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**NOP Comment Letters**

<b>Order Received</b>	<b>Name of Commenter</b>	<b>Date Received</b>
1	Nancy and David Gray	August 24, 2018
2	Pacific Gas and Electric Company	August 24, 2018
3	State Clearing House	August 24, 2018
4	Jack Moris	September 11, 2018
5	Scoping Meeting Commenters	September 13, 2018
6	Central Valley Regional Water Quality Control Board	September 17, 2018
7	Mathew Trask	September 17, 2018
8	Candice Schaer	September 18, 2018
9	California Department of Fish and Wildlife	September 20, 2018
10	South Davis Citizens Advisory Committee	September 20, 2018
11	Susan Cooper	September 20, 2018
12	Yocha Dehe Wintun Nation	September 21, 2018
13	Dunnigan Advisory Committee	September 22, 2018
14	<b>Redacted by request</b>	September 23, 2018
15	California Department of Food and Agriculture	September 24, 2018
16	Rob and Lori Champlin	September 24, 2018
17	Yolo County Farm Bureau	September 24, 2018
18	<b>Redacted by request</b>	September 24, 2018
Received After the Close of the Comment Period		
19	Fred Barnum	September 25, 2018
20	Wyatt Cline	September 25, 2018

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**From:** Nancy or David Gray  
**Sent:** Friday, August 24, 2018 10:48 AM  
**To:** Evelyn Tamayo-Arias  
**Subject:** Re: Notice of Preparation/Notice of Scoping Meeting

Hello. Where does the vetting of personnel employed by the various enterprises fit in? I do not want people like the criminal who worked at an operation on County Road 45 to be my neighbor.  
Thank you,  
David Gray

On Friday, August 24, 2018 10:04 AM, Evelyn Tamayo-Arias wrote:

Good Morning,

Yolo County is the lead agency for a Program Environmental Impact Report (EIR) for its draft Cannabis Land Use Ordinance. Attached is the Notice of Preparation for the EIR and information about the Scoping Meeting.

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](mailto:cannabis@yolocounty.org)



August 24, 2018

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

Ref: Gas and Electric Transmission and Distribution

Dear Ms. Strachan,

Thank you for submitting Yolo County Cannabis Land Use Ordinance plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



## Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)



Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING.**"
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.





EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

**Notice of Preparation**

August 24, 2018

To: Reviewing Agencies  
Re: Yolo County Cannabis Land Use Ordinance  
SCH# 2018082055

Attached for your review and comment is the Notice of Preparation (NOP) for the Yolo County Cannabis Land Use Ordinance draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

  
Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2018082055  
**Project Title** Yolo County Cannabis Land Use Ordinance  
**Lead Agency** Yolo County

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**Type** NOP Notice of Preparation  
**Description** The general plan amendments would modify several existing policies and add two new policies addressing cannabis. The proposed Cannabis Land Use Ordinance would add Article 14 to Title 8, Chp 2, of the zoning regulations within the county code. It would regulate all cannabis operations within the unincorporated area of the county.

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**Lead Agency Contact**

**Name** usan Strachan  
**Agency** Yolo County  
**Phone** 530-406-4800 **Fax**  
**email**  
**Address** 292 W. Beamer Street  
**City** Woodland **State** CA **Zip** 95695

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**Project Location**

**County** Yolo  
**City**  
**Region**  
**Cross Streets**  
**Lat / Long** 38° 47' 34" N / 122° 29' 42" W  
**Parcel No.** multiple  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** 505, 128, 113, 80, 45, 16, 5  
**Airports** Watts-Woodland, Yolo County  
**Railways** UPRR  
**Waterways** Sacramento River, Cache Crk, Putah Crk  
**Schools** Multiple  
**Land Use** adoption of GP and ZC amendments to adopt new land use regulations for cannabis activities

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Public Services; Recreation/Parks; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Department of Conservation; Central Valley Flood Protection Board; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 2; Department of Food and Agriculture; Department of Housing and Community Development; Delta Protection Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Caltrans, District 3 N; Regional Water Quality Control Bd., Region 5 (Sacramento)

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**Date Received** 08/24/2018 **Start of Review** 08/24/2018 **End of Review** 09/24/2018

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**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board                         | <input checked="" type="checkbox"/> Office of Historic Preservation          |
| <input type="checkbox"/> Boating & Waterways, Department of                     | <input type="checkbox"/> Office of Public School Construction                |
| <input type="checkbox"/> California Emergency Management Agency                 | <input checked="" type="checkbox"/> Parks & Recreation, Department of        |
| <input checked="" type="checkbox"/> California Highway Patrol                   | <input checked="" type="checkbox"/> Pesticide Regulation, Department of      |
| <input checked="" type="checkbox"/> Caltrans District # <u>3</u>                | <input checked="" type="checkbox"/> Public Utilities Commission              |
| <input checked="" type="checkbox"/> Caltrans Division of Aeronautics            | <input checked="" type="checkbox"/> Regional WQCB # <u>5</u>                 |
| <input type="checkbox"/> Caltrans Planning                                      | <input type="checkbox"/> Resources Agency                                    |
| <input checked="" type="checkbox"/> Central Valley Flood Protection Board       | <input type="checkbox"/> Resources Recycling and Recovery, Department of     |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy                     | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Coastal Commission                                     | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board                                   | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input checked="" type="checkbox"/> Conservation, Department of                 | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Corrections, Department of                             | <input checked="" type="checkbox"/> State Lands Commission                   |
| <input checked="" type="checkbox"/> Delta Protection Commission                 | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Education, Department of                               | <input checked="" type="checkbox"/> SWRCB: Water Quality                     |
| <input type="checkbox"/> Energy Commission                                      | <input checked="" type="checkbox"/> SWRCB: Water Rights                      |
| <input checked="" type="checkbox"/> Fish & Game Region # <u>2</u>               | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input checked="" type="checkbox"/> Food & Agriculture, Department of           | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of                      |
| <input type="checkbox"/> General Services, Department of                        | Other: _____   |
| <input checked="" type="checkbox"/> Health Services, Department of              | Other: _____   |
| <input type="checkbox"/> Housing & Community Development                        |  |
| <input checked="" type="checkbox"/> Native American Heritage Commission         |  |

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**Local Public Review Period (to be filled in by lead agency)**

Starting Date August 24, 2018 Ending Date September 24, 2018

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**Lead Agency (Complete if applicable):**

Consulting Firm: <u>Ascent Environmental</u>	Applicant: <u>Yolo County (attn Susan Strachan)</u>
Address: <u>455 Capital Mall, Suite 300</u>	Address: <u>292 West Beamer Street</u>
City/State/Zip: <u>Sacramento, CA 95814</u>	City/State/Zip: <u>Woodland, CA 95695</u>
Contact: <u>Patrick Angell</u>	Phone: <u>(530) 406-4800</u>
Phone: <u>916-732-3324</u>	

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**Signature of Lead Agency Representative:**  **Date:** 8/24/18

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**NOP Distribution List**

*cy*

County: Yolo

SCH# 2018082055

Resources Agency

- Resources Agency  
Nadell Gayou
- Dept. of Boating & Waterways  
Denise Peterson
- California Coastal Commission  
Allyson Hill
- Colorado River Board  
Elsa Contreras
- Dept. of Conservation  
Crista Chan
- Cal Fire  
Dan Foster
- Central Valley Flood Protection Board  
James Herota
- Office of Historic Preservation  
Ron Parsons
- Dept of Parks & Recreation  
Environmental Stewardship Section
- S.F. Bay Conservation & Dev't. Comm.  
Steve Goldbeck
- Dept. of Water Resources  
Resources Agency  
Nadell Gayou

Fish and Game

- Depart. of Fish & Wildlife  
Scott Flint  
Environmental Services Division
- Fish & Wildlife Region 1  
Curt Babcock
- Fish & Wildlife Region 1E  
Laurie Harnsberger
- Fish & Wildlife Region 2  
Jeff Drongesen
- Fish & Wildlife Region 3  
Craig Weightman

- Fish & Wildlife Region 4  
Julie Vance
- Fish & Wildlife Region 5  
Leslie Newton-Reed  
Habitat Conservation Program
- Fish & Wildlife Region 6  
Tiffany Ellis  
Habitat Conservation Program
- Fish & Wildlife Region 6 I/M  
Heidi Calvert  
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M  
William Paznokas  
Marine Region

Other Departments

- California Department of Education  
Lesley Taylor
- OES (Office of Emergency Services)  
Monique Wilber
- Food & Agriculture  
Sandra Schubert  
Dept. of Food and Agriculture
- Dept. of General Services  
Cathy Buck  
Environmental Services Section
- Housing & Comm. Dev.  
CEQA Coordinator  
Housing Policy Division

Independent Commissions, Boards

- Delta Protection Commission  
Erik Vink
- Delta Stewardship Council  
Anthony Navasero
- California Energy Commission  
Eric Knight

- Native American Heritage Comm.  
Debbie Treadway
- Public Utilities Commission  
Supervisor
- Santa Monica Bay Restoration  
Guangyu Wang
- State Lands Commission  
Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

Cal State Transportation Agency CalSTA

- Caltrans - Division of Aeronautics  
Philip Crimmins
- Caltrans - Planning  
HQ LD-IGR  
Christian Bushong
- California Highway Patrol  
Suzann Ikeuchi  
Office of Special Projects

Dept. of Transportation

- Caltrans, District 1  
Rex Jackman
- Caltrans, District 2  
Marcelino Gonzalez
- Caltrans, District 3  
Susan Zanchi - North
- Caltrans, District 4  
Patricia Maurice
- Caltrans, District 5  
Larry Newland
- Caltrans, District 6  
Michael Navarro
- Caltrans, District 7  
Dianna Watson
- Caltrans, District 8  
Mark Roberts

- Caltrans, District 9  
Gayle Rosander
- Caltrans, District 10  
Tom Dumas
- Caltrans, District 11  
Jacob Armstrong
- Caltrans, District 12  
Maureen El Harake

Cal EPA

Air Resources Board

- Airport & Freight  
Jack Wursten
- Transportation Projects  
Nesamani Kalandiyur
- Industrial/Energy Projects  
Mike Tollstrup
- California Department of Resources, Recycling & Recovery  
Kevin Taylor/Jeff Esquivel
- State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance
- State Water Resources Control Board  
Cindy Forbes - Asst Deputy  
Division of Drinking Water
- State Water Resources Control Board  
Div. Drinking Water # \_\_\_\_\_
- State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality
- State Water Resources Control Board  
Phil Crader  
Division of Water Rights
- Dept. of Toxic Substances Control Reg. # \_\_\_\_\_  
CEQA Tracking Center
- Department of Pesticide Regulation  
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- RWQCB 1  
Cathleen Hudson  
North Coast Region (1)
- RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)
- RWQCB 3  
Central Coast Region (3)
- RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)
- RWQCB 5S  
Central Valley Region (5)
- RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office
- RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office
- RWQCB 6  
Lahontan Region (6)
- RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office
- RWQCB 7  
Colorado River Basin Region (7)
- RWQCB 8  
Santa Ana Region (8)
- RWQCB 9  
San Diego Region (9)
- Other \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_  
Conservancy

## Cannabis Land Use Ordinance Comments

*Giacomo Moris (for 6/4/18 ECAC meeting, and 9/13/18 PC meeting)*

- 1) 8-2.1402 E (Ag preservation). Per the “Final Guiding Principles” document from the November community forum, have the County Policies LU-2.3 and AG-1.3 been amended to “prohibit subdivision of ag zoned land for cannabis purposes.” Both of these policies are at risk since cannabis is an ag use of course. What stops subdivision first, then post conversion to cannabis? Concerned about incentive to split parcels and deep pockets in the cannabis industry hiring lawyers to pursue subdivisions including antiquated subdivisions/certificates of compliance adding litigation costs to the County.
- 2) 8-2.1402 E (Ag preservation). Should we distinguish directly growing plants in soil vs growing in pots (spaced 10’ apart for pest/mold issues apparently per grower explanation at community forum). Can we specify that if on prime ag land it is grown in soil; otherwise, redirect cultivation to industrial zoning or lower quality soil ag lands? Concerned about wasted space on prime soil that will be compacted and possibly polluted due to traffic and other operations between the pots.
- 3) Table 8-2.1406: Manufacturing, Testing, Distribution allowed with Major Use Permit on Ag Land? This would be inconsistent with “preserving of agricultural land” per 8-2.1402 E. Especially concerned about A zones being incompatible with manufacturing, packaging, distribution/transport operations. In the “Final Guiding Principles” document it stated the ordinance would “exclude retail, manufacturing, distribution, transportation, and testing licenses at this time”, so I was surprised to find it in the draft ordinance.
- 4) Table 8-2.1406: Note 12 does not include residences, but the ordinance does include residences per 8-2.1407 F. I prefer that it does include residences.
- 5) 8-2.1407 F – Should buffers be to parcel boundary, not building wall, for schools and daycare facilities? Large play yards might get kids close? If not, what defines a “building” for non-residences? Maintenance sheds? Trailers?
- 6) 8-2.1407 AA – Lighting should be full cut off per IDA standards, especially in any A zones.
- 7) 8-2.1407 LL – Screening plan – will this be reviewed by neighbors and CAC’s during the use permit process? There may be differing opinions depending on location in the County ( for example less fencing/more screening in Capay Valley to not clash with ag tourism objectives)
- 8) 8-2.1407 MM – Guard dogs? I thought the dogs were not going to be allowed (I prefer that they are not).
- 9) 8-2.1412 I – Enforcement of restoration. Is this specific enough to include removal of concrete foundations and slabs? Concerned about restoration of the soil in A zones to conditions that will allow farming of other crops to resume.

YOLO COUNTY PLANNING COMMISSION

CEQA NOP Scoping Meeting for Cannabis Land Use Ordinance (CLUO) EIR

Meeting Date: September 13, 2018

Agenda Item #10 -- Staff Notes

Item #10 was called to order by Chair Campbell.

Heidi Tschudin, Consulting Land Use Planner presented the staff report.

Commissioner Muller – The title for Alternative 1 is misleading. For Alternative 1, please explain that cultivation includes nursery and processing for that specific cultivation site.

Commissioner Reynolds – Can we distinguish between manufacturing with the use of volatiles, and manufacturing with the use of non- volatile? Ms. Tschudin – yes.

The Chair opened the meeting for public comment.

Jack Moris – Mr. Moris provided written comments and summarized them at the meeting. His concerns pertain to the effect current cannabis cultivation practices have on the County's agricultural landscape. He is also concerned about subdivisions of property. Cannabis operators want to subdivide. He is also concerned with County litigation costs associated with pressure to subdivide. Is there something we can do to prevent subdividing land? He expressed his understanding that County policies would be amended to address this. He is also concerned about the space between cultivation and growing in pots. Why shouldn't that be in industrial zoning? Also, processing, manufacturing, and distribution are not a good use of agricultural land and should be on industrial zoned land.

Tim Schimmel – Tim has an outdoor crop with corn wall. He had no neighbor issues until the courtesy note for his DA went out and at that time, his plants were not flowering. He expressed that the odor only occurs for 4 to 6 weeks at the end of the growing process. Regarding manufacturing licenses, the County should talk to CBO's and Fire officials, and other experts familiar with cannabis manufacturing processes. Regarding subdividing, he believes subdividing less than 40 acres is prohibited. He agrees that cannabis shouldn't be grown in pots on prime farm land. Regarding distribution, he is not speaking of a distribution center. He is speaking of a distribution license to transport product.

Paul Muller – We need to figure out how to create a sustainable cannabis industry if we are going to allow it. Establish a baseline to figure out where transgressions are occurring so we can track over time. He hopes some of the alternatives could be phased in rather than dropped on the community. Setbacks (away from neighbors) and light mitigation are critical. Public impacts and public safety should be addressed. Collocation should be considered. Cannabis can be recognized as being safe by creating safety standards for production.

There were no other attendees interested in making public comment, so the Chair closed the meeting for public comment, and invited Commission deliberations.

Commissioner Kasbergen. – Quality controls standards for this crop would be beneficial. Commissioner Hall – He appreciate staff's work and collaboration with both sides on this.

Commissioner Muller – It is short sighted not to include population, housing, and employment as part of the PEIR. With Alternatives 2 and 3, housing and employment should be included since housing shortage exists in the County. New agricultural businesses will create a need for more housing. Cumulative Impacts re: utilities and services can compound things. Need to make sure that utilities and services are analyzed as a whole. We should preserve the cultural resources of agriculture like growing things in the soil. How do we integrate cannabis into the way we practice agriculture here in Yolo County; how do we preserve the agricultural culture.

Commissioner Reynolds – There has been good stakeholder involvement and a lot of good input. The County is in a good position to move forward with the CEQA document.

Commissioner Dubin – She had a question regarding lighting. Will the EIR incorporate regulating lighting. Ms. Tschudin responded that the ordinance has specific language regarding lighting and we received comments to allow flexibility in that language for different types of lighting so long as appropriate performance standards are met. She wants to look at lighting in the alternatives because it would be good to see if lighting should be regulated. Ms. Tschudin responded that the text in the CLOU regarding lighting will be analyzed in the EIR. Her concern is the energy differences between various types of lighting. Commissioner Kasbergen – Can an analysis on economic impacts of the ordinance on the cannabis growers be included in the PEIR? Ms. Tschudin responded that this wouldn't be in EIR but could be addressed in the staff report. Also, the industry may address it during their review.

Commissioner Dudley – Sees danger to existing agriculture with cannabis cultivation. It should be considered an industrial use and cultivation should occur indoors. It shouldn't be allowed in the rural areas if not allowed in the cities.

Chair Campbell – The Commission received letters from Matt Trask and Jack Moris – Matt's letter stated that: scope of EIR should include evaluating impacts to housing given the number of employees and influx of population. He is a Guinda resident and is concerned about overconcentration and how the ordinance will address this. Also there should be a mechanism for transfer of licenses so others have opportunity to participate.

The Chair requested copies of the CEQA NOP comments at next meeting.

Ms. Tschudin commented that staff is in process of identifying proposed amendments to various County policies as part of the EIR project description, and as directed by the Board of Supervisor's adopted Guiding Principles. These proposed amendments will be added to the County cannabis webpage where the draft CLUO is located. Ms. Tschudin clarified that the EIR will address population and housing in the EIR. She also explained that the issue of over-concentration will be addressed in EIR mitigation measures tied to impact analysis,

*These notes were prepared September 26, 2018 by Susan Strachan, Cannabis Program Manager*



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

17 September 2018

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

CERTIFIED MAIL  
7014 3490 0001 3008 3647

### COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, YOLO COUNTY CANNABIS LAND USE ORDINANCE PROJECT, SCH# 2018082055, YOLO COUNTY

Pursuant to the State Clearinghouse's 24 August 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environment Impact Report* for the Yolo County Cannabis Land Use Ordinance Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER



Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Cannabis General Order**

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy to use online Portal for cultivators to apply for **both** Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed.

Visit the Water Boards Cannabis Cultivation Programs Portal at:

<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at:

[www.waterboards.ca.gov/cannabis](http://www.waterboards.ca.gov/cannabis)

For questions about the **Cannabis General Order**, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: [centralvalleyredding@waterboards.ca.gov](mailto:centralvalleyredding@waterboards.ca.gov) or (530) 224-4845.

For questions about **Water Rights** (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: [CannabisReg@waterboards.ca.gov](mailto:CannabisReg@waterboards.ca.gov) or (916) 319-9427.

#### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

#### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the

Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

#### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

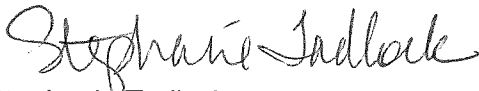
For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

#### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Senior Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Mathew Trask  
Dogtown Farm  
P.O. Box 153  
Esparto, CA 95627  
(916)-804-7271

September 17, 2018

Susan Strachan  
Cannabis Program Manager  
Yolo County Department of Community Services  
292 W. Beamer St.  
Woodland, CA 95695  
Recipient Address

Dear Susan Strachan,

It's so nice to be working with you once again. Please find my comments regarding the scope of the Environmental Impact Report for the County's Cannabis Land Use Ordinance (CLUO). I greatly appreciate the County's efforts in engaging the community both in the drafting of the CLUO and in the EIR process.

As we discussed on the phone, I have some concerns that the analysis of the proposed project and alternatives may not provide clarity in the final selection of the variables listed in the scoping memo: allowed cannabis license types, assumed number of operations, allowed locations based on zoning, controls on overconcentration, and required buffers from identified sensitive uses. In addition to the traditional alternatives analysis, a brief discussion of impact trends for each of these variables in isolation may be useful in the final selection of requirements for the CLUO.

For example, what is the tendency for the intensity of direct and indirect impacts on human health and the environment when considering different setback requirements? Would a 1,000-foot setback requirement create localized effects on water use, noise and light pollution due to a concentration of uses because of the restriction on location, for instance. Similarly, what would be the effects from restricting the allowed zoning for cannabis operations? Because indoor grow operations resemble industrial land uses at least as much as agricultural land uses, would impacts be reduced if such

operations were generally located in industrial zones, or spread among both industrial and agricultural zones?

Finally, regarding the conclusion in the scoping memo that the proposed CLUO would not result in substantial new employment or need for housing. Our community in the Capay Valley has seen that growing and especially processing of cannabis involves a substantial number of employees, with one grower in the area employing 50 people for trimming alone. The shortage of housing in the County, and especially in the Capay Valley and many other rural regions in the County, is already a major problem, and especially so for seasonal workers, and enactment of the proposed CLUO has potential to greatly increase the severity of this shortage. Therefore, I respectfully request that the EIR include an analysis of potential impacts to Population and Housing both in the analysis of the proposed project and the alternatives analysis.

Thank you once again for the opportunity to provide comment on the scoping of the EIR. Please feel free to contact me at any time if I can be of assistance.

Regards,

A handwritten signature in blue ink, appearing to read "Mathew Trask", is centered on a light blue rectangular background.

Mathew Trask



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**Sent:** Tuesday, September 18, 2018 10:11:07 PM (UTC-08:00) Pacific Time (US & Canada)

**To:** cannabis

**Cc:** Meg Hehner; Donna & Dave Shera; Pamela Bateman

**Subject:** Environmental Concerns about the Cannabis Project in Guinda

There was apparently going to be a meeting with the Capay Valley folks this Thursday to discuss the marijuana farm on Road 56. Then it was cancelled. My neighbors and I have some environmental concerns.

Some of the Neighborly concerns are:

1) Traffic: noise at all hours, dust, road maintenance (the county does not maintain the road - it is maintained by two of the residents, County Road 49 is also showing the rapid wear from current cannabis activity, including a dangerous hole on the corner of Forrest and 49; Having a processing facility and a STORE will not help any of this! Neither does having these folks drive too fast for a one lane road putting oncoming vehicles, children, pets and livestock at risk.

2) Lighting: their cannabis lights are annoying and disrupt sleep cycles of people and animals; Light pollution means few stars are visible at night.

3) Robberies: robberies have significantly increased since the "legal" cannabis farms have located here. Rumor has it that it is the cannabis growers mail boxes that have been hit the most frequently. It has affected our ability to get our packages due to changing post office practices;

4) Odor: Besides being extremely annoying, have there been any studies done on the effects of the volatiles we are inhaling? What about our children and grandchildren?

5) Impact on children: If they see this medicinal/recreational plant growing, what impact does it have on their opinion of cannabis? Will having a processing facility and STORE! located here be any easier to explain to them? I wouldn't want to have to explain a tobacco farm, tobacco processing plant, or tobacco single-product store, either. It sends the wrong message to our youngsters. Do you have children or grandchildren?

6) Does social interaction count as environmental? Very few people report any neighborly neighbors at these growing areas. It makes things difficult when we need to cooperate with each other. Example: recent Guinda fire.

Candice Schaer  
Guinda, CA  
858.232.1005



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599  
916-358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

*EDMUND G. BROWN JR., Governor*  
*CHARLTON H. BONHAM, Director*



September 20, 2018

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

Dear Ms. Strachan:

Subject: Yolo County Cannabis Land Use Ordinance  
NOTICE OF PREPARATION OF A DRAFT PROGRAM ENVIRONMENTAL  
IMPACT REPORT SCH# 2018082055

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation (NOP) from the County of Yolo Department of Community Services regarding the Draft Program Environmental Impact Report (DPEIR) for the Yolo County Cannabis Land Use Ordinance (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

### CDFW Role

CDFW is California's **Trustee Agency** for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly, for purposes of CEQA, CDFW is charged to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

### Project Description

The County currently regulates the cultivation of 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, 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. 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 Cannabis Land Use Ordinance, 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.

The Project description in the DPEIR should include the whole of the action as defined in the California Code of Regulations, Title 14, section 15000 et seq. (CEQA Guidelines), section 15378, and should include appropriate detailed exhibits disclosing the Project area including temporarily impacted areas such as access roads and staging areas.

As required by section 15126.6 of the CEQA Guidelines, the DPEIR should include an appropriate range of reasonable and feasible alternatives that would feasibly attain most of the basic Project objectives and avoid or minimize significant impacts to the natural resources under CDFW's jurisdiction impacted by the Project.

### Environmental Setting

The DPEIR should include a complete assessment of the existing biological conditions within the area that would be affected either directly or indirectly as a result of the Project, including, but not limited to, the type, quantity, and locations of the habitats, flora, and fauna. Adequate mapping and information regarding the survey efforts should be included within the DPEIR. All surveys as well as the environmental analysis should be completed by qualified Project personnel with sufficient experience in the work performed for the Project.

To identify a correct environmental baseline, the DPEIR should include a complete and current assessment of the habitats, flora, and fauna within the Project area. This analysis should include endangered, threatened, candidate, and locally unique species expected to be or potentially in the Project area. CEQA Guidelines, section 15125, subdivision (c) requires lead agencies to place special emphasis on any environmental resources that are rare or unique to the area. This includes, but is not limited to, sensitive habitats and biological resources such as vernal pools, streams, lakes, riparian habitat, oak woodland, open grasslands; and special status species that are known to be present within the Project boundaries or its vicinity.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. Recent surveys for the different species that have the potential to be present within the Project limits and its vicinity should be included. Additional information regarding survey protocols can be obtained by contacting CDFW.

CDFW recommends that species-specific surveys should be conducted to determine the presence of special status species within the Project vicinity. The lead agency should use survey protocols previously approved by CDFW.

### Impact Analysis

The DPEIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources, including all direct and foreseeable indirect impacts caused by the proposed Project, including growth inducing impacts. The impacts identified in the DPEIR should encompass all the phases of the Project, including planning, acquisition, development, operation, and ongoing maintenance. This includes facilities maintenance activities, fire abatement activities, and any other activity that could potentially impact biological resources.

The DPEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f).) The DPEIR must demonstrate that the significant environmental impacts of the project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

The DPEIR should incorporate mitigation performance standards that would ensure that significant impacts are reduced as expected. Mitigation measures proposed in the DPEIR should be made a condition of approval of the Project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral.

CDFW recommends that the environmental documentation provide scientifically supported discussion regarding adequate avoidance, minimization, and/or mitigation measures to address the Project's significant impacts upon fish and wildlife and their habitat. For individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines Section 15126.4(a)(4)(B), 15064, 15065, and 16355). In order for mitigation measures to be

effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions.

#### Yolo Habitat Conservation Plan/Natural Community Conservation Plan

The Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) has been formally adopted by the Yolo Habitat Conservancy Board. CDFW recommends that the DPEIR consider the Yolo HCP/NCCP and ensure that the Project does not conflict with the Yolo HCP/NCCP.

#### *Land Conversion*

Project activities that result in land conversion may also result in habitat loss for special status species or fragmentation of sensitive habitat. Loss of habitat to development and agriculture are contributing factors to the decline of special status species. CDFW recommends that the DEIR address land conversion impacts due to Project activities and restrict conversion of special status species habitat to cannabis cultivation.

In addition, CDFW recommends Project proponents conduct a biological assessment prior to new ground disturbing activities to determine impacts to biological resources that may occur on each site and determine if focused biological surveys are warranted. All focused biological surveys would need to be conducted well in advance of any ground disturbance in preparation for Project-related activities and be conducted by qualified wildlife biologists and/or botanists during the appropriate survey periods in order to determine whether or not any special status species may be present within the proposed Project areas. Survey results can then be used to identify existing conditions including habitats and species in the impact areas as well as within an appropriate buffer around impact areas. This would inform Project proponents of permitting needs.

CDFW recommends new cannabis cultivation sites be restricted to existing disturbed agricultural land or be fully mitigated on a per project basis.

#### *Threatened, Endangered, Candidate Species and Rare Plants*

The Project area as shown in the NOP includes habitat for several state and federally listed species. If during the environmental analysis for the Project, it is determined that the Project may have the potential to result in "take", as defined in the Fish and Game Code, section 86, of a State-listed or candidate species or a rare plant, the DPEIR should disclose that an ITP or a consistency determination (Fish & G. Code, §§ 2080.1 & 2081) may be required prior to starting construction activities. The DPEIR should include all avoidance and minimization measures to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures should be proposed to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)). Authorization for take of rare plants may also be provided through an ITP pursuant to Cal. Code Regs., tit. 14, § 786.9, subd.(b).

CDFW encourages early coordination to determine appropriate measures to offset Project impacts and facilitate future permitting processes and to allow adequate time for coordination with the U.S. Fish and Wildlife Service regarding specific measures if federally-listed species, and State and federal dually listed species are present within the Project limits.

### *Species Scoping*

Please be aware that the CNDDDB is a positive-occurrence database. The majority of private lands have not been surveyed for special-status species, and thus, will not be accurately represented by the CNDDDB. Species presence/absence and any potentially significant impact is best determined by field verification.

### *Water Courses and Wetlands*

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. The DEIR should identify all the areas within the Project boundary that are subject to Fish and Game Code section 1602. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state and any habitats supported by these features such as wetlands and riparian habitats. If any of these features are found within the Project area, CDFW recommends that the lead agency prepare a map delineating all features to identify any potential significant impacts to these resources. The map should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed Project including an estimate of impact to each habitat type. Please note that the extent of CDFW's authority differs from other agencies such as the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. The DEIR should identify different areas present for each agencies regulatory authority.

If the map identifies that the Project would impact areas subject to Fish and Game Code Section 1602, the DEIR should propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

### *Migratory Birds and Birds of Prey*

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present in the Project area. The DPEIR's Project Description should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the Project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid the take should be included in the DPEIR. Measures to avoid the impacts should

include species specific construction windows; biological monitoring, installation of noise attenuation barriers, etc.

### *Water Supply*

Water use estimates for cannabis plants are not well established in literature and estimates from published and unpublished sources range between 3.8 liters and 56.8 liters per plant per day. Based on research and observations made by CDFW in northern California, cannabis grow sites have significantly impacted streams through water diversions resulting in reduced flows and dewatered streams (Bauer, S. et al. 2015). Groundwater use for clandestine cannabis cultivation activities have resulted in lowering the groundwater water table and have impacted water supplies to streams in northern California.

CDFW recommends that the DEIR address the impacts to groundwater and surface water that may occur from Project activities.

### *Pesticide Use*

The United States Environmental Protection Agency (U.S. EPA) regulates pesticides at the Federal level and the California Department of Pesticide Regulation (DPR) regulates pesticides on the State level. There are currently no pesticides registered specifically for use directly on cannabis. Based on DPR guidance, the only pesticide products not illegal to use on cannabis are those that contain an active ingredient that is exempt from residue-tolerance requirements and (1) registered and labeled for use that is broad enough to include use on cannabis (e.g. unspecified green plants) or (2) exempt from registration requirements as a minimum risk pesticide under Federal Insecticide, Fungicide, and Rodenticide Act section 25(b) and 3 California Code of Regulations § 6147. Refer to DPR for additional pesticide regulations.

CDFW recommends that the DPEIR address the use of pesticides including the risk of secondary poisoning to native species caused by the use of rodenticides by establishing grow site selection criteria which preclude cultivation in or next to special status species habitat.

### *Cumulative Impacts*

The DPEIR should discuss cumulative impacts to environmental resources and determine if the Project's incremental contribution would be cumulatively considerable. If the Lead Agency determines that the incremental effect is not cumulative the DEIR should include a brief explanation for concluding that no significant cumulative impacts would result with the implementation of the Project (CEQA Guidelines, § 15130, subd. (a)).

The DPEIR should include a list of present, past, and probable future projects producing related impacts to biological resources (list method) or should include a summary of the projections contained in an adopted local, regional, or statewide plan, that consider conditions contributing to a cumulative effect (projection method).



If the Projects list method is selected, the DPEIR should include a definition of the geographical areas affected by each cumulative effect. If the projection method is selected by the Lead Agency, the DPEIR should include pertinent information that ensures that the Project is consistent with the plans that are used in the analysis and that there are no other projects that are inconsistent with the plan that may contribute to cumulative impacts to natural resources under CDFW's jurisdiction.

The DPEIR should include a discussion of the severity of each cumulative effect and propose adequate feasible and reasonable mitigation measures for the Project's contribution to each significant effect to environmental resources including biological resources.

### Mitigation, Reporting and Monitoring

Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and should commit the lead agency to successful completion of the mitigation. Mitigation measures should also describe when the mitigation measure will be implemented, and explain why the measure is feasible. Therefore, CDFW recommends that the DPEIR include measures that are enforceable and do not defer the details of the mitigation to the future.

If mitigation measures are required as part of the Project, the lead agency must prepare a mitigation monitoring or a reporting program to ensure the implementation of these measures (CEQA Guidelines, § 15097). CDFW recommends that the mitigation monitoring and reporting program is included in the DPEIR to allow CDFW, and any other trustee or responsible agency, and the members of the public to provide input to the Lead Agency.

### Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

### Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative,

vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## Conclusion

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670.

CDFW appreciates the opportunity to comment on the **NOP** to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Kyle Stoner, Senior Environmental Scientist (Specialist) at (916) 767-8178 or Kyle.Stoner@wildlife.ca.gov.

Sincerely,



Jeff Drongesen  
Environmental Program Manager

ec: Tina Bartlett, Tina.Bartlett@wildlife.ca.gov  
Jeff Drongesen, Jeff.Drongesen@wildlife.ca.gov  
Kursten Sheridan, Kursten.Sheridan@wildlife.ca.gov  
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James Rosauer, James.Rosauer@wildlife.ca.gov  
*Department of Fish and Wildlife*

State Clearinghouse, State.Clearinghouse@opr.ca.gov

### **Literature Cited**

Bauer, S. Olson, J., Cockrill, A., van Hatten, M., Miller, L., Tauzer, M., et al. 2015. Impacts of Surface Water Diversions for Cannabis Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. PLoS ONE 10(3): e0120016.  
doi:10.1371/journal.pone.0120016.

## SOUTH DAVIS CITIZENS ADVISORY COMMITTEE

600 A STREET, SUITE C  
DAVIS, CALIFORNIA 95616

September 20, 2018

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

Re: Draft Program Environmental Impact Report for Yolo County Cannabis Land Use Ordinance

Dear Ms. Strachan:

On behalf of the South Davis Citizens Advisory Committee, we appreciate the opportunity to submit to the Department of Community Services our comments on the scope and content of the Program Environmental Impact Report (“EIR”) being considered by the County for its proposed Cannabis Land Use Ordinance (“CLUO”) as set forth in your Notice of Preparation dated August 24, 2018 (the “Notice”). Given that CLUO remains a work in progress and is not expected to be approved by the Board of Supervisors until June 2019, we are also taking the opportunity to outline several fundamental policies that we recommend become foundation stones for CLUO.

1. Adoption of Cautious Approach to CLUO that Limits Commercial Cannabis Operations.

It would be an understatement to say that the cannabis industry has evolved rapidly in the last several years and will likely continue to evolve rapidly for the foreseeable future. There are many unique and complex facets of this dynamic industry that are challenging to understand, let alone to regulate in a sensible way. While some California cities and counties have already enacted ordinances allowing wide-ranging commercial activities, the wisdom of some of those ordinances remains to be seen and some untoward results have already occurred.

We applaud the “go slowly and carefully” approach exhibited by the Board of Supervisors to date. We urge the continuation of such prudence so the County will have sufficient time to fully study and evaluate alternate policy and regulatory approaches before adopting any of them. In doing so, we recommend that commercial cannabis activities under CLUO be limited to nursery, cultivation, harvesting and processing operations with the issuance of relatively few licenses, and that manufacturing, retailing and micro-businesses not be allowed.

With regard to Alternative 1 of the Notice, we generally agree with its assumptions, noting, however, that we view all outdoor cultivation operations as undesirable and we question whether as many as 78 licenses should be issued.

2. Outdoor Cultivation Issues.

Outdoor cultivation of cannabis presents a host of difficult, but wholly avoidable, problems for County residents and landowners. One significant problem is the strong odor of cannabis flowers, including those from terpenes. Such odor is quite offensive to many people and can emanate from a site for two months or more. Some jurisdictions deal with this by creating buffer zones, often a few hundred feet, between a cultivation site and residential properties, schools, hospitals and other types of properties or land uses. The current draft of CLUO requires a buffer of 1,000 feet between the cannabis cultivation site and off-site residential properties, schools, licensed day cares, parks, hospitals, churches and other specified properties or land uses. However, there is abundant evidence that, depending on wind conditions and the size of the cultivation site, flowering cannabis odors may carry for miles. It is doubtful that odor issues can be satisfactorily resolved by buffers zones alone.

There are a number of different odor control management strategies and technologies used by cannabis growers. The most effective of these strategies is carbon filtration which works mainly in indoor structures with controlled environments and artificial lighting. Another successful approach involves sealed greenhouses and similar structures (other than hoop structures) that use light deprivation and/or artificial lighting models and substantially reduce, if not eliminate, the need for external air exhaust. Experience has shown that there are fewer and less effective odor management options with outdoor cultivation and hoop structures.

Another major problem with outdoor cultivation stems from the high economic value of cannabis flowers and the related risk of trespass, burglary, robbery and other criminal activity. The history of violent crime associated with outdoor cannabis cultivation is very troubling. While security issues have been addressed somewhat by state law and could be further addressed by CLUO, the fact remains that the risk of dangerous criminal activity is inherently greater with outdoor cultivation than with indoor cultivation. In addition, outdoor cultivation often adversely affects the use, enjoyment and ultimately the value of nearby properties, and is a nuisance that unnecessarily endangers public health, safety and welfare.

Several California counties, including Los Angeles County and Riverside County, are currently reviewing these concerns and considering restricting commercial cultivation, harvesting and processing to indoor structures. We strongly recommend that Yolo County restrict commercial cannabis cultivation, harvesting and processing to indoor structures or sealed greenhouses.

Accordingly, we are pleased that Alternative 4 of the Notice assumes that commercial cannabis cultivation, harvesting and processing operations would be limited to indoor structures and sealed greenhouses.

3. Preservation of Agricultural Lands and Zoning.

Yolo County is located in one of the richest agricultural regions of California. The County has been blessed with exceptional growing soils, favorable growing climates and adequate water supply for diverse agricultural pursuits, including tomato crops, seed crops, grain

crops, wine grapes, fruit and nut crops and livestock production. Indeed, agriculture has long been the County's leading industry. Cannabis nurseries, cultivation and processing are deemed by state statute to be a type of agriculture. However, in contrast to most food and fiber crop operations, cannabis plants are not typically grown in native soils. Instead, they are grown in specialized media placed above native soils or by hydroponic means. And increasingly, cannabis cultivation occurs in enclosed structures and sealed greenhouses where the quality, nature and productivity of the underlying soil are simply not relevant.

In keeping with its long tradition, the County's growing soils should be preserved for the production of food and fiber and related activities. To that end, we recommend that commercial cannabis cultivation, harvesting and processing operations be allowed only on lands that are zoned Agricultural Industrial (A-I), Light Industrial (I-L) or Heavy Industrial (I-H), or possibly in new land use zones that would be established solely for such operations.

There is nothing in the Notice or CLUO that deals directly with the preservation of the County's growing soils in connection with commercial cannabis operations. In addition, Alternative 5 assumes that commercial cannabis operations would occur only in agricultural zones, which presumably could include Agricultural Intensive (A-N) and other agricultural zones with productive soils. We urge the County to make a major policy objective of CLUO the preservation of the County's growing soils for the production of food and fiber, to the exclusion of cannabis.

4. Maximum Parcel Size.

Neither the current draft of CLUO nor the Notice deals with the maximum size of a parcel that could be used for commercial cannabis operations. At the same time, applications have been submitted to the County in connection with the County's Early Implementation Development Policy for large-scale operations, including more than 10 acres for cultivation and possibly more than 20 acres for vertically-integrated operations. Common sense dictates that the environmental impacts of a 20-acre cannabis operation would be much more significant than the impacts of a one-acre operation. We suggest that the EIR should consider hypothetical parcel size.

Once again, the South Davis Citizens Advisory Committee appreciates the opportunity to comment on these important matters and looks forward to further involvement as the CLUO process goes forward.

Respectfully submitted,



John G. Cooluris, Chair  
Cannabis Ordinance Subcommittee

cc: Yolo County Board of Supervisors  
Yolo County Planning Commission

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**From:** Susan Cooper  
**Date:** September 20, 2018 at 12:12:06 PM PDT  
**To:**  
**Subject:** Cannabis in Esparto

I attended the PC meeting last week and only glimpsed one of the slides which had on it 600ft from a school, church etc for growing in town. So I would like to comment on this even if I am mistaken on growing requirements. I live in Esparto and my neighbors grew two years ago in their backyard, which is only 6ft from my property, I cant not tell you how awful the smell was, which prevented my from going outside. If this was only 600 ft from the school it would be still there, so I would like to know if the requirement for growing in town is still 1000ft. **I would like to see 1500 ft from a school or church.**

My neighbors not only grew for themselves but for friends who also had prescriptions and Im sure were supposed to reside in the home but did not. How many plants can be grown at any residence? I think you have to live next door to this to fully understand how bad the odor is and the impact it has on your life.



September 21, 2018

Tribal Council

Anthony Roberts  
*Chairman*

James Kinter  
*Secretary*

Matthew Lowell, Jr.  
*Treasurer*

Mia Durham  
*Member*

Burnam R. Lowell, Sr.  
*Member*

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

Submitted electronically to [cannabis@yolocounty.org](mailto: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 Wintun Nation

PO Box 18 Brooks, California 95606 p) 530.796.3400 f) 530.796.2143 [www.yochadehe.org](http://www.yochadehe.org)



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.

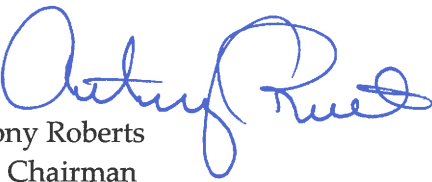
The EIR must thoroughly study potential impacts to public health, law enforcement, as well as State, local, and Tribal emergency services.

### ***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](mailto: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 Etters, Director of Land Management  
Omar Carrillo, Director of Public Affairs  
Paula Yost, Legal Counsel, Yocha Dehe Wintun Nation

**From:** [Pat Angell](#)  
**To:** [Pat Angell](#)  
**Subject:** FW: Dunnigan Advisory Committee Comments  
**Date:** Tuesday, September 25, 2018 12:01:00 PM

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**From:** William Weber [<mailto:westcoastdrill@gmail.com>]  
**Sent:** Saturday, September 22, 2018 12:08 PM  
**To:** cannabis <[cannabis@yolocounty.org](mailto:cannabis@yolocounty.org)>  
**Cc:** Neil Bush <[nhbusch@gmail.com](mailto:nhbusch@gmail.com)>  
**Subject:** Dunnigan Advisory Committee Comments

Susan Strahan,

The Dunnigan Advisory Committee met at their regularly scheduled meeting September 19, 2018 and discussed the proposed land use ordinance for Cannabis cultivation. After an engaging discussion, our group is united in thier interest.

> Maintain 1000 foot buffer zones for all effected neighbors. Not just identified sensitive groups. Most citizens are sensitive to odors, traffic and general threat of problems that could be associated with cannabis cultivators. Most citizens are not comfortable with “grow houses” clustered in thier neighborhoods.

> Allow retail sales within the county. The County should benefit from the potential tax generation available. We are OK with “Farmers market” type of retail sales and the vertical integration concept for cultivation to sales.

> Cultivators must be good neighbors. Licensing should be revokeable and subject to demonstrating good neighbor policies. These policies should include minimizing odors, trash, traffic, noises, assault rifles, etc. as well as maintaining a nice appearance.

William Weber  
Vice Chairman, Dunnigan Advisory Committee

September 23, 2018

From: Someone Who Cares About the Community in Which She Lives

To: Susan Strachan, Cannabis Program Manager

Subject: Yolo County Cannabis Land Use Ordinance

I am not a writer, a political person, or an activist, but it is hard to stand by and watch the cannabis industry take over Yolo County. I worked hard all my life, made a conscious choice to raise my family in Woodland, and then purchased my dream home/property on the outskirts of the small, quaint town of Winters, to “retire”, organically farm, bike, enjoy the sunrises/sunsets, and share in all these blessings with family, friends, and visitors from the “concrete jungles” of our society.

Already my “agri-tourism” farm business, and my neighborhood have been negatively impacted by a cannabis cultivator, Timothy Schimmel, Kind Farms LLC. However, all except, Supervisor Chamberlain, have shunned our attempts to discuss the issues. All we ask is that decisions be made based on scientific data, the documented experiences of other communities/States, and real public knowledge and input. Some examples:

Scientific Data – It is documented that the YC (Yolo County) has been aware of the foul odor of the cannabis plant since 2016. Odor issues from cannabis have devastated the small beach community of Carpinteria (all indoor grows). Foul odor from the flowering cannabis plant is mentioned as an issue in other States, and even by the cannabis industry itself. Yet, YC continues to open the door to the cannabis industry using a “75-foot buffer from occupied residences”.

2 Good Articles/References:

1. Cannabis growers overcome the powerful scent, James Dunn, May 29, 2017. This article discusses how Santa Rosa’s planning department, using the knowledge of a mechanical engineer and a professor of phytochemistry, developed ways to mitigate cannabis odors for the surrounding neighbors, and also how to make the environment healthier for cannabis employees (a win/win for all).

2. Manure Matters, Volume 6, Number 7, “Using Nebraska Wind Data For Assessing Odor Risk”. Kind Farms LLC is located in an area often affected by wind.

Suggestions:

Smell travels 1,500 yards, or more. A “1 mile buffer from occupied residences, youth-oriented facilities, schools, school bus stops, parks, churches, residential treatment facilities, and lands

held in trust” would be based on knowledge and show a true desire to mitigate untoward consequences for neighbors and communities.

Not allowing any (anymore) commercial cannabis on any major road that feeds into a city that has said “No” to commercial cannabis.

For public safety, all cannabis processing and manufacturing should be in an industrial park.

Weed grows anywhere, even without soil by hydroponics, and even in Nevada. It should not be allowed on any land that is in, or meets the qualifications of the Williamson Act, unless a farmer wants to grow a limited amount on their own farm land and they meet the 1 mile buffer limit. Once farm land is gone, it does not come back!

Timothy Schimmel told us he was directed to the Winters area to purchase land for cannabis cultivation, by a YC Supervisor. This was wrong, and this comment and other dealings with the YC Supervisors make us wonder. There are donations being promised by Dark Heart Nursery to an organization being chaired by a YC Supervisor. Is this not a conflict of interest when that Supervisor votes on any issue dealing with the Dark Heart proposal?

We have a Winters address, but live outside the city limits. We frequent the city of Winters and know it as “our town”. The city of Winters said “No” to commercial cannabis and our District Supervisor, Duane Chamberlain, is against commercial cannabis. Not allowing (anymore) commercial cannabis in District 1 seems prudent. Especially since Davis and their District Supervisor are so pro cannabis and there are “No” cannabis grow sites in their unincorporated areas. It might be of interest to know that Timothy Schimmel, who cultivates on Rd 89 does not live on his property, but lives in Davis. Thus, he is not exposed to the negative effects of his business, like those of us who live nearby.

Supervisor Villegas’s staff first resisted giving us an appointment to discuss the cannabis issue in YC, and then cancelled 3 appointments with our group of concerned citizens. Lastly, we were offered only a phone appointment, even though they were aware that I have a hearing impairment and cannot do any business over the phone. Does the county not accommodate those with disabilities??? Perhaps if Supervisors are not interested in hearing from constituents outside of their district, then they should not be in control of decisions outside of their district limits!

Pg 3, II. A. of the Cannabis Land Use Ordinance –“The approval process for cannabis cultivation licenses is currently ministerial with no public notification or hearing process.” This is so wrong (anyone aware of the “Effective Change Management Process”) and not beneficial to the acceptance of a new industry nor to the established residents of our community. Let’s take Kind Farms, LLC as an example. The neighbors first learned of this commercial cannabis business on July 20, 2018, when a few of us got a “courtesy” notice from the YC Planning Commission, saying Timothy Schimmel was applying for “Vertical Integration” of his business.

Let's take 3 of the neighbors who received the "courtesy" notice as examples of why public input is important for effective and successful change:

1. One family had been run out of their residence, approximately 24 years ago, due to the unintended consequences associated with cannabis cultivation.
2. Approximately 2 years prior, a neighbor couple in their 70s, adopted their 2 grandchildren. Their daughter, an RN, died from a hospital acquired infection. Her husband turned to drugs, was in and out of jail/prison, and failed several attempts at rehabilitation. On successful adoption, the grandparents said the youngest child went through drug withdrawal that was felt to be from skin to skin exposure.
3. I myself, voted "Yes" on 64 because I thought it was allowing adults to grow and use a small amount of their own cannabis. Like many others, I did not read the fine print in that 62 page document that opened the door to the commercial cannabis industry. Knowing what I know today, I would definitely vote differently. I have a cousin who went to prison for growing cannabis in the late 70s. I also had a sweet brother who became drug addicted (starting with weed) at the age of 14 ½ years old and who's only relief from addiction was death. There is strong correlation from the limited studies on cannabis, that it is detrimental and can cause permanent changes in the developing brains of our youth. It is up to us to protect our youth and the future generations of tomorrow. A few mandatory articles that should be read by decision makers: Teenage Brain by Krista Lisdahl, Smoking Weed: the Good, Bad and Ugly by Will Sheehan, Long-Term Study Sees the Big Picture of Cannabis Use by Sarah Haurin.

If Yolo County wants to integrate the cannabis industry into our communities successfully, there are ways to do this that will mitigate the unintended consequences, protect our precious soils, protect our youth, and protect our quality of life and agricultural existence. Hopefully, our voices and comment letters will help in achieving this success.



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE  
Karen Ross, Secretary

September 24, 2018

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

Re: Notice of Preparation (NOP) for the Draft Program Environmental Impact Report (EIR) for the Yolo County Cannabis Land Use Ordinance

Dear Ms. Strachan:

The California Department of Food and Agriculture's (CDFA's) CalCannabis Division (CalCannabis) is pleased to submit comments on the NOP for the Yolo County Cannabis Land Use Ordinance (Proposed Project).

CalCannabis has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in the State of California. CalCannabis issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. This authority is pursuant to the Business and Professions Code, Division 10, Chapter 2, Section 26012(2). All commercial cannabis cultivation within the State of California requires a cultivation license from CalCannabis. For a complete list of all license requirements please visit: <https://cannabis.ca.gov/wp-content/uploads/sites/13/2018/06/CA-Department-of-Food-and-Agriculture-Final-Text-of-Readopted-Emergency-Regulations.pdf>.

CalCannabis certified a Programmatic Environmental Impact Report (PEIR) for its cannabis licensing activities throughout the state on November 13, 2017. The PEIR can be found at the following link: <https://www.cdffa.ca.gov/cal cannabis/PEIR.html>. The PEIR provided general conclusions regarding the likelihood and types of impacts caused by cannabis cultivation, including the cumulative impacts that would be expected under the statewide CalCannabis Program.





## **Background**

Yolo County's draft cannabis ordinance requires a cannabis cultivator to obtain two local permits, including a "County Cannabis License" and a "County Cannabis Use Permit." CalCannabis understands that Yolo County's permitting decisions will be discretionary actions within the meaning of the California Environmental Quality Act (CEQA), which may require Yolo County to complete site-specific CEQA review on a permit-by-permit basis.

It is important to note that, pursuant to state regulations, CDFA requires an annual-license applicant to provide evidence of exemption from, or compliance with, CEQA. 3 Cal. Code of Regs. Section 8102. Such evidence may be in the form of a copy of the applicant's local permits and the accompanying evidence of discretionary review conducted by the local jurisdiction, if the local jurisdiction has adopted an ordinance that requires discretionary review and approval of permits. If an applicant does not wish to provide a copy of the local permit or if the local jurisdiction has not adopted an ordinance that requires discretionary review, then the evidence of compliance with CEQA may be a copy of the signed and dated Notice of Determination issued by the local jurisdiction (and a copy of the CEQA document or reference to where it can be located electronically). If applicable, an applicant whose project falls under a categorical exemption may also submit a signed and dated Notice of Exemption.

Under CEQA, CDFA may act as either a Responsible Agency or a Lead Agency. It will act as a Responsible Agency when the local permitting agency acts as the Lead Agency and prepares a site-specific CEQA compliance document that contains the information required by CDFA to issue an annual license. This improves the efficiency with which CalCannabis can issue annual licenses for projects located within that jurisdiction.

If the local jurisdiction issues a ministerial permit and does not complete site-specific CEQA compliance or prepares a CEQA document that does not provide adequate information for CDFA to make its licensing decision, then generally CDFA will act as a Lead Agency and would either require the applicant to prepare this documentation or prepare the documentation itself. This could lead to delays in the issuance of licenses for applications which otherwise would be eligible for licensure. For more detail on this issue, please see Comment 4 below.

## **Comments and Recommendations**

**Comment 1:** The CalCannabis PEIR determined that some environmental topics generally fell outside of CalCannabis' regulatory authority because these topics are

regulated by local land use. These include issues such as aesthetics, land use and planning, geology and soils, mineral resources, noise, odors, regional recreational structures and services, compliance with building standards, provisions for police and fire protection, and connections to public utilities (e.g., public water, wastewater, and storm drainage systems). Additionally, there are other topics for which detailed analysis in the CalCannabis PEIR was not possible because of the statewide nature of the CalCannabis licensure program. Many of these topics involve the evaluation of site-specific conditions, the details of which were infeasible to identify and evaluate in a statewide PEIR, and the characteristics of which were unknown at the time the PEIR was published (e.g., the locations of new cultivation sites that would be planned and licensed were unknown at the time the PEIR was published). For those topics, listed below, the CalCannabis PEIR determined that potential impacts would most appropriately be evaluated in local regulatory program-level documents or site-specific documents.

### **Aesthetics**

- Substantial adverse effects on scenic vistas, scenic resources, or State-designated scenic highway, and/or the existing visual character or quality of a site and its surroundings

### **Land Use and Planning**

- Conflicts with any and all local land use plans, ordinances, policies, and/or resource programs; including but not limited to applicable Habitat Conservation Plans and Natural Community Conservation Plans

### **Mineral Resources**

- Potential loss of availability of a known mineral resource that would be of value to the region and the residents of the state
- Potential for the extraction of substantial mineral resources from lands classified by the State as areas that contain mineral resources (Mineral Resource Zone [MRZ]-3)
- Loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan

### **Noise**

- Exposure of people or residences to excessive noise levels within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport

- Generation of excessive groundborne vibration or groundborne noise levels
- Substantial permanent increase in ambient noise levels in the vicinity of licensed cultivation activities above existing levels
- Excessive noise for sensitive receptors and/or resulting in a substantial temporary or periodic increase in ambient noise levels
- Short-term construction-related impacts to noise (if applicable)
- Long-term operation-related noise impacts resulting from traffic and related changes to existing noise levels

### **Odor (Air Quality)**

- Create objectionable odors affecting a substantial number of people as a result of cannabis cultivation

### **Recreation**

- Potential impacts to existing neighborhood and regional parks or other recreational facilities

### **Public Services and Utilities**

- Exceedance of wastewater treatment requirements resulting in the need to expand wastewater treatment facilities or resulting in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project
- Require or result in the construction of new or expanded water treatment and/or stormwater facilities
- Potential to be served by a landfill with insufficient capacity

### **Traffic and Transportation**

- Conflict with circulation plans, ordinances, or policies
- Conflict with congestion management programs
- Increase hazards due to a design feature or incompatible uses

Thus, CalCannabis requests that the Yolo County Environmental Impact Report (EIR) evaluate the impacts of licensed commercial cannabis cultivation for these resource topics, at an appropriate regionally focused level, and include mitigation measures that, when applied to individual projects, will ensure that these projects will not result in significant adverse impacts on the environment.

**Comment 2:** It is critical for the EIR to evaluate the cumulative impacts of cannabis cultivation in Yolo County. Of particular importance are topics for which the impacts of individual project may be less than significant, but where individual projects may contribute to a significant cumulative impact. These topics include:

- Impacts of surface water diversions on aquatic species and habitats, including riparian habitats reliant on stream flows;
- Impacts of groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- Impacts on terrestrial biological species and habitats, particularly special-status species as defined under CEQA;
- Impacts related to noise; and
- Impacts related to air quality and objectionable odors.

**Comment 3:** Where the CalCannabis PEIR determined that potential impacts would most appropriately be evaluated at a local level, CalCannabis anticipated that local governments would provide applicants with direction on how to operate their cannabis operations without adversely impacting the environment, as defined under CEQA. CalCannabis assumes that, as part of the local jurisdiction's approval process, the local government will comply with CEQA, which may include an evaluation of the impacts of its overall regulatory program, as well as a determination as to whether specific permit or project types would require a site-specific CEQA evaluation. Applicable regulatory framework and significance thresholds appropriate at a local level may be provided in the County's cannabis cultivation ordinance or through a regulatory framework established in the County's general plan, land use policies, ordinances, and/or other regional plans developed.

Local governments should review the State regulations and requirements and consider adopting policies that are equally as restrictive as those defined by the State. Applicants for State licensure will be required to meet these requirements, so requiring measures that are at least as restrictive will minimize changes in the future when, for example, cannabis cultivators have already generated a cultivation plan, invested in their grow site, adjoining properties, and/or any other initial steps defining their cultivation operation plans.

**Comment 4:** If there are any site-specific cultivation projects where CDFA must act as the CEQA lead agency, CDFA would either have to rely on its PEIR (possibly in combination with Yolo County's program-level EIR) for annual-license issuance, or request that the applicant prepare site-specific CEQA analysis. It is possible that some projects may require extensive CEQA documentation that may result in

significant delays to projects requesting annual cultivation licenses from CalCannabis. CalCannabis therefore requests that, under these circumstances, the County provide information that demonstrates that these projects would not result in significant adverse impacts to the environment nor make a substantial contribution to a significant cumulative impact. Such information may include specific evaluation of the impacts of the projects and the inclusion of mitigation measures or permit terms that minimize the impacts of the project and its contribution to any significant cumulative impacts identified in the County's program-level EIR.

## **Conclusion**

CalCannabis appreciates the opportunity to provide comments on the NOP for the Yolo County Cannabis Ordinance. We would also appreciate receiving a copy of the draft PEIR being prepared by Yolo County during the public review period. If you require additional information, please contact Kevin Ponce, Senior Environmental Scientist Supervisory, at 916-263-1494 or via e-mail at [kevin.ponce@cdfa.ca.gov](mailto:kevin.ponce@cdfa.ca.gov).

Sincerely,



Lindsay Rains  
Licensing Program Manager

cc

September 24, 2018

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

Subject: The NOP review and Comment Period / Project: Yolo County Cannabis Land Use Ordinance

Dear Susan Strachan:

My name is Rob Champlin. My wife, Lorie Champlin, and I live at 22535 County Road 89. We are the closest neighbors to Dark Heart Nursery's proposed Greenhouse site. Our home is 1000 feet south of Dark Heart Nursery's proposed greenhouse and our property line is 750 feet from Dark Hearts Nursery proposed greenhouse. We are writing today to comment on the proposed Cannabis Land Use Ordinance. Below you will find a few of our concerns.

Biological Resources- Our home is built on 80 acres, our parcel borders joint water run off ditches. We also have a run off pond at the east corner of our property which boards the proposed Dark Heart Nursery. During the early fall, migrating wildlife return and stay until early spring. Wildlife include, Tricolor Blackbird, Burrowing Owls, California Grey Fox, Swensen Hawk, multiple duck species including Mallard Ducks, Canadian Geese and Turkeys. Over the past 16 years, we have seen the birds migrate, and raise their offspring on our pond. We feel the Greenhouse will impact their migration pattern and put their habitat in danger.

Buffer Zone-1000 feet is not a sufficient buffer zone to keep our home safe from the daily nursery production proposed by Dark Heart Nursery as well as our neighbors. We feel the nursery belongs in an industrial area.

Public Services- District 5 currently does not have a resident Sherriff and the Madison Fire Department is not equipped to handle hazardous materials. With the limited services in our district, response times are longer than in other districts. Current resources will be stretched to support the two proposed Greenhouse, if an emergency occurs for example a chemical hazard spill, other district resources would be needed, increasing the response time, which increases danger to our residence and other neighbors and wildlife.

Traffic– County Road 89 is the main connection between Winters and Esparto. The county road is travelled daily by school buses taking school children to and from school, after school sporting events and weekend traffic for other traveling sports events, Football, Soccer, Basketball, Volleyball and Baseball and Softball, each bus/vehicle carries children. Other traffic is seasonal, from Spring to Fall, while various crops are planted and harvested. Westside Transplant's deliveries begin in early April through June, then harvest season begins in May-June where Winter Wheat is harvested, July-October- Tomatoes along with other vine crops, during September/October-Sunsweet Fruit Dryers start processing prunes and the final harvest of Almonds followed by Walnuts in October. Other businesses that have affected our area are Field and Pond, Park Winters and Cache Creek Casino. Dark Heart Nursery alone, estimates 271 vehicle trips per day, 365 days a year, this is not a seasonal business, the business belongs in an industrial setting to accommodate the increase traffic which does not belong on County Road 89 and 27.

Safety/Security- Cannabis operations involve High Security. For the public's safety, screening should not be "Rows of dried Corn", or Wood Fencing, does not provide sufficient cannabis coverage, thus we express our concern that neighbors will not be safe and feel the Cannabis operations belong in an industrial facility.

Greenhouse Gases/light pollution- Currently the proposed Dark Heart Nursery site has zero buildings, the Nursery would build over 190,000 square feet, occupying up to 5+/- acres. Although the greenhouse is not in operation, we currently experience daily, the smell of Cannabis plant located at Kind Farm's which is 9<sup>th</sup> of a mile away.

Land Use and Planning- Dark Heart Nursey proposes to build on land that has been farmed for over 100 years. The site does not have any power nor an irrigation pump. The land is class 2 soil and the eastern end of the property is in the flood zone. Dark Heart's proposal will build greenhouses up to the flood line zone. This is a concern as the rainy season is forever changing. We feel the greenhouse belongs in an industrial facility and not on our precious farmland.

Multiple Greenhouses within 1 mile radius-The 2<sup>nd</sup> Cannabis outdoor grow site is 9<sup>th</sup> of a mile from the proposed Dark Heart Site, located on County Road 89. Kind Farms currently has license for an outdoor grow. Its owner Timothy Schimmel has requested to enter into an early implementation Development Agreement with the Yolo County to operate a vertically integrated cannabis facility. Kind Farms LLC has a Yolo Cannabis Cultivation License, #12390C, as well as a State of California Temporary Small Outdoor Cannabis Cultivation Licenses, and one Temporary Specialty Outdoor Cannabis Cultivation License. When the site is fully operational there is an expected traffic increase of 50 trips per day. During the harvest season, which typically lasts between four (4) to six (6) weeks, an additional two (2) to eight (8) daily truck trips are anticipated. This increase in traffic combined with the 271 trips from Dark Heart Nursery all within a 1 mile radius will again negatively impact the community around them.

Considering all of the above concerns, we feel the best place for any Cannabis Business is in an industrial facility. A facility structure similar to a prison, which has high security cameras, guards and lights, as cannabis is not an agricultural crop. This type of facility will provide the security level which is necessary to protect the public and have minimal impact to our farmland. Once our valuable farmland is gone it is lost forever.

Thank you for your consideration and we look forward to participating in the EIR/CEQA process.

Sincerely,

Rob and Lorie Champlin  
22535 County Road 89  
Winters, CA 95694

Cc:

District 1 – Oscar Villegas, Chair  
District 2 – Don Saylor, Vic Chair  
District 3 – Matt Rexroad  
District 4 – Jim Provenza  
District 5 – Duane Chamberlain  
Yolo Planning Commission



# Yolo County Farm Bureau

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 Joe F. Martinez  
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 Denise Sagara

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

=====

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

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

**Sec. 8-2.102**

- A. Introducing cannabis, which has a known criminal element into rural areas, is not conducive to public safety and welfare.
- B. Cannabis growers are well known to use illegal pesticides that cause harm to the environment.
- C. Outdoor cannabis is not consistent with neighborhood compatibility
- D. Introducing cannabis does not support neighboring ag economic development nor does it provide opportunities for new farmers who intend to grow food and fiber. The only "farming" sector that will be encouraged by this ordinance to develop new farmers is the cannabis industry.
- F. Why is cannabis being recognized as an ag crop. The only thing that it has in common w/ the rest of ag is that it is a plant that is grown in the ground. The regulations may designate it as agriculture but it is completely different in its market, its consequences to its neighbors and its economic structure. Calling it "agriculture" does not make it so.

**Sec. 8-2.1403**

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

!. YCFB regrets the decision taken by a majority of the BOS 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 the county is penalizing the less populated part of the county by increasing the number of cannabis activities that can occur there vs. more populated areas: The county needs to recognize that the less populated areas have less public authority protection. Cannabis should be located in industrial areas of the county where public services are readily available.

**Sec. 8-2.1407**

B. The county appears to believe that portions of ag zoned property that are not part of the cannabis activity on the parcel can be used for other agriculture. Please remember that lenders that are chartered or otherwise

regulated by federal law cannot have banking relationships with anyone involved in cannabis or who receives money from cannabis. Thus, a farmer who may have a banking relationship with such an institution will not be able to lease or otherwise farm "extra" land around a cannabis operation. Thus, ag areas of the county could have "islands" of cannabis operations surrounded by "oceans" of fallowed (and probably poorly maintained) land.

F. The 1,000 foot buffer from the cannabis operation should run to the neighboring property line: the emphasis should not be to an "off-site individual legal residence". Otherwise, the cannabis grow will impact the ability of the 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. 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 paragraph suggests that the emphasis has been placed on the security of the cannabis grow from intrusion. There should be equal concern and emphasis on ensuring that neighbors and persons in the vicinity are not at increased risk. The Sheriff's office should review and approve cannabis operation security plans from the standpoint of neighbor and passersby protection, not just the integrity of the operation. This review and approval should take place before any operation is allowed to commence and should be reviewed by the Sheriff annually.

**Sec 8-2.1409**

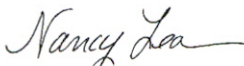
E. The county should recognize that it is placing activities that pose unusual risk to neighboring people, property and operations into rural areas. It should insist on insurance limits adequate to compensate neighbors and passersby from damage that may be caused directly or indirectly by that activity.

**Sec 8-2.1410**

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

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

Sincerely,



Nancy Lea  
President

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September 24, 2018

To: Yolo County Planning Department

Yolo County Planning Commissioner

Yolo County Cannabis Program Manager, Susan Strachan

**SUBJ: PUBLIC COMMENT ON YOLO COUNTY CANNABIS LAND USE ORDINANCE**

To All Who May be Concerned:

Noticed in this proposed draft ordinance that the number of “legal” pot grows is now up to 80 and that the nursery pot grows are now up to 5. Why does Yolo County keep increasing the number of both of these? Before forcing these on the unsuspecting other land owners/farmers that are around these “legal” grow site/nurseries, investigate what these type of operations will have and do to the existing residences.

Where in the world did Yolo County come up with that 1,000 feet setback for impact? It is a complete JOKE! Not only is it ineffective, it dictates what ALL (including those not inside the current 1,000 ft) can do with and on their own properties. If Yolo County is following CA State regulations, stop being SHEEP that are blindly following what someone else says and does. Do your own proper research into wind/weather conditions and how that can/does affect how the smells travel, sometimes for miles, from these grow sites. We know someone who lives more than 1 mile from a pot grow and has (and currently are) being impacted by the stench of this crop, sometimes in the middle of the night. The smell can be so pungently stench strong, that being outside for any purpose is impossible.

Putting these pot grows on Class 1 or Class 2 (prime food production) soil is counterproductive to Yolo County’s own Mission Statement in regards to food production. This type of crop should and could easily be grown on Class 3 or higher as seen by the illegal grows around the State that grows their crop in plastic bags. Following Supervisor Villegas’s suggestion that we need to “offset lost Class 1 and 2 farmland” to poorer soil classification locations is detrimental to CA water conservation, as the poorer soil requires much more water to grow the same crop. Pot can and is successfully grown hydroponically, which uses little to no soil at all and can be grown successfully in commercial/industrial areas, away from where people live.

How is Yolo County going to compensate current landowners by all of these “legal” pot growing sites as their property values plummet? How will the County budget for the loss of property taxes from these said properties? As there are State programs available to property owners to lower their property taxes if the value of their property is severely economically impacted. Just because someone or some company can find and purchase a piece of property/farmland in their price range, doesn’t mean that they should just be allowed to grow pot there.

We have been concerned about safety from these “legal” pot grows and the cash only

business that they bring to our rural “backdoor”. At the last Board of Supervisors meeting, safety concerns were expressed and after the meeting out in the entrance area, words were exchanged with Daniel Grace, owner of Dark Heart (the cloning nursery facility in proposal stage right now). They weren’t nice words. Suddenly, after owning our property for almost 4 years with things being safe and secure (nothing has ever grown 2 legs and walked away in all of that time), 6 days after this confrontation with Mr. Grace, we were robbed at our house remodel/rebuild site. The Yolo County Sheriff deputy that came out to take our report, paused before approaching us as he smelled the pot stench and seriously considered requesting backup (he told us this) as he wasn’t sure if we were the pot growers and wasn’t sure what he was “walking into”. For ALL concerned (deputies and private citizens) EVERY deputy needs to get and have regular updates on all “legal” pot grow sites. That deputy was TOTALLY unaware that there was a grow site near us. This would help keep all parties safer. Just a note, we have thwarted 2 more attempts to come back onto our property. Not much safety there!!

Yolo County infrastructure (i.e. roads) is NOT adequate for this influx of traffic use (by all types of vehicles). Does the Planning Department have a clue how much money is involved to upgrade/improve the County Road 27/89 intersection, especially if the Dark Heart Proposal is approved? Do you know how many different private and governmental agencies will have to be involved with a project of this magnitude? We do and we have probably missed a few. This intersection is barely adequate in its current state for the traffic it currently handles from local residents, people following their GPS’s going to Park Winters and the casino and just those out for that proverbial “Sunday country drive”.

Please think long and hard as you make these changes to Yolo County’s rural residential areas. What you decide to do not only impacts those that live in these areas, but the overall world view of Yolo County, which is quickly becoming the “Cannabis Capitol of Northern California” Is that how you want Yolo County to be known for? Also, you probably don’t want to be known in the “history books” as the group that helped STARVE our children, grandchildren and future generation with the loss of food production farmland. Once this food production farmland disappears it is almost impossible to reclaim it.

Sincerely,

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From: Fred Barnum Date: September 25, 2018 at 1:43:36 PM PDT  
To:  
Subject: Notice of Preparation/Notice of Scoping Meeting

Hello Susan,

I apologize for getting you my response a bit late, but I was out of town.....Anyhow if our comments is still valid we would support Alternative #5.

Thank you!

Fred Barnum - Managing Member  
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From: wyatt cline

Date: September 25, 2018 at 10:41:36 AM PDT

To: Susan Strachan Leslie Lindbo Stephanie Cormier

Duane Chamberlain

Subject: Re: RE: RE: RE: Fwd: Re: [Meet with County Staff on Thursday, 9/20, re. Cannabis Land Use Ordinance](#) Environmental Impact Report

Hello all,

The CLUO PEIR NOP and the Early Development Agreements EIRs should include evaluating any potential impact to the economic value of parcels adjacent to or in close proximity to any cannabis project. Because of the CLUO set back requirements and the ten year life of the DAs, adjacent parcel owners may be restricted from building within the set back zones. Restrictions to the buildable space of a property may decrease the property's value.

In K. of the CLUO PEIR NOP "Land Use Planning" it states "The EIR will also evaluate any potential for division of existing communities", what does this specifically mean?

In regard to the Notice of Intent for the Early Development Projects throughout the County, how was it decided who received the courtesy notices? This has caused concern and some distress among neighboring property owners who were not notified and who are contiguous to the proposed DA cannabis projects. Though these current DAs come under the scope of the interim ordinance, there has to be a better way to notify communities and especially neighboring land owners who may be impacted by the project. It seems as though notices were sent randomly which can cause discomfort, distrust and miscommunication among land owners. This reduces the community's ability to provide input on potential impacts of the projects.

Thanks, Wyatt S. Cline