

ATTACHMENT D

FINDINGS

ZONE FILE #2022-0082 CALIFORNIA CLEAN CANNABIS CANNABIS USE PERMIT

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2022-0082, 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 (CLUO)

The Planning Commission finds that the proposed project is consistent with the 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 one-half acre 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 CLUO and other applicable sections of the County Zoning Regulations.

The project has undergone a thorough review against the applicable provisions of the 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 CLUO and zoning requirements applicable in the Agricultural Zones. The applicable provisions of the CLUO 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 project site is located in an agriculturally zoned area and is surrounded by agriculturally zoned land in all directions. The existing outdoor cultivation area is set back approximately 600 feet from the southern property line (this distance will increase after operator relocates the cultivation area to meet CLUO buffers from an off-site residence) and screened from public view along County Road 41 by mature vegetation and separated from the road by an adjacent parcel. The California Clean Cannabis operation has not received any formal complaints going back to 2019 (the Department of Community Services maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services). The operator has prepared a security plan and will implement measures to secure the property, such as security cameras, motion detectors, alarms, 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. 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 and carbon filtration systems for the processing building, as well as passive controls such as additional vegetation barriers, relocation of the outdoor grow area, 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 parcels ranging in size from 6 acres to 47 acres. There are 42 residences on agriculturally zoned parcels within 0.5-mile of the project site (residential address points on GIS). The nearest population center is the town of Esparto, which is located approximately 17 miles southeast of the project site. According to 2020 Census data, the total population within the 95679 Zip Code, which includes Rumsey and up to the Yolo County-Colusa County line, is 91 persons (64 households).

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 Capay Valley area. There is nothing to suggest that existing cannabis cultivation activities at the California Clean Cannabis operation caused a noticeable increase in crime in the Capay Valley 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 abatements in area has been taken into consideration.

There have been no nuisance complaints reported to the County's Cannabis Unit regarding the California Clean Cannabis operation dating back to 2019 (the Department of Community Services maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services). 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. Cannabis cultivation and ancillary activities are screened from public view and not visible from County Road 41. 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 28, 2023. Additionally, the Courtesy Notice was emailed to the interested parties list maintained by the Planning Division on April 28, 2023. The project site is located in the Capay Valley Citizens Advisory Committee (CVCAC) comment area. The project was discussed at the CVCAC Special Meeting on October 11, 2023. The CVCAC unanimously recommended approval of the use permit by a vote of 6-0. Prior to the vote to recommend approval, several members of the CVCAC commented that they consider California Clean Cannabis to be a good neighbor within the community. Staff received one letter from a Guinda resident expressing support for all Cannabis Use Permits within the Capay Valley, which includes California Clean Cannabis. No other 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 for electric power (100 percent renewable and 100 percent carbon-free). Access to the property is from County Road 41, a County maintained paved road. As required by the Public Works Division, the project is conditioned to install a paved driveway approach connecting the existing driveway to County Road 41. The homesite is served by an on-site wastewater treatment system (septic system) as approved and regulated by the Environmental

Health Division. A new onsite wastewater treatment system (septic system) may be required for a new permanent restroom if required by the Environmental Health Division. 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.

California Clean Cannabis is considered an 'Existing Licensee' and the operation is located within the Capay Valley, an area identified in the CLUO EIR as overconcentrated based on the number of issued licenses in the Capay Valley at the time the CLUO was adopted. At the time the CLUO EIR was circulated for public review in 2019, there were approximately 26 existing and/or eligible cultivation sites in the Capay Valley; however, at the time the CLUO was adopted in 2021, there were 13 issued cultivation licenses in the Capay Valley. The CLUO set a maximum limit of five Cannabis Use Permits in the Capay Valley. The County received a total of five Cannabis Use Permit applications from existing licensees in the Capay Valley, including California Clean Cannabis. Therefore, the project will not exacerbate overconcentration in the Capay Valley.

For this Finding, the 'number of cannabis operations in the area' is considered the entire Capay Valley, since there are special regulations/restrictions for operations in the Capay Valley. There are five existing (and active) licensees in the Capay Valley that have submitted a use permit application; the nearest licensed cannabis cultivation operation in the Capay Valley is approximately 1.3 miles south of the California Clean Cannabis property.

As of the date of this public hearing, two cannabis use permits have been issued (both use permits were outside of the Capay Valley).

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

California Clean Cannabis is the northernmost cannabis use permit application in the Capay Valley. The four other use permit applications are located approximately 1.3 miles, 3.7 miles, 5.2 miles, and 13.4 miles south, respectively. There are 42 agricultural homesites (residential address points on GIS) within 0.5-mile of the California Clean Cannabis property boundary. The nearest agricultural homesite is approximately 300 feet east of the California Clean Cannabis property boundary.

The California Clean Cannabis property boundary is approximately 1,000 feet northwest of the community of Rumsey.

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

The existing cultivation area is located towards the center of the ±26-acre parcel within a remnant walnut orchard. The cultivation area will be moved further north and/or east on the property to meet the 1,000-foot buffer requirement from an off-site residence on a neighboring parcel. Cache Creek transects the western portion of the property, flowing north to south. The surrounding land uses in all directions are zoned A-N and are in agricultural production and/or open grazing land. The parcel to the west, across Cache Creek, is farmed in organic row crops, the parcels to the south and east are fruit tree orchards, and the parcels to the north are grazing/pastureland. The project site where the cultivation area will be located is relatively flat and has been previously planted in walnuts, which are no longer in production. The project will comply with the CLUO buffer requirements from sensitive land uses (i.e., 1,000 feet from outdoor cannabis uses to off-

site rural residences) after the operator moves the existing cultivation area further north and/or west.

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

California Clean Cannabis first received a license to cultivate cannabis in 2018, but did not begin cultivation activities until 2021. California Clean Cannabis did not cultivate cannabis in license year 2022-2023, but resumed cultivation under a validly-issued license in 2023 (2023-2024 license year). The operator has not received a Notice of Violation. No complaints about this operation have been lodged with the Cannabis Unit per records maintained by the Department of Community Services (the Department of Community Services maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services). California Clean Cannabis 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 ±26 acres and contains two residences in addition to cannabis cultivation. The property owners, who are also the business operators, reside onsite. Approximately 10 acres are relatively flat, and the remaining 16 acres are a combination of steep slopes (north side) and Cache Creek and adjacent riparian areas (west side). The cultivation area will occupy approximately one-acre footprint within a five-acre remnant walnut orchard, which provides shade for the cannabis plants. The walnut orchard is approximately 60 years old and has not been farmed in approximately 20 years. The cultivation area will be moved further north and/or east on the property to meet the 1,000-foot buffer requirement from an off-site residence on a neighboring parcel.

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 and nearby properties and their associated crops. The surrounding land uses in all directions are zoned A-N and are in agricultural production and/or open grazing land. The parcel to the west, across Cache Creek, is farmed in organic row crops, the parcels to the south and east are fruit tree orchards, and the parcels to the north are grazing/pastureland. The outdoor cultivation area will be located towards the center of the parcel and will be set back several hundred feet from all adjacent agricultural uses.

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

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 a disadvantaged community and the project will not exacerbate over-concentration of cannabis use permits in the Capay Valley. The CLUO identifies the Capay Valley as an area of over-concentration based on the number of issued licenses in the Capay Valley at the time the CLUO was adopted and set a maximum limit of five Cannabis Use Permits in the Capay Valley. The County received a total of five Cannabis Use Permit applications from existing licensees in the Capay Valley, including California Clean Cannabis. 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 December 14, 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 immediately north of the ancillary processing building. However, the CLUO requires outdoor cannabis uses in the Capay Valley to be located a minimum of 1,000 feet from off-site sensitive land uses, with no exception allowances. There is a residence on an adjacent A-N zoned parcel located approximately 800 feet from the existing outdoor cannabis cultivation area. Therefore, the operator will be required to relocate the outdoor cannabis cultivation area further north and/or east on the property to meet the buffer requirements which will reduce the site efficiency, at no fault by the operator, by increasing the distance between the cultivation area and processing/storage areas. No new land will be fallowed as a result of approval of the project. The cultivation area is located within a 60+ year old remnant walnut orchard that has not been farmed in approximately 20 years. The old walnut trees provide shade for the cannabis plants. The operator/property owner proposes to regularly maintain the weeds and vegetation on the property by weed whacking, mowing, and tilling. The project is conditioned to require that the site is kept free of litter and clutter and to maintain all improvements and structures.