Yolo County
Cannabis Land Use Ordinance
PLANNING COMMISSION
Hearing
November 12, 2020
Purpose of Meeting

- Receive staff presentation
- Respond to Planning Commission questions
- Open public hearing and receive public comments
- Close hearing
- Move staff recommendation
Recommended Action

- Make the following recommendations to the Board of Supervisors:
  - Certify the Final EIR and make CEQA Findings
  - Amend the GP and adopt the CEQA MMRP
  - Adopt the CLUO
  - Adopt other amendments to County Code
Background

- March 2016 -- Board adopted Licensing Ordinance for cannabis cultivation
- October 2017 -- Board adopted Guiding Principles for CLUO
- April 2018 -- Board approved release of first Draft CLUO
- October 2019 -- County released Revised Draft CLUO and Draft EIR
- September 2020 -- County released Staff-Proposed Revised Draft CLUO and Final EIR
- September 10, 2020 -- Planning Commission holds CLUO Workshop
PC Workshop Summary

- Over-Concentration and Co-Located Sites
- Proposed Caps by Cannabis License Types
- “Grandfathering” of Existing Licensees
- Buffer Easement
- Over-Concentration Threshold
- CEQA Baseline for impact Analysis
- Volatile Manufacturing
- Agricultural Use on Parcel Remainder
Key CLUO Decisions

- "Base" EIR Alternative
- Cannabis Uses/Types
- Allowed Locations
- Use Permit Cap
- License Type Caps
- Buffers
- Over-Concentration Threshold
- Personal Use
<table>
<thead>
<tr>
<th>ALTERNATIVE</th>
<th>KEY FEATURES</th>
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<tbody>
<tr>
<td>No Project – Existing Licensing Program</td>
<td>Existing Conditions</td>
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<tr>
<td></td>
<td>Cap of 78 cultivation licenses</td>
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<td></td>
<td>Licensing ordinance applies</td>
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<td>CLUO and mitigation measures do not apply</td>
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<td>75/1,000-foot buffers</td>
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<tr>
<td>Alt 1 – Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative)</td>
<td>No Project plus CLUO and EIR mitigations</td>
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<tr>
<td></td>
<td>Cap of 78 cultivation licenses</td>
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<tr>
<td></td>
<td>Ancillary nurseries and processing (for on-site product only)</td>
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<td>Licensing ordinance applies</td>
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<td>CLUO and mitigation measures apply</td>
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<td>75/1,000-foot buffers</td>
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<tr>
<td>Alt 2 – All license Types with Moderate Limits</td>
<td>Alternative 1 limits plus non-cultivation uses</td>
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<td>Cap of 132 licenses (80 cultivation/52 non-cultivation)</td>
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<td>CLUO and mitigation measures apply</td>
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<td>1,000-foot buffers</td>
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<td>Alt 3 – All License Types with High Limits</td>
<td>Alternative 2 limits X 2</td>
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<td>Cap of 264 licenses (160 cultivation/104 non-cultivation)</td>
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<td>Licensing ordinance applies</td>
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<td>CLUO and mitigation measures apply</td>
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<td>75-foot buffers</td>
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<tr>
<td>Alt 4 – Mixed Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types</td>
<td>Alternative 2 limits</td>
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<td>No outdoor uses</td>
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<td>All uses in greenhouses or indoors</td>
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<td></td>
<td>Cap of 132 licenses (80 cultivation/52 non-cultivation)</td>
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<td>Licensing ordinance applies</td>
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<td>CLUO and mitigation measures apply</td>
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<td>No buffers</td>
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<tr>
<td>Alt 5 – All License Types with Moderate Limits, within Ag Zones Only, No Retail</td>
<td>Alternative 2 limits</td>
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<tr>
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<td>Cannabis uses in AG zones only</td>
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<td></td>
<td>No Retail</td>
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<td>Cap of 130 licenses (80 cultivation/50 non-cultivation)</td>
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<td>Licensing ordinance applies</td>
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<td>CLUO and mitigation measures apply</td>
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<td>1,000-foot buffers</td>
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Staff Considerations

- Guiding principles
- EIR conclusions
- EIR comments
- CAC recommendations
- Neighbor concerns
- Operator concerns
- Facts and science
- Practice in other counties
Staff Recommendation

- See Attachment C – Staff-Proposed Draft CLUO
- “Base” EIR Alternative – Alternative 2
- Cannabis Types – All (Sec. 8-2.1405)
- Allowed Locations – Per Sec. 8-2.1407
- Use Permit Cap – 132 permits (Sec. 8-2.1406(G))
- License Type Caps (Sec. 8-2.1406(G)) --
  - 95 cultivation
  - 37 non-cultivation
- Buffers -- 200/600/1,000 (Sec. 8-2.1408(E))
- Over-concentration (Sec. 8-2.1406(H)) --
  - >10 w/in 6 miles = over-concentration
  - ≤10 w/in 6 miles = acceptable
- Personal Use – cultivation only; any zone; no buffers
Staff Recommended Caps

Sec. 8-2.1406(G) -- The total number of Cannabis Use Permits issued by the County shall not exceed 132. The number of licenses shall be allocated by use type as follows:

- Personal = indoor or outdoor; unlimited
- Cultivation (indoor or outdoor) = 95
- Nurseries = 5
- Processing = 7 (0 in Guinda/Rumsey)
- Manufacturing = 6 (0 in Guinda/Rumsey)
- Testing = 2 (0 in Guinda/Rumsey)
- Distribution = 7 (0 in Guinda/Rumsey)
- Retail (Store front) = 5
- Retail (Non-Storefront) = unlimited; Yolo CUP
- Microbusiness = 5
Why Those Caps?

- Allows new cultivation opportunities
- Starts slowly with a reasonable number
- Allows for market growth overall
- Reflects mid-point analyzed in EIR
- Generally consistent with CACs
- Reflects staff’s professional assessment
Staff Recommended Buffers

- Section 8-2.1408(E)
- Residences on AG parcel > 20 acres = 200 ft buffer
- Residences on AG parcel ≤ 20 acres = 600 ft buffer
- Residentially zoned land = 600 ft buffer
- Parks, day cares, places of worship, schools, treatment facilities = 600 ft buffer
- Tribal trust lands = 1,000 ft buffer
Why Those Buffers?

- See Master Response 9: Buffers
- Makes distinction between residences on small parcels vs. farm dwellings incidental to large agricultural parcels
- Reflects commitment made to Yocha Dehe Wintun Nation
- Considers Trinity buffer distance modeling (FEIR Appendix E)
- In alignment with outdoor buffers in other counties
- Integrates State approved buffers of 600 ft
- Considers implications of various buffer distances on land area required to operate successfully
- Considers disruption of currently licensed operations
- Reflects staff's professional assessment
Other Key Staff Recommendations

- Incorporates all EIR mitigation measures
- Clarifies definitions of terms (Sec. 8-2.1403)
- Clarifies transition period and likelihood of processing in “batches” (Sec. 8-2.1404(B))
- Clarifies Over-Concentration regulations (Sec. 8-2.1406(H))
- Expands required use permit findings (Sec. 8-2.1406(L))
- Clarifies how buffers are measured (Sec. 8-2.1408(E))
- Allows buffer flexibility of up to 10% (Sec. 8-2.1408(E))
- Requires a permanent power source (Sec. 8-2.1408(O))
- Limits use of generators (Sec 8-2.1408(T))
- Clarifies odor standard may be amended in future and would apply to existing and future CUPs (Sec. 8-2.1408(DD)(1))
- Allows for odor easements (Sec. 8-2.1408(DD)(3))
# Next Steps

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<thead>
<tr>
<th>TASK</th>
<th>ESTIMATED SCHEDULE</th>
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<tbody>
<tr>
<td>Planning Commission CLUO Hearing</td>
<td>November 12, 2020</td>
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<tr>
<td>Planning Commission CLUO Meeting</td>
<td>December 10, 2020 (if needed)</td>
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<tr>
<td>Board of Supervisors CLUO Workshop</td>
<td>January 19, 2021</td>
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<tr>
<td>Board of Supervisors CLUO Hearing</td>
<td>February 23, 2021</td>
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<tr>
<td>Board of Supervisors CLUO Meeting</td>
<td>March 9, 2021</td>
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Recommended Action

- Make the following recommendations to the Board of Supervisors:
  - Certify the Final EIR and make CEQA Findings
  - Amend the GP and adopt the CEQA MMRP
  - Adopt the CLUO adding Article 14 to Chapter 2 of Title 8 of the County Code
  - Adopt other amendments to County Code (amend Sections 8-1.802 and 8-2.217, and delete Section 8-2.116)
Thank you!
BASE ALTERNATIVE?
CANNABIS TYPES/USES?
ALLOWED LOCATIONS?
USE PERMIT CAP?
PERSONAL USE?
OVER-CONCENTRATION THRESHOLD?
BUFFERS?
LICENSE TYPE CAPS?
KEY CLUO DECISIONS
Overview of Final EIR

- Two volumes = Draft EIR plus Final EIR
- 5 Equal Weight Alternatives
- Proposed CLUO (with other existing state and local requirements) mitigates most impacts
- Visual Character impacts and Odor impacts remain significant and unavoidable
- 78 Comment Letters – 955 Comments – 1/4 on EIR/CEQA
- 17 Master Responses
- Individual responses to all questions and comments
Visual Character

- Impact AES-3: Degradation of Visual Character (all alternatives)
- Impact OVC-1: Visual Character Impacts from Overconcentration of Cannabis Uses (all alternatives)
- Impact CUM-1: Cumulative Visual Character Impacts (all alternatives)

Odor

- Impact AQ-4: Exposure to Adverse Odors (all alternatives)
- Impact OVC-3: Odor Impacts from Overconcentration of Cannabis Uses (all alternatives)
- CUM-3: Cumulative Odor Impacts (all alternatives)
Master Responses

- MR 1: No Project Alt and No Cannabis Alt
- MR 2: Baseline Conditions Used in the Draft EIR
- MR 3: Range of Alts Evaluated in the Draft EIR
- MR 4: CEQA Alts and County Decision-Making
- MR 5: Cannabis as an Agricultural Crop
- MR 6: Economic Effects and Property Values
- MR 7: Code Enforcement and Crime
- MR 8: Marijuana and Hemp
- MR 9: Buffers
Master Responses
- MR 10: CUP Process and Overconcentration
- MR 11: Cultural Change
- MR 12: Expression of Opinion/Preference
- MR 13: Cannabis Tax Revenue
- MR 14: County Cannabis Disclosures
- MR 15: Traffic Analysis
- MR 16: Cannabis Licensing Program
- MR 17: Consolidated Cannabis Campus
CAC Recommendations

- Six CACs
- Seven meetings
- Considerable variation in recommendations
- Attachment D, CAC Summary
- Attachment E, CAC Minutes