

PC 8/24/2023
ITEM # 3
7 PAGES

Re: CCUP20-0004 MND Response and Concerns

Steven Tankersley <steve@tankersleybuilds.com>

Wed 8/9/2023 9:05 AM

To: Planning Department <planning@edcgov.us>

Cc: Evan R. Mattes <Evan.Mattes@edcgov.us>; Aaron D. Mount <aaron.mount@edcgov.us>

📎 1 attachments (262 KB)

Re CCUP20 0004 Draft MND updated 8.9.23.pdf;

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Hi Evan,

Please see attached updated letter in reference to the Notice of Public Hearing dated 8/4/23. I will be attending, and will be raising these comments at the meeting. Please include in the meeting agenda, and confirm receipt.

Thank you

On Tue, Feb 14, 2023 at 1:44 PM Planning Department <planning@edcgov.us> wrote:

Good Afternoon,

We have received your email regarding CCUP20-0004.

Thank you,

County of El Dorado
Planning and Building Department (Planning Services)
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355

From: Steven Tankersley <steve@tankersleybuilds.com>
Sent: Tuesday, February 14, 2023 12:34 PM
To: Planning Department <planning@edcgov.us>
Cc: Evan R. Mattes <Evan.Mattes@edcgov.us>; Aaron D. Mount <aaron.mount@edcgov.us>
Subject: CCUP20-0004 MND Response and Concerns

You don't often get email from steve@tankersleybuilds.com. [Learn why this is important](#)

Mr. Mattes,

Please review the enclosed response regarding the NOI for the MND for CCUP20-0004.

Please confirm receipt of this email.

Thank you,

--

Steven Tankersley
President

Tankersley Construction, Inc.

We've moved! Our new address is:

11415 Sunrise Gold Cir, Ste 1

Rancho Cordova, CA 95742

O: (916) 538-6579

C: (916) 467-2678

CSLB #1022150

Find us on: [Houzz](#) [Guild Quality](#) [Yelp](#) [Facebook](#) [Instagram](#)
www.TankersleyBuilds.com

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Steven Tankersley
President

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Steven Tankersley
6600 Heffren Dr
Shingle Springs, CA, 95682
(916) 467-2678

August 9, 2023

Attn: Evan Mattes
County of El Dorado
2850 Fairlane Cr, Placerville, CA 95667

Re: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION CCUP20-004/Green Gables Growers (8.9.23 updates in red)

Dear Mr. Mattes,

This is an updated letter in response to the Notice of Intent to Adopt a Mitigated Negative Declaration for project CCUP20-0004/Green Gables Growers and the "Notice of Public Hearing" for the reduction in the 1,500ft setback from (2) school bus stops. I am a resident and property owner of the property located at 6600 Heffren Dr, Shingle Springs CA, which is two properties adjacent, and will be directly impacted by the development of this project which includes a 7,825 sqft cannabis cultivation operation in (8) greenhouses. I have (2) children who attend Latrobe Elementary School, and are use the bus stops being affected by this review.

After careful analysis of the draft MND, I have concluded El Dorado County has not accurately or entirely analyzed the environmental effects of the proposed project. As both a concerned citizen, steward of the environment, and construction industry professional, my basis for this conclusion is summarized in the following key areas:

- 1) Oak tree impact
- 2) Hydrology/water quality impact
- 3) Substantial damage to scenic resources – trees
- 4) Air quality impact – cannabis emissions
- 5) Energy consumption
- 6) Public Services

While the report is though, it severely lacks a detailed analysis of the critical environmental impacts listed. Specifically, these impacts are minimized or not addressed at all based on the following concerns.

1) Oak tree impact

County Finding: "Oak Woodland In-Lieu Fee, would reduce any impacts to protected oak resources to less than significant levels. For this Biological Resources evaluation, impacts would be less than significant with mitigation incorporated."

Response: Per the MND, page 31, “Two oak trees that are located within the footprint of the cannabis facility would be removed. The project would also indirectly impact six trees ranging from 17 inches dbh to 35 dbh by grading within one-third or more of the root zone, and one Heritage tree would be indirectly impacted by grading within the root zone”. Per page 24, Blue Oaks are the dominant tree species within this habitat type. Blue Oak woodlands are increasingly threatened by climate change, and according to “Frontiers in Climate”² California’s iconic blue oak (*Quercus douglasii*) woodlands have also decreased by more than 1,200 km². By another metric, which reflects the altered or deteriorating condition of the tree cover, the blue oak range has lost over 600 km² in addition. Any loss of Blue Oak woodland should be considered significant by the county, and any removal or impact to heritage trees should not be permitted.

2) Hydrology/water quality impact

County Finding: *Water would be obtained from an existing private well on the project site. The proposed project is estimated to demand approximately 150,000 gallons of water per year (or 0.46 acre-feet of water per year) for cannabis cultivation and support and sanitary needs. For comparison, the average unit demand for water for a single-family residential unit located in the western supply area of El Dorado County is 0.45 acre-feet of water per year (El Dorado Irrigation District 2019). The well is 260 ft deep and can provide approximately 11 gallons per minute of water to support the proposed project. Additionally, the applicant would provide two (2) 5,000-gallon water storage tanks and a fire hydrant on-site for fire suppression. 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 in the area of the proposed project. Therefore, impacts to groundwater supplies and recharge would be less than significant*

Response: The report’s calculations for water usage are factually incorrect, and dramatically under estimate the required water usage for the proposed project. Accordint to “Cannabis H₂O: Water Use & Sustainability in Cultivation,” a 2021 report published by the Research Innovation Institute (RII), New Frontier Data and the Berkley Cannabis Research Center, found that, on average, indoor cannabis facilities use 209 gallons/square foot/year for irrigation³. Using this data, we can estimate the proposed project will use 1,635,425 gallons of water annually, nearly 11x the proposed estimate.

According to <https://mydrywell.water.ca.gov/report/a> this year nearly 1,400 household wells have been reported dry statewide — a nearly 40% increase over the same period last year, and the highest annual number reported since 2013. California is dealing with a crippling drought with no end in sight. Property owners in this region are 100% reliant upon wells for their domestic, farming, and potable water use as there is no utility water supply. A commercial cannabis cultivation operation will have a disastrous affect on the water supply in the vicinity, and should not be approved based upon ground water usage. If this project is approved, well water should NOT be permitted, and water shall be supplied by extension of municipal supply, at the developer’s expense.

3) Air quality impact – cannabis emissions

County Finding: *“The El Dorado County Cannabis Ordinance, Section 130.41.200 contains a minimum setback of 800 feet from the property line of the site or public right-of-way which allow cultivation and processing activities. In addition, the ordinance includes standards for maximum allowable odors measured by the County at the property line using a field olfactometer”*

Response: A 800ft setback is inadequate for mitigate of cannabis odors. In many cases, cannabis odors have been detected over a mile from their source. ⁴ While the proposed project is located in a rural area, there are several homes within a 1,000 ft distance of the property which will be severely impacted, especially during harvesting season. The county’s determination of the air quality impact being less than significant is factually incorrect.

4) Energy consumption: :

County Finding: *“Use of the existing solar renewable energy system on-site to power proposed project operations and conformance with statewide mandatory energy requirements as outlined in Title 24, Parts 6 and 11, and Title 3 of the California Code of Regulations, as well as the County’s zoning ordinance, would reduce the potential impact the project would have on energy resources to less than significant.”*

Response: Per county records, the existing PV solar system installed at the property is a 75 module, ground mount system installed in 2016. The total Kw output of the system is not specified in permit records available, however assuming a 250watt panel x 75 panels, the system is assumed to be approximately 18.75Kw. Per MA Department of Energy Resources Energy ¹ and Environmental Affairs, Cannabis grow operations require approximately 360Kwh per 25 sqft of grow area. The proposed grow area of this project is 7,825sqft which by some estimates would require 112,680 kWh of power annually. Assuming the existing solar system is operating at 60% maximum efficiency on average daily, this would result in an annual output of 4,106kWh, generating a 96% shortfall of energy production.

5) Public Services:

County Finding: *The project would not result in a significant increase of public services to the project. The potential impact to increased demand for services would be reduced through the payment of established impact fees. Impacts to public services would be less than significant.*

Response: The county’s determination that the construction of a (8) greenhouse cannabis cultivation facility will have “less than significant” impact to public services is factually incorrect. It is no secret that Cannabis cultivation has attracted criminals and opportunists over the last two decades in California. Per the application, an 8’ high chain link fence with barb wire will be installed surrounding the facility, presumably to keep out and mitigate unwanted intruders. Cannabis cultivation attracts theft of equipment such as water pumps, irrigation lines, tractors. According to a recent *Lompoc Record* article, *“We’ll see an increase in the theft of chemicals and*

drip irrigation lines at the start of the marijuana season,” McCarthy said. “That will be taken out into the backcountry for the illicit grows.”⁵

While this proposed project is located less than 2.5 miles from a K-8 elementary school, it is more than 7.3 miles from the nearest police facility. The police substation is sparsely staffed, and as a resident of the region it is known that police response times can be too late. According to the reports own findings, page 74; *“Development of the project site **could potentially result in a need for police protection services to respond to any potential incidents that may occur at the site.”*** If this project is approved, the expansion of police/Sherriff services (including an additional substation) should be required, at the developer’s expense.

In response to the applicants’ request for a reduction of the 1,500 ft setback from (2) school bus stops, this request should be denied. Per EDC Ordinance No. 5111: *“Location. A commercial cannabis activity authorized under this section shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility.”*

Our County ordinances are in place for a reason – to protect the well being and status of El Dorado County as one of the best places to live in California. The County has a duty to its’ citizens to uphold established ordinances and only consider variances under special circumstances such as life and safety of it’s citizens, or when the proposed variance benefits the greater good of the County. This proposed project only benefits the property owner and it’s agents. I have (2) elementary school children who use this bus stop, and I should not have to worry about whether my children are safe from the potential people this facility brings – this is the exact reason County Ordinance No. 5111 exists.

Furthermore, it should be brought to the County’s attention that the property in question is currently listed for sale for \$5,600,000⁶. Based on the applicant’s actions of selling the property, it brings into question whether their motive is to actually develop the property for Cannabis cultivation, or whether it is to push the project through planning approval to boost the sale price and marketability of the property. Ultimately, the applicant may not even be in control of the facility should it sell.

Approval of the 1,500ft setback variance would not only harm the rural and innocent nature of the area, but it would also create a precedent for future Cannabis developers to circumnavigate established County ordinances for their own gain.

Conclusion

I understand and appreciate the need for Cannabis in the State of California, as well as recognize the positive impacts the legalization has had on our State. I do not believe in the “Not In My Backyard” mentality, however this project should not be permitted at in the Latrobe area due to the concerns

described. At a minimum, the County should require a much more detailed analysis of the impacts this project will have on the environment and community.

Per page 15 of the report, the County concludes the project could have a significant impact on the environment, but the revisions proposed mitigate the impacts. I urge the county to re-assess it's findings and select the box that states: *"I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required"*.

By requiring an Environmental Impact Report, the County can be assured due diligence has been completed to the full extent of the law to protect our air, water, land, and resources.

Thank you,

Steven Tankersley
(916) 467-2678

Resources:

¹https://mass-cannabis-control.com/wp-content/uploads/2018/03/Presentation_Cannabis-Energy-Overview-to-CCC.pdf

²<https://www.frontiersin.org/articles/10.3389/fclim.2021.689945/full>

³<https://catalog.resourceinnovation.org/item/cannabis-h2o-water-sustainability-cultivation-407548#tabDescription>

⁴https://ecosorbindustrial.com/wp-content/uploads/2018/11/ECO_EBook_Science-of-Cannabis-Odors.pdf

⁵https://lompocrecord.com/news/local/will-legalized-recreational-cannabis-increase-rural-crime-rates/article_6d083994-62c8-576a-950b-3f1e7bb3c899.html

⁶<https://www.redfin.com/CA/Shingle-Springs/6914-S-Shingle-Rd-95682/home/167336738>

