CLUO Section 8-2.1407, are not expected to differ materially from the non-cannabis uses assumed within those zones under the General Plan and General Plan EIR. Please refer also to MR-15, “Traffic Analysis.”

The following text deletion is made to the last paragraph of Draft EIR page 3.14-13:

Thus, taking into consideration the four criteria detailed in Section 15064.3(b) for analyzing the transportation impacts and their applicability to the CLUO, state policy, and the recommendations of the OPR Technical Advisory, the following threshold was determined as conservative but appropriate for the purpose of analyzing the potential for change in VMT under each CLUO alternative:

- An increase in countywide VMT as compared to existing conditions shall be presumed to result in a significant effect.

**Response to Comment 12-68  CLUO Comment.** The Commissioner inquired regarding effects on property values. Please see MR-6, “Economic Effects and Property Values.”

**Response to Comment 12-69  EIR Comment.** The Commissioner expressed concern regarding cumulative traffic impacts. The analysis undertaken for Section 3.14, “Transportation and Circulation,” of the Draft EIR was a cumulative analysis of all cannabis uses assumed under each alternative. The draft CLUO also requires individual project level traffic operations analyses for any projects that would generate 100 trips or more. This approach ensures that both cumulative, and future project-specific, impacts are addressed and demonstrates that the analysis that was undertaken was not piecemeal in its approach. Cumulative traffic conditions and associated impacts of the five alternatives is provided in Draft EIR Chapter 4, “Cumulative Impacts and Overconcentration” (Draft EIR pages 4-35 and 4-36).

**Response to Comment 12-70  EIR Comment.** The Commissioner expressed concern for existing cannabis businesses and the issue of overconcentration. Please see MR-10, “CUP Process and Overconcentration,” and MR-14, “County Cannabis Disclosures.”
Response to Comment 12-71  **CLUO Comment.** The Commissioner expressed concern regarding effects on property values. Please see MR-6, “Economic Effects and Property Values.”

Response to Comment 12-72  **CLUO Comment.** The Commissioner expressed that cannabis related problems are common agricultural issues that can be resolved. Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-11, “Cultural Change.” The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities.

Response to Comment 12-73  **EIR Comment.** The Commissioner expressed concerns regarding the traffic analysis and conclusions in the Draft EIR. Section 3.14, “Transportation and Circulation,” and Appendix G of the Draft EIR contain the transportation and circulation impact analysis. Please also see MR-15, “Traffic Analysis.” Local roadways are important public infrastructure paid for and maintained by the County using public funding. Increased use of those roadways for legal conforming by-right uses is not in and of itself an adverse environmental impact. Staff acknowledges that the experience and concerns of adjoining property owners must be considered, but that is a policy matter more than a matter of environmental impact.

The Commissioner indicates that analysis of traffic operations associated with individual sites merits additional review especially in areas of over-concentration. This position is reflected in the proposed CLUO. Projects that generate 100 new trips per day or more would be required by the County to prepare a traffic operations analysis (see draft CLUO Section 8-2.1408(JJ)). Draft EIR Mitigation Measure OVC-1 requires among other things that all applications within areas of overconcentration be processed at the same time to allow for consideration of effects over the entire affected area. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 12-74  **CLUO Comment.** The Commissioner expressed concerns about security associated with some of the cannabis operations. The draft CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan.

Response to Comment 12-75  **EIR Comment.** The Commissioner’s support for the overconcentration analysis and concern regarding existing licensees is acknowledged.

Response to Comment 12-76  **CLUO Comment.** The Commissioner’s support for 1,000-foot buffers is noted.

Response to Comment 12-77  **CLUO Comment.** The Commissioner’s concerns regarding road impacts is noted. Section 3.14, “Transportation and Circulation,” and Appendix G of the Draft EIR contain the transportation impact analysis. Please also see MR-15, “Traffic Analysis.”

Response to Comment 12-78  **CLUO Comment.** The Commissioner expressed concerns regarding locations for cannabis activities is noted. Please see MR-10, “CUP Process and Overconcentration” and MR-17, “Consolidated Cannabis Campus.”

Response to Comment 12-79  **CLUO Comment.** The Chair’s support for the process and the Draft EIR is noted.

Response to Comment 12-80  **CLUO Comment.** The Chair proposes support for Alternative 1 is acknowledged.
Response to Comment 12-81 EIR Comment. The Commissioner expressed that CUPs should consider the placement of existing residences. Individual legal residences under separate ownership are identified as a sensitive land use in Section 8-2.1408(E) of the proposed CLUO relating to the application of buffers. Also, the expanding findings of fact identified in Draft EIR Mitigation Measure OVC-1c include “proximity of cannabis operations ... to other identified sensitive uses” and “adjoining/nearby land uses” both of which would allow for consideration of existing residences.

Response to Comment 12-82 EIR Comment. This comment is a staff response to questions and comments made by Planning Commissioners. No response is necessary. Please also see MR-1, “No Project Alternative and No Cannabis Alternative,” and MR-3, “Range of Alternatives Evaluated in the Draft EIR.”

Response to Comment 12-83 EIR Comment. This comment is a staff response to questions and comments made by Planning Commissioners. No response is necessary. Please also see MR-2, “Baseline Conditions Used in the Draft EIR.”

Response to Comment 12-84 EIR Comment. This comment is a staff response to questions and comments made by Planning Commissioners. No response is necessary. Please also see MR-1, “No Project Alternative and No Cannabis Alternative,” and MR-2, “Baseline Conditions Used in the Draft EIR.”

Response to Comment 12-85 EIR Comment. This comment is a staff response to questions and comments made by Planning Commissioners. No response is necessary. Please also see MR-6, “Economic Effects and Property Values.”

Response to Comment 12-86 EIR Comment. The Commissioner made a clarification regarding questions related to “baseline” conditions. A response was provided by staff at the meeting. Further response is not needed. Please also see MR-1 through MR-4.

Response to Comment 12-87 EIR Comment. This comment is a staff response to questions and comments made by Planning Commissioners. No response is necessary. Please also see MR-5, “Cannabis as an Agricultural Crop,” and MR-6, “Economic Effects and Property Values.”

Response to Comment 12-88 CLUO Comment. The Commissioner expressed concern regarding setting a precedent through this process for other agricultural crops. A response was provided by staff at the meeting. Further response is not needed.

Response to Comment 12-89 CLUO Comment. The Commissioner expressed concern regarding availability of land under various buffer assumptions. A response was provided by staff at the meeting.

Response to Comment 12-90 CLUO Comment. The Commissioner asked whether cannabis operators can relocate. A response was provided by staff at the meeting. Cannabis licenses are issued to individuals. Cannabis CUPs run with the land. If a cannabis licensee relocates, they must also have a cannabis CUP for the new location. Please see draft CLUO Section 8-2.1405(B, C, D, and E).

Response to Comment 12-91 CLUO Comment. The Commissioner asked about the transition process for the CLUO. A response was provided by staff at the meeting. Please see Section 8-2.1404(B). Staff anticipates recommending modifications to this section to incorporate the process necessary to implement Draft EIR Mitigation Measure OVC-1(a.V). Please also see MR-10, “CUP Process and Overconcentration.”
Yolo County Board of Supervisors

and

Yolo County Planning Commission

Subject: Cannabis Regulation

1. To my knowledge, there are as yet no tests of drivers for possible impact while at the wheel... And little funding research on the affects on young minds (25 years or less).

2. A few years ago these negatives caused me to oppose legalized sale of the material in the county.

3. That was short-sighted and limited thinking. The stuff is available for people who want it any way. Prohibition strengthens a present criminal network who can offer for more serious drugs. As an example, the 400,000 barbiturate related drug deaths in the US last year were not all prescription used. The many caused by feeding that surely were not prescribed. A recent media item noted another area of misuse overdose - in some areas again the leading young, stills.

4. Last fall I listened to a broadcast on KQED about problems with developing a legal system of pot sales within California. Estimates of 75-90% of sales are still "black market." So instead of material tested for presence of particulates, mold.
and other potentially hazardous material, including bugs and supporting the large criminal drug system.

5. Our task now is to protect the public. One issue from the reader discussion, legal sellers, verified and regulated, can not offer the convenience or privacy of the outdoor sellers. Do we need to record date and amount of sales beyond some small amount? If we can live with that, do we need the marks of medical prescription for small amounts, no. If there are great concerns about resale, why? This stuff has been inspected and regulated for sale. If the concern is for abuse by young people, card them. If they are minors restrict the amount purchased for those less than 21 years and older than 16. If less than 18 years old restrict them for life coaching to include active exercise daily — maybe required to exercise at least a week. There would be cost to the county for this program. Life coaching opportunities should be encouraged for those 18 to 21 years and strongly recommended — along with available exercise program participation 5 times a week. Groups like YWCA, YWCA, Swim clubs may be helpful.

For young people trips to The Coast and mountains — National Parks, etc., should be supplements or substitute venue for the young people. Born might choose to work in community gardens.

Exercise is therapeutic itself. Connected to goals and growth, very positive.
Last Page!

We've determined that legal pot is better than outlaw stuff.

So what can we do to clean up the legal crop?

Answer: Whatever we can do to make it more profitable - lower taxes for a while?

Encourage the pot farms to be part of garden markets for fruit, vegetables, honey, chickens and eggs. Allow them to sell their own or other local inspected product - without the make-believe of "medicalOUTLAW". Legal pot is basically good medicine. They can market from their farm or at other markets. Minimize record-keeping and "qualifying documents". In a world of competition, the outlet costs are expensive. Our desire to protect is valid - but we can be better off with clean products - perhaps less of a gateway to whatever. The potter knows his stuff. Any comeback sale/purchase records or required info for the shop should be destroyed after a year - if collectable.

We need more legal growers to win the contest.

I hope folks at town meetings talk about pot more.

My neighbor (across 88 and northeast about a block) has never created any scent. That I can smell. Perhaps age related (nearly 80) but feet & flowers still smell great.

Best wishes to you!

Erck Lincoln
Response to Comment 13-1  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 concerns of the commenter regarding cannabis research are noted for the record.

Response to Comment 13-2  CLUO Comment. Thank you for this background information. This is acknowledged for the record. Please also see MR-11, “Cultural Change.”

Response to Comment 13-3  CLUO Comment. The commenter’s summary of challenges related to legalization of cannabis is noted for the record.

Response to Comment 13-4  CLUO Comment. The commenter offers a number of comments and suggestions regarding the current cannabis legal system. Please see MR-12, “Expression of Opinion/Preference.” The Board of Supervisors may wish to consider some of these ideas for program funding from the cannabis tax revenue. Please also see MR-13, “Cannabis Tax Revenue.”

Response to Comment 13-5  CLUO Comment. The commenter offers additional suggestions and marketing ideas in support of legal cannabis. These ideas are noted for the record. The commenter also summarizes his experience with a neighboring cannabis farm noting that he did not experience odor impacts.
I am writing on behalf of Nicholas Collins, Claramarie Collins and Elizabeth Collins, owners of ENC Collins Farm at the end of Road 45 off Highway 16 just past Guinda.

We are bewildered at the haphazard way in which the Yolo County Supervisors have permitted cannabis grows in Capay Valley. Within a half-mile of our small family farm we have four large scale grows. The Capay Valley, a scenic location that is becoming known for organic produce, is being transformed into a site for industrial production and processing of cannabis. An Environmental Impact Report should be required before permits are approved.

We have been told the cannabis growers just one small field over from our home has been given several red tag violation notices. This suggests the impunity of this particular grower, who is now requesting permits for four year-round greenhouse operations with four full time employees. In the last year those guard dogs from this property have repeatedly escaped onto Road 45 threatening small children and adults. The odor from the cannabis greenhouse forced guests and our new neighbors to flee the area. They have an armed guard from having been robbing in the middle of the night at gunpoint and thus threaten the safety of their neighbors. Further, now we have a view of the unsightly garbage heap produced when greenhouses were dismantled so that a structure for industrial processing of the cannabis crop can be built. If a permit is issued for the expansion of cannabis production at this site, in addition to the odor and the guard dogs we will have to contend with constant traffic of trucks transporting cannabis on Road 45, a road that is already in very poor condition with over 17 potholes.

We understand that currently there is no setback requirement for growing or processing. Our neighbors have flattened and prepared their entire property in anticipation of building new greenhouses and a processing facility that will clearly abut the edges of their property. Aside from the eyesore this gargantuan project entails, the proximity to neighbors, many of whom have small children, represents a threat to the health of the community. Marijuana grows and industrial processing require setbacks in every other county and are likely to be required even in Yolo in the future. This project and others like it should not be grandfathered in before such requirements become law. We insist on a minimum 100’ setback from the sides of the property, as is the standard in many other counties.

Industrial processing of cannabis for sale belongs in an area zoned for industrial use, not in prime agricultural land. Indoor grows of cannabis should also be permitted only in areas zoned for industrial use. The demand for power from such grows will overwhelm the power infrastructure of Capay valley, already a concern due to the high danger of fire. We urge the supervisors to develop a plan for permitting cannabis production in suitable sites, rather than in agricultural communities where a sustainable, organic farming is now thriving and expanding.

Nicholas Collins
Claramarie Collins
Elizabeth Collins
Response to Comment 14-1  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 concerns of the commenters regarding four nearby cannabis operations are acknowledged for the record.

Response to Comment 14-2  CLUO Comment. The commenters express concerns regarding the code enforcement process and conditions at the operations. The County CTF investigates all complaints to ensure compliance with the requirements of the Licensing Ordinance and available enforcement tools. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. Please also see MR-7, “Code Enforcement and Crime.”

Response to Comment 14-3  CLUO Comment. The commenters recommend that existing operations not be “grandfathered” into the CLUO process and that 100-foot property line setbacks be required. These recommendations are noted for the record. Please see MR-9, “Buffers,” regarding setbacks and MR-14, “County Cannabis Disclosures,” regarding cannabis disclosures. The proposed cannabis CUP process will be discretionary. No existing cannabis operations are proposed to be grandfathered into the new regulations. Please also see MR-10, “CUP Process and Overconcentration,” regarding the CUP process.

Response to Comment 14-4  CLUO Comment. The commenters propose that cannabis activities be restricted to industrially zoned land and not be allowed on prime agricultural land. This recommendation is noted for the record and will be considered as a part of the process. Please see MR-12, “Expression of Opinion/Preference.”

The commenters express concern regarding power use for cannabis activities and fire danger. The Draft EIR analyzes energy in Section 3.6, public services in Section 3.13, and utilities and service systems in Section 3.15. The potential for impacts in these topical areas is demonstrated to be less than significant.

The commenters support cannabis in restricted areas and not in agricultural areas with organic farming. Please see MR-17, “Consolidated Cannabis Campus,” regarding the concept of a cannabis campus. Cannabis is considered an agricultural crop. Please see MR-5, “Cannabis as an Agricultural Crop.” The use of restricted pesticides on cannabis cultivation/production is prohibited. This is similar to organic crops that are covered under the Yolo Certified Organic Agriculture program which prohibits the use of restricted pesticides, includes a notification process for adjoining agricultural uses that organic crops are nearby, and limits soil inputs to materials approved as an organic input by CDFA (see page 3.2-9 of the Draft EIR). Cannabis is restricted to pest controls that rely on active ingredients exempt from registration requirements. These are comprised primarily of food-grade essential oils such as peppermint oil or rosemary oil.
From: Robin Testa [mailto:acrohc@me.com]
Sent: Tuesday, December 10, 2019 4:08 AM
To: Julie Dachtler <julie.dachtler@yolocounty.org>; Duane Chamberlain <Duane.Chamberlain@yolocounty.org>; Evelyn Tamayo-Arias <Evelyn.Tamayo-Arias@yolocounty.org>; April Meneghetti <AMeneghetti@yolocounty.org>; Webmaster <webmaster@yolocounty.org>; Susan Strachan <Susan.Strachan@yolocounty.org>; Trini Campbell <trini@riverdogfarm.com>; Clerkoftheboard <clerkoftheboard@yolocounty.org>
Subject: Cannabis production facilities in Rumsey

To the Yolo County Board of Supervisors, The Cannabis Task Force, Environmental Health Department and the Capay Valley Citizen’s Advisory Committee

As owners of a home in the old township of Rumsey with three Cannabis production facilities in close proximity, we appeal to you to reconsider the licensing of these facilities.

As we have come to know through bitter experience, Cannabis production is in fact an industrial activity that operates 24/7, produces constant noxious fumes and is completely inappropriate near residences.

The fumes from the nearby Cannabis production facilities are not limited to a single, annual “harvest season” because Cannabis producers aim for 3 or more harvests per year. This, plus the associated processing activity, means that the fumes are a constant presence rather than an occasional “nuisance”. The health impacts of these fumes are as yet unknown.

Cannabis production and processing with its attendant noise, lights, fumes and traffic goes on day and night. The Cannabis production and processing facility closest to our home, Cache Creek Cannabis on Manzanita St., has been allowed to operate a large number of refrigerator/generator units 24 hours a day, seven days a week, for months. Their noise and vibration have deprived us of sleep and the ability to enjoy our home in peace. Why has this been allowed? Why was this industrial facility licensed in such close proximity to residences in the first place?

A more sinister aspect of the Cannabis production industry is the need for patrols by armed guards to defend against theft. This has changed our once peaceful neighborhood into a place where we no longer feel safe.

All of this has taken a measurable toll on local property values.

The county’s lack of rigor in enforcing its existing Cannabis ordinance and its dismissive response to complaints from the public has eroded confidence in the integrity of its institutions.

Cannabis production and processing are an industrial activity. Yolo County should not allow Cannabis production facilities in any proximity to residences and should ensure that those previously licensed near residences are relocated.

Sincerely,
Robin & Serge Testa
3520 Madrone Street
Rumsey, CA 95679
Response to Comment 15-1  
**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 concerns of the commenters regarding three nearby cannabis operations are acknowledged for the record.

Response to Comment 15-2  
**CLUO Comment.** The commenters consider cannabis activities to be an industrial activity that is inappropriate near residences. This position is noted for the record and will be considered as a part of the process. Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 15-3  
**EIR Comment.** This comment expresses concern regarding the health effects of odors from multiple annual harvests. As identified in Draft EIR page 3.3-9, an evidence brief prepared by Public Health Ontario (Public Health Ontario, Canada 2018) identified that “most substances responsible for odors in the outdoor air are not present at levels that can cause long-term health effects. However, exposure to unpleasant odors may affect an individual’s quality of life and sense of well-being.” This statement was in reference to odors in general and not specific to cannabis odors. The City of Denver prepared a Cannabis Environmental Best Management Practices Guide (City of Denver, Colorado 2019), which states that while “the rate of VOC [volatile organic compound] emissions from cannabis cultivation facilities is relatively unknown.... [T]hese VOCs from the cannabis industry typically do not pose a direct threat to human health.” Although research is limited, it is generally agreed that concentrated cannabis odors do not create a public health concern for receptors.

We did not find scientific research indicating that plant-based VOC emissions, whether from cannabis or other plants, leads to adverse health effects. A study from Norway examined whether there were health effects from exposure to pine trees which emit high VOCs (172 ppb monoterpenes) as compared to exposure to spruce trees which emit very low VOCs (1 ppb monoterpenes). The study concluded there were no inflammatory reactions or sensory irritations that resulted (Skulberg et al. 2019). There is also some research substantiating the importance of VOCs to plant ecosystems, that VOCs may be a sustainable way to enhance crop production, and that some plants absorb VOCs (Vivaldo et al. 2017, Brilli et al. 2019, and Lafond 2019). See also Response to Comment 11-4.

Response to Comment 15-4  
**EIR Comment.** The commenters identify noise and vibration experienced from refrigerator generators and inquire why the County allowed this facility at this location. The cannabis activities at this location were approved under the County’s Licensing Ordinance which is a ministerial process with 75-foot buffer requirements for individual residences. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. The CLUO would establish a discretionary permit process in addition to the required ministerial cannabis license. The Board of Supervisors is considering appropriate buffers to apply under the CLUO. The Draft EIR examines a range
of buffers from 0 to 1,000 feet. Impacts from light and glare are analyzed in Section 3.1 of the Draft EIR. Impacts from air and odor emissions are analyzed in Section 3.3 of the Draft EIR. Impacts from noise and vibration are analyzed in Section 3.12 of the Draft EIR. Traffic impacts are analyzed in Section 3.14.

Section 8-2, 1408(T) of the proposed CLUO addresses generator use. The County staff is proposing further modification of this section to clarify that a permanent power source is required and that interim use of generators is restricted to power outages and emergencies, and under no circumstances can exceed 80 hours of use per year (see Appendix D). Generator use would also be subject to the noise controls identified in Mitigation Measure NOI-1 and summarized in Response to Comment 9-3.

Response to Comment 15-5  
CLUO Comment. The commenters express concerns about security associated with some of the cannabis operations. The draft CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan.

Response to Comment 15-6  
CLUO Comment. The commenters express concern about property values. Please see MR-6, “Economic Effects and Property Values.”

Response to Comment 15-7  
CLUO Comment. The commenters express concerns about the County code enforcement process. The County’s CTF investigates all cannabis related complaints to ensure compliance with applicable rules. The CLUO will establish a discretionary use permit requirement and new requirements for all operators. Please see MR-7, “Code Enforcement and Crime,” and MR-10, “CUP Process and Overconcentration.”

Response to Comment 15-8  
CLUO Comment. The commenters consider cannabis activities to be an industrial activity that is inappropriate near residences. This position is noted for the record and will be considered as a part of the process. Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-12, “Expression of Opinion/Preference.”
Sent Via E-Mail

December 10, 2019

Susan Strachan  
Yolo County  
292 W. Beamer Street  
Woodland, CA 95695  
cannabis@yolocounty.org

Subject: Yolo County Cannabis Land Use Ordinance / DEIR / 2018082055

Dear Ms. Strachan:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Yolo County Cannabis Land Use Ordinance (Project, SCH 2018082055). While SMUD is not the primary energy provider for the proposed Project area, we do have assets in this area. SMUD’s vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

It is our desire that the Project DEIR will acknowledge any Project impacts related to the following:

- SMUD owns and maintains a high-pressure natural gas transmission pipeline in Yolo County. SMUD will require continued right-of-way access to the pipeline for regular patrols and maintenance. Areas that may be proposed for cannabis operations and are located along the gas pipeline have potential to become an “identified site” in accordance with Pipeline and Hazardous Materials Safety Administration 49 CFR 192 and would therefore require interviews with the tenant/owners, and additional patrols to meet Federal Requirements.
- The potential need to relocate and or remove any SMUD infrastructure that may be affected in or around the project area

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.
Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this DEIR. If you have any questions regarding this letter, please contact SMUD’s Environmental Services Supervisor, Ammon Rice, at Ammon.Rice@smud.org or 916.732.7466.

Sincerely,

Nicole Goi
Regional & Local Government Affairs
Sacramento Municipal Utility District
6301 S Street, Mail Stop A313
Sacramento, CA 95817
nicole.goij@smud.org

Cc: Ammon Rice
Response to Comment 16-1  

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

Response to Comment 16-2  

CLUO Comment. The comment identifies that SMUD owns and maintains a high pressure natural gas pipeline within the County and cannabis uses may have the potential to become an “identified site” (see below) as set forth in Title 49 of the Federal Code of Regulations Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimal Federal Safety Standards. SMUD also notes potential concerns regarding the future relocation or removal of SMUD infrastructure.

As an owner/operator of a high-pressure gas transmission pipeline, SMUD is required to develop an integrity management program for its pipeline. As part of this program, SMUD must determine if there are “identified sites” within 660 feet of the pipeline. As stated in the comment, areas that may be proposed for cannabis operations and are located along the gas pipeline, have the potential to become an identified site.

Title 49 of the Federal Code of Regulations Part 192, Section 192.903 defines an identified site as follow:

An **Identified site** means each of the following areas:

(a) An outside area or open structure that is occupied by twenty (20) or more persons on at least 50 days in any twelve (12)-month period. (The days need not be consecutive.) Examples include but are not limited to, beaches, playgrounds, recreational facilities, camping grounds, outdoor theaters, stadiums, recreational areas near a body of water, or areas outside a rural building such as a religious facility); or

(b) A building that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve (12)-month period. (The days and weeks need not be consecutive.) Examples include, but are not limited to, religious facilities, office buildings, community centers, general stores, 4-H facilities, or roller-skating rinks); or

(c) A facility occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate. Examples include but are not limited to hospitals, prisons, schools, day-care facilities, retirement facilities or assisted-living facilities.

Commercial cannabis uses under each of the five CLUO alternatives could be located along the SMUD natural gas pipeline. In order to determine if a cannabis use is an identified site, SMUD prefers to conduct interviews with the tenant/owner. SMUD could also consult with the CTF.
In addition, SMUD maintains an easement for its pipeline which provides SMUD access to regularly patrol the pipeline to conduct inspections, ensure easement requirements are being followed, perform maintenance, and/or mow or clear the pipeline easement. The patrols also provide SMUD inspectors the opportunity to educate tenant/owners about the importance of keeping the easement unobstructed and to contact USA North 811 prior to conducting excavations. In addition to these regular patrols, should a cannabis cultivation site meet the definition of an identified site, more frequent patrols may be required due to the number of people and/or occupied buildings that may be near the pipeline. (Segura 2020).

**Response to Comment 16-3**

**CLUO Comment.** SMUD requested discussing comments regarding the pipeline and related issues. CTF staff and the EIR consultant discussed the pipeline with SMUD staff. SMUD staff provided additional documents regarding federal requirements, allowed activities and unsafe and restricted activities along the pipeline right-of-way, and general pipeline information (Rice and McGinnis, pers. comms., 2020). The CTF is aware of the location of the pipeline and will work with SMUD should any cannabis sites be proposed on property on which the pipeline is located.
December 11, 2019

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

Re: Comments of the Yocha Dehe Wintun Nation to the Draft Environmental Impact Report Regarding Yolo County’s Cannabis Land Use Ordinance

Dear Ms. Strachan:

On behalf of the Yocha Dehe Wintun Nation (“Yocha Dehe” or “Tribe”), a federally recognized Indian tribe with a historically productive government-to-government relationship with the County of Yolo (“County”), we offer our comments on the Draft Environmental Impact Report (“DEIR”) for the County’s proposed Cannabis Land Use Ordinance (“CLUO” or “Ordinance”).

As detailed below, Yocha Dehe has deep concerns about both the DEIR and the CLUO itself. The CLUO does not represent a reasonable approach to the regulation of cannabis land uses in Yolo County. And the DEIR ignores many of the CLUO’s environmental consequences while failing to address feasible alternatives that would minimize unnecessary environmental damage.

**Background and Global Comments**

As the historical inhabitants of the Capay Valley, Yocha Dehe and its people possess a uniquely sacred connection to the land. The land remains our most important link to our traditional lifeways, and it constitutes our most sacred resource. We are committed to protecting it, and ensuring environmental balance remains throughout the Valley.

This commitment to stewardship and sustainability can be seen in our farming operation, which is among the most diverse in Yolo County, featuring 2,000 acres cultivated with a variety of crops, and 250 acres certified organic. We use only sustainable farming practices, which include biological controls, cover crops, drip irrigation and crop rotation. Sensitive to water scarcity, we employ a variety of water restoration and recycling practices, and, where appropriate, we have incorporated the use of crops that tolerate dry conditions, temperature variations, and non-prime soils.
Naturally, given Yocha Dehe’s deep and longstanding connection to the land, our cultural values, and our existing agricultural interests in the Capay Valley, the Tribe has actively engaged with the County from the outset of its effort to authorize and regulate cannabis. That effort began in earnest in 2016, when the County unleashed a regulatory process authorizing interim cannabis grows throughout its jurisdiction and the Capay Valley in particular. As a result of that process, by early 2017, the County had issued 78 interim licenses, with an estimated 32 (or 40 percent) granted for cannabis grows between Highway 505 and the community of Rumsey. For the Capay Valley alone, the County issued 23 permits, representing 33 percent of all permits issued for the entire county.

The Tribal leadership has expressed its strong opposition to the over-concentration of cannabis emerging in the Capay Valley, which is among the most breathtakingly beautiful and pastoral areas in the County, and a growing destination for agri-tourism. As a result of this interim regulatory process initiated by the County, we have seen the deleterious effects of cannabis come to pass within our very homeland — with increased criminal activity, and of course, wafting odors of marijuana.

Now, after having developed an interim ordinance and regulatory scheme that drew much criticism (in part because of the over-concentration described above), the County has issued a draft CLUO. The Tribe provided a comment letter during the scoping period in June 2019, highlighting points of concern and issues needing consideration. The County issued its Draft Environmental Impact Report (DEIR) for the CLUO on October 23, 2019. We enclose all of our prior comment letters here to ensure a complete record.

When we initially told the County of our concern about the over-concentration of cannabis in our homeland, we were specifically told the County would deal with this problem through the development of the CLUO. This was possible, we were told, because the County — in its rush to authorize cannabis — had issued licenses that were interim only, and applicants were advised they should not assume those licenses would be renewed.

Unfortunately, as detailed below, the CLUO does nothing to reduce what the County has acknowledged to be an over-concentration of cannabis in the Capay Valley. To the contrary, the proposed Ordinance exacerbates the problem, potentially opening the door to even more cannabis grows and related businesses in our homeland. (See attached map of Alternative 3 proposed Cannabis Uses.) The Ordinance also minimizes other protections once offered, including buffers that provide some measure of insulation for our lands, and meaningful tribal involvement in the protection of cultural resources. This is unacceptable. And, as detailed below, the environmental analysis prepared for the DEIR is replete with deficiencies. In short, the DEIR would not survive challenge under CEQA.

Specific Comments

1. Alternatives

The California Environmental Quality Act (“CEQA”) requires careful consideration of potentially feasible alternatives to the proposed project. The DEIR fails miserably in this regard. For example:
The County has repeatedly asserted that it retains the right to increase or decrease existing numbers of cannabis operations within the County. In our discussions after the first round of permits were issued, County staff advised our own staff that landowners were told the permits were interim only and they should not be relied upon, as they might not be granted again when up for renewal. Likewise, the Notice of Availability for the DEIR explicitly states that the County General Plan and County Code can be amended “to continue to regulate, and potentially reduce or expand, allowed cannabis activities.” But none of the alternatives evaluated in the DEIR involves any reduction in cannabis operations. On the contrary, each and every alternative contemplates increases over current cannabis operations. This fundamental error contaminates the entire DEIR. The document must be revised to include alternatives that would reduce the number of cannabis operations in Yolo County and then recirculated to the public for additional review and comment.

The DEIR suggests that “the final CLUO may combine elements of more than one alternative.” While this may accurately describe the County’s broad legislative authority, it reveals a fundamental deficiency in the DEIR. The document does not, in fact, evaluate the impacts of all possible combinations of elements/alternatives. And if the final version of the CLUO includes a combination of elements that was not specifically identified and evaluated in the DEIR, the public will have been denied an opportunity to review and comment on the impacts of those combinations. In short, to the extent the County elects some combination of the alternatives not collectively or cumulatively evaluated in the DEIR, it will not have a legally defensible basis to approve the CLUO under CEQA.

The DEIR recognizes that over-concentration of cannabis operations is already starting to cause significant environmental consequences in the Capay Valley. But the only alternatives that would allow the County to address over-concentration (i.e., Alternatives 2, 3, and 4) are those that would also increase the total number of permitted cannabis operations in the same area. Such an approach to the alternatives analysis is contrary to CEQA and defies common sense.

Some of the alternatives considered in the DEIR provide for “buffers” between outdoor cannabis operations and certain other land uses. There is no meaningful variation in the width of the proposed buffers, however. The DEIR must be revised to include at least one alternative providing for more conservative (i.e., wider) buffers. As Yocha Dehe has explained in prior comments, the proposed buffer of 1,000 feet would be adequate to protect tribal lands (and land uses), tribal cultural resources, and sensitive environmental features. The Tribe had requested these buffer zones as a sovereign government charged with protecting and regulating its own territory and people, and to ensure sufficient distance from an activity inconsistent with its own laws and cultural values. Given that the Tribe’s territory is not static, these buffers would apply to lands already held in trust by the federal government for the Tribe’s benefit (“trust land”), or lands subject to becoming trust land. The County agreed to those protections in the interim regulatory regime, but the new proposed Ordinance scales it back, applying the tribal buffers only to whatever is in trust (or subject to becoming trust land) as of the date of CLUO’s enactment. That change was made

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1 Even Alternative 1, which is characterized as a continuation of existing permitted uses, contemplates that cannabis operations will eventually be approved on presently unpermitted “development agreement sites.”
without any consultation with the Tribe. The original language to which the County agreed during consultation should be restored.

- As evidenced by the public outcry at several Citizens Advisory Committee meetings and the special Planning Commission meeting held on December 3, 2019, the community shares the Tribe’s concerns regarding over-concentration and adequate buffer zones between the controversial activity and people’s lands. Local residents repeatedly complained about the impacts of the over-concentration of marijuana in the Valley, and the DEIR’s failure to present an alternative that would reduce the impacts of such.

- One of the stated purposes of producing a Programmatic Environmental Impact Report is to streamline the environmental review process for future applicants. Because the Board of Supervisors has not provided input to finalize several of the policy areas associated with the various alternatives presented in the DEIR, the document does not provide an accurate cumulative analysis of the specific policies that will make up the final CLUO. Only after those decisions are made, and the DEIR is revised to include a specific cumulative analysis of those policies, can the Tribe and the public provide meaningful input on the CLUO. Otherwise, individual environmental analyses will be necessary for each and every application received by the County.

2. Over-concentration

Yocha Dehe has attempted to work collaboratively with the County to address the increasing problem of over-concentration of cannabis uses in the Capay Valley. As noted above, the County directly assured the Tribe that, with the CLUO’s enactment, it would be in a position to resolve the over-concentration of cannabis uses in the Capay Valley. As you can surely imagine, the Tribe was surprised and disappointed to find that the DEIR fails to include any measures that would address over-concentration at all, let alone in a meaningful way.

- As noted above, the only alternatives that would allow the County to address over-concentration are those that would also permit a substantial increase in the total number of cannabis operations in the Capay Valley and elsewhere. There is simply no sound basis for such an approach. It is, in fact, nonsensical.

- Although Alternatives 2, 3, and 4 allow the County to address over-concentration through the subsequent issuance of a separate resolution of the Board of Supervisors, none of the three alternatives ensures the issuance of such a resolution. Nor do they explain why a separate, subsequent resolution is needed in the first place. The Board will serve as the ultimate decision-maker on the CLUO. Presumably, it also has the authority to include in the CLUO meaningful safeguards protecting against over-concentration, and moreover, reducing the over-concentration that already exists under an interim regulatory scheme adopted in haste. If the County is serious about addressing this issue, it should revise the CLUO to include firm prohibitions on over-concentration and ensure that the DEIR reflects this revision. Otherwise, the DEIR must be revised to clarify that the County has chosen not to address — or even to consider — limitations on over-concentration at this time.
Moreover, the substance of the County’s approach to over-concentration (even if implemented) appears far too weak to solve the problem. Rather than identifying and enforcing a firm limitation on — or prohibition against — over-concentration in any particular geographic area, the County’s approach allows more cannabis operations to be established in already-over-concentrated areas so long as pro forma findings about the development of a legal cannabis market are made. There is no reasonable basis to conclude that such an approach will meaningfully reduce or prevent over-concentration.

In fact, the DEIR does not even quantify what constitutes over-concentration. Instead, it attempts to duck the issue as a “policy” question, arbitrarily setting thresholds for the number of grows that constitute over-concentration, but then declaring that the metrics are flexible and the Board of Supervisors should set the governing standards when making its decision. In effect, the County has acknowledged the standards of significance for over-concentration are arbitrary, and can be defined by the Board after the environmental analysis is complete. (See DEIR, p. 4-37, noting that “five or fewer sites within a six-mile diameter area is not considered over-concentration, and 23 or more sites is considered over-concentrated [sic],” but, “that determination is a matter of policy rather than science and will be made by decision of the Board.”) Because the DEIR does not to provide a clear, well-supported definition of an acknowledged problem, the County has deprived the public of a meaningful opportunity to review and comment.

3. Cultural Resources

Neither the CLuo nor the DEIR properly addresses cultural resources. This is a serious shortcoming, for the areas of the County where cannabis land use is projected to be most intensive are also among the areas where the greatest concentrations of tribal cultural resources exist. Specific errors include the following:

- The CLuo contains certain performance standards addressing cultural resources (among other things). The performance standards require cannabis permit applicants to submit a “preliminary site survey to determine the potential for archeological, historical, or paleontological resources.” The DEIR concludes that this requirement is sufficient to prevent any significant impact on cultural resources. But neither the performance standard nor the DEIR provides for any tribal involvement (or explicit consideration of tribal cultural resources) in the preparation or review of a “preliminary site survey.” And without tribal involvement, there is simply no way to effectively avoid or minimize impacts to tribal cultural resources.

- The CLuo’s performance standard also addresses unanticipated discovery of Native American human remains. The performance standard (and relevant provisions of the DEIR) should be clarified to specify that a treatment plan (or treatment agreement) must be negotiated, entered, and implemented before ground-disturbing activity in the area of the discovery can resume.

- Although not entirely clear, the DEIR (at p. 3.5-25) appears to suggest that additional safeguards are unnecessary because subsequent environmental reviews will involve tribal consultations. But the explicit purpose of the DEIR is to provide a programmatic analysis.
that limits — or even eliminates — subsequent environmental reviews. Therefore, this EIR process must either (a) include a robust government-to-government consultation addressing each and every location at which a cannabis land use may occur in the future or (b) result in enforceable requirements mandating appropriate consultations and protections before any site-specific decisions about cannabis land uses are made.

- The DEIR’s over-concentration analysis fails to acknowledge that the areas where actual and potential over-concentration of cannabis uses are greatest are also among the areas of greatest sensitivity for cultural resources. Section 4.2 of the document must be revised and expanded to address this issue.

- More generally, we note that the DEIR relies heavily on the County’s 2030 General Plan, which was prepared more than a decade ago. Since that time, knowledge and understanding of the tribal cultural resources present in Yolo County has advanced significantly, as have relevant regulatory requirements. Under these circumstances, it would be most appropriate to comprehensively update the cultural resources analysis in the DEIR. That update must include — but should not be limited to — the following:
  - There is now documentation of finds from the Holocene era in the County. These should be properly explained.
  - The discussion of Public Resources Code section 5097 should be clarified and corrected. For example, the Native American Heritage Commission lacks “jurisdiction” over the disposition of remains as stated on page 3.5-12. In addition, the process for and significance of naming a Most Likely Descendant should be explained.
  - State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ allows for the SWRCB to set a 600-foot buffer zone for cannabis cultivation if a tribe rejects a cannabis cultivation proposal.
  - We understand that the 2030 General Plan relies on a County map of archaeologically sensitive areas. Yocha Dehe does not have access to this map, and we cannot speak to its accuracy as a tool for identifying areas likely to contain cultural resources. But we are surprised that the County would have prepared such a map without then using it to identify areas that may be unsuitable for cannabis land uses.

4. Aesthetics

Section 3.1 of the DEIR notes the importance of open views from State Route 16 through the Capay Valley (both toward Blue Ridge and toward Cache Creek). Other sections of the document note that (a) this area will have a massive concentration of cannabis operations; and (b) the CLUO’s proposed performance standards require that such operations be fenced or screened. Taken together, these pieces of information suggest that important components of the visual and aesthetic environment will be substantially impacted, or even lost. But the DEIR fails to specifically address the impact of additional cannabis-related fencing and/or screening in this viewedshed. Nor does it propose any alternative that would minimize or avoid the impact.
5. Odors

The DEIR confirms that there have been numerous odor complaints arising from cannabis operations in and near the Capay Valley. But the document does not explain in detail the nature of the complaints or the distance between the affected receptors and the offending cannabis operations. In the absence of that information, there is no basis to conclude that the CLUO's proposed design standards would be effective in minimizing odor issues.

6. Agricultural Resources

- As noted above, the CLUO would require fencing or screening around areas of cannabis cultivation. Although fencing effectively screens views (see comment 4, above), it does not address the issue of pollen dissemination. This is an issue of particular concern in the area of over-concentration between Guinda and Rumsey in the Capay Valley. The DEIR fails to fully address this problem.
- Some forms of cannabis cultivation, production, and manufacturing tend to involve heavy use of chemicals. This is inconsistent with many existing agricultural operations in the Capay Valley, which is a hub for organic farming. Again, the DEIR does not squarely address the issue.

7. Biological Resources

In previous comments on the CLUO (including comments on the Notice of Preparation for the DEIR), Yocha Dehe noted that pesticide use related to cannabis cultivation can impact special status species (including species of particular cultural importance to the Tribe) even if applied in a manner that is consistent with labeling restrictions. This issue is not meaningfully addressed in the DEIR either.

8. Hazards and Hazardous Materials

The DEIR acknowledges that the area between Rumsey and Guinda in the Capay Valley contains an over-concentration of cannabis operations, and is projected to have still more cannabis uses added in the future. Those uses include manufacturing facilities using volatile and highly flammable substances such as butane, propane, ethanol, and/or carbon dioxide. The introduction of these substances into an area of "very high" fire hazard (Exhibit 3.9-8) and limited public services is a recipe for disaster. The DEIR fails to specify appropriate mitigation for this impact.

9. Utilities and Services

There are no community service districts serving the cannabis-laden area between Rumsey and Guinda. The DEIR identifies this as a significant impact, but (again) fails to identify any mitigation.
10. Mitigation for Cumulative and Over-concentration Impacts

The DEIR concludes that several cumulative and over-concentration impacts will be significant. But it does not propose effective mitigation for those impacts. Without appropriate mitigation, the requirements of CEQA cannot be satisfied.

11. Tribal Consultation

The DEIR states that consultations with YDWN are “ongoing.” That is not entirely accurate. While it is true that Yocha Dehe has received notices and invitations to comment during the scoping period of the CEQA process, meaningful government-to-government consultation requires something more than pro forma compliance with generally-applicable notice-and-comment requirements. As described above, the Tribe has devoted substantial time and effort, over the course of nearly four years, developing proposals that would accommodate both the County’s interest in permitting cannabis land uses and Yocha Dehe’s interest in safeguarding the environmental and cultural resources for future generations. But those suggestions — alternatives, mitigation measures, necessary environmental analyses, etc. — have not been meaningfully incorporated into the County’s proposed Ordinance or DEIR. Nor has the County identified any reason why Yocha Dehe’s proposals cannot feasibly be addressed. Under these circumstances, it cannot reasonably be said that consultation is “ongoing.”

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The Tribe respectfully submits the County of Yolo has mishandled cannabis regulation, by rushing into the approval of an entire new “agricultural” industry without sufficient thought and planning. It has effectively created a situation in which one part of Yolo County, and all of its residents, has borne most of the burden of this new and controversial industry. The CLUO as currently proposed is not likely to alter that unfair dynamic. The people of Yolo County deserve better.

The Capay Valley and all communities west of Interstate 505 along State Route 16 have a rich, diverse history, one rooted in agriculture and protecting the natural environment and vistas. The County’s top priority should be to protect this unique area’s rural culture, while promoting the Capay Valley as a destination for events and supporting economic opportunities for local residents and businesses. A policy of placing the majority of marijuana grows here runs counter to these goals. Moreover, the willingness to concentrate the marijuana industry in the Capay Valley, in spite of residents’ deep and serious concerns, reveals a basic lack of regard for the people who live here.

The socioeconomic injustice of the County’s preferred alternative — maintaining a status quo the County created, with the majority of cannabis grows in the Capay Valley — must be underscored. Why not concentrate these businesses in urban areas, near cities that have a greater ability to manage the negative impacts of these all-cash, federally-outlawed businesses? While the Tribe and our neighbors are already subject to the most significant impacts of this industry due to the disproportionate number of grows in the Capay Valley, how can the County even begin to consider options that could further increase marijuana-related businesses in this area? This includes the potential for authorized production and manufacturing facilities, which would increase fire hazards.
Yolo County Department of Community Service  
December 11, 2019  
pg. 9

in a remote area already subject to heightened fire risk. And, where is all the funding and oversight that Supervisors promised would flow from the revenue to be generated from marijuana?  

Rural Yolo County faces many challenges, none of which will be alleviated (but certainly exasperated) with the over-concentration of marijuana businesses. This area needs health and mental health services, job and educational training, school infrastructure, healthy food options, increased fire protection, and other governmental services. None of these critical needs will be addressed by prioritizing the financial interests of a few marijuana profiteers over the interests of Capay Valley residents.

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As is undoubtedly clear, cannabis land use regulation in the Capay Valley is an issue of great importance to Yocha Dehe, and indeed all residents and landowners who live in this rural area. We look forward to the opportunity to discuss this issue with the County, on a government-to-government basis, in an effort to resolve our differences.

Should you have any questions in the meantime please contact Gayle Totton at gtotton@yochadehesns.gov or 530-796-2048.

With ba,

Anthony Roberts  
Tribal Chairman

ccs: Oscar Villegas, Yolo County Board of Supervisors  
Duane Chamberlain, Yolo County Board of Supervisors  
Jim Provenza, Yolo County Board of Supervisors  
Gary Sandy, Yolo County Board of Supervisors  
Don Saylor, Yolo County Board of Supervisors  
Patrick Blacklock, Yolo County Administrator  
Phil Pogledich, Yolo County Counsel  
John Young, Agricultural Commissioner & Sealer  
Tom Lopez, Yolo County Sheriff  
Omar Carrillo, Yocha Dehe Director of Public Affairs  
Gayle Totton, Yocha Dehe Tribal Resources Manager  
Emily Drewek, Yocha Dehe Director of Environmental Department  
Isaac Bojorquez, Yocha Dehe Director of Cultural Resources  
Paula Yost, Esq.  
Matthew Adams, Esq.
October 11, 2016

The Honorable Members of the Board of Supervisors
County of Yolo
625 Court Street, Room 204
Woodland, CA 95695

RE: Yolo County Medical Cannabis Ordinance – STRONG CONCERNS

Dear Supervisors:

On behalf of the Yocha Dehe Wintun Nation, a federally recognized tribal government located in the Capay Valley in Yolo County, I write to voice strong concerns regarding the current medical cannabis ordinance under consideration by the Board of Supervisors. Yocha Dehe respectfully requests that the Board pursue Option 2 in Section 3 of the staff report dated October 11, 2016, which directs staff to bring back an amended interim ordinance prohibiting any additional medical cannabis activity until further analysis, input, and public process can occur. If and when the County moves forward with this process, we also submit comments and proposed amendments to any further ordinance development.

REQUEST TO STOP ACTIVITIES AND COMMENTS ON EXISTING ORDINANCE

On March 22, 2016, the Board of Supervisors adopted Ordinance No. 1467 adding Chapter 20 to Title 5 of the Yolo County Code regarding medical cannabis cultivation which provides guidelines for the cultivation of medical cannabis. Respectfully, this Ordinance was enacted hastily as an interim measure purportedly in response to the Medical Marijuana Regulation and Safety Act (MMRSA) package of three bills: AB 266 (Bonta, Ch. 689, Stat. 2015), AB 243 (Wood, Ch. 688, Stat. 2015), and SB 643 (McGuire, Ch. 719, Stat. 2015), which was passed by the California Legislature and signed into law by Governor Brown in late 2015—a full 19 years after the voters of California approved the Compassionate Use Act of 1996.

The State is conducting a rulemaking process that will enable the California Department of Food and Agriculture to issue state licenses to conduct commercial medical cannabis activities, and enable other various state agencies to regulate the industry. The State is expected to complete the aggressive regulatory development process by January 1, 2018, at which time entities that are licensed or permitted by a local government, and who file an application for state licensure, are to be deemed state-licensed until the agency makes a final licensing decision, with a one-year grace period.
The MMRSA established a comprehensive state-level regulatory framework for the cultivation, production, transportation, testing, sale, and taxation of medical cannabis in California. It established 17 types of licenses, including ten different cultivation licenses and two manufacturing licenses [AB 266 (19300.7)] and SB 643 (19331(g)). Yolo County's existing interim ordinance, and proposed amendments attached to the staff report dated October 11, 2016, address only cultivation activities, and does not follow or acknowledge the ten cultivation licenses created by the State. Nor does the interim ordinance address the two types of manufacturing licenses available under the MMRSA, even while it is common to have both cultivation and manufacturing activities within a single business. This was envisioned by the State as evidenced by provisions that generally allow for the holding of up to two state licenses while prohibiting vertical integration (AB 266, 19328).

A comprehensive licensing and regulatory ordinance should include provisions and licenses for all commercial activity licenses enacted by the State. The existing interim ordinance fails to address processing, manufacturing, transportation, sales and taxation of medical cannabis by Yolo County. Provisions of the MMRSA also clarified that counties may levy a tax on the cultivating, dispensing, producing, processing, distributing, etc., of medical cannabis subject to standard voter approval requirements (SB 643, 19348).

The interim ordinance, and proposed amendments attached to the staff report dated October 11, 2016, also fail to actually issue any licenses or permits, and instead permissively allows only cultivation activity if certain requirements are followed. This jeopardizes the ability of operators to be compliant with MMRSA requirements, and may deem them ineligible to receive a State license since a prerequisite of the MMRSA licensing statutes is possession of a local license or permit [AB 266, 19320(a); AB 243, 11362.777 (b)].

Yocha Dehe believes that the existing interim ordinance and amendments proposed in the staff report dated October 11, 2016, are incomplete and for the reasons identified above, that the Board direct staff to bring back an amended interim ordinance prohibiting any additional commercial cultivation or activity. We urge you to pursue a clear and comprehensive regulatory and licensing or permitting program that protects patients, the public, commercial operators, as well as environmental and public resources.

COMMENTS AND REQUESTED AMENDMENTS

If and when the Board of Supervisors moves forward to amend the existing interim ordinance, or approve a comprehensive medical cannabis ordinance, Yocha Dehe respectfully submits the following comments and request for amendments:

1. Further ordinances should create a complete and robust regulatory program that addresses all commercial medical cannabis activity. This includes cultivation, production/manufacturing, transportation, testing, sale, and taxation of medical cannabis in Yolo County.

2. Further ordinances should also include actual licenses or permits that are formally issued in order to engage in these activities, instead of the current language that allows for permissive
cultivation. Abatement measures to address problems are fine, but provisions to revoke a license should also be included, as well as provisions to appeal a revocation to ensure due process.

3. A county tax should be included, or at a minimum be proposed to be put before the voters, in conjunction with any licensed or permitted commercial medical cannabis activity in Yolo County. While there were some previous questions regarding the ability of a county to impose a tax, provisions in the MMRSA clarified this issue subject to standard voter approval requirements. Economic activity that is created by the expansion of these commercial activities should contribute to the tax base and provide reasonable revenues for Yolo County.

4. The imposition of fees should also be included. While a fee schedule may not be necessarily written into the ordinance, it would make sound policy sense to include the ability of Yolo County to impose fees, in accordance with applicable laws, in order to alleviate the fiscal burden of a regulatory and licensing or permitting program on county resources.

5. Fiscal impacts upon county resources to implement and enforce a regulatory and licensing or permitting program should be analyzed and included in future discussions and staff reports. Other impacts that result from commercial medical cannabis activities should also be included in future discussions and reports.

6. Cultural resource protection is among the highest priorities for Yocha Dehe, and we work diligently and aggressively to defend such resources and our lands. Existing limitations on commercial cannabis activities should be expanded, and we will strongly oppose any ordinance unless the following amendments to Section 5-20.5 of the County Code are included:

"Section 5-20.05 Limitation on Location to Cultivate Marijuana of Medical Cannabis Activities.
A. The cultivation of medical marijuana, in any amount or quantity, Medical cannabis activities or facilities, with the exception of transportation, shall not be allowed in the following areas:
   I. Within 1,000 feet of a youth-oriented facility, a school, a school-bus stop, a park or a church, tribal cultural resources as defined by Section 21074(a)(1)(A)-(B) of the California Public Resources Code, or federal lands including but not limited to land held in trust by the federal government for a federal recognized tribal government or lands held in fee by a federally recognized tribal government.
      a. Such distance shall be measured in a straight line from the boundary line of the premises upon which marijuana is cultivated to the boundary line of the premises upon which the youth-oriented facility, school, school bus stop, park, church or residential treatment facility, tribal cultural resource, or federal and tribal lands are is located."

Again, Yocha Dehe respectfully requests that the Board direct staff to bring back an amended interim ordinance prohibiting any additional commercial cultivation or other activities, until further and appropriate analysis is conducted, and public input sought and secured. In the event the
County ever elects to pursue a comprehensive ordinance, we respectfully request the enclosed amendments be included. The State established a regulatory framework with the enactment of the MMRSA, and provided local governments the ability to regulate and license or permit commercial medical cannabis activities with local standards and communities in mind. A local ordinance should strive to be as congruent as possible with this framework, with sound and clear policy in anticipation of state MMRSA implementation.

Thank you in advance for your consideration. Should you have any questions, please contact Curtis Notsinneh, Director of Public Affairs; or Omar Carrillo, Government Affairs Manager at 530.796.3400.

Wile ho,

Leland Kintier  
Tribal Chairman

cc: Yocha Dehe Wintun Nation Tribal Council  
   Patrick Blacklock, County Administrator  
   Philip Pogledich, County Counsel  
   John Young, Agricultural Commissioner Sealer of Weights and Measures  
   Taro Echiburu, Director of Planning, Public Works & Environmental Services  
   Hon. Ed Prieto, Sheriff-Coroner of Yolo County  
   Hon. Dan Reisig, District Attorney of Yolo County
October 19, 2017

Duane Chamberlain, Chairman
Yolo County Board of Supervisors
625 Court Street, Room 204
Woodland, California 95695

Re: Yolo County Interim Marijuana Ordinance

Dear Chairman Chamberlain:

On behalf of the Yocha Dehe Wintun Nation, I write concerning Yolo County’s efforts to develop common-sense regulations governing the authorized cultivation of marijuana for medicinal purposes, without intruding on the Tribe, which owns or controls considerable acreage within the Capay Valley. We appreciate your good faith efforts and willingness to respectfully engage with Yocha Dehe on a government-to-government basis, to consider our concerns about the legalization of cannabis cultivation so close to our lands.

As the Tribe has made clear, it generally opposes the use and cultivation of cannabis near and within its territory. For that reason, the County had earlier proposed an Ordinance that would restrict the ability of anyone to secure a permit to cultivate cannabis within 1,000 feet of the Tribe’s lands, whether such lands were held in fee or trust. We submit this restriction was eminently reasonable, in part because of the limited acreage that could be cultivated under any single permit (meaning a buffer would have limited adverse effect anyway), but also because the Tribe is not like a private landowner. Rather, the Tribe is a sovereign native government that governs its own land and people. Subject only to the authority of the United States, Yocha Dehe possesses strong moral and legal opposition to the use and cultivation of marijuana, a drug that also remains illegal under federal law. In addition, as a sovereign tribal government, Yocha Dehe seeks to expand its territory from time to time, through fee-to-trust applications filed with the United States, meaning land that is owned in fee today can become Yocha Dehe’s federally-owned trust land in the future. As such, Yocha Dehe stands in a different stead.
than private individuals who seek nothing more than to commercially profit from the cultivation of marijuana — again, from a drug that has been legalized by the action of California voters, but that remains illegal under federal law.

While we submit the buffer for all Tribal lands, whether held in fee or trust, was reasonable, Yocha Dehe understands there exists significant opposition from the community for a blanket restriction as applied generally to tribally-owned fee land. Accordingly, Yocha Dehe is amenable to a compromise position that limits the 1,000-foot buffer restriction for tribal lands that are held in federal trust — or to fee lands subject to a pending trust application — at the time the permit is sought. In this way, the landowner and would-be cannabis grower is aware of known conditions when a permit is sought, and fully on notice that a buffer could be imposed if and when contiguous lands become sovereign. Against this backdrop, there can be no legitimate claim of detrimental reliance on the part of the landowner, or that the landowner was somehow deprived of reasonable expectations of an investment in medical marijuana cultivation, at least along boundaries contiguous to lands for which Yocha Dehe has sought trust acquisition when the permit is sought. Of course, the instances of such restrictions would be relatively few, applicable only to those lands in trust today, or publicly known as targeted for trust acquisition when the permit is sought. If there is no pending trust application, or if the federal trust application is denied, then no buffer would be imposed.

Yocha Dehe also requests the County provide a 1,000-foot buffer for “cultural resources” and “sacred lands” as defined by existing state law. The protection of these areas of sensitive and sacred import is required by California law, which imposes a 600-foot buffer from the cultivation of cannabis. (See State Water Resources Control Board, Cannabis Cultivation Policy, Definitions and Requirements for Cannabis Cultivation; and see Public Resources Code Sections 5097.9, 5097.93-5097.96.) By requesting a 1,000-foot buffer for these areas of tribal cultural significance within Yolo County, as opposed to the minimum 600-foot buffer the State now requires, Yocha Dehe simply seeks to bring consistency within the County Ordinance itself.

Yocha Dehe appreciates the County’s effort to respect the Tribe’s own laws, culture and values, and to work with the Tribe so that it can protect its own territory as well as the cultural sites and lands throughout the County. We do lament the extent to which cannabis is infiltrating the sacred Capay Valley, as we understand that an estimated 35-40% of the permits that the County has issued to date are for grows here. We would submit authorized grows should be more evenly distributed throughout the County, lest the beautiful Capay Valley, a long cherished enclave for organic and sustainable food, becomes a center for cannabis cultivation, with all of its attendant impacts on the
environment and communities. That said, we have noticed the County has increased law enforcement efforts against unlawful growers in the Valley, and we applaud that effort.

We thank you for considering our proposal, and we are happy to answer any questions you may have.

Wile bo,

Leland Kinter
Tribal Chairman

cc: Honorable Members of the Board of Supervisors
Patrick Blacklock, County Administrator
Philip Pogledich, County Counsel
John Young, Agricultural Commissioner Sealer of Weights and Measures
Taro Echiburu, Director of Planning, Public Works & Environmental Services
Hon. Ed. Prieto, Sheriff-Coroner of Yolo County
Hon. Dan Reisig, District Attorney of Yolo County
September 21, 2018

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

Submitted electronically to cannabis@yolocounty.org

RE: Comment Letter on Notice of Preparation for the Draft Program
Environmental Impact Report for the Yolo County Cannabis Land Use Ordinance

Dear Ms. Strachan:

The Yocha Dehe Wintun Nation, a federally recognized tribal government whose ancestral territory includes Yolo County (and beyond), appreciates the opportunity to provide input on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for the proposed Yolo County Cannabis Land Use Ordinance (Proposed Cannabis Ordinance).

Sustainability and responsible stewardship of the Earth are critical to our agricultural operations in Yolo County and, more fundamentally, to our culture and identity as Native people. For thousands of years, we have tended the land, protected plant and animal species, and preserved environmental balance. Cannabis cultivation has the potential to significantly alter the natural environment in myriad adverse ways. We strongly urge the County to fully and adequately assess each of these potential environmental impacts — and alternatives thereto — through the EIR process.

The following areas are of particular interest to Yocha Dehe, and we ask that they be studied in sufficient detail.

Alternatives Analysis

Yocha Dehe is a sovereign tribal government that exercises jurisdiction over approximately 1,122 acres of tribal trust land within Yolo County. The Tribe has also proposed to have 256 additional acres placed in trust. As you know, tribal trust land is not subject to State or County land use regulations at all, including regulations pertaining to cannabis.
Yocha Dehe is committed to working collaboratively with the County, on a government-to-government basis, to minimize the potential for jurisdictional conflicts with respect to land use and other, similar issues. To that end, we have worked collaboratively with the County to develop a 1,000-foot buffer requirement separating cannabis cultivation operations (on the one hand) from current and proposed Tribal trust lands (on the other). Yocha Dehe firmly believes that this buffer should apply to all five alternatives identified for analysis in the EIR. Currently, Alternatives 3 and 4 are contrary to the buffer requirement, and their potential selection would detrimentally affect the Tribe. Furthermore, we urge the County to correct the statement regarding buffers so that it refers to lands held in trust or proposed to be taken into federal trust prior to issuance of a Cannabis Use Permit.

**Aesthetics**

Cannabis farming, including fencing and infrastructure, which may remain in place and deteriorate once an operation has been abandoned, has the distinct potential to adversely affect the aesthetics of its surroundings. The potential for these impacts to be significant must be acknowledged and appropriate mitigation measures required.

**Agriculture**

Cannabis is distinct from other agricultural crops, and thus should be regulated and licensed more strictly. Among other things, cannabis cultivation often involves substantial applications of pesticides and other agricultural chemicals. Such applications are inconsistent with many of the existing agricultural operations in the Capay Valley, which is a hub for organic farming. With a disproportionate number of permitted cannabis operations located here, the potential for adverse impacts to our local farming operations and partners should be thoroughly evaluated.

**Air Quality and Odors**

Odor is one factor that distinguishes cannabis from other crops. People and business owners residing and operating in the vicinity of a cannabis operation cannot open their windows without being adversely affected. The EIR should address such impacts.

**Biological Resources**

Protection of wildlife is of great importance to Yocha Dehe. We are particularly concerned about raptors, as well as various game species, including deer and wild turkey. We understand that many of the chemicals commonly used in cannabis cultivation can harm wildlife (including, in particular, protected raptor species) in an area extending well beyond the boundaries of the operation, even when used in a manner consistent with product labeling. We are also concerned about the illegal take of game and other animals by growers protecting their crops. These concerns require a thorough evaluation based on the best available science, to maximize the Proposed Cannabis Ordinance’s effectiveness at protecting biological resources.
Cultural Resources

For Yocha Dehe and all tribes, the protection of cultural resources is both sacred and essential. Pursuant to their government-to-government relationship, Yocha Dehe and the County have collaboratively developed a 1,000-foot buffer between cannabis operations (on the one hand) and “cultural resources” and “sacred lands” (on the other). This buffer is in addition to State law requiring a 600-foot setback from the cultivation of cannabis. (See State Water Resources Control Board, Cannabis Cultivation Policy, Definitions and Requirements for Cannabis Cultivation; and see Public Resources Code Sections 5907.9, 5097.93-96.) None of the five alternatives the NOP describes include a buffer or setback for cultural resources. In order to be consistent with State law and County policy, each proposed alternative should include appropriate buffers. And if these buffers are smaller than those imposed by existing State law and County policy, the EIR must identify, evaluate, and consider all potentially feasible alternatives to the significant impacts associated with reducing existing protections for cultural resources and sacred sites.

Hazards and Hazardous Materials

Cannabis cultivators should not be allowed to mix, prepare, over-apply, or dispose of agricultural chemicals/products (e.g., fertilizers, pesticides, and other chemicals) in any location where they can negatively affect public health, or contaminate ground and surface water. The effectiveness of the Proposed Cannabis Ordinance in this regard should be thoroughly evaluated.

Hydrology and Water Quality

Of particular concern to the Tribe are impacts to water quality and surface water flows from the diversion of water and discharge of waste. The potential for such impacts associated with cultivation and other cannabis operations should be thoroughly studied, and appropriate mitigated required, in the EIR.

Land Use and Planning

The EIR should evaluate the effectiveness of the Proposed Cannabis Ordinance in terms of addressing overconcentration in particular areas. The Proposed Cannabis Ordinance’s provisions for Tribal and public input on individual permit applications must also be studied. The EIR should address whether appropriate taxation is in place to ensure that sufficient resources can be provided to affected communities.

Public Services

The EIR should study whether the Proposed Cannabis Ordinance adequately addresses the potential for impacts to public health, including possible requirements related to youth education and drug abuse prevention.
The cultivation of cannabis remains illegal under federal law. Yocha Dehe has experience navigating a complex framework of local, federal, and Tribal law, and we urge the County to study the potential impact on local and Tribal law enforcement of inconsistent regulation regarding cannabis.

The EIR should evaluate whether the Proposed Cannabis Ordinance will positively or negatively affect illegal cannabis cultivation, and identify measures to prevent robberies and other crime associated with both legal and illegal operations.

The Yocha Dehe Fire Department (YDFD) plays a vital role in emergency response and life safety throughout the Capay Valley and Yolo County by providing fire protection, technical rescue, and paramedic emergency services. YDFD proudly serves as a community partner through mutual aid agreements with other fire departments to protect the citizens, property, and land in Yolo County.

The EIR must thoroughly study potential impacts to public health, law enforcement, as well as State, local, and Tribal emergency services.

Recreation

While it is included as an environmental factor on the CEQA Checklist, recreation was omitted from the Areas of Potential Impact identified in the NOP. In the Capay Valley and elsewhere, agriculture and recreation coexist, and must continue to do so unimpeded by changes in crop types. The Proposed Cannabis Ordinance’s potential impact to recreation should be thoroughly evaluated in the EIR.

Yocha Dehe appreciates the opportunity for continued communication with the County on this topic. Should you have any questions regarding our comments, please contact Emily Drewek, Director of Yocha Dehe’s Environmental Department, at edrewek@yochadehe-nsn.gov or 530-796-0176.

Wile bo,

Anthony Roberts
Tribal Chairman

cc: Leland Kinter, Chairman, Cultural Resources Department
    Emily Drewek, Director of Environmental Department
    Jim Elters, Director of Land Management
    Omar Carrillo, Director of Public Affairs
    Paula Yost, Legal Counsel, Yocha Dehe Wintun Nation
June 4, 2019

Honorable Members of the Board of Supervisors
Yolo County
625 Court Street, Room 204
Woodland, CA 95695

Re: Yolo County Cannabis Land Use Ordinance Draft

Dear Supervisors:

On behalf of the Yocha Dehe Wintun Nation, I write to thank you for this opportunity to provide early feedback on Yolo County’s most recent draft of Cannabis Land Use Ordinance (“CLUO”) dated April 24, 2018. We appreciate your good-faith efforts to engage with Yocha Dehe on a government-to-government basis, and we trust you will agree that this early feedback helps advance mutually-agreeable solutions to the complex problems posed by cannabis regulation.

As you know, Yocha Dehe generally opposes the use and cultivation of cannabis within and adjacent to its lands. That position is grounded in legal, moral, cultural, and practical concerns, including the fact that marijuana remains illegal under the federal laws applicable to tribal trust land; our sovereign authority to regulate land-use and environmental quality on our reservation; our longstanding commitment to and investment in creating a safe, drug-free environment for our young people; and the potential for cannabis cultivation to impact the irreplaceable cultural and environmental resources we work so hard to protect.

With those concerns in mind, we offer the following comments and suggestions:

1. Cultural Resources

Cannabis cultivation threatens the stunning beauty of the Capay Valley, and disrupts the land use and regulatory balance which gives the Valley its unique sense of place. We agree that CLUO section 8-2.1402 (“Purpose”) should explicitly acknowledge the importance of thoughtful balancing; but, in light of the potential for cannabis land uses to impact cultural resources, we think it is important to add a reference to those resources to subpart B. The resulting text would read, “Protect environmental, historic, and cultural resources and minimize impacts to these resources.”

Yocha Dehe also appreciates and supports the attention to cultural resource issues in section 8-2.1407(F) of the draft CLUO. We respectfully submit that this section could be rendered clearer and more effective by incorporating the following language:

Yocha Dehe Wintun Nation
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Honorable Members of the Board of Supervisors  
June 4, 2019  

PE. 2

- Subsection 1 should specify that the preliminary site survey must include CHRIS record and Sacred Lands File searches.
- Subsection 1 and 3 should specify that if cultural resources are identified during construction or operation, a 100-foot buffer must be established until the find has been evaluated by a trained cultural resource monitor and any statutory or regulatory requirements (including, without limitation, those set forth in Section 5097.98 of the Public Resources Code).

2. Over Concentration

Yocha Dehe appreciates the County’s effort, as apparent in the most recent draft of the CLUO, to address the over-concentration of cannabis licenses the County has already granted for the Capay Valley. As the Tribe has previously expressed, the County’s land use and policy decisions under its Interim Cannabis Ordinance have adversely impacted the Capay Valley. As it stands today, nearly half — 26 out of 59 — of the County’s cannabis operations are located in the Capay Valley. We understand these licenses are temporary, but the problem needs to be resolved.

Like many who have made the Capay Valley its home, Yocha Dehe has a deep and abiding connection to the area. It is demonstrably committed to the communities in this region, having partnered with local organizations and invested millions of dollars in order to revitalize the local economy and enhance the overall quality of life for Valley residents. The concentration of cannabis cultivation threatens this community effort, risking the economic progress we have made, and interfering with a collective effort to mark the Capay Valley as an agri-tourism destination. As you know, Yocha Dehe is a major supporter of the County, with tribal funding that accounts for 10 percent of its annual budget, and so we submit the County’s success is tied to our own.

In sum, a disproportionate concentration of cannabis cultivation in the Capay Valley is neither sustainable nor equitable, and it threatens to overwhelm our small valley’s sensitive natural resources and undermine the Valley’s fledgling agri-tourism industry. Unfortunately, the text of the draft CLUO (section 8-2.1405(H)) does little to solve this problem. It is essential the CLUO be revised to do so, and at a minimum, explicitly incorporate the following concepts:

- Subregions must be defined — and so-called “caps” allocated — to reduce the current concentration of cannabis operations in the Capay Valley and to avoid future over-concentration in any area of the County over others.
- Consistent with the above, “caps” should not be “based primarily on population size and density, with higher caps in less populated, less dense subregions,” as the notes to the draft CLUO suggest. This necessarily places rural areas like ours at a distinct disadvantage, disregarding the values that set the Capay Valley apart. Accordingly, the caps should instead reflect thoughtful consideration of the sensitivity of natural and cultural resources, other localized land use and constraints, and the need to equitably balance the costs and benefits of cannabis land uses throughout the County. People are
drawn to the Capay Valley precisely because it is less dense while being a safe, quiet place to raise families, retire, and enjoy the beauty of the Valley.

- If they are to be worthy of the term, “caps” must be made meaningful and enforceable. While we have no objection to the Board of Supervisors retaining “final decision-making authority” on permit applications, we respectfully submit that the criteria currently proposed to guide the exercise of that authority are so vague as to be counter-productive and legally dubious. The Board should only be allowed to grant permits in excess of the “caps” upon a specific factual showing of the existence of an emergency or other extreme hardship. The vague references to “development of the legal market” provides no enforceable standard and will leave the County unable to effectively defend its permitting and environmental review decisions against legal challenge.

3. Buffer

Yocha Dehe appreciates and supports the draft CLUO’s 1,000-foot buffer between outdoor cannabis uses and tribal trust lands. However, the 1,000-foot buffer should also (and for many of the same reasons) apply to tribal cultural resources. To that end, we suggest that the first sentence of section 8-2.1407(F) be revised to read, “A buffer of 1,000 feet is required from off-site individual legal residences, residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, tribal trust lands, tribal cultural resources (as defined in the California Public Resources Code), and licensed youth centers that are in existence at the time a use permit is issued.”

4. Right- To-Farm Protections

The draft CLUO does not specify the relationship between cannabis cultivation and the County’s “right-to-farm” ordinance. The CLUO should be amended to clarify that right-to-farm protections do not — and were never intended to — apply to cannabis cultivation.

5. State Water Board Compliance

Section 8-2.1407(K) of the draft CLUO should clarify that compliance with State Water Board requirements is additional — and not alternative — to the County’s own requirements.

6. Functionally Equivalent Standards

Section 8-2.1407(U) of the draft CLUO threatens to undermine each of the tribal lands and resources protections described in this letter. We cannot support the CLUO unless this section is (a) revised to prohibit “functional equivalence” and “substitution” with respect to the protection of tribal lands and resources; or (b) removed entirely.

7. Public Comment Period

The rural nature of Capay Valley communities makes it difficult for residents to learn and weigh-in when new grow permits are proposed for the area. For these reasons, the Tribe and rural residents near a proposed cultivation site must be given a meaningful opportunity to weigh in on any particular application before decisions are made. This would require adequate advance
Honorable Members of the Board of Supervisors
June 4, 2019
pg. 4

notice, preferably shortly after an application is submitted to the County. A clear process must be
in place for the Tribe and rural residents to raise objections and seek resolution of issues that may
arise with a particular application or cultivator. In addition, an application should be denied if
concerns raised by the Tribe and the neighboring community cannot be mitigated.

Thank you for this opportunity to submit preliminary comments on the draft Cannabis Land
Use Ordinance and for considering our proposals for the same. Should you have any questions,
please contact Omar Carrillo, Director of Public Affairs, at ocarrillo@yochadehe-nsn.gov or
530.796.3400.

Wife ho,

Anthony Roberts
Tribal Chairman

cc: Tribal Council, Yocha Dehe Wintun Nation
Responses to Comments

Yolo County
3-138 Cannabis Land Use Ordinance Response to Comments Document
Exhibit 2-8

Alternative 5 Cannabis Uses

Legend
- Existing and Eligible Cannabis Cultivation Sites
- Yolo County Boundary

Uses
- Distribution
- Microbusiness
- Retail
- Manufacturing
- Cultivators
- Testing
- Processing

Source: Data provided by Yolo County in 2019

USGS Base Map X1701/2019/01 013
Responses to Comments

Yolo County

3-148 Cannabis Land Use Ordinance Response to Comments Document
Exhibit 3.9-9
Alternative 2 Cannabis Uses and Fire Hazard Designations
Exhibit 3.9-11

Alternative 4 Cannabis Uses and Fire Hazard Designations
Exhibit 3.9-12
Alternative 5 Cannabis Uses and Fire Hazard Designations
Response to Comment 17-1  **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 concerns of the commenter regarding the CLUO and Draft EIR are noted. The County believes that the Draft CLUO which would result in a discretionary, performance-based use permit process for all cannabis uses provides a rigorous regulatory approach and gives the Board of Supervisors unlimited leeway in making final modifications to the regulations. Please see MR-4, “CEQA Alternatives and County Decision-Making.”

MR-3, “Range of Alternatives Evaluated in the Draft EIR,” describes the span of impact analysis covered by the five alternatives analyzed at equal weigh in the Draft EIR.

The CLUO would supplement the ministerial licensing process with the proposed cannabis CUP process, which would include discretionary review and analysis of each individual CUP application. Please see MR-10, “CUP Process and Overconcentration.” Please see individual responses to comments below.

Response to Comment 17-2  **CLUO Comment.** The commenter provides background on the Yocha Dehe Wintun Nation. The County appreciates the commenter’s connection and commitment to the land, and approach to farming.

Response to Comment 17-3  **CLUO Comment.** The commenter identifies the involvement with the County on cannabis cultivation permitting that started in 2016. The Draft EIR provides a summary of County cannabis regulations on pages 2-11 through 2-13 of the Draft EIR. The proportion of cannabis cultivation licenses in the Guinda/Rumsey area is identified and analyzed on page 4-32 of the Draft EIR. Section 4.2 of the Draft EIR contains an analysis of the issue of overconcentration in any location in the County and concludes that the Guinda/Rumsey area is currently overconcentrated. This section identifies Draft EIR Mitigation Measure OVC-1 to mitigate this concern. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 17-4  **CLUO Comment.** The commenter identifies opposition to the overconcentration of cannabis uses in Capay Valley. The commenter’s opposition is respectfully noted. Please see MR-12, “Expression of Opinion/Preference.” Please see MR-7, “Code Enforcement and Crime,” regarding the County’s code enforcement program and efforts. Odor is addressed in significant detail in Section 3.3 of the Draft EIR, and Draft EIR Chapter 4, “Cumulative Impacts and Overconcentration,” and Chapter 5, “Alternatives.”

Response to Comment 17-5  **CLUO Comment.** The commenter references several attached prior letters. These letters have been received by the County and considered during this process. These prior letters are acknowledged in Responses to Comments 17-50 through 17-53.
**Response to Comment 17-6**

**CLUO Comment.** The comment states that CLUO does not address overconcentration and that the Draft EIR is inadequate. Section 4.2, “Overconcentration,” of the Draft EIR contains an analysis of the issue of overconcentration in any location in the County and concludes that the Guinda/Rumsey area is currently overconcentrated. The commenter is correct that each cannabis license is reevaluated each year. CUP applicants that do not secure approval will be unable to retain a license. Please see MR-14, “County Cannabis Disclosures.” The County does not agree with, nor does the record support, the suggestion that the Draft EIR is inadequate.

Considerations regarding the appropriate number of cannabis CUPs to allow, and where, are entirely within the jurisdiction and authority of the Board of Supervisors. The commenter’s opposition is respectfully noted.

The commenters assessment of the Draft CLUO and Draft EIR is inaccurate and not supported by the facts. The Draft EIR fully analyzes the issue of overconcentration in Section 4.2, “Overconcentration,” and identifies mitigation measures in the form of modifications to the proposed CLUO. Please see MR-9, “Buffers”; MR-10, “CUP Process and Overconcentration”; and MR-11, “Cultural Change.”

Proposition 64 (The Control, Regulate and Tax Adult Use of Marijuana Act) passed overwhelmingly throughout California in November 2016. In Yolo County it passed by a margin of 60.5 percent to 39.5 percent. County Measure K (Yolo County Marijuana Tax) passed by an even greater margin in June 2018 with 79 percent in favor and 29 percent opposed. In response to the will of the voters, the County has taken a measured and deliberate approach to developing, implementing, and modifying cannabis regulations. Please see MR-16, “Cannabis Licensing Program.”

As described in Chapter 5, “Alternatives,” of the Draft EIR and further in MR-4, “CEQA Alternatives and County Decision-Making,” the Draft EIR examines seven alternatives. The analysis of alternatives is a requirement of CEQA. The County’s approach of examining an extensive number of alternatives allows the public and the Board to understand the environmental impact implications of multiple options related to number of cannabis operations, and types and locations of cannabis activities. This supports transparency and rigorous decision-making.

**Response to Comment 17-7**

**EIR Comment.** The comment expresses concern that CEQA alternatives are not adequately addressed. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR,” and MR-12, “Expression of Opinion/Preference.” The commenter’s opinion is noted.

**Response to Comment 17-8**

**EIR Comment.** The commenter states that the Draft EIR must examine alternatives that would decrease the number of cannabis operations in the County and that the Draft must be recirculated. As noted in Chapter 5, “Alternatives,” of the Draft EIR, Alternative 1 results in less impact than the No Project Alternative while both alternatives would retain the current extent of existing and eligible cannabis cultivation sites. The Board of Supervisors retains full authority to reduce/regulate the number of allowed cannabis activities. This policy option is available to the Board and would be unlikely to trigger a requirement to recirculate the Draft EIR. Regarding disclosures related to the cannabis licensing program please see MR-14, “County Cannabis Disclosures.” Please see MR-1, “No Project Alternative and No

The comment regarding recirculation of the Draft EIR is speculative and not substantiated by facts or evidence. Requirements for recirculation of a Draft EIR are specified in Section 15088.5 of the CEQA Guidelines. The fundamental threshold for recirculation is not whether the Draft EIR specifically analyzes some precisely worded aspect of the final CLUO, but whether any aspect of the final CLUO would result in new environmental impacts not already adequately considered. Whether these requirements are met cannot be determined until the Board articulates an intended decision and the County undertakes this assessment. However, the range of alternatives and considerable detail in the Draft EIR were structured to preclude this need.

**Response to Comment 17-9 EIR Comment.** The commenter believes that if the final CLUO reflects elements of more than one of the CEQA alternatives, the EIR will be legally deficient. The fact that the Draft EIR alternatives support decision-making options for the Board is not a deficiency in the document – the County views it as a benefit. It was not a goal of the County to evaluate “all possible combinations of elements/alternatives.” The intent of including multiple alternatives evaluated at equal weight was to broaden the base of knowledge for participants in the process. As noted above and in MR-4, “CEQA Alternatives and County Decision-Making,” once the Board signals their decision-making direction, the staff will analyze any pertinent requirements for recirculation and ensure that the Final EIR provides adequate coverage under the law for the decision.

**Response to Comment 17-10 EIR Comment.** The commenter indicates that only Draft EIR alternatives 2, 3, and 4 would address overconcentration, yet each of those alternatives assumes new cannabis uses. The alternatives are analytical constructs to explore impacts associated primarily with changes to number, type, and location of cannabis activity. They expand the knowledge of all parties and support better decision-making. The commenter’s opposition to the approach is acknowledged. Please see Section 4.2, “Overconcentration,” of the Draft EIR, and MR-4, MR-9, MR-10, and MR-12.

**Response to Comment 17-11 EIR Comment.** The commenter questions the range of buffers considered. The buffers widths specifically analyzed in the alternatives range from 0 to 1,000 feet. The Board has full discretion to choose any appropriate buffer for various or all identified uses. The Board may choose a greater buffer distance. As described in MR-4, “CEQA Alternatives and County Decision-Making,” the County will ensure that the Final EIR provides adequate coverage under the law for the final decision/direction of the Board. The fundamental threshold for recirculation is not whether the Draft EIR specifically analyzes some precisely worded aspect of the final CLUO, but whether any aspect of the final CLUO would result in new environmental impacts not already adequately considered.

**Response to Comment 17-12 CLUO Comment.** The commenter expresses support for the 1,000-foot buffer. The commenter’s support for a 1,000-foot buffer from Tribal lands and other features is noted and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”
Response to Comment 17-13  **CLUO Comment.** The commenter identifies concerns regarding the language related to buffers and future trust land. The relevant wording in the proposed CLUO is as follows (proposed CLUO Section 8-2.1408[E]):

... federal lands held in trust by the federal government or that is the subject of a trust application for a federally recognized tribal government, ...

This wording ensures that a buffer of a distance determined by the Board of Supervisors in the final CLUO will be required from Tribal lands as described above. Both existing trust land and potential trust land subject to a duly filed application would be applicable for each CUP, based on conditions at the time the CUP application is deemed complete. However, in the event a cannabis CUP receives approval and is operated in full compliance with the County regulations and their CUP conditions of approval, and a Tribal trust application is subsequently duly filed, the CUP would be “vested” at that point and there would be no obligation of the cannabis operator to make further adjustment to their lawfully approved and conducted operation. This is reinforced by the following language within the same section quoted above:

... Approved cannabis uses, operating within the terms of their approvals and conditions, shall be exempted from the buffer requirement as applicable to later new uses within the categories identified above, that locate within the described buffer distance.

Response to Comment 17-14  **CLUO Comment.** The commenter identifies concerns regarding the language related to buffers and future trust land. There is no material difference between the relevant language in the current Licensing Ordinance and the proposed new language. Please see MR-9, “Buffers,” for a word-for-word comparison. The intent of the language in both sections of both regulations is described above.

Response to Comment 17-15  **EIR Comment.** The commenter believes there is alignment between community concerns and the Tribe’s concerns regarding overconcentration and buffers. The County has held multiple rounds of workshops and public forums through the unincorporated area. In each case the public has been fully heard and all comments have been taken into account. The County staff in attendance at these meetings have reported that these meeting were civil, robust, and informative.

Concerns regarding overconcentration and buffers are shared by staff and the Board of Supervisors. This has been expressed in their direction regarding the wide span of alternatives explored in the Draft EIR. The Board is charged with making the final decision regarding appropriate buffers. This decision must balance multiple perspectives, a range of County goals and objectives, and the interests of all parties.

The Draft EIR goes well beyond a typical EIR in the depth and range of analysis it provides to support informed decision-making. At the “project-level” it analyzes the effects of the proposed CLUO over the entire unincorporated area – see Draft EIR Sections 3.1 through 3.15. At the “cumulative level” it analyzes the effects of the CLUO in combination with other planned land uses allowed under the County General Plan – see Draft EIR Section 4.1, “Cumulative Impacts.” In addition to these two large geographies, the Draft EIR also analyzes the effects of the proposed CLUO in
particular geographic sub-areas of the County – see Draft EIR Section 4.2, “Overconcentration.”

**Response to Comment 17-16** EIR Comment. The commenter states that the policy areas associated with the alternatives have not been finalized and this has resulted in an inaccurate cumulative impact analysis. The County does not agree that the cumulative analysis lacks accuracy and the commenter does not describe why they believe this to be true nor provide evidence in support of their opinion. The alternatives are clearly defined to include an assumed number, type, and location of cannabis uses and the analysis was structured to explore the potential environmental impacts associated with these assumptions. This is a responsible and feasible method for exploring in detail the proposed adoption and implementation of a new jurisdiction-wide zoning regulation.

The County has described on pages ES-7 and ES-8 of the Draft EIR the obligation under CEQA to activate applicable CEQA streamlining, and expressed County intent to incorporate this into the cannabis CUP process. Each CUP application will require individual analysis to determine appropriate CEQA compliance. Provided appropriate site-specific analysis is undertaken and that the applicant can demonstrate full compliance with the CLUO, some applications will be able to rely on the CLUO EIR for CEQA compliance, thus making them statutorily exempt. Others may trigger a negative declaration and/or possibly a focused project-level EIR. This will be determined with each CUP application on a case-by-case basis.

**Response to Comment 17-17** EIR Comment. The commenter identifies efforts to work with the County on overconcentration issues in Capay Valley. The County values and appreciates continued dialog with the Tribe. The Draft EIR contains a mitigation measure for addressing overconcentration which County staff recommend the Board adopt. Please see MR-10, “CUP Process and Overconcentration.”

**Response to Comment 17-18** EIR Comment. The commenter states that there are no measures to address overconcentration in the Draft EIR. Draft EIR Mitigation Measure OVC-1 directly addresses overconcentration.

**Response to Comment 17-19** EIR Comment. The commenter identifies that the only alternatives that allow the County to address overconcentration would include new cannabis uses. Unless rejected by the Board of Supervisors, which will not be the recommendation of staff, Draft EIR Mitigation Measure OVC-1 applies to all of the five equal-weight alternatives or any combination thereof. Pursuant to the conclusions of the Draft EIR, staff will recommend integration of all identified mitigation measures as a part of the final CLUO. Mitigation Measure OVC-1 would replace the Draft CLUO language of concern to the commenter in Section 8-2.1406(H).

**Response to Comment 17-20** CLUO Comment. The commenter expresses concern that alternatives 2, 3, and 4 do not ensure resolution to concerns regarding overconcentration. The alternatives are analytical constructs to explore impacts associated primarily with changes to number, type, and location of cannabis activity. The mitigation measures replace and/or modify the language in the proposed Draft CLUO. Please see Response to Comment 17-19.
Response to Comment 17-21  **CLUO Comment.** The commenter identifies that the Board of Supervisors would be the ultimate decision-makers on the CLUO. County staff agrees with this comment. This is consistent with the anticipated process of adoption of the final CLUO. Please see MR-4, “CEQA Alternatives and County Decision-Making.”

Response to Comment 17-22  **EIR Comment.** The commenter states that the draft CLUO and Draft EIR do not address overconcentration. Section 8-2.1406(H) of the Draft CLUO would be revised to reflect the new proposed language in Draft EIR Mitigation Measure OVC-1.

Response to Comment 17-23  **EIR Comment.** The commenter expresses concern regarding the approach to overconcentration. The commenter misunderstands the process. Please see Responses to Comments 17-19 through 17-22. Please see MR-4, “CEQA Alternatives and County Decision-Making,” and MR-10, “CUP Process and Overconcentration.”

Response to Comment 17-24  **EIR Comment.** The commenter states that the Draft EIR does not quantify what constitutes overconcentration. The Draft EIR does quantify a ceiling (23) and floor (5) for overconcentration. The analysis also identifies a range of potential overconcentration (6 to 22) and concludes that the precise threshold for over-concentration within that range are not driven by the quantified results of the GIS analysis but rather are policy driven, to be determined by the Board of Supervisors. In the staff report to the Planning Commission and Board of Supervisors, the staff will propose a recommendation for this threshold. The Board may accept the staff recommendation or define a different threshold. In either event, the Board of Supervisor’s final decision in this matter will be included in the CLUO as a firm quantified threshold. Please see MR-4, “CEQA Alternatives and County Decision-Making,” and MR-10, “CUP Process and Overconcentration.”

Contrary to the comment, the County has ensured the public, including the Yocha Dehe Wintun Nation, an early, fact-based, transparent opportunity to express opinions and recommendations for consideration by the Board.

Response to Comment 17-25  **EIR Comment.** The commenter provides introductory comments that the draft CLUO and Draft EIR do not properly address cultural resources. The concerns of the commenter regarding cultural resources are respectfully acknowledged. The County does not concur that the analysis is flawed or inadequate. More detailed responses are provided below.

Response to Comment 17-26  **EIR Comment.** The commenter states that the CLUO performance standards do not provide for Tribal involvement regarding cultural resources. Tribal involvement in the analysis of cultural resources is an important part of the CUP and CEQA process and will be implemented with each cannabis CUP application. This is the County’s current practice and it would apply under the CLUO as well. The following clarifications to draft CLUO Section 8-2.1408(H), Cultural Resources, are proposed to reinforce the cultural resource obligations required under the CLUO (see Appendix D):

8-2.1408(H) Cultural Resources

1. General – In accordance with Policies CO-4.12 and CO-4.13, and Actions CO-A63 through CO-A66, of the Cultural Resources chapter of the Conservation and Open Space Element of the...
County General Plan, applicants shall submit a Cultural Resource Survey to determine the potential for Tribal cultural, archeological, historical, or paleontological resources to be located on the project site, and/or impacted by the proposed project. The County shall provide the Cultural Resource Survey to appropriate State agencies and Tribal representatives for review and comment. The County will undertake appropriate coordination (including formal consultation if required) with Tribal representatives. Based on the recommendations in the Cultural Resource Assessment and comments received from reviewing parties, the County will identify appropriate requirements to avoid or minimize impacts to cultural resources. These requirements will be included as proposed conditions of approval for the subject application. If onsite resources are identified, a mitigation plan is required to protect identified resources in accordance with General Plan Actions CO-A63 and CO-A64 before issuance of permits. If cultural resources (Tribal cultural, archaeologica,l historic, paleontological) are encountered during construction or operations, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the find. A 100-foot buffer around the find shall be established upon its discovery. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

2. Tribal – If Tribal cultural resources are encountered all work in the area shall cease, resources shall be accorded culturally appropriate dignity, removal, reinternment, or other protection/disposition shall be as directed by the culturally affiliated tribe(s) pursuant to a Treatment Plan or Treatment Agreement (or other comparable arrangement).

3. Human Remains – If human remains are discovered, permittees shall comply with Section 7050.5 of the California Health and Safety Code (CHSC). Cultivation, grading/excavation, or other soil disturbance activities shall be immediately halted at the site and in the nearby area until the County Coroner has determined that the remains are not subject to the provisions of Section 27491 of the California Government Code (CGC) or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code (PRC). If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours and disposition shall be as specified by Commission and in accordance with applicable requirements of State law. Native
American remains shall be accorded culturally appropriate dignity, removal, reinternment, or other protection/disposition shall be as directed by the culturally affiliated tribe(s) pursuant to a Treatment Plan or Treatment Agreement (or other comparable arrangement) completed and appropriately implemented before commencement of ground-disturbing activity in the affected area.

4. Confidentiality – Cultural and Tribal resource information and records are confidential (see Section 6254(r) and 6254.10 of the CGC; Section 21082.3(c)(1) of the PRC; and Section 15120(d) of the California Environmental Quality Act (CEQA) Guidelines.

5. Tribal Consultation – Pursuant Section 21080.3.1 of the PRC any applications for which a negative declaration, mitigated negative declaration, or EIR is prepared must first comply with Section 21080.3.1(b) of the PRC related to Tribal consultation.

6. SWRCB Cannabis Cultivation Policies – Applicants and site operations that require coverage under waste discharge requirements (WDRs) or a waiver of WDRs discharge waste shall comply with applicable provisions and requirements of the SWRCB Cannabis Cultivation Policies (Terms 19 through 23 of Order WQ 2019-0001-DWQ) which prohibits cannabis cultivation within 600 feet of a tribal cultural resource and includes protection measures for discovered resources.

Response to Comment 17-27 EIR Comment. The commenter states that a treatment plan or agreement should be included for discovery of Native American human remains. This is already a part of the County’s process. Please see Response to Comment 17-26.

Response to Comment 17-28 EIR Comment. The commenter states that either a government-to-government consultation for each future cannabis use site or additional enforcement requirements are needed to address impacts. It is not possible to predict all locations where a CUP application may be submitted. This would be speculative and is not necessary in light of existing and proposed regulatory safeguards that will be a part of the process for every application. See Response to Comments 17-26.

CEQA streamlining that could potentially occur would not eliminate the requirement that each cannabis CUP be examined for compliance with County requirements, the CLUO, and CEQA. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 17-29 EIR Comment. The commenter states that the Draft EIR fails to identify areas where actual and potential overconcentration of cannabis uses are also among the areas with the greatest cultural resource sensitivity. The commenter does not provide information to support the statement regarding cultural sensitivity in identified areas of overconcentration and potential overconcentration. Nevertheless, the proposed clarifications to the draft CLUO provided in Response to Comment 17-26 ensure that cultural resources will be appropriately considered and coordinated with appropriate parties.
Response to Comment 17-30  **EIR Comment.** The commenter notes that the Draft EIR cultural resource analysis relies on the County General Plan and that the Draft EIR should update the General Plan cultural resources analysis. An update of the County’s General Plan is not underway at this time nor a component of this project. The proposed CLUO CUP process would not rely on the County’s General Plan for site-specific cultural resource information. The Draft EIR uses information from the State Office of Historic Preservation as well as information from the General Plan EIR. The proposed CLUO requires a Cultural Resource Assessment for every CUP application (Section 8-2-1410(C)(1)).

Response to Comment 17-31  **EIR Comment.** The commenter identifies that there is documentation of finds from the Holocene era in the County. This would be addressed if applicable in the required site-specific Cultural Resource Assessment. Please see Response to Comment 17-30.

Response to Comment 17-32  **EIR Comment.** The commenter states that the Draft EIR discussion of PRC Section 5097 should be clarified and corrected. The NAHC process is described in more detail in the last full paragraph on Draft EIR page 3.5-15 associated with Term 23 under SWRCB Order WQ 2019-0001-DWQ.

Response to Comment 17-33  **EIR Comment.** The commenter refers to the buffering requirements under SWRCB Order WQ 2019-0001-DWQ. The 600-foot buffer is discussed in multiple places throughout Section 3.5 of the Draft EIR, including 3.5-12 through 3.5-13, and on page 3.5-26.

Response to Comment 17-34  **EIR Comment.** The commenter states that the General Plan relies on a map of archaeologically sensitive areas that has not been provided to the Yocha Dehe Wintun Nation. The County General Plan does not rely on a sensitivity map. However, it does contain Action CO-A58 stating that such map should be developed. This action has not yet been implemented.

The General Plan was prepared based on numerous records searches, analysis of cultural resources, and coordination with appropriate entities including relevant state agencies and tribal consultation (including with the Yocha Dehe Wintun Nation) as described in Section I (starting on page 515) of EIR Volume I of the certified 2030 Countywide General Plan Final Environmental Impact Report.

Section F (Cultural Resources) of the Conservation and Open Space Element of the General Plan contains the background information, and adopted goals, policies, and actions of the County relevant to this topic, and is appropriately referenced and summarized starting on page 3.5-16 of the Draft EIR.

Response to Comment 17-35  **EIR Comment.** The commenter summarizes the information provided in Draft EIR Section 3.1, “Aesthetics,” and states that the Draft EIR identifies a “massive concentration” of cannabis operations that would be required to be fenced or screened. 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, “Description of the Preferred Alternative and Equal Weight Alternatives,” of the Draft EIR):

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative 1 and No Project</td>
<td>156 acres</td>
</tr>
<tr>
<td>Alternative 2 and 4</td>
<td>260 acres</td>
</tr>
<tr>
<td>Alternative 3</td>
<td>517 acres</td>
</tr>
<tr>
<td>Alternative 5</td>
<td>259 acres</td>
</tr>
</tbody>
</table>
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. Despite the small overall area potentially associated with cannabis uses, Section 3.1, “Aesthetics,” of the Draft EIR addresses aesthetic impacts including fencing and other issues. Impact AES-1 addresses scenic vistas and viewsheild, including “SR 16 through the Capay Valley” (Draft EIR page 3.1-23). The discussion of each alternative identifies new assumed cannabis activity along SR 16 for each alternative:

- Alternatives 2, 4, and 5 – 13 new cannabis uses
- Alternative 3 – 29 new cannabis uses

Section 4.2.1, starting on page 4-37 of the Draft EIR, looks exclusively at the issue of overconcentration, particularly in the Guinda and Rumsey area of the Capay Valley, identifying it as the most concentrated area in the County. On Draft EIR pages 4-39 through 4-47, Impact OVC-1 focuses exclusively on aesthetic impacts from overconcentration of cannabis uses, including fencing (Draft EIR page 4-40). The analysis of Draft EIR Impact OVC-1 concludes that aesthetic impacts of overconcentration (including fencing) are significant and unavoidable.

Table 5-1 on pages 5-8 through 5-11 of the Draft EIR provides a comparison of the relative level of aesthetic impact associated with each of the alternatives for each identified impact area.

**Response to Comment 17-36 EIR Comment.** The commenter indicates that without more detail regarding odor complaints conclusions regarding effectiveness cannot be reached. Cannabis odor complaints are described on page 3.3-10 of the Draft EIR. There were 17 complaints received in the 16-month period of available data. The nature of the complaints is summarized in the text. Because the complaints are confidential more information is not provided.

The commenter suggests that a conclusion regarding the effectiveness of the CLUO cannot be reached without more information about the complaints. The County does not share this perspective. The conclusions in the Draft EIR are based on the assessment of the proposed process, odor thresholds, and the performance standards in the draft CLUO. The draft CLUO would require buffers between outdoor cannabis uses and identified sensitive land uses. Draft CLUO Section 8-2.1408(E) establishes odor control requirements that would prohibit odors from leaving the cannabis site in excess of a 7:1 dilution-to-threshold, identifies a process of corrective actions for nuisance odor conditions, and requires the development of an Odor Control Plan (draft CLUO Sections 8-2.1408[CC] and 8-2.1408[DD]).

Among other things, Draft EIR Section 3.3, “Air Quality and Odors,” includes information about odor, odor control, and odor in the cannabis environment. It was prepared with oversight and peer review by Trinity Consultants with extensive expertise in odor analysis, monitoring, and control.

Draft EIR Impact AQ-4 (see pages 3.3-29 through 3.3-38) concludes that odor impacts will be significant and unavoidable (see Draft EIR page 3.3-38).

**Response to Comment 17-37 EIR Comment.** The commenter indicates that pollen dissemination is an issue of concern related to over-concentration in the Guinda/Rumsey area but does not provide additional information necessary to provide a response. More information would be needed about the source of the pollen, the potential...
harm of the pollen, the CEQA relevance, and how it factors into overconcentration.

There is a known concern relating to hemp pollen adversely affecting female cannabis (marijuana) plants. Hemp is wind-pollinated and is known to have considerable pollen drift which could result in cannabis pollination. Cannabis cultivation relies on female plants for marketable crops. If a female cannabis plant is pollinated it begins producing seeds instead of THC which can significantly impact the crop value. Yolo County has placed a moratorium on hemp cultivation while it explores these issues. Please see MR-8, “Marijuana and Hemp.”

Impacts on agriculture are analyzed in Section 3.2 of the Draft EIR. Overconcentration is analyzed in Section 4.2.

Response to Comment 17-38 EIR Comment. The commenter suggests that cannabis cultivation, production, and manufacturing involve “heavy use of chemicals.” This is not correct for cultivation/production. The use of restricted pesticides on cannabis cultivation/production is prohibited. This is similar to organic crops that are covered under the Yolo Certified Organic Agriculture program which prohibits the use of restricted pesticides, includes a notification process for adjoining agricultural uses that organic crops are nearby, and limits soil inputs to materials approved as an organic input by CDFA (see page 3.2-9 of the Draft EIR). Cannabis is restricted to pest controls that rely on active ingredients exempt from registration requirements. These are comprised primarily of food-grade essential oils such as peppermint oil or rosemary oil.

Similar to other manufacturing activities, cannabis manufacturing may involve common solvents (e.g., ethanol) and gases (e.g., carbon dioxide). These processes are licensed and regulated through the California Department of Health Services and rely on the California Division of Occupational Safety and Health, local building and fire codes, and certification by a licensed professional engineer. Licensees must have written standard operating procedures, ensure compliance with equipment manufacturer specifications, employee operator training, and regular maintenance. See Section 3.9, “Hazards and Hazardous Materials,” of the Draft EIR, including in particular Draft EIR pages 3.9-9 through 3.9-11, and the impact analysis commencing on Draft EIR page 3.9-17. Please also see the discussion of Impact PS-1 relating to fire protection services, commencing on page 3.13-23 of the Draft EIR.

Response to Comment 17-39 EIR Comment. The commenter states that the Draft EIR fails to address cannabis cultivation pesticide use impacts on biological resources. Please see Response to Comment 17-38 above. The use of restricted pesticides on cannabis cultivation/production is prohibited. Draft EIR Impact BIO-1 starting on page 3.4-42 of the Draft EIR analyzes impacts of cannabis activities (including pesticides) on special status species (see Draft EIR page 3.4-45) and concludes that the potential for impact is mitigated through implementation of Draft EIR Mitigation Measure BIO-1 which clarifies the requirement for a biological resource survey, compliance with the Yolo HCP/NCCP, and/or compliance with state mitigation and permitting for incidental take of state special status species.
Response to Comment 17-40  **EIR Comment.** The commenter expresses concern regarding fire hazard in Capay Valley associated with cannabis manufacturing facilities. Please see the discussion of Draft EIR Impact PS-1 relating to fire protection, commencing on page 3.13-23 of the Draft EIR, Impact HAZ-6 relating to wildfire hazards, commencing on page 3.9-34 of the Draft EIR, and Response to Comment 17-38 above. Fire protection demands for cannabis operations are generally no different than for similar land uses within the cannabis use categories identified in Section 8-2.14 of the proposed CLUO. The draft CLUO provides performance standards that address fire safety (see Draft EIR pages 3.13-24 and -25). Based on communications with fire departments throughout the County and the analysis provided under Draft EIR Impact PS-1, this impact was demonstrated to be less than significant.

Response to Comment 17-41  **EIR Comment.** The commenter provides a summary of the community service district analysis in the Draft EIR. The commenter’s summary of the analysis of Draft EIR Section 3.15, “Utilities and Service Systems,” is not correct. Utilities and service systems are analyzed in Section 3.15 of the Draft EIR and potential impacts are demonstrated to be less than significant.

Response to Comment 17-42  **EIR Comment.** The commenter states that the Draft EIR identifies that overconcentration impacts would be significant and does not provide effective mitigation to address this impact. Draft EIR Mitigation Measure OVC-1 identifies thresholds and mitigations for overconcentration. The County believes, and the evidence supports, that this mitigation will be effective.

Response to Comment 17-43  **EIR Comment.** The commenter takes issue with the description of Tribal consultation provided in the Draft EIR. The County proposes no changes to the discussion of Tribal communications and consultation that is summarized on page 3.5-8 of the Draft EIR and under Impact CULT-4 starting on page 3.5-25. The County appreciates and supports the continuing communications with Yocha Dehe Wintun Nation which are correctly described in the Draft EIR as “still underway.”

Response to Comment 17-44  **CLUO Comment.** The commenter expresses their opinion regarding the CLUO process. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 17-45  **CLUO Comment.** The commenter expresses their opinion regarding how the County should consider the Capay Valley. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 17-46  **CLUO Comment.** The commenter expresses their concerns regarding the Alternative 1, the CEQA Preferred Alternative. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 17-47  **CLUO Comment.** The commenter inquires regarding funding and oversight of cannabis tax revenue. Please see Response to Comment 17-40 and MR-13, “Cannabis Tax Revenue.”

Response to Comment 17-48  **CLUO Comment.** The commenter expresses opinions regarding services needed in rural areas in Yolo. Please see MR-12, “Expression of Opinion/Preference.”
Response to Comment 17-49  **CLUO Comment.** The commenter expresses continuing interest in discussions with the County regarding the CLUO. The County appreciates the comments provided by the Yocha Dehe Wintun Nation and continuing discussions of these issues.

Response to Comment 17-50  **CLUO Comment.** The County acknowledges receipt of this letter from the commenter dated October 11, 2016 regarding the County’s marijuana cultivation regulations. This letter was considered with regard to the adoption of amendments to Chapter 20 (Marijuana Cultivation) in Title 5 of the County Code. Please also see MR-11, “Cultural Change,” and MR-12 “Expression of Opinion/Preference.”

Response to Comment 17-51  **CLUO Comment.** The County acknowledges receipt of this letter from the commenter dated October 19, 2017 regarding the County’s marijuana cultivation regulations. This letter was considered with regard to the adoption of amendments to Chapter 20 (Marijuana Cultivation) in Title 5 of the County Code. Please also see MR-11, “Cultural Change,” and MR-12 “Expression of Opinion/Preference.”

Response to Comment 17-52  **EIR Comment.** The County acknowledges receipt of the NOP comment letter dated September 21, 2018. The CEQA Guidelines note that comments received during the NOP scoping process can be helpful in “identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important” (CEQA Guidelines Section 15083). Neither the CEQA Guidelines nor Statutes require a lead agency to respond directly to comments received in response to the NOP, but they do require they be considered. Consistent with these requirements, this comment has been carefully reviewed and considered by the County and is reflected in the analysis of impacts in the Draft EIR. Draft EIR Appendix A includes all NOP comments received.

Response to Comment 17-53  **CLUO Comment.** The County acknowledges receipt of this letter from the commenter dated June 4, 2019 providing early comments on the CLUO. Please also see MR-11, “Cultural Change,” and MR-12 “Expression of Opinion/Preference.”

Response to Comment 17-54  **EIR Comment.** The County acknowledges receipt of the attached figures and exhibits from the Draft EIR.
--- Forwarded Message ---
From: candice.schaer@yahoo.com <candice.schaer@yahoo.com>
To: clerkoftheboard@yolocounty.org <clerkoftheboard@yolocounty.org>
Cc: Anna Bralt <martinek.braith@gmail.com>; Trini Campbell <trini@riverdogfarm.com>; Lauren Ayers <laurenyolocounty@gmail.com>; Camilla Barry <camilla@rumseyhouse.com>; Sally Fox <sally@vresiis.com>; Judith Redmond <judith@fullbellyfarm.com>; Wyatt Cline <knothammer@gmail.com>
Sent: Monday, September 23, 2019, 10:59:39 AM PDT
Subject: Fw: house break-in and robbery last week --> We need a resident deputy

To our most esteemed district supervisors:

Apparantly the hierarchy and budget need to be amended to allow resident deputies to be set up again.

Out here in Capay Valley, we were very happy to have a deputy to call on when we needed him/her. Someone we knew that we could count on. Someone who sympathized with neighbors and was motivated to act in our behalf - not on behalf of budget constraints. Someone who lived here and could respond within minutes.

Wouldn't it be wonderful to have that again!

Thank you.

Candice Schaer
Guinda, CA
858.232.1005
Response to Comment 18-1  **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

The commenter expresses support for a resident deputy to serve the Guinda community. The Sheriff’s Office has hired a resident deputy to serve the Capay Valley, including Esparto and Madison. Please see MR-7, “Code Enforcement and Crime.”
A Quick Look at Cannabis

December 12, 2019

Dear Supervisors and Citizens of Yolo County

A few years ago, John Young, the Agricultural Commissioner for Yolo County, woke up and thought he was the Sheriff. He devised a plan that has been reverberating throughout the County ever since. In short, he proposed that legalizing cannabis growing in Yolo County would eliminate illegal grows. Yes, he believed this and even convinced the Board of Supervisors to do so.

Never mind that commercial growing of medicinal pot was already permitted.

Never mind that anyone could grow six plants anywhere in the county by state law.

Never mind that anyone who could not grow could buy with or without a card.

Never mind that the actual sheriff at the time, Prieto, was adamantly against the idea.

Never mind that the County had absolutely no idea what it was getting into.

As soon as word got out that Yolo was open for business there was a land rush of real estate dealing and an avalanche of license and permit requests. So overwhelmed was the County that it was forced to declare a moratorium on new applications, which became capped at seventy-eight and remains so as the County is putting the final touches on its third attempt to take control.

However, the horse is out of the barn and there are significant adverse effects on citizens that will likely be ongoing. Many people in several parts of the County are angry about the arrival of cannabis operations next door or across the road. So far, they have had little recourse or path for redress.

By now the Supervisors have heard extensively about the many negatives of legalizing cannabis here. The following is a bullet list.

2. Black market cannabis remains strong and is surging.
3. Destruction / degradation of topsoil and native plants has occurred.
4. Farmers fear lawsuits from growers.
5. Impacts on the energy grid, water resources, waste management, housing, roads, etc.
7. Odor is perceived as disruptive and pernicious.
8. Property values of neighbors are diminished as well as quality of life.
9. Tax revenues from cannabis sales is too small to achieve such goals as youth education, illicit grow abatement, road repairs, etc.

Against all these and other negatives the County seems to see one plus: Revenue.
So, where do we go from here? Besides never having gone down this path, the Supervisors have skipped right by some logical and economical approaches to help make cannabis palatable to those many citizens who have made their anger and suffering clear in public comments to the Planning Commission and Board of Supervisors. The simplest would have been to declare a couple of development zones. Indoor grows could be in an industrial warehouse zone and outdoor grows on remote acreage. In both cases grows could be monitored easily and at low cost. Instead we have sites all over the county causing complaints and many manhour and mileage costs by County personnel.

So far, the County has been reactive not proactive. The trend has been to listen to the growers now in place. When they wanted a moratorium against large scale hemp growing, they got it. So much for ‘Right to Farm’.

When citizens complain about any of the issues listed above, and others, not much happens.

The latest attempt to deal with the outfall of the Board’s decision to allow commercial grows does not seem poised to satisfy the folks living next to growers, let alone the growers themselves, who are divided. Some desire outdoor growing for its economy and natural allure. Others might be content with indoor growing as they can grow year-round.

It seems clear the Supervisors cannot turn back the clock, nor can they please everybody. Their latest plan remains to be finalized, but it contains poison pills for all parties. The Board gets to craft whatever they want out of the clay lump that is the Cannabis Land Use Ordinance and will retain the right to change it over time, so predicting how it will look is a fool’s game.

I support a minimum of a thousand-foot setback for residences, such as is accorded to schools and churches. To do less would be inequitable as well as hypocritical......the Tribe gets a thousand feet already and so should a child at home as well as in school or church.

Permits should be fairly distributed across the entire county with no new permits allowed in already overly dense areas. Each district should bear a proportionate burden.

Only indoor grows should be allowed in areas identified as clusters. Outdoor grows could be allowed on large acreages where other crops are farmed also. Farmers who wish to monetize their land should be able to do so (it is not likely they would sue themselves). Regular farmers using regular farming practices must not feel liable for possible impacts on cannabis grows nearby.

There are more such solutions, but I will leave it to the board to figure them out. They appear to be in it for the money, but so far, they have reaped only $700,000 to use at their discretion, a pittance compared to expectations.

So far, the only clear winners in this whole debacle are illegal growers, the very people the county was trying to stop. Instead, the black market is surging.

Respectfully submitted,

David Gray

530-661-8020
Response to Comment 19-1  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 concerns of the commenter regarding cannabis cultivation are noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 19-2  CLUO Comment. The commenter identifies concerns regarding absentee landlords, chains of responsibility, and unvetted employees. These concerns are noted for the record. Section 5-20.06 of the Licensing Ordinance requires that cultivators either own the property on which they are cultivating or have entered into a lease with the owner including written consent to cultivate cannabis. It is not clear what the commenter is advocating regarding “chains of responsibility”; however, the County currently has a strong enforcement program that will continue and be strengthened with the CLUO. Please see MR-7, “Code Enforcement and Crime.” Regarding vetting of employees, the staff will be recommending a modification to the Licensing Ordinance to expand background checks to include employees.

Response to Comment 19-3  CLUO Comment. The concerns of the commenter regarding black market cannabis cultivation are noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 19-4  EIR Comment. The commenter indicates that destruction and degradation of topsoil and native plants has occurred. Without more information it is not possible to address this claim. Please see MR-7, “Code Enforcement and Crime,” regarding the County’s CTF and code enforcement program. All complaints submitted to the Task Force are investigated and appropriate enforcement is pursued. Impacts on agriculture are analyzed in Section 3.2 of the Draft EIR. Impacts on soils are analyzed in Section 3.7.

Response to Comment 19-5  CLUO Comment. The commenter indicates that farmers fear lawsuits from “growers.” The comment is not specific but understood to be referencing application of pesticides. The common meaning of “farmer” and “grower” are generally synonymous; however, the term “farmer” in this comment is understood to refer to someone who cultivates non-cannabis crops and the term “grower” is understood to refer to someone who cultivates cannabis. In this context, provided the non-cannabis farmer is legally and responsibly applying pesticides the situation is common between farmers, and no different from an organic crop being grown next door to a non-organic crop. Please see Responses to Comments 11-2, 11-3, 12-61, and MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 19-6  EIR Comment. The commenter is concerned regarding impacts on energy, water, waste, housing, and roads. These topics are analyzed in detail in the Draft EIR. Energy is addressed in Draft EIR Section 3.6, “Energy”; water in Section 3.10, “Hydrology and Water Quality”; solid waste in Section 3.15, “Utilities and Service Systems”; and roads in Section 3.14, “Transportation and...
Circulation.” Housing is not addressed in the Draft EIR because it was scoped out during the NOP period. The NOP documents on page 8:

...The Proposed Ordinance would not involve the generation of substantial new employment or the need for housing that could result in significant new impacts. Therefore, these issues will not be analyzed in the EIR.

Impacts associated with induced growth are addressed in Draft EIR Impact LU-3 on Draft EIR pages 3.11-12 through 3.11-16. No significant growth impacts were identified.

Response to Comment 19-7

CLUO Comment. The comment expresses concern regarding crime and attractive nuisance. The County relies on the services of the Sheriff Department and CTF to address cannabis related crime. The Cannabis Tax allows for revenues from the tax to be used to supplement crime enforcement for illegal cultivation. Please see MR-13, “Cannabis Tax Revenue.”

Response to Comment 19-8

EIR Comment. The commenter expresses concerns regarding odor. The County recognizes odor as an impact. It is addressed throughout the proposed CLUO including primarily Sections 8-2.1408 (CC) and (DD). It is addressed in the Draft EIR in Section 3.3, Chapter 4, and Chapter 5. All CUP applicants for any cannabis activity, including outdoor cultivation, will be required to submit an Odor Control Plan (see Section 8-2.1410[D][2]) as a component of their application. Please also see Responses to Comments 5-2 and 8-10.

Response to Comment 19-9


Response to Comment 19-10

CLUO Comment. The commenter identifies concerns regarding tax revenues. Please see MR-13, “Cannabis Tax Revenue,” regarding revenues from the first year of the cannabis tax, and how that revenue was spent. The comment is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 19-11

CLUO Comment. The commenter states that the only benefit to cannabis is revenue. Please see MR-13, “Cannabis Tax Revenue,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 19-12

CLUO Comment. This comment expresses support for indoor cultivation in industrial zones and outdoor cultivation in remote areas. Please also see MR-17, “Consolidated Cannabis Campus.”

Response to Comment 19-13

CLUO Comment. The commenter expresses opinions regarding cannabis and hemp. The comments are noted. Please see MR-8, “Marijuana and Hemp,” regarding hemp. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 19-14

CLUO Comment. The commenter expresses an opinion regarding the CLUO. This comment is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”
Response to Comment 19-15  **CLUO Comment.** The commenter provides an opinion regarding the CLUO. This comment is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 19-16  **CLUO Comment.** The commenters support for 1,000-foot buffers is noted. MR-9, “Buffers,” further explains buffers including why different buffers for farm dwellings on large agricultural parcels are proposed and in alignment with the County’s General Plan.

Response to Comment 19-17  **CLUO Comment.** The comment expresses support for distribution of cannabis activities across the county and caps in areas with greater densities. This comment aligns with the approach proposed in the CLUO including Draft EIR Mitigation Measure OVC-1.

Response to Comment 19-18  **CLUO Comment.** The comment recommends that only indoor cultivation be allowed in areas experiencing overconcentration. The comment also recommends that cultivation should only be allowed for farmers that also cultivate non-cannabis crops. This position is noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 19-19  **CLUO Comment.** The concerns of the commenter regarding black market cannabis cultivation are noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”
MINUTES – REVISED DRAFT  
ESPARTO CITIZENS ADVISORY COMMITTEE  
December 17, 2019  
7:00 p.m.  
Esparto Regional Library  
17065 Yolo Ave, Esparto, CA 95627

Attending: Babs Beckwith, Pat Harrison, John Hulsman Jr, Randy Jacobs, Giacomo Moris  
Absent: Sandie Reed, Susan Cooper, Jesus Veloz

MEETING ADMINISTRATION

1. CALL TO ORDER at 7:00 by Chair J. Hulsman

2. APPROVAL OF AGENDA
   a) Motion to approve the agenda by B. Beckwith second by G. Moris. Vote: all in favor, none opposed.

3. APPROVAL OF MEETING MINUTES
   a) Motion by P. Harrison to approve the minutes of November 19, 2019. Second by B. Beckwith. Vote: all in favor, none opposed.

4. CORRESPONDENCE AND ANNOUNCEMENTS
   a) G. Moris – Candidate debate for 5th District Supervisor race will likely be 2/11/20. The High School auditorium was recommended as the venue.
   b) G. Moris – There will be a Hub summit planning meeting on 1/13/20 – contact Jack if you are interested in participating.
   c) J. Hulsman - Fire Department is saying Orni is moving forward and apartment units part of the project now. RISE is moving forward on the Health Center construction as a contractor has been selected.
   d) J. Hulsman Fire Departments have been trying to get the share of 1993's Proposition 172 funds promised during the election. Currently most is going to the Sheriffs. The departments met, but County staff wants to look at all the challenges facing volunteer fire protection districts, including the trouble getting volunteers. They are looking at other counties to see what they are doing. Volunteer fire department may not be volunteer in the future.
   e) R. Jacobs – The annual Christmas party for the Chamber is this Friday at Yocha Dehe golf course 6-9pm. Open to public, $20 at door.

PUBLIC FORUM

5. PUBLIC COMMENTS (none)

6. COUNTY UPDATE
   a) Supervisor Duane Chamberlain was curious what we think about the new road (Highway 16 SIP). Those present responded positively and felt it was safer. Duane added the reason for elevated center in the round-a-bout is to keep people's headlights from shining at oncoming traffic.
7. ACTION ITEMS
      a) Gretchen Paddock – There are 4 pot farms within a 2 mile radius of their house. She doesn’t want more. Most Supervisors don’t live in the country near these farms. She is concerned about smell and they open windows at night in the summer. One pot farmer assured her they were not selling on site – They saw a car go to the pot farm and come back full of smoke. She suspected that they were retailing and is concerned about the hazard of drivers under influence.

   b) Duane – other complaint was about lights. G. Moris understood if greenhouses had lights, they had to be blocked at night. Duane added that while visiting an indoor grow in a warehouse building there was no smell outside.

   c) G. Moris mentioned that his comments in the EIR NOP were not specifically responded to (like in an EIR) and asked if he should reiterate them for the EIR? Trini suggested probably.

   d) Trini Campbell (Planning Commissioner) - The gist of comments at the Planning Commission hearing regarding traffic was that it was a significant impact despite being shown as no impact with mitigation. They are hearing about people living near operations who are claiming their property values are going down. EIR doesn’t analyze economic impacts but the Board of Supervisors can take it into consideration. People are also concerned about the LTS (less than significant) ratings not being accurate.

   e) J. Hulsman added – so many zoning districts are included in each alternative, a single LTS may not be accurate for all of them (for example building in industrial vs out in the country with processing etc.). State considers almost anything associated with the cannabis operation as farming (except retail).

   f) G. Moris agreed and expressed concern about preserving agriculture as is the County’s stated interest, and this could be wasting prime farmland. Regarding installation of features that are more permanent construction like concrete/gravel he suggests they create a deposit requirement ensuring the property can be restored to ag.

   g) B. Beckwith concerned about tax payers footing the bills. Her opinion is no retail, no new permits, indoor only, medical only, and no smell. Banks still don’t take their cash so that is a concern (incentive for crime).

   h) J. Hulsman noted that the process has likely assured the black market continues due to red tape and cost of compliance.

   i) G. Moris asked residents regarding the smell – how much is offensive due to stigma vs intolerable. More the latter was the response.

   j) B. Beckwith – How is the black market? At the time of the initial ordinance, there were about 800 illegal grows. Trini noted ranchers say there is a decrease in illegal grows on their lands now.

   k) Duane noted at the Board of Supervisors meeting today they talked about hemp. Big farmers like Heidrick, Beeman, etc. want to get into hemp. Marijuana farmers don’t want hemp because it cross pollinates. He has heard of people trying to steal it from the fields in Solano County and by boat in Sutter County at farm by the river. Duane then discussed the costs associated with inspections, fees used to pay for them, and tax revenue for illegal grow enforcement (See minutes of 11/19/19 items 6-e-k). Duane stressed the other end is what costs tax payers, when users of cannabis transition to meth, and mental health costs, etc.
Ascent Environmental

Responses to Comments

Yolo County
Cannabis Land Use Ordinance Response to Comments Document 3-177

i) Duane stated his opinion is that he was ok with medical marijuana, but wants to see UCD do basic research (however they are concerned about jeopardizing federal funding they receive). He is against recreational cultivation but was out voted. The County’s medical advisor says brains are still developing and affected under the age of 25.

m) J. Hulsman added a Scientific American article in the 1960’s found it less harmful than alcohol; however the social use and perceptions cast alcohol in a more positive light.

n) G. Moris – Duane’s comments about cross pollination with hemp are interesting, and could be solved with grows going indoor – which seems to be the trend anyway as growers want more control – he expects small farms are going to lose to big conglomerates that can afford the costs to go indoors.

o) Trini – People at the Planning Commission hearing also brought up Ag conservation easements as an issue since Yolo Land trust receives federal funds, this reduces available parcels. This will have an overall environmental impact for the County.

p) G. Moris – Contrary to impact Hydro-2, there could be an impact to groundwater resources as growing in containers can use areas traditionally dry farmed – same could be said for olives and almonds these days.

q) J. Hulsman concerned that the regulations are making cannabis growers do more than regular farming which could be a dangerous precedent. He doesn’t think they should be singled out and referenced impacts Bio-1,2,3,4, GHO-1, and NOI-1.

r) G. Moris the density issue is a social impact (community lost/changed). Trini – they look at this point in time. In the future, forecasting out, how will it restrict potential for building houses where they are allowed – decrease property value?

s) Trini – pointed out a statement in the CLUO – “needs to be adopted for neighborhood compatibility”. It will be for the Planning Commission to consider if the proposed use will not impair character of neighborhood.

t) G. Moris – how is “no project” not environmentally superior? Trini: because no environmental review for each project if it stays as is. The report should have had the “no project” baseline be three years ago before the grows began.

u) R. Jacobs – Many industrial buildings are 5 acres and could house the grows. Trini – added collocating permits as a possibility.

v) G. Moris read his comment concerning incentive for subdivision of ag land.

w) P. Harrison feels the operations should be moved to the warehouses.

x) Chris – What does this cover – here or Woodland? Entire County. He grew up here. Yes, smell is issue but is stronger when processing it. In regards to the buffer zone, is that State? No County can be more restrictive. He doesn’t necessarily agree with the buffer. He questions what is smell like when it is just growing vs when it is cut down.

y) Claudia – Five years ago on Stevens street there was a 5 bedroom house with 400+ marijuana plants and no one noticed. She doesn’t agree with it. She has lived here for 13 years, and feels it was more quiet back then. The last two years, there are more people we don’t know. People trying to steal things, selling drugs, more problems at school too. If we say yes, we make it easier for them to get those kind of drugs. She doesn’t want it allowed.
z) CLUO process will be Use Permits – once it is granted, it is done. Not year to year like current process through Ag Commissioner.

aa) Duane stated he reminds growers that the permit is one year at a time, and some wanted to build inside. He had suggested 5 year – to encourage investing in buildings to bring the grows indoors.

bb) Duane – some farmers he knew used to have 300 acres in production, now just a small marijuana patch. A sunflower farmer had to delay harvest due to dust that may harm the marijuana patch. The State makes the laws that the County must live by.

c) P. Harrison – Can anything be done about the abandoned parcels that have existing dead crops? Duane – they are supposed to be farming it and they are not.

d) Trini – Marin County is allowing only 4 retail stores, on-line orders only and delivery.

e) The committee discussed issues and opinions where they had consensus to provide a recommendation.

ff) Motion by G. Moris that the Committee’s recommendations to the Cannabis Program Manager, Susan Strachan, are as follows:

i) Indoor only in industrial zoning.

ii) No retail in unincorporated areas.

iii) No new permits (beyond 78 allowed currently) until program is evaluated for effectiveness and adverse impacts.

iv) Regarding the DEIR, significance indicators (LTS for example) is an oversimplification and not accurate for a number of impacts that could be associated with numerous zones and conditions. What is significant in one area might not be in another.

v) Second by R. Jacobs

vi) Vote: All in favor, none opposed.

8. DISCUSSION ITEMS (None)

9. FUTURE AGENDA ITEMS (Not discussed)

10. ADJOURNMENT

a) Motion by P. Harrison to adjourn, second by R. Jacobs.

i) Vote: All in favor, none opposed.

ii) Meeting adjourned at 9:15 pm.

COMMUNITY FORUM

GLM
12/18/19

GLM
12/18/19
Response to Comment 20-1

**CLUO Comment.** The commenter expressed concern about smell and illegal on-site sales. These concerns are noted for the record. Neighbors are encouraged to report illegal activity to the Sheriff’s Office and/or the CTF.

Response to Comment 20-2

**EIR Comment.** The Supervisor expressed concern about lights and noted absence of smell at an indoor cultivation facility. Light and glare impacts are discussed in Section 3.1 of the Draft EIR. Section 8-2.1408(Z) of the proposed CLUO addresses lighting and requires that exterior lighting be controlled and directed downward. Lighting is prohibited in hoop houses. Light bulbs must be LED or more efficient technology. As identified in draft CLUO Section 8-2.1408(Z), the proposed CLUO would require all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts.

Response to Comment 20-3

**EIR Comment.** The commenter asked about responses to NOP comments. All NOP comments were considered in preparation of the Draft EIR, but responses were not prepared nor are they required. NOP comments received are provided in Draft EIR Appendix A. Draft EIR Sections 3.1 through 3.15 contain a summary of NOP comments received for each environmental issue area. All comments received during the Draft EIR comment period, whether on the Draft EIR or on the proposed CLUO, have received written responses in this Final EIR.

Response to Comment 20-4

**EIR Comment.** The commenter indicated that traffic impacts will be significant. Traffic impacts are addressed in Draft EIR Section 3.14, “Transportation and Circulation” (see Draft EIR pages 3.14-16 through 3.14-23), and Draft EIR Appendix G. Please see Response to Comment 12-73 and MR-15, “Traffic Analysis.”

Response to Comment 20-5

**CLUO Comment.** The commenter expresses concern about property values. Please see MR-6, “Economic Effects and Property Values.”

Response to Comment 20-6

**EIR Comment.** The commenter expresses concern regarding conclusions of less than significant in the Draft EIR. The Draft EIR conclusions are based on a technical assessment of environmental conditions under the draft CLUO verses under existing conditions existing conditions. A determination of the relative level of significance is provided based on the identified significance thresholds. The conclusions in the Draft EIR are based on substantial evidence and the County believes them to be sound. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-7

**EIR Comment.** The commenter expresses concern regarding conclusions of less than significant for all zoning districts. This comment is noted. Please see Response to Comment 20-6 and MR-12, “Expression of Opinion/Preference.”
Response to Comment 20-8  **EIR Comment.** The commenter expresses concern for impacts on agriculture from cannabis activities and suggests a deposit for restoration in the event of an enforcement or abatement action. Section 5-20.04(A)(2)(a)(4)(v) of the Licensing Ordinance requires a surety bond to cover abatement costs and/or administrative penalties. The staff is investigating expanding this section to apply to site restoration costs. However, it should also be noted that legal conforming uses and activities in the AG zone would not necessarily trigger restoration in the event of a cannabis enforcement or abatement action. For example, a graveled road or lot in support of agricultural activities (including cannabis) is not an illegal or inappropriate activity on AG land. In the event of a cannabis abatement, the graveled road or lot may not necessarily be removed.

Response to Comment 20-9  **CLUO Comment.** The commenter expresses support for no retail, no new permits, indoor only, medical only, and no smell. Concerns were also expressed for costs to taxpayers and constraints on banks to serve cannabis operations. These concerns and comments are note for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-10  **CLUO Comment.** The concerns of the commenter regarding black market cannabis cultivation are noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-11  **EIR Comment.** The comment reflects an exchange with members of the audience at the meeting regarding odor. Odor is addressed in the Draft EIR in Section 3.3.

Response to Comment 20-12  **CLUO Comment.** The comment reflects a dialog between attendees at the meeting regarding black market cannabis cultivation. No response is necessary.

Response to Comment 20-13  **CLUO Comment.** The Supervisor summarized activities related to hemp. Please see MR-8, “Marijuana and Hemp.” No further response is necessary.

Response to Comment 20-14  **CLUO Comment.** The Supervisor expressed concerns about taxpayer and mental health costs. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-15  **CLUO Comment.** The Supervisor stated his opposition to recreational cannabis. This comment is noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-16  **CLUO Comment.** The comment relates to perceptions regarding effects of cannabis vs alcohol. No response is necessary.

Response to Comment 20-17  **CLUO Comment.** The comments notes that conflicts between hemp and cannabis (marijuana) can be solved by requiring indoor cannabis cultivation, and further notes that small cannabis cultivators are likely to be taken over by large cultivators that can afford the increased costs of indoor cultivation. These observations are noted. No response is necessary.

Response to Comment 20-18  **EIR Comment.** The comment expresses concern that cannabis cultivation will adversely affect implementation of the HCP/NCCP. County staff does not believe this will be the case. Please see Response to Comment 12-63.
Response to Comment 20-19  **EIR Comment.** The commenter expresses disagreement with the Draft EIR conclusions for Impact Hydro-2. The commenter indicates that growing in containers will adversely affect groundwater by using land traditionally used for dry farming.

Impact Hydro-2 is discussed starting on page 3.10-38 of the Draft EIR. The analysis analyzes groundwater that would be used for cannabis crops and compares that to average groundwater use for other non-cannabis crops. The analysis demonstrates that the amount of groundwater used for cannabis activities under each of the CEQA Alternatives would be similar to the amount used for other crops likely to be grown on the property in the absence of contemplated cannabis uses. For Alternatives 1 through 5 the range of groundwater estimated to be used is 132 acre-feet per year (under Alternative 1 on 156 acres) to 424 acre-feet per year (under Alternative 3 on 517 acres). The high end of this range equates to approximately the average groundwater used by an orchard of about 131 acres, thus substantiating the impact conclusion for all alternatives of less than significant.

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 and would not have any material effect on acreage available for non-cannabis activities countywide.

Response to Comment 20-20  **EIR Comment.** The commenter expresses concern that cannabis farmers are being held to different standards than other farmer which could create a precedent for non-cannabis farming. Please see Response to Comment 12-88.

Response to Comment 20-21  **CLUO Comment.** The comment inquires as to how cannabis activities will restrict potential for building houses where they are allowed an affect property values. Section 8-2.1404(K) of the proposed CLUO clarifies that notwithstanding any buffers the County may ultimately establish, non-cannabis property owners are not precluded from locating allowable land uses in proximity to neighboring cannabis uses. In other words, the buffers would apply to the cannabis use only at the time of approval, and not to other later uses or to the cannabis use at a point later in time. Regarding property values, please refer to MR-6, “Economic Effects and Property Values.”

Response to Comment 20-22  **CLUO Comment.** The comment references a section of the proposed CLUO that addresses neighborhood compatibility and indicates that the Planning Commission will make this determination. “Neighborhood compatibility” is addressed in two sections in the proposed CLUO: Section 8-2.1402(C) which addresses the purpose of the ordinance and 8-2.1406(L)(4) which identifies findings required for approval or denial of a cannabis CUP.
For any cannabis CUP application, neighborhood compatibility will be one of many factors to be considered. The staff will provide initial analysis of this and other issues, and the Planning Commission will consider that information and take action accordingly. For cannabis CUP applications that are not in areas of over-concentration the Planning Commission decision would be final unless appealed to the Board of Supervisors. For cannabis CUP applications in areas of over-concentration, the Planning Commission recommendation would be advisory, and the Board of Supervisors decision would be final.

Response to Comment 20-23  **EIR Comment.** The comment asks about the “no project” alternative. Please see MR-1, “No Project Alternative and No Cannabis Alternative.”

Response to Comment 20-24  **CLUO Comment.** The comment expresses that existing industrial buildings are large enough to accommodate currently allowed cultivation, and that co-locating cultivation should be considered. This opinion is acknowledged. Section 8-2.1408(G) of the proposed CLUO does allow co-location. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-25  The commenter expresses concern that cannabis will create an incentive for subdivision of agricultural land. As a part of the proposed CLUO, the County is also proposing several amendments to the General Plan. These are described on page 2-42 of the Draft EIR. The proposed amendment to General Plan Policy LU-2.3 would clarify that the division of land for cannabis crops or activities is prohibited.

Response to Comment 20-26  **CLUO Comment.** The commenter prefers that cannabis operations be conducted in warehouses. This recommendation is acknowledged. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-27  **EIR Comment.** The commenter expresses several questions about the proposed CLUO which are answered in the exchange. The proposed CLUO would apply to the entire unincorporated County area – it would not apply within the four incorporated cities. It is accurate that the odor from cannabis is strongest prior to and during harvest and processing (see Draft EIR pages 3.3-10 and 3.3-29). The state regulations include buffer requirements that are summarized in MR-9, “Buffers.” Section 26054(b) of the California Building and Professions Code allows jurisdictions to establish different standards that may be more or less stringent than the state requirements. The County’s Licensing Ordinance which is in effect currently establishes buffers in Section 8-2.1408(E), which are summarized in MR-9. The proposed CLUO will include buffers that supersede both the state and current County regulations and may differ. Please see MR-9, “Buffers.” Cannabis odor is analyzed in Section 3.3, “Air Quality and Odors,” of the Draft EIR (Draft EIR pages 3.3-29 through 3.3-38).

Response to Comment 20-28  **CLUO Comment.** The commenter expresses opposition to cannabis. This recommendation is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 20-29  **CLUO Comment.** The comment indicates that the CLUO cannabis CUP process will replace the current cannabis licensing process. This is not correct. The CLUO CUP process will be in addition to the current licensing process. While it is true that the County may decide to issue CUPs with no expiration period, any CUP approvals would nevertheless be contingent on compliance with the County’s regulations and with the conditions and terms of the CUP. The annual licensing
process, which is administered through the CTF not the Agricultural Commissioner’s Office, will continue including mandatory annual inspections.

Response to Comment 20-30  **CLUO Comment.** The Supervisor indicates his support for a 5-year permit. Proposed CLUO Section 8-2.1406(I), Revocability, and Section 8-2.1406(J), Expiration, allow the Board of Supervisors to establish a maximum term for the approval period for a CUP.

Response to Comment 20-31  **CLUO Comment.** The Supervisor expresses concerns regarding the effects of cannabis on acres in production, and the effects of dust from a neighboring farmer on a cannabis cultivation site. Section 8-2.1408(B) addresses Agricultural Maintenance and requires cannabis operators to use their agricultural property for agricultural activities and/or properly maintain it. Regarding the effects of neighboring non-cannabis farming operations on adjoining cannabis cultivation, please see Response to Comment 11-2.

Response to Comment 20-32  **CLUO Comment.** The commenter asks whether anything can be done regarding abandoned parcels with dead crops. The comment is understood to be related to cannabis operators with cultivation on only a portion of their land. Adoption of the CLUO would establish additional regulations that do not currently exist to address this concern. See Section 8-2.1408(B) of the proposed CLUO which addresses Agricultural Maintenance and requires cannabis operators to use their agricultural property for agricultural activities and/or properly maintain it.

Response to Comment 20-33  **CLUO Comment.** The commenter summarizes the regulations of Marin County regarding retail cannabis activities. No response is required.

Response to Comment 20-34  **CLUO Comment.** The comment provides the position of the Committee that cannabis activities should occur indoor only, in industrial areas, with no retail allowed in the unincorporated area, and no new permits beyond the 78 currently allowed. The Committee also expressed that the Draft EIR significance indicators are oversimplified when you apply them across the entire County. What is significant in one area might not be in another area.

These comments are acknowledged for the record. Please also refer to MR-12, “Expression of Opinion/Preference.” The issue of impacts being different in different areas of the County is in fact recognized in the Draft EIR, particularly in Draft EIR Section 4.2, “Overconcentration,” which examines whether any of the impacts affect certain areas worse than others. The analysis concludes that this could occur in four identified areas of the County, as related to aesthetics and odor.
From: Meg Hehner [mailto:meghehner@gmail.com]
Sent: Wednesday, December 18, 2019 7:20 PM
To: Clerkoftheboard <clerkoftheboard@yolocounty.org>; Susan Strachan
<Susan.Strachan@yolocounty.org>
Subject: CLUO/EIR response

Dear Supervisors,

I live on Road 45 in Guinda and have a pot farm on two sides of our place and a third one about 1000 feet away.

My concerns are three:

- Living close to a very high value crop with a demonstrated tendency to theft and violence.
- Having untrained "security" with weapons in the neighborhood.
- Poor use of farmland for a grow site where orchards are let die and vegetation subject to fire is not mowed and existing housing not maintained.

As a result, I would like to cast my vote for a frequently proposed idea that cannabis operations be limited to county controlled co-location sites situated away from residences.

In the Capay Valley several "legal" grows have funneled their crops onto the black market by means of false robberies which deprives the county of due revenue. County controlled co location could solve this.

And to add a positive spin to it, you could require that grows install enough solar panels to meet all their needs.

Thank you, Steve Schroeder
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<th>Letter 21</th>
<th>Meg Hehner and Steve Schroeder</th>
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**Response to Comment 21-1**  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

**Response to Comment 21-2**  
**CLUO Comment.** The comment expresses concerns about crime and security. The draft CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan. Please also see MR-7, “Code Enforcement and Crime.”

**Response to Comment 21-3**  
**EIR Comment.** The comment expresses concerns regarding efficient use of agricultural land and fire danger. Proposed CLUO Section 8-2.1408(B) addresses Agricultural Maintenance and requires cannabis operators to use their agricultural property for agricultural activities and/or properly maintain it. Impacts on agriculture in general are discussed in Section 3.2 of the Draft EIR. Impacts related to wildfire are addressed in Section 3.13 of the Draft EIR. Based on the substantial evidence and analysis presented in the Draft EIR impacts in both subject areas were determined to be less than significant.

**Response to Comment 21-4**  
**CLUO Comment.** The commenters express support for the concept of limiting cannabis operations to “county-controlled co-location sites situated away from residences.” This recommendation is acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference,” and MR-17, “Consolidated Cannabis Campus.”

**Response to Comment 21-5**  
**CLUO Comment.** The comment expresses a belief that cannabis operators have staged fake robberies to divert crops to the black market. This belief is noted. No further response is necessary.

**Response to Comment 21-6**  
**CLUO Comment.** The commenters support a requirement for solar panels. Section 8-2.1408(O) of the proposed CLUO would require that at least 50 percent of required energy be generated or purchased from renewable sources.
December 18, 2019

Susan Strachan, Cannabis Program Manager
Yolo County Department of Community Services
292 West Beamer Street
Woodland, CA 95695
Email: cannabis@yolocounty.org

Re: Review of Draft Environmental Impact Report (SCH#2018082055) Yolo County Cannabis Land Use Ordinance

Dear Ms. Strachan:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Draft Environmental Impact Report (EIR) (SCH#2018082055) prepared by the County of Yolo for the proposed Yolo County Cannabis Land Use Ordinance (Proposed Program).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code. § 26012, subd. (a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA.

CDFA certified a Programmatic Environmental Impact Report (PEIR) for its cannabis licensing activities on November 13, 2017. The PEIR provided an evaluation at a statewide level of the types of impacts expected to be caused by cannabis cultivation, including the cumulative impacts that would be expected under the CalCannabis Cultivation Licensing Program.
CEQA Requirements for Annual State Cultivation License Applicants

Pursuant to state regulations, CDFA requires an annual license applicant to provide evidence of exemption from, or compliance with, CEQA (Cal. Code of Regs., tit.3 §8102(1)). The evidence provided must be one of the following:

(1) A signed copy of a project-specific Notice of Determination or Notice of Exemption and a copy of the associated CEQA document, or reference to where it may be located electronically, a project description, and/or any accompanying permitting documentation from the local jurisdiction used for review in determining site specific environmental compliance;

(2) If an applicant does not have the evidence specified in subsection (1), or if the local jurisdiction did not prepare a CEQA document, the applicant will be responsible for the preparation of an environmental document in compliance with CEQA that can be approved or certified by [CDFA], unless [CDFA] specifies otherwise.

When the project has been evaluated in a site-specific environmental document previously certified or adopted by the local Lead Agency, CDFA will evaluate the project as a Responsible Agency, as provided in Section 15096 of the CEQA Guidelines. When the local jurisdiction prepares an NOE for a categorical exemption, CDFA will act as the CEQA Lead Agency and conduct an independent verification, as provided in Section 15300 et. seq. of the CEQA Guidelines, as to whether the exemption is appropriate for its purposes. For a complete list of all license requirements please visit: static.cdfa.ca.gov/MCCP/document/CDFA_Final_Registration_Text_01162019_Clean.pdf.

CDFA’s Comments on the EIR

1. CEQA Streamlining

The Yolo County EIR indicates that the County intends to use the document to streamline the environmental review and consideration of future cannabis operation applications. (EIR, p. 2-40.) Specifically, it states that “[i]ndividual applications for commercial cannabis operations under the ordinance will be subject to further site-specific environmental review as applicable under CEQA pursuant to State CEQA Guidelines Section 15168(c), Use with Later Activities.” (EIR, p. 1-1 and 1-2.)
CDFA encourages local jurisdictions to use CEQA streamlining options when appropriate, including the use of a Program EIR to cover CEQA review for later activities. CDFA recommends that Yolo County prepare Notices of Determination (NODs) and file them with the State Clearinghouse for activities approved in this manner.

Section 15168(c)(4) of the CEQA Guidelines recommends that:

Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.

CDFA, therefore, further requests that Yolo County prepare a checklist for each subsequent activity and provide copies to applicants, for inclusion with their applications to CDFA for state cultivation licenses. This would provide the documentation needed by CDFA of the County’s reasoning in concluding that the proposed activity fits within the analysis covered by the program EIR and that subsequent environmental review is not required.

For activities that are not covered under the Yolo County Program EIR, CDFA recommends that it use one of the following CEQA compliance options available for cultivation projects:

- Complete an NOE for any projects where it can be demonstrated that the project would not have the potential for a significant effect on the environment (General Rule Exemption, CEQA Guidelines §15061(b)(3));

- Complete an NOE for any projects qualifying for one or more classes of categorical exemption (CEQA Guidelines §15300 et. seq.);

- Prepare an IS/ND, IS/MND, or EIR that tiers from the Yolo County EIR (i.e., incorporating by reference the general discussions from the broader Yolo County EIR and concentrating a later environmental assessment solely on the issues specific to the later project), for projects not qualifying for a categorical exemption.

2. Ministerial Approvals
The EIR states that the "the approval process for cannabis cultivation licenses is currently ministerial with no public notification or hearing process." (EIR, p. 2-1.) The EIR does not specify whether the County intends to retain a ministerial approval process upon adoption of the Proposed Program. CDFA requests that Yolo County clarify whether the County intends to utilize a ministerial approval process or a discretionary process upon adoption of its ordinance.

As described above in Comment 1, issuance of local approvals without site-specific CEQA compliance may lead to delays in the issuance of permits by CDFA. CDFA cannot issue annual licenses for projects with ministerial approval absent a site-specific CEQA analysis. For projects approved by ministerial action, CDFA may issue provisional licenses only if the County provides evidence that site-specific CEQA compliance is underway (Bus. & Prof. Code § 26050.2). When local jurisdictions issue permits under a ministerial licensing process, CDFA may be required to act as Lead Agency for CEQA purposes.

3. Significant and Unavoidable Impacts

The EIR concludes that the Proposed Program will result in a number of Significant and Unavoidable direct and cumulative impacts. These include impacts to Aesthetics, Air Quality (odor); Aesthetics and Air Quality (odor) from overconcentration of cannabis activities, and cumulative impacts to Aesthetics and Air Quality (odor). Consequently, when CDFA acts as a Responsible Agency in approving a cultivation license for applicants in Yolo County, CDFA will need to evaluate whether there are any feasible alternatives or mitigation measures that would substantially lessen or avoid those significant environmental effects over which CDFA has authority (Cal. Pub. Res. Code §21002.1(b); Cal. Code Regs., tit.14, §15096(g)(2).) Further, if the local PEIR identifies significant effects pertaining to the activities that CDFA is responsible for approving, then CDFA must make findings required by Public Resources Code section 21081 and California Code of Regulations title 14, section 15091 and, if needed, must adopt a statement of overriding considerations, as required by California Code of Regulations title 14, section 15093. (Cal. Code Regs., tit.14, §15096(h).) CDFA, therefore, requests that the County provide applicants with supporting information relied upon in the County’s findings, for CDFA’s subsequent consideration.

Further, as described above, should Yolo County determine that a cultivation project is eligible for a categorical exemption under CEQA, CDFA will be responsible for independently verifying all documentation upon which Yolo County relied in making such
a determination, and making its own determination regarding whether such evidence is adequate for CDFA’s purposes of issuing an annual license. As part of this process CDFA will need to determine whether any of the exceptions to the exemption apply to the project, including whether the project would make a considerable contribution to any cumulative environmental impacts, when combined with successive projects of the same type in the same place, over time (14 Cal. Code of Regs. § 15300.2(b)). Therefore, when approving categorical exemptions, CDFA recommends that Yolo County provide such evidence to the applicant, along with the NOE.

Conclusion

CDFA appreciates the opportunity to provide comments on the EIR for the Yolo County Cannabis Ordinance. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 263-0801 or via e-mail at kevin.ponce@cdfa.ca.gov.

Sincerely,

Lindsay Rains
Licensing Program Manager
Response to Comment 22-1  **EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

Response to Comment 22-2  **EIR Comment.** The comment references the CDFA Programmatic EIR certified in November 2017. No response is necessary.

Response to Comment 22-3  **EIR Comment.** The comment indicates that CDFA requires an annual license applicant to provide evidence of exemption from or compliance with CEQA. The County is aware of this requirement. County licensees are currently exempt under CEQA. Subsequent to adoption of the CLUO which will require a discretionary CUP approval for every cannabis operator, each cannabis CUP applicant will be required to demonstrate CEQA compliance which may take the form of reliance on the CLUO EIR and/or additional site-specific CEQA documentation. Please see the discussion of “Intended Use of This EIR” on page ES-7 of Draft EIR and MR-16, “Cannabis Licensing Program.”

Response to Comment 22-4  **EIR Comment.** The comment summarizes how CDFA plans to address CEQA compliance. No response is necessary.

Response to Comment 22-5  **EIR Comment.** The comment expresses support for CEQA streamlining and requests the County utilize a checklist for each CUP applicant to demonstrate CEQA compliance in a manner useful to the commenter. The County does intend to implement a number of tools for implementation of the CLUO for all applicants. One or more checklists are likely to be used for this purpose, including for demonstrating CEQA compliance pursuant to Section 15168(C) of the CEQA Guidelines.

Please see the discussion of “Intended Use of This EIR” on page ES-7 of the Draft EIR and Section 8-2.1410(I) of the proposed CLUO.

Response to Comment 22-6  **EIR Comment.** The comment identifies recommendations related to CEQA. The County intends to ensure full compliance with CEQA. Appropriate CEQA compliance will be determined on a case-by-case basis per Section 15168(C)(2) and/or Section 15183 of the CEQA Guidelines. In addition to the suggestions identified by the commenter there are statutory exemptions that may have greater applicability pursuant to Sections 15168 and 15183 of the CEQA Guidelines.

Response to Comment 22-7  **EIR Comment.** The commenter inquires whether cannabis CUPs will be discretionary. The issuance of a cannabis license will remain ministerial. The issuance of a cannabis CUP would be a discretionary action. Both processes would be used upon adoption of the CLUO. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 22-8  **EIR Comment.** This comment indicates that CDFA cannot issue annual licenses for projects subject to a local ministerial approval without a site-specific CEQA analysis. This comment is noted. Given the expected timing of Yolo County’s CLUO, this timing is likely to be problematic for local licensees. It is the County’s...
understanding that other jurisdictions are similarly affected, if a legislative extension is not forthcoming, Yolo County will coordinate with CDFA to identify a local transitional process and accompanying CEQA clearance to bridge the gap while local applicants secure their cannabis use permits.

For projects approved by local ministerial action, CDFA may issue provisional licenses only if the County provides evidence that site-specific CEQA compliance is underway. Based on conversations between CDFA and the CTF, the preparation of the CLUO Programmatic EIR serves as evidence that CEQA compliance is underway for the issuance and renewal of provisional licenses. The CTF also provides CDFA, annually and updated as necessary, information regarding who has received a County license, who is eligible for County licensing, or who has not yet applied for a County license. Response to Comment 22-3 provides information on the discretionary CUP process subsequent to the adoption of the CLUO and CEQA compliance.

Response to Comment 22-9  **EIR Comment.** The comment summarizes the role of a responsible agency. This comment is noted. The comment requests that applicants for state licensing provide copies of the County’s Findings of Fact. These findings will be available online for the use of the CDFA. Please also see Response to Comment 22-5.

Response to Comment 22-10  **EIR Comment.** This comment repeats points made in Comments 22-5 and 22-6. Please see responses to those comments.

Response to Comment 22-11  **EIR Comment.** Thank you.
December 18, 2019

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

cannabis@yolocounty.org

RE: Cannabis Land Use Ordinance and DEIR

The Dunnigan Advisory Committee met and reviewed the Yolo County Cannabis Land Use Ordinance and EIR. We reviewed the Alternatives presented and discussed the individual concerns of each and how to address them. We did not choose any of the Alternatives but felt Alternative number four (4) was closest to what we agreed with. The growing of cannabis is legal and we want to make the Ordinance workable and still be profitable, however it does create new problems that need to be addressed. We expect that the ordinance can be adjusted or modified after a period of time. The following outline contains our recommendations.

#1- We strongly feel that it be “MANDATORY” for commercial cultivation and all other activities be conducted inside a building that controls air intake and outflows that can filter or control air born contaminants and odors.

- We are concerned that the cannabis cultivation will have detrimental affects on the surrounding agricultural practices. The cost to pay for any damages to a cannabis crop is so high the surrounding crops will be limited or not produced at all. The land will be left idle which means many agricultural dependent businesses and workers will be affected along with surrounding land values.

- One of the biggest concerns by the community and neighbors is the odor produced from growing Cannabis. An air-controlled building is the best option to alleviate or at least control the problem. Currently the odor is so strong that residents are unable to utilize their property due to the smell. The odor penetrates their houses and everything and everyone smells like cannabis.

- Security would be easier to maintain and control the area which would deter some criminal activities.

- The controlled building would provide year-round cultivation and produce numerous crops whereas outside grow basically produce one crop. Prevention of cross pollination would be controlled. The increased income from more then one crop would be used to offset the cost of the building. As with all businesses it is considered the cost of doing business.

- The indoor building is best environment and is conducive for all the phases of cultivation, growing and processing.

- Having the crop in a controlled environment will help both the grower and the community successfully live together.

#2- We feel a 1000 foot buffer zone from sensitive areas and residents is warranted.

- The buffer will help with overconcentration
- The buffer will reduce any odors that may accidentally escape from the controlled building.
- The distance allows for better security.

#3- The County should have a local dispensary or a group of dispensaries in a controlled area.
- The County can earn sales tax that currently is going to another County or City. We do all the policing at a cost only basis while they get sales tax. Why give that money away when we could use it.
- By being in one suitable location you can control the policing and security easier.

#4- The limit on the number of operations was hard to determine, however as a starter 100 plus was suggested. We feel the number will be less once the growers evaluate their investment when financing the controlled building and the 1000-foot buffer. We also feel the market will determine the actual number of operations that will support the operations. As with all businesses the better operations will continue and the others will fail.

#5- We have noticed more criminal activities has been occurring around the cannabis sites. As a conditional use permit the operation needs to hire a licensed legitimate Security business to patrol their operations. Currently the community is seeing what looks like unlicensed men with open carry automatic weapons circling the operation. This has the appearance of a gangster type operation and is not very appealing to our community.

#6- We feel the following list of items need to be included as a condition of a permit.
- A significant amount of renewable energy be used in the operation.
- Testing on the affects of any groundwater contamination.
- A review of any past or current criminal activity or noncompliance be considered as a denial when a grower is applying for renewal.

#7- Rural Community Investment Program
- Based on the FY 19-20 Proposed Cannabis Tax Expenditure Plan there are funds designated to spur development, improve health and Safety of the Community ($240,000) We would like to have the funds allocated to each district so that the Community could designate what area they would like to see the funds applied to.

In conclusion the Committee cannot overemphasize the need to have the Cannabis Operations in a controlled building. The control of intake and exhaust will mostly eliminate the effects on the surrounding current Agricultural operations and the odors that affect the Community. Since it is legal to grow the rules need to be workable and allow profitability, however, there is a cost investment that the Cannabis as well as other businesses must absorb in order to be successful with their business and work well within the Community. The Cannabis Operations will be affecting the Community in many ways and it is essential to alleviate those potential problems by being a good neighbor.

Neill Busch
Dunnigan Advisory Committee
Neill Busch
Response to Comment 23-1 **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 Committee’s support for Alternative 4 is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-2 **CLUO Comment.** The comment recommends mandatory indoor cultivation with controls for air intake and outflow. This recommendation is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-3 **CLUO Comment.** The comment expresses concern about effects on non-cannabis agriculture from cannabis cultivation. Please see Response to Comment 11-2. Impacts on agriculture are addressed in Section 3.2.

Response to Comment 23-4 **EIR Comment.** The comment expresses concern about the odor from cannabis. Odor impacts area analyzed in Section 3.3 of the Draft EIR. Please see Responses to Comments 2-5 and 5-2. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-5 **CLUO Comment.** The commenter advocates that security would be better provided with all indoor cultivation. This position is noted for the record. Please also see MR-7, “Code Enforcement and Crime.” Under the draft CLUO, security plans would be required for all cannabis activities, including both indoor and outdoor cultivation.

Response to Comment 23-6 **CLUO Comment.** The comment suggests that increased income from multiple crops grown indoors would offset the cost of the indoor facilities. This position is acknowledged. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-7 **CLUO Comment.** The comment suggests that indoor cultivation is superior to other forms of cultivation. This position is acknowledged. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-8 **CLUO Comment.** The comment suggests that growing indoors is superior in terms of balancing the different interests of different parties. This position is acknowledged. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-9 **CLUO Comment.** The comment advocates a 1,000-foot buffer as a way to address overconcentration, odors, and security. This position is acknowledged. Please also see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-10 **CLUO Comment.** The commenter supports one or more retail facilities (dispensaries) in a controlled area which would raise sales tax for the County and improve enforcement and security. This position is acknowledged. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 23-11 **CLUO Comment.** The comment supports a limit on operations of 100 or more, to be determined through the market, based on compliance with the final CLUO. This position is acknowledged. Please also see MR-12, “Expression of Opinion/Preference.”
**Response to Comment 23-12**  
**CLUO Comment.** The commenter observes increased criminal activities near cannabis sites and expresses concern regarding unprofessional approaches to providing security. The draft CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating proposing additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan. Please also see MR-7, “Code Enforcement and Crime.” Please also see Response to Comment 23-5.

**Response to Comment 23-13**  
**CLUO Comment.** The commenter supports the following additional requirements for a cannabis CUP: use of a significant amount of renewable energy; testing from groundwater contamination; and review of past criminal activity or non-compliance. These items are already incorporated into the proposed CLUO. Section 8-2.1408(O) of the proposed CLUO would require that at least 50 percent of required energy be generated or purchased from renewable sources.

Section 8-2.1408(J) of the proposed CLUO addresses Drainage and Storm Water Discharge and requires compliance with existing state and local requirements for discharge and water quality. Also, within the existing Licensing Ordinance, Section 5-20.04 (B)(1), Additional Prohibitions, states as follows:

Notwithstanding compliance with the provisions of this chapter, cultivation of marijuana is prohibited if cultivated in any amount or quantity, upon any premises, that discharges from any source whatsoever such quantities of air contaminants, odor or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons, to the environment or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.

Section 8-2.1408(C) addressing Backflow Prevention is also relevant.

Regarding vetting of employees, the staff will be recommending a modification to the Licensing Ordinance to expand background checks to include employees. Regarding past criminal activity, the draft CLUO, as amended by Mitigation Measure OVC-1, identifies in Section 8-2.1406(L) the following required findings among many others:

- Crime rate in area
- Compliance history of the applicant and/or operator
- Nuisance abatements in area

**Response to Comment 23-14**  
**CLUO Comment.** The comment recommends that cannabis tax revenue designated to spur development and improve the health and safety of the community be allocated to each supervisorial district and accept community input to determine how best to utilize the funding. This position is acknowledged. Please also see MR-13, “Cannabis Tax Revenue.”

**Response to Comment 23-15**  
**CLUO Comment.** This comment reiterates support for indoor cultivation. Please see Responses to Comments 23-1 and 23-2.
To the Yolo County Board of Supervisors

RE: comments on the Draft EIR and CLUO

December 20, 2019

Please consider these comments on the Draft CLUO before the final ordinance is adopted. I am hoping that the County will be realistic about the impacts of this industry on the communities wherein it is located. I hope that the County will realistically evaluate the costs and benefits of the impacts of the existing interim ordinance, and be realistic about their ability to effectively monitor this industry while crafting an ordinance that considers the consequences that Cannabis grows are having presently in the County.

1) Setbacks for Commercial permitted cannabis grow operations should be a minimum of 1000 feet from any rural residence on adjoining properties, measured from the grow site of the parcel where the grow takes place to any proximate dwelling. Rural residences should be treated in the same way as Churches, schools, bus stops and tribal land. The impacts of a grow site on adjacent parcels may be mitigated with distance and careful consideration of location. The impacts on children, the elderly and others in those adjacent rural residences should be treated with the same respect afforded to tribal land, schools, daycare centers, cities and other community facilities.

2) Cannabis cultivation should not be considered just another agricultural crop grown in the county. Given its history, security issues, negative experiences with guns, dogs, theft, production practices, and community cultural conflicts, - Cannabis cultivation, processing and manufacturing should be treated as a unique and separate activities that will require a good deal of time to create a record of safety with minimal unintended consequences on existing Yolo County Communities. The proposed CLUO is seeking to use existing land use planning for this crop as an ‘agricultural crop’ with the intention of mitigating impacts. The CLUO should consider completely separate isolated sites within the county where operations might be grouped together where security, traffic, crop monitoring and oversight, odor, lighting issues, diverted production to illegal markets, and land use could be monitored and readily tracked. This may require a special section in the general plan’s ag element where the crop is allowed only with well defined properties with specific defined and enforceable buffers. Because of the security issues with this crop, and the fact that each grower now hires their own security with no community notification or oversight, the potential for violence and unintended dangers to neighbors mandates that this crop is not seen as just another agricultural crop. For example, Neighbors here in the valley have been spotlighted at night by security from adjacent grows as they drive to their houses or walk around their homes. Armed security patrol the grow sites. Others have talked about fear of walking on county roads adjacent to their properties because of dogs or armed security. This intimidation and intrusion creates an atmosphere of fear that is not part of the Counties rural culture. Yolo County Supervisors are the guardians of this culture thorough their rulemaking.
3) Location alternatives should be part of the EIR. Under the interim ordinance, any parcel purchased by permit holders was allowed regardless of density or proximity to other residences. This was a mistake that needs careful reconsideration. Other than grows for personal use limited to 6 plants, owning a rural property should not be the grounds for allowing a grow to be established. Manufacturing activities other than minimal processing should not be allowed in rural areas without careful and open public process. Manufacturing may be best located in urban areas. These activities and their location need more thorough analysis in the EIR. Growing cannabis, as practiced by most growers at this time, in pots or growing medium filling a hole in the ground, might be considered as a process better suited to industrial areas in our cities. These techniques are closer to industrial processes and the activities should be located in an appropriate site with security, water use, waste water discharge, fire protection, power requirements, lighting, security and odor can be appropriately controlled.

4) Lighting impacts need to be considered more fully in the draft EIR and final CLUO. Western Yolo County and especially the Northern Capay Valley are prized areas for their night sky darkness and clarity. This visual attribute is a regional asset. Beyond downcast lighting, all greenhouses operating with lights at night need to be completely covered so that no light escapes to impact the night sky. The EIR needs to more thoroughly evaluate lighting impacts of the current density of grows in the county and have baseline information established.

5) Areas particularly impacted with a concentration of grows with permits let during the interim ordinance should see a reduction in grows to make all areas of the county equally share in opportunities and impacts of production. The cumulative impacts of grow concentration on communities needs data-monitoring of crime, impacts on groundwater, power grid impacts, public health, impacts on land prices, impacts upon children in the area and local schools, and the impact on affordability of agricultural properties on beginning and minority farmers. These things should be considered in the EIR and become part of an ongoing evaluation of the industry. Permit numbers should remain at 78 until there is a clear history and track record of impacts. Perhaps there should be 5 year windows to consider the impacts through a public process of comment and advice to the supervisors before any more grows are added.

6) The interim ordinance that all growers have been operating under was clearly conditional and subject to the final rule that will be adopted governing production. All investments made to this point were speculative and opportunistic. Investments made to date by any grower or entity should not be allowed to be a consideration when fashioning this ordinance, or deciding where grows are allowed. It has been clear that there is no guarantee that investments made by growers to date are permanent and will not be subject to a rule that may not allow an operation to continue in its present location. The CLUO should be seen as an opportunity for a complete reset in the rules governing location and land use for Cannabis production.
7) The Draft CLUO and draft EIR assumes non mitigable impacts that include visual impacts, odor, and over-concentration. This assertion is without basis as it seems clear that both distance of grows from proximate neighbors and location of grows are mechanisms that the county has control over that would mitigate these impacts. There should be justification of the assertion that these impacts are given and that why the county didn’t consider distance and location as mechanisms for minimizing these impacts.

8) There needs to be consideration of environmental and social justice included in the CLUO. Permitting, as written and practiced today within Yolo County create exceedingly high barriers to entry for beginning and minority growers. The costs of entry, operation, permitting, scale and compliance are exorbitant and allow those with a tremendous asset base and backing to be growers in the county. As written, the CLUO continues the direction taken with the interim ordinance -- creating a bias of capital, effectively eliminating most smaller growers, and seeing an influx of capital and ownership that may not be in the long term best interest of the county and is not in the long term best interest of community wellbeing. Good land use ordinances should allow access for all scales of producers and should not, by their very nature exclude lower resourced or minority entrants.

9) Concentration of grows creates cumulative impacts that need to be considered more fully in adopting a final ordinance. All permits should be subject to an open process of community oversight, permits, and hearing before both the affected general plan committees and the planning commission. As written, even given the list of alternatives, wide discretion is given to the Board of Supervisors to draw up the ultimate CLUO. This wide range of possibilities is both vague and does not allow for public review, with adequate time for comment, that Ordinance which would be ultimately adopted. This in effect renders this process of public comment on both the EIR and CLUO as far too speculative and meaningless and counter to the intent of the EIR process. There needs to be a process for evaluation of the ultimate shape of the CLUO once supervisors determine its content.

10) The County would be well served to listen to the community comments offered to this point -- that have not generally been against cultivation per se -- but have asked for a reduction in density and creating greater distances between grows and rural residences; and have asked to keep them small, safe, separate, and generally away from where they might impact neighbors, seniors and minors. At the county information meetings held to date, frustration was evident with the changing nature of the counties’ process, questioning the ability of the county to oversee even existing permits. There should be no further permits let until the county can prove that it is capable of monitoring what already exists. The period of transition from the interim ordinance to what will be ultimately adopted in a final ordinance should be 1 full year -- not 3 as granted in the CLUO.

11) Finally, the community asks that the county step back and consider all salient alternatives. The alternatives as explored in the CLUO are limited in scope
and fail to creatively evaluate possibilities that may constructively address all of the concerns listed above. For example, the county might consider the creation of 5 or so properties with appropriate setbacks from neighbors, in appropriate sites in the county, being able to more completely assure security, for the purpose of co-locating the existing permit holders. This land could be held by the growers, by a private landowner or by the county and all grows would take place on those properties. If permits are to be held to 78 or so, it would mean that each of these designated areas may have up to 15 co-located grows. All grower sites would be 2 acres or less with a 1 acre grow maximum and all support infrastructure could be developed there. There they would use common water and water discharge systems, have one security perimeter with a security apparatus overseen by the Yolo County Sheriffs office, would have better control of access and egress, would be far more able to be effectively monitored and traced, and would allow for small scale farmers to enter and produce to create equitable access in designated areas within the secure perimeter. All county costs would be greatly reduced and made more effective by such a co-location. These areas would be the allowed and mandated grow areas in Yolo County and could be evenly distributed throughout the county so that one area is not unduly burdened. Such a plan would address many of the concerns with the Draft CLUO stated above and would return ag land values to the range of affordability for growers who are choosing to farm traditional farm crops in the county. The county should more thoroughly consider wider range of alternatives in their draft land use ordinance.

I hope that the county will seriously consider the criticisms of the draft CLUO as written and in turn take time to look for a more comprehensive solution to cannabis production in the county — until the industry proves itself to have the infrastructure and track record to operate safely, within legal boundaries and with sufficient oversight to protect the communities in which Commercial permitted cannabis grows are located.

Sincerely,

Paul Muller

I concur with Paul
An alternative idea for how to manage Cannabis in Yolo County

Dear Yolo County Supervisors and Cannabis Program Manager,

The goals for allowing the privilege of commercial cannabis production in Yolo County should be:
- Sustainable environmental habitat with elimination of negative impacts
- A harmonious sense of community and public safety for the whole county
- Allowing for an adequate California supply of medicinal cannabis
- Allowing for efficient and effective county administration of the commercial cannabis program.

The proposed direction of the CLUO is inadequate to achieve all of these goals.

We need to solve basic conflicts of interest of cannabis cultivation within our community.

There are a whole lot of issues that have already appeared but are probably unrecognized by county staff and are therefore not being satisfactorily addressed. The public issues will not go away no matter which alternatives you select.

One particular issue is that the Capay Valley has less ag land than elsewhere in Yolo County, but most of the current grows are here. The reduced safety and quality of life leave many residents feeling ignored and exploited.

One possible solution is for the county to allow commercial cannabis cultivation in one publicly-owned location that is environmentally and sociologically acceptable. Allow commercial cannabis cultivation to succeed by having one designated county-owned location just like a community garden, business park or business campus which is gated and secured by the county or its contractor.

This way, the county, rather than property owners, provides security on behalf of society at large. Public safety is lost when individuals use weapons, intimidating and threatening language, uncontrolled animals, or dangerous barriers on private property.

The economics of cannabis commerce have changed and require a new model in order to assure long term sustainability and product availability for medical use.

 Californians voted for both medicinal cannabis and personal marijuana cultivation for recreational use. But the economics of commercial cultivation and distribution are still highly impacted by federal laws, which regulate interstate commerce. Therefore, the black market is a fly in the ointment. ABC's 60 Minutes showed the problems of legal vs. illegal cultivation in the Emerald Triangle and California (10-23-19, Channel 3).

60 Minutes also showed that California already produces too much legal cannabis and, therefore, growers might be tempted to supply the black (illegal) market. The return to the illegal grower is generally 3 times that to the legal grower. Because of the in state over supply legal growers will probably see further declines in returns. Tax revenue from growers might, therefore, also decline. That is why the county must find ways to reduce overall county costs of regulating the cannabis cultivation programs.

The simple solution for the county is to consolidate all the growing into one location. This will improve county oversight, control and administration.

We need to think outside the box to develop a better, more community-service oriented and public-friendly commercial cannabis cultivation program than the proposed alternatives in the CLUO for Yolo County.

Why not find the best location in the county to consolidate all the commercial growing, processing, storage and distribution of cannabis into one secured area which is accessible to county employees for administration, control and other operations. The restored areas of the Yolo County Landfill might be appropriate for a commercial cannabis business and grow park, as other counties and municipalities have converted landfill sites into parks and golf courses.
Suppose the county started with approximately 160 acres dedicated to commercial cannabis cultivation and other allowed activities. The county should consider:

- Double perimeter fencing, a gated main entrance, and 3 emergency entrances,
- Lease out small parcels to growers yearly with a renewable clause at the discretion of the county to be based on conduct and performance,
- Provide roads and utility services,
- Charge fees for security which can only be provided by the county or its contractor,
- Charge utility usage fee,
- Charge a facility use, maintenance and improvement fee,
- Charge applicable permit and program fees.

Exorbitant fees and taxes could be self-defeating. Especially for products certified for medicinal use which is documented as sold to fill a Rx prescribed by a licensed medical physician.

This plan could allow for approved buildings and structures, which could be temporary or permanent, and may or may not be removable at the discretion of the county upon termination of a lease.

Public meetings alone will not provide you with the education you need to make really hard decisions about the best way to help pull communities together when there are opposing opinions and expectations.

As a community leader, a supervisor must find common ground, rather than ignore the concerns of the minority of county residents who live in the Capay Valley or any other part of Yolo County for the sake of insufficient county revenue which will be spent for analysis of underage use of cannabis and then development and funding of programs to reduce underage use.

If Supervisors and Cannabis Program Administrators haven’t experienced living for a time within a distance of 75 feet to 1000 feet of a commercial cannabis cultivation site then at least visit some residents who are living and raising children within that distance so that you can see, taste, smell, hear and experience what it’s like, and what changes will satisfy the people who were living here before the cannabis allowances went into effect or are now forced to live in these areas because of circumstances beyond their control.

Cultivators (principles and workers) are not inherently a problem but they face three challenges: Federal enforcement authorities, illegal growers, and the general public who might blame them for violations, noise, odor, traffic, animals, rudeness, and other important issues.

Not all of the principles and workers appear to have been adequately vetted and trained to respect public norms and congenial neighborly behavior. In fact, county employees isolated them from public identity and meeting neighbors to bring about better community relationships and acceptance.

It is the County’s opportunity and responsibility to reduce this potential for conflict and strengthen community unity. Please take into account safety for both the growers of cannabis and for the public, as well as safety for county employees, and law enforcement and first responders.

Cannabis commerce still has many problems which have to be addressed by the general community. We want to avoid the problems like El Dorado County just experienced which the currently proposed CLUO doesn’t address adequately. Instead of privately owned cannabis grows scattered around the county, please consider consolidating all cannabis operations on Yolo County land away from urbanization, rural residences, schools, school bus stops, churches and parks.

Sincerely,

Franklin Espriella
P.O. Box 206, Guinda, CA 95637
Letter from Rumsey residents re CLUO and EIR

1 message

Helen <fly@yolocounty.org>, cannabis@yolocounty.org
To: clerkofthecounty@yolocounty.org, cannabis@yolocounty.org
Cc: larryale@gmail.com, liveoakfarm@yolmi.com, geolens@yolmi.com, rumseyfarm@yolmi.org, filthy@yolmi.org, lowery_kathy@yahoo.com, lmowering@ucdavis.edu, soroch@yolmi.com, gettleshift@yahoo.com, vlacuc佬@yolmi.org, rumsey@gmail.com

Subject: Yolo County Board of Supervisors
Cannabis Task Force

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

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

That is not what has happened. Growers 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, much larger than on site, multi-level port-a-potties, six constantly running refrigerated trucks, dozens of cars, work 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 breaks from the constant sound of generators, day and night. The BIR is wrong in its assumptions about generator use. Refrigerated trucks run constantly for weeks, their compressors turning the volume up even more when they come on as dictated by their thermostats. Our community is at the end of the valley, where the valley itself narrows, and sound and vibration carry everywhere, including through the soil. Gas-powered pumps in the Rumsey Irrigation ditch now itself overloaded by the significant water needs of the cannabis growers, run continually as well. New wells are drilled even through the water situation in the Capay Valley is significantly different than in the greater Yolo County Central Valley areas. We have expressed concerns regarding electrical capacity at our end of the valley, but County staff allows expansion of electrical use with no analysis, with no CEQA review, no public review or input. Notwithstanding the fact that the Capay Valley has had two massive wildfires in two consecutive years with only one road in and out of the valley, no serious fire analysis including road constraints seems to have been conducted.

The grow at the end of Manzanita has engendered so much traffic 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 end 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 regulations 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 Goleta 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, trucks, generators, trash, cars, etc. The measurements must be made from the grow's property boundary line, because the entire grow property is involved, and negatively affects all adjacent and nearby properties.

Security staff hired by the grows wander around on foot or on ATVs at night and have shone their flashlights into the bedrooms 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, brings the rights of the majority of local residents in every aspect: economic well-being, emotional and psychological well-being, public safety, ability of residents to conduct their livelihoods, 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 the grower to the staff and hence the owners of the grow. Owners of grows can, and have, shown vindictive responses in 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 community 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 zones grows located in areas where residences are in close proximity as soon as possible, and not permit 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 exist. In the current EIR do nothing to address 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-RIRS, non-CEQA3 status of its current regulations as the basis for its current EIR analysis, calling the existing baseline of 76 permits the "no cannabis alternative" – but in fact, that is a deliberate misnomer, because it includes the existing 76 permits. The other alternatives proposed do nothing but INCREASE the density and variety of cannabis activities in the unincorporated areas of the County. The 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 vengeful portfolio of land use, environmental and public health and safety issues.

We've heard that the County apparently justifiably exempted 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 acting out of a CEDA 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 the new product until now, and their attempt to create a permanent CLUO that only serves to maintain the current unworkably status quo, or to internally 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 hard look at their own flawed process, start anew with its analysis, and ultimately draft a CLUO that respects more to integrity, a higher quality of life for its residents, and a better balance between those and the desired bottom line revenue the County hopes to reap from Yolo County cannabis's production.

Sincerely,

Larry Alegre, Rancho Alegre
Javier Castillazo
Gretchen Casteras, Blue Heron Farm
Linda Diehl
Corky and Vaska Insituto
Todd Goldsman
Kathy Loomis
Helen and Pete McCluskey, Runsey Farms
Robin and Serge Tesla
Linda Wilson

[Signature]
Response to Comment 24-1

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 encourages that the County take a realistic approach in finalizing the CLUO. The comment is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 24-2

CLUO Comment. The comment recommends that the buffer be 1,000 feet for any rural residence and that rural residences be treated similar to the other identified sensitive land uses. This position is acknowledged. Please see MR-9, “Buffers.”

Response to Comment 24-3

CLUO Comment. The commenters advocate that cannabis not be treated as “just another agricultural crop grown in the county.” The proposed CLUO is substantive evidence that the County is not taking this approach. No other agricultural crop in Yolo, or in the state of California, is subjected to the level of regulation already in place at the state and local level, and further proposed through the draft CLUO. However, the draft CLUO is based on the position that cannabis is in fact an agricultural crop.

Response to Comment 24-4

CLUO Comment. The commenters support separate isolated sites for cannabis operations. This position is noted. Please see MR-17, “Consolidated Cannabis Campus.”

Response to Comment 24-5

CLUO Comment. The commenters express concern about unprofessional approaches to providing security and community fear that results. The commenters state that security issues are at odds with the County’s rural culture. These concerns are acknowledged. The draft CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan. Please also see MR-7, “Code Enforcement and Crime.”

Response to Comment 24-6

CLUO Comment. The commenters advocate that owning a rural property should not be the sole grounds for allowing a cultivation site to be established. The commenters also recommend that manufacturing be restricted to urban areas. The commenters note that cultivation in pots or growing medium should be confined to industrial areas in cities with appropriate services and controls. These positions are noted. Please also see MR-12, “Expression of Opinion/Preference.”

The proposed CLUO would result in many more requirements to secure a cannabis CUP than simply owning a rural property. In proposed Section 8-2.1408 there are 49 distinct performance standards identified, and the proposed ordinance contains many more sections each with multiple additional unique regulations. Proposed CLUO Section 8-2.1407 identifies proposed zoning restrictions for various identified cannabis uses. Depending on the final CLUO, these will be modified to reflect the Board’s decision. As proposed most manufacturing uses would be restricted to agricultural and industrial zones, with a CUP. This is consistent with the regulatory approach
taken currently for agricultural manufacturing uses, but with many more proposed performance controls.

Response to Comment 24-7  
**EIR Comment.** The commenters recommend that greenhouses be completely covered so no light escapes. Section 8-2.1408(Z) of the proposed CLUO addresses lighting, and requires that exterior lighting be controlled and directed downward, and that lighting in indoor and mixed-light (greenhouse) facilities be “fully controlled so that minimal or no light escapes.” Light bulbs must be LED or more efficient technology. Lighting is prohibited in hoop houses.

The commenters recommend that the Draft EIR addresses lighting impacts resulting from current densities of cultivation. Section 4.2 of the Draft EIR does address the potential for effects from over-concentration within sub-areas of the County including from lighting. Because the County does not preclude light from existing farm dwellings or agricultural operations, complete darkness was not used as a threshold for evaluating the lighting impacts from cannabis operations. Neither the General Plan nor the Zoning Regulations require control of lighting in agricultural areas. However, the CLUO would require control of lighting associated with cannabis activities.

Based on available information from the Building Division (March 24, 2020) throughout the unincorporated area, the County has permitted roughly 250 lighted non-cannabis greenhouses. These are generally for agricultural research facilities and seed research campuses. By comparison, the County has permitted or are reviewing plans for approximately 80 cannabis greenhouses, all of which would be required to shroud lighting using curtains or other methods that preclude nighttime glow. Please note that a permit is required for each individual greenhouse and several greenhouses are typically located on one site. In addition, in some cases the issued permits expired or the greenhouses were not built.

Response to Comment 24-8  
**EIR Comment.** The comment relates to cumulative impacts and overconcentration. Impacts in these areas are analyzed in Chapter 4 of the Draft EIR. The commenters support reduced numbers of cannabis operations in areas with higher concentrations. This position is consistent with Mitigation Measure OVC-1 starting on page 4-45 of the Draft EIR. The commenters recommend increased data-monitoring in concentrated areas. The proposed CLUO includes Section 8-2.1413, which requires an assessment of the effectiveness of the ordinance after 2 years of implementation, particularly in the areas of the 49 proposed performance standards in Section 8-2.1408, including Section 8-2.1408(E), Buffers; Section 8-2.1408(U), Good Neighbor Communication; Section 8-2.1408(CC), Nuisance; Section 8-2.1408(DD), Odor Control; and Section 8-2.1412, Enforcement. This section does not explicitly mandate data monitoring; however, the Board could further specify methodology should they so choose.

Response to Comment 24-9  
**CLUO Comment.** The commenters advocate a cap of 78 permits with a 5-year or re-opener requirement. Proposed CLUO Section 8-2.1406(I), Revocability, and Section 8-2.1406(U), Expiration, allow the Board of Supervisors to establish a maximum term for the approval period for a CUP.

Response to Comment 24-10  
**CLUO Comment.** The commenters recommend that the terms of the draft CLUO should not be influenced by the investments made by existing cultivators as they were informed of the risks prior to commencing with their operations. MR-14, “County Cannabis Disclosures,” addresses this matter.
Response to Comment 24-11  **EIR Comment.** The commenters question the conclusions in the Draft EIR that impacts associated with visual impacts, odor, and over-concentration are significant and unavoidable, and why the EIR did not analyze mitigation from distance and location. The Draft EIR does acknowledge that greater distance between uses would mitigate effects related to aesthetics, odor, and overconcentration (see, for example, page 3.3-33, second paragraph from bottom). But it also points out in multiple places that aesthetics are largely subjective (e.g., pages 3.1-43, 3.1-44, 3.1-45) and that odor may be discernable even over great distances. Because people may perceive the look of a cannabis operation as adverse, and may still perceive smell no matter how diluted, as offensive, the Draft EIR conservatively concludes these impacts are significant and unavoidable. Table 5-1 beginning on page 5-8 pf the Draft EIR compares the level of impact for the five alternatives and the no project- no CLUO alternative. This table better reflects the relative differences between the alternatives to which the commenters refer.

Response to Comment 24-12  **CLUO Comment.** The commenters suggest that costs of implementing the draft CLUO may fall disproportionately on smaller less capitalized operators. This position is acknowledged. Please see Response to Comment 53-12 and MR-12, “Expression of Opinion/Preference.” Because all operators are restricted to the same operational size constraints identified in column two of the table in Section 8-2.1407 of the proposed CLUO, it is not clear that this outcome would occur. The table identifies no minimum plant canopy area and a maximum of 1 acre of garden canopy for commercial cultivation, which is less restrictive than the existing Licensing Ordinance which has a minimum garden canopy size of 1,000 square feet. It could provide opportunities for those wanting to grow smaller amounts, which could be beneficial to smaller less capitalized operators.

Response to Comment 24-13  **EIR Comment.** The commenters advocate for consideration of cumulative impacts. Chapter 4 of the Draft EIR examines impacts from implementation of the draft CLUO countywide along with other land use regulation identified in the General Plan in Section 4.1, and implementation of the draft CLUO in sub-regions of the County in Section 4.2.

The commenters also advocate for community input, a comprehensive permit process, and public hearings. The draft CLUO would establish a discretionary process that would do all of those things.

Response to Comment 24-14  **CLUO Comment.** The commenters express concern that the range of possibilities for the contents of the final CLUO is vague and does not allow time for public comment. The Draft EIR clearly identifies Alternative 1 as the Preferred Alternative and also provides detailed analysis of other aspects of the ordinance where a range of policy outcomes is most likely to occur. Contrary to the comment, this provides an exceptional level of detail and analysis compared to a typical EIR which would contain a comparative alternatives analysis.

Appendix C in the Draft EIR, which contains the text of the proposed CLUO, is generally unchanged between the alternatives. Those regulations likely to vary based on the direction from the Board are identified in yellow highlight. This process is very similar to that conducted for other countywide regulations or land use planning documents such as a zoning ordinance of a general plan, but with much greater detail in the analysis than required under CEQA. In addition, the County conducted a 60-day comment period for the Draft EIR whereas state law requires no more than 45 days.
The comment requests additional time to consider the draft CLUO once a decision from the Board has been preliminarily rendered. The Planning Commission and Board of Supervisors will hold a minimum of one hearing each to consider public testimony, staff analysis, and provide direction. Additional hearings may be held at the discretion of these decision-making bodies.

Response to Comment 24-15  CLUO Comment. The commenters recommend the County listen to public input. The comment expresses concern and frustration over the “changing nature” of the County’s process. The County has undertaken an extraordinary public outreach process with multiple meetings before all of the advisory committees, among other groups. The documentation of these meetings is in the Final EIR and the staff report.

The comment regarding a changing process is not clear and therefore a specific response is not possible. The process of drafting the CLUO has occurred as expected.

Response to Comment 24-16  CLUO Comment. The commenters question the County’s monitoring of existing permits. Please see Response to Comment 3-4.

The commenters recommend there be no new permits until “the county can prove that it is capable of monitoring what already exists.” This recommendation is acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 24-17  CLUO Comment. The commenters request that the transition period for the CLUO be no more than 1 year rather than 3 years as identified in Section 8-2.1404(B). Please see Response to Comment 5-13. The amount of time actually needed will depend on the number of applicants. It is not possible for the County to process all 78 at the same time so a batch process is contemplated. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 24-18  CLUO Comment. The commenters advocate for a limited number of co-location sites through the County. This position is acknowledged. Please see MR-12, “Expression of Opinion/Preference,” and MR-17, “Consolidated Cannabis Campus.”

Response to Comment 24-19  CLUO Comment. The commenters request that criticisms of the draft CLUO be considered and that a better solution be identified. As explained in MR-17, “Consolidated Cannabis Campus,” co-located cannabis operations are consistent with the proposed CLUO. The County staff strongly advocate for some version of the CLUO in order to quickly transition from the current ministerial process to a more rigorous discretionary process.

Response to Comment 24-20  CLUO Comment. This comment is a duplicate of Letter 4 from Franklin Espriella. Please see responses to Comment Letter 4.

Response to Comment 24-21  CLUO Comment. This comment is a duplicate of Letter 32. Please see responses to Comment Letter 32.
December 20, 2019

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

Re: Draft Environmental Impact Report for Yolo County Cannabis Land Use Ordinance

Dear Ms. Strachan:

We appreciate the opportunity to submit to the Department of Community Services comments on the Draft Program Environmental Impact Report ("DEIR") being considered by the County for its proposed Cannabis Land Use Ordinance. Although we do not have expertise with CEQA and its many technical requirements, we applaud the superlative commitment and thoughtfulness exhibited by you and your colleagues that is evident throughout the DEIR. And we are in agreement with you and your colleagues about the areas of controversy and policy issues to be resolved described on pages ES-9 and 10 of the Executive Summary, all of which requires further dialog with the County Board of Supervisors and Planning Commission.

The purpose of this submission is to bring to your attention a notable and potentially misleading discrepancy in the treatment of Alternative 4 in the DEIR which would restrict personal and commercial cultivation of cannabis to indoor and mixed-light operations within a closed structure. Section 5.4 of the DEIR reads in part:

Under unmitigated conditions, Alternative 1 assumes slightly less cultivation and no noncultivation uses as compared to Alternatives 2, 4, and 5. Alternatives 2, 4, and 5 share the same assumptions for amount of cultivation, which would be slightly higher than for Alternative 1 and therefore may result in slightly greater impacts overall. Alternatives 2, 4, and 5 assume the same noncultivation uses. The main differences between Alternatives 2, 4, and 5 are that Alternative 4 assumes all uses occur indoors, and Alternative 5 assumes no retail and that all uses occur on agricultural zoned parcels. This means in general that most impacts under Alternatives 2, 4, and 5 would be similar when compared to each other, and they are likely to be greater than what would occur under Alternative 1. Key exceptions would be that Alternative 4 is likely to have lower impacts than all other alternatives for odor as a result of the assumption that all uses occur indoors under this alternative. Under unmitigated conditions (i.e., without
implementation of odor control measures, such as carbon filters and scrubbers), odor released from a greenhouse can be more concentrated. Under unmitigated conditions, Alternative 3 assumes double the amount of cannabis uses in all categories and would have greater impacts in all categories than the other four alternatives as a result.

In sum, comparing the five equal-weight alternatives and the No Project-No CLUO Alternative, under unmitigated conditions, Alternative 1 would be environmentally superior overall. Alternative 4 would likely be the second most environmentally superior overall but likely better than Alternative 1 with respect solely to odor. Alternative 3 would be the least environmentally superior comparatively, in all areas. Alternatives 2 and 5 would fall between Alternatives 1 and 3. [Underscoring added.]

But in the discussion regarding the Environmentally Superior Alternative on page ES-9 of the Executive Summary, the distinct advantages of Alternative 4 are not mentioned.

As discussed in Chapter 5, “Alternatives,” Alternative 1 would be the environmentally superior alternative under unmitigated conditions. Under mitigated conditions, Alternatives 1, 2, 4, and 5 are relatively equivalent and individually environmentally superior when compared to the No Project – No CLUO Alternative and Alternative 3. [Underscoring added.]

Further, Impact AQ-4: Expose a Substantial Number of People to Adverse Odors on page ES-12 of Table ES-1. Alternative 4 is given a “Significant” classification before mitigation. This appears to be in error because, as described in Section 5.4 above, Alternative 4 contemplates carbon filters and scrubbing. Similarly, Alternative 4’s “Significant and Unavoidable” classification after mitigation is in error. From a common sense perspective, arguably the AQ-4 impacts for Alternative 4 should instead be “Less Than Significant.”

It is beyond debate that the odor associated with outdoor cannabis cultivation and other operations is quite offensive to many people who work or reside in relatively nearby areas. Because many readers of the DEIR and moreover, the final EIR, may read the Executive Summary alone, it is urged that misleading inaccurate description and treatment of Alternative 4 be corrected in the Executive Summary of the final EIR.

Thank you again for your hard work and the opportunity to comment on these important matters.

Respectfully submitted,

John G. Cooliris
Response to Comment 25-1  EIR Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The comment supports the conclusions in the Executive Summary of the Draft EIR. The comment is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.”

Response to Comment 25-2  EIR Comment. The comment quotes from page 5-7 of the Draft EIR and expresses concern that the Executive Summary of that same language on page ES-9. This observation is noted. The latter is merely a summary of the actual analysis. No change to the EIR is necessary.

Response to Comment 25-3  EIR Comment. The comment indicates that the significant and unavoidable conclusion for Alternative 4 under Impact AQ-4 (Odor) is in error. However, the conclusion is correct for the reasons given on page 3.3-37. The analysis of this page indicates that although Alternative 4 would minimize odors, there is still detectable odor from indoor filtered systems and therefore the impact is conservatively identified as significant and unavoidable for all alternatives.

Response to Comment 25-4  EIR Comment. The commenter requests corrections to the conclusions regarding Alternative 4. Please see Responses to Comments 25-2 through 25-3.
December 20, 2019

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

Via email: cannabis@yolocounty.org

RE: Comments on the Yolo County Cannabis Land Use Ordinance Draft Environmental Impact Report, SCH# 2018082955

Dear Ms. Strachan:

Thank you for the opportunity to review and comment on the Yolo County (County) Cannabis Land Use Ordinance (CLUO) Draft Environmental Impact Report (Draft EIR). The Delta Stewardship Council (Council) recognizes the goals of the County to regulate cannabis activities through land use, zoning, and development standards, and related General Plan amendments. According to the Draft EIR, the EIR is also intended to be used to streamline the environmental review for Cannabis Use Permits pursuant to new regulations.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California’s coequal goals of achieving a more reliable water supply and restoring the Sacramento-San Joaquin River Delta (Delta) ecosystem, to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Wat. Code, §85054.)

Pursuant to the Delta Reform Act, the Council has adopted the Delta Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh that furthers the coequal goals. The Delta Plan identifies 14 regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. The Delta Reform Act grants the Council specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta and Suisun Marsh, referred to as “covered actions.” (Wat. Code, §§ 85022(a) and 85057.5.) A state or local agency that proposes to undertake a covered action is required to prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project (Wat. Code, § 85225).

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

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CA Water Code §85054
Covered Action Determination and Certification of Consistency with the Delta Plan

Based on the project location and scope provided in the Draft EIR, the proposed CLUO does not appear to meet the definition of a covered action, as it is not covered by one or more of the Delta Plan regulatory policies. However, it does appear that future Cannabis Use Permit projects for which the County conducts additional California Environmental Quality Act (CEQA) analysis may meet the definition of a covered action. Water Code section 85057.5(a) provides a multi-part test for such projects to define covered actions:

1. Will occur in whole or in part within the boundaries of the Delta (Wat Code, §12220) or Suisun Marsh (Pub. Resources Code, § 29101). The CLUO would apply to unincorporated land in Yolo County, which includes land within the Legal Delta. Based on Exhibit 2-2 in the Draft EIR, three “existing or eligible” operations in Yolo County are located west of Clarksburg. Future cannabis operations could be proposed within the portion of Yolo County that is located within the Delta.

2. Will be carried out, approved, or funded by the State or a local public agency. Following adoption of the CLUO, applicants would apply for Cannabis Use Permits pursuant to the new regulations from the County, a local public agency. The County would determine whether additional environmental review is required, and whether to approve or deny individual application(s).

3. Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta. If proposed within the Yolo Bypass, future Cannabis Use Permits could have a significant impact on the achievement of the coequal goal to protect, restore, and enhance the Delta ecosystem, depending on the specific characteristics of the proposed cannabis operation.

4. Is covered by one or more of the regulatory policies contained in the Delta Plan (Cal. Code Regs., tit. 23, §§5003-5015). Delta Plan regulatory policies that may apply to future cannabis operations in the Yolo County portion of the Delta are discussed below.

As the local agency that may approve a future Cannabis Use Permits, the County must determine if the approval is a covered action and, if so, file a Certification of Consistency with the Delta Plan (Cal. Code Regs., tit. 23, § 5001(j)(1)(E)(3)) prior to project implementation. The Draft EIR identifies the Delta Reform Act of 2009 in its Regulatory Setting (p. 3.4-33), but does not identify the Delta Plan. In the Final EIR, please add the Council’s Certification of Consistency process to the Regulatory Setting and note that the County may be required to

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The Draft EIR (p. ES-8) states that the County intends to use the Program EIR prepared for the CLUO to streamline the environmental review and consideration of future cannabis operation applications. The County may determine that the environmental impacts of an individual project are adequately addressed in the CLUO EIR and that no further environmental review is required, or it may determine that additional environmental review is required or could require focused environmental review. If additional environmental review is required for a proposed project located within the Delta, the Delta Reform Act requirements for covered actions described herein would apply.
submit a certification of consistency for future Cannabis Use Permits pursuant to Water Code section 85225.

**Delta Plan Regulatory Policies**

The following section describes the Delta Plan regulatory policies that may apply to future Cannabis Use Permits. This information is offered to assist the County in determining whether a future Cannabis Use Permit is a covered action, and if so, to assist the County in preparing environmental documents that could be used to support a certification of consistency. Because the County intends to use this EIR to streamline environmental analysis of future Cannabis Use Permits, our comments focus on both changes to this Final EIR as well as content of future environmental documents for Cannabis Use Permits.

**Ecosystem Restoration Policy 3: Protect Opportunities to Restore Habitat**

Delta Plan Policy ER P3 (Cal. Code Regs., tit. 23, § 5007) states that within priority habitat restoration areas depicted in Appendix 5, significant adverse impacts to the opportunity to restore habitat at appropriate locations must be avoided or mitigated. Appendix 5 is available at [http://deltacouncil.ca.gov/pdf/delta-plan/2013-appendix-b-combined.pdf](http://deltacouncil.ca.gov/pdf/delta-plan/2013-appendix-b-combined.pdf) (starting on page 72).

The Yolo Bypass Priority Habitat Restoration Area (PHRA) falls within the unincorporated area of Yolo County. Following adoption of the CLUO, cannabis operators could apply for Cannabis Use Permits within the Yolo Bypass. If the County receives future applications for Cannabis Use Permits on land within the Yolo Bypass PHRA, the approval of a Cannabis Use Permit may be subject to ER P3.

We encourage the County to conduct additional environmental review of such projects in order to determine whether there may be significant adverse impacts to the opportunity to restore habitat at appropriate elevations. Please acknowledge Delta Plan Policy ER P3 in the Biological Resources section of this Final EIR and any subsequent environmental documents prepared for future cannabis operation applications.

**Delta as Place Policy 1: Locate New Urban Development Wisely**

Delta Plan Policy DP P1 (Cal. Code Regs., tit. 23, §5010) places certain limits on new urban development within the Delta. Policy DP P1 states that new residential, commercial, or industrial development must be limited to areas that city or county general plans as of the date of the Delta Plan’s adoption (May 26, 2013) designate for residential, commercial, and industrial development in cities or their spheres of influence. This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

The Draft EIR states that cannabis is defined by the state, and is proposed to be defined in the CLUO, as an agricultural land use. As such, the Draft EIR concludes that implementation of the CLUO would not result in conversion of farmland to non-agricultural uses (Impact AG-1). This suggests that most future cannabis operations that are consistent with the CLUO,
particularly cultivation, would be consistent with Delta Plan Policy DP P1. A certification of consistency filed for a covered action will need to document and disclose that a future project is consistent. Please acknowledge Delta Plan Policy DP P1 in the Land Use and Planning section of the Final EIR and any subsequent environmental documents prepared for Cannabis Use Permits.

Risk Reduction Policy 4: Floodplain Protection

Delta Plan Policy RR P4 (Cal. Code Regs., tit. 23, § 5015) states that no encroachment shall be allowed or constructed in the floodplain of the Yolo Bypass within the Delta unless it can be demonstrated by appropriate analysis that the encroachment will not have a significant adverse impact on floodplain values and functions.

The Yolo Bypass falls within the unincorporated area of Yolo County. As such, subsequent to adoption of the CLUO, cannabis operators could apply for use permits within the Yolo Bypass. If the County receives future cannabis operation applications for land within the Yolo Bypass within the Delta, the project may be subject to RR P4.

We encourage the County to conduct additional environmental review of such projects in order to determine whether there may be significant adverse impacts on floodplain values and functions. Please acknowledge Delta Plan Policy RR P4 in the Hydrology and Water Quality section of this Final EIR and any subsequent environmental documents prepared for future cannabis operation applications.

General Policy 1: Mitigation Measures and Best Available Science

Delta Plan Policy G P1, subsection (b)(2), (Cal. Code Regs., tit. 23, § 5002(b)(2)) requires that covered actions not exempt from the California Environmental Quality Act (CEQA) must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 (unless the measures are within the exclusive jurisdiction of an agency other than the agency that files the certification of consistency), or substitute mitigation measures that the agency finds are equally or more effective. These mitigation measures are identified in Delta Plan Appendix O (http://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf).

The Draft EIR identifies significant impacts for air quality, biological resources, greenhouse gas emissions, hydrology and water quality, noise, and aesthetic impacts from overconcentration of cannabis uses and proposes mitigation measures to address these impacts. Council staff recommends that the County review the Delta Plan MMRP and, when applicable and feasible, to ensure that proposed mitigation measures that may be applied to future Cannabis Use Permits are equally as effective, or more effective than, applicable Delta Plan mitigation measures.

Delta Plan Policy G P1 (Cal. Code Regs., tit. 23, § 5002(b)(3)) requires that all covered actions must document use of best available science relevant to the purpose and nature of the project.
Susan Strachan
Yolo County Department of Community Services
December 20, 2019
Page 5

The Delta Plan defines best available science as “the best scientific information and data for informing management and policy decisions” (Cal. Code Regs. tit. 23, § 5001(f).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A of the Delta Plan (http://www.deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf). This policy generally requires the lead agency to clearly document and communicate the process for analyzing project alternatives, impacts, and mitigation measures of proposed projects, in order to foster improved understanding and decision making.

Closing Comments

Subsequent to adoption of the proposed CLUO, we invite the County to engage Council staff to discuss individual Cannabis Use Permits that may meet the definition of a covered action. More information on covered actions, early consultation, and the certification process can be found on the Council website, http://deltacouncil.ca.gov/covered-actions.

We are available to discuss issues outlined in this letter. Please contact Avery Livengood at (916) 445-0782 (Avery.Livengood@deltacouncil.ca.gov) with any questions.

Sincerely,

Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council
Response to Comment 26-1 **EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

Response to Comment 26-2 **CLUO Comment.** The comment recites the Delta Stewardship Council’s (Council’s) enabling legislation and references the Delta Plan which among other things, requires a written certification of consistency with the Delta Plan for covered actions in the legal Delta and Suisun Marsh.

Response to Comment 26-3 **CLUO Comment.** The commenter indicates that adoption of the CLUO is not a covered action. The County concurs with this conclusion. The commenter also indicates that future cannabis CUPs may be covered actions. The County concurs with both statements.

Response to Comment 26-4 **CLUO Comment.** The commenter references three existing cannabis cultivation sites along the deep-water ship channel near Clarksburg as falling within the Delta primary zone and notes that others may be proposed within the primary zone in the future. As identified on revised Draft EIR Exhibit 2-2, which has been modified to incorporate the legal Delta boundaries and the Yolo Bypass Priority Habitat Restoration Area (please see Chapter 4, “Revisions to the Draft EIR”), there are three existing cannabis cultivation sites located within the legally defined boundaries of the Delta. The County concurs that subsequent to adoption of the CLUO, these operations and future cannabis operations located within the legal Delta boundaries, may meet the definition of a covered action.

Response to Comment 26-5 **CLUO Comment.** The comment points out that the County will have discretionary approval authority for cannabis activities under the draft CLUO, including making a determination regarding appropriate environmental review. The County concurs.

Response to Comment 26-6 **CLUO Comment.** The comment states that future CUPs in the Yolo Bypass could have a significant impact on achievement coequal goal to protect, restore, and enhance the Delta ecosystem, depending on the specific characteristics of the proposed cannabis operation. The County concurs that this is a possibility.

The Yolo Bypass is a state flood control facility that is used during high flow conditions on the Sacramento River. As shown in Draft EIR Exhibit 3.10-6, the Yolo Bypass is in the 100-year floodplain.

CLUO Section 8-2.1408(R) would require cannabis uses to identify the applicable standard for flood protection pursuant to federal (e.g., Federal Emergency Management Agency), state, and local requirements, and demonstrate compliance. The flood control function of the Yolo Bypass would likely limit potential future commercial cannabis uses to outdoor cannabis cultivation.
Under the proposed CLUO all cannabis activities require discretionary approval by Yolo County in the form of a cannabis use permit. For any discretionary action within the legal Delta, the County has a pre-existing obligation to determine whether the approval is a covered action and, if so, to file a Certification of Consistency. As identified in Response to Comment 26-8, the CLUO is proposed to be modified to clearly identify the need for cannabis uses within the legal Delta boundaries to comply with the Delta Plan and including securing a Certification of Consistency.

**Response to Comment 26-7**  
**CLUO Comment.** The comment observes that future cannabis CUPs may be covered by one or more regulatory policies of the Delta Plan. The County concurs that this is a possibility. Please see Response to Comment 26-8.

**Response to Comment 26-8**  
**EIR Comment.** The commenter notes that the text of page 3.4-33 Draft EIR contains a summary of the Delta Reform Act but does not identify the Delta Plan, the role of the Council, or the Council’s Certification of Consistency process. Text changes are made below to the Draft EIR to reflect the Delta Plan.

The commenter also notes that the County may be required to submit a certification of consistency for future cannabis CUPs. The County concurs and recommends modification of the proposed CLUO as follows to address this by adding the following new requirement (see Appendix D):

8-2.1409(F) Delta Plan – Cannabis activities proposed to occur within the legal Delta must comply with applicable requirements of the Delta Plan including demonstrating consistency through the Certification of Consistency process of the Delta Stewardship Council.

The regulatory setting in Section 3.11, “Land Use and Planning,” on Draft EIR page 3.11-3 (above the “Local” subsection) has been revised to identify the Delta Plan:

**Delta Plan**

The Delta Stewardship Council (Council) was created by the State in 2009 through the passage of the Delta Reform Act to resolve issues associated water use issues related to the Sacramento-San Joaquin Delta (Delta). The Delta Reform Act requires the Council to develop and adopt a legally enforceable, long-term management plan for the Delta that uses best available science and is built upon the principles of adaptive management. The Delta Reform Act also established the Delta Science Program within the Council to provide the best possible scientific information to inform water and environmental decision making in the Delta.

The Delta Plan is intended to be foundational and adaptive. It is foundational in that the Council has built on previous efforts, including CALFED, the Delta Vision, the California Water Plan, planning efforts of the State Water Resources Control Board (SWRCB), the Delta Protection Commission (DPC), and others. The framework established in the Delta Plan is intended to advance the coequal goals of water supply reliability and ecosystem health, and to employ adaptive management to improve the Plan over time.
The Delta Plan contains five core policy chapters (Chapters 3 through 7) and a chapter on Funding Principles to Support the Coequal Goals (Chapter 8). The narrative sections of each policy chapter provide subject matter context and rationale for the selection and implementation of core strategies. These core strategies are then broken down into actions: the policies and recommendations. The policies in the Delta Plan are regulatory in nature, and compliance is required for those who propose covered actions. In each policy chapter, the Policies and Recommendations section is followed by a section identifying both science needs and key issues for future evaluation by the Council. Each policy chapter also includes a set of performance measures.

As shown in revised Exhibit 2-2, the southern portion of the County is within the legal Delta boundary of the Delta Plan. The Delta Plan designates the Yolo Bypass as a priority habitat restoration area.

Key land use provisions of the Delta Plan related to the County consist of the following:

- **Policy G P1** (Title 23 CCR Section 5002): These provisions address covered actions that require compliance with the Delta Plan and file a Certification of Consistency. Covered actions must either include applicable mitigation measures identified in the Delta Plan Program EIR or equally effective substitute mitigation measures. Covered actions are also required to document the use of best available science as relevant to the project.

- **Policy ER P3** (Title 23 CCR Section 5006): These provisions require that impacts to opportunities to restore habitat within priority habitat restoration areas (e.g., Yolo Bypass) be avoided or mitigated.

The following text changes are made to Impact LU-2 on Draft EIR page 3.11-11:

**Impact LU-2: Cause a Significant Environmental Impact Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect**

The adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, would include amending the General Plan to acknowledge cannabis, and identifying cannabis operations as permitted uses within specific land use designations. Adoption and implementation of the CLUO would be consistent with General Plan policies related to agricultural, industrial, and commercial land uses and incorporates performance standards that implement environmental protections identified in the General Plan policies and Yolo County Code. Cannabis uses within the legal Delta boundary would be subject to compliance with the Delta Plan. This impact would be **less than significant** for all the alternatives.
The following text is added to Impact LU-2 on Draft EIR page 3.11-12 after the last bullet:

Cannabis uses in the southern portion of the County (south of I-80) would subject to the Delta Plan. Cannabis uses within the legal Delta boundary to demonstrate consistency with the Delta Plan through the filing of a Certification of Consistency with the County and Council. This process would require cannabis use applicants to demonstrate no significant impacts to opportunities to restore habitat in the Yolo Bypass for cannabis uses proposed in this area; avoid the introduction of nonnative invasive species; and compliance with the Delta Program EIR mitigation measures or equally effective substitute mitigation measures (e.g., CLUO performance standards, State cannabis regulations, and terms set forth in SWRCB Order WQ 2019-0001-DWQ).

Response to Comment 26-9  **EIR Comment.** The comment describes Delta Plan regulatory policies that may apply to future CUPs and recommends the Final EIR address each policy. This comment is noted. Please see responses to comments 26-8, 26-10 through 26-14.

Response to Comment 26-10  **EIR Comment.** The comment notes that Delta Plan Policy ER P3 requires avoidance of significant impacts on the Yolo Bypass Priority Habitat Restoration Area as depicted in revised Exhibit 2-2 in Chapter 4, “Revisions to the Draft EIR.” This area is located generally north and west of the deep-water ship channel and does not encompass any of the three existing cannabis sites located in the Clarksburg area. If future cannabis activities are identified in this priority habitat restoration area, the application(s) would be reviewed to determine whether additional CEQA review is merited and the County would require compliance as part of the application process. Please see Response to Comment 26-8. The following additional clarification is proposed to be added to end of Section 8-2.1408(D) addressing biological resources (see Appendix D):

Cannabis activities determined by the County to be covered activities under the Delta Plan must avoid impacts to the Yolo Bypass Priority Habitat Restoration Area (PHRA) and the applicant shall assist the County in demonstrating this through the Delta Stewardship Council’s Certificate of Consistency process if required.

Response to Comment 26-11  **EIR Comment.** The comment notes that Delta Plan Policy DP P1 places limits on new urban development within the Delta. The policy states that new residential, commercial, and industrial development must be limited to areas that the County General Plan designates as of the date May 26, 2013. The comment also notes that cannabis activities are defined as agricultural within the proposed CLUO (see for example Section 8-2.1404(E)). Moreover, the Section 8-2.1407 identified allowed zones for various cannabis activities and the draft CLUO proposes no rezonings. As such no conversion of agricultural land to non-agricultural uses would occur and future cannabis uses that are compliant with the CLUO would also be consistent with this policy. Future cannabis activities determined by Yolo County to be covered activities under the Delta Plan will assist the County in demonstrating this through the Certification of Consistency process if required. Please see Response to Comment 26-8.
Response to Comment 26-12  **EIR Comment.** The comment notes that Delta Plan Policy RR P4 precludes encroachments into the floodplain unless an analysis demonstrates the encroachment will not have a significant adverse effect on floodplain values and functions. Section 8-2.1408(R) of the proposed CLUO addresses flood protection. The following additional clarification is proposed to be added to end of Section 8-2.1408(R) addressing flood protection (see Appendix D):

> Cannabis activities determined by the County to be covered activities under the Delta Plan must avoid impacts to on floodplain values and functions within the Yolo Bypass of the Delta and the applicant shall assist the County in demonstrating this through the Delta Stewardship Council’s Certificate of Consistency process if required.

Response to Comment 26-13  **EIR Comment.** The commenter identifies that Delta Plan Policy G P1 subsection (b)(2) requires that covered actions not exempt from CEQA must include Delta Plan adopted mitigation measures or substitute mitigation measures that are equally effective. County staff have compared the Delta Plan adopted mitigation measures to the proposed CLUO requirements, EIR mitigation measures, and State cannabis regulations, and believe they are equally effective. Ultimately future cannabis applications determined to be covered activities under the Delta Plan will be required to: document that the adopted CLUO requirements and State cannabis regulations are equally effective; comply with Delta Plan adopted mitigation measures; and/or provide equally effective substitute mitigation measures through the Certification of Consistency process. Please see Response to Comment 26-8.

Response to Comment 26-14  **EIR Comment.** The commenter notes that the Delta Plan requires the use of best available science in the evaluation of projects and identifies that best available science is required to be consistent with Appendix 1A of the Delta Plan. Table 1A-1 of Appendix 1A of the Delta Plan identifies six criteria for best available science (relevance, inclusiveness, objectivity, transparency and openness, timeliness, and peer review). The impact analysis in the draft CLUO EIR meets these criteria as noted below. This supports the County’s intentions to use this Program EIR prepared for the draft CLUO to streamline the environmental review and consideration of future cannabis use permit applications pursuant to CEQA Guidelines Sections 15169(c) and 15183.

**Relevance:** Technical information used in the EIR such as air quality, biological resources, geology and soils, land use, and water resources are based on local (County) and regional data sources that include the area of the County that falls within the legal Delta. This includes GIS mapping and published data on agricultural and habitat conditions (Draft EIR Exhibit 3.4-1), air quality conditions for the Sacramento Valley Air Basin (Draft EIR pages 3.3-1 through 3.3-5), geologic and soil conditions (Draft EIR Exhibits 3.7-1 through 3.7-3), known contamination sites (Draft EIR Exhibit 3.9-1), water resources and groundwater conditions (Draft EIR Exhibits 3.10-1 through 3.10-6 and Tables 3.10-1 through 3.10-3). Draft EIR Chapter 8, “References,” provides a complete list of technical information used.

**Inclusiveness:** The EIR uses a wide range of technical information involving a variety of environmental issue areas identified in Sections 3.1 through 3.15. This includes use of available databases such as the California Natural Diversity Database and other biological data sources identified on Draft EIR page 3.4-1, cultural resource record searches, EnviroStor and Geotracker.
databases of known contamination sites, and 303d list of impaired waterways maintained by the Central Valley Regional Water Quality Control Board.

Objectivity: The technical information and analyses conducted in the EIR are required to be objective to meet the requirements of CEQA. As required by CEQA, an EIR is used to inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. All of the mitigation measures identified in the EIR are in the form of modifications to, or new, sections of the proposed CLUO. As a result, all the mitigation measures will become applicable regulations. Each proposed cannabis activity must demonstrate compliance with the CLUO, which will therefore include compliance with applicable mitigation measures.

Transparency and openness: All impact sections of the EIR (for example, Sections 3.1 through 3.15) identify methods and assumptions used to evaluate the potential impacts of the implementation of the CLUO. All technical information used is cited and available for public review at: https://www.yolocounty.org/community-services/cannabis-3398

A 60-day public comment period on the adequacy of the Draft EIR analysis was provided from October 25, 2019, to December 23, 2019. Comments regarding the adequacy of the analysis are provided in this document as well as responses to those comments. This input will be considered by the Planning Commission and Board of Supervisors prior to taking action on the proposed CLUO.

Timeliness: Adequate time for data collection and analysis necessary for preparation of Draft EIR was provided between release of Notice of Preparation on August 24, 2018, and public release of the Draft EIR on October 25, 2019. As identified in Draft EIR Sections 3.1 through 3.15, the most currently available technical information was used in the impact analysis.

Peer review: A 60-day public and agency comment period on the adequacy of the Draft EIR analysis was provided from October 25, 2019, to December 23, 2019. Comments regarding the adequacy of the analysis are provided in this document as well as responses to those comments. This input will be considered by the Planning Commission and Board of Supervisors prior to taking action on the proposed CLUO. Some of technical information used in the Draft EIR has also been peer reviewed. For example, the water quality and fishery protection requirements of SWRCB Order WQ 2019-0001-DWQ was scientifically peer reviewed by four experts. The peer review determined that water quality, instream flow, and diversion requirements were based on sound scientific knowledge, methods, and data (State Water Resources Control Board 2017).

Response to Comment 26-15  EIR Comment. The commenter offers to meet with County staff to discuss whether and how individual CUPs might meet the definition of a covered action. Thank you, County staff will meet with Council staff as suggested by the commenter.
From: David Scheuring [mailto:dscheuring@gvmi.com]
Sent: Saturday, December 21, 2019 11:06 AM
To: cannabis <cannabis@yolocounty.org>
Cc: paul@fullbellyfarm.com
Subject: Comments on the draft CLUO EIR

After reading the instructions I have been unable to determine the format to use to submit comments on the Cannabis draft EIR, so I am resorting to an email.

First, any alternative that does not provide all citizens the same buffer set-back requirements is inequitable and, I believe, unsupportable by law. To provide members of the tribe with rights not afforded to all citizens is indefensible.

Second, a goal of the Yolo County General Plan is to protect dark skies. The night sky unpolluted by ambient light is precious and increasingly rare in populated areas. The goal “Light pollution reduction to protect dark skies” cited variously in the EIR is inadequate because it is not quantified. In the draft CLUO, page 15, paragraph 2, the sentence “Lighting inside indoor and mixed light operations shall be fully controlled so that minimal or no light escapes,” should be edited to eliminate the word minimal, as minimal is open to wide interpretation and unenforceable.

Third, regarding cumulative impacts and over-concentration, more than six permits in a six-mile cluster should be deemed over-concentration. That is obvious to anyone living in those clusters.

That being said, I think the best way to deal with the impacts of the cultivation and processing of marijuana is to locate all such facilities in a single industrial zone area where adequate security can be provided and the impacts to the larger community confined to a small area.

David Scheuring
530.908.2166
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<th>Letter 27</th>
<th>David Scheuring 12/21/2019</th>
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**Response to Comment 27-1**  
**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.

We extend our apologies that the process was unclear. The Draft EIR Notice of Availability which is posted online and the first page (after the cover) of any written copy of the Draft EIR provides the submittal instructions. The instructions were also provided in the PowerPoint at every public presentation during the review period. Copies of the PowerPoint, which were distributed at the meetings and are posted online, also had this information. Submittal of an email is one of several acceptable formats.

**Response to Comment 27-2**  
**CLUO Comment.** The commenter expresses support for the same buffer distance for all identified sensitive land uses and further expresses a belief that to do otherwise creates legal concerns. This position is acknowledged for the record. Please see Response to Comment 24-2. Please also see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 27-3**  
**EIR Comment.** The commenter asks for clarification of Section 8-2.1408(Z) related to lighting. Please see Response to Comment 24-7.

**Response to Comment 27-4**  
**CLUO Comment.** The commenter supports defining over-concentration as more than six permits within a 6-mile diameter cluster. This position is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 27-5**  
**CLUO Comment.** The commenter advocates locating all cannabis activities into a single industrial zone with adequate security. This position is acknowledged for the record. Please see MR-12, “Expression of Opinion/Preference,” and MR-17, “ Consolidated Cannabis Campus.”
December 22, 2019

Susan Strachan
Yolo County Department of Community Services
292 West Beamer Street
Woodland, Ca. 95695

Re: Comments regarding Yolo County Cannabis Land Use Ordinance.

Susan,

I have been farming walnuts in the Rumsey area since 1980. Over the last 40 years I have witnessed lots of changes to this area and the Capay Valley in particular. When I first started farming, there was mostly orchards and dry land farming with a few alfalfa fields and sugar beet production throughout the valley. As time progressed, organic farms and orchards along with vegetable row cropping and olive orchards started to dominate the production in the valley. The valley became highly productive and many small farms started emerging and became economically viable. Now we have seen the influx of cannabis encroaching in the valley since the County allowed permits. There does not seem to be an order as to where the cannabis can be grown as the area between Guinda and Rumsey have an inordinate amount of legal grows as compared to the rest of the County. Is there a reason for this?

Let's understand that these commercial cannabis growers are not your Mom and Pop small farming operations. They are high rollers who need a return on their money. They hire slick front men with likewise agendas and have managed to hood wink the County into thinking that the Cannabis industry can be a boon to their coffers. However there are some inherent risks with these growers that perhaps only now the County is starting to recognize. It has brought crime into the area along with armed guards and watchdogs. Their operations have added light blight to the area as greenhouses are being lit up throughout the evening. It has created an odor that is not consistent with the fresh air normally inhaled. And along with all of this, illegal grows have sprung up like an irrigation hose that has been gnawed by a family of ground squirrels, that by the way has impacted the sheriff deputies duties.

Personally, I have been affected as I have one legal grow near one of my orchards, which has had one robbery where they crossed thru my orchard either before or after the robbery. They ran over irrigation pipe in the process. I have another illegal grow directly across Hwy. 16 from me who keep their gates to the property continually locked. Why the County have not busted them is unsettling as its been going on for a few years now. And in the town of Rumsey there is a huge operation right in the middle of 6 homes. None of those people living there were informed by the County that this was going to happen. Is this standard procedure?
I hope that the County will get their priorities straight and correct the irregularities they currently have with regards to the buffers between regular farming operations and homes in the valley in the foreseeable future. The present system that is currently in place is inadequate for the future of not only the Capay Valley, but also the entire County of Yolo.

Respectfully submitted by:

Vincent and Victoria Facciuto
4815 St. Hwy. 16
Guinda, Ca. 95637
530 796-3835
Response to Comment 28-1  
CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

The commenters provide information on the history of agricultural uses in Capay Valley. Thank you for providing comments on the Draft EIR. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments in this letter are provided below.

Response to Comment 28-2  
CLUO Comment. The commenters ask why there is not an order as to where cannabis can be grown in the County and notes the large number of cannabis cultivation sites between Guinda and Rumsey. Yolo County Code Title 5, Chapter 20 (Marijuana Cultivation Ordinance) currently regulates the licensing of cannabis cultivation sites. There are no provisions in the current Code that regulate the location or concentration of cannabis sites. As further discussed under MR-10, “CUP Process and Overconcentration,” the proposed CLUO and Draft EIR Mitigation Measure OVC-1 would address overconcentration. The proposed CLUO would supplement the County’s ministerial licensing program with a discretionary use permit process which would allow for consideration of issues such as location and concentration.

Response to Comment 28-3  
CLUO Comment. The commenters provide an opinion about commercial cannabis cultivators. The commenters’ statements are acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 28-4  
CLUO Comment. The commenters state cannabis cultivators have resulted in impacts related to crime, aesthetics, lighting, and illegal cannabis cultivation. The Draft EIR acknowledges changes in aesthetics associated with security features at existing cannabis cultivation sites (see Draft EIR page 3.1-14). Existing cannabis cultivation sites would be required to obtain approval of a Cannabis Use Permit and comply with the requirements of the CLUO. Draft EIR Impact AES-4 addresses potential lighting impacts from cannabis uses (see Draft EIR pages 3.1-46 through 3.1-48). This impact discussion identifies that draft CLUO Sections 8-2.1408(F), 8-2.1408(X), 8-2.1408(Z), and 8-2.1408(00) would require all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts.

Cannabis related crime is described on Draft EIR page 3.13-7 and in Table 3.13-4. Potential environmental impacts associated with new or altered law enforcement facilities required as a result of implementation of the draft CLUO are addressed in Draft EIR Impact PS-2 on page 3.13-34. While additional staffing may be required, this is not expected to result in construction of additional law enforcement facilities. Compliance with draft CLUO performance standards measures would ensure that law enforcement and safety measures are incorporated into each cannabis site and there would be no need for expanded law enforcement facilities under any of the five CLUO alternatives (see Draft EIR pages 3.13-34 through 3.13-37).
Response to Comment 28-5 **CLUO Comment.** The commenters indicate they have been adversely affected by a legal cultivation operation near one of their orchards, which included trespass through the orchard and running over irrigation lines during a robbery. The commenters do not state whether or not the CTF or Sheriff’s Office was notified of the trespass and possible damage incident(s). Additionally, the commenters state there is a nearby illegal cultivation site, and question why the County has not initiated enforcement. The commenters are encouraged to file timely complaints regarding these and other future similar concerns so that these matters can be investigated.

Please see MR-7, “Code Enforcement and Crime,” for a discussion on code enforcement and crime, which identifies roles and responsibilities of the CTF and Sheriff’s detectives, and includes information for reporting theft, trespass, and other illegal activities.

Reporting from the CTF confirmed complaints were received during the summer (2019) concerning illegal cultivation within the vicinity of the area identified by the commenters, which more specifically identified an abandoned legal cultivation site. Upon investigation CTF staff were able to verify there was no cannabis at the abandoned site which was cleared of any nuisance. CTF also confirmed that there are two active licensed cultivation sites within the vicinity.

CTF reported that an abandoned illegal cultivation site was referred to the Department of Community Services Code Enforcement due to discovery of an unpermitted greenhouse. Currently, according to CTF staff, there are no other known illegal cultivation sites in the area.

Response to Comment 28-6 **CLUO Comment.** The commenters refer to a cannabis operation adjoining six homes in the town of Rumsey. The commenters express concern that neighbors living adjacent to the cannabis operation were not notified of its existence.

The County’s current licensing program is ministerial and does not include public or neighbor notice requirements. Similarly, the building permits required for construction of a greenhouse are also ministerial. Adoption of the proposed CLUO will add a required discretionary use permit for all cannabis activities. All existing as well as new cannabis operations will be required to demonstrate compliance with the adopted CLUO and secure approval of a cannabis use permit. As a part of the use permit process, public noticing and hearings are required.

Please see MR-10, “CUP Process and Overconcentration” and MR-16, “Cannabis Licensing Program.”

Response to Comment 28-7 **CLUO Comment.** The commenters express concern regarding the use of differing buffers for different circumstances. Please see Response to Comment 24-2 and MR-9, “Buffers.”
December 22, 2019
by email and delivery
cannabis@yolocounty.org

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

Susan –
Comments on EIR –

Alternatives – According to CEQA, alternatives should be ways to reduce impacts. Most of the alternatives given assume an increase in licenses granted. Why?

Comments to the Board Of Supervisors on CLUO –

We appreciate the opportunity to comment on the proposed Cannabis Land Use Ordinance

Having heard the horror stories of our neighbors in Capay Valley who are living near existing “temporary” grows, we feel compelled to advocate for all cannabis growing to be indoors and in more industrial use areas. These areas could be more easily monitored by the county if grouped together. This would also be a more secure situation for the grower.

Odor issues could be more easily controlled. As stated in the EIR, even with planned odor control regulations as outlined in the CLUO, the outdoor grow impacts of odor will still be “cumulatively considerable and significant and unavoidable”. 3.3 Air quality

If outdoor grows continue to be allowed – the minimum parameters should be:

1. Buffers should be 1000 ft minimum from the grow location to the edge of neighboring parcels. The neighbor should be able to develop his property to the fullest within the law.

2. Stringent odor monitoring should be enforced to at least the standards in the draft CLUO.

3. Enforcement is key. If there are odor, traffic, noise issues – the neighbor with a complaint is not the bad guy. Timely addressing of issues is very important.

4. All grow locations should go through a use permit process individually – not a blanket - one size fits all - permit.

5. The density of grows in the Capay Valley is unacceptable.

6. All mandatory relocations should be achieved in 12 months.

Pam Welch/ Tom Frederick
P.O.Box 17, Brooks, CA 95606
Response to Comment 29-1  **EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

The commenters question why the alternatives evaluated in the Draft EIR assume increases in licenses granted. The five CLUO alternatives do not commit the County to reach the number of cannabis uses identified under each alternative. The Board of Supervisors can establish caps on cannabis uses below the assumed number identified for each alternative using the Draft EIR. Reduction in the assumed number of cannabis uses would not require recirculation of the Draft EIR under State CEQA Guidelines Section 15088.5. Please see MR-3, “Range of Alternatives Evaluated in the Draft EIR.”

Response to Comment 29-2  **CLUO Comment.** The commenters recommend that cannabis cultivation be conducted indoors in industrial use areas. The commenters' recommendations are acknowledged. Draft EIR Table 2-6 identifies that the draft CLUO would allow cannabis uses to locate in industrial zoned areas but does not restrict them to those areas. Please see MR-17, “Consolidated Cannabis Campus.”

Response to Comment 29-3  **CLUO Comment.** The commenters note that odor issues can be controlled if cannabis cultivation occurs indoors and in industrial areas. The Draft EIR conservatively concludes that odor from all cannabis activities, including indoor operations, would be significant and unavoidable. This reflects odor impacts from outdoor cannabis cultivation. Odor control for building ventilation systems associated with mixed-light cultivation, indoor cultivation, nurseries, manufacturing, microbusinesses, and processing facilities would be required by draft CLUO Section 8-2.1408(DD) under all five CLUO alternatives.

Response to Comment 29-4  **CLUO Comment.** The commenters express support for 1,000-foot buffers measured from the cultivation location to the boundary of adjoining property. The commenters’ recommendation is acknowledged. Alternatives 2 and 5 would require a 1,000-foot buffer between outdoor cannabis uses and neighboring residences and residentially designated land. Please see MR-9, “Buffers.”

Response to Comment 29-5  **CLUO Comment.** The commenters recommend odor monitoring consistent with the proposed CLUO, as a minimum requirement. draft CLUO Sections 8-21.1408(CC) and 8-2.1408(DD) establish nuisance and odor control requirements applicable to all cannabis activities. Please see Responses to Comments 2-5 and 5-2.

Response to Comment 29-6  **CLUO Comment.** The commenters emphasize the importance of enforcement in addressing odor, traffic, and noise complaints. The County concurs. Please see MR-7, “Code Enforcement and Crime.”
Response to Comment 29-7  **CLUO Comment.** The commenters support individual use permits for each cannabis operator. That is the process proposed through the CLUO. In order to address concerns related to overconcentration as directed by Mitigation Measure OVC-1 of the Draft EIR, the staff anticipates using a “batch” process to group geographically related applications together for consideration at the same time. This is described in MR-10, “CUP Process and Overconcentration.”

Response to Comment 29-8  **CLUO Comment.** The commenters state that the density of cannabis cultivation in Capay Valley is unacceptable. This is consistent with the conclusions reached in the Draft EIR (Section 4.2, starting on page 4-37). Please also see MR-10, “CUP Process and Overconcentration.”

Response to Comment 29-9  **CLUO Comment.** The commenters recommend that required cannabis relocations occur within 12 months. Draft CLUO Section 8-2.1404(C) requires that cannabis activities on sites that do not meet the requirements of the CLUO must relocate and secure a Cannabis Use Permit, or cease operations on or prior to the dates identified below by license category:

- Outdoor cultivation - 12 months from the effective date of the CLUO
- Mixed-light cultivation – 24 months from the effective date of the CLUO
- Indoor cultivation – 36 months from the effective date of CLUO.

Please see Response to Comment 5-14 regarding the timing for staff recommended changes to draft CLUO Section 8-2.1404(C).
Helen McCloskey  
Rumsey Farms  
P.O. Box 3  
Rumsey, CA 95679  

December 22, 2019  

To Yolo County Supervisors, and the Cannabis Task Force, etc.  

I am the co-owner of Rumsey Farms, in Rumsey CA. Because time is short and events in my own life have reduced the time I had hoped to spend on this letter, I apologize in advance that the letter’s flow is poor, and the letter too long, but the important matter is to get this document in by midnight tonight.  

Our farm is next to a cannabis grow. This fall, we have endured weeks on end of improper use of massive lights which literally turned the hills and land in back of our farm into daylight. It affected the ecology of the area, turning away the owls and other night animals we are accustomed to having on our land. This kind of abuse of privilege is unacceptable, but the County staff and law enforcement have shown themselves biased to cannabis growers. The EIR does not adequately address compliance matters nor does the CLUO address the consequences or lack thereof of violations by growers.  

At present, we have endured two weeks of non-stop noise by eight huge refrigerated trucks adjacent to our farm. When their condensers kick in, the noise and vibration alter our lives. Our deck and home vibrate. The vibration is physically painful. My husband, a highly-decorated Marine Corps Colonel, who has significant hearing loss, can nonetheless feel the vibrations that rattle our deck. It triggers his PTSD- he said as we were awoken at 4 in the morning from the vibrations, "it sounds like tanks coming over the ridge." We have had people over to bear witness to what we are experiencing. One resident said he could feel the sound and vibration in his legs on our front lawn. Another, who is with the fire dept, said "I don't know how you endure this." The owner of the farm two properties down from us called me two nights ago to ask if we were experiencing what they are experiencing. We compared notes- indeed, they have headaches and nausea from the vibrations; on top of that, the exhaust from the non-stop generators blows down onto that farm.  

The staff/County has apparently required growers to store their cannabis onsite. Hence the huge storage trucks, the refrigerated trucks that run all the time. Staff tells me the growers have to keep their pot cold while they line up buyers. I’m told this might go on through January into February. This should not become the community’s problem. We don’t want any of this in our village or near our organic farms. The public has never had a chance to comment on these policies, policies that have significant, daily impacts on our personal and community well-being, health and safety. The current documents should acknowledge this lack of transparency and describe how it will correct and mitigate this problem.  

Cannabis should be harvested and immediately moved to cold storage OFF-SITE, preferably in some industrially or commercially zoned area of a city. The EIR and CLUO should address such alternatives, alternatives that lessen the burden on our region.
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Particularly in Rumsey, where the valley narrows considerably, the non-stop noise, exhaust and traffic has been significant. We don’t want ANY processing in the Capay Valley that involves extended use of generators, refrigerated trucks, storage trucks, or the use of any chemicals or hydrocarbons like butane. The very geography of this end of the valley dictates this. The EIR does not reflect this.

Another grow, located in the midst of small farms and homes in the residential part of Rumsey, has made it impossible for those landowners to sit outside on a summer’s evening and enjoy the day’s end. The 7 refrigerated trucks there have run 24/7 for most of the summer. Traffic from the employees goes right next to an existing home, sometimes 80 trips in a day as the two dozen cars take lunch breaks or seek wifi off-premise towards the community hall. Bored night watchmen shine their flashlights into the adjoining homes. The noise, the smell, the indifference of the workers, grower and owners, has changed the tenor of the entire village. Property values have demonstrably plummeted. No one wants to buy a property next to a cannabis grow.

The depression in the community is palpable. The County has been largely unresponsive but is in frequent communication with the growers. Complaints dry up because they are fruitless.

Under CEQA, you are supposed to examine alternatives that accomplish the purpose and goals that are supposed to be met, but with reduced impacts. But the “preferred alternative”, (the current status quo, disingenuously called the “no cannabis” alternative although that is NOT an honest nomenclature, maintains the status quo (2016’s 78 permits) that most of us hate, and the alternatives presented make everything worse, not better, by increasing the amount and types of grows and permitted cannabis-related activities.

There are a myriad of other problems- littering, crime, theft from farms. Even the track-and-trace tags are found in the litter. The EIR does not address the crime issue. It also mentions but makes no real analysis of the success or lack thereof of that program. Watching as I do from a front-row seat, it is impossible not to see the many opportunities for legal grows to divert to the black market. And they have. Where is that discussed in these documents?

When the cannabis task force in 2016 opened the door to permits, they did not do so on a level playing field. Almost all of those who obtained permits were not from the area; those who were, were in the most part already growing cannabis illegally. There was no easily understood process for application or review of applications. Many local farmers who were interested found out too late and never got a chance to apply, and because the program was so profoundly botched from the beginning, a moratorium was imposed just short months later. We have no indication that the early public meetings on cannabis, presided over by the agriculture commissioner, were properly noticed under the Brown Act. The meetings were held on private property and we heard about them only by word of mouth. Evidence to the contrary should be in the EIR and CLUO.

Nonetheless, the original permit holders have been preferentially treated from that time on, at the cost of degrading areas in the Capay Valley with severe over concentration. Nothing in the EIR or CLUO adequately deals with this County-created problem.

The fact is that the County had an obligation to do a CEQA review as it entered into this huge
new, unknown arena of cannabis cultivation. If every project needed such a review, it was this.

Yet the County exempted itself. The County claimed the cannabis project was ministerial in nature. To claim that cannabis cultivation has no significant impact on the environment is preposterous. With the 78 permits, there have been impacts on traffic, crime, housing, noise, light pollution, wildlife, land and water quality, aesthetics, energy use, to name a few, all foreseeable.

Having built its highly-flawed regulatory foundation without a CEQA review, the County now seeks to build on that, with a CEQA review which considers the original, unreviewed rules as the “basis.”

This is like building the foundation for a high-rise with no permits, no inspection, and no engineering, and then coming in with documents to justify building all the next levels with appropriate processes, but never circling back to properly inspect the foundation itself. The lack of scrutiny of the foundation should delegitimize any subsequent regulatory scaffolding that affixes to the faulty foundation.

We believe this EIR and this CLUO are rendered too flawed by this initial circumvention of CEQA to be valid.

That being said, the CLUO and EIR documents should show that CEQA was circumvented by a county decision. That decision and the documents or discussion that led to a decision not to explore significant impacts on the environment should be included in the EIR and the CLUO’s history of the project.

Other issues:
- There is insufficient discussion of fire danger from the cannabis activities, particularly if any processing is considered, since such activities use highly flammable hydrocarbons like butane and propane. The Capay Valley is highly prone to wildfires. Rumsey was under evacuation orders last summer and the summer before, and Guinda was in danger as well. My farm at the south end of the valley burned in 2018 (south of Brooks.) And yet the County has situated the greatest number of grows in the entire County, within the most populated areas of the Capay Valley. This is an outrage. The Capay Valley is served by one road, Highway 16. There is one additional county road that can allow an exit out of the north end of the valley, the Arbuckle Grade Road, which Cal Fire would like to see kept open. It is the only alternative escape route, but the County is too cheap to maintain it in safe condition. Because it goes through lands now owned by the Tribe, its use should be carefully regulated, but it should nonetheless be in condition to handle emergency egress.

- Rumsey has always had a problem with insufficient power, a problem known to PG&E and that has been brought to the County’s attention, yet the staff has been completely indifferent to this concern, allowing all manner of changes in size and activities to existing grows.

- The Capay Valley has different soil and geological structures than the rest of Yolo county, situated in the Central Valley. The Capay Valley is only 8% of the County but has been burdened with almost one third of the permits. But the hydrology here is completely different
4. form the rest of the County. The Capay Valley has fractured geology and the 92% of the rest of the county is alluvial in nature. Our own good well has decreased immensely in quality since the large grow next door was allowed with no review. Ask any experienced well driller and he’ll tell you that the water distribution in the Capay Valley is completely different than the water in the alluvial areas of the majority of the County. Regional differences, in soil structure, hydrology and topography, are not adequately reflected in the EIR.

In the other 92% of the County in the Central Valley, there is plenty of room and water for the large, investor-backed corporatist style grows the County seems to be biased towards.

- The Capay Valley, in our opinion, should have NO big grows. This area, famous for its family farm atmosphere, has worked hard to promote ecotourism and thoughtful sustainable farms. Large cannabis grows are proving themselves incompatible, environmentally and culturally.

- The EIR and CLUO do not provide any pathway for new applicants to be allowed into the cannabis industry. Given the inequities of the permitting program in 2016, it is unacceptable that only the original 78 applicants can maintain the stranglehold on this lucrative market. What are the County’s plans to mitigate the inherent unfairness and social injustice in its program and to open up the process in a fair, public manner? No such information is available in the EIR or CLUO.

- Related to the above concern, we would be inclined to support, in the Capay Valley, ONLY Specialty Cottage outdoor or indoor grows, and Specialty Outdoor grows, thus allowing existing farms to incorporate cannabis into the portfolio of their farms in a modest manner, with perhaps a 300 foot buffer from any inhabited residence. This creates a far more level playing field than the County’s current bias towards large investor-backed grows.

- We believe from experience that all large grows be 1,000 feet from any inhabited residence. We have seen first-hand how any lesser distance does little to help mitigate the many negative impacts from cannabis grows.

- Most of all we want ALL grows including the existing 78 to be subject to public review and input— and NOT grandfathered in, as they effectively are in all alternatives. And all neighboring properties should be given notice of any and all cannabis applications and given the opportunity to support or oppose, and the application should be heard before the Planning Commission. Further, each applications must be heard on its own and NOT “bundled.”

- Overconcentration is inadequately dealt with. This is such a huge problem in my area, Rumsey, that it is mind-boggling that the EIR and CLUO do not actually deal with the problem in any real manner, relegating the issue to alternatives that actually increase the overall problem by increasing cannabis activities. These documents must be significantly revised to address head-on the issue of over-concentration. It must be stated clearly that the environmental and cultural problems of over-concentration were created by the County itself, by staff’s authority to administer the cannabis program with no EIR, no public input, no properly noticed public meetings regarding applications to grow or parameters of grows. The CLUO and EIR must document honestly and completely the administrative and legislative history and path taken by the County that has led them to the current mess, and must put forth a fair path moving forward.
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for dealing with and resolving this critically important issue.

- Where are the alternatives that LESSEN the impacts of the cannabis industry? Why is there no alternative that is actually a true pre-2016 NO CANNABIS or pre-cannabis alternative?

- Where in the EIR is there any discussion to consider placing cannabis within industrial and commercial zones in or around cities? If it’s not considered, why not?

- The Rumsey area had a great deal of historic activity by the people of the Yocha De He nation. Yet I see huge cannabis activities adjacent to me and a hideous blight on the land at the end of Manzanita street in an area that has not been farmed prior for a long time and might very well have had cultural resources, as well as several other grows in Rumsey. Was the Wintun nation allowed to send its representatives to the properties that have been dug up, flattened, covered with gravel, buildings and machinery, to ensure a cultural inventory was obtained? I quite doubt it.

- The issue of hemp is brought up, and that requires its own study, but the fact is that the cannabis growers have successfully lobbied the County to put a hold on hemp. Hemp is far more of a true “green” industry - it requires less fertilizer and water; can be grown on more marginal soil it has exciting uses that may lead to real breakthroughs in a green economy, such as Hempcrete building material, lighter and stronger than concrete; gorgeous engineered flooring that is truly sustainable since hemp is an annual; clothing materials; alternatives to paper from trees and plastics from petroleum. The way to handle hemp and cannabis is to make cannabis be grown indoor in industrial areas, and use pollen filters. End of problem of hemp pollen degrading the THC content in pot. Why would you put a hold on a federally legal plant with a great many uses that can really help address a variety of pressing environmental problems in favor of cannabis? You can get all the money you need from cannabis, but you don’t have to place the cannabis where it is NOT wanted, and you should not hamper a new legal agricultural opportunity- hemp- in favor of cannabis, and certainly not without its own EIR.

Sincerely,
Helen McCloskey
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**Response to Comment 30-1**  
**CLUO Comment.** Thank you for providing comments on the Draft EIR. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

**Response to Comment 30-2**  
**EIR Comment.** The comment identifies lighting issues with an existing cannabis cultivation site that impacts wildlife in the area. The concerns regarding this existing cannabis cultivation site are noted. Under the CLUO, existing cannabis cultivation sites would be required to obtain approval of a Cannabis Use Permit and comply with the lighting requirements of the draft CLUO. Draft EIR Impact AES-4 addresses potential lighting impacts from cannabis uses (see Draft EIR pages 3.1-46 through 3.1-48). This impact discussion identifies that draft CLUO Sections 8-2.1408(F), 8-2.1408(X), 8-2.1408(Z), and 8-2.1408(00) would require all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts.

**Response to Comment 30-3**  
**CLUO Comment.** The commenter indicated that County staff and law enforcement are biased in favor of cannabis cultivators. This belief is acknowledged. Please see MR-7, “Code Enforcement and Crime,” and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 30-4**  
**CLUO Comment.** The commenter expresses concern that the Draft EIR does not adequately address compliance. The purpose of the Draft EIR is to disclose the environmental consequences of implementing the proposed CLUO, assuming five alternative regulatory scenarios (Draft EIR page ES-8). Enforcement and code compliance would be addressed through implementation of the proposed CLUO under Sections 8-2.1408(CC) and 8-2.1412, and other police powers of the County. The County has an active enforcement and compliance program. Adoption of the proposed CLUO will greatly expand the scope and authority of the County to enforce matters expressed by many neighbors as being of greatest concern. It will also provide more effective penalties such as modification or revocation of the use permit (see Section 8-2.1412[A] of the proposed CLUO).

**Response to Comment 30-5**  
**EIR Comment.** The commenter identifies concerns regarding noise, vibration, and exhaust from existing operations on a neighboring property. The CTF has confirmed they are aware of the concerns and complaints regarding this operation and are actively pursuing these matters.

Under the draft CLUO, existing cannabis cultivation sites would be required to obtain approval of a Cannabis Use Permit and comply with the noise requirements of the CLUO. Draft CLUO Section 8-2.1408(BB) requires compliance with General Plan land use compatibility standards for industrial, manufacturing, utilities, agriculture (General Plan Figure HS-7 – 75 dBA). Draft CLUO Sections 8-2.1408(F) and 8-2.1408(00) also require buildings and site design to comply with all applicable codes, standards, regulations, and guidelines, and demonstrate consideration of noise control.
The Draft EIR identifies that exterior noise sources associated with the operation of cannabis uses could include the use of off-road utility vehicles, generators, externally mounted air condition units on storage containers, greenhouse fans, and trimming tools. On pages 3.12-12 through 3.12-14, the Draft EIR concludes that these noise sources would generate noise levels at receptors that range from 44.4 dBA to 73.6 dBA (depending on the alternative and associated buffer standards) which would fall below the applicable General Plan land use compatibility standards (75 dBA). The Draft EIR examines vibration impacts on page 3-10, which concludes that cannabis uses would not result in excessive vibration or vibration levels such that any receptors would be adversely affected. Air quality impacts are addressed on Draft EIR pages 3.3-20 through 3.3-22 and 3.3-26 through 3.3-29.

The cannabis activities at this location were approved under the County’s Licensing Ordinance which is a ministerial process with 75-foot buffer requirements for individual residences. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. The CLUO would establish a discretionary permit process in addition to the required ministerial cannabis license. The Board of Supervisors is considering appropriate buffers to apply under the CLUO. The Draft EIR examines a range of buffers from 0 to 1,000 feet.

Section 8-2, 1408(T) of the proposed CLUO addresses generator use and includes refrigeration units. The County staff is proposing further modification of this section to clarify that a permanent power source is required and that interim use of generators is restricted to power outages and emergencies, and under no circumstances can exceed 80 hours of use per year (see Appendix D). Generator use would also be subject to the noise controls identified in Mitigation Measure NOI-1 and summarized in Response to Comment 9-3. Please also see Response to Comment 31-4.

Response to Comment 30-6  CLUO Comment. The commenter identifies general concerns regarding the storage of harvested cannabis on-site. This comment is acknowledged. For the cultivation site discussed by the commenter, the cultivator was drying the harvested cannabis, which is considered processing, not storing. The County does not require cannabis to be stored on-site.

There are different processing methods which can depend on the cannabis product to be produced. In this case, refrigeration units were used to utilize a temperature controlled drying process. The cultivator had acquired permits from the County to install electric powered temperature-controlled units and has been waiting for Pacific Gas and Electric Company to interconnect the units to its distribution system. Unfortunately, it has a backlog of interconnection projects which delayed the interconnection of the temperature control units.

Please see Response to Comment 30-5 regarding generator use under the proposed CLUO and Response to Comment 31-12 regarding regional processing.

Response to Comment 30-7  CLUO Comment. The commenter recommends that harvested cannabis should be stored off-site. This comment is acknowledged. Alternatives 2 through 5 would provide for commercial cannabis processing uses that would store harvested cannabis off-site of cultivation sites. Please see Response to Comment 30-5 regarding generator use under the proposed CLUO.
Response to Comment 30-8

**EIR Comment.** The commenter recommends that because of narrow geography in Rumsey, processing facilities utilizing generators on a long-term basis, refrigerated trucks, storage trucks, or use of chemicals or hydrocarbons not be allowed in the Capay Valley. This recommendation is noted for the record. Please also see MR-12, “Expression of Opinion/Preference,” and Response to Comment 30-5 regarding generator use.

The proposed CLUO would allow for consideration and control of site-specific and project-specific factors using a discretionary use permit process with public notice and hearings.

The commenter also indicates that the EIR does not address the effects residents experience related to existing licensed operations. The proposed CLUO is under consideration in response to this type of situation. As directed by the Board of Supervisors, the County seeks to institute a more rigorous discretionary use permit process. The Draft EIR examines the effects of implementation of the draft CLUO as compared to existing conditions. Please see MR-2, “Baseline Conditions Used in the Draft EIR.”

The Draft EIR evaluates the environmental impacts of future cannabis uses that may occur under the five CLUO alternatives countywide. Draft EIR Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” identifies the assumed distribution of future cannabis uses for EIR impact analysis purposes that includes sites in Capay Valley (see Draft EIR Exhibits 2-4 through 2-8). No significant operational noise impacts associated with cannabis uses under the five CLUO alternatives were identified in Draft EIR Section 3.12, “Noise.” No significant air pollutant emissions or traffic condition impacts were identified in Draft EIR Section 3.3, “Air Quality and Odor,” and Section 3.14, “Transportation and Circulation,” for Capay Valley or countywide. Please see MR-15, “Traffic Analysis,” regarding further details on the Draft EIR traffic analysis methodology and conclusions.

Pesticides used on cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. Active ingredients exempt from registration requirements are mostly food-grade essential oils such as peppermint oil or rosemary oil that do not pose a public health threat (Draft EIR page 3.2-23).

The creation of cannabis products is often accomplished through extraction methods and/or chemical synthesis. Extraction usually involves the use of a closed loop system using carbon dioxide or volatiles (e.g., butane) to remove the key constituents from the cannabis. While these systems can present health and safety hazards if not conducted properly, CCR Title 17, Division 1, Chapter 13 Sections 40223(b), 40225(a)(b)(d)(e), and 40280(a) require fire control measures for handling of hazardous materials. Compliance with these standards would ensure that cannabis uses do not create or increase fire hazards or exposure to hazard materials.

Response to Comment 30-9

**CLUO Comment.** The commenter identifies noise impacts from existing cannabis cultivation operations in Rumsey as significantly affecting their quality of life. The proposed CLUO is under consideration in response to this type of situation. As directed by the Board of Supervisors, the County seeks to institute a more rigorous discretionary use permit process. The Draft EIR
examines the effects of implementation of the draft CLUO as compared to existing conditions. Please see MR-2, “Baseline Conditions Used in the Draft EIR.” The proposed CLUO would allow for consideration and control of site-specific and project-specific factors using a discretionary use permit process with public notice and hearings. Please also see Response to Comment 30-8.

Response to Comment 30-10 EIR Comment. The commenter identifies traffic impacts from existing cannabis cultivation operations in Rumsey. As further discussed in MR-15, “Traffic Analysis,” trips from agricultural uses, including cannabis activities, on county roads are considered acceptable pursuant to General Plan policy, and therefore do not constitute an adverse impact. Pursuant to draft CLUO Section 8-2.1408(JJ), if triggered by conditions identified in the Yolo Transportation Impact Study Guidelines (e.g., 100 new trips or more), applicants will prepare a traffic operations assessment for consideration as part of Cannabis Use Permit application process. Pursuant to draft CLUO Sections 8-2.1408(K) and 8-2.1408(JJ), situations where a project would substantially and adversely alter physical or operational conditions on a County roadway, roadway improvements (e.g., safety improvements or emergency access consistent with General Plan Policy CI-3.18) or other circulation improvements will be required as appropriate. This is summarized on page 3.14-17 of the Draft EIR.

The Draft EIR concludes that the proposed CLUO, including subsequent Cannabis Use Permits approved pursuant to the adopted CLUO, would not conflict with the transportation related objectives, goals, and policies of the General Plan associated with transportation policies under the five alternatives. Compliance with these CLUO requirements would also ensure all roadway improvements associated with new cannabis operations would be constructed in accordance with all applicable County and Caltrans design and safety standards. Additionally, the vehicle types associated with operation of cannabis operations (i.e., passenger vehicles, light-duty vehicles, single unit trucks) are consistent with the vehicle types currently utilizing the County roadway network and thus would not result in the operation of incompatible uses.

Response to Comment 30-11 EIR Comment. The commenter expresses concerns regarding existing cannabis uses related to security operations disturbing adjoining land uses, noise and odor impacts, and loss of property values. The draft CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan. Please also see MR-7, “Code Enforcement and Crime.”

The Draft EIR acknowledges impacts associated with security features at existing cannabis cultivation sites (see Draft EIR page 3.1-14, changes in aesthetics). Please see Response to Comment 30-5 regarding noise concerns.

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. Please also see Response to Comment 17-36.

Regarding concerns related to property values, please see MR-6, “Economic Effects and Property Values.”
Response to Comment 30-12 **CLUO Comment.** The commenter expresses her belief that the County favors cannabis cultivation concerns over concerns of neighbors and residents. This comment is acknowledged. Please see Response to Comment 30-4. Please also see MR-7, “Code Enforcement and Crime.”

Response to Comment 30-13 **EIR Comment.** The commenter expresses concerns and disagreement related to the alternatives analyzed in the Draft EIR. The County is required to identify a preferred alternative which the Board of Supervisors directed would be Alternative 1, Cultivation with Existing Limits. This alternative is not the same as the No Cannabis Alternative. As noted in Chapter 5, “Alternatives,” of the Draft EIR, Alternative 1 results in less impact than the No Project Alternative which speaks to one of the commenters points. Under both mitigated and unmitigated conditions, Alternative 1 is environmentally superior to the No Project Alternative (see page 5-7 of the Draft EIR). Please also see MR-1, “No Project Alternative and No Cannabis Alternative”; MR-2, “Baseline Conditions Used in the Draft EIR”; MR-3, “Range of Alternatives Evaluated in the Draft EIR”; and MR-4, “CEQA Alternatives and County Decision-Making.” Please also see Responses to Comments 17-8 and 29-1.

Response to Comment 30-14 **EIR Comment.** The commenter states that crime is not addressed in the Draft EIR, including diversion of legal cultivation to the black market. CEQA focuses EIR analysis of law enforcement on impacts resulting from physical improvements of needed facilities, essentially construction impacts. Consistent with this mandated focus, impacts on law enforcement associated with implementation of the draft CLUO are addressed on Draft EIR pages 3.13-34 through 3.13-37.

In general, the focus of CEQA is on disclosure of significant adverse physical effects. Economic and social concerns are not CEQA topics (see MR-6, “Economic Effects and Property Values.” However, they are relevant project considerations that will be considered by staff and the Board in their deliberations. These “non-CEQA” concerns expressed by the commenter are directly addressed in the draft CLUO through the performance standards set forth in Section 8-2.1408(LL) and Section 8-2.1410(D), which would minimize the potential for criminal activities through implementation of site security systems that include access control, security cameras, alarms, security personnel, and fencing at sites. CCR Sections 5042, 5043, 5046, 5047, 40200, and 40205 also require on-site security measures for identified cannabis uses. These standards 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). Similarly, manufacturing sites are required to provide security plans that address access controls to buildings, alarm system requirements and video surveillance (CCR Sections 40200 and 40205). As a result of these and related requirements, law enforcement facilities (such as administration buildings and jails) are not projected to require expansion due to cannabis uses, and therefore related physical impacts from construction of these facilities would not occur. Please see MR-7, “Code Enforcement and Crime,” regarding code enforcement measures that ensure compliance with applicable cannabis regulations.
Response to Comment 30-15  CLUO Comment. The commenter expresses concerns regarding the process and outcome of the County’s early process to allow cannabis operations under the licensing program. These concerns are acknowledged. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 30-16  CLUO Comment. The commenter believes existing licensed cannabis operations have received preferential treatment and that the Capay Valley has been adversely affected as a result. This is noted for the record. The proposed CLUO is under consideration in response to this type of concern. The proposed CLUO would allow for consideration and control of site-specific and project-specific factors using a discretionary use permit process with public notice and hearings. As directed by the Board of Supervisors, the County seeks to institute a more rigorous discretionary use permit process. The Draft EIR examines the effects of implementation of the draft CLUO as compared to existing conditions. Please see MR-2, “Baseline Conditions Used in the Draft EIR.”

The Draft EIR evaluates the environmental impacts of future cannabis uses that may occur under the five CLUO alternatives countywide (including Capay Valley). Section 4-2 of the Draft EIR specifically analyzes the issue of overconcentration in the Capay Valley area, as well as elsewhere countywide. Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 30-17  CLUO Comment. The commenter expresses concerns regarding the existing ministerial cannabis licensing program. Please see MR-16, “Cannabis Licensing Program.”

Response to Comment 30-18  EIR Comment. The commenter expresses her opinion that the CEQA baseline used in the Draft EIR is inappropriate. The commenter’s concerns are noted. Please see MR-2, “Baseline Conditions Used in the Draft EIR.” The approach taken by the County is consistent with State regulatory requirements and CEQA case law.

Response to Comment 30-19  CLUO Comment. The commenter requests information regarding CEQA compliance for the County licensing program. Please see MR-16, “County Licensing Program.”

Response to Comment 30-20  EIR Comment. The commenter states that the Draft EIR provides an insufficient discussion of fire danger associated with cannabis processing activities and emergency access. Emergency access impacts and wildland fire hazards are addressed on Draft EIR pages 3.9-32 through 3.9-43, while impacts on fire protection services are addressed on Draft EIR pages 3.12-23 through 3.12-34. This analysis provides information on recent wildland fire events in the County and mapping of fire hazard severity zones and the assumed locations of future cannabis uses. As identified in Draft EIR Exhibits 3.9-8 through 3.9-12, the Capay Valley is located in “Moderate” to “Very High” fire hazard severity zones.

As identified in the Draft EIR, cannabis uses would be required to comply with: PRC Section 4291 and draft CLUO Section 8-2.1408(F) for provision of fire breaks to protect buildings and avoid the spread of wildfire; CCR Title 24, Part 2, Section 701A3.2 and draft CLUO Section 8-2.1408(Q) for building design to be fire resistant and avoid the creation of a fire; and draft CLUO Section 8-2.1408(K) to ensure adequate access. Manufacturing uses would be required to comply with CCR Title 17, Division 1, Chapter 13, Sections
40223(b), 40225(b), 40225(d), and 40280(a), which require fire control measures for handling of hazardous materials. Compliance with these standards would ensure that cannabis uses do not create or increase wildfire hazards to residents or buildings. As part of the land use permitting process under the CLUO, each individual cannabis project would be evaluated to ensure compliance with the local and state fire protection requirements. This project evaluation would also verify that sufficient response capability exists within the applicable fire protection district (FPD) and automatic aid jurisdictions. On-site inspections of each cannabis project would be conducted to ensure compliance with County and State fire protection requirements. Given these provisions, there would be no need for expanded fire protection services that would necessitate the construction of new fire protection facilities (e.g., fire stations).

Sections 8.2-1408(K) and 8.2-1408(Q) of the draft CLUO would require that cannabis site access be adequately designed and maintained for fire and emergency access consistent with Fire Code and Yolo County Improvement Standards for cannabis sites. The assumed cannabis uses would not alter the County’s roadway facilities in a manner that would significantly slow emergency response and evacuation. As identified in the traffic analysis provided in Draft EIR Section 3.14, “Transportation and Circulation,” and in Appendix G of the Draft EIR, the cannabis uses assumed for this alternative would not create new significant traffic congestion.

Regarding the use of Arbuckle Grade Road, although it is not maintained by the County for personal vehicle use, the California Department of Forestry and Fire Protection grades the road, as necessary, to bring in emergency equipment in the event of a fire. As noted by the commenter, the road is adequate to be used for evacuation of residents. However, sufficient egress is provided by Highway 16 (Garrison 2020).

Response to Comment 30-21

CLUO Comment. The commenter identifies power (electrical) service concerns for Rumsey. Under CEQA, analysis of energy impacts is focused on wasteful consumption and significant adverse physical effects of construction which could include construction of new energy producing infrastructure. Energy impacts associated with cannabis uses are addressed on Draft EIR pages 3.6-11 through 3.6-15. All buildings constructed under the CLUO would be built to the California Energy Code in effect at the time of construction and compliance with the CCR requirements for energy efficiency. Section 8-2.1408(O) of the draft CLUO requires sites to demonstrate availability of adequate energy and includes a renewable energy requirement of at least 50 percent for all cannabis sites. Also, the energy-related requirements in Sections 8203, 8205, and 8206 are more stringent than the standard requirements in the California Energy Code for cultivation sites. Additionally, all indoor lighting would be required to be energy-efficient pursuant to Section 8-2.1408(Z) of the draft CLUO. Thus, the EIR concludes that no electrical service impacts are expected under the five CLUO alternatives.

Notwithstanding the limited focus of CEQA, related to the availability of electrical power the County staff is proposing further modification of Section 8-2.1408(T) of the proposed CLUO to clarify that a permanent power source is required and that interim use of generators is restricted to power outages and emergencies (see Appendix D).
Response to Comment 30-22  **EIR Comment.** The commenter states that regional conditions related to geology and hydrology in the Capay Valley are not reflected in the Draft EIR. However, the Draft EIR does address these issues. Draft EIR Chapter 4, “Cumulative Impacts and Overconcentration,” evaluates the environmental impacts of overconcentration of cannabis uses in Capay Valley and identifies significant and unavoidable impacts in the areas of visual quality and odor impacts. Please see MR-10, “CUP Process and Overconcentration,” on further details regarding implementation of the CLUO and the issuance of Cannabis Use Permits related to overconcentration.

The Draft EIR discloses soil, geologic, and hydrologic conditions in Capay Valley on pages 3.7-1 through 3.7-12, and 3.10-1 through 3.10-13. Draft EIR Impact HYDRO-2 concludes that changes in groundwater demand from existing crops to cannabis would not result in significant increases in groundwater pumping that would result in substantially decreased groundwater supplies under normal- and dry-year conditions or interfere substantially with groundwater recharge in the County (see Draft EIR pages 3.10-38 through 3.10-45).

Moreover, the proposed CLUO would establish a cannabis use permit system that would allow for consideration of site-specific and project-specific issues such as those raised in this comment.

Response to Comment 30-23  **CLUO Comment.** The commenter expresses her support for moving cannabis operations out of the Capay Valley area and into parts of the county where water and better-suited locations are perceived to be available. This opinion is noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 30-24  **CLUO Comment.** The commenter expresses her recommendation that the Capay Valley should have no large cannabis cultivation sites. This recommendation is acknowledged. Please see MR-12, “Expression of Opinion/Preference.” “Large” cultivation licenses as defined by CDFA CalCannabis, are not currently allowed and therefore there are none in Yolo County or elsewhere in the state. The state will not be issuing licenses for the category of “large” cultivation prior to January 1, 2023. It is likely this commenter is not referring to “large” as defined by the state but rather to the size of facilities in a more colloquial sense. However, currently Yolo County limits cannabis cultivation to 1 acre of garden canopy. This restriction does not change under the CLUO as proposed.

Response to Comment 30-25  **CLUO Comment.** The commenter states that the draft CLUO and Draft EIR do not provide a pathway to allow new cannabis applicants to be allowed into the industry based on the cap of 78 existing and eligible cultivation sites in effect under the current licensing program. While the CEQA preferred alternative (Alternative 1) is assumed to retain a total of 78 cannabis cultivation sites, the Board of Supervisors has the decision-making authority to establish, expand, or eliminate caps on cannabis uses through the proposed CLUO. If caps are established that fit within the assumptions made in the EIR, it is anticipated the EIR will be determined to be adequate to support the final decision-making. Please see MR-4, “CEQA Alternatives and County Decision-Making.” In addition, under the CLUO, each of the 78 existing and eligible cultivation sites would be required to obtain a Cannabis Use Permit from the County to continue operation. Assuming that caps are established, failure to secure a CUP will render an existing site unable to continue operations and have the effect of freeing up a permit for another
compliant proposal within the maximum capped number. Implementation of overconcentration controls will also establish caps within geographic areas.

**Response to Comment 30-26**  
**CLUO Comment.** The commenter recommends that Specialty Cottage Outdoor or Indoor Cultivation or Special Outdoor Cultivation license types be allowed in Capay Valley. As proposed by the commenter, these licenses would be restricted in availability solely to existing farm operations. Consideration of 300-foot buffers from inhabited residences is recommended. The commenter's recommendations are acknowledged. Please see MR-12, “Expression of Opinion/Preference.” This recommendation falls within the scope of the proposed CLUO and the EIR.

**Response to Comment 30-27**  
**CLUO Comment.** The commenter recommends 1,000-foot buffers between large cultivation sites and inhabited residences. The commenter’s recommendation is acknowledged and will be considered by the County during deliberations regarding the CLUO.

**Response to Comment 30-28**  
**CLUO Comment.** The commenter requests that the existing 78 cultivation sites be subject to public review and each considered separately. This recommendation is consistent with the proposed CLUO. Implementation of the CLUO would involve the issuance of Cannabis Use Permits for each separate cannabis application. Please see Response to Comment 29-7.

**Response to Comment 30-29**  
**EIR Comment.** The commenter emphasizes her strongly felt concerns regarding overconcentration and the current cannabis licensing program. The proportion of cannabis cultivation licenses in the Capay Valley area is identified and analyzed starting on page 4-37 of the Draft EIR. Section 4.2, “Overconcentration,” of the Draft EIR contains an analysis of the issue of overconcentration in any location in the County and concludes that the Guinda/Rumsey area is currently overconcentrated. This section identifies Draft EIR Mitigation Measure OVC-1 to mitigate this concern. Adoption of the CLUO would address the concerns regarding overconcentration. Please see MR-10, “CUP Process and Overconcentration,” and MR-16, “Cannabis Licensing Program.”

**Response to Comment 30-30**  
**EIR Comment.** The commenter inquires regarding alternatives that would reduce impacts and regarding a no cannabis or pre-cannabis alternative. Please see Response to Comments 29-1 and 30-13.

**Response to Comment 30-31**  
**EIR Comment.** The commenter inquires regarding locating cannabis in industrial and commercial zones within and around the cities. The four incorporated cities in Yolo County have independent land use authority. The County’s jurisdiction is limited to the unincorporated area of the County. For information regarding cannabis operations and regulations within the cities, the commenter is encouraged to contact the cities directly. Section 8-2.1407 of the proposed CLUO and Table 2-6 of the Draft EIR identify proposed development regulations for various cannabis uses. Proposed allowed cannabis uses within the County’s industrially and commercially zoned land are identified in this table.

**Response to Comment 30-32**  
**EIR Comment.** The commenter identifies concerns regarding impacts on cultural resources important to the Yocha Dehe Wintun Nation. Regulations to protect cultural and tribal cultural resources are included in the proposed CLUO (see Sections 8-2.1408[H], 8-2.1408[OO], and 8-2.1410[C][1]) and impacts are addressed in Draft EIR Section 3.5, “Cultural and Tribal Cultural Resources.”
SWRCB Order WQ 2019-0001-DWQ Term 19 prohibits cultivation sites or within 600 feet of tribal lands, while Term 20 prohibits cannabis cultivation within 600 feet of a tribal cultural resource. Terms 21 and 22 of the SWRCB order require California Historical Resources Information System records searches, Native American Heritage Commission record searches, and archaeological surveys or evaluations (if necessary). Compliance with the above Terms of the SWRCB order would reduce impacts on known archaeological resources that may include tribal cultural resources through requiring standard record searches, requiring archaeological evaluations of identified features, and implementing necessary measures to ensure the protection of archaeological resources and tribal cultural resources (Draft EIR page 3.5-26).

Response to Comment 30-33  **CLUO Comment.** The commenter summarizes the benefits she sees in allowing hemp and expresses her support for hemp activities. Please see MR-8, “Marijuana and Hemp.”
To: Supervisors  
Cannabis Task Force  

December 22, 2019

Dear Supervisors and County Staff:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Larry Alegre, Rancho Alegre
Joel Berrelleza
Gretchen Ceteras, Blue Heron Farm
Linda Deering
Corky and Vicki Facciuto
Todd Gettleman
Kathy Lowrey
Helen and Pete McCloskey, Rumsey Farms
Robin and Serge Testa
Response to Comment 31-1  **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dear Supervisors and County Staff:

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

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

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

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

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

The grow at the end of Manzanita has engendered so much traffic that as many as 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, cars, etc. The measurements must be made from the grow’s property boundary line, because the entire grow property is involved, and negatively affects all adjacent and nearby properties.

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

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

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

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 2018) as the actual baseline from which to move forward and develop a community-driven set of policies.

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

Sincerely,

Larry Alegre, Rancho Alegre
Joel Berrelleza
Gretchen Ceteras, Blue Heron Farm
Linda Deering
Corky and Vicki Facciuto
Todd Gettleman
Kathy Lowrey
Helen and Pete McCloskey, Rumsey Farms
Robin and Serge Testa
Linda Wilson
<table>
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<th>Letter 32</th>
<th>Larry Alegre, Joel Berrelleza, Gretchen Ceteras, Linda Deering, Corky and Vicki Facciuto, Todd Gettleman, Kathy Lowrey, Helen and Pete McCloskey, and Robin and Serge Testa (email) 12/22/2019</th>
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**Response to Comment 32-1** CLUO Comment. This letter is identical to Letter 31 with a few exceptions, which are identified below. This comment is identical to comment 31-2 with minor differences in the second paragraph. Please see Response to Comment 31-1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

License type: Cultivation and Personal.

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

Limits on number: Cultivation-50

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

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

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

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

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

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

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

Sincerely,
Nancy K. Gray
Response to Comment 33-1 **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter’s opening statements regarding the current County cannabis cultivation regulations are acknowledged.

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

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

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

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

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

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

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

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

Chad Roberts, Ph.D.
Senior Ecologist (ESA), Professional Wetland Scientist (SWs)

22 December 2019

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

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

Dear Ms. Strachan:

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

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

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

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1 CEQA Guidelines §15126.4(a)(3): "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." These mitigation measures subsequently become requirements within agency approvals pursuant to the adopted plan.

P.O. Box 2173 • Davis, CA 95617

Yolo County
Cannabis Land Use Ordinance Response to Comments Document

3-264
Susan Strachan, Cannabis Program Manager
Comment Regarding Biological Resources Assessment, CLUO Draft EIR
22 December 2019
Page 2

aquatic environment and the terrestrial environment, such as the relationships described by the National Research Council (2002) in the following definition for “Riparian Areas”:

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

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

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

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

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

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

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

It’s fundamentally unclear to me that the DEIR assessment of potential effects on landscape connectivity (Impact BIO-4, page 3.4-70) addresses current conservation planning standards, such as those included in the State Wildlife Action Plan (SWAP).[^3] Connectivity is an essential functional consideration for conservation planning, a conclusion that’s stated in the SWAP many times, and which is also included in the adopted Yolo HCP/NCCP. Connectivity is widely recognized as the most effective approach to assuring desired conservation outcomes at landscape scales (e.g., Spencer et al. 2010).[^4] Riparian areas are widely linked to establishing essential habitat connectivity at landscape scales (e.g., Fremier et al. 2015).[^5] Connectivity has emerged as the principal functional concern for assuring population viability for sensitive plant and wildlife species and the communities in which they occur that are affected by climate change. (The DEIR does not incorporate assessments of the effects of climate change on the conservation of sensitive species and habitats; while it’s uncertain at the present time what CEQA requires in such assessments, the interactions of land use alterations and climate change clearly should be addressed in any CEQA document where these dynamic processes are a part of the environmental concern, including this DEIR.)

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

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


connections that represent the diverse geography, topography, biological communities, and ecological integrity of the landscape.

Policy CO-2.1 Consider and maintain the ecological function of landscapes, connecting features, watersheds, and wildlife movement corridors.

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

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

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

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

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

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

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

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

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

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

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

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

Regards,

Chad Roberts
Conservation Ecologist

Copies: Cormier, Lindbo, Echibur, May, Saylor, Schneider, Greco
Response to Comment 34-1  
**EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

Response to Comment 34-2  
**EIR Comment.** The commenter states that the Draft EIR does not identify several County General Plan policies as mitigation measures for potential impacts. Pages 3.4-34 through 3.4-37 appropriately list all of these policies (with one exception) as relevant to and considered in the development of the proposed CLUO and the CEQA analysis of it. The one exception is General Plan Policy CO-2.39 which reads as follows: “Require new or retrofitted bridges, and new or expanded roads to incorporate design and construction measures to maintain the functional value of wildlife movement corridors.” There are no bridges or roadway improvements proposed under the draft CLUO, and as documented in Section 3.14, “Transportation and Circulation,” of the Draft EIR, there are none required as mitigation measures for implementation of the project. Section 8-2.1408(JJ) requires applicants to consider impacts on roadway safety and operation. It is possible that this consideration, which would occur with each application based on site-specific and project-specific circumstances could result in project-specific requirements for roadway improvements. Were this to occur the County is required to consider the potential environmental effects of such improvements and this concern as well as required demonstration of consistency with the General Plan (see CLUO Section 8-2.1406[L]), would occur at that time.

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

Response to Comment 34-3  
**EIR Comment.** The commenter states that compliance with General Plan policy CO-2.22 may not fully address potential effects on riparian habitat and expresses concerns regarding the definition of riparian habitat in the Draft EIR. Draft EIR Impact BIO-2, “Adversely Affect Riparian Habitat and Other Sensitive Natural Communities,” page 3.4-59 states “The riparian setbacks described in Table 3.4-7 (SWRCB Order WQ 2019-0001-DWQ setback standards) may not cover the full extent of riparian habitat adjacent to a waterway. In addition, if sensitive natural communities are not identified before construction associated with cannabis operations and appropriate protective buffers or other measures implemented, these activities could result in loss of important habitats.” Implementation of Mitigation Measure BIO-1 is required to avoid impacts on riparian habitat. Mitigation Measure BIO-1 modifies and expands Section 8-2.1408(D) of the proposed CLUO, which already includes reference to and compliance with the General Plan 100-foot setback requirements set forth in General Plan Policy CO-2.22. This
Mitigation Measure includes a performance-based measure that requires no-disturbance buffers around riparian habitat such that the habitat is completely protected from direct and indirect adverse effects of project development. This issue has been addressed sufficiently in the Draft EIR.

**Response to Comment 34-4**

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

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

**Response to Comment 34-5**

**EIR Comment.** The commenter indicates that Draft EIR Mitigation Measure BIO-1 may not sufficiently reduce potential impacts on riparian habitat. Please see Response to Comment 34-3, above. Additionally, the commenter requests that applicants should be required to contract with qualified biologists to identify and incorporate specific consideration of functional impacts on riparian areas. Mitigation Measure BIO-1 requires reconnaissance-level surveys, protocol-level surveys, and wetland delineation surveys to be conducted by a qualified biologist. The Draft EIR defines a qualified biologist as one familiar with wildlife, plants, and habitats in Yolo County. Additionally, any surveys conducted for purposes of Yolo HCP/NCCP application approval are required to be conducted by biologists pre-approved by the Yolo Habitat Conservancy. The Yolo Habitat Conservancy process for listing acceptable biologists included review of prior experience with species and ecosystems, and biologists are only approved for surveys for which they are qualified based on experience. This issue has been addressed sufficiently in the Draft EIR.
Response to Comment 34-6  **EIR Comment.** The commenter states that Draft EIR Impact BIO-4, “Interfere Substantially with the Movement of Resident or Migratory Wildlife Species or with Wildlife Corridors or Impede the Use of Native Wildlife Nursery Sites” (page 3.4-66), may not fully address potential impacts on landscape connectivity. The comment states that connectivity is an essential functional consideration for conservation planning, and cites the Yolo HCP/NCCP as an example. Draft CLUO performance standards require all permittees to demonstrate compliance with the Yolo HCP/NCCP, including payment of HCP/NCCP mitigation fees and implementation of applicable HCP/NCCP avoidance and minimization measures. These fees cover the Yolo Habitat Conservancy’s administration, land acquisition, restoration, and land management costs, and support the Yolo HCP/NCCP conservation strategy. The Yolo HCP/NCCP conservation strategy includes establishment of a reserve system with habitat areas large enough to support sustainable populations of covered species, and with qualities (e.g., high habitat diversity) to provide for shifting species distributions in response to climate change.

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

Response to Comment 34-7  **EIR Comment.** The commenter states that applicants should be required to contract with qualified biologists to identify and incorporate specific consideration of landscape connectivity and climate change. This is requirement is already incorporated into the mitigation measure and the requirements of Yolo HCP/NCCP. See Response to Comment 34-5, above. Additionally, this comment suggests that fine-scale connectivity assessment and recommendations for identifying potential effects of climate change on conservation planning should be incorporated into Mitigation Measure BIO-1. See Response to Comment 34-6 (Yolo HCP/NCCP requirements) and 34-4 (Cumulative Impacts) above. This issue has been addressed sufficiently in the Draft EIR.

Response to Comment 34-8  **EIR Comment.** This comment thanks Yolo County for consideration of the effects of land uses on the Yolo County environment. This comment is appreciated.
From: Andrew Brait [mailto:andrew@fullbellyfarm.com]
Sent: Sunday, December 22, 2019 7:28 PM
To: cannabis <cannabis@yolocounty.org>
Subject: Comments on CLUO and DEIR

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

PO BOX 83
5225 State Highway 16
Guinda, CA 95637

December 22, 2019

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

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

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

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

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

**Overconcentration**

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

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

**Aesthetics**

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

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

Crime:

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

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

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

Sincerely,

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

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

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

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

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

Response to Comment 35-5  **EIR Comment.** The commenter states that the draft CLUO and Draft EIR fails to adequately address the impacts of overconcentration and environmental effects associated with traffic, trash, odor, light pollution, and crime. The County does not concur, and the facts do not support the comment. Draft EIR Chapter 4, “Cumulative Impacts and Overconcentration,” evaluates the environmental impacts of current and potential impacts associated with overconcentration of cannabis uses. While several of these impact areas are mitigated through draft CLUO performance standards, state cannabis requirements, and mitigation measures, the Draft EIR does acknowledge significant and unavoidable impacts in the areas of visual character and odor.
would still occur. Please see to MR-10, “CUP Process and Overconcentration.” In addition, under the proposed CLUO as modified by the Draft ER, approval of a cannabis use permit will require 18 findings of fact. These are also discussed in MR-10. Finding #6 addresses the number of cannabis operations in the area, and finding #7 addresses the proximity of cannabis operations to each other.

Response to Comment 35-6  
**EIR Comment.** The commenter notes that the Draft EIR alternatives do not assume a reduction in the number of existing and eligible cannabis sites. Please see Response to Comment 33-2. The Board of Supervisors retains full authority to reduce/regulate the number of allowed cannabis activities. Please see MR-10, “CUP Process and Overconcentration,” on how the CLUO would address overconcentration.

Response to Comment 35-7  
**EIR Comment.** This commenter identifies that existing cannabis cultivation fencing is an aesthetic concern. The Draft EIR acknowledges changes in aesthetics associated with security features (including fencing) at existing cannabis cultivation sites (see Draft EIR page 3.1-14). Existing cannabis cultivation sites would be required to obtain approval of a Cannabis Use Permit and comply with the requirements of the CLUO. This includes requiring that fencing be maintained in good condition and not significantly diminish the visual quality of the site or surrounding area screening of outdoor cannabis uses from public rights-of-way (Section 8-2.1408[KK] items [4] and [5]).

Response to Comment 35-8  
**EIR Comment.** The commenter requests that the Draft EIR address abandoned cultivation sites. Implementation of the draft CLUO would require restoration of closed cultivation sites (Section 8-2.1412[C]).

Response to Comment 35-9  
**EIR Comment.** The commenter states that the Draft EIR fails to address the impact of long-term exposure to odor, exposure over distance, and health impacts associated with exposure to odor. Odor impacts associated with exposure to cannabis odors is addressed in Section 3.3, “Air Quality and Odors” (Draft EIR pages 3.3-5 through 3.3-10 and 3.3-29 through 3.3-38). Draft EIR documents that the County received 17 odor complaints between October 2017 and January 2019 associated with existing cannabis cultivation sites. The majority of these complaints were received during the summer and fall months prior to and during harvest and processing. These complaints were associated with cultivation sites along the State Route 16 corridor west of Woodland and sites along State Route 128 and Interstate 505 south of State Route 16.

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

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

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

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

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

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

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

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

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

1. Address the problem of overconcentration. The Alternatives outlined do not address overconcentration. Alternatives 2-4 allow for the County to address overconcentration in a future, separate resolution of the Board of Supervisors (Sec. 8-214043H). Why not include provisions to address overconcentration now in the CLUO? Furthermore, the alternatives allow for more cannabis permits in the Capay Valley. Most importantly, the DEIR does not adequately define overconcentration, so we are asked to comment on a flimsy, unmeaningful document.

2. Adequate buffer zones. Please thoroughly and meaningfully describe what these are. 1000 feet seems reasonable. 75 feet is inadequate. The draft CLUO includes a chart in Sec 8-2.14076 that effectively sets no buffers (what does X mean? TBA?), and Sec. 8-214043-K. is simply confusing.

Furthermore, there is confusion about points of measurement: the side of a house vs. property line. Property line is preferred. Please realize that we don’t all hole up in our houses all day and night. We are out and about on our farms working (or trying to relax) on ALL parts of our properties.
3. Reduction in land values due to proximity to ugly, noisy grows.

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

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

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

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

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

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

9. To reduce dust, we have seen that some cannabis growers like to pour gravel all over the soil surface, thus rendering the land not arable. In other words, Cannabis operations more closely resemble industrial endeavors than agriculture. Cannabis operations therefore should NOT be afforded the same “right to farm” protections as regular food
growing farms. Whenever I say “farms” I mean farms that grow vegetables, grain, hay, food. etc. --NOT marijuana. Cannabis production is INDUSTRIAL not agricultural.

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

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

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

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

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

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

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

Sincerely,
Anna Brait
Capay Valley Resident
Response to Comment 36-1

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

Response to Comment 36-2

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

Response to Comment 36-3

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

Response to Comment 36-4

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

Response to Comment 36-5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,
Dave Speca
1843 La Paloma Court
Davis, California 95618
<table>
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<tr>
<th>Letter 37</th>
<th>Dave Speca 12/22/2019</th>
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**Response to Comment 37-1**  
**EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

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

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

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

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

Dear Ms. Strachan,

Below please find my comments on the DEIR and CLUO.

**Draft Environmental Impact Report comments:**

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

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

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

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

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

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

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

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

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

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

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

8-2. 1404 C. Relocation — Cannabis activities on sites that do not meet the requirements of this Article must relocate and secure a Cannabis Use Permit, or cease operations on or prior to the dates identified below by license category:

Outdoor cultivation -12 months from the effective date of this article
Mixed Light Cultivation – 24 months from the effective date of this article
Indoor Cultivation – 36 months from the effective date of this article

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

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

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

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

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

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

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

Sec. 8-2. 1408 Specific Use Requirements and Performance Standards. O. Energy Use—Permittees shall demonstrate availability of adequate energy, and compliance with applicable local and regional energy saving goals.

Comments on Sec. 8-2. 1408 O: Are the power lines in the Capay Valley large enough to accommodate a number of new cannabis operations. Why have permits been given out to locations that do not have sufficient power to operate? These operations have relied on diesel powered refrigeration units for months. Did the permittee provide incorrect information to the County regarding available energy? Shouldn’t the energy be available before the operation is allowed to commence? Perhaps the County should prepare its own study as to the availability of adequate energy.
Sec. 8-2.1408 Specific Use Requirements and Performance Standards
CC.Nuisance
Subsection 2. Subject to subsection 7 below, for the purposes of this subsection, cannabis odors shall be deemed to be persistent, offensive to individuals of normal sensitivity, and adversely impacting or unreasonably interfering with the use and enjoyment of property, if the County enforcement officer (i) independently determines that the cannabis odor violates the standards of subsection 1 above, and/or (ii) the County enforcement officer receives three or more complaints of cannabis odor from individuals having normal odor sensitivity, representing separate residences or places of occupied business, of a cannabis odor emanating from the subject property for three consecutive days within any two-week period, that the enforcement officer determines violates the standards of subsection 1 above.

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

Sec. 8-2.1408 Specific Use Requirements and Performance Standards
LL.Security -A fully functional, operating site security system with cameras operating 24-hours a day, seven days a week, is a requirement. Permittees shall describe how site and operational security will be addressed specific to the site and use type, including features that may consist of access control, visibility, security cameras, alarms, security personnel, guard dogs, fencing, and building/structural security. All gates, doors, and windows of structures and facilities used for cannabis activities shall be locked/secured. Permittees are responsible to prohibit individuals from loitering on the premises if they are not engaged in activity expressly related to the activity/operations. A security plan information provided to the County shall be provided to the County in a separate submittal or plan and shall be treated as confidential by the County pursuant to Section 6255(a) of the CGC Government Code. Failure to secure a site pursuant to the security plan may be grounds for revocation.

Comments on Sec. 8-2.1408 Subsection LL: Any endeavor that requires “a fully functional, operating site security system with cameras operating 24-hours a day, seven days a week” should be done as far away as possible from others. Placing these cannabis operations in small, rural communities puts the safety of property and persons at risk. Rural areas don’t have the same services as cities do. The response time to calls for help can be significantly longer than in cities.
Section 8-2.1410 Application Submittal and Processing

j. Public Noticing—Public notice shall comply with Section 8-2.211, (Public Notice) of the County Zoning Regulations, except that notification for public meetings and hearings shall extend feet from the property line boundary and shall include both residents and property owners. Note: Subject to deliberation by the Board of Supervisors.

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

Section 8-2.1412 Enforcement A. Revocation or Modification. A Cannabis Use Permit may be revoked or modified as provided by the provisions of Sec. 8-2.217(f). In addition to the grounds for revocation or modification set forth in Sec. 8-2.217(f)(1), a Cannabis Use Permit may be revoked or modified for any one or more of the following grounds:

1. Any act or omission by a property owner or permittee in contravention of the provisions of this Chapter;
2. Unresolved violation by the applicant or permittee, or unresolved violation at the proposed cultivation site, of any provision of the County Code or State law related to the cannabis use;
3. A change in conditions occurring after the original grant of the approval or the continuation of the use as approved that is contrary to public health, safety or general welfare, or is detrimental or incompatible with other permitted uses in the vicinity;
4. The findings which were the basis for the original permit approval can no longer be made;
5. Regulations applicable when the permit was approved have been amended;
6. Cessation of all uses authorized by the cannabis use permit for a period of three or more consecutive years; or
7. Failure to comply with any requirement of this or other applicable sections of the County Code or with State law.

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

Sincerely,

Nina Andres-Berrelleza
P.O. Box 73
Rumsey, CA 95679
## Response to Comment 38-1

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

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

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

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

## Response to Comment 38-2

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

## Response to Comment 38-3

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

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

## Response to Comment 38-4

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

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

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

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

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

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

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

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

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

Response to Comment 38-13  CLUO Comment. The commenter recommends edits to draft CLUO Section 8-2.1408 regarding buffer sizes and how to measure them. Please see MR-9, “Buffers.”

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

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

Response to Comment 38-15  CLUO Comment. The commenter recommends that the nuisance provisions in Section 8-2.1408(CC) be triggered by one complaint rather than three. This recommendation is acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 38-16  CLUO Comment. The commenter observes that if a land use requires security such as the requirements described in Section 8-2.1408(LL) then the use should not be located in a small rural area. The commenter also notes that response times for law enforcement are longer in such areas than in cities. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-7, “Code Enforcement and Crime,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 38-17  CLUO Comment. The commenter recommends that the noticing requirements identified in draft CLUO Section 8-2.1410(J) extend 1,000 feet from the property line, and include the local post office, and citizen’s advisory community emails. These recommendations are acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 38-18  CLUO Comment. The commenter expresses concern that the County is not currently enforcing cannabis use permit requirements pursuant to draft CLUO Section 8-2.1412. Existing cannabis facilities operate pursuant to the County’s licensing program. Enforcement is confined to compliance with state and local regulations currently in effect. The proposed CLUO would overlay a new rigorous discretionary use permit program including related new enforcement tools. However, until a final CLUO is adopted these proposed new regulations do not apply.
From: Meg Hehner [mailto:meghehner@gmail.com]
Sent: Monday, December 23, 2019 6:08 AM
To: cannabis <cannabis@yolocounty.org>
Subject: CLUO/ EIR

To the Yolo County Board of Supervisors,

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

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

Your consideration is directed to the following:

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

- It will be the only non agricultural land zoning.

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

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

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

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

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

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

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

Thank you,

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

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

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

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

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

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

Response to Comment 39-2

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

Response to Comment 39-3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thanks for taking the time to listen.

Sincerely,

Christine Hildebrand

7938 road 49 Guinda 95637

530-867-0665
Response to Comment 40-1  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter provides introductory statements to the letter and identifies support for cannabis cultivation.

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

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

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

Response to Comment 40-5  
**EIR Comment.** The commenter recommends that lights from greenhouses and security lighting be off or shielded at night to avoid lighting impacts. As identified in draft CLUO Section 8-2.1408(Z), requires all cannabis uses to provide shielding of exterior lighting and containment of mixed-light and indoor cultivation lighting within buildings to avoid off-site impacts and the nighttime sky. All cannabis uses would also be required to use of nonreflective building materials (Sections 8-2.1408[F] and [OO]) and would be subject to a prohibition of lighting in hoop houses (Section 8-2.1408[X]). These standards would be effective in maintaining current nighttime character of the County. The commenter is referred to Draft EIR pages 3.1-46 through 3.1-48 for a detailed analysis of lighting impacts for the five CLUO alternatives. Please also see Response to Comment 24-7.
**Response to Comment 40-6**

**CLUO Comment.** The commenter recommends that retail only be allowed in commercial areas and not at cultivation or manufacturing sites. The commenter also recommends that processing beyond what is needed for harvesting should only be allowed in industrial areas, with available law enforcement and fire protection. Draft CLUO Section 8-2.1407 restricts cannabis retail uses to commercial and industrial zones with the exception of non-storefront retail that could locate in agricultural zones with a Cannabis Use Permit. This section of the draft CLUO would allow processing in agricultural, commercial, and industrial zones. The recommendations of the commenter are acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 40-7**

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

**Response to Comment 40-8**

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

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

**Response to Comment 40-9**

**CLUO Comment.** The comment provides closing comments and identifies that issues have been resolved through good communication. This comment is acknowledged. Thank you.
From: Jackie Scott [mailto:mamascott61@outlook.com]
Sent: Monday, December 23, 2019 11:49 AM
To: cannabis <cannabis@yolocounty.org>
Subject: comments on EIR and CLUO

To; The board of supervisors’,
From; Jackie Scott, Rumsey

My husband and I are retired and have many relatives still living in the valley. The older one gets the more one realizes a need for alternative medical needs. Our farm had been cert. organic for more than thirty years. I like the partners we work with now; they are hardworking, law abiding and just want the opportunity that other farmers have had.

Now that cannabis is a state approved crop, not having a reasonable, logical and fair restrictions will make cannabis a social nightmare.

EIR comments;
1. odor control, farmers should be given choice of vegetation barrier, change of varieties, or in greenhouse use.
2. over concentration, I drove around to find cannabis grows only a few I could see from a public road it seemed like there was an acceptable distance from neighbors and “looky loos”.
   I have gone to local meetings; most want an opportunity to grow cannabis also, others seem like they are picking on cannabis and not other farms.
3. buffers, this is where you need to be fair. Pesticide sprays, child molesters, and other developments all have less restrictions than growing cannabis. 1000 ft. is ridiculous no one should have that much pull on someone else’s land, it’s un-American. 75ft from grow site and 150 ft from school and gatherings, refer to #1.

4. activities, again just like other businesses, I believe it would be beneficial to allow temp. housing on site.

Land use;
1. license types,
   Limits on number,
   Zoning districts, = Alternative #5, 150 ft -75 ft. buffers.
2. temp housing for a worker
3. pass on grows to a relative

Thank you for your considerations,
Jackie Scott
796-3897
Response to Comment 41-1  

CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter provides an overview of their circumstances and expresses support for “reasonable, logical, and fair restrictions.” This recommendation is noted. Please see MR-12, “Expression of Opinion/Preference.” Responses to additional specific comments are provided below.

Response to Comment 41-2  

EIR Comment. The commenter recommends that farmers should be given a choice of vegetation barrier, change in varieties, or indoor cultivation to control odor. Draft EIR Impact AQ-4 identifies that operation of cannabis uses has the potential to generate odors associated with cultivation, processing, manufacturing, and microbusiness operations, resulting in a significant and unavoidable impact. The draft CLUO would require buffers between outdoor cannabis uses and identified sensitive land uses. Draft CLUO Section 8-2.1408(E) establishes odor control requirements that would prohibit odors from leaving the cannabis site in excess of a 7:1 dilution-to-threshold (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 CLUO would allow the cannabis operation to determine the specific method of odor control that could include the items recommended by the commenter.

Response to Comment 41-3  

CLUO Comment. The commenter provides their observations regarding overconcentration. This comment is acknowledged. Please see MR-10, “CUP Process and Overconcentration,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 41-4  

CLUO Comment. The commenter states that 1,000-foot buffers are excessive and recommends alternative buffers 75 feet from cultivation and 150 feet from schools and gatherings. This recommendation will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 41-5  

CLUO Comment. The commenter recommends that temporary housing be allowed on cannabis sites. On-site housing is not precluded under the proposed CLUO. Section 8-2.1408(N) identifies that employee housing (temporary and/or permanent), including for on-site security, must have all necessary services (e.g., approved systems for the provision of water and treatment of wastewater) and required approvals.

Response to Comment 41-6  

CLUO Comment. The commenter recommends Alternative 5 with modifications. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-4, “CEQA Alternatives and County Decision-Making,” and MR-12, “Expression of Opinion/Preference.”
From: Jessy Scott <mailto:farmerjessy88@yahoo.com>
Sent: Monday, December 23, 2019 1:42 PM
To: cannabis <cannabis@yolocounty.org>
Subject: CLUO comments

To yolo county supervisors,

In regards to the EIR and CLUO documents

From Jessica Harvey, cultivator

It is your duty to implement rules and regulations solely for public safety concerns and not to appease obvious discrimination. I hope that the rules implemented effect the least amount of farms possible, meaning that no other farms should be relocated other than those who are not on agricultural land. Buffers should be from the grow site not property line. 100 ft from residence and 150 from school/church is fair. I believe that the county would benefit from expanding the program to include more Nurseries, manufacturing, testing, processing, retail and distribution. Since the current licensees have the knowledge and perseverance to make it in this industry they should have the first chance to expand their businesses to Microbusiness. I got into this business as my need for pain management increased and I don’t know where I would be without the cannabis salve I make with all organic ingredients. I would love the opportunity to produce my salve on my farm and not have to locate in a different county.

Living here for 30 years I have seen many changes happen to this county. The casino brought traffic, car accidents, disruption to the night sky and more. Huge commercialized organic farms have brought undocumented workers, shooting deer or any animal entering their fields. I believe that we must all have to follow the same rules to keep the community safe and fair. If the county allowed for a central location for processing it would decrease the traffic issue with minimal impact. I cant speak for every farm but in my personal experience my neighbors are complaining because they can. I cant complain that my neighbors are noisy, smelly or even that they are trying to land grab the county road which provides my farm access. My Neighbor Charles Oper has tried everything so I think its only fair to share his background, he was arrested for growing cannabis illegally many years ago, sheriffs confiscated 10,000 cash and illegal guns. He clearly had suffered a trauma revolving cannabis and has targeted me to victimize. He has posted slander in the Rumsey post office about me, he pulled out the survey stake outlining Manzanita Ave because he has planted poisonous hedge of oleanders which left unmaintained will completely over grow the road. They know that the more complaints made the more likely it is that I will have to move so I am told not to even drive up the road because I’m now accused of speeding. Task force tells me that other farms have paid for neighbors to go on vacation during harvest. he has even gone to other neighbors accusing me of pointing a gun at him to try to get other neighbors on his band wagon. NONE of that is acceptable to me. Who is protecting us? I’m getting bullied. Why is bullying and bribing OK in the cannabis industry? Why would it be ok for other farms to have hoop houses or temporary housing but Not ok for cannabis farms? Every single person is effected by other people but unless there is safety issue they shouldn’t have rights over someone else’s life. Please consider this when making your decisions.

My grandfather, Avery Tindell, was a part of the “Silly Seven” who pioneered the organic movement of the Capay valley in the 80s. now its my turn to Pioneer the new age where health is Not owned by pharmaceutical companies

Thank you for your consideration.

Jessica Harvey
Response to Comment 42-1  **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expresses that the CLUO should focus on public safety concerns and recommends: cannabis grown on agricultural land should not have to relocate; buffers should be from the cultivation site, not the property line; buffers should be 100 feet from residences and 150 feet from schools and churches; the County would benefit from allowing all cannabis uses; and current licensees should have priority for expanding into new license types; The commenter also states support for being able to produce salve on-site. Alternatives 2, 3, 4, and 5 assume that noncultivation cannabis uses identified by the commenter would be allowed subject to approval of a Cannabis Use Permit. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 42-2  **CLUO Comment.** The commenter notes there have been many changes in Yolo over their 30 years of residency and identifies changes that resulted from the Yocha Dehe casino and from commercial organic farming, as two examples. The commenter expresses that as a matter of equity, the same regulations applied to these other land uses should also apply to cannabis land uses. Tribal activities on federally held trust lands are not subject to County or state regulation; nevertheless, this comment is acknowledged. The Draft EIR discloses significant environmental impacts associated with the implementation of the CLUO. Effects of changes in land use over time are assumed as part of existing conditions described in the Draft EIR.

Response to Comment 42-3  **CLUO Comment.** The commenter recommends that the County consider a central processing location for cannabis. This comment is acknowledged. Please see MR-17, “Consolidated Cannabis Campus.”

Response to Comment 42-4  **CLUO Comment.** The commenter provides their perspective regarding complaints from neighbors. Please see MR-7, “Code Enforcement and Crime,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 42-5  **CLUO Comment.** The commenter shares concerns and frustration regarding neighbor complaints and relationships with neighbors. This comment is acknowledged. Please see MR-5, MR-6, MR-7, MR-11, and MR-12.

Response to Comment 42-6  **CLUO Comment.** The commenter identifies concerns regarding possible regulatory inequities related to hoop houses and temporary farm worker housing. Both hoop houses and on-site farm worker housing are allowed subject to compliance with applicable regulations. CLUO Section 8-2.1408(X) would allow the use of hoop houses temporarily during the growing season. CLUO Section 8-2.1408(N) would allow on-site employee housing subject to provision of required services.

Response to Comment 42-7  **CLUO Comment.** The commenter provide history on family involvement with organic cultivation in Capay Valley. This information is acknowledged.
December 23rd, 2019

To: County of Yolo

From: Woodland Roots Inc. - County License # 12490C

Re: Cannabis Land Use Ordinance / Draft Environmental Impact Report

Dear Susan Strachan and Cannabis Program Staff,

In reference to the recently released cannabis land use ordinance (CLUO) and draft environmental impact report (DEIR), we, the operators of Woodland Roots, a licensed cannabis cultivation company based out of Esparto, would like to indicate our support for Alternatives 2 (all license types with moderate limits – 132 licenses) and 3 (all license types with high limits – 264 license), but also, adjusting certain parts of those alternatives (buffer zones).

Before jumping into the meat of the matter, we would like to request that a clear definition be added in the CLUO for the term “cultivation site”. If the current language is maintained, especially when utilizing the terminology employed by the Water Board, which includes the parcel, then if larger buffer zones are adopted (we describe our position below), it could invalidate the operations of most businesses currently cultivating in the county. Our desired definition for cultivation site only includes areas where actual cannabis activities occur (i.e. cultivation, propagation, processing, drying, storing, etc.) and not any ancillary facilities (i.e. chemical storage areas, offices, restrooms, parking lots, and even wells). Current and ongoing conversations with county staff members and Supervisors seem to indicate support for this suggestion.

Regarding the buffers themselves, we find it reasonable to maintain current property distances for existing licensees, or at most, extend them out to a maximum of 500 feet between a licensed site and the nearest residential property, while establishing a 1000 foot buffer for future / new licensees. As alluded to above, any further increases to existing licensees would certainly negatively impact current business activities with the potential for up to 38% of current licensees to cease operations or be forced to relocate. Existing licensees who have already been operating in Yolo County these last few years and who are compliant and within operating standards, deserve to have the ability to continue to do business.

Regarding over-concentration, further clarification is needed so that operators know if the reported data was for tracking individual sites or individual licenses. In addition, we would like to request that a new map be generated and presented to the public and the Board, showing details like zoning restrictions due to buffers up to 1,000 feet and those restrictions based on over-concentration. This is important for a number of reasons, one being that if other license types like distribution, manufacturing, processing, and retail are turned on in the future, their operations could be better suited for zones that are more in-line with commercial or industrial zoning, instead of defaulting to just the rural / agricultural zones. If such zoning was to take place, then perhaps particular considerations could be made to allow different and varied licenses to exist closer together without necessarily triggering new concerns of over-concentration. As such, a new map could show us these possibilities and adjust the available numbers, further illustrating how and which licensees could potentially be zoned out in various situations.
In a more general sense, we find that it would be best for current and future businesses to not be subject to relocation and more prohibitive zoning policies. This could cause the unintended impact of pushing businesses into ag land, a move which would go against the General Plan of the County, which favors keeping agricultural commodities produced on agricultural zoned land. This would thereby give preference to the upper range of the limit, being 22 as the cited indicator of over-concentration.

Another issue we would like to examine is that of dust. We’ve heard that there is rising concern that dust could be causing plant contamination and therefore product failure during testing. While we have recently experienced high winds with gusts of 50 mph and above, which have indeed created large amounts of airborne dust traveling throughout the county, our product is still passing rigorous testing. While we do not know whether or not such conditions will cause failures in the future, we are currently unaware of any legal cases in the county or state that have been brought up because of dust. We understand that this is being discussed in certain circles but do not feel that such concerns be addressed or included in the proposed ordinance.

Now the “issue” of odor must be addressed. It’s surprising to be made aware of how natural plant aromas are being considered as a nuisance, since cannabis is really no different than any other agricultural crop with a terpene profile. In the three or so years that cannabis cultivation has been allowed in the county, only 17 complaints have officially been lodged and reported back to the constituents, as referenced in the CLUC / DEIR materials. We don’t know how many of those complaints were valid or how the process was formally being handled, but it is clear that if such treatment of cannabis is to continue, then to be fair, it should only be a matter of time until such policies would need to be extended and expanded onto other ag commodities like garlic, onion, tomatoes, melons, hemp, etc. In the technical report prepared by Trinity Consulting Group, the research they presented identified three measurable ambient odor thresholds:

“The 7 D/T standard is based on scientific publications on odor pollution control that have identified that odors above 7 D/T will often result in complaints (i.e., objectionable) with 15 D/T often described as a nuisance, and odors above 30 D/T described as a serious nuisance (i.e., nauseating).” — Section 3.3.9, Air Quality and Odors

In Colorado and Illinois, 15 and 16 D/T was used for “all other areas / other land uses” which encompasses agriculturally zoned properties, while 7 and 8 D/T was used for residential / commercial zones. The fact that the researchers themselves noted it to be an objectionable value with variability in observed locations and other factors, we think that the best and most logical option would then be to use the 15 D/T value as the true nuisance threshold, based on scientific publications.

We also find it prudent to examine some of the particulars or lack thereof, of Alternative 4. The information we’ve reviewed seems to lack a proper comparison with the existence of outdoor farms, particularly as it concerns the potential effects of the alternative, if adopted. How many outdoor operations would be lost, not only based on buffer restrictions but cost? For example, how many current operators would be able to afford relocation or transition indoors while still being competitive on the nascent regulated market? The technical growing skills needed for indoor vs outdoor growing methods may not be something current cultivators can achieve, which could result in a loss of licenses and tax dollars.

In the County of Santa Barbara, large-scale indoor facilities now exist without any practical limits on acreage. With greater proliferation of indoor products over time, outdoor producers in Yolo and similar counties (where the cultivation canopy cap is 1 acre), would be unable to compete due to having lower
production rates and higher production costs. Fortunately, there is significant market demand for outdoor flower largely due to consumer demographics and their spending habits, where more affordable product options are favored. However, if counties like ours eliminate their outdoor farms in favor of indoor facilities, this will lead to issues like consumer demand not being properly met, which would in turn, continue to aid the illegal market.

Furthermore, when looking into the environmental factors of growing cannabis outdoors versus indoors or in greenhouses, though formal studies are still hard to come by, various scientific and consulting articles will confirm that outdoor cultivation is the least harmful. In his paper, titled "The carbon footprint of indoor cannabis production", researcher Evan Mills reasons that indoor cannabis cultivation "utilizes highly energy intensive processes and is highly inefficient". He estimates that "one kilogram of final product is associated with emissions of 4,600 kg of CO2 emissions to the atmosphere" which is roughly equivalent to that of three million cars. (Energy Policy, Volume 46, July 2012, Pages 58-67)

And finally, we would like to know if the writers/drafters of the CLUO / DEIR were thinking of any mitigations, concurrences, or variances for lighting, buffers, or neighbors approval in their assessments? A quick and simple example would be like how our company built out an upgraded lighting and surveillance system which now covers not only the immediate private property, but undeveloped public land in the surrounding area, like Cache Creek. These measures have improved the overall safety and security of the area, thereby benefiting the land owners, neighbors, Capay Granite, law enforcement, and our own personnel.

In closing, we support outdoor cultivation, which has been and will continue to be the most natural and sustainable farming method for cannabis, which will lessen negative impacts on future generations when compared to other methods, regardless of the smell.

Respectfully,

Michael W. Hicks
Co-Owner and CEO
Woodland Roots Inc.
Response to Comment 43-1  **EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expresses support for Alternatives 2 and 3 with modified buffers. This recommendation is noted. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 43-2  **CLUO Comment.** The commenter requests a clear definition of “cultivation site” and recommends that the definition include only areas where actual cannabis activities occur and not include ancillary facilities. The term “cultivation site” is used several times throughout the proposed CLUO. County staff concur that a definition of cultivation site is merited and have proposed a definition in Section 8-2.1403 (see Appendix D, “Proposed Revisions to the Draft CLUO”). Specifically, as related to the use of this term in Section 8-2.1408(E), please see MR-9, “Buffers,” and Appendix D, “Proposed Revisions to the Draft CLUO.” Staff has proposed revisions to previously recommended method for measuring buffers.

Response to Comment 43-3  **CLUO Comment.** The commenter recommends maintaining existing conditions for existing licensees, or alternatively implementing a maximum buffer of 500 feet between a licensed site and the nearest residential property. The commenter recommends a 1,000-foot buffer for new cannabis licenses. The commenter expresses concern that proposed buffers in excess of 500 feet will adversely affect existing cannabis businesses including potentially eliminate or require relocation of 38 percent of them. The commenter advocates for “grandfathering” of existing sites that are compliant with the County’s current licensing ordinance. This comment is acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see Responses to Comments 12-57 and 14-3 and MR-14, “County Cannabis Disclosures.”

Response to Comment 43-4  **CLUO Comment.** The commenter inquires whether the overconcentration analysis was based on “individual sites” or “individual licenses.” The analysis was performed based on the 78 existing and eligible cultivation sites depicted in Exhibit 4-1 on page 4-38 of the Draft EIR. The commenter requests that the County generate mapping depicting 1,000-foot buffers and proposed overconcentration controls.

There are many possible permutations and variations of these multiple factors, and it is not reasonable or feasible to generate a map for so many possible outcomes. In addition, the mapping can only provide general information regarding how a particular buffer distance may potentially affect a cultivation site. Nevertheless, with specific direction from decision-makers regarding assumptions for buffer distances, how buffers are measured, identified sensitive land uses, allowed cannabis uses, and zoning, one or more maps could be prepared. The assumptions for each of these variables will affect the mapping results. Moreover, determination of compliance would ultimately depend on site specific conditions (such as precise property...
boundaries and other site conditions) and compliance with all other aspects of the final CLUO. A site may appear compliant on such a map and nevertheless be inconsistent with other CLUO requirements. Additionally, a site may comply with the regulatory specifications of the final CLUO and nevertheless be found to be an undesirable or unfit site based on a site-specific analysis of the factors listed in the expanded findings of fact described in MR-10, “CUP Process and Overconcentration.” Also, due to site-specific and project-specific conditions the map may depict inaccurate information. Understanding these limitations, the staff can prepare exhibits for consideration by decision-makers during the deliberation process.

The commenter also inquires whether locating new cannabis uses near existing cultivation sites would worsen overconcentration. In Section 8-2.1408(H) of the proposed CLUO, the draft regulations describe that multiple licenses/permits at one address would count as one site for purposes of overconcentration.

**Response to Comment 43-5**  
CLUO Comment. The commenter indicates that current and future cannabis businesses should not be subject to relocation and more restrictive zoning policies because these requirements could result in cannabis businesses locating into agricultural land which could be inconsistent with the General Plan. This opinion is noted for the record. Please see MR-5, “Cannabis as an Agricultural Crop”; MR-10, “CUP Process and Overconcentration”; and MR-12, “Expression of Opinion/Preference.”

**Response to Comment 43-6**  
CLUO Comment. The commenter indicates that dust residue on cannabis plants does not appear to be creating testing failures. Please see Response to Comment 11-2 and MR-5, “Cannabis as an Agricultural Crop.”

**Response to Comment 43-7**  
EIR Comment. The commenter recommends a 15:1 D/T rather than 7:1 D/T as recommended in the proposed CLUO. Draft EIR pages 3.3-8 through 3.3-10 describe odor thresholds used and the associated rationale for these thresholds. As identified by the Draft EIR, the 7:1 D/T standard is based on scientific research on human reactions to odor concentration levels that are considered objectionable and are likely to result in complaints. A 15:1 D/T is a less stringent threshold. In other words, it would allow a stronger odor which would require approximately double the dilution of clean filtered air as compared to a 7:1 D/T.

Dilution ratios are not “measurements.” Rather, they reflect the amount of clean air that would need to be added to odorous air to dissipate the smell to an acceptable level. For example, a 15:1 D/T indicates an odor that would require 15 equal parts of clean air to dissipate a smell. A 7:1 D/T would require about half that amount of clean air (seven equal parts) to dissipate a smell. Thus, as noted above, an odor detected at 15:1 would be stronger than an odor at 7:1. The 7:1 D/T threshold reflects the level most often used by regulators to control odor to an acceptable level based on field data in a variety of situations. A higher level is likely to result in odors found to be very objectionable by receptors. No changes to this odor threshold are recommended.

As stated in the Draft EIR, a field olfactometer is one tool used to objectively measure the strength of an odor with an acceptable degree of precision. The olfactometer works by controlling the proportion of clean filtered air to odorous air.
Response to Comment 43-8  **CLUO Comment.** The commenter indicates that Alternative 4 would have adverse financial and economic impacts on the industry and the County, and describes technical difficulty and expense associated with indoor cultivation. These concerns are noted for the record. Please see MR-6, “Economic Effects and Property Values,” and MR-12, “Expressions of Opinion/Preference.”

Response to Comment 43-9  **CLUO Comment.** The commenter indicates that restrictions to cultivate indoors in Yolo (where total garden canopy is restricted to 1 acre) could not compete with indoor cultivation in Santa Barbara where much larger operations are allowed. Whereas the outdoor cultivation market in Yolo can compete. The commenter also suggests that a prohibition on outdoor cultivation will increase illegal cultivation. These comments will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-6, “Economic Effects and Property Values,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 43-10  **EIR Comment.** The commenter states that outdoor cannabis cultivation is less harmful environmentally than indoor, has a reduced carbon footprint than indoor cannabis cultivation. These positions are noted for the record. Draft EIR Table 3.8-2 reaches a similar conclusion indicating that individual outdoor cannabis cultivation sites are estimated to generate approximately 43 metric tons of carbon dioxide equivalent per year (MTCO2e/year) as compared to individual mixed-light cultivation sites (516 MTCO2e/year) and indoor cultivation sites (198 MTCO2e/year).

Response to Comment 43-11  **CLUO Comment.** The commenter asks whether factors such as improved safety and security for neighbors near cannabis operations, or “variances” for lighting buffers, or neighbor approval have been considered. A “variance” is procedure established by state law (Government Code Section 65906) whereby an applicant can request relief from minimum zoning standards. The conditions under which a variance can be granted are quite limited. Nevertheless, pursuant to proposed Section 8-2.1408(S) the Board of Supervisors could allow for different, functionally equivalent, standards in situations where neighbors have reached enforceable agreements with one another regarding conditions at regulated facilities. Section 8-2.1408(S) does allows for some flexibility in meeting the minimum standards; however, by allowing for functionally equivalent compliance through alternative means of meeting the standard if demonstrated to have an equally effective or better outcome.

Response to Comment 43-12  **CLUO Comment.** The commenter expresses support for outdoor cultivation. This comment is acknowledged. Please see MR-12, “Expression of Opinion/Preference.”
December 23rd, 2019

To: County of Yolo

From: Yolo Family Farms Inc. - County License # 12347C.

Re: Cannabis Land Use Ordinance / Draft Environmental Impact Report

Dear Susan Strachan and Cannabis Program Staff,

In reference to the recently released cannabis land use ordinance (CLUO) and draft environmental impact report (DEIR), we, the operators of Yolo Family Farms, a licensed cannabis cultivation company based out of Esparto, would like to indicate our support for Alternatives 2 (all license types with moderate limits – 132 licenses) and 3 (all license types with high limits – 264 license), but also, adjusting certain parts of those alternatives (buffer zones).

Before jumping into the meat of the matter, we would like to request that a clear definition be added in the CLUO for the term “cultivation site”. If the current language is maintained, especially when utilizing the terminology employed by the Water Board, which includes the parcel, then if larger buffer zones are adopted (we describe our position below), it could invalidate the operations of most businesses currently cultivating in the county. Our desired definition for cultivation site only includes areas where actual cannabis activities occur (i.e. cultivation, propagation, processing, drying, storing, etc.) and not any ancillary facilities (i.e. chemical storage areas, offices, restrooms, parking lots, and even wells). Current and ongoing conversations with county staff members and Supervisors seem to indicate support for this suggestion.

Regarding the buffers themselves, we find it reasonable to maintain current property distances for existing licensees, or at most, extend them out to a maximum of 500 feet between a licensed site and the nearest residential property, while establishing a 1000 foot buffer for future / new licensees. As alluded to above, any further increases to existing licensees would certainly negatively impact current business activities with the potential for up to 38% of current licensees to cease operations or be forced to relocate. Existing licensees who have already been operating in Yolo County these last few years and who are compliant and within operating standards, deserve to have the ability to continue to do business.

Regarding over-concentration, further clarification is needed so that operators know if the reported data was for tracking individual sites or individual licenses. In addition, we would like to request that a new map be generated and presented to the public and the Board, showing details like zoning restrictions due to buffers up to 1,000 feet and those restrictions based on over-concentration. This is important for a number of reasons, one being that if other license types like distribution, manufacturing, processing, and retail are turned on in the future, their operations could be better suited for zones that are more in-line with commercial or industrial zoning, instead of defaulting to just the rural / agricultural zones. If such zoning was to take place, then perhaps particular considerations could be made to allow different and varied licenses to exist closer together without necessarily triggering new concerns of over-concentration. As such, a new map could show us these possibilities and adjust the available numbers, further illustrating how and which licensees could potentially be zoned out in various situations.
In a more general sense, we find that it would be best for current and future businesses to not be subject to relocation and more prohibitive zoning policies. This could cause the unintended impact of pushing businesses into ag land, a move which would go against the General Plan of the County, which favors keeping agricultural commodities produced on agricultural zoned land. This would thereby give preference to the upper range of the limit, being 22 as the cited indicator of over-concentration.

Another issue we would like to examine is that of dust. We’ve heard that there is rising concern that dust could be causing plant contamination and therefore product failure during testing. While we have recently experienced high winds with gusts of 50 mph and above, which have indeed created large amounts of airborne dust traveling throughout the county, our product is still passing rigorous testing. While we do not know whether or not such conditions will cause failures in the future, we are currently unaware of any legal cases in the county or state that have been brought up because of dust. We understand that this is being discussed in certain circles but do not feel that such concerns be addressed or included in the proposed ordinance.

Now the “issue” of odor must be addressed. It’s surprising to be made aware of how natural plant aromas are being considered as a nuisance, since cannabis is really no different than any other agricultural crop with a terpene profile. In the three or so years that cannabis cultivation has been allowed in the county, only 17 complaints have officially been lodged and reported back to the constituents, as referenced in the CLUO / DEIR materials. We don’t know how many of those complaints were valid or how the process was formally being handled, but it is clear that if such treatment of cannabis is to continue, then to be fair, it should only be a matter of time until such policies would need to be extended and expanded onto other ag commodities like garlic, onion, tomatoes, melons, hemp, etc. In the technical report prepared by Trinity Consulting Group, the research they presented identified three measurable ambient odor thresholds:

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In Colorado and Illinois, 15 and 16 D/T was used for “all other areas / other land uses” which encompasses agriculturally zoned properties, while 7 and 8 D/T was used for residential / commercial zones. The fact that the researchers themselves noted it to be an objectionable value with variability in observed locations and other factors, we think that the best and most logical option would then be to use the 15 D/T value as the true nuisance threshold, based on scientific publications.

We also find it prudent to examine some of the particulars or lack thereof, of Alternative 4. The information we’ve reviewed seems to lack a proper comparison with the existence of outdoor farms, particularly as it concerns the potential effects of the alternative, if adopted. How many outdoor operations would be lost, not only based on buffer restrictions but cost? For example, how many current operators would be able to afford relocation or transition indoors while still being competitive on the nascent regulated market? The technical growing skills needed for indoor vs outdoor growing methods may not be something current cultivators can achieve, which could result in a loss of licenses and tax dollars.

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production rates and higher production costs. Fortunately, there is significant market demand for outdoor flower largely due to consumer demographics and their spending habits, where more affordable product options are favored. However, if counties like ours eliminate their outdoor farms in favor of indoor facilities, this will lead to issues like consumer demand not being properly met, which would in turn, continue to aid the illegal market.

Furthermore, when looking into the environmental factors of growing cannabis outdoors versus indoors or in greenhouses, though formal studies are still hard to come by, various scientific and consulting articles will confirm that outdoor cultivation is the least harmful. In his paper, titled "The carbon footprint of indoor cannabis production", researcher Evan Mills reasons that indoor cannabis cultivation "utilizes highly energy intensive processes and is highly inefficient". He estimates that “one kilogram of final product is associated with emissions of 4,600 kg of CO2 emissions to the atmosphere’ which is roughly equivalent to that of three million cars. (Energy Policy, Volume 46, July 2012, Pages 58-67)

And finally, we would like to know if the writers/drafters of the CLUO / DEIR were thinking of any mitigations, concurrences, or variances for lighting, buffers, or neighbors approval in their assessments? A quick and simple example would be like how our company built out an upgraded lighting and surveillance system which now covers not only the immediate private property, but undeveloped public land in the surrounding area, like Cache Creek. These measures have improved the overall safety and security of the area, thereby benefiting the land owners, neighbors, Capay Granite, law enforcement, and our own personnel.

In closing, we support outdoor cultivation, which has been and will continue to be the most natural and sustainable farming method for cannabis, which will lessen negative impacts on future generations when compared to other methods, regardless of the smell.

Respectfully,

Brendan C. Smith
Co-Owner and CEO
Yolo Family Farms Inc.
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**Brendan Smith, Yolo Family Farms Inc**

**12/23/2019**

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**Response to Comment 44-1**  
**EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expresses support for Alternatives 2 and 3 with modified buffers. This recommendation is noted. Please see MR-12.

**Response to Comment 44-2**  
**CLUO Comment.** This letter is identical to Letter 43. Please see Response to Comment 43-2.

**Response to Comment 44-3**  
**CLUO Comment.** Please see Response to Comment 43-3.

**Response to Comment 44-4**  
**CLUO Comment.** Please see Response to Comment 43-4.

**Response to Comment 44-5**  
**CLUO Comment.** Please see Response to Comment 43-5.

**Response to Comment 44-6**  
**CLUO Comment.** Please see Response to Comment 43-6.

**Response to Comment 44-7**  
**EIR Comment.** Please see Response to Comment 43-7.

**Response to Comment 44-8**  
**CLUO Comment.** Please see Response to Comment 43-8.

**Response to Comment 44-9**  
**CLUO Comment.** Please see Response to Comment 43-9.

**Response to Comment 44-10**  
**EIR Comment.** Please see Response to Comment 43-10.

**Response to Comment 44-11**  
**CLUO Comment.** Please see Response to Comment 43-11.

**Response to Comment 44-12**  
**CLUO Comment.** Please see Response to Comment 43-12.
County of Yolo  
Department of Community Services  
292 West Beamer St.  
Woodland, CA 95695

Attn: Susan Strachan  
Re: Stakeholder Comment/Recommendation on Proposed Cannabis Land Use Ordinance (CLUO); Commercial Cannabis EIR

VIA EMAIL: cannabis@yolocounty.org

Dear Ms. Strachan,

The foregoing is submitted on behalf of Cashe Creek Cultivators, a Commercial Cannabis Cultivation operation located at 3604 Hwy 16 Rumsey, CA 95679; and Cashe Creek Cannabis, a Commercial Cannabis Cultivation operation located at 14158 Manzanita Ave. Rumsey, CA 95679

Introduction:

The proposed CLUO and supporting EIR pertain to concerns related to Environmental Protection, Quality of Life for residents and specific measures to avoid and mitigate new and ongoing negative impacts resulting from personal and Commercial Cannabis activities. Notably, the proposed CLUO also acknowledges a need for development of the legal cannabis market in Yolo County, with an intent to avoid hindering its development and the consequential proliferation of the illegal market, whose constituents are not subject to regulation nor respectful of environmental and community concerns. In the development of any local cannabis program, collaboration between municipal staff, and applicant/operators committed to transparency along with the competent and responsible establishment and operation of Commercial Cannabis facilities is vital for establishing long-term viability. 78 existing operations have been established in the County. The principals of these operations have demonstrated a willingness and intention to develop cannabis operations in such a way as to be acceptable and mutually beneficial. New operations will give rise to additional infrastructure and facility construction which will likely involve potentially heavy impacts at the outset of development, as well as additional community concerns, complaints, and an accumulation of ongoing impacts incident to commercial operations. Accordingly, considering the County's proposed two-year update in which the effectiveness of the adopted CLUO will be evaluated, the standards adopted should be geared toward accommodating the preservation of established facilities where development of infrastructure and structures on site are at or near completion. Through implementation and verification of proven and novel mitigation measures, the County, during this period, will be able to ensure adjacent properties and communities surrounding established facilities experience minimal impact from ongoing operations, and can then determine whether further allowance of legal cannabis operations is appropriate.

///
General Proposal:
Alternative 1 Hybrid- Allow only the existing 78 commercial cannabis uses during an initial 2-year evaluation period, eliminate increased (1,000 ft.) setbacks, or allow exceptions on a case by case basis, and require specific implementation of measures that would avoid or substantially mitigate impacts related to Noise, Light, Odor, Particulate Matter, and unattractive Visual Characteristics as conditions of approval.

Basis of Proposal-
Many existing operators have made substantial upfront investments and efforts in establishing facilities in accordance with County standards under the direction of County staff, as well as communicating with and accommodating the concerns of nearby residents and members of the community at large. The vast majority of impacts incident to site infrastructure development have already occurred. The EIR estimates improvements in new developments typically last at least six months. Moreover, those operators who have been able to incur the upfront expense, endured challenges related to regulatory compliance, and have successfully established viable operations are best suited to support and promote long-term success in the County’s Cannabis program.

Cashe Creek Cannabis Site Development Overview
Prior to operators initiating Site Development, the property sat fallow as an abandoned walnut orchard. There was no power on site. The layout was comprised of acres of weeds and dead trees. Applicants cut down approximately four acres of dead and dying trees, removed stumps and cleared the land for beneficial agricultural use, fencing-in 4 acres within the parcel to secure the cultivation area. Irrigation trenches were dug and plumbing was installed to irrigate each soil bed within the cultivation area from an adjacent irrigation ditch, access to which is paid annually.

Additionally, two wells were installed on-site to ensure a sufficient, long term water supply. Gravel was added to cover the entire site to ensure erosion control in compliance with Water Board standards. 1,200 yards of top soil was brought in to fill greenhouse soil beds (32) 24’x72’ greenhouses, each containing (2) 64’x8’ soil beds were built from the ground up.

Final construction will include installation of footings for permitted containers, construction of offices, and restrooms on site with complimentary septic and electrical systems. All architectural, electrical, septic, and civil engineering has been paid along with permit fees. Once construction is completed, generators and refrigerator units which are currently running on diesel engines will no longer be a nuisance as installation of power will preclude use of said engines.

Cashe Creek Cultivators Site Development Overview
Site Development in this project was postponed due to the necessity of surveyor reports and grading permits, delaying grading until July and planting in hoop-houses until September. The Site will be harvested throughout late December. Upon completion, the Site infrastructure here will be nearly identical to that of Cashe Creek Cannabis.

Prior to operators initiating Site Development, the property sat fallow as an open pasture without livestock to graze. However, creating an access driveway to meet Cal Fire standards involved
clearing approximately 400 yards of dead trees and brush at 25-ft. wide along the length of the driveway. There was no power on site. Irrigation trenches were dug and plumbing was installed to irrigate each soil bed within the cultivation area from an adjacent irrigation ditch access to which is paid annually.

Gravel was added to cover the entire site to ensure erosion control in compliance with Water Board standards. 1,200 yards of top soil was brought in to fill soil beds

(32) 24’x72’ greenhouses, each containing (2) 64’x8’ soil beds will be installed early next year.

Final construction will include construction of greenhouses, installation of footings for permitted containers, construction of offices, and restrooms on site with complimentary septic and electrical systems. All architectural, electrical, septic, and civil has been paid along with permit fees. Once construction is completed, generators and refrigerator units which are currently running on diesel engines will no longer be a nuisance as installation of power will preclude use of said engines.

Overview of Site Improvements and Related (*Item $'s omitted for privacy) Expenses-

**Cashe Creek Cultivators**  (3604 Hwy 16 Rumsey, CA 95679)

- Site Clearing $X
- Culvert Improvements (x2) $X
- Grading $X
- Gravel $X
- Irrigation/Lumber- Planter Beds $X
- Soil $X
- Fencing/Sheds/Etc. $X
- County License (2019) $X
- State License $X
- Biological Assessment $X
- Site Management Plan $X
- Electrical Engineering $X
- Electrical Improvements $X
- PG&E est. $X
- Container Engineering $X
- Septic Engineering/Site Survey $X
- Greenhouses (to be constructed Jan-Feb 2020) $X

**Total:** $768k

**Cashe Creek Cannabis**

- Site Clearing $X
- Culvert Improvements (x2) $X
- Grading $X
- Gravel $X
- Irrigation/Lumber- Beds $X
Installation of Wells (x2) $X
Soil $X
Fencing/Sheds/etc $X
County License 2019 $X
State License $X
Biological Assessment $X
Site Management Plan $X
Electrical Engineering $X
Electrical Improvements $X
PG&E est. $X
Container Engineering $X
Septic Engineering/Site Survey $X
Greenhouses $X

Total: $892.5K

Rationale:
The concerns expressed by community members related to Site Development described above have been the presence and movement of semi-trucks and equipment necessary to deliver materials, as well as the use of diesel engines necessary for preservation of finished goods in engineered cold storage trailer units. Moving forward, there will be no need for the presence of semi-trucks as the facility infrastructure has been established, nor for diesel engines to be utilized following the completion of electrical upgrades in April 2020. The vast-majority of impacts have already occurred. Such impacts would only be replicated at new facilities, and where existing operations might otherwise be forced to relocate because of zoning issues or increased setbacks (emphasis added), or where the County would otherwise allow the introduction of new uses.

Moreover, with a majority of County land reserved for Agricultural use, and Cannabis Cultivation qualified thereunder, at the current time Cannabis Cultivation presents as the most appropriate Commercial Cannabis use in Yolo County. Accordingly, the most feasible approach would be to work with established operations such as these, to confirm effective measures to mitigate and potentially eliminate the long term ongoing impacts of Commercial Cultivation.

Proposed Mitigation Measures-

Noise-
Section BB of the proposed CLUO references General Plan standards which are also referenced in the EIR impact assessment. The EIR identifies three main sources of Noise in relation to Commercial Cannabis operations: 1) Construction noise; 2) Operational stationary noise; 3) Operational traffic noise.

As stated above, for established operations (1) Construction noise and (3) Operational traffic noise are likely to cease completely and substantially decrease, respectively, because of the completion of construction and a reduced need for the delivery of necessary materials.
To minimize Operational stationary noise, the County may consider requiring cultivators, on a case by case basis, to use generators only in the case of a power outage or emergency after a certain point time within the initial two-year evaluation period. Furthermore, the use of perimeter buffers above the line of site, such as fencing with privacy slats could serve to further mitigate ongoing noise, and could be required as a condition of approval if appropriate for the subject site and surrounding community.

Light-
Section Z of the proposed CLUO sufficiently addresses concerns related to light pollution and sets forth appropriate standards for control.

Odor-
Section DD of the proposed CLUO sets forth means by which odor shall be measured to determine whether it meets an allowable standard of 7:1 Dilution-to-threshold (D/T)

Indoor and mixed light uses are further required to install exhaust air filtration systems with odor control, and air systems which create negative pressure between the facilities interior and exterior to minimize the odor nuisance.

All applicants are required to submit: a) Identification and Description of odor emitting activities with the nature and character of omissions; b) a description of procedures and engineering controls for controlling odors c) Certification by a Professional Engineer or Qualified Odor Professional that the proposed procedures meet industry standards for odor abatement and maintaining site odors below the maximum threshold.

To further mitigate odors from Outdoor/Hoop house operations, the County should consider requiring implementation of Odor Mitigating Landscaping on Site, including creation of a Surrounding Buffer at the Site Perimeter such as (Oleander Shrubs; Eucalyptus Trees; Lavender)

Particulate Matter-
Section K of the proposed CLUO requires that all driveway approaches to County and State maintained roads meet current County Improvement standards, or Caltrans requirements as applicable. This section further requires that all driveways have an all-weather surface such as compacted gravel. Section L of the proposed CLUO requires compliance with the Yolo-Solano Air Management District related to the control of dust. Given that Cannabis cultivation is considered an agricultural use in Yolo County, these proposed standards would be sufficient to minimize any related nuisances, especially with respect to established operations that will experience substantially less ingress and egress to properties from construction activities.

Visual Character-
Section KK of the proposed CLUO requires submittal of a screening plan, including screening outdoor operations (including hoop-houses) to the maximum extent feasible to avoid visibility from public rights of way. This section further specifies that vegetative screening is allowable, so
long as the County determines it will not harbor agricultural pests and can be reasonably expected to provide the intended screening within five years.

Given the intent of this section, and the requirement that fencing not diminish the visual quality of the site or surrounding area, the County should consider requiring perimeter fencing to have an incorporated "green wall" element, such as planting of shrubs near or below the fence-line, or evergreen trees just within the fence perimeter to present a natural looking visibility barrier. Additionally, the County may consider secondary visibility barriers adjacent to outdoor plants and/or hoop house structures to increase security and further minimize the visibility of cannabis.

Site Plan and Progression of Site Development Images:

Cashe Creek Cannabis Site Plan

Cashe Creek Cannabis Site Development Photos:
Cashe Creek Cultivators Site Development Photos:
Conclusion:
Both subject sites are now operational and producing marketable product. Each will each have the capability to produce 6,000 pounds of cannabis per year at full production, which translates to an anticipated Gross Revenue of approximately US$12M in annual revenue. At a 4% tax, the County stands to collect almost half a million dollars a year in revenue, in addition to application fees which fund staff review. These sites represent the highest industry standards with professional operators committed to respecting community concerns, and working with regulators and community members to establish a harmonious co-existence with the cannabis industry in Yolo County.

Your time and thoughtful consideration are very much appreciated.

Best Regards,

Zach Drivon, Owner/CEO
Drivon Consulting, Inc.
Response to Comment 45-1  **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

Response to Comment 45-2  **CLUO Comment.** The commenter provides their perspective regarding development of the proposed CLUO and accompanying Draft EIR. The commenter recommends “grandfathering” licensed cultivators. This comment is acknowledged. Please see Responses to Comments 12-57 and 14-3 and MR-14, “County Cannabis Disclosures.”

Response to Comment 45-3  **CLUO Comment.** The commenter recommends Alternative 1 for an initial 2-year period, with no 1,000-foot buffers or alternatively with project-specific buffer exceptions allowed, and with conditions of approval to control for noise, light, odor, particular matter, and aesthetic impacts. The commenter notes that existing operators have made large investments and impacts related to their sites have already occurred. This recommendation is noted for the record. The effects of relocation of an assumed number of existing cultivators are identified in the Draft EIR and factored into the impact analysis throughout the document. Please see MR-4, “CEQA Alternatives and County Decision-Making”; MR-14, “County Cannabis Disclosure”; and MR-12, “Expression of Opinion/Preference.”

Response to Comment 45-4  **CLUO Comment.** The commenter describes site improvements conducted at the Cashe Creek Cannabis site. This information is acknowledged.

Response to Comment 45-5  **CLUO Comment.** The commenter describes site improvements for the Cashe Creek Cultivators site. This information is acknowledged.

Response to Comment 45-6  **CLUO Comment.** The commenter provides cost information for improvements to the Cashe Creek Cannabis and Cashe Creek Cultivators sites. This information is acknowledged.

Response to Comment 45-7  **CLUO Comment.** The commenter states that community concerns regarding impacts of trucks, diesel engines, and refrigeration units have been resolved with completion of site improvements at existing cultivation sites. The commenter also states that these impacts will recur only if a cannabis site is required to relocate or if new cultivation sites or cannabis land use activities are allowed. The commenter indicates these impacts can be avoided by allowing existing cultivators to stay in their current locations. This position is noted for the record. The effects of relocation of an assumed number of existing cultivators are identified in the Draft EIR and factored into the impact analysis throughout the document. Please see MR-14, “County Cannabis Disclosure,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 45-8  **EIR Comment.** The commenter indicates that noise from construction and traffic will be eliminated or significantly reduced because construction of existing sites is already completed. Noise impacts are analyzed in Section 3.12 of the Draft EIR. The commenter suggests limiting generator use to
power outages and emergencies, and that fencing with slats could be required as a condition of approval to mitigate for noise if necessary. The Draft EIR on pages 3.12-12 and 3.12-13 concludes that these noise sources would generate noise levels at receptors that range from 44.4 dBA to 73.6 dBA (depending on the alternative and associated buffer standards), which would fall below the applicable General Plan land use compatibility standards (75 dBA) and therefore would be less than significant. Please see Response to Comment 30-5 regarding generator restrictions.

**Response to Comment 45-9**  
**EIR Comment.** The commenter expresses support for Section 8-2.1408(Z) of the proposed CLUO related to lighting. This comment is noted for the record. The Draft EIR concludes that this CLUO standard adequately addresses lighting impact (see Draft EIR pages 3.1-46 through 3.1-48).

**Response to Comment 45-10**  
**EIR Comment.** The commenter expresses support for odor mitigating landscaping such as site perimeter planting of oleanders, eucalyptus, and/or lavender, and recommends including this as an option for odor mitigation. As discussed on Draft EIR pages 3.3-29 through 3.3-35, the CLUO would require the development of an Odor Control Plan (CLUO Section 8-2.1408[DD]). The CLUO would allow the cannabis operation to determine the specific method of odor control that may include the items recommended by the commenter.

**Response to Comment 45-11**  
**EIR Comment.** The commenter expresses support for Section 8-2.1408(K) of the proposed CLUO related to driveway access. This comment is noted for the record. The Draft EIR concludes that this CLUO standard adequately addresses dust from operations. (see Draft EIR pages 3.3-20 through 3.3-29).

**Response to Comment 45-12**  
**EIR Comment.** The commenter recommends further screening for mitigation of aesthetic impacts through a requirement for landscaping of fencing and walls. CLUO Section 8-2.1408(KK) (Screening) item (3) would allow the landscape screening recommended by the commenter. The commenter also supports additional “visibility barriers” adjacent to outdoor plants and hoop houses. As noted in the Draft EIR on pages 3.1-25 through 3.1-43 aesthetic impacts of cannabis are identified associated with, among other things, the fencing installed by many operators for security purposes. An additional fencing barrier is likely to exacerbate rather than mitigate this visual concern.

The comment includes a number of “site development” photos of the two cannabis sites represented by the commenter.

**Response to Comment 45-13**  
**CLUO Comment.** The commenter provides concluding comments regarding the Cashe Creek Cannabis and Cashe Creek Cultivators sites and their economic value. These comments are acknowledged.
Dear Susan Strachan,

In reference to the newly released cannabis land use ordinance (CLUO) and draft environmental impact report (DEIR), we, the undersigned constituents of Yolo County would like to indicate our support for Alternatives 2 (all license types with moderate limits – 132 licenses) and 3 (all license types with high limits – 264 license), but also, adjusting certain parts of those alternatives (buffer zones).

We find it reasonable to maintain current property buffers for existing licensees, or at most, extend them out to a maximum of 500 feet between a licensed site and the nearest residential property, while establishing a 1000 foot buffer for future / new licensees. It’s important to note that any further increases to existing licensees will certainly impact businesses negatively with the potential for up to 38% of current licensees to cease operations or be forced to relocate. We feel that for existing license types who have already been in Yolo County conducting business for 3 years, deserve to have the ability to continue to operate within the county.

Furthermore, we must consider the related issue of over-concentration. One of the goals outlined in the CLUO / DEIR is the establishment of a threshold for the number of licensed sites within a six-mile diameter area that would and would not constitute over-concentration. Based on the information we have gathered, we feel that it would be best for current and future businesses to not be subject to relocation and prohibitive zoning policies, especially since retail, manufacturing, and distribution operations typically favor more commercial and industrial zoned areas. This could cause the unintended impact of pushing businesses into ag land, a move which would go against the General Plan of the County, which favors keeping agricultural commodities produced on agricultural zoned land. This would thereby give preference to the upper range of the limit, being 22 as the cited indicator of over-concentration.

Finally, we must address the supposed issue of odor as a nuisance. We strongly feel that cannabis is no different than any other agricultural crop with terpenes. Logically speaking, one must assume that if a nuisance is created from cannabis, then it could and would be continued and expanded onto other ag commodities like garlic, onion, tomatoes, melons, etc. In the report prepared by Trinity Consulting Group, the research they presented identified three measurable ambient odor thresholds:

“1. 10 D/T standard is based on scientific publications on odor pollution control that have identified that odors above 7 D/T will often result in complaints (i.e., objectionable) with 15 D/T often described as a nuisance, and odors above 30 D/T described as a serious nuisance (i.e., nauseating).” — Section 3.3-8, Air Quality and Odors

In Colorado and Illinois, 15 and 16 D/T was used for “all other areas / other land uses” which encompasses agriculturally zoned properties, while 7 and 8 D/T was used for residential / commercial zones. While other states have adopted the lower nuisance threshold, the fact that the researchers noted it to be an objectionable value with variability in observed locations and other factors, we feel that the best option would be to use the scientific data of the 15 D/T value described as a nuisance in our regulations.

In short, we support outdoor cultivation which will always generate an odor, but outdoor cultivation has been and will continue to be the most natural and sustainable farming method for cannabis, which will lessen negative impacts on future generations when compared to other methods.

Respectfully,

The Undersigned Constituents of Yolo County
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<td>1</td>
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### Responses to Comments

**Constituents: Please only sign below if you are a Yolo County resident**

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<td>Marqueta Pitts (Today)</td>
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<td>Breanne Berger</td>
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<td>Jeremy Freitas</td>
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<td><a href="mailto:jeremy@brothersmark.com">jeremy@brothersmark.com</a></td>
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<td><a href="mailto:Brandon@boyschool.edu">Brandon@boyschool.edu</a></td>
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<td>Shareen Edwards</td>
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December 2019  
To:    County of Yolo  
Re:   Comments to Cannabis Land Use Ordinance / Draft Environmental Impact Report  

Constituents: Please only provide your information if you are a current resident of Yolo County

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<td>Lindsey Yu</td>
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<td>Kaanja Jack S.</td>
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<td>3</td>
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Response to Comment 46-1  CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below. The commenters express support for Alternatives 2 and 3 with modified buffers. This recommendation is noted. Please see MR-12.

Response to Comment 46-2  CLUO Comment. Please see Response to Comment 43-3.

Response to Comment 46-3  CLUO Comment. Please see Response to Comment 43-5.

Response to Comment 46-4  EIR Comment. Please see Response to Comment 43-7.

Response to Comment 46-5  CLUO Comment. Please see Response to Comment 43-12. This letter is accompanied by 91 signatures of support.
From: Lauren Ayers [mailto:lauren.yolocounty@gmail.com]
Sent: Monday, December 23, 2019 2:20 PM
To: cannabis <cannabis@yolocounty.org>
Cc:
Subject: re Pot Grows in Capay Valley....Are county supervisors listening? REALLY listening?

Hello Yolo County Supervisors and Staff,

I attended two county-sponsored meetings about pot grows and two locally-organized meetings where we discussed the many unforeseen consequences of legalized pot. But I didn’t really understand the situation until I read the Yocha Dehe Wintun Nation letter of December 11, 2019, attached.

I endorse everything the Tribe wrote, especially these points:
- Out of all the rural land in the county, we in Capay Valley have a lopsidedly high percentage of current pot grows and I suspect that the county would be inclined to approve them permanently despite all the assurance that interim permits could be revoked.
- The public meetings revealed no realistic plans for avoiding worst case scenarios. In fact, the solutions mentioned months ago did not make it into the CLUO.
- There’s minimal protection of our old-fashioned farming and ranching lifestyle in any of the alternatives, and there’s even less protection of our new development as a recreation destination for ag tourism, bike riders, river rafters, hikers, and couples getting married.
- We Valley residents can’t afford lawyers now but, when our worst fears become reality, we will be forced to fight this bad planning in court, and the county will have to waste money opposing us, only to lose because, as the Tribe points out, “the DEIR is replete with deficiencies... [and] would not survive challenge under CEQA.”

Now that the many flaws of this DEIR are revealed, we must wonder what invisible influences caused such an incomplete and feeble document which so strongly favors the marijuana industry. We want county supervisors and county staff to work for all residents, without favoring far-away urban residents at our expense.

I know people who are suffering from the current “interim” pot grows. It’s heartbreaking that they have worked for years to rebuild their farmland only to have rude carpet baggers swoop in with get-rich-quick grows that are unsightly, noisy, and stinky.

Wise government trusts that people are basically good but plans for when they behave in antisocial or illegal ways. At the county-sponsored meetings, the three county staffers who worked on this clearly meant well, but they don’t seem to realize how powerful economic entities will take advantage of county residents when they have the upper hand, which they will have if any of the current alternatives is implemented.

We have already seen that pot grow investors don’t give a damn about local people’s reasonable expectations of rural peace, namely:
- A starry night sky
- Clean county air that doesn’t smell like dead skunks for two or three months every year
- Our children confidently roaming with no concern about guard dogs or armed guards
- No volatile substances that could ignite fires in our parched summer landscape
- No undue pressure on our aquifers
The local deputy who was recently funded will be so busy with the pot grows that the original job description won’t be fulfilled.

It sure looks like county officialdom is willing to trade our Capay Valley tranquility for the sake of pot revenues, knowing that our population is so small and powerless compared to the large populations in the four incorporated cities, where people can’t see that we are on track to become a Sacrifice Zone.

Note that when property values go down, voters will blame local government. Also note that the expected revenue was estimated to be $3 million, but it was actually just $700,000.

It’s back to the drawing board on the CLUO. Show us some real alternatives, such as the Thinking-Outside-the-Box idea for a country-monitored Grow Zone on a retired landfill, where the problems listed above will be concentrated in a small, manageable site and law enforcement can focus efficiently.

Or why not toss the hot potato right back? In lieu of having all these grows in the countryside, staff should study the idea of putting pot grows in an industrial park in one of our four incorporated cities. Many problems listed above would be solved: being indoors permits grow lights for more photosynthesis, air filters handle much of the smell, law enforcement can monitor more easily, and there’s ready access to infrastructure such as good roads and a reliable power source—remember how PG&E shuts off power when it’s windy?

Of course, many folks in our four incorporated towns would be furious if pot grows were forced on them, NIMBY would be their cry. Which proves my point: they can figure out why pot grows cause problems and why pot should be restricted to sites far from other property lines and never in residential areas—including in Capay Valley.

I haven’t seen this point mentioned elsewhere: our little corner of Yolo County has only a tenth of the ag land and yet we have been forced to cope with a third of the interim permits that were issued to pot growers.

Remember, all the county’s hilly geography is concentrated in west county. That’s why Capay Valley has very little flat ag land. To calculate Capay Valley’s ag acres I subtracted the hilly acres from the total acreage of 102,400 acres. That left only 41,000 acres of good farmland. Comparing that to the ag land outside of Capay Valley, which is about 400,000 acres, we see this indefensible disparity.

Also keep in mind that pot farms in the country are attractive nuisances, inciting people with low impulse control (dare I say “like teenage boys”) to do foolish things.

Yolo County supervisors could get away with ignoring us out here in the sticks because we are a minority. But sooner or later any elected law maker would face the consequences of forcing grows on us because all voters, wherever they live, choose candidates who they believe care about the environment, law and order, and fairness.

Lauren Ayers
7677 Webster Street
Guinda
530 321-4662
December 11, 2019

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

Re: Comments of the Yocha Dehe Wintun Nation to the Draft Environmental Impact Report Regarding Yolo County’s Cannabis Land Use Ordinance

Dear Ms. Strachan:

On behalf of the Yocha Dehe Wintun Nation (“Yocha Dehe” or “Tribe”), a federally recognized Indian tribe with a historically productive government-to-government relationship with the County of Yolo (“County”), we offer our comments on the Draft Environmental Impact Report (“DEIR”) for the County’s proposed Cannabis Land Use Ordinance (“CLUO” or “Ordinance”).

As detailed below, Yocha Dehe has deep concerns about both the DEIR and the CLUO itself. The CLUO does not represent a reasonable approach to the regulation of cannabis land uses in Yolo County. And the DEIR ignores many of the CLUO’s environmental consequences while failing to address feasible alternatives that would minimize unnecessary environmental damage.

Background and Global Comments

As the historical inhabitants of the Capay Valley, Yocha Dehe and its people possess a uniquely sacred connection to the land. The land remains our most important link to our traditional lifeways, and it constitutes our most sacred resource. We are committed to protecting it, and ensuring environmental balance remains throughout the Valley.

This commitment to stewardship and sustainability can be seen in our farming operation, which is among the most diverse in Yolo County, featuring 2,000-acres cultivated with a variety of crops, and 250 acres certified organic. We use only sustainable farming practices, which include biological controls, cover crops, drip irrigation and crop rotation. Sensitive to water scarcity, we employ a variety of water restoration and recycling practices, and, where appropriate, we have incorporated the use of crops that tolerate dry conditions, temperature variations, and non-prime soils.

Yocha Dehe Wintun Nation
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Yolo County Department of Community Service  
December 11, 2019  
p. 2

Naturally, given Yocha Dehe’s deep and longstanding connection to the land, our cultural values, and our existing agricultural interests in the Capay Valley, the Tribe has actively engaged with the County from the outset of its effort to authorize and regulate cannabis. That effort began in earnest in 2016, when the County unleashed a regulatory process authorizing interim cannabis grows throughout its jurisdiction and the Capay Valley in particular. As a result of that process, by early 2017, the County had issued 78 interim licenses, with an estimated 32 (or 40 percent) granted for cannabis grows between Highway 505 and the community of Rumsey. For the Capay Valley alone, the County issued 23 permits, representing 33 percent of all permits issued for the entire county.

The Tribal leadership has expressed its strong opposition to the over-concentration of cannabis emerging in the Capay Valley, which is among the most breathtakingly beautiful and pastoral areas in the County, and a growing destination for agri-tourism. As a result of this interim regulatory process initiated by the County, we have seen the deleterious effects of cannabis come to pass within our very homeland — with increased criminal activity, and of course, wafting odors of marijuana.

Now, after having developed an interim ordinance and regulatory scheme that drew much criticism (in part because of the over-concentration described above), the County has issued a draft CLUO. The Tribe provided a comment letter during the scoping period in June 2019, highlighting points of concern and issues needing consideration. The County issued its Draft Environmental Impact Report (DEIR) for the CLUO on October 23, 2019. We enclose all of our prior comment letters here to ensure a complete record.

When we initially told the County of our concern about the over-concentration of cannabis in our homeland, we were specifically told the County would deal with this problem through the development of the CLUO. This was possible, we were told, because the County — in its rush to authorize cannabis — had issued licenses that were interim only, and applicants were advised they should not assume those licenses would be renewed.

Unfortunately, as detailed below, the CLUO does nothing to reduce what the County has acknowledged to be an over-concentration of cannabis in the Capay Valley. To the contrary, the proposed Ordinance exacerbates the problem, potentially opening the door to even more cannabis grows and related businesses in our homeland. (See attached map of Alternative 3 proposed Cannabis Uses.) The Ordinance also minimizes other protections once offered, including buffers that provide some measure of insulation for our lands, and meaningful tribal involvement in the protection of cultural resources. This is unacceptable. And, as detailed below, the environmental analysis prepared for the DEIR is replete with deficiencies. In short, the DEIR would not survive challenge under CEQA.

**Specific Comments**

1. Alternatives

The California Environmental Quality Act (“CEQA”) requires careful consideration of potentially feasible alternatives to the proposed project. The DEIR fails miserably in this regard. For example:
The County has repeatedly asserted that it retains the right to increase or decrease existing numbers of cannabis operations within the County. In our discussions after the first round of permits were issued, County staff advised our own staff that landowners were told the permits were interim only and they should not be relied upon, as they might not be granted again when up for renewal. Likewise, the Notice of Availability for the DEIR explicitly states that the County General Plan and County Code can be amended “to continue to regulate, and potentially reduce or expand, allowed cannabis activities.” But none of the alternatives evaluated in the DEIR involves any reduction in cannabis operations. On the contrary, each and every alternative contemplates increases over current cannabis operations. This fundamental error contaminates the entire DEIR. The document must be revised to include alternatives that would reduce the number of cannabis operations in Yolo County and then recirculated to the public for additional review and comment.

The DEIR suggests that “the final CLUO may combine elements of more than one alternative.” While this may accurately describe the County’s broad legislative authority, it reveals a fundamental deficiency in the DEIR. The document does not, in fact, evaluate the impacts of all possible combinations of elements/alternatives. And if the final version of the CLUO includes a combination of elements that was not specifically identified and evaluated in the DEIR, the public will have been denied an opportunity to review and comment on the impacts of those combinations. In short, to the extent the County elects some combination of the alternatives not collectively or cumulatively evaluated in the DEIR, it will not have a legally defensible basis to approve the CLUO under CEQA.

The DEIR recognizes that over-concentration of cannabis operations is already starting to cause significant environmental consequences in the Capay Valley. But the only alternatives that would allow the County to address over-concentration (i.e., Alternatives 2, 3, and 4) are those that would also increase the total number of permitted cannabis operations in the same area. Such an approach to the alternatives analysis is contrary to CEQA and defies common sense.

Some of the alternatives considered in the DEIR provide for “buffers” between outdoor cannabis operations and certain other land uses. There is no meaningful variation in the width of the proposed buffers, however. The DEIR must be revised to include at least one alternative providing for more conservative (i.e., wider) buffers. As Yocha Dehe has explained in prior comments, the proposed buffer of 1,000 feet would be adequate to protect tribal lands (and land uses), tribal cultural resources, and sensitive environmental features. The Tribe had requested these buffer zones as a sovereign government charged with protecting and regulating its own territory and people, and to ensure sufficient distance from an activity inconsistent with its own laws and cultural values. Given that the Tribe’s territory is not static, these buffers would apply to lands already held in trust by the federal government for the Tribe’s benefit (“trust land”), or lands subject to becoming trust land. The County agreed to those protections in the interim regulatory regime, but the new proposed Ordinance scales it back, applying the tribal buffers only to whatever is in trust (or subject to becoming trust land) as of the date of CLUO’s enactment. That change was made...

1 Even Alternative 1, which is characterized as a continuation of existing permitted uses, contemplates that cannabis operations will eventually be approved on presently unpermitted “development agreement sites.”
without any consultation with the Tribe. The original language to which the County agreed during consultation should be restored.

- As evidenced by the public outcry at several Citizens Advisory Committee meetings and the special Planning Commission meeting held on December 3, 2019, the community shares the Tribe’s concerns regarding over-concentration and adequate buffer zones between the controversial activity and people’s lands. Local residents repeatedly complained about the impacts of the over-concentration of marijuana in the Valley, and the DEIR’s failure to present an alternative that would reduce the impacts of such.

- One of the stated purposes of producing a Programmatic Environmental Impact Report is to streamline the environmental review process for future applicants. Because the Board of Supervisors has not provided input to finalize several of the policy areas associated with the various alternatives presented in the DEIR, the document does not provide an accurate cumulative analysis of the specific policies that will make up the final CLUO. Only after those decisions are made, and the DEIR is revised to include a specific cumulative analysis of those policies, can the Tribe and the public provide meaningful input on the CLUO. Otherwise, individual environmental analyses will be necessary for each and every application received by the County.

2. Over-concentration

Yocha Dehe has attempted to work collaboratively with the County to address the increasing problem of over-concentration of cannabis uses in the Capay Valley. As noted above, the County directly assured the Tribe that, with the CLUO’s enactment, it would be in a position to resolve the over-concentration of cannabis uses in the Capay Valley. As you can surely imagine, the Tribe was surprised and disappointed to find that the DEIR fails to include any measures that would address over-concentration at all, let alone in a meaningful way.

- As noted above, the only alternatives that would allow the County to address over-concentration are those that would also permit a substantial increase in the total number of cannabis operations in the Capay Valley and elsewhere. There is simply no sound basis for such an approach. It is, in fact, nonsensical.

- Although Alternatives 2, 3, and 4 allow the County to address over-concentration through the subsequent issuance of a separate resolution of the Board of Supervisors, none of the three alternatives ensures the issuance of such a resolution. Nor do they explain why a separate, subsequent resolution is needed in the first place. The Board will serve as the ultimate decision-maker on the CLUO. Presumably, it also has the authority to include in the CLUO meaningful safeguards protecting against over-concentration, and moreover, reducing the over-concentration that already exists under an interim regulatory scheme adopted in haste. If the County is serious about addressing this issue, it should revise the CLUO to include firm prohibitions on over-concentration and ensure that the DEIR reflects this revision. Otherwise, the DEIR must be revised to clarify that the County has chosen not to address — or even to consider — limitations on over-concentration at this time.
Moreover, the substance of the County’s approach to over-concentration (even if implemented) appears far too weak to solve the problem. Rather than identifying and enforcing a firm limitation on—or prohibition against—over-concentration in any particular geographic area, the County’s approach allows more cannabis operations to be established in already-over-concentrated areas so long as pro forma findings about the development of a legal cannabis market are made. There is no reasonable basis to conclude that such an approach will meaningfully reduce or prevent over-concentration.

In fact, the DEIR does not even quantify what constitutes over-concentration. Instead, it attempts to duck the issue as a “policy” question, arbitrarily setting thresholds for the number of grows that constitute over-concentration, but then declaring that the metrics are flexible and the Board of Supervisors should set the governing standards when making its decision. In effect, the County has acknowledged the standards of significance for over-concentration are arbitrary, and can be defined by the Board after the environmental analysis is complete. (See DEIR, p. 4-37, noting that “five or fewer sites within a six-mile diameter area is not considered over-concentration, and 23 or more sites is considered over-concentrated [sic],” but, “that determination is a matter of policy rather than science and will be made by decision of the Board.”) Because the DEIR does not provide a clear, well-supported definition of an acknowledged problem, the County has deprived the public of a meaningful opportunity to review and comment.

3. Cultural Resources

Neither the CLUO nor the DEIR properly addresses cultural resources. This is a serious shortcoming, for the areas of the County where cannabis land use is projected to be most intensive are also among the areas where the greatest concentrations of tribal cultural resources exist. Specific errors include the following:

- The CLUO contains certain performance standards addressing cultural resources (among other things). The performance standards require cannabis permit applicants to submit a “preliminary site survey to determine the potential for archeological, historical, or paleontological resources.” The DEIR concludes that this requirement is sufficient to prevent any significant impact on cultural resources. But neither the performance standard nor the DEIR provides for any tribal involvement (or explicit consideration of tribal cultural resources) in the preparation or review of a “preliminary site survey.” And without tribal involvement, there is simply no way to effectively avoid or minimize impacts to tribal cultural resources.

- The CLUO’s performance standard also addresses unanticipated discovery of Native American human remains. The performance standard (and relevant provisions of the DEIR) should be clarified to specify that a treatment plan (or treatment agreement) must be negotiated, entered, and implemented before ground-disturbing activity in the area of the discovery can resume.

- Although not entirely clear, the DEIR (at p. 3.5-25) appears to suggest that additional safeguards are unnecessary because subsequent environmental reviews will involve tribal consultations. But the explicit purpose of the DEIR is to provide a programmatic analysis
that limits — or even eliminates — subsequent environmental reviews. Therefore, this EIR process must either (a) include a robust government-to-government consultation addressing each and every location at which a cannabis land use may occur in the future or (b) result in enforceable requirements mandating appropriate consultations and protections before any site-specific decisions about cannabis land uses are made.

- The DEIR’s over-concentration analysis fails to acknowledge that the areas where actual and potential over-concentration of cannabis uses are greatest are also among the areas of greatest sensitivity for cultural resources. Section 4.2 of the document must be revised and expanded to address this issue.

- More generally, we note that the DEIR relies heavily on the County’s 2030 General Plan, which was prepared more than a decade ago. Since that time, knowledge and understanding of the tribal cultural resources present in Yolo County has advanced significantly, as have relevant regulatory requirements. Under these circumstances, it would be most appropriate to comprehensively update the cultural resources analysis in the DEIR. That update must include — but should not be limited to — the following:
  - There is now documentation of finds from the Holocene era in the County. These should be properly explained.
  - The discussion of Public Resources Code section 5097 should be clarified and corrected. For example, the Native American Heritage Commission lacks “jurisdiction” over the disposition of remains as stated on page 3.5-12. In addition, the process for and significance of naming a Most Likely Descendant should be explained.
  - State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ allows for the SWRCB to set a 600-foot buffer zone for cannabis cultivation if a tribe rejects a cannabis cultivation proposal.
  - We understand that the 2030 General Plan relies on a County map of archaeologically sensitive areas. Yocha Dehe does not have access to this map, and we cannot speak to its accuracy as a tool for identifying areas likely to contain cultural resources. But we are surprised that the County would have prepared such a map without then using it to identify areas that may be unsuitable for cannabis land uses.

4. Aesthetics

Section 3.1 of the DEIR notes the importance of open views from State Route 16 through the Capay Valley (both toward Blue Ridge and toward Cache Creek). Other sections of the document note that (a) this area will have a massive concentration of cannabis operations; and (b) the CLUO’s proposed performance standards require that such operations be fenced or screened. Taken together, these pieces of information suggest that important components of the visual and aesthetic environment will be substantially impacted, or even lost. But the DEIR fails to specifically address the impact of additional cannabis-related fencing and/or screening in this viewshed. Nor does it propose any alternative that would minimize or avoid the impact.
5. Odors

The DEIR confirms that there have been numerous odor complaints arising from cannabis operations in and near the Capay Valley. But the document does not explain in detail the nature of the complaints or the distance between the affected receptors and the offending cannabis operations. In the absence of that information, there is no basis to conclude that the CLUO’s proposed design standards would be effective in minimizing odor issues.

6. Agricultural Resources

- As noted above, the CLUO would require fencing or screening around areas of cannabis cultivation. Although fencing effectively screens views (see comment 4, above), it does not address the issue of pollen dissemination. This is an issue of particular concern in the area of over-concentration between Guinda and Rumsey in the Capay Valley. The DEIR fails to fully address this problem.
- Some forms of cannabis cultivation, production, and manufacturing tend to involve heavy use of chemicals. This is inconsistent with many existing agricultural operations in the Capay Valley, which is a hub for organic farming. Again, the DEIR does not squarely address the issue.

7. Biological Resources

In previous comments on the CLUO (including comments on the Notice of Preparation for the DEIR), Yocha Dehe noted that pesticide use related to cannabis cultivation can impact special status species (including species of particular cultural importance to the Tribe) even if applied in a manner that is consistent with labeling restrictions. This issue is not meaningfully addressed in the DEIR either.

8. Hazards and Hazardous Materials

The DEIR acknowledges that the area between Rumsey and Guinda in the Capay Valley contains an over-concentration of cannabis operations, and is projected to have still more cannabis uses added in the future. Those uses include manufacturing facilities using volatile and highly flammable substances such as butane, propane, ethanol, and/or carbon dioxide. The introduction of these substances into an area of “very high” fire hazard (Exhibit 3.9-8) and limited public services is a recipe for disaster. The DEIR fails to specify appropriate mitigation for this impact.

9. Utilities and Services

There are no community service districts serving the cannabis-laden area between Rumsey and Guinda. The DEIR identifies this as a significant impact, but (again) fails to identify any mitigation.
10. Mitigation for Cumulative and Over-concentration Impacts

The DEIR concludes that several cumulative and over-concentration impacts will be significant. But it does not propose effective mitigation for those impacts. Without appropriate mitigation, the requirements of CEQA cannot be satisfied.

11. Tribal Consultation

The DEIR states that consultations with YDWN are “ongoing.” That is not entirely accurate. While it is true that Yocha Dehe has received notices and invitations to comment during the scoping period of the CEQA process, meaningful government-to-government consultation requires something more than pro forma compliance with generally-applicable notice-and-comment requirements. As described above, the Tribe has devoted substantial time and effort, over the course of nearly four years, developing proposals that would accommodate both the County’s interest in permitting cannabis land uses and Yocha Dehe’s interest in safeguarding the environmental and cultural resources for future generations. But those suggestions — alternatives, mitigation measures, necessary environmental analyses, etc. — have not been meaningfully incorporated into the County’s proposed Ordinance or DEIR. Nor has the County identified any reason why Yocha Dehe’s proposals cannot feasibly be addressed. Under these circumstances, it cannot reasonably be said that consultation is “ongoing.”

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The Tribe respectfully submits the County of Yolo has mishandled cannabis regulation, by rushing into the approval of an entire new “agricultural” industry without sufficient thought and planning. It has effectively created a situation in which one part of Yolo County, and all of its residents, has borne most of the burden of this new and controversial industry. The CLUO as currently proposed is not likely to alter that unfair dynamic. The people of Yolo County deserve better.

The Capay Valley and all communities west of Interstate 505 along State Route 16 have a rich, diverse history, one rooted in agriculture and protecting the natural environment and vistas. The County’s top priority should be to protect this unique area’s rural culture, while promoting the Capay Valley as a destination for events and supporting economic opportunities for local residents and businesses. A policy of placing the majority of marijuana grows here runs counter to these goals. Moreover, the willingness to concentrate the marijuana industry in the Capay Valley, in spite of residents’ deep and serious concerns, reveals a basic lack of regard for the people who live here.

The socioeconomic injustice of the County’s preferred alternative — maintaining a status quo the County created, with the majority of cannabis grows in the Capay Valley — must be underscored. Why not concentrate these businesses in urban areas, near cities that have a greater ability to manage the negative impacts of these all-cash, federally-outlawed businesses? While the Tribe and our neighbors are already subject to the most significant impacts of this industry due to the disproportionate number of grows in the Capay Valley, how can the County even begin to consider options that could further increase marijuana-related businesses in this area? This includes the potential for authorized production and manufacturing facilities, which would increase fire hazards
Yolo County Department of Community Service
December 11, 2019
pg. 9

in a remote area already subject to heightened fire risk. And, where is all the funding and oversight that Supervisors promised would flow from the revenue to be generated from marijuana?

Rural Yolo County faces many challenges, none of which will be alleviated (but certainly exasperated) with the over-concentration of marijuana businesses. This area needs health and mental health services, job and educational training, school infrastructure, healthy food options, increased fire protection, and other governmental services. None of these critical needs will be addressed by prioritizing the financial interests of a few marijuana profiteers over the interests of Capay Valley residents.

*****

As is undoubtedly clear, cannabis land use regulation in the Capay Valley is an issue of great importance to Yocha Dehe, and indeed all residents and landowners who live in this rural area. We look forward to the opportunity to discuss this issue with the County, on a government-to-government basis, in an effort to resolve our differences.

Should you have any questions in the meantime please contact Gayle Totton at gtotton@yochadehe-nsn.gov or 530-796-2048.

Wile bo,

Anthony Roberts
Tribal Chairman

ccs: Oscar Villegas, Yolo County Board of Supervisors
     Duane Chamberlain, Yolo County Board of Supervisors
     Jim Provenza, Yolo County Board of Supervisors
     Gary Sandy, Yolo County Board of Supervisors
     Don Saylor, Yolo County Board of Supervisors
     Patrick Blacklock, Yolo County Administrator
     Phil Pogledich, Yolo County Counsel
     John Young, Agricultural Commissioner & Sealer
     Tom Lopez, Yolo County Sheriff
     Omar Carrillo, Yocha Dehe Director of Public Affairs
     Gayle Totton, Yocha Dehe Tribal Resources Manager
     Emily Drewek, Yocha Dehe Director of Environmental Department
     Isaac Bojorquez, Yocha Dehe Director of Cultural Resources
     Paula Yost, Esq.
     Matthew Adams, Esq.
Response to Comment 47-1 **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expresses support for comment Letter 17 submitted by the Yocha Dehe Wintun Nation. Please see the responses to Letter 17.

Response to Comment 47-2 **CLUO Comment.** The commenter refers to the concentration of cannabis operations in Capay Valley. The Draft EIR contains an analysis of this issue in Section 4-2 and concludes that Guinda and Rumsey contain the highest concentrated number of exiting and eligible cannabis sites in the County. Mitigation Measure OVC-1 mitigates these concerns by establishing caps for overconcentration. Please also see Response to Comment 17-6.

Response to Comment 47-3 **CLUO Comment.** The commenter expresses frustration with the process of developing the CLUO and states that public meetings did not result in solutions to cannabis concerns. These comments are noted for the record. Please see Response to Comment 17-1.

Response to Comment 47-4 **CLUO Comment.** The commenter indicates the CLUO does not protect local lifestyle or new forms of economic development in the region. These opinions are noted for the record. Please see MR-12, “Expression of Opinion/Preference.” The Draft EIR discloses the effectiveness of variations in CLUO performance standards/buffers under each of the five alternatives in addressing environmental impacts that include effects on residents and identified sensitive land uses. Examples include effectiveness of different buffers distances to odor impacts (Draft EIR Impact AQ-4), noise impacts (Draft EIR Impacts NOI-1 and NOI-2), and overconcentration impacts (Draft EIR Chapter 4). No significant impacts on agricultural operations and recreation uses were identified in the Draft EIR (Draft EIR pages 3-7 and 3.2-14 through 3.2-26). Please also see MR-5, “Cannabis as an Agricultural Crop.”

Response to Comment 47-5 **CLUO Comment.** The commenter expresses concerns regarding the legal adequacy of the Draft EIR. The County does not agree with, nor does the record support, the suggestion that the Draft EIR is inadequate. Please see the responses to Letter 17.

Response to Comment 47-6 **CLUO Comment.** The comment believes the Draft EIR is flawed and favors the marijuana industry. The comment provides no substantiation for this position. This position is noted for the record. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 47-7 **CLUO Comment.** The commenter expresses concern for neighbors and general opposition for cannabis cultivation. The proposed CLUO would expand existing regulation of cannabis uses. Each cannabis use (including existing sites) would be required to obtain a Cannabis Use Permit which would be a discretionary action by the County and would involve public input. Please see MR-10, MR-11, and MR-12.
Response to Comment 47-8  **CLUO Comment.** The commenter expresses concerns and opposition to all of the CLUO alternatives. This position is noted for the record. Please see MR-12.

Response to Comment 47-9  **EIR Comment.** The commenter identifies expectations regarding rural living including protection of night sky, control of odor, control of cannabis security, precautions against fire danger, and protections for groundwater. The CLUO reflects protections in all of these areas. Please see Responses to Comment 24-7 regarding lighting and night sky, Response to Comment 35-9 related to odor control, Response to Comment 30-20 regarding fire danger, Response to Comment 31-5 regarding groundwater, and MR-5, “Cannabis as an Agricultural Crop.”

The CLUO requirements for security are found in Section 8-2.1408(LL). Staff is contemplating additional modifications to this section and to the Licensing Ordinance to require professional security staff as a component of the required security plan. Please also see MR-7, “Code Enforcement and Crime.”

Moreover, the proposed CLUO would establish a cannabis use permit system that would allow for consideration of site-specific and project-specific issues such as those raised in this comment.

Please also see Draft EIR Section 3.1, “Aesthetics,” regarding nighttime lighting impacts; Section 3.3, “Air Quality and Odors,” regarding odors; Section 3.9, “Hazards and Hazardous Materials” regarding wildland fire hazards; Section 3.10, “Hydrology and Water Quality,” regarding groundwater impacts; and Section 3.13, “Public Services,” regarding law enforcement impacts. The Draft EIR acknowledges significant and unavoidable odor impacts.

Response to Comment 47-10  **CLUO Comment.** The commenter expresses concern that the new resident deputy will be overwhelmed with cannabis related incidents and be unable to provide other law enforcement services. Please see MR-7, “Code Enforcement and Crime,” which summarizes Sheriff Office staffing designated specifically for cannabis resources available the Capay Valley. The Draft EIR identifies that there were 21 cannabis related crimes countywide in 2018. Compliance with CLUO performance standards set forth in Section 8-2.1408(LL) and Section 8-2.1410(D) would ensure that law enforcement and safety measures are incorporated into each site. 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). Implementation of these measures would ensure protection of sites that would not require the need to expand law enforcement services and facilities. (Draft EIR pages 3.13-35 through 3.13-37).

Response to Comment 47-11  **CLUO Comment.** The comment expresses frustration over the concentration of cannabis uses in the Capay Valley. As of June 2020, the CTF has issued 47 cannabis licenses for 2020 of which 14 are located in and around the Capay Valley area (Capay, Guinda, Rumsey). Please see Response to Comment 47-2 and MR-10.
Response to Comment 47-12  **CLUO Comment.** The commenter expresses concerns over property values and cannabis revenues. Please see MR-6, “Economic Effects and Property Values,” and MR-13, “Cannabis Tax Revenue.”

Response to Comment 47-13  **CLUO Comment.** The commenter recommends revisions to the CLUO to include County-monitored cultivation at the County landfill. Please see MR-17, “Consolidated Cannabis Campus.”

Response to Comment 47-14  **CLUO Comment.** The commenter recommends restricting cannabis cultivation to industrial areas within the incorporated cities. Please see Response to Comment 30-31.

Response to Comment 47-15  **CLUO Comment.** The commenter discusses cannabis cultivation within the incorporated cities of Yolo, consideration of property boundaries with respect to measuring buffers, and prohibitions on cannabis cultivation within residential areas. Please see Response to Comment 47-14, MR-5, and MR-9. With the exception of personal cultivation, which is allowed indoors under state law, the proposed CLUO prohibits cannabis uses in residential areas (see Section 8-2.1407).

Response to Comment 47-16  **CLUO Comment.** The commenter states that almost one-third of the existing and eligible cannabis cultivation permits are located in Guinda and Rumsey. The County has acknowledged repeatedly that the majority of the existing and eligible cannabis cultivation sites (23 of 78, or 29.5 percent) are located in Guinda and Rumsey (see pages 4-37 and 4-38 of the Draft EIR). Please see MR-10, “CUP Process and Overconcentration.”

Response to Comment 47-17  **CLUO Comment.** The commenter states that overconcentration in the Capay Valley is a reflection of the topography of the area. This comment is noted.

Response to Comment 47-18  **CLUO Comment.** The commenter states that cannabis cultivation is an attractive nuisance. Please see Response to Comment 47-10 and MR-7, “Code Enforcement and Crime.”

Response to Comment 47-19  **CLUO Comment.** The commenter expresses concerns about being treated fairly by County Supervisors. This comment is acknowledged. The comment includes a copy of Letter 17 from the Yocha Dehe Wintun Nation. Please see the responses to Letter 17.

Response to Comment 47-20  **CLUO Comment.** Please see the responses to Letter 17.
From: D.Lublin [mailto:d.lublin@yahoo.com]
Sent: Monday, December 23, 2019 2:22 PM
To: cannabis <cannabis@yolocounty.org>
Subject: comments on the DEIR

I would like everything to remain the same:

NO project alternative.

Existing conditions.

Retains cap of 78

Current licensing ordinance applies

CLUO and mitigation measures do not apply

75/1000 foot buffers.
Response to Comment 48-1

CLUO Comment. Thank you for submitting this comment during the Draft EIR review period. This comment will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expresses support for the No Project – No CLUO Alternative. Please see MR-12.
December 23, 2019

To Susan Strachan, Cannabis Program Manager:

We would like to offer the below comments in response to the Draft Environmental Impact Report (DEIR), for the proposed Yolo County Cannabis Land Use Ordinance (CLUO):

First and foremost, we would like to be shown on the record as providing our unequivocal support for the letter already sent to Yolo County by the Yocha Dehe Wintun tribe. In case there is any slim chance of confusion regarding to which letter we refer, we have attached it to our email to remove all doubt.

With regards to below references to ‘our property’ we are referring to our home residence at 14281 Manzanita Ave., Rumsey. When we refer to the ‘marijuana production and processing facility’ (or combination of terms therein) we are referring to the facility developed over the last year at the far west end of Manzanita Ave, also known as Cache Creek Cannabis.

Given the extreme length of the DEIR and CLUO documents, we would like to preemptively and respectfully request from the beginning of our comments that any technical details or content of these documents that may have escaped our attention, that might serve in any way to leave a ‘loophole’ in our comments, not be used as an excuse by the county to therefore negate our comments as uninformed, inaccurate or inconsequential. Please grant our request that our comments be taken in the obvious intent and spirit in which they are presented, and that they not be dismissed out of hand due to technical errors, or unintentional omissions or slight inaccuracies in our writing.

Furthermore, our comments are designed to address the issues as they apply on a more general level to the entire Capay Valley, as well as how they apply directly to our specific situation on our property.

Aesthetics: The northern part of the Capay Valley is particularly scenic, and one of the draws that led us to our current home in Rumsey was the view of mountains and hills in three directions, cupping the small community of Rumsey. The isolated community was home to assorted wildlife such as red-tailed hawks, deer, fox, turkey, quail, and the occasional bald eagle flying overhead. Since the establishment of the large marijuana production and processing facility on the other side of our property line to the west, this wildlife is now scarcely seen here, and our view has been completely destroyed looking in a westerly direction, and diminished looking in a northerly direction – the grow is so large and egregious it intrudes on the periphery of the view towards the canyon itself. This contributes in a high degree to the devaluation of our property, as well as a severe reduction in our enjoyment of both the inside our house, and outside in our yard.

From DEIR 3.1-2 : “There are also currently limited commercial and production agricultural operations in Capay Valley that consist of multiple buildings and facilities. Examples of such operations include Cache Creek Lavender Farm, Seka Hills Olive Mill and Tasting Room, and Casa Rosa Farms.”

I was amused and dismayed to see that Cache Creek Lavender Farm is listed so prominently in this short list of “currently limited commercial and production agricultural operations in Capay Valley that consist of multiple buildings and facilities”. As I live adjacent to this tiny farm, I can say that Cache Creek Lavender Farm consists only of one small house, one garage, an itty-bitty unused retail area, and a single hoop house. Including it first and foremost in a non-alphabetical list of ‘multiple buildings and facilities’ feels like an attempt to exaggerate the size of this farm to assist in legitimizing large facilities such as the marijuana facility now adjacent to that farm. The visual impact of that lavender farm is far outstripped by the very negative visual impact of the
marijuana facility, which dwarfs the lavender farm. The owner of the lavender farm, Charley Opper, feels strongly that the marijuana facility now makes it impossible for him to hold events outside (ie weddings) that rely on the surrounding beautiful setting as a draw. The apparent attempt to use this tiny farm to demonstrate there is an existing precedent that justifies an industrial marijuana facility in this neighborhood is absurd.

From DIER 3.1-19:

**Capay Valley Area Plan (2010)**

- **Land Use Policy 1:** The County shall ensure land uses are compatible with the rural agricultural quality of life.
  - **Our Comment:** we feel that the current land use of a large industrial marijuana production facility in our neighborhood is NOT compatible with the rural agricultural quality of life and has not been properly reviewed per Aesthetics policy 2, Implementation Measure 1 (below).

- **Aesthetics Policy 1:** Support the effort to secure state Scenic Highway status for State Route 16.
  - **Implementation Measure 1:** The County has adopted official County scenic designation for State Route 16 within the Capay Valley Study Area.

- **Aesthetics Policy 2:** Ensure architectural quality and design consistency within existing communities of the Capay Valley along SR 16.
  - **Implementation Measure 1:** In consultation with local businesses and residences, and citizen advisory committees the County has developed design guidelines for new commercial structures proposed to be constructed within the existing communities.
  - **Our Comment:** We have seen no evidence that there was any consultation with local business and residences about the new commercial marijuana facility constructed in our community. As the closest property most affected by this facility, we ourselves were not consulted regarding the development of this unsightly facility next to our home.

Despite the fact that the EIR under Alternative 1 of the proposed CLUO states that ‘impact would be less than significant under Alternative 1’, we strongly disagree. We feel that the aesthetic impact of this marijuana facility is very significant. We feel that this facility obliterates the scenic viewshed for the local area and for our property in particular, and is in fact visible from SR 16 at the western intersection of Manzanita and SR 16.

In addition, given that the county land in front of our home constitutes a public right-of-way (ie Manzanita Ave.), since this large facility and its plants can easily be seen from this public right-of-way, this seems inconsistent and in violation of all proposed Alternatives 1-5.

Given that Alternative 1 seems unacceptable to us, Alternatives 2-5 only serve to potentially exacerbate the current situation, quite likely will allow this marijuana facility to stay, along with additional similar new facilities, to further impact the scenic viewshed for local residents, as well as more than one public right-of-way (ie SR 16, Manzanita Ave, Madrone St.), and would be no solution.

From 3.1-42 of the DEIR: Impact AES-3: Substantially Degrade the Existing Visual Character or Quality of the Project Area

Our comments above apply equally to this section. The existing marijuana facility next to our property without a doubt ‘substantially degrade[s] the existing visual character or quality of [this local] project area.’, and everyone we have spoken with about this facility agrees wholeheartedly with this viewpoint. As a result, our enjoyment of our property and our home, and our property value as well, suffer greatly through this ‘substantial’ degradation. All other property owners in this immediate area suffer from this degradation as well. We feel that nothing but relocation of this marijuana facility to another site will serve to mitigate this degradation.
Air Quality and Odor:
When measuring air quality with particular regard to marijuana odor, it should be stipulated that measurements also be taken after dusk as well as during the daytime, as the intensity of the odor is often much greater at night than during full daylight hours. We’re not sure if this is due to shifting wind patterns as the temperature gradient shifts with the setting sun, but it’s a clear and consistent phenomenon that’s noticeable up and down the length of the Capay Valley. Consequently, when we open our windows in the warmer months to cool the house at night, our house is filled with marijuana odor intense enough to make leaving the windows open unpleasant for us. The alternative is to keep the windows shut, and use additional electricity to cool the house. However, since we use an evaporative cooler, which pulls air in from the outside and draws the odor into our house as well, this does very little to alleviate the problem.

The odor is most intense in our son’s bedroom, as that window is one of the closest windows to the marijuana plants. As a minor teenager, we would like to reduce the impact this questionable facility has on our son, but the current close proximity of that facility makes this pretty much impossible. It does not seem that the effects of intense marijuana vapor on a developing brain have been determined yet, and we’d rather not make our gifted son one of the first test subjects for developing statistics in this area.

Odor and air quality testing only performed during the daylight hours serves to underrepresent the actual intensity of the odor throughout the whole 24 hour period, and feels like a deliberate attempt to obscure the reality of the situation. Although it may not be deemed ‘convenient’ for Yolo County employees to perform tests at night, it is far less convenient for all the local residents to have to keep their windows closed, and for us to have to live with the unpleasant consequences of intense odors on a permanent basis. With harvests planned for at least 3-4 times annually, this odor could be present for 6-9 months out of the year – and usually those same months that we would wish to open our windows to let ‘fresh’ air into our home.

Finally, regardless as to the level of odor detected via an olfactometer (as described in the DEIR), we feel that the level of odor that arises from this large marijuana production facility is powerful enough to be offensive and constitutes a nuisance on our property and the surrounding neighborhood – an opinion shared by all neighborhood residents. The only mitigation for this negative impact is to relocate this facility to somewhere more distant from people’s homes.

Setbacks:
Setbacks from residences should be at least 1000 feet from a marijuana facility, regardless as to whether that home is in an area zoned agricultural or residential. A residence on land zoned agricultural is just as much a home as a residence on land zoned residential, and there is no valid reason why a homeowner on agricultural land should be required to endure the more severe consequences of a marijuana facility as close as 75 feet from their home. In fact, those who choose to live in rural or agricultural settings often desire greater privacy and distance from their neighbors -- this is true of ourselves and is a large part of why we chose to move to Rumsey sixteen years ago.

Also noteworthy here is that the current zoning in our area of Rumsey is quite likely more than a century old, as the most recent parcel map we’ve seen of our neighborhood is dated 1892. This antiquated, outdated zoning further serves to make the current set back of 75 feet even more arbitrary and nonsensical, as it is referring back to a time when many of the current buildings didn’t even exist and the general plan was obviously quite different than the community we live in today.

In our particular situation in central Rumsey, although the area is zoned ‘Ag Intensive’, this neighborhood is in reality a collective of modest residential homes. Some of the residents have what could be described as small
'hobby farms' or gardens – none have anything resembling 'intensive agriculture'. As the closest residence to this facility, our property is most impacted by this grow and is a mere .75 acres – it's difficult to see how a residential lot of this small size can be utilized in any 'ag intensive' way.

The Yolo County map outlining the parcel borders in this neighborhood clearly show that the intention of this central area of 'downtown' Rumsey was planned and laid out as a residential area, not an intensive agricultural area. Why then must we endure a marijuana production facility whose edge is even less than 75 feet from our house, because of flawed and antiquated local zoning? We value our privacy, safety and peace of mind in and around our home just as much as those that reside in a residential neighborhood actually zoned 'residential', yet we are being treated like second-class citizens who don’t deserves the rights afforded to other Yolo County residents. This is unfair and morally wrong, and needs to be changed.

As I mention elsewhere in this letter, our son's bedroom (as well as the office where he does his homework) is on the west side of our house, and the edge of our house here is roughly only 60 feet from the irrigation canal that divides our property from the marijuana facility. This puts his window (and his air and sound space) within 75 feet of the edge of this marijuana facility – quite possibly in closer proximity than any other child's bedroom in Yolo County to an industrial marijuana production and processing facility. We feel that this is an unhealthy influence on him in a variety of ways we won’t attempt to list here.

To repeat and conclude: all setbacks between marijuana facilities and residences absolutely must be at least 1000 feet, and no less, regardless as to the zoning of that residence. Because facilities such as this can and do begin at the property line, and not merely with the plant canopy, we further believe that the setback should be measured from the property line of the facility and not the plants. Any of the CLUO Alternatives that suggest anything less than this should be rejected.

Setbacks from school bus stops:
The already existing marijuana facility is in violation of the current set back requirement specifying that marijuana production needs to be at least 1000 feet from a school bus stop, yet Yolo County appears to be ignoring this existing restriction and have permitted the facility to be developed in spite of the violation. Because our son has been attending Esparto schools since 2009, we know for a fact there has been a designated school bus stop on the west side of SR 16 at the intersection of Manzanita Ave since at least 2009, as well as a several decades' old, continuously used school bus stop at O'Leary and Manzanita (more practically, the parking lot of the Rumsey Town Hall). Both of these stops appear to fall within 1000 feet of the marijuana facility, and the one on the west side of SR16 definitely does.

Not only is the County currently ignoring what we feel is an important regulation, it is our understanding that this set back requirement for school bus stops has now been completely eliminated from all CLUO Alternatives. This is an unacceptable change, and we reject any and all Alternatives that support this complete lack of consideration for our County’s children at their school bus stops. We also reject the rationale provided by the County for removing school bus stops from all CLUO alternatives, which reason being that since some bus stops may change over time, all school bus stops shall be exempt from a setback, and functionally deemed inconsequential and no longer important enough to require an appropriate distance from marijuana facilities.

We believe this is a poor argument to support a poor proposal. Regardless as to whether some bus stops may shift over time, many bus stops remain unchanged, and deserve the same treatment as was originally intended and included in the temporary cannabis use regulations currently in effect. Our children are to be protected by a 1000 ft. setback while they are at their school but at the school bus stops, or indeed even inside their home (in our case) there is no such protection. Our children should be considered more important than bottom line
revenue gained from marijuana permits, but the county reverses this importance and chooses to support their revenue and that of the cannabis growers instead of our children.

In the current situation, my son’s school bus stop on the west side of SR 16 has been noticeably impacted by the facility next to our house. Cars and trucks now turn there in continuous streams where the bus stop is, and literally right through the spot where he is to stand for the bus stop, and drive unreasonably fast up Manzanita Ave towards the marijuana facility. At this time of year, it is still dark when the bus comes, and my son frequently risks crossing SR 16 in the dark to the other side of the highway to the bus stop on Manzanita and O’Leary because it does not seem safe to stand at the designated stop for him on the west side of SR 16. Even the Rumsey Hall bus stop has been impacted in a negative way, with trucks queuing up to drive up to the grow and an increase in traffic making it less safe for him to even attempt to cross SR 16, in the dark. The school bus stop scene in this downtown Rumsey area no longer feels safe for children, because of this marijuana facility. And yet, the County is tacitly saying... ‘we don’t care if this marijuana grow is making the bus stop unsafe for your children’. And this only addresses the issue of traffic, not the increase in unknown strangers in this area in the early morning dark. Knowing that armed guards are present up at the facility does not alleviate our concern is this area, but serves to make us even more nervous about the safety of our son.

Furthermore, the County’s current strategy of simply ignoring the rule without comment, allowing this facility to continue with its marijuana production, fills us with concern and a low degree of confidence that other current or future regulations are or will actually be appropriately enforced by the County. Removing any restriction regarding proximity of marijuana facilities to school bus stops appears to us to be a convenient way to maintain the status quo of marijuana uses in our area and to functionally officially sanction ignoring the well-being of our children as they travel to and from school.

From DIER 4.2.1:

Density: The current proposed method of assessing appropriate permit density using a six mile diameter is extremely flawed, and serves to obscure and hide the much closer high density cultivation areas wherein there are as many as 3 marijuana facilities within a ½ mile (or less) diameter. This is the situation in central Rumsey, as there are three grows within a ½ mile diameter, but this would be concealed and allowed to continue when the only concentration limitations would be governed by the arbitrary and too broad 6 mile diameter.

This level of marijuana cultivation density is unacceptable anywhere, let alone in an area that includes a village-like collection of residences. Our impression is that this arbitrary and unscientific determination of using a 6 mile diameter area to regulate density of marijuana facilities serves to support and maintain the status quo of all the existing grows between Guinda and Rumsey, and smacks of a deliberate attempt to set guidelines that provide for no reduction in an already overconcentrated area. This proposal serves only to maintain the current overconcentration, and would allow all current grows to stay exactly where they are despite public outcry to the contrary.

There needs to be a better method of gauging appropriate density of marijuana facilities, and it needs to be one that serves to reveal overconcentration of marijuana cultivation in much smaller diameter areas (such as ½ mile) rather than to conceal and obscure current or future unacceptably high-density marijuana cultivation and processing facilities.

Regarding proposed 3 year delay in the relocation of a marijuana facility whose permit has not been renewed or that has been determined needs to be moved to a new location:

We learned at the meeting led by Capay Valley Vision on Dec. 11 in the Rumsey Hall that if a marijuana facility is determined to require relocation, that the facility will be allowed to stay in operation in its current location for
Ascent Environmental

Responses to Comments

Yolo County

Cannabis Land Use Ordinance Response to Comments Document 3-361

up to 3 years. This feels very arbitrary and shows continued favoritism to the growers at the expense of the local residents. If a permit is deemed not renewable for whatever reason, the activity associated with that permit needs to stop immediately upon expiration of said permit. The marijuana growing season is short enough that a maximum of 6 months should be required to complete a harvest. The facility next to our property was installed to its current status in less than a year, from clearing the ground to now completing their second harvest of 2019. Clearly it would not take 3 years to relocate and establish a similar facility elsewhere.

One rationale I have heard attempting to support this is that the growers, or frequently their out-of-county investors, have invested a great deal of money in their operations, so it therefore is not fair to them to lose these investments. To this we say that growers’ investments are irrelevant and attempts to use their level of investment in determining where, whether or how long they are allowed to stay on a location should not be taken into account. Growers knew going into it that the rules were temporary and that permits might not be renewed, so if they invested large amounts into their marijuana operations, they did so knowing that it was a gamble. Just like any other form of gambling or investing, they should presumably be willing to accept the loss, and to imply that a grow should stay based on their level of investment in the facility is unsupportable. Just as a casino is not responsible to reimburse one of their customers if they lose big in their casino, Yolo County, and its residents, are not in any way obligated to reimburse or otherwise mitigate these growers’ investments in the event that their permit is not renewed due to factors such as over-density or proximity to residences.

Recent suggestions by County representatives and grow owners that adding more permanent fixtures to existing marijuana facilities in an attempt to mitigate current cannabis nuisances (such as constant compressor noise or unsightly ‘temporary’ structures) is a deceptive argument and will do nothing to address other equally or more important issues.

We do not agree with the assertions being made that adding more permanent fixtures to the existing facilities, such as new electrical poles or permanent buildings, will alleviate or relieve residents from the current level of discomfort or personal loss they suffer. Instead, permanent fixtures and structures will lead to a permanent marijuana facility, which in turn leads to permanent property loss for adjacent properties, permanent exposure of local homeowners to a criminal element, permanent heavy traffic and overuse of the access road, permanent invasion of privacy in our home and yard, permanent offensive odor, and permanent loss of peace of mind and enjoyment of our property.

In this light, we would respectfully ask that Yolo County does not present this argument to us in attempts to justify the egregious industrial marijuana production and processing facility that is so unreasonably close to our own home, as well as our neighborhood in general.

We would like to conclude our comments on the DEIR and CLUO, and the current review process, with these thoughts:

Given the length and complexity of the DEIR and CLUO documentation, it feels like an impossible task for the average Yolo County resident to even begin to scratch the surface, attempt to digest the content, and comment in a coherent, organized and effective way. Only those who are extremely well equipped educationally and intellectually have a hope of understanding even a fraction of these materials, and this in itself makes this review process inherently flawed. The majority of local individuals we spoke with were so intimidated by the documents, they didn’t read them at all, gave up and were then afraid to comment through any means.

If this is the process that the County intends to use in fine-tuning or establishing regulation of marijuana production, we fear that we will be at the mercy and whim of County officials who will then make the decisions for us, and who, based on past and current experience, will make choices not based on public approval or concerns, but choices made to suit their own opinions... which are likely being formed while they comfortably
reside in their town-based homes — homes free from the indignity and uncomfortable proximity of an egregious marijuana production and processing facility literally in their backyard, established without advance warning, notice or opportunity to review the appropriateness of this facility before it was developed. In short, those most able to influence the outcome of this DEIR and proposed CLUO are quite likely those that will be least affected by it, and hence will be more likely to be influenced by the promise of high revenues for the County, with little or no regard for those rural residents who are paying hidden and despicable costs for these revenues.

Thank you for hearing our concerns about the proposed CLUO and associated DEIR. We look forward to hearing your response to our comments and hope that our feedback has been helpful to Yolo County in evaluating both the current situation of cannabis land use in our area, and in formulating a better piece of regulation for production of this complex and controversial product.

Sincerely,
Linda Deering and Brian Boyce
14281 Manzanita Ave.
Rumsey, CA 95679
December 11, 2019

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

Re: Comments of the Yocha Dehe Wintun Nation to the Draft Environmental Impact Report Regarding Yolo County’s Cannabis Land Use Ordinance

Dear Ms. Strachan:

On behalf of the Yocha Dehe Wintun Nation ("Yocha Dehe" or "Tribe"), a federally recognized Indian tribe with a historically productive government-to-government relationship with the County of Yolo ("County"), we offer our comments on the Draft Environmental Impact Report ("DEIR") for the County’s proposed Cannabis Land Use Ordinance ("CLUO" or "Ordinance").

As detailed below, Yocha Dehe has deep concerns about both the DEIR and the CLUO itself. The CLUO does not represent a reasonable approach to the regulation of cannabis land uses in Yolo County. And the DEIR ignores many of the CLUO’s environmental consequences while failing to address feasible alternatives that would minimize unnecessary environmental damage.

Background and Global Comments

As the historical inhabitants of the Capay Valley, Yocha Dehe and its people possess a uniquely sacred connection to the land. The land remains our most important link to our traditional lifeways, and it constitutes our most sacred resource. We are committed to protecting it, and ensuring environmental balance remains throughout the Valley.

This commitment to stewardship and sustainability can be seen in our farming operation, which is among the most diverse in Yolo County, featuring 2,000-acres cultivated with a variety of crops, and 250 acres certified organic. We use only sustainable farming practices, which include biological controls, cover crops, drip irrigation and crop rotation. Sensitive to water scarcity, we employ a variety of water restoration and recycling practices, and, where appropriate, we have incorporated the use of crops that tolerate dry conditions, temperature variations, and non-prime soils.

Yocha Dehe Wintun Nation
PO Box 18  Brooks, California 95606  pl 530.796.3400  f 530.796.2143  www.yochaede.org
Naturally, given Yocha Dehe’s deep and longstanding connection to the land, our cultural values, and our existing agricultural interests in the Capay Valley, the Tribe has actively engaged with the County from the outset of its effort to authorize and regulate cannabis. That effort began in earnest in 2016, when the County unleashed a regulatory process authorizing interim cannabis grows throughout its jurisdiction and the Capay Valley in particular. As a result of that process, by early 2017, the County had issued 78 interim licenses, with an estimated 32 (or 40 percent) granted for cannabis grows between Highway 505 and the community of Rumsey. For the Capay Valley alone, the County issued 23 permits, representing 33 percent of all permits issued for the entire county.

The Tribal leadership has expressed its strong opposition to the over-concentration of cannabis emerging in the Capay Valley, which is among the most breathtakingly beautiful and pastoral areas in the County, and a growing destination for agri-tourism. As a result of this interim regulatory process initiated by the County, we have seen the deleterious effects of cannabis come to pass within our very homeland — with increased criminal activity, and of course, wafting odors of marijuana.

Now, after having developed an interim ordinance and regulatory scheme that drew much criticism (in part because of the over-concentration described above), the County has issued a draft CLUO. The Tribe provided a comment letter during the scoping period in June 2019, highlighting points of concern and issues needing consideration. The County issued its Draft Environmental Impact Report (DEIR) for the CLUO on October 23, 2019. We enclose all of our prior comment letters here to ensure a complete record.

When we initially told the County of our concern about the over-concentration of cannabis in our homeland, we were specifically told the County would deal with this problem through the development of the CLUO. This was possible, we were told, because the County — in its rush to authorize cannabis — had issued licenses that were interim only, and applicants were advised they should not assume those licenses would be renewed.

Unfortunately, as detailed below, the CLUO does nothing to reduce what the County has acknowledged to be an over-concentration of cannabis in the Capay Valley. To the contrary, the proposed Ordinance exacerbates the problem, potentially opening the door to even more cannabis grows and related businesses in our homeland. (See attached map of Alternative 3 proposed Cannabis Uses.) The Ordinance also minimizes other protections once offered, including buffers that provide some measure of insulation for our lands, and meaningful tribal involvement in the protection of cultural resources. This is unacceptable. And, as detailed below, the environmental analysis prepared for the DEIR is replete with deficiencies. In short, the DEIR would not survive challenge under CEQA.

**Specific Comments**

1. Alternatives

The California Environmental Quality Act (“CEQA”) requires careful consideration of potentially feasible alternatives to the proposed project. The DEIR fails miserably in this regard. For example:
The County has repeatedly asserted that it retains the right to increase or decrease existing numbers of cannabis operations within the County. In our discussions after the first round of permits were issued, County staff advised our own staff that landowners were told the permits were interim only and they should not be relied upon, as they might not be granted again when up for renewal. Likewise, the Notice of Availability for the DEIR explicitly states that the County General Plan and County Code can be amended “to continue to regulate, and potentially reduce or expand, allowed cannabis activities.” But none of the alternatives evaluated in the DEIR involves any reduction in cannabis operations. On the contrary, each and every alternative contemplates increases over current cannabis operations. This fundamental error contaminates the entire DEIR. The document must be revised to include alternatives that would reduce the number of cannabis operations in Yolo County and then circulated to the public for additional review and comment.

The DEIR suggests that “the final CLUO may combine elements of more than one alternative.” While this may accurately describe the County’s broad legislative authority, it reveals a fundamental deficiency in the DEIR. The document does not, in fact, evaluate the impacts of all possible combinations of elements/alternatives. And if the final version of the CLUO includes a combination of elements that was not specifically identified and evaluated in the DEIR, the public will have been denied an opportunity to review and comment on the impacts of those combinations. In short, to the extent the County elects some combination of the alternatives not collectively or cumulatively evaluated in the DEIR, it will not have a legally defensible basis to approve the CLUO under CEQA.

The DEIR recognizes that over-concentration of cannabis operations is already starting to cause significant environmental consequences in the Capay Valley. But the only alternatives that would allow the County to address over-concentration (i.e., Alternatives 2, 3, and 4) are those that would also increase the total number of permitted cannabis operations in the same area. Such an approach to the alternatives analysis is contrary to CEQA and defies common sense.

Some of the alternatives considered in the DEIR provide for “buffers” between outdoor cannabis operations and certain other land uses. There is no meaningful variation in the width of the proposed buffers, however. The DEIR must be revised to include at least one alternative providing for more conservative (i.e., wider) buffers. As Yocha Dehe has explained in prior comments, the proposed buffer of 1,000 feet would be adequate to protect tribal lands (and land uses), tribal cultural resources, and sensitive environmental features. The Tribe had requested these buffer zones as a sovereign government charged with protecting and regulating its own territory and people, and to ensure sufficient distance from an activity inconsistent with its own laws and cultural values. Given that the Tribe’s territory is not static, these buffers would apply to lands already held in trust by the federal government for the Tribe’s benefit (“trust land”), or lands subject to becoming trust land. The County agreed to those protections in the interim regulatory regime, but the new proposed Ordinance scales it back, applying the tribal buffers only to whatever is in trust (or subject to becoming trust land) as of the date of CLUO’s enactment. That change was made.

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1 Even Alternative 1, which is characterized as a continuation of existing permitted uses, contemplates that cannabis operations will eventually be approved on presently unpermitted “development agreement sites.”
without any consultation with the Tribe. The original language to which the County agreed during consultation should be restored.

- As evidenced by the public outcry at several Citizens Advisory Committee meetings and the special Planning Commission meeting held on December 3, 2019, the community shares the Tribe's concerns regarding over-concentration and adequate buffer zones between the controversial activity and people's lands. Local residents repeatedly complained about the impacts of the over-concentration of marijuana in the Valley, and the DEIR’s failure to present an alternative that would reduce the impacts of such.

- One of the stated purposes of producing a Programmatic Environmental Impact Report is to streamline the environmental review process for future applicants. Because the Board of Supervisors has not provided input to finalize several of the policy areas associated with the various alternatives presented in the DEIR, the document does not provide an accurate cumulative analysis of the specific policies that will make up the final CLUO. Only after those decisions are made, and the DEIR is revised to include a specific cumulative analysis of those policies, can the Tribe and the public provide meaningful input on the CLUO. Otherwise, individual environmental analyses will be necessary for each and every application received by the County.

2. Over-concentration

Yocha Dehe has attempted to work collaboratively with the County to address the increasing problem of over-concentration of cannabis uses in the Capay Valley. As noted above, the County directly assured the Tribe that, with the CLUO’s enactment, it would be in a position to resolve the over-concentration of cannabis uses in the Capay Valley. As you can surely imagine, the Tribe was surprised and disappointed to find that the DEIR fails to include any measures that would address over-concentration at all, let alone in a meaningful way.

- As noted above, the only alternatives that would allow the County to address over-concentration are those that would also permit a substantial increase in the total number of cannabis operations in the Capay Valley and elsewhere. There is simply no sound basis for such an approach. It is, in fact, nonsensical.

- Although Alternatives 2, 3, and 4 allow the County to address over-concentration through the subsequent issuance of a separate resolution of the Board of Supervisors, none of the three alternatives ensures the issuance of such a resolution. Nor do they explain why a separate, subsequent resolution is needed in the first place. The Board will serve as the ultimate decision-maker on the CLUO. Presumably, it also has the authority to include in the CLUO meaningful safeguards protecting against over-concentration, and moreover, reducing the over-concentration that already exists under an interim regulatory scheme adopted in haste. If the County is serious about addressing this issue, it should devise the CLUO to include firm prohibitions on over-concentration and ensure that the DEIR reflects this revision. Otherwise, the DEIR must be revised to clarify that the County has chosen not to address — or even to consider — limitations on over-concentration at this time.
Moreover, the substance of the County’s approach to over-concentration (even if implemented) appears far too weak to solve the problem. Rather than identifying and enforcing a firm limitation on—or prohibition against—over-concentration in any particular geographic area, the County’s approach allows more cannabis operations to be established in already-over-concentrated areas so long as pro forma findings about the development of a legal cannabis market are made. There is no reasonable basis to conclude that such an approach will meaningfully reduce or prevent over-concentration.

In fact, the DEIR does not even quantify what constitutes over-concentration. Instead, it attempts to duck the issue as a “policy” question, arbitrarily setting thresholds for the number of grows that constitute over-concentration, but then declaring that the metrics are flexible and the Board of Supervisors should set the governing standards when making its decision. In effect, the County has acknowledged the standards of significance for over-concentration are arbitrary, and can be defined by the Board after the environmental analysis is complete. (See DEIR, p. 4-37, noting that “five or fewer sites within a six-mile diameter area is not considered over-concentration, and 23 or more sites is considered over-concentrated [sic],” but, “that determination is a matter of policy rather than science and will be made by decision of the Board.”) Because the DEIR does not provide a clear, well-supported definition of an acknowledged problem, the County has deprived the public of a meaningful opportunity to review and comment.

3. Cultural Resources

Neither the CLUO nor the DEIR properly addresses cultural resources. This is a serious shortcoming, for the areas of the County where cannabis land use is projected to be most intensive are also among the areas where the greatest concentrations of tribal cultural resources exist. Specific errors include the following:

- The CLUO contains certain performance standards addressing cultural resources (among other things). The performance standards require cannabis permit applicants to submit a “preliminary site survey to determine the potential for archeological, historical, or paleontological resources.” The DEIR concludes that this requirement is sufficient to prevent any significant impact on cultural resources. But neither the performance standard nor the DEIR provides for any tribal involvement (or explicit consideration of tribal cultural resources) in the preparation or review of a “preliminary site survey.” And without tribal involvement, there is simply no way to effectively avoid or minimize impacts to tribal cultural resources.

- The CLUO’s performance standard also addresses unanticipated discovery of Native American human remains. The performance standard (and relevant provisions of the DEIR) should be clarified to specify that a treatment plan (or treatment agreement) must be negotiated, entered, and implemented before ground-disturbing activity in the area of the discovery can resume.

- Although not entirely clear, the DEIR (at p. 3.5-25) appears to suggest that additional safeguards are unnecessary because subsequent environmental reviews will involve tribal consultations. But the explicit purpose of the DEIR is to provide a programmatic analysis
that limits — or even eliminates — subsequent environmental reviews. Therefore, this EIR process must either (a) include a robust government-to-government consultation addressing each and every location at which a cannabis land use may occur in the future or (b) result in enforceable requirements mandating appropriate consultations and protections before any site-specific decisions about cannabis land uses are made.

- The DEIR's over-concentration analysis fails to acknowledge that the areas where actual and potential over-concentration of cannabis uses are greatest are also among the areas of greatest sensitivity for cultural resources. Section 4.2 of the document must be revised and expanded to address this issue.

- More generally, we note that the DEIR relies heavily on the County’s 2030 General Plan, which was prepared more than a decade ago. Since that time, knowledge and understanding of the tribal cultural resources present in Yolo County has advanced significantly, as have relevant regulatory requirements. Under these circumstances, it would be most appropriate to comprehensively update the cultural resources analysis in the DEIR. That update must include — but should not be limited to — the following:
  - There is now documentation of finds from the Holocene era in the County. These should be properly explained.
  - The discussion of Public Resources Code section 5097 should be clarified and corrected. For example, the Native American Heritage Commission lacks “jurisdiction” over the disposition of remains as stated on page 3.5-12. In addition, the process for and significance of naming a Most Likely Descendant should be explained.
  - State Water Resources Control Board (SWRCB) Order WQ 2019-4001-DWQ allows for the SWRCB to set a 600-foot buffer zone for cannabis cultivation if a tribe rejects a cannabis cultivation proposal.
  - We understand that the 2030 General Plan relies on a County map of archaeologically sensitive areas. Yoche Dehe does not have access to this map, and we cannot speak to its accuracy as a tool for identifying areas likely to contain cultural resources. But we are surprised that the County would have prepared such a map without then using it to identify areas that may be unsuitable for cannabis land uses.

4. Aesthetics

Section 3.1 of the DEIR notes the importance of open views from State Route 16 through the Capay Valley (both toward Blue Ridge and toward Cache Creek). Other sections of the document note that (a) this area will have a massive concentration of cannabis operations; and (b) the CLUO's proposed performance standards require that such operations be fenced or screened. Taken together, these pieces of information suggest that important components of the visual and aesthetic environment will be substantially impacted, or even lost. But the DEIR fails to specifically address the impact of additional cannabis-related fencing and/or screening in this viewshe. Nor does it propose any alternative that would minimize or avoid the impact.
5. Odors

The DEIR confirms that there have been numerous odor complaints arising from cannabis operations in and near the Capay Valley. But the document does not explain in detail the nature of the complaints or the distance between the affected receptors and the offending cannabis operations. In the absence of that information, there is no basis to conclude that the CLUO’s proposed design standards would be effective in minimizing odor issues.

6. Agricultural Resources

- As noted above, the CLUO would require fencing or screening around areas of cannabis cultivation. Although fencing effectively screens views (see comment 4, above), it does not address the issue of pollen dissemination. This is an issue of particular concern in the area of over-concentration between Guinda and Rumsey in the Capay Valley. The DEIR fails to fully address this problem.
- Some forms of cannabis cultivation, production, and manufacturing tend to involve heavy use of chemicals. This is inconsistent with many existing agricultural operations in the Capay Valley, which is a hub for organic farming. Again, the DEIR does not squarely address the issue.

7. Biological Resources

In previous comments on the CLUO (including comments on the Notice of Preparation for the DEIR), Yocha Dehe noted that pesticide use related to cannabis cultivation can impact special status species (including species of particular cultural importance to the Tribe) even if applied in a manner that is consistent with labeling restrictions. This issue is not meaningfully addressed in the DEIR either.

8. Hazards and Hazardous Materials

The DEIR acknowledges that the area between Rumsey and Guinda in the Capay Valley contains an over-concentration of cannabis operations, and is projected to have still more cannabis uses added in the future. Those uses include manufacturing facilities using volatile and highly flammable substances such as butane, propane, ethanol, and/or carbon dioxide. The introduction of these substances into an area of “very high” fire hazard (Exhibit 3.9-8) and limited public services is a recipe for disaster. The DEIR fails to specify appropriate mitigation for this impact.

9. Utilities and Services

There are no community service districts serving the cannabis-laden area between Rumsey and Guinda. The DEIR identifies this as a significant impact, but (again) fails to identify any mitigation.
10. Mitigation for Cumulative and Over-concentration Impacts

The DEIR concludes that several cumulative and over-concentration impacts will be significant. But it does not propose effective mitigation for those impacts. Without appropriate mitigation, the requirements of CEQA cannot be satisfied.

11. Tribal Consultation

The DEIR states that consultations with YDWN are “ongoing.” That is not entirely accurate. While it is true that Yocha Dehe has received notices and invitations to comment during the scoping period of the CEQA process, meaningful government-to-government consultation requires something more than pro forma compliance with generally-applicable notice-and-comment requirements. As described above, the Tribe has devoted substantial time and effort, over the course of nearly four years, developing proposals that would accommodate both the County’s interest in permitting cannabis land uses and Yocha Dehe’s interest in safeguarding the environmental and cultural resources for future generations. But those suggestions — alternatives, mitigation measures, necessary environmental analyses, etc. — have not been meaningfully incorporated into the County’s proposed Ordinance or DEIR. Nor has the County identified any reason why Yocha Dehe’s proposals cannot feasibly be addressed. Under these circumstances, it cannot reasonably be said that consultation is “ongoing.”

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The Tribe respectfully submits the County of Yolo has mishandled cannabis regulation, by rushing into the approval of an entire new “agricultural” industry without sufficient thought and planning. It has effectively created a situation in which one part of Yolo County, and all of its residents, has borne most of the burden of this new and controversial industry. The CLUO as currently proposed is not likely to alter that unfair dynamic. The people of Yolo County deserve better.

The Capay Valley and all communities west of Interstate 505 along State Route 16 have a rich, diverse history, one rooted in agriculture and protecting the natural environment and vistas. The County’s top priority should be to protect this unique area’s rural culture, while promoting the Capay Valley as a destination for events and supporting economic opportunities for local residents and businesses. A policy of placing the majority of marijuana grows here runs counter to these goals. Moreover, the willingness to concentrate the marijuana industry in the Capay Valley, in spite of residents’ deep and serious concerns, reveals a basic lack of regard for the people who live here.

The socioeconomic injustice of the County’s preferred alternative — maintaining a status quo the County created, with the majority of cannabis grows in the Capay Valley — must be underscored. Why not concentrate these businesses in urban areas, near cities that have a greater ability to manage the negative impacts of these all-cash, federally-outlawed businesses? While the Tribe and our neighbors are already subject to the most significant impacts of this industry due to the disproportionate number of grows in the Capay Valley, how can the County even begin to consider options that could further increase marijuana-related businesses in this area? This includes the potential for authorized production and manufacturing facilities, which would increase fire hazards
Yolo County Department of Community Service
December 11, 2019
pg. 9

in a remote area already subject to heightened fire risk. And, where is all the funding and oversight that Supervisors promised would flow from the revenue to be generated from marijuana?

Rural Yolo County faces many challenges, none of which will be alleviated (but certainly exasperated) with the over-concentration of marijuana businesses. This area needs health and mental health services, job and educational training, school infrastructure, healthy food options, increased fire protection, and other governmental services. None of these critical needs will be addressed by prioritizing the financial interests of a few marijuana profiteers over the interests of Capay Valley residents.

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As is undoubtedly clear, cannabis land use regulation in the Capay Valley is an issue of great importance to Yocha Dehe, and indeed all residents and landowners who live in this rural area. We look forward to the opportunity to discuss this issue with the County, on a government-to-government basis, in an effort to resolve our differences.

Should you have any questions in the meantime please contact Gayle Totton at gtotton@yochadehe-nsn.gov or 530-796-2048.

Yile bo,

Anthony Roberts
Tribal Chairman

ces: Oscar Villegas, Yolo County Board of Supervisors
Duane Chamberlain, Yolo County Board of Supervisors
Jim Provenza, Yolo County Board of Supervisors
Gary Sandy, Yolo County Board of Supervisors
Don Saylor, Yolo County Board of Supervisors
Patrick Blacklock, Yolo County Administrator
Phil Pogledich, Yolo County Counsel
John Young, Agricultural Commissioner & Sealer
Tom Lopez, Yolo County Sheriff
Omar Carrillo, Yocha Dehe Director of Public Affairs
Gayle Totton, Yocha Dehe Tribal Resources Manager
Emily Drewek, Yocha Dehe Director of Environmental Department
Isaac Bujorquez, Yocha Dehe Director of Cultural Resources
Paula Yost, Esq.
Matthew Adams, Esq.
Response to Comment 49-1  EIR Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

Response to Comment 49-2  CLUO Comment. The commenters express support for comment provided in Letter 17 submitted by the Yocha Dehe Wintun Nation. Please see the responses to Letter 17.

Response to Comment 49-3  CLUO Comment. The commenters note that they are located in Rumsey near existing licensed cannabis cultivation sites on Manzanita Avenue. This comment is acknowledged.

Response to Comment 49-4  EIR Comment. The commenters request that the County honor the spirit and intent of their comments and recognize that the comments are intended to apply both to their specific situation and to conditions throughout the Capay Valley. This request is noted. All comments received on the Draft EIR are responded to and will be provided to the Planning Commission and Board of Supervisors for review and consideration during the hearings and decision-making process on the CLUO.

Response to Comment 49-5  EIR Comment. The commenters state that existing cannabis cultivation sites have affected aesthetics, biological resources, and property values, including diminishment of views from their property and loss of enjoyment of their property. These concerns are noted as part of the record and will be considered by the Planning Commission and Board of Supervisors during their deliberations on the merits of the CLUO. Please see MR-6, “Economic Effects and Property Values.” Please also see Draft EIR Section 3.1, “Aesthetics,” and Chapter 4, “Cumulative Impacts and Overconcentration,” for impacts on local visual character in Capay Valley, and Section 3.4, “Biological Resources,” for impacts on wildlife resources.

Response to Comment 49-6  EIR Comment. The commenters take issue with the characterization of Capay Valley as an area without many examples of commercial and production-oriented agricultural facilities, and with the identification of Cache Creek Lavender Farm as a facility with multiple buildings. This perspective is acknowledged. It appears the commenter may misunderstand the point of the cited text. The purpose of this description in the Draft EIR is to identify the limited nature of large-scale agricultural operations in the Capay Valley as compared to other areas of the County that are identified in the second paragraph of Draft EIR page 3.1-2 as having more intensely developed commercial and production agriculture. This substantiates the context for agricultural intensity in the region as compared to that of several of the cannabis cultivation sites. This context is relied upon in reaching the conclusion that aesthetic impacts are significant at the cumulative, countywide, and regional level.

The commenters also state that the cannabis cultivation on Manzanita Avenue has adversely affected events at the Cache Creek Lavender Farm. This comment is noted. The proposed cannabis use permit process will allow...
for consideration of site-specific considerations and input by neighbors. The Planning Commission (or Board of Supervisors as applicable) will consider site-specific information, project characteristics, compliance with applicable regulations, required findings of fact, and balancing of property interests in rendering a decision on each application.

Response to Comment 49-7  **CLUO Comment.** The commenters state that large industrial/commercial cannabis facilities are not compatible with rural agricultural quality of life and this issue has not been properly reviewed pursuant to Capay Valley Area Plan Land Use Policy 11 and Aesthetics Policy 1. The cited policies do not apply to ministerial agricultural uses. County cannabis licenses are considered ministerial approvals (see MR-16, “Cannabis Licensing Program”). The proposed CLUO would create a discretionary use permit process for all cannabis operations, which would allow for public input on proposed project design.

Response to Comment 49-8  **CLUO Comment.** The commenter expresses concerns that Capay Valley Area Plan Aesthetic Policy 2 and Implementation Measure 1 have not been properly considered in issuing cannabis licenses. Please see Response to Comment 49-7.

Response to Comment 49-9  **CLUO Comment.** The commenter expresses concern regarding the conclusions in the Draft EIR describing aesthetic impacts that would result from implementation of Alternative 1. In Section 3.1.3 of the Draft EIR, impacts from implementation of Alternative 1 are identified as follows:

- Impact AES-1, Effects on a Scenic Vista or Viewshed – less than significant.
- Impact AES-2, Damage Scenic Resources on a Scenic Highway – less than significant.
- Impact AES-3, Degrade Visual Character or Quality – significant and unavoidable.
- Impact AES 4, Create Light/Glare that affects day or night views – less than significant

For Impacts AES-1, -2, and -4, the potential for adverse effects is identified as less than significant primarily because Alternative 1 assumes existing conditions, with adoption of the CLUO which would require cannabis use permits for all operators, and impose additional aesthetic controls such as those described in Sections 8-2.1408(F), (OO), and (PP) as examples. Impact AES-3 is conservatively identified as significant and unavoidable due to the subjective nature of aesthetics and the recognizable characteristics of cannabis operations, as described in the Draft EIREIR

Response to Comment 49-10  **CLUO Comment.** The commenter expresses concern that that the Draft EIR alternatives are inconsistent with requirements to avoid visibility of existing cannabis plants from public right-of-way. The commenter is referring to proposed Section 8-2.1408(KK) of the CLUO which remains in draft form and therefore does not apply to cannabis operations until adopted and in effect. Upon adoption, existing cannabis cultivation sites would be required to obtain approval of a Cannabis Use Permit and comply with the requirements of the CLUO. This includes requiring that fencing be maintained in good condition.
and not significantly diminish the visual quality of the site or surrounding area, and screening of outdoor cannabis uses from public rights-of-way (Section 8-2.1408[KK] items [4] and [5]).

Response to Comment 49-11 **CLUO Comment.** The comment states their position that Alternative 1 is not acceptable and Alternatives 2 through 5 would worsen aesthetic impacts. This comment is noted. Draft EIR Impact AES-3 identifies that the five CLUO alternatives would result in significant and unavoidable impacts under Impact AES-3. This includes consideration of draft CLUO standards that would require maintenance of the cultivation site and surrounding land area on the parcel (Sections 8-2.1408[B] and [PP]), buildings and structures designed to be compatible with the character and scale of what is allowed in the applicable zone (Section 8-2.1408[F]), screening of outdoor cultivation from public rights-of-way (Section 8-2.1408[KK]), preservation of on-site trees (Section 8-2.1408[RR]), and restoration of closed cultivation sites (Section 8-2.1412[C]). Please see MR-12.

Response to Comment 49-12 **EIR Comment.** The commenter expresses their position that existing cannabis operations create unavoidable aesthetic impacts under Impact AES-3, adversely affect enjoyment of their property, and degrade property values. This comment is noted. Draft EIR Impact AES-3 identifies that the five CLUO alternatives would result in significant and unavoidable local character impacts. Please see Response to Comment 49-9.

Response to Comment 49-13 **EIR Comment.** The commenter recommends that odor enforcement be conducted at night as well as during the daytime for the purposes of determining compliance. The complaint form on the County’s cannabis program webpage asks for the date and time the complaint is observed. Weather conditions at the time of the complaint are automatically documented for CTF and provided with the complaint. As stated on Draft EIR page 3.3-34, the CTF uses this information to verify the complaint on a day and time when the weather conditions at the time of the complaint can best be replicated. This includes conducting odor verifications at night. The County has researched and could not find examples of regulations that set a different odor standard at night. This supports a finding that such differentiation is not needed.

Response to Comment 49-14 **EIR Comment.** The commenter expresses concerns regarding health effects from odor exposure on their teenage son. Odor impacts associated with exposure to cannabis odors is addressed in Section 3.3, “Air Quality and Odors” (Draft EIR pages 3.3-5 through 3.3-10 and 3.3-29 through 3.3-38). Draft EIR documents that the County received 17 odor complaints between October 2017 and January 2019 associated with existing cannabis cultivation sites. The majority of these complaints were received during the summer and fall months when cannabis is prior to and during harvest and processing. Please see Response to Comment 15-3 regarding the potential for human health effects from cannabis. See also Response to Comment 17-36 regarding the effectiveness of the proposed CLUO.

The Draft EIR identifies that odor impacts for cannabis uses in buildings and greenhouses could be addressed through using an appropriate odor control technology coupled with an engineered ventilation design to achieve the allowable threshold for cannabis odor in draft CLUO Section 8-2.1408 (DD). It is acknowledged in the Draft EIR that operation of cannabis uses have the
potential to generate nuisance odors associated with cultivation, processing, manufacturing, and microbusiness operations, resulting in a significant and unavoidable impact.

**Response to Comment 49-15 CLUO Comment.** The commenter expresses concerns about odor and air quality testing occurring only during the daytime. It is possible that the perceptions of odor could be different at night based on meteorological conditions, for example wind speed. That is why weather conditions at the time a complaint is made are automatically documented for CTF and provided with the complaint. (see Response to Comment 49-13). The proposed dilution threshold would apply at all times. Provisions for testing during the evening could be made if determined to be relevant. Evening responses to complaint have and will continue to be conducted as appropriate.

Regarding the issue of whether there is a seasonal pattern to cannabis odor emissions, the Draft EIR documents that the County received 17 odor complaints between October 2017 and January 2019 associated with existing cannabis cultivation sites. Although cannabis is typically planted in the spring, the majority of these complaints were received during the summer and fall months prior to and during harvest and processing. A Nasal Ranger field olfactometer is currently being used by the County to conduct odor measurements to determine whether nuisance odor impacts are occurring.

Although it is not prevalent, some outdoor cultivation sites choose to harvest three times in a year based on market conditions and weather. Outdoor cultivation sites do not harvest four times a year because winter weather conditions are not conducive to cannabis cultivation. If there is a third harvest, it would typically occur in November/December. However, the yields at this time are typically lower since the plants do not grow as large due to less sun and colder temperatures. Given this, the odor is not as pervasive as during the winter and spring months.

**Response to Comment 49-16 CLUO Comment.** The commenter expresses their opinion that the odor emissions from the cannabis operations on Manzanita Avenue are offensive and should be considered a nuisance. The commenter also requests that the facility be required to move as mitigation for adverse impacts. These comments are noted.

There are several aspects of the proposed CLUO that will serve to minimize odor impacts. These include buffers, overconcentration caps, setbacks, site design, and whether outdoor cultivation is allowed to continue. All cannabis operations will be required to demonstrate compliance with the final CLUO in order to secure a cannabis use permit. Please see Response to Comment 77-3.

**Response to Comment 49-17 CLUO Comment.** The commenter recommends that setbacks from marijuana facilities be 1,000 feet from any residence regardless of zoning and does not support different buffers based on zoning. The commenter also expresses their opinion that zoning in the town of Rumsey is not consistent with actual uses consisting primarily of small parcels developed with homes, and not uses for agricultural purposes. This position is noted. Please see MR-9, “Buffers,” and MR-12, “Expression of Opinion/Preference.”
Response to Comment 49-18  **CLUO Comment.** The commenter expresses frustration that the characteristics of Rumsey are not recognized in the proposed CLUO alternatives. This comment is acknowledged. Existing cannabis cultivation sites would be required to comply with the final adopted standards under the CLUO and obtain a Cannabis Use Permit. This could result in the relocation of existing cannabis cultivation sites. Please see MR-9, “Buffers,” and MR-10, “CUP Process and Overconcentration.”

Response to Comment 49-19  **CLUO Comment.** The commenter expresses concerns that the proximity of their child’s bedroom to the neighboring cannabis facility will result in an unhealthy influence. This concern is noted. The proposed CLUO would create a discretionary use permit process for all cannabis operations, which would allow for public input on proposed project design. Please see Response to Comment 49-6 and MR-12, “Expression of Opinion/Preference.”

Response to Comment 49-20  **CLUO Comment.** The commenter states their support for a 1,000-foot buffer between residences and marijuana facilities, regardless of zone, measured from the property line. Please see Response to Comment 49-17.

Response to Comment 49-21  **CLUO Comment.** The commenter identifies concerns regarding compliance of the existing cannabis operations on Manzanita Avenue with Cannabis Licensing Ordinance requirements for buffers from designated school bus stops. The CTF has been working with the Esparto Unified School District regarding the location of bus stops in the Rumsey area.

Response to Comment 49-22  **CLUO Comment.** The commenter states that the County is ignoring regulations regarding setbacks of cannabis uses from school bus stops and that buffers from school bus stops should be included in the proposed CLUO. Please see Response to Comment 49-21. The requirement for buffers from designated school bus stops was not included in the Public draft CLUO released in April 2018. School bus stops were removed because they may change based on school enrollment. In addition, in rural areas, they are unmarked which makes buffers difficult to measure and enforce. In addition, unlike other buffer data the County is using and that is common for land use planning purposes there is no standardized data base of school bus stops to which the County can refer as a part of this process, which means the County would be required to regularly research and develop the school bus stop data set for this purpose which creates data quality and budgetary implications. The Findings of Fact required for approval of a cannabis use permit (see MR-10, “CUP Process and Overconcentration”) include findings 4 and 8, which allow for site-specific considerations of adjoin land uses and other potentially relevant conditions.

Response to Comment 49-23  **EIR Comment.** The commenter states that the proposed method of determining overconcentration of cannabis uses in the Draft EIR is flawed and should consider a half-mile diameter. The commenter further states that the level of cannabis cultivation density is unacceptable. Concerns regarding overconcentration are shared by County staff and the Board of Supervisors. The proportion of cannabis cultivation licenses in Capay Valley is identified and analyzed starting on page 4-37 of the Draft EIR. Section 4.2, “Overconcentration,” of the Draft EIR contains an analysis of the issue of overconcentration in any location in the County and concludes that the Capay Valley is currently overconcentrated. This section identifies Mitigation Measure OVC-1 to mitigate this concern. Please see Response to Comment 35-5 and MR-10, “CUP Process and Overconcentration.”
Response to Comment 49-24  CLUO Comment. The commenter expresses opposition to allowing up to 3 years for required cannabis closure or relocation. Pursuant to Section 8-2.1404(C), 3 years would apply only for indoor operations, to provide time for site identification, land purchase, application for cannabis use permit and other required regulatory approvals, and development and construction. Two years is identified for greenhouses and 1 year for outdoor cultivation. The concerns of the commenter are noted. The staff believes these periods are reasonable in light of the time needed to successfully relocate an operation and acknowledges that longer times may be necessary depending on County staff workload and the number of cannabis use permit applications received. Please also see Response to Comment 5-14 and MR-10, “CUP Process and Overconcentration.”

Response to Comment 49-25  CLUO Comment. The commenter does not agree that the construction of permanent facilities will resolve nuisances and impacts related to crime, traffic, odor, property value, and other quality of life concerns. This comment is noted. Please see MR-6, “Economic Effects and Property Values,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 49-26  CLUO Comment. The commenter expresses concern that the length and complexity of the draft CLUO and Draft EIR have precluded people from meaningful involvement with the process. However, the County received 78 letters containing over 900 comments, which indicates a fairly high comfort level for people participating in the process.

Response to Comment 49-27  CLUO Comment. The commenter provides final comments thanking the County for the opportunity to provide input. The County appreciates the commenter’s input in the process and will carefully consider the comments provided as the CLUO is finalized. All commenters are invited to continue to participate in the process during public hearings before the Planning Commission and Board of Supervisors as they consider the CLUO.

Response to Comment 49-28  Please see the responses to Letter 17.
December 23th, 2019

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

Dear Ms. Strachan:

I offer my comments on the draft Environmental Impact Report (EIR) for Yolo County's Cannabis Land Use Ordinance (CLUO).

Regarding the issue of over-concentration as outlined in the EIR, I urge the County to consider criteria for over-concentration based not only on the number of cannabis sites within a 6 mile radius (p.4-37) but also based on the number of full or part-time occupied residences adjacent to or within 1,000 feet from a grow. Although not zoned as rural residential, the small “towns” of Guinda and Rumsey are effectively rural neighborhoods with a density of homes and small parcels creating neighborhood-equivalents. Commercial cannabis cultivation is not appropriate in areas where several households are impacted, and may not even be justified where only one household is impacted. Many of the grow sites I’ve observed have more in common with industrial sites than with agricultural ones (extensive above-ground infrastructure, lack of below-ground attention to soil/land health), and should be confined to industrially zoned land.

As was pointed out at the public outreach meeting in Guinda, the 6 mile radius “rule” is not appropriate when applied to the Capay Valley, which has a much different topography than the rest of the County – with a narrow valley floor on which a greater concentration of cultivation occurs.

In the communities of Guinda and Rumsey, a handful of grows have “impaired the integrity or character of the neighborhood [and shown themselves to] be detrimental to the public health, safety, or general welfare” (p. 6) in contrast to the Planning Commission’s own criteria for approving a cannabis use permit. Over the past years in the Capay Valley, we have seen cannabis cultivation woefully contradict the stated purposes of the CLUO, Sec. 8-2 1402 specifically to: A) Protect public health, safety and welfare, B) Protect environmental resources and minimize environmental impact, C) Ensure neighborhood compatibility, E) Support agricultural economic development including recognition of valuable new crops, preservation of agricultural land and creation of opportunities for new farmers, and I) Avoid unintended consequences including unforeseen community impacts and over-regulation that drives cannabis activities underground. In Rumsey and Guinda, cannabis has had the detrimental and unintended consequence of properties near cultivation sites languishing on the market.

I commend the county on their efforts in defining performance standards for cannabis cultivation. However, cannabis, which is not protected under the “Right to Farm Act”, has shown itself to be much more of a nuisance than other crops grown in the County. I encourage the Cannabis Task Force, the Planning Commission and the Board of Supervisors to revise the CLUO to accurately reflect this reality and adopt zoning that treats cannabis as industrial use due to nuisance and negative impact potential.
Additionally, in reference to the CLOU’s performance standards:

- **Buffers**: A minimum 1,000 foot buffer from the closest edge of a commercial cultivation site to the property line of the adjacent parcel is imperative. This distance is necessary in order to align with the CLOU’s stated goal to “ensure neighborhood compatibility” as evidenced by chronic disturbance to neighbors and negative impacts to residents living near cannabis production sites in Guinda and Rumsey. Property owners and residents living near grows are entitled to enjoy the full range of their property – not merely the four walls of their physical residence – unimpeded by artificial light, cannabis odors, dust, noise, guard dogs and other nuisances which have characterized several grows. The CLUO states that “cannabis uses shall not create a public nuisance or adversely affect the health or safety of nearby residences or businesses by, among other things, creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions or other other impacts” (p. 15); unfortunately, several cannabis production sites have done just that, indicating the necessity for maximum buffer distance in order to preserve community integrity and well-being alongside commercial cultivation. Residents living near grows in Guinda and Rumsey have complained of sleep disruption due to noise disturbance (generators, trucks), loss of enjoyment of their property due to odor and visual blight, and loss of a sense of safety due to crime and the increased potential for criminal activity.

- **Good Neighbor Communication**: Language for this performance standard does not adequately account for situations where relations between a permittee and neighbors are strained – or even hostile. By offloading the burden of complaint onto neighbors who endure adverse effects from a grow, the County is not upholding its regulatory or civic responsibilities. A pro-active and rigorous approach to enforcement and compliance is needed.

- **Lighting, Hoophouses, Greenhouses, Fencing, Trailer and Shipping Containers**: where these elements main features that characterize an operation rather than being a minor component of a broader agricultural enterprise, this is not aligned with a region associated with diversified farming, sustainable agriculture and land preservation. Cannabis sites characterized by these element should be considered industrial, and relocated to an area without community impact.

- **Security**: states that a “fully functional, operating, site security system with cameras operating 24-hours a day, seven days a week is a requirement”. That 24 hour security is required for cannabis production/enterprise makes clear that this activity is NOT compatible close to residents and in neighborhoods where people live, work, sleep, grow food, raise families.

Finally, and importantly, I urge the County to **reduce the relocation term for Indoor and Mixed Light Cultivation** as specified in Sec 8-2.1403 (page 3). 24 and 36 months is too long for a non-compliant grow to be allowed to operate once the CLUO is finalized. Cultivators have been notified from the beginning that the ordinance was interim; therefore 12 months for relocation is reasonable and appropriate.

Respectfully,

Gwenael Engelskirchen
Guinda, CA
Response to Comment 50-1  CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

Response to Comment 50-2  CLUO Comment. The commenter requests an additional consideration with respect to overconcentration based on occupied or part-time occupied residences within 1,000 feet. The commenter also states that many cannabis operations are more industrial in nature than agricultural and should be restricted to industrial zones. As proposed the CLUO will address the concerns of this commenter by establishing separate requirements for buffers from identified special uses and overconcentration caps based on overall density of operations within a specified area. Buffers, overconcentration caps, setbacks, site design, and many other performance standards will be regulated through the CLUP. All cannabis operations will be required to demonstrate compliance with the final CLUO in order to secure a cannabis use permit. The proposed CLUO would allow for consideration and control of site-specific and project-specific factors (including area geography if relevant) using a discretionary use permit process with public notice and hearings. The comment regarding restricting cannabis uses to industrial areas is noted for the record. Please see MR-5, MR-9, MR-10, and MR-12.

Response to Comment 50-3  CLUO Comment. The commenter expresses concern that policies and standards within the proposed CLUO have not been applied to the issuance of cannabis licenses. Until the CLUO is adopted there is no use permit process for cannabis operations, and the proposed CLUO regulations would not apply. Cannabis licenses are ministerial approvals issued pursuant to the County’s adopted Cannabis Licensing Program. Please see MR-16. The commenter also indicates that property near cannabis sites have experienced adverse market effects. Please see Response MR-6, “Economic Effects and Property Values.”

Response to Comment 50-4  CLUO Comment. The commenter states that cannabis should be regulated as an industrial use rather than an agricultural use due to potential for nuisance and negative impact. This position is noted. Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-12, “Expression of Opinion/Preference.” The draft CLUO contains rigorous performance standards to address operation, enforcement, and nuisance.

Response to Comment 50-5  CLUO Comment. The commenter recommends a minimum 1,000-foot buffer between commercial cannabis cultivation sites and the property line of an adjacent parcel. The commenter also identifies nuisance issues associated with cannabis uses that include aesthetics, odor, noise, and crime. This recommendation is noted for the record. Please see MR-12.

Draft EIR Section 3.1, “Aesthetics,” and Chapter 4, “Cumulative Impacts and Overconcentration,” address impacts on local visual character in Capay Valley. 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 in a significant and unavoidable impact. As discussed on Draft EIR pages 3.3-29 through 3.3-35, the draft CLUO would establish odor control requirements that would prohibit odors in excess of 7:1 D/T, establish a process of corrective actions for nuisance odor conditions, and require the development of an Odor Control Plan (CLUO Sections 8-2.1408[CC] and 8-2.1408[DD]).

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

Compliance with draft CLUO performance standards set forth in Section 8-2.1408(LL) and Section 8-2.1410(D) would ensure that law enforcement and safety measures are incorporated into each site. 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). Please see MR-7, “Code Enforcement and Crime.”

**Response to Comment 50-6**

**CLUO Comment.** The commenter identifies concerns with the good neighbor communication requirements of the draft CLUO and states that the effect of this provision is to inappropriately transfer the complaint process to the neighbors. This comment is noted, although the County staff respectfully disagree.

As stated in MR-7, “Code Enforcement and Crime,” the CTF conducts unannounced monthly inspections on licensed cannabis sites. The purpose of the inspections is to verify compliance with the County’s cannabis licensing ordinance. In the future, the inspections would include compliance with the CLUO for those sites which obtained a Condition Use Permit. Although Cannabis Task Force staff routinely discuss with the cannabis cultivators, the importance of being a good neighbor, neighborhood relations are the responsibility of neighboring parties not County government. Local regulations establish minimum expected behavior and control land use outcomes, but the manner in which neighboring parties choose to interact is not something local government can control. The County acknowledges the importance of policy statements and regulations in defining allowed/expected activities on private properties and notes as well the importance of clear and effective enforcement procedures. But local regulation is not a substitute for neighbor communication. Draft CLUO Section 8-2.1408(U) addresses Good Neighbor Communication and establishes a process and minimum expectations to facilitate communication between neighbors. It establishes the County’s minimum expectations regarding accountability of cannabis operators to neighborhood concerns and creates a record for purposes of enforcement.
Response to Comment 50-7  **CLUO Comment.** The commenter takes the position that cannabis operations with lighting, hoop houses, greenhouses, fencing, trailers, and shipping container are more industrial in nature than agricultural and should be relocated to industrial areas. The Draft EIR discusses that cannabis cultivation operations consist of a concentration of features that are distinguishable as compared to more typical agricultural uses, however, the use of lighting, hoop houses, greenhouses, trailers, and shipping containers are features that are used by other agricultural uses in the County (Draft EIR page 3.1-2). Please see MR-5, “Cannabis as an Agricultural Crop,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 50-8  **CLUO Comment.** The commenter expresses their position that the requirement for site security demonstrates that cannabis is not compatible near residents and neighborhoods. This position is noted for the record. With the exception of personal cultivation, which is allowed under state law, the proposed CLUO prohibits cannabis uses in residential areas (see Section 8-2.1407). Please see MR-5 and MR-12.

Response to Comment 50-9  **CLUO Comment.** The commenter expresses opposition to allowing up to 3 years for required cannabis closure or relocation. Please see Response to Comment 49-24.
To: Yolo County Board of Supervisors  
Cannabis Task Force  

December 22, 2019

Dear Supervisors and County Staff:

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

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

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

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

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

The grow at the end of Manzanita has engendered so much traffic that as many as 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, cars, etc. The measurements must be made from the grow's property boundary line, because the entire grow property is involved, and negatively affects all adjacent and nearby properties.

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

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

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

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

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

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

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

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

Sincerely,

Larry Alegre, Rancho Alegre
Joel Berrelleza
Gretchen Ceteras, Blue Heron Farm
Barbara Clowers
Linda Deering
Corky and Vicki Facciuto
Todd Gettleman
Kathy Lowrey
Helen and Pete McCloskey, Rumsey Farms
Glenn Morgan
John Obermeier
Robin and Serge Testa
Linda Wilson
Letter 51

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, Robin and Serge Testa, and Linda Wilson

12/23/2019

Response to Comment 51-1

CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenters provide comments that are duplicative of Comment Letter 32. Please see the responses to Comment Letter 32.

Response to Comment 51-2

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

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

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

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

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

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

Sincerely,

Susan Pelican
Response to Comment 52-1  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter identifies support for Alternatives 2 and 5, and concerns regarding Alternative 3 and 4. The commenter also identifies concerns with hemp. Please see MR-4, “CEQA Alternatives and County Decision-Making,” and MR-8, “Marijuana and Hemp.”

Response to Comment 52-2  
**CLUO Comment.** The comment provides recommendations regarding parcel size and overconcentration, indicating that cannabis cultivation on sites 40 acres in size should not be considered overconcentrated. The commenter also recommends that sites 100 acres in size should not be considered overconcentrated. These recommendations are acknowledged and will be considered as a part of the record. Please see MR-10, “CUP Process and Overconcentration,” and MR-12, “Expression of Opinion/Preference.”

Response to Comment 52-3  
**CLUO Comment.** The commenter identifies that cannabis cultivation cannot use pesticides that other agricultural uses use. The commenter further states that other agricultural uses are not required to meet buffer requirements. These statements are accurate. Please see Response to Comment 17-38 regarding pesticides. SWRCB Order WQ 2019-0001-DWQ also requires water quality control protection measures for cannabis cultivation operations. Depending on the size of the site and risk level, the Order would require a site management plan, site erosion sediment control plan, disturbed area stabilization plan, and nitrogen management plan to ensure protection of surface water and groundwater quality. Please also see Response to Comment 17-38.

Response to Comment 52-4  
**CLUO Comment.** The commenter expresses their position that cultivation of all crops should be subject to environmental impact analysis. This position is noted. Please see MR-12, “Expression of Opinion/Preference.”
Capay Valley Community Comments on the Yolo County Draft Cannabis Land Use Ordinance (CLUO)
and Draft Environmental Impact Report (DEIR).

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

CVV works to:

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

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

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

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

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

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

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

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

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

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

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

**Generator use:** Use of generators for grow operations should generally not be allowed except during power outages. Several grow operations are currently using generators 24 hours per day, 7 days per week, for drying the harvested cannabis in refrigerated truck trailers because the power grid is apparently not capable of providing their power needs. The generators are creating air quality, noise and vibration, and odor impacts on neighboring properties, including low frequency vibration that can travel long distances from the source. Several residents complained that this vibration is painful to them and disrupts their sleep. At a minimum, generator use should be held to strict emissions, noise and vibration, and odor limits such that their operation is imperceptible by area residents. We support the requirement of CLUO Section 8.2.1408(D) that grow operators demonstrate adequate energy availability of electric power as part of the permitting process, and that renewable energy must be make up at least half of their energy use; and stress that this must also be done for all existing permits once the CLUO is enacted. Permits should mandate that generator use is generally restricted to use only during power outages. The permitting process should also take into account that rural areas of the
Capay Valley are routinely subject to scheduled power outages and that the power infrastructure serving the Capay Valley is old and limited in capacity – therefore the power needs of cannabis cultivation may be inappropriate for the region. The issue of generator use should be more thoroughly analyzed in the Final Environmental Impact Report (FEIR), including assessment of noise, air quality and odor impacts from current generator use for grow operations.

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

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

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

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

CVV Comments on the DEIR:

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

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

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

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

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

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

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

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

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

Response to Comment 53-8  CLUO Comment. The commenter indicates that the community largely supports 1,000-foot buffers from the property line of any neighboring property with a residence on it in order allow neighbors to utilize their full property and to ensure neighborhood compatibility. The buffers could be flexible if the affected residents and cannabis cultivator reach a written agreement. The buffer would not apply to personal cultivation. These recommendations are noted for the record. Please see MR-5, “Cannabis as an Agricultural Crop.”
Response to Comment 53-9  **CLUO Comment.** The commenter indicates that generators should only be allowed during power outages and summarizes other concerns about long term generator use. The comment supports Section 8-2.1408(O) of the proposed CLUO and recommends it be applied to existing cultivators. The County staff is proposing further modification of this section to clarify that a permanent power source is required and that interim use of generators is restricted to power outages and emergencies, and under no circumstances can exceed 80 hours of use per year.

The commenter also indicates that the noise, air quality, and odor impacts of existing generator use should be considered. Emissions from the assumed use of back-up generators for mixed-light and indoor cannabis cultivation under Alternative 1 and new mixed-light and indoor cannabis cultivation uses for Alternatives 2 through 5 were factored in the air quality impact analysis (Impact AQ-3) in Section 3.3, “Air Quality and Odors” (see Draft EIR Appendix E). The Draft EIR identifies that exterior noise sources associated with the operation of cannabis uses could include the use of off-road utility vehicles, generators, externally mounted air condition units on storage containers, greenhouse fans, and trimming tools. Draft EIR concludes that these noise sources would generate noise levels at receptors that range from 44.4 dBA to 73.6 dBA (depending on the alternative and associated buffer standards) which would fall below the applicable General Plan land use compatibility standards (75 dBA).

Response to Comment 53-10  **CLUO Comment.** The comment indicates that community impacts such as air quality, traffic, noise, vibration, and energy are resulting from County requirements that all cannabis must be dried and trimmed at the cultivation site. The comment estimates that one cultivation site is resulting in 100 vehicle trips per day. The commenter believes these impacts would be avoided if processing occurred in industrial warehouses with appropriate power and security. The environmental impacts associated with harvest and processing operations identified by the commenter are provided in Section 3.3, “Air Quality and Odors”; Section 3.6, “Energy”; Section 3.12, “Noise”; and Section 3.14, “Transportation and Circulation.” Impacts unique to harvest and processing include odors (see Draft EIR Impact AQ-4 on pages 3.3-29 through 3.3-38) and operational noise (see Draft EIR Impact NOI-2 on pages 3.12-11 through 3.12-14). There are no expected ground vibration impacts from cannabis uses (Draft EIR page 3-10). Detailed traffic analysis of expected increases in traffic volumes are provided in Draft EIR Appendix G. Appendix G pages 23 through 26 identifies assumptions used to estimate cannabis cultivation traffic generation based on employment and truck service. As identified in Appendix G, cannabis cultivation sites are estimated to average 48 daily trips. This estimate factors in harvest conditions. The County is not aware of data that substantiates the commenter’s estimate of 100 vehicle trips per day.

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

Response to Comment 53-11  **CLUO Comment.** The comment notes that a cannabis cultivator has installed 32 greenhouses (50 feet by 20 feet), resulting in light and odor emissions. The comment recommends that greenhouses not be considered “indoor” unless they “emit no light or odors at any time” and that greenhouses should
be required to meet the 1,000-foot buffer described in Response to Comment 53-8. This position is noted for the record. The Draft EIR discusses on page 3.3-34 that as compared to outdoor facilities, odor can be better controlled in indoor facilities such as greenhouses with proper emissions controls (e.g., activated carbon air filters, biofilters, plasma ion technology, and air filters); however, there is some odor emission that will occur when the system exchanges air. Air exchange can also be managed to minimize odor, and the likelihood of it being detected, through the location of the exchange venting on the top of the structure and by limiting the exchange period to late evening early morning. Regarding the comment suggesting that greenhouses emit no lighting at any time, please see Response to Comment 24-7.

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

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

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

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

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

Existing cannabis activities were approved under the County’s Licensing Ordinance which is a ministerial process. The CLUO would establish a discretionary permit process in addition to the required ministerial cannabis license. The proposed CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities. County staff believe it is important to move forward with adoption and implementation of the CLUO. The CLUO will improve existing conditions.
Response to Comment 53-17  **EIR Comment.** The commenter expresses disagreement with the assumptions in the EIR regarding generator use. Please see Responses to Comments 31-3 and 31-4.

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

Dear Supervisors,

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

Barbara Gemmill Herren
Capay, CA
Sent from my iPhone
Response to Comment 54-1  EIR Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expresses frustration that a "no cannabis" alternative is not included. Please see Response to Comment 33-2 and MR-1.
Shermain Hardesty  
4309 Amoroso Place, Davis, CA 95618  
shermainhardesty@sbcglobal.net

December 22, 2019

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

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

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

Dear Ms. Strachan:

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

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

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

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

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

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

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

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

Sincerely,

[Signature]

Shermain Hardesty
Response to Comment 55-1  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. This commenter provides background information on the commenter.

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

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

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

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

Response to Comment 55-6  

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


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

Please see Response to Comment 17-38 regarding pesticide use. SWRCB Order WQ 2019-0001-DWQ also requires water quality control protection measures for cannabis cultivation operations. Depending on the size of the site and risk level, the Order would require a nitrogen management plan to ensure protection of surface water and groundwater quality.

Response to Comment 55-7  

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

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

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

**Response to Comment 55-8**

**CLUO Comment.** The commenter questions the accuracy of the water usage rates used in the Draft EIR. The assumptions in the Draft ER rely upon a combination of sources, including water use information provided by existing cannabis cultivation operations in the County, estimates for indoor cannabis cultivation from Santa Cruz County, and the 2015 City of Sacramento Urban Water Management Plan (water demands for commercial and industrial uses). Indoor cultivation water demand data provided by existing cannabis cultivation operations in the County was similar to Santa Cruz County estimates (range was 4.78 to 4.96 acre-feet per year per acre). Thus, Santa Cruz County indoor rate of 4.88 acre-feet per year per acre was used. The Santa Cruz County Commercial Cannabis and Manufacturing Regulations and Licensing Program Draft EIR estimated outdoor cannabis cultivation water use of approximately 1.46 acre-feet annually based on 2016 licensing data (Santa Cruz County 2017:3.9-10). The Draft EIR used 2018/2019 Yolo County water use estimates for outdoor cultivation of 1.39 acre-feet per year per acre provided by existing cannabis cultivation operations. It is expected that each cannabis cultivation site would vary in water demand based on the specific design of their operation. While the input from the commenter is appreciated, the assumptions are reasonable for programmatic analysis purposes and are based on verified applicable sources including importantly information from existing Yolo operations. Actual operations for new sites are not known but would be a consideration for each cannabis use application.
Response to Comment 55-9  

CLUO Comment. The commenter emphasizes the importance of protecting groundwater basins from overdraft by cannabis operations. Draft EIR Impact HYDRO-2 analyzes the potential for impacts on groundwater and demonstrates that groundwater supply demands for cannabis uses would be below the County’s typical agricultural per acre water demands that range from 2.35 to 3.05 acre-feet per year per acre of cropland (see Draft EIR Table 3.10-3). Groundwater conditions in the County have maintained consistent depth to groundwater elevations, regardless of production rates in recent years, indicating a substantial amount of available groundwater resources. Please also see Response to Comment 55-7 regarding water quality protections. Based on existing and proposed regulatory requirements, that an adequate water source be available, the concerns expressed by the commenter will also be evaluated with each cannabis us permit application.
Diamondback Genetics
12-23-19

Susan Strachan / Yolo County Staff

Dear Susan and Staff,

Comments on CLUO

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

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

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

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

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

Sincerely,

Edward & Grant Owners of DBG
Response to Comment 56-1

CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenters identify concerns regarding buffer sizing and recommend buffers of 75 feet for existing cannabis cultivation sites or a maximum of 500 feet, and 1,000 feet for new cannabis uses. The commenters also recommend changes to the proposed method for how the buffer distance is measured. Please see MR-9, “Buffers.”

Response to Comment 56-2

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

Response to Comment 56-3

CLUO Comment. The commenters identify concerns regarding the economic impact of buffer and odor standards under the draft CLUO. These concerns are acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-6, “Economic Effects and Property Values,” and MR-14, “County Cannabis Disclosures.”

Response to Comment 56-4

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

Response to Comment 56-5

CLUO Comment. The commenters state that their cannabis cultivation is not located in an area of overconcentration and that they have good relationships with their neighbors. The commenters recommend that the process include a mechanism for exceptions to the regulations based on relationships with neighbors. This recommendation is noted and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 56-6

CLUO Comment. The commenters express concern regarding requirements that outdoor cultivation use native soil only. The proposed CLUO does not include requirements for use of native soil for outdoor cannabis cultivation.

Response to Comment 56-7

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

Response to Comment 56-8

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

Response to Comment 56-9

CLUO Comment. The commenters provide closing statements thanking the County for consideration of their comments. Thank you.
Dear Yolo County supervisors

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

CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter describes difficulties they have experienced with their neighbors. These concerns are noted as part of the record. The commenter also indicates that access on Manzanita Avenue has been restricted by neighbors.

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

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

1. Environment
2. Residences
3. Cultivators

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

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

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

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

I hope that what I have expressed in this letter, is taken into high consideration, because I know that my family and other families will take great unnecessary losses from implementing the incorrect Alternative.
<table>
<thead>
<tr>
<th>Letter 58</th>
<th>YTS Grow 12/23/2019</th>
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**Response to Comment 58-1**  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

**Response to Comment 58-2**  
**CLUO Comment.** The commenter expresses support for CLUO Alternative 1. This position is acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

**Response to Comment 58-3**  
**CLUO Comment.** The commenter expresses opposition to expanding buffer requirements for existing cannabis operations and identifies that larger buffers will cause financial hardships and increase illegal activity. The commenter reiterates support for Alternative 1. These comments are acknowledged and will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-6, “Economic Effects and Property Values,” and MR-12, “Expression of Opinion/Preference.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Virtually none.

No matter your charts and graphs and measurements.

Why should he?

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

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

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

This is our future we are deciding here.

Brian Boyce

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Brian Boyce
Town of Rumsey, Capay Valley
PO Box 41 95679
Home Office/ 530.796.0775
Mobile/ 310.617.6099
Response to Comment 59-1 CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

Response to Comment 59-2 CLUO Comment. The commenter expresses concern regarding the County’s cannabis licensing program. This comment noted as part of the record. Please see MR-12, “Expression of Opinion/Preference.”

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

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

Response to Comment 59-5 CLUO Comment. The commenter expresses frustration and concern regarding their son’s exposure to odor and crime related to cannabis. These important concerns are acknowledged for the record. The County recognizes the differing opinions and controversy related to cannabis cultivation. The proposed CLUO will establish a new discretionary regulatory process that would include public noticing and create a forum for public input on each individual operation. Please also see MR-11 and MR-12.
From: Lauren Ayers [mailto:lauren.yolocounty@gmail.com]
Sent: Monday, December 23, 2019 3:41 PM
To: cannabis <cannabis@yolocounty.org>
Cc:
Subject: Smelly business

Between the smell of hogs and the smell of pot (or hemp), I’d take the hogs (tho of course our Capay Valley pigs are pastured, so there’s no problem). That’s because no pigs will run generators for hours, ruin the night sky with grow lights, and disregard their neighbors so blatantly.


School sours on scent of hemp

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

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

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

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

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

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

Lauren Ayers
7577 Webster Street
Guinda
530 321-4662
P.S.

From what I’ve heard from my neighbors, I’m actually worried about retribution from some segment of the Cannabis Industry that disapproves of my opinion. Hopefully the pen is mightier than the sword.
Responses to Comments  Ascent Environmental

Lauren Ayers  
12/23/2019

Response to Comment 60-1  

CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter identifies concerns regarding odor, generators, and lighting impacts from cannabis uses. These issues are analyzed in the Draft EIR. Draft EIR Impact AQ-4 identifies that operation of cannabis uses have the potential to generate odors associated with cultivation, processing, manufacturing, and microbusiness operations resulting a significant and unavoidable impact. The draft CLUO would require buffers between outdoor cannabis uses and identified sensitive land uses. Draft CLUO Section 8-2.1408(E) establishes odor control requirements that would prohibit odors from leaving the cannabis site in excess of a 7:1 D/T, identifies a process of corrective actions for nuisance odor conditions, and requires the development of an Odor Control Plan (draft CLUO Sections 8-2.1408(CC) and 8-2.1408(DD)).

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

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

Response to Comment 60-2  

CLUO Comment. The commenter states that the draft CLUO requires significant modification but does not specify desired changes. This comment is acknowledged. Appendix D contains additional recommended changes to the proposed CLUO. The commenter is encouraged to review the Planning Commission staff report when it is released for information reading additional modifications to the CLUO that are recommend by staff.
December 23, 2019

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

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

Dear Ms. Strachan,

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

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

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

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

Thank you for considering our comments and concerns,

Sincerely,

J. Anne Rawlins
Response to Comment 61-1  
**CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

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

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

Response to Comment 61-2  
**CLUO Comment.** The commenter summarizes CLUO Alternative 1 and identifies concerns regarding the costs necessary to comply with the CLUO following adoption. Please see Response to Comment 61-1.

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

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

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

Submitted via email to: Cannabis@YoloCounty.Org

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

Dear Ms. Strachan,

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

Comments

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

Support for the Cannabis Industry

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

Land Use Ordinance Alternatives

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**VI. Expansion of Licensing.**

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

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

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

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

**Conclusionary Remarks**

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

ACKNOWLEDGMENTS

REPRESENTATIVES:

SEE ATTACHED PAGE FOR ALL SIGNATURES. THANK YOU.

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

David Nagel, General Counsel
Ross Haley, Representative

Sean Smutny, S&R Pharms
David Kaufman, Representative

Jake Hendrickson, Apex Agriculture

Contact: Kathryn Sanders
ksanders@cultivatetruth.com
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David Kaufman, Representative

Contact: Kathryn Sanders
ksanders@cultivatetruth.com

Yolo County
Cannabis Land Use Ordinance Response to Comments Document
Response to Comment 62-1  CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO.

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

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

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

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

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

Based on a preliminary assessment using County GIS data, over 430,000 acres of agriculturally zoned land would potentially be available for outdoor cannabis cultivation uses under Alternatives 2 and 5, which assume a 1,000-foot buffer requirement from identified sensitive land uses. The implications of various buffers and other restrictions on cannabis uses will be further refined for the Planning Commission and Board of Supervisors deliberations on the proposed CLUO.
Response to Comment 62-6 **CLUO Comment.** The commenters express support for a 500-foot buffer and for the addition of language to Section 8-2.1408(DD)(3) that recognizes odor mitigating crops. The commenters’ support for a 500-foot buffer is noted for the record. Please also see MR-12, “Expression of Opinion/Preference.” Section 8-2.1408(DD)(3) is already proposed to be modified to recognize “other methods proven to be effective and accepted by the County” (see Appendix C of the Draft EIR). This additional language will allow for new effective methods to be utilized; additional modification is not necessary. Also, Section 8-2.1408(DD) requires the development of an odor control plan that could include any effective method of odor control including odor mitigating crops or other measures.

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

Response to Comment 62-7 **CLUO Comment.** The commenters recommend that the 7:1 D/T under draft CLUO Section 8-2.1408(DD) be changed to 15:1 D/T. Please see Response to Comment 43-7. This suggestion will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.” Odor impacts are analyzed in Section 3.3 of the Draft EIR.

Response to Comment 62-8 **CLUO Comment.** The commenters recommend that the complaint provisions of draft CLUO Section 8-2.1408(CC)(2), which establish a trigger of three complaints for triggering enforcement action proceedings, be changed to five complaints. This suggestion will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 62-9 **CLUO Comment.** The commenters recommend that draft CLUO Section 8-2.1408(DD) regarding odor control plans (item 3) be removed and addressed in the future. The commenters provide no rationale on why odor control plans are not appropriate or feasible to address odor impacts. Odor control plans are intended to provide the County with details on how a cannabis operation would minimize odors that would meet the 7:1 D/T threshold under draft CLUO Section 8-2.1408(DD). No changes to this requirement of the CLUO are recommended. This suggested change in standards will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Please see MR-12, “Expression of Opinion/Preference.”

Response to Comment 62-10 **CLUO Comment.** The commenters recommend that existing cultivation sites be grandfathered into a variance program of 5 years should a buffer of greater than 500 feet be adopted. Please see Response to Comment 43-11 regarding a discussion of variances under state law. Regarding the issue of “grandfathering,” please see Responses to Comments 12-57 and 14-3 and
MR-14, “County Cannabis Disclosures.” The County may choose to establish maximum terms for CUPs, such as 5 years as suggested by the commenters, which would allow circumstances at an individual site to be revisited on a case-by-case basis as a CUP comes up for renewal (see Sections 8-2.1406(I), (J), and (K)). Please see MR-12, “Expression of Opinion/Preference.”

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

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

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

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

Response to Comment 62-14 CLUO Comment. The commenters thank the County for consideration of their comments. The County appreciates the commenters’ participation in the review and comment of the draft CLUO and Draft EIR.
Dear Yolo County,

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

Here are some of my recommendations for serious adoption.

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

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

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

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

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

Manufacturing - No cannabis manufacturing in rural areas.

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

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

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

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

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

Thank you.
Response to Comment 63-1  **CLUO Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter expresses concerns regarding cannabis cultivation in Guinda and Rumsey and recommends the County consider new measures to address cannabis beyond the draft CLUO and Draft EIR. Responses to the comments submitted are provided below.

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

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

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

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

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

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

**Response to Comment 63-8**  
**CLUO Comment.** The commenter states that cannabis cultivation sites are blight and the use of plastic wrapped fences are a hazard. Aesthetics impacts are analyzed in Section 3.1 of the Draft EIR. The Draft EIR acknowledges changes in aesthetics associated with security features (including fencing) at existing cannabis cultivation sites (see Draft EIR page 3.1-14). Existing cannabis cultivation sites would be required to obtain approval of a Cannabis Use Permit and comply with the requirements of the CLUO. This includes requiring that fencing be maintained in good condition and not significantly diminish the visual quality of the site or surrounding area screening outdoor cannabis uses from public rights-of-way (Section 8-2.1408KK) items [4] and [5]).

**Response to Comment 63-9**  
**CLUO Comment.** The commenter states that water, air, and farmlands would be more protected by removing cannabis cultivation from Capay Valley. Water impacts are analyzed in Section 3.10 of the Draft EIR. Air quality impacts are analyzed in Section 3.3 of the Draft EIR. Agricultural impacts are analyzed in Section 3.2 of the Draft EIR. This position is noted. As identified on Draft EIR pages 3.2-20 through 3.2-26 and pages 3.10-35 through 3.10-50, no significant and avoidable environmental impacts related to water, farmland, or air quality (with the exception of odor) are expected from cannabis uses under any of the five CLUO alternatives. Draft EIR Impact AQ-4 does identify that operation of cannabis uses have the potential to generate odors associated with cultivation, processing, manufacturing, and microbusiness operations resulting a significant and unavoidable impact under all of the five CLUO alternatives (Draft EIR pages 3.3-29 through 3.3-38). Please see MR-12.

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

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

Kristina Haley
MAUPIN RANCH, LLC
20750 County Road 103
Woodland, California 95776

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Susan Strachan, Cannabis Program Manager
Yolo County Department of Community Services
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cannabis@yolocounty.org

Project: Yolo County Cannabis Land Use Ordinance

Dear Susan Strachan:

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

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

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

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

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

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

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

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

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

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

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

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

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

K. Haley
Landowner
Yolo County

Kristina Haley
<table>
<thead>
<tr>
<th>Letter 64</th>
<th>Kristina Haley 12/23/2019</th>
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**Response to Comment 64-1**  

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

**Response to Comment 64-2**  

CLUO Comment. The commenter provides background about their land ownership in Yolo and expresses that cannabis cultivation is no different from other forms of cultivation. This comment is acknowledged. Please see MR-12.

**Response to Comment 64-3**  

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

**Response to Comment 64-4**  

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

**Response to Comment 64-5**  

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

**Response to Comment 64-6**  

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

**Response to Comment 64-7**  

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

**Response to Comment 64-8**  

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

**Response to Comment 64-9**  

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

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

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

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

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

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

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

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

Sincerely, Santiago Miguel and Leon Miguel
Response to Comment 65-1  CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

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

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

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

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

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

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

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

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

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

   Objective C. Ensure neighborhood compatibility

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

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

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

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

It is sad that Kind Farms bought a 60 acre farm property with a beautiful old house and Class 1 soil. The owner, Timothy Schimmel, lives in Davis, and not on the property. He has not been neighborly, was not around when the early AM or late evening “skunk smells” were the strongest, and has a security person stationed in the front yard, unlike any other farm in the surrounding area. Schimmel had an outdoor grow of almost 6 acres in 2019 (yes, real farmers measure in acres, and not the canopy of their crop) of Cannabis Sativa and put in a cement foundation, for green houses and processing buildings, covering about an acre of Class 1 or 2 soil. This prime soil is lost forever! The “winter calm” seen on other farms in the area is not a part of Kind Farms, LLC. There are numerous cars in and out of the property daily, and with the muddy conditions most cars are now parked right at the entry gate, since they cannot get to the back of the property (a daily eyesore that could have been prevented had his business been put in an industrial park that has established security and parking).

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

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

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

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

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

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

**EIR Comment.** Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter states that the analysis in the Draft EIR is not data driven or verifiable. County staff strongly disagree with this opinion and note that the commenter provides no substantiation for their position. Throughout the Draft EIR detailed information and analysis is provided for each topical area including environmental setting, regulatory background, data sources, methodology, analysis, and conclusions.

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

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

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

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

Response to Comment 66-2  

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


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

Response to Comment 66-3

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

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

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

Response to Comment 66-4

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

Response to Comment 66-5

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

Response to Comment 66-6

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

Response to Comment 66-7  **CLUO Comment.** The commenter expresses disappointment with licensee Kind Farms particularly as related to odor, use of concrete foundations for agricultural buildings, and on-site activity during winter. These concerns are noted. Please see MR-12.

Odor impacts associated with cannabis operations and draft CLUO odor control requirements and mitigation measures are addressed in Draft EIR Impact AQ-4 (see Draft EIR pages 3.3-29 through 3.3-38). Draft EIR identifies that operation of cannabis uses have the potential to generate nuisance odors associated with cultivation, processing, manufacturing, and microbusiness operations resulting a significant and unavoidable impact.

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

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

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

Response to Comment 66-8  **CLUO Comment.** The commenter recommends that all cannabis cultivation sites on Class 1 or 2 soils should be required to participate in research by UCD to study the effects of cannabis on the environment and public health. This recommendation is noted. Please see MR-12.
Response to Comment 66-9  

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

- Description and science associated with odors and health impacts (Draft EIR pages 3.3-5 through 3.3-8)

- Odor regulation controls currently employed by other government agencies (see Draft EIR pages 3.3-8 through 3.3-10)

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

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

- Activated carbon air filters (carbon scrubber) – forced air circulation through activated carbon filter to filter out odors prior release from the facility.

- Biofilters – a control that utilizes biological adsorptive media.

- Plasma ion technology – odorous gases and aerosols interact with ions and are neutralized.

- Air filters – air passes through densely woven fiber screens which trap odorous particulates (this is viewed as a less effective option relative to carbon scrubbers, biofilters, and is often paired with other technologies).

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

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

Response to Comment 66-11  CLUO Comment. The commenter is very concerned that cannabis is dangerous and unstudied, asks the Board of Supervisors to make careful decisions about cannabis, and urges allowing hemp rather than cannabis. These recommendations are acknowledged as art of the record. Please see MR-8, “Marijuana and Hemp,” and MR-12, “Expression of Opinion/Preference.”
Dear Susan,

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

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

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

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

Thank you for your careful consideration of this request.

Larry Alegre- Rancho Alegre
415-305-8149 cell
530-796-2229
larryale@gmail.com
Letter 67  Larry Alegre  12/23/2019

Response to Comment 67-1  CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. The commenter explains his proximity to licensed cannabis operations on Manzanita Avenue in Rumsey.

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

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

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

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

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

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

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

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

Thank you for your consideration & the opportunity to comment.

Mark & Jenn Tompkins
Guinda, CA
Response to Comment 68-1  
CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

Response to Comment 68-2  
EIR Comment. The commenters express deep concerns regarding the Draft EIR and impacts of the current cannabis program on Capay Valley associated with crime, odors, traffic, road damage, and aesthetics. The County’s current cannabis licensing program is a ministerial process. The proposed CLUO would add a new discretionary cannabis use permit process as part of the County’s approval process for cannabis activities. Under the CLUO the 78 existing and eligible cultivation sites in the County would be required to obtain Cannabis Use Permit approvals from the Planning Commission. The Draft EIR evaluates the environmental impacts of implementing the proposed CLUO under five alternative scenarios.

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

Response to Comment 68-3  
EIR Comment. The commenter states that the Draft EIR provides no substantive recommendations as to how to address overconcentration impacts on Capay Valley. The commenter also states that the Draft EIR traffic analysis does not include traffic counts and road conditions prior to existing cannabis cultivation operations. The Draft EIR includes mitigation measures OVC-1a, OVC-1b, OVC-1c which would ensure that the unique setting of subregions of the County where overconcentration is projected to potentially occur (Capay Valley), is considered in issuing Cannabis Use Permits and establishing regionally-based caps on cannabis activities. These measures would also establish consistent thresholds to guide processing of all future Cannabis Use Permits to ensure the same considerations of overconcentration are implemented over time as cannabis operations are established and removed under the program. Notwithstanding implementation of these mitigation measures, the Draft EIR concludes that aesthetic and odor impacts due to overconcentration in identified areas would be significant and unavoidable for all alternatives (see Draft EIR pages 4-37 through 4-68). Please see MR-10, “CUP Process and Overconcentration,” for further discussion on how Cannabis Use Permit processing would be handled in identified overconcentration areas.

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

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

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

Response to Comment 68-6 CLUO Comment. The commenter states that the buffers do not address odor impacts and recommends that cannabis uses should be located in commercial areas within buildings with odor control. These recommendations are noted. Please see MR-12. The commenter further states that allowing cannabis uses in residential areas has resulted in negative impacts from odors, traffic, and crime. The proposed CLUO precludes cannabis activities (except personal cultivation) in residential zones. See Sections 8-2.1406(F) and 8-2.14-7. Regarding residences in agricultural areas, which the County refers to as farm dwellings, please see Response to Comment 24-2 and MR-9, “Buffers.”

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

Re: Comments in response to proposed CLUO

To the Board of Supervisors and Whom It May Concern:

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

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

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

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

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

- **CEQA compliance with state**

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

- **Outdoor cultivation sites**

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

- **Odor control**

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

Sincerely,

[Signature]

Sophia Herrera
Director of Compliance
Yolo County Creative LLC | Connected Cannabis Co.
Response to Comment 69-1  CLUO Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

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

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

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

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

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

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

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

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

Dear Ms. Strachan:

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

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

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

PROJECT OBJECTIVES

1. Protect the public health, safety, and welfare.
   It will take multiple strategies working together to accomplish this goal. YC should consider allocating cannabis tax funds to the Sheriff’s department for resources that will keep our YC safer. In order to have sufficient resources to make a difference, a key component is to develop the cannabis industry, which will in turn grow the cannabis tax fund. In-County processing would help centralize post-harvest product for growers who don’t have the infrastructure or who elect not to hire cost-burdensome security officers.
2. Protect environmental resources and minimize environmental impact.
By State of California definition, cannabis is an agricultural product. Ultimately, cannabis cultivation, processing, and distribution is happening on agricultural land. Cannabis should not be grown on steep hillsides that cause runoff and difficulties on the environment by distribution happening in logistically challenging locations. Nor should cannabis be grown inside warehouses under permanent high intensity grow lights. Utilizing the sun’s resources is imperative to minimize environmental impacts.

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

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

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

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

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

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

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

8. Avoid establishing undesirable precedents for other agricultural sectors.

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

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

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

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

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

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

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

AREAS OF CONTROVERSY

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

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

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

Retail and delivery are also extremely important. Having access points throughout the county will minimize the amount of untested/illegal product comes in and is distributed in Yolo County. Access points do not all need to be dispensaries style shops. For example, access could come in the form of the winery model, where people visit a farm, learn about the operation, and ultimately purchase the
product. Event licenses should be allowed on a case-by-case basis and mirror State of CA regulations. The details should reflect Yolo County’s comfort level as time progresses.

3. **Whether existing allowed cannabis cultivation should be allowed to expand:**
   Allowing existing cultivators to expand shouldn’t be a question of *if* but *how*. If cultivators are not able to scale their businesses to compete on a broader level against larger grows in other jurisdictions, our industry will suffer dearly, if not collapse. Existing cultivators in good standing should be allowed to scale their business based off land use and zoning. If a cultivator wishes to expand their business, they could acquire additional state licenses on their existing property or properties that comply with the CLUO. Yolo County Board of Supervisors would decide which locations and operations fit well with the county’s vision.

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

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

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

7. **Impacts in all environmental issue areas from cannabis uses and activities:**
   We don’t see cannabis causing much of any environmental impacts unless we mandate indoor growing which would be taxing on our electrical grid. Environmental impacts and concerns associated with cannabis cultivation historically have been in the emerald triangle. Trinity, Humboldt, and Mendocino Counties have been notorious for illegal grows that have been detrimental to the environment. Clear cutting and bulldozing mountainsides to pull irrigation from sensitive watersheds, only to allow heavy fertilizer runoff back to the same river has been the norm, and ecosystems have collapsed. Growing on ag land, in the soil, without harsh pesticides or metal dense fertilizers will only increase the quality of Yolo County soil compared to even our “traditional” farmers who use products that are legal but proven dangerous to the environment.
8. **Impacts of overconcentration of cannabis uses in particular areas:**

It is understandable that certain areas might be seen as over concentrated, although the four overconcentration areas identified present their own specific challenges. For example, an overconcentration of cannabis grows in one identified area may impact many more community members than one of the other identified areas. In our opinion, overconcentration shouldn’t be driven by only the number of grows in a radius, it should additionally take into consideration population within the zone. There should be a population-per-zone benchmark that helps determine the severity of an over concentration zone. For areas that still fall in over concentration zones, the option to reduce canopy size to half an acre or relocation should be given.

9. **Social, economic, and safety/crime impacts of cannabis uses and activities:**

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

10. **Concerns about the adequacy of the proposed buffers from sensitive land uses or receptors:**

We remain in favor of significant buffers from places of worship and where children gather. However, due to infrequent and circumstantial odors that are not proven to be harmful to one’s health, we do not agree with restrictive buffers.

**ISSUES TO BE RESOLVED**

1. **Should the proposedCLUO be adopted?**

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

2. **Which project alternative (or combination) should be adopted?**

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

3. **What level of density/intensity of cannabis uses and activities (license types) are appropriate and where?**

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

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

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

CONCLUSION

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

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

Sincerely,

Timothy Schimmel
Kind Farms, LLC
Response to Comment 70-1  EIR Comment. Thank you for submitting comments during the Draft EIR review period. These will be considered by the staff, Planning Commission, and Board of Supervisors in their deliberations regarding the final CLUO. Responses to the comments submitted are provided below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Response to Comment 70-32 CLUO Comment. The commenter thanks the County for consideration of their comments. The County appreciates the commenter’s participation in the review and comment of the draft CLUO and Draft EIR.
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
Yolo County Department of Community Services  
December 23, 2019  
Page 2  

and related activities must be indoors, in unvented 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 unvented 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
Yolo County Department of Community Services  
December 23, 2019  
Page 3

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
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, “terpene drift”. The Yolo County Wine Grape crop had a farmgate value of $83.6M in 2018: certainly it is a crop sector worth protecting! Again, the only way to ensure that there is no terpene 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.
Ascent Environmental
Responses to Comments

Yolo County Department of Community Services
December 23, 2019
Page 5

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
deinition, live near police or sheriff stations. The funding 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.
I. 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
Yolo County Department of Community Services
December 23, 2019
Page 7

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 unsecured 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/lease commitment.

This is evident in the conduct of the cannabis growers. “Yolo Gardens”, who farm AFN 025-130-027. The cannabis growers’ 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 on the 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 Codling 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 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 Rights 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 Rights to Farm ordinance is another compelling justification for requiring all grows to be in non-vented indoor...
Yolo County Board of Supervisors
June 11, 2019
Page 2

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.

Neighboring 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 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 Echibu 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 cultivation. 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 Holger/Aaron Uriah Mills (Surreal Solutions)
   (North of CR or 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 18 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  
Page 2

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 ¾ 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 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 adjoining property is not relevant because bringing in a cannabis operation impairs the suitability and reduces
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 operations.

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.
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 growers 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 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. 8-2.1 02
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. 8-2.1 403
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.

1. YCFB regrets the decision taken by a majority of the BOS on 6/2 6/1 8 and considers it shortsighted.

Sec. 8-2.140 4
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. 8-2.14 07
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
Yolo County Community Services
ATTN: Susan Strachan, Cannabis Program Manager
Yolo County Draft Cannabis Ordinance
Page 3

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 Re-quired Operational Information.

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

Sincerely,

[Signature]

Nancy Lea
President
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 revolving 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
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.
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

A: USDA is an equal opportunity provider, employer, and lender.
Cannabis Guidance for Employees

Natural Resources Conservation Service

www.ca.nrcs.usda.gov

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.

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
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<tr>
<th>Letter 71</th>
<th>Joe Martinez, Yolo County Farm Bureau</th>
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**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 Bureaus 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 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(OO), 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
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<th><strong>Letter 72</strong></th>
<th>Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit 12/24/2019</th>
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**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.
Comments – Draft EIR

- 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 the zoning. In some cases, families have occupied these parcels for more than 50 years. All residents who purchase property before 2016 bought 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 foot 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 operation 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 proposedCLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the adoptedCLUO, would allow for the development of new cannabis uses that would alter the rural and agricultural character of the County (p3.1-42).

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 (p3.1-46).

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 viewshed 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
Comments – Draft EIR

Bennett

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 fall on issuing any new permits.

A number of growers continue to cause serious problems for those in the surrounding area, particularly in areas where the County permitted large cannabis grows to fall amongst small residential parcels and farms -- all with no CEQA review regarding changing land use, cumulative impacts, and other associated issues that have serious local 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 dictated by their thermostats. Our community is at the end of the valley, where the valley itself narrows, and sound and vibration carries everywhere, including through the soil. Gas-powered pumps in the Rumsey irrigation ditch, now itself overburdened by the significant water needs of the cannabis growers, run constantly as well. New wells are drilled even though the water situation in the Capay Valley is significantly different than in the greater Yolo county Central Valley areas. We have expressed concerns regarding electrical capacity at our end of the valley, but County staff allows expansion of electrical use with no analysis, with no CEQA review, no public review or input. Notwithstanding the fact that the Capay Valley has had two massive wildfires in two consecutive years with only one road in and out of the valley, no serious fire analysis including road constraints seems to have been

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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, cars, etc.
The measurements must be made from the grow's property boundary line, because the entire grow
property is involved, and negatively affects all adjacent and nearby properties.

Security staff hired by the grows wander around on foot or on ATVs at night and have shot 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, those 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
harms 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

3
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

74-1 cont.

Yolo County

Cannabis Land Use Ordinance Response to Comments Document

3-514
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 Faccio
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
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 Properites 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 fingerprinting 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 76-4  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. Area’s 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 bu 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 verses 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
Letter 78  Paul Navazio, City Manager, City of Woodland  1/14/2020

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,
Ascent Environmental

Yolo County
Cannabis Land Use Ordinance Response to Comments Document 3-531

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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4 REVISIONS TO THE DRAFT EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in strikethrough, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information” requiring recirculation.

Executive Summary
Page ES-4, clarify the last line to read as follows:

“... cultivation for personal use conducted in accordance with applicable state and local (County) laws and the proposed CLUO: ...”

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:

Description of Preferred Alternative and Equal Weight Alternatives
Page 2-5, Exhibit 2-2, “Existing and Eligible Cultivation Sites,” has been updated to show the legal boundaries of the Delta and the Yolo Bypass Priority Habitat Restoration Area.

Section 3.2, “Agricultural Resources”
Page 3.2-11, bottom of the page, the following text changes are made:

The General Plan defines the Agriculture (AG) land use designation as:

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), horse shows, rodeos, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas. Agriculture also includes farmworker housing, surface mining, and incidental habitat.

Full range of cultivated agriculture such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, confined animal facilities, and equestrian facilities. Agricultural industrial – agricultural research, processing and storage; crop dusting. Agricultural commercial – roadside stands, “Yolo Stores,” wineries, farm-based tourism (e.g. u-pick, dude ranch, lodging), horse shows, rodeos, crop-based seasonal events; agricultural chemical and equipment sales. Pre-existing isolated restaurants and/or stores (e.g. old stage stops and cross roads) serving rural areas. Farmworker housing. Surface mining. Incidental habitat.
Revised Exhibit 2-2

Existing and Eligible Cultivation Sites
The Delta Stewardship Council (Council) was created by the State in 2009 through the passage of the Delta Reform Act to resolve issues associated with water use issues related to the Sacramento-San Joaquin Delta (Delta). The Delta Reform Act requires the Council to develop and adopt a legally enforceable, long-term management plan for the Delta that uses best available science and is built upon the principles of adaptive management. The Delta Reform Act also established the Delta Science Program within the Council to provide the best possible scientific information to inform water and environmental decision making in the Delta.

The Delta Plan is intended to be foundational and adaptive. It is foundational in that the Council has built on previous efforts, including CALFED, the Delta Vision, the California Water Plan, planning efforts of the State Water Resources Control Board (SWRCB), the Delta Protection Commission (DPC), and others. The framework established in the Delta Plan is intended to advance the coequal goals of water supply reliability and ecosystem health, and to employ adaptive management to improve the Plan over time.

The Delta Plan contains five core policy chapters (Chapters 3 through 7) and a chapter on Funding Principles to Support the Coequal Goals (Chapter 8). The narrative sections of each policy chapter provide subject matter context and rationale for the selection and implementation of core strategies. These core strategies are then broken down into actions: the policies and recommendations. The policies in the Delta Plan are regulatory in nature, and compliance is required for those who propose covered actions. In each policy chapter, the Policies and Recommendations section is followed by a section identifying both science needs and key issues for future evaluation by the Council. Each policy chapter also includes a set of performance measures.

As shown in revised Exhibit 2-2, the southern portion of the County is within the legal Delta boundary of the Delta Plan. The Delta Plan designates the Yolo Bypass as a priority habitat restoration area.

Key land use provisions of the Delta Plan related to the County consist of the following:

- Policy G P1 (Title 23 CCR Section 5002): These provisions address covered actions that require compliance with the Delta Plan and file a Certification of Consistency. Covered actions must either include applicable mitigation measures identified in the Delta Plan Program EIR or equally effective substitute mitigation measures. Covered actions are also required to document the use of best available science as relevant to the project.

- Policy ER P3 (Title 23 CCR Section 5006): These provisions require that impacts to opportunities to restore habitat within priority habitat restoration areas (e.g., Yolo Bypass) be avoided or mitigated.
Page 3.11-11, the following text changes are made to Impact LU-2 on Draft EIR page 3.11-11:

**Impact LU-2: Cause a Significant Environmental Impact Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect**

The adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, would include amending the General Plan to acknowledge cannabis, and identifying cannabis operations as permitted uses within specific land use designations. Adoption and implementation of the CLUO would be consistent with General Plan policies related to agricultural, industrial, and commercial land uses and incorporates performance standards that implement environmental protections identified in the General Plan policies and Yolo County Code. Cannabis uses within the legal Delta boundary would be subject to compliance with the Delta Plan. This impact would be less than significant for all the alternatives.

Page 3.11-12, the following text is added to Impact LU-2 on Draft EIR page 3.11-12 after the last bullet:

Cannabis uses in the southern portion of the County (south of I-80) would subject to the Delta Plan. Cannabis uses within the legal Delta boundary would be required to demonstrate consistency with the Delta Plan through the filing of a Certification of Consistency with the County and Council. This process would require cannabis use applicants to demonstrate no significant impacts to opportunities to restore habitat in the Yolo Bypass for cannabis uses proposed in this area; avoid the introduction of nonnative invasive species; and compliance with the Delta Program EIR mitigation measures or equally effective substitute mitigation measures (e.g., CLUO performance standards, State cannabis regulations, and terms set forth in SWRCB Order WQ 2019-0001-DWQ).

Section 3.14, “Transportation and Circulation”

Page 3.14-13, the following text was deleted from the last paragraph:

Thus, taking into consideration the four criteria detailed in Section 15064.3(b) for analyzing the transportation impacts and their applicability to the CLUO, state policy, and the recommendations of the OPR Technical Advisory, the following threshold was determined as conservative but appropriate for the purpose of analyzing the potential for change in VMT under each CLUO alternative:

- An increase in countywide VMT as compared to existing conditions shall be presumed to result in a significant effect.

Section 3.15, “Utilities and Service Systems”

Pages 3.15-20 and 3.15-21, the following corrections are made to Impact UTIL-1:

**Alternative 3: All License Types with High Limits**

As shown in Exhibit 3.15-4, Alternative 3 assumes that a testing site could be located in the Esparto CSD, and three cultivation sites, three testing sites, and four manufacturing sites in the planning area of the City of Woodland that could obtain wastewater service from the City. This is an analytical assumption made solely for the purposes of this analysis. Cannabis uses in any location where required services could not be provided would be not be issued a Cannabis Use Permit pursuant to Section 8-2.1406(L)(5) and 8-2.1408(TT) identified above. Cannabis facilities that use an on-site wastewater treatment system would be required to comply with CLUO Section 8-2.1408(TT) and may require approvals from the RWQCB. Compliance with these measures would ensure no adverse impacts to wastewater service providers.

This impact would be less than significant under Alternative 3.
Alternative 4: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types
As shown in Exhibit 3.15-5, Alternative 4 assumes that a manufacturing site could be located in the Esparto CSD. This is an analytical assumption made solely for the purposes of this analysis. Cannabis uses in any location where required services could not be provided would not be issued a Cannabis Use Permit pursuant to Section 8-2.1406(L)(5) and 8-2.1408(TT) identified above. Cannabis facilities that use an on-site wastewater treatment system would be required to comply with CLUO Section 8-2.1408(TT) and may require approvals from the RWQCB. Compliance with these measures would ensure no adverse impacts to wastewater service providers.

This impact would be less than significant under Alternative 4.

Chapter 4, “Cumulative Impacts and Overconcentration”
Page 4-10, the cumulative air quality impact discussion and the title of Table 4-2 are revised to clarify the impact discussion for Alternative 1:

Alternative 1: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative)
Alternative 1 is assumed to result in construction-generated emissions of ROG, NOx, PM\textsubscript{10}, and PM\textsubscript{2.5} from the relocation of cannabis cultivation sites as described in Impact AQ-2. Construction emissions associated with relocated sites were quantified and are shown in Table 4-2 by license type. To be conservative, it was assumed that construction of all relocated sites under Alternative 1 could be constructed simultaneously.

Table 4-2 Cumulative Construction-Generated Emissions of Criteria Air Pollutants and Precursors for All Assumed Relocated Cultivation Sites – Alternative 1 (2020)

Page 4-11, the title of Table 4-3 is revised to clarify the impact discussion for Alternative 1:

Table 4-3 Cumulative Operational Emissions of Criteria Air Pollutants and Precursors for All Assumed Cultivation Sites – Alternative 1 (2020)

Page 4-11, the title Table 4-4 is revised to clarify the impact discussion for Alternative 2:

Table 4-4 Cumulative Construction-Generated Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 2 (2021)

Page 4-13, the title of Table 4-5 is revised to clarify the impact discussion for Alternative 2:

Table 4-5 Cumulative Operational Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 2 (2022)

Page 4-14, the title of Table 4-6 is revised to clarify the impact discussion for Alternative 3:

Table 4-6 Cumulative Construction-Generated Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 3 (2021-2022)
Page 4-15, the title of Table 4-7 is revised to clarify the impact discussion for Alternative 3:

Table 4-7  
**Cumulative-Operational Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 3 (2023)**

Page 4-15, the title of Table 4-8 is revised to clarify the impact discussion for Alternative 4:

Table 4-8  
**Cumulative Construction-Generated Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 4 (2021)**

Page 4-16, the title of Table 4-9 is revised to clarify the impact discussion for Alternative 4:

Table 4-9  
**Cumulative-Operational Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 4 (2022)**

Page 4-17, the title of Table 4-10 is revised to clarify the impact discussion for Alternative 5:

Table 4-10  
**Cumulative Construction-Generated Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 5 (2021)**

Page 4-18, the title of Table 4-11 is revised to clarify the impact discussion for Alternative 5:

Table 4-11  
**Cumulative-Operational Emissions of Criteria Air Pollutants and Precursors for All Assumed Cannabis Uses – Alternative 5 (2022)**

Page 4-22, the cumulative energy impact discussion and the title of Table 4-12 are revised to clarify the energy impact discussion for Alternative 1:

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

Alternative 1 would not create new energy demands that could contribute to cumulative energy impacts. The CLUO requires all cultivation sites to procure at least 50 percent of their energy demand from renewable sources. This can be achieved through on-site renewable energy systems or enrollment in the Valley Clean Energy Alliance as described in Section 8-2.140(O) of the CLUO. Further, as described in Section 3.6.2, “Regulatory Setting,” CCR Sections 8203 and 8305 set forth renewable energy requirement for new and relicensed sites. Under these requirements, all sites seeking license renewals must meet the average electricity greenhouse gas emissions intensity required of their local utility provider pursuant to the California Renewables Portfolio Standard. Table 4-12 provides estimates of Alternative 1’s total energy demands from operation of existing and eligible cultivation sites.

Table 4-12  
**Cumulative Construction and Operational Energy Consumption for All Assumed Cultivation Sites – Alternative 1**

Page 4-23, the cumulative energy impact discussion and the title of Table 4-13 are revised for Alternative 2:

**Alternative 2: All License Types with Moderate Limits**

Table 4-13 provide estimates of total energy demands from operation of assumed cannabis uses under Alternative 2.
Table 4-13  Cumulative Construction and Operational Energy Consumption for All Assumed Cannabis Uses – Alternative 2

Page 4-23, the cumulative energy impact discussion and the title of Table 4-14 are for Alternative 3:

Alternative 3: All License Types with High Limits
Table 4-14 provides estimates of total energy demand under Alternative 3 from assumed operation of cultivation and noncultivation uses.

Table 4-14  Cumulative Construction and Operational Energy Consumption for All Assumed Cannabis Uses – Alternative 3

Page 4-24, the cumulative energy impact discussion and the title of Table 4-15 are revised for Alternative 4:

Alternative 4: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types
Table 4-15 provides estimates of total energy demand under Alternative 4 from assumed operation of cultivation and noncultivation uses.

Table 4-15  Cumulative Construction and Operational Energy Consumption for All Assumed Cannabis Uses – Alternative 4

Page 4-25, the cumulative energy impact discussion and the title of Table 4-16 are revised for Alternative 5:

Alternative 5: All License Types with Moderate Limits, within Agricultural Zones Only, No Retail
Table 4-16 provides estimates of total energy demand under Alternative 5 from assumed operation of cultivation and noncultivation uses.

Table 4-16  Cumulative Construction and Operational Energy Consumption for All Assumed Cannabis Uses – Alternative 5

Chapter 6, “Other CEQA-Mandated Sections”
Page 6-2, the following correction is made to first paragraph under Section 6.3, “Significant and Unavoidable Adverse Impacts:”

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

Chapter 8, “References”
Page 8-2, the following text change is made to clarify the reference:

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REFERENCES


Vivaldo, Gianna; Masi, Elisa; Taiti, Cosimo; Caldarelli, Guido; and Mancusco. 2019. The Network of Plants Volatile Organic Compounds. Scientific Reports 7:11050. doi:10.1038/s41598-017-10975-x. Available: https://www.nature.com/articles/s41598-017-10975-x.pdf


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