

**Yolo County  
Cannabis Land Use Ordinance and  
Draft Environmental Impact Report  
PLANNING COMMISSION  
December 3, 2019**

# Purpose of Meeting

- Receive staff presentation on CLUO and DEIR
- Planning Commission questions and clarifications
- Accept public comments
- Provide Planning Commission comments

# Background

- Draft CLUO Released for Public Review in Apr 2018
- 5 CLUO Alternatives Selected for Equal Weight Evaluation in DEIR
- Aug 2018 to Oct 2019 – Preparation of DEIR
- Oct 25, 2019 - DEIR Released for Extended (60 Day) Public Comment
- Appendix C of DEIR Contains Revised Proposed CLUO
- Public Comment Period Ends on Dec 23, 2019 at 4:00

# Yolo Licensing and Permitting

## Current Process

- Licensing only
- Ministerial
- No Public Notice
- Exempt from CEQA
- Limited Scope
- No Public Hearing



## Proposed New Ordinance

- Licensing and Use Permit
- Discretionary
- Public Notice
- Subject to CEQA
- Comprehensive scope (e.g. location, buffers, density)
- Public Hearing

# Overall Cannabis Licensing and Permitting

## State License

- CA Dept of Food and Agriculture Regulations (CDFA)
- Bureau of Cannabis Control Regulations (BCC)
- CA Dept of Public Health Regulations (CDPH)

## Yolo License(s)

- County Cannabis License
- County Cannabis Business License

## Yolo Use Permit

- Comprehensive Performance Standards
- CEQA Compliance
- Public Hearing

# Process for Proposed CLUO

- **Public**, agency, and grower review and comment
- **Citizen's Advisory Committee** recommendation on CLUO to Planning Commission
- **Planning Commission** recommendation on EIR and CLUO to Board of Supervisors
- **Board of Supervisors** makes final decision (e.g. license types, locations, business density, buffers, etc)
- **Integrate** existing license holders into new process
- **Potentially expand** allowed cannabis businesses

# Proposed Changes to Draft CLUO (since April 2018 release)

- ▶ Added Definitions
- ▶ Modified the following Performance Standards:
  - ▶ Driveway Access
  - ▶ Agricultural Maintenance
  - ▶ Energy Use
  - ▶ Generators
  - ▶ Good Neighbor Communications
  - ▶ Hoop Houses
  - ▶ Nuisance
  - ▶ Security
  - ▶ Waste Management
  - ▶ Odor Control
  - ▶ Parking Requirements
  - ▶ Roadways
- ▶ Added Enforcement
- ▶ Added Effectiveness

# EIR Overview

- Adoption of CLUO requires compliance with CEQA
- Preparation of a Programmatic Environmental Impact Report (EIR)
- Purpose of CEQA / EIR is to:
  - Inform decision makers and the public
  - Analyze potential environmental impacts and mitigation measures of the proposed project
  - Allow public input



# EIR Evaluates Potential Impacts To:

- Aesthetics
- Agricultural Resources
- Air Quality and Odors
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions and Climate Change
- Hazards & Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Public Services
- Transportation
- Utilities and Service Systems

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# DEIR CLUO ALTERNATIVES

## **Alternative 1: Cultivation (Ancillary Nurseries and Processing only) with Existing Limits (CEQA Preferred Alternative)**

- Existing program plus CLUO with EIR mitigation measures
- 78 existing and eligible cultivation sites
- 75-foot buffers from occupied residences and 1,000-foot buffer from other identified special uses
- 9 of 78 relocations based on zoning

## Alternative 2: All License Types with Moderate Limits:

- 80 cultivation sites and 52 non-cultivation sites
- 1,000-foot buffers
- 30 of 78 relocations based on zoning and buffers

## Alternative 3: All License Types with High Limits:

- ▶ 160 cultivation sites + 104 non-cultivation sites
- ▶ 75-foot buffers
- ▶ 9 of 78 relocations based on zoning

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

- 80 cultivation sites and 52 non-cultivation sites
- No buffers
- 9 of 78 relocations based on zoning

## **Alternative 5:** All License Types with Moderate Limits, within Ag Zones Only, No Retail

- 80 cultivation sites and 52 non-cultivation sites
- 1,000-foot buffers
- 30 of 78 relocations based on zoning and buffers

## **No Project Alternative:** Maintains existing licensing program (CEQA requirement)

- Existing licensing program with no CLUO
- 78 existing and eligible cultivation sites
- 75-foot buffers from occupied residences and 1,000-foot buffers from other identified special uses

ALTERNATIVE	KEY FEATURES
<b>No Project – Existing Licensing Program</b>	Existing Conditions Retains cap of 78 cultivation sites Current licensing ordinance applies CLUO and mitigation measures do not apply 75/1,000-foot buffers
<b>Alt 1 – Cultivation with Existing Limits (CEQA Preferred Alternative)</b>	No Project plus CLUO and EIR mitigations
<b>Alt 2 – All license Types with Moderate Limits</b>	Alt 1 limits plus non-cultivation uses Cap of 80 cultivate sites Cap of 52 non-cultivation uses 1,000-foot buffers
<b>Alt 3 – All License Types with High Limits</b>	Alt 2 limits X 2 Cap of 180 cultivation sites Cap of 104 non-cultivation uses 75-foot buffers
<b>Alt 4 – Mixed Light/Indoor License Types Only with Moderate Limits (No Hoop houses or Outdoor)</b>	Alt 2 limits, all uses in greenhouses or indoors Cap of 180 cultivation sites Cap of 104 non-cultivation uses No buffers
<b>Alt 5 – All License Types, in Ag Zones Only, No Retail</b>	Alt 2 limits, in Ag zones only, no Retail Cap of 80 cultivate sites Cap of 52 non-cultivation uses 1,000-foot buffers

# DEIR Impact Assessment

- Evaluates 82 possible impacts
- Incorporates compliance with existing state and local requirements
- Incorporates compliance with proposed CLUO requirements
- With implementation of CLUO majority of impacts are addressed except...

## Visual Character

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

## Odor

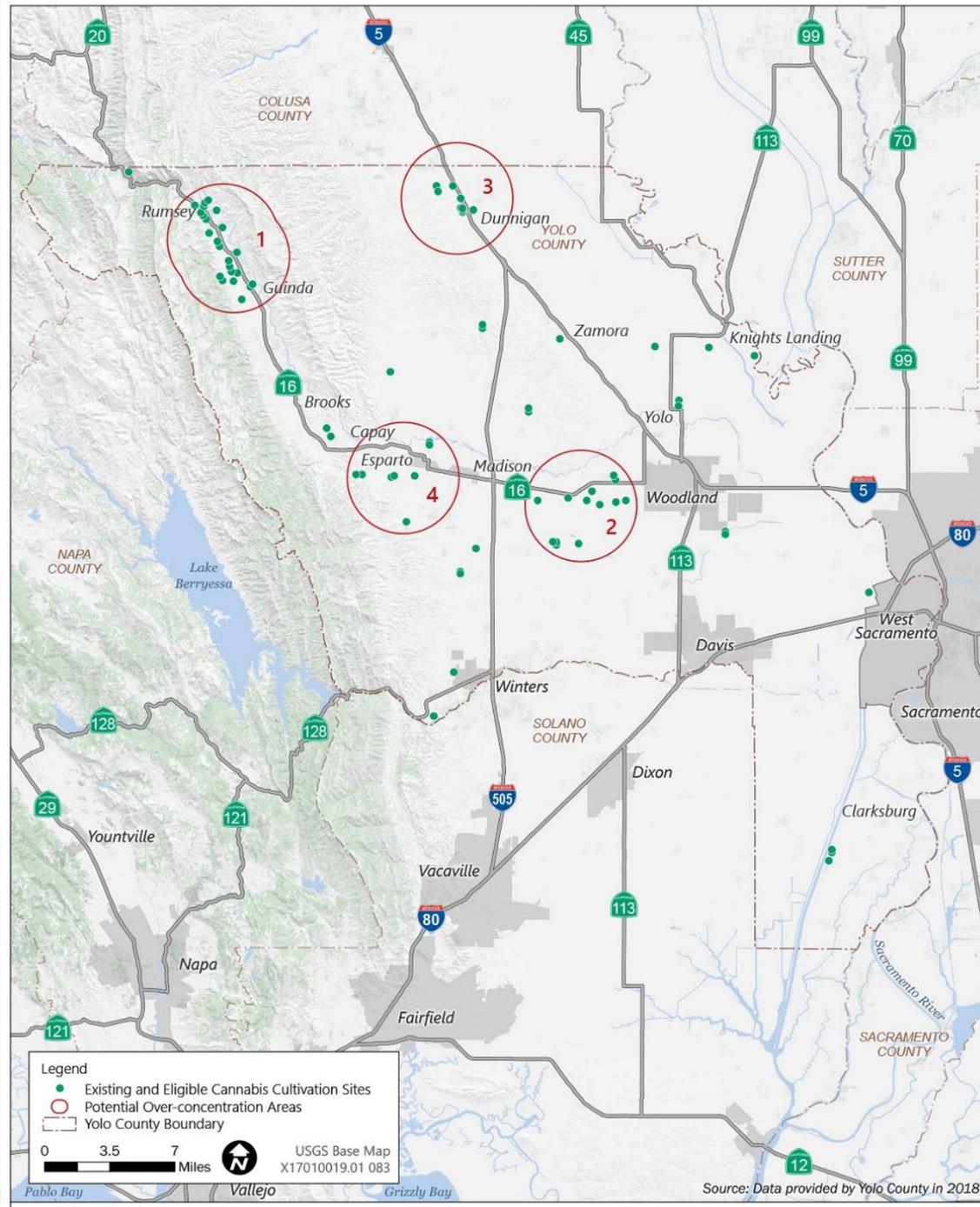
- Impact AQ-4: Exposure to Adverse Odors (all alternatives)
- Impact OVC-3: Odor Impacts from Overconcentration of Cannabis Uses (all alternatives) Impact
- CUM-3: Cumulative Odor Impacts (all alternatives)

# Mitigation Measures (MM)

- **MM AQ-4:** Adds a requirement for **wind pattern evaluation** for cannabis use permits to increase understanding of site conditions related to odor.
- **MM BIO-1:** Clarifies **biological resource survey** requirements for sensitive species that are covered by the Yolo HCP/NCCP and other sensitive species
- **MM GHG-1:** Adds language to the CLUO requiring cannabis use permit applicants to demonstrate compliance with the **County Climate Action Plan (CAP)**
- **MM HYDRO-1:** Adds a requirement for applicants to provide information about whether their **wastewater constituents** will require additional treatment measures, to ensure compliance with water quality standards
- **MM NOI-1:** Establishes **noise standards** for cannabis activities
- **MM OVC-1:** Changes and expands CLUO Section 8-2.1406(H) related to Over-Concentration; requires the development of detailed procedures for processing cannabis use permits in areas of **over-concentration**.

# Mitigation Measure OVC-1

- ▶ < 5 cannabis sites within any 6-mile diameter area is not an over-concentration.
- ▶ Between 6 and 22 sites within any 6-mile diameter area may be over-concentrated subject to the determination of a precise threshold by the Board.
- ▶ Cannabis use permits cannot be issued in excess of the final over-concentration threshold unless special findings are made related to the illegal market, enforcement, and public nuisance (see MM OVC-1a).



## Mitigation Measure OVC-1 (cont)

- ▶ The Board will be the final decision-making authority for cannabis use permits in areas of potential over-concentration and over-concentration
- ▶ Cannabis use permits within any six-mile diameter area that is potentially over-concentrated or over-concentrated will be processed simultaneously to ensure consideration of community specific issues and facilitate community involvement
- ▶ Cannabis use permits for the 78 existing and eligible sites will be processed first
- ▶ Expanded findings of fact to address 12 additional community considerations beyond those listed in Section 8-2.1406(L)

## When Are Comments Due?

- ▶ Comments due on December 23, 4:00 p.m.
- ▶ Email to [Cannabis@yolocounty.org](mailto:Cannabis@yolocounty.org)
- ▶ Mail or drop off at  
Susan Strachan  
Yolo County Community Services Dept.,  
292 West Beamer St.  
Woodland, CA 95695

# Next Steps

<b>TASK</b>	<b>ESTIMATED SCHEDULE</b>
<b>Public Outreach Meetings</b>	November- December 2019
<b>Planning Commission Meeting on CLUO and DEIR</b>	December 3 at 8:30 am
<b>End of DEIR Public Comment Period</b>	December 23 at 4:00 pm
<b>CAC Recommendations</b>	January/February 2020
<b>Final Environmental Impact Report Released</b>	Early March
<b>Planning Commission Hearings</b>	March/April
<b>Board of Supervisor Hearings on CLUO, FEIR, and New Licensing Ordinance</b>	May/June

**Thank you!**