

ATTACHMENT D

FINDINGS

ZONE FILE #2022-0084

CONQUEST MARKETING GROUP

CANNABIS USE PERMIT

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2022-0084, the Yolo County Planning Commission finds the following:¹
(A summary of the evidence to support each FINDING is shown in italics)

I. Findings Related to the California Environmental Quality Act (CEQA) and CEQA Guidelines

The Planning Commission finds that the project is consistent with the Cannabis Land Use Ordinance Environmental Impact Report (CLUO EIR) (SCH #2018082055), certified by the Board of Supervisors on September 14, 2021 (Resolution 21-111) and that no further environmental review is needed pursuant to Sections 15168(c), 15162, and 15183 of the California Environmental Quality Act (CEQA) Guidelines based on the following:

Section 15168(c) Findings (Activity Within Scope of CLUO Program EIR)

- 1. The CLUO EIR is a program EIR pursuant to Section 15168 of the CEQA Guidelines.*
- 2. The proposed project is a later activity anticipated in the CLUO EIR and subject to the regulatory controls established through the CLUO.*
- 3. No subsequent EIR would be required under CEQA Guidelines Section 15162 (see Section 15162 Findings, below).*
- 4. Applicable mitigation measures from the CLUO EIR have been integrated into the proposed project and/or imposed on the proposed project.*
- 5. The proposed project is within the scope of the project described in the CLUO EIR, the CLUO EIR adequately describes the activity for purposes of CEQA, and the environmental effects of the proposed project were analyzed within the scope of the CLUO EIR.*

Section 15162 Findings (No Subsequent EIR Required)

- 1. There are no components of the proposed project that will result in new significant impacts or a substantial increase in the severity of previously identified significant impacts that would require substantial revisions to the CLUO EIR.*
- 2. There are no changes to the circumstances under which the proposed project will be undertaken that would require revisions to the CLUO EIR due to new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts.*
- 3. There is no new important information relevant to the proposed project that was not previously known or reasonably could have been known at the time the CLUO EIR was certified that identifies significant impacts not discussed in the CLUO, substantial increases in the severity of previously identified significant impacts, previously infeasible mitigation measures or alternatives that are now*

¹ The findings generally applicable to the granting of a Use Permit under the Yolo County Code do not apply to Cannabis Use Permits, which are subject only to the findings set forth below (Cannabis Land Use Ordinance, Section 8-2.1406(L)).

feasible, that the project proponents decline to adopt, or considerably different and more effective mitigation measures or alternatives that the project proponents decline to adopt.

Section 15183 Findings (Streamlined Environmental Review due to Consistency with Zoning)

- 1. The zoning of the project site accommodates the density/intensity of the cannabis land uses allowed under the CLUO which is a zoning regulation comprehensively and cumulatively analyzed in the certified CLUO EIR.*
- 2. The CLUO is a uniformly applied development standard of the County (Ordinance 1541, Section 1, adopted September 14, 2021, as amended) adopted based on substantial evidence in the record that the CLUO will substantially mitigate environmental effects when applied to future projects.*
- 3. The proposed project has been analyzed for consistency with all requirements of the CLUO and found to be fully compliant, with implementation of identified conditions of approval.*
- 4. The proposed project will not result in environmental effects which are peculiar to the project or the parcel on which it will be located.*
- 5. The proposed project will not result in significant environmental effects that were not analyzed in the CLUO EIR.*
- 6. The proposed project will not result in potentially significant off-site impacts or cumulative impacts which were not addressed in the CLUO EIR.*
- 7. There is no substantial new information which was not known at the time the CLUO EIR was certified demonstrating that effects of the proposed project will be more severe than discussed in the CLUO EIR.*
- 8. Based on the CLUO Program EIR Checklist / Project Initial Study, no additional environmental review is required because the impacts of the project are not peculiar to the parcel or to the project, have been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards.*

II. Findings Related to the Cannabis Land Use Ordinance

The Planning Commission finds that the proposed project is consistent with the Cannabis Land Use Ordinance (CLUO) based on the following:

1. The requested use is a conditionally allowed use in the applicable zone designation.

The requested use is a Cannabis Use Permit to allow issuance of a cannabis cultivation license for up to two acres of canopy and the issuance of a self-distribution license (non-allocated license type). The subject property is zoned Agricultural Intensive (A-N). Pursuant to Article 3, of Chapter 2, of Title 8 of the Yolo County Code, cannabis cultivation is permitted in the A-N zone upon issuance of a use permit. Cannabis cultivation includes activities involving the planting, growing, harvesting, drying, curing, grading, storing, and trimming of cannabis grown onsite.

2. The requested use is consistent with the general plan, and area or specific plan if applicable.

The requested use is consistent with the Yolo County General Plan. Cannabis cultivation is included in the Agriculture (AG) land use designation (Policy LU-1.1, and Table LU-4).

3. The proposed use complies with each of the applicable provisions of the Cannabis Land Use Ordinance and other applicable sections of the County Zoning Regulations.

The project has undergone a thorough review against the applicable provisions of the Cannabis Land Use Ordinance (CLUO) and Article 3 (Agricultural Zones) of Chapter 2 of Title 8 of the Yolo County Code. The project, as conditioned, is determined to be in compliance with the Cannabis Land Use Ordinance and zoning requirements applicable in the Agricultural Zones. The applicable provisions of the Cannabis Land Use Ordinance are included as conditions of approval. The operator is required to submit an annual report on July 1 of each year starting the first July in the year after permit issuance documenting compliance with the Cannabis Use Permit requirements.

4. The proposed use, together with the applicable conditions, will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.

Cannabis cultivation and associated uses, such as onsite processing and self-distribution, are permitted in agricultural zones with a use permit. The operator has been cultivating cannabis on an intermittent basis under validly issued county and state licenses since 2017. The project site is located in an agriculturally zoned area and is surrounded by land in agricultural production in all directions. The outdoor cultivation area is fenced and screened from public view along County Road 24. The operator has prepared a security plan and will implement measures to secure the property, such as security cameras, motion detectors, alarms, security guards (when necessary), and administrative controls. The operator is also required to provide property owners within 1,000 feet of the property line with an operable method of communication with a local or on-site responsible party having prompt access to the site, operations, and activities. This requirement facilitates communication between neighbors related to conditions at the site and operation of the activity.

The operator submitted an odor control plan that describes the odor emitting activities and the administrative and passive controls to reduce and control odors to the greatest extent possible. The processing building, to be constructed in Phase 1, and the greenhouses, to be constructed in Phase 2, will be equipped with recirculating type carbon filters to filter air prior to venting. If odor nuisances are verified pursuant to the enforcement procedure set forth in the CLUO, the operator may employ additional active controls, such as odor neutralizers for the outdoor canopy, as well as passive controls such as additional vegetation barriers or different plant strains.

The project, as conditioned, will therefore not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare.

- 4.a. The population in the area has been taken into consideration.

The project site is not located within a densely populated area. The site is surrounded by large agricultural parcels that are in active agricultural production (olive orchard to the west- 131 acres, alfalfa to the north- 119 acres, almonds to the east-183 acres, and cattle grazing to the south- 698 acres). There are ten residences on agriculturally zoned parcels within 0.75-mile of the project site. Five of the residences are located on smaller parcels (under ten acres) and five residences are located on parcels ranging from 21 acres to 698 acres. The nearest population center is the town of Madison, which is located approximately 3.25 miles northwest of the project site, and the Wild Wings community is 1.5 miles northeast of the project site. According to 2020 Census data, the total population within the 95695 Zip Code, which includes Monument Hills, Wild Wings, and the western portion of the City of Woodland, is 40,479 persons (14,578 households). Pursuant to the CLUO, the Conquest Marketing Group operation is not located within an over-concentrated area.

4.b. The crime rate in the area has been taken into consideration.

Staff reviewed two years of crime rates and statistics provided by the Yolo County Sheriff's Office for the Woodland area. There is nothing to suggest that existing cannabis cultivation activities at the Conquest Marketing Group operation caused an increase in crime in the Woodland area. Further, the Yolo County Sheriff's Office provided anecdotal information that their office is not aware of any major crimes occurring on licensed cannabis cultivation sites throughout the county.

4.c. The record of nuisance abatement in area has been taken into consideration.

There have been no nuisance complaints reported to the County's Cannabis Unit regarding the Conquest Marketing Group cannabis operation within the past two years. The area surrounding the project site is not known to have an unusual amount of reported nuisance complaints.

4.d. Community character has been taken into consideration.

The community character of the area is typical of the rural, working agricultural landscape found throughout the unincorporated county. Cannabis cultivation and associated uses are considered agricultural land uses in the General Plan and allowed with a use permit in the A-N zone. The project, as conditioned, requires the permittee to maintain, manage, and operate the site, all improvements and alterations, and all structures, in good repair, acceptable in appearance, and in a reasonable safe condition. Measures are in place to protect the rural night sky by shrouding greenhouse structures and requiring exterior lighting to be full cut-off, shielded, and downward facing.

4.e. Community support has been taken into consideration.

A Courtesy Notice was mailed to property owners within 1,000 feet of the property boundary of the subject parcel on April 3, 2023. Additionally, the Courtesy Notice was emailed to the interested parties list maintained by the Planning Division. The project site is located at the easternmost boundary of the Madison Advisory Committee comment area; however, the Madison Advisory Committee is not an active committee due to lack of membership. The Courtesy Notice was sent to the two committee members on record. No public comments were received throughout the application review process.

5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided, as required in applicable County and State regulations, standards, and specifications.

The project is served by PG&E and is conditioned to achieve Valley Clean Energy ultra-green or equivalent standard (100 percent renewable and 100 percent carbon-free). Access to the property is from County Road 24 via a paved driveway approach. Should the operator decide to install a new driveway approach on the eastern portion of the property, the operator shall acquire the necessary permits from the Public Works Division. The homesite is served by an on-site wastewater treatment system (septic system) as approved and regulated by the Environmental Health Division. New onsite wastewater treatment system (septic system) will be required for new structures requiring wastewater services (i.e., processing building). Site drainage is reviewed during the building permit process. The project, as conditioned, provides adequate utilities, access roads, drainage, sanitation, and other necessary facilities as required in applicable county and state regulations, standards, and specifications.

6. The number of cannabis operations in the area has been taken into consideration.

Conquest Marketing Group is considered an 'Existing Licensee' and the operation is located outside of the Capay Valley, an area identified in the CLUO EIR as overconcentrated. Therefore,

the project site is not located in an area considered to be over-concentrated. As of the date of this public hearing, no cannabis use permits have been issued.

For this Finding, the 'area' is considered three linear miles measured from the extent of the Conquest Marketing Group property line. There are no existing/licensed cannabis operations within three linear miles of the project site. The nearest licensed cannabis operation is approximately four miles northeast of the project site.

7. The proximity of cannabis operations to each other, and/or to other identified sensitive land uses has been taken into consideration.

As stated in Finding 6, above, there are no existing/licensed cannabis operations within three linear miles of the project site. There are ten agricultural homesites within 0.75-mile of the Conquest Marketing Group property boundary. The nearest agricultural homesite is approximately 0.5-mile north of the property boundary.

The Conquest Marketing Group property boundary is approximately 3.25 miles southwest of the community of Madison and approximately one mile west of the Monument Hills area.

8. The proximity to adjoining/nearby land uses has been taken into consideration.

The existing cultivation area is located in the northwest portion of the property. The surrounding land uses in all directions are zoned A-N and are in agricultural production, with an olive orchard to the west, alfalfa to the north, almonds to the east, and cattle grazing to the south. South Fork Willow Slough transects the northern border of the property. The project site is relatively flat and has been previously graded for farming purposes. The project complies with the CLUO buffer requirements from sensitive land uses (i.e., 600 feet from outdoor cannabis uses to off-site rural residences).

9. The compliance history of the applicant and/or operator has been taken into consideration.

Conquest Marketing Group first received a cultivation license in 2017 and has cultivated cannabis intermittently since (i.e., the operator did not cultivate cannabis every year). The operator has not received a Notice of Violation. No complaints about this operation have been lodged with the Cannabis Unit within the past two years. Conquest Marketing Group and the property owner are up to date on license application fee payments, property tax payments, and cannabis tax payments.

10. Parcel size and proposed uses on the non-cannabis portion(s) of the parcel have been taken into consideration.

The subject parcel is ±12.5 acres and contains one residence in addition to cannabis cultivation. The parcel is triangular shaped, and the western and southern perimeter of the property visible from County Road 24 is fenced with a seven-foot tall wood fence painted in a shade of gray. The northern portion of the property (south of South Fork Willow Slough) is fenced with wire fence with green cloth. The majority of the site will be utilized for cannabis cultivation and residential uses. The property is not large enough to support non-cannabis agricultural production.

11. Subject matter input relevant to the specific location or proposed project from County department and division heads, and the Cannabis Unit have been taken into consideration. This shall include information and recommendations from the Agricultural Commissioner relevant to compatibility of proposed cannabis cultivation with adjoining non-cannabis crops.

Subject matter input from County department and division heads have been taken into consideration when analyzing the project. Project specific conditions of approval from the Public Works Division, Environmental Health Division, and Building Division have been incorporated into the project. Additionally, the Cannabis Unit has provided information about compliance history (see Finding #9).

The Agricultural Commissioner reviewed the project application materials and determined that the project does not create a potential for conflict with adjacent properties and their associated crops. Olives are grown to the west of the project site, alfalfa to the north, almonds to the east, and cattle grazing to the south. The outdoor cultivation area, which is existing and proposed for Phase 1 of the project, is setback approximately 150 feet from the alfalfa to the north and 1,200 feet from the almonds to the west. The olives to the west are approximately 90 feet from the outdoor cultivation area. The Agricultural Commissioner recommends that the operator consider a 100-foot buffer from the olives to the west to minimize the potential of pesticide drift from orchard spraying. Though not required, this recommendation has been added as a Condition of Approval. Upon completion of Phase 2 of the project, cultivation activities will be conducted within greenhouses and the potential for pesticide spray drift will be less of a potential concern.

12. Other cultural, social, equity, and environmental justice concerns deemed applicable by the County have been taken into consideration.

The operator has been cultivating cannabis intermittently under validly issued county and state licenses since 2017. The CLUO establishes the regulatory framework for permitting cannabis related uses in a transparent and equitable process. The use permit process allows for fairness, regardless of race, color, national origin or income, and the meaningful involvement of community in the decision-making process. The County has not deemed additional cultural, social, equity, and environmental justice concerns applicable, as this project is not located in an area considered to be over-concentrated nor has it been identified to be located in a disadvantaged community. The operator was provided an equitable opportunity to apply for a cannabis use permit pursuant to the CLUO, and the public was provided opportunities to comment on the project and participate in a public hearing at the November 2, 2023, Planning Commission meeting.

13. Site efficiency and use of the site to minimize fallowing of agricultural land has been taken into consideration.

The existing cultivation area is located in the northwest portion of the property. The project proposes the construction of a 2,400 sf processing building in Phase 1 and approximately 105,000 sf of greenhouses and several smaller ancillary buildings and structures in Phase 2. The buildout of Phase 2 will encompass approximately 2.49 acres including cultivation and ancillary areas. The remaining area on the property may be used for outdoor storage or equipment and materials as well as residential uses as part of the existing homesite. The property was previously farmed in non-cannabis crops prior to issuance of the cannabis cultivation license in 2017 since the conversion to cannabis cultivation, it is not large enough to support non-cannabis agricultural production. No new land will be fallowed as the result of approval of the project. The operator proposes to regularly survey the property, including field-edge vegetation, and remove and control weeds and invasive plants. The project is conditioned to require that the site is kept free of litter and clutter and to maintain all improvements and structures.