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Planning Department <planning@edcgov.us>

13 PAGES

Commercial Cannabis Use Permit CCUP20-0001/Cybele Holding Commercial Cannabis Cultivation and Nursery

1 message

Jenni Prince Mahoney <jprincemahoney@gmail.com>

Wed, May 4, 2022 at 5:06 PM

To: planning@edcgov.us, jvegna@edcgov.us, kpayne@edcgov.us, john.clerici@edcgov.us, andy.nevis@edcgov.us, daniel.harkin@edcgov.us

Good Evening

I am submitting my comments on the Commercial Cannabis Use Permit CCUP20-0001/Cybele Holding Commercial Cannabis Cultivation and Nursery permit that is on the agenda for the upcoming planning commission meeting on May 12, 2022. These comments were also submitted back in February 2021.

I appreciate your time in considering my comments.

Jenni Prince Mahoney
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Mount Aukum, CA 95656
530-620-7022

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Poor Farm

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May 5, 2022

RE: CCUP20-0001/Cybele Holdings Commercial Cannabis Cultivation and Nursery

To: El Dorado Planning Commission
El Dorado County Planning and Building Department
2850 Fairlane Court, Building C
Placerville, CA 95667
planning@edcgov.us

Dear El Dorado Planning Commissioners:

I submitted this letter in February of 2021 to the County Planner. As I received no response to date, I am resubmitting it prior to the upcoming Planning Commission meeting scheduled for May 12, 2022.

My husband and I live at 3291 D'Agostini Drive in Mount Aukum (APN: 046-071-047); our property is **directly** across the Middle Fork of the Cosumnes River from 3029 Freshwater Lane. For some context, we purchased our property in 2011 with the intent of developing a small farm. We live in an agricultural area, surrounded by several vineyards such as Rombauer, Helwig, and C.G. Di Arie.

I have reviewed the ISMND and believe the NOI to Adopt a Mitigated Negative Declaration is inappropriate. There certainly seems to be a lack of due diligence concerning the properties on the south side of the Middle Fork of the Cosumnes River which are adjacent to the subject property. This is disappointing since many property owners on this side of the river provided comments previously during the agricultural commission review.

Odor

News stories report of complaints and lawsuits due to the offensive odors put off by cultivation sites (Philadelphia Inquirer 2019). Deodorizing systems have yet to be proven effective and the odor travels great distances (greater than 0.5 mile). Denver Environmental Health in Denver, Colorado reports that impacts from cannabis odors include headaches, eye and throat irritation, nausea, discomfort being outside (e.g., exercising, gardening, socializing), mental stress, and lack of desire to entertain due to strong odors (Denver Environmental Health 2016). As we practically spend all of our time working outdoors, issues with odor will affect our quality of life and that of our neighbors.

The ISMND analysis for odor is based upon the Odor Control Plan (OCP, ISMND Appendix A) that has many deficiencies, including the absence of the Mahoney residence (3291 D'Agostini Drive) directly south of the subject property and the Weaver Hodgkin residence to the southeast (3640 D'Agostini Drive) in the list of residences potentially impacted (OCP p. 4). Nor does it include the Rombauer or Helwig vineyards, south and southeast of the property, respectively. The OCP lists vineyards as possible emitters of odors but doesn't mention the potential impacts of cannabis odor and associated VOCs to grape growing operations. It has been stated that there is potential contamination of wine grapes from terpenes (California and Regional Wine Associations 2020). As we have a small farm of our own, do terpenes affect other fruits and vegetables as well? These issues have not been addressed in the ISMND.

The OCP uses an arbitrary distance of 2,000 feet for the nuisance odor area of analysis. Where does the 2,000 foot boundary come from, as there is no study cited? Further, it states that 500 feet should be sufficient to dilute odors generated (OCP, p. 5); what study supports that claim? Published experiences indicate odor can travel over one-half mile (Philadelphia Inquirer 2019). Until there is definitive data regarding how far cannabis cultivation odor will travel, using 2,000 feet is capricious. The downslope winds from the property will directly affect us (OCP, Wind Direction Map). It is noted that only residences within 2,000 feet will be provided contact information to make odor complaints (OCP, Section 8.2). According to the list of nearby residences (OCP, Section 5, page 4), that will be no one. Interesting.

The exhibit showing the four monitoring stations (OCP, Odor Monitoring Diagram) indicates all four monitoring stations will be located relative to the residences on the north side of the Middle Fork of the Cosumnes River. As we are one of the closest residences to the Phase I operations, there should be an odor monitoring station on the south side of the facility. Actually, the four locations shown only capture odor for the very northernmost portion of the Phase I operations and the Phase II operations that are 2-4 years down the line. Therefore, these locations will not be indicative of odors from initial operations. This is unacceptable.

Further, the OCP contains an abundance of boiler plate information that is not project specific. Such as, "If engineering controls or necessary, this section should include...."; "This section should describe the activities being undertaken to ensure the odor mitigation system remains functional....", "The maintenance plan should include....", and "Typically, carbon filters are at their peak performance when positioned at the highest point in your grow space where heat accumulates." These statements are from a go-by on how to draft an Odor Control Plan. If these portions of the plan are still preliminary and not project-specific, this should be stated outright and provide potential language for these sections depending on project-specific circumstances. If it is not a requirement of the county to have these specifics at this juncture, what will be the review process for this document as these sections are populated? If this is a living document as stated on page 2, what is the process for the county to review and approve of the updates moving forward, not just at the permitting stage but after Phase 1 is implemented? And then at Phase 2, possibly 2-4 years from now?

There are discrepancies between the OCP and the ISMND project descriptions. For example, the ISMND project description indicates 1,000 planting stations in an area of 45,000 sf while the OCP indicates 1,157 planting stations in a 30,000 sf area. This makes one wonder if the documents are comparing oranges to oranges or oranges to

apples. The studies performed to support the ISMND should have the same project parameters in order for the analysis to be valid.

An additional inaccuracy of the OCP is that the Odor Monitoring Diagram, that does correctly show our residence to the south, does not show the additional residence on our property, which is closer to the project area. Interestingly, this additional residence is included in the noise study but our residence is not (Figure 1 R-3, Noise Study).

While the OCP states regulations (Sec. 130.41.200, subsection 5.C.) that the facility must be 300 feet from the upland extent of riparian vegetation of any watercourse, the ISMND only states that it has been designed with a minimum 400-foot setback from watercourses without stating how far it is from the riparian vegetation zone. This is an important calculation considering proximity to the Middle Fork of the Cosumnes River.

Further, California Health and Safety Code section 41700 prohibits discharge of air contaminants, including odors, that cause nuisance or annoyance to the public. Although it states that odors related to agricultural operations are exempt under Health and Safety Code 41704, that specifies odors related to equipment and activities (i.e., burning, spraying), not cannabis crops.

Noise

Noise from 38 greenhouse exhaust fans was analyzed in the Noise Study (ISMND, Appendix E). Although the second residence on our property was correctly included in that analysis (R-3, Figure 1 of Noise Study), our main residence was not. When the downslope wind blows from the north, we easily hear noise from that side of the river. Noise from the current "hemp farm" construction has been very audible. The noise analysis did not include the variation of atmospheric conditions making both the noise of construction and then operations readily audible from our location.

Lighting

The proposed activities will include both outdoor and indoor cultivation. Greenhouse lighting (38 greenhouses!) will create substantial light and glare in an area that currently has dark skies. Although black-out tarps will be required for the greenhouses, lighting from other sources such as security lighting and building windows will be present. According to the Cybele Holdings Security Plan, security lighting will include motion sensors every 20 feet along fence line and on structures for a total of 70+ locations!!! Between wildlife movement and winds blowing vegetation, these lights will be triggered constantly. This will be a new substantial light source.

Visual

The ISMND states (p. 13) that the facility is not visible from any public vantage points. This is not true. The construction of the current hemp farm is readily visible from the C.G. Di Arie Winery where they do have public events several times a year. The cannabis facility and greenhouses will degrade the quality of the view from publicly accessible vantage points. The ISMND is inaccurate in its visual analysis.



View northwest of the Cybele Holdings Hemp Farm Construction

Security

The Cybele Holdings Security Plan states, "The remote nature, topography, and darkness of the premises provides for reasonably easy access to the premises by those intending to commit a theft or vandalism of cultivation areas." This is unacceptable to those with property surrounding the facility. During the summer months when the Middle Fork of the Cosumnes River has lower water levels, it will be easy for someone to attempt to access the Cybele Holdings property by crossing the river utilizing our property or one of our neighbors property, on either side of the river. That puts us and our neighbors at risk.

It is common knowledge that criminal activity related to marijuana in El Dorado County is a threat to local landowners and law enforcement. The tragic shooting of Deputy Brian Ishmael occurred along the same ridgeline to the east of this property and was a direct result of criminals trying to access a marijuana grow site. Our property was close enough to that incident that we received the phone message from the Sheriff's Department saying to stay indoors and notify law enforcement of suspicious persons. Imagine our dismay that the County is considering approving a remote cultivation site just across from us. Response times for law enforcement are extended in this area, which puts our area at greater risk for criminal activities. Does the El Dorado County Sheriff's Department have the capacity and staff to deal with the potential increase in criminal

activities related a cultivation site, the first legally permitted in the County therefore publicized, in a remote location in the south part of the County?

The ISMND indicates that the project site is located in a developed part of the County that receives police service (p. 71). The project site is located off of Sand Ridge Road and Freshwater Lane, the majority of which is a dirt road. This area cannot be described as developed other than rural residences in a very remote and wooded part of the county. In the Transportation Study (p. 12), it notes “the project site’s very remote location on a rough unpaved road...” The nearest sheriff’s office is located in Placerville; the Transportation Study states drive time from the Placerville area is a minimum of 29 minutes or more (p. 12). The ISMND does not provide estimated response times for law enforcement and emergency services specifically and therefore cannot assume an impact of less than significant. Has coordination with the Sheriff’s Office occurred and does the Sheriff’s Office concur that a cannabis facility in this location will constitute a less than significant impact on law enforcement services in the county?

Wildfire

Sand Ridge, including the subject property, was part of a 2014 wildfire that burned over 4,000 acres in two days. This forested area is still recovering with many dead standing trees and debris covering the ridge and slopes on both sides of the Middle Fork of the Cosumnes River. As noted in the ISMND, this area is designated by CAL FIRE as a high fire hazard threat area. Again, this is a rural area of the County with extended response times for fire protection resources. Not only will the Cybele Holdings facility be at risk of being in a wildfire, it will be a potential source of ignition for a wildfire. An elevated risk of fire associated with indoor cannabis cultivation is a commonly cited concern in the literature (California Police Chiefs Association 2009). Further, the Cybele Holdings Security Plan states, “The area between the outer and inner fence will be concentrated with hostile vegetation...” Would this vegetation comply with California Fire Code and CAL FIRE defensible space standards? And if defensible space standards preclude the use of “hostile” vegetation between fence lines, does that make the facility less secure?

Wastewater/Sedimentation

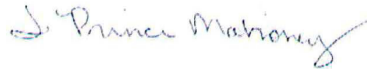
The property sits above the Middle Fork of the Cosumnes River. The foothills have been experiencing heavy rainfall events in recent years; the use of herbicides, pesticides, and other chemicals on the ridge above poses an environmental threat to water quality in the Middle Fork of the Cosumnes River, as well as the wildlife that utilize it. The ISMND notes that a stormwater pollution prevention plan will be implemented and there will be regular inspections (p. 29); will there also be water monitoring conducted to ensure herbicides, pesticides, and increased sedimentation are truly not entering the Middle Fork of the Cosumnes River?

Consultation

Has Cybele Holdings or the County coordinated with the California Fish and Wildlife Department (CFWD) regarding the project and its location above the Middle Fork of the Cosumnes River? Has it been verified with the CFWD that a streambed alteration agreement is not required? What other coordination with managing agencies, such as the California Water Board Central Valley Region 5, has been conducted?

In summary, I have many concerns regarding the Cybele Holdings Commercial Cannabis Cultivation and Nursery project. El Dorado County must reconsider the impacts as presented in the ISMND and withdraw the Mitigated Negative Declaration until all concerns and potential impacts have been addressed.

Please keep us apprised of the review process and status of this project.



Jenni Prince Mahoney

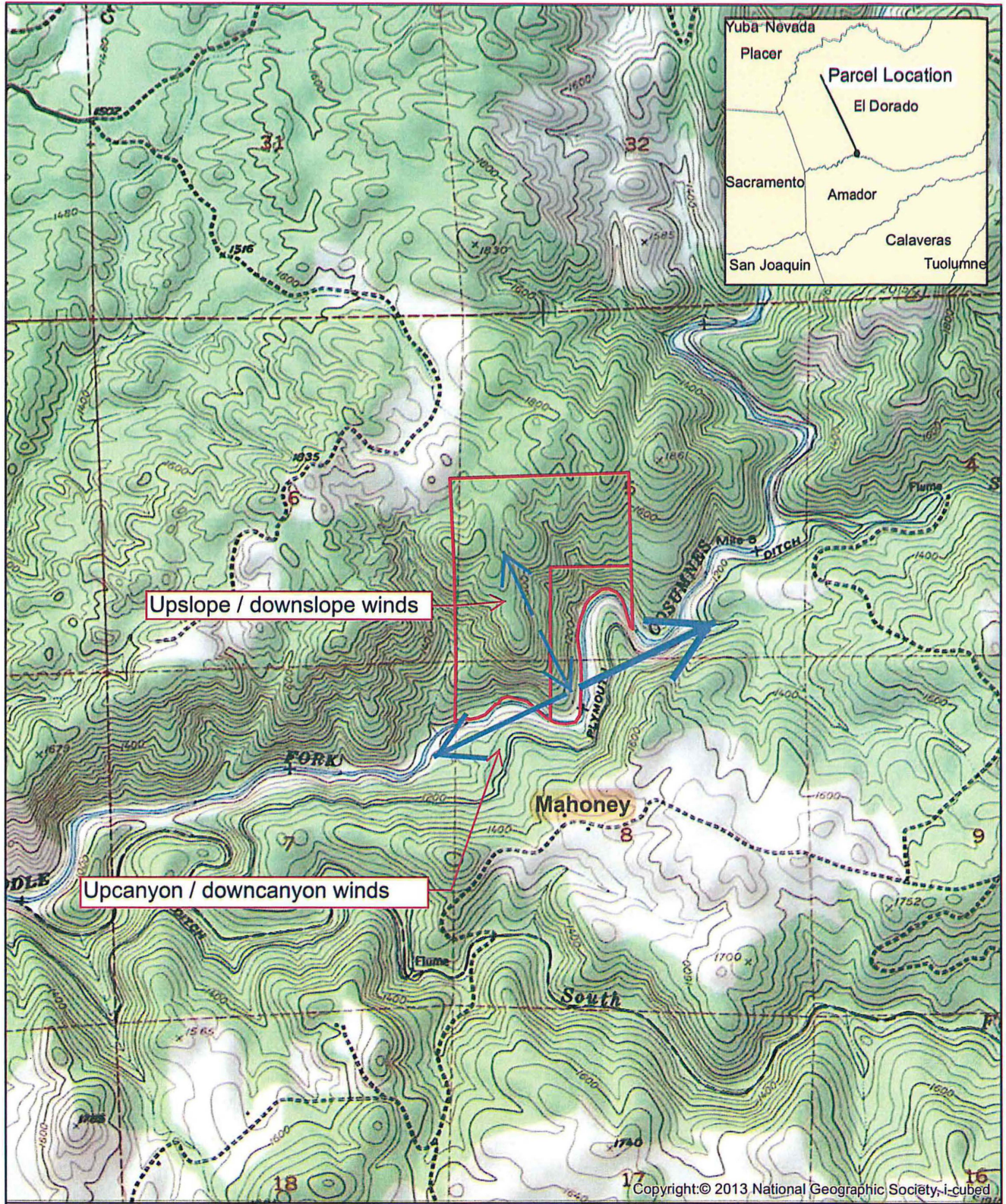
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Parcel Location

0 0.5 1
 Kilometers

0 0.5 1
 Miles

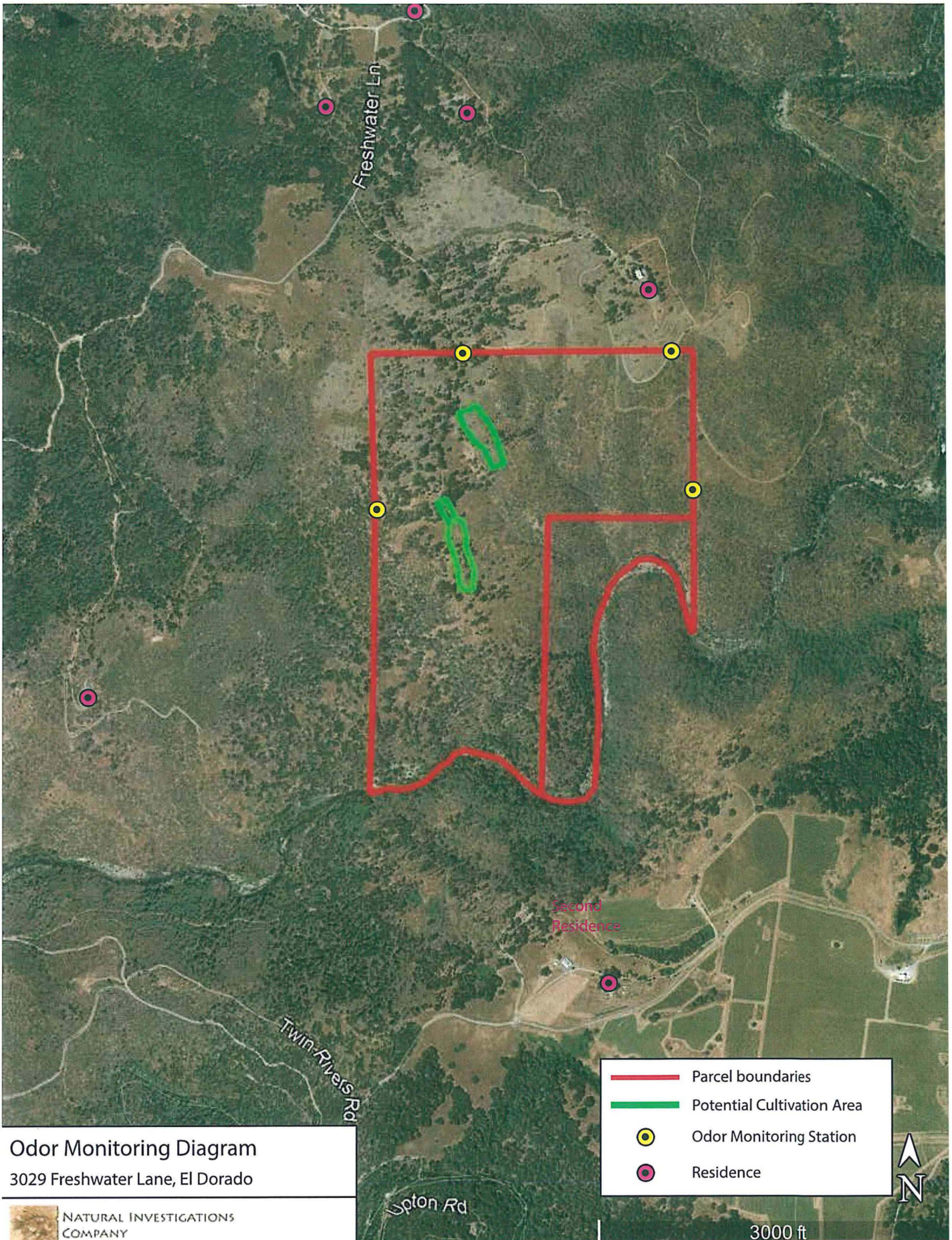
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**3029 Freshwater Lane
Wind Direction Map**


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COMPANY

Map Date 1/27/2020

Fiddletown 1949 Quadrangle Photoinspected 1973: Township 8N, Range 11E, Section 5,6,7,8



Odor Monitoring Diagram
 3029 Freshwater Lane, El Dorado

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