

**Yolo County
Cannabis Land Use Ordinance
Workshop
Planning Commission
September 10, 2020**

Purpose of Meeting

- Receive staff presentation on CLUO and FEIR
- Respond to Planning Commission questions
- Accept Public Comment

Background

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

Overview of Final EIR

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

ALTERNATIVE	KEY FEATURES
No Project – Existing Licensing Program	<ul style="list-style-type: none"> Existing Conditions Cap of 78 cultivation licenses Licensing ordinance applies CLUO and mitigation measures do not apply 75/1,000-foot buffers
Alt 1 – Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative)	<ul style="list-style-type: none"> Existing program plus CLUO and EIR mitigations Cap of 78 cultivation licenses Ancillary nurseries and processing Licensing ordinance applies CLUO and mitigation measures apply 75/1,000-foot buffers
Alt 2 – All license Types with Moderate Limits	<ul style="list-style-type: none"> Alternative 1 limits plus non-cultivation uses Cap of 132 licenses (80 cultivation/52 non-cultivation) Licensing ordinance applies CLUO and mitigation measures apply 1,000-foot buffers
Alt 3 – All License Types with High Limits	<ul style="list-style-type: none"> Alternative 2 limits X 2 Cap of 264 licenses (160 cultivation/104 non-cultivation) Licensing ordinance applies CLUO and mitigation measures apply 75-foot buffers
Alt 4 – Mixed Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types	<ul style="list-style-type: none"> Alternative 2 limits No outdoor uses All uses in greenhouses or indoors Cap of 132 licenses (80 cultivation/52 non-cultivation) Licensing ordinance applies CLUO and mitigation measures apply No buffers
Alt 5 – All License Types with Moderate Limits, within Ag Zones Only, No Retail	<ul style="list-style-type: none"> Alternative 2 limits Cannabis uses in AG zones only No Retail Cap of 130 licenses (80 cultivation/50 non-cultivation) Licensing ordinance applies CLUO and mitigation measures apply 1,000-foot buffers

EIR Conclusions

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)

EIR Conclusions, cont.

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)

Master Responses

- MR 1: No Project Alt and No Cannabis Alt
- MR 2: Baseline Conditions Used in the Draft EIR
- MR 3: Range of Alts Evaluated in the Draft EIR
- MR 4: CEQA Alts and County Decision-Making
- MR 5: Cannabis as an Agricultural Crop
- MR 6: Economic Effects and Property Values
- MR 7: Code Enforcement and Crime
- MR 8: Marijuana and Hemp
- MR 9: Buffers

Master Responses, cont.

- MR 10: CUP Process and Overconcentration
- MR 11: Cultural Change
- MR 12: Expression of Opinion/Preference
- MR 13: Cannabis Tax Revenue
- MR 14: County Cannabis Disclosures
- MR 15: Traffic Analysis
- MR 16: Cannabis Licensing Program
- MR 17: Consolidated Cannabis Campus

Questions?

Revised Draft CLUO

CAC Recommendations

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

Staff Considerations

- EIR conclusions
- EIR comments
- CAC recommendations
- Balance:
 - guiding principles
 - neighbor concerns
 - licensee concerns
 - facts and science
 - environmental impacts
 - accepted practice in other counties

Staff Recommendation

- Attachment A – Staff-Proposed Draft CLUO
- Base Alternative – Alternative 2
- Cannabis Types – All (Sec. 8-2.1405)
- Caps – 132 use permits (Sec. 8-2.1406(G))
 - 95 cultivation
 - 37 non-cultivation
- Over-concentration (Sec. 8-2.1406(H))
 - ≤ 10 w/in 6 miles = acceptable
 - > 10 w/in 6 miles = over-concentration
- Buffers 200/600/1,000 (Sec. 8-2.1408(E))

Staff Recommended Caps

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

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

Why Those Caps?

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

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Questions?

Staff Recommended Buffers

- Section 8-2.1 408(E)
- Residences on AG parcel > 20 acres = 200 ft buffer
- Residences on AG parcel \leq 20 acres = 600 ft buffer
- Residentially zoned land = 600 ft buffer
- Parks, day cares, places of worship, schools, treatment facilities = 600 ft buffer
- Tribal trust lands = 1,000 ft buffer

Why Those Buffers?

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

Other Key Staff Recommendations

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



Questions?

Next Steps

TASK	ESTIMATED SCHEDULE
Planning Commission CLUO Workshop	September 10, 2020
Planning Commission CLUO Hearing(s)	November 12 and December 10 (if needed)
Board of Supervisors CLUO Workshop	January 19, 2021
Board of Supervisors CLUO Hearing(s)	February 23 and March 9 (if needed)

Thank you!