

Fw: Possible weed growing on D'Agostini Dr.

Andy Nevis <Andy.Nevis@edcgov.us>

Tue 4/23/2024 4:41 PM

To: Aurora M. Osbual <Aurora.Osbual@edcgov.us>; Planning Department <planning@edcgov.us>

1 attachments (834 KB)

pot-flyer.pdf;

Hi Aurora, see below for an email to add to Legistar for Thursday. Thanks!

04-25-2024
Item #4
6 Pages

From: Andy Nevis <andynevis@gmail.com>

Sent: Tuesday, April 23, 2024 4:39 PM

To: Michael Pinette <michaelpca@gmail.com>

Cc: Lee Tannenbaum <lee.tannenbaum@gmail.com>; Jim Brunello <jlb87@aol.com>; Andy Nevis <Andy.Nevis@edcgov.us>

Subject: Re: Possible weed growing on D'Agostini Dr.

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Report Suspicious

Thanks Mike. I will forward this on to our Clerk so that it is reflected in the record for Thursday's meeting.

-Andy

Sent from my iPhone

On Apr 23, 2024, at 4:21 PM, Michael Pinette <michaelpca@gmail.com> wrote:

Dear Andy,

As you most likely are aware I will be continuing my presentation/update to the planning commission this week, Thursday at 8:30 I believe.

At my March meeting you asked a great question if I had done any outreach to the neighbors. At the time I could not recall, but in retrospect I did recall an exchange with the neighbors based on fliers of protest that were being distributed far and wide in the River Pines area. Several were delivered by hand by Todd Moore according to several neighbors that called me in support of my position, others were posted miles away at a True Value bulletin board as well as the Mt Aukum post office board. In fact, it was there I was told Todd personally delivered the poster to his wife while they were in transit from San Diego. He asked if "it was me". I confirmed and we had a great conversation. Regardless, I wanted to correct my error in recollection. I will send this same message to the rest of the Commission members and staff to correct the record.

With regards,
Mike

First is a message from a neighbor, the second is to a CC list Todd initially had me included on. Once he received my email he dropped me from any future emails to the group. FYI -- we did try to engage.

Connie Hieb <connie-hieb@att.net>

Tue, Jan 3, 2023,

to Hadsell, Haney, Linette, Holliday, Kathy, Gary, kenp1966@comcast.net, me, Robach, Vasquez, Sharon, Carmen, 500mtwood.m@gmail.com, Yarrow, Lucia, Steve, caseydaigo87@yahoo.com

I understand some people in River Pines Estates, Mount Aukum, received a letter from the County saying that some people just bought a piece of property, and are trying to get a Commercial permit to grow weed and cultivate it. There is going to be a Hearing in Placerville to see what the people think about it, on January 11, 2023. We should all show up and voice our opinions. You can call Linda Pearsall at: (530) 651-3209. She received a letter from the County saying it was concerning the property across from her.

Let's help keep our neighborhood clean.

Thanks, Connie Hieb

----- Forwarded message -----

From: **Michael Pinette** <michaelpca@gmail.com>

Date: Sun, Jan 8, 2023 at 6:02 PM

Subject: Re: Possible weed growing on D'Agostini Dr.

To: Connie Hieb <connie-hieb@att.net>

Cc: Hadsell Joe <joebbq68@gmail.com>, Haney Judy <jjaukum@yahoo.com>, Linette Harris <linette.harris2@gmail.com>, Holliday Paul <mholliday53@gmail.com>, Kathy Matwich <kmatwich@gmail.com>, Gary Perez <garyperez1147@gmail.com>, Robach Sharen <bsrobach@msn.com>, Vasquez Susie <mfp48@gmail.com>, Sharon Wade <gscwade@gmail.com>, Carmen Glaister <carmen_glaister@yahoo.com>, courtwood.m@gmail.com <courtwood.m@gmail.com>, Yarborough Terry/Joyce <terryyarb@aol.com>, Lucia (exercise) Bernal <annaluciabernal@yahoo.com>, Steve & Vicki Gendreau <svgens@gmail.com>, caseydago87@yahoo.com <caseydago87@yahoo.com>, nopotfarm@gmail.com <nopotfarm@gmail.com>

Dear Connie and other recipients on this email CC list. Indeed, this email concerns my application to the county for commercial use permit to grow cannabis. I wanted to reply not only to this email, but also to the flyer that was hand delivered to several homes in the neighborhood. One in particular was kind enough to send it to me, it is attached. Her response to me, and I quote, was "I don't get why people are worried about what you are doing on your property...." It's interesting, the very first meeting I had with the planning commission at the county the lead of the meeting opened the meeting with "wow your property certainly has a history of letters and complaints." Frankly I thought it was one issue where the original owners/builders of the property wanted to remove the three oaks set toward the road in the upper vineyard. He clarified, no, people were adamant about putting in grape vines on the property. I was surprised as this is one of the most decorated and up and coming wine regions in the state. The grapes from this property regularly win Gold and Double gold at various wine competitions at the state level th SF Chron wine challenge. I get it -- people dislike change.

By introduction, my wife and I moved to the property in April 2017, so we are not out of towners - we are good neighbors. We have been investing heavily in getting the vineyards and property back in shape, spending well over \$200,000 to make improvements and grow the grape yield. I am semi-retired from a 43 year career in high tech as a leading innovator and senior executive at many industry leading software companies. I am first and foremost a successful business man and leader. I don't even smoke, anything -- and am certainly no pot head or criminal. I just got tired of flying over 250,000 air miles across the world for business for 20 years, building business for others very successfully and chose to build my own. My wife Joan has been an interior designer, office designer, and medical biller for several dermatologists in her career. I help people protect their assets by selling home, fire, auto, and life insurance, but I also give back by donating my time to two non-profit organizations. I am the Vice Chair of the AFFSC (Aukum Fairplay Fire Safety Council) group and recently landed a \$2.1M grant as the grant writer that organized a group of 6 other local and adjoining fire safety councils to band together and achieve the Cal Fire grant. It was over a year's worth of coordination, writing, and was granted Sept 2022. It is going to pay for 400+ acres of shaded fuel break work as well as over 100 miles of roadside fire reduction work in Aukum, Fairplay, Omo Ranch, Outingdale, Pleasant Valley and Diamond Springs. A very big chunk of South county will have better chances of reducing loss of property from this work. I and the team work diligently with the RCD in Placerville on a regular basis to this day to make sure it is a success. RCD is our designated program manager for the grant twice monthly, we have a lot of work to coordinate now the grant has been awarded. RCD stands for Resource Conservation District. El Dorado county fire safety council is now managing about \$14M in fire grants across the county.

I also serve as the VP/Treasurer of the El Dorado Growers Advocacy Alliance, a nonprofit. Our mission is to ensure a safe and legal process working closely with the county supervisors and commissions to REMOVE the criminal element that has been happening historically in the county. We donated over \$1700 to Brian Ishmael's family, I know I signed the check as Treasurer. We promote and advise legality always.

So the flyer and the email seems to say we do not care for our community or home values, traffic issues, lights and smell as well as other things. Nothing could be further from the truth. Frankly it is filled with a lot of untruths about the project and us in particular so I wanted to reach out as any good neighbor would do to give you a bit of a different perspective. The crime, smell, and light issues are always used as tropes for being against growing cannabis. The home value angle was a new one, but I'll challenge that also with some facts. I'll handle them one by one.

In order to even get a permit there is a very high threshold to entry. We have completed all the requirements the cannabis ordinance that was passed overwhelmingly by county residents in the 2018 election cycle, with nearly 70% of voters wanting legal commercial cannabis in the county. The business group for El Dorado county estimates the tax revenue from legalization will generate over \$35 Million per year. Perhaps lowering taxes on regular homeowners and most certainly giving the county additional funds for improvements. Maybe they can do better on D'Agostini Rd maintenance instead of us breaking our backs on twice yearly road crews filling patches and correcting washouts. The permits required are as follows: security, odor, lighting, CEQA (CA Environmental Quality Assessment), Dept of Transportation, historical assessment to make sure no Indian or other artifacts will be damaged on the grow site, architectural, soil analysis and several more. We have completed them all as required, passing each one.

Crime:

Facts say that crime actually goes down significantly anywhere cannabis is grown legally, even at dispensaries like at Chucks Delight in Placerville and Pure Leaf in Diamond Springs. Things like crime, vagrancy, theft goes way down. Dispensaries just like our grow site have to have special monitoring and video safety requirements. Our security plan requires we invest in 24 by 7 video streaming of the site which the Sheriff will have complete access to view, real time. Cameras will introspect every angle of the site. There is only one road in and one road out of the grow site, nothing will be unseen -- everything recorded. More on the site. I would bet that over 90% of the people on this email list are even aware that we have a 2.5 acre vineyard on our property below the house site. We were here over 4 years and met a neighbor that didn't even know there was a house associated with the upper vineyard. The grow site is not visible from the road and not one neighbor can view into the site unless you are the 3-4 homes high up on Mt Aukum well over a mile away that might see it. We see their night lights, but doubt they can discern what if anything is growing on our property. I measured the distance from D'agostini road entrance, I estimate it is about 3200 feet from the road to the middle of the grow site. Our upper vineyard tops out at 2100 ft, the lower vineyard sits at about 1800 feet. So the comment on the flyer that the grow site is within 800' of the nearest home is just wrong and inflammatory. My home is between the road entrance and the grow site, and it is 3/10's of a mile to my home, another 4 tenths to the grow site. Over 3200 feet, so neighboring houses are going to be even further than that as the crow flies.

ODOR

We have completed an exhaustive odor study with an industry consultant that has said based on the location, and the preponderance of forest between the site and any other homes -- nothing would permeate beyond 500'. Given the wind conditions in the valley, it is very unlikely any odor would be distinguishable beyond the current terpenes produced by the forest. Terpene is how and what they measure odors. So the terrain and distance will prevent odors. Further, in the second phase of the project, we anticipate using enclosed hoop houses which can be used with solar charcoal filtration to prevent odor but also prevent light pollution. We will adhere to the dark skies policy and ensure no lights will be seen from anywhere. All lights will be on timers and based on movement, security lights will be also and pointed down onto the road or grow site preserving the dark skies requirement.

LIGHTS AND TRAFFIC

The work on the property will most likely fall much like the current work in the upper vineyard. Other than mowing and weed wacking (we do not use pesticide...), the only other work is seasonal for pruning, leaf pulling, fertilizing, and eventually picking. Those teams have arrived usually at 6am, are gone by noon or just after, and typically come in two vans. More trucks appear to ferry the picked grapes to their respective buyers, but it is minimal. We

typically only have 3 or so days of picking where the most intense activity happens. Certainly a lot less traffic than the stream of cars that typically graces D'agostini about 3:45 to 4 PM each day coming from the Rombauer and CG D'arie vineyards. We see them on our walksOr the daily loads of 40 ton plus trucks moving grapes from Rombauer to their processing site in Amador. They do more damage to our road than our site will, and that is proven in our DoT study. As the lower vineyard is not visible, is on a private road on our property, I doubt it will have any impact on neighbors from a noise or volume of traffic as compared to other business on D'agostini.

Lights -- as mentioned we will comply to the Dark Skies policy and make nothing visible from outside the site.

Proximity to Flat Creek issue. Flat Creek as you know does have an easement on my property lines. It is wet when the rains come, as it is now, but mostly dry from June onward. On the Northwest portion of the grow site the creek is well beyond 300'. On the northeast side it is 285 feet from the creek. We simply will not plant any closer than the ordinance allows, period. As the grandson of a police officer, and two uncles as police officers -- one who was the youngest and longest serving police chief in Winchester and head of the Police Chiefs Association of America, and the brother of a Federal Policeman and 30+ year Marine, and brother in law of a DEA Agent -- we obey laws. Finally -- we do fish friendly mostly organic farming. We use fertilizer, sustainable with cover crops, perform weed wacking to eliminate weeds rather than cover everything with Monsanto products...but nothing from Monsanto.... We will not be a polluter, will install solar panels (quiet - no generators), and be good and respectable neighbors. Hoop houses will further enhance our use of resources and protect our neighbors.

Home Values

Again, a new one for me, but here goes. Describing our grow site as a huge commercial pot factory is a bit of a stretch. We are a small family business. We own 47 acres, this is a small 2 acre portion, preexisting with a trellis system and water, and fencing. It is not even visible from the road or surrounding hills, not near a school, church or other businesses. Frankly, the El Dorado Growers alliance is trying to help preserve the small family farm and businesses from going away. There will be pressure as permits are issued and growers expand that will give El Dorado County a good brand for cannabis we think is achievable with small family farms. If that happens, large commercial operators WILL come in and try to consolidate. We are trying to prevent that. By hiring and spending locally we will be contributing to the local economy, with the larger commercial companies the money or tax revenue will most likely go elsewhere and as your flier says they will not care. I assure you, we do!!!

A simple google search on "does growing cannabis lower property values" would tell you otherwise. Several studies have been done. This link on Real Trends done in August 17 2021 by Luke Babich states that: "in legal cannabis states, now legal in 36 states, property values have gone up, significantly in some areas, instead of down and crime has gone down." Search and read it, indisputably the studies show property values increase. Another stat from the article, "home values increased \$22,090 more in cities with recreational dispensaries, compared to home values in cities where recreational cannabis is legal but dispensaries are not available." Homes.com has an article saying there is no hard evidence that homes located near marijuana outlets or grow houses suffer a loss in value. Again, the tax value of commercial cannabis will only help our failing county resources and improve the local economy by spending local. The sad part is both of the dispensaries in Diamond Springs and Placerville cannot sell any local cannabis as only one permit has been approved. We need to fix that to contribute to the local economy.

In summary, we are a small family farm looking to be profitable and help the county with additional tax revenue and jobs. As the flyer seems to infer, we are not evil outsiders, nor are we looking to hurt anyone or destroy the environment. The license is a commercial use permit, but we are not a commercial pot factory looking to destroy anything. That makes no sense to me, why would I hurt my own assets or those of others. My character and investment in this community since arriving nearly six years ago suggests otherwise. Has anyone else on this list led a team of 6 to obtain a \$2.1 Million fire grant to improve fire safety and egress???? My business acumen and ability to manage teams and partners will help us succeed. I would very much like to do that as a respectful neighbor, nothing more or less. I welcome anyone in receipt of this email to call or even visit if you like. You can reach me at the email MICHAELPCA@GMAIL.COM, or via phone at 650-269-0063.

Since I do not know how many or how far the fliers were distributed to, kindly forward this email to anyone who potentially received one. I would appreciate a balanced, open and respectful interchange with anyone that would like more detail.

With warm regards,


Mike Pinette

On Tue, Jan 3, 2023 at 7:50 PM Connie Hieb <connie-hieb@att.net> wrote:

I understand some people in River Pines Estates, Mount Aukum, received a letter from the County saying that some people just bought a piece of property, and are trying to get a Commercial permit to grow weed and cultivate it. There is going to be a Hearing in Placerville to see what the people think about it, on January 11, 2023. We should all show up and voice our opinions. You can call Linda Pearsall at: (530) 651-3209. She received a letter from the County saying it was concerning the property across from her.

Let's help keep our neighborhood clean.

Thanks, Connie Hieb

 pot-flyer.pdf

SAVE OUR HOMES

NO COMMERCIAL POT FARM!

WHAT:

POT DEALERS AND RICH INVESTORS WANT TO BUILD THE LARGEST OUTDOOR MARIJUANA OPERATION IN EL DORADO COUNTY at 4941 D'AGOSTINI DRIVE, RIGHT IN THE MIDDLE OF OUR NEIGHBORHOOD.

IT WOULD HAVE FOUR FULL TIME EMPLOYEES, ADD TRAFFIC, BAD SMELLS, BRIGHT LIGHTS, PESTICIDES, RODENTICIDES, HEAVY WELL WATER USAGE AND THE THREAT OF MAJOR CRIME TO OUR NEIGHBORHOOD.

YOUR PEACE AND PROPERTY VALUES WILL BE DESTROYED.

IS IT LEGAL?

THE PROPOSED FARM IS ILLEGAL!

COUNTY CODE REQUIRES THAT COMMERCIAL POT FACTORIES MUST BE CONSISTENT WITH THE CHARACTER OF THE SURROUNDING AREA AND BE SET BACK A MINIMUM OF 800 FEET FROM ANY PROPERTY LINE AND 300 FEET FROM ANY STREAM.

THE INVESTORS IN THE COMMERCIAL POT FARM DON'T CARE ABOUT OUR HOMES AND WANT TO BUILD THEIR OPEN AIR INDUSTRIAL FARM LESS THAN 125 FEET FROM THE PROPERTY LINE AND LESS THAN 800 FEET FROM THE NEAREST HOME.

THE PROPOSED POT FACTORY WOULD ALSO BE RIGHT NEXT TO FLAT CREEK AND OTHER SEASONAL STREAMS AND POLLUTE THEM.

THE OUT OF TOWN INVESTORS ARE HOPING THAT THEIR MONEY AND INFLUENCE WILL CONVINCE OUR LEADERS TO EXEMPT THEM FROM THE LAW AND RUIN OUR HOMES SO THEY CAN PROFIT.

WHAT CAN I DO?

TELL THE COUNTY TO ENFORCE THE LAW AND STOP THE COMMERCIAL POT FARM.

THE FIRST PUBLIC HEARING ON THE APPLICATION IS THIS WEDNESDAY, JANUARY 11TH AT 6:30 P.M. BEFORE THE COUNTY AGRICULTURAL COMMISSION.

THE HEARING WILL BE HELD AT THE SUPERVISOR'S HEARING ROOM LOCATED AT BUILDING A, 330 FAIR LANE IN PLACERVILLE. YOU CAN ALSO PARTICIPATE VIA ZOOM USING MEETING ID 884 7247 7926.

**JOIN THE COMMITTEE TO SAVE OUR NEIGHBORHOOD
AND OBTAIN FUTURE INFORMATION AND UPDATES.
EMAIL: NOPOTFARM@GMAIL.COM**