

**Yolo County
Cannabis Land Use Ordinance
PLANNING COMMISSION
Hearing
November 12, 2020**

Purpose of Meeting

- Receive staff presentation
- Respond to Planning Commission questions
- Open public hearing and receive public comments
- Close hearing
- Move staff recommendation

Recommended Action

- ▶ Make the following recommendations to the Board of Supervisors:
 - ▶ Certify the Final EIR and make CEQA Findings
 - ▶ Amend the GP and adopt the CEQA MMRP
 - ▶ Adopt the CLUO
 - ▶ Adopt other amendments to County Code

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

PC Workshop Summary

- Over-Concentration and Co-Located Sites
- Proposed Caps by Cannabis License Types
- “Grandfathering” of Existing Licensees
- Buffer Easement
- Over-Concentration Threshold
- CEQA Baseline for impact Analysis
- Volatile Manufacturing
- Agricultural Use on Parcel Remainder

Key CLUO Decisions

- "Base" EIR Alternative
- Cannabis Uses/Types
- Allowed Locations
- Use Permit Cap
- License Type Caps
- Buffers
- Over-Concentration Threshold
- Personal Use

ALTERNATIVE	KEY FEATURES
No Project – Existing Licensing Program	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)	No Project plus CLUO and EIR mitigations Cap of 78 cultivation licenses Ancillary nurseries and processing (for on-site product only) Licensing ordinance applies CLUO and mitigation measures apply 75/1,000-foot buffers
Alt 2 – All license Types with Moderate Limits	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	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	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	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

Staff Considerations

- Guiding principles
- EIR conclusions
- EIR comments
- CAC recommendations
- Neighbor concerns
- Operator concerns
- Facts and science
- Practice in other counties

Staff Recommendation

- See Attachment C – Staff-Proposed Draft CLUO
- “Base” EIR Alternative – Alternative 2
- Cannabis Types – All (Sec. 8-2.1405)
- Allowed Locations – Per Sec. 8-2.1407
- Use Permit Cap – 132 permits (Sec. 8-2.1406(G))
- License Type Caps (Sec. 8-2.1406(G)) --
 - 95 cultivation
 - 37 non-cultivation
- Buffers -- 200/600/1,000 (Sec. 8-2.1408(E))
- Over-concentration (Sec. 8-2.1406(H)) --
 - >10 w/in 6 miles = over-concentration
 - ≤10 w/in 6 miles = acceptable
- Personal Use – cultivation only; any zone; no buffers

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
- Nurseries = 5
- 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

Staff Recommended Buffers

- Section 8-2.1 408(E)
- Residences on AG parcel > 20 acres = 200 ft buffer
- Residences on AG parcel ≤ 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 definitions of terms (Sec. 8-2.1403)
- ▶ Clarifies transition period and likelihood of processing in “batches” (Sec. 8-2.1404(B))
- ▶ Clarifies Over-Concentration regulations (Sec. 8-2.1406(H))
- ▶ Expands required use permit findings (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))

Next Steps

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

Recommended Action

- Make the following recommendations to the Board of Supervisors:
 - Certify the Final EIR and make CEQA Findings
 - Amend the GP and adopt the CEQA MMRP
 - Adopt the CLUO adding Article 14 to Chapter 2 of Title 8 of the County Code
 - Adopt other amendments to County Code (amend Sections 8-1.802 and 8-2.217, and delete Section 8-2.116)

Thank you!

BASE ALTERNATIVE?

CANNABIS TYPES/USES?

OVER-CONCENTRATION THRESHOLD?

ALLOWED LOCATIONS?

KEY CLUO DECISIONS

BUFFERS?

USE PERMIT CAP?

LICENSE TYPE CAPS?

PERSONAL USE?



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 – 1/4 on EIR/CEQA
- ▶ 17 Master Responses
- ▶ Individual responses to all questions and comments

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)

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

- 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

CAC Recommendations

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