

# ATTACHMENT D

**FINDINGS  
ZONE FILE #2023-038  
ISC ENTERPRISES, INC.  
CANNABIS USE PERMIT**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2023-038, the Yolo County Planning Commission finds the following:<sup>1</sup>

## **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 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

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<sup>1</sup> 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)).

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 proponent proponents decline to adopt.

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

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

**II. Findings Related to the Cannabis Land Use Ordinance**

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

*(A summary of the evidence to support each FINDING is shown in italics)*

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 cultivation canopy. Additionally, the project includes the issuance of a processing license and a distribution license. The subject property is zoned Agricultural Intensive (A-N). Pursuant to Article 3, of Chapter 2, of Title 8 of the Yolo*

*County Code, cannabis cultivation, processing, and distribution uses are permitted in the A-N zone upon issuance of a use permit.*

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

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

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

*The project has undergone a thorough review against the applicable provisions of the Cannabis Land Use Ordinance (CLUO) and Article 3 (Agricultural Zones) of Chapter 2 of Title 8 of the Yolo County Code. The project, as conditioned, is determined to be in compliance with the CLUO and zoning requirements applicable in the Agricultural Zones.*

*The applicable provisions of the Cannabis Land Use Ordinance are included as conditions of approval. The operator is required to submit an annual report on July 1 of each year starting the first July in the year after permit issuance documenting compliance with the Cannabis Use Permit requirements.*

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

*Cannabis cultivation and associated uses, such as onsite processing and distribution, are permitted in agricultural zones with a use permit. ISC Enterprises has been cultivating cannabis on an annual basis under validly issued county and state licenses since 2017, except for 2022, when the applicant only stored dried cannabis product from the previous season. The project site is located in an agriculturally zoned area and surrounding land uses are generally agricultural organic grain and row crops to the north, pistachio orchard, alfalfa/grain, and row crops to the east, alfalfa to the south, and grain and row crops to the west. The property does not have any screening or fencing, as the project site is bordered by ditches and is more than 1,781 feet from the nearest public right-of-way. The outdoor cannabis uses are not visible from the public right-of-way.*

*The operator has prepared a security plan and will implement measures to secure the property, such as security cameras, motion detectors, alarms, security guards (when necessary), and administrative controls. The operator is also required to provide property owners within 1,000 feet of the property line with an operable method of communication with a local or on-site responsible party having prompt access to the site, operations, and activities. This requirement facilitates communication between neighbors related to conditions at the site and operation of the activity.*

*The operator submitted an odor control plan that describes the odor emitting activities and the administrative and passive controls to reduce and control odors to the greatest extent possible. If odor nuisances are verified pursuant to the enforcement procedure set forth in the CLUO, the operator may employ active controls, such as odor neutralizers for the outdoor canopy or carbon filtration systems for the processing/distribution building, as well*

*as passive controls such as additional vegetation barriers, different plant strains, and relocation of the outdoor canopy area.*

*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 nearest unincorporated communities are more than three miles away: Yolo to the south, and Knights Landing to the east. The site is surrounded by agricultural land uses, as described above. The nearest agricultural residence is approximately 1,600 feet from the nearest extent of the proposed outdoor cannabis cultivation area. There are approximately 8 residences within 1/2-mile of the project site located on agriculturally zoned land. These parcels range from approximately 30 acres to 320 acres in size. According to 2020 Census data, the total population within the 95695 Zip Code, which includes the City of Woodland, is 38,956 persons (14,439 households). Pursuant to the CLUO, the ISC Enterprises operation is not located within an over-concentrated area.*

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

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

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

*There have been no nuisance complaints reported to the County's Cannabis Unit regarding the cannabis operations dating back to 2019 (the Department of Community Services Cannabis Unit maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services). Additionally, no Notice of Violations have been issued for the project site. The area surrounding the project site is not known to have an unusual amount of reported nuisance complaints.*

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

*The community character of the area is typical of the rural, working agricultural landscape found throughout the unincorporated county. Cannabis cultivation and associated uses are considered agricultural land uses in the General Plan and allowed with a use permit in the A-N zone. The project, as conditioned, requires the permittee to maintain, manage, and operate the site, all improvements and alterations, and all structures, in good repair, acceptable in appearance, and in a reasonable safe condition. Measures are in place to protect the rural night sky by requiring exterior lighting to be full cut-off, shielded, and downward facing. Lighting is not allowed within hoop houses or for any other outdoor cannabis 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 July 17, 2024. Additionally, the Courtesy Notice was emailed to the interested parties list maintained by the Planning Division. Staff received one response from a member of the public (Chad Roberts) stating that the project appears to be consistent with the County's General Plan requirements and current ordinances. Staff also received a comment letter from the Yocha Dehe Wintun Nation ("Tribe") dated August 30, 2024, stating that the project is not within a Cultural Resource or Tribal Trust land buffer and that they have no objections to the project as proposed with the inclusion of standard treatment protocols for inadvertent finds of tribal cultural resources.*

*The project site is located within the boundary of the Yolo-Zamora Citizens Advisory Committee (CAC) comment area; however, the Yolo-Zamora CAC is not an active committee due to lack of membership, and therefore did not convene to discuss and make a recommendation on the project.*

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

*The project is served by PG&E and is conditioned to achieve Valley Clean Energy ultra-green or equivalent standard (100 percent renewable and 100 percent carbon-free). Access to the property is from County Road 14 via an existing 20-foot-wide gravel driveway that extends approximately 1,820 feet north from County Road 14 along the western boundary of APN 056-190-017, which is also owned by the Johnstons. As required by the Public Works Division, the project is conditioned to secure an encroachment permit to improve the commercial/residential driveway connection(s) to County Road 14 and bring them into conformance with the Yolo County Improvement Standards. The site is conditioned to be served by an on-site wastewater treatment system (septic system) for domestic wastewater, as approved and regulated by the Environmental Health Division. Industrial strength waste (e.g., wastewater from processing) is regulated by the State Regional Water Quality Control Board and is not approved to be discharged into the septic system. The project proposes one new 4,800 SF processing and distribution facility, and four additional hoop houses. 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.

*ISC Enterprises is considered an 'Existing Licensee' and the operation is located outside of the Capay Valley, an area identified in the CLUO EIR as overconcentrated. The remaining unincorporated area of the County is not considered to be over-concentrated. Therefore, the project site is not located in an area considered to be over-concentrated.*

*The nearest existing/licensed cannabis operations is approximately five miles west of the project site. All other existing/licensed cannabis operators are more than seven miles from the extent of ISC Enterprises' property boundary. It is noted that there was a licensed cannabis operation approximately three miles southeast of ISC Enterprises; however, the Planning Commission denied the use permit request for this operation and their State cannabis license has since expired.*

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

*As stated in Finding 6, above, the project site is not within an area that is considered over-concentrated. The nearest existing/licensed cannabis operations is approximately five miles west of the project site. All other existing/licensed cannabis operators are more than 7 miles from the extent of ISC Enterprises' property boundary. The nearest agricultural homesite (to the east) is approximately 1,600 feet from the extent of the proposed outdoor cultivation area and the nearest homesites in a residential zone are more than three miles south (unincorporated community of Yolo) and three miles east (unincorporated community of Knights Landing).*

*ISC Enterprises currently meets, and will continue to maintain, all CLUO buffers from sensitive land uses. There are approximately 8 residences within 1/2-mile of the project site located on agriculturally zoned land. These parcels range from approximately 30 acres to 320 acres in size. The nearest agricultural residence is approximately 1,600 feet to the east of the extent of the proposed outdoor cultivation area and the nearest residential homesites are more than 3 miles to the south (Yolo) and to the east (Knights Landing).*

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

*The surrounding land uses are zoned A-N and are generally agricultural organic grain and row crops to the north, pistachio orchard, alfalfa/grain, and row crops to the east, alfalfa to the south, and grain and row crops to the west. The property does not have any screening or fencing, as the project site is bordered by ditches and both the existing and proposed outdoor cannabis uses will be approximately 1,791 feet from County Road 14 to the south, 2,842 feet from County Road 98 to the west, 2,976 feet from County Road 13 to the north, and 4,389 feet from State Route 113 to the east. The project site is mostly flat with open topography and has been previously disturbed with agricultural uses. The majority of the site drains southeast to northwest into vegetative ditches that run along the perimeter of the parcel.*

*The existing hoop houses, administrative hold area, and processing facility are located within an existing 4-acre graveled yard along the western portion of the project site and the outdoor cannabis cultivation area is centrally located on the site. The four proposed hoop houses and 4,800 SF processing and distribution facility will be located within the previously disturbed and graveled footprint near the existing cannabis uses. The existing and proposed structures meet the required setbacks set forth in the Yolo County Code. The project complies with the CLUO buffer requirements from sensitive land uses.*

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

*ISC Enterprises first received a cultivation license in 2017. The operator has not received a Notice of Violation. No complaints about this operation have been lodged with the Cannabis Unit per records maintained by the Department of Community Services (the Department of Community Services maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services).*

*Staff coordinated with the County Department of Financial Services to produce a history of cannabis and property tax payments for the site, which verified that ISC Enterprises, Inc., and the property owner, are up to date on their property taxes and cannabis taxes.*

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

*The subject parcel is ±40 acres and is mostly flat with open topography and has been previously disturbed with agricultural uses. Existing development currently occupies approximately 3.4 acres of the site and includes a 320 SF compost area, four metal shipping containers for storage (1,280 SF), a 192 SF storage structure, a 2,400 SF cannabis processing facility, and eight hoop houses (720 SF each). These structures are located on the western portion of the project site within an existing 4-acre graveled area. The approximately 2-acre outdoor canopy cultivation area is centrally located on the project site. The property has traditionally been used for agricultural purposes and the remaining ±36.6 acres are planted in safflower and are not intended for cannabis use.*

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 commented that there are no known compatibility issues, as cannabis has largely been grown near the center of the project site since 2017. In addition, the Agricultural Commission found no compatibility concerns with the adjacent properties or crops, or concerns with agricultural maintenance or screening/fencing issues. The Agricultural Commissioner did acknowledge that the applicant will have to obtain an Operator ID for pesticide use issued by the Agricultural Commission prior to any application of pesticides. ISC Enterprises would also be responsible for all employees who apply pesticides, requiring that employees must hold a current Private Application Certificate (PAC) or Qualified Applicator License (QAL) (which was previously acquired but had expired in December of 2022), follow all applicable pesticide laws and regulations, and all pesticide use must be reported to the Agricultural Department by the 10<sup>th</sup> of the following month that the application took place.*

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

*ISC Enterprises has been cultivating cannabis annually under validly issued County and State licenses since 2017. The CLUO establishes the regulatory framework for permitting cannabis related uses in a transparent and equitable process. The use permit process allows for fairness, regardless of race, color, national origin or income, and the meaningful involvement of community in the decision-making process. The County has not deemed additional cultural, social, equity, and environmental justice concerns applicable, as this project is not located in an area considered to be over-concentrated nor has it been identified to be located in a disadvantaged community. The operators were provided an*

*equitable opportunity to apply for a cannabis use permit pursuant to the CLUO, and the public was provided opportunities to comment on the project, and participate in a public hearing at the February 13, 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 buildings and structures that are used to support the cannabis operations are clustered near the western portion of the project site within a previously disturbed/graveled area. The property has traditionally been used for agricultural purposes and the cannabis operation encompasses approximately 3.4 acres of the project site. The remaining ±36.6 acres are planted in safflower and are not intended for cannabis use. A new 4,800 SF processing and distribution facility is proposed, as well as four new hoop houses, within the previously disturbed areas. The proposed cultivation expansion area will be located immediately east of the existing outdoor cannabis cultivation area, encompassing an additional two acres of a previously disturbed agricultural field.*