

ATTACHMENT D

FINDINGS ZONE FILE #2023-046 KIND FARMS LLC CANNABIS USE PERMIT

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2023-046, the Yolo County Planning Commission finds the following:¹

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 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.

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)).

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:

(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 cannabis canopy and issuance of a self-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 is permitted in the A-N zone upon issuance of a use permit. Cannabis cultivation includes activities involving the planting, growing, harvesting, drying, curing, grading, storing, and trimming of cannabis grown onsite.

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

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

3. The proposed use complies with each of the applicable provisions of the CLUO and other applicable sections of the County Zoning Regulations.

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

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

Cannabis cultivation and associated uses, such as onsite processing, are permitted in agricultural zones with a use permit. The project site is located in an agriculturally zoned area and is surrounded by agriculturally zoned land in all directions. The proposed indoor cultivation area is set back approximately 432 feet from the eastern property line and approximately 452 feet from County Road 89.

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 operator submitted an odor control plan that describes the odor emitting activities and the administrative and engineering controls to reduce and control odors to the greatest extent possible. The greenhouse is equipped with a ventilation system that uses carbon filters to filter the exhaust from the indoor canopy odors prior to outside ventilation. The entire volume of the greenhouse is processed through the carbon filters every 15 minutes. The proposed greenhouse will also use carbon filters. The operator also implements administrative controls, such as daily inspections for odors and operations for potential negative impact.

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 ±68 to ±117 acres. There are approximately six 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 Madison, which is located approximately three and a half miles north of the project site. According to 2020 Census data, the total population within the 95694 Zip Code, which includes Winters, is 9,629 persons (3,469 households). Pursuant to the CLUO, the Kind Farms 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 Madison area. There is nothing to suggest that existing cannabis cultivation activities at the Kind Farms operation caused a noticeable increase in crime in the Madison/Winters area. Further, the Yolo County Sheriff's Office provided anecdotal information that their office is not aware of any major crimes occurring on licensed cannabis cultivation sites throughout the county.

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

There have been no nuisance complaints reported to the County's Cannabis Unit regarding the Kind Farms operation dating back to 2019 (the Department of Community Services maintains complaint data going back to 2019 when the Cannabis Unit was relocated to Community Services). The operator has received one Notice of Violation from the Cannabis Unit on September 23, 2019, for cultivation canopy exceeding the scope of the license ("over-canopy"). The NOV was swiftly remedied. The area surrounding the project site is not known to have an unusual amount of reported nuisance complaints.

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

The community character of the area is typical of the rural, working agricultural landscape found throughout the unincorporated county. Cannabis cultivation and associated uses are considered agricultural land uses in the General Plan and allowed with a use permit in the A-N zone. The project, as conditioned, requires the permittee to maintain, manage, and operate the site, all improvements and alterations, and all structures, in good repair, acceptable in appearance, and in a reasonable safe condition. Cannabis cultivation and ancillary activities are setback 452 feet from County Road 89, and the applicant proposes to install security fencing around the property's perimeter to reduce visibility from the public. Measures are in place to protect the rural night sky by shrouding greenhouse structures (internal blackout curtains) and requiring exterior lighting to be full cut-off, shielded, and downward facing.

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

A Courtesy Notice was mailed to property owners within 1,000 feet of the property boundary of the subject parcel on April 16, 2024. Additionally, the Courtesy Notice was emailed to the interested parties list maintained by the Planning Division on April 16, 2024. The project site is located within the boundary of the Madison Advisory Committee comment area; however, the Madison Advisory Committee is not an active committee due to lack of membership. The Courtesy Notice was sent to the two committee members on record. No public comments were received throughout the application review process.

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

The project is served by PG&E and is conditioned to achieve Valley Clean Energy ultra-green or equivalent standard for electric power (100 percent renewable and 100 percent carbon-free). Access to the property is from an existing 20' private driveway via County Road 89, with internal dirt and gravel roads leading to the existing indoor and outdoor cultivation sites. The homesite and existing greenhouse is served by an on-site wastewater treatment system (septic system) as approved and regulated by the Environmental Health Division. 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.

Kind Farms 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 Yolo County, outside of the Capay Valley, is not considered to be over-concentrated for Existing Licensees.

The nearest licensed cannabis operation is approximately four miles northeast of the project site. All other existing/licensed cannabis operations are more than five miles from the extent of the Kind Farms property boundary.

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 overconcentrated. The nearest existing/licensed cannabis operation is approximately four miles northeast from the extent of the Kind Farms property boundary. There are six agricultural homesites within 0.5-mile of the Kind Farms property boundary. There are no homes on residentially zoned land within 0.5 miles of the Kind Farms property boundary. The nearest off-site residences are approximately 750 feet and 800 feet to the southwest of the outdoor canopy on A-N zoned parcels.

The Kind Farms property boundary is approximately 3.5 miles south of the town of Madison, and approximately 5.75 miles north of Winters.

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

The existing cultivation area consists of both indoors (greenhouse), and outdoor cultivation. The existing indoor cultivation is located towards the northeastern property line of the ±20-acre parcel, and the existing outdoor cultivation is located towards the southeastern property line. Kind Farms proposes to cease outdoor cultivation activities to exclusively cultivate cannabis indoors. The proposed new greenhouse will be located where the outdoor cannabis is currently cultivated. The surrounding properties in all directions are agriculturally zoned and are in agricultural production. The parcel to the west is farmed in tomatoes, and the parcels to the south, east, and north are planted in walnuts. The cultivation area is located is a relatively flat pasture with various trees and shrubbery. The project will comply with the CLUO buffer requirements from sensitive land uses (i.e., 100 feet from indoor cannabis uses to off-site rural residences).

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

Kind Farms first received a license to cultivate cannabis in 2018. No formal 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). The operator has received one Notice of Violation from the Cannabis Unit on September 23, 2019, for cultivation canopy exceeding the scope of the license ("over-canopy"). The NOV was swiftly remedied. Kind Farms and the property owner are up to date on license application fee payments, property tax payments, and cannabis tax payments.

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

The subject parcel is ±20 acres and contains an unoccupied residence, a hay barn, a car port, and several outbuildings and storage containers. The parcel is rectangular shaped, and the property is visible from County Road 89 which borders the parcel to the west. Proposed site improvements on the non-cannabis portions of the property include a six-foot-tall slat fence around the facility. The majority of the site will be utilized for cannabis cultivation and residential uses.

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 the project does not create a potential for conflict with adjacent and nearby properties and their associated crops. The surrounding land uses in all directions are zoned A-N and are in agricultural production. The parcel to the west is farmed in tomatoes, and the parcels to the south, east, and north are planted in walnuts

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

Kind Farms has been cultivating cannabis annually (with the exception of 2023) under validly issued County and State licenses since 2018. The CLUO establishes the regulatory framework for permitting cannabis related uses in a transparent and equitable process. The use permit process allows for fairness, regardless of race, color, national origin or income, and the meaningful involvement of community in the decision-making process. The County has not deemed additional cultural, social, equity, and environmental justice concerns applicable, as this project is not located in an area considered to be over-concentrated nor has it been identified to be located in a disadvantaged community. The operator was provided an equitable opportunity to apply for a Cannabis Use Permit pursuant to the CLUO, and the public was provided opportunities to comment on the project and participate in a public hearing at the April 10, 2025, Planning Commission meeting.

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

The existing cultivation area is located within a permitted 49,392 square feet mixed light greenhouse and consists of 19,008 SF of flowering area, 5,208 SF of immature plant area, and the remaining 25,176 SF is comprised of drying/processing rooms, a propagation room, restrooms, a break room, etc. The outdoor cultivation area is approximately 4.7 acres with 24,360 SF of flowering canopy. The applicant is proposing to eliminate outdoor cannabis cultivation, and exclusively cultivate indoors. The existing indoor cultivation is located towards the northeastern property line of the ±20-acre parcel, and the existing outdoor cultivation is located towards the

southeastern property line. The applicant proposes to build a new 98,784 SF greenhouse in the location of the existing outdoor cultivation area. The remaining property contains an unoccupied residence, a hay barn, a car port, and several outbuildings and storage containers. The project is conditioned to require that the site is kept free of litter and clutter and to maintain all improvements and structures.