

Please add additional comments to planning commission hearing February 27th, 2025 agenda item 25-0251

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

Date Fri 2/21/2025 5:23 PM

To Planning Department <planning@edcgov.us>

Cc Kevin W. McCarty <kevinwmccarty@pm.me>; Michael Pinette <michaelpca@gmail.com>; Rodney Miller <rod@earthgroovy.com>; jaykipp0904@aol.com <jaykipp0904@aol.com>; Robert Worrell <bob@cybelecannabis.com>

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Clerk of the board, please add the following additional comments to the above noted hearing. Also, my comments from earlier today (February 21, 2025) were not posted, although I do not see anything posted from today, so may be a timing error. Please advise on this.

Subject: Rebuttal to Cammy Morreale Public Comment on CCUP21-0007 – Agenda Item 25-2501

Dear Members of the Planning Commission,

I submit this letter as a formal rebuttal to the public comment from Ms. Morreale opposing **CCUP21-0007**, which is scheduled for a hearing on **February 27, 2025 (Agenda Item 25-2501)**. The concerns raised in opposition misinterpret applicable legal standards and fail to present **substantial evidence** necessary to justify project denial. Below, I address each contention with reference to applicable legal provisions.

1. Board of Supervisors' Position on the Cannabis Ordinance

The commenter asserts that the **Board of Supervisors (BOS)** has **prohibited any modifications to the cannabis ordinance, including changes to setbacks**. However, this is a **misrepresentation** of the Board's position.

- While the BOS has **expressed a general position against further broad amendments to the ordinance**, it has **not enacted any provision or resolution disallowing the evaluation or reduction of setbacks**.
- **El Dorado County Ordinance Sec. 130.41.100(D) (Commercial Cannabis Activities Permitting and Enforcement)** explicitly states that **setbacks may be reduced as part of the Commercial Cannabis Use Permit (CCUP) process** so long as the applicant demonstrates that the revised setback **substantially achieves the purpose of the original requirement**. This has been more than met in our previous comments re mitigation.

Therefore, the assertion that setbacks cannot be modified is **contrary to the express provisions of the ordinance**.

2. Environmental Impact Report (EIR) and the "Fair Argument" Standard under CEQA

The commenter claims that an **Environmental Impact Report (EIR)** is required under the **California Environmental Quality Act (CEQA, Public Resources Code § 21000 et seq.)**. However, this claim is **not supported by law** for the following reasons:

- CEQA requires an EIR **only if there is “substantial evidence” of a fair argument that the project may have a significant environmental impact (PRC § 21082.2(a))**. Mere speculation or generalized public concerns **do not** constitute substantial evidence (**CEQA Guidelines, 14 CCR § 15064(f)(5)**).
- **Case law** supports that objections from neighbors or local residents, without supporting expert analysis, **do not trigger the EIR requirement** (see *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 **burden of proof is on the opposition** to provide scientifically valid studies or expert testimony demonstrating a previously unassessed significant impact. The **absence of such evidence renders the fair argument standard inapplicable**.

As no expert analysis has been submitted to substantiate the commenter’s claim, the request for an EIR should be **dismissed as legally unfounded**.

3. Bus Stop Setback Compliance & Property Ownership Exception

The commenter raises concerns regarding the project’s **proximity to a bus stop**, suggesting that the setback requirements mandate a **greater distance** than proposed. However, this argument **misinterprets the ordinance** and fails to account for legal exceptions.

- **El Dorado County Ordinance Sec. 130.41.200(D) (Setbacks for Commercial Cannabis Cultivation)** states that **setbacks apply only to properties purchased after November 6, 2018**, when the ordinance was enacted.
- The **applicant has owned the subject property prior to this date**, making the additional setback requirements inapplicable.
- Additionally, the referenced bus stop is **rarely used**, and there is no documented **substantial reliance by minors or schoolchildren** that would warrant additional restrictions under **CEQA or county zoning laws**.

Thus, the commenter’s argument is **factually incorrect and legally inapplicable to this property**.

4. Additional Unsubstantiated Claims

For the remaining points raised in opposition, we refer back to previously submitted responses. As noted:

- The application has been found **compliant with all applicable county and state regulations (El Dorado County Ordinance 5110; Business and Professions Code §§ 26050-26055)**.
- There is **no legal basis** to deny or delay the project based on generalized fears, speculative harms, or **unfounded assumptions regarding crime, safety, or community impact (see Wal-Mart Stores, Inc. v. City of Turlock, 138 Cal.App.4th 273 (2006), confirming that community opposition alone does not justify permit denial)**.

Conclusion

Ms. Morriale’s opposition to **CCUP21-0007** is based on **misinterpretations of the law, incorrect factual assertions, and legally insufficient evidence**. The applicant has met all **statutory and regulatory requirements**, and the Planning Commission has **no valid basis to deny or delay the permit**.

Accordingly, we urge the Commission to **approve the application** in accordance with established legal standards and fair review processes.

Thank you for your time and consideration.

Sincerely,

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



Public Comments for Planning Commission Hearing 2/27/2025

From Christine Schaufelberger <cschaufel@gmail.com>

Date Mon 2/24/2025 8:32 AM

To Planning Department <planning@edcgov.us>

 1 attachment (22 MB)

Letters From Derby Lane Neighbors.pdf;

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Evan, Please add to the Commission Hearing website for CCUP21-0007/Rosewood ASAP. Thank you

To: El Dorado County Planning Commission

From: Derby Road Residents

Subject: Lack of Response to Derby Road Community Concerns – Opposition to Draft MND for Rosewood Lane Cannabis Project (CCUP21-0007)

Dear Members of the Planning Commission,

The Derby Road Community has provided substantial comments and evidence regarding the significant negative environmental impacts that the proposed Rosewood Lane Cannabis Project (CCUP21-0007) will have on our residents. In our initial comment letter, dated January 6, 2025, we explicitly stated that *"The Derby Road Neighborhood raises significant concerns regarding the Draft MND."* Despite this, the staff report prepared for the **February 27, 2025, Public Hearing** fails to adequately reference or respond to our concerns.

Legal Precedent Supporting Community Concerns

On **May 7, 2015**, the California Sixth District Court of Appeal issued a published opinion reinforcing the **"fair argument"** standard under CEQA, which determines when an Environmental Impact Report (EIR) is required. The ruling established two critical points:

1. **Compliance with a local noise ordinance does not preclude a fair argument of significant noise impacts.** Even if a project meets a jurisdiction's noise thresholds, substantial evidence—such as community testimony—can still warrant an EIR.
2. **Factual non-expert evidence can form the basis of a fair argument regarding significant noise and traffic safety impacts.** Courts recognize that local residents, through their lived experiences, can provide credible evidence of environmental harm.

Why This Matters for Rosewood Lane Project (CCUP21-0007)

The Sixth District's ruling remains highly relevant today, reinforcing that CEQA review is not solely dependent on technical reports. **Credible community input and observable conditions must be considered when evaluating environmental impacts.** This applies directly to our concerns, which cover the following key impact areas:

- **Traffic and Transportation** – Safety issues due to the project's reliance on Derby Lane, an inadequate access road.
- **Water Usage** – Potential over-extraction of water resources affecting local wells and the environment.
- **Environmental Concerns** – Risks to local wildlife, native vegetation, and air quality.
- **Fire Safety** – Increased fire hazards in a High Fire Hazard Severity Zone with limited evacuation routes.
- **Community Character and Land Use Compatibility** – Inconsistencies with the rural residential character of Derby Road.
- **Noise** – Anticipated impacts from operations, vehicle traffic, and mechanical equipment.

February 20, 2025

- **Security and Public Safety** – Risks associated with the nature of the business and the potential for crime.

Request for Proper Consideration

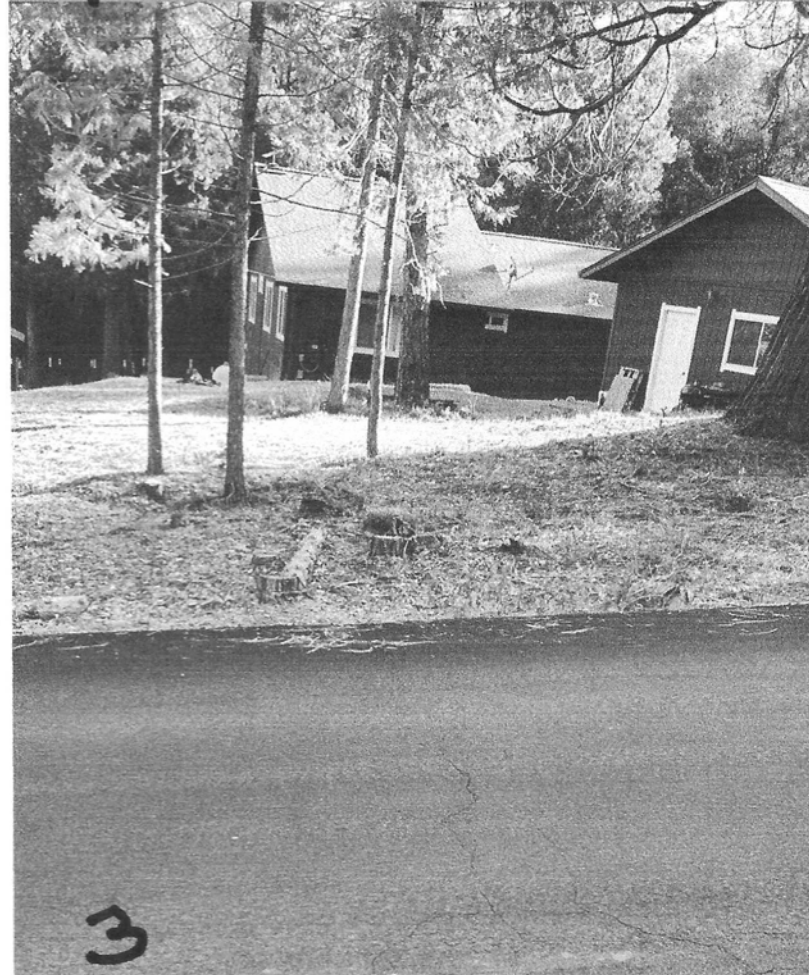
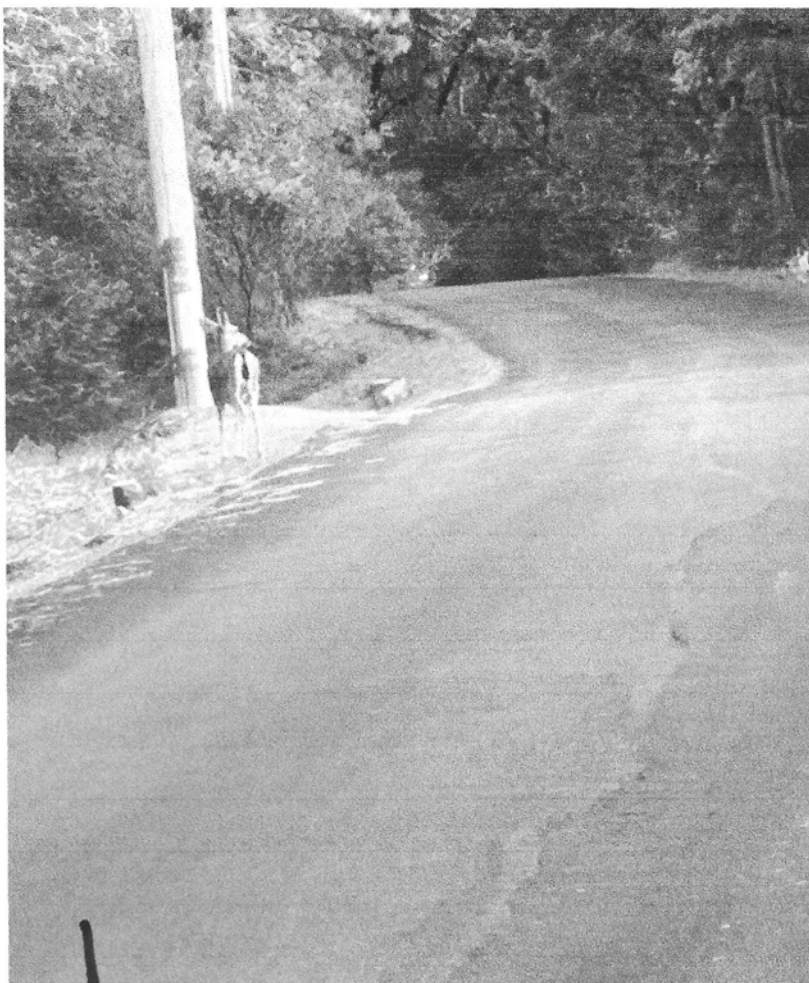
We respectfully request that the Planning Commission **require a full EIR** to comprehensively evaluate these impacts, rather than relying on an inadequate Mitigated Negative Declaration (MND). The failure to acknowledge or address well-documented concerns from Derby Road residents not only undermines CEQA's purpose but also disregards established legal precedent that validates community testimony as substantial evidence.

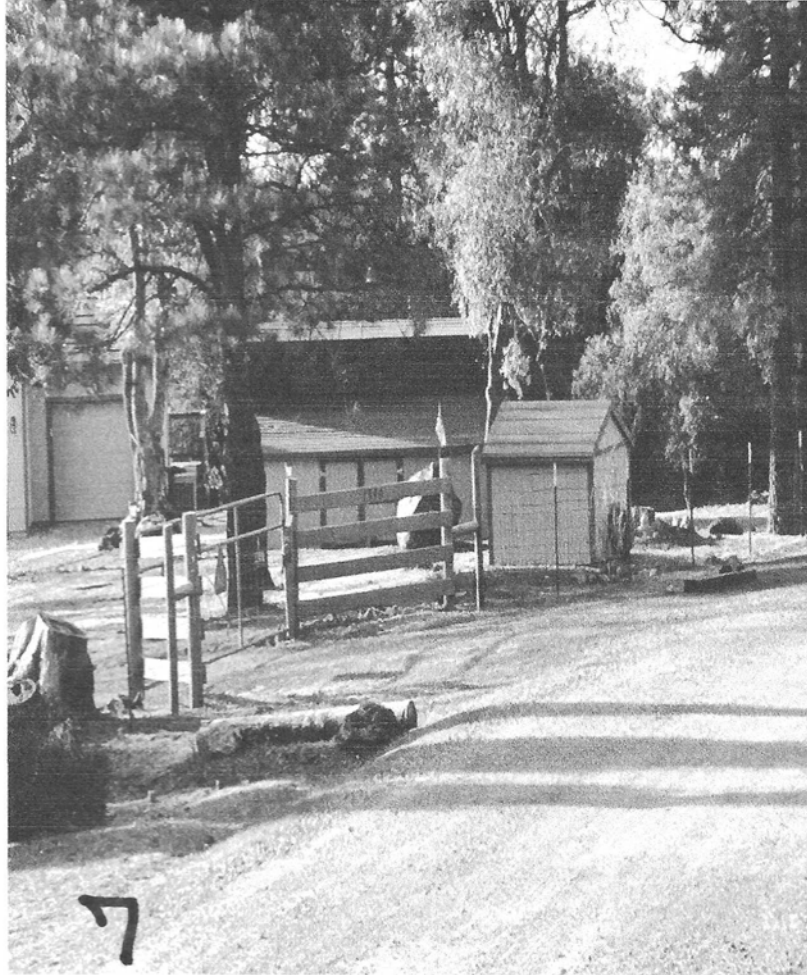
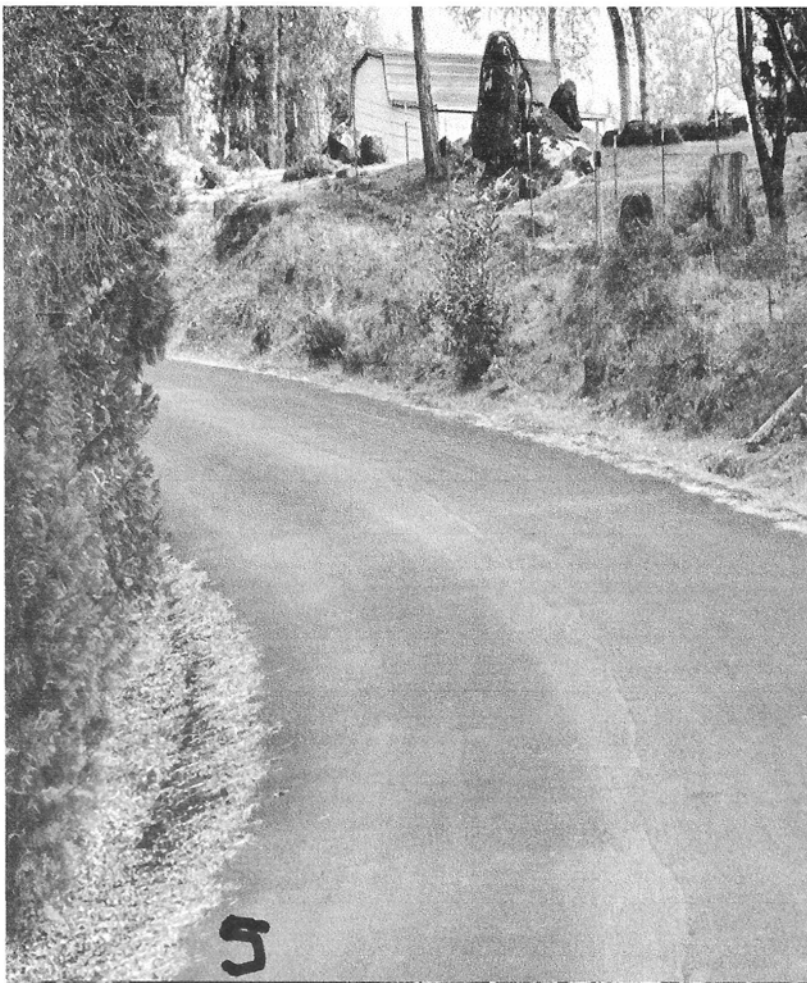
Attached, you will find:

- ✓ Additional comment letters from residents detailing each of the impact areas.
- ✓ Photographs of **Derby Lane**, the sole access road to Rosewood Lane and the proposed project site, illustrating its inadequacy for increased traffic. Photos 1,2,4,5 and 6 show Derby Lanes' curves and blind hills. The road is paved at the bottom portion and graveled at the top. Photos 3 shows how close homes are to Derby Lane. Photo 7 shows how close this home is to the gravel road and will be subjected to a great increase in road dust from the increase in vehicle traffic. Photo 8 shows the entrance to Rosewood Lane (project site) a private residence that still does not have a required road name sign or house number.

We urge the Commission to uphold its duty under CEQA to ensure a thorough and fair environmental review. Thank you for your time and consideration.

Sincerely, Derby Lane and Derby Court Residents





To: El Dorado County Planning Commission

From: Greg and Jennifer Stremcha, February 20, 2025

Subject: Strong Opposition to Rosewood Lane Cannabis Project (CCUP21-0007) Based on CEQA Fair Argument Standard

Dear Members of the Planning Commission,

As a resident who lives at the school bus stop, we strongly oppose the proposed **Rosewood Lane Cannabis Project (CCUP21-0007)** and urge the Commission to require a full **Environmental Impact Report (EIR)** instead of relying on the inadequate **Draft Mitigated Negative Declaration (MND)**. Our personal experience, along with the concerns raised by many Derby Road Community members, provides substantial evidence that this project will cause significant environmental impacts, meeting the **CEQA Fair Argument Standard**.

Traffic and Transportation

The primary access road, **Derby Lane**, is a **narrow, privately maintained road with no shoulder and limited visibility**. This road was paved and is maintained by the residents and is not designed to handle the increased traffic from this project. The **County's Transportation Impact Study (TIS) is incomplete** and fails to account for the additional burden on local infrastructure.

Parents regularly park their vehicles along **Derby Road while waiting for the school bus**, affecting the **turning radius of vehicles turning off Omo Ranch Road**. Some students **walk along Derby Lane** to or from the bus stop, creating a **dangerous pedestrian hazard**. The addition of **up to 60 vehicle trips per day, including trucks**, will **dramatically increase safety risks for children and residents**.

The dust, congestion, and safety concerns for existing residents and emergency responders make this **an unsuitable location for a commercial cannabis operation**.

Water Usage

Like most residents in this area, we rely on **well water**, and we are deeply concerned about the **excessive water demand** of this project. The County's report **fails to adequately analyze the long-term impact on groundwater supply**. Given that California continues to experience **severe drought conditions**, approving this project risks **depleting residential wells**. A full **hydrogeological study** should be required before any permit is granted.

Fire Safety

The project site is in a **High Fire Hazard Severity Zone**, yet the **Fire Safe Plan does not provide adequate emergency water resources, defensible space, or safe evacuation routes**. Increased **electricity use, vehicle traffic, and potential fuel storage** pose an **unacceptable fire**

risk. The Caldor Fire devastated our County, and the mandatory evacuation zone was within just a few miles of us. Approving this project recklessly increases our community's vulnerability to another wildfire disaster.

Community Character and Land Use Compatibility

This project is **fundamentally incompatible** with our rural, residential, and agricultural zoning. The introduction of a **high-security commercial cannabis operation in a peaceful, family-oriented neighborhood** undermines the **existing land-use values** of the area.

Residents bought homes here to **enjoy quiet, open space**—not to live next to an **industrial-scale cannabis operation** that will bring **noise, security concerns, and disruption**.

Noise Pollution

This project will bring **constant noise from ventilation systems, vehicle traffic, and security operations, disrupting residents' daily lives**. The Draft MND **does not sufficiently analyze or mitigate these impacts**. The **24/7 operation** of this facility is not appropriate for a **quiet, rural community**.

Security and Public Safety

Cannabis cultivation sites **increase the risk of crime**, including **break-ins, trespassing, and vandalism**. Even with **security fencing and cameras**, this facility **will attract unwanted activity to our neighborhood**.

El Dorado County, especially south county, **does not have the law enforcement resources** to handle the additional security risks this project will bring. This alone is **reason enough to deny the permit**.

Conclusion: Deny the Permit

Given the **CEQA Fair Argument Standard**, any **substantial evidence of significant environmental impacts—whether from expert reports or community observations—requires a full Environmental Impact Report (EIR)**. The issues of **traffic, air quality, water supply, fire safety, community character, noise, and public security** demonstrate that the current **Draft MND is insufficient**.

We respectfully urge the Planning Commission to **deny the Conditional Use Permit (CCUP21-0007) and require a full EIR**. Allowing this project to proceed without proper environmental review would **contradict established CEQA precedent and endanger our community**.

Thank you for your time and consideration.

Sincerely, Greg and Jennifer Stremcha

To: El Dorado County Planning Commission

From: Ron and Susan Buchanan 02/20/2025

Subject: Strong Opposition to Rosewood Lane Cannabis Project (CCUP21-0007) Based on CEQA Fair Argument Standard

Dear Members of the Planning Commission,

As deeply concerned neighbors of the proposed **Rosewood Lane Cannabis Project (CCUP21-0007)**, we strongly oppose its approval and urge the Commission to require a full **Environmental Impact Report (EIR)** instead of relying on the inadequate **Draft Mitigated Negative Declaration (MND)**. Our firsthand observations, as well as those of other Derby Road Community members, provide substantial evidence that the project will cause significant environmental impacts, meeting the **CEQA Fair Argument Standard**.

Traffic, Air Quality, and Environmental Hazards

The **only** road accessing the project site on Rosewood Lane is Derby Lane. Derby Lane is narrow and winding with limited visibility that is privately maintained and already strained. (see the included photos) The County's **Transportation Impact Study (TIS)** fails to account for the significant increase in traffic, dust pollution (PM2.5 emissions), and safety hazards that this commercial operation will introduce. **These conditions pose a substantial burden on local infrastructure, emergency response, and public safety.**

Additionally, as homeowners residing on the graveled portion of Derby Road, we are **directly affected by the excessive dust, congestion, and noise pollution** that will be generated. **Our health and quality of life will suffer, as demonstrated by our personal experience with existing road dust levels and nighttime light pollution.** The Draft MND's claim that security lighting will not affect adjacent properties is misleading—**reflected light will impact us and degrade our ability to enjoy our rural nighttime environment.**

Odor Impacts and Misleading Studies

The odor impact reports in the MND fail to reflect reality. The reduction of the **processing building's setback from 800 feet to 125 feet significantly increases odor impacts**, yet this change has been downplayed or ignored in the reports.

Additionally, the **setback reductions for many surrounding properties were not adequately referenced**, making the odor mitigation claims unreliable.

Property Rights and Road Encroachments

Our property includes a **50-foot easement for Rosewood Lane**, yet the actual road encroaches beyond this easement onto our property, violating legal boundaries. If this project is approved, **we will demand a realignment of the road to conform to the legal easement**, which will have

additional **negative environmental and property impacts**. Furthermore, **the fire code-mandated road improvements will significantly and permanently damage our property.**

Precedent from Green Gables Growers (CCUP20-0004)

The **Green Gables Growers (CCUP20-0004)** case serves as a clear precedent that demonstrates how sensitive receptors, particularly school bus stops and adjacent properties, **must be fully protected under setback requirements:**

- **The El Dorado County Board of Supervisors denied the Green Gables Growers project after an appeal, citing concerns about setbacks and community impacts.**
- **That project had more separation from neighboring properties than Rosewood Lane does, yet it was still rejected.**
- **Rosewood Lane's 0-foot setback to an adjoining property makes it even more problematic, making approval of this project inconsistent with past county decisions.**

Conclusion: Deny the Conditional Use Permit

The **CEQA Fair Argument Standard** requires that any substantial evidence of significant environmental impacts—whether from expert reports or community observations—triggers the need for an **Environmental Impact Report (EIR)**. Given the numerous documented issues, including traffic, air quality, odor, noise, property impacts, and regulatory inconsistencies, **this project must not be approved based on the existing Draft MND.**

We respectfully request that the Planning Commission **deny the Conditional Use Permit (CCUP21-0007) and require a full EIR.** Allowing this project to proceed without proper environmental review would contradict established CEQA precedent and El Dorado County's own past decisions.

Thank you for your time and consideration.

Sincerely,

Ron and Susan Buchanan

Concerned Neighbors and Derby Road Community Members

To: El Dorado County Planning Commission

From: Gay Jacobs, Resident of Derby Road Neighborhood, February 20, 2025

Subject: Opposition to Rosewood Lane Cannabis Project (CCUP21-0007)

Dear Members of the Planning Commission,

I am strongly oppose the **Rosewood Lane Cannabis Cultivation Project (CCUP21-0007)** Our concerns align with those of many **Derby Road Neighbors**, highlighting serious issues with **groundwater use, land conflicts, air quality, wildfire risks, and traffic safety**. Given these significant environmental concerns, we believe this project meets the **CEQA Fair Argument Standard**, requiring a **full Environmental Impact Report (EIR)**. I urge the Planning Commission to take these concerns seriously. We have all experienced the impacts of the issues listed below.

1. Traffic and Transportation

The roads leading to the project site, including Derby Lane and Rosewood Lane, are **narrow, privately maintained, and not equipped to handle** the increased traffic from this operation. The County's **Transportation Impact Study (TIS) is incomplete** and does not properly account for the additional burden on local infrastructure. The school bus stop on Derby Lane does not meet the setback or buffer zone requirements of the Ordinance. The **dust, congestion, and safety risks for existing residents and emergency responders** make this an **unsuitable location for a commercial cannabis operation**.

2. Water Usage

Like most residents in this area, I rely on a **well water**, and we are deeply concerned about the excessive water demand of this project. The **County's report fails to adequately analyze the long-term impact on our groundwater supply**. Given that California continues to experience severe drought conditions, it is reckless to approve a project that **risks depleting residential wells**. A full hydrogeological study should be required **before** any permit is granted.

3. Environmental Concerns

The Draft MND **underestimates** the environmental impacts of this project. The **strong odors associated with cannabis cultivation** will **permanently alter the air quality** in our community. The project's **use of artificial lighting will contribute to light pollution**, disrupting local wildlife and the **dark sky** that rural residents value. **Mitigation measures proposed are vague and unproven**, and additional study is necessary before moving forward.

4. Fire Safety

The project site is in a **High Fire Hazard Severity Zone**, yet the Fire Safe Plan **does not provide adequate emergency water resources, defensible space, or safe evacuation routes**. Increased electricity use, vehicle traffic, and potential fuel storage pose an **unacceptable fire risk**. The **Caldor Fire devastated this area**, and approving this project **recklessly increases our community's vulnerability** to another wildfire disaster.

5. Community Character and Land Use Compatibility

This project is **fundamentally incompatible** with our rural, residential, and agricultural zoning. The introduction of a **high-security commercial cannabis operation** in a peaceful, family-oriented neighborhood

undermines the existing land-use values of the area. Residents bought homes here to enjoy **quiet, open space—not to live next to an industrial-scale operation** that will bring noise, security concerns, and disruption.

6. Noise Pollution

This project will bring **constant noise from ventilation systems, vehicle traffic, and security operations**, disrupting residents' daily lives. The Draft MND **does not sufficiently analyze or mitigate these impacts**. The **24/7 operation of this facility is not appropriate for a quiet, rural community**.

7. Security and Public Safety

Cannabis cultivation sites **increase the risk of crime**, including break-ins, trespassing, and vandalism. Even with security fencing and cameras, this facility will **attract unwanted activity** to our neighborhood. **El Dorado County does not have the law enforcement resources to handle** the additional security risks this project will bring. This alone is reason enough to deny the permit.

Conclusion: Deny the Permit

Based on these concerns, I respectfully urge the Planning Commission to **deny the Conditional Use Permit for the Rosewood Lane Cannabis Project (CCUP21-0007)** or require an EIR.

Thank you for your time and consideration

Sincerely,


Gay Jacobs

Public comments for CCUP21-0007/Rosewood

From Christine Schaufelberger <cschaufel@gmail.com>

Date Mon 2/24/2025 11:04 AM

To Planning Department <planning@edcgov.us>

 1 attachment (3 MB)

Letter re school bus stop Pete Pat and Chris.pdf;

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Evan, here is another one to post, sorry it's so late but I think it's the last one from us

To: El Dorado County Planning Commission

Re: School Bus Stop Setback– Rosewood Lane Cannabis Project (CCUP21-0007)

From: Peter Karczewski, Christine Schaufelberger and Pat Freeman, Derby Court Residents, 02/20/2025

Dear Members of the Planning Commission,

We write to formally object to the proposed **Rosewood Lane Cannabis Project (CCUP21-0007)** on the basis that it **fails to meet the required setback distance from a school bus stop**, as stipulated under El Dorado County's cannabis ordinance.

Key Issue: Setback Measurement from Parcel Boundaries

We have confirmed, from the Planning Department Staff Report, that setback distances for commercial cannabis cultivation are measured **from the boundary of the parcel where the cannabis is grown to the boundary of the parcel where the school bus stop is located**. In this case, the cannabis cultivation site **directly adjoins** the parcel containing the school bus stop, meaning there is effectively **no (0) setback distance at all** between the two.

This violates the clear intent of the County's cannabis ordinance, which mandates a **1,500-foot setback** from sensitive areas such as **school bus stops to protect children from potential environmental and safety impacts associated with commercial cannabis operations**.

Precedent from Green Gables Growers (CCUP20-0004)

A recent case, **Green Gables Growers (CCUP20-0004)**, provides a clear precedent demonstrating that proximity to a school bus stop is a **critical issue** in determining the viability of a cannabis cultivation project:

- Green Gables Growers requested a **variance** to reduce the required 1,500-foot setback from two school bus stops.
- The **El Dorado County Planning Commission initially approved the variance**, citing mitigating factors.
- **Upon appeal, the El Dorado County Board of Supervisors overturned the approval, denying the project** due to concerns over the school bus stop proximity.

This demonstrates that **setback requirements for school bus stops must be strictly upheld** and that **exceptions have not been permitted in past cases**. Given that the **Rosewood Lane project has a 0-foot setback**, it is even more egregious than Green Gables Growers, where at least some separation existed.

See the included map for reference. Parcel designated #43, is the bus stop, and parcels #51 and #54 are the proposed CCUP21-0007/ Rosewood Lane Project. (Note Parcel #51 and #54 will be joined together according to the Permit Application)

Conclusion & Request

Given the County's established policy of measuring setbacks from **parcel boundaries** and the precedent set by the **Green Gables Growers case**, we urge the Planning Commission to **deny approval for the Rosewood Lane Cannabis Project** on the grounds that it does not meet legally required setback distances from a school bus stop.

Allowing this project to proceed under these conditions would set a dangerous precedent, contradicting both **established County regulations** and **recent Board of Supervisors decisions** that have upheld setback requirements in similar cases.

We appreciate your time and consideration of this matter. We request that this letter be made part of the official record and look forward to your response.

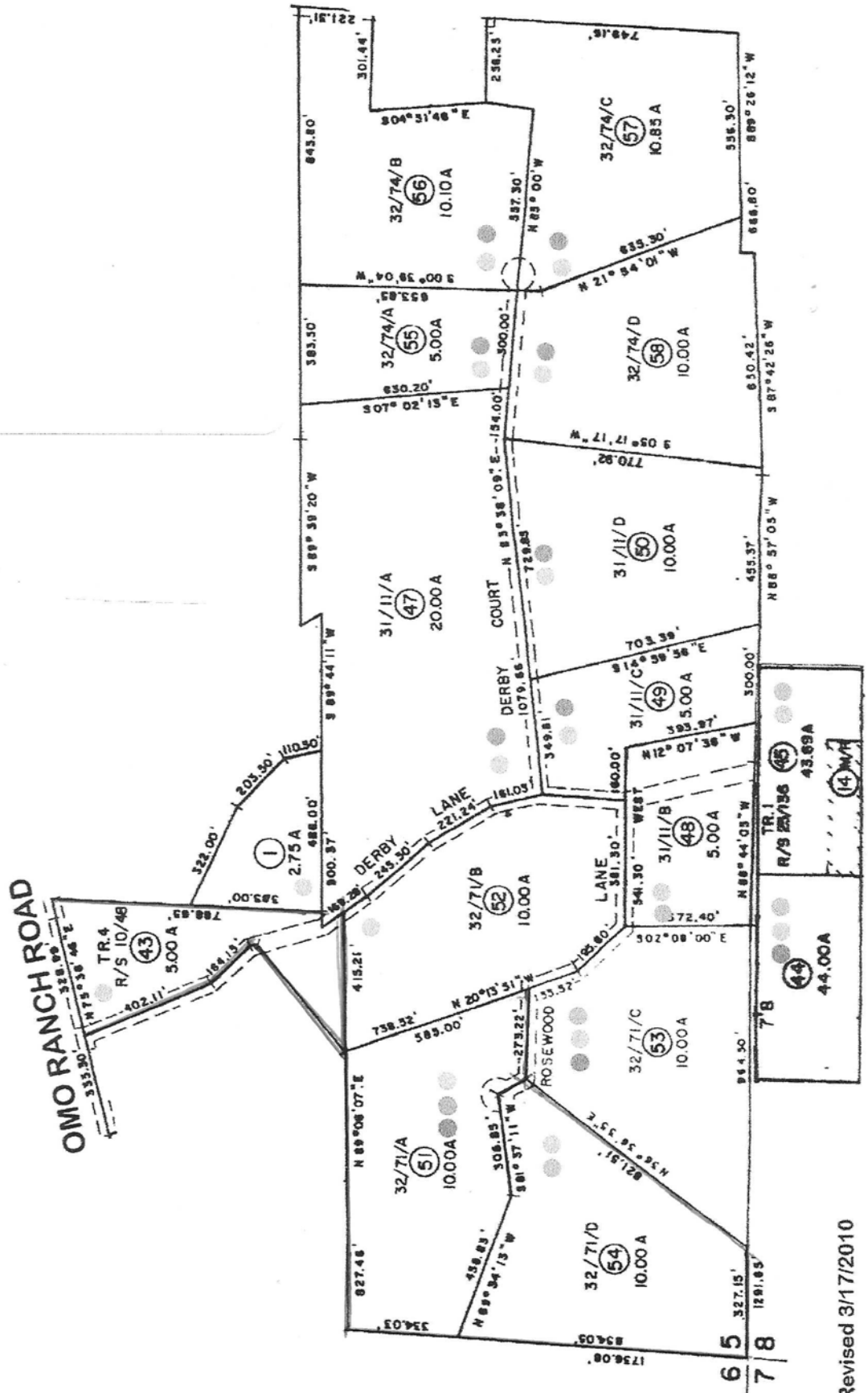
Sincerely,

Peter Karczewski, Christine Schaufelberger and Pat Freeman

Derby Court Residents

Derby Lane Homeowners

- Derby Lane
- Derby Court
- Upper Derby Lane
- Land Only




Revised 3/17/2010

Resident Concerns Regarding Project: Rosewood/CCUP21_0007

From Stephani Cummings <stephani.cummings@gmail.com>

Date Mon 2/24/2025 1:28 PM

To Planning Department <planning@edcgov.us>

 1 attachment (151 KB)

Resident_Concerns_Regarding_Project-Rosewood_CCUP21_0007.pdf;

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Members of the EDC Planning Commission,

Please see that attached letter from me. The letter is in regards to my opposition to granting a permit for Project: Rosewood/CCUP21_0007, set to be discussing at the planning committee meeting scheduled for 2/27/2025.

Sincerely,

Stephani Cummings

7420 Derby Lane, Somerset, CA 95684
(916)213-4887

Subject: Opposition to Rosewood Lane Cannabis Project (CCUP21-0007) & Support for Public Comments by other Derby Road residents

Dear Members of the Planning Commission,

I strongly oppose the **Rosewood Lane Cannabis Cultivation Project (CCUP21-0007)** and fully support the public comments submitted by Derby Road residents (on or around January 6, 2025), on the **Draft Mitigated Negative Declaration (MND)**. My concerns align with those of many **Derby Road Neighbors**, highlighting serious issues with **groundwater use, land conflicts, air quality, wildfire risks, and traffic safety**. Given these significant environmental concerns, I believe this project meets the **CEQA Fair Argument Standard**, requiring a **full Environmental Impact Report (EIR)**. I urge the Planning Commission to take these concerns seriously.

In addition to previous comments submitted, I would like to highlight the following concerns of my own related to specific sections of the referenced document, as outlined below:

WATER USAGE

**The proposed project is estimated to demand approximately 225,000 gallons of water annually.*

Concerns

- Q: Does this estimate include the addition of 10-20 new employees and the addition of a new water storage tank and a new septic system, as noted in the project plan?

Existing Water Issues

- There is a 30-acre vineyard on the same water table, along with 14 single-family residences.
- My personal residence is located at **7420 Derby Lane**, which sits @750 ft from the proposed project site. This property has experienced the following preexisting water availability issues during dry years, occurring since 2016:
 - Periods during summer where the water table falls below the existing well depth. *To mitigate this scenario, the well pump must be turned off for periods up to 48 hours*, to allow the water table to rise to a level that facilitates the transfer of the well water to the existing storage tank.

ROAD TRAFFIC: NOISE, AIR QUALITY AND DUST IMPACT

Employees and Daily Trips

**The project would support up to ten (10) full-time employees, and four (4) of those full-time employees would live in the residence located on the property. It is anticipated that up to an additional 10 temporary*

employees would be on-site during the peak times of harvest operation or during planting. It is anticipated that no more than 10 employees would be on-site during peak conditions, and the project is anticipated to have up to three harvest cycles per year. According to the On Site Transportation Review conducted by Prism Engineering (2021; Appendix L), the project is expected to generate a total of up to 60 trips per day under peak conditions.

- 60 trips per day equates to one trip every 7-8 minutes during an 8-hour workday. A large amount of dust would be generated by this many trips, especially if large vehicles - such as trucks transporting large numbers of marijuana plants or other supplies - are to be included in those trips.
- This traffic would be an addition to the existing traffic generated by a home cleaning business currently operating out of this location.

Dust Impact (PM2.5)

- This area is considered a dust hazard area (PM2.5) even without the proposed additional traffic.
- The northern property line of 7420 Derby Lane is bounded by Rosewood Lane for approximately 400 feet.
 - This property is a small 5-acre parcel, and the residence itself is set close the road. The increased traffic and the related noise and dust impact would be a substantial impact for residents at this location.

FIRE RISK

**Page 71 - The project property is bordered to the north by densely wooded land*

Concerns

- The adjacent unoccupied parcels are 100% inaccessible to fire services.
- There has already been one instance of a fire that came down the ridge behind the proposed project area and threatened every home on Derby Lane. CAL FIRE had to perform their operations from the farthest end of Derby Lane (on the Vineyard property) during this event.
- None of these unoccupied parcels are maintained for fire hazards
- This project is being proposed on a road that is off Derby Lane and has a single point of ingress and egress (via Derby Lane), making it a huge risk in case of evacuation. If Derby Lane is not accessible due to Rosewood Lane being blocked, residences on Derby Lane that are on parcels beyond Rosewood Lane would be trapped with no way to evacuate.

ODOR IMPACT

The proposed project is anticipated to have up to three harvest cycles per year, with each cycle lasting approximately one month. There is an increased potential for odor emanating from project operation due to the strong fragrance of cannabis **during the flowering stage. Environmental Permitting Specialists (EPS) conducted a review of potential odors associated with the proposed project and prepared an Odor Report (included in Appendix B).*

Concerns:

- At what location and/or property lines were the study measurements taken?
- The primary source of odor at a marijuana facility is typically incurred during the processing and drying stage.

- The residence located at 7420 Derby Lane has a buffer of approximately 750 ft between it and the proposed processing building site.
- Previous marijuana grows done at the proposed project location were a source of substantial odor at this adjacent property.

BIOLOGICAL RESOURCES ASSESSMENT

Concerns

My primary concern is that the time of year the ‘threatened and endangered species’ study was done (April 20, 2020) may not have fully coincided with the timing of this massive mating event. There are so many frogs in our pond February through March (during the mating season) that I am at times unable to keep a window open because they are so loud!

Species listed as special-status in CA that I have observed on my property multiple times over the last few years:

- Great Blue Heron – it comes around every year to eat the frogs in my pond.
- Oak Titmouse
- CA Mountain Kingsnake

OAK TREE REMOVAL

From document 23-0114C (Biological Wetlands Study): *The Study Area contains suitable nesting habitat for various bird species because of the presence of trees and poles. However, no nests or nesting activity was observed in the project area during the field survey and **no trees need to be felled for project implementation.** Trees must be inspected for the presence of active bird nests before tree felling or ground clearing.*

Contradictory Statements

Appendix E – Oak Tree Removal Study

This study indicated a 2-acre impact area, and a mitigation plan was put in place. An *Oak Tree Removal* permit is included as an attachment, with a planned removal of 23.68% of the trees in this impact area being removed. The math used to calculate the **mitigation fee (from Appendix E) is included below:**

- ❖ Math: 1:1 ratio will be used; \$8,285/acre for a 2-acre impaction
- ❖ $35,361/87,120 = .41$ total oak woodland area
- ❖ $8,374/87,120 = .096$ oak woodland area impacted/removed
- ❖ $3,912/87,120 = .0449$ non oak woodland
- ❖ $8,374/35,361 = .2368$
- ❖ $2 \text{ acres} \times .2368 \times 8,285/\text{acre} = \$3,923.77$
- ❖ $1,191/87,120 = .013$ acres of oak diseased with mistletoe- even after removing all the mistletoe the trees would not be at a “health” point where a vigorous tree would be the outcome (percentage not included in the total fee)
- ❖ $14,459/87,120 = .165$ Protected oak woodland
- ❖ $11,017/87,120 = .126$ other oak woodland area (not protected)

Conclusion: Deny the Permit

Based on these concerns—along with my **full support for the comments submitted other Derby Road residents on or around January 6, 2025**—I respectfully urge the Planning Commission to **deny the Conditional Use Permit for the Rosewood Lane Cannabis Project (CCUP21-0007)**.

Thank you for your time and consideration

Sincerely,

Stephani Cummings
Stephani.cummings@gmail.com
(916)213-4887

David Malan
Davidamalan@yahoo.com
(916)678-0634

Residence:
7420 Derby Lane
Somerset, CA 95684

Fwd: CCUP21-0007 Rosewood Planning commission Hearing

From cindy miller <cmillervineyard@sbcglobal.net>

Date Mon 2/24/2025 3:28 PM

To Planning Department <planning@edcgov.us>

 1 attachment (21 KB)

El Dorado County letter opposing Cannabis Planning Commission 2 27 2025.docx;

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Subject: CCUP21-0007 Rosewood Planning commission Hearing

Dear Planning Commission,

Please find a letter of objection to the Project CCUP21-0007 Rosewood (off of Derby Court/Omo Ranch Road). Hearing is scheduled for February 27th, 2025.

Sincerely,

**Cindy Miller
Fair Play Winery Association**

Dear Planning Commission,

We are writing to express our strong opposition to the proposed commercial cannabis grows in Wine Country. As a resident and winery owner we advocate for sustainable agriculture and community well-being. We believe that the proliferation of commercial cannabis grows in this area poses a significant threat to the environment, public health, and local economy.

Cannabis cultivation requires a significant amount of water, energy, and other resources, which can strain our already limited resources. Additionally, the use of pesticides, herbicides, and other chemicals in cannabis cultivation can have negative impacts on the environment and public health. The odor from cannabis grows can also be a nuisance to nearby residents, affecting their quality of life and property values.

Furthermore, the proposed commercial cannabis grows could have a negative impact on the local economy, particularly in the wine industry. Many wineries in the area rely on the unique character of Wine Country to attract tourists and generate revenue. The introduction of commercial cannabis grows could change the character of the area and negatively impact those who rely on the wine industry for their livelihood.

We urge the Planning Commission to carefully consider these concerns and take a stand against the proposed commercial cannabis grows in Wine Country. We (24 Wineries in the association) believe that there are better alternatives to generating revenue and promoting economic growth that are in line with the values of the community.

Thank you for your time and consideration.

Sincerely,

Fair Play Winery Association