

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** February 27, 2025

**Staff:** Evan Mattes, Senior Planner

**COMMERCIAL CANNABIS USE PERMIT**

**FILE NUMBER:** CCUP21-0007/Rosewood

**APPLICANT/AGENT:** Jason Kipperman

**REQUEST:** Commercial Cannabis Use Permit for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis.

**LOCATION:** West side of Derby Lane, approximately .3 mile south of the intersection with Omo Ranch Road, in the Somerset area, Supervisorial District 2 (Exhibit A).

**APN:** 095-130-051 & 095-130-054 (Exhibit C)

**ACREAGE:** 20.24 acres

**GENERAL PLAN**

**LAND USE DESIGNATION:** Agricultural Lands-Agricultural District (AL-A) (Exhibit E)

**ZONING DESIGNATION:** Planned Agricultural 20-Acres (PA-20) (Exhibit F)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration (MND) based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074(d), incorporated as Conditions of Approval; and

3. Approve Commercial Cannabis Use Permit CCUP21-0007 based on the Findings and subject to the Conditions of Approval as presented.

### **EXECUTIVE SUMMARY**

The project applicant proposes to construct a commercial cannabis cultivation facility. The proposal would include mixed-light cultivation, consisting of 15,000 square feet of cannabis canopy located entirely within seven (7) greenhouses. Chapter 130.41 of the Zoning Ordinance requires approval of a Commercial Cannabis Use Permit (CCUP) for all commercial cannabis uses. The project is proposed on a parcel within the PA-20 zone district (Exhibit F), consistent with the AL-A General Plan land use designation (Exhibit E). Staff has determined that the proposed project is consistent with the applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

### **PRE-APPLICATION**

A Commercial Cannabis Pre-Application was filed for the project site under CCPA20-0003 on February 6, 2020. The Pre-Application is utilized to identify any preliminary issues/comments. During the Pre-Application it was determined that the use required approval of a CCUP. The Pre-Application is an optional process and is not a requirement of the CCUP.

### **SITE DESCRIPTION**

The project property consists of two (2) parcels totaling 20.24 acres, with an existing single family residence. The project site is currently accessible via an existing driveway connecting to Rosewood Lane, a non-County maintained road. The property is designated AL-A in the County's General Plan, and it is within the PA-20 zone district.

The site is sparsely wooded and located on a flat portion in a generally hilly area with land that generally slopes downward from south to north. An ornamental pond is located 160 ft northeast of the proposed cultivation area. Property elevations are highest in the south and lowest in the north with drainage flowing south to north. An ephemeral stream is located approximately 410 feet east of the project site, however no permanent watercourses are located onsite. The project property is bordered to the east and north by rural residential properties and to the west and south by undeveloped, agricultural, and rural residential properties.

### **PROJECT DESCRIPTION**

The project proposes the cultivation of approximately 15,000 square feet of mature mixed-light cannabis canopy, and construction of the proposed project would occur in two (2) phases: Phase I would include the construction and operation of a mixed-light cannabis cultivation facility that would include 10,000 square feet of flowering canopy within four (4) 2,880 sf greenhouses, a 2,880 sf storage and processing building, site gate with exclusionary fencing around the cultivation site, 10,000 gallon water storage tank, new septic system and ground mounted solar array; Phase II would consist of the construction of an additional 5,000 square feet of flowering, mixed-light

canopy area within two (2) 1,800 sf and one (1) 2,880 sf greenhouses. Phase II would be constructed directly adjacent to Phase I. Full buildout of the project would include the construction of seven (7) greenhouses totaling 18,000 sf of greenhouse space to accommodate 15,000 sf of mature mixed-light cannabis cultivation. There are anticipated to be three harvest cycles per year, with mature plant to be transported off-site. The proposed greenhouses are proposed over the premises internal property line. The project has been conditioned (Condition of Approval (COA) 26) to complete a lot line adjustment or lot line merge to accommodate structural setback development standards.

An existing single-family residence is located to the north of the proposed cannabis cultivation area and immediately west of the entrance gate of the project site. The garage and shed associated with the existing single-family residence would not be used for cannabis operations. The existing barn would be demolished and replaced by the proposed 2,880 sf support building as part of Phase I. The proposed support building would be used for storage, processing, distribution, manufacturing and would contain a bathroom intended to be used for up to ten (10) employees. A new septic study is proposed to accommodate the project. A 10,000 gallon water storage tank would be installed to the south of the proposed support building for irrigation and fire suppression.

## **STAFF ANALYSIS**

### **Employees**

The project would support up to ten (10) full-time employees, and four (4) of those full-time employees would live in the residence located on the property. It is anticipated that up to an additional ten (10) temporary employees would be on-site during the peak times of harvest operation or during planting. Occasional small truck deliveries are anticipated but would not occur on a regular, daily basis. Hours of operation for the project would be 9:00 a.m. to 6:00 p.m.

### **Odor**

An Odor Analysis was prepared by Environmental Permitting Specialists (EPS) for the proposed project. To conduct the Odor Analysis, EPS used an air dispersion model, one (1) year (2019) of hourly wind and temperature data at Somerset and on-site measurements of odor intensity at other locations. Data from four (4) other cannabis and hemp cultivation facilities and one (1) Tedlar bag sample were reviewed as part of the current analysis. Odor measurements taken at a cultivation site, consisting of seven (7) 8,400 sf greenhouses, in Butte County was used as baseline odors to predict odors at the project property lines. Each greenhouse and processing building will be equipped with carbon filtration odor control system. EPS found odor intensity declines by 88% over ten (10) meters. Odor intensity at the property lines are estimated to be 3.5 Dilution Threshold (DT) or lower. These results demonstrate that the intensity of odors would remain below seven (7) DT. The odor study was reviewed by Air Quality Management District (AQMD). AQMD concurred with the conclusions of the odor study.

### **Security Plan**

A Security Plan was prepared by the project applicant and has been reviewed by the El Dorado County Sheriff's Office (EDSO). Section 130.41.100.4.F.13 of the Zoning Ordinance states that

the security plan shall remain confidential. The plan includes a variety of security measures including fencing, deterrence, surveillance, and alarm systems.

### **Setbacks**

Section 130.41.200.5.B of the El Dorado County Zoning Ordinance prohibits outdoor or mixed-light commercial cannabis cultivation within 1,500 feet of any school, school bus stop, place of worship, park, playground, childcare center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery, or licensed sober living facility. Distance is measured from the nearest point of the property line of the premises that contains the commercial cultivation to the nearest point of the property line of the referenced uses using a direct straight-line measurement.

A school bus stop is located on the parcel, APN 095-130-046, directly to the northeast of the project parcel at the intersection of Derby Lane and Omo Ranch Road. While the cannabis canopy is approximately 1,600 feet from the bus stop, the setback is measured from property line to property line. The Pioneer Union School District has confirmed that these school bus stops are in operation.

Zoning Ordinance Section 130.41.100.4.C states, “Any setback for a commercial cannabis activity may be reduced in a Commercial Cannabis Use Permit so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback and that the parcel was owned or leased by the applicant before voter approval of the ordinance from which the Section is derived on November 6, 2018.”

The cannabis canopy is approximately 1,600 feet from the school bus stop and would be completely enclosed within greenhouses. The project applicant assumed ownership of the property on April 20, 2018, ahead of the November 6, 2018 ordinance adoption date. No cannabis plant would be visible from the school bus stop or public right of way. The applicant has demonstrated that the actual setback will substantially achieve the purpose of the required setback.

### **Site Access/Parking**

The site is accessed from the east via Rosewood Lane. There is an existing access road that leads to the proposed gravel turnaround to facilitate emergency vehicle access. The existing gravel driveway would also be extended to the west to provide access to the cannabis cultivation area. Parking would be available immediately east of the proposed cultivation area and north of the proposed support building.

### **Lighting**

Cannabis cultivation areas would be indoor and would be fully shielded. All lighting for security purposes would be directed downward and would not spill outside the property where the project site is located.

### **Water**

The project site contains a well, constructed April 24, 2000, by a previous owner. The well is 580 feet deep and can provide an initial flow rate of 7.5 gallons per minute. The well would be used to supply water for the proposed cannabis cultivation, along with other miscellaneous operational

and sanitary needs. The project is estimated to use approximately 225,000 gallons of water per year. The applicant would install a water storage tank that would hold 10,000 gallons of water. The water storage tank would be located south of the canopy area for firefighters to have better access and to keep water cool in the shade. There is adequate water supply to irrigate the proposed project, and the proposed project would not introduce substantial impervious surfaces that would interfere with groundwater recharge around the proposed project.

### **Drainage**

Project drainage begins at Coyote Ridge and sheet flows down to Rosewood Lane and the proposed development. After Rosewood Lane, the flows appear to continue sheet flowing north towards Omo Ranch Road. Rosewood Lane is proposed to be resurfaced with new gravel. The property has a small riverine located 410 ft east of the project site. Drainage within the site generally flows south to north. The cannabis cultivation areas would be developed on previously disturbed/ruderal land and would only disturb the cultivation areas using a small tractor. Drainage within the site would percolate into the surrounding pervious surfaces to reduce any potential runoff. Additionally, the project applicant would install waddles and other preventative measures along the western edge of the terraced cannabis cultivation area to minimize sediment laden runoff and erosion.

Project disturbance would not be equal or greater to approximately 0.5 acre of soil, and therefore, would not be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009 DWQ. However, the project would be required to comply with the SWRCB Cannabis General Order WQ 2019-0001-DWQ requirements.

### **AGENCY COMMENTS**

The project was distributed to all applicable local, County, and State agencies, including but not limited to California Department of Water Resources (DWR), California Department of Fish and Wildlife (CDFW) and California State Water Resources Control Board (SWRCB), for review and comment. Comments were received from the Office of the County Surveyor, County Department of Transportation (DOT), AQMD, Pioneer Fire Protection District (PFPD), Pioneer Unified School District and the County Environmental Management Department (EMD). None of these agencies or departments expressed any significant issues or concerns regarding this project. These agencies provided standard and project specific Conditions of Approval which have been incorporated into the project.

### **CONSISTENCY**

General Plan Consistency: The project is located within a Rural Region with the General Plan designating the project site as AL-A (Exhibit E). As proposed, the project would be consistent with the standards established by the AL land use designation. Staff has determined the proposed project is consistent with the applicable policies and requirements of the El Dorado County General Plan as discussed below in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** The proposed use is consistent with the PA-20 zone district as commercial cannabis cultivation and nursery facilities are allowed within the PA-20 zone district with the approval of a CCUP. The project has been analyzed in accordance with Zoning Ordinance Chapter 130.41 (Commercial Cannabis) for applicable development standards. As proposed, the project would be consistent with the development standards of the PA-20 zone district and Zoning Ordinance Chapter 130.41. Staff has determined the proposed project is consistent with the applicable policies and requirements of the El Dorado County Zoning Ordinance as discussed below in Section 3.0 of the Findings.

## **ENVIRONMENTAL REVIEW**

A CEQA Initial Study was prepared analyzing the potential impacts the project may have on the project site (Exhibit L). There is no substantial evidence that the proposed project would have a significant effect on the environment and a MND has been prepared. Initially, the public review period for the Draft MND set forth in CEQA for this project was 30 days and was extended to 45 days based upon public comment. The review period took place beginning November 20, 2024, and ending January 6, 2025.

The applicant shall submit to the Planning Division a \$50.00 recording fee and the current CDFW fee prior to filing of the Notice of Determination by the County. The applicant shall submit check for the total amount to the Planning Division and make the check payable to El Dorado County. No permits shall be issued until said fees are paid.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

#### **Findings**

#### **Conditions of Approval**

Exhibit A .....	Vicinity Map
Exhibit B .....	Aerial Map
Exhibit C .....	APN Map
Exhibit D .....	Topography Map
Exhibit E .....	General Plan Land Use Designation Map
Exhibit F .....	Zoning Designation Map
Exhibit G .....	Preliminary Site Plan
Exhibit H .....	Odor Study
Exhibit I .....	Security Plan
Exhibit J .....	Well Completion Report
Exhibit K .....	Fire Safe Plan
Exhibit L .....	Proposed Mitigated Negative Declaration and Initial Study

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