

File Number: _____ Receipt No.: _____
Date Received: May 8, 2024 Amount: \$450

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT SSS Inc, CCUP21-0004 applicant

ADDRESS PO Box 217, Mt Aukum CA, 95656

DAYTIME TELEPHONE 650-269-0063

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT _____

ADDRESS _____

DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: Board of Supervisors Planning Commission
BOARD OF SUPERVISORS

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Apr 25 PC Denial of CCUP License, illegal application of CEQA rules, not following ordinance guidelines, conditioned on completion of an unwarranted EIR, PC did not give clear direction to staff for what modifications to the project are required and both SSS Inc and staff are confused. Staff detailed a 5 month delay so that we can alter the application to use all hoop houses with charcoal filters for odor mitigation. We are retesting the Odor Study with baseline opinion numbers from SCS Engineering. This seriously delays the project, costing substantial revenue loss. Relief requested is full CCUP21-004 license approval.

There is also language in the GP re agricultural rights to water and it taking precedent over homeowners. I realize that commissioner Nevis has concerns over this, but we're dealing with a project that has been blessed by the state water board, the county and others, so without scientific proof, not sure how this would stand up to legal examination. I'd also add that with the elimination of the vines in the proposed site, the water usage would go down on the Pinette site, not up.

See also attached letter submitted by Archon Farms regarding this application, 2 PPS

DATE OF ACTION BEING APPEALED May 8, 2024

DocuSigned by:
Michael Pinette
6232D9C6C026488...
Signature

May 8, 2024
Date

Sec. 130.52.090 - Appeals.

Any decision by the review authority of original jurisdiction may be appealed by the applicant or any other affected party, as follows:

- A. An appeal must be filed within 10 working days from the decision by the review authority by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board, to the Department. The appellant shall clearly identify on the appeal form the specific reasons for the appeal and the relief requested.
- B. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:
 1. All decisions of the Director are appealable to the Commission and then to the Board.
 2. All decisions of the Zoning Administrator and the Commission are appealable to the Board.
 3. All decisions of the Board are final.
- C. The hearing on an appeal shall be set no more than 30 days from receipt of a completed appeal form and fee. If the Board meeting is canceled for any reason on the date on which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 30-day time limitation may be extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.
- D. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.
- E. Upon the filing of an appeal, the Commission or the Board shall render its decision on the appeal within 60 days.
- F. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Title until all appeals to the Commission and Board have been first exhausted in compliance with this Section.



Archon Farms, Inc.
701 12th St, Ste 202
Sacramento, CA 95814

March 26, 2024

El Dorado County
Planning Commission
2850 Fairlane Court, Building C
Placerville, CA 95667

ATTN: El Dorado County, Planning Commissioners:

This message is regarding Agenda Item #24-0520 related to Single Source Solutions (Commercial Cannabis Use Permit CCUP21-0004) request for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis.

We would like to address some of the other public comments made by community members pertaining to this project and several other similar projects over the last year. There exists a great deal of misinformation regarding potential impacts from legal, regulated commercial cannabis operations, and many residents' fears are the result of falsely conflating them with their illegal, unregulated counterparts.

First, water usage has been a consistent concern expressed by residents. Two aspects which introduce a confusion are A) indoor versus outdoor cultivation facilities, and B) use rates per plant versus per square foot of canopy. Some facilities do in fact have heavy water consumption compared to other crops. However, these are all indoor hydroponic operations utilizing porous growth media, designed to intake high levels of nutrients and induce greater biomass and cannabinoid yield. Soil medium, on the other hand, absorbs water and an outdoor project such as Single Source will consume water on par with many other agricultural crops which are grown by-right in our county, including apples and wine grapes.

Analyzing water use based on plant quantity versus square feet of canopy also distorts perception of demand for a cultivation facility. Cannabis plants can be grown with a large footprint at smaller quantities, or with a small footprint at greater quantities. Obviously, a baseline rate of gallons per plant is inappropriate as a "one size fits all" metric. On March 25th a resident submitted an article (Zheng et al, 2021) referencing outdoor rates at peak demand months (August, September) of 0.17 to 0.24 gallons per square foot of canopy. Mr. Tannenbaum submitted a separate study with monthly demand profiles showing an average of 0.17 to 0.21 gal / sq. ft. for the same peak months. Average demand over the course of the growth cycle (150 – 160 days) ranges 0.1 – 0.15 gallons per square foot per day. For this project, 0.12 gallons x 160 days x 87,120 sq. ft. = 1.67 million gallons per year. As noted by Mr. Tannenbaum, wine grapes currently consume over 3 billion gallons per year, and this project is relatively insignificant even though it is the largest cultivation premises (2 acres) currently authorized under the County ordinance.

Second, the notion of decreased residential property values. This is a common concern by residents in jurisdictions opening to legal cannabis production. It is easy to understand, as one's home is the primary vehicle for financial equity for most Americans. With that said, the Sacramento Comprehensive Cannabis Study published in 2022 by Economic & Planning Systems (aka "EPS Report") studied this aspect in detail and found no statistical correlation between cannabis production and home values. To quote, "overall, the analysis found that homes within one-quarter mile did not suffer any decrease in home value relative to their neighbors slightly farther away." (EPS, page 114) Without any basis other than fear-based speculation, the Commission ought to dispense with this objection in rendering its judgment.

Third, the notion of increased crime. As with the above point regarding home values, this is one of the most common concerns and unsupported by any scientific analysis. The criminal nature of illegal grow sites should not be superimposed upon legal operators spending exhaustive time and resources ensuring compliance with the myriad applicable local and State laws. While cannabis businesses can present an attractive target for thieves, the coordination among operators and local law enforcement agencies has proven an effective deterrent for crime even in urban environments such as Sacramento. Per the EPS report, "the proliferation of cannabis businesses in Sacramento has not generated a proportional increase in crimes targeting these businesses, suggesting that the enhanced security measures employed by these businesses are a strong deterrent to crime." (EPS, page 125) Since the applicant has met all the strict standards set by our Sheriff's Office, the Commission ought to set aside this objection as well.

Lastly, some concerned residents reference the River Pines Estates ("RPE") Covenants, Conditions and Restrictions (CC&R) prohibiting the presence of any commercial use within the subject parcels. They reference Article IV, Section 4.1, yet the text clearly qualifies the restriction to allow the use under consideration today: "No other use is allowed except as specifically permitted by Declarant and local ordinance." The residents also claim restriction based on the project being "noxious, harmful, or unreasonably offensive to other owners" however the evidence is presented is largely conjectural and speculative. The odor study completed by Paul Schafer of SCS Engineers does not in fact contradict the odor study included with the application, but merely questions some of its assumptions and offers additional mitigation measures should the thresholds in the county's ordinance be exceeded. It is reasonable to retain these suggestions should this violation occur, but it is unreasonable to deny this project on the basis of odor concerns.

In summary, this project is well-presented and exhaustively studied, with more than adequate measures included to address the community's valid concerns. It is a discretionary use categorically permitted in the Limited Agriculture (LA-20) zone, and fully compliant with applicable County ordinance. We advise the Commission to honor its Planning staff recommendation and approved the Mitigated Negative Declaration (MND) and Commercial Cannabis Use Permit (CCUP) as presented today.

Thank you for your time and consideration.

Regards,



Kevin W. McCarty
CEO / President, Archon Farms, Inc.
Member, El Dorado County Growers Alliance