

Road. The other school bus stop is located directly to the southeast on a parcel with Assessor's Parcel Number 087-021-039, at the intersection of Memory Lane and South Shingle Road. While the cannabis canopy is approximately 2,400 feet from both bus stops, the setback is measured from property line to property line. The Latrobe School District has confirmed that these school bus stops are in operation. Section 130.41.100.4.C of the Zoning Ordinance allows for any setback for a CCUP may be reduced so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the require setback and that the parcel was owned or leased by the applicant before voter approval of the ordinance on November 6, 2018. The project applicant and property owner purchased the subject property after November 6, 2018. The project would be inconsistent with Section 130.41.200.5.B without the approval of Variance V23-0002 reducing the setback from 1,500 feet to zero (0) feet as measured from property line to property line. Aside from the setback from school bus stops, the project is consistent with all Zoning and General Plan requirements.

Project History

CCUP20-0004 & V23-0002 was heard by the Planning Commission on August 24, 2023. Planning Staff presented the Planning Commission with draft Findings of Approval (Legistar Attachment F) and draft Findings of Denial (Legistar Attachment G) but made no recommendation. Commissioner Nevis made a motion to deny CCUP20-0004 and V23-0002 and adopt the Findings of Denial. The motion failed 3-2. Commissioner Payne made a motion to approve CCUP20-0004 and V23-0002 and adopt the Findings of Approval, with additional Condition of Approval 48, requiring drip irrigation. The motion passed 3-2.

On September 12, 2023 (File No. 23-1501, Item No. 35), the BOS held a cannabis public study session and reviewed recommendations from the Planning Commission regarding the Zoning Ordinance Section 130.41 (Cannabis Ordinance). The 1,500 foot setback from designated sensitive community receptors was an item that the BOS directed staff to review and return to the BOS with recommendations.

Appeals Filed

On September 7, 2023, Appeal CCUP-A23-0001/V-A23-0001 (Legistar Attachment A) was submitted in a timely manner by Superintendent Dave Scroggins representing the Latrobe School District. As stated in their letter, the appellant is specifically appealing the variance findings made by the Planning Commission. Later, on September 7, 2023, Appeal CCUP-A23-0002/V-A23-0002 (Legistar Attachment B) was submitted in a timely manner by Adam Savakus, representing the Sun Ridge Meadow Homeowners Association. As stated in the appeal, the appellant is specifically appealing the variance findings, the adequacy of the Mitigated Negative Declaration, and certain General Plan Findings.

CCUP-A23-0001/V-A23-0001 Staff Response

Below is a summary of staff's response to the concerns stated in the submitted appeal.

Variance Findings

Appellant Scroggins states that the findings required in El Dorado County Zoning Ordinance Section 130.52.070 cannot be met. Planning Staff did not make recommendation on this project and presented the Planning Commission with draft Findings of Approval and draft Findings of

Denial. In a 3-2 vote, the Planning Commission determined that the project would be consistent with all applicable Variance findings (Legistar Attachment F). Aside from the appellant's general denial of the variance findings, the appellant did not submit an analysis of the Planning Commission findings. Planning Staff provided a map showing other properties within the project vicinity similarly encumbered by the 1500 setback from school bus stops and schools (Legistar Attachment E, Exhibit I)).

CCUP-A23-0002/V-A23-0002 Staff Response

Below is a summary of staff's response to the concerns stated in the submitted second appeal.

Variance Findings

Appellant Savakus states that the findings required in El Dorado County Zoning Ordinance Section 130.52.070 cannot be met. Please see the previous response for appeal A23-0001.

Mitigated Negative Declaration

Appellant Savakus states that there are significant environmental concerns, which prevent the adoption of a Mitigated Negative Declaration, and that a full Environmental Impact Report is required. The appellant does not identify any specific California Environmental Quality Act (CEQA) concerns. An Initial Study (Legistar Exhibit E, Exhibit J) was prepared with no significant unmitigated impacts identified. Planning Staff does not recommend the requirement for a full Environmental Impact Report.

General Plan Findings

Appellant Savakus states that due to numerous errors in facts and laws, that the application is inconsistent with General Plan Policies 2.2.5.21, 5.1.2.1, 5.2.1.2, 5.7.1.1, 6.5.1.2, 6.5.1.7, TC-Xe, TC-Xf and TC-Xg. The appellant does not state what errors were made, nor why the application is inconsistent with the subject General Plan Policies. The project was reviewed and found to be consistent with Findings made for each policy mentioned (Legistar Attachment F).

Zoning Ordinance Findings

Appellant Savakus states that due to numerous errors in facts and laws, that the application is inconsistent with Zoning Ordinance Sections 130.41.200.5.B, C, D, E and I. The appellant does not state what errors were made, nor why the application is inconsistent with each policy mentioned. The project was reviewed and found to be consistent with Findings made for each policy mentioned (Legistar Attachment F). Without the approval of V23-0002 the project would be inconsistent with Section 130.41.200.5.B.