

1 INTRODUCTION

This draft environmental impact report (Draft EIR) evaluates the potential environmental impacts of adoption and implementation of the Yolo County Proposed Cannabis Land Use Ordinance (CLUO, or project), including adoption of related General Plan amendments. It has been prepared under the direction of Yolo County in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Sections 21000–21177) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Division 6, Chapter 3, Sections 15000–15387). The County of Yolo is the lead agency for consideration of this EIR and potential project approval.

1.1 PURPOSE OF THIS EIR

CEQA requires that public agencies consider the significant adverse environmental effects of projects over which they have discretionary approval authority before taking action on those projects (PRC Section 21000 et seq.). It also requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, significant adverse environmental effects of projects it approves or implements. If implementing a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency decision maker—in this case, the Yolo County Board of Supervisors (Board)—must prepare findings and issue a “statement of overriding considerations,” explaining in writing the specific economic, social, or other considerations that they have determined, based on substantial evidence, make those significant effects acceptable (PRC Section 21002, CCR Section 15093).

According to State CEQA Guidelines Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental impact that cannot be clearly mitigated to a less-than-significant level. As required by CEQA, an EIR is used to inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

In compliance with CEQA, this EIR discloses the environmental consequences of implementing the CLUO, assuming five alternative regulatory scenarios. This EIR is designed to fully inform the County decision makers, in addition to other responsible agencies, persons, and the general public, of the potential environmental effects of implementing the CLUO. Upon certification of the Final EIR, the Yolo County Board of Supervisors will use the analysis in this EIR to support a decision to adopt the proposed General Plan amendment and CLUO.

As encouraged under CEQA, the County intends to use this Program EIR prepared for the CLUO to streamline the environmental review and consideration of future cannabis operation applications. The County plans to make use of the streamlining provided by CEQA, as applicable. Subsequent to adoption of the CLUO, applicants, including those licensed or eligible for licensing under the County’s current cannabis program, will apply for Cannabis Use Permits pursuant to the new regulations. Individual applications for commercial cannabis operations under the ordinance will be subject to further site-specific environmental review as applicable under CEQA pursuant to State CEQA Guidelines Section 15168(c), Use with Later Activities. This section of the guidelines addresses environmental review of projects intended to be addressed in a program for which an EIR was prepared. The County may determine that the environmental impacts of an individual project are adequately addressed in the EIR and that no further environmental review is required, or it may determine that additional environmental review is required or could require focused environmental review. Preparation of a site-specific environmental review document would be required if the County determines that the individual project would cause a significant environmental impact that was not examined in the EIR

or would substantially increase the severity of a previously identified significant impact under State CEQA Guidelines Sections 15162 and 15168(c). This Program EIR may also be used and/or relied upon by the California Department of Food and Agriculture for its licensing actions.

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

1.2 CANNABIS LAND USE ORDINANCE BACKGROUND

On March 22, 2016, in response to the Medical Marijuana Regulation and Safety Act and to effect greater local control, the Board adopted the Marijuana Cultivation Ordinance (Ordinance Number 1467), adding Chapter 20 to Title 5 of the Yolo County Code to regulate medical cannabis cultivation in Yolo County.

The overall purpose of the proposed 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 County 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 (Business Licenses).

1.3 EQUAL WEIGHT CANNABIS LAND USE ORDINANCE ALTERNATIVES

The County is considering five alternative variations to the proposed 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 by the assumed type of cannabis license/activity, limits on the number of operations, buffer distances, and performance standards. The County has identified Alternative 1 as the proposed project (CEQA preferred alternative); however, this should not be construed as selecting this alternative over any others. These five alternatives are evaluated at an equal level of detail and are summarized below. This EIR is intended to provide analysis sufficient to allow one of the alternatives or a modified version of one of the alternatives that incorporates features from the other alternatives to be adopted.

1.3.1 Alternative 1: Cultivation (Ancillary Nursery and Processing Operations 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, and the proposed CLUO:

- 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.

1.3.2 Alternative 2: All License Types with Moderate Limits

Alternative 2 assumes that all types of cannabis uses 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 operations from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- retail: 2
- microbusiness: 5

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.

1.3.3 Alternative 3: All License Types with High Limits

Alternative 3 assumes that all types of cannabis uses 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 operations from Alternative 1)
- nurseries: 10
- processing: 10
- manufacturing: 4
- testing: 10
- distribution: 20
- retail: 4
- microbusiness: 100

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.

1.3.4 Alternative 4: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types

Alternative 4 assumes that personal cultivation, commercial cannabis cultivation, nurseries, processing, and microbusinesses would be limited to indoor and mixed-light operations within a structure. 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 operations from Alternative 1)
- nurseries: 5
- processing: 5
- manufacturing: 20
- testing: 5
- distribution: 10
- retail: 2
- microbusiness: 5

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).

1.3.5 Alternative 5: All License Types with Moderate Limits, within Agricultural Zones Only, No Retail

Alternative 5 assumes all license types, with the exception of retail, but would limit commercial cannabis (including personal outdoor grows) to agricultural zone districts. Personal indoor grows would be allowed in all zoning districts. As defined, implementation of this alternative would result in 130 cannabis operations countywide plus unlimited cultivation for personal use conducted in accordance with applicable state and local (County) laws:

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

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.

1.4 LEAD AGENCY

For this EIR, Yolo County is the lead agency under CEQA (State CEQA Guidelines Section 15367).

1.5 RESPONSIBLE AND TRUSTEE AGENCIES

Under CEQA, a responsible agency is a public agency, other than the lead agency, that has responsibility to carry out or approve a project (PRC Section 21069). A trustee agency is a state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California (PRC Section 21070).

The following responsible and trustee agencies may have jurisdiction over elements of the project:

- California Department of Consumer Affairs, Bureau of Cannabis Control;
- California Department of Fish and Wildlife;
- California Department of Food and Agriculture, CalCannabis;
- California Department of Pesticide Regulation;
- California Department of Public Health;
- California Department of Transportation;
- California Department of Water Resources;
- Central Valley Regional Water Quality Control Board;
- State Water Resources Control Board; and
- Yolo-Solano Air Quality Management District.

1.6 CEQA PROCESS AND SCOPE OF ENVIRONMENTAL ANALYSIS

Pursuant to CEQA and the State CEQA Guidelines, a lead agency shall focus an EIR's discussion on significant environmental effects and may limit discussion on other effects to brief explanations about why they are not significant (PRC Section 21002.1, State CEQA Guidelines Section 15128). Potentially significant impacts were identified based on review of comments received as part of the public scoping process for the notice of preparation (NOP) (Appendix A) and additional research and analysis of relevant project data during preparation of this Draft EIR.

The County has determined that the project has the potential to result in significant environmental impacts on the following resources, which are addressed in detail in this Draft EIR:

- aesthetics;
- agricultural resources;
- air quality and odors;
- biological resources;
- archaeological, historical, and tribal cultural resources;
- energy;
- geology and soils;

- greenhouse gas emissions and climate change;
- hazards and hazardous materials;
- hydrology and water quality;
- land use and planning;
- noise;
- public services;
- transportation and circulation; and
- utilities and service systems.

The NOP substantiated that forestry resources would not be addressed in the Draft EIR because Yolo County has no commercial forestland or timber resources and the proposed CLUO would prohibit the removal of oak woodlands. Therefore, no impact on forestry resources is expected to occur.

1.7 NOTICE OF PREPARATION AND PUBLIC SCOPING

CEQA requires an early and open process for determining the scope of issues that should be addressed in the EIR. The NOP provides formal notification to all state, regional, and local agencies that may have interest in the project, and to other interested organizations and members of the public, that an EIR will be prepared for the project. The NOP is intended to encourage interagency communication concerning the proposed action and to provide background information about the proposed action sufficient to allow agencies, organizations, and individuals to respond with specific comments and questions on the scope and content of the EIR. A copy of the NOP, a table of comments received and how the comments are addressed in the Draft EIR, and copies of the comments received on the NOP are provided in Appendix A.

Yolo County issued the NOP on August 24, 2018. As required by CEQA, the County sent a copy of the NOP to the State Clearinghouse within the California Office of Planning and Research and to the Yolo County Clerk-Recorder. The NOP was also posted on the County's website (<https://www.yolocounty.org/community-services/cannabis-3398>).

A public scoping meeting was conducted at the Yolo County Planning Commission meeting of September 13, 2018.

1.8 ORGANIZATION OF THIS DRAFT EIR

This Draft EIR is organized as follows:

- **Executive Summary:** This chapter introduces the CLUO; provides a summary of the environmental review process, and key environmental issues; and lists significant environmental impacts and mitigation measures to reduce significant impacts to a less-than-significant level. Finally, areas of controversy and issues to be resolved are described.
- **Chapter 1, "Introduction":** This chapter provides a description of the lead and responsible agencies, the legal authority and purpose of the EIR, the scope of the environmental analysis, agency roles and responsibilities, the CEQA public review process, and organization of this EIR.
- **Chapter 2, "Description of Preferred Alternative and Equal Weight Alternatives":** This chapter describes the project background, including existing and related regulations; lists the objectives of the CLUO; and provides a detailed description of the CLUO and the five alternatives.
- **Chapter 3, "Environmental Setting, Impacts, and Mitigation Measures":** The resource sections in this chapter evaluate the environmental impacts expected to be generated by the project. The five alternatives for the CLUO are evaluated at an equal level of detail in this chapter. In each subsection of Chapter 3, the regulatory background, existing environmental setting, significance criteria, and analysis methodology and

assumptions are described. The anticipated changes to existing environmental conditions associated with adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO are then evaluated for each resource. For any significant or potentially significant impact that would result from implementing any of the five alternatives, mitigation measures are presented, and the resulting level of significance is identified. Environmental impacts are named and numbered to reflect the section of Chapter 3 in which they are introduced and the order in which they are discussed. For example, the first impact discussed in Section 3.1, “Aesthetics,” is identified as Impact AES-1. Any required mitigation measures are named and numbered to correspond to the relevant impacts; therefore, the mitigation measure for Impact AES-1 would be Mitigation Measure AES-1.

- **Chapter 4, “Cumulative Impacts and Overconcentration”:** This chapter provides information regarding the potential cumulative impacts that would result from implementation of the CLUO under each of the five alternatives together with other past, present, and probable future projects. This chapter also evaluates the environmental impacts that may occur from a concentration of multiple cannabis uses located in distinct subregions of the County.
- **Chapter 5, “Alternatives”:** This chapter provides a summary of the impact conclusions for each of the five alternatives evaluated at an equal level of detail in Chapter 3, identifies alternatives considered but rejected from further consideration, and identifies the environmentally superior alternative.
- **Chapter 6, “Other CEQA-Mandated Sections”:** This chapter provides a summary of the significant and irreversible commitment of resources, and the growth-inducing impacts associated with implementing the CLUO.
- **Chapter 7, “List of Preparers”:** This chapter identifies the lead agency contacts and the preparers of this Draft EIR.
- **Chapter 8, “References”:** This chapter identifies the documents and persons used as sources for the analysis presented in this Draft EIR.

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