

Attachment E

# **Final CLUO EIR**

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## **Mitigation Monitoring and Reporting Program**

# MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires public agencies to report on and/or monitor measures adopted as part of the environmental review process (see Public Resources Code Section 21081.6 and CEQA Guidelines Sections 15091[d] and 15097).

This FEIR identifies all relevant, feasible mitigation measures necessary to mitigate potentially significant and significant impacts attributable to the proposed project, which is adoption and implementation of the CLUO, including issuance of cannabis use permits for future individual cannabis operations and activities and other regulatory and policy modifications necessary for adoption. Each of these measures to reduce environmental effects has been incorporated into the proposed CLUO in the form of regulations and therefore, will be implemented and enforced through the implementation of the CLUO.

Public Resources Code Section 21081.6(b) and Section 15097(b) of the CEQA Guidelines establish that when the project examined in an EIR is a “plan-level document” such as a zoning ordinance, mitigation measures may be incorporated into the regulations. This is the approach that has been taken by the County with the proposed CLUO.

## PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed ordinance. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures (as amended through the Final EIR), monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR. Mitigation measures that are referenced more than once in the Draft EIR are not duplicated in the MMRP table.

The CLUO Final EIR identifies all relevant, feasible mitigation measures necessary and available to mitigate significant impacts to acceptable levels. As part of the Board of Supervisors’ adoption of the CLUO and certification of the EIR, each of the measures are substantially incorporated into the CLUO making the plan “self-mitigating” in that respect. The measures therefore will be implemented and enforced through the application of the CLUO to individual cannabis projects.

Section 15097(b) of the CEQA Guidelines allows “policies” in the plan-level document to fulfill the requirements for monitoring. In this case, the assessment of effectiveness required in Section 8-2.1413 of the proposed CLUO fulfills the requirements for monitoring under CEQA. Given this format, no additional information or documentation is necessary or required in this MMRP.

## ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the County is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed.

As required by Section 21081.6(a)(2) of the Public Resources Code, the Yolo County Community Services Department is the “custodian of documents and other material” that constitute the “record of proceedings” upon which the decisions related to the proposed project are based. Inquiries should be directed to:

Yolo County Department of Community Services  
292 West Beamer Street  
Woodland, CA 95695  
(530) 666-8775  
cannabis@yolocounty.org

The location of this information is:

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

## REPORTING

The County shall document and describe compliance of future cannabis use permits with the required mitigation measures as part of processing cannabis use permit applications under the proposed ordinance. The staff analysis of the merits of each proposed cannabis use permit will include a determination of consistency and compliance with the adopted CLUO.

## MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- Impact – This column provides the verbatim text of the identified impact.
- Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure
- Implementation Responsibility – This column identifies the party responsible for implementing the mitigation measure.
- Timing – This column identifies the time frame in which the mitigation will be implemented.
- Verification – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

**Table 1 Mitigation Monitoring and Reporting Program – Cannabis Land Use Ordinance**

Impact	Mitigation Measure	Implementation Responsibility	Timing	Verification
<b>3.3 Air Quality and Odors</b>				
Impact AQ-4: Expose a Substantial Number of People to Adverse Odors	<p>Mitigation Measure AQ-4: Conduct Wind Pattern Evaluations to Evaluate Odor Control (Alternatives 1, 2, 3, 4, and 5)                      The following shall be included as a new performance standard in Section 8-2.1408(DD) of the CLUO:</p> <ul style="list-style-type: none"> <li>A wind pattern evaluation of each Cannabis Use Permit shall be submitted as part of the Odor Control Plan. This evaluation will utilize wind roses (a circular display of the frequency of wind coming from specific directions over a specified period of time). The wind pattern evaluation will identify receptors (as defined in Section 8.2-1408 [E]) located downwind of a proposed cannabis use and potentially affected by nuisance odor for a predominant period of time based on the wind frequency. This will provide additional information for consideration when evaluating a cannabis use permit application.</li> </ul>	Yolo County is responsible for ensuring compliance by applicants.	<p>This will be incorporated into Section 8-2.1408(DD) of the CLUO.</p> <p>This requirement will be applied to cannabis use permits.</p>	
<b>3.4 Biological Resources</b>				
Impact BIO-1: Adversely Affect Special-Status Species	<p>Mitigation Measure BIO-1: Conduct Preapproval Reconnaissance-Level Surveys for Biological Resources, Participate in the Yolo HCP/NCCP (including payment of fees and implementation of AMMs), and Obtain Applicable Permits (Alternatives 1, 2, 3, 4, and 5)                      Expand the requirements of Section 8-2.1408(D) of the CLUO to include the following: <u>Reconnaissance-Level Survey</u>                      Permittees shall include a reconnaissance-level survey for biological resources conducted on the parcel of the cannabis use by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in Yolo County). The reconnaissance-level survey shall include the following elements:</p> <ul style="list-style-type: none"> <li>Prior to the reconnaissance-level survey, the qualified biologist shall conduct a data review to determine the special-status plant, special-status wildlife, sensitive habitats (e.g., federally-protected wetlands, waters of the state, riparian habitat, sensitive natural communities) that have the potential to occur within the proposed activity footprint of the cannabis use. This will include review of the best available, current data including vegetation mapping data, the Yolo HCP/NCCP, and database searches of the CNDDDB and the CNPS Inventory of Rare and Endangered Plants of California.</li> <li>The qualified biologist shall map land cover, identify natural communities, and assess the habitat suitability of the proposed activity footprint of the cannabis use for special-status plants, special-status wildlife, and sensitive habitats identified as having potential to occur, consistent with the requirements of the</li> </ul>	Yolo County is responsible for ensuring compliance by applicants.	<p>This will be incorporated into Section 8-2.1408(D) of the CLUO.</p> <p>This requirement will be applied to cannabis use permits.</p>	

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	<p>Yolo HCP/NCCP for species covered by the plan, and consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2019-0001-DWQ, if applicable.</p> <ul style="list-style-type: none"> <li>• The biologist shall provide a letter report to the applicant and the County with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed activity footprint of the cannabis use.</li> <li>• If the reconnaissance-level survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant will not be subject to additional biological resources protection measures.</li> <li>• If special-status plants, special-status wildlife, suitable habitat for these species, or sensitive habitats are identified as being impacted by the cannabis use, then the following measures would apply.</li> </ul> <p><u>Species Covered under the Yolo HCP/NCCP</u>                      If species covered under the Yolo HCP/NCCP are identified as being impacted by the cannabis use, the applicant shall satisfy the requirements of the HCP/NCCP to the extent it is applicable.</p> <ul style="list-style-type: none"> <li>• If species covered under the Yolo HCP/NCCP that are not listed under CESA or ESA or are only listed under CESA are identified as being impacted by the cannabis use, payment of Yolo HCP/NCCP mitigation fees and implementation of applicable HCP/NCCP avoidance and minimization measures are required, if applicable.</li> <li>• If species covered under the Yolo HCP/NCCP that are also listed under both CESA and ESA or only under ESA are identified as being impacted by the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the Yolo HCP/NCCP can be applied.</li> </ul> <p><u>Special-Status Species Not Covered under the Yolo HCP/NCCP</u>                      If species not covered under the Yolo HCP/NCCP are identified as being impacted by the cannabis use, the applicant shall apply biological resource protection measures consistent with state and local requirements as described below:</p>			

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	<ul style="list-style-type: none"> <li>• If CDFW Species of Special Concern, species listed only under CESA, nesting raptors and native birds protected under California Fish and Game Code, or plants considered by CDFW to be "rare, threatened, or endangered in California" are identified as being impacted by the cannabis use, the applicant will retain a qualified biologist to conduct protocol-level surveys for these species for which established, current surveying protocols are available (e.g., Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities [CDFW 2018b], Staff Report on Burrowing Owl Mitigation [CDFG 2012]). If an established protocol is not available for a special-status species, then the qualified biologist will consult with CDFW or USFWS to determine the survey protocol.</li> <li>• If CDFW Species of Special Concern, species listed only under CESA, or plants considered by CDFW to be "rare, threatened, or endangered in California" are identified as being impacted by the cannabis use, these species will be avoided by implementing no-disturbance buffers or redesigning the project, if feasible.</li> <li>• If avoidance of CDFW Species of Special Concern, species listed only under CESA, or plants considered by CDFW to be "rare, threatened, or endangered in California" is not feasible, then the applicant will consult with CDFW to determine applicable, established minimization measures for the given species, and will implement these measures. If impacts on species listed under CESA are unavoidable, then the applicant will submit an incidental take permit application to CDFW and receive take authorization before commencing development of the proposed activity footprint of the cannabis use. Conditions of incidental take authorization may include minimization measures to reduce impacts, and compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.</li> <li>• If species listed under both CESA and ESA or only under ESA are identified as being impacted by the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be acquired.</li> </ul>			

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	<p><u>Sensitive Habitats</u>                      If sensitive habitats, including federally-protected wetlands, waters of the state, riparian habitat, or sensitive natural communities (e.g., elderberry savanna, valley oak woodland) are identified within the proposed activity footprint of the cannabis use, these habitats will be avoided by implementing no-disturbance buffers as required by the SWRCB and the Yolo activities will be prohibited within this no-disturbance buffer, which may require project redesign.</p> <ul style="list-style-type: none"> <li>• A delineation of waters of the United States, including identification of hydrology, hydric soils, and hydrophytic vegetation, by a qualified biologist may be required to identify the exact extent of wetland features.</li> <li>• If federally protected wetlands cannot be avoided by at least 50 feet, then the proposed commercial cannabis operation will not be permitted until such time as cannabis uses may receive federal wetland permitting coverage under Section 404 of the CWA.</li> </ul>			

3.8 Greenhouse Gas Emissions and Climate Change				
Impact GHG-1: Generate Greenhouse Gas Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment or Conflict with Plan or Policies Adopted to Reduce Emissions of Greenhouse Gases	<p>Mitigation Measure GHG-1: Demonstrate Compliance with Yolo County CAP (Alternatives 1, 2, 3, 4, and 5)</p> <p>The following shall be included as a new performance standard in Section 8-2.1408 of the CLUO:</p> <ul style="list-style-type: none"> <li>Permittees shall demonstrate compliance with the applicable provisions of the Yolo County Climate Action Plan (CAP) including energy efficiency measures for irrigation pumps and water efficiency requirements for buildings.</li> </ul>	Yolo County is responsible for ensuring compliance by applicants.	<p>This will be incorporated into Section 8-2.1408(O) of the CLUO.</p> <p>This requirement will be applied to cannabis use permits.</p>	
3.10 Hydrology and Water Quality				
Impact HYDRO-4: Conflict with a Water Quality Control Plan	<p>Mitigation Measure HYDRO-4: Prepare a Wastewater Pre-Treatment Program for Commercial Cannabis Activities Discharging to Public Wastewater Systems (Alternatives 1, 2, 3, 4, and 5)</p> <p>The following shall be added to Section 8.2.1408(TT) of the CLUO:</p> <ul style="list-style-type: none"> <li>Applicants for indoor cultivation and noncultivation cannabis operations shall prepare a wastewater pre-treatment program that will characterize wastewater generated and will identify any additional treatment measures required to allow discharge to a public wastewater system without violating the waste discharge requirements of the facility.</li> </ul>	Yolo County is responsible for ensuring compliance by applicants.	<p>This will be incorporated into Section 8-2.1408(TT) of the CLUO.</p> <p>This requirement will be applied to cannabis use permits.</p>	
3.12 Noise				
Impact NOI-1: Create Excessive Noise Levels from Construction Activities	<p>Mitigation Measure NOI-1: Implement Construction-Noise Reduction Measures (Alternatives 1, 2, 3, 4, and 5)</p> <p>The following new performance standards shall be included under Section 8-2.1408 of the CLUO:</p> <ul style="list-style-type: none"> <li>From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (<math>L_{eq}</math>) of eighty (80) decibels (dBA) measured at the property</li> </ul>	Yolo County is responsible for ensuring compliance by applicants.	This will be incorporated into Section 8-2.1408(BB) of the CLUO	



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	<p>boundaries of the site. Noise levels shall not exceed an average noise level equivalent (<math>L_{eq}</math>) of sixty (60) decibels (dBA) for any nearby off-site residences or other noise-sensitive land uses.</p> <ul style="list-style-type: none"> <li>• From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (<math>L_{eq}</math>) of sixty-five (65) decibels (dBA) measured at the property boundaries of the site.                             <ul style="list-style-type: none"> <li>• At no time shall noise levels exceed a community noise equivalent (CNEL) of sixty (60) decibels (dBA) for any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards may involve setbacks, the use of quieter equipment adjacent to residences, or other appropriate measures.</li> </ul> </li> </ul>		<p>This requirement will be applied to cannabis use permits.</p>	
<p><b>4.2 Overconcentration</b></p>				
<p>Impact OVC-1: Aesthetic Impacts from Overconcentration of Cannabis Uses</p>	<p>Mitigation Measure OVC-1a: Modify CLUO Section 8-2.1406(H) (Alternative 1-5) Establish and implement detailed procedures for implementing Section 8-2.1406(H) of the proposed CLUO for all Alternatives 1 through 5 to include the following:</p> <ol style="list-style-type: none"> <li>I. Establish a threshold for the number of sites within a six-mile diameter area that would not constitute over-concentration. Based on the EIR analysis, the threshold is five or fewer sites.</li> <li>II. Establish a threshold for the number of sites within a six-mile diameter area that constitutes over-concentration. Based on the EIR analysis, the threshold falls between six and 22 sites which is the identified range of potential overconcentration. The Board of Supervisors will identify a specific threshold for over-concentration as a matter of policy and this threshold will be included in the adopted CLUO as reflected in VI below.</li> <li>III. Prohibit the issuance of any Cannabis Use Permits in any identified or future six-mile diameter area in excess of the threshold established in II above, unless special findings described in VI below are made.</li> <li>IV. The Planning Commission shall have final decision-making authority over Cannabis Use Permits subject to appeal to the Board of Supervisors.</li> <li>V. The County shall establish a procedure and appropriate resources for processing use permit applications under the adopted CLUO such that all sites within any existing area of over-concentration will be processed simultaneously</li> </ol>	<p>Yolo County is responsible for ensuring compliance by applicants.</p>	<p>This will be incorporated into Section 8-2.1406(H) of the CLUO.</p> <p>This requirement will be applied to cannabis use permits.</p> <p>These procedures will be developed and implemented following adoption of the CLUO and prior to issuance of the first cannabis use permit.</p>	

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	<p>to enable consideration of community specific issues and to facilitate community involvement. Use permit applications for the existing and eligible licensees will be processed prior to acceptance of subsequent applications.</p> <p>VI. Section 8- 2.1406(H) shall be modified to reflect the measures listed identified above.</p> <p>Mitigation Measure OVC-1b: Establish Priority Processing for Cannabis Use Permits for Existing Licenses and in Areas of Overconcentration (Alternatives 1-5)                      Adopt procedures pursuant to Mitigation Measure OVC-1a V to ensure that Cannabis Use Permits for existing cannabis cultivation sites and sites in the Capay Valley are processed prior to the consideration of new cannabis uses under any alternative.</p> <hr/> <p>Mitigation Measure OVC-1c: Expand Cannabis Use Permit Issuance Findings (Alternatives 1-5)                      Modify CLUO Section 8-2.1406(L) to add the following community considerations in addition to the those already identified in the CLUO for determining whether to grant a Cannabis Use Permit:</p> <ul style="list-style-type: none"> <li>• Number of cannabis operations in area</li> <li>• Proximity of cannabis operations (e.g. to each other and/or to other identified sensitive uses)</li> <li>• Adjoining/nearby land uses</li> <li>• Population in area</li> <li>• Crime rate in area</li> <li>• Compliance history of the applicant and/or operator</li> <li>• Nuisance abatements in area</li> <li>• Community character</li> <li>• Community support</li> <li>• Parcels size and proposed uses on non-cannabis portion of parcel</li> <li>• Subject matter input relevant to the specific location or proposed project from County department and division heads</li> </ul> <p>Other cultural, social, equity, and environmental justice concerns deemed applicable by the County</p>		<p>This will be incorporated into Section 8-2.1406(H) of the CLUO.</p> <p>These procedures will be developed and implemented following adoption of the CLUO and prior to issuance of the first cannabis use permit.</p> <p>This will be incorporated into Section 8-2.1406(L) of the CLUO.</p> <p>This requirement will be applied to cannabis use permits.</p>	