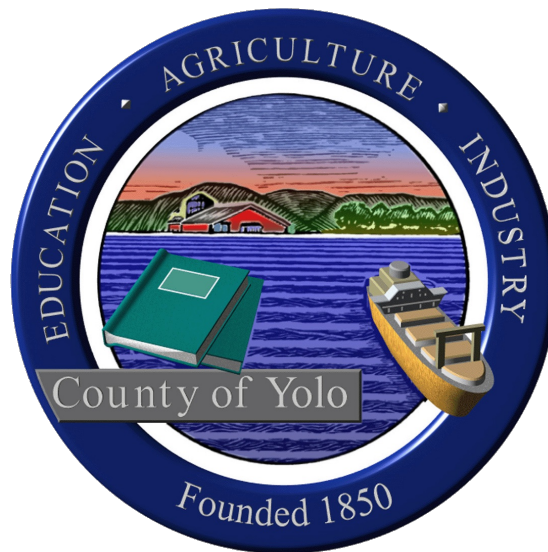


**YOLO COUNTY PLANNING COMMISSION
AGENDA & SUPPORTING MATERIALS**

January 16, 2025



YOLO COUNTY PLANNING COMMISSION
BRIAN SALA, CHAIR
PATRICK REYNOLDS, VICE-CHAIR
TROY BIRD
TRINI CAMPBELL CLINE
ELISABETH DUBIN
GURTAJ GREWAL
AMON MULLER

BOARD OF SUPERVISORS CHAMBERS
625 COURT STREET, ROOM 206
WOODLAND, CALIFORNIA 95695

STEPHANIE CORMIER
CHIEF ASSISTANT DIRECTOR OF
COMMUNITY SERVICES

ERIC MAY
SENIOR DEPUTY COUNTY COUNSEL

ADMINISTRATIVE AGENDA

9:00 a.m.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADOPTION OF MINUTES OF PREVIOUS MEETINGS**
5. **REQUEST FOR CONTINUANCES**
6. **APPROVAL OF THE AGENDA**
7. **PUBLIC COMMENT:** Opportunity for members of the public to address the Planning Commission on subjects not otherwise on the agenda relating to Planning Commission business. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any topic or to any individual speaker.
8. **CORRESPONDENCE**

TIME SET AGENDA

9. **ZF #2023-039:** Consider a request for a Cannabis Use Permit to allow issuance of a cannabis cultivation license for up to two acres of canopy for Bro Properties LLC, issuance of self-distribution license and nursery license, and determine the project falls within the scope of the previously certified Yolo County Cannabis Land Use Ordinance Environmental Impact Report and that no further environmental review is required under the California Environmental Quality Act (CEQA). The project is located on a 16.5-acre agriculturally zoned parcel at 24701 County Road 22A, approximately 1.2 miles southwest of unincorporated community of Esparto (APN: 049-180-059) (Applicant/Owner: Kokyou Chau) (Planner: Charlie Tschudin)
10. **ZF #2024-039:** Public hearing to consider a request for a two-year term extension to the Development Agreement for the E. Parker residential subdivision project in Esparto (APN: 049-160-021, 62 units approved on 17 acres), and determine the project is exempt from the California Environmental Quality Act (CEQA) based on the 'common sense' exemption under CEQA Guidelines Section 15061(b)(3). A Mitigated Negative Declaration was previously adopted for the project (SCH No. 2007012126). (Applicant/Owner: Yocha Dehe Wintun Nation) (Planner: JD Trebec)

REGULAR AGENDA

11. **DIRECTOR'S REPORT**

A report by the Secretary of the Planning Commission on items from the recent Board of Supervisors meetings relevant to the Planning Commission and Department of Community Services activities for the month. No discussion by other commission members will occur except for clarifying questions. The commission or an individual commissioner can request that an item be placed on a future agenda for discussion.

12. **COMMISSION REPORTS**

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public. No discussion by other commission members will occur except for clarifying questions.

13. **FUTURE AGENDA ITEMS**

The opportunity for commission members to request an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

ADJOURNMENT

Next meeting scheduled for: February 13, 2025.

I declare under penalty of perjury that the foregoing agenda was posted January 10, 2025, by 5:00 p.m. at the following places:

- On the bulletin board at the east entrance of the Erwin W. Meier Administration Building, 625 Court Street, Woodland, California; and
- On the bulletin board outside the Board of Supervisors Chambers, Room 206 in the Erwin W. Meier Administration Building, 625 Court Street, Woodland, California.
- On the bulletin board at the entrance of the Department of Community Services at 292 W. Beamer Street, Woodland, California.
- On the Yolo County website: www.yolocounty.gov.

Evelyn Tamayo-Arias, Clerk
Yolo County Planning Commission

NOTICE

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact the Commission Clerk for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact the Commission Clerk as soon as possible and at least 24 hours prior to the meeting. The Commission Clerk may be reached at (530) 666-8078 or at the following address:

Clerk of the Yolo County Planning Commission
292 W. Beamer Street
Woodland, CA 95695

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) days from the date of the action. A Planning Commission Appeal Form and appeal fee immediately payable to "County of Yolo" must be submitted at the time of filing. The Board of Supervisors may sustain, modify or overrule this decision. The

Planning Commission Appeal Form can be accessed at the following link:

<https://www.yolocounty.gov/government/board-of-supervisors/clerk-of-the-board/planning-commission-appeal>

Pursuant to California Government Code Section 65009(b)(2) and Public Resources Code Section 21177, any lawsuit challenging the approval of any project described in this agenda, including any related CEQA actions, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



County of Yolo

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Planning Commission
Meeting Date: 01/16/2025

4.

Information

SUBJECT
ADOPTION OF MINUTES OF PREVIOUS MEETINGS

Attachments

Att. A. Minutes

Form Review

Form Started By: Evelyn Tamayo-Arias
Final Approval Date: 11/22/2024

Started On: 11/22/2024 02:13 PM

DRAFT



County of Yolo COMMUNITY SERVICES DEPARTMENT

Leslie Lindbo
DIRECTOR

292 West Beamer Street
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YOLO COUNTY PLANNING COMMISSION

CHAIR: Brian Sala
VICE-CHAIR: Patrick Reynolds
MEMBERS: Troy Bird, Trini Campbell Cline, Elisabeth Dubin, Gurtaj Grewal, Amon Muller

MINUTES

November 14, 2024

ADMINISTRATIVE AGENDA

9:00 a.m.

1. **CALL TO ORDER**

Chair Sala called the meeting to order at 9:02 a.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Trini Campbell Cline, Troy Bird, Elisabeth Dubin, Brian Sala, Amon Muller, Patrick Reynolds

Absent: Gurtaj Grewal

Staff Present: Stephanie Cormier, Chief Assistant Director of Community Services
Eric May, Senior Deputy County Counsel
Todd Riddiough, Director of Public Works
Jeff Anderson, Principal Planner
JD Trebec, Senior Planner
Charlie Tschudin, Natural Resources Planner
Tracy Gonzalez, Associate Planner
Evelyn Tamayo-Arias, Commission Clerk
Casey Liebler, Natural Resources Planner
Patricia Valenzuela, Department Analyst

4. **ADOPTION OF MINUTES OF PREVIOUS MEETINGS**

The October 10, 2024 meeting minutes were approved as presented.

Motion: Campbell Cline Second: Bird

Ayes: Bird, Campbell Cline, Dubin, Muller, Reynolds, Sala

Noes: None

Abstain: None

Absent: Grewal

5. **REQUEST FOR CONTINUANCES**

There was no continuance request.

6. **APPROVAL OF THE AGENDA**

The agenda was approved as presented.

Motion: Muller Second: Dubin

Ayes: Bird, Campbell Cline, Dubin, Muller, Reynolds, Sala

Noes: None

Abstain: None

Absent: Grewal

7. **PUBLIC COMMENT:** Opportunity for members of the public to address the Planning Commission on subjects not otherwise on the agenda relating to Planning Commission business. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any topic or to any individual speaker.

There was no public comment.

8. **CORRESPONDENCE**

Correspondence received for agenda items 9 and 10.

TIME SET AGENDA

9. **ZF #2022-0072:** Consider a request for a Tentative Parcel Map and Use Permit to divide a 100-acre parcel for the development and operation of a truck and travel center on a commercially zoned parcel and determine an Addendum to a Mitigated Negative Declaration is the appropriate level of environmental review under the California Environmental Quality Act (CEQA). The proposed project includes vehicle fueling and charging, a convenience store, restaurants, a truck dealership, truck repair and servicing, travel-related retail, a 60-room motel, and overnight parking for trucks. The project is located at the southwest corner of the junction of Interstate 5 and County Road 8 in the unincorporated community of Dunnigan (APN: 052-060-011). (Applicant: Mel Smith / Property Owner: Aulman, LLC) (Planner: JD Trebec)

JD Trebec, Senior Planner, provided the presentation and along with Todd Riddiough, Director of Public Works, answered the Commission's questions.

The following individuals addressed the Commission during public comment:

- Mel Smith (applicant)
- Corie Calfee

A motion was made to accept staff recommendations with the following changes to recommended action number 4:

4. Approve the request for Tentative Parcel Map #5259 (Attachment C), modified to conform the alignment of Parcels 3 and 4 as shown on page 1 of Attachment C2, and Use Permit in accordance with the Conditions of Approval (Attachment E). Condition of Approval No. 5 is modified to begin with the following sentence: "Applicant shall comply with all conditions of approval."

Motion: Dubin Second: Reynolds

Ayes: Bird, Campbell Cline, Dubin, Muller, Reynolds, Sala

Noes: None

Abstain: None

Absent: Grewal

10. **ZF #2023-0034:** Consider a request for approval of an amendment to the Granite Capay Mining and

Reclamation Plan (ZF95-078) to extend the Permit expiration date by 10 years, from January 1, 2028, to January 1, 2038, and determine an Addendum to two previously adopted Environmental Impact Reports is the appropriate level of environmental review under the California Environmental Quality Act (CEQA). The project is located at 15560 County Road 87, approximately 0.1-miles northeast of the unincorporated community of Capay (APNs: 048-140-040, 048-220-018, and 048-220-016). (Applicant/Property Owner: Granite Construction Company) (Planner: Charlie Tschudin)

Charlie Tschudin, Natural Resources Planner, provided the presentation and answered the Commission's questions.

The following individuals addressed the Commission during public comment:

- Juliette Beck
- Candace Longnecker (Granite Construction Company)
- Kelly Bartron (Granite Construction Company)

A motion was made to accept staff recommendations with the following modification to the last sentence in Conditions of Approval #4:

The processing of aggregate material approved under this Mining Permit shall cease when either permitted reserves are depleted or the life of the permit has expired, whichever event occurs first. The operator may apply for permit approval to extend aggregate processing beyond the limits described above. The extension may not exceed an additional period of ~~twenty~~ ten years and shall be subject to appropriate environmental review.

11. **ZF #2023-044:** Consider a request for a Cannabis Use Permit to allow issuance of cannabis cultivation licenses for up to two acres of canopy each for colocation of S&R Pharms, LLC, and Apex Agriculture, LLC, for a total of four acres of cannabis canopy, issuance of self-distribution licenses, and determine the project falls within the scope of the previously certified Yolo County Cannabis Land Use Ordinance Environmental Impact Report and no further environmental review is required under the California Environmental Quality Act (CEQA). The project is located on a 40-acre agriculturally zoned parcel at 20750 County Road 103, adjacent to the City of Woodland and immediately south of the Woodland Regional Park (APN: 042-030-006). (Applicant: Ross Haley/Property Owner: Maupin Ranch Properties, LLC) (Planner: Tracy Gonzalez)

Tracy Gonzalez, Associate Planner, provided the presentation and along with the applicant, Michael Vukmanovich, answered the Commission's question.

There was no public comment.

A motion was made to accept staff recommendations as presented.

Motion: Dubin Second: Muller
Ayes: Bird, Campbell Cline, Dubin, Muller, Reynolds, Sala
Noes: None
Abstain: None
Absent: Grewal

12. **ZF #2022-0091:** Consider recommendation of denial of a Cannabis Use Permit that would allow issuance of a cannabis cultivation license for up to two acres of canopy and a cannabis nursery license for Green Dream Farms, Inc., and determine the project denial is exempt from the California Environmental Quality Act (CEQA). The project is located on a ±50-acre agriculturally-zoned parcel off County Road 100 and State Highway 113, approximately 1.75 miles east of the unincorporated community of Yolo (APN: 027-280-019). (Applicant: Zhen (Bryan) Wu/Owner: Stillwater Trust) (Planner: Jeff Anderson)

Jeff Anderson, Principal Planner, provided the presentation and answered the Commission's questions.

The following addressed the Commission during public comment:

- Bryan Wu (applicant)
- Jim Wirth
- Wayne Yu

A motion was made to accept the staff recommendations to deny the permit.

Motion: Dubin Second: Bird
 Ayes: Bird, Campbell Cline, Dubin, Muller, Reynolds, Sala
 Noes: None
 Abstain: None
 Absent: Grewal

REGULAR AGENDA

13. DIRECTOR'S REPORT

A report by the Secretary of the Planning Commission on items from the recent Board of Supervisors meetings relevant to the Planning Commission and Department of Community Services activities for the month. No discussion by other commission members will occur except for clarifying questions. The commission or an individual commissioner can request that an item be placed on a future agenda for discussion.

Stephanie Cormier, Chief Assistant Director of Community Services, provided the Director's report.

14. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public. No discussion by other commission members will occur except for clarifying questions.

The Commissioners provided their reports.

Commissioner Reynolds announced his departure from the Planning Commission upon expiration of his term in January 2025.

15. FUTURE AGENDA ITEMS

The opportunity for commission members to request an item be placed on a future agenda for discussion. No discussion by other commission members will occur except for clarifying questions.

The future agenda items were discussed during the Director's Report.

ADJOURNMENT

The meeting adjourned at 12:56 p.m.

Motion: Muller Second: Campbell Cline
 Ayes: Bird, Campbell Cline, Dubin, Muller, Reynolds, Sala
 Noes: None
 Abstain: None
 Absent: Grewal

Next meeting scheduled for: December 12, 2024

The Regular Meeting of the Yolo County Planning Commission adjourned at 12:56 p.m. The next regularly scheduled meeting of the Yolo County Planning Commission is December 12, 2024, in the Board of Supervisors' Chambers.

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by

filing with the Clerk of the Board within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the Clerk of the Board must be submitted at the time of filing. The Board of Supervisors may sustain, modify, or overrule this decision.

Respectfully submitted by,

Stephanie Cormier, Secretary
Yolo County Department of Community Services



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

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Time Set 9.

Planning Commission
Meeting Date: 01/16/2025

Information

SUBJECT

ZF #2023-039: Consider a request for a Cannabis Use Permit to allow issuance of a cannabis cultivation license for up to two acres of canopy for Bro Properties LLC, issuance of self-distribution license and nursery license, and determine the project falls within the scope of the previously certified Yolo County Cannabis Land Use Ordinance Environmental Impact Report and that no further environmental review is required under the California Environmental Quality Act (CEQA). The project is located on a 16.5-acre agriculturally zoned parcel at 24701 County Road 22A, approximately 1.2 miles southwest of unincorporated community of Esparto (APN: 049-180-059) (Applicant/Owner: Kokyou Chau) (Planner: Charlie Tschudin)

SUMMARY

FILE # 2023-039: Bro Properties Cannabis Use Permit	
APPLICANT: Kokyou Chau P.O. Box 580338 Elk Grove, CA 95758	OWNER: Kokyou Chau P.O. Box 580338 Elk Grove, CA 95758
LOCATION: 24701 County Road 22A Esparto, CA 95627 (APN: 049-180-059)	SOILS: Sehorn-Balcom complex, 2 to 15 percent slopes (Class III) FMMP: Prime Farmland/Farmland of Local Importance, Other Land
GENERAL PLAN: Agriculture (AG)	WILLIAMSON ACT: No
ZONING: Agricultural Extensive (A-X)	FLOOD ZONE: X
SUPERVISORIAL DISTRICT: 5 (Supervisor Barajas)	FIRE SEVERITY ZONE: Moderate (State Responsibility Area)
PUBLIC HEARING NOTICE: Neighbor notice sent on 12/23/2024 (published in Davis Enterprise on 1/5/2025)	
ENVIRONMENTAL DETERMINATION: Cannabis Land Use Ordinance Environmental Impact Report (SCH# 2018082055) certified September 14, 2021 (Resolution 21-111)	

RECOMMENDED ACTION

That the Planning Commission:

1. Receive a staff presentation, hold a public hearing, and receive comments on the Bro Properties LLC, Cannabis Use Permit;
2. Determine the project is consistent with the Cannabis Land Use Ordinance Environmental Impact Report (SCH #2018082055), certified by the Board of Supervisors on September 14, 2021 (Resolution 21-111), and determine that no further environmental review is needed pursuant to Sections 15168(c), 15162, and 15183 of the California Environmental Quality Act (CEQA) Guidelines, and approve the Finding of CEQA Compliance (Attachment C);

3. Adopt the Findings (Attachment D) in support of approval of the project;
4. Approve the Cannabis Use Permit subject to, and as modified by, the Conditions of Approval (Attachment E);
5. Authorize the project applicant to apply for issuance of a cannabis cultivation license;
6. Authorize the project applicant to apply for license allocation of a nursery license; and
7. Authorize the project applicant to apply for issuance of a self-distribution license.

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

The proposed Cannabis Use Permit, if approved, will contain an extensive set of conditions that will regulate the use of the property to conduct cannabis cultivation, nursery cultivation, and self-distribution uses. The allowance of up to two acres of canopy and issuance of a self-distribution license for Bro Properties LLC, ("Bro Properties") will provide continued business opportunity for the operator to compete in the regulated cannabis industry. The regional nursery use will contribute to the growth of the cannabis market in Yolo County by providing services and products (immature plants) to other cannabis operators that may not have the capacity of ability for such uses. The project, as conditioned, is in compliance with the Countywide General Plan, Cannabis Land Use Ordinance, and Yolo County Code.

SUMMARY

The project site is a 16.5-acre agriculturally zoned parcel, located approximately 1.2 miles southwest of the town of Esparto. Bro Properties first received a license to cultivate cannabis in 2017 and has continually cultivated since then. Bro Properties currently cultivates up to one-acre of cannabis canopy outdoors in hedgerows and twenty-two hoop houses. The cannabis operations currently occupy approximately six acres of the site and includes a 700-sf processing and storage building, outdoor cannabis cultivation areas, and several trailers. The site also includes a parking area and portable toilets for employees, outdoor propagation area, and refrigerated trailers for cannabis processing, as well as separate storage containers for chemicals, supplies, and cannabis products. The remainder of the approximately 16.5-acre parcel that does not include cannabis uses contains an onsite residence, workshop, and fruit orchard. Field fencing is installed around the entire project site. The site is served by both an onsite agricultural and residential well.

Employees currently utilize seasonal portable toilets and hand-washing stations. Bro Properties proposes to finalize construction of a 3,200-sf processing facility with a new employee restroom and includes plans for construction of a new 3,000-sf commercial greenhouse for nursery cultivation. The project site power is served by PG&E and a small solar array. Bro Properties engages in annual outdoor cultivation, with planting generally beginning in March and the harvesting phases ending in October.

Bro Properties currently employs three full-time employees and up to 20 seasonal employees during harvest periods to assist with drying and trimming, etc. The operator anticipates hiring three additional full-time employees and up to ten additional seasonal employees. Employees commute to the site by way of Highway 16 and Road 85B to minimize travel through the community of Esparto, with direct access off of County Road 22A. Employees are encouraged to carpool to further reduce daily trips to four or five. The applicant anticipates daily trips ranging between 10 and 15 during the harvest season, and off-season daily trips ranging between 5 and 8. The operator anticipates one to two deliveries per week following expansion.

As required by the CLUO, the applicant has prepared a security plan for the project site. The operation will maintain adequate utilities, access roads, drainage, and sanitation infrastructure in line with County and State regulations, standards, and specifications. All exterior lighting is required to be fully cut-off, shielded, and downward facing to prevent spill over onto other properties, structures, or the night sky.

Bro Properties does not currently satisfy the established CLUO buffers required between off-site sensitive land uses and cannabis cultivation areas. The nearest off-site residences are approximately 435 feet and 560 feet to the northeast of the outdoor canopy. CLUO Section 8-2.1408(e) requires a minimum of 600 feet between off-site residences and outdoor cannabis activities, although existing licensees have the ability to request buffer reductions and/or exceptions to reduce the buffer with Planning Commission approval, on a case-by-case basis. As a part of the project request, the project proponent will adjust the cannabis cultivation areas to portions of the project site that satisfy the 600-foot buffer from off-site residences. The project is conditioned to verify that all cannabis cultivation activities on the site satisfy the 600-foot buffer requirement. Therefore, the project does not include a buffer reduction nor exemption request.

ANALYSIS

The proposed project has been reviewed for consistency with the Countywide General Plan and the County Zoning Regulations, including the Cannabis Land Use Ordinance (CLUO). The proposal is also consistent with the CLUO Environmental Impact Report, and no further environmental review is required under the California Environmental Quality Act. As explained, below, the project, as conditioned, is consistent with all applicable plans, policies, and regulations.

General Plan and Zoning Consistency

The project, as conditioned, is consistent with the Countywide General Plan. The requested use is proposed on a property designated as Agriculture (AG) in the Countywide General Plan. Cannabis cultivation uses, which include activities involving the planting, growing, harvesting, drying, curing, grading, storing, and trimming of cannabis grown on site, are called out as agricultural activities under the AG land use designation (Policy LU-1.1, and Table LU-4). Further, Policy AG-3.22 reads:

Based on statewide and local voter support, accept cannabis cultivation, nurseries, processing, manufacturing, retail, and microbusiness operations as new agricultural opportunity in support of agricultural economic development, preservation of agricultural land, and creation of opportunities for new farmers. Recognize unique challenges, and competing and evolving community values, by allowing for adaptive regulatory considerations over time.

The project furthers policies in the Countywide General Plan that seek to promote a healthy and competitive farm economy to expand the County's agricultural base, including Policy AG-3.2 which encourages processing on agricultural land subject to appropriate design review and development standards and Policy AG-3.12 that promotes marketplace-initiated conversion from lower to higher value-added crops and agricultural commodities. The project, when considered as a component of the County's cannabis industry as a whole, furthers Policy AG-5.1 which promotes markets for locally and regionally grown and/or prepared food and other products and services.

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 uses are allowed in the A-X zone upon issuance of a Cannabis Use Permit. The project meets the development requirements and setbacks prescribed for the A-X zone.

CLUO Consistency

As part of the application review process, staff conducted a thorough review of the project against the applicable provisions of the CLUO. The project, as conditioned, is determined to be in compliance with the CLUO. The applicable provisions of the CLUO are included as conditions of approval (Attachment E). The operator is required to submit an annual report on July 1 of each year starting in the year after permit issuance documenting compliance with the Cannabis Use Permit Requirements.

Project Design and Operation

The project involves construction of a 3,000-sf nursery greenhouse and to finalize construction of a 3,200-sf processing facility with a new employee restroom in the southern portion of the site, near the existing developed areas. Bro Properties plans on maintaining self-processing activities (currently performed in two 6' by 48' transportation trailers and outdoor trimming areas) until processing activities are moved to the new permitted storage and processing building. The project is conditioned to require the removal of all trailers from the property within one year of project approval. The project includes a request for a cultivation license to increase cannabis canopy by one additional acre, for a total of two acres of canopy, a nursery license, which would allow Bro Properties to grow cannabis used for propagation, including clones, immature plants, and seeds to sell commercially (sales would not occur on the property), and a self-distribution license that would allow the business to transport only the goods they cultivate to off-site manufacturing and distribution premises.

The project site is served by PG&E and solar array panels. The project is conditioned to achieve Valley Clean Energy ultra-green or equivalent standard (100 percent renewable and 100 percent carbon-free) within six months of project approval. The proposed construction will comply with the applicable codes, standards, regulations and guidelines for cannabis cultivation and the proposed development's general appearance will be compatible with other allowed uses in the A-X zone.

Bro Properties cultivates outdoors in hedgerows and in 22 hoop houses, and will continue to do so following project approval, in onsite areas that satisfy the 600-foot buffer requirement in CLUO Section 8-2.1408(e). The operator will expand the area cultivated in hedgerows to accommodate the proposed increase from one- to two-acres of canopy and will move seven of the existing 22 hoop houses on the western portion of the property, that are located within 600 feet of the two nearest off-site residences, further to the southwest of the existing cultivation area. The adjustment will satisfy the buffer requirements and be verified as a condition of the project approval. The construction of a 3,000 SF greenhouse is to facilitate nursery cultivation of immature clones.

The CLUO addresses odor impacts through limiting the location of cannabis uses, and establishing buffers for outdoor cannabis uses, odor control requirements, and enforcement procedures. However, while these measures may minimize the likelihood of nuisance odors, the potential for odors to occur remains and was considered a significant and unavoidable impact in the CLUO EIR. The applicant 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(s) may employ active controls, such as odor neutralizers for the outdoor canopy, as well as passive controls such as additional vegetation barriers, different plant strains, or relocation of the outdoor canopy area. The odor control plan identified that the typical winds are expected to blow mainly from the north-northwest and south-southeast, parallel with the mountain range.

The project relies on groundwater from an onsite agricultural well for cultivation. The applicant estimates using approximately two acre feet of water per year if two acres of canopy are cultivated. The CLUO EIR analyzed groundwater use for other non-cannabis crops. The analysis demonstrated that the amount of groundwater used for cannabis activities under each of the CEQA alternatives would be similar to the amount used for other crops likely to be grown on the property in the absence of contemplated cannabis uses. The high end of the analysis estimated the cumulative use of all cannabis operations in the County could reach 424-acre feet per year, which equates to approximately the average groundwater used by an orchard of about 131 acres.

Site Setting

The project site is located in the agricultural area southwest of Esparto, at 24701 County Road 22A. The site is accessed from County Road 22A through a locked gate via a graveled driveway that leads to the parking and vehicle turn-around area. The 16.5-acre parcel is surrounded by fencing and contains a fruit orchard.

Cannabis cultivation and associated uses, such as regional nurseries and onsite processing, are permitted in agricultural zones with a Cannabis Use Permit. The applicant has been cultivating cannabis on an annual basis under validly-issued county and state licenses since 2017. The project site is in an agriculturally zoned area and is surrounded by agriculturally designated land on all sides. The parcel immediately to the west of the project site is a licensed cannabis operation, Capay Valley Organics, that received use permit approval in June of 2024, and the parcels to the north, south and east are agriculturally designated but not actively farmed.

Cannabis operations are not visible from the portions of County Road 22A that are publicly accessible. The project is conditioned to maintain the fence in good repair. The applicant 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 applicant 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 activities.

Buffers and Setbacks

The project does not currently meet the buffer requirements from sensitive land uses as set forth in the CLUO. For Existing Licensees, the buffer requirement is 600 feet from outdoor cannabis uses to sensitive land uses, including off-site individual legal residences. The nearest sensitive land use is an agricultural homesite approximately 435 feet to the northeast of the outdoor canopy area. There is another agricultural homesite located approximately 560 feet to the northeast of the cultivation area. The project request involves adjusting the site plan and moving the cultivation areas to portions of the project site that will meet the buffer requirements from sensitive land uses as set forth in the CLUO. The applicant proposes to reduce the existing number of hoop houses located on the western portion of the project site from 12 to 7, and will relocate portions of the hoop house cultivation area that are within the 600-foot buffer further southwest to portions of the property that satisfy the buffer requirement (Attachment B), while maintaining the same number of hoop houses on site. The project will be conditioned to verify that the proposed cultivation areas adhere to the 600-foot buffer requirement.

Compliance History

The Department of Community Services, Cannabis Unit, maintains compliance and complaint history dating back to 2019 when the cannabis program moved from the Agriculture Department to the Department of Community Services. The operator has not received a Notice of Violation from the Cannabis Unit, however, several complaints have been lodged with the Cannabis Unit. From October 2019 to present, eleven 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 Bro Properties, while the remaining nine complaints reference various other cannabis operations. Of the two specific Bro Properties complaints, one was submitted in January 2020 and one was submitted in December 2024. Both complaints were with regard to odor and the January 2020 complaint also mentioned that there was light shining off the back side of the onsite residence and that cars were parked along County Road 22A and County Road 85B at various times.

The County's online complaint form asks complainants to specify a particular cannabis operation so staff can follow up appropriately. The remaining nine 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 Bro Properties was not a contributing factor. Nonetheless, staff conducted odor monitoring in response to several of the complaints where warranted, including at the Bro Properties operation, and never obtained readings that met or exceeded nuisance thresholds (i.e., readings did not meet or exceed the 7:1 D/T standard).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW

The Cannabis Land Use Ordinance Environmental Impact Report (CLUO EIR) was prepared as a programmatic EIR for adoption of the CLUO and to support streamlined review of individual permit applications pursuant to CEQA Guidelines Sections 15168, 15162, and 15183. If the County finds that an individual project is within the scope of the CLUO EIR, its environmental impacts are adequately addressed in the CLUO EIR, and applicable mitigation measures are applied to the project, then no further environmental review is required. Staff prepared a project-specific CLUO Program EIR Checklist (Attachment C) that examines the conclusions reached in the CLUO EIR for each relevant CEQA impact category identified in the CLUO EIR and Appendix G of the CEQA Guidelines. Staff determined that the proposed project activities are within the scope of the CLUO EIR, and that no additional environmental review is required.

SUMMARY OF PUBLIC CORRESPONDENCE

A Request for Comments was distributed to reviewing agencies on May 24, 2024. Comments received from reviewing agencies were incorporated into the Conditions of Approval (Attachment E) where applicable. A Courtesy Notice was also distributed on May 24, 2024, to the Planning Division's interested parties list and mailed to property owners within 1,000 feet of the property boundary of the subject parcel. The Courtesy Notice summarized the existing and proposed operations as provided in the application materials.

Staff received five comment letters from members of the public. Two of the letters received expressed support for project approval. The other three letters received raised concerns about expanding the cultivation area from one to two acres of canopy and thereby increasing the cannabis odors in the area, which are not contained due to the nature of outdoor cultivation. The comments also raised concerns about the potential for crime to increase in the area and livestock safety, and discussed buffer exceptions and buffer reductions. As described above, the applicant is adjusting the location of onsite cannabis cultivation areas to adhere to the 600-foot buffer requirement from offsite residences. The remaining concerns addressed in the neighbors' comment letters can be alleviated to the greatest extent possible by operational oversight of odor control measures, as needed, and site maintenance, and security measures as required in the Conditions of Approval. The applicant was made aware of the concerns in the comment letters. Written comments received from the public area included as Attachment F.

The project site is located in the Esparto Citizens Advisory Committee (ECAC) comment area and the project was discussed at their November 19, 2024, meeting. The meeting was attended by staff, applicant/property owner, and members of the public. The ECAC recommended approval of the applicant's project request to the Planning Commission (Ayes: 6, Noes: 1), with discussion around cannabis and agricultural odors, the CLUO definition of over concentration and when the Esparto area would be considered overconcentrated, questions regarding the nuisance complaint procedure, as well as questions related to water and pesticide use at the site. The 6 members of the ECAC who voted to recommend approval of the project noted that the project appeared to comply with the CLUO requirements and that the project applicant is a member of the community, whom they also represent as members of the ECAC. The ECAC member who voted against recommending project approval noted how there are members of the Esparto community who feel that the area is already overconcentrated with cannabis operations, despite the CLUO's definition that sets a maximum threshold of seven Cannabis Use Permits in any six-mile diameter area.

The Yolo County Agricultural Commissioner's Office reviewed the project and indicated that there were no concerns with regard to compatibility with the surrounding properties, and that the property owner actively manages the fruit orchard which contains peaches, nectarines, apricots, and other citrus. The Ag Commissioner comments also indicated the need for maintaining the site and preventing pests through proper site management. The Yocha Dehe Wintun Nation was sent a Request for Comments but did not submit a comment letter; however, a condition of approval has been added to require the operator to request cultural sensitivity training with the Tribe prior to the first construction activities requiring a building permit.

A public hearing notice was mailed to property owners within 1,000 feet of the project site and to interested parties on December 23, 2024, and published in the Davis Enterprise on January 5, 2025.

COLLABORATIONS

Staff consulted with the Agricultural Commissioner's Office, Building Division, Public Works Division, Environmental Health Division, various agencies and interested parties, and received input from the Office of County Counsel.

APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) days from the date of the action. A Planning Commission Appeal Form and appeal fee immediately payable to "County of Yolo" must be submitted at the time of filing. The Board of Supervisors may sustain, modify or overrule this decision. The Planning Commission Appeal Form can be accessed at the following link: <https://www.yolocounty.org/government/board-of-supervisors/clerk-of-the-board/planning-commission-appeal>

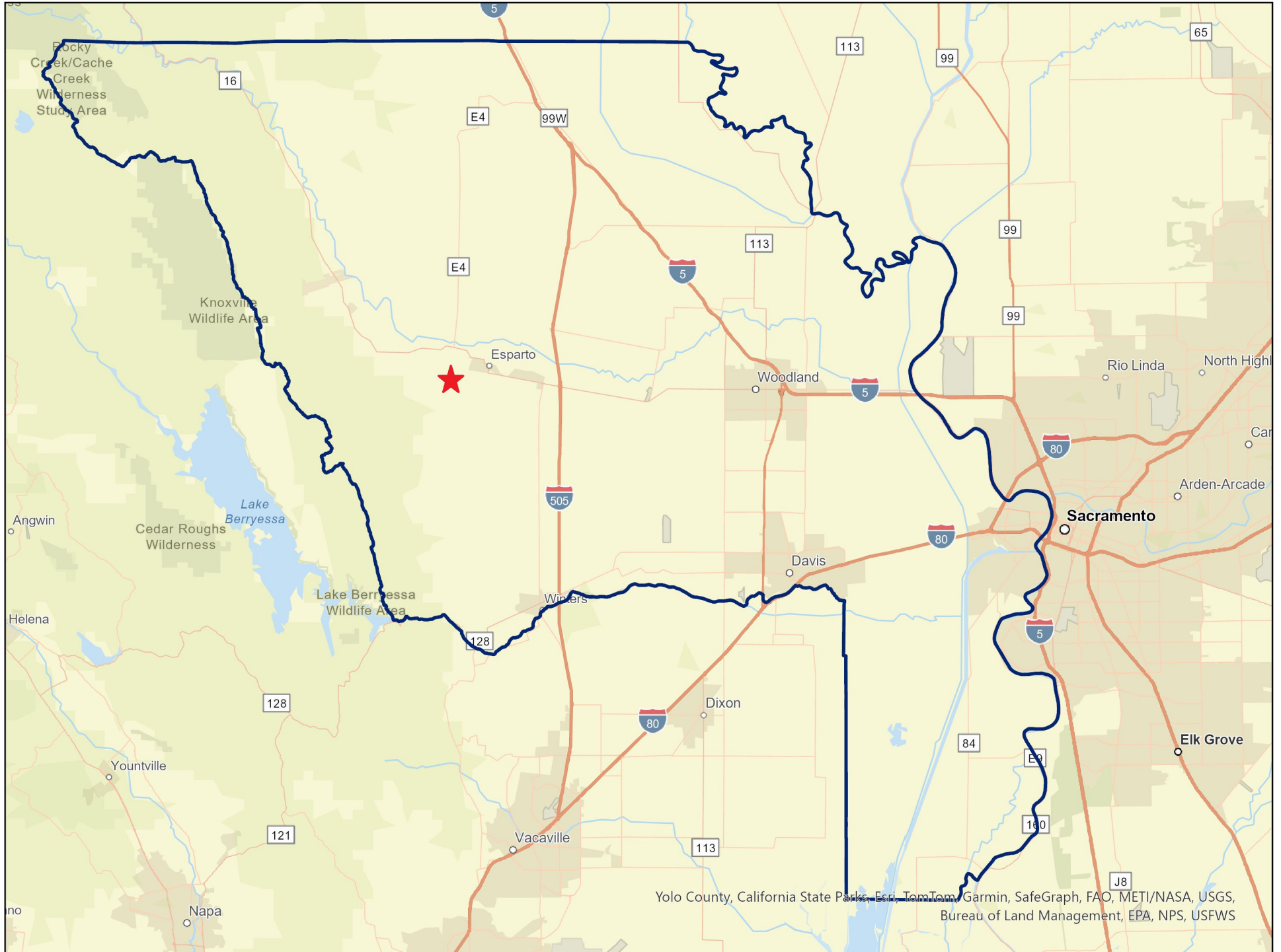
Attachments

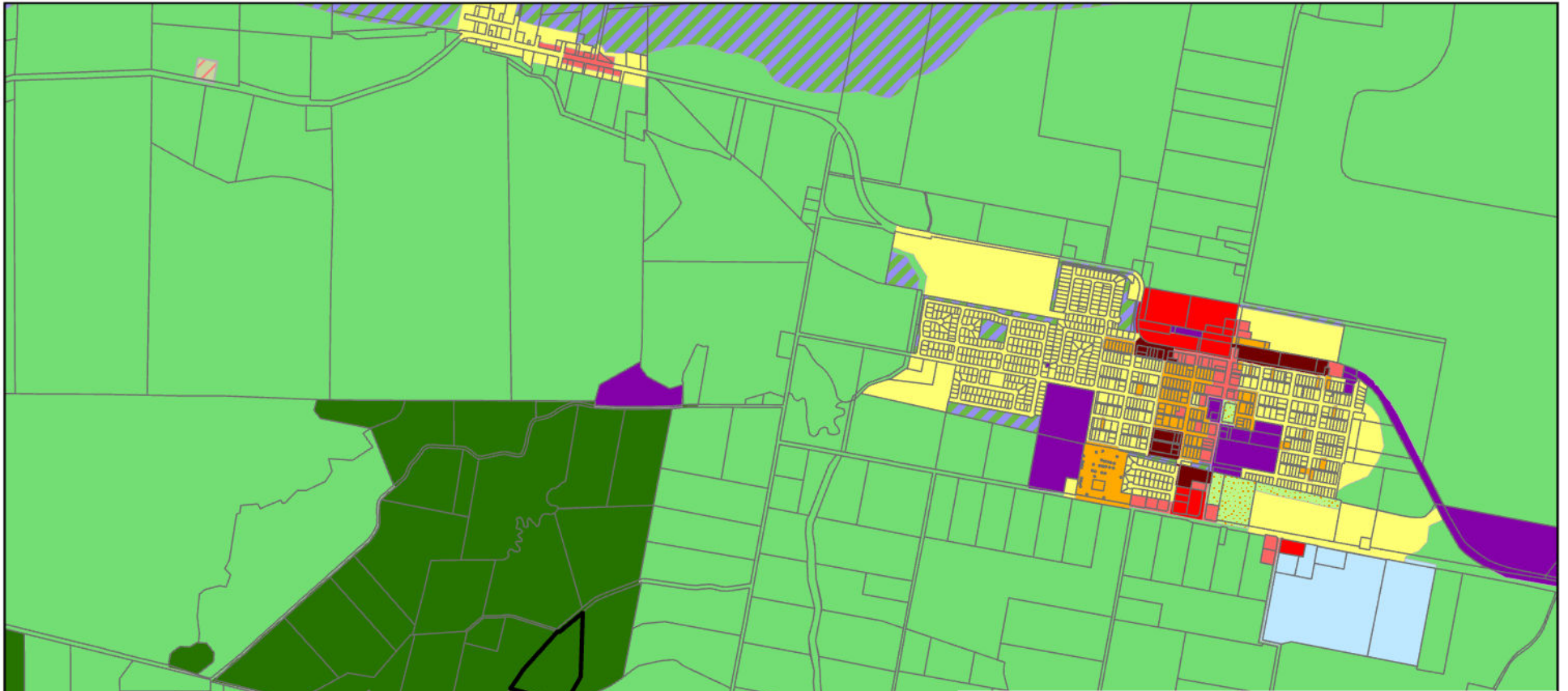
- Att. A. Project Location and Zoning Maps
- Att. B. Site Plan and Buffer Exhibit
- Att. C. CEQA Compliance Checklist / Initial Study
- Att. D. Findings
- Att. E. Use Permit and Conditions of Approval
- Att. F. Comment Letters

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	01/09/2025 01:42 PM
Stephanie Cormier	Stephanie Cormier	01/09/2025 02:50 PM
Form Started By: Charlie Tschudin		Started On: 01/07/2025 02:58 PM
Final Approval Date: 01/09/2025		

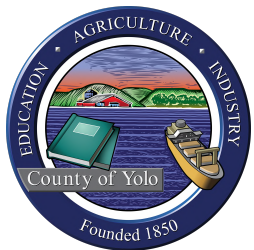
BRO PROPERTIES - REGIONAL LOCATION






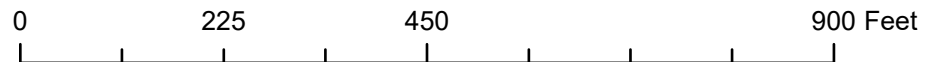
Yolo County, California
 METI/NASA, USGS, Esri

- | | |
|---|---|
| BroProperties | |
| Zoning | |
| Public Open Space (POS) | Public Open Space (POS) |
| Open Space | Open Space |
| Specific Plan | Specific Plan |
| Cities | Cities |
| Agricultural Intensive (A-N) | Agricultural Intensive (A-N) |
| Agricultural Commercial (A-C) | Agricultural Commercial (A-C) |
| Agricultural Extensive (A-X) | Agricultural Extensive (A-X) |
| Agricultural Industrial (A-I) | Agricultural Industrial (A-I) |
| Agricultural Residential (A-R) | Agricultural Residential (A-R) |
| Parks and Recreation (P-R) | Parks and Recreation (P-R) |
| Rural Residential - 2 Acre (RR-2) | Rural Residential - 2 Acre (RR-2) |
| Rural Residential - 5 Acre (RR-5) | Rural Residential - 5 Acre (RR-5) |
| Low Density Residential (R-L) | Low Density Residential (R-L) |
| Medium Density Residential (R-M) | Medium Density Residential (R-M) |
| High Density Residential (R-H) | High Density Residential (R-H) |
| General Commercial (C-G) | General Commercial (C-G) |
| Local Commercial (C-L) | Local Commercial (C-L) |
| Heavy Industrial (I-H) | Heavy Industrial (I-H) |
| Light Industrial (I-L) | Light Industrial (I-L) |
| Downtown Mixed Use (DMX) | Downtown Mixed Use (DMX) |
| Highway Service Commercial (C-H) | Highway Service Commercial (C-H) |
| Public/Quasi-Public (PQP) | Public/Quasi-Public (PQP) |
| Office Park Research and Development (OPRD) | Office Park Research and Development (OPRD) |
| Needs Value | |



Bro Properties

 APN 049-180-059

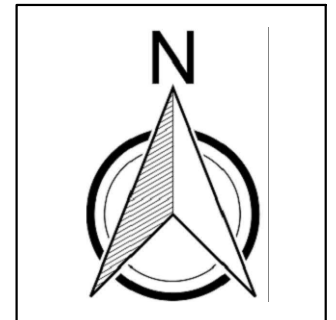




Prepared by PrecisionPro Advisors
 1401 21st Street, Suite R
 Sacramento, CA 95811
 (707)499-0840

Attachment B.

v4.4.23.2024
 4/23/2024



scale 1"=130'

SITE PLAN

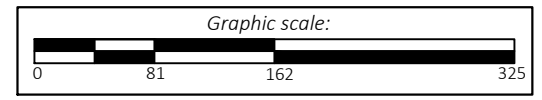
24701 Co Rd 22A

Esparto, CA 95627

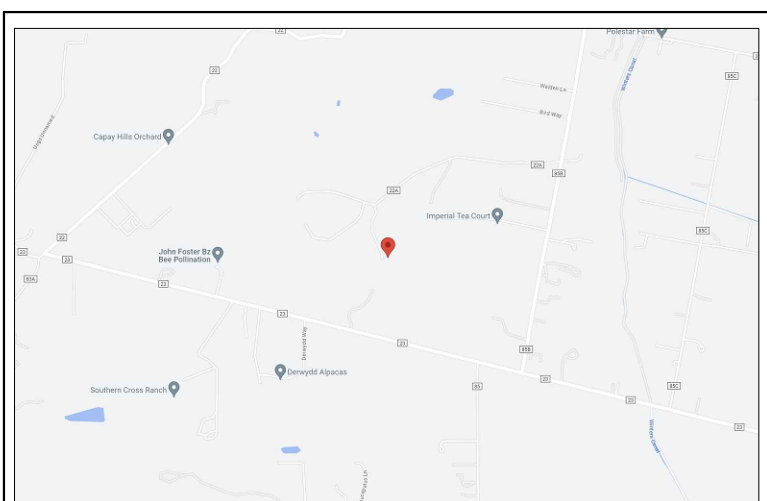
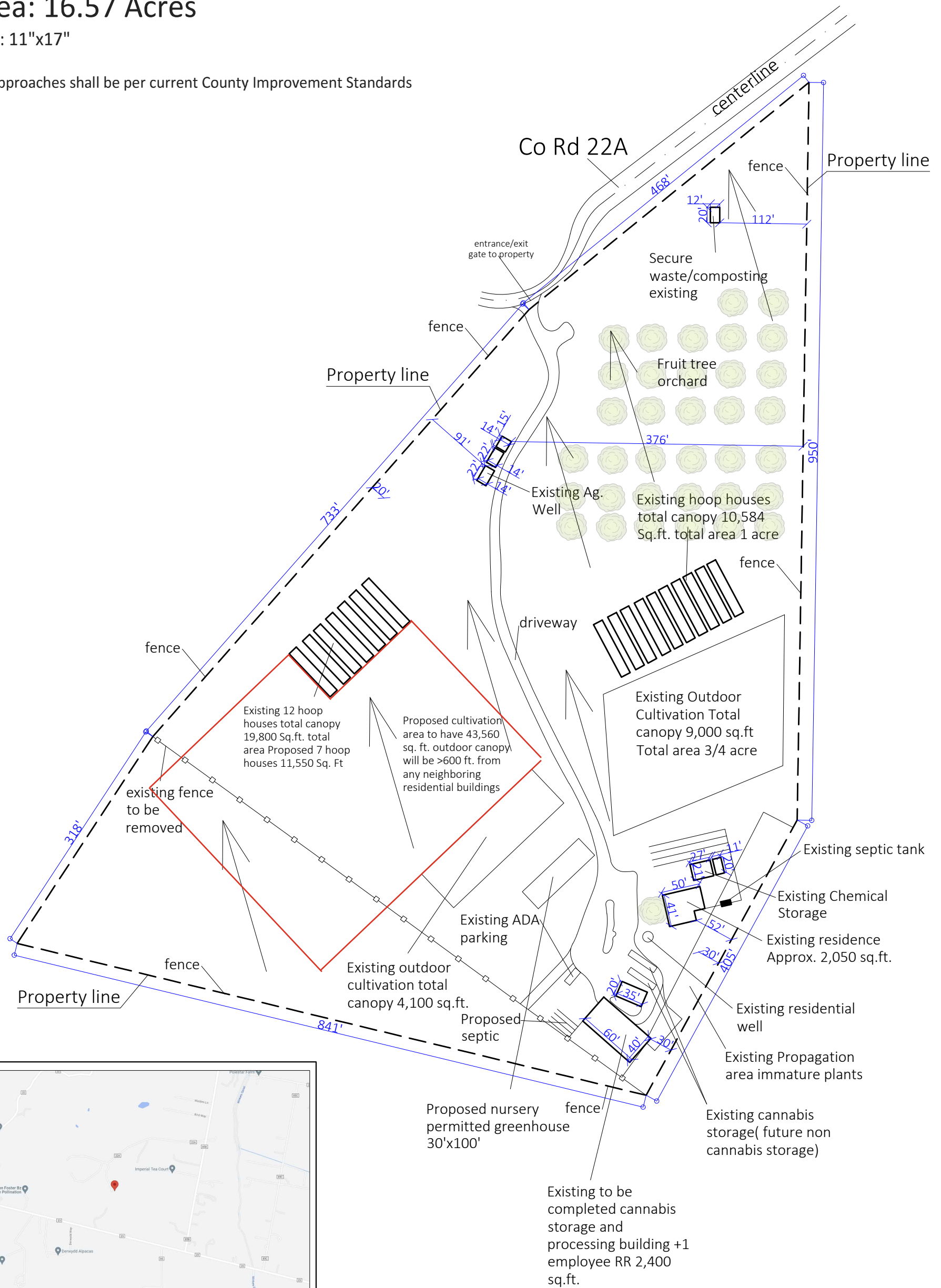
Parcel ID: 049-180-059-000

Lot Area: 16.57 Acres

Paper Size: 11"x17"



*Driveway approaches shall be per current County Improvement Standards



VICINITY MAP



The County of Napa, Yolo County, Maxar, Microsoft, Esri Community Maps Contributors, Yolo County, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS



COUNTY OF YOLO CANNABIS PROJECT CEQA COMPLIANCE FINDINGS AND DETERMINATION

Pursuant to Sections 15168(c), 15162, and 15183 of the California Environmental Quality Act (CEQA) Guidelines, the County of Yolo makes the following findings and determination of CEQA Compliance for the proposed cannabis project described below.

PROJECT TITLE: ZF2023-039 Bro Properties Cannabis Use Permit

PREVIOUSLY CERTIFIED EIR: Yolo County Cannabis Land Use Ordinance Environmental Impact Report, SCH# 2018082055, certified September 14, 2021 (Resolution 21-111), available at www.yolocounty.org/CLUOEIR.

PROJECT SUMMARY: The project site is an approximately 16.5-acre agriculturally zoned parcel located off County Road 22A, approximately 1.2 miles southwest of the community of Esparto. Bro Properties currently holds a valid State cultivation license and Yolo County cultivation license, allowing for up to one-acre of cannabis canopy. Bro Properties has cultivated cannabis on the property under validly-issued licenses since 2017 and has cultivated continuously since. Bro Properties activities currently occupy approximately seven acres while the remaining nine acres are not in cannabis use. The current cultivation site consists of 22 hoop houses, an outdoor cannabis cultivation area, and several trailer storage containers. Bro Properties seeks entitlement for the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses, issuance of self-distribution and nursery licenses.

Bro Properties does not currently satisfy the buffers required for off-site sensitive land uses and cannabis use areas as described in the CLUO. The nearest off-site residences are approximately 435 feet and 560 feet to the northeast of the outdoor canopy. CLUO Section 8-2.1408(e) requires a minimum of 600' between off-site residences and cannabis activities. The applicants proposes to adjust the cannabis cultivation areas to portions of the property that satisfy the buffer requirement.

PROJECT LOCATION: 24701 County Road 22A
Esparto, CA 95621
APN: 049-180-059
Access from the south side of CR 22A. Approximately 1.2 miles southwest of the Community of Esparto

PUBLIC AGENCY APPROVING PROJECT: County of Yolo

CONTACT PERSON: Charlie Tschudin, Natural Resources Planner (530) 666-8850
charlie.tschudin@yolocounty.gov

NAME OF ENTITY OR AGENCY CARRYING OUT PROJECT: Bro Properties, LLC

FINDINGS/ACTIONS IN SUPPORT OF CEQA COMPLIANCE DETERMINATION:

The Cannabis Land Use Ordinance Environmental Impact Report (CLUO EIR) was prepared as a programmatic EIR for adoption of the CLUO and to support streamlined review of individual permit applications pursuant to CEQA Guidelines Sections 15168, 15162, and 15183. If the County finds that an individual project is within the scope of the CLUO EIR, its environmental impacts are adequately addressed in the CLUO EIR, and applicable mitigation measures are applied to the project, then no further environmental review is required. Preparation of a site-specific environmental review document would be required if, for example, the County determines that an individual project would cause a significant environmental impact that was not examined in the EIR or that is peculiar to the project or the parcel on which it will be located.

Pursuant to Yolo County Code Section 8-2.1410(K), the County has used the attached CLUO Program EIR Checklist to evaluate CEQA coverage for the proposed cannabis project described above, and the County hereby makes the following findings of fact:

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 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.

Further information including the project file and supporting reports and studies may be reviewed at: County of Yolo Planning Division, 292 West Beamer Street, Woodland, CA 95695.

Planning Commission staff report and project attachments are available at:

<https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/planning-commission-information/planning-commission-meeting-materials>

MITIGATION MEASURES/CONDITIONS OF APPROVAL: Mitigation measures have been integrated into the CLUO and are identified herein, where relevant, as conditions of approval for the project.

FINDINGS OF OVERRIDING CONSIDERATION:

Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted with the certification of the CLUO EIR that accepted the possibility of unmitigated impacts in some of the impact categories regardless of whether feasible mitigation measures were identified. The proposed project would not have significant and unavoidable environmental impacts. A project-specific finding of overriding consideration is not identified for adoption.

Prepared by:



Charlie Tschudin, Natural Resources Planner
(530) 666-8850 - charlie.tschudin@yolocounty.gov
Yolo County Department of Community Services

January 7, 2025

Date

CLUO PROGRAM EIR CHECKLIST/PROJECT INITIAL STUDY

PROJECT NAME:	ZF2023-0039 Bro Properties Cannabis Use Permit	DATE: January 7, 2025
SITE ADDRESS:	24701 County Road 22A Esparto, CA 95627	APN: 049-180-059
APPLICANT:	Kokyou Chau PO Box 580338 Elk Grove, CA 95758	ZONING: Agricultural Extensive (A-X)
PROPERTY OWNER:	Kokyou Chau PO Box 580338 Elk Grove, CA 95758	Previously Certified FEIR: Yolo County CLUO EIR SCH #: 2018082055
PREPARED BY:	Charlie Tschudin, Natural Resources Planner Phone: (530) 666-8850 Email: charlie.tschudin@yolocounty.gov Yolo County Department of Community Services	
Referenced documentation is available for Public Review at: County of Yolo Planning Division 292 West Beamer Street Woodland, CA 95696 Or online at: https://www.yolocounty.org/government/general-government-departments/community-services/planning-division/planning-commission-information/planning-commission-meeting-materials		

PROJECT DESCRIPTION: The existing and proposed activities at the project site are discussed in further detail below.

Existing Activities

Bro Properties currently holds valid State and Yolo County cultivation licenses which allow for up to one-acre of cannabis canopy and has cultivated continuously since receiving a license in 2017. Bro Properties existing cannabis operations occur on seven acres of the approximately 16.5-acre site; the rest of the parcel is used as a fruit orchard. Non-cannabis related structures on-site include a preexisting residence and a workshop.

Existing on-site cannabis-related structures include 22 hoop houses, a 20- by 35-foot processing and storage building, an outdoor cannabis cultivation area, several trailers, and domestic and agricultural wells. The site also includes an Americans with Disabilities Act (ADA) parking area and porta-potties/outhouses for employees, outdoor propagation area, and refrigerated trailers for cannabis processing, as well as separate storage containers for chemicals, supplies, and cannabis products.

Bro Properties currently employs three full-time employees and one part-time employee, supplemented by up to 20 seasonal farm laborers. Employees commute to the site by way of Highway 16 and Road 85B to minimize travel through the redeveloped downtown area of Esparto, with direct access south of County Road 22A. and employees are encouraged to carpool to further reduce daily trips to four or five.

Bro Properties does not currently satisfy the buffers required for off-site sensitive land uses and cannabis cultivation areas as described in the Cannabis Land Use Ordinance. The nearest off-site residences are approximately 435 feet and 560 feet to the northeast of the outdoor canopy. CLUO Section 8-2.1408(e) requires a minimum of 600-feet between off-site residences and cannabis cultivation activities, although existing licensees have the ability to request buffer reductions and/or exceptions to reduce the buffer with neighboring landowner and Planning Commission approval on a case-by-case basis.

Proposed Activities

Bro Properties seeks entitlement of one additional acre of cannabis canopy, for a total of two acres of canopy, and issuance of a self-distribution license, and a nursery license. The additional acre of cannabis canopy is proposed at the southwest portion of the project site. Bro Properties also proposes to finalize the construction of a 3,200-sf processing facility with a new employee restroom and the construction of a new 3,000-sf commercial greenhouse.

Proposed licenses include a nursery license, which would allow Bro Properties to grow cannabis used for propagation, including clones, immature plants, and seeds to sell commercially (sales would not occur on the property) and would require the planting of a new outdoor cultivation area. Bro Properties plans on maintaining self-processing activities (currently performed in two six-foot by 48-foot transportation trailers and outdoor trimming areas), including drying, curing, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products for internal use, until such activities are moved to the new permitted storage and processing building. Bro Properties also seeks a self-distribution license that would allow the business to transport only the goods they cultivate to off-site manufacturing and distribution premises.

Although the topography of the project site undulates and resides on a gentle slope, the proposed structures would occur on previously disturbed land and would not require additional grading, trenching, or drilling.

In addition to the existing employment discussed above, Bro Properties plans to hire three additional full-time employees and intends to have 10 additional seasonal contracted workers at full expansion. Bro Properties off-season daily trips range between five to eight with peak-season trips ranging between 10 to 15. Post expansion, Bro Properties expects to generate one to two deliveries per week.

As a part of the project request, the project proponent will adjust the cannabis cultivation areas to portions of the project site that satisfy the 600' buffer from off-site residences. The project is conditioned to verify that all cannabis cultivation activities on the site satisfy the 600-foot buffer requirement. Therefore, the project does not include a buffer reduction nor exemption request.

PROJECT SITE AND ENVIRONMENTAL SETTING: The approximately 16.5-acre project site is located at 24701 County Road 22A in Esparto. The project site is zoned Agricultural Extensive (A-X), and the Yolo County General Plan designates the site as Agriculture (AG). The surrounding land uses are generally agricultural (and orchards and two homesites to the north and the northeast, with additional homesites in the area, but outside of the 600-foot buffer for cannabis uses and off-site sensitive land uses). Wetlands were not identified in the Project Area. The land surrounding the project site is vegetated with annual grasses to the south, west and east and by fruit tree orchards to the north, containing preexisting residential homes.

The property is enclosed by fencing, and access is facilitated through a gated entrance. The project site is approximately 16.5 acres and contains a preexisting residence, a workshop, and an operational fruit orchard. The project site consists of gently rolling slopes which dip toward the north and west. Drainage leaves the Project Area along a vegetated upland swale, which flattens out and disperses and does not connect with a downstream channel. Towards the northern end, beyond the premises boundary, there is a moderate slope descending towards County Road 22A..

BACKGROUND: Bro Properties has been operating in Esparto since 2017 and holds a State cultivation license and County cultivation license, which allows up to one-acre of canopy.

REQUIRED PERMITS AND APPROVALS: In addition to a Cannabis Use Permit, the following County licenses and approvals are required to allow the identified cannabis uses on the project site:

- A cannabis cultivation license for up to two acres of canopy;
- A cannabis nursery license to allow for regional serving nursery;
- A cannabis self distribution license; and

In addition to the County approvals, all required state licenses shall be obtained.

ATTACHMENTS (available in Planning Commission staff report package):

- 1 Project Vicinity Map
- 2 Project Site Plan
- 3 Project Conditions of Approval

OVERVIEW:

This CLUO Program EIR Checklist (checklist) has been prepared to analyze the potential environmental effects associated with the proposed project, and to determine whether and what additional CEQA analysis is required. The checklist focuses on compliance with CEQA Guidelines Sections 15168(c), 15162, and 15183 by verifying the following information (in no order):

- 1) The proposed project will not:
 - a. Result in new significant effects, or
 - b. Result in substantial increase in severity of previously identified significant effects, and
 - c. Require major revisions of the CLUO EIR
- 2) The circumstances under which the proposed project is undertaken will not:
 - a. Result in new significant effects, or
 - b. Result in substantial increase in severity of previously identified significant effects, and
 - c. Require major revisions of the CLUO EIR
- 3) There is no new information relevant to the proposed project that is of substantial importance that was not known at the time of the CLUO EIR (or could not have been known with the exercise of reasonable diligence) that would show:
 - a. The project will have one or more significant effects not discussed in the CLUO EIR, or
 - b. Significant effects examined in the CLUO EIR will be substantially more severe than shown in the CLUO EIR, or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the applicant has declined to adopt them, or
 - d. Mitigation measures or alternatives considerably different from those analyzed in the CLUO EIR would substantially reduce one or more significant effects, but the applicant has declined to adopt them.
- 4) The project is a later activity anticipated in the CLUO
- 5) Applicable mitigation measures from the CLUO EIR have been imposed on the project

6) Adverse environmental effects, including off-site and cumulative effects, of the project were analyzed within the scope of the CLUO EIR

7) The proposed project is consistent and compliant with the requirements of the CLUO

This checklist examines the conclusions reached in the CLUO EIR for each relevant CEQA impact category identified in the CLUO EIR and CEQA Appendix G. For each CEQA impact category, the checklist provides a summary of the CLUO EIR analysis, a description of the project's potential environmental impacts, and conclusions regarding whether further environmental review is required for that impact.

Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted with the certification of the CLUO EIR that accepted the possibility of unmitigated impacts in some of the impact categories regardless of whether feasible mitigation measures were identified. Where relevant, this is identified in the analysis discussion. Where the project would have significant and unavoidable environmental impacts, a project-specific finding of overriding considerations will be adopted.

Scope of Impacts Covered in CLUO EIR:

The Yolo County Cannabis Land Use Ordinance Environmental Impact Report (CLUO EIR), SCH# 2018082055, was certified by the Board of Supervisors on September 14, 2021 (Resolution 21-111). The CLUO EIR analyzed at a detailed level a wide range of alternatives that made specific assumptions about environmental conditions and project features, which are summarized below. These assumptions are identified in Chapter 2 of the DEIR volume, including specifically Table 2-4 (p. 2-30 to 2-32), Table 2-5 (p. 2-33), Section 3.0 (p. 3-3 to 3-6), DEIR Appendix D, and p. 4-1 to 4-3 of the FEIR volume.

1. Maximum Number of Cannabis Sites: A maximum of 264 sites (Alternative 3) was analyzed in the CLUO EIR. The adopted CLUO allows for no more than 65 Cannabis Use Permits, of which no more than 5 may be located in the Capay Valley.
2. Maximum Number of Cannabis Land Uses By License Type: The maximum number of cannabis land uses by license type analyzed in the CLUO EIR is shown below for Alternative 3:
 - Cultivation (indoor or outdoor) = 160
 - Nurseries = 10
 - Processing = 10
 - Manufacturing = 40
 - Testing = 10
 - Distribution = 20
 - Retail (Storefront) = 4
 - Retail (Non-Storefront) = Not Specified
 - Special Cannabis Event = 0
 - Microbusiness = 10

The adopted CLUO limits the number of cannabis land uses by cannabis license type as follows:

- Cultivation (indoor or outdoor) = 49
- Nurseries = 5 (0 in Capay Valley)
- Processing = 7 (0 in Capay Valley)
- Manufacturing = 6 (0 in Capay Valley)
- Testing = 2 (0 in Capay Valley)
- Distribution = 7 (0 in Capay Valley)
- Retail (Storefront) = 5 (0 in Capay Valley and 0 in Clarksburg) (applications not allowed for two years from the effective date of the CLUO)
- Retail (Non-Storefront) = 10 (0 in Capay Valley) (must be associated with a Yolo Cannabis Use Permit)
- Special Cannabis Event = 0
- Microbusiness = 5 (0 in Capay Valley)

For all cannabis land use types, except Retail Storefront, the caps in the adopted CLUO are lower than the range analyzed in the CLUO EIR. The adopted CLUO allows for up to five cannabis Retail Storefront operations. CLUO EIR Alternative 3 assumed four cannabis retail storefronts. As documented in the CEQA Findings of Fact, the difference of one additional retail storefront included in the adopted CLUO is not significant because, as demonstrated in the Final EIR, the effects of Retail Storefront are not discernably different from the effects of other types of allowed retail land uses, and fall within the impact analysis conducted in the CLUO EIR.

3. Maximum Total Cultivation Canopy Acreage: A maximum of 160 acres (Alternative 3) of cultivation canopy was analyzed in the CLUO EIR. The adopted CLUO allows for no more than 49 cultivation licenses with a maximum canopy of 2 acres each or 98 acres total.
4. Maximum Total Land Area for Combined Cannabis Activities: A maximum of 517 acres (Alternative 3) of land area and related ancillary activities was assumed in the CLUO EIR. The adopted CLUO does not expressly limit the total land area for combined cannabis activities, therefore, this limit applies.
5. Total Assumed New Land Disturbance for Combined Cannabis Activities: A maximum of 379 acres (Alternative 3) of new land disturbance including related new ancillary activities was assumed in the CLUO EIR. The adopted CLUO does not expressly limit the area of new land disturbance for combined cannabis activities, therefore, this limit applies.
6. Maximum Total Building Area for Combined Cannabis Activities: A maximum of 10,633,957 square feet (Alternative 3) of total building area including related ancillary activities was assumed in the CLUO EIR. The adopted CLUO does not expressly limit the total building area for combined cannabis activities, therefore, this limit applies.
7. Maximum Total Employees for Combined Cannabis Activities: A maximum of 5,251 full-time equivalent (Alternative 3) employees including related ancillary activities was assumed in the CLUO EIR. The adopted CLUO does not expressly limit the number of full-time equivalent employees for combined cannabis activities, therefore, this limit applies.
8. Buffers: Impacts associated with a range of 0 feet to 1,500 feet under various circumstances and for various cannabis use types was analyzed in the CLUO EIR (CEQA Findings of Fact, p. 23). The adopted CLUO requires buffers ranging between 600 feet and 1,500 feet from

specific identified sensitive land uses for outdoor uses and up to 100 feet for indoor uses, with identified exceptions allowed for existing operators on a case-by-case basis (see Section 8-2.1403 (B) through (E) which address buffer easements, exemptions, exceptions, and reductions).

9. Over-Concentration: For Existing Licensees, such as Bro Properties, the unincorporated area of the County, outside of the Capay Valley, is not considered over-concentrated. Therefore, the proposed project would not result in over-concentration.

The adopted CLUO defines over-concentration as occurring under existing conditions in the Capay Valley area based on existing licenses and sets a maximum threshold of five Cannabis Use Permits in the Capay Valley. Throughout the rest of the County the adopted CLUO sets a maximum threshold of seven Cannabis Use Permits in any six-mile diameter area. More than seven Cannabis Use Permits in any six-mile diameter area is defined as over-concentration, and therefore precluded.

10. Other Buffers and Setbacks: The CLUO EIR assumed the required General Plan setback of 100 feet from described water bodies will be applied; and, all minimum setbacks required in the applicable zone district will be met. These requirements were incorporated into the adopted CLUO.

ACTIONS TAKEN TO MINIMIZE IMPACTS OF THE CLUO:

CEQA Findings of Fact (Resolution 21-111), Section VII(B), Findings Regarding Recirculation of the EIR (pages 16 to 30), itemizes changes made to the CLUO and CLUO EIR after circulation of the Final EIR and prior to certification of the EIR and adoption of the CLUO.

DOCUMENTATION THAT PROJECT IS WITHIN SCOPE OF CLUO EIR:

The following information documents that the physical attributes of the proposed project fall within the scope of the CLUO EIR:

1. Maximum Number of Cannabis Sites: If approved, the proposed project would receive one of 65 available Cannabis Use Permits, within the number of sites (264) analyzed in the CLUO EIR.
2. Maximum Number of Cannabis Land Uses By License Type: If approved, the proposed project would receive one of 49 available cultivation licenses and be eligible to receive one of 5 available nursery licenses.
3. Maximum Total Cultivation Canopy Acreage: If approved, the proposed project would result in two acres of canopy for cannabis cultivation activities, of which one acre of canopy has been under cultivation since 2017, and one additional new acre is requested. Total cannabis cultivation canopy analyzed in the CLUO EIR is 160 acres. The adopted CLUO allows for no more than 49 cultivation licenses with a maximum canopy of 2 acres each or 98 acres total.
4. Maximum Total Land Area for Combined Cannabis Activities: A maximum of 517 acres (Alternative 3) of land area and related ancillary activities was assumed in the CLUO EIR. The adopted CLUO does not expressly limit the total land area for combined cannabis activities, therefore, this limit applies.
5. Total Assumed New Land Disturbance for Combined Cannabis Activities: If approved, the project would not result in additional acres of new land disturbance. Approval of the project

would not exceed 379 acres maximum area of new land disturbance, which is the total analyzed in the CLUO EIR

6. **Maximum Total Building Area for Combined Cannabis Activities:** If approved, the proposed project would result in 6,200 square feet of building area, of which 3,200 square feet is existing and 3,000 square feet would be proposed new. Approval of the project would not exceed 10,633,957 square feet of total building area, which is the total analyzed in the CLUO EIR.
7. **Maximum Total Employees for Combined Cannabis Activities:** If approved, the proposed project would employ up to six full-time year-round employees and up to 30 seasonal farm laborers. Approval of the project would not exceed 5,521 full-time equivalent employees, which is the total analyzed in the CLUO EIR.
8. **Buffers:** If approved, the proposed project would result in the onsite cultivation areas being adjusted to satisfy the 600-foot buffer requirement for existing licensees. The current outdoor cultivation area is within approximately 435 feet and 560 feet of residences to the northeast of the outdoor canopy. The applicant will adjust the cultivation areas to other areas of the project site that are at least 600 feet from all offsite residences. For pre-existing operations, the CLUO allows for specified buffers to be decreased and provides for the possibility of discretionary exceptions for certain buffers subject to Planning Commission approval. The project proponent is foregoing this option and will adjust the onsite cultivation areas to satisfy the buffer.
9. **Over-Concentration:** The CLUO EIR concluded that five or fewer sites within a six-mile diameter area is not over-concentrated, and 23 or more sites within a six-mile diameter area is over-concentrated. The CLUO EIR acknowledged that the range between six and 22 sites is potentially over-concentrated, and identified the determination of a precise threshold within the range is a matter of policy for the Board of Supervisors to decide. Mitigation Measure OVC-1(a-c) related to over-concentration was substantially incorporated into the final CLUO as mitigation for cumulative impacts related to over-concentration of cannabis land uses (Section 8-2.1406(H)).
10. **Other Buffers and Setbacks:** CLUO EIR assumed the required General Plan setback of 100 feet from described water bodies will be applied; and, all minimum setbacks required in the applicable zone district will be met. These requirements were incorporated into the adopted CLUO.

EXPLANATION OF CHECKLIST QUESTIONS AND ANALYSIS:

For each environmental impact topic, the following information is provided to substantiate the County's CEQA findings under Sections 15168(c), 15162, and 15183 of the CEQA Guidelines:

CLUO EIR Discussion and Conclusions: This section identifies the relevant conclusions reached in the CLUO EIR, provides references to the relevant volume and page number(s) of relevant discussion in the CLUO EIR, and describes the conclusions of the CLUO EIR as to the impacts to the resource area.

Question #1 (Project Within Scope of CLUO EIR): This question documents whether the proposed project falls within the scope of the CLUO EIR, and the basis for that conclusion, with particular emphasis on any unique or peculiar aspects of the project that might have a

bearing on the particular resource area and any aspects of the project that differ from the CLUO EIR project assumptions.

Question #2 (Important Site-Specific or New Information): This question identifies whether important project-specific or new information emerged from the conclusions of the technical studies required of the applicant, or from any other source. This question would also apply to any new regulations that might change the nature of analysis or the requirements of a CLUO EIR mitigation measure.

Question #3 (Project Consistent with CLUO): This question documents that the project complies with the requirements of the CLUO and that the requirements of the CLUO and other relevant regulations have been imposed on the project in the form of Conditions of Approval (COAs).

Conclusions: This section summarizes the conclusions and outcomes of the questions above, summarizes whether the project meets the thresholds, criteria, and requirements to qualify for tiering and/or streamlining under CEQA, and identifies additional review requirements, if any. If the environmental conclusion of the CLUO EIR remains the same (i.e., no new or more severe environmental impacts, or no new feasible or more effective mitigation measures or alternatives rejected by the applicant), new or additional environmental review or mitigation is not necessary.

I. AESTHETICS.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact AES-1: Have a substantial adverse effect on a scenic vista or viewshed?	LS	Yes	No	Yes
b. Impact AES-2: Damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway or county-designated scenic highway?	LS	Yes	No	Yes
c. Impact AES-3: Substantially degrade the existing visual character or quality of the project area?	SU	Yes	No	Yes
d. Impact AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Aesthetic impacts are analyzed on pages 3.1-1 to 3.1-48, 4-4 to 4-8, 4-39 to 4-47, and in Chapter 5 of the draft volume of the certified CLUO EIR. Clarifications to the analysis of aesthetics were made on pages 4-1 to 4-2 in the final volume of the CLUO EIR. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. No modifications to the analysis were made in the CEQA Findings of Fact.

The CLUO EIR found impacts to scenic vistas and viewshed, scenic resources, and light or glare affecting day or nighttime views to be less than significant with no mitigation measures required. The CLUO EIR found that implementation of the CLUO would have a significant impact by substantially degrading the existing visual character or quality of the area and concluded those impacts would be unavoidable with no additional feasible mitigation measures identified because: aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other forms of non-cannabis agriculture in the County. In addition to the impacts identified above, aesthetic impacts related to overconcentration and cumulative impacts were found to be significant and unavoidable, with no additional known feasible mitigation measures.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested CUP would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum

total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to aesthetics:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. Furthermore, the proposed project would be consistent with the CLUO regulations and standards regarding building design, fencing, lighting, landscaping, and site design as described under Question 3 below. New uses will not encroach into required setbacks. In addition, the County Agricultural Commissioner commented that there are no concerns related to screening and fencing.

Based on the above, the proposed project does not include peculiar project features or new important information associated with aesthetics beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to aesthetics:

- Comply with CLUO Section 8-2.1408(F), Building Design which requires cannabis building design consider aesthetics including compliance with adopted design requirements, clustering of structures on the site, compatibility of design, materials, and general appearance with character and scale of what is typical within the applicable zone.
- Comply with CLUO Section 8-2.1408(H), Cultural Resources which includes requirements for the identification and protection of historic resources.
- Comply with CLUO Section 8-2.1408(P), Fencing and (KK), Screening which requires a screening plan (vegetative or fencing) for outdoor cultivation to address visibility from public rights-of-way. Vegetative screening requires sign off from the Agricultural Commissioner, must be native and drought tolerant, and must provide the intended screening within five years. Fencing must not exceed seven feet, design and materials must be consistent with surrounding area, in good repair, not diminish the visual quality of the area, and must be opaque and durable. Razor wire is prohibited.
- Comply with CLUO Section 8-2.1408(Y), Landscaping, which requires landscaping consistent with applicable requirements for the zone district.

- Comply with CLUO Section 8-2.1408(Z), Lighting, which requires directional control of all lighting, use of efficient technology, and prohibition of nighttime lighting escape for cultivation, including greenhouses.
- Comply with CLUO Section 8-2.1408(CC), Nuisance, which identifies the conditions under which light and glare would constitute a public nuisance, subject to three levels of enforcement.
- Comply with CLUO Section 8-2.1408(OO), Site Design, which requires that site design integrate adopted regulatory and design requirements for aesthetics and lighting.
- Comply with CLUO Section 8-2.1408(PP), Site Maintenance (General), which requires operation and maintenance of the site in good repair, acceptable appearance, and safe conditions, and free of: litter, clutter, graffiti, abandoned structures, and abandoned material and equipment.
- Comply with CLUO Section 8-2.1408(RR), Tree Protection, which encourages protection of trees and prohibits removal of native trees.
- Comply with CLUO Section 8-2.1412(C), Cultivation Site Restoration, which requires restoration of cannabis cultivation sites upon revocation or abandonment.

Conclusions: The site-specific analysis did not reveal any impacts to aesthetics or visual resources that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to aesthetics were *adequately addressed in the CLUO EIR*.

II. AGRICULTURAL RESOURCES.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact Ag-1: Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance?	NI	Yes	No	Yes
b. Impact AG-2: Conflict with existing agricultural zoning or with a Williamson Act contract?	NI	Yes	No	Yes
c. Impact AG-3: Create conflicts with agricultural uses or conversion of farmland to non-agricultural uses?	LS	Yes	No	Yes
d. Impact AG-4: Conflict with Yolo County General Plan and community plans related to agricultural resources?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to agricultural resources are analyzed on pages 3.2-1 to 3.2-26, 4-8 to 4-9, 4-47 to 4-48, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of agricultural resources were made in the final volume of the CLUO EIR or CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR.

Because cannabis cultivation and related activities are considered an agricultural land use in Yolo County, the CLUO EIR found no impacts related to conversion of protected farmland, conflict with agricultural zoning, and conflict with Williamson Act contracts. The CLUO EIR did not identify any need for further regulations in light of the requirements of existing law related to pesticide overspray and dust control. The CLUO EIR also determined that buffers between crops were not required unless the Agricultural Commissioner recommends differently based on circumstances specific to the site and project in relation to adjacent agricultural uses. The Agricultural Commissioner commented that there are no known compatibility issues, as cannabis has been grown at the project site since 2017. The Commissioner also noted that although the property also produces fruits such as peaches, nectarines, apricots, and citrus, such agricultural production does not present a concern because the property owner also manages the fruit orchards. In addition, the Agricultural Commissioner saw no concerns with agricultural maintenance or screening/fencing issues. The Agricultural Commissioner did acknowledge that the applicant will have to obtain an Operator ID issued by the Agricultural Commissioner prior to any application of pesticides. Accordingly, the CLUO EIR found impacts related to conflicts with agricultural uses, conversion of farmland, and conflicts with the General Plan and community plans would be less than significant with no mitigation measures required. Cumulative agricultural resource impacts and impacts related to overconcentration were also found to be less than significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building),

construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested CUP would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius. The CLUO relied on this information, and the position of the County that cannabis cultivation is an agricultural land use in concluding that impacts to agricultural resources from Cannabis Use Permits would not occur or be less than significant.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to agricultural resources:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. The proposed project would be consistent with the CLUO regulations related to agriculture, which require compliance with applicable County and State regulations, manufacturer instructions for use of fertilizers, herbicides, pesticides, rodenticides, fumigants, and other inputs/applications for improved agricultural performance. The CLUO also requires permittees operating on agricultural land to demonstrate to the satisfaction of the County Agricultural Commissioner that the parcel, excluding the area in cannabis cultivation, will be used for agricultural activities, and/or that any areas in non-agricultural use will be properly maintained.

The project site contains designated farmland but is not under a Williamson Act Contract.¹ The proposed project would not result in the conversion of farmland to non-agricultural uses or any other unique or peculiar circumstances related to agricultural resources.

Based on the above, the proposed project does not include peculiar project features or new important information associated with agricultural resources beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to agricultural resources:

- Comply with CLUO Section 8-2.1408(A), Agricultural Applications, which requires implementation of Pest Management Plans, and compliance with pesticide laws and regulations enforced by the state.

¹ Department of Conservation. *California Williamson Act Enrollment Finder*. Available at: <https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html>. Accessed August 2024.

- Comply with CLUO Section 8-2.1408(B), Agricultural Maintenance, which requires proper maintenance of agricultural properties, to the satisfaction of the Agricultural Commissioner, to control and abate weeds and agricultural pests to avoid impairment of agriculture on adjoining properties.
- Comply with CLUO Section 8-2.1408(L), Dust Control, which requires compliance with YSAQMD requirements related to dust control, and control of dust in a manner consistent with standards agricultural practices. Vegetative wind breaks are encouraged.
- Comply with CLUO Section 8-2.1408(U), Good Neighbor Communication, which requires the operator to ensure a method of communicating with neighbors within 1,000 feet. Written records are encouraged and failure to respond in a reasonable manner and timeframe will be an enforcement consideration.

Conclusions: The site-specific analysis did not reveal any impacts to agricultural resources that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to agricultural resources were ***adequately addressed in the CLUO EIR.***

III. AIR QUALITY AND ODORS.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact AQ-1: Conflict with or obstruct implementation of policies and regulations related to air quality?	LS	Yes	No	Yes
b. Impact AQ-2: Generate construction-related emissions of criteria pollutants and precursors that exceed YSAQMD recommended thresholds?	LS	Yes	No	Yes
c. Impact AQ-3: Create long-term operational emissions of criteria pollutants and precursors that exceed YSAQMD recommended thresholds?	LS	Yes	No	Yes
d. Impact AQ-4: Expose a substantial number of people to adverse odors?	SU w/MMs	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Air quality and odor impacts are analyzed on pages 3.3-1 to 3.3-38, 4-9 to 4-19, 4-48 to 4-54, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of air quality and odors were made in the final volume of the CLUO EIR. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. A clarification to the mitigation measure requiring wind pattern analysis as part of the required Odor Control Plan for each Cannabis Use Permit application and clarifying requirements related to mitigation for overconcentration were documented in the CEQA Findings of Fact (page 24-25, and 28-29).

The CLUO EIR found impacts related to conflicts with air quality regulations, and both construction and operations emissions of criteria pollutants, to be less than significant with no mitigation measures required. The CLUO EIR concluded that odor impacts would remain significant and unavoidable even with implementation of identified mitigation measures because: cannabis is a controversial activity; some neighbors are very sensitive to the odor and find it to be highly objectionable; the proposed regulatory threshold is not zero-detect which means that some odor will be detectable and will be considered acceptable under the regulations; and odor exceedances in excess of the allowable level may be higher in early years as the industry and technology evolve despite the fact that enforcement will occur under the CLUO. Exposure to adverse odors was identified as a significant impact that could be partially mitigated by identified measures, but not to acceptable levels; therefore, the CLUO EIR concluded those impacts would be unavoidable. Cumulative air quality impacts were found to be less than significant, with no mitigation measures required. Cumulative odor impacts and odor impacts due to overconcentration were found to be significant and unavoidable with feasible mitigation measures identified that would provide partial mitigation.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building),

construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested CUP would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius. The subject project is an existing operating licensee and was included in the CLUO EIR air quality modeling and odor emissions analysis as a component of existing conditions.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to air quality and odor:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. Furthermore, as discussed below, the proposed project would be consistent with the CLUO regulations related to air quality and odors, such as requiring compliance with the Yolo-Solano Air Quality Management District (YSAQMD) rules and regulations during project construction and operation.

The proposed project would include finalizing the construction of a 3,200-sf building for processing, storage, and the addition of an employee restroom, as well as the development of a new 3,000-sf greenhouse for nursery and cultivation activities. The proposed structures would be prefabricated and/or metal frame buildings that would be constructed at the project site. The construction of such type of buildings typically does not involve intensive use of construction equipment as compared to typical building construction. In addition, construction would not include grading activities. Therefore, due to the brief construction period and minor nature of the construction activities, implementation of the proposed project would not be expected to result in construction emissions in excess of applicable YSAQMD thresholds of significance.

The CLUO incorporates dust control, odor, and generator emission standards that are consistent with YSAQMD and State regulations. In compliance with Section 8-2.1408(DD) of the CLUO, an Odor Control Plan was prepared for the proposed project by Yorke Engineering, LLC.² The Odor Control Plan did not identify peculiar circumstances beyond what was analyzed in the CLUO EIR. Furthermore, the proposed project would be subject to the measures and recommendations contained in the Odor Control Plan such as performing weekly odor evaluations and conducting odor control training sessions with staff, which would help ensure odor emissions specific to the operations at the project site are minimized.

The CLUO EIR also determined that implementation of the CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, would not exceed YSAQMD thresholds of significance for emissions of ROG, NO_x, and PM₁₀ for individual permitted cannabis uses. Although the proposed project would result in an increase in employees, the employees are encouraged to carpool, in order to

² Yorke Engineering, LLC. *Bros Properties, LLC. Odor Control Plan*. November 2023.

minimize the amount of daily vehicle trips associated with the project site. Delivery and pickup truck trips may increase as a result of the proposed expansion; however, the increase is not expected to be substantial and would remain within the range anticipated for the site in the CLUO EIR. In addition, the proposed expansion would require the use of additional lighting and climate control machinery for the proposed structures. However, the applicant is enrolled within the Valley Clean Energy Alliance's (VCEA'S) UltraGreen program, which ensures 100 percent of the energy used on-site is from renewable energy sources. Furthermore, the proposed project would not involve the use of a generator. Therefore, the proposed project's operational emissions would not result in any new impacts or increase in severity of impacts identified in the CLUO EIR.

Overall, the proposed project does not include peculiar project features or new important information associated with air quality and odors beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to air quality and odor control:

- Comply with CLUO Section 8-2.1406(G), Limitations on Licenses and Permits – This section identifies the number of allowed use permits, and cannabis licenses by type.
- Comply with CLUO Section 8-2.1406(H), Over-Concentration – This section identifies the Capay Valley as an existing over-concentrated area, and establishes a maximum of seven Cannabis Use Permits in any six-mile diameter area.
- Comply with CLUO Section 8-2.1408(E), Buffers which establishes buffers for various identified sensitive uses ranging from 600 feet to 1,500 feet, with exceptions allowed for existing operators on a case-by-case basis (see Section 8-2.1403 (B) through (E) which address buffer easements, exemptions, exceptions, and reductions).
- Comply with CLUO Section 8-2.1408(L), Dust Control, which requires compliance with YSAQMD requirements related to dust control, and control of dust in a manner consistent with standards agricultural practices. Vegetative wind breaks are encouraged.
- Comply with CLUO Section 8-2.1408(T), Generators, which requires compliance with YSAQMD requirements related to generator usage, and prohibits the use generators as the sole or permanent source of power for equipment and/or facilities.
- Comply with CLUO Section 8-2.1408(U), Good Neighbor Communication, which requires the operator to ensure a method of communicating with neighbors within 1,000 feet. Written records are encouraged and failure to respond in a reasonable manner and timeframe will be an enforcement consideration.

- Comply with CLUO Section 8-2.1408(CC), Nuisance, which identifies the conditions under which odor and other emissions will constitute a public nuisance, subject to three levels of enforcement.
- Comply with CLUO Section 8-2.1408(DD), Odor Control, which identifies the regulatory threshold for cannabis odor, possible methods of odor control for various cannabis activities, and requirements for mandatory Odor Control Plans. Notwithstanding any other standard of the CLUO, including buffers, exceedance of the odor threshold identified below is prohibited:
 - The allowable threshold for cannabis odor from all cannabis uses, including personal cultivation, shall be defined as a dilution-to-threshold (D/T) ratio of less than seven parts clean or filtered air to one-part odorous air (7:1) at the property line of the site.
- Comply with CLUO Section 8-2.1408(HH), Processing, which describes that cannabis processing may occur outdoors only if required odor control is provided.
- Comply with CLUO Section 8-2.1408(OO), Site Design, which requires that site design integrate adopted regulatory and design requirements for air quality and odor.

Conclusions: The site-specific analysis did not reveal any impacts related to air quality or odor that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to air quality and odors were ***adequately addressed in the CLUO EIR.***

IV. BIOLOGICAL RESOURCES.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact BIO-1: Adversely affect special status species?	LS w/MMs	Yes	No	Yes
b. Impact BIO-2: Adversely affect riparian habitat and other sensitive natural communities?	LS w/MMs	Yes	No	Yes
c. Impact BIO-3: Adversely affect state-protected or federally-protected wetlands?	LS w/MMs	Yes	No	Yes
d. Impact BIO-4: Interfere substantially with the movement of resident or migratory wildlife species or with wildlife corridors, or impede the use of native wildlife nursery sites?	LS w/MMs	Yes	No	Yes
e. Impact BIO-5: Conflict with any local policies or ordinances protecting biological resources?	NI	Yes	No	Yes
f. Impact BIO-6: Conflict with the Yolo HCP/NCCP?	NI	Yes	No	Yes
g. Impact BIO-7: Substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to biological resources are analyzed on pages 3.4-1 to 3.4-72, 4-19 to 4-20, 4-54, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of biological resources were made in the final volume of the CLUO EIR. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 of the final volume of the CLUO EIR. Clarifications to the mitigation measures for biological resources are identified on pages 25 to 27 of the CEQA Findings of Fact.

The CLUO EIR found no impacts related to local policies and ordinances protecting biological resources, or conflicts with the Yolo HCP/NCCP. All other impacts to biological resources were found to be less-than-significant with implementation of mitigation measures. In addition, cumulative impacts to biological resources and impacts due to overconcentration were found to be less-than-significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is presently used for cultivating cannabis by an existing licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the

Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested CUP would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project includes expansion of the cannabis operation from one acre to a total of two acres of cultivation canopy, finalizing a 3,200-sf processing facility, and a new 3,000-sf greenhouse onto areas of the project site previously used for orchards. Therefore, all development would take place on previously disturbed land.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to biological resources:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. The CLUO includes regulations related to biological resources, which require conducting reconnaissance-level surveys prior to project implementation if ground disturbance/development is proposed, satisfying the requirements of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), implementing biological resource protection measures when applicable, and avoidance of sensitive habitats and special-status species.

Graening and Associates, LLC conducted a Biological Resources Survey for the 16.5-acre project site to document the vegetation, determine the land cover types and habitats on and adjacent to the project site, and to evaluate the potential for species covered under the Yolo HCP/NCCP to occur at the project site (see Appendix B).³ Although the proposed development would cause minimal ground disturbance, and although the new construction would be near existing structures, the proposed project would be considered a Covered Activity requiring permitting pursuant to the Yolo HCP/NCCP. Two biological surveys were conducted on July 27, 2017, and November 5, 2023. Natural Investigations Company also conducted an analysis using the California Natural Diversity Database (CNDDDB) to determine if the potential exists for other special-status species that are not otherwise covered by the Yolo HCP/NCCP to occur at the project site. The CNDDDB reported special-status habitats were not identified within the study area during the field survey.

According to the Biological Resources Survey, special-status plant species have a very low potential to exist on the project site due to the dominance of aggressive non-native grasses and forbs found in the understory, lack of suitable soils, and the disturbance regimes of human activity and weed control. The Yolo HCP/NCCP identified four suitable habitats for special-status plant species within the proposed expansion of cultivation areas that would require conversion. However, special-status plant species not covered under the

³ Graening and Associates, LLC. *Biological Resources Survey for the Cannabis Cultivation Operations at 24701 County Road 22A, Esparto, California*. April 2024.

Yolo HCP/NCCP were unobserved. Because the new cultivation areas would be located on previously disturbed ground, the Biological Resources Survey determined that special-status plant species would not be impacted by implementation of the proposed project.

According to the Biological Resources Survey, the project site contains modeled habitat for the following special-status species covered by the Yolo HCP/NCCP: Swainson's hawk, tricolored blackbird, western pond turtle, and white-tailed kite. However, although western pond turtle habitat is modeled on-site, the Biological Resources Survey determined that a pond is not located on-site and, thus, the site does not contain suitable habitat for the species. Although covered or special-status plant or wildlife species were not detected during field surveys, wildlife species could migrate into the project site between the time that the field survey was completed and the start of construction. In addition, the project site and vicinity, including adjacent trees and utility poles, contain suitable nesting habitat for various bird species. Although nests were not observed during the field survey, if construction activities are conducted during the nesting season, nesting birds could be indirectly impacted by noise, vibration, and other construction-related disturbance. Although the CNDDDB reported occurrences of two special-status species, the Townsend's big-eared bat and western red bat; the project site does not contain suitable habitat for special-status species reported by the CNDDDB and the California Native Plant society. Therefore, impacts related to listed special-status species are not expected to occur.

Based on the above, implementation of the proposed project could result in potential impacts to covered or other non-covered special-status wildlife species. However, the goals, policies, and actions included in the CLUO, including pre-construction surveys for special-status species, would ensure that any such impacts are reduced to less-than-significant levels. Accordingly, the proposed project would not result in any peculiar impacts to special-status species, given required compliance with applicable federal, State, regional, and local regulations, together with the goals, policies, and actions included in the CLUO, which the CLUO EIR found would substantially mitigate potential environmental effects. Additionally, both by exclusion as a non-covered activity (agriculture) and by the purchase of mitigation fees (for new buildings) and compliance with Yolo HCP/NCCP Avoidance and Minimization Measures (AMMs), implementation of the project would comply with the applicable Yolo HCP/NCCP requirements. Thus, the proposed project would not result in any peculiar effects that would require further CEQA review related to special-status species.

In addition, the proposed project would also not conflict with any tree preservation policy or ordinance, as the project would not require the removal of any protected trees.

According to the Biological Resources Survey, the site and immediate site vicinity does not contain wetlands or other aquatic features. Project site operations are setback from the nearest channel or wetland by at least 200 feet and does not require any disturbance to surface waters. Bro Properties is enrolled in Cannabis Cultivation Order WQ 2019-0001-DWQ, which ensures that project operations would not significantly impact water resources by using Best Management Practices, buffer zones, reporting, and regulatory oversight. Thus, the proposed project would not result in any peculiar effects that would require further CEQA review related to effects on any riparian habitat, protected wetlands, or other sensitive natural communities.

Construction of the proposed project would necessitate the erection of security fences around the cultivation compounds. These fences do not allow animal movement and may act as a local barrier to wildlife movement. However, the fenced cultivation areas are surrounded by open space, allowing wildlife to move around these fenced areas. Furthermore, the required payment of land conversion fees by the Yolo HCP/NCCP will help establish preserve land in other areas where animals can freely roam. Thus, construction of the proposed project will have a less than significant impact upon wildlife movement. Implementation of the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites, and additional mitigation would not be necessary.

Overall, based on the above, the proposed project does not include peculiar project features or new important information associated with biological resources beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to biological resources:

- Comply with CLUO Section 8-2.1408(D), Biological Resources, which identifies required actions if sensitive species would be potentially impacted by the project.
- Comply with CLUO Section 8-2.1408(E), Buffers, which establishes buffers for various identified sensitive uses ranging from 600 feet to 1,500 feet, with exceptions allowed for existing operators on a case-by-case basis (see Section 8-2.1403 (B) through (E) which address buffer easements, exemptions, exceptions, and reductions).
- Comply with CLUO Section 8-2.1408(MM), Setbacks, which establishes minimum setbacks from specified streams and water bodies.
- Comply with CLUO Section 8-2.1408(OO), Site Design, which requires that site design integrate adopted regulatory and design requirements for protection of biological resources.
- Comply with CLUO Section 8-2.1408(RR), Tree Protection which encourages protection of trees and prohibits removal of native trees.

Conclusions: The site-specific analysis did not reveal any impacts to biological resources that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to biological resources were ***adequately addressed in the CLUO EIR.***

V. CULTURAL AND TRIBAL CULTURAL RESOURCES.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact CULT-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource?	LS	Yes	No	Yes
b. Impact CULT-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource?	LS	Yes	No	Yes
c. Impact CULT-3: Disturb Any Human Remains, Including Those Interred Outside of Dedicated Cemeteries?	LS	Yes	No	Yes
d. Impact CULT-4: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to cultural resources are analyzed on pages 3.5-1 to 3.5-26, 4-20 to 4-21, 4-54 to 4-55, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of cultural resources were made in the final volume of the CLUO EIR or CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. All impacts to cultural resources were found to be less-than-significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to cultural resources:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. Furthermore, the proposed project would be consistent with the CLUO regulations related

to cultural and tribal cultural resources, including CLUO Section 8-2.1408(H), Cultural Resources, which establishes various requirements for known and unknown cultural and tribal cultural resources. As required by the CLUO, a Cultural Resources Inventory was prepared by Natural Investigations Company for the proposed project.⁴ The results from the California Historical Resources Information System (CHRIS) indicated one cultural resource had been previously recorded within the 16.5-acre parcel surveyed for the project, however, it was a nebulous, vague recording of an entire agricultural valley, that was not part of any historical district or landscape. In addition, a field survey of the site did not identify any historical resources. Nonetheless, should cultural resources be discovered during ground-disturbing activities, the proposed project would be required to comply with CLUO Section 8-2.1408(H), which sets forth procedures to be followed should cultural resources be discovered, including establishing buffers and contacting affiliated tribes.

Based on the above, the proposed project does not include peculiar project features or new important information associated with cultural and tribal cultural resources beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to cultural resources:

- Comply with CLUO Section 8-2.1408(E), Buffers, which establishes buffers for various identified sensitive uses ranging from 600 feet to 1,500 feet, with exceptions allowed for existing operators on a case-by-case basis (see Section 8-2.1403 (B) through (E) which address buffer easements, exemptions, exceptions, and reductions).
- Comply with CLUO Section 8-2.1408(H), Cultural Resources, which establishes various requirements for known and unknown cultural and tribal cultural resources.
- Comply with CLUO Section 8-2.1408(MM), Setbacks, which establishes minimum setbacks from specified site resources.
- Comply with CLUO Section 8-2.1408(OO), Site Design, which requires that site design integrate adopted regulatory and design requirements for protection of cultural resources.

Conclusions: The site-specific analysis did not reveal any impacts to cultural resources that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to cultural and tribal cultural resources were ***adequately addressed in the CLUO EIR.***

⁴ Natural Investigations Company. *Cultural Resources Inventory For The 24701 County Road 22A Cultivation Project, Yolo County, California.* April 2024.

VI. ENERGY. <i>Would the project:</i>	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact ENE-1: Result in Wasteful, Inefficient, or Unnecessary Consumption of Energy?	LS	Yes	No	Yes
b. Impact ENE-2: Conflict with Plans for Renewable Energy and Energy Efficiency?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to energy are analyzed on pages 3.6-1 to 3.6-16, 4-22 to 4-26, 4-55, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of energy were made in the final volume of the CLUO EIR or CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. All energy impacts were found to be less-than-significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is currently used for the cultivation of cannabis by an existing licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius. Furthermore, the proposed expansions would occur on areas of the project site which have been previously disturbed through agricultural operations.

According to the CLUO EIR, construction and operation of commercial cannabis sites associated with implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO would result in the consumption of fuel (gasoline and diesel), electricity, and natural gas. The energy needs for construction of new and relocated commercial cannabis cultivation and noncultivation sites would be temporary and would not require additional capacity or increase peak or base period demand for electricity or other forms of energy. The CLUO requires all cannabis sites to derive 100 percent of their energy from renewable and carbon-free sources. This can be achieved by on-site generation of energy from renewable sources or through participation in Valley Clean Energy's Ultra Green program or equivalent standard (100 percent renewable and 100 percent carbon-free). The CLUO EIR determined that energy consumption associated with all of the alternatives under the CLUO would not result in wasteful, inefficient, or unnecessary consumption of energy. In addition, renewable energy generation requirements pursuant to the implementation of the CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, would result in an increase in renewable versus non-renewable

energy use relative to existing agricultural uses, which would directly support the goals and strategies of the State's 2008 Energy Action Plan Update (EAP), General Plan, and Yolo County Climate Action Plan (CAP).

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to energy:

The proposed project would involve energy use associated with construction activities and operations; however, given that the proposed project would be consistent with the CLUO, buildout of the project site and associated energy demands have been anticipated by the County and analyzed in the CLUO EIR. The temporary increase in energy use during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, the proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency associated with construction activities, such as the California Air Resources Board's (CARB's) In-Use Off-Road Diesel Vehicle Regulation, which would help to improve fuel efficiency and reduce the temporary increase in energy demand.

With regard to operational energy use, including energy use associated with new development, transportation, and renewable energy, the CLUO EIR concluded that with the implementation of CLUO policies, and in accordance with applicable State and local energy efficiency measures such as the CALGreen Code and the Building Energy Efficiency Standards, significant energy conservation and savings would be realized from future development under the proposed CLUO, and energy impacts from implementation would be less than significant. In addition, the CLUO encourages on-site generation of energy from clean and/or renewable sources, and requires all cannabis sites be conditioned to achieve VCE ultra green or equivalent standard (100 percent renewable and 100 percent carbon-free). The proposed project would meet these requirements, as the project site is enrolled in VCE's UltraGreen program, which ensures all energy provided to the site is sourced from renewable energy sources. Therefore, through compliance with applicable CLUO policies, as well as other State energy standards, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Furthermore, the proposed project would be consistent with the CLUO regulations related to energy shown in Question #3 below.

Overall, based on the above, the proposed project is consistent with the CLUO, and does not include peculiar project features or new important information related to energy beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to energy:

- Comply with CLUO Section 8-2.1408(F), Building Design, which establishes requirements for design and construction of buildings and structures to consider energy use.

- Comply with CLUO Section 8-2.1408(O), Energy Use, which requires a permanent power source, and 100 percent renewable and carbon-free energy.
- Comply with CLUO Section 8-2.1408(T), Generators, which prohibits the use of generators (including diesel-powered refrigerated units) as the sole or permanent source of power for equipment and/or facilities for all cannabis use types is prohibited. All licensees must satisfy applicable requirements of the Yolo-Solano Air Quality Management District. Cultivators, nurseries, and processing licensees must also demonstrate compliance with Section 16306, Generator Requirements, of the DCC Regulations.

Conclusions: The site-specific analysis did not reveal any energy impacts that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to energy were ***adequately addressed in the CLUO EIR.***

**VII. GEOLOGY AND SOILS;
PALEONTOLOGY; MINERAL
RESOURCES**

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
<i>Would the project:</i>				
a. Impact GEO-1: Create Substantial Soil Erosion or Loss of Topsoil?	LS	Yes	No	Yes
b. Impact GEO-2: Be Located on a Geologic Unit or Soil That Is Unstable or Would Become Unstable as a Result of the Project or Be Located on Expansive Soil, Creating Direct or Indirect Risks to Life or Property?	LS	Yes	No	Yes
c. Impact GEO-3: Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature?	LS	Yes	No	Yes
d. Impact GEO-4: Result in the Loss of Availability of a Known Mineral Resource or Locally Important Mineral Resource Recovery Site?	LS	Yes	No	Yes
N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.				

CLUO EIR Discussion and Conclusions: Impacts to geology and soils are analyzed on pages 3.7-1 to 3.7-44, 4-22 to 4-27, 4-55, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of geology and soils were made in the final volume of the CLUO EIR or CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. All impacts to geology and soils were found to be less-than-significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested CUP would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to geology and soils:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. The CLUO EIR concluded that compliance with applicable CLUO policies, the California Building Standards Code (CBSC), and existing regulations, impacts related to erosion and sedimentation, fault rupture hazards, and seismic ground shaking would be less than significant. Given that the proposed project would be consistent with the site's General Plan land use designation and would be required to comply with all applicable CLUO policies, the CBSC, and existing regulations, the proposed project would not result in any new impacts or increase the severity of any impacts related to geology and soils, including erosion or unstable soil conditions, from what has already been anticipated for the site by the CLUO EIR or General Plan EIR.

Given that the proposed project is consistent with the site's General Plan land use designation, impacts associated with cultivated agriculture uses on the site have already been considered in the General Plan EIR. In addition, the proposed project would be subject to Section 8-2.1408(H) of the CLUO, which requires that cannabis uses protect and mitigate discovered paleontological resources. Furthermore, the proposed project would not include expansion of cultivation activities onto portions of the site not previously used for agriculture or not already disturbed. Because the proposed structures would be pre-engineered steel buildings and grading activities are not proposed, construction activities would be limited. Thus, a low potential exists for discovery of buried paleontological resources.

The project site is not located in an area that has been designated as a mineral resource zone (MRZ) on the basis of geologic factors indicating the presence of mineral deposits.⁵

No new uses will encroach into required setbacks.

Based on the above, the proposed project does not include peculiar project features or new important information associated with geology, soils, paleontology, or mineral resources beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to geology and soils:

- Comply with CLUO Section 8-2.1408(F), Building Design, which requires that the design and construction of buildings and structures comply with all applicable codes, standards, regulations, and guidelines.

⁵ California Department of Conservation. *Mineral Land Classification Map of Concrete Aggregate in the Greater Sacramento Area Production-Consumption Region*. Available at: https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Reports/SR_245-MLC-SacramentoPCR-2018-Plate01-a11y.pdf. Accessed October 2024.

- Comply with CLUO Section 8-2.1408 (J), Drainage and Storm Water Discharge, which requires the site drainage, runoff, and storm water discharge shall comply with the State Water Board Cannabis Policy and Cannabis General Order and the County Improvement Standards.
- Comply with CLUO Section 8-2.1408(V), Grading/Land Clearing, which establishes requirements for permits and geotechnical analysis related to site grading and land clearing.

Conclusions: The site-specific analysis did not reveal any impacts to soils or geology that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to geology, soils, paleontological resources, and mineral resources were *adequately addressed in the CLUO EIR*.

VIII. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact GHG-1: Generate Greenhouse Gas Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment or Conflict with Plan or Policies Adopted to Reduce Emissions of Greenhouse Gases?	LS w/MMs	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to energy are analyzed on pages 3.8-1 to 3.8-18, 4-27, 4-56, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of greenhouse gases (GHG) and climate change were made in the final volume of the CLUO EIR or CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. All GHG and climate change impacts were found to be less-than-significant, with implementation of identified mitigation measures.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to GHG emissions and climate change:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses.

As discussed in the Energy Section of this checklist, the proposed project would be consistent with the requirements of the CLUO related to energy conservation, which would in turn reduce GHG emissions. The CLUO requirements related to energy conservation and GHG emissions reduction align with both the Yolo County CAP and the 2017 Scoping Plan. Other performance standards included in the CLUO would further align with these adopted GHG reduction plans. For example, the cultivation sites permitted under the CLUO would be required to be consistent with Measure A-3 of the Yolo County CAP, which addresses reduction in energy use in agricultural pumping. Additionally, all existing buildings used for cultivation or noncultivation purposes would be required to be consistent with Measure E-6 of the Yolo County CAP, which addresses reduction in water consumption through increased plumbing fixture efficiency. Pursuant to Mitigation Measure GHG-1 of the CLUO EIR, permittees are required to demonstrate compliance with applicable provisions of the Yolo County CAP, which would ensure impacts are reduced to a less-than-significant level. Project consistency with the Yolo County CAP was evaluated as part of the County's application review process, and the County determined the proposed project would be consistent with applicable CAP measures. Thus, the proposed project has implemented Mitigation Measure GHG-1 of the CLUO EIR. Therefore, the proposed project would be consistent with the CLUO regulations related to GHG emissions and mitigation measures in the CLUO EIR, and the proposed project does not include peculiar project features or new important information beyond what was included in the CLUO EIR.

Overall, the proposed project does not include peculiar project features or new important information associated with GHG emissions and climate change beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to GHG emissions and climate change:

- CLUO Section 8-2.1408(F), Building Design, which requires consideration of lighting, energy use, and other appropriate measures related to environmental controls.
- CLUO Section 8-2.1408(O), Energy Use, which encourages onsite generation of energy from clean and/or renewable sources and demonstration of compliance with applicable provisions of the County's Climate Action Plan, including energy efficiency measures for irrigation pumps and water efficiency requirements for buildings.
- Comply with CLUO Section 8-2.1408(JJ), Roadways, which encourages measures to reduce vehicular trips which will minimize GHG emissions. The proposed project would not result in an increase of employees, and per applicant provided information, employees are encouraged to carpool. The property manager and cannabis operator also reside on-site.

Conclusions: The site-specific analysis did not reveal any GHG or climate change impacts that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections

15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to greenhouse gas emissions and climate change were ***adequately addressed in the CLUO EIR.***

IX. HAZARDS AND HAZARDOUS MATERIALS; WILDFIRE

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact HAZ-1: Create a Significant Hazard through Transport, Use, or Disposal of Hazardous Materials?	LS	Yes	No	Yes
b. Impact HAZ-2: Create a Significant Hazard to the Public or Environment through Reasonably Foreseeable Upset and/or Accident Conditions Involving Release of Hazardous Materials or Be Located on a Site Included on a List of Hazardous Material Sites Complied Pursuant to Government Code Section 65962.5, Which Would Create a Significant Hazard to the Public or Environment?	LS	Yes	No	Yes
c. Impact HAZ-3: Emit Hazardous Emissions or Handle Hazardous Materials within 0.25 Mile of an Existing or Proposed School?	LS	Yes	No	Yes
d. Impact HAZ-4: Result in a Safety Hazard or Noise for People Residing or Working within 2 Miles of a Public Airport or Public Use Airport?	LS	Yes	No	Yes
e. Impact HAZ-5: Impair or Physically Interfere with Emergency Response or Evacuation Plans?	LS	Yes	No	Yes
f. Impact HAZ-6: Expose People or Structures to a Significant Risk of Loss, Injury, or Death Involving Wildfires, Exacerbate Wildfire Risks from Installation of Infrastructure, or Expose People or Structures to Significant Risks Due to Postfire Conditions	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts related to hazards and hazardous materials are analyzed on pages 3.9-1 to 3.9-44, 4-28, 4-56 to 4-58, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of hazards and hazardous materials were made in the final volume of the CLUO EIR or the CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. All impacts related to hazards and hazardous materials were found to be less-than-significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within

the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to hazards and hazardous materials:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. Furthermore, the proposed project would be required to comply with all applicable regulations related to hazards and hazardous materials, including compliance with CLUO regulations, as well as California Health and Safety Codes and local County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. For example, as required by the CLUO, the applicant has prepared a Cannabis Waste Management Plan (Plan), which provides information on the solid, green, and hazardous waste generated from the cannabis business at the site, and disposal procedures in accordance with the Public Resources Code and other applicable State and local laws. Compliance with all such measures would ensure that any hazardous materials used on-site would not present a hazard to the public or environment.

The project site is not located on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, including the State Water Resources Control Board's (SWRCB) GeoTracker data management system and hazardous materials sites, such as leaking underground storage tank (LUST) sites,⁶ and Department of Toxic Substances Control (DTSC) cleanup sites.⁷ In addition, the project site is not located on or near any hazardous waste sites identified on the list of active Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from the SWRCB.⁸ Furthermore, the project site is located approximately 1.45 miles away from the nearest school and approximately 2.3 miles away from the nearest airport. Therefore, the proposed project would not result in impacts associated with such.

The proposed project would not interfere with the emergency evacuation routes established by the Yolo County Office of Emergency Services (OES) and, thus, would not interfere with an emergency evacuation or response plan.

⁶ California Environmental Protection Agency. *GeoTracker*. Available at: <https://geotracker.waterboards.ca.gov/search>. Accessed August 2024.

⁷ Department of Toxic Substances Control. *EnviroStor*. Available at: <https://www.envirostor.dtsc.ca.gov/public/search.asp>. Accessed August 2024.

⁸ State Water Resources Control Board. *Active CDO and CAO*. Available at: <https://calepa.ca.gov/sitecleanup/corteselist/>. Accessed August 2024.

According to CAL FIRE's Fire and Resource Assessment Program, the project site is located within a State Responsibility Area (SRA). Within the SRA, the majority of the project site is located within a Moderate fire hazard severity zone (FHSZ), and the southeastern corner of the site is located within a High FHSZ.⁹ However, the project would be an extension of the existing use, which is consistent with what was anticipated for the site in the County's General Plan. The CLUO EIR concludes that compliance with applicable CLUO policies, federal, State, and local laws and regulations, including the California Fire Code requirements, would ensure that cannabis uses incorporate fire protection measures that would avoid an increased risk of wildfire and increased exposure to wildfire hazards and associated affects from a wildfire event. Accordingly, impacts related to wildland fire hazards were determined to be less than significant with compliance with all such regulations. The proposed construction would occur on previously disturbed land and, thus, the addition of the proposed buildings would not exacerbate the risk of fire. In addition, the proposed project would be subject to the requirements established by the California Fire Code related to emergency planning and preparedness, fire service features, building services and systems, fire-resistance-rated construction, fire protection systems, and construction requirements for existing buildings, as well as specialized standards for specific types of facilities and materials. For example, vegetation is and would continue to be maintained on the property with defensible space around all structures in compliance with federal, State, and local regulations. Therefore, the proposed project would not introduce any new impacts or increase severity of any previously identified impacts related to wildfire risks in the General Plan EIR or CLUO EIR.

New uses will not encroach into required setbacks.

Overall, the proposed project does not include peculiar project features or new important information associated with hazards, hazardous materials, or wildfire beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to hazards and hazardous materials:

- Comply with CLUO Section 8-2.1408(Q), Fire Protection, which identifies basic requirements for fire protection.
- Comply with CLUO Section 8-2.1408(W), Hazardous Materials, which identifies required disclosures and protocols.
- Comply with CLUO Section 8-2.1408(CC), Nuisance, which identifies the conditions that constitute a public nuisance, subject to three levels of enforcement.

⁹ California Department of Forestry and Fire Protection. *Fire Hazard Severity Zone in State Responsibility Area*. Available at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>. Accessed October 2024.

Conclusions: The site-specific analysis did not reveal any impacts related to hazards or hazardous materials that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, impacts related to hazards and hazardous materials, and wildfire risks were ***adequately addressed in the CLUO EIR***, and the proposed project would not result in any effects that would require further CEQA review for this topic.

X. HYDROLOGY AND WATER QUALITY.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact HYDRO-1: Violate Any Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface Water or Groundwater Quality through Development or Alteration of Drainage Patterns?	LS	Yes	No	Yes
b. Impact HYDRO-2: Decrease Groundwater Supplies or Interfere with Groundwater Recharge That May Impede Sustainable Groundwater Management and Increase Demand for Water Supply?	LS	Yes	No	Yes
c. Impact HYDRO-3: Impede or Redirect Drainage Patterns in a Manner That Would Result in Flooding?	LS	Yes	No	Yes
d. Impact HYDRO-4: Conflict with a Water Quality Control Plan?	LS w/MMs	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts related to hydrology and water quality are analyzed on pages 3.10-1 to 3.10-50, 4-28 to 4-33, 4-58 to 4-59, and in Chapter 5 of the draft volume of the CLUO EIR. No modifications to the analysis of hydrology and water quality were made in the final volume of the CLUO EIR or the CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR.

Disposal and treatment of wastewater discharge from cannabis uses located in municipal service areas is identified as less than significant, with implementation of identified mitigation. All other impacts related to hydrology and water quality were found to be less than significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to hydrology and water quality:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. In addition, the proposed project would not include any grading activities as part of the construction of the proposed structures, as the project site has been previously graded and contains a gravel surface. Therefore, topsoil would not be exposed and subject to wind erosion. The CLUO EIR concluded that required compliance with State Water Resource Control Board (SWRCB) Order WQ 2019-0001-DWQ; the Yolo Irrigated Lands Regulatory Program (ILRP); implementation of site design, source control, and treatment control measures; and adherence to CLUO policies render any potential construction and operational impacts to water quality less than significant. Although the proposed project would increase the amount of impervious surface on the site and the water demand associated with the site from existing levels, the proposed project would be required to comply with all of the aforementioned regulations. Therefore, new or increased severity of impacts related to violation of water quality standards or degradation of water quality during construction or operation would not occur from what has already been identified in the General Plan EIR or CLUO EIR.

The highest assumption of water use analyzed in the CLUO EIR, Alternative 3, determined that groundwater demand for cannabis uses in the County would be 424 acre-feet per year (AFY), which would be similar to the annual irrigation demand for approximately 131 acres of orchard. The CLUO EIR concluded that the equivalent increase in potential water demand to irrigate 131 acres of orchards is reasonably considered to be insubstantial to countywide demands on the County's groundwater basins given the area of orchards within the County and the wide range of groundwater pumping for orchard irrigation demand, as well as other crop types, that may occur from year to year. Furthermore, the County groundwater conditions have maintained consistent depth to groundwater elevations, regardless of production rates in recent years, indicating a substantial amount of available groundwater resources. Thus, the proposed project's increase in water demand would not be expected to result in any new or increased severity of impacts related to substantially decreasing groundwater supplies or interfering substantially with groundwater recharge from what is already anticipated by the General Plan EIR or CLUO EIR.

According to Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM) Panel Number 06113C0391G, the project site is not located within a flood zone.¹⁰ Thus, impacts related to flooding are not expected to occur.

New uses will not encroach into required setbacks.

¹⁰ Federal Emergency Management Agency. *Flood Insurance Rate Map Service Center*. Available at: <https://msc.fema.gov/portal/search?AddressQuery=24477%20County%20Road%2022a%20esparto%20ca#searchresultsanchor> Accessed August 2024.

Overall, the proposed project does not include peculiar project features or new important information associated with hydrology and water quality beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to hydrology and water quality:

- Comply with CLUO Section 8-2.1408(C), Backflow Prevention, which requires backflow devices to protect well water from inadvertent contamination.
- Comply with CLUO Section 8-2.1408(J), Drainage and Storm Water Discharge, which requires approved on-site stormwater management systems.
- Comply with CLUO Section 8-2.1408(R), Flood Protection, which requires compliance with applicable flood protection requirements.
- Comply with CLUO Section 8-2.1408(V), Grading/Land Clearing, which requires a grading permit, construction stormwater permit, and best management practices (BMPs) for water quality protection.
- Comply with CLUO Section 8-2.1408(Y), Landscaping, which requires water efficient landscaping.
- Comply with CLUO Section 8-2.1408(TT), Wastewater Discharge, which establishes standards for disposal of effluent from washing and toilet facilities onsite.
- Comply with CLUO Section 8-2.1408(VV), Water Supply/Use, which establishes standards for drinking and washing water onsite.

Conclusions: The site-specific analysis did not reveal any impacts related to hydrology and water quality that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, impacts related to hydrology and water quality were ***adequately addressed in the CLUO EIR***, and the proposed project would not result in any effects that would require further CEQA review for this topic.

**XI. LAND USE AND PLANNING;
POPULATION AND HOUSING.**

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact LU-1: Physically Divide an Established Community?	LS	Yes	No	Yes
b. Impact LU-2: Cause a Significant Environmental Impact Due to a Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect?	LS	Yes	No	Yes
c. Impact LU-3: Induce Substantial Unplanned Population Growth in an Area, Either Directly or Indirectly?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts related to land use and planning are analyzed on pages 3.11-1 to 3.11-16, 4-33, 4-59 to 4-63, and in Chapter 5 of the draft volume of the CLUO EIR. Clarifications related to land use and planning were made on pages 4-3 to 4-5 of the final volume of the CLUO EIR. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. No changes to the analysis were made in the CEQA Findings of Fact. All impacts related to land use and planning were found to be less-than-significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to land use and planning:

The proposed project would include the expansion of the existing facility and would not isolate an existing land use. The proposed project is consistent with the site's current General Plan land use designation of AG and zoning designation of A-X. Thus, the proposed project would be consistent with the type and intensity of development that has previously been anticipated for the site by the County and analyzed in the General Plan EIR and CLUO EIR. The proposed project would not involve the construction of new housing, would not include the extension of major infrastructure associated with water, sanitary sewer, storm drainage, or energy services, however there would be an increase in employees, both full-time and seasonal. In addition, the project would not require the demolition of any existing residences and, therefore, would not displace any people or housing. Although project operations would result in an increase of up to three additional full-time and ten additional seasonal employees, such growth is not considered significant. Furthermore, the proposed project would be consistent with the CLUO regulations and standards regarding land use, planning, population, and housing as described under Question 3 below.

New uses will not encroach into required setbacks.

Overall, the proposed project does not include peculiar project features or new important information associated with land use and planning or population and housing beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to land use and planning:

- Comply with CLUO Section 8-2.1408(U), Good Neighbor Communication, which requires an ongoing responsive process for communicating with neighbors regarding site conditions and operations.
- Comply with CLUO Section 8-2.1408(EE), Operating Hours, which allows cultivation activities to operate seven days per week, 24 hours per day, and establishes that operating hours for other cannabis land uses will be established through the use permit process.
- Comply with CLUO Section 8-2.1408(LL), Security, which requires a Security Plan that identifies how security and surveillance will be operational on the site at all times.

Conclusions: The site-specific analysis did not reveal any impacts related to land use and planning that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, impacts related to land use, planning, population, and housing were **adequately addressed in the CLUO EIR**, and the proposed project would not result in any effects that would require further CEQA review for this topic

XII. NOISE.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact NOI-1: Create Excessive Noise Levels from Construction Activities?	LS w/MMs	Yes	No	Yes
b. Impact NOI-2: Create Excessive Operational Non-Transportation Noise?	LS	Yes	No	Yes
c. Impact NOI-3: Create Excessive Traffic Noise?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Noise impacts are analyzed on pages 3.12-1 to 3.12-15, 4-33 to 4-34, 4-63, and in Chapter 5 of the draft volume of the CLUO EIR. No changes to the analysis of noise were made in the final volume of the CLUO EIR or the CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. Construction noise was identified as less than significant with implementation of identified mitigation measures. All other impacts related to land use and planning were found to be less than significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to noise:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the Yolo County General Plan designates the site as AG, and, thus, the project site has been anticipated to include a full range of agricultural uses. Therefore, the proposed project would not result in a substantial increase in operational

noise as compared to what has already been anticipated for the site. In addition, project-generated noise would be consistent with the surrounding agricultural uses. Daytime operations would produce noise, primarily occurring between 6:00 AM through 4:00 PM, never surpassing 95 dB across all indoor and outdoor facilities, with noise levels being mitigated within insulated structures. Although the number of employees would increase, the expected amount of vehicle trips is to remain largely consistent with current operations, as employees are encouraged to carpool. Furthermore, the proposed project would be consistent with the CLUO regulations and standards regarding noise, as described under Question 3 below. Therefore, the proposed project would not result in any new or more severe impacts related to operational or traffic noise from what is already anticipated by the General Plan EIR or CLUO EIR.

While the proposed project would result in temporary construction noise, the noise exposure at any single point outside the improvement area would vary depending on the proximity of construction activities to that point. Standard construction equipment, such as backhoes, generators, and pneumatic tools, would be used on-site. Noise levels associated with typical construction would generate maximum noise levels up to 85 dB at a distance of 50 feet. However, noise levels from a source decrease due to standard spherical spreading loss at a rate of six dB per every doubling of distance from the noise source. The nearest existing residence is located approximately 400 feet north of the closest portion of the proposed construction area. The majority of on-site noise levels would be significantly mitigated due to operations occurring within insulated structures. As such, the project site is located a sufficient distance from the nearest noise-sensitive receptor such that a significant impact would not occur.

The CLUO EIR determined that implementation of the CLUO could result in new cannabis operations that would result in temporary noise increases associated with construction of new buildings, ancillary structures, and minor earth movement/excavation and a significant impact would occur. However, through implementation of Mitigation Measure NOI-1, the impact would be reduced to a less-than-significant level. Mitigation Measure NOI-1 requires compliance with Section 8-2.1408 of the CLUO, which limits the hours in which construction activities may occur. The proposed project would be required to comply with Mitigation Measure NOI-1, which would ensure any construction noise associated with the proposed project would be reduced to a less-than-significant level. Therefore, the proposed project would not result in any new or more severe impacts associated with construction noise from what is already anticipated by the General Plan EIR or CLUO EIR.

No new uses will encroach into required setbacks.

Overall, the proposed project does not include peculiar project features or new important information related to noise beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to noise:

- Comply with CLUO Section 8-2.1408(F), Building Design, which establishes requirements for design and construction of buildings and structures to consider noise control.
- Comply with CLUO Section 8-2.1408(BB), Noise Control, which establishes requirements for control of exterior and interior noise levels.
- Comply with CLUO Section 8-2.1408(CC), Nuisance, which identifies the conditions under which noise and vibration would constitute a public nuisance, subject to three levels of enforcement.
- Comply with CLUO Section 8-2.1408(OO), Site Design, which requires that site design integrate adopted regulatory and design requirements for noise control.

Conclusions: The site-specific analysis did not reveal any impacts related to noise that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the proposed project would not result in a significant impact to noise and the project was *adequately addressed in the CLUO EIR*.

XIII. PUBLIC SERVICES

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact PS-1: Result in Substantial Adverse Physical Impacts Associated with the Need for New or Physically Altered Fire Protection Facilities?	LS	Yes	No	Yes
b. Impact PS-2: Result in Substantial Adverse Physical Impacts Associated with the Need for New or Physically Altered Law Enforcement Facilities?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to public services are analyzed on pages 3.13-1 to 3.13-37, 4-34, 4-63 to 4-67, and in Chapter 5 of the draft volume of the CLUO EIR. No changes to the analysis of public services were made in the final volume of the CLUO EIR or the CEQA Findings of Fact. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. All impacts related to public services were found to be less than significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to public services:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. Because the proposed project is an expansion of an existing site, fire protection and law enforcement services are already provided by the Esparto Fire Protection District (EFPD) and the Yolo County Sheriff Department (YCSD). In addition, the

proposed project would be consistent with the site's General Plan land use designation. Accordingly, any demand for fire protection and law enforcement services associated with the site have already been anticipated by the County in the General Plan EIR. The CLUO EIR determined that through compliance with CLUO policies, the CBSC, California Fire Code, and State cannabis regulations, implementation of the CLUO would result in less-than-significant impacts related to fire protection services. The proposed expansion and additional buildings would require installation of a sprinkler system, as required by the California Fire Code, as well as comply with all other applicable regulations set forth by the California Fire Code. The proposed project would also be subject to all other federal, State, and local fire regulations, as well as General Plan and CLUO policies such as obtaining will-serve letters from service agencies and payment of development impact fees. In addition, a Security Plan has been prepared for the project, which outlines safety measures for perimeter security, lighting, security cameras, storage of cannabis and cash, site access requirements, employee training, inventory control, inventory tracking, and waste disposal. Security measures include 24-hour surveillance of the premises, securing processed cannabis until picked up by a licensed distributor, storing payments within a safe, limiting access to the site to employees and authorized individuals only, tracking of the inventory, and securing the composting areas and posting "No Trespassing" signs. Implementation of the Security Plan would help minimize the demand for law enforcement services. Overall, the proposed project would not result in any new or increased severity of impacts from what has already been anticipated for the site by the General Plan EIR or CLUO EIR.

Overall, the proposed project does not include peculiar project features or new important information related to public services beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to public services:

- Comply with CLUO Section 8-2.1408(F), Building Design, which establishes requirements for design and construction of buildings and structures to consider safety and security.
- Comply with CLUO Section 8-2.1408(K), Driveway Access, which establishes requirements for driveways.
- Comply with CLUO Section 8-2.1408(Q), Fire Protection, which identifies basic requirements for fire protection.
- Comply with CLUO Section 8-2.1408(CC), Nuisance, which identifies the conditions under which safety concerns would constitute a public nuisance, subject to three levels of enforcement.
- Comply with CLUO Section 8-2.1408(KK), Screening, which requires a screening plan (vegetative or fencing) for outdoor cultivation to address visibility from public rights-of-way.

- Comply with CLUO Section 8-2.1408(LL), Security, which requires a Security Plan that identifies how security and surveillance will be operational on the site at all times.
- Comply with CLUO Section 8-2.1408(OO), Site Design, which requires that site design integrate adopted regulatory and design requirements for safety and security.
- Comply with CLUO Section 8-2.1411, Reporting and Inspections, which identifies requirements for annual reporting and County inspections, including retention and submittal of security camera footage.

Conclusions: The site-specific analysis did not reveal any impacts related to public services that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the proposed project would not result in a significant impact to public services and the project was ***adequately addressed in the CLUO EIR***

XIV. TRANSPORTATION AND CIRCULATION.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact TRANS-1: Conflict with Program, Plan, Ordinance or Policy Addressing the Circulation System?	LS	Yes	No	Yes
b. Impact TRANS-2: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3(b)?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to transportation and circulation are analyzed on pages 3.14-1 to 3.14-21, 4-35 to 4-36, 4-67, and in Chapter 5 of the draft volume of the CLUO EIR. Clarifications were made on page 4-4 in the final volume of the CLUO EIR. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. No changes to the analysis were made in the CEQA Findings of Fact. All impacts related to transportation and circulation were found to be less than significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to transportation and circulation:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the proposed project would be consistent with the General Plan designation for the site of AG. The proposed project does not involve any improvements to the existing roadway network. The proposed project would result in an increase in the number of employees, leading to an increase in passenger vehicle trips, pedestrians, bicyclists, or transit riders from what

currently occurs. The proposed increase of employees would result in all combined daily traffic to be between 10 to 15 trips during peak season and five to eight trips during the off season, post expansion. Bro Properties encourages employees to ride share resulting in eight to ten round trips per day, with supply deliveries to occur once or twice per week. Due to the minimal addition of seasonal staff, the increase in total associated trips would not be significant. Accordingly, the proposed project would not result in any new or increase in severity of identified impacts related to the circulation system from what has already been anticipated for the site by the General Plan EIR or CLUO EIR.

Pursuant to Section 15064.3 of the CEQA Guidelines, analysis of vehicle miles travelled (VMT) attributable to a project is the most appropriate measure of transportation impacts. VMT refers to automobile VMT, specifically passenger vehicles and light trucks; heavy truck traffic is typically excluded. VMT does not directly measure traffic operations; instead, VMT is a measure of transportation network use and efficiency, especially when expressed as a function of population (i.e., VMT per capita or employee). Based on the technical advisory guidance published by the Governor's Office of Planning and Research (OPR), several screening thresholds are used to quickly determine whether a project may be presumed to have a less-than-significant VMT impact without conducting a detailed project generated VMT analysis. One of the screening criteria is for small projects, which are projects that generate or attract fewer than 110 trips per day. As presented above, the proposed project would not involve more than 110 average daily vehicle trips. Thus, the proposed project would be considered to result in a less-than-significant impact related to VMT. Furthermore, the proposed project would be consistent with the CLUO regulations and standards regarding transportation, as described under Question 3 below.

Based on the above, the proposed project does not include peculiar project features or new important information related to transportation beyond what was included in the CLUO EIR.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to transportation and circulation:

- Comply with CLUO Section 8-2.1408(K), Driveway Access, which establishes requirements for driveways.
- Comply with CLUO Section 8-2.1408(CC), Nuisance, which identifies the conditions under which traffic would constitute a public nuisance, subject to three levels of enforcement.

Conclusions: The site-specific analysis did not reveal any impacts related to transportation and circulation that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the proposed project would not result in a significant impact to transportation and the project was ***adequately addressed in the CLUO EIR.***

XV. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Impact UTIL-1: Result in Relocation or Expansion of Wastewater Treatment Systems and Facilities?	LS	Yes	No	Yes
b. Impact UTIL-2: Result in Relocation or Expansion of Water Supply Systems)?	LS	Yes	No	Yes
c. Impact UTIL-3: Generate Solid Waste in Excess of Solid Waste Facilities or That Conflicts with Regulations?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Impacts to utilities and service systems are analyzed on pages 3.15-1 to 3.15-24, 4-36 to 4-37, 4-68, and in Chapter 5 of the draft volume of the CLUO EIR. Clarifications were made on pages 4-4 to 4-5 in the final volume of the CLUO EIR. Clarifications to the cumulative analysis were made on pages 4-5 to 4-7 in the final volume of the CLUO EIR. No changes to the analysis were made in the CEQA Findings of Fact. All impacts related to utilities and services systems were found to be less than significant, with no mitigation measures required.

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: As documented herein, the proposed project falls within the scope of the CLUO EIR. The proposed project would include the addition of one-acre of outdoor cannabis cultivation canopy (for a total of two acres of canopy), utilization of existing structures (including finalizing a 3,200-sf processing building), construction of a new 3,000-sf greenhouse for future nursery uses in the A-X zone, issuance of self-distribution and nursery licenses, which was anticipated in the CLUO EIR. The subject project is an existing operating licensee that has been licensed since 2017 and was included in the CLUO EIR analysis as a component of existing conditions. As discussed in the Documentation That the Project is within the Scope of the CLUO EIR section of this checklist, approval of the requested Cannabis Use Permit would not result in the exceedance of the number of cannabis sites; maximum number of cannabis land uses; maximum outdoor cultivation acreage; maximum total land area; total assumed new land disturbance; maximum total building area; maximum total employees; nor would the project result in an over-concentration of Cannabis Use Permits within a six-mile radius.

The proposed project would not include any expansion onto portions of the site not previously used for agriculture or not already developed in some manner.

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: The following site-specific information is relevant to utilities and service systems:

The Bro Properties facility was identified as an existing cannabis operation in the CLUO EIR and was considered in the analysis conducted therein. In addition, the proposed project would be consistent with the site’s General Plan land use designation. Accordingly,

any demand for utilities and service systems associated with the site have already been anticipated by the County in the General Plan EIR.

The project site is currently served by an existing on-site septic system. The proposed project would result in an increase in three additional full-time employees and ten seasonal farm laborers and would include the installation of a new restroom in the existing 3,200-sf processing building that will be connected to the existing on-site septic system. Although wastewater flows are anticipated to increase with the proposed project, such increases would be considered minor, and would not result in significant impacts. Thus the multiple existing septic systems would remain sufficient to serve the site.

Water supply for the site is currently provided by one existing, private well. As discussed in the Hydrology and Water Quality section above, the County groundwater conditions have maintained consistent depth to groundwater elevations, regardless of production rates in recent years, indicating a substantial amount of available groundwater resources. The Yolo County Groundwater Sustainability Plan shows that the storage capacity of the Yolo Subbasin has historically remained relatively stable.¹¹ Therefore, the existing well is expected to have sufficient water supplies to serve the project.

The proposed project would result in an increase in the solid waste produced at the facility, which is serviced weekly by the Green Waste Management Company. The majority of solid waste generated in the County is transported to the Yolo County Central Landfill.¹² According to the California Department of Resources Recycling and Recover (CalRecycle), the landfill has remaining capacity of 33,140,373 cubic yards and a cease operation date of February 21, 2124.¹³ During construction activities, the project would be required to comply with the CALGreen Code, which requires diversion of at least 65 percent of construction waste from landfills. Given the regulations in place governing solid waste disposal and the remaining capacity at the Yolo County Central Landfill, sufficient capacity would exist to accommodate the solid waste generated by the proposed project.

In addition, the proposed project would increase the amount of green waste produced and composted at the site. In compliance with Title 14, CCR, Division 7, Chapter 3.1, composting at the site is classified as small-scale on-site composting that is under 750 square feet and 100 cubic yards, which is not subject to the State composting regulations.

Based on the above, the proposed project does not include peculiar project features or new important information related to utilities and service systems beyond what was included in the CLUO EIR.

¹¹ Yolo Subbasin Groundwater Agency. *2022 Groundwater Sustainability Plan*. January 24, 2022.

¹² Yolo County. *2030 Countywide General Plan* [pg. PF-34]. Adopted November 10, 2009.

¹³ California Department of Resources Recycling and Recovery. *SWIS Facility/Site Activity Details: Yolo County Central Landfill (57-AA-0001)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/689?siteID=4033>. Accessed August 2024.

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: As documented in this CLUO Compliance Checklist, the project is consistent with the requirements of the CLUO. Various conditions of approval have been identified to ensure ongoing compliance, including the following relevant to utilities and service systems:

- Comply with CLUO Section 8-2.1408(TT), Wastewater Discharge, which establishes standards for disposal of effluent from washing and toilet facilities onsite.
- Comply with CLUO Section 8-2.1408(VV), Water Supply/Use, which establishes standards for drinking and washing water onsite.
- Comply with CLUO Section 8-2.1408(SS), Waste Management, which establishes standards for solid waste storage and removal.

Conclusions: The site-specific analysis did not reveal any impacts related to utilities and service systems that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines. Based on the above, the criteria for requiring further CEQA review are not met and impacts related to utilities and service systems were ***adequately addressed in the CLUO EIR.***

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

Would the project:

	CLUO EIR Conclusion	Question #1: Project Within Scope of CLUO EIR?	Question #2: Important Site-Specific or New Information?	Question #3: Project Consistent with CLUO?
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species?	LS	Yes	No	Yes
b. Have impacts that are individually limited, but cumulatively considerable?	LS	Yes	No	Yes
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	LS	Yes	No	Yes

N/A = Not Analyzed; NI = No Impact; LS = Less-than-Significant; LS w/ MMs = Less-than-Significant with Mitigation; SU = Significant and Unavoidable; SU w/MMs = Significant and Unavoidable with Mitigation.

CLUO EIR Discussion and Conclusions: Each of these issues is addressed earlier in this Checklist. Item “a” is addressed in Biological Resources. Item “b” related to cumulative impacts is addressed in each section I to XIV. Item “c” is addressed in sections I (Aesthetics), III (Air Quality and Odor), IX (Hazards and Hazardous Materials), XI (Land Use and Planning), and XIII (Noise).

Question #1 (Project Within Scope of CLUO EIR), Discussion and Substantial Evidence: Each of these issues is addressed earlier in this Checklist. Item “a” is addressed in Biological Resources. Item “b” related to cumulative impacts is addressed in each section I to XIV. Item “c” is addressed in sections I (Aesthetics), III (Air Quality and Odor), IX (Hazards and Hazardous Materials), XI (Land Use and Planning), and XIII (Noise).

Question #2 (Important Site-Specific or New Information), Discussion and Substantial Evidence: Each of these issues is addressed earlier in this Checklist. Item “a” is addressed in Biological Resources. Item “b” related to cumulative impacts is addressed in each section I to XIV. Item “c” is addressed in sections I (Aesthetics), III (Air Quality and Odor), IX (Hazards and Hazardous Materials), XI (Land Use and Planning), and XIII (Noise).

Question #3 (Project Consistent with CLUO), Discussion and Substantial Evidence: Each of these issues is addressed earlier in this Checklist. Item “a” is addressed in Biological Resources. Item “b” related to cumulative impacts is addressed in each section I to XIV. Item “c” is addressed in sections I (Aesthetics), III (Air Quality and Odor), IX (Hazards and Hazardous Materials), XI (Land Use and Planning), and XIII (Noise).

Conclusions: The site-specific analysis did not reveal any impacts related to the mandatory findings of significance that were not anticipated in the CLUO EIR. The proposed project will not create effects or require mitigation measures that were not discussed in the CLUO EIR. The proposed project, as conditioned, meets the thresholds, criteria, and requirements to qualify for streamlining under CEQA pursuant to Sections 15162, 15168(c), and 15183 of the CEQA Guidelines.

ATTACHMENT D

FINDINGS

ZONE FILE #2023-039 BRO PROPERTIES, LLC CANNABIS USE PERMIT

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2022-039, 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 two acres of canopy, issuance of a nursery license, and issuance of a self-distribution license for Bro Properties, LLC. 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. Cannabis cultivation includes activities involving the planting, growing, harvesting, drying, curing, grading, storing, and trimming of cannabis grown onsite. Nursery licenses allow for the propagation of clones, immature plants, and seeds for commercial sale. Self-distribution licenses allow for the business to transport only the goods they cultivate to off-site manufacturing and distribution premises.

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 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 CLUO and 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 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, farms, a cannabis operation, and agricultural homesites). The existing outdoor cultivation area is screened from public view along County Road 22A by field fencing and the onsite fruit orchard.

The CLUO addresses odor impacts through limiting the location of cannabis uses, and establishing buffers for outdoor cannabis uses, odor control requirements, and enforcement procedures. However, while these measures may minimize the likelihood of nuisance odors, the potential for odors to occur remains and was considered a significant and unavoidable impact in the CLUO EIR. CLUO Section 8-2.1408(E), Buffers, establishes buffers for various identified sensitive uses, including off-site residences, ranging from 600 feet to 1,500 feet. The existing onsite cultivation areas do not satisfy the buffer requirement for existing licensees to maintain a 600-foot buffer from off-site residences. As component of the project request, the operator will adjust the locations of the onsite cultivation areas to areas of the project site that satisfy the 600-foot buffer requirement for existing licensees. Maintaining the buffer from offsite residences is condition of approval.

As conditioned, the project will implement best management practices outlined in the Odor Control Plan prepared for the site. The Odor Control Plan prepared for the site identifies passive odor control mechanisms to help contain and neutralize cannabis odors if odor meets or exceeds the 7:1 D/T standard.

The operator has prepared a security plan and will implement measures to secure the property, such as security cameras, 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 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 16 acres to 88 acres. There are approximately 32 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 1.25 miles 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 Bro Properties operation is not located within an overconcentrated 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 Bro Properties operation caused a noticeable 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 Bro Properties 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 Bro Properties, 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 adhere to buffer requirements from identified sensitive land uses, and maintain, manage, and operate the site, all improvements and alterations, and all structures, in good repair, acceptable in appearance, and in a reasonably 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. Lighting is not permitted in hoop houses or for other outdoor cultivation uses.

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 May 24, 2024. Staff received three comments from two members of the public who raised concerns about expanding the cultivation area from one to two acres of canopy and thereby increasing the cannabis odors in the area, which are not contained due to the nature of outdoor cultivation. The comments also raised concerns about the potential for adjacent parcels' property values to decrease and for crime to increase in the area. The remaining concerns addressed in the neighbors' comment letters can be alleviated to the greatest extent

possible by operational oversight of odor control measures, as needed, and site maintenance and security measures as required in the Conditions of Approval. Staff also received two comment letters expressing support for the project as the applicant has complied with the County's cannabis program and the CLUO' Use Permit application process.

The project site is located in the Esparto Citizens Advisory Committee (ECAC) comment area. The project was discussed at the ECAC Meeting on November 19, 2024. The ECAC recommended approval of the use permit request by a vote of 6-1-0. Prior to the vote to recommend approval, the discussion centered around cannabis odors, the nuisance complaint procedure, the CLUO's definition of overconcentration and when the Esparto area would meet that definition, and buffer exceptions and buffer reductions. The member of the ECAC who voted against the project approval discussed how members of the community feel that Esparto is already overconcentrated. The six members of the ECAC who voted to recommend approval of the project noted that the project appeared to comply with the CLUO requirements and that the project applicant is a member of the community, whom they also represent as members of the ECAC.

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) within six months of project approval.

Access to the property is from a compacted gravel road via County Road 22A, with internal gravel roads leading to the cultivation site. 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 the new permanent restroom in the proposed 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.

Bro Properties is considered an 'Existing Licensee' and the operation is located within the Esparto agricultural area, an area that is not identified in the CLUO EIR as overconcentrated based on the number of issued licenses in the area at the time the CLUO was adopted. The unincorporated area of Yolo County, outside of the Capay Valley, is not considered overconcentrated for Existing Licensees. 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, noting that Bro Properties is immediately east of a property with an approved Cannabis Use Permit, Capay Valley Organics.

The CLUO establishes that an area will be considered overconcentrated when there are seven Cannabis Use Permits within any six-mile diameter area. No new applications would be accepted in areas determined to be overconcentrated (seven Cannabis Use Permits within any six-mile area). In the greater Esparto area, there is the potential for eight cannabis operations for purposes of determining overconcentration. The County has received a total of seven Cannabis Use Permit applications for the greater Esparto area. One of the Cannabis Use Permits is for a colocated site with two separate entities, which counts as two for purposes of determining overconcentration. Three cannabis Use Permits have been approved by the Planning Commission within a six-mile diameter of the Bro Properties site and there are four additional existing licensees, including Bro

Properties, within the same area with Cannabis Use Permit applications under review. Should all seven Cannabis Use Permits be approved within each 6-mile diameter circle, those areas would be considered overconcentrated and no new applications would be accepted in these areas.

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

As described in Finding #6, Bro Properties is located immediately east of a cannabis operation that received Use Permit approval on June 13, 2024 (Capay Valley Organics). There are three other cannabis operations that received Use Permits following Planning Commission approval (Woodland Roots/Yolo Family Farms Colocation and Diamond Back Genetics) and three existing licensees with applications under review within a six-mile diameter in the greater Esparto area. Approval of the Bro Properties Use Permit would not result in the area becoming overconcentrated, although no new applications would be accepted or approved within any six-mile area once seven Cannabis Use Permits are approved in the same area.

There are 32 agricultural homesites (residential address points on GIS) within 0.5-mile of the Bro Properties property boundary. The nearest off-site residences are approximately 435 feet and 560 feet to the northeast of the outdoor canopy. The CLUO requires a minimum of 600 feet between off-site residences and cannabis cultivation activities. Rather than request a buffer reduction and exception from the two nearest off-site residences, as allowed in CLUO Section 8-2.1408(E), the applicant proposes to adjust the onsite cannabis cultivation activities to areas of the property that satisfy the 600-foot buffer requirement. The project is conditioned to verify that all cannabis cultivation activities on the site satisfy the 600-foot buffer requirement.

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

The project site is surrounded by A-X zoned parcels ranging in size from 16 to 88 acres. Surrounding agricultural land uses include orchards, small farms, a cannabis operation, and several agricultural homesites.

As noted in Finding #7, the applicant proposes to adjust the onsite cannabis cultivation activities to areas of the property that satisfy the 600-foot buffer requirement, which moves the onsite cannabis activities at least 165- and 40-feet further from the nearest offsite residences.

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

The Department of Community Services, Cannabis Unit, maintains compliance and complaint history dating back to 2019 when the cannabis program moved from the Agriculture Department to the Department of Community Services. Bro Properties has not received a Notice of Violation from the Cannabis Unit, however, several complaints have been lodged with the Cannabis Unit. From October 2019 to present, eleven 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 Bro Properties, while the remaining nine complaints reference various other cannabis operations. Of the two specific Bro Properties complaints, one was submitted in January 2020 and one was submitted in December 2024. Both complaints were in regards to odor and the January 2020 complaint also mentioned that there was light shining off the back side of the onsite residence and that cars were parked along County Road 22A and County Road 85B at various times.

As described Finding #4 and #4c, there have been two formal complaints lodged against the cannabis operation—one in 2019 and one in 2023. Both complaints were largely related to

concerns about cannabis odor. The CLUO addresses odor impacts through limiting the location of cannabis uses, and establishing buffers for outdoor cannabis uses, odor control requirements, and enforcement procedures. However, while these measures may minimize the likelihood of nuisance odors, the potential for odors to occur remains and was considered a significant and unavoidable impact in the CLUO EIR. The Odor Control Plan prepared for the site lists passive odor control measures including, planting odor-absorbing companion plants such as lavender, basil, or rosemary, strategic pruning of the cannabis plants to reduce the overall odorous biomass, and planting aromatic hedges around the cultivation area to help contain and neutralize cannabis odors if odor meets or exceeds the 7:1 D/T standard.

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

The ±16.5-acre subject parcel consists of gently rolling slopes which dip toward the north and west. Non-cannabis related structures located on the parcel include a preexisting residence and a workshop, and existing on-site cannabis-related structures include 22 hoop houses, a 20- by 35-foot processing and storage building, an outdoor cannabis cultivation area, several trailers, and domestic and agricultural wells. The site also includes a parking area and porta-potties/outhouses for employees, outdoor propagation area, and refrigerated trailers for cannabis processing (to be removed within one year), as well as separate storage containers for chemicals, supplies, and cannabis products. The property is enclosed by fencing, and access is facilitated through a gated entrance. Bro Properties' existing cannabis operations occur on seven acres of the approximately 16.5-acre site; the rest of the parcel is a productive fruit orchard.

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-X and are in agricultural production and/or agricultural residences.

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 overconcentration of cannabis use permits in the greater Esparto area. 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 November 19, 2024, Esparto Citizens Advisory Committee meeting, and participate in a public hearing at the January 16, 2025, 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 within an approximate 7-acre operational area. The 7-acre operational area is surrounded by a productive fruit orchard. To satisfy the 600-foot buffer requirement, the applicant will adjust the location of the on-site cannabis activities to areas that are currently fallow on the west side of the property. The project is conditioned to require that the site is kept free of litter and clutter and to maintain all improvements and structures.

ATTACHMENT E

USE PERMIT AND CONDITIONS OF APPROVAL BRO PROPERTIES, LLC, CANNABIS USE PERMIT ZONE FILE #2023-039

Project/Property Information:

Zone File: ZF #2023-039

Project Site: 24701 County Road 22A, Esparto, CA 95627 (APN: 049-180-059)

Property Owner: Kokyou Chau, P.O. Box 580338, Elk Grove, CA 95758

Project Applicant: Kokyou Chau, P.O. Box 580338, Elk Grove, CA 95758

Cannabis Business Entity: Bro Properties, LLC

USE PERMIT

On January 16, 2025, the Yolo County Planning Commission held a duly noticed public hearing to consider ZF #2023-039, and issued this Cannabis Use Permit subject to the conditions of approval provided below. This use permit includes the following:

1. Authorization to conduct cannabis cultivation, nursery, and self-distribution uses as described in Zone File #2023-039.
2. Authorization to apply for issuance of a cannabis cultivation license for up to two acres of cannabis canopy.
3. Authorization to apply for license allocation of a nursery license.
4. Authorization to apply for issuance of a self-distribution license (non-allocated license type).

In accordance with Section 8-2.1406(E) Yolo County Code, Cannabis Use Permits are assigned to the specific location where the activity will take place. Cannabis Use Permits run with the land. As such, the Cannabis Use Permit (ZF #2023-039) is issued to the property owner of record as of the date of approval (January 16, 2025).

CONDITIONS OF APPROVAL

PLANNING DIVISION—COMMUNITY SERVICES

1. Permittee shall comply with all applicable laws, policies, and regulations at the County, State, and Federal level. The project shall be developed in compliance with applicable State and local regulations, and all adopted Conditions of Approval for Zone File #2023-039. These Conditions of Approval shall be included in any construction documents. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval as contained herein.
2. The development and operation of the site, including construction and/or placement of structures, shall be as described in the staff report for this Use Permit (ZF #2023-039), or as modified by the Planning Commission. The project site has been in cannabis cultivation since 2017. Bro Properties has

cultivated up to one-acre of cannabis canopy outdoors in twenty-two hoop house-type structures and open hedge rows. The property development includes a 20' by 35' processing and storage building, outdoor cannabis cultivation areas, several trailers, and domestic and agricultural wells. The site also includes a parking area and porta-potties/outhouses for employees, an outdoor propagation area, and refrigerated trailers for cannabis processing, as well as separate storage containers for chemicals, supplies, and cannabis products. The remainder of the approximately 16.5-acre parcel that does not include cannabis uses contains an onsite residence, workshop, and a productive fruit orchard. Security fencing is installed around the entire project site. The site is served by both an onsite agricultural and domestic well.

Approval of this Use Permit authorizes Bro Properties to cultivate up two acres of cannabis canopy and authorizes the issuance of a nursery license, which would allow Bro Properties to grow cannabis used for propagation, including clones, immature plants, and seeds to sell commercially (sales would not occur on the property), and a self-distribution license that would allow the business to transport only the goods they cultivate to off-site manufacturing and distribution premises. Bro Properties proposes to finalize construction of a 3,200-sf processing facility with a new employee restroom and includes plans for construction of a new 3,000-sf commercial greenhouse for nursery cultivation. Cannabis waste will be composted on-site and/or disposed of in compliance with State regulations.

Any subsequent substantive changes in the project description may require an amendment to this Use Permit, with approval by the Zoning Administrator, Planning Commission, or Board of Supervisors, at the discretion of the Director.

3. The project site shall be brought into compliance with the requirements and conditions of this Use Permit (ZF #2023-039) within one year of approval, unless otherwise specified in the conditions of approval, or the renewal of required license(s) shall be prohibited.
4. The nursery license, a non-cultivation allocated license type, shall be obtained within two years of Use Permit approval, or it shall be returned to the pool of available licenses. In the event that a non-cultivation license (nursery license) is inactive for a period of two consecutive years, the license shall be returned to the pool of available licenses.
5. This project shall be constructed in a manner consistent with the development requirements for Agricultural Extensive (A-X) Zones, set forth in Title 8, Chapter 2, Article 3 of the Yolo County Code, and the Specific Use Requirements and Performance Standards, set forth in Title 8, Chapter 2, Article 14 (Cannabis Land Use Ordinance) of the Yolo County Code.
6. Any structures used by the public, including employees and temporary workers, are required to be fully permitted and shall be classified with respect to the occupancy group and the listed use, as determined by the Chief Building Official.
7. The property owner and/or operator(s) shall maintain the site in such a manner, and with such frequency, to ensure for public health, safety, and general welfare.
8. Prior to the first construction activities requiring a building permit(s), Permittee shall request cultural sensitivity training with the Yocha Dehe Wintun Nation for pre-project personnel. To schedule cultural sensitivity training, prior to construction of the first structure requiring building permit(s), please

contact: CRD Administrative Staff, Yocha Dehe Wintun Nation at (530) 796-3400 or THPO@yochadehe.gov.

9. Prior to issuance of a cultivation license, Permittee shall consult the State Water Resources Control Board or the appropriate Regional Water Quality Control Board to ensure all project activities are enrolled in an order or waiver of waste discharge requirements. This may require amendment to the Notice of Applicability or issuance of a new Notice of Applicability. Permittee shall provide such documentation to the Planning Division and the Cannabis Unit prior to issuance of a cultivation license. If enrollment in an order of waste discharge requirements is not required, applicant shall provide a Notice of Non-Applicability from the State Water Resources Control Board or the appropriate Regional Water Quality Control Board.
10. The applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations (Yolo County Code Sections 8-2.1409(E) and 8-2.212.5).
11. The County shall promptly notify the applicant of any claim, action, or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to the action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation (Yolo County Code Section 8-2.212.5).

YOLO HABITAT CONSERVANCY

12. Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Compliance: The Project proposes new construction and/or ground disturbing activities requiring compliance with the Yolo HCP/NCCP. The Project proponent shall apply for Yolo HCP/NCCP coverage through the Yolo Habitat Conservancy. The project proponent shall submit a Yolo HCP/NCCP Private Project application, and any required attachments, for review by the Yolo Habitat Conservancy. The Project proponent must receive a Yolo HCP/NCCP Certificate of Approval prior to ground disturbing activities occurring onsite, i.e., building or grading permit issuance. Yolo HCP/NCCP compliance includes payment of applicable mitigation fees and implementation of Avoidance and Minimization Measures as identified by the Yolo Habitat Conservancy during the Private Project application review process.

PUBLIC WORKS DIVISION—COMMUNITY SERVICES

13. The applicant shall apply for a County encroachment permit for any proposed work within the county right-of-way, which includes County Road 22A. Contact ppw@yolocounty.org for encroachment permit inquiries.
14. Prior to the issuance of a building permit or six months from the date of approval, whichever comes first, the applicant shall apply for a county encroachment permit for work within the county right-of-way. Paved residential driveways are required for all driveway connections to County Road 22A per county standards (Standard Drawing #4-22). The driveway connections will be required to be

maintained by the applicant or applicant's successor. The applicant shall reimburse the County for all activities associated with encroachment permit issuance and inspection (County Zone File No. ZF2023-039).

15. Driveway visibility shall be maintained per Yolo County Improvement Standards Drawing #4-13 at a minimum. Landowners are responsible for tree maintenance along the property frontage to County roads.
16. Signs associated with the business are not permitted in county road right-of-way.
17. Provide ongoing maintenance of gravel parking areas and access roads, including but not limited to, stabilizing any areas that have eroded, preventing the downstream conveyance of sediment, and providing dust control.
18. County right-of-way shall not be used for event/business/operations parking.
19. If the development disturbs one acre or more of land, the developer must obtain coverage under California's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (State General Permit)" for controlling construction activities that may adversely affect water quality. State General Permit coverage requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). The developer shall provide Yolo County its State-issued Waste Discharge Identification Number (WDID #), and pay associated fees, prior to issuance of a County building or grading permit.
20. The applicant shall file a Record of Survey, prepared by a licensed surveyor in the State of California, whenever any of the following instances occur:
 - a. A legal description has been prepared that is based upon a new field survey disclosing data that does not appear on any previously filed Subdivision Map, Parcel Map, Record of Survey, or other official map.
 - b. Permanent monuments have been set marking any boundary.
 - c. Additional right-of-way was dedicated to the County.

The applicant shall reimburse the County for all activities associated with County Surveyor review (County Zone File No. ZF2023-039).

BUILDING DIVISION—COMMUNITY SERVICES

21. Proposed Processing Building:

The processing building shall meet the permitting requirements for a Group F-1 building, including the installation of an accessible parking space, accessible restroom, and accessible routes. If hazardous materials exceed the threshold limits for hazardous materials listed in California Building Code Chapter 3, then the structure will have to meet the requirements for the Group H high-hazard occupancy including fire sprinklers.

22. Occupancy Requirements (in general):

In each structure, post the Certificate of Occupancy describing the allowed use. Do not occupy any structure with any use unless it is described on the Certificate of Occupancy. Permittee shall apply for a Change of Use/Occupancy if any other use is planned.

23. Permits Required:

Building and Fire permits shall be required for all construction or change of occupancy classification, including demolition, grading and other site improvements. The application and construction documents shall be in compliance with state and local regulations, including the California Building Code, California Residential Code, California Fire Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, and California Green Building Code.

24. Optional Preapplication Meeting:

Due to the limited information provided on an application for a planning permit, a detailed analysis of building code requirements is not always possible. Your licensed design professional will ensure code compliance for use and occupancy classification, construction type, fire resistant construction, fire protection systems, egress, disabled access, structural requirements, and any other required code compliance measures. If the project has unique features that require a code interpretation you may schedule a preapplication meeting with the Building Division.

25. Fees:

The applicant shall pay the appropriate fees prior to issuance of building permits, including but not limited to applicable permit fees, school and fire district fees, county facility (FSA) fees, and Environmental Health fees.

26. Fire Access:

As part of your building permit application, submit a plan showing site access for fire engines in compliance with the California Fire Code. Ensure fire apparatus access is available within 150 feet of all portions of the building. Fire apparatus access roads must be a minimum of 20 feet (with no parking permitted on either side.) Fire apparatus access roads must maintain a minimum turning radii of 20 feet interior / 40 feet exterior and be provided with dead-end turnarounds as necessary.

27. Fire Fighting Water Supply:

As part of your building permit application, provide calculations for the proposed water supply for fire suppression. Provide a list of commodities, classifications, and locations for review.

ESPARTO FIRE PROTECTION DISTRICT

28. All electrical shutoffs shall be clearly marked and labeled.

29. All proposed propane/natural gas/liquefied petroleum gas (LPG) tanks must be protected by industry standard bollards, and shutoffs shall be clearly marked and labeled.

30. The main access of the building shall remain clear for fire response units with an approved gravel road capable of all-weather access.

ENVIRONMENTAL HEALTH DIVISION—COMMUNITY SERVICES

31. Edibles:

If edible cannabis products are present or manufactured on site, or offered for sale or distribution, the facility/operation must secure any necessary approvals and permits from the Division of Environmental Health and/or State, as applicable, prior to commencement of operations.

32. Employee Services:

Permittees shall comply with applicable labor standards including parking, toilets, drinking water, safety stations, shading, and hand-washing stations. Employee housing (temporary and/or permanent), including for on-site security, must have all necessary services (e.g., approved systems for the provision of water and treatment of wastewater) and required approvals. The provision of employee housing without required permits/approvals is grounds for revocation or suspension of the Use Permit. Permittees shall encourage employee ridesharing and encourage employees to minimize trips.

33. Wastewater System:

Cultivation with onsite processing operations: Businesses engaging in cultivation and onsite processing activities including trimming, drying, curing, grading, storing, packaging and labeling of non-manufactured product incidental to the operation shall provide flushable toilets and hand washing facilities connected to a sewer system or an approved Onsite Wastewater Treatment System (OWTS; aka septic system). The following is important information involving septic systems:

- A septic system shall be installed with an approved YCEH Septic Installation Permit after an approved Site/Soil Evaluation. If an existing septic system is proposed for use, it shall first be approved by YCEH. Contact YCEH to submit a Site Evaluation Request and for more information regarding the process.
- Please avoid all activities over septic systems that could negatively affect the performance of the system. These activities include, but are not limited to, vehicular traffic/driving/parking, over-watering, placing large items that could reduce the aerobic treatment capability of the system, etc.
- Any unused septic system on the parcel shall be abandoned under permit.
- There should be adequate reserved land space for a septic replacement area.
- All cesspools are prohibited by County Code. Cesspools shall be abandoned and replaced with an approved septic system under approved YCEH permits.

Wastewater Strength: OWTS (aka septic systems) are approved to treat only domestic wastewater and not industrial wastewater. Any wastewater from any other source (e.g., wastewater from processing) would be considered industrial waste, regulated by the State Regional Water Quality Control Board and is not approved to be discharged into the OWTS.

34. Water Wells:

Testable Backflow Prevention Device may be required. The onsite functional well is permitted as a domestic well, may be used for domestic purposes, and is currently used for irrigation purposes with holding tanks onsite. If in-line injections of chemicals (such as fertilizers or pesticides) are present, there shall be a testable backflow prevention device present to protect domestic connections and the subsurface aquifer(s). Installation of such a device will require a building permit.

35. Drinking Water System (Public or State Smalls):

Prior to building permit approval, a complete Water System Determination form will be required. The system use will be evaluated to determine if it meets the definition of a Small Public Water System. Regulatory action, to include permitting, may be necessary.

By definition, Public Water System means a system for the provision of water for **human consumption** through pipes or other constructed conveyances that has 15 or more **service connections** or regularly serves at least 25 individuals daily at least 60 days out of the year. State Small Water System means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year. Human Consumption means the use of water for drinking, bathing, or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.

36. Hazardous Materials:

Within 30 days of a substantial change to the handler's operation (including change of ownership), or to the types, quantities or storage location of hazardous materials or hazardous wastes being handled at the facility, the facility's Hazardous Materials Business Plan must be updated to reflect the changes. This must be done by going to the California Environmental Reporting System (CERS) web site (<http://cers.calepa.ca.gov/>), logging on by using your CERS ID number, reviewing the existing information, updating information as needed, and resubmitting the information for approval by YCEH. For assistance, please call YCEH at (530) 666- 8646 and ask to speak to a Hazmat Specialist.

37. Solid Waste:

Cannabis waste is a green waste material which is compostable and is regulated as a type of solid waste. Composting green waste material requires a Solid Waste Facility Permit with the exception of the following:

- An activity is excluded if it handles agricultural material derived from an agricultural site, and returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. No more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.

CANNABIS LAND USE ORDINANCE COMPLIANCE CONDITIONS OF APPROVAL

The Conditions below incorporate standards and regulations from the Cannabis Land Use Ordinance (CLUO) with code reference citations. Where applicable, clarification has been added that apply to the specific project. Please note that the Permittee is responsible for complying with the entirety of the CLUO.

38. Each cannabis use requires an applicable State and County license(s). Permittee shall maintain a State Cannabis License(s) and County Cannabis License(s) in good standing for each allowable cannabis use. [Yolo County Code Section 8-2.1406(B), (C), & (D)]

39. Vested Rights: Unless otherwise required by California law, no County Cannabis License or Cannabis Use Permit establishes a property interest, vested right, or entitlement beyond the authorization to conduct the cannabis uses specifically identified in the permit for the term provided therein, subject to the permit's conditions and the requirements of any applicable State and County laws and regulations, and subject to County's ability to terminate the cannabis program under Section 8-

2.1409(C) of the Yolo County Code. The Permittee and the Cannabis Use Permit shall be subject to all duly adopted amendments to State and County law or regulation, including amendments to this article and the administrative policies adopted thereunder. [Yolo County Code Section 8-2.1406(K)]

40. Agricultural Applications: Permittee shall comply with applicable County and State requirements, and manufacturer instructions, for use to the satisfaction of the County Agricultural Commissioner, and/or other responsible official, for use of fertilizers, herbicides, pesticides, rodenticides, fumigants, and other inputs/applications for improved agricultural performance. Permittee shall implement the Pest Management Plan required pursuant to Section 16310 of the Department of Cannabis Control (DCC) Regulations, as applicable. Permittee shall comply with pesticide laws and regulations as enforced by the Department of Pesticide Regulation pursuant to Section 16307, Pesticide Use Requirements, of the DCC Regulations. [Yolo County Code Section 8-2.1408(A)]

Applicant shall obtain and maintain an Operator ID (OPID-Spray Permit) through the Yolo County Agricultural Department based on the chemicals in their pest management plan and per California Code of Regulations 6622. In addition, applicant comply with the following:

- a. Submit monthly use reports for any pesticide application by the 10th of the following month.
 - b. Employees who conduct pesticide applications must be trained by a licensed person with a Private Applicator Certificate (PAC).
 - c. Applicant is responsible for keeping all employee pesticide training records at main headquarters and will receive a headquarters inspection by the Ag Department to assure all the above is being met.
 - d. If applicant is using scales to sell their cannabis, all scales must be certified by the Ag Department and all fees associated with these devices must be paid.
41. Agricultural Maintenance: Permittee shall implement procedures to ensure that any areas in non-agricultural use will be properly maintained (e.g., weed abatement, pest management, etc.) to, among other things, avoid maintenance deficiencies that impair or otherwise conflict with agriculture on other nearby properties. [Yolo County Code Section 8-2.1408(B)]
42. Backflow Prevention: Permittee shall ensure that proper backflow devices are installed, maintained, and tested for all wells where water is used to mix agricultural applications or any chemicals. [Yolo County Code Section 8-2.1408(C)]
43. Buffers: Permittee shall at all times maintain buffers between cannabis uses and identified sensitive land uses as set forth in Yolo County Code Section 8-2.1408(E). [Yolo County Code Section 8-2.1408(E)]

Within six months of project approval, Permittee shall relocate all outdoor cannabis uses (i.e., hoop houses, hedgerows, etc.) to areas of the property that meet the 600-foot buffer requirement from off-site residences. The County may require Permittee provide verification from a qualified professional (i.e., land surveyor) at the Permittee's expense, if necessary, to determine compliance with buffers.

44. Building Design: Design and construction of buildings and structures shall comply with all applicable codes, standards, regulations, and guidelines, and shall demonstrate consideration of odor control, air quality, noise control, environmental controls (including temperature, humidity, and ventilation), safety and security, lighting, aesthetics, energy use, and other appropriate impact mitigation. All required building permits shall be obtained. New development shall be clustered or otherwise sited

to minimize impacts. Design, materials, and general appearance must be compatible with the character and scale of what is typical in the applicable zone. [Yolo County Code Section 8-2.1408(F)]

45. Cultural Resources: If cultural resources (Tribal cultural, archaeological, and/or historic) are encountered during construction or operations, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the find and appropriate steps are taken in accordance with the subsections below. A minimum 100-foot buffer around the find shall be established upon its discovery. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies. [Yolo County Code Section 8-2.1408(H)(1)]
46. Tribal Cultural Resources: If Tribal cultural resources are encountered all work in the area shall cease, resources shall be accorded culturally appropriate dignity, removal, reinterment, or other protection; disposition shall be as directed by the culturally affiliated tribe(s) pursuant to a Treatment Plan or Treatment Agreement (or other comparable arrangement). For resources that remain in place, a 1,000-foot buffer shall be provided. [Yolo County Code Section 8-2.1408(H)(2)]
47. Human Remains: If human remains are discovered, permittee shall comply with Section 7050.5 of the California Health and Safety Code. Cultivation, grading/excavation, or other soil disturbance activities shall be immediately halted at the location of human remains and in the nearby area until the County Coroner has determined that the remains are not subject to the provisions of Section 27491 of the California Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours and disposition shall be as specified by Commission and in accordance with applicable requirements of State law.

Native American remains shall be accorded culturally appropriate dignity, removal, reinterment, or other protection/disposition shall be as directed by the culturally affiliated tribe(s) pursuant to a Treatment Plan or Treatment Agreement (or other comparable arrangement) completed and appropriately implemented before commencement of ground-disturbing activity in the affected area. Cultural and Tribal resource information and records are confidential (see Section 6254(r) and 6254.10 of the California Government Code; Section 21082.3(c)(1) of the Public Resources Code; and Section 15120(d) of the California Environmental Quality Act (CEQA) Guidelines. [Yolo County Code Section 8-2.1408(H)(3)]

48. Drainage and Storm Water Discharge: Drainage and storm water must be discharged into approved on-site stormwater management systems. Site drainage, runoff, and storm water discharge shall comply with the State Water Board Cannabis Policy and Cannabis General Order and the County Improvement Standards. Per DCC Regulation 15011(a)(3), Permittee shall maintain evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. Acceptable documentation for evidence of enrollment may be a Notice of Applicability letter. Acceptable documentation that

enrollment is not necessary may be a Notice of Non-Applicability. [Yolo County Code Section 8-2.1408(J)]

49. Driveway Access: Driveway approaches to County and State maintained roads shall be per current County Improvement Standards or Caltrans requirements, as applicable (see Public Works Conditions, above). Driveways shall have an all-weather surface, such as compacted gravel. Controlled access entries must provide a rapid entry system (e.g. Knox Box approved by the local Fire District or fire service provider) for use by emergency personnel and provide adequate space for vehicles to access the lock without impeding the right-of-way. A County assigned street address is a requirement. The address must be posted and adhere to display requirements of the Fire Code. Access considerations identified in Section 8-1.802 of the County Code shall apply. [Yolo County Code Section 8-2.1408(K)]
50. Dust Control: Permittee shall implement dust control measures in compliance with the Yolo-Solano Air Quality Management District requirements for any new construction or site disturbance activities. Permittee shall control dust in the cultivation area consistent with standard agricultural practices. [Yolo County Code Section 8-2.1408(L)]
51. Employee Services: Permittee shall comply with applicable labor standards including parking, toilets, drinking water, safety stations, shading, and hand-washing stations. Employee housing (temporary and/or permanent), including for on-site security, must have all necessary services (e.g., approved systems for the provision of water and treatment of wastewater) and required approvals. The provision of employee housing without required permits/approvals is grounds for revocation or suspension of the Use Permit. Permittee shall encourage ride-sharing and encourage employees to minimize trips. [Yolo County Code Section 8-2.1408(N)]
52. Energy Use: A permanent power source is required (e.g. electric utility, or solar/wind with battery back-up). Within six months of project approval, Permittee shall obtain utility power from VCE ultra green or equivalent standard (100 percent renewable and 100 percent carbon-free). Permittee shall provide evidence to the Planning Division upon satisfaction of this requirement.

In compliance with EIR MM GHG-1, Permittee shall ensure energy efficient measures are implemented for irrigation pumps used for cannabis uses (i.e., ensuring electrical power to irrigation pump(s) is from 100 percent renewable and 100 percent carbon free source). Water efficiency requirements shall be implemented for cannabis buildings with plumbing. This may be achieved through compliance with CALGreen Building Standards. Further, lighting used in cannabis structures shall utilize LED lighting, or equivalent or more efficient technology. (EIR MM GHG-1) [Yolo County Code Section 8-2.1408(O)]

53. Fire Protection: All uses shall comply with the California Building, Electrical and Fire Codes as adopted by the County, including existing requirements for adequate access, water availability, and other conditions for fire protection as applicable for the location and use/activity. Permittee shall manage vegetation and maintain fire breaks to minimize fire danger. [Yolo County Code Section 8-2.1408(Q)]
54. Generators: Use of generators (including diesel-powered refrigerated units) as the sole or permanent source of power for equipment and/or facilities for all cannabis use types is prohibited. Any use of generators for temporary or emergency use shall meet the applicable requirements of the Yolo-Solano Air Quality Management District and with Section 16306 of the DCC Regulations. [Yolo County Code Section 8-2.1408(T)]

55. Good Neighbor Communication: Upon approval of this Use Permit, Permittee shall provide property owners and residents/tenants 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/operation/activities. The purpose of this requirement is to facilitate communication between neighbors related to conditions at the site and operation of the activity. Permittee shall generally respond to legitimate neighbor contacts, within one business day. The method of communication may be a phone number, email, or website (containing contact information), as proposed by the permittee and approved by the County. A method that generates written records is recommended (e.g. email). Failure to reasonably respond to contacts as required by this subsection will be a consideration in any enforcement action/proceedings, including license renewal, undertaken in connection with the operation at issue. If necessary, the County may require mediation as a means of resolving disputes among neighbors, to be paid by the Permittee. [Yolo County Code Section 8-2.1408(U)]

56. Grading/Land Clearing: No grading or land clearing for cannabis activities may occur without prior authorization pursuant to an approved Cannabis Use Permit, and a County Grading Permit if applicable. Grading or land clearing in advance of permit approval is grounds for denial/revocation of any County Cannabis Use Permit and/or County Cannabis License. Grading and/or land clearing requires the issuance of a County Grading Permit, if applicable, and must be conducted subject to a State construction storm water permit if applicable. If grading or land disturbance is proposed, Permittee shall demonstrate compliance with the principles and guidelines for discharge and water quality contained in the Cannabis Cultivation Policy of the State Water Resources Control Board. Excessive grading and disturbance shall be avoided. A geotechnical analysis by a licensed civil engineer in the State of California may be required at the County's discretion, to minimize erosion, sedimentation, and water quality to acceptable levels. [Yolo County Code Section 8-2.1408(V)]

57. Hoop Houses: Hoop houses shall only be used as temporary structures and shall be removed after the growing season. No utilities or power, including portable equipment, shall be allowed in hoop houses. No artificial lighting, battery powered or otherwise shall be allowed. Hoop houses may not be used for processing. Hoop houses must be properly maintained. [Yolo County Code Section 8-2.1408(X)]

Limited-Use Greenhouses that have a flexible, lightweight, and fire-resistant membrane may be used for outdoor cultivation upon approval by the building official either through a streamlined permitting process or permit exemption. Said limited-use greenhouses do not contain plumbing, lighting, flooring, or concrete foundations (or similar stabilizing material). New Hoop houses and limited use greenhouses shall have a maximum width of 40 feet and maximum length of 100 feet.

58. Landscaping: Landscaping (if provided with any new or existing structures), and irrigation shall be provided consistent with the requirements of the zone, Chapter 3, Water Efficient Landscaping, of Title 8 of the YCC, and applicable State requirements for water conservation and drought tolerant landscaping. [Yolo County Code Section 8-2.1408(Y)]

59. Lighting: All exterior lighting shall be operational, full cut-off, shielded, and downward facing. Lighting shall not spill over onto other properties, structures, or the night sky. Lighting inside indoor and mixed light operations shall be fully controlled so that minimal or no light escapes. Lighting is prohibited in hoop houses. All lighting for indoor/enclosed spaces shall utilize LED bulbs, or equivalent or more efficient technology. Mixed light use types of all tiers and sizes shall ensure that lights used for cultivation are shrouded from sunset to sunrise to preclude nighttime glow. Nighttime light escape

from cannabis greenhouses shall be controlled to the greatest extent feasible through the use of internal curtains or other equally or more effective methods that preclude the facility from emitting nighttime glow. [Yolo County Code Section 8-2.1408(Z)]

60. Noise Control: Permittee shall control interior and exterior noise in compliance with the Noise chapter of the Health and Safety Element of the County General Plan including Figure HS-7, Noise Compatibility Guidelines, and Policy HS-7.1 and HS-7.4.

The following noise restrictions shall apply:

- a. From 6:00 a.m. to 6:00 p.m., noise levels shall not exceed an average noise level equivalent (Leq) of eighty (80) decibels (dBA) measured at the property boundaries of the site. However, noise levels shall not exceed an average noise level equivalent (Leq) of sixty (60) decibels (dbA) for any nearby off-site residences or other noise-sensitive land uses.
 - b. From 6:00 p.m. to 6:00 a.m., noise levels shall not exceed an average noise level equivalent (Leq) of sixty-five (65) decibels (dBA) measured at the property boundaries of the site.
 - c. At no time shall noise levels exceed a community noise equivalent (CNEL) of sixty (60) decibels (dBA) for any existing residence or other noise-sensitive land use. An existing residence shall be considered (1) the property line of any residentially zoned area or (2) in the case of agricultural land, any occupied residential structure not on the same parcel as the cannabis operation. Achieving the noise standards may involve setbacks, the use of quieter equipment adjacent to residences, or other appropriate measures. (EIR MM NOI-1) [Yolo County Code Section 8-2.1408(BB)]
61. Nuisance (General): Cannabis uses, including personal cultivation, shall not create a public nuisance or adversely affect the health or safety of nearby residents or businesses by, among other things, creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions, or other impacts, in excess of allowable thresholds, or be hazardous due to the use or storage of materials, processes, products, runoff, unauthorized releases or illegal disposal of wastes. [Yolo County Code Section 8-2.1408(CC)]
62. Nuisance (Odor Control): It is unlawful and it shall be a public nuisance to cause or permit persistent cannabis odors. A persistent cannabis odor is one which is verified by persons of normal odor sensitivity (as defined by European Standard EN 13725) to exist for three consecutive days within any two-week period at a dilution-to-threshold (D/T) ratio of seven parts clean or filtered air to one-part filtered odorous air (7:1) or stronger at the property line of the site, as a result of investigations resulting from Section 8-2.1408(CC)(2). This D/T standard may be modified by ordinance amendment of the Board of Supervisors, in its sole discretion, through a duly noticed process. Should this occur, the new standard would automatically apply to existing and future permittees, upon becoming effective.

Please refer to CLUO Section 8-2.1408(CC)(1-8) for details on the enforcement procedure related to odor complaints and investigations. [Yolo County Code Section 8-2.1408(CC)(1)]

63. Odor Control: Permittee shall implement the administrative and engineering controls (if applicable), and best management practices outlined in the Odor Control Plan prepared for the site. If necessary

to ensure compliance with the less than 7:1 D/T standard for indoor and mixed light uses, the Permittee shall install and maintain the following: an exhaust air filtration system with odor control that effectively minimizes internal odors from being emitted externally; an air system that creates negative air pressure between the facilities interior and exterior so that odors outside of the facility will not exceed the less than 7:1 D/T standard; or other odor control system/methods which effectively minimizes odor to a level compliant with the allowable threshold. If necessary to ensure compliance with the less than 7:1 D/T standard for outdoor activities, Permittee shall: plant different plant strains (less skunky); reduce size of cultivation area; relocate outdoor activities indoors or in a mixed light facility (may require Use Permit Amendment); incorporate site design or other technological changes; install vegetative barriers or odor mitigating crops; and/or other methods proven to be effective and accepted by the County. [Yolo County Code Section 8-2.1408(DD)]

In addition, Permittee shall comply with any future generally applicable odor control requirements that may be adopted as part of the County Code.

64. Operating Hours: Outdoor cultivation and indoor or mixed light cultivation activities may be conducted seven days per week, 24-hours per day. [Yolo County Code Section 8-2.1408(EE)]
65. Parking: Parking shall be provided consistent with any minimum requirements listed for such uses in the County Zoning Regulations, and more particularly, must meet occupancy requirements for the construction of such uses as indicated in the California Building Code. Adequate onsite parking for all employees, residents, loading, and unloading must be provided, including any reserved overflow parking areas designated for seasonal use. Paved parking spaces for accessibility shall be as required. Parking areas shall not obstruct emergency or fire access, and shall not be placed over leach fields and replacement areas. Parking shall be prohibited on County right-of-way if operations occur on agriculturally-designated land. [Yolo County Code Section 8-2.1408(FF)]
66. Processing: Processing includes trimming, drying, curing, grading, storing, packaging, and labeling of non-manufactured cannabis incidental to the cultivation operation. All processing activities shall occur indoors within secure permitted buildings/structures, or may occur outside if screened from the public right-of-way pursuant to Section 8-2.1408(KK) of the CLUO, and provided odor and security are adequately addressed. Processing may not occur within hoop houses. [Yolo County Code Section 8-2.1408(HH)]
67. Roadways: In accordance with the County's adopted policies and standards cannabis operators are strongly encouraged to take affirmative measures to combine trips, reduce greenhouse gas emissions, and minimize vehicle miles traveled. The permittee stated in application materials that they encourage all laborers to carpool. Permittee shall continue to encourage carpooling and other methods to minimize trips.

As proposed, the project does not trigger the preparation of a traffic assessment (i.e., the permittee stated there will be less than 100 new vehicle trips per day). Should the project ever exceed 100 daily trips, the permittee shall prepare a traffic assessment. In situations where a project would substantially and adversely alter physical or operational conditions on a County roadway, roadway improvements (e.g., safety improvements) or other circulation improvements will be required as appropriate. The permittee shall install/undertake appropriate roadway improvements to adequately resolve identified concerns in a manner consistent with adopted standards and requirements as applied to other similar uses. [Yolo County Code Section 8-2.1408(JJ)]

68. Screening: Outdoor cultivation (including hoop houses) shall be screened to the maximum extent feasible to avoid visibility from public rights-of-way (the north border of the property, which is visible from County Road 22A, are currently fenced). Fencing, generally, shall not exceed a height of seven (7) feet. Fencing design and materials shall be consistent with the surrounding area, remain in good repair, and shall not significantly diminish the visual quality of the site or surrounding area. Fencing shall be opaque and constructed of durable materials. Linear barbed wire is not proposed, however, may be allowed through a Use Permit amendment process if it is determined to not diminish the visual quality of the site or surrounding area. Razor wire is prohibited. If vegetative screening is proposed, it is subject to approval by the County Agricultural Commissioner and shall meet the requirements of Section 8-2.1408(KK) of the CLUO. [Yolo County Code Section 8-2.1408(KK)]

69. Security: Permittee shall secure the site in accordance with the approved site-specific Security Plan (Security Plans are treated as confidential pursuant to Section 6255(a) of the California Government Code). Failure to secure a site pursuant to the Security Plan may be grounds for revocation. The Security Plan address the following, as applicable: perimeter security; lighting; cameras; floor plan; cannabis and cash storage; location access; daily cannabis sales limits; employee security training/education and inventory control; security guards/personnel; transportation; delivery security; inventory tracking; and waste disposal.

A fully functional, operating, site security system with cameras operating 24-hours a day, seven days a week, is required. All gates, doors, and windows of structures and facilities used for cannabis activities shall be locked/secured. Permittee is responsible to prohibit individuals from loitering on the premises if they are not engaged in activity expressly related to the activity/operations. [Yolo County Code Section 8-2.1408(LL)]

70. Setbacks: Principal and accessory uses shall maintain minimum setbacks from property boundaries consistent with the requirements of the A-X zone.

Permittee shall comply with the minimum 100-foot setback from lakes, perennial ponds, rivers, creeks sloughs, and perennial streams, as set forth in Policy CO-2.22 of the General Plan, as applicable. [Yolo County Code Section 8-2.1408(MM)]

71. Signage and Advertising: Permittee shall comply with applicable sign standards (see Article 12, Sign Standards, of the County Zoning Regulations). Advertising shall comply with California Business and Professions Code Chapter 15 (Advertising and Marketing Restrictions). [Yolo County Code Section 8-2.1408(NN)]

72. Site Design: Site design shall comply with all applicable codes, standards, regulations, and guidelines, and shall demonstrate consideration of odor control, air quality, noise control, workflow, safety and security, lighting, aesthetics, protection of resources (biological, cultural, trees, etc.) and other appropriate impact mitigation. All required permits shall be obtained. Operations shall comply with Sections 8-2.1002, Area of Lots, and 8-2.1004, Height Regulations, of the County Zoning Regulations as applicable. [Yolo County Code Section 8-2.1408(OO)]

73. Site Maintenance: Permittee shall at all times maintain, manage, and operate the site, all improvements and alterations, and all structures, in good repair, acceptable in appearance, and in a reasonably safe condition, including securing all necessary licenses and permits for this work. The site

shall be kept free of litter, clutter, graffiti, abandoned buildings, abandoned structures, and abandoned equipment. The permittee shall prevent and eliminate conditions that constitute a public nuisance. [Yolo County Code Section 8-2.1408(PP)]

74. Trailers and Shipping Containers: All required building permits shall be obtained for trailers and shipping containers for temporary or permanent use (Note that semi-truck trailers/refrigerated truck trailers are not structures and therefore non-permittable and cannot be used for storage, processing, or other related cannabis uses). These uses may not encroach into required setbacks. Permittee shall comply with Section 8-2.1012 (Commercial Coaches) and Section 8-2.1013 (Manufactured or Mobile Homes and Trailers) of the County Zoning Regulations if applicable. Use of recreation vehicles, campers, motorhomes, or other such vehicles for cannabis-related activities is not allowed. [Yolo County Code Section 8-2.1408(QQ)]

Semi-truck trailers and/or refrigerated truck trailers shall be removed from the property within one year of project approval.

75. Tree Protection: Protection of trees is encouraged consistent with General Plan policies and the County Oak Woodland Conservation and Enhancement Plan. Protections shall include a prohibition on detrimental activity within the dripline. Removal of native trees and tree clusters or stands, particularly oak woodlands, remnant valley oaks, and riparian woodlands, in furtherance of a cannabis use is prohibited. Notwithstanding the foregoing, the CLUO does not prevent the removal of trees in response to a safety, disease, or similar concern that is verified in writing by an arborist or similarly qualified individual. [Yolo County Code Section 8-2.1408(RR)]

76. Waste Management: Cannabis waste, trash, and garbage must be stored so as not to create a public nuisance and must be regularly removed from the facility to an appropriately permitted disposal facility. Permittee shall ensure compliance with Section 17223 of the DCC Regulations (as applicable), which includes the preparation and submission of a Cannabis Waste Management Plan. The Cannabis Waste Management Plan shall be maintained and kept up to date. [Yolo County Code Section 8-2.1408(SS)]

77. Annual Reporting: Permittee shall report annually to the County, on July 1 of each year starting the first July in the year after permit issuance, using a template or format approved by the County, regarding compliance with the Cannabis Use Permit requirements (Conditions of Approval for ZF #2023-039). Additionally, Permittee shall maintain monthly inventory records for four years from the date created (or any longer period that may be required by state laws or regulations) and shall make available to the County upon request. [Yolo County Code Section 8-2.1411(A)]

78. Inspections:

- a. Recordings made by security cameras at any cannabis business shall be maintained for a period of not less than 30 days and shall be made available and accessible to the County Cannabis Unit and/or Sheriff's Office and any other County official charged with enforcing the provisions of the Yolo County Code immediately upon request for review and copying, even in the absence of a search warrant, subpoena, or court order.
- b. Property owner(s) and permittee shall grant the County access to enter all cannabis businesses unannounced for the purpose of making reasonable inspections to observe and enforce

compliance with this Article and the Cannabis Use Permit. Such inspections shall be limited to observing the premises for purposes of determining whether the cannabis business is being operated or maintained in compliance with this code, State law, and other applicable laws and regulations.

- c. Applicant(s) and Permittee must cooperate with employees and investigators of the County who are conducting inspections or investigations relevant to the enforcement of this Article.
- d. Interference in the performance of an inspection by any means is grounds for revocation. [Yolo County Code Section 8-2.1411(B)]

79. Fees for Annual Reporting and Inspections: Permittee shall pay any required fees for review and approval of annual reporting, inspections, and required public meetings or hearings. [Yolo County Code Section 8-2.1411(D)]

80. Initial Audit: Within one year of approval, Permittee shall complete an Initial Audit of the Cannabis Business Taxes for up to three fiscal years commencing July 1, 2021 in accordance with Sections 3-18.06 and 3-18.19. Permittee shall provide the auditor access to all books and records necessary to conduct the audit. Permittee shall pay any tax shortfalls identified by the audit within 90 days of completion of the audit, or pursuant to a payment schedule approved by the Treasurer-Tax Collector. The Treasurer-Tax Collector may approve reasonable extensions of the one-year time period during which to complete the audit, provided they are not the result of Permittee's delays. In the event the Permittee does not complete a required audit in full satisfaction of the Treasurer-Tax Collector or does not pay taxes in the time required by law, a hearing shall be scheduled before the Planning Commission to consider revocation of the use permit.

81. Revocation or Modification: A Cannabis Use Permit may be revoked or modified as provided by the provisions of Yolo County Code Sec. 8-2.217(f). In addition to the grounds for revocation or modification set forth in Sec. 8-2.217(f), a Cannabis Use Permit may, following a noticed public hearing, be revoked or modified for any one or more of the following grounds:

- a. Any act or omission by a property owner or permittee in contravention of the provisions of the CLUO;
- b. Unresolved violation by the applicant or permittee, or unresolved violation at the proposed cultivation site, of any provision of the County Code or State law related to the cannabis use;
- c. A change in conditions occurring after the original grant of the approval or the continuation of the use as approved that is contrary to public health, safety or general welfare;
- d. Cessation of all uses authorized by the Cannabis Use Permit for a period of three or more consecutive years;
- e. Failure to continue to pay monetary or other obligations described in Section 8-2.1410(E), including applicable taxes, as they become due; or
- f. Failure to comply with any requirement of this or other applicable sections of the County Code or with State law. [Yolo County Code Section 8-2.1412(A)]

82. Enforcement: The remedies provided by the CLUO are cumulative and in addition to any other remedies available at law or in equity, including the County Code Enforcement Ordinance.

- a. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of the CLUO. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the CLUO shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.
- b. Any condition caused or allowed to exist in violation of any of the provisions of the CLUO shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to the County Code, and any other action authorized by law.
- c. Each day that a violation of this article exists shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the County Code or otherwise authorized by law. Additionally, any violation of the CLUO shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The County may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the cannabis activity or persons related thereto, or associated with, the cannabis activity. [Yolo County Code Section 8-2.1412(B)]

83. Cultivation Site Restoration: Upon revocation of a Cannabis Use Permit or abandonment of a permitted cultivation site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were used in connection with the cannabis use and that are not adaptable to non-cannabis permitted use of the site, including but not limited to concrete foundations and slabs, bags, pots, or other containers, tools, fertilizers, pesticides, fuels, hoop house frames and coverings, irrigation pipes, water bladders or tanks, pond liners, electrical lighting fixtures, wiring and related equipment, fencing, cannabis, cannabis waste products, imported soil or soil amendments not incorporated into native soil, generators, pumps, and structures.

If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the non-cannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement. For purposes of this Condition, "abandonment" shall mean failure to obtain a County Cannabis License to cultivate on the permitted cultivation site for three consecutive years. [Yolo County Code Section 8-2.1412(C)]

ACKNOWLEDGMENT of CONDITIONS OF APPROVAL for ZONE FILE #2023-039. I hereby concur with the conditions of approval as set forth above.

Signature of Owner/Authorized Agent:

Kokyou Chau, Bro Properties, LLC

Date

Attachment F. Comment Letters

From: [David Guerrero](#)
To: [Jeff Anderson](#)
Cc: [Humberto Izquierdo](#)
Subject: Bro Properties Cannabis Use Permit
Date: Thursday, May 9, 2024 9:12:14 AM

Jeff,

See below for Ag's comments for the Bro Properties Cannabis Use permit. Thanks!

Dave Guerrero
AG

CLUO Sec. 8-2.1406 (L)(11): Compatibility

No Ag nuisance complaints have been received in regard to this proposed permit. Cannabis has been grown at this site since 2017 and is currently adjacent to a neighboring cannabis operation. There are no concerns from the Ag department in regard to compatibility to surrounding properties. We would like to note that the property is also farmed in peaches, nectarines, apricots and citrus, however, this presents no concern as it is the owner of the property who manages the fruit orchards

CLUO Sec.8-2.1408(B): Ag Maintenance Component:

No concerns as weed removal, grass trimming and maintenance activities are handled by the cannabis operation and history shows that there has been no issues or complaints with neighboring operations.

CLUO Sec.8-2.1408(A): Pest Management Plan:

Based on Section O of this plan the applicant will have to obtain an Operator ID thru the Ag department prior to any application of pesticides. Any employee who conducts pesticide applications is required to be trained and all records of this training must be kept on file by the applicant for a headquarters inspection by the Yolo County Ag Department. Employee pesticide handlers as well as fieldworkers are required to be trained by a certified applicator. Certified Applicators include private applicator certificates (PAC), Qualified Applicator Certificates (QAC), and Qualified Applicator License (QAL) holders. A PAC can be obtained through the Yolo County Department of Agriculture. Fieldworkers include employees that enter a treated area; which is defined as 30 days after a pesticide application. All associated records mentioned above are required to be retained for two years. All pesticides must be kept in a locked storage and the storage is required to be posted. All pest control applications must comply with pesticide label instructions including: personal protective equipment, rate, and restricted entry intervals. Multiple products listed in the pest management plan require respiratory protection. Employees that handle products requiring respiratory protection will need to be medically evaluated, fit tested, and trained on proper respirator use. In addition, all pesticide worker health and safety laws and regulations are required to be followed.

CLUO Sec.8-2.1408(KK)(3): Screening/Fencing

No concerns

To: Jeff Anderson,
292 West Beamer St,
Woodland, CA 95695
Jeff.anderson@yolocounty.org

From: Linda Whent,

Regarding: Cannabis Use Permit request by Property owner:
Kokyou Chau, PO Box 580338, Elk Grove, CA 95758 for his business
Bro Properties LLC located at Assessor number 049-180-059
Address: 24701 County Rd. 23A, Esparto, CA 95621 (95627?)

Dear Mr. Anderson,

As a full-time resident of Esparto, CA and living within a mile of the property listed above where a proposed Cannabis Use Permit is requested, I am writing to inform you that I am firmly against any additional or new Cannabis Use Permits being approved in the Esparto/Capay Valley areas for the following reasons:

1. The Esparto/Capay Valley area already has too many Cannabis growers. There are currently seven cannabis growers within a 3-mile radius of my property. The fact that Yolo County and The Esparto Community Board of Directors has allowed this to happen is a clear disregard for the protection, health, security, and happiness of residents already living in my community.
2. The Cannabis Farms have brought in undesirable people to a once quiet, rural community. I have lived in my home for 31 years. When I moved here there was no crime in my area, but now I have to lock everything up at night or things mysteriously disappear. Strangers are now casing the neighborhood at night. Recently, and on several occasions, I witnessed men wearing black clothing walking up County Rd. 23A at night. When I drove by, they hid from my view. My neighbor across the street asked one man what he was doing, the man jogged off and was soon picked up by a car down the road. Another neighbor heard noises at his front gate after dark. When he went out to check, he was confronted by two armed men in a dark sedan who asked him what he was doing. There are many elderly people living on County Rd. 23 and County Rd. 23A that need to be protected, not exposed to increased danger.
3. The Capay/Esparto valley area water table cannot support additional agricultural water use. Recent droughts have lowered the water tables such that residential wells are no longer deep enough to compete with commercial agricultural wells. Thus longtime residents are running out of water. Although we have had more rain in recent years, we know a drought cycle is a course of our climate and future water needs to be reserved for the people who live here.

4. When they harvest the Cannabis the stench in the air smells like skunk. I used to enjoy sitting on my deck in the evening watching the sun go down before Yolo County allowed this vile business to settle in my community. Now, during harvest the stench is so bad that I hate to go outside.
5. The Stench and increased crime and undesirable people have made it more difficult to sell property in this area. Few people want to buy out here when they smell the air during harvest or see the undesirable people lurking the streets. The feeling from people up in Capay Valley is that Esparto is the low-life area. People living up in the Valley make a point to state they do not live in Esparto. However, this decline in property value has not been reflected in my property taxes. In addition, County Road 23A has not receive infrastructure improvements for over 20 years. This fact is intolerable since the County is receiving increased tax revenue from the numerous Cannabis operations.

In closing I would just like to say that the County of Yolo and the Esparto Community Board should be ashamed of what they have allowed to happen in this beautiful area. I am firmly against additional Cannabis Operations and expansions in this area and will commit to fighting to stop it.

Thank you for allowing me to give my point of view.

Best,

A handwritten signature in cursive script that reads "Linda S. Whent".

Linda S. Whent

From:
To: [Jeff Anderson](#)
Subject: Bro properties
Date: Thursday, May 23, 2024 4:03:27 PM

Dear Jeff

My position is that both Mr.Chou and Mr Lublin should be granted their permits .
They should have the same opportunity that other growers are afforded

Yours truly

Leo Romero

[Sent from AT&T Yahoo Mail for iPhone](#)

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From:
To: [Jeff Anderson](#)
Subject: Proposed cannabis permit
Date: Thursday, May 23, 2024 4:19:09 PM

Dear Jeff,

I have attended both advisory meetings & Supervisor meetings re the proposed permits. I believe the growers, Mr. Lublin and Mr. Chau should be granted the ability to expand their grows. They should be accorded the same treatment as the two prior requests for expansion. If the requirements of the county have been met then they should be granted equal opportunities.

Yours, Marian Flanders

[Sent from AT&T Yahoo Mail for iPhone](#)

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From:
To: [Jeff Anderson](#)
Subject: Response to Courtesy notice re. Zone File: ZF #2023-039, Cannabis Business: Bro Properties LLC
Date: Tuesday, May 21, 2024 4:33:28 AM

Courtesy Notice: ZF #2023-039 Bro Properties LLC Cannabis Use Permit to allow cultivation, self-distribution, and nursery.

Business Name: Bro Cannabis LLC

Applicant Name: Kokyou Chau, P.L.O. Box 580338, Elk Grove, CA 95758

Dear Mr. Anderson:

I own and live in my home at 24712 County Road 23A, Esparto. I object in the strongest possible terms to the Bro Properties LLC request for a Cannabis Use Permit to allow [an expansion of] cultivation, self-distribution, and nursery by property owner Kokyou Chau, who by his Elk Grove address given on the petition, would appear not to live on site.

The farmland around the town of Esparto seems to have the misfortune of attracting cannabis growth, with an increasing number of requests for expansion of said growth (e.g., recent request, ZF 2022-0075 Capay Valley Organics Use Permit, Dimitry Lublin).

I bought property in Esparto in 1993, wanting to live here and to enjoy the quiet of country life, never dreaming that I would wind up living in cannabis country with, in my opinion, all the ills and dangers it affords those living in or near it.

My objections:

1. An expansion of even one additional acre of cannabis canopy will bring about higher use of electricity and water in an area of California needing lower use.
2. The expansion of cannabis growth and the increase in number of workers and deliveries will increase human and vehicular congestion over Yolo County roads, many of which are in deplorable condition. CR 23, that helps serve Casino and cannabis traffic, was only recently repaved. Roads like CR 85 or CR23A have ever-deepening pot holes, but they serve only local residents and an olive grove.
3. Why have rules for buffer zones if buffer reductions and exceptions can be given when the required buffer distances cannot be met. Pity the nearby home owner who has the misfortune to live next to a thriving cannabis-growth in need of expansion.
4. As cannabis growth increases, so too does criminal activity, as witnessed by the need for ugly fencing, armed guards and guard dogs. All are counter to the peaceful life once lived in rural areas around the town of Esparto.
5. Esparto home owners may well see their property values fall as cannabis grows and thrives in the areas around the town of Esparto.
6. Why Esparto? Why is Esparto the fall guy for cannabis growth? Are we so poor and backward that we simply don't warrant a peaceful, safe, odor-free life in the countryside where many of our country homes were built before small-acre plots were bought up for cannabis growth?

Respectfully submitted,

D. Patricia Power

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From:
To: [Jeff Anderson](#)
Subject: Zone File: ZF#2023-039
Date: Thursday, May 23, 2024 8:37:47 PM

This is comments regarding:
Applicant: Kokyou Chau
File No. ZF"2023-039
Assessors Parcel Number: 049-180-059
Attachments: Photos of said cannabis grow lights

From The Brock Family residing at 17940 County Road 85B, Esparto.

Regarding the cannabis grow site noted above, we have the following concerns we would like to address.

1) We understood from an Esparto Advisory meeting last year that this site did not have an active license and/or permit, but it was reported they were still growing. In addition, it was evident from our property (e.g., smell and lights) that growing had not stopped at any point.

- How is a "Business" not following county cannabis grow requirements able to apply for licenses/permits when they were growing without a license/permit for an extended amount of time?
- Do you fine owners who are not abiding by the rules or decline any further license/permits?
- Have they been growing without a valid license/permit?
- It has appeared that they have been consistently growing since initial growing operations.
- How long have they had a current cannabis grow license/permit?
- How long are licenses and permits valid?
- Why does Yolo County allow so many cannabis grows, especially in such a small, condensed area (7 separate cannabis grows)?
- We were told at an Esparto Advisory meeting that the maximum amount of Cannabis use permits has already been met for our area (excluding this mentioned cannabis grow).

2) Cannabis grows bring in additional crime. Hence, they have to hire additional security, alarms and surveillance systems.

- What about their neighbors' safety? We personally have experienced individuals trying to break into our property and disable our gates. The back of our property would be a clear path to enter this cannabis grow site.
- How come neighbor's safety is clearly disregarded?
- Has the County looked at any reported crime impact to nearby residents and community?
- It appears Yolo County disregards impact of property owners including residents, farmers, and other businesses in the area.
- Our family has occupied our land since 1993. In the 30 years of our family living here we have never had the issues of crime, vandalism, and traffic until the cannabis grows came into the area. If we wanted to be around more crime and increase of people, we would not pay high property taxes and would live in a town setting.

3) We have had the property in our family for 30 years and would like to keep it for future generations, but with the negative impact of the cannabis grows, it may push us out.

4) Buffer exceptions and buffer reduction is an infringement onto neighboring properties. Why is this allowed if there are requirements already in place for cannabis grow permits/licenses?

5) There has been a large increase of individuals and traffic in the area with all the local cannabis grow sites. The roads nearby are already rough, narrow and hilly with many close calls on a regular basis. Recently a truck ran into one of our fences. The truck driver abruptly left, leaving a large opening in fence adjacent to 85B allowing cattle and horses the ability to escape onto the road. The safety of our livestock is a huge concern.

6) In addition to our livestock safety, we are also concerned with the impact on local wildlife.

- Has the county evaluated the impact on the environment and animals (livestock and wildlife)?
- Wildlife is hit and killed on the roads at a high rate. Has the County conducted a wildlife/environment study impact?

7) The cannabis grows diminish Yolo County's beauty, as follows:

- Multiple large greenhouses, structures, and canopies
- Various bright lights pointing in all directions
- Extremely pungent smell coming from every direction

-

8) With a plant nursery and the expansion, water will be used at a significantly higher rate. Has a water table impact study been conducted and/or updated for the cannabis grows? With further development, water is going to affect the ground level table and our nearby well.

- Why are we continuing to expand cannabis grows on land that has been dry farmed for decades?
- There is an extremely bright light that is coming from the current property in question, and it shines onto our property. It can be seen from quite a distance. Examples of said lights are attached.
- Does the County enforce cannabis grows are abiding by the requirements/regulations? The disregard for the county requirement/regulation with this cannabis grower is evident.
- The daily cannabis grow smells are already intense and unbearable to our family. The smell encases everything including our home and vehicles. We cannot leave our doors or windows open due to the intense smell. There will be additional odor with the added greenhouse and outdoor cannabis grows.
- There will be additional noise from this cannabis grow property, which is not welcomed.
- People live in the country for peace and quiet. Hence, why our family is willing to pay high property tax rates.

In closing, it appears that the cannabis grows have become a lucrative business for Yolo County. But, in turn the cannabis grows have had a detrimental negative impact on local residents and the community.

Respectfully,
The Brock Family

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County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

Planning & Public Works
 292 West Beamer Street
 Woodland, CA 95695-2598
 (530) 666-8775
 FAX (530) 666-8156
 www.yolocounty.org

Environmental Health
 292 West Beamer Street
 Woodland, CA 95695-2598
 (530) 666-8646
 FAX (530) 669-1448
 www.yolocounty.org

Integrated Waste Management
 44090 CR 28H
 Woodland, CA 95776
 (530) 666-8852
 FAX (530) 666-8853
 www.yolocounty.org

Time Set 10.

Planning Commission
Meeting Date: 01/16/2025

Information

SUBJECT

ZF #2024-039: Public hearing to consider a request for a two-year term extension to the Development Agreement for the E. Parker residential subdivision project in Esparto (APN: 049-160-021, 62 units approved on 17 acres), and determine the project is exempt from the California Environmental Quality Act (CEQA) based on the 'common sense' exemption under CEQA Guidelines Section 15061(b)(3). A Mitigated Negative Declaration was previously adopted for the project (SCH No. 2007012126). (Applicant/Owner: Yocha Dehe Wintun Nation) (Planner: JD Trebec)

SUMMARY

FILE # 2024-039: E. Parker Development Agreement Fourth Extension	
APPLICANT: Yocha Dehe Wintun Nation PO Box 18 Brooks, CA 95606	OWNER: same
LOCATION: The parcel is located north of the intersection of County Road 86A and State Route 16 in the unincorporated community of Esparto (APN: 049-160-021)	SOILS: Tehama loam (TaA, Class II), Marvin silty loam clay (Mf, Class II)
GENERAL PLAN: Residential Low (RL) and Parks and Recreation (PR)	FMMP: Farmland of Local Importance
ZONING: Low Density Residential/Planned Development 60 (R-L/PD-60) and Parks and Recreation (PR)	WILLIAMSON ACT: No
SUPERVISORIAL DISTRICT: 5 (Supervisor Barajas)	FLOOD ZONE: 0.2% Annual Chance Flood Hazard
PUBLIC HEARING NOTICE: Neighbor notice sent on 01/03/2025 (Published in Davis Enterprise on 01/05/2025)	FIRE SEVERITY ZONE: Non-Wildland/Non-Urban
ENVIRONMENTAL DETERMINATION: The Board of Supervisors adopted a Mitigated Negative Declaration (MND) for the E. Parker residential subdivision on October 23, 2007 (SCH# 2007012126). The common sense exemption applies to the 2-year extension [CEQA Guidelines Section 15061 (b)(3)], but it is also consistent with the adopted MND.	

RECOMMENDED ACTION

That the Planning Commission:

1. Hold a public hearing and receive public comments on the proposed two-year term extension to the E. Parker Development Agreement; and
2. Recommend that the Board of Supervisors:
 - A. Determine the extension is consistent with the existing Mitigated Negative Declaration (SCH No. 2007012126) and adopt the 'common sense' exemption as the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA

- Guidelines (Attachment A); and
- B. Approve the Ordinance to amend the E. Parker Development Agreement for a fourth term extension until December 31, 2026 (Attachment B).

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

The Board of Supervisors approved Tentative Subdivision Map No. 4755 and the Development Agreement for the E. Parker residential subdivision in 2007 with a term of ten years. The deadline for the Final Map was extended by legislative enactments following the housing crisis. The project never received a Final Map and when the DA's term was due to expire in 2017, the Board of Supervisors extended the term of the DA and tentative map by two years. The property and its associated entitlements were sold to the Yocha Dehe Wintun Nation in 2019 and a second extension of three years was granted. In 2023, the Board of Supervisors approved a third extension for a term of two years so that the Tribe could complete the Capay Valley Health and Community Center and have time to engage the community to determine if the project was meeting current needs.

The approved tentative map for the E. Parker project consists of 62 low-density residential lots on 17 acres of land (APN: 049-160-021) located immediately east of the Tuli Mem Park and Aquatic Center between State Route 16 and Lamb Valley Slough (Attachment C). Without the DA, the tentative map would have since expired. Thus, extending the term of the Development Agreement (Attachment D) also extends the life of the tentative map.

Developer obligations contained within the E. Parker DA include: A.) \$125,000 for downtown Esparto street improvements; B.) the extension of Alpha Street across Lamb Valley Slough and improvements at the State Route 16/County Road 86A intersection; C.) Visitability design features for homes; and D.) Lamb Valley Slough channel improvements, trails, and a playground. The Tribe has requested an additional two-year extension due to delays caused by the COVID pandemic to the Capay Valley Health and Community Center and other projects serving Esparto and the Capay Valley.

ANALYSIS

A "Development Agreement" is a voluntary legal contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. Development agreements are usually employed for large, complex development projects that are constructed in phases over a period of years. The agreements set the specific zoning, design, and other construction requirements for the project and give certainty to the developer that the rules will not be significantly changed over time. In return for this regulatory certainty, public agencies often negotiate additional benefits (or mitigation programs) that the developer will provide with the project. The framework and requirements for a DA are set forth in provisions of State law. The approval and any subsequent amendment of a DA requires a public hearing before the Planning Commission and Board of Supervisors.

An extension to the Development Agreement for the E. Parker residential subdivision would allow the Tribe to engage with the community of Esparto to consider the best course of action for the property, which may change substantially based on community input and needs of the Tribe. The extension of the E. Parker Development Agreement to December 31, 2026, would allow the DA and Tentative Subdivision Map No. 4755 to remain active while alternative development plans are considered by the Tribe.

A Mitigated Negative Declaration (MND) for the E. Parker residential subdivision was adopted on October 23, 2007 (SCH#2007012126). A 'common sense' exemption has also been prepared for the requested DA term extension. Section 15061(b)(3) of the CEQA Guidelines consists of activities covered by the 'common sense' rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Extending the term of the E. Parker DA and tentative map will not have an effect on the environment and is consistent with the previously adopted MND. Additional environmental review may be required should more substantial changes to the DA or tentative map be proposed.

SUMMARY

Staff recommends the Planning Commission recommend the two-year DA extension for the E. Parker project to the Board of Supervisors to allow the Tribe time to further engage with the community of Esparto, determining that the extension of the DA meets the following findings:

- (1) The provisions of the E. Parker DA and the development of the E. Parker property, as approved, are consistent with and conform to the 2030 Countywide General Plan and Esparto Community Plan;
- (2) The DA is consistent with the Yolo County Code that governs the uses authorized in the Zoning Regulations for the Low Density Residential (R-L) Zone;

- (3) The execution of the DA is in the public interest as it provides assurance of compliance with all County requirements, including a Mitigation Monitoring and Reporting Program approved in connection with the adoption of the Mitigated Negative Declaration;
- (4) Development of the E. Parker project would be served by public water and wastewater, meet public safety requirements, and provide mitigation for the loss of agricultural and habitat resources. Additionally, the DA provides many public benefits that would not have been achieved in the absence of the DA, such as flood controls, universal design and visitability features in the homes, and higher standards for residential energy efficiency components;
- (5) The E. Parker project is suitable for the site, as is consistent with the Esparto Community Plan, and includes provisions for implementing measures to ensure the design of the subdivision will not cause environmental damage or serious public health problems;
- (6) The E. Parker DA provides many public benefits that would not have been achieved in the absence of the DA, including recreational areas, a reconstructed south levee of Lamb Valley Slough with a maintenance road and pedestrian and bicycle path, landscaped transportation improvements along State Route 16, and economic development; and
- (7) The DA ensures the project will meet 100-year flood protection requirements.

COLLABORATIONS

The Esparto Citizens Advisory Committee reviewed the request at their meeting on December 17, 2024, and unanimously recommended to extend the term of the E. Parker DA until December 31, 2026. The Office of the County Counsel has assisted staff and approved the Resolution as to form.

APPEALS

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing a notice of appeal with the Clerk of the Board within fifteen (15) days from the date of the action. A Planning Commission Appeal Form and appeal fee immediately payable to "County of Yolo" must be submitted at the time of filing. The Board of Supervisors may sustain, modify or overrule this decision. The Planning Commission Appeal Form can be accessed at the following link: <https://www.yolocounty.org/government/board-of-supervisors/clerk-of-the-board/planning-commission-appeal>

Attachments

- Att. A. Notice of Exemption
 - Att. B. Ordinance to Amend Development Agreement
 - Att. C. Project Location
 - Att. D. Original Development Agreement
-

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	01/07/2025 06:11 PM
Stephanie Cormier	Stephanie Cormier	01/08/2025 12:04 PM
Form Started By: JD Trebec		Started On: 12/24/2024 08:24 AM
Final Approval Date: 01/08/2025		

COUNTY RECORDER

Filing Requested by:

Yolo County Department of Community Services

(ATTN: JD Trebec)

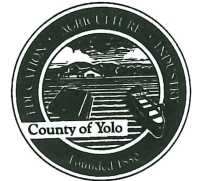
292 West Beamer Street

Woodland, CA 95695

Notice of Exemption

To: Yolo County Clerk
625 Court Street
Woodland, CA 95695

To: Office of Planning and Research
1400 Tenth Street, Room 121
PO Box 3044
Sacramento, CA 95812-3044



From: Yolo County Department of
Community Services

State Clearinghouse Number: N/A

Project Title: ZF2024-039 E. Parker Development Agreement Fourth Extension

Applicant: Yocha Dehe Wintun Nation
PO Box 18
Brooks, CA 95606

Project Location: North of the intersection of State Route 16 and County Road 86A within the unincorporated community of Esparto

Assessor's Parcel Number: 049-160-021

Project Description: A request to amend the E. Parker Development Agreement to extend the termination date by two years. This would be the fourth extension of the Development Agreement.

Exempt Status: **Exemption based on Section 15061 (b)(3) of the California Environmental Quality Act Guidelines (CEQA), known as the "common sense" rule.**

Reasons why project is exempt: Section 15061(b)(3) consists of activities covered by the "common sense exemption" that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Amending the DA to extend the length of the term will not have an effect on the environment.

Lead Agency Contact Person: JD Trebec, Senior Planner

Telephone Number: (530) 666-8036

Signature (Public Agency): JD Trebec

Date: 3. January 2025

Date received for filing at OPR:

ATTACHMENT B.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING FOURTH AMENDMENT TO
DEVELOPMENT AGREEMENT NO. 07-275**

WHEREAS, the County of Yolo (“County”) entered into a development agreement (“Development Agreement”) with Emerald Homes LT, LLC (“Emerald Homes”) on or around October 23, 2007, regarding the approval of Tentative Subdivision Map No. 4755 and related approvals to develop the E. Parker residential subdivision project in the unincorporated community of Esparto (“Project”); and

WHEREAS, on or around September 20, 2017, the County and Emerald Holmes agreed to the First Amendment to the Development Agreement to extend the expiration date of the Development Agreement to November 21, 2019; and

WHEREAS, the Yocha Dehe Wintun Nation (“Tribe”) acquired the E. Parker subdivision property (“E. Parker Property”) from Emerald Homes, and Emerald Homes assigned its interests in the Project, including the Development Agreement, to the Tribe; and

WHEREAS, on or around March 12, 2019, the County and the Tribe agreed to the Second Amendment to the Development Agreement to extend the expiration date of the Development Agreement to December 31, 2022; and

WHEREAS, the Tribe applied for a Third Amendment to the Development Agreement prior to the end of the 2022 and the County and the Tribe agreed to extend the expiration date of the Development Agreement to December 31, 2024; and

WHEREAS, on or around December 12, 2024, the Tribe submitted a request to extend the expiration of the Development Agreement to allow additional time for the Tribe to engage the community of Esparto to revise plans for the E. Parker Property; and

WHEREAS, Section 8-5.401 of the County Code allows amendment to development agreements by mutual consent of the parties, and Section 8-5.402 requires such amendments to be adopted using the same procedure as for entering into the development agreement in the first instance; and

WHEREAS, County and Tribe have consented to an amendment to Development Agreement No. 07-275; and

WHEREAS, Section 8-5.303 of the County Code declares that development agreements are legislative acts subject to referendum and requires development agreements to be approved by ordinance, which shall refer to and incorporate the text of the development agreement.

NOW, THEREFORE, the Board of Supervisors of the County of Yolo, State of California, ordains as follows:

SECTION 1. Agreement No. _____ between the County of Yolo and the Yocha Dehe Wintun Nation, attached hereto and incorporated herein by this reference, is hereby approved.

SECTION 2. This Ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen days from the passage thereof, shall be published by title and number only in the Davis Enterprise together with the names of the members of the Board of Supervisors voting for and against the same.

I HEREBY CERTIFY that the foregoing Ordinance was adopted by the Board of Supervisors of the County of Yolo, at the regular meeting of the Board of Supervisors of said County, held on the _____ day of _____, 2025, by the following vote:

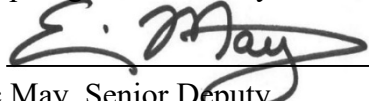
AYES:
NOES:
ABSENT:
ABSTAIN:

Mary Vixie Sandy, Chair
Yolo County Board of Supervisors

ATTEST:
Julie Dachtler, Senior Deputy Clerk of the Board

By: _____
Deputy
(Seal)

APPROVED AS TO FORM:
Philip Pogledich, County Counsel

By:  _____
Eric May, Senior Deputy

Attachment: Agreement

AGREEMENT NO. ___ - ___
(Fourth Amendment to Development Agreement No. 07-275)

This Fourth Amendment to Development Agreement No. 07-275 (“Agreement”) is made and entered into this ___ day of _____, 2025, by and between the County of Yolo, a political subdivision of the State of California (“County”), and the Yocha Dehe Wintun Nation, a federally recognized Indian Tribe (“Tribe”).

WHEREAS, the County of Yolo (“County”) entered into a development agreement (“Development Agreement”) with Emerald Homes LT, LLC (“Emerald Homes”) on or around October 23, 2007, regarding the approval of Tentative Subdivision Map No. 4755 and related approvals to develop the E. Parker residential subdivision project (“Project”); and

WHEREAS, on or around September 20, 2017, the County and Emerald Holmes agreed to the First Amendment to the Development Agreement to extend the expiration date of the Development Agreement to November 21, 2019; and

WHEREAS, the Yocha Dehe Wintun Nation (“Tribe”) acquired the E. Parker subdivision property (“E. Parker Property”) from Emerald Homes, and Emerald Homes assigned its interests in the Project, including the Development Agreement, to the Tribe; and

WHEREAS, on or around March 12, 2019, the County and the Tribe agreed to the Second Amendment to the Development Agreement to extend the expiration date of the Development Agreement to December 31, 2022; and

WHEREAS, the Tribe applied for a Third Amendment to the Development Agreement prior to the end of the 2022 and the County and the Tribe agreed to extend the expiration date of the Development Agreement to December 31, 2024; and

WHEREAS, the Parties wish to extend the expiration of the Development Agreement to allow additional time for the Tribe to engage the community of Esparto to revise plans for the E. Parker Property; and

WHEREAS, Section 8-5.401 of the County Code allows amendment to development agreements by mutual consent of the parties, and Section 8-5.402 requires such amendments to be adopted using the same procedure as for entering into the development agreement in the first instance; and

WHEREAS, County and Tribe have consented to an amendment to Development Agreement No. 07-275; and

WHEREAS, Section 8-5.303 of the County Code declares that development agreements are legislative acts subject to referendum and requires development agreements to be approved by ordinance, which shall refer to and incorporate the text of the development agreement.

NOW, THEREFORE, County and Tribe agree to amend the Development Agreement as follows:

I. Article 1, Section 1.02 shall be amended as follows:

Section 1.02. Term. The term of this Agreement (the “Term”) shall commence upon the Effective Date and shall continue until ~~December 31, 2024~~ December 31, 2026. In the event the Developer does not complete construction of the Project in accordance with all Project Approvals, and all Subsequent Approvals, with the understanding that the nature or scope of the Project may hereinafter change consistent with all legally required environmental and regulatory permitting processes, this Agreement shall automatically terminate, with the exception of those provisions that impose post-termination obligations upon Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

YOCHA DEHE WINTUN NATION

COUNTY OF YOLO

By _____
Anthony Roberts
Tribal Chairman

By _____
Mary Vixie Sandy, Chair
Board of Supervisors

Attest:
Julie Dachtler, Senior Deputy Clerk
Board of Supervisors

By _____
Deputy (Seal)

Approved as to Form:
Philip J. Pogledich, County Counsel

By:  _____
Eric May, Senior Deputy County Counsel

ATTACHMENT C. LOCATION



ATTACHMENT D. E. PARKER DEVELOPMENT AGREEMENT



YOLO Recorder's Office
 Freddie Oakley, County Recorder
DOC- 2007-0039294-00

REQD BY YOLO CO PLANNING & PUBLIC WORKS
 Wednesday, NOV 21, 2007 12:50:00
 Ttl Pd \$0.00 Nbr-0000739119

VRB/R6/1-52

**RECORDING REQUESTED BY
 AND WHEN RECORDED MAIL TO:**

Yolo County Planning and Public Works Dept.
 Attn: Eric Parfrey, Principal Planner
 292 West Beamer Street
 Woodland, CA 95695

Exempt from Recording Fees (Gov. Code § 27383)

Space Above This Line Reserved For Recorder's Use

FILED

Agreement No. 07-275

DEVELOPMENT AGREEMENT FOR THE E. PARKER PROJECT

NOV 16 2007

BY AND BETWEEN

THE COUNTY OF YOLO AND EMERALD HOMES LT, LLC ANA MORALES, CLERK OF THE BOARD

BY JILL WACKS DEPUTY
 23rd

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 23rd day of October, 2007, by and between the County of Yolo, a political subdivision of the State of California ("County"), and EMERALD HOMES LT, LLC, a California limited liability company ("Developer" or "E. Parker Developer"), pursuant to California Government Code § 65864 *et seq.* (the "Development Agreement Statute").

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California enacted the Development Agreement Statute, which authorizes the County to enter into an agreement with any person having a legal or equitable interest in real property regarding the development of such property and establishing certain development rights therein.

B. Pursuant to the Development Agreement Statute, the County has adopted certain procedures and requirements for the consideration of development agreements. These procedures and requirements are set forth in Title 8, Chapter 10 of the Yolo County Code. This Agreement has been processed, considered and executed in accordance with those County procedures and requirements.

C. Developer has expressed interest in developing certain real property in Esparto referred to as the E. Parker Property. A legal description of the E. Parker Property is attached hereto as **Exhibit A** and incorporated by this reference. The E. Parker Property is also referred to herein as the "Project Site." This Agreement shall apply to the single-family residential project on the E. Parker Property ("E. Parker Project," "Project" or "E. Parker Subdivision") as defined below.

D. The County has determined that the Project is a development for which this Agreement is appropriate, and it desires to enter into this Agreement. This Agreement will, among other things, eliminate uncertainty in long-term planning in connection with the Project, provide for the orderly development of the Project on a basis consistent with the County's General Plan, provide certain benefits to the County, and otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted.

E. In exchange for the benefits to the County that will result from this Agreement, Developer will receive by this Agreement assurance that it may proceed with the Project in accordance with "Applicable Laws," as defined below, and it therefore desires to enter into this Agreement.

F. The E. Parker Property was designated for single-family residential use in the 1996 Esparto General Plan and the zoning map approved concurrently therewith. It is similarly designated in the updated 2007 Esparto General Plan recently approved by the Board of Supervisors. Developer has secured or applied for the other various environmental and land use approvals, entitlements, and permits relating to the development of the Project ("Project Approvals"). These include, without limitation, the following:

1. Tentative Subdivision Map. Before or concurrent with its approval of this Agreement, the Board of Supervisors (also the "Board") has approved Tentative Subdivision Map No. 4755 (also, the "Tentative Subdivision Map" or "TSM") to guide the development of the Project Site. The TSM is attached hereto as Exhibit B and incorporated by this reference. The Tentative Subdivision Map has been approved subject to conditions ("TSM Conditions of Approval") and includes sixty-two (62) single-family residential lots, as well as recommended by a majority of the members of the Planning Commission on June 14, 2007, following a public hearing.

2. Mitigated Negative Declaration. The environmental impacts of the Project, including the Project Approvals and Subsequent Approvals (defined below) have properly been reviewed and assessed by the County pursuant to the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*), the CEQA Guidelines (Code of Regulations, Title 14, Section 15000 *et seq.*), and the County's local ordinances. Before or concurrent with its approval of this Agreement, the Yolo County Board of Supervisors ("Board") adopted the mitigated negative declaration (the "MND") prepared for the Project (including this Agreement), adopted a Mitigation Monitoring Plan, and adopted Findings ("Findings"), all recommended by a majority of the members of the Yolo County Planning Commission ("Planning Commission") on June 14, 2007, following a public hearing.

3. Planned Development Zoning. Before or concurrent with its approval of this Agreement by ordinance, the Board adopted a separate ordinance rezoning the Project Site to a new planned development ordinance (Ordinance No. PD-60) applicable only to the Project Site and consistent with the uses set forth in the Esparto General Plan, as well as recommended by a majority of the members of the Planning Commission on June 14, 2007, following a public hearing.

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the receipt and adequacy of which consideration is hereby acknowledged, the parties agree as follows:

AGREEMENT

ARTICLE 1. EFFECTIVE DATE AND TERM

Section 1.01. Effective Date. This Agreement shall become effective upon the thirtieth

(30th) day following the adoption by the Board of the ordinance approving this Agreement, or on the date upon which the Agreement is fully executed by the parties hereto, whichever is later (the “Effective Date”).

Section 1.02. Term. The term of this Agreement (the “Term”) shall commence upon the Effective Date and shall continue for a period of ten (10) years following the Effective Date. In the event Developer does not complete construction of the Project in accordance with all Project Approvals, and all Subsequent Approvals, within ten (10) years following the Effective Date, this Agreement shall automatically terminate, with the exception of those provisions that: (i) impose post-termination obligations upon Developer, and (ii) provide for reimbursements of Developer for construction of circulation improvements which expire at a later date, as further described in Section 4.01.02, below.

ARTICLE 2. DEFINITIONS

Section 2.01. Definitions. The following terms when used in this Agreement shall have the following meanings:

A. “Applicable Laws” means all ordinances, resolutions, rules, minute orders, regulations, design guidelines, and the official policies of the County adopted therein applicable to the development, use, and occupancy of the E. Parker Property in effect as of the Effective Date, including those governing the issuance of permits and approvals for the Project and the planning and zoning policies applicable to the Project, as well as the 2007 Esparto General Plan adopted by the Board of Supervisors on April 17, 2007, but excluding uniform codes such as the Uniform Building Code. Fees and exactions such as those imposed pursuant to the California Mitigation Fee Act (Government Code §§ 66000 *et seq.*) are addressed separately in Section 3.06.E, below.

B. “Board” shall have that meaning set forth in Recital F(2), above.

C. “Capay Cottages Project” shall mean a single-family residential project proposed by the John Deterding Company on property located east of Alpha Street.

D. “CEQA” shall mean the California Environmental Quality Act, Public Resources Code §§ 21000 *et seq.*

E. “Changes in the Law” shall have the meaning set forth in Section 3.08 of this Agreement.

F. “County” shall have the meaning set forth in the Preamble to this Agreement.

G. “Detention Basin Parcel” is the parcel in Tentative Subdivision Map No. 4755 on which the detention basin is proposed to be constructed.

H. “Deterding Projects” shall mean the South of State Route 16 Projects and the Town Center Project proposed by the John Deterding Company (“Deterding”) or a successor developer of those projects. The Capay Cottages Project by Deterding is separately addressed.

- I. "Developer" shall have the meaning set forth in the Preamble to this Agreement.
- J. "Development Standard" shall have the meaning set forth in Section 7.06, below.
- K. "Director" shall mean the Director of the Planning and Public Works Department of the County or his or her designee.
- L. "Effective Date" shall have that meaning set forth in Section 1.01, above.
- M. "Findings" shall have the meaning set forth in Recital F, above.
- N. "General Plan" shall mean the County's General Plan (which includes the updated 2007 Esparto General Plan) in force as of the Effective Date of this Agreement.
- O. "Mitigation Measures" shall have that meaning set forth in section 4.01.03, below.
- P. "Mitigation Monitoring Plan" shall have that meaning set forth in section 4.01.03, below.
- Q. "Mitigated Negative Declaration or MND" shall have the meaning set forth in Recital F, above.
- R. "Orciuoli Project" shall mean a single-family residential project proposed by Castle Companies on property located in the northwest section of Esparto along State Route 16.
- S. "Other Development Projects" shall mean development projects in Esparto and the Capay Valley that will generate new vehicular traffic on State Route 16 and thus are part of the cumulative traffic that contributes to the need for the Alpha Street extension to State Route 16 and the signalized intersection on the highway at County Road 86A. The Orciuoli Project, Capay Cottages, South of State Route 16 Projects, Town Center Project, E. Parker Project, and Story Project are not within the scope of "Other Development Projects," and are defined separately herein.
- T. "Planning Commission" shall have the meaning set forth in Recital F, above.
- U. "Project" shall mean the development in accordance with the Project Approvals and Subsequent Approvals.
- V. "Project Approvals" shall mean the MND and adopted Mitigation Measures, Tentative Subdivision Map, Conditions of Approval and Planned Development Ordinance, each as described in Recital F, above.

W. "South of State Route 16 Projects" shall mean potential development projects on the south corners of County Road 86A at State Route 16 (including a potential gas station, approved Site Plan Zone File 2006-024), Cut and Wrap Facility (meat market), and a potential development project on the 70-acre property to the east of County Road 86A along State Route 16, properties owned or controlled by Deterding or a partnership in which Deterding has an interest.

X. "Story Project" means the single-family residential project on property located along County Road 20X proposed by Emerald Homes LT, LLC (Tentative Subdivision Map No. 4691). "Story Developer" means the developer of the Story Project.

Y. "Subsequent Approvals" shall have that meaning set forth in Section 3.03, below.

Z. "Term" shall have that meaning set forth in Section 1.02, above.

AA. "Town Center Project" shall mean the proposed mixed-use project (pending Zone File 2007-006) by the John Deterding Company on the Town Center properties located in the northwest section of Esparto off State Route 16.

ARTICLE 3. DEVELOPMENT OF THE PROJECTS

Section 3.01. Vested Right to Develop. Unless otherwise provided herein, Developer shall have a vested right to develop the Project within the Project Site in accordance with the terms and conditions of this Agreement, all Applicable Laws, the Project Approvals, and any Subsequent Approvals, including the right to develop within the Project Site the improvements described in the Tentative Subdivision Map, subject to the TSM Conditions of Approval and the MND certified by the Board for the Project.

Section 3.02. Density or Intensity of Use. The permitted uses, the density and intensity of use, the maximum height and size of proposed buildings, and the other terms and conditions of development applicable to the Project Site shall be those set forth in this Agreement, the Project Approvals, any Subsequent Approvals, and the Applicable Laws. Notwithstanding the foregoing, and notwithstanding Section 3.01, above, and Sections 3.03, 3.06 and 3.07, below, should Developer request a substantive amendment to the General Plan, zoning, and/or TSM (or its Conditions of Approval and Mitigation Measures), the County may apply current regulations in effect as of the time the application for amendment is deemed complete to the extent the current regulations relate to the proposed amendment. Neither revised nor new architectural design, elevations and floor plans constitutes such a substantive amendment (also see Section 4.02.02, below, with respect to the Detention Basin Parcel).

Section 3.03. Subsequent Approvals. To the extent necessary or desirable for the development of the Project after this Agreement is recorded, Developer may apply for environmental and land use approvals, entitlements, and permits in addition to the Project Approvals ("Subsequent Approvals") in the same manner as any other similarly-situated person. All application processing fees then applicable for the type of Subsequent Approvals shall apply. The Subsequent Approvals may include, without limitation, the following: amendments of the

Project Approvals; tentative subdivision map; variances and minor or major conditional use permits; site plan approvals; revised architectural design, elevations and/or floor plans; grading permit, final subdivision map and building permits.

Section 3.04. Construction Codes. Pursuant to Yolo County Code § 8-10.205, and recognizing the importance of complying with current safety standards for long-term projects, the parties agree that the County may apply the then-current versions of the Uniform Building, Plumbing, Mechanical, Electrical, Fire, and Grading Codes to the Project throughout the term of this Agreement, provided that the provisions of such uniform codes shall: (i) apply to the Project only to the extent that the applicable code (and the applicable version of the code, as may be amended or revised from time to time) has been adopted by the County and is in force and effect on a County-wide basis; (ii) be interpreted and applied to construction of the Project in a reasonable manner consistent with the express provisions and limits in the particular uniform code provisions adopted by the County; and (iii) be interpreted and applied to the Project in a manner consistent with the generally prevailing interpretation of such provisions under the State Building Standards Code.

Section 3.05. Consistency With General Plan. The County finds that the provisions of this Agreement and the development of the E. Parker Property as approved are consistent with and conform to the General Plan of the County of Yolo, including the 2007 Esparto General Plan (as well as the 1996 Esparto General Plan). The basis for these findings are set forth in greater detail in the Findings adopted in connection with the MND for the Project.

Section 3.06. No Conflicting Enactments. Subject to certain exceptions expressly set forth in this Agreement, the County shall not impose upon or apply to the Project (whether by action of the Board or by initiative, referendum, issuance of a Subsequent Approval or other means) any ordinance, resolution, rule, regulation, official policy, standard, specification, directive, condition or other measure (each individually, a "Development Standard") that is in conflict with the Applicable Laws or that reduces the development rights provided by this Agreement. Notwithstanding the foregoing, the following regulations and provisions shall apply to the development of the property:

A. Application fees and charges of every kind and nature imposed by the County to cover the actual costs to the County of processing developing applications or for monitoring compliance with any Project Approvals or Subsequent Approvals.

B. Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure, provided such procedures are uniformly applied on a County-wide basis to all substantially similar types of development projects and properties.

C. Regulations governing construction standards and similar matters, as set forth in Section 3.04, above.

D. County laws which may be in conflict with the land use entitlements but which are reasonably necessary to protect the public health or safety, provided such County laws and regulations are uniformly applied on a County-wide basis to all substantially similar types of

development projects and properties. However, visitability/universal design features for the Project shall be as set forth in Section 4.01.02.C, below.

E. Except as otherwise expressly set forth herein, increases in fees which currently exist and are applicable to the Project and which increases are applied on a County-wide basis shall apply to the Project ("Existing Fees"). In light of the cumulative circulation improvements Developer has committed to construct, as set forth in Section 4.01.02.B, below, and the other Developer obligations described in Section 4.01, the park and recreation facilities fee per unit shall be the amount set forth in Condition of Approval No. 57, and Developer shall receive a credit for the Esparto Bridge Development Impact Fee as provided in Section 4.01.02.B.4, below. Any mitigation or exaction fees, excepting the Existing Fees, adopted after the date of this Agreement shall not be imposed on the Project. Provided, however, Developer may elect to pay the subsequently adopted agricultural conservation in-lieu fee to satisfy the County's current one to one agricultural conversion mitigation standard instead of securing an agricultural conservation easement on prime soils acceptable to the County at the same ratio.

Section 3.07. Initiatives, Referenda and Moratoria.

Section 3.07.01. If any Development Standard is enacted or imposed by initiative or referendum, or by the Board directly or indirectly in connection with any proposed initiative or referendum, which Development Standard would conflict with the Applicable Laws or reduce the development rights provided by this Agreement, such Development Standard shall not apply to the Project.

Section 3.07.02. Without limiting the generality of any of the foregoing, no moratorium or other limitation (whether relating to the rate, timing, phasing or sequencing of development) affecting building permits or any other entitlements to use that are or are to be approved, issued or granted within the County or portions of the County, shall apply to the Project.

Section 3.08. State and Federal Law. As provided in California Government Code § 65869.5, this Agreement shall not preclude the application to the Project of changes in laws, regulations, plans or policies, to the extent that such changes are specifically mandated and required by changes in state or federal laws or regulations and are otherwise applicable to the Project irrespective of the existence of this Agreement ("Changes in the Law"). In the event that Changes in the Law prevent or preclude compliance with one or more provisions of this Agreement, such provisions shall be modified or suspended, or performance thereof delayed, as may be necessary to comply with the Changes in the Law, and the parties shall take such action as may be required pursuant to Section 8.06 (Excusable Delay; Extension of Time for Performance) of this Agreement.

Section 3.09. Compliance With Government Code § 66006. As required by Government Code § 65865(e) for Agreements approved after January 1, 2004, the County will comply with the requirements of Government Code § 66006 pertaining to the payment of fees for the development of the Project.

Section 3.10. Pursuant to Government Code § 66452.6(a), the term of any parcel map or tentative subdivision map on the Project Site shall automatically be extended to coincide with the Term of this Agreement.

ARTICLE 4. OBLIGATIONS OF DEVELOPER AND THE COUNTY

Section 4.01. Obligations of Developer.

Section 4.01.01. Generally. The parties acknowledge and agree that the execution of this Agreement by the County is material consideration for both Developer's acceptance of, and agreement to comply with, the terms and conditions of the Project Approvals and (as and when they are issued) Subsequent Approvals.

Section 4.01.02. Development Obligations, Payments, and Miscellaneous Contributions. The following specific development obligations for the Project are in addition to any Conditions of Approval or Mitigation Measures and constitute community benefits of the Project:

A. Contribution to New Season Community Development Corporation for Yolo Avenue Streetscape Improvements in Downtown Esparto. The goal of the New Season Community Development Corporation ("New Season CDC") is to promote the revitalization of downtown Esparto in order to attract and keep new businesses to serve the local community. Toward that end, New Season CDC is working with the County and Caltrans to make changes to Yolo Avenue that will calm and slow down traffic. New Season CDC is also working with both agencies to make landscape, lighting and pedestrian ("streetscape") improvements in the public right of way to enhance the appearance of the downtown. As a community benefit, Developer has agreed, upon approval of its final subdivision map for the Project, to place One Hundred Twenty-Five Thousand Dollars (\$125,000) in an escrow account, to be used by New Season CDC to make streetscape improvements in the public right-of-way on Yolo Avenue in downtown Esparto. The terms of that commitment are further described in the letter agreement between New Season CDC and Developer, dated September 14, 2007. A copy of that letter is attached hereto as Exhibit C and incorporated by this reference. The specific improvements to be constructed must be reviewed and approved by the County and Caltrans.

B. Construction of Circulation Improvements for the Extension of Alpha Street Across Lamb Valley Slough to State Route 16 and a Full Intersection at State Route 16/County Road 86A to Accommodate a Future Signal.

1. Background. The 2007 Esparto General Plan includes the East Esparto Circulation Plan, which is based on the East Esparto Circulation Study by Fehr & Peers and input from the Planning and Public Works Department and Esparto Citizens Advisory Committee. The East Esparto Circulation Plan calls for the extension of Alpha Street from Plainfield Street across Lamb Valley Slough to State Route 16 and a signalized intersection at State Route 16 and County Road 86A. The Alpha Street extension improvements will allow East Esparto traffic to avoid Yolo Avenue when traveling to or from the east on State Route 16. Those improvements will reduce unnecessary traffic on Yolo Avenue and help allow for successful implementation of traffic calming measures and enhancement of that streetscape, which in turn will help to achieve the goal of the County and local community to revitalize

downtown Esparto and its commercial base. The signalized intersection on State Route 16 will improve circulation along the highway. Under the California Environmental Quality Act (CEQA) and State Planning and Zoning Law, the County may require new development to pay its fair share cost for the County to construct the Alpha Street extension and County Road 86A signal improvements, in this case determined by a development's percentage of the overall cumulative traffic in Esparto based on 2030 buildout under the 2007 Esparto General Plan. However, those fair share contributions through a fee benefit program, or other appropriate means, do not achieve the County's goal that the following improvements be constructed at an early stage by one or more of the developers of near term projects, including the E. Parker Developer and Story Developer:

(a) The extension of Alpha Street from Plainfield Street to State Route 16 and right turn in and out improvements on State Route 16, timely constructed in order to provide an acceptable level of service along Yolo Avenue well before the last near term development is completed.

(b) Full pavement improvements on State Route 16 at the County Road 86A intersection, for its future signalization if authorized by the County and Caltrans based on warrants or other considerations and when required for acceptable levels of service.

2. Developer's Commitment to Construct Circulation Improvements.

Developer has agreed to construct a significant portion of the above-described circulation improvements as community benefits, subject to reasonable reimbursements from the developers of other projects in Esparto and Capay Valley, including specific reimbursements from the Orciuoli Project and Deterding Projects that are anticipated to be acceptable to those two developers. The County acknowledges that by accepting the obligation to complete the improvements, Developer is accepting more financial risk than other developers who make the reimbursement payments described below and, therefore, is entitled to reimbursements for its actual costs to complete the cumulative circulation improvements except for a percentage amount equivalent to the E. Parker Project and Story Project percentage share of 2030 General Plan traffic, as determined by Fehr & Peers in Table 1 of its supplemental Technical Memorandum dated March 2, 2007, to the East Esparto Circulation Study on file with the County. Actual costs, as that term is used in this Article 4, are defined in subsection B.9, below. The circulation improvements to be constructed by Developer are as follows:

(a) Construction of Alpha Street Extension from Plainfield to State Route 16. If the E. Parker Subdivision is constructed after the Story Project (the County leaves it up to the two developers which project is constructed first), the E. Parker Developer shall construct the extension of Alpha Street from Plainfield Street over Lamb Valley Slough to State Route 16 and right turns in and out on State Route 16. If instead the Story Project is constructed second, the E. Parker Developer shall construct an interim secondary vehicle access from the east end of Adan Street to State Route 16 and right turns in and out on State Route 16 pending completion of the full Alpha Street extension to State Route 16, as further described in Condition of Approval No. 29. Any additional improvements required by Caltrans at State Route 16 shall be considered part of the cumulative improvements to be constructed by the E. Parker Developer. The construction undertaken by the E. Parker Developer in accordance with

this subsection (a) shall be completed prior to the issuance of certificates of occupancy for more than forty (40) residential units in the E. Parker Subdivision, unless a later time is approved by the Director.

(b) Construction of Full Intersection Improvements at County Road 86A and State Route 16. Developer shall construct the full pavement improvements on State Route 16 at the County Road 86A intersection described in Condition of Approval No. 29 for that intersection to address cumulative traffic. This includes left turn lanes and right turn lanes on the highway to the north and south, and improvements as otherwise may be identified by Caltrans in the encroachment permit. A traffic signal at the intersection is not one of Developer's construction obligations under this Agreement or any other approval or entitlement granted in connection with the Project. The County will not require curb and gutter improvements along State Route 16, and has concluded that an earthen drainage swale is sufficient. The parties recognize, however, that Caltrans has the authority to require other drainage improvements within its right-of-way. Any such additional improvements required by Caltrans shall be considered part of the cumulative improvements to be constructed by the E. Parker Developer. Construction of all improvements undertaken by the E. Parker Developer in accordance with this subsection (b) shall be completed prior to the issuance of certificates of occupancy for more than forty (40) residential units in the E. Parker Subdivision, unless a later time is approved by the Director.

3. Fair Share Reimbursements to Developer from the Orciuoli Project, Story Project, and Deterding Projects for Developer's Actual Costs to Construct Cumulative Circulation Improvements. The estimated cost by Laugenour & Meikle for Developer to complete the full Alpha Street extension is one million, one hundred fifteen thousand, six hundred fourteen dollars and twenty-five cents (\$1,115,614.25). Said estimate is attached hereto as **Exhibit D** and incorporated by this reference. The estimated cost by Laugenour & Meikle for Developer to construct the improvements on State Route 16 at the County Road 86A intersection is five hundred eighty-four thousand, eight hundred eighty-five dollars (\$584,885). Said estimate is attached hereto as **Exhibit E** and incorporated by this reference. These estimates are for reference purposes only. Reimbursements from the Orciuoli Project, Story Project, and the anticipated reimbursement from the Deterding Projects for their fair share of actual costs to construct the cumulative circulation improvements are as follows:

(a) Orciuoli Project Reimbursements for Cumulative Circulation Improvements. The developer of the Orciuoli Project (Castle Principles or "Castle") has agreed through its development agreement and condition of approval no. 73 of its tentative subdivision map to pay to the County four hundred fifty thousand dollars (\$450,000) to reimburse the E. Parker Developer and/or the Story Developer for construction of the Alpha Street Extension, and the intersection improvements at County Road 86A and State Route 16. Said amount represents the Orciuoli Project's fair share of the two circulation improvements based on its near term traffic share (see its near term traffic percentages as determined by Fehr & Peers in Table 3 of its supplemental Technical Memorandum dated March 2, 2007, to the East Esparto Circulation Study). If Developer or any other party authorized by the County (including but not limited to the Story Developer or Deterding) constructs the extension, the County shall provide reimbursement to that party from the amount paid by Castle. One-half of the reimbursement amounts shall be paid by Castle to the County prior to approval of the first

phased final subdivision map for the Orciuoli Project and the second half paid prior to approval of the second phased final subdivision map. In the unlikely event the total actual costs for the entire Alpha Street extension and the cumulative intersection improvements are less than nine hundred thousand dollars (\$900,000), the Orciuoli Project's two reimbursement payments shall be adjusted by the County and refunded to Castle so the total amount does not exceed fifty percent (50%) of the actual costs.

(b) Deterding Projects Reimbursements for Cumulative Circulation Improvements. The County will use its best efforts to collect the following reimbursements from the John Deterding Company or its successor as part of future approvals of the Deterding Projects, for cumulative circulation improvements (all based on the per unit maximum reimbursement payment from the Orciuoli Project developer). The reimbursements paid for each of the Deterding Projects are intended to represent their fair share of the actual cost of the cumulative circulation improvements based on existing information regarding the amount of near term traffic attributable to the Deterding Projects. For the residential portions of the Deterding Projects, the payment to the County shall be two thousand eight hundred dollars (\$2,800) per single family unit, paid prior to final subdivision map approval, and one thousand nine hundred sixty dollars (\$1,960) per multi family unit, paid prior to final subdivision map approval. For commercial uses in the Deterding Projects, the payment shall be one dollar (\$1.00) per gross square foot of building and for light industrial uses fifty cents (\$0.50) per gross square foot, paid prior to issuance of a building permit for the particular building. Provided, however, that no payment shall be required for a Cut and Wrap Facility on County Road 86A. These reimbursement payments do not address other potential cumulative or project circulation impacts, based on future studies, for any pending or future Deterding Projects (i.e., Deterding Projects other than the gas station and Capay Cottages), and the mitigation, conditions or exactions that may be required by the County to address such other circulation impacts, or any other conditions that may be required by the County for any of those projects. Provided, however, the Town Center Project shall not be required to pay for the cost of the signal on State Route 16 at County Road 86A in light of its reimbursement payment for its near term share of the intersection pavement improvements and the Alpha Street extension (if the Story Developer and/or E. Parker Developer do not require a full reimbursement from the Town Center Project, then this exception as to the signal will not apply to the extent of the difference between the full reimbursement amount and the amount, if any, actually paid by the Town Center Project as reimbursement). However, a development project on the 70-acre property may be responsible for all or part of the signal on State Route 16 at County Road 86A and additional access improvements on State Route 16.

(c) Capay Cottages Contribution. In lieu of making reimbursement payments, Deterding has agreed in the conditions of approval for Capay Cottages to construct a grind/overlay on Alpha Street from Grafton Street to Plainfield Street. No pavement widening is included. The estimated cost is forty thousand dollars (\$40,000). Deterding has also agreed in the Capay Cottages conditions of approval that if the actual costs to construct the grind/overlay do not exceed ninety hundred thousand dollars (\$90,000), the difference between that amount and the actual costs shall be paid to New Season CDC for its use in constructing downtown streetscape improvements. All such actual costs shall be reasonable in the Director's judgment for the purpose of making this determination.

(d) Deterding Reimbursements for its County Road 86A Project Access. In addition to reimbursements for cumulative circulation improvements as provided hereinabove, Deterding (or its successor) shall reimburse Developer for the actual costs Developer incurs to construct State Route 16 improvements that would in any event be reasonably necessary to provide appropriate access to the south at County Road 86A with development of the South of State Route 16 Projects on the west and east side of County Road 86A, assuming no cumulative traffic and the E. Parker Project never developed. Those required improvements for ingress and egress to County Road 86A with new development only at that intersection on the south side are more fully described in the depiction and cost estimate for those south side improvements attached as Exhibit F and incorporated by this reference. The cost estimate for those south side improvements is ninety thousand, one hundred and fifty-four dollars (\$90,154). The scope of improvements described therein has been accepted by the Developer and the County as reasonable for purposes of this reimbursement provision. If the gas station (or another one of the South of State Route 16 Projects except for the Cut and Wrap Facility on County Road 86A) is constructed by Deterding (or its successor) after the E. Parker Project proceeds, then Deterding (or its successor) shall pay one hundred thousand dollars (\$100,000) to the County prior to issuance of the certificate of occupancy for the gas station (or approval of a final subdivision map or building permit for another of the South of State Route 16 Projects, whichever occurs first). If the actual costs for those south side improvements, as that limited set of improvements is conceptually depicted in Exhibit F and in which a cost estimate is included, are less than one hundred thousand dollars (\$100,000), the County shall return the balance when the improvements are accepted by the County and the actual costs are identified by the Director. If the actual costs to complete the improvements depicted in Exhibit F are more than said amount, the balance shall be paid to the County for reimbursement to Developer by the next South of State Route 16 Projects (other than the cut and wrap meat market on County Road 86A), prior to approval of its final subdivision map or building permit, whichever occurs first. Those determinations shall be based on actual costs that are reasonable in the Director's judgment. Said reimbursement payments for south side ingress and egress intersection improvements do not address potential cumulative or project traffic impacts, based on future studies, for any future South of State Route 16 Projects, or otherwise required for the gas station per Site Plan Zone File 2006-024, and the mitigation, conditions and exactions that may be required by the County for those projects to address such other circulation impacts, and any other conditions that may be required by the County for those projects. These reimbursement payments do not address the future installation of a signal at the intersection on State Route 16 at County Road 86A. Deducting the actual costs of the south and north side access improvements as depicted in Exhibit F, the balance of the actual costs for Developer to construct the State Route 16 intersection improvements at County Road 86A shall be considered cumulative for which Developer is entitled to receive reimbursement from Deterding (or its successor) under subsection 3.(c), above, the Story Developer, potentially the Orciouli Project, and from Other Development Projects under subsection 4, below.

(e) Story Project Contribution. If the Final Subdivision Map for the Story Project is approved before the Final Subdivision Map for the Parker Project, the Story Developer shall pay to the County two hundred nineteen thousand dollars (\$219,000) for reimbursement to the E. Parker Developer (or any other entity that constructs one or both of the cumulative circulation improvements), as the Story Project's fair share of the cumulative circulation improvements. This amount is proportional to the amount to be paid for the Orciouli

Project stated in subsection 3.(a), above, based on the respective number of units in each project. Said reimbursement amount shall be paid to the County prior to approval of the Final Subdivision Map for the Story Project. If the E. Parker Project does not proceed during the Term of this Agreement and no other party is eligible for reimbursement for construction of the cumulative circulation improvements described above, then the County may apply the two hundred thousand nineteen dollars (\$219,000) (plus any accrued interest) to circulation improvements in Esparto in its sole discretion.

(f) Earlier Construction of County Road 86A Intersection Cumulative Circulation Improvements by Deterding (or successor). If the gas station or other South Side of State Route 16 Projects or Other Development Projects proceeds before the E. Parker Project, then the County will only require reimbursement payments from those projects for cumulative traffic improvements that will be constructed thereafter by the E. Parker Developer. If any entity other than the E. Parker Developer constructs some of the cumulative intersection improvements (i.e., improvements in addition to the south access improvements depicted in Exhibit F), then a proportional share of the reimbursements received by the County that would otherwise be paid to the E. Parker Developer if it constructed that portion of the cumulative traffic improvements shall be paid to that entity. Alternatively, if Deterding, E. Parker Developer, and the County agree, Deterding may be credited a mutually acceptable amount for the additional actual costs on the reimbursement amounts it would otherwise pay for South of State Route 16 Projects described above in subsection 3.(b). If the E. Parker Project is constructed after full intersection improvements are completed by Deterding, then the County shall pay Deterding the reimbursement amounts the County receives that would otherwise go to the E. Parker Developer (under subsection 12, below, this may include one-half of reimbursements the E. Parker Developer would otherwise have received for this circulation improvement until maximum reimbursement amount is received). In that circumstance, the E. Parker Developer shall pay to the County a reimbursement amount that is equal to twenty-eight hundred dollars (\$2,800) per single family unit in the E. Parker Project, adjusted proportionally to take into account the actual costs incurred by the E. Parker Developer if it constructs the Alpha Street extension (not including its secondary access portion of that improvement as depicted in Exhibit F), as determined by the Director in its reasonable judgment. Said amount shall be paid by the E. Parker Developer to the County prior to final subdivision map approval, and upon receipt the County shall pay it to Deterding. The provisions herein for full reimbursement applicable to Developer shall apply to any reimbursements due to Deterding under this provision for the County Road 86A intersection cumulative improvements that Developer otherwise would construct. For example, if Deterding makes the full intersection improvements as part of its development of the 70-acre parcel, Deterding will be entitled to reimbursement of its actual costs, minus the project's share of 2030 cumulative traffic, as it may be updated to include that project's traffic, and the actual costs of south access improvements depicted in Exhibit F. Any other pavement improvements on State Route 16 or for other access required for that particular project and installation of a signal at County Road 86A are not included in the reimbursements, and will be addressed separately. The Director shall use his reasonable judgment to determine the maximum amount of reimbursement to which Deterding is entitled (which may be addressed in a separate Development Agreement between the County and Deterding).

(g) Maximum Reimbursement to Developer. Reimbursement payments from the Orciuoli Project, Story Project, and Deterding Projects, plus any reimbursements received from Other Development Projects, shall in no event result in the E. Parker Developer (or Story Developer) receiving reimbursements for more than the combined actual costs of the two cumulative traffic circulation improvements that are in excess of the amount representing the percentage share of cumulative traffic from the E. Parker Project and the Story Project described in Table 1 of the supplemental Technical Memorandum by Fehr and Peers dated March 2, 2007. In addition, for the purpose of determining the maximum reimbursement available to Developer from the Orciuoli Project, Story Project, the Deterding Projects, and Other Development Projects with respect to the Alpha Street extension, the Director shall not include the actual costs to construct the E. Parker Project's secondary access portion of the extension, as that limited set of improvements is conceptually depicted in Exhibit E and in which a cost estimate is included. For the purpose of making this determination for the State Route 16 improvements at County Road 86A, the Director also shall not include the actual costs to construct that portion of the pavement for left turn movements and right turn lanes in and out of the E. Parker Project if there were no other cumulative projects, as that limited set of improvements is conceptually depicted in Exhibit F and in which a cost estimate is included. The improvements depicted in Exhibit F and the secondary access portion of the improvements depicted in Exhibit E are not considered cumulative circulation improvements.

(h) County's Best Efforts to Secure Reimbursement Payments from the Orciuoli Project, Story Project, and Deterding Projects. The County shall use its best efforts to obtain and transfer to Developer the reimbursement payments described above from the Orciuoli Project, Story Project, and the Deterding Projects. All actual costs for which reimbursements are provided shall be reasonable in the Director's judgment.

4. Reasonable Reimbursements for Developer from Other Development Projects up to Maximum Amount. In addition to the reimbursements from the Orciuoli Project, Story Project, and Deterding Projects for cumulative circulation improvements, the County shall use its best efforts to secure reasonable reimbursements from Other Development Projects. The County acknowledges that even with the reimbursements described above from the Orciuoli Project, Story Project, and Deterding Projects, Developer will be paying more than its fair share to construct these two 2030 cumulative traffic improvements, and accepting the risks associated with being responsible for their construction (e.g., higher construction costs than estimated, increased mitigation costs, design constraints, and interest). Therefore, the County shall use its best efforts to secure reasonable reimbursements for Developer from developers of Other Development Projects in Esparto and the Capay Valley that cumulatively contribute to traffic on Yolo Avenue and State Route 16 in Esparto within the downtown and at the County Road 86A intersection. The goal is to reimburse Developer for all its actual costs for cumulative traffic improvements other than an amount equal to its fair share contribution based on the Project's percentage share of 2030 General Plan buildout traffic as determined by Fehr & Peers per Table 1 of its supplemental Technical Memorandum dated March 2, 2007, to the East Esparto Circulation Study. Toward that end, reimbursement payments from Other Development Projects, after taking into account reimbursements paid for the Orciuoli Project, Story Project, and Deterding Projects, shall in no event result in the E. Parker Developer (or Story Developer) receiving reimbursements for that percentage of the combined actual costs of the two cumulative traffic circulation improvements that are in excess

of an amount representing the percentage share of cumulative traffic from the E. Parker Project and the Story Project described in Table 1 of the supplemental Technical Memorandum by Fehr and Peers dated March 2, 2007. In addition, for the purpose of determining the full reimbursement available to Developer from Other Development Projects with respect to the Alpha Street extension, the Director shall not include the actual costs to construct the E. Parker Project's secondary access portion of the extension, as that limited set of improvements is conceptually described in Exhibit E and in which a cost estimate is provided. For the purpose of making this determination for the State Route 16 improvements at County Road 86A, the Director also shall not include the actual costs to construct that portion of the pavement for left turn movements and right turn lanes in and out of the E. Parker Project if there were no other cumulative projects, as that limited set of improvements is conceptually depicted in Exhibit F and in which a cost estimate is provided.

(a) Reimbursement from Adjoining Property to the East of E. Parker Project. The adjoining property east of the E. Parker Property shall not be considered one of the Other Development Projects for purposes of the reimbursement provisions in the above subsection if the subdivision approved on the adjoining property east of the E. Parker Property requires use of Alpha Street on the E. Parker Subdivision as frontage access. Instead, the County shall use its best efforts to secure reimbursement from that developer based on the following formula: an amount equal to the number of approved units in that subdivision, divided by the sum of the number of approved units in the E. Parker Subdivision (62) plus the number of approved units in that subdivision, times the actual costs to extend Alpha Street on the south side of Lamb Valley Slough to State Route 16 and the improvements on State Route 16 for right turns in and out. The reimbursement amount shall be paid to the County at final subdivision map for reimbursement to Developer.

(b) County's Best Efforts. The County shall use its best efforts in its negotiations on and conditions of approval for Other Development Projects to secure reimbursement payments to Developer for the two cumulative circulation improvements, as described above, to be paid to the County prior to approval of the final subdivision map approval or first building permit for the particular other project, whichever occurs first.

5. Esparto Bridge Fee Waiver for E. Parker Project and Collection Through Reimbursements. The County acknowledges that even with potential reimbursements, as described above, Developer will likely be paying more than its fair share to construct these two 2030 cumulative traffic improvements, including the risks associated with being responsible for their construction (e.g., higher construction costs than estimated, management costs, mitigation costs; design constraints, bonding costs, interest). For that reason and since a road crossing of Lamb Valley Slough is one of the cumulative circulation improvements, Developer shall receive a credit for the Esparto Bridge Development Impact Fee established by the County in Ordinance No. 1329, otherwise payable with each building permit. Instead, the County will secure the fees through reimbursements. Once reimbursements for the Alpha Street extension exceed five hundred and fifty thousand dollars (\$550,000), forty percent (40%) of any additional reimbursement amount received from Other Development Projects shall be paid to the County for deposit into Fund 122, Budget Unit 299-1, up to the amount of the waiver of the Esparto Bridge Development Impact Fee, with any reimbursements thereafter secured fully paid to

Developer until it receives the full amount paid to the County and is otherwise reimbursed to the maximum extent provided herein.

6. Waiver of Plan-checking Fees for Cumulative Circulation Improvements. The County shall waive plan-checking fees for the Alpha Street extension and State Route 16 improvements at Alpha Street and County Road 86A.

7. Cooperation with Caltrans to Secure Encroachment Permits on State Route 16. The County shall fully cooperate and work with Developer to secure the necessary encroachment permits from Caltrans in the scope of improvements on State Route 16 supported by the County and Developer. If Developer is unable to secure, under the procedures outlined in the Subdivision Map Act at Government Code Section 66462.5, the offsite right-of-way required in order to construct a portion of one of the public circulation improvements, then Developer shall not be required to construct that portion of the circulation improvement and the design shall be modified accordingly.

8. Security for Circulation Improvements. Condition of Approval No. 29 of Tentative Map No. 4755 describes the required circulation improvement plans that must be approved by the County prior to approval by the Board of Supervisors of the Final Subdivision Map for the E. Parker Subdivision. All circulation improvements to be constructed by Developer in accordance with this Agreement shall be secured in the same manner as any other public improvements subject to a subdivision improvement agreement entered into pursuant to the Subdivision Map Act and related local requirements. Developer will provide all such securities at an appropriate time, and the parties will cooperate to establish the timeframe for the provision of securities in the subdivision improvement agreement for this Project.

9. Reimbursement for Actual Costs. Actual costs shall be used to determine the maximum amount of reimbursements appropriately paid to Developer. Only actual costs for the completion of these two circulation improvements that are reasonable in the Director's judgment (i.e., not including excessive cost overruns or other expenses that could feasibly have been reduced or eliminated to complete the improvements required by the County and Caltrans) shall be used for purposes of making such reimbursement determinations. The estimates in the exhibits are included for reference only, and are not binding on the Developer or on any parties who may later provide reimbursements. However, in determining appropriate reimbursement amounts under this Agreement, the Director may use these estimates together with other available evidence to determine whether Developer's actual cost of constructing the circulation improvements covered by this Agreement were reasonable. Developer agrees to provide the County with all information and documents reasonably requested by the Director for the purpose of determining actual costs and the reasonableness thereof.

10. Reasonable Interest on Actual Costs. Reimbursement payments from Other Development Projects to the County that are made after Developer completes circulation improvements shall also, to the extent it is legally feasible, include a reasonable rate of interest, determined by the Director, on the actual costs of the cumulative circulation improvements from the date each one is accepted as complete. The accrued interest received by the County shall be paid to Developer as part of the reimbursement, and such interest amounts are not subject to the cap on reimbursement set forth elsewhere in this Article 4.

11. Reimbursement Payments held in Trust by County. If the reimbursing developer's project proceeds before the cumulative circulation improvements by the Developer are complete, the County shall hold the reimbursement funds paid at the required time in trust. In this circumstance, the appropriate reimbursement amounts for developers of Other Development Projects shall be determined based on updated cost estimates that are reasonable in the Director's judgment. Once the circulation improvements by Developer have been accepted as complete by the County and Caltrans, reimbursement funds previously received by the County shall be paid to Developer. If the County has any funds remaining after all reimbursements have been made in accordance with this Agreement, they will be returned to those who paid them (in proportion to the amount that each paid for reimbursement purposes) unless otherwise agreed by the County and any of those parties.

12. Reimbursement Payments to Be Paid Equally to E. Parker Developer and Story Developer. Provided that the cumulative circulation improvements are constructed by Developer, unless otherwise directed in writing by both the E. Parker Developer and the Story Developer, if the Story Developer constructs the Alpha Street extension the County shall pay one-half of any reimbursements to Developer for the 86A intersection improvements and pay (continuing to hold in trust until acceptance, if necessary) the other half to the Story Developer for the Alpha Street extension, until one of those two developers is fully reimbursed for its actual costs to the maximum amount allowed, and reimbursements received thereafter shall be fully paid to the other developer until it is fully reimbursed for its actual costs to the maximum amount allowed, along with any interest payments from Other Development Projects. If instead another party (i.e., neither the Story or E. Parker Developer) builds one of these cumulative circulation improvements and the E. Parker Developer builds the other, the Director shall apportion the reimbursements in the same manner, unless otherwise agreed in writing by the constructing parties or the Director determines in his reasonable judgment that another method to apportion the reimbursements is more equitable.

13. Reimbursement Example. An example of how the reimbursement might work is attached hereto as **Exhibit G** and incorporated by this reference. That example is for illustrative purposes only, and it does not alter the meaning or effect of any term of this Agreement.

14. Sunset of Reimbursement Obligations. The reimbursement obligations described herein shall sunset ten (10) years following the acceptance of both the 86A intersection improvements on State Route 16 and the Alpha Street extension over Lamb Valley Slough to State Route 16 by the County and Caltrans as complete.

15. Effect of Failure to Secure Reimbursements. If for any reason, reimbursements as described in this Section 4.01.02.B are not included as part of the approval of development projects described above that are approved prior to approval of the final subdivision map for either the E. Parker Project or Story Project, then Developer shall only be obligated to construct the secondary vehicle access from the east end of Adan Street to State Route 16 and any related State Route 16 improvements and the improvements on State Route 16 minimally required for the fourth leg of the County Road 86A/State Route 16 intersection as the primary access for the E. Parker Subdivision. In that event, the County may implement a traffic impact mitigation fee program, or use any other appropriate means, to cover the cost of County

construction of the Alpha Street extension and the signalized intersection on State Route 16 at County Road 86A, and secure the necessary funding from sources other than the E. Parker Developer and Story Developer (with the exception of the percentage share assigned to those two development projects in the study used by the County to support a fee program that includes the two cumulative circulation improvements, which shall be paid by those projects at the time of each building permit issued after adoption of the program in an amount that does not exceed the portion of the fee that is attributable to the two cumulative circulation improvements).

16. Unforeseen Circumstances. In addressing cumulative circulation improvements in this Agreement, the County and Developer have attempted to cover certain readily foreseeable scenarios involving construction of those improvements, reimbursements, and related issues. The County and Developer also recognize, however, that circumstances not covered by those provisions may arise. Such circumstances could include a scenario where another party constructs the improvements and thus, as a matter of fairness, is entitled to reimbursement. If this occurs, the Developer recognizes that the County presently intends to offer the same or similar terms regarding reimbursement to any other party, including but not limited to Deterding or any developer of Other Future Projects, that is willing to construct either (or both) of the cumulative circulation improvements sooner than is reasonably expected under this Agreement. Accordingly, the County and Developer agree to negotiate in good faith to amend this Agreement to address such circumstances if and when they arise. This provision does not obligate either party to enter into an amendment, but only to negotiate in good faith to attempt to reach an appropriate compromise. Such a compromise may include a commitment by the E. Parker Developer to make the same payments required of other developers under this Agreement, either at the time of Final Subdivision Map or at the time of building permit issuance, and also to pay any fees that are waived by specific provisions of this Agreement (i.e., bridge fees and certain plan-checking fees). In any such compromise it is expected that Developer will be reimbursed for all its actual costs incurred with respect to the cumulative circulation improvements (e.g. engineering fees, permitting cost).

C. Construction of Standard and Optional Visitability/Universal Design Features in Single-Family Homes.

1. Developer has agreed as a further community benefit to include the following "visitability" or "universal design" features as standard in the homes in the E. Parker Subdivision:

(a) One no step, accessible entrance to house shall be provided. A no step accessible entrance means: (i) 34" net clear width, measured between face of door and stop when door is in 90° position, (ii) a threshold no greater than 1/2" with 45° bevel, (iii) 60" x 60" level landing area next to and outside of entry, (iv) minimum 3' wide path of travel to the accessible entry from the vehicle unloading area, with slope in any direction not to exceed 5% maximum running slope and 2% maximum cross slope, and (v) a vehicle unloading area with a level landing not less than 40" wide. At Developer's election, the no step accessible entrance shall be through either the front entry or garage entry to the house. If the no step accessible entrance is the front entry, then the 3' wide accessible path of travel from the garage driveway may connect to side of porch; if it is the garage entry to the house, then the garage slab may slope to create 1/2" threshold with 45° bevel at garage entry, with the garage slope not to exceed

2%. At Developer's election, the vehicle unloading area may be at the top of the driveway or be the slab within the garage. An alternative design may be proposed by Developer and agreed to by the Chief Building Official.

(b) One interior accessible route from accessible entry to accessible first floor bathroom, common use room, kitchen and bedroom, 36" wide and level shall be provided. For two-story houses, no accessible bedroom on first floor is required and the first floor bathroom may be a powder room/half-bath. Each accessible room shall have 32" net clear opening. The kitchen shall include 36" wide path of mobility provided there is no island.

(c) Rocker light switches on first floor.

(d) Light switches, receptacles, and environmental and alarm controls shall be at accessible height between 42" and 48".

(e) Grab bar backing on accessible first floor bathroom at side and back of toilet.

(f) Single-action level door and hardware on accessible bathroom and accessible house entry.

(g) If front entry is accessible house entry, then locate door bell between 42" and 48" from finished floor/grade.

2. Developer has agreed as a further community benefit to offer the following optional visitability/universal design features, to be installed at Developer's cost if requested by a buyer:

(a) Grab bars in accessible bath.

(b) Anti-scald devices included for faucets in kitchen and accessible bathroom.

(c) Single-action hardware for all doors.

(d) One additional eyehole in front door between 42" and 48" and the other higher eyehole.

3. Developer has agreed as a further community benefit to offer the following optional visitability/universal design features at buyer's cost:

(a) Work/floor space in front of kitchen sink of 30" x 48" and base cabinet pullout/lazy susan shelves in that work space location in front of the sink (if no kitchen island).

(b) Removable base of sink in accessible bathroom.

(c) Shower with threshold no greater than 1/2" with 45° bevel (only single-story houses).

(d) These optional features must be requested by buyer prior to house construction that involves the requested option. In other words, the builder must not be required to remove, replace or modify any existing construction to provide the requested optional feature.

4. Developer shall provide confirmation acceptable to the Planning and Public Works Director that the standard and optional features described above will be available in each home prior to the issuance of the first building permit.

D. Lamb Valley Slough Channel Improvements, Pedestrian Trail and Tot Lot. Per Condition of Approval No. 20, Developer has agreed to make channel improvements to Lamb Valley Slough on its property to convey 100-year stormwater flows even though the subdivision does not drain into that slough. Developer is doing so because the County wants to improve the channel as a precedent for other similar improvements along Lamb Valley Slough. Developer is also providing a pedestrian trail on the south levee of Lamb Valley Slough as the start of a public trail along the slough and trails within the Project. Developer is also providing a tot lot access as an additional recreational improvement. Developer shall receive a credit on park fees for its bonded cost to construct the trails and the tot lot. Each of these improvements shall be included among the public improvements covered by the subdivision improvement agreement to be subsequently prepared and approved for this Project, and shall be subject to the same security requirements as other improvements included in that agreement.

Section 4.01.03. Mitigation Monitoring Plan Implementation. Concurrent with its certification of the MND prepared for the Project, the Board adopted mitigation measures to lessen or avoid the significant effects of the Project ("Mitigation Measures"). They are included as Conditions of Approval Nos. 61-66 for Tentative Subdivision Map No. 4755. Concurrent with its adoption of the Mitigation Measures, the Board also adopted a mitigation reporting or monitoring program ("Mitigation Monitoring Plan). In consideration of the County entering into this Agreement, Developer agrees to comply with all of the Mitigation Measures and the Mitigation Monitoring Plan. The Mitigation Measures shall be fully enforceable pursuant to this Agreement, and Developer agrees to cooperate in good faith with the County in its implementation of the Mitigation Monitoring Plan adopted by the Board. The provisions of this Section shall survive the termination or expiration of this Agreement.

Section 4.02. Obligations of the County.

Section 4.02.01. Generally. In consideration of Developer entering into this Agreement, the County agrees that it shall comply with all Project Approvals and (as and when they are issued) Subsequent Approvals, and shall consider for approval and cooperate with processing all applications for the Subsequent Approvals as provided in this Agreement. Specifically, the County shall cooperate in providing for and allowing stormwater and drainage improvements within County right-of-way and drainage easement locations as may be necessary to provide adequate stormwater control for the Project and in securing encroachment permits from Caltrans consistent with this Agreement, the Tentative Subdivision Map and the TSM Conditions of

Approval. The County will be a co-applicant for resource agency permits for the crossing of and improvements to Lamb Valley Slough. The County shall also use its best efforts to secure the reimbursements and agrees to provide the fee credits and waivers set forth in Sections 4.01.02.B and D, above.

Section 4.02.02. Detention Basin Parcel. The County agrees that if Developer secures an alternative location to detain its stormwater (e.g., on the adjoining property to the south) acceptable to the County, and Developer requests a tentative subdivision map to subdivide the Detention Basin Parcel in the E. Parker Subdivision for residential use, the County will consider the application and may apply current regulations to the subdivision of the Detention Basin Parcel portion of the Project. The rest of Project area shall continue to be subject to Applicable Laws. The County further agrees that, if requested by Developer, the offer of dedication with respect to the Detention Basin Parcel may provide for a two-step County acceptance of that offer: first, County acceptance of an easement over the Detention Basin Parcel during the term of this Agreement (improvement securities shall be released upon County acceptance of the easement); and second, County acceptance of fee simple ownership of the Detention Basin Parcel effective upon expiration of said term unless a tentative subdivision map has been approved for residential use of said parcel prior to the expiration of this Agreement, in which case the County agrees to rescind its acceptance of the easement and Developer withdrawal of its offer of fee simple dedication, effective on the date of the County's written determination that the relocated detention basin is complete and operational and the County's acceptance of its dedication.

ARTICLE 5. AMENDMENT

Section 5.01. Amendment of the Agreement. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the parties hereto or their successors-in-interest, in accordance with the provisions of California Government Code §§ 65867, 65867.5, and 65868, and Title 8, Chapter 10 of the Yolo County Code. Except as provided under Title 8, Chapter 10 of the Yolo County Code and Government Code § 65865.1, or this Agreement, no amendment shall have any force or effect unless it is set forth in writing, signed by the duly authorized representatives of each of the parties hereto, and recorded in the Official Records of the County of Yolo.

The cost to the County in processing a proposed amendment shall be paid by Developer. Developer shall pay any and all normal application fees. Any amendment to this Agreement which does not relate to the (i) Term; (ii) permitted uses of the Project Area; or (iii) conditions, terms, restrictions, or requirements for subsequent discretionary actions, shall not require notice or public hearing before the parties may execute an amendment hereto. Such amendment may be approved by a Board resolution.

Notwithstanding the foregoing, however, the Director may approve an amendment to this Agreement which is (i) minor when considered in light of the Project as a whole, and (ii) consistent with the general intent of the provision(s) to be amended. Any such amendment may be approved by the Director without prior notice or a public hearing by executing a memorandum of understanding with Developer. Any memorandum of understanding must be in

writing and signed by the parties, but need not be recorded in the Official Records of the County of Yolo.

Section 5.02. Amendment Exemptions. No amendment of a Project Approval or Subsequent Approval shall require an amendment to this Agreement. Instead, any such amendment, including any conditions, mitigation measures, and other restrictions associated with the amendment, automatically shall be deemed to be incorporated into the Project and vested under this Agreement.

ARTICLE 6. THIRD PARTY LITIGATION

Section 6.01. Third Party Litigation Concerning Review or Approval of Project. Developer and its successors, heirs, and assigns agree to indemnify and defend the County in the event any legal action or proceeding is commenced by any person or entity against the County, its elected officials, officers, employees, agents, and independent contractors, arising out of or in any way connected with this Agreement or the County's approval of the Project, issuance of the Project Approvals or Subsequent Approvals, certification of the MND or other actions taken to comply with CEQA, or any other action taken by the County in connection with the Project. In providing any defense under this Section, Developer shall use counsel reasonably acceptable to the County Counsel. The provisions of this Section shall survive the termination or expiration of this Agreement.

Section 6.02. Third Party Litigation Concerning Construction or Operation of Project. Developer and its successors, heirs, and assigns agree to indemnify and defend the County in the event any legal action or proceeding is commenced by any person or entity against the County, its elected officials, officers, employees, agents, and independent contractors, arising out of or in any way connected with Developer's construction or operation of the Project, with the exception of claims for damages arising solely through the active negligence or willful misconduct of elected officials, officers, employees, agents, or independent contractors of the County. In providing any defense under this Section, Developer shall use counsel reasonably acceptable to the County Counsel. The provisions of this Section shall survive the termination or expiration of this Agreement.

Section 6.03. Advance Payment of Defense Costs. To secure its obligation under this Article 6, the County may require, upon the filing of a lawsuit or other legal proceeding contemplated in Section 6.01, Developer to make an initial advance deposit of money sufficient to fund the expenses reasonably likely to be incurred by the County during the first six months of defending such suit. Thereafter, the County may require Developer to make regular monthly advance deposits sufficient to ensure that the County has a defense fund that is adequate to cover defense costs reasonably likely to be incurred during the succeeding six month period. The provisions of this Section shall survive the termination or expiration of this Agreement.

ARTICLE 7. PERIODIC REVIEW

Section 7.01. Conducting the Periodic Review. Pursuant to Yolo County Code § 8-10.701 and Government Code § 65865.1, the Director shall review the extent of good faith

compliance by Developer with the terms of this Agreement on an annual basis, on or before the anniversary date of the recordation of this Agreement. A component of the Periodic Review is an annual monitoring report to be submitted to the Director by Developer within thirty (30) days of each anniversary date or, alternatively, within thirty (30) days of receiving a written request for such report from the Director, whichever occurs first. The procedure for the Periodic Review shall be as set forth in Title 8, Chapter 10 of the Yolo County Code, as may be amended from time to time, provided that any such amendments shall apply only to the extent that they do not conflict with the express terms of this Agreement.

ARTICLE 8. DEFAULT AND REMEDIES FOR DEFAULT

Section 8.01. Default. No party shall be in default under this Agreement unless it has failed to perform under the Agreement for a period of thirty (30) days after written notice from the other party of an event of default. The notice of an event of default shall specify in detail the nature of the alleged default and the manner in which the default may be satisfactorily cured. If the nature of the alleged default is such that it cannot reasonably be cured within such 30-day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed to satisfy such requirement. Evidence of default may also arise in the course of periodic review as set forth in Article 7 of this Agreement. The 30-day notice period shall not apply if the default is of such a nature that it cannot be cured, in which event the non-breaching party shall be entitled to proceed in accordance with the remaining provisions of this Article.

Section 8.02. Remedies and Termination. After the expiration of the thirty (30) day period (or longer, as applicable), the party alleging default may, at its option, institute legal proceedings under this Agreement or give notice of its intent to terminate the Agreement pursuant to California Government Code § 65868 and relevant provisions of the Yolo County Code or may pursue such other administrative remedies as may be appropriate. Following notice of intent to terminate, the matter shall be scheduled for a public hearing before the Board to review and consider the matter within thirty (30) days. Except to the extent that California law may contain different notice or hearing requirements, notice of the public hearing shall be provided in accordance with the provisions of Yolo County Code § 8-10.801, and the public hearing shall be conducted in accordance with the provisions of Yolo County Code § 8-10.802. Following consideration of the evidence presented in the review, if no resolution is reached, the party alleging the default may give written notice of the termination of this Agreement and pursue any and all remedies that may be available in law or equity, including but not limited to specific performance or the rescission of this Agreement. The County may also refuse to issue a building permit for any structure on the E. Parker Property if the permit applicant owns or controls property subject to this Agreement and if such applicant or any entity or person controlling such applicant is in default under the terms and conditions of this Agreement unless such default is cured or this Agreement is terminated. In no event, however, shall either party be liable to the other for money damages for any default or breach of this Agreement.

Section 8.03. Specific Performance. The parties acknowledge that monetary damages and remedies at law are generally inadequate and that specific performance is an appropriate

remedy for the enforcement of this Agreement and should be available to all parties for the following reasons:

A. Due to the size, nature, and scope of the Project, it may not be practical, or possible, to restore the Project Site to its pre-existing condition once implementation of this Agreement has begun. After such implementation, Developer may be foreclosed from other choices it may have had to utilize the Project Site and provide for other benefits. Developer has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement, and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement, and it will not be possible to determine the sum of money that would adequately compensate Developer for its efforts. By the same token, the County will have invested substantial time and resources and will have permitted potentially irreversible changes to the Project Site, and it will not be possible to determine a sum of money that would adequately compensate the County for such undertakings.

B. The use of the Project Site for the purposes and uses described in this Agreement and in the Project Approvals is unique.

Section 8.04. Cumulative Remedies. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation, including suits for declaratory relief, specific performance, injunctive relief, and relief in the nature of mandamus. All of the remedies described above shall be cumulative and not exclusive of one another, and the exercise of any one or more of the remedies shall not constitute a waiver or election with respect to any other available remedy. Provided however, if the County fails to secure from any developer(s) the reimbursement(s) provided for in this Agreement for Developer with respect to the cumulative traffic improvements it completes, the County shall not be responsible to pay for said reimbursement(s) from its own funds and shall not be subject to a claim by Developer for monetary damages.

Section 8.05. Venue; Applicable Law; Attorneys Fees. Venue for all legal proceedings shall be the Superior Court for the State of California, County of Yolo. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The prevailing party in such litigation, as determined by the Court, shall be awarded reasonable attorneys' fees in addition to statutory costs.

Section 8.06. Excusable Delay; Extension of Time for Performance. In addition to the specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, acts of terrorism, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the County, enactment of conflicting state or federal laws or regulations, new or supplementary environmental laws or regulations enacted by the state or federal government, or litigation. An extension of time for such cause, including an extension of the Term, may be granted in writing by the unaffected party for the period of the excusable delay or longer, or as may be mutually agreed upon.

ARTICLE 9. MISCELLANEOUS PROVISIONS

Section 9.01. Incorporation of Recitals and Preamble. The Recitals contained in this Agreement, and the introductory preamble preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

Section 9.02. Covenants. All of the provisions of this Agreement shall be binding upon the parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the E. Parker Property, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to applicable laws including, without limitation, California Civil Code § 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the E. Parker Property, as appropriate, runs with the E. Parker Property, and is binding upon the owner of all or a portion of the E. Parker Property and each successive owner during its ownership of such property.

Section 9.03. Right to Assign; Non-Severable Obligations. Except as otherwise provided herein, Developer shall have the right to sell, encumber, convey, assign, or otherwise transfer, in whole or part, its rights, interests and obligations to a third party during the term of this Agreement. No assignment shall be effective, however, until the County approves the assignment by action of its Board of Supervisors and the assignee enters into a written agreement with the County to perform the all of the legal obligations of Developer under this Agreement that are reasonably related to the rights and interests proposed for assignment. Approval shall not be unreasonably withheld, provided: (i) the assignee has the financial ability to meet the obligations proposed to be assigned and to undertake and complete the obligations of this Agreement affected by the assignment; and (ii) the proposed assignee has adequate experience with residential developments, as appropriate, of comparable scope and complexity to the Project to be undertaken within the Project Site and has successfully completed such developments.

Section 9.04. Unapproved Transfers or Assignments Void. Any assignment or attempted assignment in violation of Section 9.03, above, shall be unenforceable and void and shall not release Developer from any of its obligations hereunder.

Section 9.05. Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in fully force and effect unless amended, modified, or terminated by mutual consent of the parties. Notwithstanding the foregoing, if a Court of competent jurisdiction over this Agreement determines that the vested rights provided by this Agreement are invalid, void or unenforceable, the Developer may (in its sole discretion) terminate this Agreement by providing written notice of such termination to the County.

Section 9.06. Other Necessary Acts. Each party shall execute and deliver to the other all such further instruments and documents as may be reasonably necessary to carry out the Project

Approvals, Subsequent Approvals, and to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

Section 9.07. Construction. Each reference in this Agreement to any of the Project Approvals or Subsequent Approvals shall be deemed to include any amendment of the Project Approvals or Subsequent Approvals, whether or not the particular reference refers to or contemplates such amendment. This Agreement has been reviewed and revised by legal counsel for both the County and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

Section 9.08. Conflicts with Yolo County Code. The provisions of Title 8, Chapter 10 of the Yolo County Code, entitled "Development Agreements," are incorporated herein by this reference. However, in the event of a conflict between a specific provision of the Yolo County Code and a specific provision of this Agreement, this Agreement shall prevail.

Section 9.9. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

Section 9.10. No Joint Venture or Partnership. The County and Developer hereby renounce the existence of any form of joint venture, partnership, or other legal entity between them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between the County and Developer.

Section 9.11. Notices.

Section 9.11.01. All notices required by this Agreement will be deemed to have been given when made in writing and delivered or mailed to the respective representatives of the County and Developer at their respective addresses, as follows:

For the Developer:

Emerald Homes LT, LLC
Attn: Jeffrey Lynn Robinson
634 N. Santa Cruz Ave, Suite 100
Los Gatos, CA 95030

With a copy to:

Mark L. Armstrong
412 Cliffside Drive
Danville, CA 94526

For the County:

Yolo County Administrative Officer
625 Court Street, Room 202
Woodland, CA 95695

With a copy to:

Yolo County Counsel
625 Court Street, Room 201
Woodland, CA 95695

Section 9.11.02. In lieu of written notice to the above addresses, any party may provide notices through the use of facsimile machines provided confirmation of deliver is obtained at the

time of transmission of the notices and provided the following facsimile telephone numbers are used:

To the Developer:	Emerald Homes LT, LLC Mark L. Armstrong	(408) 399-4397 (925) 831-9081
To the County:	County Administrative Officer County Counsel	(530) 666-8147 (530) 666-8279

Section 9.11.03. Any party may change the address or facsimile number to which such communications are to be given by providing the other parties with written notice of such change at least fifteen (15) calendar days before the effective date of such change.

Section 9.11.04. All notices will be effective upon receipt and will be deemed received through delivery if personally served or served using facsimile machines, or on the fifth day following deposit in the mail if sent by first class mail.

Section 9.12. No Third Party Beneficiaries. This Agreement is not intended to, and will not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms.

Section 9.13. Authorized Representatives. The persons executing this Agreement on behalf of the parties hereto affirmatively represent that each has the requisite legal authority to enter into this Agreement on behalf of their respective party and to bind their respective party to the terms and conditions of this Agreement. The persons executing this Agreement on behalf of their respective party understand that both parties are relying on these representations in entering into this Agreement.

ARTICLE 10. ENTIRE AGREEMENT, COUNTERPARTS, AND EXHIBITS

This Agreement constitutes the entire agreement between the County and Developer and supersedes all prior negotiations, representations, or other agreements, whether written or oral, between the same parties with respect to the matters covered herein. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

- | | |
|------------------|--|
| <u>Exhibit A</u> | Legal Description of E. Parker Property |
| <u>Exhibit B</u> | Tentative Subdivision Map No. 4755 |
| <u>Exhibit C</u> | New Season Community Development Corporation Grant Letter Agreement |
| <u>Exhibit D</u> | Estimates and Depictions for the Alpha Street Extension and E. Parker Secondary Access Improvements |
| <u>Exhibit E</u> | Estimate and Depiction for State Route 16/County Road 86A Intersection Improvements |
| <u>Exhibit F</u> | Estimate and Depiction for the South Side Ingress and Egress Improvements at State Route 16/County Road 86A Intersection |

ARTICLE 11. RECORDATION

Pursuant to Government Code § 65868.6, no later than ten (10) days after the County enters into this Agreement, the County Clerk shall record an executed copy of this Agreement in the Official Records of the County of Yolo.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the year and date first set forth above.

Emerald Homes LT, LLC

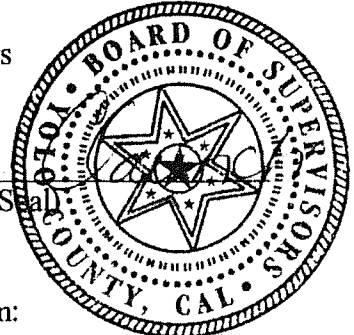
By: [Signature]
Jeffrey Lynn Robinson
Its: Manager

COUNTY OF YOLO

By: [Signature]
Mariko Yamada, Chair
Board of Supervisors

Attest:
Ana Morales, Clerk
Board of Supervisors

By: [Signature]
Deputy (Seal)



Approved as to Form:
Robyn Truitt Drivon, County Counsel

By: [Signature]
Philip J. Pogledich, Senior Deputy

ACKNOWLEDGMENT

State of California
County of Contra Costa

On October 31, 2007, before me, Suzanne Oertel Farlin, a Notary Public, personally appeared Jeffrey Lynn Robinson, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(~~s~~) whose name(~~s~~) (is) are subscribed to the within instrument, and acknowledged to me that (he) she/they executed the same in (his) her/their authorized capacity(~~s~~), and that by (his) her/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Suzanne Oertel Farlin



(Seal)

ACKNOWLEDGMENT

State of California
County of Yolo

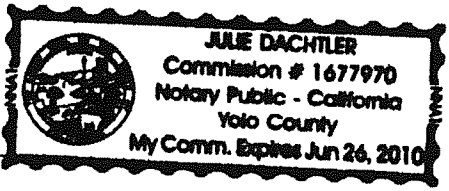
On November 16, ²⁰⁰⁷ before me, Julie Dachtler, Notary Public
(here insert name and title of the officer)

personally appeared Mariko Yamada

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be
the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and
acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized
capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature *Julie Dachtler*



(Seal)

EXHIBIT A

LEGAL DESCRIPTION OF E. PARKER PROPERTY

Legal Description of E. Parker Property

The land described herein is situated in the State of California, County of Yolo, unincorporated area, and is described as follows:

Parcel 3, Parcel Map No. 4350, filed April 3, 1988 in book 1998 of maps, page 36, Yolo County Records.

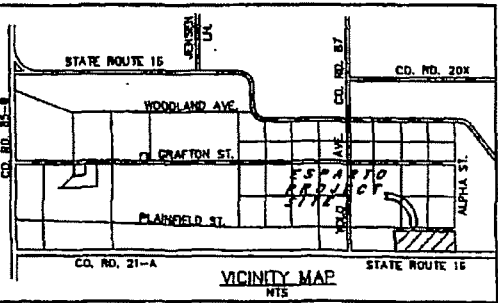
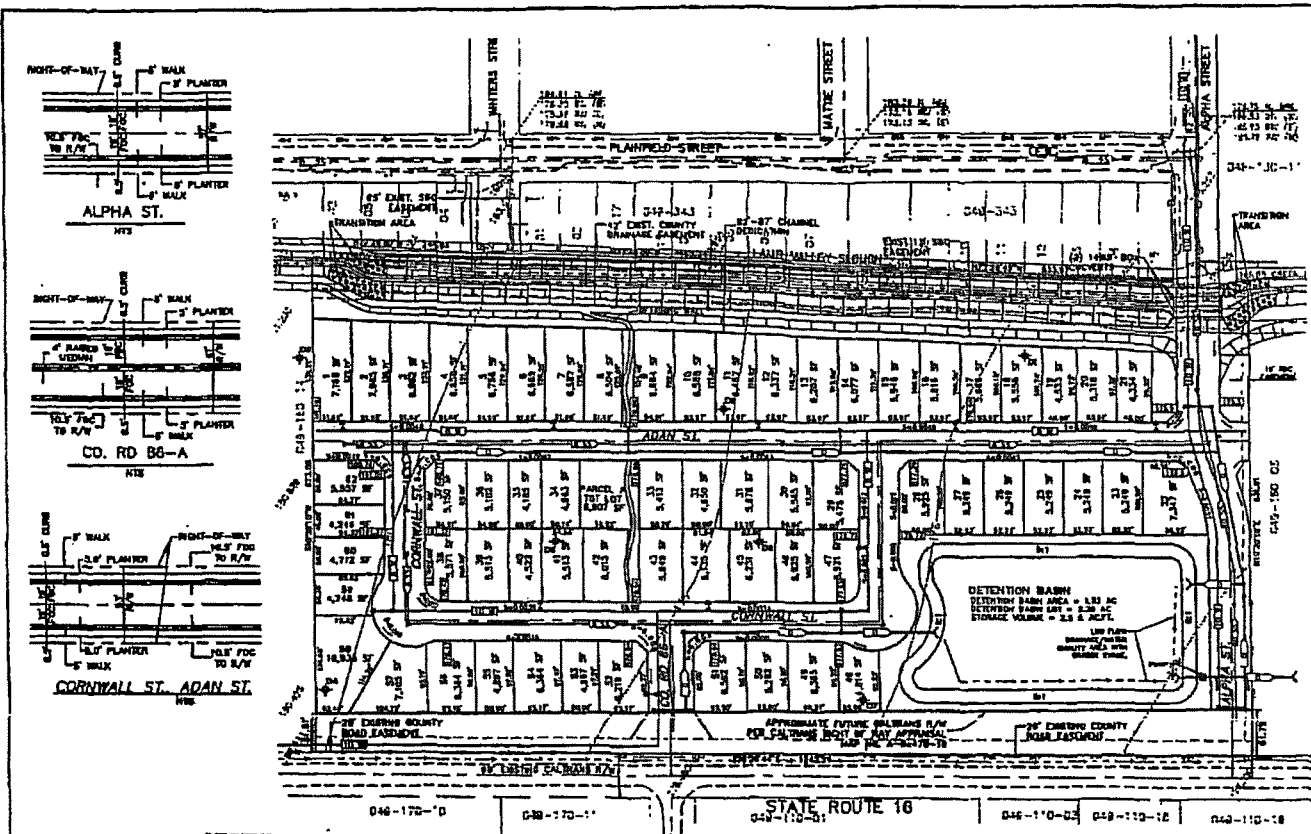
Containing 16.88 acres, more or less.

Assessor's Parcel Number 049-160-15.

End of Description.

EXHIBIT B

TENTATIVE SUBDIVISION MAP NO. 4755



OWNER/SUBOWNER: EMERALD HOMES LT, LLC
 ATTN: JEFFREY LYNN ROBINSON
 834 N. SANTA CRUZ AVE. SUITE 100
 LOS GATOS, CA 95030
 (408) 389-4363

ENGINEER/SURVEYOR: LAUGENOUR & MENKLE
 808 COURT STREET
 WOODLAND, CALIFORNIA 95885
 (530) 462-1755

EXISTING USE: VACANT

PROPOSED USE: SINGLE-FAMILY RESIDENTIAL

EXISTING ZONING: R1-PD

PROPOSED ZONING: R1-PD

SEWER SERVICE: ESPARDO COMMUNITY SERVICES DISTRICT

STORM DRAIN SERVICE: ESPARDO DITCHEN BASIN-100 YR / 10 YR RELEASE

WATER SERVICE: ESPARDO COMMUNITY SERVICES DISTRICT

GAS & ELECTRIC SERVICE: PACIFIC GAS & ELECTRIC

TELEPHONE SERVICE: AT&T

FLOOD ZONE: ZONE AE & ZONE X PANEL NO. 8042303358C

GROSS AREA: 18.86 ACRES

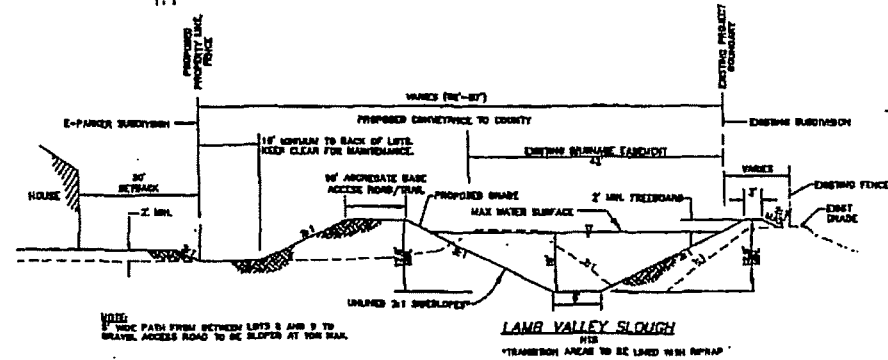
NUMBER OF LOTS: 82

DENSITY PER NET ACRE: 7.8 UNITS/ HCT ACRE
 (A PLANNED DEVELOPMENT PROJECT)

DENSITY PER GROSS ACRE: 3.7 UNITS/ GROSS ACRE
 (A PLANNED DEVELOPMENT PROJECT)

APN: 049-180-18

PROPOSED	EXISTING	DESCRIPTION
		STORM DRAIN & MANHOLE
		BOUNDARY FENCE, LINE & CAP
		FIRE HYDRANT AND VALVE
		WATER MAIN & VALVE
		POWER, SERVICE POLE
		DRAINAGE INLET
		PLANLINE OF SHALE
		SURFACE DRAINAGE FLOW
		CUT OR FILL SLOPE
		SURFACE ELEVATION CONTOUR
		PROPERTY LINE
		ELEVATION AT HIGH POINT
		ELEVATION AT STORM DRAIN GRATE
		APPROXIMATE BORING LOCATIONS
		IMPERVIOUS



TENTATIVE SUBDIVISION MAP NO. 4755
E. PARKER

LOCATED IN A PORTION OF BLOCKS 15, 28
 AND 27 OF THE BONYARD TRACT RECORDED
 IN BOOK 1 OF MAPS, AT PAGE 8 YOLO
 COUNTY RECORDS

LM CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUGENOUR AND MENKLE
 WOODLAND, CALIFORNIA

Sheet 1 of 1 MAY 30, 2007

EXHIBIT C

**NEW SEASON COMMUNITY DEVELOPMENT CORPORATION
GRANT LETTER AGREEMENT**

EMERALD HOMES LT, LLC
a California limited liability company
634 North Santa Cruz Avenue, Suite 100
Los Gatos, CA 95030-4361
Telephone: (408) 399-4393
Facsimile: (408) 399-4397

September 14, 2007

New Season Community Development Corporation
Attn: Hanan Bowman, Executive Director
16915 Yolo Avenue
P. O. Box 799
Esparto, CA 95627

Re: \$250,000 Grant for Esparto Downtown Yolo Avenue Streetscape Improvements

Dear Mr. Bowman:

As you know, Emerald Homes LT, LLC ("Emerald Homes") has made an unsolicited offer to provide a grant to New Season Community Development Corporation ("New Season CDC") in the amount of \$250,000, to be used to make streetscape improvements in the public right of way on Yolo Avenue in downtown Esparto in order to enhance its appearance. Emerald Homes has offered this grant to make these public improvements in downtown Esparto, because our company supports the goal of New Season CDC to promote the revitalization of downtown Esparto and thereby help attract and also keep new businesses to serve the local community. We appreciate very much the strong efforts of New Season CDC and Capay Valley Vision toward the economic revitalization of downtown Esparto. We recognize those efforts, once successful, will benefit future residents in our subdivisions.

Earlier at different times, Mark Armstrong and/or I have reviewed basic terms and conditions of the grant with New Season CDC representatives, including Sue Heitman, Jim Durst and you, who in turn reviewed them with your Board of Directors. For mutual consideration, this \$250,000 grant is formally made by Emerald Homes to New Season CDC on the following terms and conditions:

1. The scope of streetscape improvements funded by the grant shall be landscaping, irrigation, street lighting, and pedestrian walkways and benches. New Season CDC shall use the grant funds exclusively for the actual cost to construct these streetscape improvements in the public right of way.

2. The Yolo County Planning Commission has recommended approval of the "E. Parker Residential Subdivision," namely Tentative Subdivision Map #4755, its Conditions of Approval and the Development Agreement for the E. Parker Project. The grant is conditioned on approval by the Board of Supervisors of Tentative Subdivision Map #4755, its Conditions of Approval and the Development Agreement for the E. Parker Project, essentially as recommended by County staff and the Planning Commission. The grant is also conditioned on approval by the Board of Supervisors of the "Story Residential Subdivision," namely Tentative Subdivision Map

New Season Community Development Corporation
Attn: Hanan Bowman, Executive Director
September 14, 2007
Page 2

#4691, its Conditions of Approval and the Development Agreement for the Story Project, essentially as recommended by County staff and the Planning Commission. The Board of Supervisors is scheduled to consider both subdivisions in September.

3. Emerald Homes shall fund one-half the grant amount on approval by the Board of Supervisors of a E. Parker Final Subdivision Map that is in substantial compliance with Tentative Subdivision Map #4755 and its Conditions of Approval. The other half shall be funded upon Board approval of a Story Final Subdivision Map that is in substantial compliance with Tentative Subdivision Map #4691 and its Conditions of Approval. Within ten business days after Board of Supervisors approval of each map, one-half the grant amount shall be deposited by Emerald Homes in an escrow account opened at a local bank chosen by New Season CDC.

4. Funds from the escrow account shall be released to New Season CDC in its requested amount within ten business days after New Season CDC notifies Emerald Homes in writing that Caltrans and Yolo County have conceptually endorsed the streetscape improvements proposed to be funded, in whole or in part, by the grant. Construction of the streetscape improvements shall commence within twelve months from the date the last of the E. Parker Final Subdivision Map and the Story Final Subdivision Map has been approved; if not, any unexpended grant money shall be returned to Emerald Homes on its written request.

5. New Season CDC shall also provide Emerald Homes with regular updates on the progress of completing the streetscape improvements funded by the grant and an accounting confirming the grant funds have been used for the stated purpose of constructing the streetscape improvements.

6. The terms and provisions of this letter agreement shall benefit and be binding on and fully enforceable against the successors and assigns of New Season CDC and Emerald Homes. The proper venue to enforce this agreement or for its breach is stipulated to be Yolo County. If any action at law or in equity is commenced to enforce or interpret the terms of this agreement, then the prevailing party to such action shall be entitled to reasonable attorneys' fees and costs, in addition to other relief to which it may be entitled. This agreement represents the entire agreement between the parties and supersedes any and all other agreements, either oral or in writing, between the parties with respect to this grant. Any modifications shall be effective only if it is in writing, signed by the party to be charged. This agreement shall be deemed to be jointly prepared by the parties hereto, and neither will claim the benefit of the rule of interpretation of this State, by statute or otherwise, which could cause ambiguities in this agreement to be interpreted against the party who drafted it. The waiver by one party hereto of any breach of any term or condition of this agreement shall not be deemed a waiver of any subsequent breach for the same or other terms and conditions of this agreement. This agreement may be executed in two original counterparts.

If the form of this letter agreement and the commitments provided by Emerald Homes and New Season CDC in this letter are acceptable to the Board of Directors, then Jim and Sue should sign

New Season Community Development Corporation
Attn: Hanan Bowman, Executive Director
September 14, 2007
Page 3

both original counterparts on behalf of the corporation in the signature block below. Please return one original counterpart to me. Again, Emerald Homes thanks the people in New Season CDC, as well as Capay Valley Vision, for all their efforts on behalf of the Esparto community.

Sincerely,

Emerald Homes LT, LLC,
a California limited liability company

By: 

Jeffrey L. Robinson
Its: Manager

Understood and agreed. The Board of Directors has authorized the undersigned to execute this agreement on behalf of the corporation.

New Season Community Development Corporation

By: _____

Jim Durst
Its: President

By: _____

Sue Heitman
Its: Secretary

EXHIBIT D

**ESTIMATES AND DEPICTIONS FOR THE ALPHA STREET EXTENSION AND
E. PARKER SECONDARY ACCESS IMPROVEMENTS**

ALPHA STREET EXTENSION, SEE EXHIBIT E, PG.1

TOWN OF ESPARTO, YOLO COUNTY

ENGINEER'S OPINION OF COST FOR ALPHA STREET EXTENSION IMPROVEMENTS

(FROM NORTH SIDE OF PLAINFIELD ST. TO STATE ROUTE 16, INCLUDES

DECELERATION LANE ON STATE ROUTE 16)

BASED ON: TENTATIVE MAP NO. 4755 DATED MAY 30, 2007

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
1	SITE PREPARATION, MOBILIZATION, CLEANING & GRUBBING	1 JOB	LUMP SUM	15,000.00
2	ROUGH GRADING	1 JOB	LUMP SUM	15,000.00
3	4" AC & 16" AB (T.I. = 7.0)	48,448 SF	4.50	218,016.00
4	INSTALL CURB & GUTTER ON BOTH EAST & WEST SIDE OF ALPHA STREET	1,592 LF	25.00	39,800.00
5	INSTALL MONOLITHIC SIDEWALK ON BOTH THE EAST & WEST SIDE	7,960 SF	5.50	43,780.00
6	LANDSCAPING (ON ALPHA STREET)	7,960 SF	5.00	39,800.00
7	15" STORM DRAIN PIPE	157 LF	75.00	11,775.00
8	STREET LIGHTS, INCLUDING CONDUIT, WIRES, BOXES, ETC.	2 EACH	3,000.00	6,000.00
9	ACCESSIBLE RAMPS CURB & SIDEWALK CR TO CR ON 4" AB	4 EACH	2,500.00	10,000.00
10	SAWCUT EXISTING PAVING (ON STATE ROUTE 16, DECELERATION LANE)	874 LF	1.00	874.00
11	SIGNING & STRIPING	1 JOB	LUMP SUM	15,000.00
12	ROW TO ROW GRADING	90,744 SF	0.60	54,446.40
13	POWER POLE RELOCATION	2 EACH	20,000.00	40,000.00
14	INSTALL BOX CULVERTS/ BRIDGE	1 JOB	LUMP SUM	340,000.00
15	TRAFFIC CONTROL	1 JOB	LUMP SUM	15,000.00
CONSTRUCTION SUBTOTAL				\$864,491.40
20% CONTINGENCY (PRIOR TO PLANS)				\$172,898.28
5% ENGINEERING FEES				\$43,224.57
TRAFFIC ENGINEERING				\$25,000.00
PERMITTING AND MITIGATION FEES FOR BRIDGE CROSSING				\$50,000.00
ALPHA STREET EXTENSION IMPROVEMENTS TOTAL				\$1,155,614.25

E. PARKER SECONDARY ACCESS, SEE EXHIBIT E, PG.2

TOWN OF ESPARTO, YOLO COUNTY

ENGINEER'S OPINION OF COST FOR E. PARKER SECONDARY ACCESS
IMPROVEMENTS (FROM NORTH SIDE OF ADAN ST. TO STATE ROUTE 16,
INCLUDES RIGHT TURN LANE TAPER ON STATE ROUTE 16)

BASED ON: TENTATIVE MAP NO. 4755 DATED MAY 30, 2007

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
1	SITE PREPARATION, MOBILIZATION, CLEANING & GRUBBING	1 JOB	LUMP SUM	10,000.00
2	ROUGH GRADING	1 JOB	LUMP SUM	10,000.00
3	4" AC & 16" AB (T.I. = 7.0)	29,179 SF	4.50	131,305.50
4	INSTALL CURB & GUTTER ON BOTH EAST & WEST SIDE OF SECONDARY ACCESS	856 LF	25.00	21,400.00
5	INSTALL MONOLITHIC SIDEWALK ON BOTH THE EAST & WEST SIDE	4,280 SF	5.50	23,540.00
6	LANDSCAPING (ON SECONDARY ACCESS)	4,280 SF	5.00	21,400.00
7	STREET LIGHTS, INCLUDING CONDUIT, WIRES, BOXES, ETC.	1 EACH	3,000.00	3,000.00
8	ACCESSIBLE RAMPS CURB & SIDEWALK CR TO CR ON 4" AB	2 EACH	2,500.00	5,000.00
9	SAWCUT EXISTING PAVING (ON STATE ROUTE 16, TAPER LANE)	570 LF	1.00	570.00
10	SIGNING & STRIPING	1 JOB	LUMP SUM	10,000.00
11	ROW TO ROW GRADING	48,792 SF	0.60	29,275.20
12	TRAFFIC CONTROL	1 JOB	LUMP SUM	15,000.00
CONSTRUCTION SUBTOTAL				\$280,490.70
20% CONTINGENCY (PRIOR TO PLANS)				\$56,098.14
5% ENGINEERING FEES				\$14,024.54
E. PARKER SECONDARY ACCESS IMPROVEMENTS TOTAL				\$350,613.38

Plot with 16.65x26 and to extents

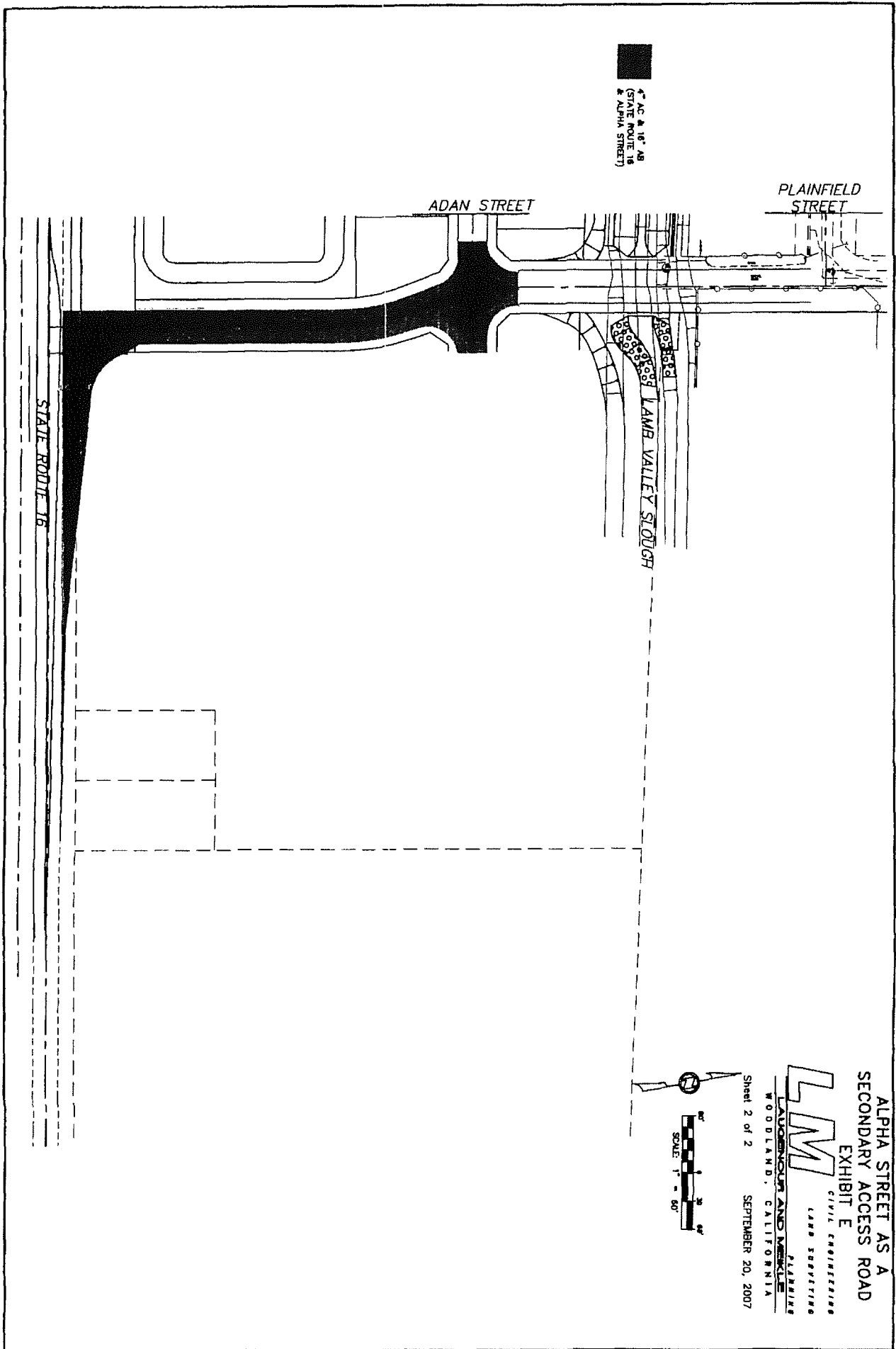


EXHIBIT E

**ESTIMATE AND DEPICTION FOR STATE ROUTE 16/COUNTY ROAD 86A
INTERSECTION IMPROVEMENTS**

STATE ROUTE 16 @ 86 A, SEE EXHIBIT E

TOWN OF ESPARTO, YOLO COUNTY

ENGINEER'S OPINION OF COST FOR STATE ROUTE 16 CONSTRUCTION IMPROVEMENTS

EXCLUDING CONSTRUCTION FOR: SIGNAL AND LANDSCAPING

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
1	SITE PREP, MOBILIZATION, CLEARING AND GRUBBING	1 JOB	LUMP SUM	32,000.00
2	ROUGH GRADING	1 JOB	LUMP SUM	17,000.00
3	4" AC & 16" AB (INCLUDES 8' SHOULDER ON NORTH & SOUTH SIDE OF ST. ROUTE 16 ALONG FRONTAGE. IMPROVEMENTS AT THE INTERSECTION OF 86A & STATE ROUTE 16 INCLUDE RIGHT TURN LANE SOUTHBOUND FROM ST. ROUTE 16, LEFT TURN LANE NORTHBOUND FROM ST. ROUTE 16, LEFT TURN LANE SOUTHBOUND FROM ST. ROUTE 16, AND RIGHT TAPER NORTHBOUND FROM ST. ROUTE 16.)	51,048 SF	5.25	268,002.00
4	SAWCUT EXISTING PAVING	2,082 LF	1.00	2,082.00
5	SIGNING AND STRIPING	1 JOB	LUMP SUM	15,000.00
6	MAINTAINING TRAFFIC CONTROL AND PUBLIC SAFETY	1 JOB	LUMP SUM	10,000.00
7	GRIND AND OVERLAY	63,216 SF	1.50	94,824.00
8	INSTALL CONDUIT FOR FUTURE TRAFFIC LIGHT INSTALLATION AT 86A & STATE ROUTE 16 INTERSECTION	1 JOB	LUMP SUM	5,000.00
CONSTRUCTION SUBTOTAL				\$443,908.00
20% CONTINGENCY (PRIOR TO PLANS)				\$88,781.60
5% ENGINEERING				\$22,195.40
TRAFFIC ENGINEERING				\$25,000.00
CALTRANS PLAN CHECK FEE DEPOSIT				\$5,000.00
SR16 CONSTRUCTION TOTAL				\$584,885.00

1" AC & 18" AG
(STATE ROUTE 16 &
ALPHA STREET)
GRIND & OVERLAY
(STATE ROUTE 16)

SEE ABOVE

SEE ABOVE

ALPHA ST.

ALPHA ST.

SEE BELOW

SEE BELOW



Sheet 1 of 1 SEPTEMBER 20, 2007

LMM
LUDENSCHEM AND MENZIE
WOODLAND, CALIFORNIA
PLANNERS
LAND SURVEYING
CIVIL ENGINEERING

STATE ROUTE 16 & 86A
INTERSECTION IMPROVEMENTS
EXHIBIT E

EXHIBIT F

**ESTIMATE AND DEPICTION FOR THE SOUTH SIDE INGRESS AND EGRESS
IMPROVEMENTS AT STATE ROUTE 16/COUNTY ROAD 86A INTERSECTION**

(SOUTH) INTERSECTION IMPROVEMENTS TO SR16 AND 86A (SEE EXHIBIT F, PAGE 1)
TOWN OF ESPARTO, YOLO COUNTY

ENGINEER'S OPINION OF COST FOR IMPROVEMENTS AT SR16 AND 86A
 DUE TO DEVELOPMENT OF GAS STATION BASED ON CALTRANS
 FIGURE 405.7 (PUBLIC ROAD INTERSECTION)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
1	SITE PREP, MOBILIZATION, CLEARING AND GRUBBING	1 JOB	LUMP SUM	5,000.00
2	ROUGH GRADING	1 JOB	LUMP SUM	3,000.00
3	4" AC & 16" AB	7,603 SF	5.25	39,915.75
4	GRIND AND OVERLAY	10,090 SF	1.50	15,135.00
4	SAWCUT EXISTING PAVING	1 JOB	3,000.00	1,000.00
5	SIGNING AND STRIPING	1 JOB	LUMP SUM	1,000.00
6	MAINTAINING TRAFFIC CONTROL AND PUBLIC SAFETY	1 JOB	LUMP SUM	2,000.00
CONSTRUCTION SUBTOTAL				\$67,050.75
20% CONTINGENCY (PRIOR TO PLANS)				\$13,410.15
5% ENGINEERING				\$3,352.54
TRAFFIC ENGINEERING				\$1,341.02
CALTRANS PLAN CHECK FEE DEPOSIT				\$5,000.00
SR16 CONSTRUCTION TOTAL				\$90,154.45

**Prices based on construction bids for Lopez (Ryland Homes) subdivision 3/7/2006

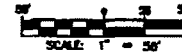
LEGEND



4" AC & 1 1/2" AB (7,803 SF)

GRIND & OVERLAY (10,080 SF)

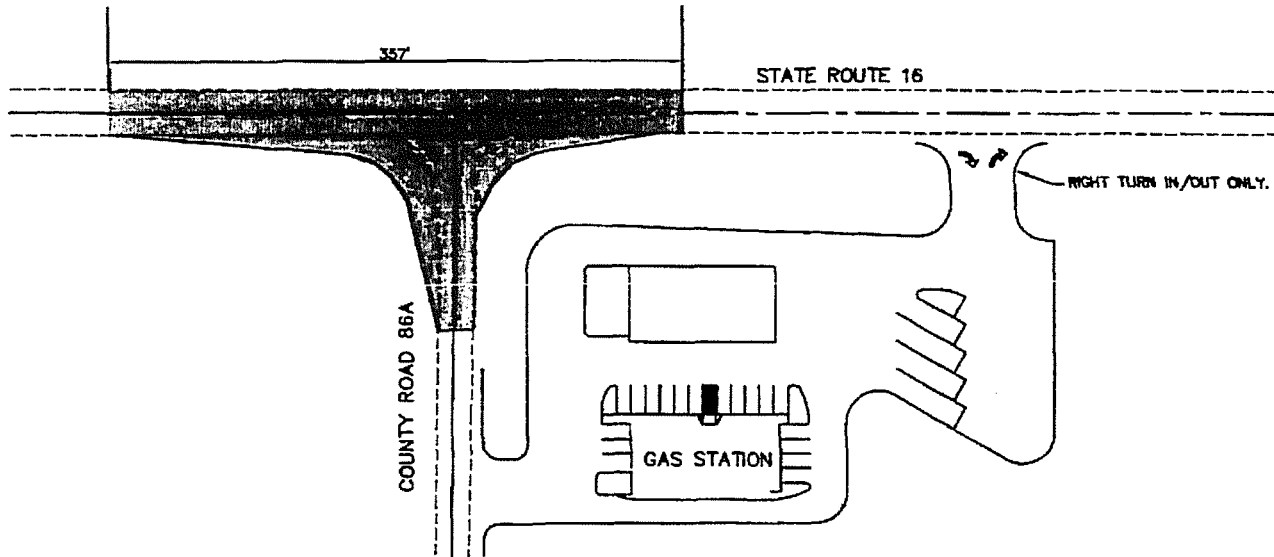
EXHIBIT 'F' PAGE 1*
STATE ROUTE 16 & 86A
INTERSECTION IMPROVEMENTS REQUIRED FOR JOHN
DETERDING GAS STATION
(BASED ON CALTRANS HIGHWAY DESIGN MANUAL FIGURE
405.7 PUBLIC ROAD INTERSECTION)



SCALE 1" = 30'

LM CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUDENBACH AND MERRILL
WOODLAND, CALIFORNIA

Sheet 1 of 2 OCTOBER 5, 2007



* THIS INTERSECTION IS WITHIN CALTRANS RIGHT OF WAY AND WILL REQUIRE AN ENCROACHMENT PERMIT FROM CALTRANS IN ORDER TO BE CONSTRUCTED. CALTRANS MAY REQUIRE MORE IMPROVEMENTS THAN ARE SHOWN ON THIS EXHIBIT.

(NORTH) INTERSECTION IMPROVEMENTS TO SR16 AND CR86A (SEE EXHIBIT F, PAGE 2)
TOWN OF ESPARTO, YOLO COUNTY

ENGINEER'S OPINION OF COST FOR IMPROVEMENTS AT SR16 AND 86A
 DUE TO DEVELOPMENT OF E. PARKER SUBDIVISION BASED ON
 CALTRANS FIGURE 405.7 (PUBLIC ROAD INTERSECTION)

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
1	SITE PREP, MOBILIZATION, CLEARING AND GRUBBING	1 JOB	LUMP SUM	5,000.00
2	ROUGH GRADING	1 JOB	LUMP SUM	3,000.00
3	4" AC & 16" AB	9,032 SF	5.25	47,418.00
4	GRIND AND OVERLAY	10,090 SF	1.50	15,135.00
4	SAWCUT EXISTING PAVING	1 JOB	3,000.00	1,000.00
5	SIGNING AND STRIPING	1 JOB	LUMP SUM	1,000.00
6	MAINTAINING TRAFFIC CONTROL AND PUBLIC SAFETY	1 JOB	LUMP SUM	2,000.00
CONSTRUCTION SUBTOTAL				\$74,553.00
20% CONTINGENCY (PRIOR TO PLANS)				\$14,910.60
5% ENGINEERING				\$3,727.65
TRAFFIC ENGINEERING				\$1,491.06
CALTRANS PLAN CHECK FEE DEPOSIT				\$5,000.00
SR16 CONSTRUCTION TOTAL				\$99,682.31

**Prices based on construction bids for Lopez (Ryland Homes) subdivision 3/7/2006

LEGEND

4" AC & 16" AS (9,032 SF)

GRIND & OVERLAY (10,088 SF)

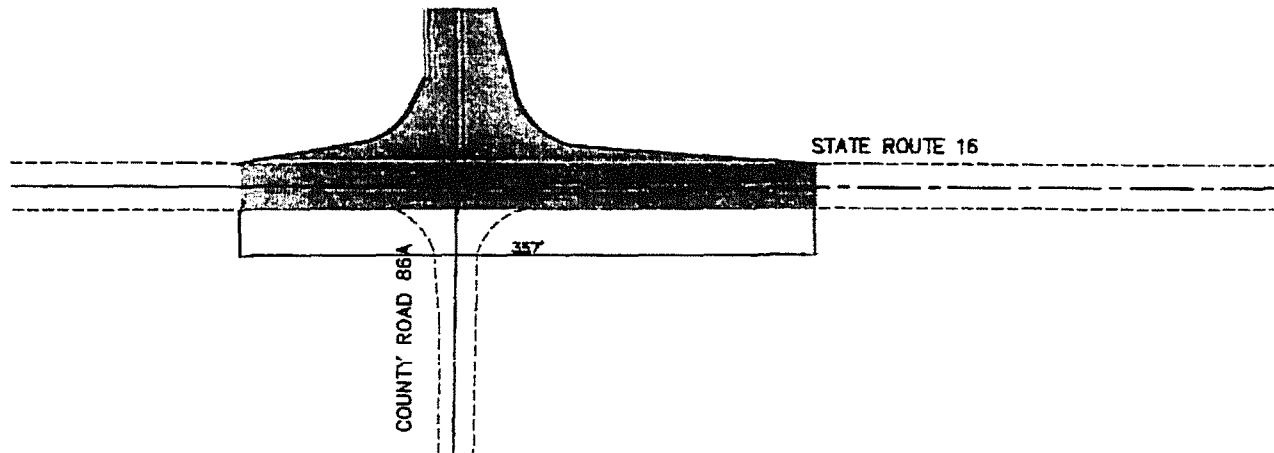
EXHIBIT 'F' PAGE 2*
STATE ROUTE 16 & 86A
INTERSECTION IMPROVEMENTS REQUIRED FOR E. PARKER
(BASED ON CALTRANS HIGHWAY DESIGN MANUAL FIGURE
405.7 PUBLIC ROAD INTERSECTION)



SCALE: 1" = 50'

LM CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUGENBUR AND NEALE
WOODLAND, CALIFORNIA

Sheet 2 of 2 OCTOBER 5, 2007



* THIS INTERSECTION IS WITHIN CALTRANS RIGHT OF WAY AND WILL REQUIRE AN ENCROACHMENT PERMIT FROM CALTRANS IN ORDER TO BE CONSTRUCTED. CALTRANS MAY REQUIRE MORE IMPROVEMENTS THAN ARE SHOWN ON THIS EXHIBIT.

EXHIBIT G

EXAMPLE OF REIMBURSEMENT SCENARIO UNDER ARTICLE 4

An example of how the reimbursement might work is as follows. The Orciuoli Project proceeds first. It makes its two reimbursement payments to the County, which holds those payments in trust. The E. Parker Project proceeds next, before the Story Project and Deterding's gas station project. The E. Parker Developer constructs the intersection improvements at State Route 16 and County Road 86A and the secondary access at the end of what will be Alpha Street, between Adan Street and State Route 16. The Director determines all the actual costs for that construction after they are accepted as complete. The County pays one-half the Orciuoli Project reimbursement amount held in trust to the E. Parker Developer. The Story Developer later constructs the extension of Alpha Street. The Director determines all of the actual costs for that construction. It is more than \$900,000. The County pays the remaining half of the Orciuoli Project reimbursement amounts held in trust to the Story Developer. The gas station proceeds next and, prior to the issuance of its certificate of occupancy, pays one hundred thousand dollars (\$100,000), and the County reimburses the E. Parker Developer that amount. The County has determined the actual costs incurred by the E. Parker Developer for the south side access improvements depicted in Exhibit F are one hundred ten thousand dollars (\$110,000). Deterding pays the \$10,000 difference (between the total cost and the amount previously paid) to the County prior to approval of the next final subdivision map (or building permit as to a commercial or light industrial building) for one of its other South of State Route 16 Projects, plus whatever it owes for cumulative circulation improvements based on the single family unit, multi-family unit, commercial and light industrial formula. The County then reimburses the E. Parker Developer the ten thousand dollars (\$10,000) difference and upon receipt allocates the cumulative reimbursements from that other South of State Route 16 Project fifty-fifty between the E. Parker Developer and the Story Developer. The Town Center Project final subdivision map is filed after the Story Developer and E. Parker Developer complete the two improvements, and Deterding pays the required reimbursement amount, at that time or at building permit for commercial uses, of two hundred seventy five thousand dollars (\$275,000) for cumulative circulation improvements to the County (calculated based on the number and type of units and commercial square footage in the approved Town Center Project), and the County upon receipt pays it fifty-fifty to the E. Parker Developer and the Story Developer (the maximum payment due to the two developers has not yet been reached). Two of the Other Development Projects receive building permits and pay reasonable reimbursement amounts, including interest, determined by the County. The E. Parker Developer is fully reimbursed with less than half of that amount. The balance is paid Story Developer. A final subdivision map for Deterding's project on its 70-acre property is approved and reimbursement is paid in the amount of seventy five thousand dollars (\$75,000), because with that amount the E. Parker Developer and Story Developer are reimbursed to the maximum amount, plus the interest from Other Development Projects and bridge fee waiver amount previously paid to the County through earlier reimbursements.