

# SOUTH DAVIS CITIZENS ADVISORY COMMITTEE

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March 5, 2020

Yolo County Planning Commission  
Department of Community Services  
292 West Beamer Street  
Woodland, CA 95695

Re: Recommendations on Proposed Cannabis Land Use Ordinance

Dear Planning Commissioners:

On behalf of the South Davis Citizens Advisory Committee, we appreciate the opportunity to submit our recommendations on the proposed Cannabis Land Use Ordinance (“CLUO”) as set forth in the Draft Program Environmental Impact Report (“DEIR”) issued for public comment on October 25, 2019. Our focus is primarily on the macro aspects of CLUO. And our recommendations are most recently influenced by local community input obtained at the Committee’s meeting on February 20, 2020, a community questionnaire and individual Committee member’s contacts with local residents. A summary of the responses to the community questionnaire as of March 3, 2020 is enclosed (the “Community Questionnaire Responses”).

1. Outdoor Cultivation Prohibition.

As addressed in our letter of September 20, 2018 to the Department of Community Services, outdoor cultivation of cannabis presents a host of difficult, but wholly avoidable, problems. One significant problem is the strong odor of cannabis flowers. Such odor is quite offensive to many people and can emanate from a site for several months. Some jurisdictions deal with this by creating buffer zones between a cultivation site and residential properties or other sensitive land uses. The current draft of CLUO provides for 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 and weather conditions and the size of the cultivation site, flowering cannabis odors may carry for miles.

There are a number of different odor control management strategies and technologies available to cannabis growers. The most effective of these strategies is carbon filtration when used 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 much less effective odor management options with outdoor cultivation and hoop structures.

An independent 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 California 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. Taken together, the odor and various risks associated with outdoor cultivation (i) often adversely affects the use, enjoyment and ultimately the value of nearby properties, and (ii) constitute a nuisance that unnecessarily endangers public health, safety and welfare.

Of equal importance are the many issues raised by the Yolo County Farm Bureau in its comments of December 23, 2019 on the DEIR. The Farm Bureau's principal concern is that outdoor cannabis grows "marginalize or destroy adjacent or nearby conventional agriculture" run counter to a basic objective of CLUO to "protect environmental resources and minimize environmental impacts and also ensure neighborhood compatibility." The Farm Bureau argues convincingly that:

. . . most incompatibilities between Yolo County traditional agriculture and cannabis growing will be eliminated if all cannabis grows and other related activities are required to be in enclosed, air insulated and treated space: even better, if these activities are allowed only in such space located within industrial zoned areas.

Given that agriculture is Yolo County's largest industry, the Farm Bureau's concerns should be carefully considered.

For all the above reasons plus the Community Questionnaire Responses which reflected nearly unanimous opposition to outdoor cultivation, we strongly recommend that Yolo County restrict all cannabis cultivation and processing, whether commercial or personal, to indoor structures with controlled environments and no odorous emissions.

## 2. Preservation of Prime Agricultural Lands.

Yolo County is blessed with exceptional growing soils, favorable growing climates and adequate water supply for diverse agricultural pursuits. In contrast to conventional food and fiber agricultural operations, most cannabis is not grown in field soil. Instead, it is either grown in pots with premade or commercial soil placed on the ground or grown hydroponically in enclosed buildings. Prime agricultural land is not essential to grow cannabis. 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. Given the foregoing and the Community Questionnaire Responses, the Committee recommends that the County's prime agricultural lands be reserved for the production of food and fiber and related activities, to the exclusion of cannabis cultivation and cannabis-related activities.

3. Buffer Zones.

The current draft of CLUO proposes, and the DEIR assumes, a 1,000-foot buffer between outdoor cannabis cultivation and other cannabis operations and sensitive use properties, such as residentially zoned lands, licensed day care facilities, public parks, churches and public or licensed private schools. While we agree that buffers have a very important role in the regulation of cannabis activities, neither CLUO nor the DEIR indicates the existence of any scientific or data-based support regarding the desirability of a 1,000-foot buffer. Indeed, it appears that the 1,000-foot buffer is being proposed in CLUO and the DEIR merely because it is used in the County's Marijuana Cultivation Ordinance (Ordinance Number 1467) adopted in March 2016 (the "Interim Ordinance"), which unfortunately was adopted without the benefit of an environmental review under CEQA. The assumption that 1,000 feet is an adequate buffer strikes us as a major flaw of CLUO and the DEIR, as well as the Interim Ordinance.

In view of public health, safety and welfare concerns, neighborhood compatibility and to protect the value and enjoyment of property in the vicinity of cannabis activities, we recommend a primary buffer zone of at least 10,000 feet. Such a buffer is also consistent with the Community Questionnaire Responses.

And aside from prohibiting cannabis activities on prime agricultural lands, we further recommend that cannabis activities be limited to areas that are zoned Agricultural Industrial (A-I), Light Industrial (I-L) or Heavy Industrial (I-H) or new land use zones or overlays that serve to separate all cannabis activities from other land uses.

4. Base DEIR Alternatives.

We believe that one of the DEIR's alternatives should have been a total prohibition of all cannabis cultivation and other activities as had been the situation before the County adopted the Interim Ordinance in 2016. As noted on page 2-11 in the DEIR, the Interim Ordinance was a temporary measure designed to address neighbor complaints and limit harmful environmental impacts while protecting patient access to medical cannabis. Because it remains a temporary measure, the DEIR should have included alternatives that decrease, as well as increase, the cannabis operations within the County permitted under the Interim Ordinance.

Each of the DEIR's five alternatives are composites of different assumptions. Given the Committee's policy recommendations in favor of indoor-only cultivation and processing, a prohibition of cultivation or other cannabis-related activities on prime agricultural lands and the imposition of 10,000-foot buffer zones for residentially zoned lands and other sensitive use properties, or new land use zones or overlays, the Committee is unable to recommend any one or more of the five alternatives.

5. Overall Number CLUO Use Permits and Types of Cannabis Activities.

As a preliminary note, our community questionnaire requested input on how many use permits and what types of cannabis activities should be permitted in the unincorporated areas of the County. 66.67% of the Community Questionnaire Responses were in favor of a complete

prohibition of any commercial cannabis activities and about 23% were in favor of 78 licenses being issued for cannabis cultivation and on-site nurseries and processing plus a moratorium of two or three years before the County would authorize any additional licenses or activities.

Assuming for purposes of discussion that some form of CLUO is adopted, we strongly recommend that initially, only a small number of use permits be issued for cannabis cultivation and on-site nurseries and processing, but no other cannabis-related activities, all subject to mandatory indoor cultivation and other cannabis-related activities, a prohibition of cultivation or other cannabis-related activities on prime agricultural lands and the imposition of at least 10,000-foot buffer zones or sensible new land use zones or overlays. We further recommend that no additional use permits or activities be allowed within three years after the adoption of CLUO. This three-year period would afford the County the opportunity to review the effectiveness of CLUO and its enforcement and evolving industry practices before making any decision to increase the number of licenses or expand permissible activities.

6. Overconcentration. We applaud the decision of the County staff to address overconcentration issues, which are especially acute in Capay Valley under the Interim Ordinance. The main problems we have with CLUO's overconcentration proposals are their underlying assumptions. The assumptions do not include mandatory indoor cultivation and other cannabis-related activities, a prohibition on the use of prime agricultural lands or buffers that are significantly greater than 1,000 feet. It would appear that the solutions for overconcentration will be a function of policy decisions yet to be made. Thus, it seems premature to deal with any specifics. Nonetheless, because so many issues with commercial cannabis operations tend to be localized, we heartily support the suggestion regarding Section 8.2.1406(h) of CLUO that the County utilize the comment areas of its citizen advisory committees as possible subregions for regulation and further, that nearby population and its density be among the factors in the approval of specific use applications.

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

Enclosure

cc: Yolo County Board of Supervisors  
Yolo County Department of Community Services

SOUTH DAVIS CITIZENS ADVISORY COMMITTEE  
FEBRUARY 2020 CANNABIS QUESTIONNAIRE RESPONSES  
(Based on 60 Responses as of March 3, 2020)

1. PRESERVATION OF PRIME LANDS. *Should the County's prime agricultural lands be reserved for the production of food and fiber, to the exclusion of cannabis?*

Yes: 48

No: 9

Other: Generally yes, but cannabis grows, processing and distribution could be permitted on Class I or II soils if (i) restricted to one acre or less sites which otherwise could not be profitably farmed and (ii) the site is at least one mile from any residence or structure where individual people gather for work or social purposes. However, "greenhouse" facilities should be sited only on ag land not considered to be prime: 1

2. OUTDOOR CANNABIS CULTIVATION PROHIBITION. *Should CLUO limit the number of outdoor grow licenses and otherwise require commercial cannabis cultivation, harvesting and processing operations to be in secure buildings with odor emission controls?*

Yes (with commercial cannabis cultivation not otherwise prohibited): 19

Yes (but with commercial cannabis cultivation prohibited under 5 below): 40

No: 0

Other: Generally yes, but no specific limit to the number of outdoor cannabis grows if (i) restricted to one acre or less sites which otherwise could not be profitably farmed and (ii) the site is at least one mile from any residence or structure where individual people gather for work or social purposes: 1

3. PERSONAL OUTDOOR CULTIVATION PROHIBITION IN RESIDENTIAL ZONES. *Should outdoors cannabis cultivation at a residence in residentially zoned lands be prohibited?*

Yes: 40

No: 14

Other: 0

4. BUFFER ZONES (assuming some commercial cannabis activities permitted) *What should be the minimum buffer zone between your residential community and commercial cannabis cultivation or other cannabis-related operations?*

1,000 feet: 3

2,500 feet: 1

5,000 feet: 7

10,000 feet: 22

Other: 1 mile – 1; 2 miles – 6; three miles – 2; 10 miles – 2  
(Average of above is 11,165 feet)

5. CANNABIS LICENSES AND ACTIVITIES. The draft environmental impact report for CLUO obtained by the County evaluates five alternate scenarios that range from limiting commercial cannabis activity to (i) the issuance of 78 licenses allowing cultivation and on-site nurseries and processing to (ii) the issuance of 264 licenses allowing cultivation, nurseries, processing, manufacturing, testing, distribution, retail and microbusinesses. *Although this is a very complicated subject, what is your general preference on how the County should proceed?*

Prohibit all commercial cannabis activities: 40

Authorize 78 licenses for cannabis cultivation and on-site nurseries and processing and wait two or three years before authorizing additional licenses or activities to review how well CLUO has worked: 14

Authorize 130 licenses for cannabis cultivation, nurseries, processing, manufacturing and testing and wait two or three years before authorizing additional licenses or activities to review how well CLUO has worked: 2

Authorize 264 licenses for cannabis cultivation, nurseries, processing, manufacturing and testing: 0

Other: Authorize 10 licenses for cannabis cultivation and on-site nurseries and processing and wait two or three years before authorizing additional licenses or activities to review how well CLUO has worked with no more than two licenses in 6-mile radius: 1

Other: The number of licenses should not be set arbitrarily, but should be based on the applicant's meeting County-established criteria. The major purpose of such criteria should be to (i) preserve prime agricultural land for the growth of food and fiber, (ii) to minimize the impact of foul odors on residential areas and on structures where individuals are gathered for work or recreational purposes, and (iii) to establish regulations that will allow for cannabis activities to be carried out in a safe and secure manner for both cannabis operators and the general public: 1

Note: Because some respondents did not answer all the questions, there are not 60 responses for each question.