

3.2 AGRICULTURAL RESOURCES

This section evaluates the impacts of adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the adopted CLUO on agricultural resources in Yolo County. The following analysis considers the extent and character of existing agricultural uses in the County and the potential impacts of new cannabis uses. The analysis is based on field review, the Yolo County 2030 Countywide General Plan and EIR, and recent reports regarding agricultural operations in the County.

Several agriculture-related comments were received in response to the NOP. These commenters included the South Davis Citizens Advisory Committee, the Yocha Dehe Wintun Nation, concerned residents, and the Yolo County Farm Bureau. These comments are summarized below:

- The proposed General Plan policy amendments do not completely avoid the potential for agricultural subdivisions.
- Concerns regarding the creation of unused agricultural lands on parcels used for cannabis cultivation.
- The impact of cannabis on agricultural lands, particularly on prime farmland, and the production of other crops in the County.
- The use of pesticides and other products that could impact the environment.
- Cannabis greenhouses should be sited in an industrial facility and not on farmland.
- Cannabis should not be considered an agricultural product.
- The analysis should identify measures that avoid impairment of neighboring crop production from cannabis uses.

These issues are considered in this section. The reader is referred to Appendix A for comments received on the NOP.

3.2.1 Environmental Setting

AGRICULTURAL RESOURCES

A defining characteristic of Yolo County is agriculture, which comprises over 80 percent of the land in the County. The Yolo County 2030 Countywide General Plan designates approximately 545,000 acres (of over 653,000 total acres) of land in Yolo County for agricultural uses (Yolo County 2009). Agriculture in Yolo County is varied and includes farms of all sizes, as well as equestrian, ranching, and other related agricultural activities. Additional detail on the extent and type of agricultural resources in the County is provided below.

Soils

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) classifies farmland according to soil type and the availability of irrigation. The NRCS Land Capability Classification (LCC) system is based on the limitations of soils for irrigated field crops, the risk of damage if soils are used for crops, and the way soils respond to management. The LCC system places soils into eight classes (I–VIII), depending on the limitations to agricultural use imposed by 13 specific soil and climatic criteria. The higher the class, the more restrictive the limitation. Classes I through IV are generally considered lands suitable for cultivation. The classes are defined as follows:

- Class I soils have slight limitations that restrict their use.
- Class II soils have moderate limitations that restrict the crop selection or that require moderate conservation practices.
- Class III soils have severe limitations that restrict the choice of plants or that require special conservation practices, or both.
- Class IV soils have very severe limitation that restrict the choice of plants or that require very careful management, or both.
- Class V soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, and/or wildlife habitat. There are no Class V soils in Yolo County.
- Class VI soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.
- Class VII soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, and/or wildlife habitat.
- Class VIII soils include in this class are tidal lands, swamps, river wash, sand dunes and barren mountain tops. These lands should be used only for recreation, wildlife, water supply or aesthetic purposes.

Acres of each NRCS LCC in Yolo County are presented in Table 3.2-1.

Table 3.2-1 Yolo County Agricultural Soils (NRCS Land Capability Classification System)

Soil Class	Acres	Percent of Total County Lands
Class I	107,835	16.5
Class II	182,994	28.0
Class III	67,316	10.3
Class IV	109,143	16.7
Class V	0	0
Class VI	73,197	11.2
Class VII	66,662	10.2
Class VIII	37,906	5.8
Water	8,496	1.3
Total	653,549¹	100

Notes: Assumes irrigation where irrigation data were not available, the nonirrigated classification was included.

¹. Adjusted slightly to match current County GIS data.

Source: Yolo County 2009

Important Farmland

The California Department of Conservation (DOC) classifies farmlands based on a system that combines technical soil ratings and current land use, as part of the Farmland Mapping and Monitoring Program (FMMP). Descriptions of the FMMP categories are presented in Table 3.2-2. The categories of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are defined by CEQA as “Important Farmland.” Table 3.2-3 and Exhibit 3.2-1 identify the extent of farmlands in the County.

Table 3.2-2 Farmland Mapping and Monitoring Program Mapping Categories

Category	Considered Important Farmland under CEQA ¹	Definition
Prime Farmland (P)	Yes	Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years before the mapping date.
Farmland of Statewide Importance (S)	Yes	Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the 4 years before the mapping date.
Unique Farmland (U)	Yes	Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 years before the mapping date.
Farmland of Local Importance (L)	No	Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
Farmland of Local Potential	No	Farmland of Local Potential is a designation given to land that is of prime or statewide importance but is not presently irrigated or cultivated.
Grazing Land (G)	No	Land on which the existing vegetation is suited to the grazing of livestock.
Urban and Built-Up Land (D)	No	Land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
Other Land (X)	No	Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
Water (W)	No	Perennial water bodies with an extent of at least 40 acres.

¹. Important farmland is defined by CEQA under Public Resources Code Section 21060.01 and State CEQA Guidelines Appendix G.

Table 3.2-3 Important Farmland Acreages in Yolo County (2016)

Farmland Type	Acrees	Percent of Total County Lands
Prime Farmland	250,558	38
Farmland of Statewide Importance	19,527	3
Unique Farmland	46,095	7
Farmland of Local Importance	22,386	3
Farmland of Local Potential	27,284	4
Grazing Land	166,413	26
Urban and Built-Up Land	31,347	5
Other Land	82,035	13
Water	7,804	1
TOTAL	653,449¹	100

Source: DOC 2016

¹. Acreages from DOC are round and differ from County GIS data.

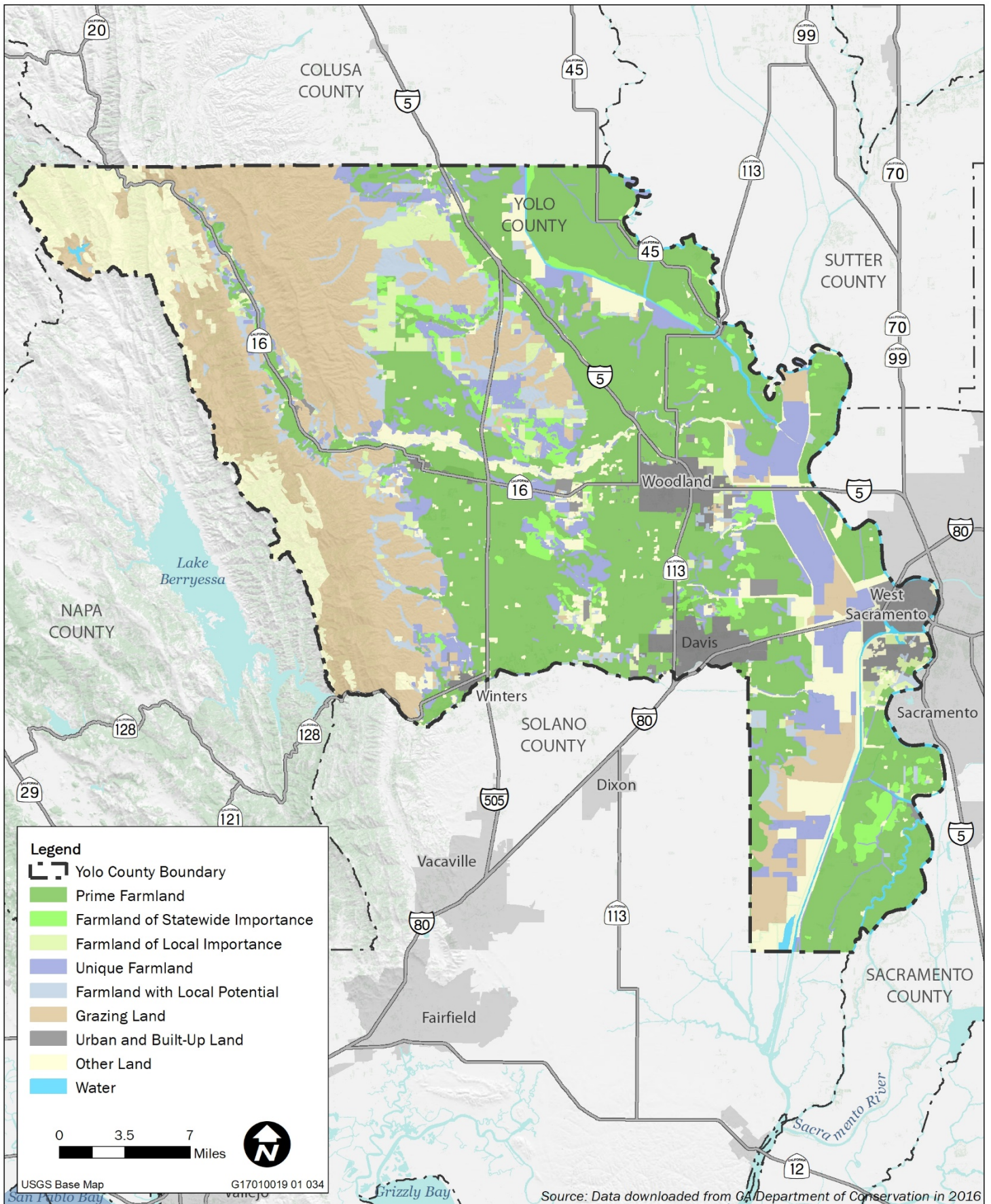


Exhibit 3.2-1

Yolo County Agricultural Land Use



Crops

Tables 3.2-4 and 3.2-5 provide a summary of 2017 agricultural production of the County based on the Yolo County 2017 Agricultural Crop Report. The County did not track cannabis production in this report.

Table 3.2-4 Agricultural Production and Acreages in 2017

Crop Type	Acres
Vegetable Crops	
Tomatoes, Processing	28,700
Miscellaneous	7,080
Organic	
Production, Organic (this includes organic rangeland)	34,400
Fresh Market Organic	7,080
Nursery Products	
Propagative Stock (includes bareroot, benchgraft, budwood, and cuttings)	416
Nursery Stock (includes container stock, organic transplants, transplants, and trees)	85
Wine Grapes	
Red Wine Grapes	5,340
White Wine Grapes	9,460
Field Crops	
Corn	5,440
Hay, Alfalfa	26,000
Hay, Grain	11,200
Pasture, Irrigated	12,100
Pasture, Dry	7,600
Rice	28,600
Safflower	6,610
Wheat	20,100
Miscellaneous	8,420
Seed Crops	
Certified Seed - Small Grain	2,550
Certified Seed - Sunflower	23,900
Certified Seed - Miscellaneous	3,910
Non-Certified - Pasture and Grass	985
Non-Certified - Vine Seed	1,130
Non-Certified - Miscellaneous	1,920
Orchard Crops	
Almonds (Meats)	40,400
Almonds (Hulls)	30,000
Olives (Oil)	4,250
Plums, Dried	1,660
Walnuts, All	19,200
Miscellaneous	5,760

Table 3.2-4 Agricultural Production and Acreages in 2017

Crop Type	Acres
Organic Crops	411
Grain/Hay Crops	65,303
Cultivated Lands (rice)	35,724
Pasture	15,197

Source: Yolo County Agricultural Commissioner 2018

Table 3.2-5 Yolo County Crop Values (2016 and 2017)

Value	Crop Type								
	Field	Seed	Vegetable	Fruit and Nut	Wine Grapes	Organic Production	Nursery Products	Livestock and Poultry	Apiary, Livestock and Poultry Products
2017									
Total Value	\$88,853,000	\$59,991,000	\$106,843,000	\$192,564,000	\$86,012,000	\$49,989,000	\$19,068,000	\$18,944,000	\$12,982,000
2016									
Total Value	\$99,131,000	\$66,429,000	\$152,518,000	\$156,395,000	\$81,264,000	\$58,863,000	\$18,303,000	\$19,026,000	\$10,463,000

Source: Yolo County Agricultural Commissioner 2018

As shown in Table 3.2-6, the top three agricultural commodities, by dollar value, produced in Yolo County in 2017 were almonds, tomatoes, and wine grapes. These top three commodities accounted for approximately 45 percent of the County's total gross valuation (\$635,246,000) for all agricultural commodities produced in 2017 (Yolo County Agricultural Commissioner 2018).

Table 3.2-6 Yolo County's Top 10 Commodities (2017)

Commodity	Value
Almonds (Meats)	\$115,020,000
Tomatoes, Processing	\$86,800,000
Grapes, Wine (All)	\$86,012,000
Organic Production (All)	\$49,989,000
Walnuts (All)	\$44,457,000
Rice	\$39,585,000
Sunflower Seed	\$32,437,000
Hay, Alfalfa	\$21,359,000
Nursery (All)	\$19,068,000
Cattle and Calves	\$15,707,000

Source: Yolo County Agricultural Commissioner 2018

3.2.2 Regulatory Setting

FEDERAL

Federal Insecticide, Fungicide, and Rodenticide Act

Pesticides are regulated under the Federal Insecticide, Fungicide, and Rodenticide Act by the U.S. Environmental Protection Agency (EPA). This includes labeling and registration of pesticides as to how they may be used. EPA delegates pesticide enforcement activities in California to the California Department of Pesticide Regulation (CDPR), under Title 3 of the CCR and the California Food and Agriculture Code. CDPR registers pesticides for use in California, and licenses pesticide applicators and pilots, advisors, dealers, brokers, and businesses.

STATE

Farmland Mapping and Monitoring Program

DOC has the primary responsibility for reporting statewide farmland data and trends. As described previously, the DOC's FMMP categorizes and maps Important Farmlands every 2 years based on information from local agencies. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are the most suitable for agriculture and are often referred to collectively, as stated above, as "Important Farmland." In addition, counties may, at their discretion, establish criteria for the designation of Farmland of Local Importance, and consider other lands within their jurisdiction as important agricultural lands.

California Land Conservation Act of 1965

The California Land Conservation Act of 1965, or Williamson Act, established the state's primary program for the retention of private land in agriculture and open space use. The act creates an arrangement whereby private landowners enter into a 10-year contract with counties and cities to maintain their land in agricultural and compatible open-space uses in exchange for a reduction in property taxes. The contract is automatically renewed for an additional year unless it is cancelled. The contract may be cancelled by the landowner if the land is being converted to an incompatible use via a notice of nonrenewal (discussed below) or an outright cancellation, which includes tax penalties. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971.

In August 1998, the California State Legislature expanded the Williamson Act by amending it to provide for the establishment of "Farmland Security Zones." The Farmland Security Zone (FSZ) legislation authorizes landowners to petition the Yolo County Board of Supervisors (Board) to rescind their existing Williamson Act contract in favor of a new FSZ contract. The landowner must have an existing Williamson Act contract before the Board can approve an FSZ contract. For land not currently in a Williamson Act contract, the Board may allow enrollment of the land into a Williamson Act contract, then authorize the immediate rescission of those contracts in favor of FSZ contracts.

In 2008, AB 2921 was enacted, providing for a mechanism to rescind Williamson Act agricultural contracts to enter into either an open space contract under the Williamson Act, or an open space easement. Under the new provisions, the resulting agreement must be at least as restrictive as the contract it replaced, and the affected parcel large enough to provide open space benefits.

The Williamson Act was further amended by AB 1265 in July 2011. This legislation reduced the term of Williamson Act contracts from 10 years to 9 years, accompanied by an addition to the assessed value of affected properties. Under the changes, land under the Williamson Act must remain in the specified use for 9 years following filing of a notice of nonrenewal, unless the contract is cancelled and subject to substantial tax penalties.

In 2013 (the most recent year of reported data) there were 312,984 acres of land under Williamson Act contracts in Yolo County (DOC 2016b).

California Public Resources Code

California Public Resources Code Section 21060.1 contains the following definition of agricultural land:

- a) “Agricultural land” means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.
- b) In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), “agricultural land” means land that meets the requirements of “prime agricultural land” as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

Cannabis As an Agricultural Product

California Health and Safety Code Section 11362.777(a) and Business and Profession Code Section 26067(a) define medical and adult-use cannabis as agricultural products.

California Department of Pesticide Regulation Guidance

Detailed implementing regulations for the California Department of Pesticide Regulation (DPR) pesticide regulatory program are codified in 3 CCR Division 6. DPR oversees state pesticide laws, including pesticide labeling, and is vested by EPA to enforce federal pesticide laws in California. DPR also oversees the activities of the County agricultural commissioners related to enforcement of pesticide regulations and related environmental laws and regulations locally. These regulations include permitting requirements and limitations on the use of “restricted” pesticides (pesticides considered to be dangerous to human health or the environment if not used correctly) and non-restricted pesticides that may require permitting or must be handled consistent with the pesticide’s specifications.

State law allows DPR to place controls on restricted pesticides, limiting their use to trained individuals and then only at times and places approved by the county agricultural commissioners.

DPR assesses potential dietary (food and drinking water), workplace, residential, and ambient air exposures, and considers both the exposure pathway (the course a pesticide takes from its source to the person) as well as the exposure route (how the pesticide enters the body). This evaluation is described in the Exposure Assessment Document (EAD).

DPR's human health risk assessments include hazard identification, dose-response assessment, exposure assessment, and risk characterization. These components of risk assessment are then incorporated into a risk characterization document (RCD). Hazard identification determines if there are toxic effects caused by a pesticide. The dose-response assessment identifies the amount of pesticide at which these effects occur. The exposure assessment determines the amount of pesticide that people are exposed to during a specific period (short-, intermediate-, and long-term) and in what situations (work, home, and outdoor environments). The exposure assessment also identifies who is most vulnerable, such as farmworkers, children, and women of childbearing age. Risk characterization determines the exposure levels at which harmful effects will not be caused. Draft EADs and RCDs undergo external peer review by scientists at the Office of Environmental Health Hazard Assessment and EPA.

In addition, DPR oversight includes:

- Licensing of pesticide professionals;
- Site-specific permits required before restricted-use pesticides may be used in agriculture;
- Strict rules to protect workers and consumers;
- Mandatory reporting of pesticide use by agricultural and pest control businesses;
- Environmental monitoring of water and air; and
- Testing of fresh produce for pesticide residues.

The regulations require that employers of pesticide workers provide protective clothing, eyewear, gloves, respirators, and any other required protection, and require employers to ensure that protective wear is worn according to product labels during application. The regulations also require that employers provide field workers with adequate training in pesticide application and safety; communicate pesticide-related hazards to field workers; ensure that emergency medical services are available to field workers; and ensure adherence to restricted-entry intervals between pesticide treatments (3 CCR Section 6764). DPR requires that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of cannabis complies with 3 CCR Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations (Business and Professions Code 19332[f]).

Pesticide Use in Cannabis Cultivation

Cannabis pests vary according to cultivar (variety), whether the plants are grown indoors or outdoors, and where the plants are grown geographically. Pesticides legal for use on cannabis must have active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. Residue tolerance requirements are set by EPA for each pesticide on each food crop and is the amount of pesticide residue allowed to remain in or on each treated crop with “reasonable certainty of no harm.” Some pesticides are exempted from the tolerance requirements when they are found to be safe. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils such as peppermint oil or rosemary oil.

The use of restricted pesticides on cannabis cultivation is prohibited. This is similar to organic crops that are covered under the Yolo Certified Organic Agriculture program which prohibits the use of restricted pesticides, includes a notification process for adjoining agricultural uses that organic crops are nearby, and limits soil inputs to materials approved as an organic input by CDFA.

Testing Standards for Cannabis Goods

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 that perform tests consistent with the requirements of CCR Section 5702. Cannabis must be sampled for the following constituents and pass the testing levels set forth in CCR Sections 5718 through 5725:

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

If the tested cannabis batch that consists of group of cannabis plant material fails these tests, the cannabis batch will not be released for retail sale and must be disposed of in accordance with applicable regulations.

Cannabis Cultivation Regulations

CCR Title 3, Food and Agriculture, Division 8, Cannabis Cultivation, Chapter 1, Cannabis Cultivation Program includes the following requirements for the handling of pesticides:

- Section 8307(a): Licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation.

- Section 8307(b): For all pesticides that are exempt from registration requirements, licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide regulation and with the following pesticide application and storage protocols:
 - (1) Comply with all pesticide label directions;
 - (2) Store chemicals in a secure building or shed to prevent access by wildlife;
 - (3) Contain any chemical leaks and immediately clean up any spills;
 - (4) Apply the minimum amount of product necessary to control the target pest;
 - (5) Prevent offsite drift;
 - (6) Do not apply pesticides when pollinators are present;
 - (7) Do not allow drift to flowering plants attractive to pollinators;
 - (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
 - (9) Do not apply pesticides when they may reach surface water or groundwater; and
 - (10) Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

LOCAL

Yolo County 2030 Countywide General Plan

The Vision and Principles Chapter of the Yolo County 2030 Countywide General Plan (General Plan) identifies the vision of Yolo County is to remain an area of active and productive farmland and open space. This vision is further guided through General Plan policy provisions that address the need to promote, conserve and protect agricultural lands and operations.

Policies specific to agriculture and potentially relevant to the CLUO and its implementation are identified below:

- **Policy AG-1.1:** Protect and enhance the County's four key agricultural sectors. This includes: (1) retaining existing growers and processors of crops; (2) encouraging the growth of emerging crops and value-added processing; (3) supporting small and organic producers and their ability to serve visitors; and (4) enhancing the transfer of new technologies into practical applications for seeds, crops, fuels, alternative energy, food processing, etc.
- **Policy AG-1.3:** Prohibit the division of agricultural land for non-agricultural uses.
- **Policy AG-2.5:** Support high value and intensive farming practices on appropriate agricultural soils. Prime soils and other productive agricultural land outside of growth boundaries shall be preserved wherever feasible
- **Policy AG-2.11:** Encourage farmers to use agricultural methods that reduce or minimize use of pesticides, herbicides and manufactured fertilizers.

- **Policy AG-3.2:** Allow uses that support agriculture, such as agricultural commercial uses, agricultural industrial uses, direct product sales, processing, farm-based tourism, agricultural research, and farm worker housing, on agricultural land subject to appropriate design review and development standards.
- **Policy AG-3.4:** Recognize and protect agricultural infrastructure, such as farm-to-market routes, water diversion and conveyance structures, fertilizer and chemical sales, airfields, processing facilities, research and development and farm worker housing.
- **Policy AG 3.7:** Support the development of local suppliers for agricultural goods and services, including small-scale and/or mobile processing facilities and distribution centers for locally produced foods.
- **Policy AG-3.8:** Encourage re-use, for agricultural purposes, of agricultural industrial facilities that are no longer needed due to changing economic conditions.
- **Policy AG-3.16:** Promote agricultural innovation, including research and development, biotechnology, sustainable farm practices, agri-tourism and non-traditional agricultural operations in order to expand and improve business and marketing opportunities for those engaged in agriculture.
- **Policy AG-5.1:** Promote markets for locally and regionally grown and/or prepared food and other products and services.
- **Policy AG-6.1:** Continue to promote agriculture as the primary land use in the portion of Yolo County that lies within the Primary Zone of the Sacramento-San Joaquin Delta.
- **Policy ED-1.3:** Encourage businesses that promote, provide services, and support farming, with an emphasis on value-added agriculture, agri-tourism, food processing and agricultural suppliers.
- **Policy LU-2.2:** Allow additional agricultural commercial and agricultural industrial land uses in any designated agricultural area, where appropriate, depending on site characteristics and project specifics. Manage agricultural parcels of less than 20 acres, including antiquated subdivisions where appropriate, to create compatibility with surrounding agricultural uses to the greatest extent possible.
- **Policy LU-2.3:** Prohibit the division of land in an agricultural area if the division is for non-agricultural purposes 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.
- **Policy LU-2.4:** Vigorously conserve, preserve, and enhance the productivity of the agricultural lands in areas outside of adopted community growth boundaries and outside of city SOIs [spheres of influence].

The General Plan defines the Agriculture (AG) land use designation as:

Full range of cultivated agriculture such as row crops, orchards, vineyards, dryland farming, livestock grazing, forest products, confined animal facilities, and equestrian facilities. Agricultural industrial – agricultural research, processing and storage; crop dusting. Agricultural commercial – roadside stands, “Yolo Stores,” wineries, farm-based tourism (e.g. u-pick, dude ranch, lodging), horse shows, rodeos, crop-based seasonal events; agricultural chemical and equipment sales. Pre-existing isolated restaurants and/or stores (e.g. old stage stops and cross-roads) serving rural areas. Farmworker housing. Surface mining. Incidental habitat.

Yolo County Community Plans

In addition to the General Plan, the following local plans provide further area-specific policy provisions that address agriculture and are relevant to the project:

Esparto Community Plan (2019)

- **Policy E-LU.28:** Local organizations including the New Season Community Development Corporation, Capay Valley Vision, and the Esparto Chamber of Commerce, shall actively promote, pursue, and attract appropriate industrial development. Of special interest is industry related to agriculture such as meat processing or nut hulling.

Town of Knights Landing Community Plan (1999)

Open Space for Managed Resource Production Areas

- **Policy 1:** To avoid the premature conversion of agricultural lands within and outside of the Town limits, residential expansion shall occur only on lands designated for such expansion.

Capay Valley Area Plan (2010)

- **Agriculture Policy 1:** The County shall maintain, encourage, and actively support agricultural use within the Capay Valley Area Plan planning area.
- **Agriculture Policy 2:** The County shall protect agricultural land as a resource rather than a commodity.
- **Agriculture Policy 5:** The County shall pursue all options, as allowed by law, to eliminate or deter the development of antiquated subdivisions.
- **Agriculture Policy 6:** The County shall retain parcel sizes in agriculturally zoned areas that are large enough to support viable agricultural production.
 - **Implementation Measure 3:** Yolo County shall review future land use proposals in order to encourage the continuation of viable agricultural units.
- **Agriculture Policy 7:** The County shall require that land uses in areas designated for agricultural use shall be limited to those directly related to agricultural production or support of agriculture.
- **Agriculture Policy 8:** The County shall encourage the establishment of small-scale agriculture uses, such as specialty crops, organic farming, cottage industries and specialized animal facilities where small parcels of land presently exist in agricultural areas with suitable soils.
 - **Implementation Measure 1:** Yolo County shall encourage specialty farming areas that contain sufficient restrictions to assure that such areas do not become rural residential or ranchette developments.
 - **Implementation Measure 2:** Yolo County shall recognize the potential for commercial agriculture, such as direct sales, processing, agri-tourism, and other ancillary activities that are compatible with the rural quality of life and unique community character of the Capay Valley.
- **Agriculture Policy 9:** Yolo County, to the extent allowed under State law, shall prevent the subdivision of agricultural land except when the subdivision is beneficial to agriculture.

Clarksburg Area Community Plan (2015)

- **Policy A1:** Support expanded productivity, conservation, enhancement, and economic viability of privately owned agricultural land.

- **Policy A2:** Support agricultural (including production, processing, distribution, industrial and marketing operations), rural recreation, and open space land uses that sustain and create demand for commercial services within the Clarksburg town area.
- **Policy A4:** Development of agricultural support uses outside the Clarksburg town area should continue to be the focus and direction of the Clarksburg community when considering changes in land use.
- **Policy A11:** Promote beer manufacturing, distilled spirits manufacturing, and related supportive crop industries.
- **Policy A12:** Support Clarksburg community agricultural product, processing, marketing, sales, and distribution labeling and branding.

Dunnigan Community Plan (2001)

- **Policy D-LU20:** New agriculture related industrial development may be allowed from County Road 8 to Bird Creek on the east side of I-5, west of the Southern Pacific Railroad and County Road 99W. Examples of such uses include farm machinery sales and repair, agricultural processing facilities, product or equipment warehousing, and farm supply stores.

Yolo County Zoning Regulations

The Yolo County Zoning Regulations establish several zoning districts that are associated with the agricultural land uses designated by the General Plan. The agricultural zoning districts include agricultural intensive (A-N), agricultural extensive (A-X), agricultural commercial (A-C), agricultural industrial (A-I), and agricultural residential (A-R). The purpose of the agricultural zones is to allow for land uses that support and enhance agriculture land uses in the unincorporated area of the County.

As described in Yolo County Code Section 8-2.303, allowed agricultural use types include the full range of cultivated agriculture, such as the on-site production of plant and animal products by agricultural methods, as well as agricultural commercial uses, agricultural industrial uses, and agricultural residential uses, serving the rural areas. Section 8-2.303 also includes agricultural land uses and operations that include processing of agricultural products, accessory uses such as greenhouses, commercial uses such as permanent produce stands, agricultural chemical/fertilizer sales, wineries, breweries, cottage food operations, and industrial uses such as regional processing facilities (e.g., wine, beer, spirit, olive oil production, canneries, and commercial composting) (Zoning Regulation Tables 8-2.304[a], 8-2.304[c], and 8-2.304[d]).

Yolo County Agricultural Commissioner Pesticide Application Protection Standards

In addition to DPR pesticide handling requirements, the Yolo County Agricultural Commissioner has established ten “Use Conditions” for the use of restricted pesticides that have been updated in 2019 for the protection of public health and adjoining land uses (Yolo County Agricultural Commissioner 2019). A summary of these conditions is identified below:

1. Conditions Covering the Use of Restricted Materials in the Proximity of Environmentally Sensitive Areas
2. Conditions Covering the Aerial Application of Restricted Pesticides
- 2A. Conditions Covering Aerial Applications of Restricted Materials Near Farm Worker Housing Facilities
3. Conditions Covering the Aerial Application of Restricted Materials in the Proximity of Occupied Rural Dwellings
4. Conditions Requiring the Posting of Sunflower Seed Fields
5. Conditions Covering the Use of Paraquat
6. Conditions Covering the Use of Phenoxy Herbicides and Dicamba
7. Conditions Covering the Use of Materials Harmful to Honeybees

8. Conditions Covering Dormant and Delayed Dormant Applications of Insecticides in Orchards
9. Conditions Covering Notice of Intent and Use Reports
10. Conditions Covering Storage and Disposal of Pesticides and Pesticide Containers

These conditions include the following standards regarding pesticide application activities:

- Application restrictions regarding equipment used and speed of application.
- Buffers/setbacks for ground and aerial application from environmentally sensitive areas (residential uses and communities, schools, playgrounds, parks, labor camps, organic crops, water features, livestock, and habitat areas) and type of pesticide used. These buffers/setbacks vary in size based on the environmentally sensitive area and the method of application (buffers range from 50 feet to 2 miles depending on the pesticide and the sensitive receptor).
- Wind direction and speed restrictions for ground and aerial application.
- Restriction on the maximum height above a crop or target that pesticides can be discharged.
- Temperature restrictions for application.

3.2.3 Environmental Impacts and Mitigation Measures

METHODS AND ASSUMPTIONS

The baseline conditions for agricultural resources in the County are described in Section 3.2.1, “Environmental Setting.” and include available important farmland data (see Exhibit 3.2-1 and Table 3.2-3), 2017 farmland production data (see Table 3.2-4), and 2016 and 2017 crop value data (see Tables 3.2-5 and 3.2-6).

The impact analysis below evaluates whether adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, could result in significant impacts to important farmland and agricultural operations in the County. The analysis below includes an evaluation of typical cannabis cultivation and noncultivation practices and whether they could result in the loss of farmland or conflict with adjacent agricultural operations. This analysis is based on cultivation and noncultivation use assumptions for each of the five alternatives described in Table 2-4. These assumptions are presented in Appendix D and relate to size of cultivation and noncultivation operations, extent of relocation of existing cultivation sites in compliance the CLUO, land areas and zoning of sites (agricultural, commercial, and industrial zones) and the extent of vertical integration of cannabis uses on a single site (Alternatives 2 through 5).

Exhibits 3.2-2 through 3.2-6 identify the assumed locations of cannabis uses for each alternative relation to farmland categories shown in Exhibit 3.2-2. Pursuant to the guidance in CEQA, the analysis focuses specifically on actions that could result in conversion of important farmland to nonagricultural uses, conflicts with existing agricultural uses, and conflicts with policies and regulations intended to protect farmland.

Chapter 4, “Cumulative Impacts and Overconcentration,” contains a separate detailed analysis of the potential for cumulative effects not otherwise identified in this section, and effects from concentrations or clusters of multiple cannabis uses located in distinct subregions of the County.

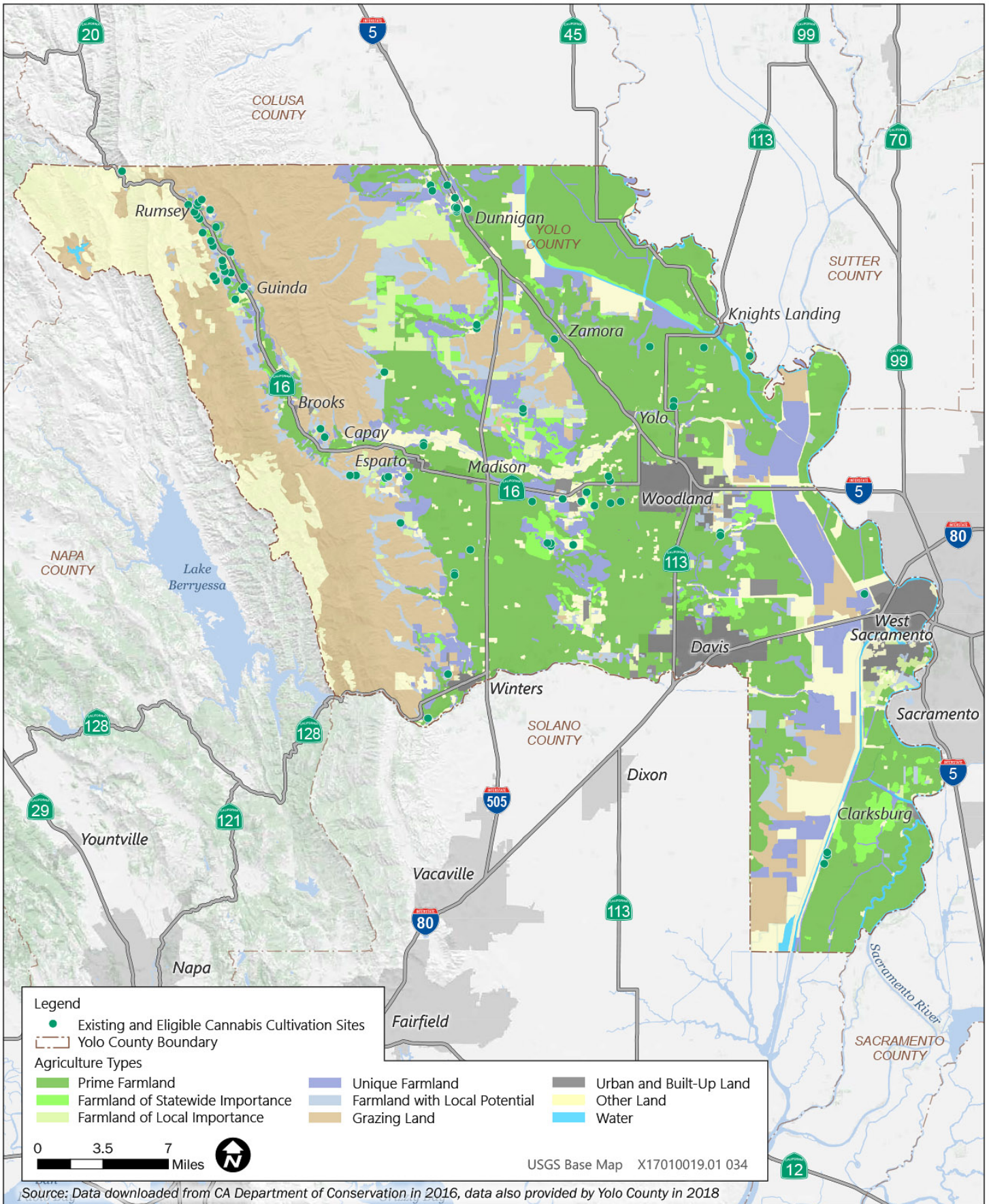


Exhibit 3.2-2

Alternative 1 Cannabis Uses and Important Farmland



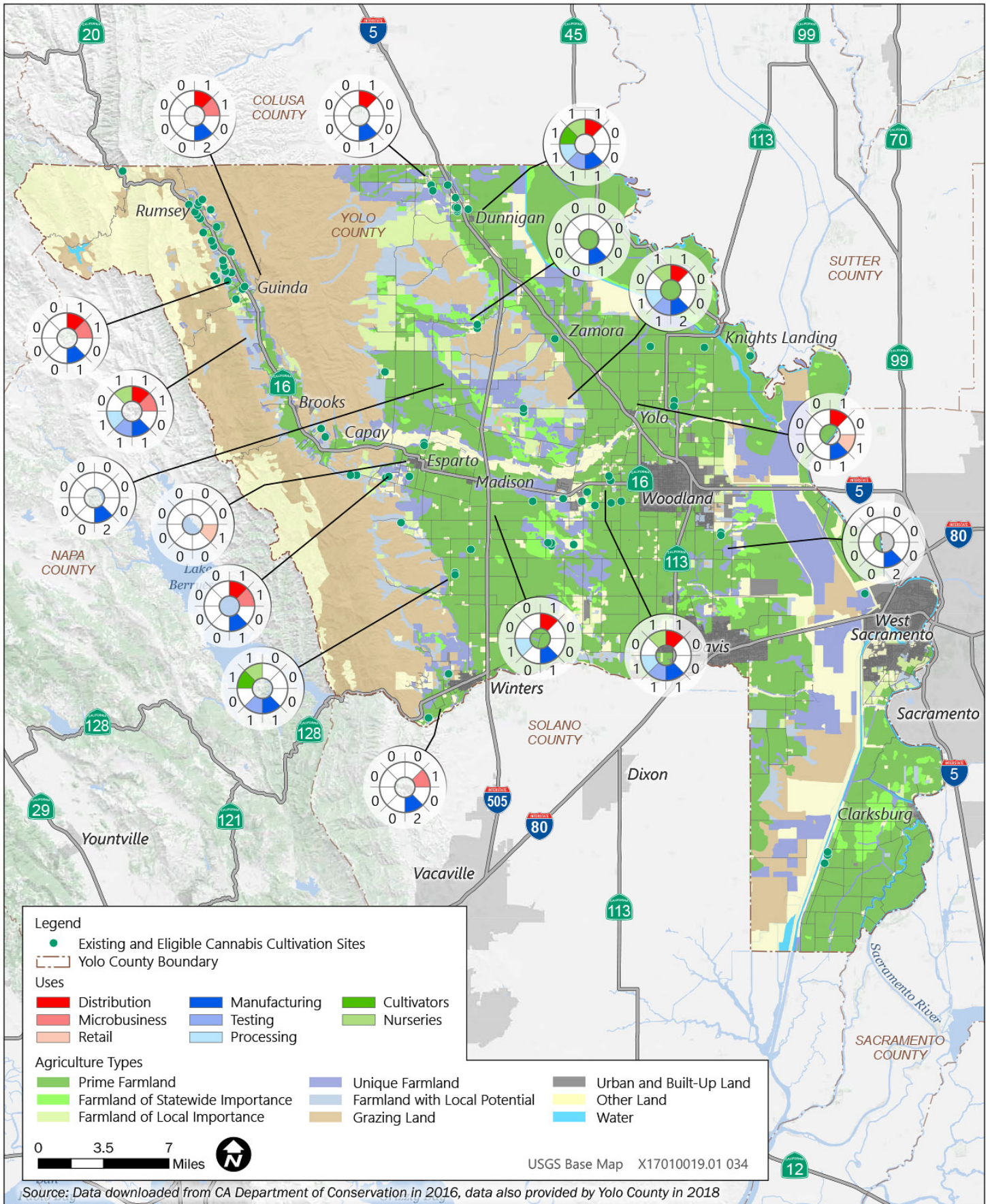


Exhibit 3.2-3

Alternative 2 Cannabis Uses and Important Farmland



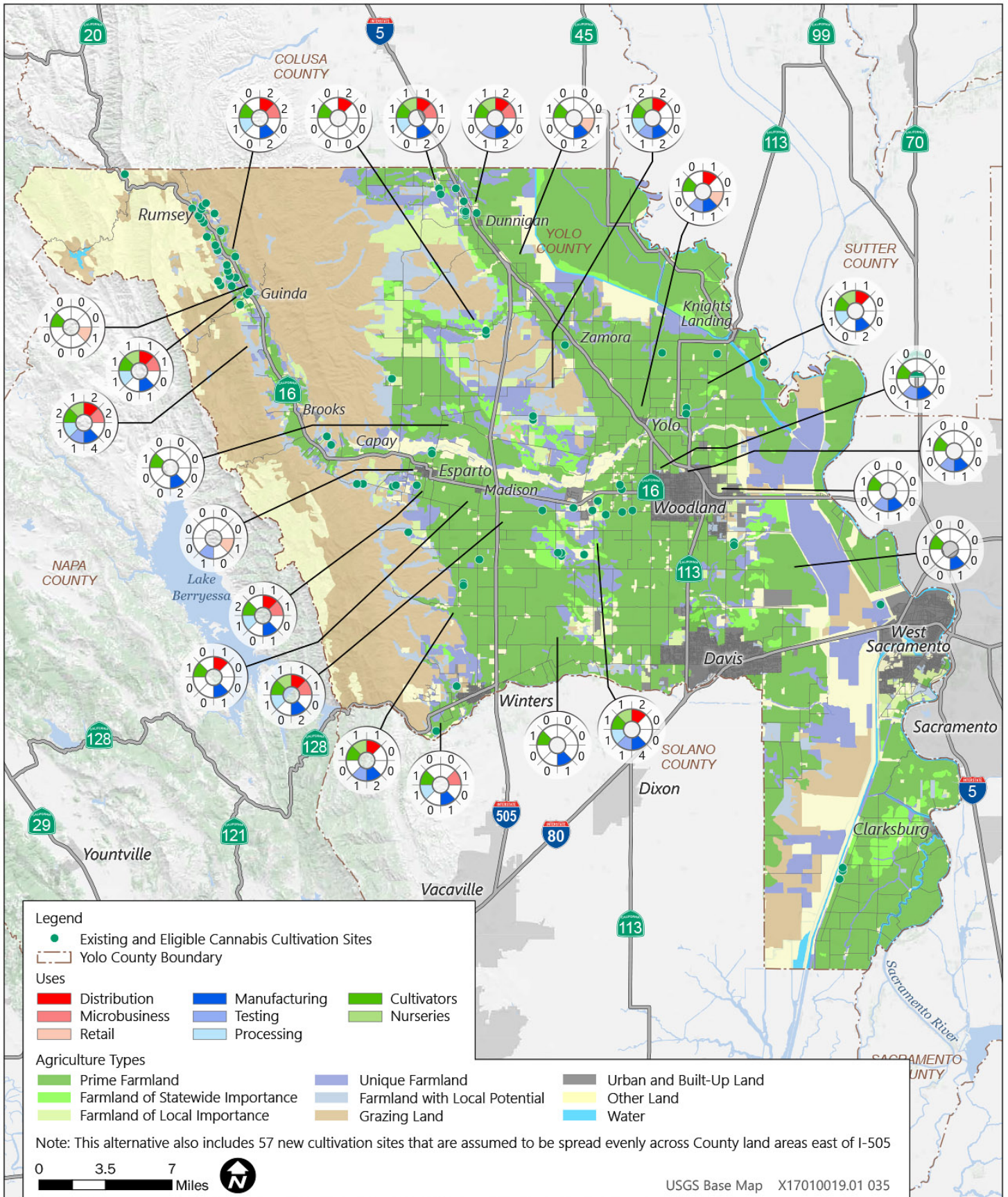


Exhibit 3.2-4

Alternative 3 Cannabis Uses and Important Farmland



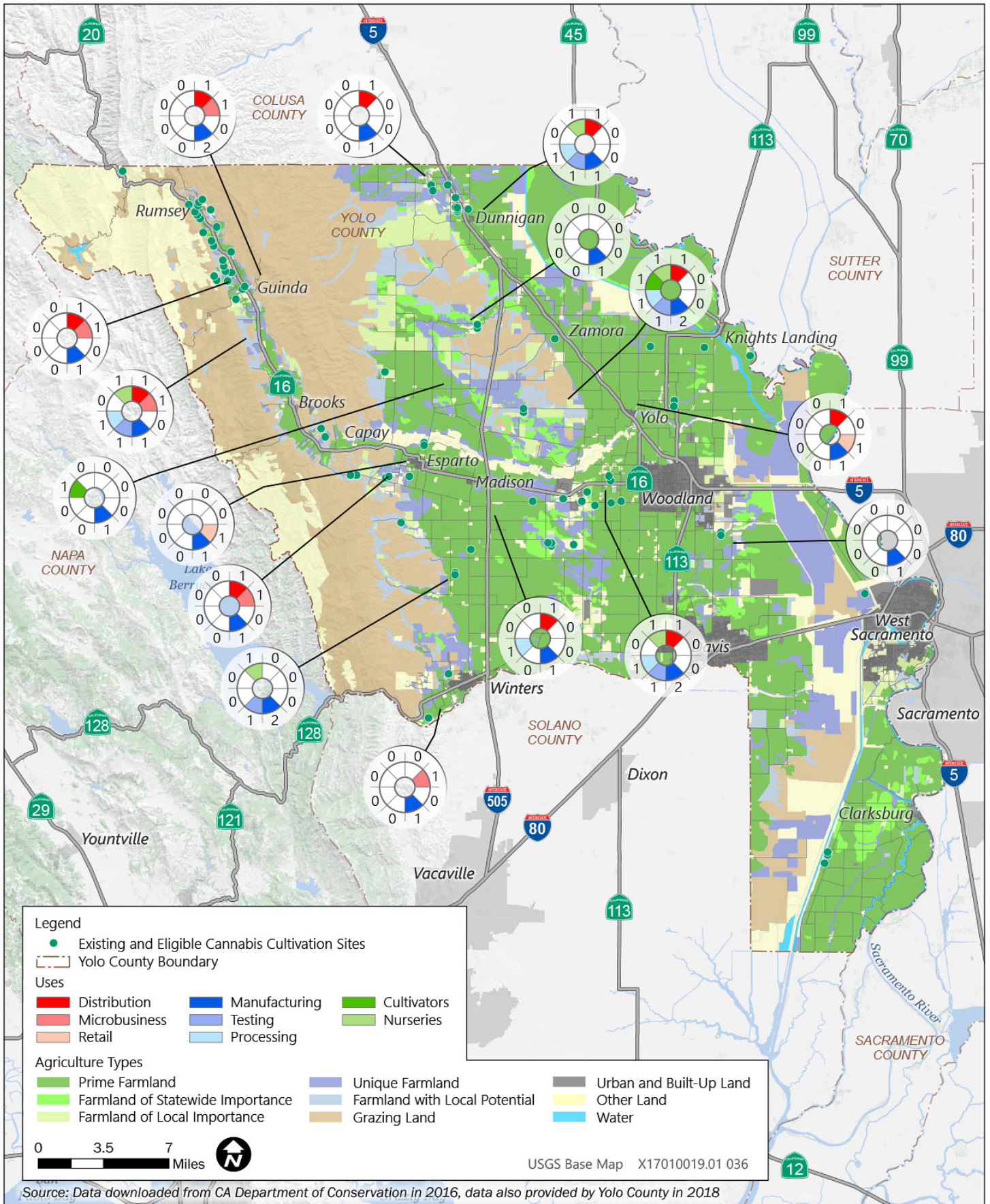


Exhibit 3.2-5

Alternative 4 Cannabis Uses and Important Farmland



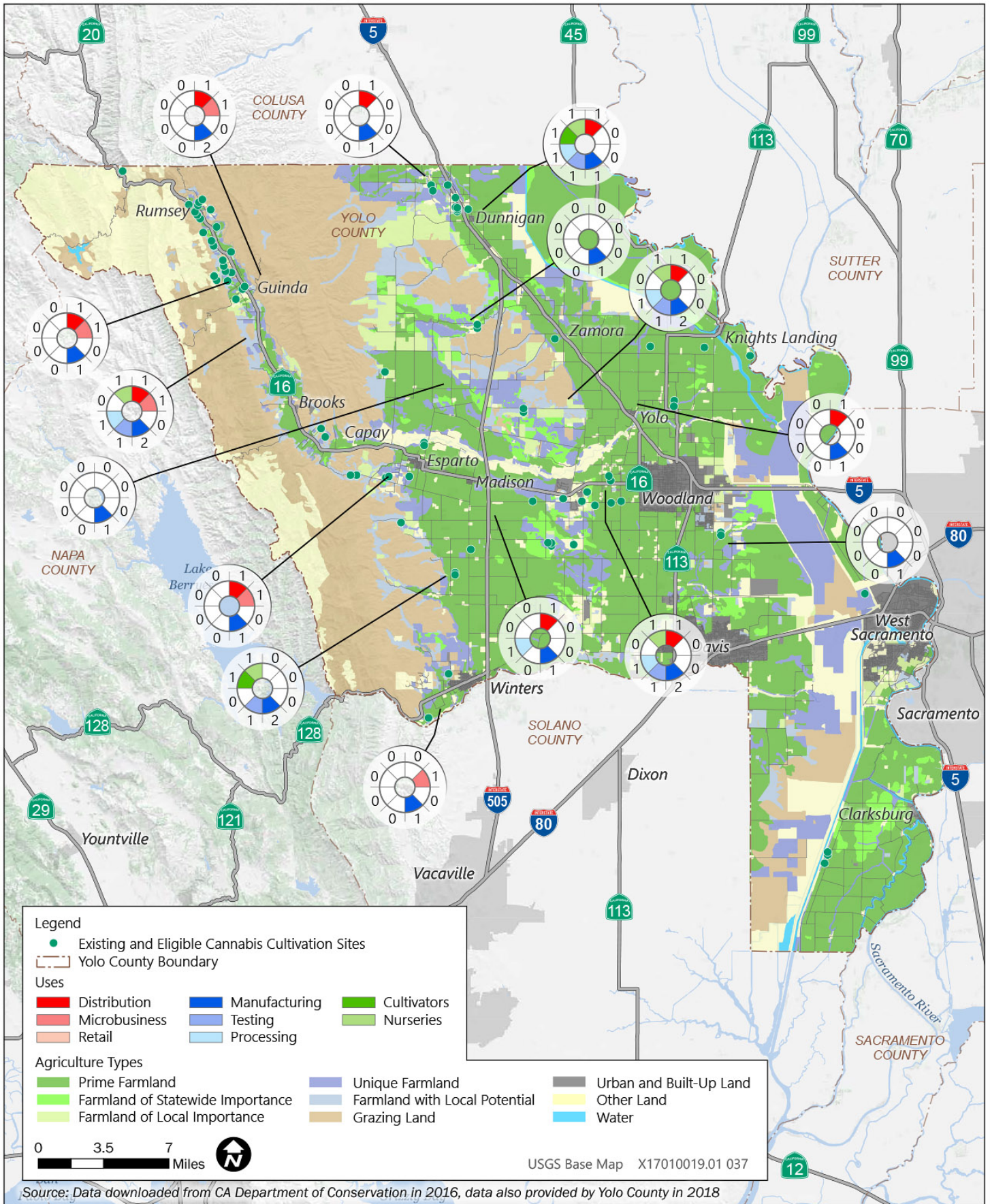


Exhibit 3.2-6

Alternative 5 Cannabis Uses and Important Farmland



THRESHOLDS OF SIGNIFICANCE

Thresholds of significance are based on Appendix G of the State CEQA Guidelines. The project would result in a significant impact on agricultural resources if it would:

- convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (“Important Farmland” or “Farmland” as defined by CEQA) as shown on the maps prepared pursuant to the FMMP of the California Resources Agency to nonagricultural use;
- conflict with existing zoning for agricultural use or with a Williamson Act contract;
- involve other changes in the existing environment which, because of their location or nature, could result in conflicts or a conversion of farmland to nonagricultural use; or
- conflict with applicable plans, policies, and regulations where such conflict would result in an adverse physical change in the environment.

As described in Section 3.0, “Approach to the Environmental Analysis,” no significant impacts to forestry resources would occur from implementation of the CLUO.

IMPACT ANALYSIS

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

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

Pursuant to California Health and Safety Code Section 11362.777(a) and Business and Profession Code Section 26067(a) the state has defined medical and adult-use cannabis as agricultural products. Section 8-2.1404(E) of the proposed CLUO identifies cannabis cultivation and related activities as agricultural land uses. Section 8-2.1404(E) states:

Cannabis Cultivation and Related Activities are Agricultural Land Uses – Legal cultivation of cannabis is an agricultural use.

As described in Section 2.2.1, “Summary of Cannabis Cultivation and Commerce Processes,” of Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” the cultivation and commerce process for cannabis involves largely same practices as other agricultural products currently generated in the County. These similar practices include:

- cultivation of the crop through a growth medium (soil), light, water, and nutrients;
- harvesting and processing of the crop for sale;
- industrial activities that create products from the crop; and
- sales of crop and/or products created from the crop.

However, there are differences in how cannabis cultivation is conducted in the County as compared to other agricultural operations. While the average cannabis cultivation parcel size in the County is 40 acres, the cannabis cultivation activity footprint is generally no larger than 2 acres because the cultivation garden

canopy is limited to 1 acre under Yolo County Code Section 5-20.04(A)(2)(a)(1).¹ As a result the operations dedicated to cultivation are concentrated and the remaining land areas of the parcel are not used as part of the cultivation operation. This differs from other County agricultural operations such as row crops, orchards and vineyards, and pastureland that commonly use the entire parcel area. The potential uses of these remaining lands on cultivation sites are subject to the requirements of the General Plan and County Zoning Regulations. The CLUO includes the following requirement for maintenance of cannabis sites to avoid nuisances and pest issues that could result in impacts to adjoining agricultural uses:

- Section 8-2.1408(B) Agricultural Maintenance: Permittees on agricultural land must demonstrate to the satisfaction of the County Agricultural Commissioner that the majority of the parcel, excluding the area in cannabis cultivation, will be used for agricultural activities and/or will be properly maintained (e.g. weed abatement, pest management, etc.) when not in agricultural use to, among other things, avoid maintenance deficiencies that conflict with agriculture on other nearby properties.

Implementation of the CLUO would allow for the continued operation of the 78 existing and eligible cannabis cultivation uses in the County subject to obtaining approval of a Cannabis Use Permit. Implementation of Alternatives 2, 3, 4, and 5 assume additional cannabis cultivation uses and new noncultivation cannabis uses (manufacturing, distribution, retail, testing, microbusinesses, processing, and nurseries) within the County's agricultural zones as well as commercial and industrial zones. Noncultivation cannabis uses would support the success of cannabis cultivation consistent with General Plan policies AG-3.2, AG-3.4, AG-3.7, ED-1.3 that allow for uses that support agriculture including commercial uses, product sales, processing, and distribution of locally produced crops. Noncultivation cannabis uses are considered by the County as compatible with farmland and are similar to agricultural land uses currently allowed under the Zoning Regulations. Section 8-2.303 of the Yolo County Code allows agricultural land uses and operations that include processing of agricultural products, accessory uses such as greenhouses, commercial uses such as agricultural chemical/fertilizer sales, wineries, breweries, and industrial uses such as regional processing facilities (e.g., wine, beer, spirit, olive oil production, canneries, and commercial composting) (Zoning Regulation Tables 8-2.304[a], 8-2.304[c], and 8-2.304[d]).

Alternatives 1, 2, 3, and 5 assume that personal use outdoor cultivation may occur in any zoning district on a parcel with a legal residence. Personal use outdoor cultivation of up to six plants is assumed to occur within pots or garden areas on the grounds of the parcel. Alternative 4 would limit personal use cultivation to indoor only. These activities would likely involve no more than 100 square feet of land area and would be required to be outside of front yard and side yard setback areas. Given these CLUO requirements and the fact that personal outdoor cultivation would be an ancillary use to a parcel developed with a legal residence, no agricultural use impacts are expected.

Thus, cannabis cultivation and noncultivation operations that may occur under CLUO would not convert farmland to a nonagricultural use for any of the alternatives. **No impact** would occur.

Mitigation Measures

No mitigation is required for any of the alternatives.

Impact AG-2: Conflict with Existing Agricultural Zoning or with a Williamson Act Contract

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

¹ See Appendix B for a summary of existing cultivation operations in the County and Appendix D for cannabis use assumptions for each alternative.

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 of the County. Specific land use requirements and development performance standards are included in the CLUO that address, among many topics, the following agriculture operation–related issues:

- agricultural applications (Section 8-2.1408[A]),
- agricultural maintenance (Section 8-2.1408[B]),
- buffers between application areas and defined sensitive land uses (Section 8-2.1408[E]),
- driveway design and access (Section 8-2.1408[K]),
- dust control (Section 8-2.1408[L]),
- energy use (Section 8-2.1408[O]),
- fire protection (Section 8-2.1408[Q]),
- generators (Section 8-2.1408[T]),
- good neighbor communication (Section 8-2.1408[U]),
- grading and land clearing (Section 8-2.1408[V]),
- hazardous materials (Section 8-2.1408[W]),
- lighting (Section 8-2.1408[Z]),
- noise control (Section 8-2.1408[BB]),
- nuisance (Section 8-2.1408[CC]),
- odor control (Section 8-2.1408[DD]),
- security (Section 8-2.1408[LL]),
- tree protection (Section 8-2.1408[RR]),
- solid waste management (Section 8-2.1408[SS]), and
- water supply and use (Section 8-2.1408[VV]).

These provisions establish additional requirements for the cultivation and handling of cannabis that do not apply to other agricultural operations and would not conflict with the requirements set forth in Yolo County Zoning Regulations Article 3 (Agricultural Zones). The CLUO would be incorporated into the County Zoning Regulations. Section 8-2.1401(A) of the CLUO addresses consistency with other County land use and development standards in the Zoning Regulations (including requirements in Article 3):

Title 8 (Land Development) Chapter 2 (Zoning Regulations) – The Zoning Regulations establish land use districts, controls on land uses, and development standards. The Cannabis Land Use Ordinance applies these regulations, as appropriate, to identified cannabis use types. Unless otherwise specified, the Cannabis Land Use Ordinance is intended to establish separate and distinct regulations applicable to all cannabis use types. Where the Cannabis Land Use Ordinance is silent on an issue that is otherwise addressed elsewhere in the Zoning Regulations, the Zoning Regulations shall apply. Where a requirement of the Cannabis Land Use Ordinance conflicts with a requirement of the Zoning Regulations, the stricter requirement shall apply.

Implementation of the CLUO would also not conflict with Williamson Act contracts. Currently the Zoning Regulations allow both agricultural production (cultivation of crops) and certain agricultural supporting land uses to occur on Williamson Act contracted lands. As set forth in Section 106 (Compatible Uses) of the Yolo County Williamson Act Guidelines, compatible uses are those which are permitted or conditionally permitted in the County agricultural zones (A-N, A-X, A-I, and A-C). Under Alternatives 1-3, and 5, CLUO Section 8-2.1407 would designate personal use outdoor cultivation as an allowed use, while commercial cultivation and noncultivation uses would be allowed subject to the approval of a Cannabis Use Permit. Pursuant to Section 106 (Compatible Uses) of the Yolo County Williamson Act Guidelines, Use Permits (this would include Cannabis Use Permits under the CLUO) on Williamson Act contract land would only be issued if the cannabis use is consistent with the following principles of compatibility found in Government Code Section 51238.1 that is intended to protect the agricultural use of the land:

- The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.

- The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
- The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Thus, the CLUO would not conflict with existing County zoning requirements for agricultural uses or any Williamson Act contracts. There would be **no impact** with zoning for agricultural use or Williamson Act contracts under any of the alternatives.

Mitigation Measures

No mitigation is required for any of the alternatives.

Impact AG-3: Create Conflicts with Agricultural Uses or Conversion of Farmland to Nonagricultural Uses

Adoption and implementation of the proposed CLUO under each of the five alternatives, including subsequent Cannabis Use Permits under the adopted CLUO, could result in an increase in cannabis cultivation sites and the creation of new noncultivation cannabis uses in the County that currently do not exist. Cannabis cultivation and noncultivation uses would not result in conflicts with agricultural uses that would result in the conversion of farmland. Thus, this impact would be **less than significant** under all the alternatives.

As described in Impact AG-1, the cultivation and commerce process for cannabis involves the similar practices as other agricultural products generated currently in the County (cultivation, harvesting, industrial activities to create products from the crop, and sales of the crop and/or products made from the crop). General Plan Action AG-A7 acknowledges value of the active agricultural lands and the acceptance of the potential nuisances of nearby farming on adjacent uses.

Potential concerns regarding conflicts with adjoining agricultural uses consist of pesticide usage and the lack of maintenance of remaining land areas not used as part of the cultivation operation that may generate pests that adversely impacts neighboring agricultural operations. Alternative 1 is generally assumed to maintain the existing extent of 78 cannabis and eligible cultivation uses in the County, while Alternatives 2, 3, 4, and 5 are generally assumed to create new cannabis cultivation and noncultivation uses. For all alternatives the restrictions of the assumed buffers and zoning would result in some relocations of the 78 existing sites. Also, there may be other constraints specific to a site (such as slope, flooding, biological resources, etc.) that could lead to modification or denial of a particular use permit application. This is discussed as relevant throughout this EIR.

As described in Section 3.2.2, "Regulatory Setting," pesticides used on cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils such as peppermint oil or rosemary oil. The use of restricted pesticides on cannabis cultivation is prohibited. Harvested cannabis is required to pass laboratory tests for the following constituents as required under CCR Title 16, Division 42, Sections 5304 and 5702:

- 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.

In addition, the CLUO includes the following requirement regarding agricultural applications that are intended to protect public health and adjoining agricultural uses:

- Section 8-2.1408(A) Agricultural Applications: This category includes fertilizers, herbicides, pesticides, rodenticides, fumigants, and other inputs/applications for improved agricultural performance. Permittees shall comply with applicable County and State requirements, and manufacturer instructions, for use to the satisfaction of the County Agricultural Commissioner and other responsible official. California Department of Food and Agriculture (CDFA) licensees shall implement the Pest Management Plan required pursuant to Section 8106(a)(3) and Section 8106(b)(2) of the CDFA Regulations, as applicable. CDFA licensees shall comply with pesticide laws and regulations as enforced by the Department of Pesticide Regulation pursuant to Section 8307, Pesticide Use Requirements, of the CDFA Regulations.

The use of restricted pesticides is an existing component of the ongoing agricultural operations countywide. The 2017 Yolo County Agricultural Crop Report identifies that there were 328,452 acres of active agricultural operations that generated \$635 million in revenues in 2017.

DPR places controls on pesticides based on the results of risk characterization studies and documentation that limits their use to trained individuals and then only at times and places approved by the county agricultural commissioners. As described in Section 3.2.2, "Regulatory Setting," the Yolo County Agricultural Commissioner has established 10 "use conditions" for the use of restricted materials (pesticides) that have been updated for 2019 for the protection of public health and adjoining land uses. These conditions include the following standards regarding restricted pesticide application activities:

- Application restrictions regarding equipment used and speed of application.
- Buffers/setbacks for ground and aerial application from environmentally sensitive areas (residential uses and communities, schools, playgrounds, parks, labor camps, organic crops, water features, livestock, and habitat areas) and type of pesticide used. These buffers/setbacks vary in size based on the environmentally sensitive area and the method of application (buffers range from 50 feet to 2 miles depending on the pesticide and the sensitive receptor).
- Wind direction and speed restrictions for ground and aerial application.
- Restriction on the maximum height above a crop or target that pesticides can be discharged.
- Temperature restrictions for application.

Technical studies have confirmed the effectiveness of the use of buffers and drift-reducing spray nozzles, limiting speed of application, and wind speeds to address pesticide drift (Rasmussen et al. 2011; Egan et al. 2014; Al Heidary et al. 2014). Thus, these requirements and controls are effective in avoiding pesticide drift impacts.

Exposure to restricted pesticides due to pesticide drift resulting from applications occurring at off-site farming operations is prohibited. Pesticide drift could adversely affect cannabis cultivation in a manner similar to organic crops currently grown in the County. The Yolo County Agricultural Commissioner investigates reported improper pesticide applications, including pesticide drift. Confirmation of pesticide drift can result in warning letters, fines, or loss of licensing to conduct pesticide application.

Additionally, because state regulatory thresholds for pesticide presence in cannabis are generally very low, the Yolo County Agricultural Commissioner has opined that the migration of dust containing residue from pesticides properly applied on nearby farming operations could, by itself, be sufficient to render cannabis unfit for sale. Unlike pesticide drift occurring during application, the Agricultural Commissioner does not regulate the migration of dust from field to field during wind events, farming operations, or otherwise. In this scenario, the potential may exist for a cannabis crop to be rendered unmarketable even though the application of pesticides on nearby properties conformed to all legal requirements.

Whether due to pesticide drift or a subsequent migration of dust from nearby fields, the use of restricted pesticides in a lawful manner is part of the environmental setting. CEQA does not consider effects of the environment on a project to be “environmental impacts” for purposes of analysis, mitigation, or otherwise. Rather, CEQA is directed at adverse environmental changes anticipated to be caused by a project. (*California Building Industry Association v. Bay Area Air Quality Management Dist.*, 62 Cal.4th 369, 377 (2015).) For this reason, this document does not further evaluate impacts of spray drift or other potential effects of lawful pesticide applications occurring in the vicinity of cannabis cultivation.

Separately, there are also differences in how cannabis cultivation is conducted in the County, as compared to other agricultural operations, that result in remaining land areas of the parcel not used as part of the cultivation operation. If left unmaintained, these areas can generate agricultural pest issues that could impact adjoining agricultural uses. The CLUO includes the following requirement for maintenance of cannabis sites (cultivation and noncultivation) to avoid nuisances and pest issues:

- Section 8-2.1408(B) Agricultural Maintenance: Permittees on agricultural land must demonstrate to the satisfaction of the County Agricultural Commissioner that the majority of the parcel, excluding the area in cannabis cultivation, will be used for agricultural activities and/or will be properly maintained (e.g. weed abatement, pest management, etc.) when not in agricultural use to, among other things, avoid maintenance deficiencies that conflict with agriculture on other nearby properties.

Alternatives 1, 2, 3, and 5 assume that personal use outdoor cultivation may occur in any zoning district on a parcel with a legal residence. Personal use outdoor cultivation of up to six plants is assumed to occur within pots or garden areas on the grounds of the parcel. Alternative 4 would limit personal use cultivation to indoor only. These activities would likely involve no more than 100 square feet of land area and would be required to be outside of front yard and side yard setback areas. Given these CLUO requirements and the fact that personal outdoor cultivation would be ancillary to any allowed residential use of a parcel, no conflicts with adjoining agricultural use impacts are expected.

Thus, cannabis cultivation and noncultivation operations that may occur under CLUO would be restricted in their use of pesticides and would be required to maintain the parcel that would include pest management to avoid significant conflicts with adjoining agricultural uses. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required for any of the alternatives.

Impact AG-4: Conflict with Yolo County General Plan and Community Policies Related to Agricultural Resources

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

As described in Section 2.5, “General Plan Amendment,” of Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives,” amendments to the General Plan are proposed to acknowledge cannabis as a legal commercial crop in the state of California. These General Plan amendments include the following:

- Identification of cannabis uses as appropriate land uses under the Agriculture, Commercial General, Commercial Local, and Industrial land use designations.
- Modifications of General Plan policies LU-2.3 and AG-1.3 to include cannabis cultivation or cannabis activities in the list of uses prohibited from dividing agricultural land.
- Addition of a new General Plan policy acknowledging cannabis cultivation and noncultivation uses as a new agricultural opportunity in support of agricultural economic development, preservation of agricultural land, and creation of opportunities for new farmers.

These amendments and adoption of the CLUO to regulate a potential range of cannabis cultivation and new noncultivation uses that would provide processing, distribution, and commercial uses supporting the local cultivation of cannabis assumed in Alternatives 1, 2, 3, 4, and 5 would be consistent with General Plan and community plan agricultural policies described in Section 3.2.2, “Regulatory Setting.” These agricultural policy provisions include protection and enhancement of agricultural uses (General Plan policies: AG-1.1, AG-1.3, and LU-2.3, Capay Valley Area Plan Agriculture Policy 9) as well as support and diversify agricultural uses (General Plan policies: AG-3.2, AG-3.4, AG-3.7, AG-3.8, AG-3.16, AG-5.1, ED-1.3, and LU-2.2, Esparto Community Plan Policy E-LU.28, Capay Valley Area Plan Agriculture Policy 8, Clarksburg Area Community Plan Policy A2, and Dunnigan Community Plan Policy D-LU20).

Pursuant to California Health and Safety Code Section 11362.777(a) and Business and Profession Code Section 26067(a) the state has defined medical and adult-use cannabis as agricultural products. Section 8-2.1404(E) of the proposed CLUO identifies cannabis cultivation and related activities as agricultural land uses.

This would be a **less-than-significant** impact under all the alternatives.

Mitigation Measures

No mitigation is required for any of the alternatives.