

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



**Agenda of:** August 24, 2023

**Staff:** Evan Mattes

**COMMERCIAL CANNABIS USE PERMIT AND VARIANCE**

**FILE NUMBER:** CCUP20-0004 and V23-0002/Green Gables Growers

**APPLICANT/AGENT:** Robert Sandie

**REQUEST:** Commercial Cannabis Use Permit for the construction and operation of a cannabis cultivation facility for medical and adult-use recreational cannabis and a Variance for reduction of the 1,500 setback from two (2) school bus stops.

**LOCATION:** West side of South Shingle Road, approximately 1.5 miles north of the intersection with Latrobe Road, in the Latrobe area, Supervisorial District 2 (Exhibit A and Exhibit B).

**APN:** 087-021-057 (Exhibit C)

**ACREAGE:** 105.9 acres

**GENERAL PLAN**

**LAND USE DESIGNATION:** Agricultural Lands (AL) (Exhibit D)

**ZONING DESIGNATION:** Agriculture Grazing, 40-acre Minimum (AG-40) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration (Exhibit J)

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration 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); and

Staff recommends the Planning Commission take one of the following actions following the public hearing:

1. Approve Commercial Cannabis Use Permit CCUP20-0004 and Variance V23-0002, based on the Findings, to be made by the Planning Commission, and Conditions of Approval as presented, or
2. Deny Commercial Cannabis Use Permit CCUP20-0004 and Variance V23-0002

## **EXECUTIVE SUMMARY**

The project applicant proposes to construct a commercial cannabis cultivation facility. The proposal would include mixed light cultivation consisting of eight (8) greenhouses. 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 105.9-acre parcel within the AG-40 zone district (Exhibit E) consistent with the AL General Plan Land Use Designation (Exhibit D). The project is directly adjacent to a parcel to the north and a parcel to the southeast which contain school bus stops. A Variance is being requested to reduce the required 1,500-foot setback to zero (0) feet. Planning staff is not making a recommendation on the project. Findings of Approval and Findings of Denial have been provided for Planning Commission consideration.

## **SITE DESCRIPTION**

The proposed project would be located on an approximately 105.9-acre parcel in southwestern El Dorado County at 6914 South Shingle Road, Shingle Springs, CA 95682. The property consists of one (1) parcel with Assessor's Parcel Number 087-021-057, but construction and operation of the cannabis cultivation facility would only occur on approximately 0.6 acre of the parcel (project site). The proposed project would consist of a mixed light cannabis cultivation facility that would be set back at least 800 feet from all project property lines. The project site is accessible via a paved private driveway which connects to South Shingle Road. The existing driveway is 12 feet wide with three (3) 10-foot turnouts located along the existing driveway. The existing driveway leads up to the proposed driveway that would provide access to the proposed cannabis cultivation premises. The property is designated as AL within the County's General Plan and within the AG-40 zone district.

The site consists of sparse blue oak woodland with an understory vegetation dominated by non-native annual grassland. The elevation of the parcel ranges from approximately 980 feet to 1,150 feet above mean sea level. The soil profile of the area is characterized by rocky silt loam. Drainage within the parcel generally runs west to east and eventually flows into Clark Creek, which lies just east of the property (Exhibit F).

The project parcel is bordered to the north by Brandon Road, grassland, sparsely wooded land, and single-family residences; to the south by undeveloped, sparsely wooded land; to the east by South Shingle Road, Clark Creek, and sparsely wooded land; and to the west by a rural residential neighborhood and sparsely wooded land. The area proposed for development currently consists of non-native annual grassland and oak trees.

Two (2) school bus stops are located within the project vicinity. One (1) school bus stop is located directly to the north on parcel with Assessor's Parcel Number 087-021-005, at the intersection of Heffren Road and South Shingle Road. The other school bus stop is located directly to the

southeast on parcel with Assessor's Parcel Number 087-021-039, at the intersection of Memory Lane and South Shingle Road.

## **PROJECT DESCRIPTION**

The project applicant is seeking a CCUP for the construction and operation of a mixed light cannabis cultivation facility within a 7,825-square-foot area and a Variance to reduce the 1,500-foot setback from school bus stops to zero (0) feet. The proposed mixed light cannabis cultivation operation would occur in eight (8) greenhouses approximately 14 feet tall, which would rely upon a combination of natural light and light emitting diode (LED) lights. An eight (8) foot tall security fence with six (6) feet of chain link and an additional two (2) feet of barbed wire would be installed around the cultivation area and encompass a 19,855-square-foot area.

Additional infrastructure includes a 238-square-foot solid surface parking lot, 3,825-square-foot gravel parking area, a septic tank and leach field, and rockery wall contained within a 19,855-square-foot fenced area on the property. The septic tank and adjoining leach field would service the proposed prefabricated Americans with Disabilities Act (ADA) accessible restroom, while an existing on-site well south of the project site would supply water for cannabis irrigation. The project does not include the storage or processing of cannabis on-site. An existing solar panel system, located northeast of the proposed fenced cannabis cultivation premises, would provide energy for the cannabis operation. Construction activities would yield a total cut of 560.20 cubic yards and total fill of 2,208.10 cubic yards which would require the import of 1,647.9 cubic yards of clean fill. The total area of land to be disturbed would be approximately 0.6 acre.

## **STAFF ANALYSIS**

### **Employees**

The proposed project would employ three (3) full-time employees and up to six (6) additional part time employees during the harvest season. The actual number of on-site employees would be lower most days since some of these employees would be seasonal and assist only during the busiest time of year. The owner or designated employee of Green Gables Growers would have full on-site presence and run the day-to-day operations of the proposed project.

### **Odor**

The project would be located within mixed light greenhouses and a minimum of 800 feet from all property lines. The El Dorado County Cannabis Ordinance, Section 130.41.200 contains a minimum setback of 800 feet from the property line of the site or public right-of-way which allow cultivation and processing activities. In addition, the ordinance includes standards for maximum allowable odors measured by the County at the property line using a field olfactometer. In addition to the required setbacks, the project has been conditioned (Condition of Approval 12) to install an activated carbon filtration or equivalent system. As conditioned, odor impacts are anticipated to not be detectable by neighbors in a majority of circumstances.

### **Security Plan**

A Security Plan was prepared by WST Electric. 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 project property can be accessed from the east by a paved private driveway that intersects South Shingle Road. The proposed project site would be accessed by an existing dirt path that branches north from the paved driveway and is planned to be paved with asphalt as part of the project.

There are two (2) private gates: one (1) at the junction between the private paved driveway and South Shingle Road and the second at the junction of the private driveway (which continues up to an existing residence) and the dirt road leading north to the proposed cannabis cultivation area. The dirt portion of the driveway leading to the project site from the private driveway would be paved with asphalt, as mentioned above. One (1) standard ADA-compliant parking space and nine (9) standard nine (9) foot by 18-foot gravel parking spaces would be constructed at the head of the driveway, adjacent to the west of the proposed cannabis cultivation area.

There are three (3) existing 10-foot turnouts between South Shingle Road and the dirt pathway to the proposed cannabis cultivation area, and an additional 10-foot turnout between the private paved driveway, and the cannabis cultivation area would be constructed to facilitate vehicle passing. No additional improvements are proposed for the driveway or turnouts beyond the second gate as it provides access to the on-site residence and is not a point of access to the project site.

### **Lighting**

Mixed light greenhouses can be a significant source of light pollution if not managed correctly. Zoning Ordinance Policy 130.41.200.5.J requires that all lights used for mixed-light cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process and that artificial lighting for mixed-light cultivation is limited to a rate of six (6) watts per square foot or less. Light deprivation covers for mixed light greenhouses are designed to block out the sun's light and are effective in eliminating night time light spillage. Conditions have been imposed that ensure that the project adheres to this requirement and that all lighting is consistent with Zoning Ordinance requirements.

### **Setbacks**

Section 130.41.200.5.B of the El Dorado County Zoning Ordinance prohibits outdoor or mixed-light commercial cannabis cultivation within 1,500 feet of any school, school bus stop, place of worship, park, playground, childcare center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery, or licensed sober living facility. Distance is measured from the nearest point of the property line of the premises that contains the commercial cultivation to the nearest point of the property line of the referenced uses using a direct straight-line measurement.

Two (2) school bus stops are located on parcels directly adjacent to the project parcel. One (1) school bus stop is located directly to the north on parcel with Assessor's Parcel Number 087-021-005, at the intersection of Heffren Road and South Shingle Road. The other school bus stop is

located directly to the southeast on 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. 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.

### **AGENCY COMMENTS:**

The project was distributed to all applicable local, County and State agencies for review and comment. Comments were received from the Office of the County Surveyor, County Department of Transportation, Air Quality Management District, Latrobe School District, El Dorado Hills Fire Department, and the County Environmental Management Division. 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 the Rural Region with the General Plan designating the project site as AL (Exhibit D). As proposed, the project would be consistent with the standards established by the AL land use designation. Staff has determined the proposed project is consistent with the applicable policies and requirements of the El Dorado County General Plan, such as discussed below in Section 2.0 of the Findings.

#### **Zoning Ordinance Consistency**

The proposed use is consistent with the AG-40 zone district as commercial cannabis cultivation facilities are allowed within the AG 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. Should Variance V23-0002 be approved, the project would be consistent with the development standards of the AG 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 Sections 3.0, 4.0 and specific to Variance V23-0002, Section 5.0 of the Findings.

### **PUBLIC OUTREACH**

#### **Public Notification**

Section 130.41.100.4.B of the Zoning Ordinance states that prior to the hearing before the Planning Commission, notice of the application shall be provided pursuant to Section 130.04.015. If a commercial cannabis activity is proposed within a one-half mile radius of an incorporated City or County, notice of and an opportunity to comment on the application for the CCUP shall be provided to the applicable City or County before the permit is considered by the Planning Commission. As a CCUP, it would have a notification radius of 1,000 feet from the subject

property, with a notice in the Mountain Democrat. The project site is not located within a one-half mile radius of an incorporated City or County.

### **Public Outreach**

No formal public outreach was conducted as a public outreach plan is not required for commercial cannabis projects pursuant to the County Zoning Ordinance. Planning recommended and the applicant agreed to contact adjacent property owners directly.

## **ENVIRONMENTAL REVIEW**

A CEQA Initial Study was prepared analyzing the potential impacts the project may have on the project site (Exhibit J). There is no substantial evidence that the proposed project would have a significant effect on the environment and a Mitigated Negative Declaration has been prepared. Mitigation Measure BIO-1 would protect any possible future impact to biological resources, specifically nesting birds, while BIO-2 through BIO-5 would protect possible impacts to oak resources. The public review period for the Draft Mitigated Negative Declaration set forth in CEQA for this project is 30 days, and took place beginning February 9, 2023, and ending March 10, 2023. The final Initial Study incorporated applicable comments and additional odor modeling.

The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services 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 of Approval**  
**Findings of Denial**  
**Conditions of Approval**

### **Exhibits**

Exhibit A.....Location Map  
Exhibit B.....Aerial Map  
Exhibit C.....Assessor’s Parcel Map  
Exhibit D.....General Plan Land Use Designation Map  
Exhibit E.....Zoning Designation Map  
Exhibit F.....Topographic Map  
Exhibit G.....Site Plan  
Exhibit H.....Security Plan  
Exhibit I.....Bus Stop Buffers  
Exhibit J.....Proposed Mitigated Negative Declaration and Initial  
Study