

Yolo County Cannabis Land Use Ordinance and Draft Environmental Impact Report Outreach Meetings Nov. & Dec. 2019

Leslie Lindbo, Director of Community Development

Susan Strachan, Cannabis Policy and Enforcement Manager

Heidi Tschudin, Tschudin Consulting Group

CLUO and DEIR Discussion Overview

- Background
- Overview of CLUO and DEIR
- How to Review/Comment
- Process and Schedule



Background

- Draft CLUO Released for Public Review in April 2018
- 5 CLUO Alternatives Selected for Equal Weight Evaluation in DEIR
- August 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 December 23, 2019 at 4:00

What we're talking about

Current County Process: License - Ministerial

- **County Cannabis License** - Required for all cannabis uses.
- **Enforcement**



Cannabis Land Use Ordinance & Draft EIR

- **Requires Discretionary Use Permit**
- **Public Notification**
- **Considers: What** license types are allowed and **Where?**
- **Buffers**
- **Over Concentration**

Cannabis Licensing & Permitting

State License

- CA Dept. of Food and Agriculture Regulations
- Bureau of Cannabis Control Regulations
- CA Dept. of Public Health Regulations

Co. License(s)

- New County Cannabis Licensing Ordinance

Co. Land Use Permit

- Public Notification
- CEQA
- Public Hearing

Citizen's Advisory Committee Role

- ▶ We will return to CACs in Jan/Feb for Recommendations to Planning Commission on:
 - ▶ Final CLUO
 - ▶ Number/type of cannabis uses
 - ▶ Buffers
 - ▶ Controls for Over-Concentration
- ▶ Planning Commission to make recommendation to BOS

Board of Supervisor's Role

- Board will make decision on license types allowed, numbers of licenses, buffers, etc.
- Board will certify FEIR, take action on CLUO, take action on new licensing ordinance

CLUO & 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



DRAFT CLUO CHANGES SINCE APRIL 2018

Revised Draft CLUO

- 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 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

CLUO DEIR Alternatives

- **Alternative 1:** Cultivation (Ancillary Nurseries & Processing only) with existing limits (Existing Operations with CLUO) (CEQA Preferred Alternative)
 - 78 existing and eligible cultivation sites
 - 75-foot buffers from occupied residences & 1,000-foot buffer from other identified special uses
 - 9 of 78 would relocate due to zoning restrictions in CLUO
 - Existing program with CLUO and EIR mitigation measures

- ➔ **Alternative 2:** All License Types with Moderate Limits:
 - ➔ 80 cultivation sites and 52 non-cultivation sites
 - ➔ 1,000-foot buffers
 - ➔ 30 of 78 existing/eligible sites would relocate based on zoning and buffer restrictions

- **Alternative 3:** All License Types with High Limits:
 - 160 cultivation sites and 104 non-cultivation sites
 - 75-foot buffers
 - 9 of 78 existing/eligible sites would relocate based on zoning restrictions

- **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 existing/eligible sites would relocate based on zoning restrictions

- **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 existing/eligible sites would relocate based on zoning and buffer restrictions

➤ **CEQA Required No Project (No CLUO)
Alternative:**

➤ **Maintains the Existing Program**

➤ 78 Existing and Eligible cultivation sites

➤ 75-foot buffers from occupied residences

➤ 1,000-foot buffers from other identified special uses

➤ Current licensing ordinance applies

➤ CLUO and DEIR mitigation measures do not apply

DEIR Conclusions

DEIR Impact Assessment

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

➤ **Visual Character**

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

➤ **Odor**

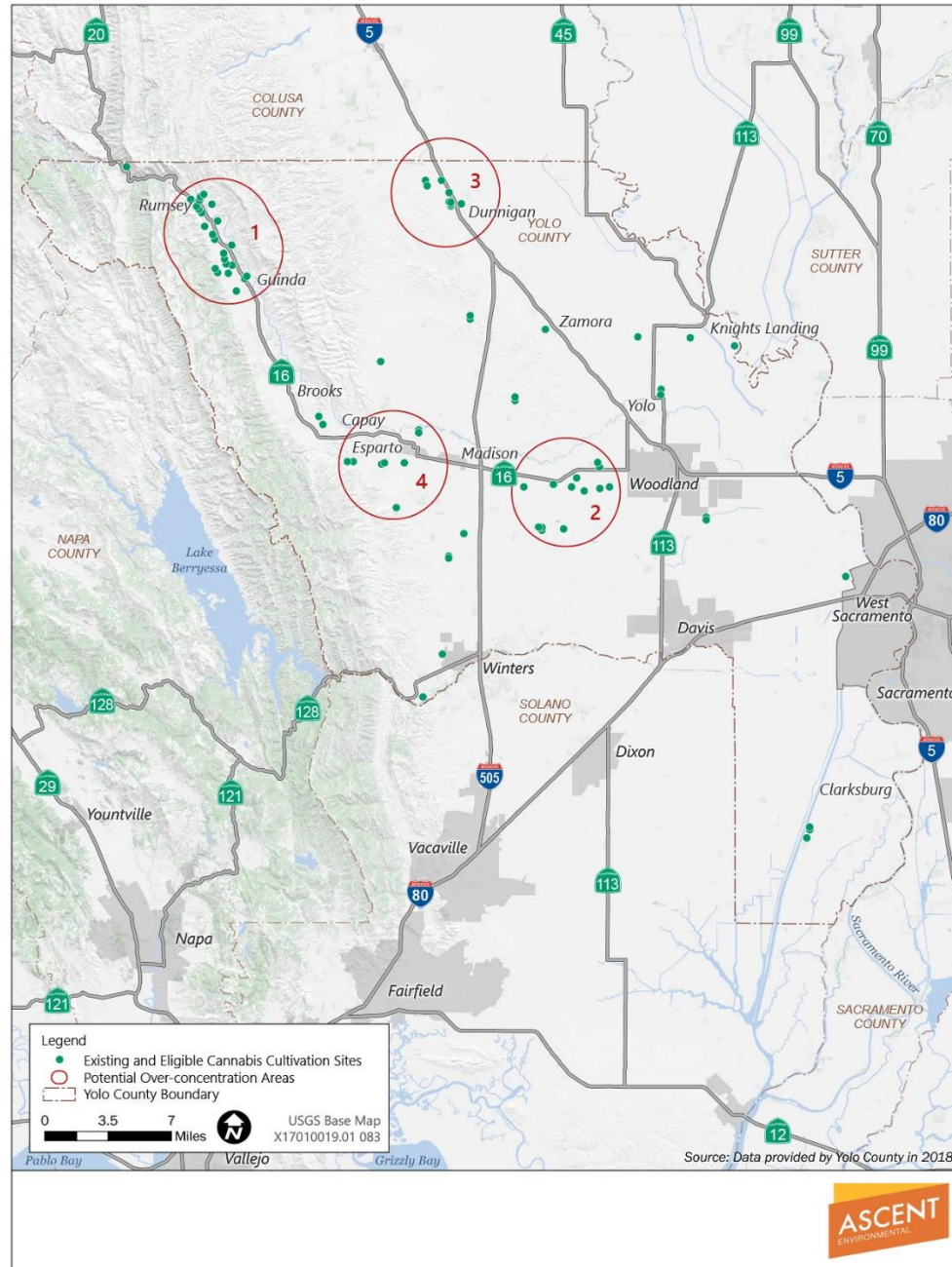
- Impact AQ-4: Exposure to Adverse Odors (all alternatives)
- Impact CUM-3: Cumulative Odor Impacts (all alternatives)
- Impact OVC-3: Odor Impacts from Overconcentration of Cannabis Uses (all alternatives)

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** 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)

What Do I Read First?

- ▶ Read the Executive Summary for a brief summary of the proposed CLUO and the EIR conclusions.
 - ▶ Review Appendix C to see the precise language of the proposed CLUO.
 - ▶ Skim Chapter 2 to better understand the details of the proposed CLUO and the various EIR Alternatives.
 - ▶ Review any or all of portions of Chapter 3 for detailed analysis of impacts by environmental issue area.
 - ▶ Read Section 3.3 to learn more about the odor analysis.
 - ▶ Read Section 4.2 to learn more about the analysis of “over-concentration”.

How Do I Comment Effectively on the EIR?

- Express your comments as specifically as possible.
- State your concern, support it with facts, explain the change you believe should be made.
- Does the EIR cover everything you think it should cover?
- Have you found errors in the EIR or conclusions that are not substantiated by facts?
- Does EIR analysis use appropriate methodologies?
- Are the EIR conclusions fair and accurate?

How Do I Comment Effectively on the Proposed CLUO?

- Make your comments as specifically as possible so that we will understand what is important to you and why.
- Do you have suggestions for specific changes to the CLUO?
- Do you support a particular CLUO alternative, or specific aspects of different alternatives?
- Do you want to express your general support or opposition to the cannabis industry?
- Do you have comments about existing allowed cultivation?
- Do you have comments about proposed new cannabis activities like retail sales and manufacturing?
- Do you have comments about where cannabis activities should and should not be allowed?
- Do you support buffers from certain uses? What buffers do you support?

Will I have Other Opportunities to Comment?

- Yes, but this is a very important time to provide comments.
- Your comments on the CLUO and on the EIR will have the greatest chance of making a difference in what is presented to the Board of Supervisors if you provide them now.
- If you comment on the Draft EIR after the close of the comment period your comment will not be included in the Final EIR and you may not receive a response to your comment.

When Are Comments Due?

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

Next Steps

TASK	ESTIMATED SCHEDULE
Public Outreach Meetings	November- December 2019
Planning Commission Meeting on CLUO and DEIR	December 3, 2019, 8:30 a.m., Board of Supervisors Chambers
End of DEIR Public Comment Period	4:00 p.m., December 23, 2019
CAC Recommendations	Jan/February 2020
Final Environmental Impact Report Released	Early March 2020
Planning Commission Hearings	March/April 2020
Board of Supervisor Hearings on CLUO, FEIR, and New Licensing Ordinance	May/June 2020

Citizen's Advisory Committee Role

- We will return to CACs in Jan/Feb for Recommendations to Planning Commission on:
 - Final CLUO
 - Number/type of cannabis uses
 - Buffers
 - Controls for Over-Concentration

Questions?