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TO:	Planning Commission	Agenda of:	February 27, 2025
FROM:	Evan Mattes, Senior Planner	Item No.:	2
DATE:	February 25, 2025	Legistar No.:	25-0251
RE:	CCUP21-0007/Rosewood		

The purpose of this memorandum is to address and provide additional information in response to public comments received regarding the project proposal and development standards. As of the date of memo preparation, typical comments received pertain to manufacturing, odor, setbacks and water.

Commercial Cannabis Manufacturing

The project is proposing a Type N license, which would allow for packaging, labeling and infusion of cannabis products. This is opposed to a Type P license, which allows for only packaging and labeling of cannabis products. Type N licenses do not allow for volatile extraction (Type 7) or non-volatile extraction (Type 6). A Type 7 or Type 6 license is not being proposed as part of the project and is not allowed within the Planned Agriculture (PA) zoning designation. The project applicant proposes utilizing using the Type N license to produce topical lotions and edible products. All production would be within a new structure. Type N manufacturing is an allowable use within the PA zoning designation.

Type 7 licenses allow for manufacturers that use volatile solvents, those that produce a flammable gas or vapor, to extract cannabis compounds. Typical chemicals used include butane, pentane, hexane and propane and is usually used to produce high-potency extracts, such as shatter, wax and vape cartridges. This manufacturing use is permissible within Industrial High (IH), Industrial Low (IL) and Meyers Industrial (MAP-2) zoning designations, subject to a Cannabis Commercial Use Permit (CCUP) and Commercial Cannabis Operating Permit (CCOP).

Type 6 licenses allow for manufacturers that extract cannabis compounds through non-volatile solvents. This uses pressure, heat or cold, such as a rosin press or dry ice, to extract cannabinoids from plants and use chemicals that do not produce flammable gas or vapor, such as ethanol,

cooking oils, butter or carbon dioxide. Typical products produced through Type 6 manufacturing include oils, tinctures, hash and rosin. This manufacturing use is permissible within General Commercial (CG), IH, IL, Research and Development (R&D) and MAP-2 subject to a CCUP and CCOP. Type 6 licenses may be combined with a Type P license.

Type P licenses allow for businesses that package and label cannabis products. Packaging and labeling must adhere to the regulations and requirements of the Department of Cannabis Control (DCC). These include, using child-resistant and tamper-evident packaging, ensuring label visibility, adding secure closure to the packaging, coordinating with testing laboratories and utilizing track and trace systems. Type P manufacturing is permissible within Community Commercial (CC), Regional Commercial (CR), CG, IH, IL, R&D, PA, Limited Agricultural (LA), Agricultural Grazing (AG), Meyers Community Center (MAP-1) and MAP-2 zoning designations, subject to a CCUP and CCOP.

Type N licenses allow for manufacturers to mix cannabis extract or plant material with other ingredients through infusion to create a new cannabis product. This includes edibles, beverages and topicals. This type of license does not allow extraction activities and must source cannabis extracts from licensed manufacturers or cultivators who can perform extraction activities. These facilities are required by the DCC to meet health department standards and implements measures to ensure consistent and accurate dosing, compliant with State standards. Type N licenses are permissible within the CC, CR, CG, IH, IL, R&D, PA, LA, AG, MAP-1 and MAP-2 zoning designations, subject to a CCUP and CCOP.

The project site has a zoning designation of PA-20, within which Type N manufacturing is an allowable use, pursuant to a CCUP and CCOP, and has been reviewed for potential traffic impacts by the El Dorado County Department of Transportation. The existing onsite barn is proposed to be demolished and rebuilt within the same footprint. All manufacturing activities would take place within the new structure. The new structure is required to adhere County standards of maintaining an odor dilution threshold (DT) of 7 or lower at all property lines.

Odor

An Odor Analysis was prepared by Environmental Permitting Specialists (EPS) for the proposed project. EPS found that odor intensity declines by 88 percent over 100 meters (26.7 percent every 100 feet). Analysis indicates the maximum odor intensity along property lines would be approximately 3.5 DT. The project would be enclosed within green houses and the new processing structure. The analysis determined that odors produced, without additional mitigation, would be less than the 7 DT standard as required by El Dorado County Zoning Ordinance Section 130.41.200.5.D. An additional odor study prepared by EPS in 2024 was submitted for this project. This study provided further review and analyzed the potential use of misting systems for use on the project. This additional report confirmed the previous report's conclusion that the project would meet the 7 DT requirement without mitigation. While the project would meet County standards without mitigation, the project applicant proposes to utilize carbon scrubbing filtration systems or equivalent for this project. Condition of Approval 23 requires the project applicant to submit a follow-up odor report, conducted by a qualified professional, demonstrating compliance with the 7 DT at the property line. Two field studies would be conducted during the blooming period of the first grow cycle and shall be submitted to the Planning Division prior to CCOP

renewal. Compliance with the conditions of approval would be verified at the building permit stage and CCOP of implementing the project.

Setbacks

Sections 130.41.200.5.B and 130.41.200.5.C of the El Dorado County Ordinance establishes a setback for cannabis cultivation projects of 800 feet from property lines or public right-of-way, 300 feet from the upland extent of any water course and 1,500 feet from any school bus stop. Distances to school bus stops are measured parcel line to parcel line. El Dorado County Zoning Ordinance Section 130.41.100.4.C allows for any setback for a commercial cannabis to be reduced so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback and that the parcel was owned or leased by the applicant before voter approval of the Cannabis Ordinance on November 6, 2018. Section 130.41.200.5.G requires that cannabis shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel, with greenhouses and hoop houses being the preferred means of screening. Typical concerns for substantially achieving the purpose of the required setback, is visibility and odor. Odor studies demonstrate that the project would comply the 7 DT requirements. The project would be located within greenhouses and would be screened from public view. Additionally, the project is in a wooded area of the County, which when combined with topography would further screen the project from the public viewshed and the school bus stop (Attachment A).

Water

The project site contains a well, constructed April 24, 2000, by a previous owner. The well is 580 feet deep and can provide an initial flow rate of 7.5 gallons per minute. 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 225,000 gallons of water per year. In comparison, the average single-family home uses approximately 123,80 gallons of water annually. The project parcel is not located over a critically over drafted groundwater basin and is not anticipated that the project would deplete groundwater supplies. The project would not result in substantial impervious surfaces that would interfere with groundwater recharge in the area of the proposed project. El Dorado County Environmental issues permits for destroyed wells. Typical reasons for a destroyed well permit is for “running dry”. As of the time of this memo the nearest destroyed well permit to the project site is located approximately 2.4 miles away (Attachment B).

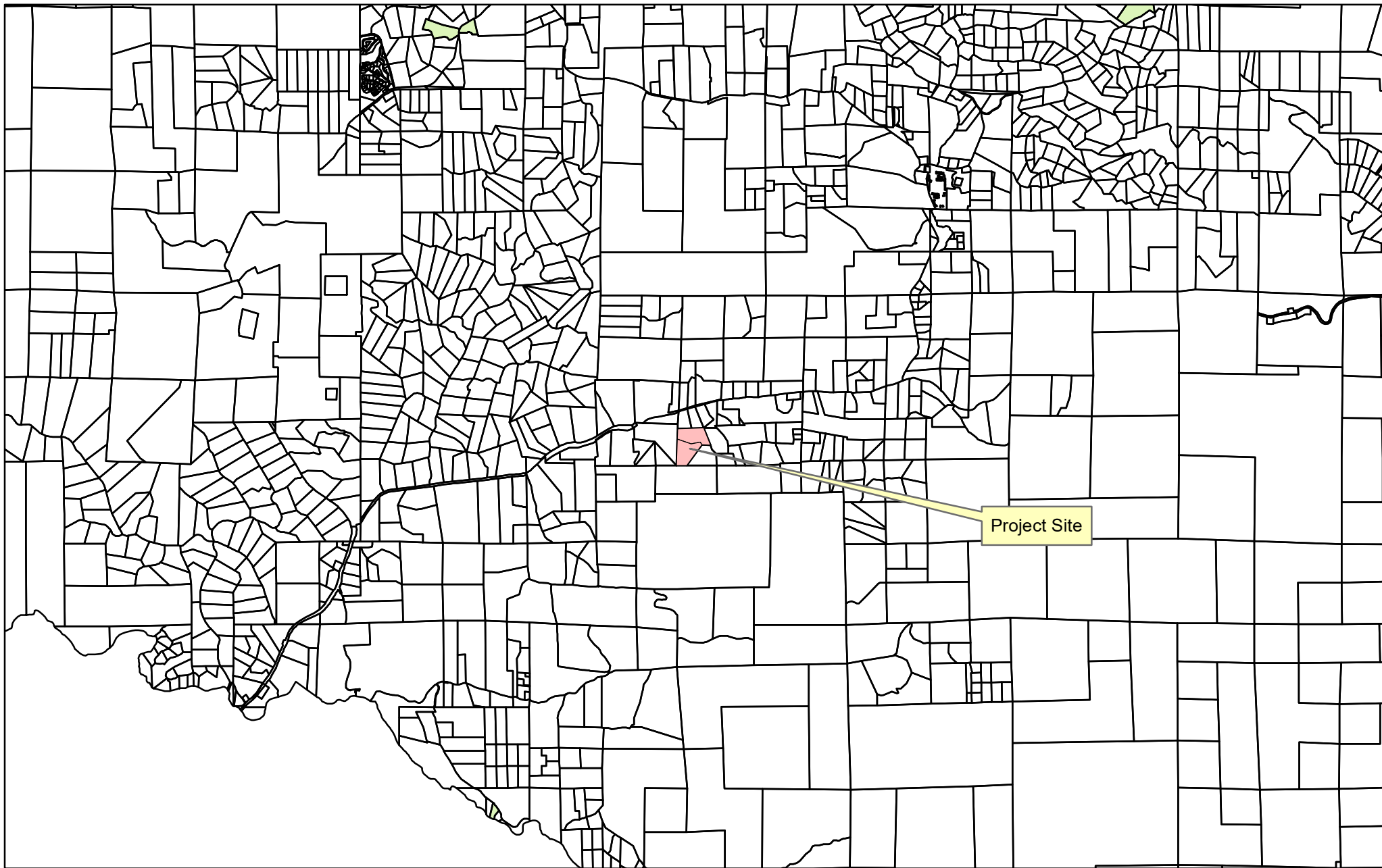
In California, water rights law is administered by the State Water Resources Control Board (SWRCB). SWRCB is the only agency with authority to administer water rights, local governments and water districts do not administer water rights. The project was reviewed by SWRCB as part of the standard project distribution and Mitigated Negative Declaration Initial Study Agency review. The project is required to enroll under the SWRCB Cannabis General Order WQ 2019-0001-DWQ. One of the requirements is to prepare a Site Management Plan (SMP), which includes identifying potential sources of water quality violations or waste discharge requirements, corrective actions including implementing and monitoring Best Management Practices (BMP), and documenting water usage and timing to ensure the water use is not impacting water quality objecting and beneficial uses.

Attachment A: View from School Bus Stop

Attachment B: Destroyed Well Permits

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- CCUP21-0007 Rosewood
- Destroyed Well Permits

CCUP21-0007/Rosewood
Destroyed Well Permits
Attachment B

