

**EXHIBIT 1 to Attachment B**

**CEQA FINDINGS OF FACT**

**and**

**STATEMENT OF OVERRIDING  
CONSIDERATIONS**

**OF THE YOLO COUNTY  
BOARD OF SUPERVISORS**

**for the**

**CANNABIS LAND USE ORDINANCE (CLUO)  
AND RELATED ACTIONS**

**September 2021**

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## I. INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, and relevant statutes, associated with approval and implementation of the of the Cannabis Land Use Ordinance (CLUO) and related actions.

The CEQA Statutes (Public Resources Code (PRC) Sections 21000 et seq.) and Guidelines (Code of Regulations Sections 15000 et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, an Environmental Impact Report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

- a) Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether and how to approve or carry out the project. A project that would result in a significant environmental impact should not be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact (PRC Section 21002).

In the absence of feasible mitigation and/or feasible alternatives, an agency may approve a project with significant and unavoidable impacts; if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. Section 15093 of the CEQA Guidelines requires the lead agency to document and substantiate any such determination in "statements of overriding considerations" as a part of the record.

The requirements of Sections 15091, 15092, and 15093 of the CEQA Guidelines as summarized above are all addressed herein. This document is intended to serve as the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines.

## **II. TERMINOLOGY OF FINDINGS**

For purposes of these findings, the terms listed below will have the following definitions:

- The term “mitigation measures” shall constitute the “changes or alterations” discussed above.
- The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level.
- The term “feasible,” pursuant to the CEQA Guidelines, means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

When the Yolo County Board of Supervisors (BOS) (also referred to as “the Board”) finds a measure is not feasible, it must provide evidence for its decision and may adopt substitute mitigation that is feasible, and designed to reduce the magnitude of the impact. In other cases, the Board may decide to modify the proposed mitigation. Modifications generally update, clarify, streamline, or revise the measure to comport with current industry practices, budget conditions, market conditions or existing County policies, practices, and/or goals. Modifications achieve the intent of the proposed mitigation without reducing the level of protection.

These findings use the same definitions and acronyms set forth in the EIR.

## **III. PROJECT DESCRIPTION**

### **A. PROJECT SUMMARY**

The Proposed Project is adoption of a Cannabis Land Use Ordinance (CLUO) (ZC# 2020-03 and GPA 2021-02). Specifically, Yolo County is amending the County General Plan to incorporate policy language in support of specified cannabis land uses, adopting the CLUO as a part of the Zoning Code to regulate allowed cannabis land uses in specified areas of the unincorporated County, and adopting other related amendments to County Code to comport to the CLUO.

The CLUO applies to all unincorporated areas of the County. The ordinance adds a new discretionary conditional use permit requirement for all cannabis activities with specific comprehensive regulations and standards related to zoning, site design, development, and operational standards. The CLUO expands and controls allowed cannabis activities in the unincorporated County, and includes requirements for public noticing, buffers from identified sensitive land uses, caps on the number of operations and license types, and other performance standards. The CLUO is organized into 13 sections which can be summarized as follows:

Section 8-2.1401, Relationship to Other County Cannabis Regulations: This section identifies other Yolo County Code sections that contain regulations specific to cannabis activities including zoning regulations, development agreements, and licensing.

Section 8-2.1402, Purpose: This section elaborates on the purpose of the regulations. It establishes County intent in implementing the code. It describes the primary policy concerns and how they are to be balanced.

Section 8-2.1403, Definitions: This section provides definitions for various terms.

Section 8-2.1404, Applicability: This section addresses various aspects of how the CLUO will be applied and provides compliance timeframes for transitioning existing licensees into CLUO compliance.

Section 8-2.1405, Cannabis Use Categories and Types: This section identifies each of the state license use types and categorizes them for purposes of the CLUO. Generally, the use types are as defined in state law. All cannabis use types except Retail-Special Cannabis Event are allowed.

Section 8-2.1406, Cannabis Permit Requirements: This section clarifies the various license and permit requirements, including limitations on the numbers of permits and licenses (by type) allowed. This section also defines over-concentration thresholds.

Section 8-2.1407, Table of Cannabis Development Regulations: This section identifies in table format which cannabis use types are allowed in which zone districts, and maximum allowed canopy.

Section 8-2.1408, Specific Use Requirements and Performance Standards: This section provides specific requirements and performance standards that will regulate operations for all cannabis use types.

Section 8-2.1409, Special Cannabis Restrictions and Concerns: This section identifies and discloses restrictions and concerns unique to cannabis, including the current federal framework, the potential for changes in the regulatory environmental at all levels, and limitations on County liability.

Section 8-2.1410, Application Submittal and Processing: This section identifies information required as a part of a Cannabis Use Permit application. It establishes general code compliance requirements and identifies use permit requirements specific to cannabis applications. It describes how processing will occur. It also discloses the intent to achieve project-specific CEQA coverage from the programmatic EIR by utilizing available CEQA streamlining opportunities.

Section 8-2.1411, Reporting and Inspections: This section identifies reporting and inspection requirements, and describes how that information will be presented to the Board of Supervisors.

Section 8-2.1412, Enforcement: This section describes the enforcement process and related topics, including revocation, enforcement, and site restoration.

Section 8-2.1413, Effectiveness. This section identifies a required evaluation of the effectiveness of the ordinance.

The action to adopt the CLUO includes amendment of several policies of the County General Plan, and of several other related County regulations, to comport these documents to the regulatory changes. To accomplish this the Board of Supervisors took the following actions:

- Certification of the programmatic EIR for the CLUO
- Adoption of a General Plan Amendment for revisions to the text of Policy LU-1.1 and Table LU-4, modification of Policies LU-2.3 and AG-1.3, and inclusion of a new Policies LU-1.4 and AG-3.21
- Adoption of the CLUO EIR Mitigation Monitoring and Reporting Program (MMRP)
- Adoption of the CLUO adding Article 14 (Cannabis Land Use Ordinance) to Chapter 2 (Zoning Regulations) of Title 8 of the Yolo County Code
- Adoption of amendments to County Subdivision Regulations, Section 8-1.802 (Streets) to comport to final CLUO Section 8-2.1408(K) (Driveway Access) to include standards related to access for new private driveways and encroachments
- Adoption of various amendments to the County Zoning Regulations to comport to the final CLUO by eliminating Section 8-2.116 which prohibits medical marijuana dispensaries and by amending Section 8-2.217 (Use Permits) to clarify and expand the process for revocation or modification of a use permit
- Direction to staff to prepare for future consideration certain amendments to County Marijuana Cultivation Ordinance, Chapter 20 of Title 5 to comport to the final CLUO and additional clean up amendments to the County Zoning Regulations to add allowed cannabis use types to each zone district table of permit and development requirements

## **B. PROJECT LOCATION**

The CLUO covers the entire unincorporated area of Yolo County.

## **C. PROJECT OBJECTIVES**

The primary intent of the CLUO is to establish comprehensive new land use regulations to control cannabis land uses throughout the unincorporated area. These regulations are separate and distinct from the cannabis licensing regulations currently in Chapter 20 of Title 5 of the Yolo

County Code, which will ultimately be modified and moved to a new Chapter 4 in Title 12. The specific objectives of the CLUO are identified in Section 8-2.1402 as follows:

- A. Protect the public health, safety, and welfare.
- B. Protect environmental resources and minimize environmental impacts.
- C. Ensure neighborhood compatibility.
- D. Ensure safe access to medical cannabis for patients.
- E. Support agricultural economic development including recognition of valuable new crops, preservation of agricultural land, and creation of opportunities for new farmers.
- F. Recognize cannabis as an agricultural crop with unique challenges including Federal classification, legal history, crop value, transaction security, distinct odor, and energy and water requirements.
- G. Recognize competing and evolving community values and interests related to the cannabis industry.
- H. Avoid establishing undesirable precedents for other agricultural sectors.
- I. Avoid unintended consequences including unforeseen community impacts and over-regulation that drives cannabis activities underground.
- J. Allow for adaptation to changing market, cultural, and regulatory considerations over time.
- K. Acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016.

The Board of Supervisors finds that the final CLUO and related actions best meet these objectives, as discussed further in Section VIII of these findings.

#### **D. ENVIRONMENTAL REVIEW PROCESS**

The first draft of the proposed CLUO was released April 24, 2018. The County determined an environmental impact report (EIR) would be required in order to satisfy the requirements of the California Environmental Quality Act (CEQA) for adoption of the CLUO. A Notice of Preparation (NOP) was released August 24, 2018 for a 30-day comment period ending September 24, 2018. The CLUO Draft EIR was released October 25, 2019 for an extended 60-day review period that ended December 3, 2019. Appendix C of the Draft EIR contained the October 2019 Revised Public Draft CLUO which took into account comments received on the April 2018 version, and was the version of the ordinance upon which the Draft EIR analysis was based.

The CLUO Final EIR was released September 1, 2020. Appendix D of the Final EIR contained the September 2020 Staff-Proposed Revised Draft CLUO which contained the staff proposed revised draft ordinance for review and consideration by the Planning and Commission and Board of Supervisors, including all mitigation measures identified in the Draft EIR.

Hearings on the EIR and CLUO were held before the Planning Commission on December 3, 2019, November 12, 2020, and December 10, 2020, and before the Board of Supervisors on March 9, April 20, May 4, May 18, June 8, June 29, July 27, and September 14, 2021.

#### **IV. INTENT TO RELY ON EIR FOR CEQA STREAMLINING**

The Final EIR describes the environmental consequences of implementation of the regulations and standards of the CLUO, consistent with the policy and intent of the General Plan and County Board of Supervisors. The Final EIR is designed to inform County decision-makers, other responsible and trustee agencies, and the general public of the potential environmental consequences of approval and implementation of the Proposed Project. The EIR identifies additional regulations and standards that have been integrated into the final CLUO that will reduce and/or avoid potentially significant impacts.

The CLUO Final EIR is a Program EIR, as described under CEQA and the CEQA Guidelines, specifically Guidelines Section 15168. A Program EIR is one that may be prepared on a series of actions that can be characterized as one large project, and that are related: (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar effects that can be mitigated in similar ways.

A Program EIR allows the lead agency to consider broad policy alternatives and “program wide mitigation measures” at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts (CEQA Guidelines Section 15168(b)(4)). A Program EIR can serve as a first-tier document for later CEQA review of individual projects included in the program. These project-specific CEQA reviews will focus on project-specific impacts and mitigation measures, and need not repeat the broad analyses contained in the Program EIR. As discussed by the California Supreme Court, “it is proper for a lead agency to use its discretion to focus a first-tier EIR on only the... program, leaving project-specific details to subsequent EIRs when specific projects are considered.” (*In re Bay Delta* (2008) 43 Cal. 4th 1143, 1174)

The CLUO Final EIR satisfies the criteria set forth above. The CLUO regulates all cannabis land uses within the entire unincorporated area thus resulting in a geographic relationship. It includes regulations and standards that are logical parts of a chain of contemplated actions governing allowed cannabis land uses. The CLUO establishes rules and regulations governing issuance of cannabis conditional use permits which are required for any cannabis land use in the unincorporated county. The CLUO will be carried out under the authority and approval of Yolo County, although responsible and trustee agencies may be involved in certain aspects of permitting. The specific projects and actions carried out pursuant to the CLUO would have similar environmental impacts, which will be mitigated in similar ways.

As encouraged under CEQA, the County intends to use the Program EIR prepared for the CLUO to streamline the environmental review and consideration of future cannabis land use activities. The County plans to make full use of existing streamlining provided by CEQA, as well as emerging streamlining techniques that may become available later, as applicable. It is anticipated that many cannabis use permits applications will be able to rely entirely on this EIR for CEQA

clearance, and that others will be able to tier from this EIR, but may require additional site-specific CEQA clearance.

Subsequent to adoption of the CLUO, existing cannabis operators and new applicants for cannabis activities may apply for conditional use permits pursuant to the CLUO. Each application will be subject to further site-specific environmental review as applicable under CEQA pursuant to CEQA Guidelines Section 15168(c), Use with Later Activities. This section of the guidelines addresses environmental review of projects intended to be addressed in a program for which an EIR was prepared. Based on substantial evidence in the record, the County may determine that the environmental impacts of an individual application are adequately addressed by this CLUO Final EIR and that no further environmental review is required, or it may determine that additional environmental review is required including a focused environmental review. Preparation of a site-specific environmental review document would be required if the County determines that the individual application would cause a significant environmental impact that was not examined in the EIR or would substantially increase the severity of a previously identified significant impact pursuant to CEQA Guidelines Sections 15162 and 15168(c).

Under Public Resources Code 21083.3 and CEQA Guidelines Section 15183, lead agencies can use EIRs prepared for zoning actions to analyze the impacts of proposed projects that may be approved pursuant to the ordinance, and limit later project-level analysis to only site-specific issues not already examined (if any). Under the above referenced code sections, CEQA analysis for later projects will be limited to issues “peculiar” to the site or new environmental concerns not previously addressed. CEQA Guidelines Section 15183(f) provides that impacts are not “peculiar” to the project if uniformly applied development policies or standards substantially mitigate that environmental effect. The CLUO meets the definition of a uniformly applied standard, and compliance with the CLUO will allow for CEQA streamlining to be used.

The Final EIR included detailed parcel-level assumptions as the basis for analysis of a range of possible impacts resulting from implementation of the CLUO. The EIR includes quantified estimates in many impact areas based on assumptions as to the amount, type, and character of land use changes under the CLUO. Future CEQA determinations will reference the regulations and standards in the CLUO to demonstrate less-than-significant impacts and substantiate that later project-level issues are not “peculiar to the parcel” if they have been “substantially mitigated” by the compliance with the requirements (uniformly applied development standards) of the final CLUO.

## **V. GENERAL PLAN CONSISTENCY**

Cannabis cultivation is a form of agriculture allowed in the County’s agricultural land use designations and zones, and in some commercial and industrial zones, as specified in Section 8-2.1407 of the CLUO. Non-cultivation cannabis activities include generally various commercial and industrial uses which are allowed in various agricultural, commercial, and industrial land use designations and zones as specified in Section 8-2.1407 of the CLUO.

The 2030 Countywide General Plan adopted in 2009 did not specifically anticipate cannabis as a legal commercial crop. To establish a policy base for cannabis land use regulation and approach, the following amendments to the County General Plan were adopted as a part of the project:

**Modify Policy LU-1.1 and Table LU-4 as follows:**

**Agriculture (AG)** includes the full range of cultivated agriculture, such as row crops, cannabis cultivation/nurseries/and processing, orchards, vineyards, dryland farming, livestock grazing, forest products, horticulture, floriculture, apiaries, confined animal facilities and equestrian facilities. It also includes agricultural industrial uses (e.g. agricultural research, processing and storage; supply; service; crop dusting; agricultural chemical and equipment sales; cannabis manufacturing, testing, and distribution; cannabis retail – non-storefront; cannabis microbusiness; surface mining; etc.) as well as agricultural commercial uses (e.g. roadside stands, “Yolo Stores,” wineries, farm-based tourism (e.g. u-pick, dude ranches, lodging), horseshows, rodeos, crop-based seasonal events, ancillary restaurants and/or stores) serving rural areas. Agriculture also includes farmworker housing, surface mining, and incidental habitat....

**Commercial General (CG)** includes regional and highway-serving retail, offices, service retail and agricultural commercial uses. Research and development is allowed where offices and service support uses are the primary use (accounting for more than 50 percent of the total square footage). There is no limit on the amount of ground floor square footage. Upper floor and accessory attached residential uses are allowed. This designation also includes indoor and mixed-light cannabis cultivation, cannabis processing, cannabis manufacturing – packaging and labeling; cannabis distribution, cannabis retail, and cannabis microbusiness.

**Commercial Local (CL)** includes a range of goods and services to meet the everyday needs of residents within a community, such as retail, offices, service uses and agricultural commercial uses. There is a limit of 40,000 square feet allowed on the ground floor for any one user. Upper floor and ancillary attached residential uses are allowed. This designation also includes cannabis retail-storefront.

**Industrial (IN)** includes the full range of light to heavy industrial/manufacturing, including agricultural industrial uses (e.g. storage facilities, contractor’s yards, corporation yards, dismantling, etc.). This designation also includes indoor and mixed light cannabis cultivation, cannabis nurseries, cannabis processing, cannabis manufacturing/ testing /and distribution, cannabis retail, and cannabis microbusiness. Research and development, including biotechnology, is allowed where manufacturing is the primary use (accounting for more than 50 percent of the total square footage).

**Add new Policy LU-1.4 as follows:**

Personal cultivation of cannabis, outdoor and indoor, compliant with all applicable state and local regulations, is an allowed land use in all agricultural, residential, commercial, and industrial general plan land use designations.

**Modify Policy LU-2.3 as follows:**

Prohibit the division of land in an agricultural area if the division is for non-agricultural purposes, if the division is for cannabis crops or activities, and/or if the result of the division will be parcels that are infeasible for farming. Projects related to clustering and/or transfers of development rights are considered to be compatible with agriculture.

**Modify Policy AG-1.3 as follows:**

Prohibit the division of agricultural land for non-agricultural uses and/or for cannabis crops or activities.

**Add new Policy AG-3.22 as follows:**

Based on statewide and local voter support, accept cannabis cultivation, nurseries, processing, manufacturing, retail, and microbusiness operations as a new agricultural opportunity in support of agricultural economic development, preservation of agricultural land, and creation of opportunities for new farmers. Recognize unique challenges, and competing and evolving community values, by allowing for adaptive regulatory considerations over time.

The Board of Supervisors finds that the final CLUO and related actions are consistent with the Yolo 2030 Countywide General Plan.

**VI. RECORD OF PROCEEDINGS**

**A. FINAL EIR**

The Final EIR (SCH# 2018082055) for the project includes the following items:

- 1) Draft EIR document dated October 2019; and
- 2) Final EIR document dated September 2020.

Within these findings, the terms Final EIR and EIR are used interchangeably. All references to text in the Draft volume of the EIR shall be interpreted to include relevant revisions to that same text as identified in Chapter 4.0 (Revisions to the Draft EIR) of the Final EIR document.

**B. THE RECORD**

For the purposes of CEQA, and the findings herein set forth, the record of proceedings for the CLUO and related actions consists of those items listed in PRC Section 21167.6, subdivision (e). Pursuant to CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings upon which these decisions are based is as follows: Yolo County Department of Community Services, 292 West Beamer Street,

Woodland, CA 95695, (530) 666-8775, [cannabis@yolocounty.org](mailto:cannabis@yolocounty.org). The record of proceedings, including the EIR, is hereby incorporated by reference into these findings.

## **VII. FINDINGS REQUIRED UNDER CEQA**

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” PRC Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect. Inclusion of mitigating regulations in the CLUO are among the “changes or alterations” referenced in this finding. Other “changes and alterations” are discussed herein. For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

The third potential finding is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR. (CEQA Guidelines Section 15091). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

In the process of adopting mitigation, the Board of Supervisors has made a determination regarding whether the mitigation proposed in the EIR is “feasible.” The Board finds that all mitigation identified in the EIR is feasible, and has been integrated into the final CLUO. The Board has made modifications to clarify four of the adopted mitigation measures (AQ-4, BIO-1, OVC-1a, and OCV-1b). These modifications are described in further detail below.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits outweigh its unavoidable adverse environmental effects (CEQA Guidelines Section 15093 and 15043(b); see also PRC Section 21081(b).) In the process of considering the EIR for certification, the Board of Supervisors has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with mitigating policies and implementation programs, the Board of Supervisors has found that specific economic, social, legal, and other considerations support approval of the Proposed Project. Those findings are reflected herein in Section VII.C and in Section IX of these findings.

#### **A. THRESHOLDS OF SIGNIFICANCE FOR ENVIRONMENTAL DETERMINATIONS**

CEQA requires a Lead Agency to determine the significance of all environmental impacts (California Public Resources Code [PRC] Section 21082.2; State CEQA Guidelines Section 15064). A threshold of (or criteria for) significance for a given environmental impact defines the level of effect above which the Lead Agency will consider impacts to be significant, and below which it will consider impacts to be less-than-significant and therefore acceptable. Thresholds of significance may be defined either as quantitative or qualitative standards, or sets of criteria, whichever is most applicable to each specific type of environmental impact. For example, quantitative criteria are often applied to traffic, air quality, and noise impacts, while aesthetics impacts are typically evaluated using qualitative thresholds. Lead Agencies have discretion to formulate their own significance thresholds. Setting thresholds requires the Lead Agency to make a policy judgment about how to distinguish significant impacts from less-than-significant impacts. Lead Agencies can set thresholds on a project-by-project basis, or they can informally or formally adopt thresholds to be consistently applied to all projects.

Lead Agencies are responsible for determining the thresholds of significance for all documents they prepare. They can rely on several sources, including: Appendix G of the State CEQA Guidelines; CEQA’s mandatory findings of significance (State CEQA Guidelines Section 15065); thresholds established by regulatory agencies; thresholds provided in General Plans or other local planning documents; or thresholds established by other agencies. For example, many jurisdictions rely on thresholds established by a local or regional air district when analyzing air quality impacts. Appendix G is the most common source, though Lead agencies are not required to use it and are free to develop their own thresholds. Lead Agencies are encouraged in the State CEQA Guidelines (14 CCR 15064.7(a)) to develop and formally adopt thresholds of significance,

though this is not a requirement. Thresholds established for general use by a Lead Agency must be: adopted by ordinance, resolution, rule, or regulation; be subjected to public review; and be supported by substantial evidence (State CEQA Guidelines Section 15064.7(b)). Thresholds used solely for a specific project are not required to be adopted by ordinance or other formal means.

The significance thresholds criteria used in this EIR are consistent with the requirements of CEQA and, where noted, CEQA Guidelines Appendix G. The Board of Supervisors hereby affirms the use of these significance thresholds for the purpose of analyzing the potential for environmental impacts that could result from adoption and implementation of the CLUO, and adopts them by means of this resolution.

## **B. FINDINGS REGARDING RECIRCULATION OF THE EIR**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

Section 15088.5 states “significant new information” requiring recirculation may include:

- (1) A new significant environmental impact that had not previously been disclosed in the Draft EIR would result from the project or from a new mitigation measure;
- (2) A substantial increase in the severity of an environmental impact that had already been identified unless mitigation measures would be adopted to reduce the impact to a level of insignificance;
- (3) A feasible project alternative or mitigation measure would considerably lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- (4) The Draft EIR was so inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

### **1. Changes to the Proposed Project**

The CLUO Draft EIR analyzed impacts associated with the October 2019 Revised Public Draft CLUO which was included as Appendix C of the Draft EIR. Since the release of the Draft EIR, in response

to public comments and continued staff analysis, there have been several text changes incorporated into the final CLUO.

The County made non-substantive grammatical and editorial text changes to the CLUO to clarify terms and concepts, add definitions, correct grammatical errors, add missing words and punctuation, revise sentences for clarity, and other similar changes. These changes did not substantively change the text of the CLUO. Rather, the changes corrected errors and provided additional clarity.

The County also made substantive changes to clarify regulations and standards in response to public comments in support of and to expand environmental protection, including incorporating all of the mitigation measures identified in the Final EIR (four with clarifying modifications as described below). These changes to the CLUO included but were not limited to:

1. Incorporation of all Mitigation Measures identified in the Final EIR (four with clarifying modifications as described below).
2. Incorporation of language to ensure consistency where applicable with the Delta Plan (adopted by the Delta Stewardship Council, a state agency) and the Delta Land Use and Resource Management Plan (LURMP) (adopted by the Delta Protection Commission, a state agency).
3. Changes to Section 8-2.1403 to include additional definitions of terms. This section was modified to expand the current restriction of one-acre of canopy to two-acres of canopy limited solely to approved cannabis use permittees located outside of the Capay Valley (Section 8-2.1403(F)).
4. Changes to Section 8-2.1404(B) regarding the regulatory transition period and establishing priority processing for Existing Licensees.
5. Changes to Section 8-2.1406(G) establishing limitations on the number of permits and licenses, and procedures for allocation.
6. Changes to Section 8-2.1406(H) establishing how over-concentration is defined and will be managed.
7. Changes to Section 8-2.1406(K) regarding vested rights.
8. Changes to Section 8-2.1406(L) expanding the findings of fact that will be considered for each Cannabis Use Permit.
9. Changes to Section 8-2.1408(E) establishing buffers from identified sensitive land uses.

10. Changes to Section 8-2.1408(H) to clarify and expand required protections for cultural and tribal cultural resources.
11. Changes to Section 8-2.1408(O) to require a permanent power source and require applicants to use or purchase power that is 100 percent renewable and 100 percent carbon-free.
12. Changes to Section 8-2.1408(T) prohibiting the use of generators as the sole source of power and stipulating that use of generators under other circumstances must be consistent with the requirements of the Yolo-Solano Air Quality Management District and applicable State requirements for cultivators, nurseries, and processing licensees.
13. Changes to Section 8-2.1408(Z) requiring that nighttime light escape (“glow”) from greenhouses be controlled to the greatest feasible extent.
14. Changes to Section 8-2.1408(CC) regarding the 7:1 odor threshold and disclosing that the County may subsequently change the threshold (e.g., make the threshold more stringent) with public notice.
15. Changes to Section 8-2.1408(DD) regarding the 7:1 odor threshold, disclosing that the County may subsequently change the threshold (e.g., make the threshold more stringent) with public notice, and allowing for use of odor easements. This section was also changed to: describe possible methods for control of odor from outdoor cannabis activities; require applicants to submit a wind pattern analysis; and allow for odor easements between willing parties.
16. Changes to Section 8-2.1408(JJ) to require that all vehicle trips associated with an Existing Licensee be considered in determining whether a traffic study is needed.
17. Changes to Section 8-2.1408(MM) requiring compliance with General Plan Policy CO-2.22 related to stream setbacks.
18. Changes to Section 8-2.1409(C) regarding the County’s ability to deposit cannabis-related funds.
19. Changes to Section 8-2.1409(E) to reflect applicable State statutes and case law regarding limitations on County liability.
20. Changes to Section 8-2.1410 (A) to require that use permits in the Capay Valley be processed and acted on as a batch and to add information about appeals in Capay Valley.
21. Changes to Section 8-2.1410 (H) to add procedures for determining application completeness.
22. Changes to Section 8-2.1410 (J) to integrate specified Early Implementation Development Agreements with the CLUO.

23. Changes to Section 8-2.1410(L) to require notification for public meetings and hearings extend 1,000 feet from the property line boundary of the project site.

24. Changes to Section 8-2.1413 requiring an assessment of the effectiveness of the CLUO every two years.

As reflected in these final changes to the CLUO, the Board of Supervisors has provided direction and made decisions regarding the scope and magnitude of cannabis activities in the final CLUO including the following (see also Section VIII.G of these findings):

- Range of Cannabis Land Uses Allowed – On a limited basis, as described below, the final CLUO allows for following new cannabis land uses in addition to cultivation (Section 8-2.1405): manufacturing, testing, processing, distribution, retail, and microbusiness. Retail-Storefront cannabis land uses may not be considered for a two-year period at which point applications will be accepted for consideration. This range of uses was comprehensively analyzed for environmental impact in Alternatives 2, 3, and 4 of the CLUO Final EIR.
- Location where Cannabis is Allowed – The final CLUO specifies where (by zone) cannabis activities (by type) are allowed (Section 8-2.1407), and significantly restricts cannabis land uses allowed in the Capay Valley. The final CLUO allows the same types of cannabis uses in the same zoning districts as Alternatives 2 and 3, including prohibitions on commercial cannabis uses in all residential zones.
- Limitation on the Number of Cannabis Use Permits – The final CLUO limits the total number of use permits countywide to 65 of which no more than 5 may be located in the Capay Valley (Section 8-2.1406(G)). This cap on uses is significantly lower and therefore less impactful the limits assumed for any of the five equally analyzed alternatives in the CLUO Final EIR: 78 in Alternative 1; 130 in Alternative 5; 132 in Alternatives 2 and 4; and 264 in Alternative 4.
- Limitation on the Number of Cannabis Licenses by Type – The final CLUO limits the number of cannabis land uses by cannabis license type as follows: (Section 8-2.1406(G)):

Cultivation (indoor or outdoor) = 49

Nurseries = 5 (0 in Capay Valley)

Processing = 7 (0 in Capay Valley)

Manufacturing = 6 (0 in Capay Valley)

Testing = 2 (0 in Capay Valley)

Distribution = 7 (0 in Capay Valley)

Retail (Storefront) = 5 (0 in Capay Valley and 0 in Clarksburg) (applications not allowed for two years from the effective date of this article)

Retail (Non-Storefront) = 10 (0 in Capay Valley) (must be associated with a Yolo Cannabis Use Permit)

Special Cannabis Event = 0  
 Microbusiness = 5 (0 in Capay Valley)

The final CLUO establishes generally lower caps on specified cannabis activities than the range of allowed uses analyzed in the CLUO Final EIR between Alternatives 2/4 and Alternative 5. The final CLUO is most similar to Alternative 2. For all cannabis land use types, except retail, the caps in the final CLUO are lower than the range analyzed in the CLUO Final EIR. The final CLUO allows for up to five cannabis retail storefronts. The CLUO Final EIR Alternative 3 assumed four cannabis retail storefronts. The difference of one additional retail storefront included in the final CLUO is not significant because, as demonstrated in the Final EIR, the effects of Retail Storefront are not discernably different than the effects of other types of allowed retail land uses, and fall within the impact analysis of the CLUO Final EIR.

- **Buffers Between Land Uses** – The final CLUO establishes buffers between cannabis uses and identified special land uses (Section 8-2.1408(E)) of between 600 feet and 1,500 feet from specific identified sensitive land use(s) for outdoor uses and up to 100 feet for indoor uses. The final CLUO establishes buffers ranging from 600 feet to 1,500 feet for outdoor cannabis uses and 100 feet for indoor cannabis uses as summarized below:

CLUO Sensitive Land Use	Buffers for Outdoor Uses <sup>1-6</sup>	Measure Buffer From
Off-site individual legal residences located on parcels under separate ownership in any non-residential zone	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Building
Residentially zoned land	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,500 ft from residentially zoned land within city limits, residential areas contiguous to City limits (El Macero, Willowbank, Royal Oaks Mobile Home Park, and Westucky), and residentially zoned land within town growth boundaries (Clarksburg, Dunnigan, Esparto, Knights Landing, Madison, Yolo, Zamora) for new or relocating licensees <sup>8</sup>  1,000 ft in Capay Valley	Zone boundary

Public parks	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Parcel
Licensed day cares	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Building
Recognized places of worship		
Public or licensed private schools		
Licensed treatment facilities for drugs or alcohol		
Licensed youth centers		
Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government	1,000 ft <sup>7</sup>	Parcel
Tribal Cultural Resources	1,000 ft <sup>7</sup>	Resource boundary
<b>CLUO Sensitive Land Use</b>	<b>Buffers for Indoor Uses</b>	<b>Measure Buffer From</b>
Off-site individual legal residences located on parcels under separate ownership in any non-residential zone; residentially zoned land; public parks; licensed day cares; recognized places of worship; public or licensed private schools; licensed treatment facilities for drugs or alcohol; and licensed youth centers	None for Existing Licensees  100 ft for new or relocating licensees  100 ft in Capay Valley (Existing Licensees, new structures)	As shown above by sensitive land use
Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government; and Tribal Cultural Resources	1,000 ft	As shown above by sensitive land use

Notes:

1. Buffers applied to residences on non-residentially zoned parcels, day cares, places of worship, schools, treatment facilities, and youth centers shall be measured from the closest surface of the building in which the use is operated to the closest point of any structure or outdoor area containing cannabis.
2. Buffers applied to residentially zoned land shall be measured from the closest point of the residential zone boundary to the closest point of any structure or outdoor area containing cannabis.
3. Buffers applied to public parks and Tribal trust land shall be measured from the closest point of the parcel boundary to the closest point of any structure or outdoor area containing cannabis.
4. Buffer Reductions – When deliberating a Cannabis Use Permit application for Existing Licensees only, reductions of up to ten percent of the required buffer distances described above may be approved by the County based on consideration of project-specific and/or site-specific factors, including but not limited to considerations of compatibility with surrounding land uses. Buffer reductions cannot be used on buffers from Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government, buffers from Tribal Cultural Resources or buffers in the Capay Valley.
5. Buffer Exceptions – When deliberating a Cannabis Use Permit application for Existing Licensees only, reductions of more than ten percent of the required buffer distances described above may be approved by the County based on

consideration of project-specific and/or site-specific factors including but not limited to considerations of compatibility with surrounding land uses. Buffer exceptions cannot be used on buffers from Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government, buffers from Tribal Cultural Resources, or buffers in the Capay Valley.

6. Buffer Easements – On a case-by-case basis, at the discretion of the County, in conjunction with consideration of a Cannabis Use Permit, for Existing Licensees only, buffer easements on neighboring property(ies) may be considered as an alternative to compliance with the identified required buffers. The easement must be approved by the County, be in effect so long as the Cannabis Use Permit is in effect, and shall be recorded in the chain of title for the affected property(ies) using a template approved by County Counsel. Buffer easements cannot be utilized in the Capay Valley.
7. Applies to all cannabis uses (indoor and outdoor)
8. Only applies outside of Capay Valley.

The Alternatives examined in the CLUO Final EIR analyze a range of buffer distances from 75 feet to 1,000 feet. The buffers included in the final CLUO fall within or are more stringent than those buffers. Alternatives 1, 2, 3, and 5 assumed buffers would apply to personal use outside of Residentially zoned areas. The final CLUO creates an exception from buffers for personal use cultivation but all other performance standards including odor control apply, thus ensuring the ability to control and enforce for nuisance behavior.

- Over-Concentration Threshold – The final CLUO establishes the threshold for over-concentration as more than five cannabis use permits total within the Capay Valley and more than seven cannabis use permits in any 6-mile diameter area for new and relocating licensees throughout the remainder of the unincorporated County (Section 8-2.1406(H)). Alternatives 2 through 4 assume controls on over-concentration will be established but do not identify specific thresholds. The threshold included in the final CLUO is consistent with the CLUO Final EIR analysis, falls within the range of six to 22 sites which was determined to be effective in the EIR, and substantially incorporates Mitigation Measure OVC-1(a-c) related to over-concentration (see discussion below).

These changes do not trigger recirculation or additional analysis for the following reasons:

- The grammatical and editorial changes are non-substantive modifications that merely serve to correct errors and/or provide additional explanation of information presented in the Draft EIR.
- The changes that incorporate mitigation measures from the EIR ensure compliance with the conclusion on the EIR for reducing or avoiding impacts and underwent public review through the CEQA process.
- The changes that incorporate language to ensure consistency with the Delta Plan ensure compliance with State law and reflect integration of existing Delta Plan environmental protections into this ordinance.
- The changes that clarify and expand the definitions, regulations, and standards support or increase environmental protections afforded by the CLUO and/or expand the ability to control and enforce for nuisance behavior.

- The changes that reflect decisions about the final scope and magnitude of the CLUO all fall within, and in most cases well below, the scope of the extensive analysis of project alternatives and related environmental impacts conducted for the EIR. Specific examples are discussed below:

Regarding the Limitations on the Numbers of Permits and Licenses – The limits of 65 use permits, 49 cultivation licenses, and various other license limitations fall significantly below the ranges analyzed in the various EIR alternatives, with the minor exception of retail (storefront). The final CLUO would allow for up to 5 retail (storefront) licenses after a minimum of two years of implementation of the CLUO. The EIR examined a range of two to four retail (storefront) operations -- one less than the number tentatively directed by the Board. In light of the conservative land use controls throughout the entire ordinance as compared to the range of possible impacts analyzed in the EIR, the Board of Supervisors concludes the EIR adequately covers the inclusion of one additional retail (storefront) operation.

Regarding the Increase in Maximum Allowed Cultivation Canopy – The revised regulations that allow up to two-acres of cultivation canopy are more permissive than the assumed one-acre canopy limit, however the restriction to 49 cultivation licenses limits the overall acreage to 98 acres of canopy (49 x 2) whether indoor or outdoor. The increase is limited to Existing Licensees who receive approval for increased canopy through the Cannabis Use Permit process, and it is limited to areas outside of the Capay Valley only. The EIR examined impacts associated with a range of 78 acres of canopy (Alternative 1) to 160 acres of canopy (Alternative 3). Therefore, the Board of Supervisors concludes the EIR adequately covers this decision.

Regarding the Buffers Between Land Uses – The various new buffers ranging from 600 to 1,500 feet are significantly greater than the 75 foot buffers to which the existing cultivators were subject under the Licensing Ordinance and fall within the range of buffers (0 to 1,000 feet) assumed under the various EIR alternatives. Therefore, the Board of Supervisors concludes the EIR adequately covers this decision.

Regarding Restrictions on Generator Use – The revised regulations are arguably less restrictive, but consistent with state law and would be applied to a smaller universe of permits (65 maximum) and cultivation licenses (49 maximum) than assumed for any of the CEQA alternatives. The full extent of generator use is directly related to the number and size of approved cannabis operations. The CEQA alternatives assumed a range of 78 to 264 permits, and 78 to 160 cultivation licenses. As directed by the Board, the allowed canopy at each cultivation site will be increased from a one-acre limit to a two-acre limit; however, as noted above, the maximum of 98 acres of canopy falls well within the range of 78 to 160 acres of canopy examined in the EIR. Therefore, the Board of Supervisors concludes the EIR adequately covers this decision.

The Board of Supervisors finds the additional changes to the CLUO do not result in new impacts, nor do they cause the level of significance for previously identified environmental impacts to change. No new mitigation measures are required. Thus, no changes made since release of the Draft EIR

involve “significant new information” triggering recirculation because the changes do not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or otherwise trigger recirculation. Instead, the modifications are either environmentally benign or beneficial, and represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion.

The Board of Supervisors hereby determines, based on the standards provided in Section 15088.5 of the CEQA Guidelines, that recirculation of the Draft EIR is not required. None of the changes to the CLUO necessitate a change to the EIR. The changes do not create a new significant effect or worsen a previously identified one. The changes do not propose new cannabis land uses in new locations or higher numbers over what the EIR analyzed and disclosed. The public has not been deprived of a meaningful opportunity to comment on any new or different environmental impacts and had multiple opportunities to provide input. The changes to the Proposed Project do not require any changes to the EIR; thus, recirculation is not necessary as the changes do not constitute significant new information under CEQA.

## **2. Changes to the Draft EIR**

The County has also made changes to the Draft EIR since its release, which are described in Chapter 4, “Revisions to the Draft EIR,” of the Final EIR document, dated September 2020. These changes included corrections to text throughout the document to clarify meaning; expanded text to add the County’s definition of the Agriculture (AG) land use designation; expanded text describing the Delta Plan; corrections to several table titles; and corrections to the citations for several referenced documents. The changes to the DEIR clarify or correct text and do not substantively change the EIR in a manner that may require circulation. The CEQA Guidelines are clear that recirculation is not required where the information added to the EIR merely clarifies, amplifies, and makes insignificant modifications in an adequate EIR.

The Board of Supervisors finds that the changes to the Draft EIR, described in Chapter 4 and summarized above are non-substantive clarifications and corrections that do not identify any new impacts or substantial increase in the severity of an environmental impact that would not be reduced to a less than significant level through mitigation; nor would the revised mitigation measures result in new significant environmental impacts.

In addition, since the release of the Final EIR, the County has identified the following non-substantive changes to Mitigations Measures AQ-4, BIO-1, OVC-1a, and OCV-1b to clarify implementation. New text is shown in double-underline, deleted text is shown in ~~strike out~~.

Changes to Mitigation Measure AQ-4:

Conduct Wind Pattern Evaluations to Evaluate Odor Control. The following shall be included as a new performance standard in Section 8-2.1408 (DD) of the CLUO:

A wind pattern evaluation of each Cannabis Use Permit application shall be submitted as part of the Odor Control Plan. ~~As part of the cannabis use permit process, County staff~~

~~shall conduct a wind pattern evaluation of each cannabis use application.~~ 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 staff with additional information for consideration when evaluating a cannabis use permit application.

Changes to 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. Expand the requirements of Section 8-2.1408(D) of the CLUO to include the following:

Reconnaissance-Level Survey

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:

- 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.
- 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 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.
- 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.
- 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.

- If special-status plants, special-status wildlife, suitable habitat for these species, or sensitive habitats are identified as being impacted by the cannabis use, within or adjacent to the proposed activity footprint of the cannabis use, then the following measures would apply, ~~as differentiated between species covered under the Yolo HCP/NCCP and species that are not:~~

#### Species Covered under the Yolo HCP/NCCP

If species covered under the Yolo HCP/NCCP are identified as being impacted by the cannabis use, ~~determined to be present or likely to be present within or adjacent to the proposed activity footprint of the cannabis use,~~ the applicant shall ~~assume presence of these species and~~ satisfy the requirements of the HCP/NCCP to the extent it is applicable.

- 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, ~~could occur within the proposed activity footprint of the cannabis use,~~ payment of HCP/NCCP mitigation fees and implementation of applicable HCP/NCCP avoidance and minimization measures are required, if applicable.
- 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, ~~could occur within the proposed activity footprint of 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 HCP/NCCP can be applied.

#### Special-Status Species Not Covered under the Yolo HCP/NCCP

If species not covered under the Yolo HCP/NCCP are identified as being impacted by the cannabis use, ~~determined to be present or likely to be present within the proposed activity footprint of the cannabis use,~~ the applicant shall apply biological resource protection measures consistent with state and local requirements as described below:

- 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, ~~could occur within the proposed activity footprint of the cannabis use,~~ the applicant will retain a qualified biologist to conduct protocol-level surveys for these species where established, current 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.

- 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, within the proposed activity footprint of the cannabis use during protocol-level surveys, then these species will be avoided by implementing no-disturbance buffers or redesigning the project, if feasible.
- 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.
- If species listed under both CESA and ESA or only under ESA are identified as being impacted by the cannabis use, could occur within the proposed activity footprint of 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 applied.

#### Sensitive Habitats

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 HCP/NCCP, such that the habitat is completely protected from direct and indirect adverse effects of project development. All ground disturbance, vegetation removal, and staging activities will be prohibited within this no-disturbance buffer, which may require project redesign.

- 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.
- 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.

Changes to Mitigation Measure OVC-1a:

Modify CLUO Section 8-2.1406(H). Establish and implement detailed procedures for implementing Section 8-2.1406(H) of the proposed CLUO to include the following:

- 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.
- 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.
- 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.
- IV. ~~The Board of Supervisors shall have final decision-making authority over Cannabis Use Permits in areas of potential over concentration and over concentration. In other areas, the Planning Commission will be the decision-making authority, and would only go before the Board of Supervisors on appeal. The Planning Commission shall have final decision-making authority over Cannabis Use Permits subject to appeal to the Board of Supervisors.~~
- 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 ~~each of the four identified clusters~~ will be processed simultaneously to enable consideration of community specific issues and to facilitate community involvement. Use permit applications for ~~the 78~~ existing and eligible licensees will be processed prior to acceptance of subsequent applications.
- VI. Section 8-2.1406(H) shall be modified to reflect the measures listed above. ~~To satisfy Mitigation Measure OVC-1a through c, the proposed language for Section 8-2.1406(H) shall be modified as follows:~~

~~Section 8-2.1406 (H) Over Concentration – Five or less cannabis use permits in any area of the County with a diameter of six miles shall not be considered over-concentrated. Six to XX cannabis use permits in any area of the County with a diameter of six miles shall be considered potentially over concentrated. More than XX<sup>±</sup> cannabis use permits in any area of the County with a diameter of six~~

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<sup>1</sup> Footnote 1 on page 4-46 of the Draft EIR (page 4-46) indicates that the precise threshold would be determined by the Board of Supervisors pursuant to Mitigation Measure OVC-1a(II). As reflected in Section 8-2.1406(H) of the final CLUO, outside of the Capay Valley, as applicable to new or relocating cannabis operations, the Board has identified more than seven cannabis operations/use permits in any area of the County with a diameter of six miles as over-concentrated. As applicable to new or relocating cannabis operations, seven or fewer cannabis uses in the same area is not over-concentrated. Within the Capay Valley, more than five cannabis operations/use permits is over-concentrated; and five or less is not over-concentrated.

~~miles shall be considered over concentrated, and shall not be allowed unless special findings are made as described further below.<sup>2</sup>~~

~~By resolution adopted concurrently with, or subsequent to, this article, as may be amended from time to time, the Board of Supervisors shall establish procedures and commit resources to implement this section and ensure processing of cannabis use permits in areas of potential over concentration and over concentration, consistent with the adopted CLUO.~~

~~By resolution adopted concurrently with, or subsequent to, this article, as may be amended from time to time, the Board of Supervisors may establish limitations on the number of cannabis operations that may be approved in distinct subregions of the County. The subregions correspond with the jurisdictional boundaries of local General Plan Citizens' Advisory Committees. Note: Limitations or "caps" on the number of allowed cannabis operations in various County sub-regions have not yet been determined but are expected to be based primarily on population size and density in each subregion, with higher caps in less populated, less dense subregions. For purposes of applying any limitations set forth in such resolution, multiple licenses/permits (including permitted co-locations) at a single address shall count as one operation. Subject to this limitation, each operation covered by a development agreement approved through the "early" development agreement process that predated this article shall also count against the limitation.~~

~~If any combination of the number of approved use permits, "early" development agreements, or pending permit applications exceeds the limitation within a subregion, The Board of Supervisors shall be the final decision-making authority on any use permit application within an area of potential over concentration or over concentration.~~

~~The Board may approve a use permit in an area of if the approval would create or add to an over concentration only upon making special findings that denial of the application would unduly limit development of the legal market so as to perpetuate the illegal market for cannabis and related products, and that the approval would not cause or contribute to a cannabis-related law enforcement problem or other public nuisance in the affected subregion and any surrounding affected areas.~~

#### Changes to Mitigation Measure OVC-1b:

Establish Priority Processing for Cannabis Use Permits for Existing Licensees and in Cluster Areas of Overconcentration. 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 Guinda/Rumsey Cluster #1, Willow Oaks/Monument Hills Cluster #2, Dunnigan Area Cluster #3, and Esparto Area Cluster #4 are processed prior to the consideration of new cannabis uses under any alternative.

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<sup>2</sup> Outside of the Capay Valley, the Board of Supervisors concluded that Existing Licensees do not create over-concentration conditions. The Board established a threshold for new and relocating permittees as described above in note 1. Exceedance of the threshold by new /relocating permittees is not allowed and the findings referenced in this Mitigation Measure were deleted from the final CLUO

The change to Mitigation Measure AQ-4 clarifies that the wind evaluation is a responsibility of the applicant to prepare and shall be included in the required Odor Control Plan. The changes to Mitigation Measure BIO-1 clarify that any impacts to biological resources (not solely impacts within the proposed activity footprint) must be considered. The changes to Mitigation Measure OVC-1a remove the procedural requirement that Cannabis Use Permits in areas that are over-concentrated be heard by the Board of Supervisors and the final decision-making authority, and clarify that all Cannabis Use Permits are to be heard by the Planning Commission as the final decision-making body unless an appeal is filed, in which case the item is heard de novo by the Board of Supervisors. This change ensures consistency with the County's existing use permit process. Changes are also made to clarify that applicants within existing areas of over-concentration will be processed simultaneously, and to specify that Existing Licensees will have priority over new/relocating licensees. (Based on attrition among Existing Licensees the Board has concluded that the Capay Valley is the only area of the County currently over-concentrated.) Also, the proposed draft regulatory language included in the measure has been deleted in favor of the wording in the final CLUO.

The Board of Supervisors finds that the changes to the four mitigation measures described above are non-substantive clarifications and corrections that do not identify any new impacts or substantially increase the severity of an environmental impact that would not be reduced to a less than significant level through mitigation; nor would the revised mitigation measures result in new significant environmental impacts. The Board also finds that these changes are procedural changes that clarify the approach to implementation.

Because no new unmitigated environmental effects have been identified or created by the revised mitigation, and because no new significant information has been added to either the Proposed Project or the EIR, the EIR has not been changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental impact of the Proposed Project. The revisions to the EIR are improvements to the environmental analysis. No impacts identified in the EIR would be substantially increased as a result of changes to the Proposed Project or the EIR. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the EIR that the Board of Supervisors has declined to adopt. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

### **C. SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The EIR identifies a number of less-than-significant impacts associated with the Proposed Project that do not require mitigation. The EIR also identifies significant, and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the CLUO and related actions. Some of these significant effects can be fully avoided or substantially lessened through the adoption of the mitigation measures identified in the EIR. As discussed in further detail below, some significant effects cannot be fully avoided or substantially lessened through the adoption of feasible mitigation measures and thus may be significant and unavoidable. For reasons set forth in Section IX of these findings, however, the Board of Supervisors has

determined that overriding economic, social, legal, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the Board of Supervisors with respect to the project's significant effects and mitigation measures are set forth in the Final EIR and summarized below. This discussion does not attempt to describe the full analysis of each environmental impact contained in the EIR. Rather, the following information is provided: the impact statement, a summary of the analytical conclusions, summary of mitigation measures deemed feasible by the County, and the findings of the Board. A full documentation of the environmental analysis and conclusions can be found in the EIR and associated record (see Section VI) both of which are incorporated by reference into these findings. The Board of Supervisors hereby ratifies, adopts and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts and incorporates in these findings the determinations and conclusions of the EIR relating to environmental impacts and potential mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

In these findings, Yolo County discusses each potential environmental impact analyzed in the EIR. For each potential environmental impact the County summarizes the level of significance before mitigation, the level of significance after mitigation, the mitigation measure(s), and findings regarding significance after mitigation is implemented. Where an impact is less-than-significant the discussion of the impact in these findings is brief because PRC Section 21081 and CEQA Guidelines Section 15091 do not require findings of fact for impacts that are less-than-significant. Where an impact will remain significant and unavoidable, after implementation of feasible mitigation (if any is known), the County identifies the specific reasons why the mitigation measures are unable to reduce the impact to a less-than-significant level.

The following general findings are made by the Board of Supervisors:

- For all impacts identified as less-than-significant in the EIR, the less-than-significant impact determination is hereby confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.
- For all adopted mitigation measures, the Board of Supervisors hereby confirms that the stated mitigation measure (or its equivalent) is appropriate, feasible, will lessen the impact to some degree, and has been incorporated into the final CLUO.

Some of the measures identified in these findings may also be within the jurisdiction and control of other agencies. To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Board of Supervisors finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091[a][2]).

Based on the discussion of impacts in Chapter 3 (Environmental Impacts and Mitigation Measures) of the Draft EIR volume, as well as relevant responses to comments in the Final EIR

volume and other evidence in the record, the Board of Supervisors hereby finds the environmental impacts of the CLUO and related actions to be as follows:

## **1. Aesthetics**

### **Impact AES-1: Have a substantial adverse effect on a scenic vista or viewshed.**

This impact is analyzed on pages 3.1-23 through 3.1-33 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the proposed CLUO, would introduce features and buildings that may be visible from scenic vistas but would not obstruct these viewsheds. Implementation of the CLUO would require cannabis sites to meet County building and site design standards, screen outdoor cultivation, and maintain site conditions to avoid adverse effects to scenic views. This impact would be **less than significant** for all alternatives.

#### ***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

#### ***Mitigation***

None required.

#### ***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

### **Impact AES-2: Damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway or county-designated scenic highway.**

This impact is analyzed on pages 3.1-34 through 3.1-41 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the proposed CLUO, may result in new cannabis uses that could damage scenic resources associated with designated scenic highways and roadways. Cannabis uses would be required to comply with CLUO requirements that set forth standards for site design and maintenance to ensure adverse effects to scenic resources are avoided. This impact would be **less than significant** for all alternatives.

#### ***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

#### ***Mitigation***

None required.

### ***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

### **Impact AES-3: Substantially degrade the existing visual character or quality of the project area.**

This impact is analyzed on pages 3.1-42 through 3.1-46 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the proposed CLUO, would allow for the development of new cannabis uses that would alter the rural and agricultural character of the County. The final CLUO includes requirements that address aesthetics and visual character including requirements to address landscaping, site maintenance, and building design, among others. While these requirements would minimize the likelihood of nuisance impacts to the visual character and quality of the aesthetic environment, the potential adverse impacts to visual character remains. This impact would be **significant** for all alternatives.

### ***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

### ***Mitigation***

None available.

### ***Findings After Mitigation***

The Board of Supervisors finds that the CLUO contains requirements that would regulate the overall visual quality of cannabis operations including the appearance of buildings and structures, and general maintenance of the sites. The Board of Supervisors further finds there are no other known feasible measures for reducing aesthetic impacts that are not included in the final CLUO.

Notwithstanding implementation of the CLUO and other applicable regulations identified in the EIR, the potential for aesthetics impacts to occur is conservatively identified as significant and unavoidable because aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other forms of non-cannabis agriculture in the County.

Therefore, this impact is conservatively considered **significant and unavoidable** for all alternatives. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

**Impact AES-4: Create a new source of substantial light or glare that would adversely affect day or nighttime views.**

This impact is analyzed on pages 3.1-46 through 3.1-48 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the proposed CLUO, would allow for the development of new cannabis uses that would include the potential for glare and nighttime light that could adversely impact adjoining land areas. Implementation of CLUO requirements would ensure that light and glare sources from cannabis uses are controlled. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**2. Agricultural Resources**

**Impact AG-1: Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), or Farmland of Local Importance.**

This impact is analyzed on pages 3.2-20 through 3.2-21 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the proposed CLUO, could result in an increase in cannabis cultivation sites and the creation of new noncultivation uses in the County. Cannabis is defined by the state, and is proposed to be defined in the CLUO, as an agricultural land use and as such, the implementation of the CLUO under each of its five alternatives would not result in conversion of farmland to nonagricultural uses. Thus, there would be **no impact** related to conversion of farmland to nonagricultural use under any of the alternatives.

***Significance Before Mitigation***

The determination of no impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of no impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact AG-2: Conflict with existing agricultural zoning or with a Williamson Act contract.**

This impact is analyzed on pages 3.2-21 through 3.2-23 of the Draft volume of the EIR. Implementation of the CLUO would create new land use regulations that would provide additional standards and restrictions on the cultivation of cannabis and supporting noncultivation uses. These requirements would complement and not conflict with existing County zoning requirements for agricultural uses or any Williamson Act contracts. There would be **no impact** related to zoning for agricultural use or Williamson Act contracts under any of the alternatives.

***Significance Before Mitigation***

The determination of no impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of no impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact AG-3: Create conflicts with agricultural uses or conversion of farmland to nonagricultural uses.**

This impact is analyzed on pages 3.2-23 through 3.2-25 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the proposed CLUO, could result in an increase in cannabis cultivation sites and the creation of new noncultivation cannabis uses in the County that currently do not exist. Cannabis cultivation and noncultivation uses would not result in conflicts with agricultural uses that would result in the conversion of farmland. Thus, this impact would be **less than significant** under all the alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact AG-4: Conflict with the Yolo County General Plan and community policies related to agricultural resources.**

This impact is analyzed on pages 3.2-25 through 3.2-26 of the Draft volume of the EIR. The adoption of the CLUO would include amending the Yolo County 2030 Countywide General Plan to acknowledge cannabis as a legal crop in the state of California. Adoption and implementation of the CLUO would be consistent with General Plan and County community plan policies related to agricultural resources by adopting updated and new policies related to cannabis operations. This impact would be **less than significant** under all the alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**3. Air Quality and Odors**

**Impact AQ-1: Conflict with or obstruct implementation of policies and regulations related to air quality.**

This impact is analyzed on pages 3.3-20 through 3.3-22 of the Draft volume of the EIR. The CLUO incorporates dust control, odor, and generator emission standards that are consistent with YSAQMD and state regulations, General Plan policies, and YSAQMD's 2016 Triennial Assessment and Plan Update. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact AQ-2: Generate construction-related emissions of criteria pollutants and precursors that exceed YSAQMD-recommended thresholds.**

This impact is analyzed on pages 3.3-23 through 3.3-26 of the Draft volume of the EIR. Construction-generated emissions associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, would not exceed YSAQMD-recommended annual emissions of ROG and NO<sub>x</sub> and maximum daily emissions of PM<sub>10</sub> for individual permitted cannabis uses. Construction of each new site permitted under the CLUO would not contribute to an existing air quality violation and would not expose sensitive receptors to substantial pollutant concentrations. Construction of all sites permitted under the CLUO would be consistent with applicable air quality plans. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact AQ-3: Create long-term operational emissions of criteria pollutants and precursors that exceed YSAQMD-recommended thresholds.**

This impact is analyzed on pages 3.3-2 through 3.3-29 of the Draft volume of the EIR. Operation of commercial cannabis cultivation and noncultivation sites associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would result in ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions. Implementation of individual permitted cannabis uses under all alternatives would not exceed the YSAQMD thresholds of significance for development projects. Operation of all sites permitted under the CLUO would be consistent with applicable air quality plans. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

**Mitigation**

None required.

**Findings After Mitigation**

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact AQ-4: Expose a substantial number of people to adverse odors.**

This impact is analyzed on pages 3.3-29 through 3.3-38 of the Draft volume of the EIR. Operation of cannabis uses associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could expose residents, businesses and recreation users to objectionable odors created by the growing, processing, and manufacturing of cannabis. The CLUO includes standards that establish a numeric threshold for the concentration of cannabis odors, requirements for the development of an Odor Control Plan, and an enforcement process to correct identified cannabis odor impacts. While these measures would minimize the likelihood of nuisance odors, the potential for odors to occur remains. This impact would be **significant** for all alternatives.

**Significance Before Mitigation**

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

**Mitigation**

The EIR identifies one Mitigation Measure applicable to all alternatives. As described earlier in these Findings, the County has made changes to this mitigation measure since release of the Final EIR. These changes are reflected below:

**Mitigation Measure AQ-1: 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:

A wind pattern evaluation of each Cannabis Use Permit application shall be submitted as part of the Odor Control Plan. ~~As part of the cannabis use permit process, County staff shall conduct a wind pattern evaluation of each cannabis use application.~~ 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 staff with additional information for consideration when evaluating a Cannabis Use Permit application.

### ***Findings After Mitigation***

Notwithstanding the implementation of this measure and other identified existing and proposed regulations, the potential for impacts to occur is conservatively identified as significant and unavoidable because:

- Cannabis remains a controversial activity.
- Some neighbors have expressed that they are very sensitive to the odor and find it to be highly objectionable.
- The proposed regulatory threshold is not zero-detect which means that some odor will be detectable and will be considered acceptable under the regulations.
- Odor exceedances in excess of the allowable level may be higher in early years as the industry and technology evolve despite the fact that enforcement will occur under the ordinance.

The Board of Supervisors finds that the CLUO contains requirements, summarized in the EIR on the pages noted above, that would regulate and this reduce odor emissions, and that the addition of this measure may result in further reductions by providing information important to understanding and minimizing odor emissions at a particular site.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and may lessen odor impacts though not to less than significant levels. The Board of Supervisors further finds there are no other known feasible measures for reducing odor impacts that are not included in the final CLUO. Therefore, this impact is conservatively considered **significant and unavoidable** for all alternatives. To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

## **4. Biological Resources**

### **Impact BIO-1: Adversely affect special status species.**

This impact is analyzed on pages 3.4-42 through 3.4-57 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could result in land use conversion which could adversely affect several special-status wildlife species under each of the five alternatives. CLUO and SWRCB requirements would reduce the likelihood of adverse effects on special-status wildlife and plants, however there would still be potential for impact because presence of special-status species may only be

determined through protocol-level surveys (including for special-status species not covered by the Yolo HCP/NCCP) and specific avoidance measures to prevent disturbance or direct loss of these species would be required in excess of CLUO performance standards and SWRCB requirements (e.g., no disturbance buffers). The loss of special-status wildlife and plant species and habitat would be a **significant** impact for all alternatives.

### ***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

### ***Mitigation***

The EIR identifies one mitigation measure applicable to all of the alternatives. As described earlier in these Findings, the County has made changes to this mitigation measure since release of the Final EIR. These changes are reflected below:

#### **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:

##### Reconnaissance-Level Survey

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:

- 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.
- 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 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.

- 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.
- 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.
- If special-status plants, special-status wildlife, suitable habitat for these species, or sensitive habitats are identified as being impacted by the cannabis use, within or adjacent to the proposed activity footprint of the cannabis use, then the following measures would apply, ~~as differentiated between species covered under the Yolo HCP/NCCP and species that are not:~~

#### Species Covered under the Yolo HCP/NCCP

If species covered under the Yolo HCP/NCCP are identified as being impacted by the cannabis use, ~~determined to be present or likely to be present within or adjacent to the proposed activity footprint of the cannabis use,~~ the applicant shall ~~assume presence of these species and~~ satisfy the requirements of the HCP/NCCP to the extent it is applicable.

- 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, ~~could occur within the proposed activity footprint of the cannabis use,~~ payment of HCP/NCCP mitigation fees and implementation of applicable HCP/NCCP avoidance and minimization measures are required, if applicable.
- 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, ~~could occur within the proposed activity footprint of 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 HCP/NCCP can be applied.

#### Special-Status Species Not Covered under the Yolo HCP/NCCP

If species not covered under the Yolo HCP/NCCP are identified as being impacted by the cannabis use, ~~determined to be present or likely to be present within the proposed activity footprint of the cannabis use,~~ the applicant shall apply biological resource protection measures consistent with state and local requirements as described below:

- 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, ~~could occur within the proposed activity footprint of the~~

~~cannabis use~~, the applicant will retain a qualified biologist to conduct protocol-level surveys for these species where established, current 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.

- 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, within the proposed activity footprint of the cannabis use during protocol level surveys, then these species will be avoided by implementing no-disturbance buffers or redesigning the project, if feasible.
- 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.
- If species listed under both CESA and ESA or only under ESA are identified as being impacted by the cannabis use, ~~could occur within the proposed activity footprint of 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 applied.

### Sensitive Habitats

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 HCP/NCCP, such that the habitat is completely protected from direct and indirect adverse effects of project development. All ground disturbance, vegetation removal, and staging activities will be prohibited within this no-disturbance buffer, which may require project redesign.

- 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.

- 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.

### ***Findings After Mitigation***

Implementation of Mitigation Measure BIO-1 would reduce significant impacts on special-status species and sensitive habitat because it would require applicants to identify the species and habitats during reconnaissance-level and protocol-level surveys, to seek coverage for species covered under the Yolo HCP/NCCP by participating in the plan, to avoid these species and habitats as feasible and as required by state and federal law, or to seek incidental take coverage for state-listed species. Implementation of this mitigation measure would be consistent with General Plan policies CO-2.3 (preservation of biological communities), CO-2.41 (address impacts to special-status species), and CC-4.11 (technical study biological resources for site-specific applications). Adoption and implementation of the final CLUO with Mitigation Measure BIO-1 is not expected to substantially reduce the number or restrict the range of any of these species and impacts would be **less than significant** for all alternatives.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

### **Impact BIO-2: Adversely affect riparian habitat and other sensitive natural communities.**

This impact is analyzed on pages 3.4-58 through 3.4-62 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could adversely affect riparian habitat and other sensitive natural communities if they are present on the site. Construction-related activities, including ground disturbance, riparian vegetation removal, or disturbance of stream and river habitat could result in impacts. CLUO and SWRCB requirements would prevent impacts on oak woodland habitat and elderberry savanna habitat and would reduce the likelihood of adverse effects on riparian habitat. If sensitive natural communities are not identified before construction associated with cannabis operations and appropriate protective buffers or other measures implemented, these activities could result in the loss of these important habitats. Specific avoidance measures to prevent disturbance or direct impacts on these habitats would be required in excess of CLUO performance standards and SWRCB requirements (e.g., buffers). This impact would be **significant** impact for all alternatives.

### ***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

### ***Mitigation***

The EIR identifies one mitigation measure applicable to all of the alternatives:

**Mitigation Measure BIO-2:** Implement Mitigation Measure BIO-1, described above.

### ***Findings After Mitigation***

Implementation of Mitigation Measure BIO-1 would reduce impacts on riparian habitats and other sensitive natural communities because applicants would be required to identify and avoid these habitats. After implementation of this Mitigation Measure, impacts would be less than significant for all alternatives.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

### **Impact BIO-3: Adversely affect state-protected or federally-protected wetlands.**

This impact is analyzed on pages 3.4-62 through 3.4-66 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could adversely affect state or federally protected wetlands (e.g., marsh, vernal pool). While CLUO and SWRCB requirements would reduce the likelihood of adverse effects on wetlands, there would still be potential for impact because presence of habitat may only be determined through site-specific habitat evaluations. This impact would be **significant** for all alternatives.

### ***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

### ***Mitigation***

The EIR identifies one mitigation measure applicable to all of the alternatives:

**Mitigation Measure BIO-3:** Implement Mitigation Measure BIO-1, described above.

### ***Findings After Mitigation***

Implementation of Mitigation Measure BIO-1 would reduce impacts on state-protected and federally-protected wetlands because applicants would be required to identify and avoid these habitats. After implementation of this Mitigation Measure, impacts would be less than significant for all alternatives.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the

responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

**Impact BIO-4: Interfere substantially with the movement of resident or migratory wildlife species or with wildlife corridors, or impede the use of native wildlife nursery sites.**

This impact is analyzed on pages 3.4-66 through 3.4-70 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could adversely affect resident or migratory wildlife corridors through habitat fragmentation, or blockage of important wildlife migration paths. Cannabis uses could also result in conversion of areas that function as wildlife nurseries or affect a species' ability to access these nurseries. This impact would be **significant** for all alternatives.

***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

The EIR identifies one mitigation measure applicable to all of the alternatives:

**Mitigation Measure BIO-4:** Implement Mitigation Measure BIO-1, described above.

***Findings After Mitigation***

Implementation of Mitigation Measure BIO-1 would reduce impacts to wildlife movement, wildlife corridors, and wildlife nursery sites because applicants would be required to identify and avoid these habitats. After implementation of this Mitigation Measure, impacts would be less than significant for all alternatives.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

**Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources.**

This impact is analyzed on pages 3.4-70 through 3.4-71 of the Draft volume of the EIR. The CLUO incorporates County policies and standards that provide protection of biological resources. Therefore, there would be **no impact** under any of the alternatives.

***Significance Before Mitigation***

The determination of no impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of no impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact BIO-6: Conflict with the Yolo County HCP/NCCP.**

This impact is analyzed on page 3.4-71 of the Draft volume of the EIR. Section 8-2.1408(D) of the CLUO requires all development associated with cannabis operations from implementation of the CLUO to comply with the Yolo HCP/NCCP. Therefore, there would be **no impact** under any of the alternatives.

***Significance Before Mitigation***

The determination of no impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of no impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact BIO-7: Substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare or threatened species.**

This impact is analyzed on pages 3.4-71 through 3.4-72 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could result in land use conversion and development which could adversely affect common fish, wildlife, or plant species under each of the five alternatives. Implementation of the CLUO and SWRCB requirements would prevent most direct impacts on natural habitat, including wetlands, aquatic habitat, and riparian habitat. Additionally, because CLUO implementation would occur within relatively small proportions of the extensive ranges of common species, and suitable habitat would remain available to these species across the broader landscape within and surrounding the County, the magnitude of these potential losses is not expected to substantially reduce the overall abundance of any common species or substantially reduce the habitat for these species. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**5. Cultural Resources**

**Impact CULT-1: Cause a substantial adverse change in the significance of a historic resources.**

This impact is analyzed on pages 3.5-20 through 3.5-22 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, could result in damage to or destruction of an historic resource, building, place, or structure, thereby resulting in a substantial adverse change in the significance of an historical resource as defined in Section 15064.5. Implementation of Section 8-2.1408(H)(1) of the final CLUO would ensure protection of historic resources. Section 8-2.1408(H)(1) requires the identification and protection of historic resources. This would be a **less-than-significant** impact for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact CULT-2: Cause a substantial adverse change in the significance of an archeological resource.**

This impact is analyzed on pages 3.5-22 through 3.5-24 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, could result in future commercial cannabis operations that are located on properties that contain known or unknown archaeological resources, and ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. Implementation of Attachment A of SWRCB

Order WQ 2019-0001-DWQ and Section 8-2.1408(H)(1) of the final CLUO would ensure protection of archaeological resources. This would be a **less-than-significant** impact for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact CULT-3: Disturb any human remains, including those interred outside of dedicated cemeteries.**

This impact is analyzed on pages 3.5-24 through 3.5-25 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, could result in the disturbance of previously undiscovered human remains during construction of cannabis sites. Implementation of Attachment A of SWRCB Order WQ 2019-0001-DWQ and Section 8-2.1408(H)(3) of the final CLUO would ensure proper handling of human remains. Section 8-2.1408(H)(3) details any human remains to be analyzed by the County Coroner prior to continuation of work. This would be a **less-than-significant** impact for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact CULT-4: Cause a substantial adverse change in the significance of a tribal cultural resources.**

This impact is analyzed on pages 3.5-25 through 3.5-26 of the Draft volume of the EIR. Consultation pursuant to AB 52 is underway. Cannabis cultivators are required to comply with the requirements of the SWRCB, which has imposed robust cultural resource buffer

requirements. The final CLUO Cannabis Use Permit process includes separate requirements for cultural resources studies and buffers, and would apply to all cannabis conditional use permit applicants. Therefore, implementation of the final CLUO would not result in adverse effects on tribal cultural resources, and this impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**6. Energy**

**Impact ENE-1: Result in wasteful, inefficient, or unnecessary consumption of energy.**

This impact is analyzed on pages 3.6-11 through 3.6-12 of the Draft volume of the EIR. Construction and operation of commercial cannabis sites associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would result in the consumption of fuel (gasoline and diesel), electricity, and natural gas. The energy needs for construction of new and relocated commercial cannabis cultivation and noncultivation sites would be temporary and would not require additional capacity or increase peak or base period demand for electricity or other forms of energy. The CLUO would require all cannabis sites to derive 50 percent of their energy from renewable sources, and CCR Sections 8203, 8205, and 8206 include energy efficiency requirements that are more stringent than standard requirements in the California Energy Code. Further, CCR Sections 8203 and 8205 require all cannabis cultivation sites seeking relicensing after 2022 to supply their total electricity from a zero net energy renewable source. Energy consumption associated with all of the alternatives under the CLUO would not result in wasteful, inefficient, or unnecessary consumption of energy. Thus, the impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

### ***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

### **Impact ENE-2: Conflict with plans for renewable energy and energy efficiency.**

This impact is analyzed on pages 3.6-11 through 3.6-12 of the Draft volume of the EIR. Renewable energy generation requirements pursuant to the adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would result in an increase in renewable vs non-renewable energy use relative to existing agricultural uses, which would directly support the goals and strategies in the state's 2008 Energy Action Plan Update (EAP), General Plan, and Yolo County CAP. Operation of buildings for cannabis use purposes in compliance with the 2019 California Energy Code would improve energy efficiency compared to buildings built to earlier iterations of the code. The CLUO would require all cannabis sites to procure at least 50 percent of their energy demand from renewable sources, as well as install energy efficient indoor lighting. Therefore, operation of cannabis facilities under the final CLUO would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact would be **less than significant** for all of the alternatives.

### ***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record

### ***Mitigation***

None required.

### ***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

## **7. Geology and Soils**

### **Impact GEO-1: Create substantial soil erosion or loss of topsoil.**

This impact is analyzed on pages 3.7-20 through 3.7-27 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, could expose individual operations to soil stability conditions subject to soil erosion and sedimentation. Compliance with existing building and other relevant regulations, and of the CLUO would ensure soil erosion and sedimentation is adequately addressed for all of the five alternatives. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact GEO-2: Be located on a geologic unit or soil that is unstable or would become unstable as a result of the project or be located on expansive soil, creating direct or indirect risks to life or property.**

This impact is analyzed on pages 3.7-28 through 3.7-33 of the Draft volume of the EIR. The majority of Yolo County is characterized by even topography and gentle slopes; however site-specific conditions may include steep slopes, expansive soils, and other related conditions that can result in soil stability hazards. Adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, could expose individual operations to geologic and soil stability conditions that could adversely affected. Compliance with existing building and other relevant regulations, and implementation of Section 8-2.1408(V) of the CLUO that requires approval of a grading plan would ensure soil erosion and sedimentation is adequately addressed for all of the five alternatives. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact GEO-3: Destroy a unique paleontological resource or site or unique geologic feature.**

This impact is analyzed on pages 3.7-33 through 3.7-38 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, could result in discovery of previously unknown paleontological resources. Section 8-2.1408(H) of the CLUO would require that cannabis uses

protect and mitigate discovered paleontological resources. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact GEO-4: Result in the loss of availability of a known mineral resource or locally important mineral resource recovery site.**

This impact is analyzed on pages 3.7-38 through 3.7-44 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, could result in cannabis uses that are located in the mineral resource zones associated with the CCAP. However, cannabis uses would be small in size and would not substantially obstruct access to mineral resources in the County. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**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 plans or policies adopted to reduce emissions of greenhouse gases.**

This impact is analyzed on pages 3.8-14 through 3.8-18 of the Draft volume of the EIR. Construction and operation of commercial cannabis cultivation and noncultivation sites

associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would result in the generation of GHG emissions. The CLUO would require all cannabis uses to procure at least 50 percent of their energy demand from renewable sources and mobile-source emissions are anticipated to decrease due to federal and state regulations, which aligns with both the Yolo County CAP and the 2017 Scoping Plan. Other performance standards included in the CLUO would further align with these adopted GHG reduction plans. For example, the cultivation sites permitted under the CLUO would be required be consistent with Measure A-3 of the Yolo County CAP which addresses reduction in energy use in agricultural pumping. Additionally, all existing buildings used for cultivation or noncultivation purposes would be required to be consistent with Measure E-6 of the Yolo County CAP which addresses reduction in water consumption through increased plumbing fixture efficiency. Because the proposed CLUO is silent on the requirement to be consistent with the CAP, this impact is conservatively identified as potentially **significant** for all alternatives.

***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

The EIR identifies one mitigation measure applicable to all alternatives:

**Mitigation Measure GHG-1: Demonstrate Compliance with Yolo County CAP (Alternatives 1, 2, 3, 4, and 5)**

The following shall be included as a new performance standard in Section 8-2.1408 of the CLUO:

- 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.

***Findings After Mitigation***

Implementation of Yolo County adopted its Climate Action Plan (CAP) on March 15, 2011 in compliance with Section 15183.5 of the CEQA Guidelines which supports tiering and streamlining related to GHG emissions for projects consistent with the CAP.

Mitigation Measure GHG-1 would ensure compliance all Yolo County CAP measures that are intended to reduce GHG emissions. The GHG emissions associated with project implementation would not be a considerable contribution to global climate change would be **less than significant** for all alternatives.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the

responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

## **9. Hazards and Hazardous Materials**

### **Impact HAZ-1: Create a significant hazard through transport, use, or disposal of hazardous materials.**

This impact is analyzed on pages 3.9-17 through 3.9-21 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, could create a hazard through the routine transport, use, or disposal of pesticides and other hazardous materials. However, compliance with existing regulations specifically designed to protect the public health would be sufficient to preclude significant hazardous materials impacts on public health and the environment. This impact would be **less than significant** for all alternatives.

#### ***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

#### ***Mitigation***

None required.

#### ***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

### **Impact HAZ-2: Create a Significant Hazard to the Public or Environment through Reasonably Foreseeable Upset and/or Accident Conditions Involving Release of Hazardous Materials or Be Located on a Site Included on a List of Hazardous Material Sites Complied Pursuant to Government Code Section 65962.5, Which Would Create a Significant Hazard to the Public or Environment.**

This impact is analyzed on pages 3.9-21 through 3.9-28 of the Draft volume of the EIR. Construction and operational activities associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, could encounter contamination remaining from past practices. Implementation of CLUO Sections 8-2.1408(CC) and 8-2.1408(OO) would require cannabis uses to mitigate any conditions that present a public safety issue, while Section 8-2.1410(C)(3) would require the provision of a Phase I Environmental Site Assessment if potential contamination issues are identified. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact HAZ-3: Emit hazardous emissions or handle hazardous materials within 0.25 mile of an existing or proposed school.**

This impact is analyzed on pages 3.9-28 through 3.9-30 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, would involve the use of pesticides, herbicides, rodenticides, and other chemicals for growing, processing, and manufacturing of cannabis and cannabis products. Materials used in processing, testing, manufacturing, and other activities would be used in accordance with the CLUO and state regulations to avoid the potential for accident or upset conditions. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact HAZ-4: Result in a safety hazard or noise for people residing or working within 2 miles of a public airport or public use airport.**

This impact is analyzed on pages 3.9-30 through 3.9-32 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, could involve locating cannabis uses near airports. The CLUO would require applications for new cannabis-related development near airports, and all such development would be required to comply with the applicable development standards and the associated Airport Land Use Compatibility Plan. Further, new cannabis uses would not result in new sensitive land uses or attract dense populations. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact HAZ-5: Impair or physically interfere with emergency response or evacuation plans.**

This impact is analyzed on pages 3.9-32 through 3.9-33 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, would not alter Yolo County’s roadway network or create any physical barriers that would impede emergency response or implementation of evacuation plans. The CLUO would require applications for new cannabis-related development to comply with the applicable County fire and access standards. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact HAZ-6: Expose People or Structures to a Significant Risk of Loss, Injury, or Death Involving Wildfires, Exacerbate Wildfire Risks from Installation of Infrastructure, or Expose People or Structures to Significant Risks Due to Postfire Conditions.**

This impact is analyzed on pages 3.9-34 through 3.9-43 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, could locate cannabis uses in wildfire hazard areas and increase wildfire risks. Implementation of the CLUO and compliance with California Fire Code requirements would ensure that cannabis uses incorporate fire protection measures that would avoid an increased risk of wildfire and increased exposure to wildfire hazards and associated affects from a wildfire event. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**10. Hydrology and Water Quality**

**Impact HYDRO-1: Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface water or groundwater quality through development or alteration of drainage patterns.**

This impact is analyzed on pages 3.10-35 through 3.10-38 of the Draft volume of the EIR. Operation of cannabis sites associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could have the potential to modify surface drainage conditions in such a manner that increased sedimentation and erosion could take place or result in discharge of other pollutants, leading to surface water and groundwater quality degradation. This could further affect waterways subject to the 303(d) list. Compliance with the CLUO and SWRCB Order WQ 2019-0001-DWQ performance standards would control potential construction and operational water quality impacts. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact HYDRO-2: Decrease groundwater supplies or interfere substantially with groundwater that may impede sustainable groundwater management and increase demand for water supply.**

This impact is analyzed on pages 3.10-38 through 3.10-45 of the Draft volume of the EIR. Commercial cannabis operations in the County that may occur under the CLUO are assumed to

use groundwater as the primary water supply source. Under Alternative 1, there would be no increase in current groundwater consumption. Water demand for new cannabis uses under Alternatives 2, 3, 4, and 5 would be less than or similar to that for other agricultural crop types grown in the agricultural areas of the County where most cannabis uses are assumed to be located. The estimated countywide demands under each alternative are not expected to result in the substantial loss of groundwater supplies under normal- and dry-year conditions that are used by agricultural uses and public water systems. Thus, Alternatives 2, 3, 4, and 5 would not result in substantially decreased groundwater supplies, interfere substantially with groundwater recharge in the County, or affect land subsidence at the ground surface. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact HYDRO-3: Impede or redirect drainage patterns in a manner that would result in flooding.**

This impact is analyzed on pages 3.10-45 through 3.10-47 of the Draft volume of the EIR. Operation of commercial cannabis sites associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would create new impervious surfaces, buildings, and other improvements that could affect drainage flows that could alter flooding conditions and generate increased flooding hazards. Compliance with the CLUO performance standards and Yolo County Code requirements would ensure stormwater flows are addressed on-site and changes in drainage flows do not increase flooding hazard impacts. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

#### **Impact HYDRO-4: Conflict with a water quality control plan.**

This impact is analyzed on pages 3.10-47 through 3.10-50 of the Draft volume of the EIR. The Central Valley RWQCB's Basin Plan includes areas within Yolo County, covering the Sacramento and San Joaquin river basins. Activities associated with the CLUO include irrigated agriculture and industrial uses, both of which are listed as major water quality concerns in the Basin Plan. Water quality control plans that are applicable to cannabis cultivation have been developed to meet the goals of the Basin Plan, including the ILRP, which regulates discharges due to agricultural operations; and, the SWRCB Order WQ 2019-0001-DWQ.

Compliance with SWRCB Order WQ 2019-0001-DWQ, CLUO Sections 8-2.1408(J) and 8-2.1408(V), and the County's Stormwater Management and Discharge Ordinance would place requirements on all cannabis use types that would reduce the potential to degrade water quality. CLUO Sections 8-2.1408(J) and 8-2.1408(V) are more stringent than the existing state and County regulations because these requirements ensure that discharge from smaller sites, less than 2,000 square feet, cannot reach waterways and cause or contribute to degraded water quality conditions. Relocated sites would be required to comply with site closure procedures under SWRCB Order WQ 2019-0001-DWQ, which includes a requirement to disclose how the site would be decommissioned to prevent sediment and turbidity discharge. Compliance with these regulations would ensure that runoff from cannabis operations cannot reach waterways and would not contribute to or cause substantial water quality degradation such that water quality control plans are adversely affected.

Cannabis facilities, including indoor cultivation, microbusiness, retail, processing, manufacturing, testing, nursery, and distribution could be located in community service district (CSD) service areas or other municipal service district areas where disposal to wastewater treatment facilities (WWTFs) could be available. Wastewater produced at indoor cultivation and noncultivation facilities may contain various constituents that are not typically processed at the WWTFs (i.e., not domestic wastewater) that could damage WWTFs and violate their WDRs. Given the possible impacts to wastewater facilities, and the potential to affect a WWTF's ability to meet its WDRs, this impact would be **significant** for all alternatives.

#### ***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

#### ***Mitigation***

The EIR identifies one mitigation measure applicable to all alternatives:

**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)**

The following shall be added to Section 8.2.1408(TT) of the CLUO:

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.

***Findings After Mitigation***

Mitigation Measure HYDRO-4 would ensure that cannabis users verify that the affected CSD or other municipal WWTF is capable of accepting wastewater service for the site and that anticipated wastewater effluent quality from indoor and non-cultivation operations would not adversely affect a WWTF's ability to comply with WDRs.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

**11. Land Use and Planning**

**Impact LU-1: Physically divide as established community.**

This impact is analyzed on pages 3.11-8 through 3.11-11 of the Draft volume of the EIR. Adoption and Implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would allow for the development of cannabis cultivation and noncultivation uses on individual parcels within the unincorporated area of the County. Cannabis uses could include buildings and features that are similar to other agricultural, commercial, and industrial activities that occur in the County and would not include features that would physically divide an established community. Therefore, this impact would be **less than significant** for all the alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact LU-2: Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

This impact is analyzed on pages 3.11-11 through 3.11-12 of the Draft volume of the EIR. The adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, would include amending the General Plan to acknowledge cannabis as an agricultural crop, and identifying cannabis operations as permitted uses within specific land use designations. Adoption and implementation of the CLUO would be consistent with General Plan policies related to agricultural, industrial, and commercial land uses and incorporates performance standards that implement environmental protections identified in the General Plan policies and Yolo County Code. Further, the CLUO is not a “covered action” under Water Code section 85057.5(a) for reasons stated in the Delta Stewardship Council’s December 20, 2019 comment letter (though the County concurs with the Council’s observation that a later project approval occurring under the CLUO within the legal Delta could—depending on additional analysis not presently required—constitute a “covered action,”). This impact would be **less than significant** for all the alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors.

**Impact LU-3: Induce substantial unplanned population growth in an area, either directly or indirectly.**

This impact is analyzed on pages 3.11-12 through 3.11-16 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, would result in the development of cannabis cultivation and noncultivation sites that would generate new employment opportunities in the County. The potential increase in employees could result in new residents in the County or region. There is currently adequate housing available and planned in the region to accommodate this potential employment growth and the potential increase in population from new employees to the County is within the projected buildout in the General Plan. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

**Mitigation**

None required.

**Findings After Mitigation**

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**12. Noise**

**Impact NOI-1: Create excessive noise levels from construction activities.**

This impact is analyzed on pages 3.12-8 through 3.12-11 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could result in new cannabis operations that would result in temporary noise increases associated with construction of new buildings, ancillary structures, and minor earth movement/excavation.

Yolo County does not regulate construction noise. Construction noise could result in a substantial temporary increase in noise from cannabis activities. This impact would be **significant** for all the alternatives.

**Significance Before Mitigation**

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

**Mitigation**

The EIR identifies one mitigation measure applicable to all alternatives:

**Mitigation Measure NOI-1: Implement Construction-Noise Reduction Measures (Alternatives 1, 2, 3, 4, and 5)**

The following new performance standards shall be included under Section 8-2.1408 of the CLUO:

- From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the property boundaries of the site. However, noise levels shall not exceed an average noise level equivalent (Leq) of sixty (60) decibels (dbA) for any nearby off-site residences or other noise-sensitive land uses.
- From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (Leq) of sixty-five (65) decibels (dBA) measured at the property boundaries of the site.

- 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.

### ***Findings After Mitigation***

Implementation of Mitigation Measure NOI-1 would reduce levels of nighttime construction noise exposure at residential receptors by ensuring construction would not occur during the more noise-sensitive nighttime hours. Limiting construction to the less sensitive times of the day (i.e., 7:00 a.m. to 6:00 p.m.) would ensure that people are not disrupted during sleep. Further, people are generally not home or as sensitive to construction noise during the daytime hours when various other noise is present, and therefore, would not be exposed to a substantial temporary increase in noise. Construction noise impacts under all five alternatives would not result in any new or greater construction noise impacts than were disclosed in the General Plan EIR (Yolo County 2009). This impact would be reduced to **less than significant**.

The Board of Supervisors hereby confirms that the stated mitigation measure, or its equivalent, was incorporated into the final CLUO. Implementation of this mitigation measure is within the responsibility and jurisdiction of the County. The Board finds, based on substantial evidence in the record, that this measure is appropriate and feasible, and will lessen to a less-than-significant (acceptable) level, or avoid, the impact.

### **Impact NOI-2: Create excessive operational non-transportation noise.**

This impact is analyzed on pages 3.12-11 through 3.12-14 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could result in new cannabis operations that could result in long-term increases in noise from the use of electric trimmers, generators, refrigerated storage containers, greenhouse fans, and utility vehicles. Compliance with CLUO noise requirements would ensure that noise generated is consistent with the General Plan noise compatibility standards. This impact would be **less than significant** for all the alternatives.

### ***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

### ***Mitigation***

None required.

### ***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

### **Impact NOI-3: Create excessive traffic noise.**

This impact is analyzed on pages 3.12-14 through 3.12-15 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could result in traffic noise increases. No increases in cannabis operations would occur under Alternative 1, and therefore, there would be no long-term increases in traffic noise and **no impact** would occur. All other alternatives would result in varying degrees of traffic and associated traffic noise increases that would not exceed General Plan standards. No roadway currently below 75 dBA  $L_{dn}$  would experience traffic noise increases that would exceed this standard. The impact from operational traffic noise would be **less than significant** for Alternatives 2, 3, 4, and 5.

#### ***Significance Before Mitigation***

The determination of no impact for Alternative 1 and less-than-significant impact for Alternatives 2 through 5 is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

#### ***Mitigation***

None required.

#### ***Findings After Mitigation***

The finding of no impact for Alternative 1 and less-than-significant impact for Alternatives 2 through 5 is confirmed by the Board of Supervisors. Additional findings are not required.

### **13. Public Services**

#### **Impact PS-1: Result in Substantial Adverse Physical Impacts Associated with the Need for New or Physically Altered Fire Protection Facilities.**

This impact is analyzed on pages 3.12-23 through 3.13-34 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, could create additional structures, electrical uses, and other cannabis operations that could expose people to additional fire risk, leading to the potential need in increased fire protection facilities. Compliance with Sections 8-21408(K), 8-21408(Q), and 8-21408(FF) of the CLUO, the California Building Standards Code, California Fire Code, and state cannabis regulations would provide a sufficient level of fire protection and access such that fire protection services would not be substantially affected. This impact would be **less than significant** for all alternatives.

#### ***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact PS-2: Result in Substantial Adverse Physical Impacts Associated with the Need for New or Physically Altered Law Enforcement Facilities.**

This impact is analyzed on pages 3.12-34 through 3.13-37 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, would not require increased law enforcement services that would result in the need for new or altered facilities from compliance with the CLUO and state regulations. Potential impacts related to law enforcement services for all alternatives would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**14. Transportation and Circulation**

**Impact TRANS-1: Conflict with a program, plan, ordinance or policy addressing the circulation system.**

This impact is analyzed on pages 3.14-16 through 3.14-18 of the Draft volume of the EIR. Adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO could result in additional traffic on County roadways. This increase in traffic and use of County transportation facilities would not conflict with the General Plan transportation policies. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact TRANS-2: Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).**

This impact is analyzed on pages 3.14-18 through 3.14-21 of the Draft volume of the EIR. As described in subsection 3.14.3 under VMT Significance Threshold Methodology, implementation of the proposed CLUO, including subsequent Cannabis Use Permits approved pursuant to the proposed CLUO, would not conflict or be inconsistent with CEQA Guidelines 15064.3(b). Construction and operation of commercial cannabis sites associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would generate vehicle trips. Alternative 1 would result in no increase in project-generated net VMT over existing conditions and therefore would have **no impact**. The implementation of Alternative 2, Alternative 3, Alternative 4, and Alternative 5 would result in no net increases in cumulative VMT; therefore, the impact would be **less than significant**.

***Significance Before Mitigation***

The determination of no impact for Alternative 1 and less-than-significant impact for Alternatives 2 through 5 is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of no impact for Alternative 1 and less-than-significant impact for Alternatives 2 through 5 is confirmed by the Board of Supervisors. Additional findings are not required.

**15. Utilities and Service Systems**

**Impact UTIL-1: Result in relocation or expansion of wastewater treatment systems and facilities.**

This impact is analyzed on pages 3.15-19 through 3.15-21 of the Draft volume of the EIR. Adoption and Implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could require public wastewater services from CSDs or the City of Woodland. The CLUO would require cannabis use permittees to demonstrate adequate wastewater service. This impact would be **less than significant** for all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact UTIL-2: Result in relocation or expansion of water supply systems.**

This impact is analyzed on pages 3.15-21 through 3.15-23 of the Draft volume of the EIR. Adoption and Implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO could increase demands on public water systems and their associated infrastructure. CLUO Section 8-2.1408 (VV) requires commercial cannabis facilities to demonstrate that adequate water delivery infrastructure is available to meet demand. This impact would be **less than significant** under all alternatives.

***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None required.

***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

**Impact UTIL-3: Generate solid waste in excess of solid waste facilities or that conflicts with regulations.**

This impact is analyzed on pages 3.15-23 through 3.15-24 of the Draft volume of the EIR. Adoption and Implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO would generate solid waste that would be required to comply with state regulations related to cannabis waste. There is adequate capacity in County solid waste facilities to accommodate solid waste generated. Cannabis facilities would comply with the Yolo County Landfill's process to dispose of cannabis waste and hazardous materials. This impact would be **less than significant** under all alternatives.

### ***Significance Before Mitigation***

The determination of less-than-significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

### ***Mitigation***

None required.

### ***Findings After Mitigation***

The finding of less-than-significant impact is confirmed by the Board of Supervisors. Additional findings are not required.

## **16. Other Impacts Determined Not to Be Significant**

CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (PRC Section 21100, CCR Section 15128). Based on research and analysis of technical studies and data, and review of the CLUO, it was determined that the project would not result in significant environmental impacts identified below. This was disclosed in Chapter 3.0 of the Draft EIR, pages 3-6 through 3-10. Accordingly, these resources were not addressed further in the Draft EIR.

### ***Airport and Creation of Noise-Sensitive Receptors***

Adoption and implementation of the proposed CLUO would not result in the development of new residential land uses or other types of noise-sensitive receptors. Additionally, the CLUO would not result in the development of new residential land uses near private air strips or public commercial airports in Yolo County. Cannabis uses would be required to comply with the comprehensive land use plans (CLUPs) and County Zoning Code Section 8-2.903(f) (Airport Overlay Zones) and the development requirements in Section 8-2.906(f) and the CLUPs that address density, building heights, noise, and hazards.

### ***Carbon Monoxide Emission Hotspots***

Carbon monoxide (CO) “hot spots” are localized concentrations of CO emissions that exceed state and federal air quality standards for the protection of public health. CO hot spots can be created as the result of a large number of vehicles idling at intersections. Regarding the potential for CO hot spots at local intersections, these types of effects only occur at intersections experiencing extremely high volumes of traffic. Assumed operational activities associated with the most development intensive alternative under the CLUO (Alternative 3) are not anticipated to generate more than 14,864 trips per day (see Appendix G). Moreover, assumed new cannabis uses from implementation of the CLUO would generally be spread throughout the unincorporated area. Thus, it is not expected that assumed vehicle trips generated by cannabis uses would result in excessive congestion at any intersection that experiences high volumes of vehicles with long wait times. For these reasons, it is not expected that the additional trips associated with new cultivation would contribute substantially to traffic congestion at affected intersections such that local CO “hot spots” may occur that exceed the California ambient air quality standards or national ambient air quality standards for CO.

### ***Construction-Related Toxic Air Contaminants***

Construction of cannabis uses may involve the use of diesel-powered equipment that emit diesel PM. However, construction activities would be limited and would be temporary. Given the minimal construction activities described in Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives, individual cannabis uses would not expose existing receptors to substantial construction-related toxic air contaminant concentrations.

### ***Conflict or Obstruct Implementation of a Sustainable Groundwater Management Plan***

As identified in Table 3.10-2, the Yolo Subbasin is of high priority and Solano and Colusa Subbasins are of medium priority and are subject to development of a Groundwater Sustainability Plan (GSP). The Yolo Subbasin Groundwater Agency (YSGA) was officially formed on June 19, 2017, for the purpose of acting as the Groundwater Sustainability Agency for the Yolo Subbasin, which underlies the majority of Yolo County under the 2016 Bulletin 118 definitions. The planning deadline for California’s first round of GSPs is January 31, 2022, for all other high- and medium-priority basins. In March 2018 the YSGA Board adopted Resolution 2018-1 formalizing the initiation of developing the Yolo Subbasin Groundwater Sustainability Plan (GSP). No GSP is yet available for Yolo.

### ***Displacement of Substantial Number of Existing People or Housing***

Commercial cannabis uses have no significant potential to result in a substantial displacement of housing or displace people because cannabis uses would only be allowed in agricultural, commercial, industrial zones and would be prohibited from residential zones (see Table 2-3 in Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives”).

### ***Drainage, Energy, and Telecommunication Infrastructure***

New cannabis uses from implementation of the CLUO are anticipated to construct and/or improve stormwater drainage, electric power, natural gas, and telecommunication facilities as needed based on site-specific conditions. Extension of these infrastructure facilities are expected to be limited as are generally available along roadway frontage of the parcels or may be accommodated on the site (e.g., drainage ditches, detention basins, solar energy generation). The potential environmental impacts of extending infrastructure off-site would be evaluated as part of subsequent application review. However, the overall environmental impacts for construction and operation of cannabis uses (including those related to infrastructure facilities) have been programmatically evaluated in this EIR. The reader is referred to Section 3.6, “Energy,” for energy use impacts and Section 3.10, “Hydrology and Water Quality,” for drainage and water quality impacts.

### ***Emergency Access***

CLUO Section 8-2.1408, Specific Use Requirements and Performance Standards, includes the requirement that controlled access entries must provide a rapid entry system for use by emergency personnel and provide adequate space for vehicles to access without blocking the right-of-way. Additionally, the CLUO would require that site design be compliant with all applicable County requirements; thus, emergency access for future cannabis projects under the

CLUO would be subject to review by Yolo County and the appropriate responsible emergency service agencies. Therefore, future cannabis projects under the CLUO would be designed to meet applicable emergency access and design standards. Therefore, adequate emergency access would be provided.

### ***Forestry Resources***

Yolo County has no commercial forestland or timber resources and the proposed CLUO would prohibit the removal of oak woodlands. Therefore, no impact on forestry resources is expected to occur.

### ***Parks and Recreation***

The parks in Yolo County are managed by federal, state, and local authorities. Implementation of the CLUO is not expected to result in a direct loss of park and recreational facilities as cannabis uses are not permitted in public and open space zones. Cannabis uses are agricultural and would not trigger the need for new or modified park facilities.

### ***Public Facilities***

Implementation of the CLUO would not directly result in the creation of new population that would increase the demand for libraries and other governmental services. However, CLUO Alternatives 2, 3, 4, and 5 would create new employment that could result in new County residents. This extent of development in the County is not expected to trigger the immediate need to construct new facilities. Construction of cannabis-related buildings would pay the County Facilities and Services Development Fee at the building permit issuance that would provide funding for facility improvements or new facilities whose timing would be determined by County as part of facilities planning. Pursuant to General Plan Policies PF-12.1 through PF-12.3, the development of these facilities by the County would be conducted in an environmentally sustainable manner (Yolo County 2009:416). Therefore, no physical environmental impacts associated with new government facilities from implementation of the CLUO would occur.

### ***Public Schools***

Implementation of the CLUO would not directly result in the creation of new population that would increase the demand for libraries and other governmental services. However, CLUO Alternatives 2, 3, 4, and 5 would create new employment that could result in new County residents. Development of commercial and residential building associated with cannabis uses would be subject to school impact fees.

California Government Code Sections 65995(h) and 65996(b) require full and complete school facilities mitigation. Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or the provision of adequate school facilities and Section 65996(b) states that the provisions of the Government Code provide full and complete school facilities mitigation.

### ***Septic Systems***

Where new cannabis uses would use septic tanks or other on-site wastewater treatment and disposal systems, this activity would be regulated through the Yolo County Onsite Wastewater Treatment Systems Local Agency Program described in Yolo County Code Chapter 19 of Title 6. Chapter 19 requires that a site evaluation be prepared to confirm that a septic system can operate properly. Section 6-19.605 identifies that the evaluation must include details on soil conditions (e.g., soil textural character and percolation rate), depth to groundwater, adequate land area to accommodate a 100-percent system replacement. Section 6-19.606 includes requirements for siting, design, operation, and maintenance measures to avoid system failures. Use of septic tanks or other on-site wastewater treatment and disposal systems would not be authorized in areas with soils incapable of supporting these facilities.

### ***Seiche Hazards***

A seiche is the oscillation of a body of water at its natural period. Seiches occur most frequently in enclosed or semi-enclosed basins such as lakes, bays or harbors. Since Yolo County is generally subject to only low to moderate levels of earthquake-induced ground shaking, hazard of a seiche is not considered high. However, in the event that significant ground shaking does occur, the County of Yolo Emergency Plan has identified the following primary areas in the County in which a seiche could occur: Lake Berryessa; the Sacramento River, which could affect bordering communities, including Knights Landing and Clarksburg; the Yolo Bypass when water is present in the bypass; and Lake Washington Harbor, the Port of West Sacramento, and the Deep Water Ship Channel. Since Lake Berryessa is closest of these areas to active faults, it is perhaps the most likely to experience a seiche. Based on a review of the available literature, however, no identified or measurable seiches have been documented in Yolo County surface water bodies. Adoption and implementation of the proposed CLUO would not increase the potential for seiches because it would not alter seismic conditions in the region.

### ***Transit, Pedestrian, and Bicycle Conflicts***

Due to the rural character of unincorporated area transportation network, the lack of transit, and the assumed dispersion of the individual cannabis operations and facilities throughout the unincorporated area, it is unlikely that the adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the final CLUO, would generate substantial pedestrian, bicycle, or transit demand. Thus, the project would not conflict with a program, plan, ordinance or policy addressing pedestrian, bicycle, and transit facilities or otherwise decrease the performance or safety of such facilities.

### ***Transportation Hazards and Emergency Access***

CLUO Section 8-2.1408, Specific Use Requirements and Performance Standards, provides specific requirements and performance standards to regulate operations for all cannabis use types. These requirements and standards include Section 8-2.1408(K) which addresses driveway design and Section 8-2.1408(JJ) which addresses roadway improvements.

Thus, all roadway improvements associated with new cannabis operations under the CLUO would be constructed in accordance with all applicable County and Caltrans design and safety standards. Additionally, the vehicle types associated with operation of cannabis operations (i.e.,

passenger vehicles, light-duty vehicles, single unit trucks) are consistent with the vehicle types currently utilizing the study area roadway network and thus would not result in the operation of incompatible uses. Therefore, the project would not increase hazards because of a design feature or incompatible uses.

### ***Tsunami Hazards***

Tsunamis are long period water waves caused by underwater seismic events, volcanic eruptions, or undersea landslides. Areas that are highly susceptible to tsunami inundation tend to be low-lying coastal areas, such as tidal flats, marshlands, and former bay margins that have been artificially filled. According to the Yolo County General Plan EIR, Tsunami wave run-up elevations for the Sacramento River in the Yolo County area have not been quantified but would not be expected to represent a hazard for Yolo County given its distance (more than 50 miles) from the coast. Adoption and implementation of the proposed CLUO would not increase the potential for tsunamis because it would not alter seismic conditions in the region.

### ***Vibration***

No major operational sources of vibration would be constructed as part of the adoption and implementation of the CLUO. Construction of any subsequent cannabis use under the CLUO would not include vibration-intensive activities such as blasting or pile driving. In addition, subsequent cannabis use under the CLUO would not result in the location of new vibration-sensitive receptors to existing sources of vibration. Thus, the project would not result in excessive vibration or vibration levels such that any receptors would be adversely affected.

## **D. CUMULATIVE IMPACTS**

Chapter 4 of the EIR examines the potential for the project to contribute to cumulative effects not addressed in Chapter 3. Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. These impacts can result from the proposed project alone, or together with other projects.

When evaluating cumulative impacts, CEQA allows the use of either a list of past, present, and probable future projects, including projects outside the control of the lead agency, or a summary of projections in an adopted planning document, or a thoughtful combination of the two approaches. The EIR cumulative analysis uses a combination of the two approaches. Chapter 4 examines impacts associated with implementation of the CLUO, plus implementation of planned growth for Yolo County as assumed in the General Plan EIR, plus impacts associated with nine proposed early implementation development agreement applications and nursery and processing pilot program applications (see Table 2-2 on page 2-15 of the Draft EIR document).

The General Plan EIR assumed allowed agricultural uses on the 545,000 acres of designated as Agriculture throughout the unincorporated area, and additionally assumed allowed agricultural commercial and agricultural industrial uses on 1,178 acres of these acres. The cannabis uses that would be allowed under the CLUO (Section 8-2.1407) are consistent with the assumptions of the General Plan EIR.

Additional growth may occur in the County as a result of planned land uses within the four incorporated cities, on the University of California Davis campus, and on lands held in trust by the federal government for the Yocha Dehe Wintun Nation. Although these are all activities the County does not control, the County's 2009 General Plan EIR examined the potential for cumulative effects associated with buildout of planned growth within the unincorporated County area, growth within these areas of the County not under County jurisdiction, and growth in jurisdictions adjoining Yolo County (see pages 805 through 817 of the Draft volume of the 2030 Countywide General Plan Final EIR (SCH # 2008102034, certified November 10, 2009).

In 2017 the County Board of Supervisors approved two General Plan amendments that removed four specific plans from the General Plan for Dunnigan, Elkhorn, Knights Landing, and Madison. These actions removed approximately 10,200 residential dwelling units and approximately 960 acres of commercial and industrial land use growth (Yolo County 2019). This growth reduction in the General Plan reduces the projected future significant environmental impacts identified in the General Plan EIR (i.e., land use and housing, agricultural resources, transportation and circulation, air quality, noise, greenhouse gases and climate change, utilities, energy, cultural resources, biological resources, hydrology and water quality, hazards and hazardous materials, and visual and scenic resources). In other words, the cumulative analysis in the certified General Plan EIR assumed considerably more growth that will actually occur, and assumed agricultural (and related land use activities) that encompass the uses allowed under the CLUO.

The cumulative effects analysis disclosed that if the nine early implementation development agreement applications and/or nursery/processing pilot program applications were approved in advance of the CLUO being in effect, the following key outcomes would result:

- Approval of the development agreement applications would result in two commercial nurseries and one commercial processing operation. Alternative 1 assumes cannabis cultivation only with no commercial nurseries or processing, except ancillary to the cultivation for on-site product only.
- Cultivation covered under the development agreement applications cannot occur outdoors, meaning such activities would be moved into buildings or greenhouses.
- Activities covered under the development agreement applications would not be covered by the CLUO regulations; however the rigors of the early application process, although different, were developed with the intention of ensuring protections similar to and at least as rigorous as the proposed CLUO.

In actuality, none of these applications have progressed to hearing prior to adoption of the CLUO, underscoring the conservative approach of the analysis and conclusions.

In summary the CLUO Final EIR cumulative analysis is very conservative. The Board of Supervisors hereby affirms the approach taken in the CLUO Final EIR and makes the following relevant findings:

For the following areas of potential cumulative impacts, the EIR analysis concludes that impacts from implementation of the CLUO would not be cumulatively considerable and therefore would be less-than-significant. Based on evidence and analysis in the record, the Board of Supervisors confirms this determination of less-than-significant contribution to cumulative effects associated with the impacts identified below and therefore additional findings are not required:

- Cumulative Aesthetic Impacts -- AES 1(scenic vistas and viewsheds), AES-2 (scenic resources and highways), and AES-4 (light and glare)
- Cumulative Agricultural Resource Impacts – all impacts
- Cumulative Air Quality and Odor – AQ-1 (conflict with policies/regulations), AQ-2 (construction emissions), AQ-3 (operational emissions)
- Cumulative Biological Resource Impacts – all impacts
- Cumulative Cultural Resource Impacts – all impacts
- Cumulative Energy Impacts – all impacts
- Cumulative Geology and Soil Impacts – all impacts
- Cumulative Greenhouse Gas Emissions and Climate Change Impacts – all impacts
- Cumulative Hazards and Hazardous Material Impacts – all impacts
- Cumulative Hydrology and Water Quality Impacts – all impacts
- Cumulative Land Use and Planning Impacts – all impacts
- Cumulative Noise Impacts – all impacts
- Cumulative Public Service Impacts – all impacts
- Cumulative Transportation and Circulation Impacts – all impacts
- Cumulative Utilities and Service System Impacts – all impacts

For the following areas of potential cumulative impacts, the EIR analysis concludes that impacts from implementation of the CLUO could be cumulatively considerable and therefore would be significant. Based on evidence and analysis in the record, the Board of Supervisors confirms this determination of significant cumulative effects associated with the impacts identified below:

- Cumulative Aesthetic Impacts – AES-3 (visual character)
- Cumulative Air Quality and Odor – AQ-4 (odor emissions)

Additional specific findings to support these conclusions are provided below.

**Impact CUM-1: Contribution to cumulative aesthetic impacts.**

This impact is analyzed on pages 4-4 through 4-8 of the Draft volume of the EIR. This impact was found to be cumulatively considerable for Impact AES-3 Visual Character. Implementation of the CLUO would regulate visual characteristics of existing and relocated cannabis sites and reduce the likelihood of adverse aesthetic contrast with adjacent rural and agricultural areas. Nevertheless, aesthetic impacts related to visual character are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other forms of non-cannabis agriculture in the County. Therefore, implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, would conservatively result in cumulatively considerable contributions to cumulative visual character impacts. This impact is conservatively **considered cumulatively considerable**.

***Significance Before Mitigation***

The determination of cumulatively considerable is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None available. The proposed CLUO contains requirements that would regulate the overall visual quality of cannabis operations including the appearance of buildings and structures, and general maintenance of the sites and Mitigation Measure OVC-1a-c described below would regulate over-concentration of cannabis uses in particular areas of the County thus reducing visual character impacts resulting from over-concentration. There are no other known feasible measures that would offset cumulative aesthetic impacts that are not already included in the CLUO.

***Findings After Mitigation***

Notwithstanding implementation of the CLUO, the potential for aesthetics impacts to occur is conservatively identified as **cumulatively considerable and significant and unavoidable** because visual character impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other forms of non-cannabis agriculture in the County.

The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that would reduce cumulative impacts to a less-than-significant level. This impact, therefore, remains significant and unmitigable.

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

**Impact CUM-3: Contribution to cumulative air quality and odor impacts.**

This impact is analyzed on pages 4-18 through 4-19 of the Draft volume of the EIR. This impact was found to be cumulatively significant for Impact AQ-4, Odor. Odor is affected by many variables including the specific site, the proposed activity, topography, and meteorology, among many others. The CLUO would establish odor control regulations that require odor management and set thresholds for acceptable vs nuisance odor. Odors must be controlled at the property line to a dilution-to-threshold ratio (D/T) of seven parts clean or filtered air to one part odorous air (7 D/T) or less. The proposed CLUO requires the development of an Odor Control Plan (CLUO Section 8-2.1410[D][2]) for each operation and identifies a process of corrective actions for nuisance odor conditions (CLUO Section 8-2.1408[CC] and 8-2.1408[DD]).

Despite these regulations and controls, the potential for cumulative odor impacts to occur as a result of adoption and implementation of the CLUO, including issuance of future Cannabis Use Permits, is conservatively identified as **cumulatively considerable**. Cannabis remains a controversial activity, many neighbors are very sensitive to the odor and find it to be highly objectionable, the proposed regulatory threshold is not zero-detect which means that some odor will be detectable and will be considered acceptable under the regulations, and in recognition that odor exceedances in excess of the allowable level may be higher in early years as the industry and technology evolve despite the fact that enforcement will occur under the ordinance. Therefore, adoption and implementation of the CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, may result in a **cumulatively considerable** contribution to cumulative odor impacts.

***Significance Before Mitigation***

The determination of cumulatively considerable is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

None available. The proposed CLUO contains requirements that would regulate odor emissions and Mitigation Measure OVC-1a-c described below would regulate over-concentration of cannabis uses in particular areas of the County thus reducing odor impacts resulting from over-concentration. There are no other known feasible measures that would offset cumulative odor impacts that are not already included in the CLUO.

### ***Findings After Mitigation***

Notwithstanding implementation of the CLUO, the potential for impacts from odor emissions to occur is conservatively identified as **cumulatively considerable and significant and unavoidable** because cannabis remains a controversial activity, many neighbors are very sensitive to the odor and find it to be highly objectionable, the proposed regulatory threshold is not zero-detect which means that some odor will be detectable and will be considered acceptable under the regulations

The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that would reduce cumulative impacts to a less-than-significant level. This impact, therefore, remains significant and unmitigable.

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

### **E. OVER-CONCENTRATION**

Section 4.2 of the EIR examines the environmental impacts that may occur from the effect of multiple cannabis uses in distinct subregions of the County. Based on an assessment of geographic proximity of the 78 existing and eligible cannabis cultivation sites that currently exist in the County, there are four visibly recognizable clusters or concentrations of sites. These are shown in Exhibit 4-1 of the Draft EIR on page 4-38. These clusters each occupy an area approximately six-miles in diameter. Concentrations clearly dissipate outside of the identified cluster areas. Based on the densities shown, for the purposes of this analysis, these four clusters represent areas of the County experiencing potential over-concentration of cannabis activities. The four geographic areas of concern are as follows:

Cluster #1, Guinda/Rumsey – This area actually represents two overlapping clusters of sites. This area is treated as one cluster for purposes of analysis. There are 23 cultivation sites that fall within Cluster #1.

Cluster #2, Willow Oaks/Monument Hills – There are 13 cultivation sites that fall within Cluster #2.

Cluster #3, Dunnigan Area – There are nine cultivation sites that fall within Cluster #3.

Cluster #4, Esparto Area – There are eight cultivation sites that fall within Cluster #4.

There are 25 cannabis sites that fall outside of the cluster areas identified above and that do not fall within identifiable areas of concern. None of these remaining sites form clusters of greater than five sites within a six-mile diameter analysis area within the unincorporated area. For the purposes of this analysis this remainder area is considered “not over-concentrated.”

As supported by this analysis, five or fewer sites within a six-mile diameter area is not considered over-concentration, and 23 or more sites are considered over-concentrated. The range between six and 22 sites is considered potentially overconcentrated. The determination of the exact point in this range where over-concentration clearly occurs is not further informed by this environmental review. This assessment acknowledges that that determination is a matter of policy rather than science and will be made by decision of the Board of Supervisors based on considerations that fall outside the purview of CEQA.

In addition to Section 8-2.1406(H) there are a number of other controls built into the proposed CLUO and the County's cannabis licensing program that will affect the number of Cannabis Use Permits allowed within a given geographic area. These include (in no order):

- State licensing (existing)
- County licensing (existing)
- Overall license cap of 78 licenses (various options to modify this are under consideration)
- Zoning (proposed)
- Buffers (various options are under consideration)
- Canopy size limits (existing)
- Cannabis Use Permit process (proposed)
- Other proposed regulations in the CLUO

For the following areas, the EIR analysis concludes that impacts from implementation of the CLUO would not result in regional impacts from over-concentration and therefore would be less-than-significant. Based on evidence and analysis in the record, the Board of Supervisors confirms this determination of less-than-significant contribution to over-concentration impacts associated with the impacts identified below and therefore additional findings are not required:

- Aesthetic Impacts from Over-concentration of Cannabis Uses -- AES 1(scenic vistas and viewsheds), AES-2 (scenic resources and highways), and AES-4 (light and glare)
- Agricultural Resource Impacts from Over-concentration of Cannabis Uses – all impacts
- Air Quality and Odor Impacts from Over-concentration of Cannabis Uses – AQ-1 (conflict with policies/regulations), AQ-2 (construction emissions), AQ-3 (operational emissions)
- Biological Resource Impacts from Over-concentration of Cannabis Uses – all impacts
- Cultural Resource Impacts from Over-concentration of Cannabis Uses – all impacts
- Energy Impacts from Over-concentration of Cannabis Uses – all impacts
- Geology and Soil Impacts from Over-concentration of Cannabis Uses – all impacts

- Greenhouse Gas and Climate Change Impacts from Over-concentration of Cannabis Uses – all impacts
- Hazards and Hazardous Material Impacts from Over-concentration of Cannabis Uses – all impacts
- Hydrology and Water Quality Impacts from Over-concentration of Cannabis Uses – all impacts
- Land Use and Planning Impacts from Over-concentration of Cannabis Uses – all impacts
- Noise Impacts from Over-concentration of Cannabis Uses – all impacts
- Public Service Impacts from Over-concentration of Cannabis Uses – all impacts
- Transportation and Circulation Impacts from Over-concentration of Cannabis Uses – all impacts
- Utilities and Service System Impacts from Over-concentration of Cannabis Uses – all impacts

For the following areas, the EIR analysis concludes that impacts from implementation of the CLUO could result in regional impacts from over-concentration and therefore would be significant. Based on evidence and analysis in the record, the Board of Supervisors confirms this determination of significant over-concentration effects associated with the impacts identified below:

- Aesthetic Impacts from Over-concentration of Cannabis Uses – AES-3 (visual character)
- Air Quality and Odor Impacts from Over-concentration of Cannabis Uses – AQ-4 (odor emissions)

Additional specific findings to support these conclusions are provided below.

**Impact OVC-1: Aesthetic impacts from over-concentration of cannabis uses.**

This impact is analyzed on pages 4-39 through 4-47 of the Draft volume of the EIR. This impact was found to be significant for effects on visual character in smaller areas where there are clusters of cannabis activities. Implementation of the CLUO would regulate visual characteristics of existing and relocated cannabis sites and reduce the likelihood of adverse aesthetic contrast with adjacent rural and agricultural areas. Nevertheless, aesthetic impacts related to visual character are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other forms of non-cannabis agriculture in the County. Therefore, implementation of the CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, would conservatively result in significant visual character impacts when clustered in the

four geographic areas of the County identified as over-concentrated or potentially over-concentrated. This impact is **significant**.

### ***Significance Before Mitigation***

The determination of significant impact is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

### ***Mitigation***

The EIR identifies three mitigation measures applicable to all alternatives. As described earlier in these Findings, the County has made changes to this mitigation measure since release of the Final EIR.<sup>3</sup> These changes are reflected below:

#### **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:

- 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.
- 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 over-concentration. 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.
- 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.
- IV. ~~The Board of Supervisors shall have final decision-making authority over Cannabis Use Permits in areas of potential over concentration and over concentration. In other areas, the Planning Commission will be the decision-making authority, and would only go before the Board of Supervisors on appeal.~~ The Planning Commission shall have final decision-making authority over Cannabis Use Permits subject to appeal to the Board of Supervisors.
- 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 ~~each of the four identified clusters~~ will be processed simultaneously to enable consideration of community specific issues and to facilitate community

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<sup>3</sup> Footnote 3 on page 4-46 of the Draft EIR (page 4-46) indicates that the precise threshold would be determined by the Board of Supervisors pursuant to Mitigation Measure OVC-1a(II). As reflected in Section 8-2.1406(H) of the final CLUO, outside of the Capay Valley, the Board of Supervisors has concluded that Existing Licensees do not create over-concentration conditions. As applicable to new or relocating cannabis operations, the Board has identified more than seven cannabis operations/use permits in any area of the County with a diameter of six miles as over-concentrated. Exceedance of the threshold by new/relocating permittees is not allowed and the findings referenced in this Mitigation Measure were deleted from the final CLUO. As applicable to new or relocating cannabis operations, seven or fewer cannabis uses in the same area is not over-concentrated. Within the Capay Valley, more than five cannabis operations/use permits is over-concentrated, and five or less is not over-concentrated.

involvement. Use permit applications for the 78 existing and eligible licensees will be processed prior to acceptance of subsequent applications.

- VI. Section 8-2.1406(H) shall be modified to reflect the measures listed above. To satisfy Mitigation Measure OVC 1a through c, the proposed language for Section 8-2.1406(H) shall be modified as follows:

Section 8-2.1406 (H) Over Concentration — Five or less cannabis use permits in any area of the County with a diameter of six miles shall not be considered over concentrated. Six to XX cannabis use permits in any area of the County with a diameter of six miles shall be considered potentially over concentrated. More than XX cannabis use permits in any area of the County with a diameter of six miles shall be considered over concentrated, and shall not be allowed unless special findings are made as described further below.<sup>4</sup>

By resolution adopted concurrently with, or subsequent to, this article, as may be amended from time to time, the Board of Supervisors shall establish procedures and commit resources to implement this section and ensure processing of cannabis use permits in areas of potential over concentration and over concentration, consistent with the adopted CLUO.

By resolution adopted concurrently with, or subsequent to, this article, as may be amended from time to time, the Board of Supervisors may establish limitations on the number of cannabis operations that may be approved in distinct subregions of the County. The subregions correspond with the jurisdictional boundaries of local General Plan Citizens' Advisory Committees. Note: Limitations or "caps" on the number of allowed cannabis operations in various County sub regions have not yet been determined but are expected to be based primarily on population size and density in each subregion, with higher caps in less populated, less dense subregions. For purposes of applying any limitations set forth in such resolution,

Multiple licenses/permits (including permitted co-locations) at a single address shall count as one operation. Subject to this limitation, each operation covered by a development agreement approved through the "early" development agreement process that predated this article shall also count against the limitation.

If any combination of the number of approved use permits, "early" development agreements, or pending permit applications exceeds the limitation within a subregion, The Board of Supervisors shall be the final decision-making authority on any use permit application within an area of potential over-concentration or over-concentration.

The Board may approve a use permit in an area of if the approval would create or add to an over-concentration only upon making special findings that denial of the application would unduly limit development of the legal market so as to perpetuate the illegal market for cannabis and related products, and that the approval would not cause or contribute to a cannabis-related law enforcement problem or other public nuisance in the affected subregion and any surrounding affected areas.

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<sup>4</sup>This will be replaced with the threshold determined by the Board of Supervisors pursuant to Mitigation Measure OVC 1a(II).

**Mitigation Measure OVC-1b: Establish Priority Processing for Cannabis Use Permits for Existing Licensees and in Cluster 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 Guinda/Rumsey Cluster #1, Willow Oaks/Monument Hills Cluster #2, Dunnigan Area Cluster #3, and Esparto Area Cluster #4 are processed prior to the consideration of new cannabis uses under any alternative.

**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:

- Number of cannabis operations in area
- Proximity of cannabis operations (e.g. to each other/and/or to other identified sensitive uses)
- Adjoining/nearby land uses
- Population in area
- Crime rate in area
- Compliance history of the applicant and/or operator
- Nuisance abatements in area
- Community character
- Community support
- Parcels size and proposed uses on non-cannabis portion of parcel
- Subject matter input relevant to the specific location or proposed project from County department and division heads
- Other cultural, social, equity, and environmental justice concerns deemed applicable by the County

***Findings After Mitigation***

These Mitigation Measures would ensure, among other things, that over-concentration is regulated under any alternative. Implementation of Mitigation Measures OVC-1a through OVC-1c would ensure that the unique setting of those subregions of the County where over-concentration is projected to potentially occur, is considered in issuing Cannabis Use Permits and establishing regionally-based caps on cannabis activities. These measures would also establish consistent thresholds to guide processing of all future Cannabis Use Permits to ensure the same considerations of over-concentration are implemented over time as cannabis operations are established and removed under the program.

Notwithstanding implementation of these mitigation measures, it is acknowledged that the visual character of identified subareas of the County will be altered as a result of continued and possible expanded cannabis activities. Therefore, aesthetic impacts due to over-concentration in identified areas would be **significant and unavoidable** for all alternatives because visual character impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other forms of non-cannabis agriculture in the County.

The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that would reduce over-concentration impacts to a less-than-significant level. This impact, therefore, remains significant and unmitigable.

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

**Impact CUM-3: Contribution to cumulative air quality and odor impacts.**

This impact is analyzed on pages 4-18 through 4-19 of the Draft volume of the EIR. This impact was found to be cumulatively significant for Impact AQ-4, Odor. Odor is affected by many variables including the specific site, the proposed activity, topography, and meteorology, among many others. The CLUO would establish odor control regulations that require odor management and set thresholds for acceptable vs nuisance odor. Odors must be controlled at the property line to a dilution-to-threshold ratio (D/T) of seven parts clean or filtered air to one part odorous air (7 D/T) or less. The proposed CLUO requires the development of an Odor Control Plan (CLUO Section 8-2.1410[D][2]) for each operation and identifies a process of corrective actions for nuisance odor conditions (CLUO Section 8-2.1408[CC] and 8-2.1408[DD]).

Despite these regulations and controls, the potential for cumulative odor impacts to occur as a result of adoption and implementation of the CLUO, including issuance of future Cannabis Use Permits, is conservatively identified as **cumulatively considerable and significant and unavoidable**. Cannabis remains a controversial activity. Many neighbors are very sensitive to the odor and find it to be highly objectionable. The proposed regulatory threshold is not zero-detect which means that some odor will be detectable and will be considered acceptable under the regulations. Odor exceedances in excess of the allowable level may be higher in early years as the industry and technology evolve despite the fact that enforcement will occur under the ordinance. Therefore, adoption and implementation of the CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the proposed CLUO, may result in a **cumulatively considerable** contribution to cumulative odor impacts that would be **significant and unavoidable**.

***Significance Before Mitigation***

The determination of cumulatively considerable is confirmed by the Board of Supervisors based on the evidence and analysis provided in the record.

***Mitigation***

Implement Mitigation Measure OVC-1(a-c).

***Findings After Mitigation***

These Mitigation Measures would ensure, among other things, that over-concentration is regulated under any alternative. Implementation of Mitigation Measures OVC-1a through OVC-

1c would ensure that the unique setting of those subregions of the County where over-concentration is projected to potentially occur, is considered in issuing Cannabis Use Permits and establishing regionally-based caps on cannabis activities. These measures would also establish consistent thresholds to guide processing of all future Cannabis Use Permits to ensure the same considerations of over-concentration over time as cannabis operations are established and removed under the program.

Notwithstanding implementation of these mitigation measures, it is acknowledged that, because some neighbors are very sensitive to the odor and find it to be highly objectionable, the proposed regulatory threshold is not zero-detect which means that some odor will be detectable and will be considered acceptable under the regulations; and, in recognition that odor exceedances in excess of the allowable level may be higher in early years as the industry and technology evolve, despite the fact that enforcement will occur under the ordinance, odor impacts due to over-concentration in identified areas would be **significant and unavoidable** for all alternatives.

The Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that would reduce cumulative impacts to a less-than-significant level. This impact, therefore, remains significant and unmitigable.

To the extent that this adverse impact will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board finds that specific economic, legal, social, technological, and other considerations identified in the Statement of Overriding Considerations support approval of the project as modified, despite unavoidable residual impacts.

## **F. GROWTH INDUCEMENT**

CEQA Guidelines Section 15126.2(d) requires an EIR to discuss “the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” Growth inducement may be considered detrimental, beneficial, or of insignificant consequence under CEQA. Induced growth is considered a significant impact only if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth, in some other way, significantly affects the environment.

The Draft EIR contains an analysis of the following potential growth-inducing impacts related to adoption and implementation of the CLUO and related actions and assesses whether these effects are significant and adverse (see Draft EIR pages 6-1 through 6-2).

1. Foster population growth and construction of housing;
2. Eliminate obstacles to population growth;

A summary of the conclusions reached in the EIR follows:

Growth-Inducing Impacts of the Project -- The California Department of Food and Agriculture estimated that cannabis production in the state in 2016 was approximately 13.5 million pounds, with no anticipated increases in overall production from implementation of the Medical Cannabis Regulation and Safety Act and Adult Use of Marijuana Act by 2018 (CDFA 2017). Estimates for state cannabis consumption in 2018 under these acts range from 1.4 million pounds (Truth Enterprises 2016) to 2.5 million pounds, which is far below the state's current cannabis production capability. Thus, substantial growth in cannabis cultivation operation statewide or in the County is not expected to occur.

Foster population growth and construction of housing -- Implementation of the CLUO is intended to regulate all cannabis activities, including personal use, commercial cultivation, and noncultivation uses (nurseries, processing, manufacturing, testing, distribution, retail, and microbusinesses), in the unincorporated area. Table 2-4 (on page 2-32 of the Draft EIR volume) identifies the anticipated extent of development and employment associated with commercial cultivation and noncultivation uses under the five CLUO alternatives. Depending on the alternative, the number of new permanent full-time equivalent employees generated with implementation of the CLUO would range from none (Alternative 1) to 1,399 (Alternative 3).

Current vacancy rates and the extent of new dwelling units anticipated by 2036 indicate that there would be adequate housing opportunities in the region to accommodate employment generated under the CLUO and that the project would not trigger the cumulative need to develop new housing beyond growth projections. As discussed under Impact LU-3, new cultivation and noncultivation sites would be spread countywide, and operational employees can be assumed to come from the surrounding areas with some employees needing to move into the area, which would result in population growth in the County. Yolo, Sacramento, and Solano Counties combined have approximately 63,000 existing unoccupied dwelling units, and housing vacancy rates have increased in Yolo County from 4.3 percent in 2017 to 5.2 percent in 2019.

Several local jurisdictions in the region have reasonably foreseeable residential development communities. For example, West Sacramento has the Yarbrough, Liberty Specific Plan, and River Park developments, which would provide up to 7,200 new residential units combined and are in the entitlement process. Woodland has approved the Country Oaks subdivision, and the previously approved Spring Lakes Specific Plan is being built out. Other jurisdictions, such as the County and City of Winters, are incorporating suggestions from the Sacramento Area Council of Governments Housing Policy Tool Kit to address the availability of housing, such as the allowance for premanufactured buildings and accessory dwelling units in the zoning code and the adoption of regulations for support of farmworker housing and transitional housing.

Thus, adequate housing opportunities in the region are considered to be available to accommodate the employment generated. The potential for a significant adverse impact is less than significant.

Eliminate obstacles to population growth -- Additionally, the project would not remove barriers to population growth. No new or expanded (beyond what is currently planned) public infrastructure facilities would be installed to support implementation of the CLUO, because cannabis uses would operate similar to the way that existing agricultural land uses in the County operate. No new roadway improvements would be required to serve cannabis uses. It is expected that most cannabis sites would use on-site wastewater treatment systems and wells for water supply. Therefore, the project would not contribute to substantial population growth or be considered growth inducing. The potential for a significant adverse impact is less than significant.

In summary, while growth inducement can be considered an adverse impact under CEQA, the potential for significant adverse growth-inducing impacts from the CLUO is considered less-than-significant, and additional mitigation measures beyond those identified in Chapter 4 are not necessary. The determination of less-than-significant impact for impacts from growth inducement is confirmed by the Board of Supervisors. Additional findings are not required.

#### **G. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by the proposed project. Section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The project would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation, including:

- construction materials, including such resources as soil, rocks, wood, concrete, glass, and steel
- water supply for project construction and operation
- energy expended in the form of electricity, natural gas, diesel fuel, gasoline, and oil for equipment
- transportation vehicles that would be needed for project construction and operation

The use of these nonrenewable resources is expected to account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region.

Impact HYDRO-1 identifies that groundwater demand per acre of cultivation area and noncultivation uses for all the CLUO alternatives would be below the County's typical agricultural per acre water demands that are assumed to be replaced by cannabis uses, which range from 2.35 to 3.05 afy per acre of cropland (see Table 3.10-3). Permittees would be required to demonstrate adequate water supply under CLUO Section 8-2.1408(VV) and any on-site improvements that would be necessary for service (e.g., groundwater well and storage tank) under CLUO Section 8-2.1408(OO) in order to obtain a Cannabis Use Permit. Thus, water supply impacts would be **less than significant** for all alternatives.

As discussed in Impact ENE-1, construction and operation of commercial cannabis cultivation and noncultivation sites associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the proposed CLUO, would result in the consumption of fuel (gasoline and diesel), electricity, and natural gas. The energy needs for construction of new and relocated commercial cannabis cultivation and noncultivation sites would be temporary and would not require additional capacity or increase peak or base period demand for electricity or other forms of energy. The CLUO would require all cultivation and noncultivation sites to derive 50 percent of their energy from renewable sources, and CCR Sections 8203, 8205, and 8206 include energy efficiency requirements that are more stringent than standard requirements in the California Energy Code. Further, CCR Sections 8203 and 8205 require all cannabis cultivation sites seeking relicensing after 2022 to supply their total electricity from a zero net energy renewable source. Energy consumption associated with all of the alternatives under the CLUO would not result in wasteful, inefficient, or unnecessary consumption of energy. Thus, the impact would be **less than significant** for all alternatives. The reader is referred to Section 3.6, "Energy," for an analysis of the CLUO's impacts on energy use under each of the five alternatives.

#### **H. MITIGATION MEASURES AND PROJECT ALTERNATIVES PROPOSED BY COMMENTERS**

Comments on the Draft EIR have suggested additional mitigation measures and/or modifications to the measures or alternatives recommended in the Draft EIR. In considering specific recommendations from commenters, Yolo County has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. It is recognized that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure or alternative can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects.

The Board of Supervisors is also cognizant, however, that the mitigation measures recommended in the EIR represent the professional judgment and long experience of the County staff and

consultant team. It is thus the position of the Board of Supervisors that these recommendations should not be altered without considerable thought and compelling analysis.

Thus, in considering commenters' suggested changes or additions to the mitigation measures and alternatives as set forth in the EIR, Yolo County, in determining whether to accept such suggestions, either in whole or in part, has considered the following factors, among others:

(i) whether the suggestion relates to an environmental impact that can already be mitigated to less-than-significant levels by proposed mitigation measures in the Draft EIR;

(ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace;

(iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted;

(iv) whether the language might be too inflexible to allow for pragmatic implementation;

(v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and,

(vi) whether the proposed language is consistent with the project objectives.

As is evident from the specific responses given to specific suggestions in Chapter 3 of the Final EIR, Yolo County has spent large amounts of time carefully considering and weighing proposed mitigation language and project alternatives. In response, Yolo County developed alternative language addressing the same issue that was of concern to a commenter or explained why changes to the EIR were not required to address the concerns of the commenter. In no instance, however, did Yolo County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions. The Board of Supervisors finds that the responses to comments in the Final EIR are supported by substantial evidence and that the Final EIR provides adequate and appropriate responses to all comments on the Draft EIR, including all comments proposing mitigation measures or alternatives. The Board of Supervisors, therefore, incorporates those responses into these findings.

## **VIII. PROJECT ALTERNATIVES**

### **A. INTRODUCTION**

When a lead agency has determined that, even with the adoption of all feasible mitigation measures, a proposed project would still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project

alternatives that are both environmentally superior and feasible within the meaning of CEQA. An alternative may be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project.

When significant effects are identified in the EIR for the project, CEQA Guideline Section 15126.6 requires the EIR to consider and discuss alternatives to the proposed actions as a way of avoiding the significant effects. The primary intent of the alternatives analysis in an EIR, as stated in Section 15126.6(a) of the CEQA Guidelines, is to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Further, the CEQA Guidelines provide that “the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly” (CEQA Guidelines Section 15126.6(b)). These findings address whether the various alternatives lessen or avoid any of the significant impacts associated with the project and consider the feasibility of each alternative.

## **B. RANGE OF ALTERNATIVES**

Pursuant to Section 15126.6 of the CEQA Guidelines, the CLUO Final EIR considered seven alternatives to the Proposed Project. One of the seven was rejected from further analysis in the EIR (No Cannabis – Ban on Commercial Cannabis Operations in the County), one was analyzed at a comparative level against Alternatives 1 through 5 (No Project – No Cannabis Land Use Ordinance), and the remaining five alternatives were comprehensively analyzed at an equal level of detail, thus exceeding the requirements of CEQA for comparative analysis. The Board of Supervisors has determined that the Proposed Project, the final CLUO, is the best choice for the County.

In summary, the alternatives that were analyzed were as follows:

- No Cannabis -- Ban on Commercial Cannabis Operations in the County
- No Project – No Cannabis Land Use Ordinance
- Alternative 1: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative)
- Alternative 2: All License Types with Moderate Limits
- Alternative 3: All License Types with High Limits
- Alternative 4: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types
- Alternative 5: All License Types with Moderate Limits, Within Agricultural Zones Only, No Retail

The examination of this broad range of alternatives was conducted to fully inform the Board of Supervisors in their development and refinement of, and ultimate decision to adopt, the final CLUO.

These alternatives cover a comprehensive range of reasonable possibilities in support of the final action of the Board of Supervisors.

The Board of Supervisors finds that the range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the CLUO and related actions. The Board of Supervisors finds that the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which each alternative could reduce environmental impacts and the corresponding degree to which the alternative would hinder achievement of the project objectives and/or be infeasible.

### **C. PROJECT OBJECTIVES**

The primary intent of the CLUO is to establish comprehensive new land use regulations to control cannabis operations throughout the unincorporated area. These regulations are separate and distinct from the cannabis licensing regulations currently in Chapter 20 of Title 5 of the Yolo County Code, which will ultimately be modified and moved to a new Chapter 4 in Title 12. The specific objectives of the CLUO are identified in Section 8-2.1402 as follows:

- A. Protect the public health, safety, and welfare.
- B. Protect environmental resources and minimize environmental impacts.
- C. Ensure neighborhood compatibility.
- D. Ensure safe access to medical cannabis for patients.
- E. Support agricultural economic development including recognition of valuable new crops, preservation of agricultural land, and creation of opportunities for new farmers.
- F. Recognize cannabis as an agricultural crop with unique challenges including Federal classification, legal history, crop value, transaction security, distinct odor, and energy and water requirements.
- G. Recognize competing and evolving community values and interests related to the cannabis industry.
- H. Avoid establishing undesirable precedents for other agricultural sectors.
- I. Avoid unintended consequences including unforeseen community impacts and over-regulation that drives cannabis activities underground.
- J. Allow for adaptation to changing market, cultural, and regulatory considerations over time.
- K. Acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016.

### **D. FEASIBILITY OF ALTERNATIVES**

Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: failure to meet most of the basic project objectives; infeasibility; and, inability to avoid significant environmental impacts (CEQA Guidelines Section 15126.6(a)(c)).

Under CEQA, "(f)easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and

technological factors” (CEQA Guidelines Section 15364). The concept of feasibility permits agency decision-makers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses desirability to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors.

Section 15126.6(f)(1) and (2) of the CEQA Guidelines provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include:

- Project Objectives
- Avoid or Substantially Lessen Significant Effects
- Site Suitability
- General Plan Consistency
- Other Plans or Regulatory Limitations
- Economic Viability
- Availability of Infrastructure
- Jurisdictional Boundaries/Regional Context
- Property Ownership and Control
- Other Reasons for Rejecting as Infeasible (e.g. effects cannot be reasonably ascertained or implementation is remote and speculative)

Based on impacts identified in the EIR, and other reasons documented below, the Board of Supervisors finds that adoption and implementation of the final CLUO and related actions is the most desirable, feasible, and appropriate action and rejects the other alternatives as infeasible based on consideration of the relevant factors identified herein. A summary of each alternative and its relative characteristics, and documentation of the Board’s findings in support of rejecting the alternative are provided below. While the alternatives attempt to reduce impacts to the environment, none achieves the same level of environmental protection or successfully achieves the project’s objectives, to the same degree as the final CLUO. Therefore none warrants approval in lieu of the final CLUO. A discussion of each of the alternatives is provided below.

## **E. ALTERNATIVE REJECTED FROM ANALYSIS, NO CANNABIS – BAN ON COMMERCIAL OPERATIONS**

### **1. Description of this Alternative**

This alternative is discussed on pages 5-2 through 5-3 of the Draft EIR volume. The No Cannabis – Ban on Commercial Operations in the County Alternative was considered by the County but was ultimately not carried forward for impact analysis. Under this alternative, the County would implement a ban on commercial cannabis cultivation operations. No new commercial cannabis cultivation, processing, or distribution facilities would be allowed. This alternative would also result in the cessation of commercial cultivation cannabis operations currently allowed under the Marijuana Cultivation Ordinance. Enforcement activities would be undertaken by the County and

other agencies, if necessary, to ensure closure of existing commercial cannabis cultivation operations.

## **2. Findings for Rejection of this Alternative**

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Draft EIR identified that this alternative was rejected from further evaluation for the following reasons:

- It would not ensure safe access to medical cannabis for patients (Project Objective D).
- It would not support agricultural economic development opportunities associated with cannabis as valuable new crops, including the creation of opportunities for new farmers (Project Objective E).
- It would not recognize competing and evolving community values and interests related to the cannabis industry (Project Objective G).
- By failing to recognize a legal cannabis market, It would contribute to forces that drive cannabis activities underground (Project Objective I).
- It would not allow for adaptation to changing market, cultural, and regulatory considerations (Project Objective J).
- It is inconsistent with the will of the voters in passing Proposition 64 (Marijuana Legalization) in November 2016 which carried in Yolo County by a margin of 60.5 percent to 39.5 percent (Project Objective K).
- It would be inconsistent with the Board of Supervisor's October 2017 Guiding Principles for Proposed Cannabis Land Use Ordinance.
- It is inconsistent with the passage of Measure K in June 2018 which carried in Yolo County by a margin of 79 percent to 29 percent.
- It would result in significant environmental impact associated with illegal cannabis cultivation, distribution, processing, testing, manufacturing, and retail activity.
- It would fail to capitalize on unique local economic opportunities related to cannabis activities.
- It would not eliminate cannabis from the County because cultivation, distribution, processing, testing, manufacturing, and retail activity would be conducted in surrounding jurisdictions and products would enter the County from those sources.

- It would be inconsistent with General Plan Policy AG-1.1 related to encouraging the growth of emerging crops and value-added processing, supporting small and organic producers, and enhancing the transfer of new technologies.
- It would be inconsistent with General Plan Policy AG-3.2 which allows for uses that support agriculture such as agricultural commercial, agricultural industrial, and processing.
- It would be inconsistent with General Plan Policy AG-3.7 which supports the development of local suppliers for agricultural goods and services.
- It would be inconsistent with General Plan Policy AG-3.12 related to promotion of marketplace conversion from lower to higher value added crops and agricultural commodities.
- It would be inconsistent with General Plan Policy AG-3.16 related to agricultural innovation.
- It would be inconsistent with General Plan Policy AG-5.1 relating to promotion of markets for locally grown products and services.

The Board of Supervisors hereby confirms the rejection of this alternative for the reasons identified above. As a result the Board of Supervisors hereby finds that this alternative would fail to meet the basic project objectives and is infeasible on its face.

**F. ALTERNATIVE ANALYZED AT COMPARATIVE LEVEL OF ANALYSIS, NO PROJECT – NO CANNABIS LAND USE ORDINANCE (CLUO)**

**1. Description of this Alternative**

This alternative is analyzed on pages 5-3 through 5-7 of the Draft EIR volume and summarized in Table 5-1 starting on page 5-8. The No Project–No CLUO Alternative is similar to Alternative 1 in that it assumes continued operation of the 78 cannabis cultivation sites that are currently allowed or eligible to cultivate in the County under Yolo County Code Title 5, Chapter 20 (Marijuana Cultivation Ordinance). However, the No Project–No CLUO Alternative would not include the adoption of the CLUO. Rather, it would assume continued operation of those licensed facilities under the existing licensing program (Yolo County Code Title 5, Chapter 20) without implementation of the CLUO.

Under the existing licensing program cannabis land uses are restricted to personal use, 78 existing or eligible cultivation licenses, and on-site nurseries and processing in support of on-site cultivation only. Pursuant to Yolo County Code Section 5-20.05(A) outdoor cultivation must maintain a minimum buffer of 1,000 feet from youth-oriented facilities, schools, school bus stops, parks, churches, residential treatment facilities, and federal lands held in trust by the federal government or that is the subject of a trust application for a federally recognized tribal government; and a minimum buffer of 75 feet from any occupied residence located on a separate parcel. Personal

outdoor grows would be required to meet the above buffering requirements, as is currently required under the licensing program.

## **2. Attainment of Project Objectives for this Alternative**

This Alternative would fail to effectively meet the following Project Objectives:

- Because it does not include the regulations of the CLUO, this alternative would be less effective in protection of the public health, safety, and welfare (Project Objective A).
- Because it does not include the regulations of the CLUO, this alternative would be less protective of environmental resources and minimization of environmental impacts CLUO (Project Objective B).
- Because it does not include the regulations of the CLUO, this alternative would fail to ensure neighborhood compatibility as effectively as the CLUO (Project Objective C).
- Because it includes only cannabis cultivation and no other cannabis land uses, this alternative would not fully achieve agricultural economic development opportunities associated with cannabis as a valuable new crop such as allowing for cannabis processing, manufacturing, distribution, and retail sales, and including creation of opportunities for new farmers (Project Objective E).
- Because it includes only cannabis cultivation and no other cannabis land uses, this alternative would not fully realize opportunities to allow for adaptation to changing market, cultural, and regulatory considerations over time (Project Objective J).
- Because it includes only cannabis cultivation and no other cannabis land uses, this alternative would not fully acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016 (Project Objective K).

## **3. Environmental Impacts for this Alternative**

On pages 5-3 through 5-7 of the Draft EIR, the impacts of the No Project–No CLUO Alternative are compared with those of the five CLUO alternatives. This analysis provides information sufficient to allow for a meaningful analysis and comparison with the CLUO alternatives.

This alternative is expected to result in greater impact comparatively than the other alternatives. This would occur because the CLUO contains many more regulations and standards than the existing licensing program and this alternative assumes the CLUO is not adopted and that cannabis cultivation continues to be governed by the licensing ordinance. Table 5-1 on pages 5-8 through 5-11 of the Draft EIR summarizes the anticipated impacts of this alternative as compared to Alternative 1 which is also the preferred project. With few exceptions, this alternative would result in equal or greater impacts.

#### **4. Findings for this Alternative**

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Board of Supervisors rejects this alternative for the following reasons:

- It would fail to, or not fully achieve, Project Objectives A, B, C, D, E, J, and K.
- With few exceptions, this alternative would result in equal or greater environmental impacts than the final CLUO.
- It would not allow the expanded range of cannabis land use types included in the final CLUO. It limits cannabis land uses to personal use, commercial cultivation, and on-site nurseries and processing in support of on-site commercial cultivation only.
- It would allow 75-foot buffers between outdoor cannabis uses and occupied off-site residences, as compared to 600-foot to 1,500-foot buffers in the final CLUO.
- It would not include over-concentration thresholds.
- It would not implement the performance standards included in the CLUO. The final CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities.
- It would not include the public notification required under the CLUO.
- It would not result in the discretionary use permit process embodied in the CLUO. It would continue regulations solely through the County licensing ordinance which is a ministerial process. The CLUO would establish a discretionary permit process in addition to the required ministerial cannabis license.
- It would not result in the optimal balance between the concerns of residents and the permitting process.
- It would not improve existing conditions. The CLUO will improve existing conditions because all existing licensees will be required to demonstrate compliance with the CLUO and secure a Cannabis Use Permit.
- It would not result in site-specific CEQA compliance. Under the CLUO, each cannabis CUP applicant will be required to demonstrate CEQA compliance which may take the form of reliance on the CLUO Final EIR and/or additional site-specific CEQA documentation. This ensures that the unique circumstances of each existing and proposed location and operation are taken into consideration.

- It would not support improvements to relationships between neighbors. The CLUO includes requirements for appropriate buffers between identified sensitive land uses, appropriate numbers and types of cannabis activities, and the rigidity and rigor of many performance requirements standards and thresholds. All of these decisions directly or indirectly affect neighbor relationships. CLUO Section 8-2.1408(U) (Good Neighbor Communication) provides specific guidance for minimum required neighbor communications.
- It would be inconsistent with the Board of Supervisor’s October 2017 Guiding Principles for Proposed Cannabis Land Use Ordinance.
- It would be inconsistent with General Plan Policy AG-3.2 which allows for uses that support agriculture such as agricultural commercial, agricultural industrial, and processing.
- It would be inconsistent with General Plan Policy AG-1.1 related to encouraging the growth of value-added processing, supporting small and organic producers, and enhancing the transfer of new technologies.
- It would be inconsistent with General Plan Policy AG-3.7 which supports the development of local suppliers for agricultural goods and services.
- It would be inconsistent with General Plan Policy AG-3.12 related to promotion of marketplace conversion from lower to higher value added crops and agricultural commodities.
- It would be inconsistent with General Plan Policy AG-3.16 related to agricultural innovation.
- It would fail to capitalize on unique local economic opportunities related to cannabis activities.
- Cannabis cultivation, distribution, processing, testing, manufacturing, and retail activity would be conducted in surrounding jurisdictions and products would enter the County from those sources without the economic benefits of local production.

The Board of Supervisors hereby rejects this alternative for the reasons identified above. As a result the Board of Supervisors hereby finds that this alternative would fail to meet the basic project objectives, is infeasible, and would fail to avoid significant environmental impacts.

## **G. EQUAL-WEIGHT ANALYSIS OF ALTERNATIVES 1 THROUGH 5**

Five alternatives were analyzed comprehensively at equal-levels of detail in the Draft EIR. A description of each of these is provided below followed by an assessment of whether and how well the alternative attains the project objectives, the relative environmental impacts of the alternative, and the findings of fact for each alternative. Chapter 2 of the Draft EIR volume

provides detailed description of these alternatives. Table 5-1 starting on page 5-8 provides a summary and relative comparison of the environmental impacts of these alternatives.

### **1. Description of Alternative 1**

*Alternative 1, Cultivation (Ancillary Nurseries And Processing Only) With Existing Limits (Existing Operations With CLUO) (CEQA Preferred Alternative)* -- Alternative 1 assumes that existing personal use and commercial cannabis cultivation (including on-site nurseries and processing that provides support to the cultivation operation) would continue to operate but under the requirements of the new CLUO, in addition to the existing County licensing ordinance, rather than solely under the provisions of the existing licensing ordinance. There are currently 78 existing and eligible cultivators in the County. This alternative assumes up to 78 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal: unlimited
- cultivation: 78 operations

This alternative includes 75-foot buffers between outdoor cannabis uses and occupied off-site residences, and 1,000-foot buffers between outdoor cannabis uses and the following uses: residentially designated lands, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers. Personal outdoor grows would be required to meet the above buffering requirements with the exception of the 1,000-foot buffer from residentially designated lands, as this would have the unintended effect of prohibiting such use entirely.

Exhibit 2-4 on page 2-23 of the Draft EIR volume identifies the distribution of cannabis cultivation under Alternative 1 throughout the unincorporated area.

### **2. Attainment of Project Objectives for Alternative 1**

Alternative 1 fails to or does not effectively meet the following Project Objectives:

- Because it includes only cannabis cultivation and no other cannabis land uses, this alternative would not fully ensure safe access to medical cannabis for patients (Project Objective D).
- Because it includes only cannabis cultivation and no other cannabis land uses, this alternative would not fully achieve agricultural economic development opportunities associated with cannabis as a valuable new crop such as allowing for cannabis processing, manufacturing, distribution, and retail sales, and including creation of opportunities for new farmers (Project Objective E).
- Because it includes only cannabis cultivation and no other cannabis land uses, this alternative would not fully realize opportunities to allow for adaptation to changing market, cultural, and regulatory considerations over time (Project Objective J).

- Because it includes only cannabis cultivation and no other cannabis land uses, this alternative would not fully acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016 (Project Objective K).

### **3. Environmental Impacts for Alternative 1**

Alternative 1 is analyzed at an equal level of detail throughout Chapter 3 of the Draft EIR volume. A comparative analysis of Alternative 1 and the other studied alternatives is provided in Table 5-1 on pages 5-8 through 5-11 of the Draft EIR volume.

Under unmitigated conditions, Alternative 1 assumes slightly less cultivation and no noncultivation uses as compared to Alternatives 2, 4, and 5. This means in general, under unmitigated conditions most impacts under Alternative 1 are likely to be lower than what would occur under Alternatives 2 through 5. In other words, under unmitigated conditions, Alternative 1 would be environmentally superior overall. However, under mitigated conditions, Alternatives 1, 2, 4, and 5 perform similarly with all areas of impact, except aesthetics and odor, mitigated to acceptable levels. Therefore, under mitigated conditions, Alternatives 1, 2, 4, and 5 are relatively equivalent to each other and environmentally superior individually when compared to the No Project–No CLUO Alternative and Alternative 3.

### **4. Findings for Alternative 1**

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Board of Supervisors rejects this alternative for the following reasons:

- It would fail to or not fully achieve four of the 11 Project Objectives -- Project Objectives D, E, J, and K.
- With few exceptions, this alternative would result in equal or greater environmental impacts than the final CLUO.
- It would not allow the expanded range of cannabis land use types included in the final CLUO. It limits cannabis land uses to personal use, commercial cultivation, and on-site nurseries and processing in support of on-site commercial cultivation only.
- It would allow 75-foot buffers between outdoor cannabis uses and occupied off-site residences, as compared to 600-foot to 1,500-foot buffers under the final CLUO.
- It would not include over-concentration thresholds.
- It would not implement the performance standards included in the CLUO. The final CLUO contains new rigorous regulations that would provide many additional controls and enforcement abilities to the County with respect to cannabis activities.

- It would not include the public notification required under the CLUO.
- It would not result in the optimal balance between the concerns of residents and the permitting process.
- It would be inconsistent with General Plan Policy AG-3.2 which allows for uses that support agriculture such as agricultural commercial, agricultural industrial, and processing.
- It would be inconsistent with General Plan Policy AG-1.1 related to encouraging the growth of value-added processing, supporting small and organic producers, and enhancing the transfer of new technologies.
- It would be inconsistent with General Plan Policy AG-3.7 which supports the development of local suppliers for agricultural goods and services.
- It would be inconsistent with General Plan Policy AG-3.12 related to promotion of marketplace conversion from lower to higher value added crops and agricultural commodities.
- It would be inconsistent with General Plan Policy AG-3.16 related to agricultural innovation.
- It would fail to capitalize on unique local economic opportunities related to cannabis activities.
- Cannabis cultivation, distribution, processing, testing, manufacturing, and retail activity would be conducted in surrounding jurisdictions and products would enter the County from those sources without the economic benefits of local production.

Identification of Alternative 1 as the preferred project in the EIR does not limit the discretion of the Board in considering any of the alternatives, nor in making changes to the preferred project before adoption. The Board of Supervisors hereby rejects this alternative for the reasons identified above. As a result the Board of Supervisors hereby finds that this alternative would fail to meet the basic project objectives, is infeasible, would not be as effective as the final CLUO with respect to consistency with the Guiding Principles and the General Plan, and would not be the superior choice when comparing and balancing relevant factors.

## **5. Description of Alternative 2**

*Alternative 2, All License Types With Moderate Limits* -- Alternative 2 assumes that all types of cannabis operations would be allowed, including commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusinesses. As defined, implementation of this alternative would result in 132 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal: unlimited
- cultivation: 80 (includes 78 existing or eligible operations from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- retail: 2
- microbusiness: 5

Exhibit 2-5 on page 2-24 of the Draft EIR volume identifies the assumed distribution of these cannabis uses under Alternative 2. This distribution is based on current licensed cultivation operations in the County, review of cannabis applications received in response to the nursery and processing facilities pilot program and the early implementation development agreements for cannabis operations, with input from County staff based on an understanding of the local cannabis industry and an intent to reflect reasonable dispersion assumptions for purposes of the environmental impact analysis. Vertical integration of new cannabis uses is also assumed to occur under this alternative.

Alternative 2 assumes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the over-concentration of such uses in distinct subregions. This alternative also includes 1,000-foot buffers between outdoor cannabis uses and occupied off-site residences and residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers. Personal outdoor grows would be required to meet the above buffering requirements with the exception of the 1,000-foot buffer from residentially designated lands, as this would have the unintended effect of prohibiting such use entirely.

## **6. Attainment of Project Objectives for Alternative 2**

Alternative 2 would achieve all of the Project Objectives. The final CLUO is a modified version of Alternative 2 that better meets the Project Objectives for the reasons given below.

## **7. Environmental Impacts for Alternative 2**

Alternative 2 is analyzed at an equal level of detail throughout Chapter 3 of the Draft EIR volume. A comparative analysis of Alternative 2 and the other studied alternatives is provided in Table 5-1 on pages 5-8 through 5-11 of the Draft EIR volume.

Under unmitigated conditions, Alternative 2 would have impacts similar to Alternatives 4 and 5. Under mitigated conditions, Alternatives 1, 2, 4, and 5 perform similarly within all areas of impact, except aesthetics and odor, mitigated to acceptable levels. Therefore, under mitigated conditions, Alternatives 1, 2, 4, and 5 are relatively equivalent to each other and environmentally superior individually when compared to the No Project–No CLUO Alternative and Alternative 3.

## **8. Findings for Alternative 2/Final CLUO**

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Board of Supervisors accepts this alternative, as modified in the final CLUO, as preferred and superior over all other alternatives, modifications of alternatives, and/or combinations of alternatives for the following reasons:

- The final CLUO is similar to, but more rigorous than Alternative 2.
- It would best achieve all 11 Project Objectives.
- Under mitigated conditions it is environmentally superior and mitigates all environmental impacts equal to or better than all other alternatives, modifications of alternatives, and/or combinations of alternatives
- It allows the same cannabis land use types as Alternative 2: commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusinesses.
- It allows the same types of cannabis land uses in the same zoning districts as Alternative 2 and would prohibit commercial cannabis uses in Residential zones:
  - Personal – all Agricultural zones, all Residential zones, all Commercial zones, all Industrial zones
  - Cultivation Outdoor – all Agricultural zones
  - Cultivation Indoor – all Agricultural zones, all Industrial zones, two Commercial zones only -- Commercial-General and Commercial-Highway
  - Cultivation Mixed Light – all Agricultural zones, all Industrial zones, two Commercial zones only -- Commercial-General and Commercial-Highway
  - Nurseries – all Agricultural zones, all Industrial zones
  - Processing – all Agricultural zones, all Industrial zones, two Commercial zones only -- Commercial-General and Commercial-Highway
  - Manufacturing – all Agricultural zones, all Industrial zones
  - Testing – all Agricultural zones, all Industrial zones
  - Distribution – all Agricultural zones, all Industrial zones
  - Retail – all Commercial zones, all Industrial zones

- Microbusiness – all Agricultural zones, all Industrial zones, two Commercial zones only -- Commercial-General and Commercial-Highway
- The final CLUO allows fewer Cannabis Use Permits overall (65) as compared to 132 under Alternative 2.
- The final CLUO establishes generally fewer numbers of various cannabis license types as compared to Alternative 2. These differences reflect market and policy decisions and would have no material effect on, or would reduce, the impact conclusions of the EIR because they fall well within the magnitude and range of impact analyzed in the equal weight analysis of the five alternatives:

Cannabis Use Type	Alternative 2 Caps by Cannabis Use Type	Final CLUO Caps by Cannabis Use Type	Differences (Final CLUO v Alt 2)
Personal	Unlimited	Unlimited	None
Cultivation	80	49	-31
Nurseries	5	5*	None
Processing	5	7*	+2
Manufacturing	20	6*	-14
Testing	5	2*	-3
Distribution	10	7*	-3
Retail Storefront	2	5**	+3
Retail Non-Storefront	Not Specified	10*	Limited to 10
Microbusiness	5	5*	None

\*Prohibited in Capay Valley

\*\* Prohibited in Capay Valley and Clarksburg.

With the possible exception of security, cannabis storefront retail uses look and operate similarly to other retail storefront land uses. Environmental impacts related to retail uses of all types are analyzed in the General Plan EIR for all commercial and industrially zoned acreage throughout the unincorporated area. Under the CLUO, these uses are treated like any other retail endeavor and only allowed in designated commercial and industrial zones. The range of cannabis land uses/license types analyzed in the CLUO Final EIR did not explicitly include 5 retail storefronts but did include many more manufacturing and cultivation licenses. For these reasons it is reasonable to conclude that the impacts of one additional retail storefront establishment (and fewer manufacturing facilities and cultivation sites) not explicitly identified in the range of uses analyzed in the CLUO Final EIR is adequately covered.

- The final CLUO establishes more conservative buffers than Alternative 2. Alternative 2 assumed 1,000-foot buffers from outdoor cannabis uses for identified sensitive land uses and no buffers for indoor cannabis uses. The final CLUO establishes buffers ranging from 600 feet to 1,500 feet for outdoor cannabis uses and 100 feet for indoor cannabis uses as summarized below:

CLUO Sensitive Land Use	Buffers for Outdoor Uses <sup>1-6</sup>	Measure Buffer From
Off-site individual legal residences located on parcels under separate ownership in any non-residential zone	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Building
Residentially zoned land	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,500 ft from residentially zoned land within city limits, residential areas contiguous to City limits (El Macero, Willowbank, Royal Oaks Mobile Home Park, and Westucky), and residentially zoned land within town growth boundaries (Clarksburg, Dunnigan, Esparto, Knights Landing, Madison, Yolo, Zamora) for new or relocating licensees <sup>8</sup>  1,000 ft in Capay Valley	Zone boundary
Public parks	600 ft for Existing Licensees  1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	Parcel
Licensed day cares	600 ft for Existing Licensees	Building
Recognized places of worship	1,000 ft for new or relocating licensees  1,000 ft in Capay Valley	
Public or licensed private schools		
Licensed treatment facilities for drugs or alcohol		
Licensed youth centers		
Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government	1,000 ft <sup>7</sup>	Parcel
Tribal Cultural Resources	1,000 ft <sup>7</sup>	Resource boundary

CLUO Sensitive Land Use	Buffers for Indoor Uses	Measure Buffer From
Off-site individual legal residences located on parcels under separate ownership in any non-residential zone; residentially zoned land; public parks; licensed day cares; recognized places of worship; public or licensed private schools; licensed treatment facilities for drugs or alcohol; and licensed youth centers	None for Existing Licensees  100 ft for new or relocating licensees  100 ft in Capay Valley (Existing Licensees, new structures)	As shown above by sensitive land use
Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government; and Tribal Cultural Resources	1,000 ft	As shown above by sensitive land use

Notes:

1. Buffers applied to residences on non-residentially zoned parcels, day cares, places of worship, schools, treatment facilities, and youth centers shall be measured from the closest surface of the building in which the use is operated to the closest point of any structure or outdoor area containing cannabis.
  2. Buffers applied to residentially zoned land shall be measured from the closest point of the residential zone boundary to the closest point of any structure or outdoor area containing cannabis.
  3. Buffers applied to public parks and Tribal trust land shall be measured from the closest point of the parcel boundary to the closest point of any structure or outdoor area containing cannabis.
  4. Buffer Reductions – When deliberating a Cannabis Use Permit application for Existing Licensees only, reductions of up to ten percent of the required buffer distances described above may be approved by the County based on consideration of project-specific and/or site-specific factors, including but not limited to considerations of compatibility with surrounding land uses. Buffer reductions cannot be used on buffers from Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government, buffers from Tribal Cultural Resources or buffers in the Capay Valley.
  5. Buffer Exceptions – When deliberating a Cannabis Use Permit application for Existing Licensees only, reductions of more than ten percent of the required buffer distances described above may be approved by the County based on consideration of project-specific and/or site-specific factors including but not limited to considerations of compatibility with surrounding land uses. Buffer exceptions cannot be used on buffers from Federal lands held in trust by the federal government or subject of a trust application for a federally recognized Tribal government, buffers from Tribal Cultural Resources, or buffers in the Capay Valley.
  6. Buffer Easements – On a case-by-case basis, at the discretion of the County, in conjunction with consideration of a Cannabis Use Permit, for Existing Licensees only, buffer easements on neighboring property(ies) may be considered as an alternative to compliance with the identified required buffers. The easement must be approved by the County, be in effect so long as the Cannabis Use Permit is in effect, and shall be recorded in the chain of title for the affected property(ies) using a template approved by County Counsel. Buffer easements cannot be utilized in the Capay Valley.
  7. Applies to all cannabis uses (indoor and outdoor)
  8. Only applies outside of Capay Valley.
- The final CLUO eliminates buffers for personal use which is potentially less conservative than Alternative 2 which assumes that personal use activities would be required to meet the 1,000-foot buffers except in residentially designated areas which would have the unintended effect of prohibiting personal use entirely within those zone districts. However, although the final CLUO creates an exception from buffers for personal use, under the final CLUO all other performance standards, including odor control, apply thus ensuring the ability to control and enforce for nuisance behavior.

- The CLUO establishes specific over-concentration limits shown below whereas Alternative 2 assumes over-concentration limits would be established but does not identify specific thresholds:
  - $\leq 5$  use permits/operations within the Capay Valley = acceptable concentration
  - $> 5$  use permits/operations within the Capay Valley = over-concentration
  - Existing Licensees outside of the Capay Valley = acceptable concentration
  - $\leq 7$  use permits/operations within a 6-mile area outside of Capay Valley = acceptable concentration for new/relocating licensees
  - $>7$  use permits/operations within a 6-mile area outside of Capay Valley = over-concentration for new/relocating licensees
- It includes all mitigation measures identified in the CLUO Final EIR.
- It would result in the optimal balance between the concerns of residents and the permitting process.
- It would be consistent with the General Plan.
- It would capitalize on unique local economic opportunities related to cannabis activities.

The Board of Supervisors hereby finds this alternative as modified by and in the form of the final CLUO, to be the superior choice for the reasons identified above. As a result the Board of Supervisors hereby finds that the final CLUO would best meet the basic project objectives, is feasible, would minimize environmental impacts, would best achieve the Guiding Principles, would be consistent and in alignment with the General Plan, and would best balance all relevant factors.

### **9. Description of Alternative 3**

*Alternative 3, All License Types With High Limits* -- Alternative 3 assumes that all types of cannabis operations would be allowed, including commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusiness. As defined, implementation of this alternative would result in 264 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal: unlimited
- cultivation: 160 (includes 78 existing or eligible operators from Alternative 1)
- nurseries: 10
- processing: 10
- manufacturing: 40
- testing: 10
- distribution: 20

- retail: 4
- microbusiness: 10

Exhibit 2-6 on page 2-26 of the Draft EIR volume identifies the assumed distribution of these cannabis uses under Alternative 3. This distribution is based on current licensed cultivation operations in the County, review of cannabis applications received in response to the nursery and processing facilities pilot program and the early implementation development agreements for cannabis operations, and input from County staff based on an understanding of the local cannabis industry and an intent to reflect reasonable dispersion assumptions for purposes of the environmental impact analysis. Vertical integration of new cannabis uses is also assumed to occur under this alternative.

Alternative 3 assumes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the over-concentration of such uses in distinct subregions. This alternative also includes 75-foot buffers between outdoor cannabis uses and occupied off-site residences and residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers. Personal outdoor grows would be required to meet the above buffering requirements with the exception of the 75-foot buffer from residentially designated lands, as this would have the unintended effect of prohibiting such use entirely.

#### **10. Attainment of Project Objectives for Alternative 3**

Alternative 3 fails to or does not effectively meet the following Project Objectives:

- Because it would allow a high number of cannabis uses initially, without a gradual phase in of increased cannabis activity including the benefit of implementing and improving the CLUO over time with limited initial approvals, this alternative would be less protective the public health, safety, and welfare (Project Objective A).
- Because it would allow a high number of cannabis uses initially, without a gradual phase in of increased cannabis activity including the benefit of implementing and improving the CLUO over time with limited initial approvals, this alternative would be less protective of environmental resources and could result in greater environmental impacts (Project Objective B).
- Because it would allow a high number of cannabis uses initially, without a gradual phase in of increased cannabis activity including the benefit of implementing and improving the CLUO over time with limited initial approvals, this alternative would be less likely to ensure neighborhood compatibility (Project Objective C).
- Because it would allow a high number of cannabis uses initially, without a gradual phase in of increased cannabis activity including the benefit of implementing and improving the CLUO over time with limited initial approvals, this alternative would not ensure a measured

reasonable growth trajectory for new and expanded cannabis activities thus failing to recognize unique challenges of the industry (Project Objective F).

- Because it would allow a high number of cannabis uses initially, without a gradual phase in of increased cannabis activity including the benefit of implementing and improving the CLUO over time with limited initial approvals, this alternative would be less sensitive to competing and evolving community values and interests related to the cannabis industry (Project Objective G).
- Because it would allow a high number of cannabis uses initially, without a gradual phase in of increased cannabis activity including the benefit of implementing and improving the CLUO over time with limited initial approvals, this alternative could result in unintended consequences including unforeseen community impacts (Project Objective I).
- Because it would allow a high number of cannabis uses initially, without a gradual phase in of increased cannabis activity including the benefit of implementing and improving the CLUO over time with limited initial approvals, this alternative would be less able to adapt to changing market, cultural, and regulatory considerations over time (Project Objective J).

### **11. Environmental Impacts for Alternative 3**

Alternative 3 is analyzed at an equal level of detail throughout Chapter 3 of the Draft EIR volume. A comparative analysis of Alternative 3 and the other studied alternatives is provided in Table 5-1 on pages 5-8 through 5-11 of the Draft EIR volume.

Because Alternative 3 assumes double the amount of cannabis uses in all categories, under unmitigated conditions it would have greater impacts in all categories than the other four alternatives. Under unmitigated conditions, Alternative 3 would be the least environmentally superior alternative. Under mitigated conditions, Alternative 3 and the No-Project No CLUO alternative would be the least environmentally superior.

As compared to the other alternatives, Alternative 3 would be most likely to result in greater odor and aesthetic impacts, both of which were identified conservatively as significant and unavoidable for all alternatives.

### **12. Findings for Alternative 3**

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Board of Supervisors rejects this alternative for the following reasons:

- It would fail to or not fully achieve seven of the 11 Project Objectives -- Project Objectives A, B, C, F, G, I, and J.
- This alternative would result in greater environmental impacts overall than the final CLUO.

- This alternative would allow significantly more Cannabis Use Permits (264) as compared to 65 under the final CLUO.
- It establishes significantly higher caps than the final CLUO for almost every type of cannabis land use:

Cannabis Use Type	Alternative 3 Caps by Cannabis Use Type	Final CLUO Caps by Cannabis Use Type	Differences (Final CLUO v Alt 3)
Personal	Unlimited	Unlimited	None
Cultivation	160	49	-120
Nurseries	10	5*	-5
Processing	10	7*	-3
Manufacturing	40	6*	-34
Testing	10	2*	-8
Distribution	20	7*	-13
Retail Storefront	4	5**	+1
Retail Non-Storefront	Not Specified	10*	Limited to 10
Microbusiness	10	5*	-5

\*Prohibited in Capay Valley  
 \*\* Prohibited in Capay Valley and Clarksburg.

- The alternative establishes smaller buffers for identified sensitive land uses. Alternative 3 assumed 75-foot buffers from outdoor cannabis uses for identified sensitive land uses and no buffers for indoor cannabis uses. The final CLUO establishes buffers ranging from 600 to 1,500 feet for outdoor cannabis uses and 100 feet for indoor cannabis uses.
- The final CLUO eliminates buffers for personal use which is potentially less conservative than Alternative 3 which assumes that personal use activities would be required to meet the 75-foot buffers except in residentially designated areas which would have the unintended effect of prohibiting personal use entirely within those zone districts. However, although the final CLUO creates an exception from buffers for personal use, under the final CLUO all other performance standards, including odor control, apply thus ensuring the ability to control and enforce for nuisance behavior.
- The final CLUO establishes specific over-concentration limits whereas Alternative 3 assumes over-concentration limits would be established but did not contain specific limits.

The Board of Supervisors hereby rejects this alternative for the reasons identified above. As a result the Board of Supervisors hereby finds that this alternative would fail to meet the basic project objectives, is infeasible, would result in greater environmental impacts, would not be as effective as the final CLUO with respect to consistency with the Guiding Principles and the General Plan, and would not be the superior choice when comparing and balancing relevant factors.

### **13. Description of Alternative 4**

*Alternative 4, Mixed-Light/Indoor License Types Only With Moderate Limits, No Hoop Houses Or Outdoor Types* -- Alternative 4 assumes that personal cultivation, commercial cannabis cultivation, nurseries, processing, and microbusinesses would be limited to indoor and mixed-light operations within a structure. This alternative assumes that 75 of the existing and eligible cannabis cultivation sites with outdoor cultivation would convert entirely to indoor or mixed-light cultivation in greenhouses or indoor buildings. As defined, implementation of this alternative would result in 132 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal (indoor only): unlimited
- cultivation (indoor only): 80 (includes 78 existing of eligible operators from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- retail: 2
- microbusiness: 5

Exhibit 2-7 on page 2-28 of the Draft EIR volume identifies the assumed distribution of these cannabis uses under Alternative 4. This distribution is based on current licensed cultivation operations in the County, review of cannabis applications received in response to the nursery and processing facilities pilot program and the early implementation development agreements for cannabis operations, and with input from County staff based on an understanding of the local cannabis industry and an intent to reflect reasonable dispersion assumptions for purposes of the environmental impact analysis. Vertical integration of new cannabis uses is also assumed to occur under this alternative. This would apply to all outdoor personal cultivation as well.

Alternative 4 includes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the over-concentration of such uses in distinct areas of the County identified as sub-areas in the Draft EIR. This alternative did not assume buffers for indoor cannabis uses for identified sensitive land uses.

### **14. Attainment of Project Objectives for Alternative 4**

Alternative 4 fails to or does not effectively meet the following Project Objectives:

- Because it excludes outdoor cannabis cultivation which is generally less expensive than indoor cultivation, this alternative would result in higher costs for cannabis overall, thus restricting safe access to medical cannabis for patients (Project Objective D).
- Because it excludes outdoor cannabis cultivation, this alternative would not fully achieve agricultural economic development opportunities associated with cannabis as a valuable new crop including creation of opportunities for new farmers (Project Objective E).

- Because it excludes outdoor cannabis cultivation, this alternative establishes potentially undesirable precedents for other agricultural sectors that may involve similar externalities as cannabis (Project Objective H).
- Because it excludes outdoor cannabis cultivation, and most agriculture in Yolo County is grown outdoors, this alternative does not fully recognize cannabis as an agricultural crop (Project Objective F).
- Because it excludes outdoor cannabis cultivation, this alternative would not fully realize opportunities to allow for adaptation to changing market, cultural, and regulatory considerations over time (Project Objective J).

#### **15. Environmental Impacts for Alternative 4**

Alternative 4 is analyzed at an equal level of detail throughout Chapter 3 of the Draft EIR volume. A comparative analysis of Alternative 4 and the other studied alternatives is provided in Table 5-1 on pages 5-8 through 5-11 of the Draft EIR volume.

Under unmitigated conditions, Alternative 4 would have impacts similar to Alternatives 2 and 5. Alternative 4 is likely to have lower impacts than all other alternatives for odor as a result of the assumption that all uses occur indoors under this alternative. However, under unmitigated conditions (i.e., without implementation of odor control measures, such as carbon filters and scrubbers), odor released from a greenhouse can be more concentrated. So it is possible Alternative 4 would result in less ambient odor, but stronger occasional odor than the other alternatives. Alternative 4 is expected to require more energy and result in greater GHG emissions due to the power requirements of mixed light and indoor cultivation.

Under mitigated conditions, Alternatives 1, 2, 4, and 5 perform similarly with all areas of impact, except aesthetics and odor, mitigated to acceptable levels. Therefore, under mitigated conditions, Alternatives 1, 2, 4, and 5 are relatively equivalent to each other and environmentally superior individually when compared to the No Project–No CLUO Alternative and Alternative 3.

#### **16. Findings for Alternative 4**

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Board of Supervisors rejects this alternative for the following reasons:

- It would fail to or not fully achieve five of the 11 Project Objectives -- Project Objectives D, E, H, F, and J.
- It would result in greater environmental impacts than the final CLUO in the areas of energy and greenhouse gas emissions because of increased power requirements for mixed light and indoor cultivation.

- The final CLUO establishes specific over-concentration limits whereas Alternative 4 assumes over-concentration limits would be established but did not contain specific limits.
- By prohibiting outdoor cultivation, it would not allow the full expanded range of cannabis land use types included in the final CLUO.
- It would not result in the optimal balance between the concerns of residents and the permitting process.
- It would be detrimental economically for many farmers who choose to grow outdoors and would be forced to make significant unplanned business expenditures.
- May make cannabis cultivation on leased land economically unviable based on the start-up costs for mixed light or indoor cultivation as compared to outdoor cultivation.
- It would fail to capitalize on unique local economic opportunities related to outdoor cannabis cultivation.

The Board of Supervisors hereby rejects this alternative for the reasons identified above. As a result the Board of Supervisors hereby finds that this alternative would fail to meet the basic project objectives, adversely affect the economic viability of existing operations, is infeasible, would result in greater environmental impacts, would not be as effective as the final CLUO with respect to consistency with the Guiding Principles and the General Plan, and would not be the superior choice when comparing and balancing relevant factors.

### **17. Description of Alternative 5**

*Alternative 5, All License Types With Moderate Limits, Within Agricultural Zones Only, No Retail* -- Alternative 5 assumes all license types, with the exception of retail, but would limit commercial cannabis (including personal outdoor grows) to agricultural zone districts. Personal indoor grows would be allowed in all zoning districts. As defined, implementation of this alternative would result in 130 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

- personal: unlimited
- cultivation: 80 (includes 78 existing or eligible operators from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- microbusiness: 5

Exhibit 2-8 identifies the assumed distribution of these cannabis uses under Alternative 5. This distribution is based on current licensed cultivation operations in the County, review of cannabis

applications received in response to the nursery and processing facilities pilot program and the early implementation development agreements for cannabis operations, and input from County staff based on an understanding of the local cannabis industry and an intent to reflect reasonable dispersion assumptions for purposes of the environmental impact analysis. Vertical integration of new cannabis uses is also assumed to occur under this alternative. Alternative 5 does not assume specific regulation of over-concentration.

This alternative includes 1,000-foot buffers between outdoor cannabis uses and the following uses: occupied off-site residences and residentially designated land, licensed day cares, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, federal lands held in trust or proposed before CLUO adoption to be taken into trust for a federally recognized tribe, and licensed youth centers. Personal outdoor grows would be required to meet the above buffering requirements with the exception of the 1,000-foot buffer from residentially designated lands, as that would have the unintended effect of prohibiting such use entirely.

#### **18. Attainment of Project Objectives for Alternative 5**

Alternative 5 fails to or does not effectively meet the following Project Objectives:

- Because it includes excludes retail cannabis activities, this alternative would not fully ensure safe access to medical cannabis for patients (Project Objective D).
- Because it excludes retail cannabis activities, this alternative would not fully achieve agricultural economic development opportunities associated with cannabis as a valuable new crop including creation of opportunities for new farmers (Project Objective E).
- Because it excludes retail cannabis activities, this alternative establishes potentially undesirable precedents for other agricultural sectors that may involve similar externalities (Project Objective H).
- Because it excludes retail cannabis activities, this alternative would not fully realize opportunities to allow for adaptation to changing market, cultural, and regulatory considerations over time (Project Objective J).
- This alternative precludes the opportunity for non-cultivation land uses to occur in non-agricultural zones which fails to capitalize on unique local economic opportunities related to cannabis land uses.

#### **19. Environmental Impacts for Alternative 5**

Alternative 5 is analyzed at an equal level of detail throughout Chapter 3 of the Draft EIR volume. A comparative analysis of Alternative 5 and the other studied alternatives is provided in Table 5-1 on pages 5-8 through 5-11 of the Draft EIR volume.

Under unmitigated conditions, Alternative 5 would have impacts similar to Alternatives 2 and 4. Under mitigated conditions, Alternatives 1, 2, 4, and 5 perform similarly within all areas of impact, except aesthetics and odor, mitigated to acceptable levels. Therefore, under mitigated conditions, Alternatives 1, 2, 4, and 5 are relatively equivalent to each other and environmentally superior individually when compared to the No Project–No CLUO Alternative and Alternative 3.

However, unlike Alternatives 2, 3, and 4, Alternative 5 is assumed to not include controls for over-concentration. As a result, the Capay Valley with concentrated clusters of cannabis activity would likely experience greater impacts than other areas with more dispersed patterns of cannabis activities. This would apply in particular to impacts associated with visual character and odor which are identified as significant and unavoidable.

## **20. Findings for Alternative 5**

Consistent with the requirements of CEQA Guidelines Section 15126.6(c), the Board of Supervisors rejects this alternative for the following reasons:

- It would fail to or not fully achieve four of the 11 Project Objectives -- Project Objectives D, E, H, and J.
- It would not have over-concentration limits to regulate clusters of high-density cannabis activity.
- By prohibiting retail cannabis land uses, it would not allow the full expanded range of cannabis land use types included in the final CLUO.
- By prohibiting retail cannabis land uses, it would not result in the optimal balance between the concerns of residents and the permitting process.
- Because it excludes retail cannabis activities, it would fail to capitalize on unique local economic opportunities related to outdoor cannabis cultivation.
- Because it excludes retail cannabis activities, this alternative does not fully acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016.
- Cannabis retail activity would be conducted in surrounding jurisdictions and products would enter the County from those sources without the economic benefits of local production.
- The opportunity to conduct appropriate cannabis activities on land zoned for industrial and commercial land uses would be precluded.
- The final CLUO eliminates buffers for personal use which is potentially less conservative than Alternative 5 which assumes that personal use activities would be required to meet the 1,000-foot buffers except in residentially designated areas which would have the unintended effect

of prohibiting personal use entirely within those zone districts. However, although the final CLUO creates an exception from buffers for personal use, under the final CLUO all other performance standards, including odor control, apply thus ensuring the ability to control and enforce for nuisance behavior.

The Board of Supervisors hereby rejects this alternative for the reasons identified above. As a result the Board of Supervisors hereby finds that this alternative would fail to meet the basic project objectives, is infeasible, would result in greater environmental impacts related to over-concentration, would not be as effective as the final CLUO with respect to consistency with the Guiding Principles and the General Plan, and would not be the superior choice when comparing and balancing relevant factors.

## **21. General Findings of Fact for Alternatives and Adoption of the Final CLUO**

The Board is not restricted in its consideration of an alternative or of changes to the CLUO under any of the alternatives. However, the County does have an obligation to demonstrate that the EIR adequately addresses the final CLUO and that the requirements of CEQA have been fully met.

Alternatives, in the context of CEQA, reflect different ways that a project proponent could achieve most of the stated objectives, while also reducing or eliminating the environmental impacts of the proposed project. The Lead Agency is required to evaluate and compare the environmental impacts of alternatives to the proposed project in an EIR, though not at the same level of detail as the proposed project (CEQA Guidelines Section 15126.6[d]). The County elected to analyze five alternatives at a detailed equal level of review, as described further herein.

A fundamental mandate of CEQA is that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project” (PRC Sections 21002, 21081) and meet the objectives of the project. Therefore, as part of the decision-making process for projects involving the preparation of an EIR, governmental agencies are required under CEQA to consider alternatives to proposed actions affecting the environment (PRC Section 21001[g]).

An EIR can be overturned if it analyzes a range of alternatives, but fails to identify one of the alternatives as the preferred project. The courts have said that a broad range of alternatives without a stable project presents the public with a moving target and an obstacle to informed participation (*Washoe Meadows Community v. Department of Parks and Recreation*, 2017). The CLUO Draft EIR addresses this by clearly identifying the Preferred Project as Alternative 1.

As described herein, the CLUO Draft EIR examines a total of seven alternatives (Alternatives 1–5, the No Project-No CLUO Alternative, and the Ban on Cannabis Alternative). Alternative 1 is identified as the preferred project. Alternatives 2 through 5 are analyzed at the same level of detail as Alternative 1 in Draft EIR Chapters 1–4. This level of detail goes well beyond the requirements of CEQA but was undertaken to provide additional detailed information to the Board for decision-making purposes. The No Project—No CLUO Alternative is analyzed at a comparative level-of-detail in Draft EIR Chapter 5. Comparative alternatives analysis satisfies the

requirements of CEQA which allows for alternatives to be considered at a lesser level of detail than the preferred project. The Ban on Cannabis Alternative is considered but rejected as infeasible and eliminated from further evaluation in Draft EIR Chapter.

Identification of Alternative 1 as the preferred project in the EIR does not limit the discretion of the Board in considering any of the alternatives, nor in making changes to the preferred project before adoption. Similarly, rejection of the Ban on Cannabis alternative in Chapter 5 of the Draft EIR, does not limit the Board from re-evaluating that conclusion, should they so choose.

Upon determining which alternative is most closely in alignment with a majority of the Board members, and further determining what changes (if any), the Board wishes to make to that alternative, the County's obligation under CEQA is to determine whether recirculation is required before certification of the EIR (CEQA Guidelines Section 15088.5). Recirculation is required when significant new information changes the EIR in a way that "deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect."

As substantiated in the record and these findings of fact, additional analysis is not necessary or required because the scope of analysis in the CLUO Final EIR fully and adequately analyzes the final CLUO and related actions. As provided in Section VII.B of these findings, the thresholds for recirculation are not met with the final CLUO.

The Board of Supervisors is free to reject an alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various "economic, social, and other factors." Based on impacts identified in the EIR, and other reasons documented below, the Board of Supervisors finds that adoption and implementation of the final CLUO and related actions as approved, is the most desirable, feasible, and appropriate action, and rejects all other alternatives, and other combinations and/or variations of alternatives, as infeasible.

#### **IX. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, approval of the final CLUO and related actions by the Board of Supervisors will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives which would mitigate or substantially lessen the impacts. Despite the occurrence of these effects, however, the Board of Supervisors chooses to approve the final CLUO because, in its view, the economic, social, and other benefits that the project will produce for the region outweigh the significant unmitigated adverse impacts.

Pursuant to CEQA Section 21081(b) and Guidelines Section 15093, the Board of Supervisors has balanced the benefits of the Proposed Project against the unavoidable adverse impacts associated with the Proposed Project and has included all feasible mitigation measures in the EIR. The County has also examined all of the alternatives, and determined that adoption and

implementation of the final CLUO which is similar to Alternative 2, is the most desirable, feasible, and appropriate action.

The Board of Supervisors determines that the CLUO Final EIR identified and discussed significant effects that may occur as a result of the final CLUO and related actions. By implementing the EIR mitigation measures, as adopted by this Resolution, these effects can be mitigated to a level of less than significant except for the unavoidable significant impacts discussed below. The Board of Supervisor finds that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Proposed Project. The Board of Supervisors also finds that except for the final CLUO which is similar to Alternative 2, all other alternatives set forth in the EIR are infeasible because they would preclude the realization of the Project Objectives and/or specific economic, social, or other benefits that the Board of Supervisors finds outweigh any environmental benefits of the alternatives.

In making this Statement of Overriding Considerations in support of the findings of fact and the project, the Board of Supervisors finds that the environmental effects of the final CLUO have been reduced to the extent feasible by the mitigation measures, that it has considered the information contained in the Final EIR, as well as the public testimony and record, and that the benefits of the final CLUO, as discussed further below, outweigh the potential unavoidable adverse impacts and render those potential adverse potential environmental impacts acceptable based upon the Board of Supervisor's overriding considerations.

#### **A. SIGNIFICANT AND UNAVOIDABLE IMPACTS**

Based on the information and analysis set forth in the EIR, implementation of the final CLUO would result in the following significant and unavoidable impacts, even with the implementation of all feasible mitigation:

- Impact AES-3: Substantially Degrade the Existing Visual Character or Quality of the Project Area (all alternatives)
- Impact AQ-4: Expose a Substantial Number of People to Adverse Odors (all alternatives)
- Impact CUM-1: Cumulative Visual Character Impacts (all alternatives)
- Impact CUM-3: Cumulative Odor Impacts (all alternatives)
- Impact OVC-1: Visual Character Impacts from Overconcentration of Cannabis Uses (all alternatives)
- Impact OVC-3: Odor Impacts from Overconcentration of Cannabis Uses (all alternatives)

## **B. ECONOMIC, SOCIAL, LEGAL, AND OTHER BENEFITS OF THE FINAL CLUO**

The Board of Supervisors hereby finds that adoption and Implementation of the final CLUO and related actions will result in the following economic, social, legal, and other benefits:

1. Expands the list of allowable cannabis land uses to include all categories recognized by the State except large cultivation and special cannabis events.
2. Establishes caps on the number of cannabis land uses, over-concentration thresholds, and buffers between cannabis land uses and identified sensitive land uses.
3. Satisfies the requirements of state and local law related to land use regulation, zoning control, and development standards.
4. Provides balanced, comprehensive regulations that fall within the range of alternatives authorized by the Board of Supervisors and analyzed in the CLUO Final EIR.
5. Consistent with, and promotes achievement of, the Board of Supervisors Guiding Principles and applicable policies in the County General Plan.
6. Replaces the existing ministerial licensing process with a rigorous discretionary conditional use permit process.
7. Establishes comprehensive regulations and standards for where and how much cannabis land use activities may be allowed, and under what circumstances.
8. Confirms recognition of cannabis activities as agricultural land uses.
9. Identifies impacts from cannabis land uses and appropriate regulatory thresholds. For example, establishes a clear threshold for odor impacts, including an enforcement process.
10. Requires all existing and future cannabis land uses to secure a Cannabis Use Permit.
11. Identifies extensive findings of fact for approval of a Cannabis Use Permit that ensure consideration of a variety of legal, land use, environmental, social, and community factors.
12. Supports best agricultural practices.
13. Requires disclosure and protection of biological resources.
14. Requires disclosure and protection of cultural resources.
15. Allows co-location and vertical integration.

16. Requires a permanent power source and prohibits generators except for limited temporary and emergency use, or other uses if consistent with the requirements of the Yolo-Solano Air Quality Management District and applicable State requirements for cultivators, nurseries, and processing licensees.
17. Encourages communications between neighbors and resolution of conflict.
18. Controls nighttime lighting including nighttime glow from cannabis greenhouses.
19. Establishes noise restrictions.
20. Defines nuisance and a process for nuisance monitoring and enforcement.
21. Establishes thresholds for allowable odor and a process for odor monitoring and enforcement.
22. Clarifies thresholds for trip generation considerations and roadway improvements.
23. Establishes minimum standards for site maintenance.
24. Protects trees and prohibits removal of oaks.
25. Requires compliance with the state Delta Plan and Delta Land Use and Resource Management Plan, where applicable.
26. Requires compliance with the County Climate Action Plan.
27. Establishes procedures for application submittal and processing.
28. Requires an assessment of regulatory effectiveness no later than two years from the effective date of the CLUO.

### **C. OVERRIDING STATEMENTS**

The Board of Supervisors has independently reviewed the information in the Final EIR and the record of proceedings, made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Proposed Project to the extent feasible by including regulations and standards in the final CLUO that effectively mitigate potential environmental impacts to the greatest extent feasible, and balanced the Proposed Project's benefits against its significant unavoidable impacts.

In the judgment of the Board of Supervisors, the Proposed Project and its general benefits, set forth in Section IX.B outweigh its unavoidable significant effects. It is the position of the Board of Supervisors that any one of these reasons is sufficient to justify approval of the Proposed Project.

Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Board of Supervisors would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section VI. The Board of Supervisors finds that adoption and implementation of the Proposed Project would provide economic, social, legal, and other considerable benefits. The following statements identify the reasons why this is the case.

**Statement 1:** The final CLUO meets all 11 project objectives, satisfies the Board of Supervisors Guiding Principles, and is fully consistent with the General Plan.

**Statement 2:** The final CLUO is informed by best practices related to environmental impact analysis, odor assessment and control, and cannabis land use regulation.

**Statement 3:** The final CLUO is the result of extensive community and industry outreach as evidenced by numerous meetings and workshops, solicitation of and responses to hundreds of comments, and experience with the licensing ordinance and four years of cannabis cultivation enforcement.

**Statement 4:** The final CLUO is environmentally superior and mitigates all impacts to the greater feasible extent and to levels greater than the other alternatives, modifications of alternatives, and/or combinations of alternatives.

**Statement 5:** The final CLUO clarifies where various cannabis land uses may be located by zone district, and identifies rigorous requirements and standards for performance.

**Statement 6:** The final CLUO establishes a new comprehensive discretionary conditional use permit process for all cannabis uses which creates certainty for neighbors and for operators.

**Statement 7:** The final CLUO best balances and maximizes multiple community, environmental, and economic competing goals.

**Statement 8:** The final CLUO supports the cannabis sector of the agricultural economy which is a primary policy focus of the County.

**Statement 9:** The final CLUO includes caps on cannabis land uses overall and by type that also allow for new cannabis land uses thus opening new economic opportunities in emerging value-added agricultural sectors.

**Statement 10:** The final CLUO establishes reasonable buffers between cannabis land uses and identified sensitive land uses that ensure significant protection and appropriate flexibility.

**Statement 11:** The final CLUO establishes specific over-concentration limits that preclude density clusters of cannabis land uses from forming to the detriment of community character.

**Statement 12:** The final CLUO balances the concerns of residents with an appropriate rigorous permitting process.

**Statement 13:** The final CLUO facilitates new economic opportunities related to cannabis activities.

#### **D. CONCLUSION**

The County prepared the Final EIR pursuant to CEQA and the CEQA Guidelines. The Board of Supervisors has independently determined that the Final EIR fully and adequately addresses the impacts of the final CLUO and related actions. The alternatives identified and considered in the Final EIR meet the test of “reasonable” analysis, and this consideration provides the Board of Supervisors with important information from which to make an informed decision. Both the Planning Commission and Board of Supervisors held public hearings. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits that the County would achieve from the implementation of the final CLUO. The Board of Supervisors has balanced these project benefits and considerations against the significant and unavoidable environmental impacts that would result from the Proposed Project and has concluded that those impacts are outweighed by the final CLUO benefits. Upon balancing the environmental risk and countervailing benefits, the Board of Supervisors has concluded that the benefits that the County will derive from implementation of the project outweigh those environmental risks. The Board of Supervisors hereby determines that the benefits of the final CLUO override the significant and unavoidable environmental impacts that may result.

In sum, the Board of Supervisors finds that any residual or remaining effects on the environment resulting from adoption and implementation of the final CLUO and related actions are acceptable due to the benefits set forth in this Statement of Overriding Considerations.

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