

ATTACHMENT D

**FINDINGS
ZONE FILE #2023-047
YOLO GREEN, LLC
CANNABIS USE PERMIT**

Upon due consideration of the facts presented in this staff report and at the public hearing for Zone File #2023-047, 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 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

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)).

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 one acre of cultivation canopy. Additionally, the project includes the issuance of a retail non-storefront (delivery) license for Yolo Green, LLC. 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, distribution, and non-storefront delivery uses are 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 cannabis retail non-storefront (delivery) 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 cannabis retail non-storefront (delivery), are permitted in agricultural zones with a use permit. Yolo Green 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 surrounding land uses are generally row crops to the north and south, orchards to the east, and pasture to the west. The property contains a homestead built in 1993 and previously contained a horse farm. Prior to 1996, the property was also planted in tomatoes, wheat, and alfalfa.

The property includes screening along the northern, western, and eastern borders provided by dense oak trees, as well as corral fencing along the perimeter boundary. However, the southern portion of the property containing the hoop houses and greenhouse is visible from County Road 85C to the southwest, which is approximately 390 feet from the property boundary. The Permittee does not propose screening and fencing as the outdoor cultivation area will be relocated indoors (greenhouses) and are not required to be screened, unless determined by the County that screening is necessary for security purposes.

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 outdoor cultivation areas do not satisfy the buffer requirement for existing licensees to maintain a 600-foot buffer from off-site residences. As a component of the project request, the operator proposes to relocate outdoor cultivation areas indoors (greenhouses) to satisfy the 600-foot buffer requirement from legal off-site residences in agricultural zones. All new proposed greenhouses are required to maintain the 100-foot buffer from all CLUO sensitive land uses (i.e., off-site legal residences). The 100-foot buffer requirement has been made a condition of approval.

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 engineering controls to reduce and control odors to the greatest extent possible, such as misting nozzles in the greenhouses. If odor nuisances are verified pursuant to the enforcement procedure set forth in the CLUO, the operator may 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.

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 agricultural land uses, as described above. The nearest agricultural residence is approximately 145 feet from the nearest extent of the existing outdoor cannabis cultivation area. There are approximately 35 residences within 1/2-mile of the project site located on agriculturally zoned land and two residences located on residentially zoned land. These parcels range from approximately 0.88 acres to 78.2 acres in size. According to 2020 Census data, the total population within the 95627 Zip Code, which includes Town of Esparto, is 3,899 persons (1,209 households). Pursuant to the CLUO, the Yolo Green operation is not located within an over-concentrated area.

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

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

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

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 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 reasonable safe condition. Measures are in place to protect the rural night sky by shrouding greenhouse structures (internal blackout curtains) 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 September 27, 2024. Additionally, the Courtesy Notice was emailed to the interested parties list maintained by the Planning Division. Staff received two responses from nearby property owners expressing concerns about odor, County noticing requirements, traffic, safety and security of surrounding properties and nearby schools in the Town of Esparto (approximately 0.5 miles from the boundary of the Esparto Middle School), and the increase in crime related to cannabis operations.

The project site is located within the boundary of the Esparto Citizens Advisory Committee (CAC) comment area. The project was discussed at the Esparto CAC Meeting on March 18, 2025. The Esparto CAC recommended unanimous approval of the use permit by a vote of 6-0-0 by the members in attendance (two members were absent from the meeting and one member left the meeting prior the vote). Prior to the vote to recommend approval, the Esparto CAC and community discussion centered around buffers, the basis of the request for only one-acre of cannabis canopy instead of expanding up to two-acres, the request for a non-retail storefront (delivery) license, pesticide usage, proposed security, and relocating the operation indoors.

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) within six months of project approval.

The Permittee has access to the property through an existing easement along a 32-foot-wide gravel driveway (per Document #2016-0023528-00) that extends approximately 390 feet east from County Road 85C along the northern boundary of APN 049-170-039, which is under separate ownership. As required by the Public Works Division, the project is conditioned to provide ongoing maintenance of gravel parking areas and access roads to prevent downstream conveyance of sediment and to provide dust control. 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 sixteen new greenhouses, and one ADA compliant restroom with employee wash stations. 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.

Yolo Green 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 to be 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.

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. Four cannabis Use Permits have been approved by the Planning Commission within a six-mile diameter of the Yolo Green site and there are three additional existing licensees, including Yolo Green, within the same area with Cannabis Use Permit applications under review. Should all seven Cannabis Use Permits be approved, those areas within any 6-mile diameter circle 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, above, Yolo Green is not located within an area considered to be overconcentrated from a regulatory standpoint. The nearest licensed cannabis operations are approximately one mile west of the project site (Bro Properties and Capay Valley Organics). Bro Properties recently received Use Permit approval on January 9, 2025, and Capay Valley Organics received Use Permit approval on June 13, 2024. 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 two Existing Licensees with applications under review within a six-mile diameter in the greater Esparto area. Approval of the Yolo Green 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.

The nearest agricultural homesite (to the east) is approximately 145 feet from the extent of the existing outdoor cultivation area, and the nearest homesites in a residential zone are approximately 0.5 miles north in the unincorporated Town of Esparto. The proposed greenhouses will maintain the existing 20-foot setback from the eastern property line and 30-foot setback from the western property line and not encroach further to any offsite agricultural homesites. There are approximately 35 agricultural homesites within 0.5 miles of the Yolo Green property boundary, and approximately two homesites on residentially zoned land within 0.5 miles from the nearest extent of the existing outdoor cannabis cultivation area. These parcels range from approximately 0.88 acres to 78.2 acres in size. The CLUO requires a minimum of 600 feet between off-site residences and cannabis cultivation activities. As a component of the project request, the operator proposes to relocate outdoor cultivation areas indoors (greenhouses) to satisfy the 600-foot buffer requirement from legal off-site residences. Maintaining the buffer from off-site residences has been made a condition of approval.

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

The surrounding land uses are zoned A-N and are generally row crops to the north and south, orchards to the east, and pasture to the west. As described in Finding #4 above, the property includes screening along the northern, western, and eastern borders, provided by dense oak trees, as well as corral fencing along the perimeter boundary. Although the property is setback approximately 390 feet from County Road (CR) 85C to the west, the southern portion of the property containing the hoop houses and greenhouse is visible from CR 85C to the southwest. The Permittee does not propose additional screening and fencing as the outdoor cultivation area will be relocated indoors (greenhouses) and are not required to be screened, unless determined by the County that screening is necessary for security purposes. The project site is mostly flat with open topography and has been previously disturbed with agricultural uses, such as row crops and pasture. The majority of the site drains immediately north of the property into the Townsend Drain.

The existing greenhouse and Connex Structure are located at the center of the project site within an existing graveled yard and the outdoor cannabis cultivation area (hoop houses) is located on the southern portion of the parcel. The sixteen proposed greenhouses will be located within the same area already occupied by the existing hoop houses, and the new ADA compliant restroom for employees will be located the existing Connex structure within a previously disturbed area. 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.

Yolo Green 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 Yolo Green, LLC, 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 ±7.9 acres and is mostly flat with open topography and has been previously disturbed with agricultural uses. The parcel drains immediately north into the Townsend Drain. Non-cannabis related structures are located on the northern portion of the parcel and currently occupies approximately 1.8 acres of the site. Non-cannabis related development includes an existing single-family residence occupied by the property owner, a dog kennel, and an existing barn. The remaining 6.1 acres includes the cannabis-related structures and amenities including an existing greenhouse, outdoor canopy cultivation area (hoop houses), and a Connex structure used for cannabis processing and the storage of cannabis product, pesticides and agricultural chemicals. The property contains a homestead built in 1993 and previously contained a horse farm. Prior to 1996, has property been used for agricultural purposes and was previously planted in tomatoes, wheat, and alfalfa. The property is enclosed by corral fencing and access is facilitated through a gated entrance.

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. 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. The project has been conditioned to require the applicant to obtain and maintain an Operator ID (OPID-Spray Permit) through the Yolo County Agriculture Department based on the chemicals in their pest management plan.

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

Yolo Green 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 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 March 18, 2025, Esparto Citizens Advisory Committee meeting, 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 buildings and structures that are used to support the cannabis operations are clustered near the southern portion of the project site within a previously disturbed area with a gravel access road. The property has traditionally been used for agricultural purposes and the cannabis operation encompasses approximately 6.1 acres of the project site. The remaining ±1.8 acres are developed with a single-family residence occupied by the property owner, a dog kennel, and an existing barn that are not intended for cannabis use. To satisfy the 600-foot buffer requirement from sensitive off-site uses, the applicant will construct sixteen greenhouses within the previously disturbed areas to relocate the existing outdoor cultivation area indoors (greenhouses). Maintaining the buffer from off-site residences has been made a condition of approval. The project is also conditioned to require that the site is kept free of litter and clutter and to maintain all improvements and structures.