

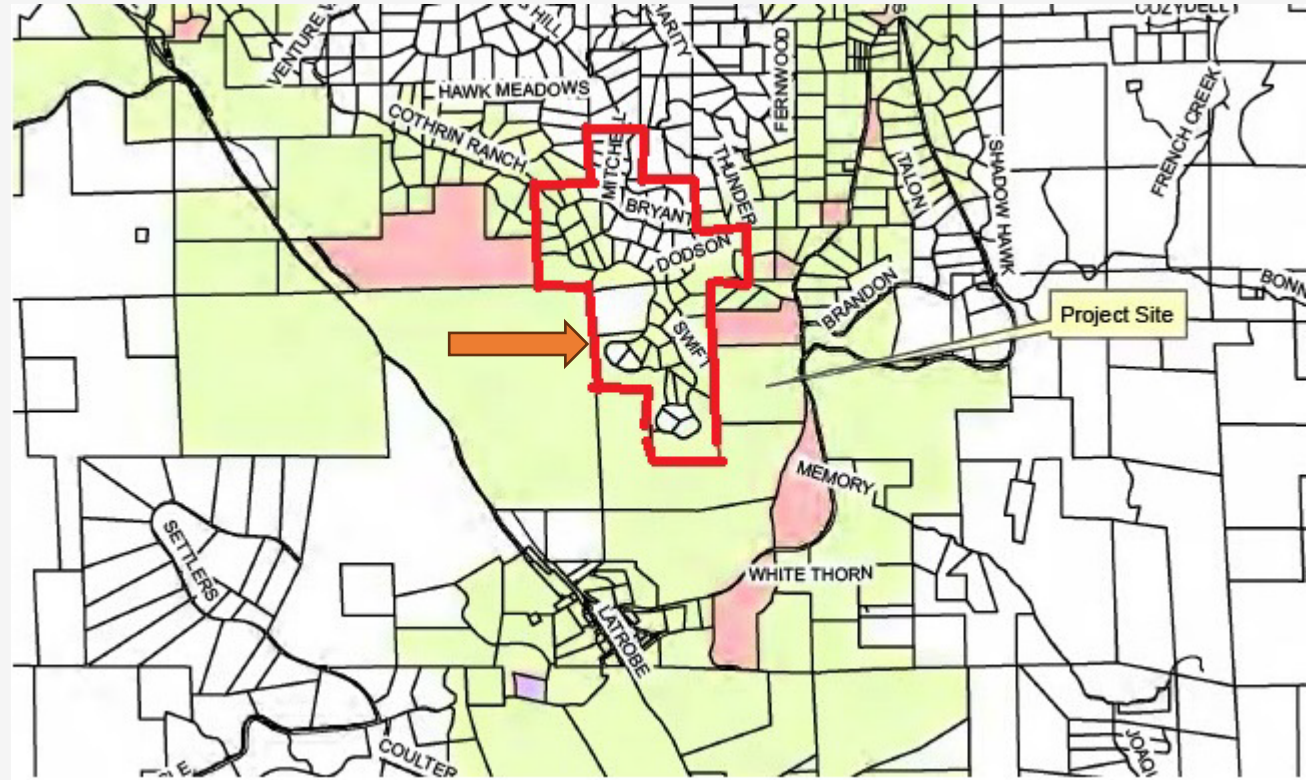
El Dorado County Board of Supervisors Appeal of CUP by Sun Ridge Meadows Owners Association

Adam Savakus

President, Sun Ridge Meadow Owners Assocaition

Sun Ridge Meadows

- Established in 1990
- 580 Acres, 58 homes
- 5 to 40 areas
- 60 Acre Common area, Recreational trails, Lake
- PUD- Planned Development



Integrity of the Application process

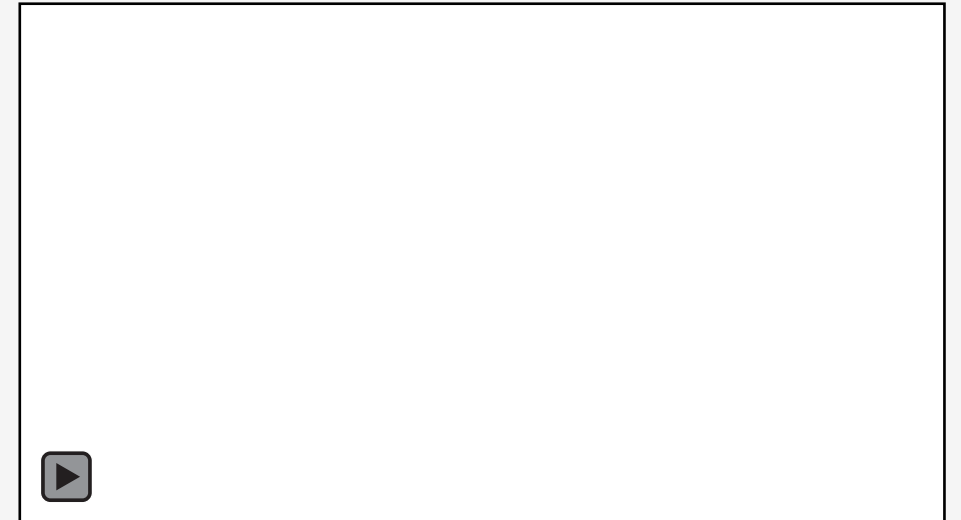
In documents we have been able to access and during the August 24, 2023 Planning Commission hearing, the Applicant appears to have been less than truthful.

When asked by a Planning Commission member if he was selling the property, he stated he was 'just testing the waters'. (This in response to an MLS listing for his property that had been 'pulled' from MLS 4 days prior to the August 24 meeting.)

"We want to stay, we want to be a good partner with the county, with our neighbors"

During the August Planning Commission meeting, it appears the Applicant sought to hide his motivation for this CCUP.

It turns out the Applicant was preparing for a re-launch of the property sale.....



Integrity of the Application process

On October 3, 2023, Applicant held an open house for several Realtors. One realtor disclosed the following:

- They will list the property on October 11, to 'avoid complications with the appeal' (The original BOS appeal was to be held October 10)
- The cannabis operation is estimated to 'generate \$1.6 million a year', and this supports the asking price of \$5.6 million. (Flyers attached)
- 'Mr. Sandie is moving to Seattle, to be near his children. Its done deal, they have a location selected'

Reportedly, when these flyers "got out", the applicant was furious- the realtors were fired.

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COUNTRY LIVING

ENCHANTING RANCH
RETREAT WITH
PROFITABLE EARNING
POTENTIAL

- TWO SINGLE FAMILY RESIDENCES
- ZONING: AE
- 105.9 ACRES

MAIN HOUSE FEATURES SQ FT 4942:
4 4 5+ 5

GUEST HOME FEATURES SQ FT 1200:
3 2

\$5,600,000

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HOUSE FEATURES

- 4 Large Bedrooms
- 6 Bathrooms
- Pool & Spa with waterslide and grotto
- Zip Line
- 3 potential income producing tree houses & on site care takers house
- multiple investment potential
- Equestrian Property
- outdoor kitchen

PROPERTY HAS MULTIPLE INCOME POTENTIALS

PLEASE CALL TO DISCUSS IN DETAIL. PROPERTY MAY HAVE MORE INCOME PRODUCING POTENTIAL THEN LISTED

- EQUESTRIAN CENTER
- WEDDING VENUE
- TREE HOUSE/ AIR B N B
- WINERY/VINEYARD
- POTENTIAL TO ADD ADDITIONAL ADU UNITS
- RESORT
- HARVEST HOST
- HORTICULTURE LICENSE*
- CARE TAKERS HOUSE IS INCOME PRODUCING

PLEASE BE SURE TO PERFORM COMPREHENSIVE DUE DILIGENCE WHEN CONFIRMING ZONING REGULATIONS.

CONTACT US NOW

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Applicant is corrupting the process

Clearly the Cannabis License is for sale here....

..although realtors are being very cagey about the word 'cannabis'.

"Income" is used perhaps a dozen times along with 'call us to ask about it'.

HORTICULTURE LICENSE

For further details on this exclusive property license and its exceptional high-profit potential, we invite you to make inquiries directly. Feel free to reach out for comprehensive information about the horticulture license and to explore the myriad opportunities that await. Your inquiries are valued and will be promptly addressed.



Possible Unpermitted Construction?

- Building of TREE houses.. Three of them.
 - *"income generating tree houses."*
 - *"...equipped with air conditioning, a full bathroom...."*
- Plumbing and electric too, based on the real estate flyer.
- Potential Oak Tree Violations?
- A complaint has been filed, and an investigation underway...

T(H)REE HOUSE OASIS

INCOME-GENERATING OASIS:
THREE LUXURIOUS TREE
HOUSES READY FOR RENTAL
ADVENTURE



INCOME & TREE HOUSE INSIGHTS

This property features three income-generating tree houses expertly designed by the Tree House Masters. Additionally, there are two zipline platforms connecting to two of the tree house platforms. The main tree house is equipped with air conditioning, a full bathroom, a kitchenette, an indoor-outdoor shower, a loft bed, and a compact dining area. The secondary tree house includes a bed, loft, full bathroom with air conditioning, and a scenic

Summary

- The Applicant has requested a variance with full knowledge that he does not intend to reside in El Dorado County.
- Evidence suggests he will be selling this property and moving
- Based on multiple sources of information there may be potential serious violations of El Dorado County codes.
- Information provide from the Applicant to the county to support this CCUP may be unreliable

Issues with Planning Commission Findings- 8-24-2023

The Planning Commission adopted findings in support of the Variance that are so vague and conclusory that they do not begin to meet the requirements that have been confirmed by the California Supreme Court in *Topanga Canyon Ass'n for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506 ("*Topanga*"). There may be no room for speculation as to the agency's basis for decision, and the logical connection between the evidence and the conclusions must be shown. (*Id.* at 516.)In the present case, the Planning Commission made conclusory findings that do not meet this standard.

"5.1 There are special circumstances or exceptional characteristics or conditions relating to the land, building, or use referred to in the application which circumstances or conditions do not apply generally to land buildings, or uses in the vicinity and the same zone."

The planning commission finding 5.1 is unsupported; Mr' Sandie will not suffer a hardship; loss of potential profit is not a special circumstance. In actual fact, there are many properties impacted by the county restriction on bus stops. In this case Mr. Sandie does not intend to operate a cannabis facility- he is simply seeking to profit from a license.

"5.2 The strict application of the zoning regulations as they apply to the subject property would deprive the subject property of the privileges enjoyed by other properties in the vicinity and the same zone (California Government Code Section 65906)."

Finding 5.2 relates to the deprivation of privileges based upon a "strict application" of the ordinances. The findings here are sparse, and state that some other properties may be further from the bus stops and would therefore be able to obtain a cannabis permit under the current regulations and that somehow this means the other properties are enjoying a "privilege" that the applicant would be deprived of. This makes no sense. Commercial Cannabis is a use that is allowed only with a conditional use permit, *and* so long as the project meets the distance requirements from the bus stops. This does not deprive the applicant of all the other myriad uses allowed under the zoning ordinances (uses the applicant is already making and advertising in the property listing).

Issues with Planning Commission Findings- 8-24-2023

5.3 The Variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated (California Government Code Section 65906).

Finding 5.3 is intended to confirm that the applicant will not be receiving a special privilege through the granting of the variance. The finding here makes the rather circular argument that other properties in the area could theoretically obtain a commercial cannabis permit, and so such a permit is not a special privilege. Arguably, being allowed to obtain a cannabis permit where the County Code clearly states it is not allowed (within 1,500 feet of a school bus stop), is a special privilege. From the point of view of the parents and teachers who are concerned about the enforcement of this requirement, it is a special privilege indeed to be allowed to bypass this protective requirement.

5.4 The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood

Issues with Planning Commission Findings- 8-24-2023

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The findings here simply states that the greenhouses will be difficult to see from the public way, and that for some reason this meets the "intent of the setback." There is no analysis of what the intent of the setback is, nor whether or not a mere visual "screening" is sufficient to meet that intent. It is the obvious intent of the setback requirement to protect public welfare, and the Planning Commission made no findings at all regarding how the public welfare will be protected in spite of the variance.

CEQA Issues

A. Failure to adequately analyze impacts related to adequate water supply for fire suppression.

The MND reports that the groundwater onsite comes from a well that produces 11 gallons per minute. (*Id.*) The well report provided on October 6, 2023, indicates that the production of this well was measured without a pump in place in 2012. Well production is unknown in 2023.

El Dorado Hills Fire Department stated in 2021 the “project area is not currently provided with an adequate means of emergency water supply, storage or conveyance facilities.” There has been no analysis of the safety of the residents of these structures.

B. Failure to adequately analyze impacts related to adequate water supply for Project operations.

The MND contains unsupported conclusions stating that the operation of the project will require approximately 150,000 gallons of water per year. (MND, p. 4.)

The analysis of the cannabis water supply needs is not supported by any substantial evidence. Easily available information from State websites shows that the cannabis operation will require well over 1,000,000 gallons of water per year. Almost ten times what the MND analyzed. There is no substantial evidence to support the calculations in the MND arriving at the conclusion that each cannabis plant will survive on a few drops of water each day. The MND falls well short of what is required by CEQA.

Issues identified during review

Subject to an FOIA request, we received several hundred pages of documents from the county- our review has identified several areas of concern-

Site Access/Fencing

Water

Electric

Site Access

The issue of site access arose during the planning review...

- When questioned by Commissioner Boeger: *"If a child is at the bus stop and they decide they want to take a trek to get to the grow site ...what would that journey look like?"*
- Mr. Sandie's attorney stated: *"Somehow scale the fence that's already on the boundary lines and get up the hill. That would be nearly impossible- I think even for teenagers- its very well secured, it's a very high fence".*
- Of note the attorney then goes on to emphasize the security fencing around the grow site, which is quite distinct from the fencing referred to in her response.

Note: Quotes are transcriptions from the video of the Aug 24, 2023 Planning Commission Meeting

Site Access- Childs play

View from Memory Lane Bus Stop



GREEN GABLES GROW

From Applicant's submission to
Planning Commission



El Dorado County has rules and policies in place for a reason

- The 1500 foot setback established by County policy is designed to ensure adequate separation between cannabis facilities and school children
- We- and by this I mean the residents and our elected representatives- may wish to change this. Indeed, there is a process in place to review cannabis regulations in the county. That is an appropriate process.
- However, granting a variance because there is opposition to a policy, or even because a policy may change in the future, is not an appropriate use of the variance process.
- Much has been said about how unfair this process was- that the applicant never knew there were bus stops until late in the process. In actual fact, according to the letter from Applicant's own Attorney, dated May 9, 2023: The applicant was well aware there were bus stops immediately adjacent to his property: *"The county identified two bus stops designated by the Latrobe school District in June 2020 when Green Gables submitted their preapplication"*

We believe this variance should be denied- and should the county change the setback requirements in the future, this may be re-evaluated at that time.

Water

When questioned by Commissioner Nevis about *“we heard concerns about dry wells. Was that something that was looked at in the course of the environmental study?”*

This was not answered by planning staff. Mr. Sandie then stated: *“We have two wells on the property, one is operational, the other can be utilized. It can be full [sic] operational”*

Importantly, Country records indicate one well rated at 11 GPM, the other rated at 1.5GPM. It appears that Mr, Sandie is representing a 1.5GPM well as a ‘fully operational backup well”.

Based on documentation received from our FOIA request, there is not enough water for this project-

Water

No new water production tests have been provided in the planning documents

It is not clear that water use includes the 4000 sq ft house; the caretaker house, the barn, the landscaping AND the cannabis facility. Nor the three "treehouses" identified on the sales flyer.

El Dorado County Fire stated: (June 14, 2021 Letter to A. Mount)-

"this project does not comply with significant general plan policies

5.7.2.1 Fire protection

6.2.1 Defensible Space

6.2.3 The project is not currently provided with an adequate means of an emergency water supply, storage or conveyance facilities."

Electric

Ordinance requires 100% of power be offset. At the planning commission meeting the issue of solar power generation arose. During questioning by one commissioner it appeared that while the Applicant *initially* stated solar reduced the electric bill, however inexplicably the Commissioner got him to agree that solar provided for *all* power usage....

Given the possibility that there are unpermitted structures on the property that represent further electrical usages, there is no basis for the assertions stated in the MND.

Conclusions

The Applicant has been less than truthful...

The Planning Commission erred when it granted variance V23-0002

Information provided to date to support the MND and grant the CCUP is insufficient and unreliable, at best.

We urge the Board to grant this appeal and rescind CCUP20-0004 and Variance V23-0002

Additional analysis and environmental review is required to support any findings regarding the variance or CEQA findings.