



Planning, Building & Public Works

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775
FAX (530) 666-8156
www.yolocounty.org

Environmental Health

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8646
FAX (530) 669-1448
www.yolocounty.org

Integrated Waste Management

44090 CR 28 H
Woodland, CA 95776
(530) 666-8852
FAX (530) 666-8853
www.yolocounty.org

**Notice of Preparation and
Notice of Scoping Meeting for the
Draft Program Environmental Impact Report for the
Yolo County Cannabis Land Use Ordinance**

- TO:** Interested Agencies, Organizations, and Individuals
- PROJECT:** Yolo County Cannabis Land Use Ordinance
- LOCATION:** Entire unincorporated territory of Yolo County (see Exhibit 1)
- LEAD AGENCY:** Yolo County

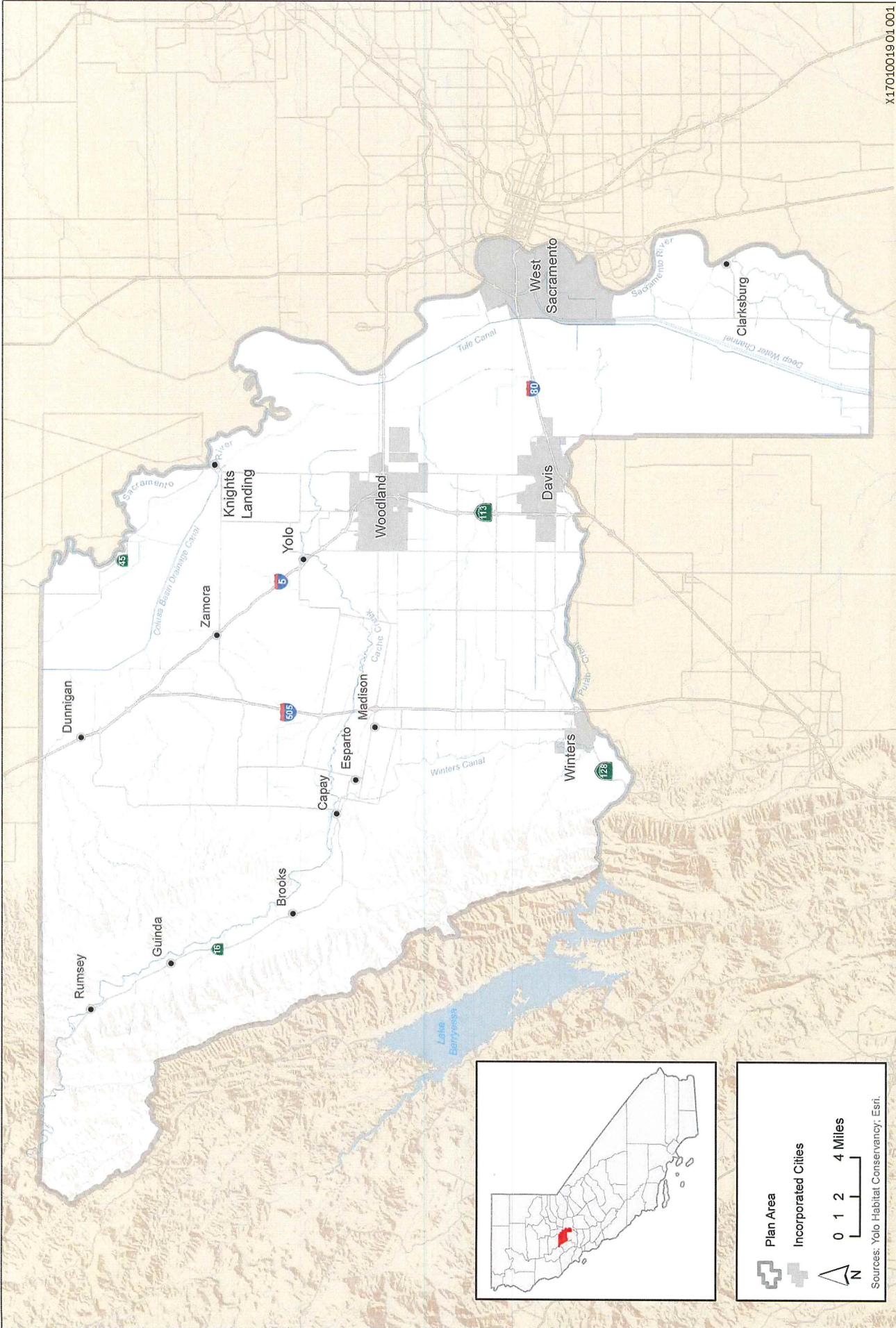
I. INTRODUCTION

Yolo County (County) is the Lead Agency for the preparation and review of the Program Environmental Impact Report (EIR) for the Yolo County Cannabis Land Use Ordinance (Proposed Ordinance or CLUO). The County is considering five alternatives to various sections/components of the Proposed Ordinance, all of which share the same underlying regulatory requirements (available at the web link provided below). The alternatives differ based on allowed cannabis license types, assumed numbers of operations, allowed location based on zoning, controls on overconcentration, and required buffers from identified sensitive uses. Pursuant to Section 15082 of the California Environmental Quality Act Guidelines (State CEQA Guidelines), the County is soliciting the views of interested agencies, organizations, and individuals on the scope and content of the environmental analysis in the EIR. Agencies should comment on the elements of the scope and content of the EIR that are relevant to the agencies' statutory responsibilities, as provided under State CEQA Guidelines Section 15082(b). A summary of the Proposed Ordinance (including the five alternatives) and environmental effects that may result from implementing the ordinance is provided below. The Proposed Ordinance and summary of alternatives are available for public review online at <http://www.yolocounty.org/community-services/cannabis-3398>.

A. Comment Period: Comments can be sent anytime during the NOP review period. **The NOP review and comment period begins on August 24, 2018, and ends on September 24, 2018, at 4:00 p.m.** Please include the name of a contact person for your agency or organization. Please send all comments to:

Susan Strachan, Cannabis Program Manager
Yolo County Department of Community Services

292 W. Beamer Street
Woodland, CA 95695
Phone: (530)406-4800
e-mail: cannabis@yolocounty.org



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Incorporated and Unincorporated Areas of Yolo County

Exhibit 1

Plan Area

 Incorporated Cities

 0 1 2 4 Miles

 Sources: Yolo Habitat Conservancy; Esri.

- B. Scoping Meeting:** Verbal comments may be provided at the scoping meeting. The date, time, and location of this meeting are as follows:

September 13, 2018, 8:30 a.m.
Yolo County Planning Commission
Board of Supervisors Chambers
625 Court Street
Woodland, CA 95695

II. DESCRIPTION OF THE PROPOSED CANNABIS LAND USE ORDINANCE

- A. Project Background:** The County currently regulates the cultivation of marijuana (cannabis) under Chapter 20 of Title 5 of the Yolo County Code (Code). The Code includes standards for setbacks, compliance with Central Valley Regional Water Quality Control Board Order No. R5-2015-0113 (protects water quality, biological resources, and cultural resources and is now superseded by the State Water Resources Control Board Cannabis Cultivation Policy – Guidelines for Cannabis Cultivation), surety bonding, lighting restrictions for mixed-light cultivation, and implementation and enforcement provisions. The approval process for cannabis cultivation licenses is currently ministerial with no public notification or hearing process. Cannabis cultivation licenses are required to be renewed annually. The County proposes to amend the *Yolo County General Plan* and the zoning ordinance to continue to regulate, and potentially reduce or expand, allowed cannabis activities in the unincorporated area of the County. The County is considering five alternative variations to the proposed CLUO, all of which rely on the same underlying regulatory requirements that would regulate cannabis activities through land use, zoning, and development standards. The alternatives vary based on allowed cannabis license types, assumed numbers of operations, allowed location based on zoning, controls on overconcentration, and required buffers from identified sensitive uses. These alternatives are summarized below.
- B. Proposed Ordinance:** The CLUO would add Article 14 to Title 8, Chapter 2, of the zoning regulations within the County Code. It would regulate all cannabis operations within the unincorporated area of the County. Specific land use requirements and development performance standards are included in the Proposed Ordinance that address, among many topics, the following environmental issues:
- use of fertilizers, herbicides, pesticides, rodenticides, fumigants, and other applications to improve growth;
 - biological resources;
 - buffers from defined sensitive land uses;
 - cultural resources;
 - drainage and flooding;
 - driveway design and access;
 - dust control;
 - energy use;
 - screening of cannabis operations;
 - fire protection;
 - grading and erosion control;
 - hazardous materials;
 - lighting;
 - noise control;
 - odor control;
 - tree protection;
 - wastewater discharge;
 - solid waste management;
 - water supply and use; and
 - weed abatement.

As noted above, the County is considering a range of alternative approaches to sections of the proposed CLUO related to the extent of allowed cannabis uses, performance standards and buffers, and concentration of cannabis operations in regions of the County. The alternatives, which will be evaluated at an equal level of detail in the EIR, are summarized below. For the purposes of CEQA, the County has identified Alternative 1 as the preferred alternative/proposed project.

Alternative 1: Cultivation, Nurseries, and Processing Only, with Existing Limits (No Project – Existing Condition) (Preferred Alternative)

Alternative 1 assumes that regulation of personal use and commercial cannabis cultivation would continue in a manner similar to what is currently allowed under existing County Code. It is assumed that implementing this alternative would result in the following number of cannabis operations countywide:

- personal: unlimited,
- cultivation: 78 operations,

Total: 78 permitted operations plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws

This alternative includes 75-foot buffers from occupied residences and 1,000-foot buffers from off-site youth-oriented facilities, schools, school bus stops, parks, churches, residential treatment facilities, and lands held in trust or proposed prior to CLUO adoption to be taken into trust for a federally recognized tribe.

Alternative 2: All License Types with Moderate Limits

Alternative 2 assumes that all types of cannabis licenses would be allowed, including commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusiness. It is assumed that implementing this alternative would result in the following number of cannabis operations countywide:

- personal: unlimited,
- cultivation: 80,
- nurseries: 5,
- processing: 5,
- manufacturing: 20,
- testing: 5,
- distribution: 10,
- retail: 2, and
- microbusinesses: 5.

Total: 132 permitted operations plus unlimited personal use conducted in accordance with applicable state and local (County) laws

Alternative 2 assumes limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions (jurisdictional boundaries of the General Plan Citizen’s Advisory Committees) of the County as may be provided in Section 8-2.1405H of the CLUO.

This alternative also includes 1,000-foot buffers from occupied off-site residences, and youth-oriented facilities, schools, school bus stops, parks, churches, residential treatment facilities, and lands held in trust or proposed prior to CLUO adoption to be taken into trust for a federally recognized tribe.

Alternative 3: All License Types with High Limits

Alternative 3 assumes that all types of cannabis licenses would be allowed, including commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusiness. It is assumed that implementing this alternative would result in the following number of cannabis operations countywide:

- personal: unlimited,
- cultivation: 160,
- nurseries: 10,
- processing: 10,
- manufacturing: 40,
- testing: 10,
- distribution: 20,
- retail: 4, and
- microbusinesses: 10.

Total: 264 permitted operations plus unlimited personal use conducted in accordance with applicable state and local (County) laws

Alternative 3 assumes limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions (jurisdictional boundaries of the General Plan Citizen’s Advisory Committees) of the County as may be provided in Section 8-2.1405H of the CLUO.

This alternative also includes 75-foot buffers from occupied off-site residences, youth-oriented facilities, schools, school bus stops, parks, churches, residential treatment facilities, and lands held in trust or proposed prior to CLUO adoption to be taken into trust for a federally recognized tribe.

Alternative 4: Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types:

Alternative 4 assumes that cannabis cultivation, nurseries, processing, and microbusinesses would be limited to indoor and mixed-light operations only. It is assumed that implementing this alternative would result in the following number of cannabis operations countywide:

- personal: unlimited,
- cultivation: 80,
- nurseries: 5,
- processing: 5,
- manufacturing: 20,
- testing: 5,
- distribution: 10,
- retail: 2, and
- microbusinesses: 5.

Total: 132 permitted operations plus unlimited personal use conducted in accordance with applicable state and local (County) laws

Alternative 4 assumes limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions (jurisdictional boundaries of the General Plan Citizen’s Advisory Committees) of the County as may be provided in Section 8-2.1405H of the CLUO.

This alternative would not include buffers from identified sensitive land uses.

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

Alternative 5 would allow for all license types but would limit commercial cannabis to agricultural zone districts. It is assumed that implementing this alternative would result in the following number of cannabis operations countywide:

- personal: unlimited,
- cultivation: 80,
- nurseries: 5,
- processing: 5,
- manufacturing: 20,
- testing: 5,

- distribution: 10, and
- microbusinesses: 5.

Total: 130 permitted operations plus unlimited personal use conducted in accordance with applicable state and local (County) laws

Alternative 5 does not assume limits on the number of cannabis operations in distinct subregions of the County.

This alternative includes 1,000-foot buffers from occupied off-site residences, youth-oriented facilities, schools, school bus stops, parks, churches, residential treatment facilities, and lands held in trust or proposed prior to CLUO adoption to be taken into trust for a federally recognized tribe.

III. AREAS OF POTENTIAL IMPACT

The County has determined that implementing the proposed CLUO may result in significant environmental impacts; therefore, an EIR will be prepared. As allowed under State CEQA Guidelines Section 15060(d) (when the decision to prepare an EIR has already been made), the County has elected not to prepare an initial study and will instead begin work directly on the EIR.

The CLUO EIR will analyze a broad range of potential environmental impacts associated with implementing the Proposed Ordinance under each of the five alternatives. The action is a proposed new set of regulations that will apply countywide and is therefore programmatic in nature. The EIR will consider implementation of the ordinance generally rather than specifically review the potential impacts of every individual cannabis project that may be proposed. The analysis in the EIR will also be programmatic and will evaluate the effectiveness of the proposed land use requirements and development performance standards to address environmental impacts associated with the regulated cannabis activities. Where potentially significant environmental impacts are identified, the EIR will also discuss mitigation measures (e.g., in the form of modifications to the ordinance) that may reduce or avoid significant impacts. The EIR will analyze the potential for significant adverse impacts (both direct and indirect) in the following areas:

- A. Aesthetics:** The EIR will describe the County's current visual resources, consistent with the *Yolo County General Plan* (e.g., designated local scenic roadways in the Land Use and Community Character Element) and its EIR, as well as other visual resources. The analysis will address whether project implementation could generally change visual character within the County, especially from important viewpoints, including the County's distinctive rural/agrarian character as described in the General Plan. Changes may include fences and other visual screens that block views of grow operations, the addition of multiple greenhouses, additional facilities related to processing and transportation, and additional outdoor cultivation activities. The analysis will also include a discussion of potential impacts from light or glare and a discussion of potential impacts associated with mixed-light cultivation.
- B. Agriculture and Forestry Resources:** Health and Safety Code Section 11362.777(a) and Business and Profession Code Section 26067(a) define medical and adult-use cannabis as agricultural products. Therefore, implementation of the Proposed Ordinance is not anticipated to result in the conversion of agricultural lands to nonagricultural uses or result in conflicts with Williamson Act contracts. Nor would the ordinance be expected to affect forestry resources, because the proposed CLOU would prohibit the removal of oak woodlands. The EIR will describe the project's consistency with County General Plan agricultural policy provisions (Agriculture and Economic Development Element).
- C. Air Quality and Odors:** The EIR will evaluate the potential impact of criteria air pollutant emissions associated with construction- and operation-related activities associated with cannabis operations. The analysis will address toxic air contaminants, potential impacts on sensitive receptors, and generator use from cannabis operations. The EIR will evaluate potential odor impacts associated with cannabis activities, including cultivation and processing.

- D. Biological Resources:** The EIR will analyze potential impacts on biological resources from implementing the Proposed Ordinance. It will include a description of known biological resources, including riparian habitat, wetlands, sensitive natural communities, sensitive habitats, movement corridors, wildlife nursery sites, and special-status plant and wildlife species. The impact analysis will consider potential conflicts with applicable policies or regulations protecting biological resources, protection measures within the *Yolo Habitat Conservation Plan/Natural Community Conservation Plan*, and provisions of the State Water Resources Control Board Cannabis Cultivation Policy – Guidelines for Cannabis Cultivation. The EIR will address other mandatory findings of significance related to biological resources.
- E. Cultural Resources and Tribal Cultural Resources:** The EIR will include a discussion of applicable federal, state, and local policies and regulations related to defined cultural resources; a brief summary of the prehistory and history of the County; a description of known historic properties or historical resources; and identification of impacts on historical, archaeological, and tribal cultural resources. The EIR will address other mandatory findings of significance related to cultural resources.
- F. Energy:** The EIR will evaluate whether cannabis operations allowed under the Proposed Ordinance would result in a wasteful, inefficient, or unnecessary use of energy (stationary and mobile). The section will consider Title 24 building efficiency requirements and state cannabis licensing provisions regarding the use of renewable energy. Construction energy use will also be addressed in the EIR.
- G. Geology and Soils:** The EIR will describe the geological setting of the County, including topography and soil characteristics, as well as County and state regulations related to geology, soils, paleontological resources, and seismicity. This information will be used to evaluate impacts related to geological hazards, seismic-related effects, unstable soil and slopes, soil erosion, impacts on paleontological resources, loss of availability to mineral resources of value, and other geologic issues.
- H. Greenhouse Gases and Climate Change:** The EIR will include a discussion on the current state of the science, along with the applicable regulatory framework and relevant guidance (e.g., *Yolo County Climate Action Plan*, Assembly Bill 32, and Senate Bill 32). The impact analysis will determine whether cannabis operations would generate greenhouse gas emissions that could have a significant effect on the environment or conflict with implementation of the *Yolo County Climate Action Plan*.
- I. Hazards and Hazardous Materials:** Cannabis operations may involve the use of potentially hazardous materials that could result in impacts on public health and the environment or the accidental release of hazardous materials into the environment. Applicable local and state regulations and databases will be identified and considered. Using available information, including the California Department of Pesticide Regulation’s standards and guidance on pest management practices for cannabis cultivation (including in the State Water Resources Control Board Cannabis Policy), the EIR will identify typical hazardous materials used in cannabis operations and associated impacts. It also will address whether cannabis operations could result in an increase in wildland fires or impairment to emergency evacuation/response plans. Proximity to schools and airports will be considered as applicable.
- J. Hydrology and Water Quality:** The EIR will describe the existing hydrologic setting of the County and surrounding area and will summarize appropriate federal, state, and County regulations and policies related to these issues, including the State Water Resources Control Board Cannabis Policy. The impact analysis will evaluate the effects of the Proposed Ordinance on runoff and drainage patterns, pollutant discharges to surface water and groundwater, interference with groundwater discharge, and potential flooding hazards. The analysis will also address surface water and groundwater resource impacts associated with the water supply needs of cannabis operations under normal, dry, and multiple-dry years.
- K. Land Use and Planning:** The EIR will evaluate the Proposed Ordinance relative to the *Yolo County General Plan* land use policies related to environmental resources and impacts. The crux of this analysis will focus on consistency with existing policies adopted for the purpose of reducing environmental impacts. The EIR will examine the potential for impacts associated with land use compatibility. The EIR

will also evaluate any potential for division of existing communities. It also will address other mandatory findings of significance related to impacts on human beings.

- L. Noise:** The EIR will generally describe the existing noise environment within the County and will identify existing areas with concentrations of noise-sensitive receptors and major noise sources; ambient levels; and natural factors, if any, that relate to the attenuation of noise, including topographic features. The impact of noise from specific equipment used for construction, cultivation (e.g., generators, fans, well pumps, and mechanical trimmers), manufacturing, and processing activities will be addressed. The EIR will assess exposure to excessive noise or groundborne vibration from allowed cannabis activities.
- M. Population and Housing:** The Proposed Ordinance would not involve the generation of substantial new employment or the need for housing that could result in significant impacts. Therefore, these issues will not be analyzed in the EIR.
- N. Public Services:** The Proposed Ordinance would allow for expanded or new cannabis operations that could generate additional need for law enforcement and fire protection services. The EIR will evaluate whether new cannabis operations under the Proposed Ordinance could result in new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives related to these public services. The EIR will evaluate whether the project could result in substantial physical deterioration of parks or recreation facilities. The ordinance would not be expected to affect school facility capacities or other public facilities because it would not involve the generation of substantial new employment or the need for housing that could generate new students; therefore, these issues will not be analyzed in the EIR.
- O. Transportation and Circulation:** The EIR will describe the existing transportation system and will analyze how cannabis operations under the Proposed Ordinance may affect the operation of County roadway facilities and state highway facilities, as well as increased vehicle miles traveled. The EIR will address potential impacts on roadway conditions from increased truck traffic, as well as on traffic safety. Impacts on transit, bicycle, and pedestrian transportation will also be addressed.
- P. Utilities and Service System:** The EIR will evaluate whether implementing the Proposed Ordinance may affect the provision of utilities and related service systems, including the need to construct new or expanded water, wastewater, stormwater drainage, electrical, natural gas, or telecommunication facilities, the construction of which would result in significant environmental effects. The impact analysis will also consider solid waste service demands associated with cannabis operations and whether impacts on disposal capacity or reduction goals would result.
- Q. Cumulative Impacts:** The cumulative impact analysis will be based on existing land use plans for the County and the cities of West Sacramento, Davis, Winters, and Woodland, as well as for the surrounding counties. The analysis will evaluate whether implementing the Proposed Ordinance would result in an incremental contribution to significant cumulative impacts that is considerable.
- R. Other CEQA-Required Analyses:** The EIR will evaluate whether the Proposed Ordinance would have the potential to induce population and economic growth, identify any significant and unavoidable impacts, and disclose significant irreversible changes to the environment.

IV. USE OF THIS EIR FOR LATER PROJECT-LEVEL CEQA STREAMLINING

As encouraged under CEQA, the County intends to use the Program EIR prepared for the County Cannabis Land Use Ordinance to streamline the environmental review and consideration of future cannabis operation applications. The County plans to make full use of existing streamlining provided by CEQA, as well as emerging streamlining techniques that may become available later, as applicable. Subsequent to adoption of the CLUO, applicants may 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 applicable under CEQA pursuant to CEQA Guidelines Section 15168(c), Use with Later Activities. This section of the 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 application are adequately addressed in the 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. Preparation of a site-specific environmental review document would be required if the County determines that the individual application would cause a significant environmental impact that was not examined in the EIR or would substantially increase the severity of a previously identified significant impact under State CEQA Guidelines Sections 15162 and 15168(c).

Under Public Resources Code 21083.3 and CEQA Guidelines Section 15183, lead agencies can use EIRs prepared for zoning actions 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 will be limited 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 to be used.

Date: August 24, 2018
Name and Title: Susan Strachan, Cannabis Program Manager
Contact: (530) 406-4800
cannabis@yolocounty.org

Signature: 