

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



Agenda of: October 10, 2024

Staff: Evan Mattes, Senior Planner

COMMERCIAL CANNABIS USE PERMIT

FILE NUMBER: CCUP20-0003/Kilzer

APPLICANT/AGENT: Graham Kilzer

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

LOCATION: Southwest side of Stephanie Court, approximately 0.5 mile south of the intersection with Happy Valley Road, in the Somerset area, Supervisorial District 2 (Exhibit A).

APN: 041-900-003 (Exhibit C)

ACREAGE: 10 acres

GENERAL PLAN

LAND USE DESIGNATION: Rural Residential-Platted Lands (RR-PL) (Exhibit E)

ZONING DESIGNATION: Rural Lands 10-Acres (RL-10) (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 CCUP20-0003 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 6,450 square feet of outdoor cannabis canopy. 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 RL-10 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 PA19-0011 on October 29, 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) 10-acre parcel, with an existing single family residence, and construction and operation of the cannabis cultivation on 0.5 acre 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 west of Stephanie Court. The project site is currently accessible via an existing driveway connecting to Stephanie Court, a non-County maintained road. The property is designated RR in the County’s General Plan, and it is within the RL-10 zone district.

The site consists of relatively flat to gently rolling terrain in an area of rolling hills. The site has a small ridge running east to west through its center; elevations are generally highest in the northeast and lowest in the southwest. Drainage within the project site generally flows northeast to southwest, and eventually flows into the North Fork Consumes River located 3,756 feet south of the project site. No permanent watercourses exist in the immediate vicinity of the site; drainage is dispersed to neighboring properties via overland flow and small ephemeral drainages. The proposed project site is bordered to the north by Stephanie Court, rural residential properties, and wooded to sparsely wooded land; to the east by Stephanie Lane, rural residential properties, and wooded to sparsely wooded land; to the south by a small access road, rural residential properties,

and wooded to sparsely wooded land; and to the west by rural residential properties and wooded to sparsely wooded land.

PROJECT DESCRIPTION

The project proposes the cultivation of approximately 6,450 square feet of mature outdoor cannabis canopy, and construction of the proposed project would occur in two (2) phases: Phase I would include the construction and operation of an outdoor cannabis cultivation facility that would include 4,950 square feet of flowering canopy to be implemented immediately upon project approval and interior modifications to an existing garage to be used for harvest storage and drying; Phase II would consist of the construction of an additional 1,500 square feet of flowering, outdoor canopy area adjacent to the 4,950-square-foot area implemented in Phase I. Construction of Phase I would occur immediately upon project approval and acquisition of the required permits from the County, and construction of Phase II is anticipated to be implemented in the third year of project operations.

A 100-square-foot compost area would be constructed just east of the proposed cultivation area. A 200-square-foot immature plant area would be constructed northeast of the proposed cultivation area. One (1) existing 655-square-foot detached garage would be repurposed for harvest drying and storage. It would be internally partitioned and would include a harvest drying area, harvest storage area, cannabis waste storage area, equipment and supplies storage area, and chemical storage area. An existing septic system and leach field northeast of the proposed cultivation area would serve the project. The existing onsite residence would not be utilized for cannabis operations.

STAFF ANALYSIS

Employees

The project owner/applicant lives on-site and would manage day-to-day operations. For a few weeks during busy periods, such as peak harvest and processing, the owner may hire a small number of temporary employees to assist with work on the site. Under the most conservative (i.e., the busiest) assumptions, during peak season, up to five (5) individuals would be working on-site, with four (4) of those being part-time, temporary employees and one (1) being the owner/applicant. The project applicant would have full on-site presence, both running the day-to-day operations within the cultivation premises and occupying their personal property not associated with the cultivation premises. 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.

Odor

An Odor Analysis was prepared by Environmental Permitting Specialists (EPS) in February of 2022 for the proposed project. To conduct the Odor Analysis, 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. Data from four (4) other outdoor cannabis and hemp cultivation facilities and one (1) Tedlar bag sample were reviewed as part of the current analysis. Odor measurements taken at a 0.75-acre outdoor cultivation site in Yolo County were used as baseline

odors to predict odors at the Somerset Ridge project property lines. The results of the analysis indicate that maximum odor intensity along the property lines would range from 2.56 detection threshold (DT) along the eastern property line to 5.66 DT along the western property line (EPS 2022). These results demonstrate that the intensity of odors would remain below seven (7) DT. The odor study was reviewed by Air Quality Management District (AQMD). AQMD concurred with the conclusions of the odor study.

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 site can be accessed from the north via a short, gravel driveway that leads south from Stephanie Court to a parking area adjacent to the on-site residence and proposed storage area. A 10,000-square-foot turnaround area would be located on the west side of the driveway for adequate turning space for emergency vehicles. The cultivation facility would be a short walk to the southwest and would be accessed by foot or small off-road vehicles such as all-terrain vehicles (ATVs). Emergency vehicles would have clear access to the cultivation facility, through an open yard.

The parking area would be located where the driveway meets the residence and would be divided into three (3) areas described as the left parking area, middle parking area, and right parking area. The left parking area would be 676 square feet and would accommodate two (2) vehicles. The middle parking area would be 308 square feet and would accommodate one (1) vehicle. The right parking area would be 1,200 square feet and would accommodate three (3) to six (6) vehicles. The entire parking area would be covered with gravel.

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.

Water

The project site contains a well constructed October 12, 1993, by a previous owner. The well is 550 ft deep and can provide an initial flow rate of 5 gallons per minute. The static water level was 400 ft at the time the well was drilled. The well would be used to supply water for the proposed cannabis cultivation, along with other miscellaneous operational and sanitary needs. The project is estimated to use approximately 25,000 gallons of water per year. The applicant would either install a reservoir or a water storage tank that would hold 10,000 gallons of water. The reservoir or the water storage tank would be located north of the canopy area for firefighters to have better access and to keep water cool in the shade. There is adequate water supply to irrigate the proposed project, and the proposed project would not introduce substantial impervious surfaces that would interfere with groundwater recharge in the area of the proposed project.

Drainage

The site consists of relatively flat to gently rolling terrain in an area of rolling hills. The site has a small ridge running east to west through its center; elevations are generally highest in the northeast and lowest in the southwest. Elevations range from approximately 3,250 ft amsl in the northeastern corner of the site to 3,160 ft amsl in the southwestern corner. Drainage within the project site generally flows northeast to southwest, and eventually flows into the North Fork Consumes River located 3,756 ft south of the project site. No permanent watercourses exist in the immediate vicinity of the site; drainage is dispersed to neighboring properties via overland flow and small ephemeral drainages. Construction of the project would involve building the 16-sf raised wooden beds, using pre-cut, untreated lumber (non-pressure treated boards) in the mature canopy area. The construction process would also include installation of a 6 ft chain link fence around the perimeter of the mature canopy area, as well as a gate. The beds would be constructed with a power drill and would not require grading, which would preserve the natural lay of the land as grading could lead to significant erosion. The construction process would also include laying gravel on the three (3) parking areas and turnaround area and may require use of a backhoe or small tractor. The proposed project would not introduce substantial impervious surfaces, so drainage within the site would continue to percolate into the surrounding pervious surfaces to reduce any potential runoff. Waddles and other erosion control measures would be installed around the canopy and compost areas, as necessary, to prevent soil erosion.

Project disturbance would not be equal or greater to approximately 0.5 acre of soil, and therefore, would not be required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009 DWQ. However, the project would be required to comply with the SWRCB Cannabis General Order WQ 2019-0001-DWQ requirements

AGENCY COMMENTS

The project was distributed to all applicable local, County, and State agencies, including but not limited to California Department of Water Resources (DWR), California Department of Fish and Wildlife (CDFW) and California State Water Resources Control Board (SWRCB), for review and comment. Comments were received from the Office of the County Surveyor, County Department of Transportation (DOT), AQMD, Pioneer Fire Protection District (PFPD), 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-PL (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 RL-10 zone district as commercial cannabis cultivation and nursery facilities are allowed within the RL-10 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 RL-10 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.

ENVIRONMENTAL REVIEW

A CEQA Initial Study was prepared analyzing the potential impacts the project may have on the project site (Exhibit L). 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 was 30 days, and took place beginning May 13, 2024, and ending June 12, 2024.

The applicant shall submit to the Planning Division 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 the Planning Division 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

| | |
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| 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..... | Security Plan |
| Exhibit J..... | Well Completion Report |
| Exhibit K..... | Fire Safe Plan |
| Exhibit L..... | Proposed Mitigated Negative Declaration and Initial Study |