

## 2 DESCRIPTION OF PREFERRED ALTERNATIVE AND EQUAL WEIGHT ALTERNATIVES

This Draft EIR evaluates the environmental impacts associated with the CLUO. Adoption of the proposed CLUO would establish land use regulations for all cannabis activities and operations within unincorporated Yolo County.

The County currently regulates the cultivation of marijuana (cannabis) under Chapter 20 of Title 5 of the Yolo County Code of Ordinances (Yolo County Code). Chapter 20 includes standards for setbacks, compliance with the Central Valley Regional Water Quality Control Board<sup>1</sup>, surety bonding, lighting restrictions for mixed-light cultivation, and implementation and enforcement provisions. The approval process for cannabis cultivation licenses is currently ministerial with no public notification or hearing process. Cannabis cultivation licenses are required to be renewed annually. The County proposes to amend the County General Plan and Chapter 2 of Title 8 of the Yolo County Code to continue to regulate, and potentially reduce or expand, allowed cannabis activities in the unincorporated area. The County is considering five alternative variations to the CLUO, all of which rely on the same underlying regulatory requirements that would regulate cannabis activities through land use, zoning, and development standards. The alternatives vary based on allowed cannabis license types, assumed numbers of operations, allowed locations based on zoning, controls on overconcentration, and required buffers from identified sensitive uses. These alternatives are summarized below.

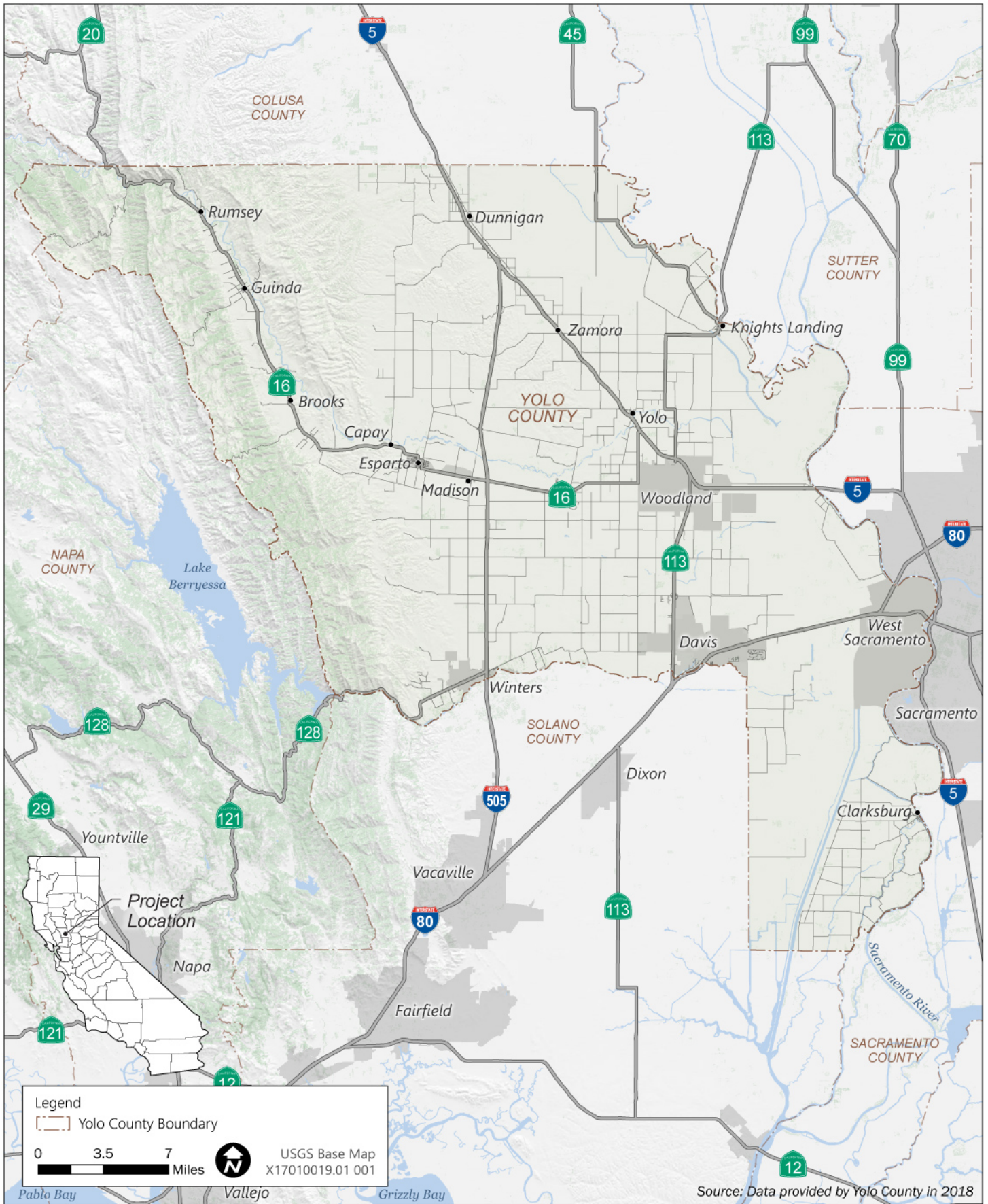
### 2.1 REGIONAL AND LOCAL SETTING

Yolo County is located in the northern part of the Central Valley of California (Exhibit 2-1) and is bounded by Sacramento, Sutter, Colusa, Lake, Napa, and Solano Counties. The County consists of approximately 653,550 acres, which includes four incorporated cities totaling 32,325 acres. The four incorporated cities are Davis, West Sacramento, Winters, and Woodland. In addition to the incorporated cities, land owned by state and federal agencies, tribal trust land held on behalf of the Yocha Dehe Wintun Nation, and the University of California, Davis, campus have independent land use decision-making authority and are not under the jurisdiction of Yolo County. There are 11 unincorporated towns in Yolo County: Capay, Guinda, Rumsey, Clarksburg, Dunnigan, Esparto, Knights Landing, Madison, Monument Hills, Yolo, and Zamora. These unincorporated towns are under the jurisdiction of the County. Aside from the small unincorporated communities, the unincorporated area is generally rural and composed primarily of agricultural land uses.

Yolo County is generally flat with three mountain areas consisting of the Blue Ridge Mountains (located along its western boundary), the Capay Hills (located in the northwestern portion of the County), and the Dunnigan Hills (located just west of Interstate 5, in the northern portion of the County). Major water features in the County include the Sacramento River, Putah Creek, Cache Creek, Colusa Basin Drainage Canal, and Willow Slough. The Yolo Bypass is a 41-mile-long area of agricultural lands subject to flowage easements bounded by levees created as a part of the Sacramento River system to provide flood protection for the city of Sacramento. For further description of the County's agricultural and natural resources, refer to Section 3.2, "Agricultural Resources," and Section 3.4, "Biological Resources."

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<sup>1</sup> Board Order No. R5-2015-0113 protects water quality, biological resources, and cultural resources, and is now superseded by the State Water Resources Control Board Cannabis Cultivation Policy – Guidelines for Cannabis Cultivation.



**Exhibit 2-1**

**Regional Location**



## 2.2 CANNABIS OVERVIEW

The use of cannabis was initially regulated under federal law in 1937, when Congress passed the Marijuana Tax Act. The Marijuana Tax Act was repealed through passage of the Controlled Substances Act in 1970, which scheduled or categorized therapeutic goods. Through the Controlled Substances Act, cannabis was deemed to be a Schedule 1 substance, meaning that it is categorized by the federal government as having no valid medical uses and a high potential for abuse. Since that time, efforts to decriminalize, legalize, and otherwise reschedule marijuana have occurred at the federal and state levels.

The State of California regulates the cultivation, manufacture and use of cannabis through a variety of legislative and regulatory processes. Local jurisdictions are allowed to enact more stringent regulations or to ban commercial cannabis activities. Yolo County enacted its own cultivation licensing ordinance in March 2016. Section 2.3 provides a further description of state and County regulations associated with the licensing of cannabis uses.

### SUMMARY OF CANNABIS CULTIVATION AND COMMERCE PROCESSES

Cannabis cultivation requires a growth medium, light, water, and nutrients. This section describes activities and processes associated with cannabis cultivation, including stages of growth, indoor and outdoor growth requirements, harvesting activities, and preparation of cannabis products for sale. The commerce process for cannabis includes manufacturing, testing, retail, and distribution. This discussion begins with nursery operations and continues through the commerce process.

#### Nursery Operations

To maintain specific varieties of cannabis at cultivation sites, the practice of cloning is often employed. Mature female plants maintained in a vegetative nonflowering stage using artificial light for approximately 18 hours per day are used as a source of the cuttings, or “clones.” Cuttings (i.e., targeted trimmings of a plant) are taken and dipped into medium to stimulate root growth. After roots develop, the clones are placed into small pots to grow to a size sufficient for transplanting to larger pots in which they grow to maturity.

Germination, the process during which seeds sprout, typically occurs in a nursery in an enclosed greenhouse building. Generally, germination is initiated by soaking seeds between wet paper towels, soaking them in a cup of water at room temperature, planting them in wet peat pellets, or planting them directly in potting soil. Warmth, darkness, and moisture initiate metabolic processes, such as the activation of hormones that trigger the expansion of the embryo in the seed. After germination is complete, seedlings are prepared for indoor, outdoor, or mixed-light cultivation.

Nurseries can be located on the cultivation sites as an ancillary component of cultivation operations when used to support on-site needs without separate state licensing. Nurseries can also be operated as a stand-alone retail or wholesale operation that can provide a source of seed or immature clone plants that can be purchased for personal use or as part of a commercial cultivation operation. These types of nurseries are licensed separately from cultivation under the state’s licensing process. Nurseries may have indoor, outdoor, or mixed-light operations. Per County regulation, cultivation garden canopy is limited to 43,560 square feet (sq. ft.) per County license (Yolo County Code Section 5-20.04[A][2][a][1]).

While currently in Yolo County, nurseries are only allowed to serve the on-site needs of the applicant cultivator, two applications for commercial nurseries that would be permitted to serve other cultivators have been received under the County’s nursery and processing facilities pilot program. The reader is referred to Section 2.3.4 for further details on the County’s nursery and processing facilities pilot program.

## Cultivation Operations

There are three cultivation operation types recognized through the state licensing program: outdoor, mixed-light, and indoor. The following summarizes each cultivation operation type and the current extent of these cultivation operations in the County.

As identified in Appendix B and shown in Exhibit 2-2, there are 78 licensed or eligible cannabis cultivators (“operations”) in the County. Based on review of County geographic information system mapping and Google Earth satellite imagery, approximately 266 acres (2 acres per cultivation site) have been committed to the cultivation of cannabis (defined as the “activity footprint”) including buildings, staging areas, and storage areas.

### Outdoor Cultivation

Cannabis can be grown outdoors, either in natural soil or in pots of premade or commercial soil with no artificial light. In Yolo County, outdoor cultivation includes cultivation in fields and may include the use of hoop houses. Per County regulation, cultivation garden canopy is limited to 43,560 sq. ft. per County license (Yolo County Code Section 5-20.04[A][2][a][1]). Some strains perform better than others in outdoor settings, depending on conditions. To generate optimum quantities of cannabinoids, the plant needs fertile soil and long hours of daylight. For outdoor cultivation, growers generally select areas that receive 12 hours or more of sunlight per day. Depending on the varietal, each plant can reach 12 or more feet in height with a radius of 6 feet or more.

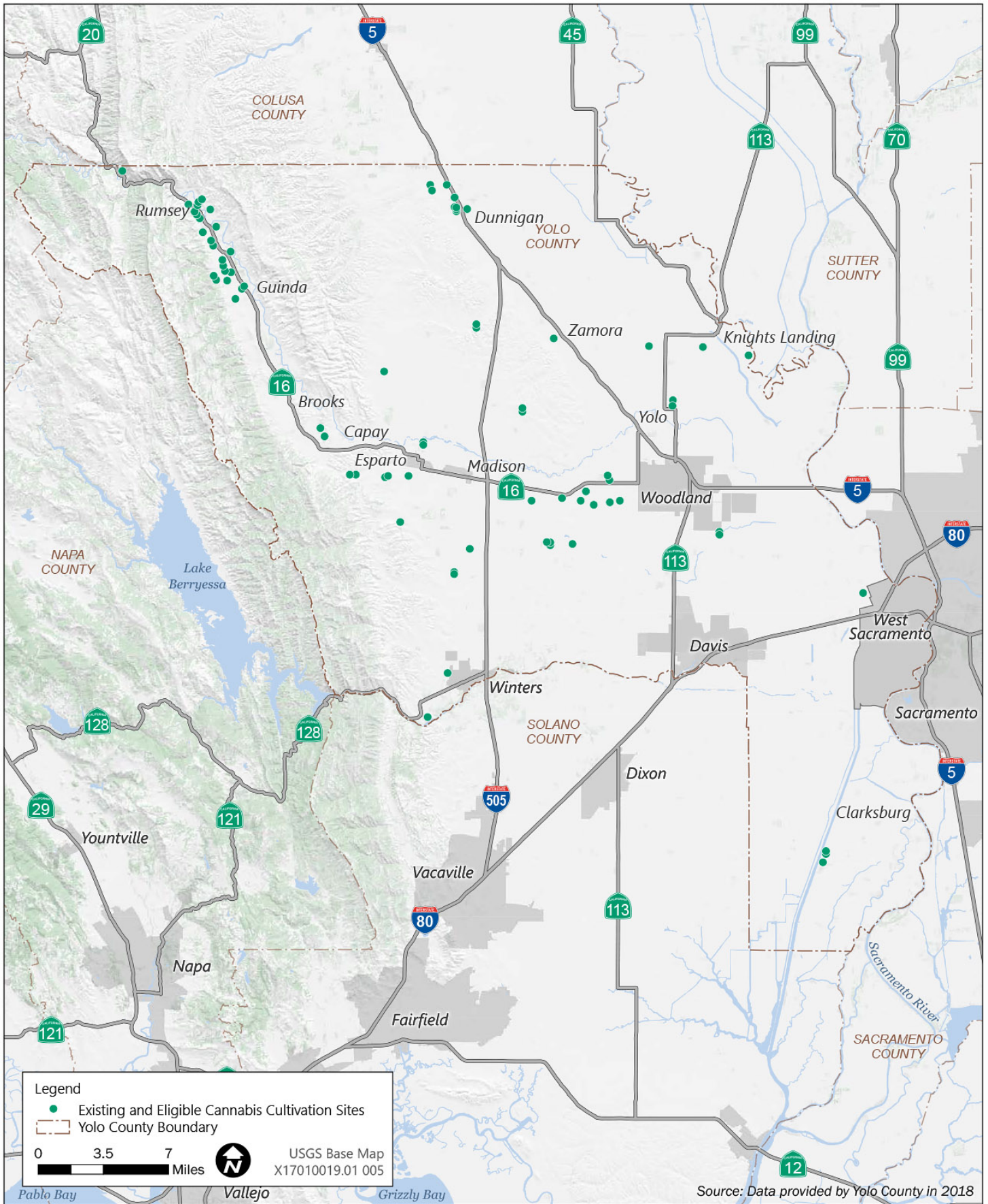
Based on existing licensed cultivation site operations in the County, individually licensed cultivation garden canopy area ranges from 0.50 acre to 1 acre in size (average size is 0.88 acre). Building and structures that are typically found at outdoor cultivation sites in the County include single-family residences (800–5,000 sq. ft.), offices (1,000–2,000 sq. ft.), outbuildings that are used for material storage and processing of on-site cultivated cannabis (800–23,000 sq. ft.), and greenhouses (600–18,000 sq. ft. per building). Outdoor cultivation in the County ranges from one to three harvests a year. Average full-time employment is approximately 4.5 employees per acre of outdoor cannabis cultivation, while seasonal (harvest) employment can vary from three to 30 employees per operation (Ascent 2018).

### Mixed-Light Cultivation

Mixed-light cultivation is cultivation using a combination of natural and supplemental artificial lighting to increase the number of harvests in a year. In Yolo County, this is cultivation that occurs within greenhouses. Per state regulation, canopy is limited to 22,000 sq. ft. per state license (3 CCR Section 8201[d]); however, because the state allows stacking of small licenses, the County’s one-acre limit becomes the effective limit for mixed-light cultivation in Yolo County. Mixed-light cultivation operations allow for manipulation of light and dark cycles through the use of artificial lighting or deprivation of light. Light manipulation is used to increase or decrease the vegetative and flowering phases by mimicking seasonal daylight variation. In the northern hemisphere, daylight exceeds 12 hours per day beginning with the vernal equinox (March 21) and is less than 12 hours per day after the autumnal equinox (September 21). Longer light exposure, which in nature peaks at the summer solstice (June 21), is associated with the vegetative stage; the flowering stage is prompted when the number of daylight hours approaches 12 hours per day or less.

Light manipulation techniques can increase the number of harvests per year. Artificial light is used to “extend” daylight hours or to disrupt periods of darkness (typically for approximately 2 hours in the middle of the night) to foster vegetative development, and shorter hours of exposure, achieved in mixed-light operations by covering greenhouses with light-blocking opaque tarps, are used to promote flowering. In addition, artificial light may be used to supplement sunlight during periods of low light (e.g., several days of rain). Light systems that are not connected to the electrical grid use generators and/or solar-powered batteries to power lights when natural light is not available.





**Exhibit 2-2**

**Existing and Eligible Cultivation Sites**



Individually licensed mixed-light cultivation garden canopy area ranges from 0.12 acre to 1 acre in size (average size is 0.62 acre). Buildings and structures that are typically found at mixed-light cultivation sites in the County include single-family residences (1,200–5,000 sq. ft.), offices (1,000–1,500 sq. ft.), outbuildings that are used for material storage and processing of on-site cultivated cannabis (1,000–20,000 sq. ft.), hoop houses, and greenhouses (600–18,000 sq. ft.). County mixed-light cultivation can range from three to four harvests a year. Average full-time employment is approximately 28 employees per acre of mixed-light cannabis cultivation canopy (existing and proposed based on cannabis applications received in response to the early implementation development agreements for cannabis operations) in the County (Ascent 2018).

### **Indoor Cultivation**

Indoor cultivation is cultivation that makes exclusive use of artificial light during the vegetative and flowering phases. In Yolo County, this is cultivation undertaken inside of buildings. Per state regulation, canopy is limited to 22,000 sq. ft. per state license (3 CCR Section 8201[d]); however, because the state allows stacking of small licenses, the County's 1-acre limit becomes the effective limit for indoor cultivation in Yolo County. Generally, cultivating cannabis indoors rather than outdoors is more complicated and expensive, but it allows the cultivator complete control over the growing environment and increases the number of harvests per year. Plants of any type can be grown faster indoors than outdoors because light, carbon dioxide concentrations, and humidity can be controlled. Plants can also be grown indoors through the use of hydroponics, which uses a mineral nutrient solution in water rather than soil.

Year-round indoor cultivation is subject to substantial energy demands associated with lighting fixtures, cooling ventilation systems, humidity control, watering, and air filtration systems.

Water demand for indoor cultivation varies, depending on whether the grower employs a water capture/reuse system. The use of dehumidifiers or modified air conditioning systems that can capture water for reuse can reduce water demand.

Indoor operations in the County are contained in buildings that range from 3,200–5,000 sq. ft. in size and are permitted to cultivate between 501 and 5,000 sq. ft. of garden canopy area. These sites also include single-family residences and outbuildings. Indoor cultivation operations in the County typically generate up to four harvests a year. Average full-time employment is approximately two employees per 5,000 sq. ft. of indoor cannabis cultivation (Ascent 2018).

### **Processing Activities**

Processing includes drying, curing, grading, trimming, and packing as a separate process from cultivation. These steps may be performed within the parcel where the cannabis was grown or at separate licensed facilities that accept product from multiple cultivation sites. Commercial cannabis processing activities generally require a maximum of approximately 10–15 employees. Plants are trimmed of their leaves to reveal buds, which typically are hang-dried or placed on drying racks in a warehouse, barn, or other enclosed building. Trimming may be done by hand or through the use of mechanized trimming. Cultivation sites may accommodate harvest staff on-site, or staff may commute daily. Harvested and trimmed cannabis typically is vacuum-sealed in plastic bags.

Each licensed cultivation site may process its own product. Buildings used for processing in the County range from 600 to 20,000 sq. ft. in size. Under the County's nursery and processing facilities pilot program, the County has received an application for a commercial processing facility that would accept product from other cultivation sites for processing and distribution.

### **Testing Activities**

Upon taking physical possession of a cannabis goods batch, cannabis distributors are required under CCR Title 16, Division 42, Section 5304 to have the cannabis tested by a licensed testing laboratory. Testing facilities must be an accredited laboratory to perform tests consistent with the requirements of CCR Section 5702. Cannabis must be sampled for the following constituents:

- cannabinoids;
- foreign material;
- heavy metals;
- microbial impurities;
- mycotoxins;
- moisture content and water activity;
- residual pesticides;
- residual solvents and processing chemicals;
- if applicable, terpenoids; and
- if applicable, homogeneity.

There are currently no testing facilities in the unincorporated area of the County as existing Yolo County Code prohibits this use. There are existing state-licensed testing facilities in the city of Davis and, outside the County, in the city of Sacramento (California Bureau of Cannabis Control 2019).

### **Manufacturing Activities**

Manufacturing is the process by which the raw agricultural product is transformed into a concentrate, edible products, or a topical product. The production, preparation, propagation, or compounding of cannabis or cannabis production is accomplished through extraction methods and/or chemical synthesis. Extraction usually involves the use of a closed loop system using carbon dioxide or volatiles (e.g., butane) to remove the key constituents from the cannabis. Generally, no more than 15 employees are required for large-scale operations. There are various types of licenses that can be obtained through the state for different types of manufacturing activities. Manufacturing activities can include the packaging or repackaging of cannabis products or the labeling or relabeling of the cannabis product container.

There are currently no manufacturing facilities in the unincorporated area of the County as existing Yolo County Code prohibits this use. There are existing state-licensed manufacturing facilities in the cities of Davis, West Sacramento, and Sacramento (California Department of Public Health 2019).

### **Distribution Activities**

Under current state law, manufactured cannabis products must pass through a licensed distributor before they can be offered for retail sale to patients with physician recommendations for medical cannabis use or to adults for recreational use. The distribution phase includes an important quality control step whereby product is held for testing by independent licensed testing laboratories for cannabis constituent content, strength, and contaminants.

There are currently no distribution facilities in the unincorporated area as existing Yolo County Code prohibits this use, except as allowed under the County's nursery and processing facilities pilot program and early implementation development agreement program. In early 2019, however, the Board of Supervisors (Board) approved the issuance of County distribution licenses to enable licensed cultivators to distribute only their own product. Specifically, two types of distributor licenses were approved by the Board, consistent with the state distributor licenses:

- **Distributor:** A distributor is responsible for transporting cannabis goods, arranging for testing of cannabis goods, and conducting quality assurance review of cannabis goods to ensure they comply with all packaging and labeling requirements.
- **Distributor-Transport:** A distributor-transport license allows a licensee to transport cannabis goods between licensed cultivators, manufacturers, and distributors.

There are existing state-licensed distribution facilities in the cities of Davis, Woodland, West Sacramento, and Sacramento (California Bureau of Cannabis Control 2019).

## **Retail Activities**

Retail facilities are required by the State to be located at least 600 feet from schools (grades K through 12), day care centers, and youth centers unless the jurisdiction establishes alternative buffers (16 C.C.R. Section 5026). They are required under the state licensing process to maintain and implement operating procedures for the safe transportation of cannabis, inventory procedures, quality control process for cannabis goods, security and surveillance systems, and waste management procedures. Retail sale of cannabis products is required by state law to be conducted exclusively through licensed dispensaries to qualified patients holding physician recommendations for cannabis use, which may include persons under 21 years of age, or for adults 21 years of age and older for recreational use. The retail outlets may not offer alcohol or tobacco products for sale. However, state licenses do not require separate licensed retail outlets for medical cannabis and adult cannabis uses.

There are currently no retail facilities in the unincorporated area as existing Yolo County Code prohibits retail uses. There are existing state-licensed retail facilities in the cities of Davis and Sacramento (California Bureau of Cannabis Control 2019).

The following is a description of state-licensed retail activities for cannabis and cannabis products.

### **Non-Storefront Retail**

Non-storefront retail sites sell cannabis or cannabis products that are delivered to the consumer. No on-site sales of cannabis are allowed under this license type.

### **Storefront Retail**

State-licensed storefront retail uses include on-site sales and delivery of cannabis or cannabis products to consumers. Retail building sites generally range from 900 to 3,500 sq. ft. in size statewide and have a full-time staff of eight to 20 employees (Ascent 2018). Average hours of cannabis retail operations in the city of Davis are 10:00 a.m. to 8:00 p.m. and in the city of Sacramento are 9:00 a.m. to 9:00 p.m.

### **Microbusiness**

Microbusiness licensed businesses must combine at least three of the following activities: cultivation operations (less than 10,000 sq. ft. of cannabis canopy area), manufacturing (non-volatile), distribution, and/or retail sales. These activities must be conducted on the same site. Existing state-licensed microbusinesses in the region are limited to the city of Sacramento (California Bureau of Cannabis Control 2019).

## **2.3 EXISTING STATE AND COUNTY CANNABIS REGULATIONS**

As discussed above, cannabis is regulated as a Schedule 1 drug under the federal Controlled Substances Act. In California, the passage of Proposition 215 in 1996 legalized medical marijuana, and the passage of Proposition 64 in 2016 decriminalized recreational marijuana for adults over 21 years of age. Both medical and recreational marijuana remain illegal under federal law. The following is an overview of state and Yolo County cannabis regulations.

### **2.3.1 Evolution of State Cannabis Regulations**

#### **COMPASSIONATE USE ACT (1996) AND THE MEDICAL MARIJUANA PROGRAM ACT (2003)**

The Compassionate Use Act of 1996, which allowed for the medical use of cannabis in California under state law, was passed through voter approval of Proposition 215. It allowed patients with a valid doctor's recommendation and the patients' designated primary caregivers to possess and cultivate cannabis for personal medical use without facing criminal charges from the state. The Compassionate Use Act changed California's penal code by decriminalizing the cultivation and possession of medical marijuana by a patient



or the patient's primary caregiver for the patient's personal use and by creating a limited defense to the crimes of possessing or cultivating marijuana.

The passage of Senate Bill (SB) 420 (Statutes of 2003) enacted the Medical Marijuana Program Act. The Medical Marijuana Program Act clarified the scope and application of the Compassionate Use Act and established the California medical marijuana program. Specially, this act established a voluntary program for the issuance of identification cards to qualified patients and established procedures under which a qualified patient with an identification card may use marijuana for medical purposes to protect patients and their caregivers from arrest.

## **MEDICAL CANNABIS REGULATION AND SAFETY ACT (2015)**

Originally referred to as the Medical Marijuana Regulation and Safety Act but renamed through subsequent amendments, the Medical Cannabis Regulation and Safety Act consists of three separate bills that were enacted together in September 2015 (Assembly Bill [AB] 266, AB 243, and SB 643). The bills created a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. All licenses must be approved by local governments. AB 266 established a new Bureau of Medical Cannabis Regulation (now called the California Bureau of Cannabis Control or BCC) under the California Department of Consumer Affairs. SB 643 and AB 243 established the following responsibilities: the California Department of Food and Agriculture (CDFA) is responsible for regulating cultivation; the California Department of Public Health is responsible for developing standards for manufacture, testing, and production and labeling of edibles; the California Department of Pesticide Regulation is responsible for developing pesticide standards; and the California Department of Fish and Wildlife and State Water Resources Control Board are responsible for protecting water quality.

## **ADULT USE OF MARIJUANA ACT (2016) AND MEDICINAL AND ADULT-USE CANNABIS REGULATION AND SAFETY ACT (2017)**

On November 8, 2016, California voters approved Proposition 64, the California Marijuana Legalization Initiative, or the Adult Use of Marijuana Act. Proposition 64 decriminalized the personal use and cultivation of marijuana in California as of November 9, 2016. The ability to sell recreational cannabis, and taxation of those transactions, went into effect January 1, 2018. The act established a comprehensive system to decriminalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana products, for use by adults 21 years and older, and to tax the commercial growth and retail sale of marijuana for recreational use.

The Medicinal and Adult-Use Cannabis and Safety Act (SB 94), adopted in June 2017, reconciles conflicts in regulations between the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act.

### **2.3.2 Current State Permitting of Commercial Cannabis Operations**

Permitting of commercial cannabis operations (medical and adult use) is handled by the following state agencies under regulations approved in January 2019:

- CDFA: cannabis cultivation (known as CalCannabis Cultivation Licensing) and management of the track and trace program, which will be used statewide to record the inventory and movement of cannabis and cannabis products through the commercial cannabis supply chain (CCR Title 3, Division 8 [Cannabis Cultivation]);
- BCC: permitting of distributors, retailers, testing laboratories, and microbusinesses (CCR Title 42 [Bureau of Cannabis Control]); and

- California Department of Public Health, Manufactured Cannabis Safety Branch: permitting of manufacturers of cannabis products (CCR Title 17, Chapter 13 [Manufactured Cannabis Safety]).

On January 16, 2019, the Office of Administrative Law officially approved state regulations for cannabis businesses.

A summary of state cannabis operation license types is provided in Table 2-1.

<b>Name</b>	<b>Description</b>
<b>Cultivation</b>	
Specialty Cottage Outdoor	For outdoor cultivation site with up to 25 mature plants
Specialty Cottage Indoor	For indoor cultivation site with 500 square feet or less of total canopy
Specialty Cottage Mixed-Light Tier 1	For mixed-light cultivation site with 2,500 square feet or less of total canopy and the use of artificial light at a rate of 6 watts per square foot or less
Specialty Cottage Mixed-Light Tier 2	For mixed-light cultivation site with 2,500 square feet or less of total canopy and the use of artificial light at a rate above 6 and below or equal to 25 watts per square foot
Specialty Outdoor	For outdoor cultivation site with less than or equal to 5,000 square feet of total canopy or up to 50 mature plants on noncontiguous plots
Specialty Indoor	For indoor cultivation site with between 501 and 5,000 square feet of total canopy
Specialty Mixed-Light Tier 1	For mixed-light cultivation site with between 2,501 and 5,000 square feet of total canopy and the use of artificial light at a rate of 6 watts per square foot or less
Specialty Mixed-Light Tier 2	For mixed-light cultivation site with between 2,501 and 5,000 square feet of total canopy and the use of artificial light at a rate above 6 and below or equal to 25 watts per square foot
Small Outdoor	For outdoor cultivation site with between 5,001 and 10,000 square feet of total canopy
Small Indoor	For indoor cultivation site with between 5,001 and 10,000 square feet of total canopy
Small Mixed-Light Tier 1	For mixed-light cultivation site with between 5,001 and 10,000 square feet of total canopy and the use of artificial light at a rate of 6 watts per square foot or less
Small Mixed-Light Tier 2	For mixed-light cultivation site with between 5,001 and 10,000 square feet of total canopy and the use of artificial light at a rate above 6 and below or equal to 25 watts per square foot
Medium Outdoor	For outdoor cultivation site with between 10,001 square feet and 1 acre (43,560 square feet) of total canopy
Medium Indoor	For indoor cultivation site with between 10,001 and 22,000 square feet of total canopy
Medium Mixed-Light Tier 1	For mixed-light cultivation site between 10,001 and 22,000 square feet of total canopy and the use of artificial light at a rate of 6 watts per square foot or less
Medium Mixed-Light Tier 2	For mixed-light cultivation site with between 10,001 and 22,000 square feet of total canopy and the use of artificial light at a rate above 6 and below or equal to 25 watts per square foot
Nursery	For nursery cultivating only cannabis
Processor	For processor only trimming, drying, curing, grading, packaging, or labeling cannabis and nonmanufactured cannabis products
Large Outdoor (Note: CDFA will not issue this license until January 1, 2023.)	For outdoor cultivation that uses no artificial lighting for more than 1 acre of total canopy size at one location
Large Indoor (Note: CDFA will not issue this license until January 1, 2023.)	For indoor cultivation that exclusively uses artificial lighting for more than 22,000 square feet of total canopy size at one location

**Table 2-1 State Cannabis Operation License Types**

Name	Description
Large Indoor (Note: CDFA will not issue this license until January 1, 2023.)	For indoor cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold (which will be determined by the licensing authority) for more than 22,000 square feet of total canopy size at one location
<b>Noncultivation</b>	
Distributor	For the purchase/sale and transport of cannabis or cannabis products for medicinal and adult use between license holders
Distributor-Transport Only	For the transportation of cannabis or cannabis products for medicinal and adult use between license holders
Non-Storefront Retailer (Delivery)	For the retailer who sells cannabis or cannabis products for medicinal and adult use to consumers from licensed premises that are not open to the public and who conducts sales exclusively for delivery
Retailer (Storefront Sales)	For the retailer who sells cannabis or cannabis products for medicinal and adult use to consumers from licensed premises that may be open to the public; sales may also be conducted for delivery
Microbusiness	For microbusiness that may act (in part or whole) as a retailer, distributor, manufacturer (Level 1), and cultivator (less than 10,000 square feet of area) for medicinal and adult use; the microbusiness must engage in at least three of the above commercial cannabis activities
Testing Laboratory	For a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products
Manufacturing	For a facility that creates cannabis products for medicinal and adult use
Note: CDFA = California Department of Food and Agriculture.	
Sources: CDFA 2017; California Bureau of Cannabis Control 2017	

### 2.3.3 Yolo County Cannabis Regulations

On March 22, 2016, in response to the Medical Marijuana Regulation and Safety Act and to effect greater local control, the Board adopted Ordinance Number 1467 adding Chapter 20 to Title 5 of the Yolo County Code regulating medical cannabis cultivation in Yolo County. The Board adopted the initial ordinance as an interim measure to address neighbor complaints and limit harmful environmental impacts while protecting patient access to medical cannabis and currently includes the following provisions:

- allows cultivation of cannabis for personal and medicinal purposes (six plants); however, outdoor cultivation is prohibited within buffer areas specified in the ordinance;
- allows commercial cultivation of cannabis of up to 1 acre of cannabis garden canopy;
- establishes nuisance provisions (odor cannot cause a nuisance);
- establishes a 1,000-foot buffer between cultivation sites and youth-oriented facility, schools, school bus stops, churches, parks and residential treatment facilities;
- establishes a 75-foot buffer between cultivation sites and residences;
- requires background checks of cultivators and property owners;
- establishes a track and trace program, which the tracks each cannabis plant during cultivation, harvest, and distribution; and
- establishes enforcement provisions for violations of the ordinance.

The following notable amendments to the ordinance and cannabis program modifications were implemented since the inception of the Marijuana Cultivation Ordinance:

- October 25, 2016: The ordinance was amended to limit those who could obtain a license to cultivate in Yolo County to individuals who had submitted a complete Notice of Intent with full payment, to the Central Valley Regional Water Quality Control Board (CVRWQCB) by 5:00 p.m. on October 11, 2016. Since there were individuals who had submitted a complete Notice of Intent with full payment to the CVRWQCB by the deadline established by the County, but who had not yet submitted an initial cannabis cultivation license application, the ordinance was further amended on November 7, 2017, to establish a deadline of December 31, 2017, for the submittal of an initial cultivation license by these individuals. These amendments in effect limited the number of eligible licensees in Yolo County to approximately 78.
- October 10, 2017: The Board of Supervisors approved the development of a CLUO and Guiding Principles upon which the ordinance would be based. The CLUO would create a conditional use permit (CUP) process for determining where various cannabis activities should appropriately be located. The CUP would be in addition to the ministerial license, required under the Marijuana Cultivation Ordinance. Ten public outreach meetings were held with residents, property owners, and cultivators to obtain comments on what should be included in the ordinance.
- November 7, 2017: A provision was added to the Marijuana Cultivation Ordinance allowing the licensing of a limited number of nursery and processing facilities as part of a pilot program. In addition, a sunset provision was added that would automatically repeal the ordinance unless a tax measure was put forth to the voters and approved.
- March 6, 2018: The Board adopted Ordinance Number 1495, adding Chapter 18 to Title 3 of the Yolo County Code to impose a County general tax on the gross receipts of commercial cannabis activity in the unincorporated area. A resolution was also approved by the Board on March 6, 2018, to place the cannabis tax measure on the June 5, 2018, ballot. The Board also approved an early implementation development agreement policy for existing licensed cannabis cultivators in Yolo County proposing projects that include indoor or mixed-light (greenhouse) cultivation. (See Section 2.3.4, "Nursery and Processing Facilities Request for Proposals Process and Early Implementation Development Agreements.")
- April 24, 2018: The Board approved, for public outreach purposes, a draft CLUO based on the Guiding Principles approved on October 10, 2017. Eleven public outreach meetings were held in numerous locations within the County with residents, property owners, and cultivators to obtain public input on the CLUO. Two Planning Commission meetings were also held.
- June 5, 2018: The voters of Yolo County, including those in the incorporated cities, approved Measure K by 79 percent, authorizing the County to impose a general tax on the gross receipts of commercial cannabis activity in unincorporated Yolo County.
- July 24, 2018: The Marijuana Cultivation Ordinance was amended to allow for recreational cannabis activities in addition to medicinal. The amendment also allowed for the issuance of distributor licenses in conjunction with the nursery and processing facilities pilot program when requested under a development agreement. (See Section 2.3.4, "Nursery and Processing Facilities Request for Proposals Process and Early Implementation Development Agreements.")
- March 12, 2019: The Board adopted Ordinance Number 1509 amending the Marijuana Cultivation Ordinance to allow distribution licenses for existing County licensed cultivators to distribute their own product, broaden penalties for violations of the ordinance, and to provide an onramp for the adoption of early implementation development agreements.

The Marijuana Cultivation Ordinance is administered through the County's Cannabis Task Force, which is a division of the Department of Community Services. The task force is led by the County's Cannabis Policy and Enforcement Manager and is made up of three cannabis code enforcement officers, a supervisor, and two sheriff's detectives. Each of the cannabis code enforcement officers is assigned a caseload of approximately 25 cultivators. Routine site visits are made to ensure compliance with the ordinance, including the track and



trace system. The sheriff's detectives accompany the task force on many of the site visits and assist with compliance activities. They also work on the investigation and abatement of illegal grows. Other Department of Community Services divisions, such as Building, Planning, and Environmental Health, assist the task force on compliance related items under their jurisdictions.

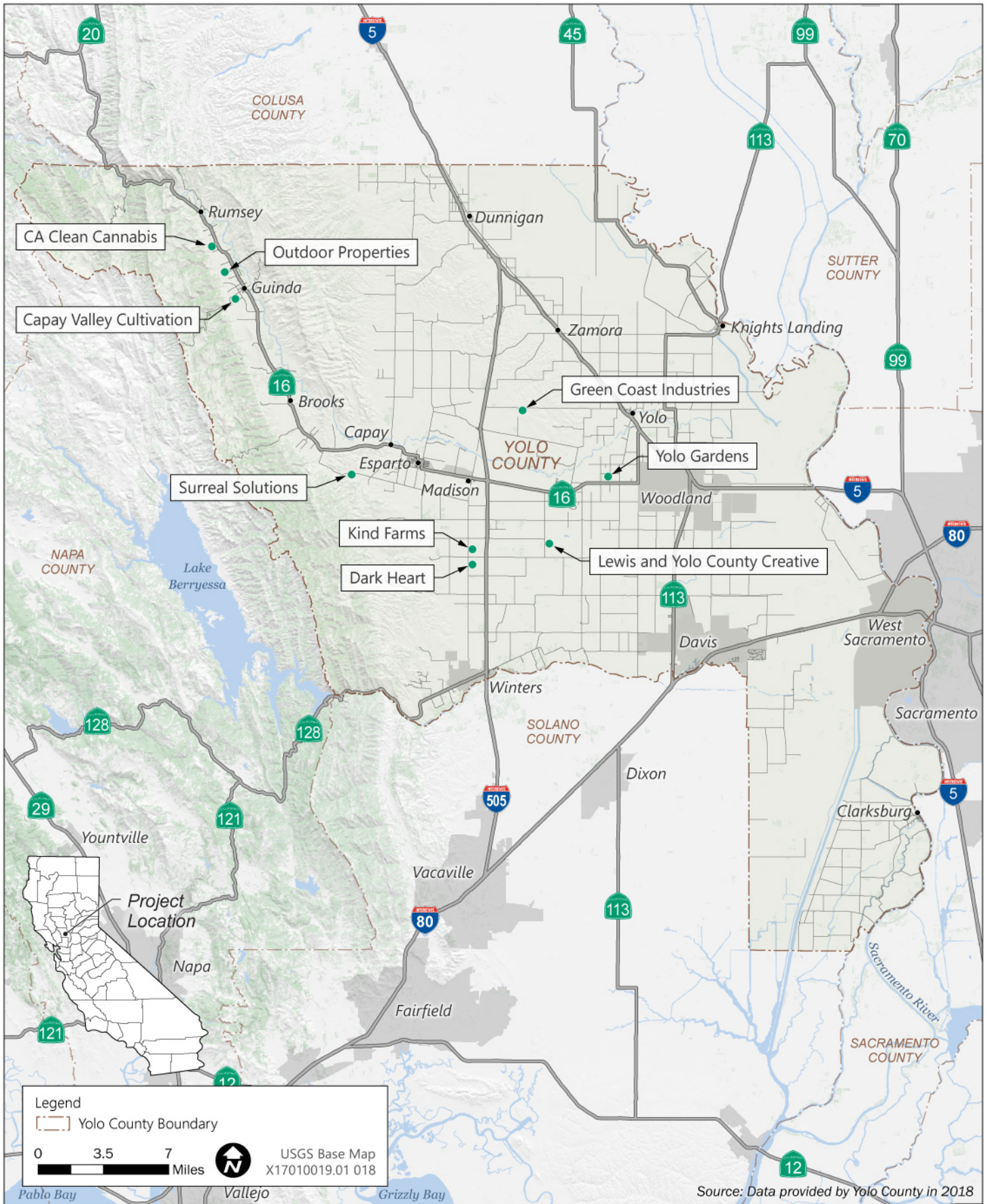
### **2.3.4 Nursery and Processing Facilities Pilot Program and Early Implementation Development Agreements**

The County released a request for proposals in November 2017 to solicit applications for nursery facility and processing facility operations as part of a pilot program under Section 5-20.16 of the Yolo County Code. In addition, on March 6, 2018, the County Board of Supervisors approved an early implementation development agreement policy for existing licensed cannabis cultivators in Yolo County proposing projects that include indoor or mixed-light (greenhouse) cultivation. This process has been refined several times and has been effectively merged with the nursery and processing facilities pilot program described above.

The County is processing nine development agreement applications. Eight of them are existing licensed cultivators who have applied for "early implementation" development agreements, and two of the eight are also applicants for the separate nursery and processing pilot program (Kind Farms and Green Coast Industries [GCI]). The ninth application (Dark Heart) is a pilot program-only applicant. Each of the applicants is seeking a development agreement for a term of 10 years. The applications are currently undergoing separate CEQA reviews, and an environmental initial study will be prepared for each. It is anticipated that for those applications that qualify for a CEQA negative or mitigated negative declaration, the applications will be ready for consideration by the Yolo County Board of Supervisors in 2019. For those applications requiring a CEQA EIR, a lengthier process will be involved. Several of the development agreement applicants have requested that processing of their application temporarily cease while the CLUO is being considered. Processing of these applications may not resume until after adoption of the CLUO, however for the purposes of the cumulative analysis conducted in Chapter 4, "Cumulative Impacts and Overconcentration," of this EIR, these applications are assumed to be in place.

Combined, the development agreement applications seek to vest approximately 12 acres of indoor and mixed-light cultivation canopy on nine sites that total 408 acres countywide. The maximum combined developed area of these applications totals 1,011,824 sq. ft. Spatially, these applications are clustered in the west, central, and northwest areas of the County. One of the applications (Kind Farms) proposes commercial processing and distribution that would serve other cultivators; the others propose ancillary processing and distribution that would serve the on-site needs of the applicant cultivator only. Two of the applications (Dark Heart and GCI) propose commercial nursery facilities; the others propose ancillary nurseries only.

The following discussion briefly summarizes each proposal. Exhibit 2-3 identifies the location of each of these projects and Table 2-2 summarizes each proposal.



**Exhibit 2-3**

**Locations of Nursery and Processing Facilities Pilot Program and Early Implementation Development Agreement Sites**



**Table 2-2 Summary of Nursery and Processing Facilities Pilot Program and Early Implementation Development Agreements**

Name	Total Site Acres	Greenhouse Building Square Footage	Nursery Building Square Footage	Processing Building Square Footage
Kind Farms	20	49,692	n/a	15,120
Surreal	28	56,000	n/a	10,000
Green Coast Industries	40	202,536	101,268	n/a
Lewis and Yolo County Creative	160	224,000	n/a	7,500
Outdoor Properties	20	66,816	n/a	n/a
California Clean Cannabis	42	16,400	n/a	n/a
Capay Valley Cultivation	10	40,320	n/a	5,000
Yolo Gardens	31	96,000	n/a	33,600
Dark Heart	57	n/a	130,000	n/a
<b>Totals</b>	<b>408</b>	<b>751,764</b>	<b>231,268</b>	<b>71,220</b>

Kind Farms, currently licensed to cultivate up to 1 acre of canopy on a 20-acre agriculturally zoned parcel, proposes a commercial cannabis processing and distribution operation under the County's nursery and processing facilities pilot program, that would serve other cultivators. The project site is located on County Road 89 between Madison and Winters and has historically been used for animal husbandry and residential uses. Under its existing cultivation license, Kind Farms has obtained permits to construct a greenhouse for mixed-light cultivation. The proposed development agreement would cover the mixed-light cultivation, along with the commercial processing and distribution activities that would serve other cultivators.

GCI currently holds two licenses to cultivate on a co-located site, which consists of two contiguous agriculturally zoned parcels totaling 100 acres. GCI currently cultivates outdoors up to 2 acres of garden canopy. The project site is located on County Road 17, east of Interstate 505, and is maintained in open space or rangeland uses. GCI proposes to construct a commercial nursery under the County's nursery and processing facilities pilot program that would serve other cultivators, in addition to mixed-light cultivation with processing, testing, and distribution for product grown on-site. GCI has obtained permits to construct greenhouses for mixed-light cultivation under its existing licenses. The proposed development agreement would cover the commercial nursery operations that would serve other cultivators, in addition to mixed-light cultivation that would include ancillary processing, testing, and distribution. These latter uses would serve the applicant cultivator and would not serve others.

California (CA) Clean Cannabis currently cultivates under four separate licenses in different locations in the Capay Valley, and primarily grows outdoors and/or in seasonal hoop houses. The development agreement request is for a site located off State Route 16 northwest of Guinda on a 42-acre agriculturally zoned parcel that has historically been family farmed. CA Clean Cannabis proposes to convert existing agricultural structures totaling 16,400 sq. ft. for indoor cultivation, with ancillary packaging and distribution operations, in addition to new greenhouse development for mixed-light cultivation.

Outdoor Properties currently cultivates under an existing license on a 20-acre agriculturally zoned parcel in the Capay Valley. Previous agricultural uses include grazing and pasturing. Outdoor Properties, located on County Road 56 in Guinda, has obtained permits to construct greenhouses under its existing license and proposes to transition its outdoor cultivation operations to mixed-light cultivation. The proposed development agreement would cover the greenhouse development for mixed-light cultivation, along with ancillary processing and distribution for product grown on-site.

Yolo Gardens currently cultivates up to 1 acre of garden canopy outdoors and in greenhouses under an existing cultivation license on a 30-acre agriculturally zoned parcel on County Road 21 that contains a walnut orchard. Yolo Gardens proposes new construction to accommodate mixed-light cultivation in new greenhouses, with nursery, processing, packaging, and distribution operations for product grown on-site, as well as office and storage space. A portion of an existing walnut orchard remains on-site for screening purposes and crop production. Pest management efforts, as approved by the County Agricultural Commissioner are being implemented. The proposed development agreement would cover the mixed-light cultivation and ancillary nursery, processing, packaging, and distribution operations.

Lewis and Yolo County Creative (YCC) currently hold three separate cultivation licenses on two contiguous parcels. Lewis and YCC co-locate on a 120-acre agriculturally zoned parcel that has historically been farmed in rice, and YCC also separately operates on the adjacent 40-acre agriculturally zoned parcel that has been primarily used for residential purposes. The co-located site is located on County Road 93, and consists of up to 3 acres of garden canopy outdoors and proposed greenhouse development for mixed-light cultivation with processing, curing, and storage of cannabis. The co-located operation would be ancillary only and would not serve other cultivators. Lewis and YCC intend to continue tenant farming operations (row crops) on the remainder of the 120-acre parcel. The proposed development agreement would cover greenhouse development for the transition from outdoor cultivation to mixed-light cultivation and ancillary uses. The applicants propose phased development that includes both the 40-acre parcel and 120-acre parcel. Phase 1 would include development of one greenhouse on the 40-acre parcel. Phase 2 would involve construction of the first greenhouse on the 120-acre parcel, and YCC outdoor cultivation would be moved into the first greenhouse. During Phase 3, the YCC license on the co-located site would move into the second greenhouse, and Lewis would continue to cultivate outdoors on the 120-acre site. In Phase 4, which would be implemented 4 years after approval, the operator would construct a third greenhouse for Lewis to transition to mixed light upon completion.

Surreal Solutions currently cultivates up to 1 acre of outdoor garden canopy under an existing license on a 28-acre agriculturally zoned parcel located at the end of County Road 23, southwest of Esparto. The property is otherwise maintained in open space uses. Surreal Solutions proposes mixed-light cultivation in greenhouses in addition to processing operations for cannabis grown on-site. The proposed development agreement would cover the transition from outdoor cultivation to mixed-light cultivation in greenhouses with ancillary uses.

Capay Valley Cultivation (Jeremy Benny) currently cultivates up to 1 acre of garden canopy outdoors and in hoop houses under an existing cultivation license in the Capay Valley. The project site is located on County Road 45 in Guinda on a 10-acre agriculturally zoned parcel that was primarily used as a home site. Jeremy Benny has obtained permits under its existing license to construct greenhouses for mixed-light cultivation. The proposed development agreement would cover the development of greenhouses for mixed-light cultivation, as well as ancillary processing, curing, and storage of cannabis.

Dark Heart Nursery proposes a commercial nursery that would serve cannabis operations, as allowed under the County's nursery and processing facilities pilot program. Dark Heart Nursery is not currently licensed to cultivate in Yolo County, and the proposal is limited to nursery operations totaling 130,000 sq. ft. The project site is located on a 57-acre agriculturally zoned parcel, located on County Road 89, that is currently cultivated in rice. The proposed development agreement would cover development of the project site for commercial cannabis nursery operations that would serve other cannabis operators.

## 2.3.5 Hemp

On December 20, 2018, President Trump signed H.R. 2, the Agriculture Improvement Act of 2018 (the 2018 Farm Bill) into law, which removed industrial hemp from the federal list of controlled substances and authorizes the U.S. Department of Agriculture to create quality control standards for commercial hemp production, also giving states that desire to have primary regulatory authority over the production of hemp



the ability to adopt their own state plans. The state plan may include a reference to a state law regulating the production of hemp, to the extent consistent with federal law. The Department of Agriculture has not yet promulgated regulations for the approval of state or tribal plans for the cultivation of industrial hemp, and is not expected to do so until sometime in 2020.

The California Department of Food and Agriculture (CDFA) has adopted regulations for the registration fee for growers of industrial hemp for commercial purposes and seed breeders in California, 3 C.C.R. Section 4900, effective April 25, 2019, and for the pre-harvest sampling and testing of industrial hemp as emergency regulations, 3 C.C.R. Sections 4940 – 4946; 4950 – 4950.1, which went into effect June 10, 2019.

The regulations adopted by the CDFA do not require testing of industrial hemp product for purity (free of pesticides, mold, heavy metals, contaminants, etc.), potency or labeling of cannabinoid content and thus do not include safeguards to protect the health of hemp consumers. Currently, industrial hemp is not considered an approved source of cannabidiol (CBD) to be added to food products.

Due to the fact that industrial hemp and cannabis are derivatives of the same plant, *Cannabis sativa* L., the appearance and odor of industrial hemp and cannabis are indistinguishable, particularly when hemp is cultivated with feminized flowering plants for high levels of CBD for purposes of CBD extract or oil production.

Absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content, or expensive specialized chemical field analysis equipment, the two plants cannot be distinguished. Neither the Sheriff's Office nor the Cannabis Task Force can verify that product is permissible industrial hemp and not cannabis intended for sale in the illicit market. The registration requirement for hemp growers, however, should help distinguish between lawful hemp cultivation and illegal cannabis grows.

Cannabis and hemp can cross pollinate because they are cultivars of the same plant. If this occurs, the cannabis THC levels can be reduced, reducing its market value, while the hemp THC levels can be increased, raising levels above legal limits and requiring the destruction of the crop. It is not yet known how far pollen can travel. Controls are available, including buffers and restrictions on the cultivation of male hemp plants, to reduce the potential for cross-pollination.

Industrial hemp can serve as a host to mites and other insects. At this time, there are no pesticides registered for hemp that specifically address such mites or other insects. The pesticides that have been approved for hemp are not always effective, which allows for such insects to move into other nearby crops.

As an urgency measure, on January 15, 2019 the Board of Supervisors established a temporary moratorium on the cultivation of industrial hemp for commercial purposes or by "Established Agricultural Research Institutions," as defined by California Food and Agricultural Code Section 81000(c), to give the County the opportunity to study the issue and to formulate and adopt regulations to mitigate or avoid negative effects of such grows, namely the potential for the cross pollination of hemp and cannabis which can damage cannabis grows. Potential solutions may include buffers between cannabis and hemp grows and/or pre-plotting of cannabis and hemp production similar to the current process for sunflower cultivation. On February 26, 2019 the Board acted to further extend the moratorium for ten months and 15 days.

While the focus of the proposed CLUO and CLUO Draft EIR does not explicitly include hemp activities, to the extent that specific hemp activities share similarities to the described cannabis activities, the CLUO could be modified to cover hemp explicitly. The Draft EIR is potentially of sufficient scope and content to provide appropriate CEQA impact analysis of hemp as a subset of cannabis if the County elects to implement a discretionary permitting process for hemp cultivation. Alternatively, the County could opt to regulate hemp differently, such as by requiring grower registration consistent with state law without any significant accompanying local regulations. This Draft EIR does not attempt to predict how the County will address hemp and the discussion of this topic is included in anticipation of questions that may arise concerning hemp and cannabis as emerging agricultural crops.

## 2.4 PROPOSED YOLO COUNTY CANNABIS LAND USE ORDINANCE

The County is considering five alternative variations to the CLUO, all of which rely on the same underlying regulatory requirements that would regulate cannabis activities through land use, zoning, and development standards. The alternatives, which vary by type of cannabis license/activity, limits on the number of operations, and performance standards, are described in Section 2.4.3, “Cannabis Land Use Ordinance Alternatives,” and Table 2-3. The County has identified Alternative 1 as the CEQA preferred alternative. In Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures,” Chapter 4, “Cumulative Impacts and Overconcentration,” and Chapter 6, “Other CEQA-Mandated Sections,” the alternatives are evaluated at an equal level of detail.

### 2.4.1 Project Background

The Public Review Draft CLUO was released April 24, 2018, for review and comment. Based on public, agency, neighbor, and industry input, County staff subsequently identified additional proposed changes to the draft ordinance to clarify the proposed regulations. These staff-initiated clarifications are reflected in Appendix C (Revised Public Review Draft CLUO) in strike-out/underline format and constitute “the project” for the analysis conducted in this EIR. Text marked in yellow highlight reflects where there are differences between the proposed alternatives.

The CLUO would add Article 14 to Title 8, Chapter 2, of the Zoning Regulations within the Yolo County Code. It would regulate all cannabis operations within the unincorporated area. Specific land use requirements and development performance standards are included in the CLUO that address, among many topics, the following environmental issues:

- agricultural applications,
- agricultural maintenance,
- biological resources,
- buffers from defined sensitive land uses,
- cultural resources,
- drainage and flooding,
- driveway design and access,
- dust control,
- energy use,
- environmental protection,
- fire protection,
- flood protection,
- generators,
- good neighbor communication,
- grading and land clearing,
- hazardous materials,
- lighting,
- noise control,
- nuisance,
- odor control,
- screening,
- security,
- tree protection,
- wastewater discharge,
- solid waste management, and
- water supply and use.

**Table 2-3 Comparison of Cannabis Land Use Ordinance Alternatives**

Key Assumption Between Alternatives	Alternative 1: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative) <sup>1</sup>	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
License types assumed	Personal Cultivation Nurseries* Processing*  *in support of cultivation only	Personal Cultivation Nurseries Processing Manufacturing Testing Distribution Retail <sup>2</sup> Microbusiness	Personal Cultivation Nurseries Processing Manufacturing Testing Distribution Retail <sup>2</sup> Microbusiness	Personal – Indoor Only Cultivation – Indoor and Mixed Light Nurseries – Indoor and Mixed-Light Processing – Indoor Only Manufacturing Testing Distribution Retail <sup>2</sup> Microbusiness – Indoor and Mixed-Light	Personal Cultivation Nurseries Processing Manufacturing Testing Distribution Microbusiness
Limits on number of operations assumed <sup>3,4</sup>	Personal: unlimited Cultivation: 78 TOTAL: 78+	Personal: unlimited Cultivation: 80 Nurseries: 5 Processing: 5 Manufacturing: 20 Testing: 5 Distribution: 10 Retail: 2 Retail/nonstore: unlimited Microbusiness: 5 TOTAL: 132+	Personal: unlimited Cultivation: 160 Nurseries: 10 Processing: 10 Manufacturing: 40 Testing: 10 Distribution: 20 Retail: 4 Retail/nonstore: unlimited Microbusiness: 10 TOTAL: 264+	Personal: unlimited Cultivation: 80 Nurseries: 5 Processing: 5 Manufacturing: 20 Testing: 5 Distribution: 10 Retail: 2 Retail/nonstore: unlimited Microbusiness: 5 TOTAL: 132+	Personal: unlimited Cultivation: 80 Nurseries: 5 Processing: 5 Manufacturing: 20 Testing: 5 Distribution: 10 Microbusiness: 5 TOTAL: 130+
Zoning districts assumed	Personal: A, R, C, I Cultivation Outdoor: A Cultivation Indoor: A, I, C-G/C-H Cultivation Mixed: A, I, C-G/C-H Nurseries: A, I Processing: A, I, C-G/C-H	Personal: A, R, C, I Cultivation Outdoor: A Cultivation Indoor: A, I, C-G/C-H Cultivation Mixed: A, I, C-G/C-H Nurseries: A, I Processing: A, I, C-G/C-H Manufacturing: A, I Testing: A, I Distribution: A, I Retail: C, I Microbusiness: A, I, C-G/C-H	Personal: A, R, C, I Cultivation Outdoor: A Cultivation Indoor: A, I, C-G/C-H Cultivation Mixed: A, I, C-G/C-H Nurseries: A, I Processing: A, I, C-G/C-H Manufacturing: A, I, C-G/C-H Testing: A, I Distribution: A, I, C-G/C-H Retail: C, I Microbusiness: A, I, C-G/C-H	Personal: A, R, C, I Cultivation Indoor: A, I, C-G/C-H Nurseries: A, I Processing: A, I, C-G/C-H Manufacturing: A, I, C-G/C-H Testing: A, I Distribution: A, I, C-G/C-H Retail: C, I Microbusiness: A, I, C-G/C-H	Personal: Indoor in A, R, C, I; Outdoor in A only Cultivation: A Nurseries: A Processing: A Manufacturing: A Testing: A Distribution: A Microbusiness: A

**Table 2-3 Comparison of Cannabis Land Use Ordinance Alternatives**

Key Assumption Between Alternatives	Alternative 1: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative) <sup>1</sup>	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
Controls on overconcentration assumed	No	Yes	Yes	Yes	No
Special buffers from identified sensitive uses assumed <sup>5</sup>	1,000-foot buffers <sup>6</sup> 75 feet from individual residences	1,000-foot buffers <sup>6</sup> 1,000 feet from individual residences	75-foot buffers <sup>6</sup> 75 feet from individual residences	None	1,000-foot buffers <sup>6</sup> 1,000 feet from individual residences

Notes:

A = Agricultural zones; C = Commercial zones; C-G = Commercial-General; C-H = Commercial Highway; I = Industrial zones; R = Residential zones.

<sup>1</sup> The Board of Supervisors will examine all five alternatives and may choose one of the five alternatives or a combination. No position on the contents of the final ordinance should be assumed from the choice of Alternative 1 as the preferred alternative (Board of Supervisors meeting April 24, 2018).

<sup>2</sup> Except special events.

<sup>3</sup> These assumptions are for purposes of the EIR analysis. The Board of Supervisors retains the ability to decide whether to include these limits as part of the ordinance.

<sup>4</sup> Except for personal use.

<sup>5</sup> Buffers apply to outdoor cannabis uses as identified in Section 8-2.1408(e).

<sup>6</sup> Buffers from “residentially designated land” would not apply to outdoor Personal use as that would eliminate the possibility of outdoor Personal cultivation which in not the intent.



As noted above, the County is considering a range of alternative approaches to sections of the CLUO related to the extent of allowed cannabis uses, performance standards and buffers, and concentration of cannabis operations in regions of the County. The alternatives, which are evaluated at an equal level of detail in this EIR, are summarized below. For the purposes of CEQA, which requires the identification of a preferred alternative, the County has identified Alternative 1 as the preferred alternative/proposed project.

## 2.4.2 Project Objectives

The overall purpose of the CLUO is to add Article 14 (Cannabis Land Use Ordinance) to Title 8, Chapter 2, Zoning Regulations, of the Yolo County Code, establishing new Zoning 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 primary objectives of the CLUO are identified in Section 8-2.1402 of the Draft CLUO 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.

## 2.4.3 Cannabis Land Use Ordinance Alternatives

### **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 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 identifies the distribution of cannabis cultivation under Alternative 1 throughout the unincorporated area. Under this Alternative, implementation of the CLUO could result in relocation of nine existing and eligible cultivation sites to meet the assumed buffering and zoning requirements identified in Table 2-3.

## **ALTERNATIVE 2: ALL LICENSE TYPES WITH MODERATE LIMITS**

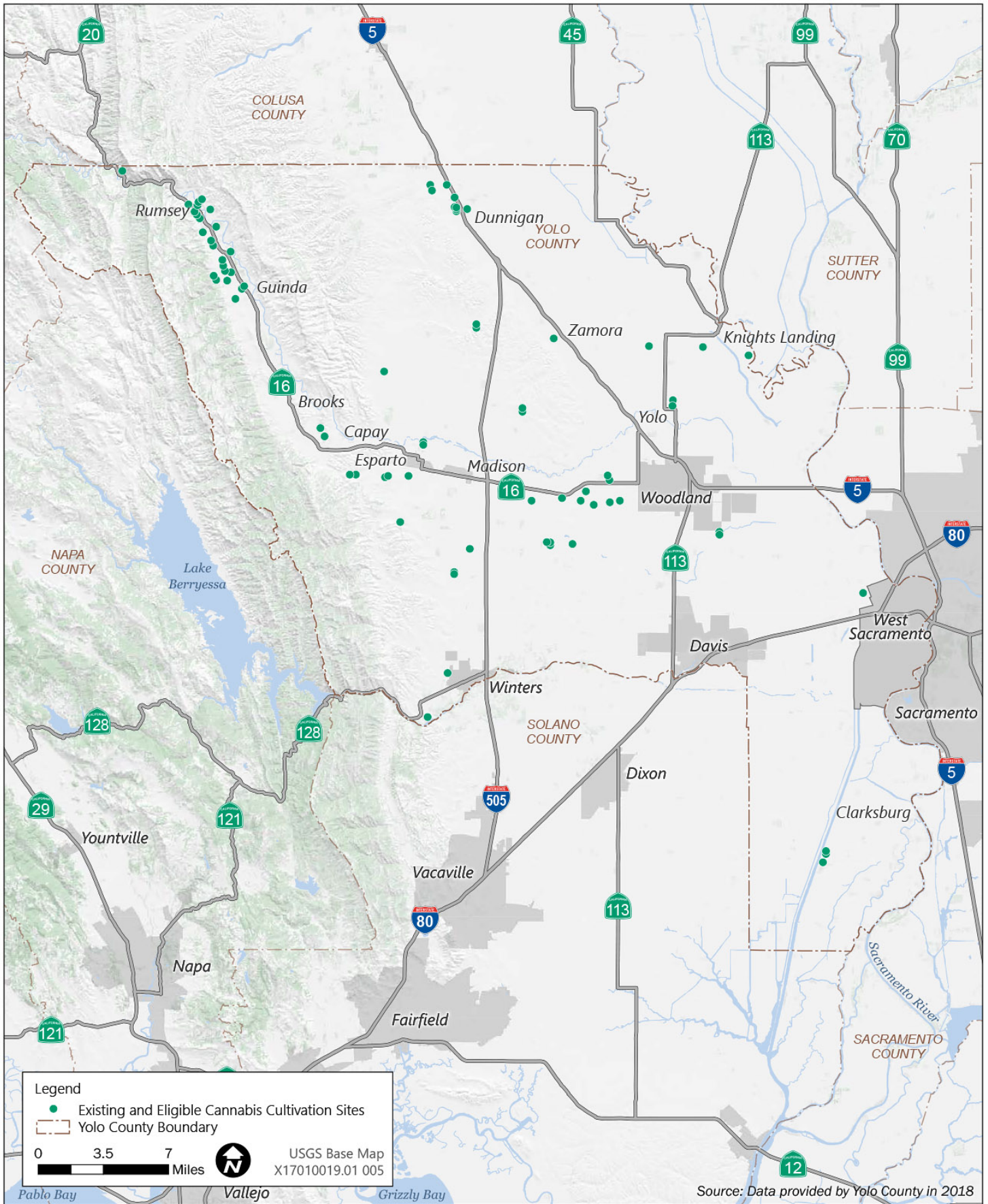
Alternative 2 assumes that all types of cannabis operations would be allowed, including commercial cultivation, nurseries, processing, manufacturing, testing, distribution, retail, and microbusinesses. As defined, implementation of this alternative would result in 132 cannabis operations countywide plus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

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

Exhibit 2-5 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, 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 2 includes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions, (for example, within the defined comment areas of the County's citizen's advisory committees) (see Section 8-2.1406(H) of the proposed CLUO). 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.

Under this Alternative, Implementation of the CLUO would require relocation of 30 existing and eligible cultivation sites to meet the buffering and zoning requirements identified in Table 2-3.

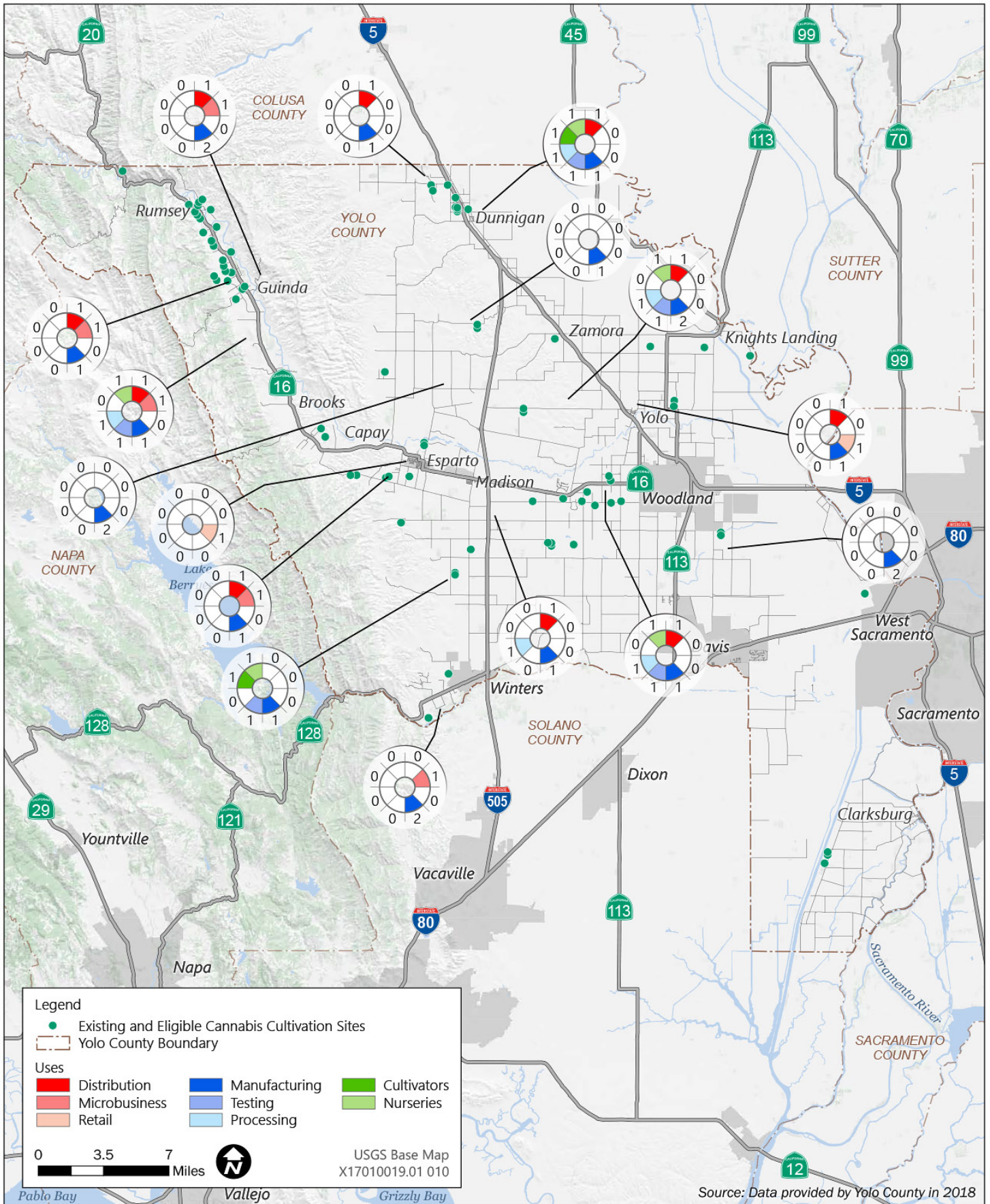


**Exhibit 2-4**

**Alternative 1 Cannabis Uses**







**Exhibit 2-5**

**Alternative 2 Cannabis Uses**



### **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 operators from Alternative 1)
- nurseries: 10
- processing: 10
- manufacturing: 40
- testing: 10
- distribution: 20
- retail: 4
- microbusiness: 10

Exhibit 2-6 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 includes the ability of the County to establish by resolution limits on the number of cannabis operations to avoid the overconcentration of such uses in distinct subregions; for example, within the defined comment areas of the County's citizen's advisory committees (see Section 8-2.1406(H) of the proposed CLUO). 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.

Under this alternative, implementation of the CLUO could require relocation of nine existing and eligible cultivation sites to meet the buffering and zoning requirements identified in Table 2-3.

### **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. It is assumed 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: 80 (includes 78 existing operators from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- retail: 2
- microbusiness: 5



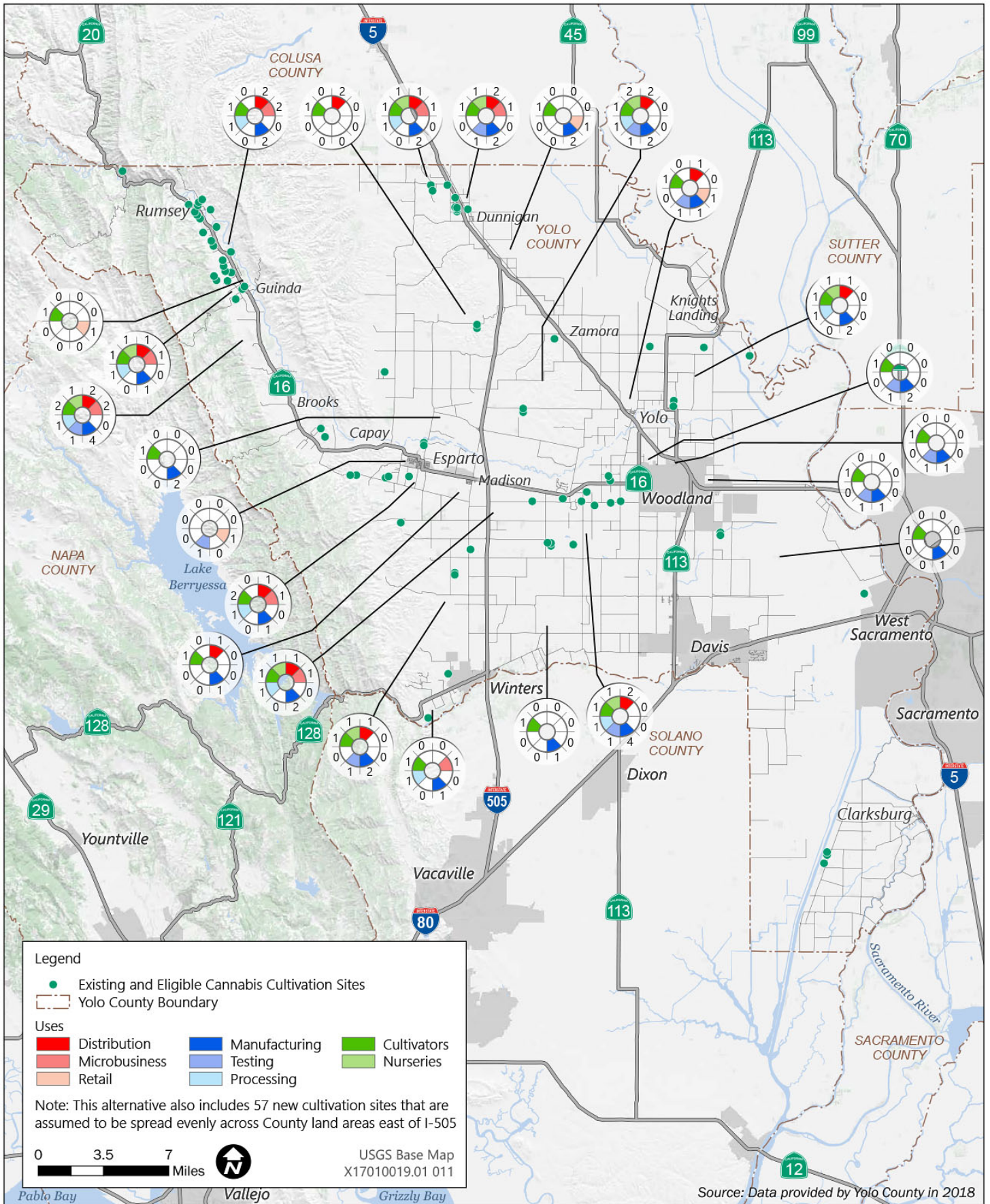


Exhibit 2-6

Alternative 3 Cannabis Uses



Exhibit 2-7 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 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 overconcentration of such uses in distinct subregions (for example, within the defined comment areas of the County's citizen's advisory committees (see Section 8-2.1406(H) of the proposed CLUO). Under this alternative, implementation of the CLUO could require relocation of nine existing and eligible cultivation sites to meet the zoning requirements identified in Table 2-3. Because no outdoor cannabis activities are allowed under this alternative, it does not include buffers from identified sensitive land uses.

### **ALTERNATIVE 5: ALL LICENSE TYPES WITH MODERATE LIMITS, WITHIN AGRICULTURAL ZONES ONLY, NO RETAIL**

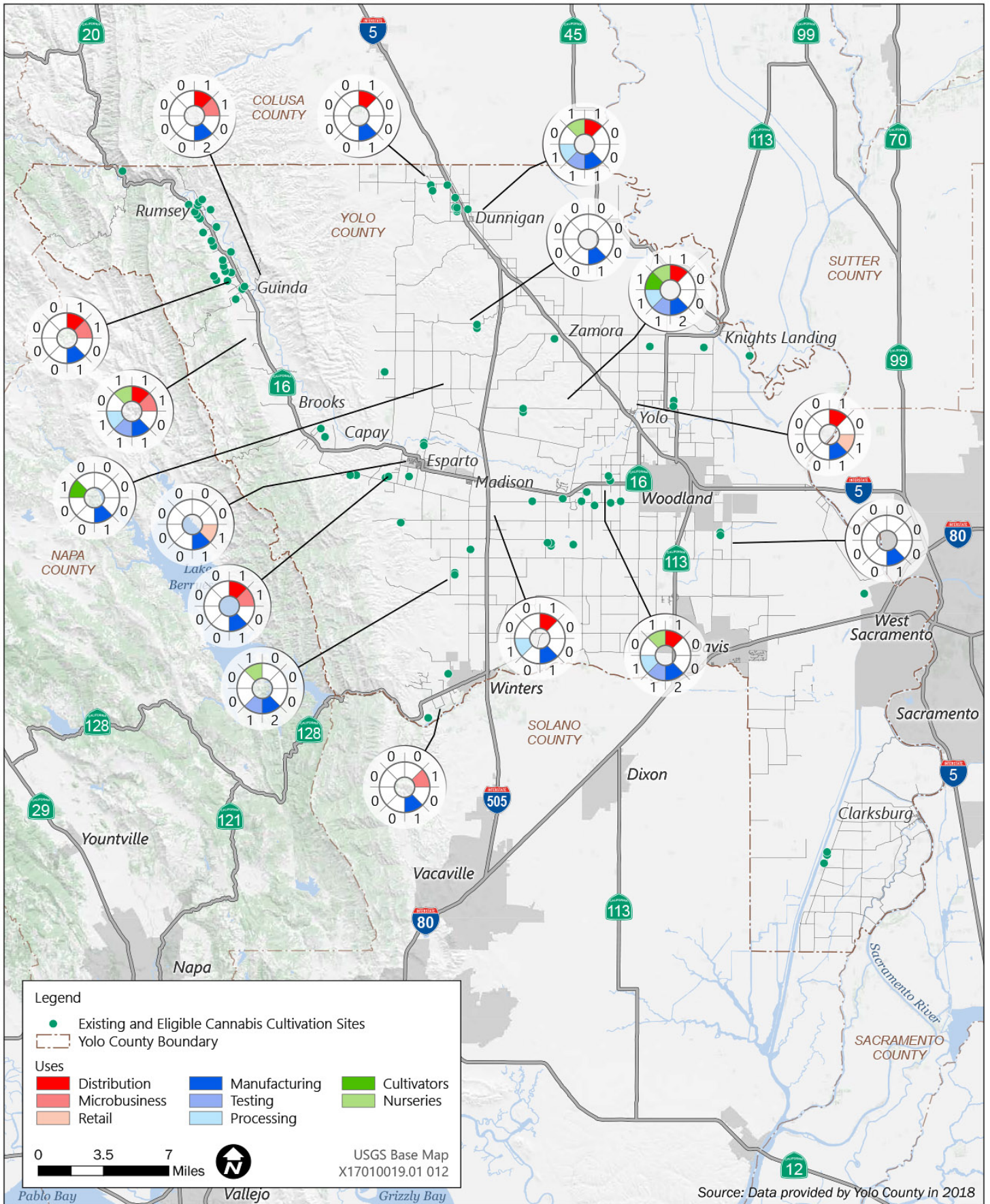
Alternative 5 assumes all license types, with the exception of retail, but would limit commercial cannabis (including personal outdoor grows) to agricultural zone districts. Personal indoor grows would be allowed in all zoning districts. As defined, implementation of this alternative would result in 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 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.

Under this alternative, implementation of the CLUO would require relocation of 30 existing and eligible cultivation sites to meet the buffering and zoning requirements identified in Table 2-3.



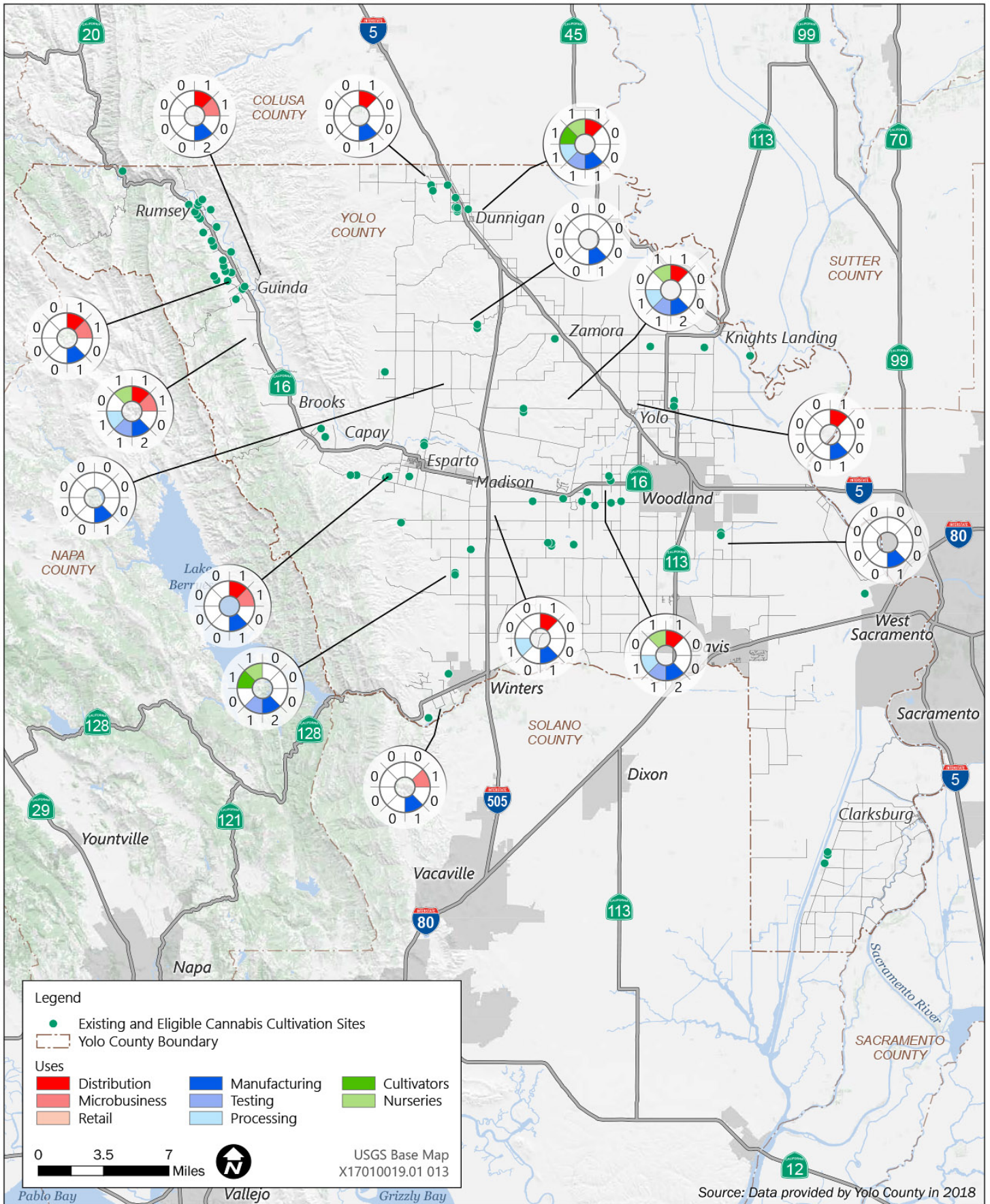


**Exhibit 2-7**

**Alternative 4 Cannabis Uses**







**Exhibit 2-8**

**Alternative 5 Cannabis Uses**



## DEVELOPMENT AND OPERATION ASSUMPTIONS BY ALTERNATIVE

Table 2-4 identifies the extent of cannabis use development assumed in the EIR analysis. These assumptions are based on existing characteristics of cannabis 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 (see Section 2.3.4), information from noncultivation use applications from other local jurisdictions and information provided by cannabis operators in the County. Assumptions used in the EIR for construction and operation of cannabis uses is provided in Appendix D.

**Table 2-4 Alternative Development Assumptions**

Feature	Alternative <sup>1</sup>				
	1	2	3	4	5
<b>Cultivation Uses</b>					
<b>Outdoor Cultivation</b>					
Total Cultivation Garden Canopy (acres) <sup>2</sup>	63	64	128	0	64
Total Land Area for Assumed Activity Footprint (acres) <sup>2</sup>	126	128	256	0	128
Total Building Area (square footage) <sup>3</sup>	2,803,500	2,848,000	5,696,000	n/a	2,848,000
Total Number of Full-Time Equivalent Employees <sup>4</sup>	284	288	576	n/a	288
Total Number of Seasonal Employees <sup>5</sup>	1,197	1,216	2,432	n/a	1,216
Maximum Number of Harvests in a Year <sup>6</sup>	3	3	3	n/a	3
<b>Mixed-Light Cultivation<sup>7</sup></b>					
Total Cultivation Garden Canopy (acres) <sup>2</sup>	13	14	27	68	14
Total Land Area for Assumed Activity Footprint (acres) <sup>2</sup>	26	28	54	136	28
Total Building Area (square footage) <sup>3</sup>	1,479,283	1,593,074	3,072,357	7,737,788	1,593,074
Total Number of Full-Time Equivalent Employees <sup>4</sup>	364	392	756	1,904	392
Maximum Number of Harvests in a Year <sup>6</sup>	4	4	4	4	4
<b>Indoor Cultivation<sup>7</sup></b>					
Total Cultivation Garden Canopy (acres) <sup>2, 11</sup>	2	2	5	12	2
Total Land Area for Assumed Activity Footprint (acres) <sup>2</sup>	4	4	10	24	4
Total Building Area (square footage) <sup>3</sup>	88,000	88,000	220,000	528,000	88,000
Total Number of Full-Time Equivalent Employees <sup>4</sup>	35	35	88	211	35
Maximum Number of Harvests in a Year <sup>6</sup>	4	4	4	4	4
<b>Cultivation Totals</b>					
<b>Total Number of Cultivation Sites</b>	<b>78</b>	<b>80</b>	<b>160</b>	<b>80</b>	<b>80</b>
Total Cultivation Garden Canopy (acres)	78	80	160	80	80
Total Land Area for Assumed Activity Footprint (acres)	156	160	320	160	160
Total Building Area (square footage)	4,370,763	4,529,074	8,988,357	8,265,788	4,529,074
Total Number of Full-Time Equivalent Employees	683	715	1,420	2,115	715
Total Number of Seasonal Employees	1,197	1,216	2,432	n/a	1,216

**Table 2-4 Alternative Development Assumptions**

Feature	Alternative <sup>1</sup>				
	1	2	3	4	5
<b>Noncultivation Uses</b>					
<b>Nurseries</b>					
Total Number of Nurseries	n/a	5	10	5	5
Total Building Area (square footage) <sup>3</sup>	n/a	700,000	1,400,000	700,000	700,000
Total Land Area for Assumed Activity Footprint for Nursery Operation (acres) <sup>3</sup>	n/a	75	150	75	75
Total Number of Full-Time Equivalent Employees <sup>4</sup>	n/a	360	720	360	360
<b>Processing</b>					
Total Number of Processing Facilities	n/a	5	10	5	5
Total Building Area (square footage) <sup>3</sup>	n/a	32,500	65,000	32,500	32,500
Total Land Area for Assumed Activity Footprint for Processing Facilities (acres) <sup>3</sup>	n/a	3	5	3	3
Number of Full-Time Equivalent Employees <sup>4</sup>	n/a	13	25	13	13
Total Number of Seasonal Employees <sup>5</sup>	n/a	20	40	20	20
<b>Manufacturing</b>					
Total Number of Manufacturing Facilities	n/a	20	40	20	20
Building Area (square footage) <sup>6</sup>	n/a	54,000	108,000	54,000	54,000
Total Land Area for Assumed Activity Footprint for Manufacturing Facilities (acres) <sup>8</sup>	n/a	10	20	10	10
Number of Full-Time Equivalent Employees <sup>8</sup>	n/a	200	400	200	200
<b>Testing</b>					
Total Number of Testing Facilities	n/a	5	10	5	5
Building Area (square footage) <sup>9</sup>	n/a	14,000	28,000	14,000	14,000
Total Land Area for Assumed Activity Footprint for Testing Facilities (acres) <sup>8</sup>	n/a	3	5	3	3
Number of Full-Time Equivalent Employees <sup>9</sup>	n/a	30	60	30	30
<b>Distribution</b>					
Number of Distribution Facilities	n/a	10	20	10	10
Building Area (square footage) <sup>3</sup>	n/a	10,000	20,000	10,000	10,000
Total Land Area for Assumed Activity Footprint for Distribution Facilities (acres) <sup>3</sup>	n/a	3	5	3	5
Number of Full-Time Equivalent Employees <sup>4</sup>	n/a	20	40	20	20
<b>Retail</b>					
Number of Retail Facilities	n/a	2	4	2	n/a
Building Area (square footage) <sup>3</sup>	n/a	4,800	9,600	4,800	n/a
Total Land Area for Assumed Activity Footprint for Retail Facilities (acres) <sup>3</sup>	n/a	1	2	1	n/a
Number of Full-Time Equivalent Employees <sup>4</sup>	n/a	32	64	32	n/a
<b>Microbusiness</b>					
Number of Microbusinesses	0	5	10	5	5
Building Area (square footage) <sup>10</sup>	n/a	7,500	15,000	7,500	7,500

**Table 2-4 Alternative Development Assumptions**

Feature	Alternative <sup>1</sup>				
	1	2	3	4	5
Total Land Area for Assumed Activity Footprint for Microbusinesses (acres) <sup>10</sup>	n/a	3	5	3	3
Number of Full-Time Equivalent Employees <sup>10</sup>	n/a	45	90	45	45
<b>Noncultivation Totals</b>					
Total Number of Sites	n/a	52	104	52	50
Total Land Area for Assumed Activity Footprint (acres)	n/a	100	197	100	99
Total Building Area (square footage)	n/a	822,800	1,645,600	822,800	818,000
Total Number of Full-Time Equivalent Employees	n/a	700	1,399	700	668
<b>Grand Totals</b>					
Combined Total Number of Sites/Facilities	78	132	264	132	130
Combined Total Land Area for Assumed Activity Footprint (acres)	156	260	517	260	259
Combined Total Building Area (square footage)	4,370,763	5,351,874	10,633,957	9,088,588	5,347,074
Combined Total Full-Time Equivalent Employees	1,880	2,631	5,251	2,815	2,599

Notes: The alternatives do not include the projects that are being processed under the nursery and processing facilities pilot program and early implementation development agreements.

<sup>1</sup> Cited values are rounded.

<sup>2</sup> The “cultivation garden canopy” is the footprint of the cannabis plant area calculated in square feet and measure using physical boundaries of all area(s) that will contain mature plants at any point in time. The County limits the cultivation garden canopy area to 1 acre per license (Yolo County Code Section 5-20.04[A][2][a][1]). The “total land area for assumed activity footprint” consists of the cultivation site and adjacent land areas used to support the cultivation operation (e.g., buildings, materials storage, drying and processing, equipment storage, and staging areas). The breakdown of cultivation type was based on existing cultivation conditions in the County which is 80 percent outdoor, 17 percent mixed-light, and 3 percent indoor. Total land area committed to cannabis cultivation operations was assumed to consist of 2 acres for every 1 acre of licensed cannabis canopy based on field review and review of Google Earth satellite imagery.

<sup>3</sup> Building square footage for outdoor cultivation was based on average values for current cultivation operations in the County and was assumed to consist of 44,500 square feet per site. Mixed-light cultivation was based on review of current cultivation operations in the County in comparison with information provided in development agreement applications. An average building size of 113,791 square feet per site for mixed-light cultivation was used. An average of 44,000 square feet per acre of cultivation garden canopy was used for indoor cultivation based on review of current indoor operations in the County. Building square footage and land area for activity footprint for noncultivation uses was based on information provided in nursery and processing facilities pilot program application material, information provided by cannabis operators in the County, and applications/Google Earth satellite imagery from Humboldt County and the cities of Eureka and Needles: 140,000 square feet and 15 acres of activity footprint area for nurseries, 6,500 square feet and 0.50 acres of activity footprint area for processing, 1,000 square feet and 0.50 acres of activity footprint area for distribution, and 2,400 square feet and 0.50 acres of activity footprint area for retail.

<sup>4</sup> Full-time employment was based on information provided in development agreement applications and nursery and processing facilities pilot program application material and information provided by cannabis operators in the County: 4.5 employees per acre of cultivation garden canopy for outdoor cultivation, 28 employees per acre of cultivation garden canopy for mixed-light cultivation, 2 employees per 5,000 square feet of greenhouse/building for indoor cultivation, 72 employees per site for nurseries, 2.5 employees per site for processing, 2 employees per site for distribution, and 16 employees per site for retail.

<sup>5</sup> Seasonal employment was based on information provided by cannabis operators in the County: outdoor cultivation assumes 19 employees per acre of cannabis cultivation; processing activities assumes 4 employees per site.

<sup>6</sup> Number of harvests was based on information provided by cannabis operators in the County.

<sup>7</sup> Alternative 4 would prohibit outdoor cultivation so it was assumed that the cultivation would consist of 85 percent mixed-light and 15 percent indoor.

<sup>8</sup> It is assumed that each manufacturing operation would be contained within a 2,700-square-foot building with 0.50 acres of activity footprint area and have 10 employees each. These assumptions are based on review of applications and staff reports for existing manufacturing operations in Humboldt County and the city of Needles. These example sites are located in rural land use conditions similar to those in Yolo County.

<sup>9</sup> The testing facilities were assumed to be contained within a 2,800-square-foot building with 0.50 acres of activity footprint area and have 6 employees per site based on review of information provided by the City of Eureka for a testing facility (Dumouchel 2018).

<sup>10</sup> The microbusinesses were assumed to be contained within a 1,500-square-foot building with 0.50 acres of activity footprint area and have 9 employees (per the Cannabis Program restrictions) based on review of the staff report for an existing microbusiness in a rural area of Humboldt County. The microbusinesses are often co-located with other, larger commercial cannabis operations.

<sup>11</sup> The EIR analysis assumes that one of the eligible cannabis cultivation sites becomes an indoor cultivation operation under Alternative 1.

Source: Prepared by Ascent Environmental in 2018

Table 2-5 provides a summary of the assumed extent of potential new land disturbance from relocation of cultivation sites and new cannabis uses assumed for EIR analysis purposes under each of the alternatives. This is based on the assumptions identified in Appendix D.

**Table 2-5 Assumed New Land Disturbance From Cultivation Site Relocations and New Cannabis Uses by Alternative**

Feature	Alternative				
	1	2	3	4	5
<b>Cultivation Site Relocations<sup>1</sup></b>					
Number of Cultivation Site Relocations	9	30	9	9	30
Total Land Area for Assumed Activity Footprint for Relocations (acres) <sup>2</sup>	18	60	18	18	60
<b>New Cultivation Sites</b>					
Number of New Cultivation Sites	0	2	82	2	2
Total Land Area for Assumed Activity Footprint for New Cultivation (acres) <sup>2</sup>	0	4	164	4	4
<b>New Noncultivation Sites</b>					
Number of New Noncultivation Sites	0	52	104	52	50
Total Land Area for Assumed Activity Footprint for New Noncultivation (acres) <sup>3</sup>	0	100	197	100	99
<b>Total Assumed New Land Disturbance</b>					
Total Land Area for Assumed Activity Footprint for Cultivation Relocations (acres) <sup>2</sup>	18	60	18	18	60
Total Land Area for Assumed Activity Footprint for New Cultivation (acres) <sup>2</sup>	0	4	164	4	4
Total Land Area for Assumed Activity Footprint for New Noncultivation (acres) <sup>3</sup>	0	100	197	100	99
<b>Total of Land Disturbance (acres)</b>	<b>18</b>	<b>164</b>	<b>379</b>	<b>122</b>	<b>163</b>

Notes: The alternatives do not include the projects that are being processed under the nursery and processing facilities pilot program and early implementation development agreements.

<sup>1</sup> Assumed cultivation relocations are based on compliance with CLUO zoning standards and buffer standards under each alternative.

<sup>2</sup> The “total land area for assumed activity footprint” consists of the cultivation site and adjacent land areas used to support the cultivation operation (e.g., buildings, materials storage, drying and processing, equipment storage, and staging areas). The total land area committed to cannabis cultivation operations was assumed to consist of 2 acres for every 1 acre of licensed cannabis canopy based on field review and review of Google Earth satellite imagery.

<sup>3</sup> Total land area for assumed activity footprint for noncultivation uses is based on the assumptions provided in Table 2-4.

Source: Prepared by Ascent Environmental in 2019

## 2.4.4 Summary of Draft Cannabis Land Use Ordinance

The discussion below summarizes the proposed Draft CLUO. These standards, except when noted, would apply to all the alternatives described above. Table 2-6 identifies what cannabis uses are allowed in the County’s zoning districts.

**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.

**Section 8-2.1402, Purpose:** This section elaborates on the purpose of the regulations. It establishes County intent in implementing the ordinance. 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. Work on this section is ongoing. The definitions are guided by, and intended to be consistent with, the draft ordinance and would therefore result in no change to the environmental impact analysis presented herein. Unless otherwise defined, the County accepts the state definitions of various terms related to cannabis and cannabis activities.



**Table 2-6 Proposed Cannabis Development Regulations**

Cannabis Land Use Type	Max Canopy Area <sup>1</sup>	State License Type <sup>2</sup> and Agency	Agric Zones (A-N, A-X, A-I, A-C) <sup>3</sup>	Res Zones (RR-5, RR-2, R-L, R-M, R-H) <sup>3</sup>	Comm Zones (C-L, DMX) <sup>3</sup>	Comm Zones (C-G, C-H) <sup>3</sup>	Indus Zones (I-L, I-H) <sup>3</sup>	Buffers from Identified Uses <sup>4</sup>	Special Use Regulations
<b>Personal</b>									
Personal – Outdoor	≤6 plants per DU	Exempt	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	X feet	Title 8, Chapter 2, Article 14
Personal – Indoor	<6 plants per DU	Exempt	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	None <sup>6</sup>	
<b>Cultivation<sup>7</sup>, Nurseries, and Processing</b>									
Specialty Cottage – Outdoor <sup>8</sup>	< 25 mature plants	1C, CDFA	UP(M)	N	N	N	N	X feet	Title 8, Chapter 2, Article 14
Specialty Cottage –Indoor	≤500 sq. ft.	1C, CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Specialty Cottage –Mixed-Light <sup>9</sup>	≤2,500 sq. ft.	1C, CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Specialty – Outdoor <sup>8</sup>	≤5,000 sq. ft. or ≤50 mature plants	1, CDFA	UP(M)	N	N	N	N	X feet	
Specialty – Indoor	501 to 5,000 sq. ft.	1A, CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Specialty – Mixed-Light <sup>9</sup>	2,501 to 5,000 sq. ft.	1B, CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Small – Outdoor <sup>8</sup>	5,001 to 10,000 sq. ft.	2, CDFA	UP(M)	N	N	N	N	X feet	
Small – Indoor	5,001 to 10,000 sq. ft.	2A, CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Small – Mixed Light <sup>9</sup>	5,001 to 10,000 sq. ft.	2B, CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Medium – Outdoor <sup>8</sup>	10,001 to 43,560 sq. ft.	3 <sup>10</sup> , CDFA	UP(M)	N	N	N	N	X feet	
Medium – Indoor	10,001 to 22,000 sq. ft.	3A <sup>10</sup> , CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Medium – Mixed Light <sup>9</sup>	5,001 to 10,000 sq. ft.	3B <sup>10</sup> , CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Large <sup>11</sup> – Outdoor <sup>8</sup>	>43,561 sq. ft <sup>12</sup>	5, CDFA	N	N	N	N	N	N/A	
Large <sup>11</sup> – Indoor	>22,001 sq. ft <sup>12</sup>	5A, CDFA	N	N	N	N	N	N/A	
Large <sup>11</sup> – Mixed Light <sup>9</sup>	>22,001 sq. ft <sup>12</sup>	5B, CDFA	N	N	N	N	N	N/A	
Nursery – Outdoor, Indoor or Mixed Light	Unlimited	4 <sup>13</sup> , CDFA	UP(M)	N	N	N	UP(M)	X feet for outdoor	
Processing Only <sup>14</sup>	N/A	Not Assigned, CDFA	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
<b>Manufacturing, Testing, and Distribution<sup>15</sup></b>									
Manufacturing – Non-volatile	N/A	6, CDPH	UP(M)	N	N	N	UP(M)	None <sup>6</sup>	Title 8, Chapter 2, Article 14
Manufacturing – Volatile	N/A	7, CDPH	UP(M)	N	N	N	UP(M)	None <sup>6</sup>	
Manufacturing – Infusion	N/A	6N, CDPH	UP(M)	N	N	N	UP(M)	None <sup>6</sup>	
Manufacturing – Packaging and Labeling	N/A	6P, CDPH	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Testing/Laboratory	N/A	8, BCC	UP(M)	N	N	N	UP(M)	None <sup>6</sup>	
Distribution	N/A	11(M) <sup>16</sup> , BCC	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	



**Table 2-6 Proposed Cannabis Development Regulations**

Cannabis Land Use Type	Max Canopy Area <sup>1</sup>	State License Type <sup>2</sup> and Agency	Agric Zones (A-N, A-X, A-I, A-C) <sup>3</sup>	Res Zones (RR-5, RR-2, R-L, R-M, R-H) <sup>3</sup>	Comm Zones (C-L, DMX) <sup>3</sup>	Comm Zones (C-G, C-H) <sup>3</sup>	Indus Zones (I-L, I-H) <sup>3</sup>	Buffers from Identified Uses <sup>4</sup>	Special Use Regulations
Distribution - Transport Only	N/A	12(M) <sup>16</sup> , BCC	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
<b>Retail (Dispensary)</b>									
Retail - Storefront	N/A	10(M) <sup>16</sup> and 10A(M), BCC	N	N	UP (M)	UP(M)	UP(M)	None <sup>6</sup>	Title 8, Chapter 2, Article 14
Retail - Non-Storefront	N/A	9(M) <sup>16</sup> , BCC	UP(M)	N	N	UP(M)	UP(M)	None <sup>6</sup>	
Special Cannabis Event <sup>17</sup>	N/A	14(M) <sup>16</sup> , BCC	N	N	N	N	N	None <sup>6</sup>	
<b>Microbusiness</b>									
Microbusiness	<10,000 sq. ft.	12(M) <sup>16</sup> , BCC	UP(M)	N	N	UP(M)	UP(M)	X feet for outdoor	Title 8, Chapter 2, Article 14

Notes: These cannabis-specific regulations are in addition to other development regulations that apply in each zone (including minimum lot area, yard setbacks, height restrictions, building separation, building size, and density/intensity) and other Specific Use Requirements or Performance Standards that apply in each zone. In the case of a conflict the more restrictive regulations shall apply.

A = Allowed Use (applicable building permits and other approvals required); BCC = Bureau of Cannabis Control; CDFA = California Department of Food and Agriculture; CDPH = California Department of Public Health.

DU = dwelling unit; N = Not Allowed; sq. ft. = square feet; UP(M) = Major Use Permit; 43,560 sq. ft. = 1 acre.

- <sup>1</sup> Limited to 1-acre cultivation limit per County cannabis license.
- <sup>2</sup> With the exception of CDFA Type 3 licenses (medium cultivation) – see footnote 10 below), State regulations do not limit the number of licenses a person may hold of a particular license type. State regulations do limit the types of license a person may hold at one time. With some exceptions, licensees can only hold licenses in up to two separate categories.
- <sup>3</sup> Cannabis uses are prohibited in all zones not listed in this table.
- <sup>4</sup> Buffers are from the uses identified in Section 8-2.1408(E), Buffers, of the CLUO. Buffers are as defined for each CEQA alternative. All other setbacks are per the development requirements of each zone.
- <sup>5</sup> In legal residential units only, with landlord’s permission pursuant to Section 8-2.1406(F), Personal Use Exemption, of the CLUO.
- <sup>6</sup> Setbacks applicable to the zone district would apply.
- <sup>7</sup> Cultivation includes processing associated with crops grown on-site. See Section 8-2.1408(HH) Processing, of the CLUO.
- <sup>8</sup> Includes hoop houses.
- <sup>9</sup> Includes greenhouses.
- <sup>10</sup> CDFA will issue a limited number of Type 3 state licenses (CDFA Regulations, Section 8209).
- <sup>11</sup> CDFA will not issue before January 1, 2023.
- <sup>12</sup> Unlimited.
- <sup>13</sup> Includes transport of live plants.
- <sup>14</sup> Trimming, drying, curing, grading, or packaging of cannabis and non-manufactured cannabis products associated with crops grown off-site. This use may only be conducted pursuant to Section 8-2.1408(HH), Processing, of the CLUO.
- <sup>15</sup> Distribution ancillary to other licensed and permitted cannabis activities does not require a separate County business license.
- <sup>16</sup> M = Medicinal; A = Adult-Use.
- <sup>17</sup> Includes tasting, promotional activities, farmer’s markets, and temporary events.

Section 8-2.1404, Applicability: This section addresses various aspects of how the CLUO will be applied. On June 26, 2018, the Board of Supervisors directed staff to integrate adult use (nonmedical or recreational) into the current and proposed cannabis regulations. Therefore, the assumptions regarding medical-only as compared to adult use that were originally to be explored through the alternatives (Section 8-2.1404[I]) are no longer relevant. Yolo County no longer prohibits adult cannabis use.

Section 8-2.1405, Cannabis Use Categories and Use Types: This section identifies each of the state license use types and categorizes them for purposes of the draft CLUO. Generally, the use types are as defined in state law. Section 8-2.1405 (A through E), related to various cannabis use categories and use types, will be modified in the different EIR alternatives. Alternative 1 assumes cultivation only, with ancillary nurseries and processing allowed. Alternatives 2 and 3 assume all use types (except special events). Alternative 4 assumes outdoor uses are prohibited. Alternative 5 assumes the same use types as Alternative 2 restricted to agricultural zones and with the exclusion of retail.

Section 8-2.1406, Cannabis Permit Requirements: This section clarifies the various license and permit requirements. Among other things, it authorizes an administrative process for placing limits on the number of license and permits issued. It also establishes controls on overconcentration. In general, a cannabis operation must have the appropriate state cannabis license(s), a County cannabis license, a County business license (this requirement does not apply to cultivators, nurseries, or processing-only license holders), and a County cannabis use permit. The number of state licenses an individual or business can hold is dictated by state law. The number of separate County cannabis licenses and use permits a person or business can hold may be established in future administrative procedures to be adopted by the County. If such limits are enacted later, they would serve to further minimize environmental impacts identified in this EIR.

Section 8-2.1406(H) addresses possible future regulation of the number of cannabis activities within a geographic area of the County to address concerns of overconcentration. This subsection establishes that the County may choose to enact such controls at any time, identifies the use of the comment areas of the County's citizen advisory committees as possible subregions for such regulation, identifies the use of population and density as possible considerations, and establishes that effects on the illegal market should be among the factors considered when making decisions regarding specific cannabis use permit applications. Chapter 4, "Cumulative Impacts and Overconcentration," contains a separate detailed analysis of the potential for cumulative effects not otherwise identified in Sections 3.1 through 3.15. Chapter 4 also addresses the effects from concentrations or clusters of multiple cannabis uses located in distinct subregions of the County.

For the purposes of this EIR, the maximum numbers of assumed cannabis operations by type are as defined for each alternative. Alternative 1 assumes 78 operations, Alternatives 2 and 4 assume up to 132 operations, Alternative 3 assumes 264 operations, and Alternative 5 assumes 130 operations.

Section 8-2.1406(L) identifies findings for approval and denial of Cannabis Use Permits. These findings are based generally on County use permit findings identified in Section 8-2.217 (Use Permits) of the current County Zoning Regulations. These findings require consistency with the contents and requirements of the ordinance under review in this EIR and will have no potential to result in new or different impacts.

Section 8-2.1407, Table of Cannabis Development Requirements: This section identifies in table format which use types are allowed in which zone districts, as well as other applicable development requirements, such as maximum canopy area and buffers from sensitive uses. In the final approved CLUO, this table will be modified to reflect the alternative approved by the Board of Supervisors including allowed use types and allowed zones. Alternative 1 assumes a 75-foot buffer between cultivation sites and individual residences and a 1,000-foot buffer between outdoor cannabis sites and identified sensitive uses. Alternatives 2 and 5 assume a 1,000-foot buffer between outdoor cannabis sites and individual residences and identified special uses. Alternative 3 assumes a 75-foot buffer between outdoor cannabis sites and individual residences and identified special uses. Alternative 4 assumes no buffers as outdoor cannabis uses are not allowed. As described in the table, these buffers do not apply to indoor and mixed light operations.

Section 8-2.1408. Specific Use Requirements and Performance Standards: This section provides specific requirements and performance standards to regulate operations for all cannabis use types. The list below provides a brief summary of each item:

- A. Agricultural Applications – Requires compliance with applicable County, state requirements, and manufacturer instructions for fertilizers, herbicides, pesticides, rodenticides, fumigants, and other inputs/applications for improved agricultural performance.
- B. Agricultural Maintenance – Sets an expectation of continued agricultural use and/or pest management over a majority of the parcel.
- C. Backflow Prevention – Requires backflow prevention on wells used to mix chemicals.
- D. Biological Resources – Requires applicants to survey and disclose on-site biological resources. Cannabis activities shall avoid special-status species and habitats where feasible, and mitigate pursuant to the Yolo Habitat Conservation Plan/Natural Community Conservation Plan and applicable state requirements when impacts cannot be avoided. Requires compliance with lake or streambed alteration agreements under California Fish and Game Code Section 1602 and with the 100-foot setback requirement of General Plan Policy CO-2.22 and with the Yolo Habitat Conservation Plan/Natural Community Conservation Plan.
- E. Buffers – Establishes buffers for various receptors and sensitive land uses. The buffers differ by alternative as described above. Identified receptors include off-site individual legal residences, residentially designated land, licensed day care centers, public parks, recognized places of worship, public or licensed private schools, licensed treatment facilities for drugs or alcohol, 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 licensed youth centers inside and outside of the unincorporated area.
- F. Building Design – Requires that design and construction of buildings and structures comply with all applicable codes, standards, regulations, and guidelines, and seek to minimize impacts. Encourages clustering of buildings to minimize impacts, and design compatibility with other allowed uses.
- G. Co-Location – Co-location is the issuance of more than one cannabis license under one cannabis use permit, on the same or contiguous parcels. This section allows co-location, including sharing of infrastructure, security, and operations subject to identified requirements.
- H. Cultural Resources – Requires evaluation of and mitigation for cultural resources (including tribal cultural resources) consistent with state law and the General Plan.
- I. Delivery Services – Prohibits delivery services without a County Cannabis License and a County Business License.
- J. Drainage and Storm Water Discharge – Requires that drainage and storm water discharge comply with the State Water Resources Control Board Cannabis Policy and Cannabis General Order and the County improvement standards. For Alternatives 2–5, microbusiness permittees must satisfy Section 5501(a) of the BCC regulations.
- K. Driveway Access – Requires that driveways onto County and state maintained roads meet County improvement standards or Caltrans requirements, as applicable. 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. Driveways shall have an all-weather surface, such as compacted gravel.
- L. Dust Control – Permittees must comply with the requirements of the Yolo-Solano Air Quality Management District dust control requirements.

- M. Edibles – Requires that sites manufacturing or selling edibles secure all necessary approvals.
- N. Employee Services – Requires permittees to provide employee services consistent with labor requirements and secure all appropriate permits and approvals for employee housing.
- O. Energy Use – Requires availability of adequate energy, and permittees must generate a minimum of 50 percent of power on-site from clean and/or renewable sources.
- P. Fencing – Requires screening as described below.
- Q. Fire Protection – Requires compliance with California Building, Electrical, and Fire Codes as adopted by the County. Permittees are required to manage vegetation and maintain fire breaks.
- R. Flood Protection – Requires compliance with the applicable standard for flood protection under federal, state, and local requirements.
- S. Functionally Equivalent Standards – Allows for flexibility in compliance so long as applicable standards are met or exceeded.
- T. Generators – Allows use of generators of any fuel type for CDFA licensees. Use of generators beyond these provisions is prohibited, except for temporary use in the event of a power outage or emergency.
- U. Good Neighbor Communication – Requires permittees to provide methods of communication with residents and tenants within 1,000 feet of the site’s property line to address conditions at, and operation of, the facility.
- V. Grading/Land Clearing – Prohibits grading or land clearing for cannabis activities without an approved Cannabis Use Permit and County Grading Permit. Permittees are required to implement grading and drainage improvements in a manner to prevent soil erosion, water quality issues, and the accumulation of water (except for retention purposes).
- W. Hazardous Materials – Facilities that handle hazardous materials in reportable quantities must comply with federal, state, and local requirements regarding handling, transportation, storage, and disposal.
- X. Hoop Houses – Allows hoop houses as temporary structures with no utilities, power, or lighting. Prohibits processing in hoop houses.
- Y. Landscaping – Requires landscaping consistent with state and County requirements.
- Z. Lighting – Establishes requirements for exterior lighting including controls for light spillover and to improve efficiency.
- AA. Microbusiness – A microbusiness must comply with the requirements of the CLUO specific to any of the applicable cannabis activity use types in which the business engages. Microbusinesses are not assumed under Alternative 1.
- BB. Noise Control – Requires permittees to control interior and exterior noise in compliance with the *Yolo County General Plan*.
- CC. Nuisance – Establishes that cannabis uses must not create a public nuisance or adversely affect the health or safety of nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gases, odor (see below), smoke, traffic, vibration, unsafe conditions, or other impacts, in excess of allowable thresholds, or be hazardous because of the use or storage of materials, processes, products, runoff, unauthorized releases, or illegal disposal of wastes. This subsection identifies procedures and

requirements related to nuisance. Permittees operating in compliance with the CLUO and other applicable laws are presumed to not cause or contribute to a public nuisance.

- DD. Odor Control – Establishes that cannabis operations are required to provide odor control that will not exceed the maximum dilution-to-threshold (allowable threshold) at a specified point of measurement. The allowable threshold is defined as a maximum dilution-to-threshold ratio of seven parts clean or filtered air to one part odorous air (7:1). Odors at this level of dilution are identified as acceptable and would not be considered a nuisance. This threshold must be met at the property line of the site. Indoor and mixed-light facilities must install and maintain the following minimum equipment: an exhaust air filtration system with odor control that effectively minimizes internal odors from being emitted externally; an air system that creates negative air pressure between the facilities interior and exterior so that odors outside of the facility will not exceed the maximum dilution-to-threshold (allowable threshold); or other odor control system which effectively minimizes odor to a level compliant with the allowable threshold. Methods of odor control must be provided to the County in the form of an odor control plan.
- EE. Operating Hours – Sets no limits on cultivation. Operating hours for other cannabis uses are subject to County approval.
- FF. Parking – Describes parking requirements consistent with County Zoning Regulations and building code occupancy requirements. Prohibits street parking for agriculturally designated land.
- GG. Personal Use – Cites regulations pertaining to personal cultivation.
- HH. Processing – Establishes processing as an allowed cannabis activity that may be conducted indoors or with appropriate screening.
- II. Public Land – Prohibits cannabis activities on public land.
- JJ. Roadways – Encourages cannabis operators to minimize vehicle miles traveled and requires preparation of a traffic assessment for any application that meets the conditions identified in the Yolo County Transportation Impact Study Guidelines. Requires permittees to make appropriate roadway improvements identified by the County Engineer, Caltrans, or District Fire Chief as applicable.
- KK. Screening – Requires outdoor cannabis cultivators to develop a screening plan that will avoid visibility of outdoor cultivation from public rights-of-way through the use of vegetation and/or fencing. Mixed-light facilities are not required to be screened unless determined to be necessary for security purposes.
- LL. Security – Requires a site security system. Permittees must identify site and operation security measures as part of application submittals.
- MM. Setbacks – Requires compliance with setbacks established in the Zoning Regulations.
- NN. Signage and Advertising – Requires compliance with sign standards established in the Zoning Regulations.
- OO. Site Design – Requires compliance with applicable County requirements and impact mitigation requirements.
- PP. Site Maintenance – Requires a well-maintained site.
- QQ. Trailers and Shipping Containers – Allows use subject to compliance with building permit requirements. Prohibits recreational vehicles.

- RR. Tree Protection – Encourages protection of trees. Precludes detrimental activity within driplines. Precludes removal of native trees and tree clusters or stands, particularly in oak woodlands, remnant valley oaks, and riparian woodlands.
- SS. Waste Management – Regulates storage of waste and requires regular removal.
- TT. Wastewater Discharge – Requires adequate toilet facilities and restricts discharge of wastewater effluent.
- UU. Vertical Integration – Vertical integration refers to operations that hold more than one category of license type. This section allows vertical integration.
- VV. Water Supply/Use – Requires access to potable drinking water and water for hand washing during operation, consistent with the requirements of the Division of Environmental Health.

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 for the cannabis use permit application specific to the proposed site and operation. It establishes general code compliance requirements and identifies use permit requirements specific to cannabis applications. 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 annual reporting and inspection requirements, and describes how that information will be presented to the Planning Commission and Board of Supervisors. All permittees are required to report annually to the County with proof of:

- compliance with County and state cannabis licensing requirements;
- compliance with Cannabis Use Permit requirements;
- compliance with CEQA mitigation measures, as applicable;
- compliance with development agreement requirements, as applicable; and
- monthly inventory records.

With regard to inspections, the CLUO includes the following requirements:

- Recordings made by security cameras at any cannabis business shall be made immediately available upon verbal request from the County.
- The County shall have the right to enter all cannabis businesses unannounced.
- Applicants and permittees must cooperate with employees and investigators of the County.
- Interference in the performance of an inspection by any means is grounds for permit revocation.

Section 8-2.1412, Enforcement: This section describes the enforcement process and related topics, including abatement, penalties, procedures for suspension and/or revocation, enforcement, and other matters. Any of the following items is identified as grounds for suspension or revocation of a cannabis permit:

- Any act or omission by a property owner or permittee in contravention of the provisions of the CLUO;
- Unresolved violation by the applicant or permittee, or unresolved violation at the proposed cultivation site, of any provision of the County Code or state law related to the cannabis use;



- A change in conditions occurring after the original grant of the approval or the continuation of the use as approved that is contrary to public health, safety or general welfare, or is detrimental or incompatible with other permitted uses in the vicinity;
- The findings which were the basis for the original permit approval can no longer be made;
- Regulations applicable when the permit was approved have been amended;
- Cessation of all uses authorized by the cannabis use permit for a period of three or more consecutive years; or
- Failure to comply with any requirement of this or other applicable sections of the County Code or state law

This subsection identifies procedures for suspension or revocation of Cannabis Use Permits. Additional text describing the enforcement process may be considered by the County later in the review process. If it is considered, it would serve solely to clarify the enforcement process and would not result in changes to the EIR analysis.

Section 8-2.1413, Effectiveness. This section identifies a required evaluation of the effectiveness of the ordinance after 2 years of implementation.

## 2.5 GENERAL PLAN AMENDMENT

The 2030 Countywide General Plan adopted in 2009 did not 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 are proposed 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.

## 2.6 PROJECT APPROVALS

The following approvals are needed by the County for implementation of this project:

- 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 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 Marijuana Cultivation Regulations, Chapter 20 of Title 5 to comport to the proposed CLUO;
- adoption of amendments to County Subdivision Regulations, Section 8-1.802 (Streets) to comport to proposed CLUO Section 8-2.1408(K) (Driveway Access);
- adoption of amendments to County Zoning Regulations, Section 8-2.217 (Use Permits) to comport to proposed CLUO Section 8-2.1412 (Enforcement); and
- adoption of new Title 12 (Business Licenses) Chapter 4 (Cannabis Licensing Ordinance) to establish the requirements for issuance of Cannabis Business Licenses and County Cannabis Licenses.