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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF YOLO

YOCHA DEHE WINTUN NATION, SIERRA
CLUB, YOLO COUNTY FARM BUREAU, and
VOICES FOR RESPONSIBLE LEADERSHIP,

Petitioners,

v.

COUNTY OF YOLO, YOLO COUNTY BOARD
OF SUPERVISORS, YOLO COUNTY
COMMUNITY SERVICES DEPARTMENT,
and DOES 1 through 50,

Respondents.

) Case No.:
)
) **VERIFIED PETITION FOR WRIT OF**
) **MANDATE AND**
) **COMPLAINT FOR DECLARATORY AND**
) **INJUNCTIVE RELIEF**
) **[Cal. Code Civ. Proc. §§ 1060, 1085, 1094.5;**
) **Cal. Gov. Code §§ 51200 – 51297.5, 65352.3, et**
) **seq.; Cal. Pub. Res. Code, § 2100, et seq.]**
) **CALIFORNIA ENVIRONMENTAL**
) **QUALITY ACT CASE**

1 1. By this action, the Yocha Dehe Wintun Nation (“Yocha Dehe” or “the Tribe”), the Sierra
2 Club, the Yolo County Farm Bureau (“Farm Bureau”), and Voices for Responsible Leadership (“VRL”)
3 (together, “Petitioners”) hereby challenge actions by the County of Yolo, the Yolo County Board of
4 Supervisors, and the Yolo County (“Respondents” or “County”) to approve the Yolo County Cannabis
5 Land Use Ordinance (“CLUO”), to approve and certify the CLUO Environmental Impact Report
6 (“EIR”), and to make findings in support of the CLUO’s approval.

7 2. To be clear, Petitioners do not challenge or dispute that cannabis can be legally
8 cultivated, sold, and used in the State of California. Nor do they take issue with the ability of Yolo
9 County residents – or the County itself – to profit from the cannabis industry. But Petitioners must
10 respectfully insist that County regulation of cannabis land uses – no less than its regulation of other land
11 uses – be sound, transparent, and consistent with state laws mandating careful environmental review and
12 meaningful government-to-government tribal consultation.

13 3. Unfortunately, Respondents have not even approached compliance with these basic legal
14 requirements. The final version of the CLUO was not subject to public review, conflicts with the
15 California Land Conservation Act (the “Williamson Act”), arbitrarily and capriciously dismisses
16 common-sense options for sensible cannabis land use regulation, and it is not supported by legally
17 required findings. The EIR lacks a stable and finite project description, employs an improper
18 environmental baseline, fails to properly address, analyze and mitigate the CLUO’s numerous
19 environmental impacts, and ignores reasonable alternatives, all in violation of the California
20 Environmental Quality Act (“CEQA”). The County has compounded these errors by improperly
21 foreclosing potentially feasible alternatives and mitigation, by committing to implement the CLUO
22 before certifying the EIR, and by refusing to recirculate the EIR for public review and comment
23 following introduction of significant new information. And, throughout this flawed process, the County
24 failed to comply with its obligation to meaningfully consult with Yocha Dehe, a federally recognized
25 tribal government, as required by Senate Bill 18 (“SB 18”).

26 4. Accordingly, this Court should find and determine that the County’s approval of the
27 CLUO is invalid and void; that the CLUO EIR fails to satisfy CEQA and CEQA’s implementing
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Guidelines; and that the County must fully comply with applicable law before taking any further steps to implement the CLUO.

PARTIES

5. Petitioner YOCHA DEHE WINTUN NATION is a federally recognized, sovereign Indian tribe (85 Fed. Reg. 5462, 5466 [Jan. 30, 2020]) whose ancestors have lived in what is now the County of Yolo for thousands of years. Yocha Dehe's sovereign trust lands are located within the County, and the Tribe also owns in fee simple lands within the County that are subject to fee-to-trust applications. As the historical inhabitants of the Capay Valley, the Yocha Dehe possesses a uniquely sacred connection to the land, which remains its most important link to the Tribe's traditional lifeways. Indeed, the Tribe remains committed to protecting the land as its most sacred resource. Among other things, it showcases its commitment to land and environmental stewardship through its farming operations, cultivating a variety of crops across 2,000 acres. Sustainable farming practices such as drip irrigation, biological controls, and crop rotation help maintain crop health while conserving water and maintaining the quality of the soil. Yocha Dehe is equally committed to community development and infrastructure in its greater Capay Valley homeland, and in recent years it has contributed millions of dollars to community institutions that the County could not or would not properly fund, including Esparto schools, the Esparto community pool and athletic center, the Madison Migrant Center, and Esparto's Capay Valley Health and Community Center, among others. Yocha Dehe and its citizens are adversely affected by the County's failure to comply with the law in approving the CLUO. Yocha Dehe objected to approval of the CLUO and provided written and oral comments on the CLUO EIR

6. Petitioner SIERRA CLUB is a California nonprofit membership organization incorporated under the laws of the State of California in 1892. Currently, the Sierra Club has approximately 820,000 members, approximately 180,000 of whom live in California. Approximately 20,000 members belong to the Sierra Club's Motherlode Chapter, and Motherlode Chapter members live, work, travel and enjoy recreational activities in Yolo County. The Sierra Club functions to educate and enlist people to protect and restore the natural and human environment, to practice and promote

1 responsible use of the earth's ecosystems and resources, to explore, enjoy, and protect wild places, and
2 to use all lawful means to achieve these objectives. The Sierra Club has expressed particular concern for
3 the environment in which its members live, including Yolo County. Sierra Club and its members are
4 adversely affected by the County's failure to comply with the law in approving the CLUO. Sierra Club
5 and its members objected to approval of the CLUO and provided written and oral comments on the
6 CLUO EIR.

7 7. Petitioner YOLO COUNTY FARM BUREAU is a non-governmental, non-profit,
8 California voluntary membership corporation whose purpose is to protect and promote agricultural
9 interests in Yolo County and to find solutions to problems of the farm, the farm home, and the rural
10 community. The Farm Bureau counts more than 800 members within Yolo County, and it represents the
11 interests of its members, their families, and many more who are engaged in agricultural businesses and
12 occupations in the County. The Farm Bureau and its members are adversely affected by the County's
13 failure to comply with the law when adopting the CLUO. The Farm Bureau and its members objected to
14 approval of the CLUO and provided written and oral comments on the CLUO EIR.

15 8. Petitioner VOICES FOR RESPONSIBLE LEADERSHIP is an unincorporated
16 community group whose members advocate for sound land use, environmental, and community
17 development policies in Yolo County. VRL's members reside in Yolo County, including in rural areas
18 of the County which would bear the brunt of the CLUO's environmental impacts. VRL and its members
19 are adversely affected by the County's failure to comply with the law when adopting the CLUO. VRL
20 and its members objected to approval of the CLUO and provided timely comments on the CLUO EIR.

21 9. Respondent COUNTY OF YOLO is a political subdivision of the State of California.
22 The CLUO is memorialized in the County's ordinances and General Plan. The CLUO EIR and other
23 notices and public documents issued in connection with the EIR identify "County of Yolo" as the lead
24 agency responsible for preparing the EIR and determining the EIR's contents.

25 10. Respondent YOLO COUNTY BOARD OF SUPERVISORS exercises both legislative
26 and executive functions of government, including responsibility for promulgation of County ordinances
27 and amendments to the County General Plan. The Board of Supervisors approved the CLUO.
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12. Respondents, and each of them, have authority to respond to any order of this Court regarding the CLUO, the CLUO EIR, or the County's obligations to consult with tribal governments.

13. Petitioners do not know the true names and capacities, whether individual, corporate, associate or otherwise, of DOE 1 through DOE 50, inclusive, and therefore sues said parties under fictitious names. Petitioner will amend this Petition to show their true names and capacities when the same have been ascertained. Each of these parties is a subdivision or agent of the County and performed acts on which this action is based within the scope of its, his, or her relationship to the County.

14. The County's Notice of Determination ("NOD") for the CLUO identifies no Real Party in Interest.

15. The CLUO directly and adversely affects the environmental and organizational interests of Petitioners and their members and citizens. Petitioners and their members have timely commented on the CLUO and the CLUO EIR.

16. Petitioners have performed all conditions precedent to filing this action and have exhausted any and all administrative remedies to the extent required by law.

17. Petitioners have complied with the requirements of Public Resources Code section 21167.5 by sending written notice of intent to commence this action to the Respondents. Copies of the written notice and proof of service are attached hereto as Exhibit A.

19. This Court has jurisdiction pursuant to Article VI, Section 10 of the California Constitution; Code of Civil Procedure sections 410.10, 526, 526a, and 1060; and Code of Civil Procedure section 1094.5 and Public Resources Code section 21168 or, in the alternative, Code of Civil Procedure section 1085 and Public Resources Code section 21168.5.

20. Venue in this Court is proper under California Code of Civil Procedure sections 392(a), 393(b), and 394(a) because the County of Yolo's actions impact Petitioners (and their members and citizens) within Yolo County and because the CLUO is being implemented within the County.

21. In 2016, the County enacted an “interim” program allowing cultivation of cannabis for medical purposes. The County declined to prepare a Negative Declaration or an EIR on the 2016 “interim” program on the ground that the program was intended to be temporary – a short-term initiative while the County prepared a more comprehensive regulatory scheme.

22. In 2017, the County expanded the “interim” program to authorize recreational cannabis cultivation. This time, the County declined to prepare a Negative Declaration or an EIR on the ground that the program was already in existence. But the County continued to assert that the “interim” program was only temporary. Further, the County represented that approvals issued pursuant to the “interim” program could be terminated at any time and for any reason, and that such approvals did not confer any long-term rights or entitlements. From 2017, and at all relevant times thereafter, (a) the County office from which cannabis approvals were issued contained a large sign warning that such approvals were subject to termination and should not be relied upon; and (b) County documents required

1 in connection with application for and issuance of cannabis approvals included language confirming that
2 such approvals could be cancelled and did not provide long-term rights or entitlements.

3 23. As expanded in 2017, the “interim” program did not include sufficient procedural or
4 substantive safeguards to protect against the environmental, human health, and public safety impacts of
5 cannabis land uses, particularly in rural areas such as the Capay Valley. Moreover, the County was
6 unable or unwilling to take enforcement actions necessary to prevent such impacts. Members of the
7 County Board of Supervisors have expressly acknowledged that the “interim” program, as expanded in
8 2017, created substantial environmental and public safety problems.

9 24. When Petitioners Yocha Dehe and the Farm Bureau informed the County of their
10 environmental, health, and public safety concerns about the “interim” program, each was told that the
11 County would address those concerns through the development of the CLUO. Petitioner Yocha Dehe
12 was specifically assured that all options for addressing cannabis land use impacts – including reducing
13 or altogether eliminating cultivation licenses – remained on the table.

14 25. In August of 2018, the County issued a Notice of Preparation (“NOP”) notifying the
15 public of the CLUO and stating an intent to prepare the CLUO EIR. Among other things, the NOP
16 described five alternatives that would be addressed in the CLUO EIR. Contrary to the County’s prior
17 representations to Petitioners Yocha Dehe and the Farm Bureau, none of the five alternatives identified
18 in the NOP reduced or eliminated cannabis cultivation licenses.

19 26. In September of 2019, staff for Petitioner Yocha Dehe met with County staff to discuss
20 the scope of the forthcoming CLUO Draft EIR. At the meeting, Yocha Dehe staff asked whether the
21 County planned to include in the Draft EIR any alternatives that would meaningfully reduce cannabis
22 cultivation. The County’s contract planner stated that the Draft EIR would not contain such an
23 alternative. Yocha Dehe staff then explained that cannabis authorizations under the County’s “interim”
24 program are temporary, (b) licensees have attested to their understanding of that fact, (c) the County had
25 authority to eliminate cannabis cultivation licenses for any reason or no reason at all, and therefore (d)
26 the scope of potentially reasonable alternatives should include alternatives that would reduce cannabis
27 land uses. The County’s contract planner agreed, but nonetheless maintained that no cannabis reduction
28

1 alternative would be included in the EIR. She then elaborated that such an alternative could be added to
2 the EIR later, as a political decision by the Yolo County Board of Supervisors, and, further, that any
3 Board decision bearing on the County's CEQA analysis could be addressed by recirculating the EIR.

4 27. In October of 2019, the County released for public review and comment the CLUO Draft
5 EIR. The Draft EIR addressed five alternatives in detail, none of which involved any reduction of
6 cannabis land uses. The Draft EIR asserted that the final CLUO might combine elements of more than
7 one alternative, but the document did not specifically identify or evaluate the environmental impacts of
8 any such alternative. The Draft EIR admitted that overconcentration of cannabis land uses significantly
9 impacts the environment, but the document did not identify a specific overconcentration definition or
10 threshold; instead, the Draft EIR characterized overconcentration as a political determination. The Draft
11 EIR assumed an environmental baseline of 78 cannabis cultivation sites; at the time of the document's
12 release, there were not 78 active cannabis cultivation operations in Yolo County. The Draft EIR stated
13 that consultations with Petitioner Yocha Dehe were "ongoing"; at the time there were no ongoing
14 government-to-government consultations between the County and the Tribe.

15 28. In September of 2020, the County released the CLUO Final EIR. The County did not
16 certify the EIR at that time. Like the Draft EIR, the Final EIR addressed five alternatives in detail, none
17 of which involved any reduction of cannabis land uses. Like the Draft EIR, the Final EIR asserted that
18 the CLUO might combine elements of more than one alternative but did not specifically identify or
19 evaluate the environmental impacts of any such alternative. Like the Draft EIR, the Final EIR admitted
20 that overconcentration of cannabis land uses significantly impacts the environment but did not identify a
21 specific overconcentration definition or threshold. Like the Draft EIR, the Final EIR assumed an
22 environmental baseline of 78 cannabis cultivation sites; at the time of the Final EIR's release, there were
23 not 78 active cannabis cultivation operations in Yolo County.

24 29. In September, November, and December of 2020, the Yolo County Planning
25 Commission held "workshops" and other proceedings on the CLUO. During one such proceeding, a
26 Commissioner asked whether the County had addressed Yocha Dehe's concerns regarding the CLUO;
27 the County's contract planner responded, falsely, that all of Yocha Dehe's concerns had been addressed.
28

1 Yolo County's Citizen Advisory Committees ("CACs") were another topic addressed during the
2 Planning Commission proceedings; on that topic, County staff misleadingly represented to the Planning
3 Commission that Yolo County CACs generally favored the CLUO.

4 30. Concerned about County staff's misrepresentation of CAC positions and other
5 community concerns, on February 26, 2021 Yocha Dehe organized and hosted a public forum at which
6 residents, law enforcement, farmers, and policymakers could speak frankly and directly to each other
7 about cannabis land use issues. One Yolo County Supervisor, two Supervisorial deputies, the Yolo
8 County Sheriff, and numerous members of the community attended the form. Among other things,
9 attendees noted that community members are often intimidated by cannabis growers – many of whom
10 are armed and extremely aggressive – and therefore unwilling to report problems for fear of retribution.
11 This fear was compounded by concerns that the County's cannabis "task force" is captive to the
12 industry; residents reported being "ratted out" by County employees after lodging complaints, and some
13 members of the task force refer to the cannabis cultivators they are supposed to regulate as "clients." As
14 a result, cannabis land use conflicts are significantly under-reported.

15 31. In February of 2021, the Yolo County Supervisor elected to represent District 5 proposed
16 to Petitioner Yocha Dehe an alternative designed to address significant environmental and public safety
17 impacts of cannabis cultivation. In brief, the Supervisor's alternative called for (a) a complete and
18 permanent ban on cannabis cultivation in the Capay Valley coupled with (b) a Tribe-funded buyout (or
19 "soft landing") for cannabis cultivators forced to relocate as a result. At the Supervisor's suggestion, the
20 Tribe formally proposed the "soft landing" alternative to the County. The County neither added the
21 alternative to the EIR nor determined it infeasible.

22 32. On May 13, 2021, the County's map of active cannabis cultivation sites identified 39
23 such sites, countywide.

24 33. In a series of proceedings conducted through the summer of 2021, the Yolo County
25 Board of Supervisors voted on the scope and contents of the final CLUO, including the range of
26 cannabis land uses that would be allowed, the locations where cannabis would be allowed, the number
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1 of cannabis permits that would be allowed, and the buffers between land uses, among other things.
2 These votes were held prior to the certification of the EIR.

3 34. On July 27, 2021, during one of the aforementioned Board of Supervisors proceedings,
4 County staff improperly invited reconsideration of the overconcentration threshold established by the
5 Board as a result of an earlier vote. County staff made the invitation on the ground that modification
6 was needed to avoid forcing cannabis cultivators to relocate. No environmental analysis was conducted
7 on either overconcentration threshold.

8 35. On September 14, 2021, the Board of Supervisors approved the final CLUO, certified
9 the CLUO EIR, and adopted a statement of overriding considerations and other findings. The materials
10 presented to the Board on September 14 described the votes taken during the summer of 2021 as
11 “decisions regarding the scope and magnitude of cannabis activities” that would be “in the final CLUO.”
12 The Staff Report for the Board’s September 14 meeting states that County staff had “already started
13 working on the regulatory transition process including specific administrative procedures” to implement
14 the final CLUO.

15 **FIRST CAUSE OF ACTION**
16 **(Violation of SB 18, Gov. Code § 65352.3, et seq.)**
17 ***Brought by Yocha Dehe Against All Respondents***

18 36. Paragraphs 1 through 35, inclusive, are realleged and incorporated by reference as if
19 specifically set forth herein.

20 37. SB 18 requires cities and counties to meaningfully consult with Native American tribes
21 impacted by amendments to the city or county’s general plan on a government-to-government basis. *See*
22 Gov. Code § 65352.3.

23 38. The CLUO was inconsistent with the County’s general plan and required a general plan
24 amendment. In approving the CLUO, the County purported to amend its general plan.

25 39. The Tribe reminded the County of the County’s SB 18 obligations on multiple occasions,
26 including in its December 11, 2019, comments on the Draft EIR.
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SECOND CAUSE OF ACTION
(Violation of CEQA, Pub. Res. Code § 21000, *et seq.*)

Brought by All Petitioners Against All Respondents

41. Petitioners re-allege and incorporate by reference paragraphs 1 through 40, inclusive, as if specifically set forth herein.

42. CEQA mandates that an EIR contain an accurate, stable, and finite project description. An EIR is inadequate when it sends unclear or conflicting signals to the public or to decision-makers about the nature of the project, or when it fails to clearly articulate the lead agency's proposed course of action. Rather than identifying a specific project proposal, the CLUO EIR vaguely and impermissibly referred to a range of conceptual scenarios. Further, the EIR indicated that the final CLUO could mix elements from various alternatives – albeit without explaining just what might be included in that mix. As a result, the County presented the interested public with a moving target that lacked clarity on critical components of the CLUO. Indeed, the version of the CLUO ultimately adopted by the County was not among the alternatives presented in the EIR. Due to the County's failure to provide an accurate, stable, and finite project description, interested parties – including, but not limited to, Petitioners and their members and citizens – were left unclear about what, exactly, was proposed and how it might impact the environment.

43. An EIR that uses an inaccurate baseline is deficient as an informational document and inadequate as a matter of law. The CLUO EIR assumed an environmental baseline of 78 cannabis cultivation sites, based on the total number of licenses contemplated under its interim program. The County has never had 78 active, licensed cannabis cultivation sites at any one time. Furthermore, licenses issued through the interim program were temporary, conveyed no long-term rights, and were never subject to environmental review in a Negative Declaration or EIR. Moreover, eligibility for a

1 license is not the same as actual cultivation. Therefore, the CLUO EIR used an inaccurate baseline that
2 underestimates environmental impacts.

3 44. CEQA requires that an EIR thoroughly and properly analyze the direct, indirect, and
4 cumulative impacts of a proposed project. Here, the EIR's analysis of the CLUO's environmental
5 impacts is woefully inadequate. Among other things, the EIR fails to properly address, analyze, and
6 mitigate each of the following:

- 7 a. The County intends to increase cannabis activity over time, including through amendment of
8 the CLUO. This anticipated future expansion is not addressed in the EIR, as CEQA
9 requires.
- 10 b. The CLUO doubles the amount of cannabis canopy permitted at cultivation sites. This
11 change was made after the close of the EIR process and is nowhere evaluated in the EIR.
- 12 c. The County's environmental analysis and findings assume the CLUO will eliminate illegal
13 cannabis cultivation. But the evidence shows the opposite: illegal grows use "permitted"
14 operations to hide in plain sight. The EIR does not properly account for the significant
15 impacts of illegal cultivation.
- 16 d. The EIR admits that overconcentration of cannabis cultivation is a significant environmental
17 problem, but it fails to identify a specific threshold of significance. There is no
18 environmental information or analysis supporting the over-concentration "threshold" in the
19 final CLUO, and the County has admitted the "threshold" was a political determination.
- 20 e. The EIR fails to address the likely relocation of cannabis land uses to the communities of
21 Esparto and Madison.
- 22 f. The EIR does not properly address the significant incompatibility between cannabis
23 cultivation and the traditional agricultural crops which, for more than a century, have formed
24 the backbone of Yolo County's economy (including both conventional and organic
25 agriculture). This incompatibility creates the potential for a significant loss of traditional
26 agricultural land uses, including those subject to Williamson Act contracts, contrary to state
27 law and County policy and planning documents.
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- g. The EIR fails to address the significant fire risk associated with cannabis land uses – a major oversight given recent examples of cannabis-caused fires in rural areas of the County, the limited firefighting resources of those same areas, and the changing fire risks associated with climate change.
- h. The EIR does not properly account for the CLUO’s potentially significant impacts on water supply. Although the EIR suggests, in a general way, that cannabis does not use as much water as some other crops, there is no evidence that new cannabis cultivation in Yolo County will replace more water-intensive land uses and generalized comparisons of average water use do not account for localized cultivation clusters which are likely to occur in groundwater-dependent communities like Esparto.
- i. The EIR underestimates cannabis odor impacts on sensitive receptors by employing inaccurate and unsupported assumptions that fail to properly account for odor levels, minimum wind speeds, local terrain, time lag between reporting and inspection, and the sensitivity of human receptors, among other things.
- j. The EIR does not properly address greenhouse gas emissions and climate change, including (among other things) the CLUO’s incompatibility with the carbon neutrality target set forth in County Resolution 20-114.
- k. The EIR fails to address the CLUO’s significant law enforcement impacts, particularly in rural areas of the County.
- l. The EIR does not address the CLUO’s fundamental inconsistency with the Esparto Community Plan. The Plan emphasizes agricultural development based on food crops, food culture and food-based agricultural tourism, and expressly acknowledges Esparto’s status as

the “Gateway to the Capay Valley.” The EIR fails to confront these core elements of the Plan, and it arbitrarily and capriciously treats Esparto as distinct from the Capay Valley.¹

m. The EIR recognizes that cannabis land uses may have significant aesthetic impacts, particularly in rural areas like the Capay Valley. The document proposes that this issue could be addressed with screening. But the EIR does not address the impact of extensive screening on the open, agricultural vistas that currently characterize the Capay Valley’s scenic environment.

n. The EIR fails to properly address the cumulative impact of the CLUO together with other reasonably foreseeable past, present, and reasonably foreseeable future actions.

45. CEQA requires agencies to consider and impose feasible alternatives and mitigation measures to avoid or reduce significant environmental impacts. Where commenters have proposed alternatives or mitigation measures, the burden is on the lead agency to explain why those measures and alternatives are not potentially feasible. Petitioners identified multiple alternatives and mitigation measures that could help avoid or reduce significant environmental impacts, but Respondents neither determined them infeasible nor included them in the EIR or the CLUO. Furthermore, Respondents improperly analyzed other alternatives, including indoor cultivation alternatives, that were referenced in the EIR; indeed, the Chairman of the Board of Supervisors expressed concern that indoor cultivation options had received little focus. Moreover, purported “mitigation” measures that were adopted by the County are illusory and deficient as a matter of law.

46. A project for which an EIR is prepared cannot be approved until the EIR is properly certified. Cal. Pub. Res. Code § 21151(a). In this context, “approval” includes any action “which gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation.” CEQA Guidelines § 15004(b)(2)(B). Ignoring that bedrock requirement, the County impermissibly

¹ In negotiating Intergovernmental Agreements with Yocha Dehe, the County has always defined the Capay Valley to include all land west of I-505, and pursuant to those Agreements the Tribe funds a variety of Capay Valley services in and around Esparto and Madison. The EIR’s failure to address impacts in this area is particularly troubling given the County’s own refusal to invest in appropriate community development and infrastructure.

1 foreclosed available mitigation and alternatives through a series of votes held by the Board of
2 Supervisors several months prior to certification of the EIR. By the County’s own admission, these
3 votes were “decisions regarding the scope and magnitude of cannabis activities,” including the range of
4 cannabis land uses allowed, the locations where cannabis would be allowed, the number of cannabis
5 permits that would be available, buffers between land uses, and over-concentration thresholds. These
6 decisions were made without a certified EIR and without reference to any CEQA analysis. Indeed, the
7 Staff Report for the Board’s September 14, 2021, meeting (at which certification was to be
8 “considered”) stated that “Staff has already started working on” implementation of the CLUO. Thus,
9 the County prematurely and improperly committed itself to the CLUO.

10 47. Introduction of significant new information requires revision and recirculation of an EIR.
11 The final version of the CLUO was never evaluated in the Draft EIR or Final EIR, and it contains
12 extensive and significant new information – including, among other things, doubling the permissible
13 acreage of each cultivation site and a new significance threshold for overconcentration – not previously
14 evaluated or provided to the public. Furthermore, new and considerably different alternatives and
15 mitigation measures were made available to the County, as was new information regarding community
16 impacts. By failing to address significant new information in a recirculated EIR, the County deprived
17 the public of a meaningful opportunity to comment on substantial adverse environmental effects, as well
18 as feasible mitigation and alternatives that could help address those effects, all in violation of CEQA.

19 48. The County failed to make accurate findings, supported by substantial evidence, that the
20 EIR was completed in compliance with CEQA and that overriding considerations made infeasible
21 mitigation measures or alternatives that would lessen significant environmental effects identified in the
22 EIR as required by CEQA Guidelines sections 15090 and 15091.

23 49. The EIR, the County’s certification of the EIR, and the findings in support thereof are
24 legally defective and the County committed a prejudicial abuse of discretion and failed to proceed in a
25 manner required by law.
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THIRD CAUSE OF ACTION
(Declaratory Relief, Cal. Code Civ. Proc. § 1060)
Brought by All Petitioners Against All Respondents

50. Petitioners re-allege and incorporate by reference paragraphs 1 through 49, inclusive, as if specifically set forth herein.

51. An actual controversy exists between Petitioners and the Respondents.

52. Petitioners are entitled to a legal declaration of their rights and the Respondents' obligations under applicable law as alleged in this Petition.

53. Petitioners are beneficially interested in having the County comply with all applicable provisions of law and their legal duties, as set forth herein.

PRAYER FOR RELIEF

Wherefore, Petitioners and pray for relief as follows:

1. For alternative and peremptory writs of mandate commanding:
 - a. The County to vacate and set aside approvals purporting to authorize the CLUO;
 - b. The County to vacate and set aside any certification or other approval of the EIR;
 - c. The County to withdraw its NOD for the CLUO;
 - d. The County to promptly comply with all applicable law, including, without limitation, SB 18 and CEQA, before taking any further action to implement or advance the CLUO.
2. For a stay, restraining order, and preliminary and permanent injunction restraining any and all Respondents from taking any action in furtherance of:
 - a. Issuance of cannabis permits or licenses pursuant to the CLUO;
 - b. Other actions in furtherance of implementing the CLUO.
3. For a declaration that Respondents' actions purporting to approve the CLUO and the EIR are invalid and of no force or effect.
4. For an award to Petitioners of costs associated with this action.

5. For an award to Petitioners of their reasonable attorneys' fees.
6. For such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

DATED: October 14, 2021

KAPLAN KIRSCH & ROCKWELL LLP

By: 

MATTHEW G. ADAMS
WILLIAM C. MUMBY
Attorneys for Petitioners
YOCHA DEHE WINTUN NATION
and VOICES FOR RESPONSIBLE
LEADERSHIP

DATED: October 14, 2021

LAW OFFICES OF DONALD B. MOONEY

By: _____

DONALD B. MOONEY
Attorneys for Petitioner
SIERRA CLUB

DATED: October 14, 2021

CALIFORNIA FARM BUREAU FEDERATION
LEGAL SERVICES

By: _____

CHRISTIAN SCHEURING
Attorneys for Petitioner
YOLO COUNTY FARM BUREAU

5. For an award to Petitioners of their reasonable attorneys' fees.
6. For such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

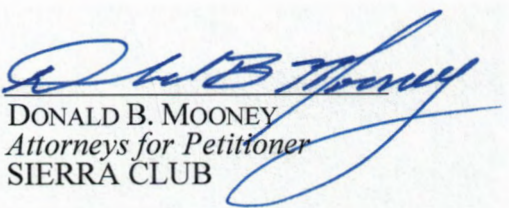
DATED: October 14, 2021

KAPLAN KIRSCH & ROCKWELL LLP

By: _____
MATTHEW G. ADAMS
WILLIAM C. MUMBY
Attorneys for Petitioners
Yocha Dehe Wintun Nation
and VOICES FOR RESPONSIBLE
LEADERSHIP

DATED: October 14, 2021

LAW OFFICES OF DONALD B. MOONEY

By: 
DONALD B. MOONEY
Attorneys for Petitioner
SIERRA CLUB

DATED: October 14, 2021

CALIFORNIA FARM BUREAU FEDERATION
LEGAL SERVICES

By: _____
CHRISTIAN SCHEURING
Attorneys for Petitioner
YOLO COUNTY FARM BUREAU

5. For an award to Petitioners of their reasonable attorneys' fees.
6. For such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

DATED: October 14, 2021

KAPLAN KIRSCH & ROCKWELL LLP

By: _____
MATTHEW G. ADAMS
WILLIAM C. MUMBY
Attorneys for Petitioners
YOCHA DEHE WINTUN NATION
and VOICES FOR RESPONSIBLE
LEADERSHIP

DATED: October 14, 2021

LAW OFFICES OF DONALD B. MOONEY

By: _____
DONALD B. MOONEY
Attorneys for Petitioner
SIERRA CLUB

DATED: October 14, 2021

CALIFORNIA FARM BUREAU FEDERATION

By:  _____
CHRISTIAN SCHEURING
Attorneys for Petitioner
YOLO COUNTY FARM BUREAU

VERIFICATION

I am the attorney for Petitioner the Yocha Dehe Wintun Nation. Yocha Dehe is located outside the County of San Francisco, State of California, where I have my office. For that reason, I make this verification for and on Yocha Dehe's behalf pursuant to California Code of Civil Procedure section 446. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and I know its contents. The matters stated in it are true and correct based on my knowledge, except as to the matters that are stated therein on information and belief and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of October, 2021, at San Francisco, California.



Matthew G. Adams

VERIFICATION

I am the attorney for Petitioner Voices for Responsible Leadership (“VRL”). VRL is located outside the County of San Francisco, State of California, where I have my office. For that reason, I make this verification for and on VRL’s behalf pursuant to California Code of Civil Procedure section 446. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and I know its contents. The matters stated in it are true and correct based on my knowledge, except as to the matters that are stated therein on information and belief and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of October, 2021, at San Francisco, California.



Matthew G. Adams

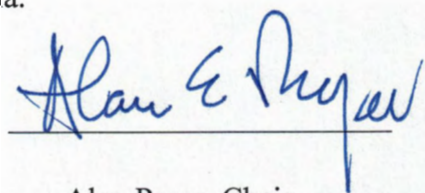
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VERIFICATION

I, Alan Pryor, am the Chair of the Sierra Club Yolano Group, I am authorized to make this verification for and on behalf of Petitioner Sierra Club, and I make this verification for that reason. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and know its contents. I am informed and believe, and on that ground allege, that the matters stated in the Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief are true.

I declare under penalty of perjury that the above is true and correct.

Executed this 14th day of October, 2021, at Davis, California.



Alan Pryor, Chair
Sierra Club, Yolano Group

VERIFICATION

I, Nancy Lea, am a member of the Board of Directors of the Yolo County Farm Bureau (“Farm Bureau”), I am authorized to make this verification for and on behalf of Petitioner Farm Bureau, and I make this verification for that reason. I have read the foregoing Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief and know its contents. I am informed and believe, and on that ground allege, that the matters stated in the Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief are true.

I declare under penalty of perjury that the above is true and correct.

Executed this 14th day of October, 2021, at Woodland, California.

A handwritten signature in black ink, appearing to read 'Nancy Lea', is written over a horizontal line.

Nancy Lea, Board Member
Yolo County Farm Bureau

EXHIBIT A

October 13, 2021

Clerk of the Board
County of Yolo
625 Court Street, Room 204
Woodland, CA 95695
clerkoftheboard@yolocounty.org

Re: Notice of Commencement of Action Under the California Environmental Quality Act

Dear Sir or Madam:

Please take notice, pursuant to Public Resources Code Section 21167.5, that the Yocha Dehe Wintun Nation, the Sierra Club, the Yolo County Farm Bureau, and Voices for Responsible Leadership intend to commence an action against the County of Yolo, the Yolo County Board of Supervisors, and the Yolo County Community Services Department, for writ of mandate to set aside the decisions to approve the County's cannabis land use ordinance ("CLUO"), certify the final environmental impact report ("EIR") for the CLUO, and take related actions.

The action is based on the failure of the County and the County's Board of Supervisors to comply with California Environmental Quality Act ("CEQA") and Senate Bill 18. It will allege that the County failed to follow the required procedures and requirements, including by preparing a legally deficient EIR and by failing to meaningfully consult, on a government-to-government basis, with the Yocha Dehe Wintun Nation.

Among other things, the action will seek to invalidate and set aside the CLUO and the CLUO EIR; to stay and enjoin any action to further implementation of the CLUO; and to secure a declaration that the CLUO and its approvals are of no force or effect.

If you need more information or have any questions, please do not hesitate to contact me.

Sincerely,



Matthew Adams

PROOF OF SERVICE

I am a citizen of the United States over the age of eighteen (18) years old; I am employed in the County of San Francisco, California; and I am not a party to this action. My business address is 595 Pacific Avenue, Fourth Floor, San Francisco, California 94133.

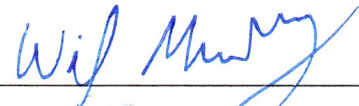
On October 13, 2021, I served a true and correct copies of:

(1) Petitioner's NOTICE OF COMMENCEMENT OF ACTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT in this action on each of the persons listed below by placing a true copy in the U.S. Mail in Oakland, California, and by emailing a copy to the address below.

Clerk of the Board
County of Yolo
625 Court Street, Room 204
Woodland, CA 95695
clerkoftheboard@yolocounty.org

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of October, 2021, at Oakland, California.


WILLIAM MUMBY