

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



**Agenda of:** March 28, 2024

**Staff:** Evan Mattes

**COMMERCIAL CANNABIS USE PERMIT**

**FILE NUMBER:** CCUP21-0004/Single Source Solutions

**APPLICANT/AGENT:** Michael Pinette

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

**LOCATION:** North side of D'Agostini Drive, approximately 1 mile west of the intersection with Mount Aukum Road, in the Somerset area, Supervisorial District 2 (Exhibit A).

**APN:** 046-710-017 (Exhibit C)

**ACREAGE:** 46.53 acres

**GENERAL PLAN**

**LAND USE DESIGNATION:** Rural Residential-Agricultural District (RR-A) (Exhibit E)

**ZONING DESIGNATION:** Limited Agriculture 20-Acre (LA-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 CCUP21-0004 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 outdoor cultivation, consisting of two (2) acres. 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 LA-20 zone district (Exhibit F), consistent with the RR 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 CCPA19-0002 on November 19, 2019. 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 one (1) 46.53-acre parcel and construction and operation of the cannabis cultivation on two (2) acres of the project property, which is hereafter referred to as the “project site”. The project site, as well as all cannabis related infrastructure, would be located north of D’Agostini Drive. The project site is currently accessible via an existing driveway connecting to D’Agostini Drive. The property is designated RR in the County’s General Plan, and it is within the LA-20 zone district.

The project site consists of hilly terrain sloping to Flat Creek to the north of the project site. The cannabis cultivation area is relatively flat with a gentle slope up from north to south. Drainage within the site generally flows east to west, eventually flowing into Flat Creek. A small seasonal stream runs through the northern section of the property, approximately 285 feet north of the proposed cultivation area; however, no permanent watercourses exist within or in the immediate vicinity of the cultivation area. An existing residence is located south of the cannabis cultivation premises but would not be used as part of the proposed project. The proposed project property is bordered to the north by undeveloped, wooded to densely wooded land, to the east by undeveloped, wooded to sparsely wooded land, to the south by D’Agostini Drive with rural residential properties

beyond, and to the west by rural residential properties. The closest offsite residence is located approximately 745 feet west of the cultivation area.

## **PROJECT DESCRIPTION**

The project proposes the cultivation of approximately 87,120 square feet (2 acres) of flowering outdoor cannabis canopy in a fenced, designated cannabis cultivation area, an existing water well and tank for irrigation and storage, proposed storage containers for processing and harvest storage, a fire hydrant, a temporary processing tent, a proposed prefab office, a proposed Tuff Shed for chemical and solar electric equipment storage, parking spaces, portable toilet and handwashing station, and a solar panel array. Phase II of the proposed project would install 1.28 acres of hoop houses in the eastern portion of the 2-acre cultivation area.

## **STAFF ANALYSIS**

### **Employees**

The operation would have four (4) full time employees; the project applicant/owner may hire up to six (6) seasonal employees during harvest, as needed. It is anticipated that no fewer than one (1) employee would be onsite under most circumstances and up to 10 employees would be onsite under peak conditions. 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.

### **Agriculture**

The project parcel has an agricultural zoning and General Plan land use designation and is in an active Williamson Act Contract (WAC). It was determined by the Agricultural Commission that cannabis operations would not conflict with the WAC requirements. On September 13, 2022, following a recommendation from the Agricultural Commission, the Board of Supervisors adopted Resolution 139-2022 finding WACs consistent with cannabis cultivation. The on-site vineyard, located on the southeaster portion of the project property, would continue to meet the minimum acreage requirements for the WAC.

### **Odor**

An Odor Analysis was prepared by Environmental Permitting Specialists (EPS) on August 14, 2023 for the proposed project. 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 to conduct this analysis. Data from four (4) other outdoor cannabis and hemp cultivation facilities and one Tedlar bag sample were reviewed as part of the current analysis. The results of the analysis indicated the odor intensity would not exceed the County's threshold of seven (7) detection threshold (DT). The project has reduced the total amount of outdoor cannabis canopy from the initial proposal and is utilizing eight (8) hoop houses in addition to an outdoor grow area.

### **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.

### **Site Access/Parking**

The cultivation area can be accessed via a gravel road that leads north from the residence. A hammerhead parking lot/turnaround area would be constructed south of the cultivation area gate at the end of the driveway into the project site to accommodate worker parking and fire apparatus turnaround. An existing unpaved access road from the residence within the subject parcel would connect to the proposed cultivation area. The driveway from the house to the cultivation area would be improved and an approximately 54.8-foot-long concrete masonry unit (CMU) wall is to be installed. The access driveway would be paved wherever the slope of the driveway exceeds 16 percent.

Six (6) 9 feet by 16 feet parking spaces and a hammerhead turnaround totaling 1,458 square feet would be constructed south of the cannabis cultivation area. The parking area would be located between the access road and the cultivation area and would be located to the west of the proposed shipping containers.

### **Lighting**

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

### **AGENCY COMMENTS**

The project was distributed to all applicable local, County, and State agencies for review and comment. Comments were received from the Office of the County Surveyor, County Department of Transportation (DOT), Air Quality Management District (AQMD), Pioneer Fire Protection 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 RR-A (Exhibit E). As proposed, the project would be consistent with the standards established by the RR 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 LA-20 zone district as commercial cannabis cultivation and nursery facilities are allowed within the LA-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 LA-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.

## **PUBLIC OUTREACH**

Public Notification: Section 130.41.100.4.B of the Zoning Ordinance states that prior to the hearing before the Planning Commission, notice of the application shall be provided pursuant to Section 130.04.015. If a commercial cannabis activity is proposed within a one-half (0.5) mile radius of an incorporated City or County, notice of and an opportunity to comment on the application for the CCUP shall be provided to the applicable City or County before the permit is considered by the Planning Commission. As a CCUP, it would have a notification radius of 1,000 feet from the subject property, with a notice in the local newspaper. The project site is located within a one-half (0.5) mile radius of Amador County. Pursuant to Section 130.41.100.4.B, a notification was provided to Amador County.

Public Outreach: No formal public outreach was conducted as a public outreach plan is not required for commercial cannabis projects pursuant to the County Zoning Ordinance. Planning Services recommended and the applicant agreed to contact adjacent property owners directly.

## **ENVIRONMENTAL REVIEW**

A CEQA Initial Study was prepared analyzing the potential impacts the project may have on the project site (Exhibit K). 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 is 30 days, and took place beginning January 30, 2024, and ending February 28, 2024. A corrected version of the MND sheet was recirculated and renoticed with an extended public review period starting February 12, 2024 and ending March 12, 2024.

The applicant shall submit to Planning Services a \$50.00 recording fee and the current California Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. The applicant shall submit check for the total amount to Planning Services 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 ..... | Assessor's Parcel 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 ..... | Well Report   |
| Exhibit J ..... | Security Plan   |
| Exhibit K ..... | Proposed Mitigated Negative Declaration and Initial Study |