

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



**Agenda of:** January 25, 2024

**Staff:** Evan Mattes

**COMMERCIAL CANNABIS USE PERMIT**

**FILE NUMBER:** CCUP21-0002/Harde

**APPLICANT/AGENT:** David Harde

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

**LOCATION:** North side of Perry Creek Road, approximately 0.3 mile northeast of the intersection with Fairplay Road, in the Somerset area, Supervisorial District 2 (Exhibit A).

**APN:** 093-032-071 (Exhibit C)

**ACREAGE:** 57.29 acres

**GENERAL PLAN**

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

**ZONING DESIGNATION:** Planned Agriculture 20-Acre (PA-20) (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 CCUP21-0002 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 outdoor cultivation, consisting of four (4) outdoor cannabis cultivation areas totaling 68,000 square feet. 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 PA-20 zone district (Exhibit F), consistent with the AL 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 PA20-0008 on May 15, 2020. 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.

## **SITE DESCRIPTION**

The project property consists of one (1) 57.29-acre parcel and construction and operation of the cannabis cultivation premises would occupy approximately seven (7) acres 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 north of Perry Creek Road. The project site is currently accessible via an existing gravel driveway connecting to Perry Creek Road. The property is designated AL in the County’s General Plan, and it is within the PA-20 zone district.

The project site consists of gently rolling hills in the northern cannabis premises and relatively flat terrain in the southern portion of the cannabis premises. The site includes wooded lands and existing vineyards/vegetative crops. Dominant vegetation in the property includes grasslands, oak woodlands, and cultivated/planted orchards. Perry Creek runs south to north along the western edge of the property and is located over 500 feet from the proposed cannabis premises. The property also includes a water well fed pond greater than 500 feet from the cannabis premises that would be used for fire suppression, if needed. Elevations within the cannabis premises range from 2,110 to 2,190 feet above mean sea level. Drainage within the property site generally runs south to north, and eventually flows into the Middle Fork Cosumnes River which lies north of the property. The property is bordered to the north by undeveloped, wooded land; to the east by agricultural, wooded land; to the south by residential and commercial space, agricultural and wooded land; and to the west by Mt Aukum Road, residential and wooded land. The project site

contains four (4) terrestrial vegetation communities: Oak Woodland, Annual Grassland, and Cultivated/Planted Orchards.

## **PROJECT DESCRIPTION**

The proposed project would include the cultivation of 68,000 square feet of mature outdoor cannabis canopy grown in four (4) areas. Construction of the proposed project would occur in two (2) phases: Phase I and Phase II. Phase I would include the installation of Area A-1 which includes 43,000 square feet of outdoor cannabis canopy grown north of the existing vineyards. Phase II would include the installation of Area B-1 which includes 10,000 square feet of outdoor cannabis canopy, Area B-2 which includes 10,000 square feet of outdoor cannabis canopy, and Area B-3 which includes 5,000 square feet of outdoor cannabis canopy. The total cannabis canopy in Phase I would be 43,000 square feet and the total cannabis canopy in Phase II would be 25,000 square feet. Construction of Phase I would occur immediately upon project approval and upon acquisition of the required permits from the County and State and would take approximately three (3) months to complete. Construction of Phase II is anticipated to be implemented between two (2) to four (4) years after project approval.

## **STAFF ANALYSIS**

### **Employees**

The project owner/applicant and family members would operate the daily operations of the proposed project. Approximately three (3) full-time employees would manage day to day operations of the proposed project and would be the sole full-time employees. The project applicant/owner would hire up to five (5) seasonal employees during harvest, as needed. It is anticipated that no more than one (1) employee would be on-site under most circumstances and up to seven (7) employees would be on-site under peak conditions. The hours of operation for the project would be 6:00 a.m. to 10:00 p.m.

### **Agriculture**

The project parcel has an agricultural zoning and general plan land use designation and is in an active Williamson Act Contract (WAC). It was determined by the agricultural commission that cannabis operations would not conflict with the WAC requirements. The on-site vineyard would continue to meet the minimum acreage requirements for the WAC.

### **Odor**

An Odor Analysis was prepared by Environmental Permitting Specialists (EPS) in October of 2022 for the proposed project and is included as Appendix E to this Initial Study. EPS used an air dispersion model, 1 year (2019) of hourly wind and temperature data at Somerset and on-site measurements of odor intensity at other locations to conduct this analysis. Data from four (4) other outdoor cannabis and hemp cultivation facilities and one 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 property lines. The results of the analysis indicated the odor intensity at the eastern property line would exceed the County's threshold of 7 detection threshold (DT). The odor intensity of the southern, northern, and western property lines would not exceed the County's threshold of 7 DT. To reduce impacts to odor intensities along the

eastern parcel line, Mitigation Measure AQ-01 would be implemented (Condition of Approval No. 25).

### **Security Plan**

A Security Plan was prepared by the project applicant. 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 property and cannabis premises would be accessed from two (2) gravel entrance driveways that would connect and create a cul-de-sac turnaround, north of Perry Creek Road. Both driveway entrances would have gates 45 feet north of Perry Creek Road to prevent unauthorized access. The proposed western gravel driveway entrance would connect to an existing eastern gravel driveway entrance. The proposed western driveway would lead all the way up to the southern entrance gate of the cannabis premises. The existing eastern gravel driveway would lead to an 1,800-square-foot (30 feet by 60 feet) parking area, east of the cul-de-sac turnaround. A garage associated with the existing residence would be wide enough (about 40 feet by 20 feet) to accommodate up to four (4) parked cars.

The proposed western gravel driveway constructed in Phase I would connect to an existing eastern gravel driveway to create a cul-de-sac that would facilitate turnarounds, as needed, for emergency vehicles. According to the On-Site Transportation Review (OSTR), the cul-de-sac driveway would have a minimum width of 15 feet and a maximum width of 30 feet. This cul-de-sac would have a 45-foot outside radius for vehicle turnaround, which would easily accommodate a 32-foot typical fire truck. Both the western and eastern gravel driveways would be greater than 12 feet in width and would have a vertical clearance of greater than 15 feet. The proposed gravel driveway and cul-de-sac would require less than 250 cubic yards of grading and has been conditioned to obtain an encroachment permit for access onto Perry Creek Road.

### **Lighting**

Cannabis cultivation areas would be outdoor and would not require lighting. All lighting for security purposes would be directed downward and would not spill outside the property where the project site is located. A solar battery trailer unit would be used as backup, for emergency power outages only.

### **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 (DOT), Air Quality Management District (AQMD), Pioneer Fire Protection District, and the County Environmental Management Division (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 AL (Exhibit E). 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 as discussed below in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** The proposed use is consistent with the PA-20 zone district as commercial cannabis cultivation and nursery facilities are allowed within the PA-20 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 PA-20 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.

## **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 (0.5) 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 local newspaper. The project site is not located within a one-half (0.5) 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 Services 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 K). There is no substantial evidence that the proposed project would have a significant effect on the environment and a MND has been prepared. The public review period for the Draft MND set forth in CEQA for this project is 30 days, and took place beginning December 18, 2023, and ending January 17, 2024.

The applicant shall submit to Planning Services 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 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**

#### **Conditions of Approval**

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.....	Well and Septic
Exhibit J.....	Security Plan
Exhibit K.....	Proposed Mitigated Negative Declaration and Initial Study