

ATTACHMENT D

FINDINGS ZONE FILE #2022-0075 CAPAY VALLEY ORGANICS CANNABIS USE PERMIT

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2022-0075, 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.*

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)).

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 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 nursery license to allow for the propagation of clones, immature plants, and seeds for commercial sale. The subject

property is zoned Agricultural Extensive (A-X). Pursuant to Article 3, of Chapter 2, of Title 8 of the Yolo County Code, cannabis cultivation and nursery uses are permitted in the A-X zone upon issuance of a use permit.

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 and nursery uses are 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 CLUO allows existing licensees to request buffer reductions and buffer exceptions if they cannot meet required buffer distances from cannabis uses to off-site CLUO sensitive land uses. Buffer reductions are reductions of up to ten percent of the required buffer distances from CLUO sensitive land uses, and buffer exceptions are reductions of more than ten percent of the required buffer distances from CLUO sensitive land uses. The required buffer for outdoor cannabis uses from off-site individual legal residences in agricultural zones is 600 feet. CVO is requesting a buffer reduction of approximately 8% to allow outdoor cannabis cultivation within ± 553 feet of a residence to the northwest of the existing outdoor cultivation area. CVO is also requesting a buffer exception of approximately 52% to allow outdoor cannabis cultivation within ± 290 of a residence to the northeast of the existing outdoor cultivation area. The two neighboring property owners that are affected by the reduced buffers from outdoor cultivation have provided statements that they do not object to the reduced buffer requests. Approval of the buffer reduction and buffer exception will not exacerbate or create new compatibility issues with surrounding agricultural crops or agricultural land uses.

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 regional nurseries, are permitted in agricultural zones with a use permit. The operator has been cultivating cannabis on an annual basis under validly issued county and state licenses since 2017. The project site is located in an agriculturally zoned area and is surrounded by agricultural land uses (orchards, small farms, cannabis operation, and agricultural homesites). The outdoor cultivation area is fenced and screened from public view along County Road 22A and County Road 23. The operator has prepared a security plan and will implement measures to secure the property, such as security cameras, alarms,

lighting, perimeter security, 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 active controls, such as carbon filters, odor neutralizers or scrubber systems, barriers (curtains/air breaks) at doorways, improved building ventilation, as well as passive controls such as additional vegetation barriers, relocation of outdoor canopies to mixed light greenhouses, utilization of different plant strains, and relocation of outdoor canopy areas.

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 agriculturally zoned parcels ranging in size from five acres to 94 acres. There are 35 residences on agriculturally zoned parcels within 1/2-mile of the project site (residential address points on GIS). The nearest population center is the town of Esparto, which is located approximately one mile northeast of the project site. According to 2020 Census data, the total population within the 95627 Zip Code, which includes the town of Esparto, is 3,899 persons (1,209 households). Pursuant to the CLUO, the Capay Valley Organics 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 Esparto area. There is nothing to suggest that existing cannabis cultivation activities at the Capay Valley Organics operation caused an increase in crime in the Esparto 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.

As evidenced in Finding #9, below, there have been several complaints lodged against Capay Valley Organics and several other cannabis operations in the Lamb Valley area, south of Esparto, primarily related to cannabis odor, between October 2019 and present (the Department of Community Services maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services). None of the cannabis complaints received for Capay Valley Organics, or the Lamb Valley area in general, were confirmed to meet nuisance thresholds, and therefore did not result in nuisance abatements. Outside of occasional cannabis related complaints, primarily related to odor, 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-X 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 structure(s) 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 March 7, 2023. Additionally, the Courtesy Notice was emailed to the interested parties list maintained by the Planning Division. Staff received several responses from nearby property owners/residents expressing concerns about the Capay Valley Organics project and objections to cannabis operations in the Esparto area, in general. Some of the project specific comments included questions about impacts to water table, drainage impacts, and concerns about nighttime lighting, increased use of electricity and water, generator usage, and damage to roads and property caused by large equipment/deliveries. Several commenters expressed concerns that the number of cannabis projects in the Esparto area is untenable and cause an increase in traffic and deterioration of county roads, increase (or feared increase) of crime, and unpleasant odors. Staff received one phone call from a property owner in the general vicinity of the Capay Valley Organics site that expressed support for the project. Staff was able to verify the identity of the caller, but the caller requested that their name be withheld from the public record. All written comments received are included as an attachment to the June 13, 2024, Planning Commission staff report.

The project site is located in the Esparto Citizens Advisory Committee (ECAC) comment area that includes 6 additional existing licensed cannabis cultivation sites (a collocated site with two cannabis entities and four other sites). The Capay Valley Organics project was discussed at the October 17, 2023, ECAC meeting, which was well attended by the community. The ECAC and community discussion touched on many issues, ranging from specific project components to general concerns and complaints about cannabis operations, in general. Many community members present at the meeting shared their displeasure that the Esparto area, in particular, the area commonly referred to as Lamb Valley (southwest of Esparto), is oversaturated with cannabis operations. At the time of the October 17 ECAC meeting, there were five licensed cultivation sites in the Lamb Valley area. One of the cultivation sites along County Road 23, approximately 1.4 miles west of Capay Valley Organics, has since ceased cultivation activities and does not plan to continue cultivating at that location in the future. There was spirited discussion about impacts resulting from the perceived oversaturation of cannabis uses in the Lamb Valley area, including potent cannabis odors (skunk smell), increased traffic, water usage for cannabis plants, concerns that cannabis uses would decrease nearby property values, and increase of criminal activity. Several community members also stated concerns and shared anecdotal information about other cannabis operations that were not agendized. ECAC members and community members also asked clarifying questions of the project applicant and provided project-specific comments about odor, water usage, and security measures, to name a few.

The ECAC recommended denial of the use permit, by a vote of 5-1. The motion to recommend denial of the use permit is paraphrased as such: Deny use permit based on community objections and concerns about odor, water use, and concentration of cannabis operations in southwest Esparto.

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 enrolled in Valley Clean Energy ultra-green service. The project will be conditioned to maintain Valley Clean Energy ultra-green or equivalent standard (100 percent renewable and 100 percent carbon free) throughout the life of the permit. Access to the property for cannabis uses and operations is from County Road 22A via a 30-foot wide private access easement (gravel road) through the parcel to the north (APN: 049-180-019). The site also has a gravel road on the eastern portion of the property connecting to County Road 22A for emergency and future non-cannabis agricultural uses, as well as a gravel road on the southern portion of property connecting to County Road 23 for residential access. As required by the Public Works Division, the project is conditioned to install paved driveway approaches connecting the existing driveways to County Road 22A. The site 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 may be required for a new permanent restroom in the proposed new metal 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.

Capay Valley Organics is considered an 'Existing Licensee' and the operation is located outside of the Capay Valley, an area identified in the CLUO EIR and CLUO as overconcentrated. Therefore, the project site is not located in an area considered to be over-concentrated. Although the project site is not in an area considered to be overconcentrated from a regulatory standpoint, several members of the community have commented that the area surrounding Esparto is oversaturated with cannabis operations.

For this Finding, the 'area' is considered three linear miles measured from the extent of the Capay Valley Organics property line. There are five existing/licensed cannabis operations within three linear miles of the project site. Three of the operations (Surreal Solutions, Bro Properties, and Yolo Green) have submitted a cannabis use permit application and two operations (Woodland Roots/Yolo Family Farms, a colocated site with two separate business entities) received use permit approval on November 2, 2023. Bro Properties (ZF 2023-039) is located immediately east of the Capay Valley Organics property line, Yolo Green (ZF 2023-047) is located 1.05 miles east, Surreal Solutions (ZF 2022-0092) is located 1.5 miles west, and Woodland Roots/Yolo Family Farms (ZF 2022-0078) is located 2.5 miles northeast.

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 five existing/licensed cannabis operations within three linear miles of the project site. The five cannabis sites are 0-mi (shares a property line), 1.05-mi, 1.5-mi and 2.5-mi (co-located site with two cannabis operations) from the Capay Valley Organics property line, respectively. The cannabis operation located immediately east of Capay Valley Organics, Bro Properties (ZF2023-039), is an existing licensee that applied for a Cannabis Use Permit in December 2023. Bro Properties currently cultivates up to one-acre of canopy outdoors in hoop houses, and proposes to expand to two acres of outdoor cultivation canopy on the 16-acre property. The extent of outdoor cannabis cultivation canopy at the Bro Properties site is approximately 470 feet from existing Capay Valley Organics greenhouses and 785 feet from existing Capay Valley Organics outdoor cultivation.

The nearest agricultural homesites are approximately 290 feet northwest and 553 feet northeast from the existing Capay Valley Organics outdoor cultivation area. As described in Finding #3, above, Capay Valley Organics is requesting a buffer exception from the agricultural homesite located 290 feet from the outdoor cultivation area and is requesting a buffer reduction from the agricultural homesite located 553 feet from the outdoor cultivation area. The expansion of the outdoor cultivation area will not encroach closer to either homesite. All existing and proposed greenhouses and indoor cannabis structures will exceed the 100-foot buffer requirement.

The CLUO established that only the Capay Valley is considered an area of overconcentration and is limited to no more than five cannabis use permits. The remaining unincorporated area of the County is not considered overconcentrated based on existing licensees. Nonetheless, several members of the community have expressed displeasure with the amount of cannabis operations in the Esparto area and consider the area to be oversaturated.

New and/or relocated cannabis operations would not be allowed to locate in an area of the County (outside of the Capay Valley) with seven cannabis use permits in any six-mile diameter area. For purposes of this Finding, staff conducted a measurement using a GIS application, which consisted of placing a six-mile diameter circle around the largest cluster of cannabis operations in the area, which includes Capay Valley Organics. This area covers County Road 15B to the north, Yolo Avenue to the west, County Road 23 to the south, and County Road 75B to the west. Within this six-mile diameter circle, there are eight existing cannabis operations. Three of these operations have received use permit approval (note that two of these operations are collocated and received one use permit, but for purposes of determining overconcentration each individual business entity is counted separately). The remaining five operations, including Capay Valley Organics, have submitted cannabis use permit applications, but have not yet been approved. Should four or five of these use permit applications be approved, this particular six-mile diameter area, identified above, would be considered overconcentrated for purposes of accepting new applications (i.e., no new applicants would be allowed to locate there). However, as described above, pursuant to the CLUO, this six-mile diameter area is not considered an area of overconcentration for existing licensees.

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

The Capay Valley Organics property is surrounded by A-X zoned parcels ranging in size from 5 to 94 acres. Surrounding agricultural land uses include orchards, small farms, a cannabis operation, and several agricultural homesites. As described in Finding #11

below, the Agricultural Commissioner determined that the project does not create a potential for conflict with adjacent properties and their associated crops. The property is located in the Geo. Hoppin Lamb Valley Subdivision, which was approved in 1909. This subdivision created agricultural parcels ranging from 20 acres to 100 acres (many of the parcels have been adjusted or subdivided over time, including the Capay Valley Organics parcel). Due to their smaller size, most of the parcels in the Geo. Hoppin Lamb Valley Subdivision contain agricultural homesites, which can often lead to nuisance complaints, most commonly related to odor, as is typical in many other areas of the county where cannabis operations are located amongst smaller agriculturally zoned parcels. Additionally, there is another cannabis operation located immediately east of Capay Valley Organics and two other cannabis operations within 1.5 miles of Capay Valley Organics, which can lead to general odor complaints that are difficult to attribute to a specific operation. As evidenced in Finding #9, below, none of the nearby cannabis operations, including Capay Valley Organics, have been found to meet or exceed the 7:1 dilution-to-threshold ratio (seven parts clean or filtered air to one-part filtered odorous air or stronger) at the property line.

The existing cannabis structures are located toward the center portion of the property and meet the required setbacks set forth in the Yolo County Code. The project does not meet the CLUO buffer requirements from sensitive land uses, as there is an off-site residence located ±290 feet from the extent of outdoor cultivation and an off-site residence located ±553 feet from the extent of outdoor cultivation. The CLUO requires a buffer distance of 600 feet from off-site residences in any non-residential zone from outdoor cultivation, but allows existing licensees to request approval of buffer exceptions and buffer reductions. As described in Finding #3, the applicant has requested a buffer exception from the residence located ±290 feet away and a buffer reduction from the residence located ±553 feet away. Both affected property owners have submitted letters stating that they do not object to the buffer exception and buffer reduction requests, respectively. As stated in Finding #7, the expansion of the outdoor cultivation area will not encroach closer to either homesite and all existing and proposed greenhouses and indoor cannabis structures will exceed the 100-foot buffer requirement.

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

Capay Valley Organics first received a cultivation license in 2017 and has continuously cultivated since then. To date, the operator has not received a Notice of Violation. However, several complaints have been lodged with the Cannabis Unit (the Department of Community Services maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services). From October 2019 to present, eight formal complaints have been lodged against cannabis operators within the Lamb Valley area, an area south of Esparto in close proximity to Lamb Valley Slough. Two of the complaints specifically reference Capay Valley Organics, while the remaining six complaints reference various other cannabis operations. Of the two specific Capay Valley Organics complaints, one was submitted in October 2021 and one was submitted in October 2023. Both complaints were in regards to odor and the October 2021 complaint also mentioned that noise could be heard from a generator. A third formal complaint was submitted against Capay Valley Organics in October 2023, but was not counted in the eight total Lamb Valley complaints, because it did not specify a particular issue. The complaint urged the County to stop the spread of cannabis farms and not approve an increase in size of existing operations, particularly for cultivation areas.

The County's online complaint form asks complainants to specify a particular cannabis operation so staff can follow up appropriately. The remaining six Lamb Valley complaints submitted between October 2019 and present were assigned to other cannabis operations, however, since many of the complaints were generalized odor complaints, Cannabis Unit staff cannot rule out that Capay Valley Organics was not a contributing factor. Nonetheless, staff conducted odor monitoring in response to several of the complaints where warranted, including at the Capay Valley Organics operation, and never obtained readings that met nuisance thresholds (i.e., readings did not meet or exceed the 7:1 D/T standard).

Capay Valley Organics 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 ±34 acres and contains two residences in addition to cannabis cultivation. The property owner, who is the business operator, resides onsite. The project includes approximately 5.98 acres of existing cannabis activity (including cultivation and ancillary areas) and 3.42 acres of new cannabis activity (including outdoor cultivation, nursery, greenhouses, and processing building), for a total of 9.4 acres. Prior to commencement of cannabis cultivation in 2017, a large portion of the property was planted in almonds. According to the property owner, the trees were old and not viable, and the remaining trees were removed over the last several years. The property owner has indicated that he plans to plant the remaining non-cannabis areas in olives or pistachios in the near future. The property owner will be responsible for site maintenance, including pest and weed control.

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. There is an almond orchard to the northwest of the site which represents a minor potential for chemical drift depending on wind direction, however, the orchard is located approximately 900 feet from the extent of outdoor cannabis cultivation.

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 annually 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 meeting at the October 17, 2023, Esparto Citizens Advisory Committee meeting, and participate in a public hearing at the June 13, 2024, Planning Commission meeting.

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

The existing cannabis uses are clustered together on the irregular shaped parcel. The outdoor cannabis cultivation area is located in the northwestern portion of the property at the main driveway entrance and the ancillary cannabis structures (greenhouses, storage units, and processing building) are immediately east of the outdoor cultivation area. The proposed new greenhouses and metal processing building will be clustered near the existing greenhouses in an area that has already been disturbed and graveled. The proposed outdoor cultivation area and outdoor nursery area will be located immediately south of the new processing building and greenhouses, towards the center of the property. The northern portion of the property and the southern portion of the property are open areas that have been cleared of all vegetation. The property owner has indicated that he intends to plant olives or pistachios in these areas in the near future. The operator proposes to regularly maintain the weeds on the property and control pests as needed. The project is conditioned to require that the site is kept free of litter and clutter and to maintain all improvements and structures.

III. Findings Related to the Williamson Act

The subject project site is under Williamson Act Contract (Land Use Agreement #75-399). The Williamson Act (Gov't Code § 51200 et seq.) requires that the property be used for agricultural and open space uses, or uses that are compatible with agriculture. The CLUO recognizes cannabis cultivation and related activities as agricultural land uses. See Yolo County Code of Ordinances § 8-2.1404(E). To the extent that any of the project's proposed uses are not agricultural uses, the Williamson Act and the County's Williamson Act Guidelines set forth three "principles of compatibility" that non-agricultural uses on contracted lands must be consistent with. See Government Code § 51238.1. Accordingly, the Planning Commission makes the following findings:

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

Approval of the project will not significantly compromise the long-term productive agricultural capability of the subject parcel or other contracted lands in agricultural preserves. Cannabis cultivation and nursery uses are included in the Agriculture land use designation in the Countywide General Plan. The project proposes adding approximately one acre of outdoor cannabis cultivation canopy, and 17,280 square feet of greenhouses, for a total of two acres of mature canopy on the 34-acre parcel. The approximate total land

disturbance of cannabis activities, including existing and proposed cultivation footprint in addition to existing structures, is approximately 9.4 acres. The CLUO EIR considered off-site impacts to agriculture and concluded that there would be no impact with zoning for agricultural use or Williamson Act contracts under any of the alternatives. The agriculturally related uses on this parcel will support continued agricultural use of other contracted lands in agricultural preserves.

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

The proposed project will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or on other contracted lands in agricultural preserves. The expansion of cultivation and nursery activities will occur on lands immediately adjacent to existing cannabis cultivation areas, and new greenhouses will be constructed on portions of the parcel that have been previously disturbed. Continuation of and expansion of cannabis cultivation and associated uses are paramount to the project. The project is expected to support, not compromise or displace, the long-term agricultural capability of the land by encouraging the continuation of the land's productivity through cultivation of cannabis crops.

3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Lands immediately west, east, and south of the project site are not under Williamson Act contract. The parcel to the north (on the north side of County Road 22A) and the parcel to the southwest (on the south side of County Road 23) are under Williamson Act contract. The parcel to the north appears to be an old orchard (crop list not available) and the parcel to the southwest appears to be fallowed or dry farmed (crop list not available). Experience from the project's existing cannabis cultivation activities (since 2017) indicates that adjacent contracted land is not affected by the operations, and there is no evidence that the project will result in the removal of adjacent land from agricultural use.