
For public comment, Feb 27, agenda item 25-0251

From Lexi Boeger <lexiboeger@gmail.com>

Date Mon 2/24/2025 5:43 PM

To Planning Department <planning@edcgov.us>

Cc David Spaur <David.Spaur@edcgov.us>; Bob Williams <Bob.Williams@edcgov.us>; Jeff Hansen <Jeff.Hansen@edcgov.us>; Andy Nevis <Andy.Nevis@edcgov.us>; Patrick Frega <Patrick.Frega@edcgov.us>

 1 attachment (1 MB)

BusStop.pdf;

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Madam Clerk, Please post the following email and attached PDF to public comment for the Feb 27th agenda item 25-0251 regarding **CCUP21-0007**.

Dear Commissioners, Thank you for your thoughtful consideration of this item.

Three points regarding cannabis permits:

1) **Bus Stop setbacks**- The language of the Cannabis Ordinance is not applicable as the instructions for measuring sensitive sites refers to sites that exist on legal parcels and can be measured property line to property line. Bus Stops were included in this poorly written sentence however they do not have a legal physical description such as a parcel map or property lines. They are somewhat nebulous points in space on an easement usually at an intersection of roads. Since multiple parcels may adjoin the location, assigning one to the bus stop opens the door to an arbitrary, subjective, and probably not defensible, application. Choosing a closer or further parcel could result in qualifying or disqualifying an application and it's based on a wrongly written sentence in the code. This typo was brought to the Boards attention multiple times during the Cannabis Ordinance Review and still remains problematic. See attachment for visual of the problem this creates. The Bus Stop at Omo Ranch Rd. and Derby Ln. sits on three different parcels. The one closest was assigned. However, that is arbitrary. See attached parcel map.

2) **Hydrologic Studies**- All that is required for a cannabis permit is a well report that shows adequate flow to serve the project. Cannabis grows, even at the maximum footprint of 2 acres, are a DECREASE, not an increase, in the CEQA impact of water usage already calculated for this parcel. The right to plant this Ag zoned parcel from property line to property line, all 20 acres, with the most water guzzling crop (aside from cannabis) that the farmer wants is already contemplated in the EIR done when the Agricultural zoning and allowed uses were adopted into the General Plan, and even more deeply considered in the creation of the Agricultural District overlay wherein this parcel in question exists.

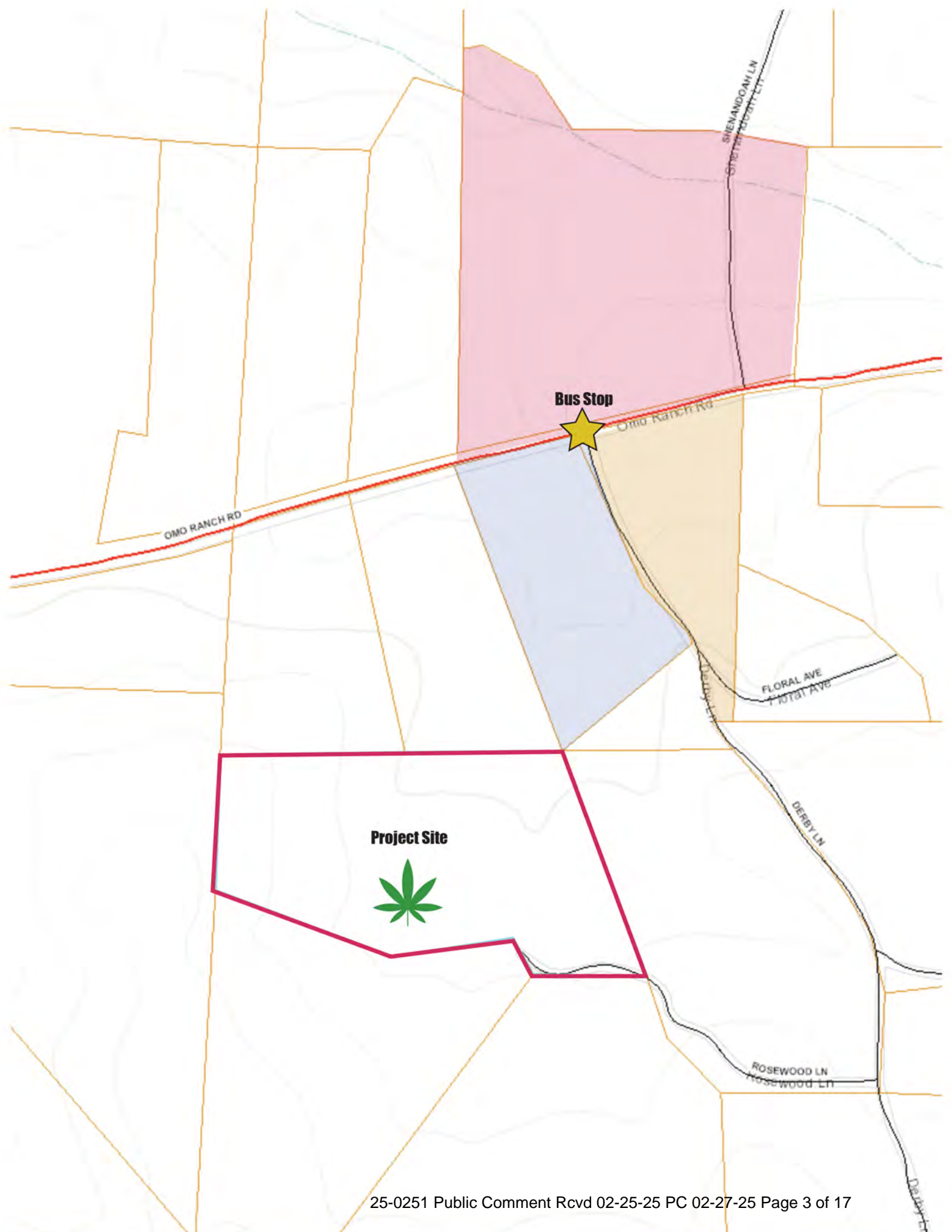
Furthermore, it is the purview of the El Dorado County Water Agency to make determinations of water use and policies, not the Planning Commission on a case by case basis.

3) **Set Back Relief/Odor-** The right to get set-back relief was written into the VOTER APPROVED ballot initiative and must be granted unless "same effect" **cannot** be achieved. The same effect referred to is about odor at the property line. This project proposes to use the same combination of indoor cultivation with carbon scrubbers, the very same system required by the county for cannabis cultivation on Commercial zoned parcels. The county is so confident in the odor mitigating capability of this set-up that they require ZERO set-backs in commercial zones from the property line. Certainly this will meet a standard of less than 7dt for this project.

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Lexi Boeger

Working Lands Advocacy

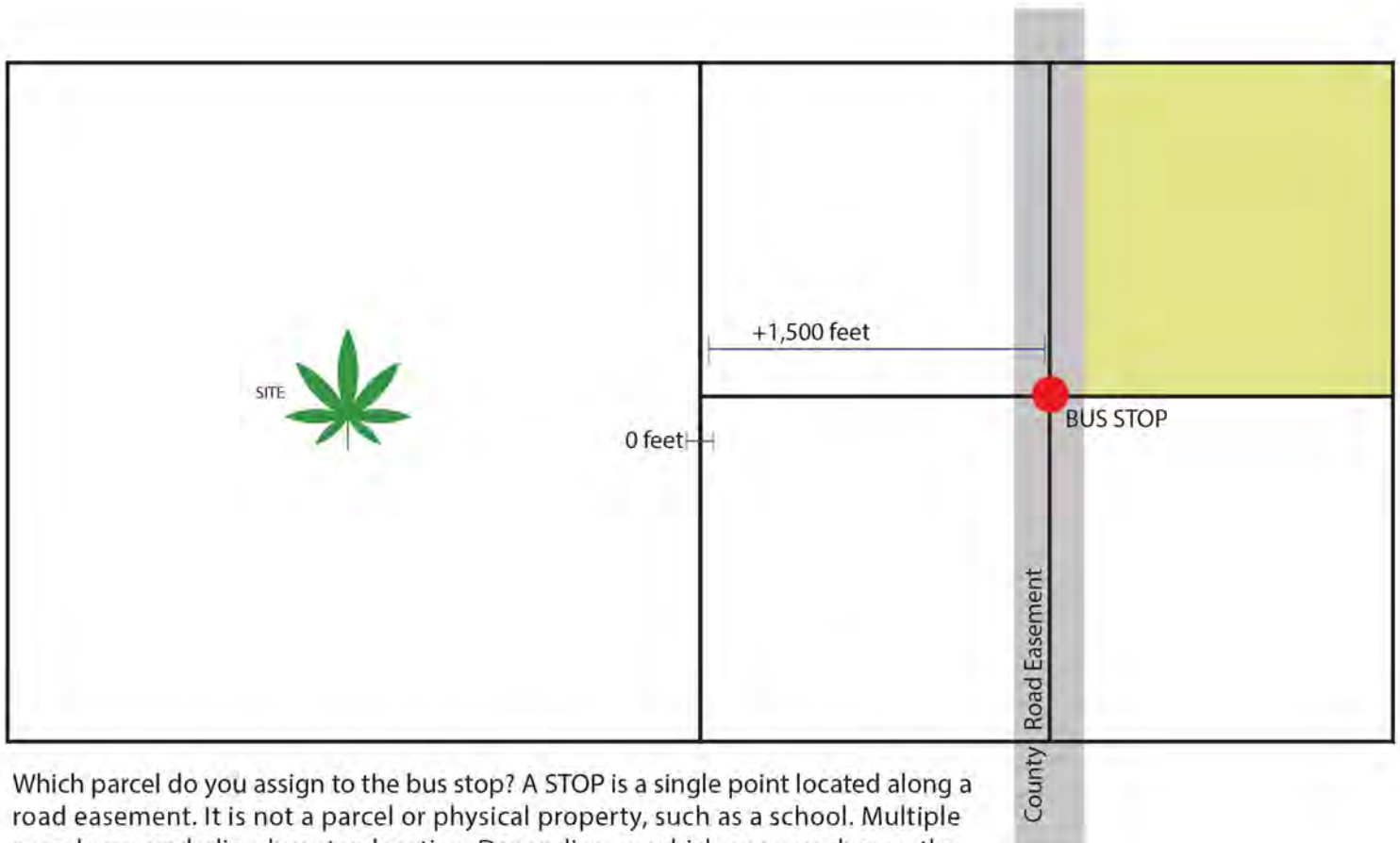


Sec. 130.41.200 - Outdoor and Mixed-Light Cultivation of Commercial Cannabis

5.Cultivation Standards.

B. Location. Outdoor or mixed-light commercial cannabis cultivation 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. Distance shall be measured from the nearest point of the premises that contains the commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement.

** Every other sensitive site enumerate here exists on a parcel, therefore the measurement instructions make sense. This is just poor writing not to pull the bus stop out and give it a different instruction. Logic demands we admit a bus stop does not have a legally definable property line.



Which parcel do you assign to the bus stop? A STOP is a single point located along a road easement. It is not a parcel or physical property, such as a school. Multiple parcels can underlie a bus stop location. Depending on which one you choose, the nearest property line may fall within, or outside of the 1500ft setback requirement. This creates subjectivity, and a potential for bias, to select a parcel for a certain outcome. This cannot be equally and generally applied to every permit. A bus stop is a point and, despite the poorly worded language in the ordinance referring to property line, it should be measured from where the bus actually stops to the closest property line of the cannabis operation.

Rebuttal to Public Comment on Planning Commission Hearing 02/27/25 – Agenda Item 25-0251

From Lee Tannenbaum <lee.tannenbaum@gmail.com>

Date Tue 2/25/2025 12:20 PM

To Planning Department <planning@edcgov.us>

Cc Kevin W. McCarty <kevinwmccarty@pm.me>; Michael Ranalli <Mike@ranallivineyard.com>; Michael Pinette <michaelpca@gmail.com>; Lexi Boeger <lexiboeger@gmail.com>; jaykipp0904@aol.com <jaykipp0904@aol.com>; phil barrier <pbar1@hotmail.com>; Robert Worrell <blueoaklandscape@gmail.com>; Rodney Miller <rod@earthgroovy.com>

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Clerk of the Commission,

Please add the below comments to the above mentioned Planning Commission Hearing

Dear Members of the Planning Commission,

This letter serves as a formal rebuttal to the February 24, 2025 public comments regarding PC 02/27/25 – Agenda Item 25-0251. Several claims raised in opposition to this cannabis cultivation application misinterpret CEQA requirements, setback provisions, land use law, and industry realities. Below, I provide clarification on these issues (with references).

1. CEQA Compliance and the Cannabis Alliance Position on a Countywide EIR

- Some public comments demand a hydrological study for this project. However, CEQA Guidelines (14 CCR § 15155) explicitly limit the requirement for hydrological studies to projects that exceed thresholds defined for groundwater-dependent areas. This project does not meet those thresholds and is therefore not required to conduct additional hydrological analysis.
- Requiring a hydrological study at this stage would exceed the Planning Commission's legal authority and set an unreasonable precedent for future agricultural applications (See below).
- The opposition asserts that an Environmental Impact Report (EIR) should be required for this project. However, this misapplies CEQA requirements in two significant ways:
 - The Cannabis Alliance supports an EIR, but not for this or any individual project. Instead, it recommends that El Dorado County conduct a countywide EIR for all cannabis-related activities to streamline future permitting and avoid project-by-project disputes. While this is not within the purview of the Planning Commission, a recommendation to the Board of Supervisors to consider a countywide EIR would provide future clarity and help avoid ongoing neighbor-to-neighbor or farmer-to-farmer conflicts over individual projects.
 - The Mitigated Negative Declaration (MND) is legally sufficient for this project because all potential environmental impacts have been mitigated to less-than-significant levels (CEQA Guidelines, 14 CCR § 15070).
- Under CEQA's "Fair Argument" Standard (14 CCR § 15064(f)), an EIR is only required if there is substantial evidence that a project may have a significant impact. Courts have ruled that public opposition alone is not substantial evidence (Citizens for Responsible

Equitable Environmental Development v. City of Chula Vista, 197 Cal.App.4th 327 (2011); Parker Shattuck Neighbors v. Berkeley City Council, 222 Cal.App.4th 768 (2013)).

- The opponents cite a legal case where a fair argument has been supported by residents who can state factual non-expert evidence through their lived experiences (paraphrase). We ask the Planning Commission and the opponents to cite when they have lived next to a LEGAL and COMPLIANT cannabis operation. To the best of our knowledge they have not, which disqualifies their request legally.
- As there has been no scientifically supported evidence demonstrating new, unmitigated environmental impacts, the MND remains legally valid under CEQA and county law.

2. Crime Concerns in Relation to Cannabis Operations

- Some opponents continue to assert that cannabis businesses increase crime rates.
- El Dorado County law enforcement has made no formal requests for increased policing near cannabis businesses, further disproving concerns about public safety.
- While crime concerns are frequently raised in opposition to cannabis projects, there is no factual basis for these claims in El Dorado County.
- Since the adoption of the cannabis ordinance in November 2018, there have been zero reported crimes at any cannabis business in El Dorado County, including dispensaries, cultivation sites, manufacturing facilities, and distribution centers.
- The El Dorado County Sheriff's Office has not identified any increased crime associated with permitted cannabis businesses. Therefore, public concern regarding crime is speculative and does not constitute a valid reason to deny this permit under CEQA or land use law.

3. Setback Requirements and the Bus Stop Issue in the Context of Land Use Law

- The opposition raises concerns regarding setback requirements and the proximity of the cannabis cultivation site to a bus stop. However, these arguments misinterpret zoning law and land use planning principles.
- **Property Ownership Date and Setback Compliance**
 - El Dorado County Ordinance No. 5110, Sec. 130.41.100(D) states that setback requirements only apply to properties purchased after November 6, 2018.
 - The applicant owned the property prior to this date, making additional setback claims legally inapplicable.
- **Green Gables CCUP Precedent for Setback Variance**
 - In contrast, the Green Gables CCUP mentioned required a setback variance because the property was purchased after November 2018, meaning setbacks did apply in that case.
 - This precedent supports the clear distinction between properties affected by setback requirements and those that are exempt.
- **Bus Stops Are Not Legally Considered Sensitive Land Uses**
 - In land use planning, fixed-location infrastructure such as a bus stop does not require the same setbacks as sensitive sites like schools, daycare centers, or residential care facilities.
 - CEQA and zoning laws define sensitive receptors as facilities where children, elderly individuals, or other vulnerable populations reside or congregate for extended periods (Cal. Health & Safety Code § 25507).
 - A bus stop is a transitory location, meaning it does not meet the legal definition of a sensitive receptor requiring additional setbacks.
 - If bus stops were to be considered sensitive land uses under El Dorado County zoning, this would create an unmanageable precedent where any transitory stop would require special setbacks, which is both impractical and unsupported by law. Other common transitory stops include:
 - Public transit stops (not just school buses, but general public transportation)

- Rideshare pickup zones (Uber, Lyft, taxi stops)
- Postal service delivery locations (mail trucks stopping for deliveries)
- Waste collection stops (garbage trucks routinely stopping for pick-up)
- Temporary roadside parking (e.g., delivery vehicles or construction service stops)
- Land use law is intended to regulate permanent structures and predictable human activity, not temporary stops. No zoning ordinance in California—including those in neighboring rural counties with cannabis regulations such as Mendocino, Humboldt, or Trinity—categorizes a bus stop as a sensitive land use requiring additional setbacks.
- Pursuant to this and based on the above, if the Planning Commission upholds the school bus stop setback as the opposition suggests, this opens EDC to potential legal action.

4. Traffic and Employee Vehicle Use – Addressing Misrepresentation

- Opponents have repeatedly claimed that there will be up to 60 vehicles per day on neighborhood roads, plus 10 employee trips daily. This is categorically false.
- The actual number of employees required for this size of cultivation is 1, maybe 2, daily.
- The Cybele Cannabis Farm, which operates a cultivation site in EDC and is almost 10 times the size of this application, manages their entire operation with only 3-4 employees daily. So 6 to 8 trips daily. Go to work and go home.
- The opposition’s traffic claims have no factual basis and should be disregarded as unsubstantiated speculation.

5. Fairplay AVA Does Not Exclude Cannabis

- Some public comments claim that cannabis cultivation is incompatible with the Fairplay AVA (American Viticultural Area).
- However, there are no formal restrictions within the Fairplay AVA designation that prohibit cannabis or other non-grape crops from being cultivated.
- The AVA designation only governs wine labeling and marketing, not land use. This means that farmers in the Fairplay AVA are free to cultivate any crop permitted under county and state land use regulations.

6. Water Use and Hydrological Study Limitations Under CEQA

- The opposition raises concerns regarding water consumption, suggesting that the project may deplete local resources. However, these concerns are unfounded and outside the scope of an MND.
- The land could be used for any agricultural crop, all of which would use significantly more resources than 10,000 sq/ft of cannabis on a 10-acre property.
- Under CEQA Guidelines (14 CCR § 15155), the Planning Commission does not have the authority to require a hydrological study beyond what is required for an MND.
- The MND already addresses water use and ensures compliance with County water availability standards.

7. Compliance with the El Dorado County Dark Skies Ordinance

- Concerns have been raised about light pollution from the proposed cultivation. However, these concerns are unfounded, as the applicant is required to comply with the El Dorado County Dark Skies Ordinance.
- El Dorado County Code Sec. 130.38.070 mandates that all outdoor lighting must be downward-facing and shielded to minimize light pollution. In addition, the EDC Cannabis ordinance requires zero light emissions from greenhouses, so this too has been addressed in the county ordinance as well as the MND.

- The applicant will be in full compliance with these requirements, meaning there is no legal or practical basis for concerns about lighting impacts.

Conclusion

- The February 24, 2025 public comments submitted misinterprets CEQA requirements, land use law, and industry operations.
- Accordingly, I urge the Planning Commission to reject the opposition's claims and proceed with project approval in compliance with CEQA and applicable land use laws.

Thank you for your time and consideration.

Sincerely,

Lee Tannenbaum
CEO Cybele Holdings, Inc.
President, El Dorado County Growers Alliance
650.515.2484



Planning Commission - Agenda Item 25-0251 - February 27, 2025

From kevinwmccarty@pm.me <kevinwmccarty@pm.me>

Date Tue 2/25/2025 12:29 PM

To Planning Department <planning@edcgov.us>

Cc 'Michael Ranalli' <Mike@ranallivineyard.com>; 'Michael Pinette' <michaelpca@gmail.com>; 'Lexi Boeger' <lexiboeger@gmail.com>; jaykipp0904@aol.com <jaykipp0904@aol.com>; 'phil barrier' <pbar1@hotmail.com>; 'Robert Worrell' <blueoaklandscape@gmail.com>; 'Rodney Miller' <rod@earthgroovy.com>; 'Lee Tannenbaum' <lee.tannenbaum@gmail.com>; erin.mahoney88@gmail.com <erin.mahoney88@gmail.com>; 'Dwayne Tincup' <dwaynetincup@gmail.com>; 'Eric Jacobsen' <ericjacobsen1@gmail.com>; shawn@hedisyn.com <shawn@hedisyn.com>; 'growpetearles' <growpetearles@gmail.com>; huckleberrybilly@gmail.com <huckleberrybilly@gmail.com>

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Rosewood - Public Comment - Planning Commission Agenda Item 25-0251 - 02.25.2025 - Signed.pdf;

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ATTN: El Dorado County, Planning Commission Staff:

Attached is a letter submitted as a public comment on Agenda Item #3, file #25-0251, related to Rosewood (Commercial Cannabis Use Permit CCUP21-0007) request for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis.

Please ensure this public comment is added to the record and included for consideration during the Planning Commission meeting set for Thursday, February 27th, 2025.

Regards,

Kevin W. McCarty

(775) 240-3055

forti et fideli nil difficile

"to the brave and faithful nothing is difficult"



Kevin W. McCarty
5600 Omo Ranch Road
Somerset, CA 95684

February 25, 2025

El Dorado County Planning Commission
c/o Evan Mattes, Senior Planner
2850 Fairlane Court
Placerville, CA 95667

Subject: Public Comment in Support of CCUP21-0007, Rosewood Cannabis Cultivation Permit

Dear Planning Commissioners,

I am writing to express my strong support for the Rosewood Commercial Cannabis Use Permit (CCUP21-0007), which is scheduled for review at your meeting on February 27, 2025. I urge you to approve the project, as it has been carefully evaluated and meets all required environmental, land use, and public safety standards. The project's environmental impacts have been thoroughly examined in the Initial Study and Mitigated Negative Declaration (ISMND), which has been made available for public comment and reviewed by various County and State regulatory agencies.

The opposition to the project has primarily focused on potential concerns regarding environmental impacts, especially relating to water usage, noise, and odor. However, these concerns have already been addressed in the ISMND, which clearly demonstrates that the project will not result in significant adverse environmental effects.

First, the property in question is located in an **Agricultural Lands - Agricultural District (AL-A)** zone under the County's General Plan, with the primary use of the land intended for agriculture, not residential developments. Prospective homebuyers in this area are well aware that they are moving into a rural agricultural region where farming activities, including the use of heavy equipment, are common. The zoning of this land aligns with the proposed cannabis cultivation facility, which is a small-scale agricultural operation that falls well within the guidelines for the Planned Agricultural (PA-20) zoning.

Furthermore, the concerns raised about water usage and groundwater impacts are based on a misunderstanding of the project's scale and the detailed studies provided. The project proposes a small-scale primary cultivation area of under 10,000 square feet (less than one-quarter acre), which is minimal in the context of the surrounding land, much of which is dedicated to large-scale agricultural uses such as vineyards. The project will not significantly deplete local water supplies, and the applicant has committed to implementing measures that ensure water conservation, such as the installation of a 10,000-gallon water storage tank.

The concerns about odor have been thoroughly evaluated as well. The applicant has taken proactive steps to manage odor, including conducting a supplemental odor analysis by a licensed expert, which has conclusively demonstrated that odors from the facility will not be a nuisance. The project will be fully enclosed in greenhouses equipped with carbon filtration systems, the industry standard for controlling cannabis odors. Additionally, the odor study conducted at a similar facility confirmed that any odor is minimal and will not reach surrounding properties.

As for noise concerns, the project is designed to minimize impact on neighboring residents. The cultivation process will occur within greenhouses, and the operation will not involve significant noise-generating activities. The project's proximity to existing agricultural operations, including vineyards, further supports the idea that the noise levels will be within acceptable ranges for this agricultural area.

Legal Threshold for Requiring an Environmental Impact Report (EIR)

It is important to address the legal threshold for requiring an Environmental Impact Report (EIR) under California law. The California Environmental Quality Act (CEQA) sets forth specific criteria for determining whether an EIR is necessary. As outlined in Public Resources Code Section 21080 and State CEQA Guidelines Section 15064, an EIR is required if a project is found to have the potential for significant environmental effects that cannot be mitigated to a less-than-significant level.

The Initial Study conducted for this project did not identify any potentially significant impacts that could not be mitigated. Instead, the ISMND found that all potential impacts were either less-than-significant or could be adequately mitigated through standard mitigation measures. Specifically, the concerns raised by the opposition, such as those regarding water usage, odor, and land use compatibility, have been addressed in detail, and the analyses provided demonstrate that these impacts will not be significant. As confirmed by CEQA Guidelines Section 15070, a Mitigated Negative Declaration (MND) is appropriate when a project does not present substantial evidence that significant environmental effects will occur after mitigation measures have been incorporated.

In this case, the concerns raised by the opposition do not meet the threshold necessary to require an EIR. The Fair Argument Standard under CEQA provides that an EIR is only required when there is substantial evidence that a project may have significant environmental impacts. The opposition's claims rely heavily on speculation and concerns that have already been addressed by expert studies and mitigation measures. For example, as discussed, water use has been thoroughly analyzed, and the odor impacts are minimal based on real-time measurements from similar operations.

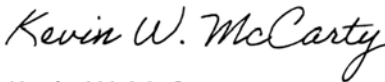
Therefore, the request for an EIR based on these unsupported concerns is not justified under CEQA. The ISMND appropriately addresses all relevant environmental considerations and adequately mitigates any identified impacts.

Conclusion

In conclusion, I strongly urge the Planning Commission to approve the CCUP and the ISMND for the Rosewood cannabis cultivation project. The project has been thoroughly vetted, and the opposition's concerns have been shown to be based on speculative fears rather than substantiated facts. This project will be a valuable agricultural enterprise that supports the local economy while adhering to the environmental protections mandated by the County and State regulations.

Thank you for your consideration.

Regards,



Kevin W. McCarty

CEO / President, Archon Farms Inc.

Director, El Dorado County Growers Alliance

Request for Recusal of Planning Commissioner Bob Williams – CCUP21-0007

From kevinwmccarty@pm.me <kevinwmccarty@pm.me>

Date Tue 2/25/2025 2:22 PM

To Planning Department <planning@edcgov.us>; David A Livingston <david.livingston@edcgov.us>

Cc 'Michael Ranalli' <Mike@ranallivineyard.com>; 'Michael Pinette' <michaelpca@gmail.com>; 'Lexi Boeger' <lexiboeger@gmail.com>; jaykipp0904@aol.com <jaykipp0904@aol.com>; 'phil barrier' <pbar1@hotmail.com>; 'Robert Worrell' <blueoaklandscape@gmail.com>; 'Rodney Miller' <rod@earthgroovy.com>; 'Lee Tannenbaum' <lee.tannenbaum@gmail.com>; erin.mahoney88@gmail.com <erin.mahoney88@gmail.com>; 'Dwayne Tincup' <dwaynetincup@gmail.com>; 'Eric Jacobsen' <ericjacobsen1@gmail.com>; shawn@hedisyn.com <shawn@hedisyn.com>; 'growpetearles' <growpetearles@gmail.com>; huckleberrybilly@gmail.com <huckleberrybilly@gmail.com>

 1 attachment (714 KB)

Rosewood - Request for Recusal - Planning Commission Agenda Item 25-0251 - 02.25.2025 - Signed.pdf;

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ATTN: El Dorado County Clerk of the Planning Commission and Office of County Counsel, I am submitting the attached letter as a public comment and formal request for the recusal of Planning Commissioner Bob Williams from the public hearing on Agenda Item #3, File #25-0251, regarding the Rosewood (Commercial Cannabis Use Permit CCUP21-0007) request for the construction and operation of a cannabis cultivation facility. This hearing is scheduled for Thursday, February 27, 2025.

Kindly confirm receipt of this request, ensure it is entered into the public record, and distribute to appropriate County management and staff as necessary.

Thank you for your attention to this matter.

Regards,

Kevin W. McCarty

(775) 240-3055

forti et fideli nil difficile

"to the brave and faithful nothing is difficult"

Kevin W. McCarty
5600 Omo Ranch Road
Somerset, CA 95684

February 25, 2025

County of El Dorado
Clerk of the Planning Commission
Office of the County Counsel
c/o David Livingston, County Counsel
2850 Fairlane Court
Placerville, CA 95667

Subject: Request for Recusal of Planning Commissioner Bob Williams from Cannabis Hearings

Dear Clerk of the Planning Commission and County Counsel,

I am writing to formally request the recusal of Planning Commissioner Bob Williams from the upcoming public hearing on Commercial Cannabis Use Permit (CCUP21-0007) for the Rosewood Cannabis Cultivation project, as well as from any future cannabis-related hearings or deliberations within El Dorado County. This request is based on consistent and substantiated evidence of bias and a failure to demonstrate impartiality when reviewing commercial cannabis applications.

Pattern of Bias and Prejudgment

Since his appointment to the Planning Commission, Commissioner Williams has not voted in favor of a single cannabis-related use permit, regardless of the merits of the specific project proposals. His voting record and public comments reflect a clear and ongoing pattern of opposition to all cannabis projects, without any demonstrated impartiality or legal justification.

As an example of this, we can point to the most recent CCUP to come before the Commission—the Kilzer project (CCUP20-0003), which had a public hearing on November 14, 2024. The Kilzer project was of comparable size to the Rosewood proposal (both small-scale operations), and yet, despite the merits of the application and a favorable recommendation by Planning staff, Commissioner Williams abstained from voting. His abstention, despite praising the character of the applicant and acknowledging that the applicant had "done everything he should," is troubling and suggests an inability to separate personal bias from his professional duties. Commissioner Williams' actions in this hearing raised concerns about his objectivity, especially given that he expressed unsupported concerns about wildlife impact and made speculative claims not grounded in the expert testimony provided. This was despite the applicant's compliance with all relevant guidelines and mitigations, as confirmed by staff's report.

Legal Implications of Bias

The role of a Planning Commissioner requires the application of objective, evidence-based analysis, ensuring that decisions are made based on legal standards, facts, and the County's established regulations. Commissioner Williams' voting history and comments reveal a persistent predisposition against cannabis projects, regardless of whether the projects meet these legal and regulatory requirements.

As set forth in California Government Code Section 87100, public officials are required to avoid actions that may create a conflict of interest or a perception of bias. In this case, Commissioner Williams' consistent opposition to cannabis-related projects, including the Rosewood proposal, is an expression of a predetermined stance that undermines the fairness of the decision-making process. His inability to act as an impartial decision-maker raises serious concerns about his capacity to objectively evaluate cannabis applications under the County's General Plan and Zoning Ordinances.

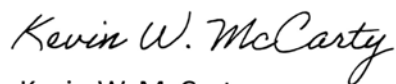
Impact on Public Confidence

Public trust in the Planning Commission's ability to conduct fair and unbiased hearings is fundamental to maintaining confidence in the regulatory process. Commissioner Williams' public comments and voting record on cannabis applications have the potential to erode that trust. His well-documented bias, as evidenced by his voting history and public statements, suggests that applicants in the cannabis sector are not receiving a fair hearing. This could have a chilling effect on businesses that wish to operate legally within the County, undermining the very purpose of regulatory processes designed to ensure compliance with County ordinances and State law.

Given the above concerns, I respectfully request that the Clerk of the Planning Commission and County Counsel take immediate action to ensure that Commissioner Bob Williams recuses himself from the upcoming Rosewood CCUP hearing and any other future cannabis-related hearings. His ongoing failure to demonstrate impartiality, combined with his pattern of bias, makes it untenable for him to serve as an objective decision-maker in these matters.

Thank you for your time and consideration of this important request. I trust that you will take the necessary steps to preserve the integrity of the decision-making process and ensure fairness for all applicants before the Commission.

Regards,



Kevin W. McCarty

Director, El Dorado County Growers Alliance

Comments on February 27, 2025 Agenda Item 25-2501

From Rodney Miller <rod@earthgroovy.com>

Date Tue 2/25/2025 2:46 PM

To Planning Department <planning@edcgov.us>

Cc Kevin W. McCarty <kevinwmccarty@pm.me>; Michael Pinette <michaelpca@gmail.com>; jaykipp0904@aol.com <jaykipp0904@aol.com>; Robert Worrell <blueoaklandscape@gmail.com>

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Please include these comments within the file for Agenda Item 25-2501.

Commissioners:

Please follow your staff's recommendation and approve Commercial Cannabis Use Permit CCUP21-0007.

The project proponents have spent years following the county's difficult and expensive CUP permitting process. They have complied with all permitting requirements and completed a mitigated negative declaration. Their project complies with land use zoning and regulation. The County has experience with legal cannabis permits and hundreds of outdoor personal cultivation gardens. The legal permitted cannabis cultivation operations have not created odor, safety, or water problems.

The opposition NIMBYs make false claims about the project's impacts. The project's Mitigated Negative Declaration (MND) adequately evaluated the project's impacts. The MND proposes appropriate mitigations for impacts.

The project is small (15,000 sq.ft.). It will utilize greenhouses. Greenhouses make odors more controllable. Existing outdoor cannabis grows have not exceeded the County's odor standard of 7DT even near to the plants at peak maturity. Monitoring of odor will prompt mitigation should odors become a problem with the project.

I have a degree in environmental management and studied hydrology in college. I prepared cannabis project application packages. I consulted with professional hydrologists when collecting the CEQA environmental technical studies for the projects. The hydrologists said it is pointless to do hydrological studies in the Sierra Foothills because groundwater is not contained within porous aquifers. The groundwater is contained in bedrock fractures. Groundwater moves into these bedrock cracks via a complex mix of bedrock fissures and cracks as well as surface waters starting in the Sierra Mountains. An analysis cannot predict the amount of water supplying any one well. A hydrological analysis cannot predict the effects of one well on another well because each well is likely supplied by a different bedrock fracture system. If area residents are concerned about water resource issues then they should take

action against the 100s of acres of grape cultivation in the area. To my knowledge, they have not taken any action again grape growers.

Cannabis operations have proven to be safe. A combination of security measures, the falling value of cannabis, and access to banking resources has reduced the attraction of thieves to cannabis operations.

Cannabis operations have no credible impact on school bus stops. State and local rules prevent offsite impacts. The rules prevent children from seeing the cannabis. Are opponents asserting that there is some magical quality to cannabis such that it travels through the ether and infects children's minds?

Opponents of the project use fear tactics rather than credible facts regarding impacts. El Dorado's County's number one cultivation product is NIMBYism. There are limits to NIMBY's protection against SLAPP suits when they comment with falsehoods.

The NIMBYs are a threat to the ability of rural projects to earn a living from rural land. If landowners cannot make a living from their land then they will be forced to commute to urban areas for work and use their land to create residential developments.

Rod Miller

Rod@earthgroovy.com

earthgroovy.com

530-748-9822 Cell