Public Comment #32 BOS RCVD 4/28/2025

Tyler Hartsell

From:

Christine Schaufelberger <cschaufel@gmail.com>

Sent:

Sunday, April 27, 2025 1:36 PM

To:

BOS-Clerk of the Board

Subject:

Comments for April 29, 2025 Board of Supervisors Public Hearing, agenda item #

25-0508

Attachments:

Letter from Ron and Susan Buchanan.pdf

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Please add the attached file, "Letter from Ron and Susan Buchanan", to the Board of Supervisors Public Hearing item #25-0508 on April 29, 2025.

Please let me know you received this file, and contact me with any questions or concerns.

Thank you, Christine Schaufelberger, on behalf of Ron and Susan Buchanan

Ron and Susan Buchanan

7340 Derby Lane, Somerset, CA 95684

e-mail: circle5151@icloud.com

April 27, 2025

Board of Supervisors, El Dorado County

330 Fair Lane, Placerville, CA 95667

Subject: Opposition to Proposed Cannabis Project (CCUP21-0007), (Appeal A25-001) — Access Across Parcel B

Dear Chairperson and Honorable Members of the Board,

We are Ron and Susan Buchanan, owners of Parcel B, which is directly impacted by the proposed Rosewood cannabis project. Rosewood Lane is a road easement that provides access, through our parcel, to the owners of Parcels A, D, and C.

We are writing to clarify and formally rebut statements made in the letter dated March 23, 2025, from Donald W. Ullrich, Jr., President of Barque Properties, Inc.

Specifically, Mr. Ullrich's letter (regarding Parcel C) claims that the cannabis project applicant has verbally agreed to amend the Rosewood Lane Road Maintenance Agreement (RMA) to relieve Parcels B and C of any responsibility for maintenance related to the proposed commercial cannabis operation. We have not agreed to any such amendment. Furthermore, we will not accept the financial liability for the significant improvements that would be required to bring Rosewood Lane into compliance with Fire Codes necessary for permit approval. As currently written, the RMA would require Mr. Ullrich to agree to the road improvements, and therefore, be liable for one-half of the road improvement costs needed to meet Fire Code standards.

Key points we want the Board to be aware of:

- No Permission for Access or Improvements: Rosewood Lane crosses our Parcel B. The
 existing road and bridge are entirely unsuitable for the level of commercial traffic the
 project would generate. Use of our property for this intensified purpose would require
 significant widening of the road and construction of a new bridge across the creek —
 neither of which we consent to.
- Existing Road Constraints: The current access was designed for private residential use, not industrial-scale agricultural operations. Widening the road and installing a new culvert would cause substantial disturbance to our land, the creek, and the surrounding environment — in violation of the rural residential character of the area.
- No Agreement to Amend Road Maintenance Terms: The idea that Parcel B's obligations under the existing recorded road maintenance agreement could simply be altered or

- negated without our express written consent is false. Any amendment requires our voluntary, informed agreement, which has not been given.
- Severe Impacts to Property Rights and Public Safety: Allowing intensified commercial traffic over our property without consent violates our private property rights, endangers public and resident safety, and would significantly impair the peaceful enjoyment of our home and land.

We strongly oppose the County's continued practice of granting permits for commercial operations, such as this, on properties that are only accessible via privately maintained roads governed by deeded road agreements. These roads were designed for limited residential use, not high-impact commercial traffic. By approving projects in these areas, the County is imposing an undue burden on private property owners, forcing them into costly disputes and potential litigation to protect their rights and infrastructure. It is unacceptable for the Planning Department to dismiss this serious impact as merely a "private civil matter" when the County's actions are the direct cause of foreseeable conflict and damage. The County cannot simply look the other way when legal access is neither adequate nor secured. The County has a responsibility to ensure that approved land uses are compatible not only with zoning but also with the infrastructure realities and legal agreements of the area.

We respectfully request that the Board of Supervisors uphold the Planning Commission's denial of the project permit. Approval of this project, given the real and unresolved legal, logistical, and environmental issues associated with accessing the site, would be a grave mistake that threatens the integrity of our neighborhood and sets a dangerous precedent for rural El Dorado County.

Thank you for your time and consideration of our serious concerns.

Respectfully,

Via e-mail, Ron and Susan Buchanan

Tyler Hartsell

From: melody.lane@reagan.com

Sent: Sunday, April 27, 2025 7:38 PM

To: Kim Dawson; BOS-Clerk of the Board; George Turnboo; Mark Treat

Cc: BOS-District V; BOS-District IV; BOS-District III; BOS-District III

Subject: Public Comments - 4/29/25 BOS Agenda Item #32 - Rosewood Commercial Cannabis

Appeal

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Please post my public comments concerning BOS Agenda Item #32 – Rosewood Commercial Cannabis Appeal.

Board of Supervisors,

I stand by my below comments made during the February 27th Planning Commission meeting regarding denial of the Rosewood Commercial Cannabis Permit.

Although Mr. Kipperman is well within his rights to appeal this matter, I urge you to read the Derby Road neighbors concerns who are in opposition to this permit. Nobody wants an "attractive nuisance" in their back yard that potentially invites crime and negatively impacts quality of life and neighboring property values.

Additionally, the political dynamics and bully tactics driving this controversial issue cannot be ignored. There are approximately 150 Commercial Cannabis permits waiting to be approved in EDC. Imagine going through this appeal process 150 more times.

Your decision today will impact the entirety of El Dorado County. Do the right thing by upholding the Planning Commission's **denial** of the Rosewood Commercial Cannabis Appeal.

###

Melody Lane – Founder, Compass2Truth 2-27-25 Rosewood Cannabis Permit

I have read all the correspondence posted to this application and found the personal attacks very disturbing, especially those made by Lee Tannenbaum and Kevin McCarty, against citizens who have exercised their rights to express concerns about the detrimental effects the approval of this cannabis permit may have on their community.

Last October Mr. McCarty's cannabis permit was appealed before the Board of Supervisors. I, and several others, fully supported the appellants, Judy Husak and Leslie Shoenfeld, who expressed many of the same valid concerns surrounding this Rosewood permit.

Prior to the beginning of the hearing, Kevin McCarty demanded that Supervisor Turnboo recuse himself. That left the appellants hanging without any support from their District Supervisor. Furthermore, it was glaringly apparent that the decision had already been made by staff with

the recommendation for the BOS to <u>deny the appeals</u> before the appellants even walked into the room. I see the same biases transpiring here today.

The Constitution guarantees fundamental principles of fairness, including the right to a fair trial before an impartial judge and jury. This means disputes should be heard in a *real court of law*, not an in-house tribunal where normal due process protections don't apply. Cannabis disputes, such as this one, are no exception. Nor can this Commission claim authority it doesn't have to take further advantage of these disputes to expand its own political power.

There have been many controversial turnovers on the Planning Commission regarding the 150 cannabis permits lined up for approval in EDC. It all started with my friend, Dr. Cheryl Byl-Chester, when she blew the whistle for obvious Brown Act violations. Her dismissal culminated in a SLAPP lawsuit that is still ongoing. Next to go was Kris Payne, then Dan Harkin, and I'm glad to say Lexi Boeger is also now gone. Andy Nevis should have been dismissed long ago for violating his oaths, and I anticipate he will soon be persuaded to do the *right thing* by stepping down voluntarily.

Back to Lee Tannenbaum, Kevin McCarty, and their liberal pal Kris Payne. They have proven to be <u>serial liars</u>, and I have no problem backing up the veracity of that statement with facts, truth, valid evidence and law. A small sample of their libel, harassment, gaslighting, and threats against me for standing up to their bully tactics are being entered into the public record. Their conniving should not be given an ounce of credibility, nor should their attacks against opponents be tolerated. Accordingly, **please reject this permit.**

###

Melody Lane Founder – Compass2Truth

The Founders used Exodus 18:20-21 as a guide to establish our Republic, "And you shall teach them ordinances and laws, and shall show them the way wherein they must walk, and the work that they must do. Moreover you shall provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them..."

From:

Christine Schaufelberger <cschaufel@gmail.com>

Sent:

Monday, April 28, 2025 9:13 AM

To:

BOS-Clerk of the Board

Subject:

Comments for April 29, 2025 Board of Supervisors Public Hearing, agenda item #

25-0508

Attachments:

Response to Planning Department Memo.pdf

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Please add the attached file to the Public comments. Thank you for your assistance, Christine Schaufelberger

To: El Dorado County Board of Supervisors

From: Derby Road Neighbors

Re: Procedural and Substantive Defects in the Rosewood Appeal Staff Memo

Agenda Item 25-0508 - CCUP-A25-0001 - April 29 2025

Opposition to the Planning Department Staff Memo

On behalf of the Derby Lane Neighborhood. I submit these comments to document two critical defects in the Planning staff memorandum for the Rosewood Cannabis appeal. Each defect renders the memo incomplete, misleading, and legally insufficient under CEQA and the County's own zoning code. Unless corrected, the Board cannot make the required findings to reverse the Planning Commission's denial.

1. Staff conflates two separate voter-approved distance standards

The memo states:

"Sections 130.41.200.5.B and .5.C establish an 800-ft property-line setback, a 300-ft water-course setback, and a 1 500-ft setback from school-bus stops. Setback relief is available under § 130.41.100.4.C."

That statement merges two distinct provisions that Measure Q (2018) deliberately kept separate:

Code section	Heading	Purpose	Relief mechanism
§ 130.41.200 (5)(B)	Location	1,500-ft location buffer measured parcel-line to parcel-line from any school, school-bus stop, place of worship, park, playground, child-care center, youth facility, preschool, library, or licensed recovery sober-living home.	No automatic relief. Only a discretionary variance under § 130.52.070, which requires unique hardship and no special privilege.
§ 130.41.200 (5)(C)	Setbacks	800-ft setback from the cultivation parcel's own property lines or rights-of-way and 300 ft from riparian vegetation.	A narrow "prior-ownership" reduction in § 130.41.100 (4)(C) applies solely to this 800-ft setback.

2. The project description omits manufacturing and distribution uses

El Dorado County Board of Supervisors Public Hearing (CCUP-A25-0001) 04-29-2025 # 25-0508 Response to Planning Department Staff Memo – Derby Road Neighbors 04-28-2025

The memo describes the proposal as limited to "cultivation; mature plants to be transported off-site." That is incorrect. The application packet (Planning file CCUP21-0007) requests:

- a Type N Manufacturing license (non-volatile extraction and processing), and
- a Type 11 Distribution license (packaging, storage, and wholesale transport).

Under § 130.41.300 (4)(C), manufacturing "shall not be established on any parcel containing a dwelling unit used as a residence." There is an occupied single-family residence on APN 095-130-054. The staff memo ignores this outright conflict and omits the additional traffic, noise, waste, and fire-safety impacts inherent in manufacturing and distribution.

Conclusion and request

Because the memo:

- 1. Misstates the law by collapsing two distinct distance standards into one, and
- 2. Misdescribes the project by omitting the manufacturing and distribution components,

the Board lacks a legally defensible basis to overturn the Planning Commission. The appeal must therefore be denied, and the Commission's decision upheld.

Thank you for your attention to these procedural and substantive deficiencies.

Respectfully submitted, via e-mail :cschaufel@gmail.com

Christine Schaufelberger

Derby Lane Neighborhood

*Attachments: *

Ordinance text (§ 130.41.200 (5)(B) & (C))

5. Cultivation Standards.

A. All State requirements plus the following County standards apply.

B. Location.

"Outdoor or mixed-light commercial cannabis cultivation shall not be located within 1 500 feet from any school, school-bus stop, place of worship, park, playground, child-care center, youth-oriented facility, pre-school, public library, licensed drug- or alcohol-recovery facility, or licensed sober-living facility. Distance shall be 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 enumerated use using a direct straight-line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter." El Dorado County

C. Setbacks.

"Outdoor or mixed-light cultivation of commercial cannabis shall be set back a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse." El Dorado County

How the voter-approved Measure Q (Proposition Q, Nov. 6 2018) treated the two distance rules

Sub-section in the ordinance adopted by the voters	Heading in the text	What it requires	Where it appears in the official pamphlet
5.B Location	"B. Location."	"Outdoor or mixed-light commercial cannabis cultivation shall not be located within 1,500 feet of any school, school bus stop , place of worship, park, playground, child-care center, youth-oriented facility, pre-school, licensed drug or alcohol recovery facility, or licensed sober-living facility" Distance is measured parcel-line to parcel-line in a straight line. El Dorado County	
5.C Setbacks	"C. Setbacks."	"Outdoor or mixed-light cultivation of commercial cannabis shall be set back a	

Sub-section in the ordinance adopted by the voters

Heading in the text

What it requires

Where it appears in the official pamphlet

minimum of 800 feet from the property

line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of riparian vegetation...." El Dorado County

From: Cammy &/or Michael Morreale <mcmorreale@sbcglobal.net>

Sent: Monday, April 28, 2025 11:14 AM

To: BOS-Clerk of the Board

Cc: Annie Bower; Christine Schaulferberger; BOS-District II; BOS-District IV; BOS-District III;

BOS-District I; BOS-District V

Subject: Fw: Derby bus stop information opposing the Appeal received from Jason

Kipperman/Rosewood (CCUP-A25-0001)

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Dear Clerk of the Board,

Can you please post this email chain from Annie Bower to the Subject Meeting referenced above? Annie Bower is the School Bus Route Driver for the area directly related to this commercial cannabis project.

Thank you so much for your help,

Cammy Morreale for Annie Bower 818-681-8552

---- Forwarded Message -----

From: Annie Bowers <abqcix@icloud.com>

To: Cammy &/ or Michael Morreale <mcmorreale@sbcglobal.net>

Sent: Sunday, April 27, 2025 at 12:50:26 PM PDT

Subject: Derby bus stop

To whom it concerns

My name is Annie Bowers and I drive the bus route that is affected by jason keppermans commercial cannibus grow.

Points

-bus stops are careful regulated and must meet strict criteria to be approved

-We need every single stop as our area as very few and our children deserve the safest most accessible locations

-One person should not be able to change the bus stops for everyone in an area. It is about all of us not just one persons needs or wants

-this stop has been a designated stop for literally generations please keep it available to future families

For those that don't know, this stop has excellent visibility from both directions, (super rare out here) it also has a large enough footprint that the bus can be off the road for the safety of all

It is used by not only families on Derby but families on the other side of the road and for miles around

Sent from my iPhone

From: Harry Lehmann <hvlehmann@protonmail.com>

Sent: Monday, April 28, 2025 1:05 PM

To: BOS-Clerk of the Board

Subject: Respectful Notice of the legal absence of Standing of the putative Appellant in the

Rosewood cannabis factory putative Appeal.

Attachments: Rosewood Objection to Standing for Appeal.pdf

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Dear Clerk and Supervisors -

It was necessary and accurate to use the term 'putative' when describing the current alleged Appeal against the determination to deny the Permit for the Rosewood marijuana factory because for reasons as stated in the attached letter the person acting as a supposed Appellant, Mr. Kipperman, as a clear matter of law, lacks Standing to pursue any such Appeal.

This is not a determination stemming from advocacy on one side or another, but is proven by verifiable records regarding this attempted Permit.

Respectfully, Clerk, please as immediately as possible distribute this legal comment (I have practiced public entity law since 1983) to the Supervisors and also to County Counsel, which will either agree or disagree with what I've stated in the attached letter, that there is no possible lawful Appellant against the decision of the Planning Commission in this situation.

Thank you,

Harry V. Lehmann 3500 Derby Court Somerset

Sent with Proton Mail secure email.

Law Offices of Harry V. Lehmann PC

Novato, California 94947

<u>LehmannlawPC@protonmail.</u> com.

Principal Attorney

Harry Vere Lehmann

April 28, 2025

Board of Supervisors of El Dorado County and County Counsel via electronic submission on April 28 and by hand on April 29, 2025.

Re: Putative Appeal by one advocate for the Rosewood

cannabis manufacturing and distribution Application

For Permit

Respectfully, Supervisors and County Counsel -

Thank you for your public service.

This letter notifies your Board and El Dorado County Counsel of the supervening legal defect in the position of those supporting this Rosewood factory which is the complete absence of legal Standing of the current putative Appellant to lawfully Appeal of the decision the Planning Commission in denying a Permit for the Rosewood factory.

It is basic black letter law that there has never been a legally sufficient Applicant here and therefore it is factually as well as legally impossible for this current putative Appellant or any other person or entity to pursue an Appeal of the decision of the Planning Commission to deny the Permit sought. For the same root reason is legally impossible for any Applicant here to delegate any ability to Appeal, since there was no lawful Applicant having the power to so delegate, including to Mr. Kipperman.

This is not a factor from preference or bias or spin but a clear matter of law that there is no person or entity, including Mr. Kipperman, who has or can have Standing to Appeal or authorize an Appeal as he is not the Applicant nor is there any actual Applicant having the legal Standing to submit any Appeal.

Nobody can delegate a legal right which they do not have nor act upon legal status which they do not have. This is a black and white situation for reasons here stated.

It is here respectively requested that County Counsel assess this issue and inform our Supervisors whether this putative Appellant has any actual legal Standing as an Appellant against the denial of the sought Permit by the Planning Commission.

Because there was never a legally sufficient Applicant, as has already been proven before the Planning Commission (the term 'proven' used here in its ordinary absolute sense) taxpayer money should not be spent, nor the time of the participants, on an attempted Appeal which is fatally flawed as to Standing.

This letter serves not in advocacy tone but in essence a cover letter for factors which can be independently verified. It is because of the objective factors here that the next paragraph is written towards both our Supervisors and yet also with those who are currently favoring the Appeal foremost in mind. This isn't a good place to support licensed marijuana to push because the legal deficits are independent of cause viewpoint.

On the original Application form for the sought Permit, which is the foundation upon which the Application for the Rosewood factory remains, at the most critical point on the form; requiring identification of Applicant, whomever was actually submitting this Application unlawfully checked three mutually exclusive boxes.

A business can be a corporation. A business can be an LLC. Both of those two boxes were checked. The supplied box for 'other' was also checked, with a hand-written note advising that some unidentified person or entity was in the process of becoming a C Corp. There are different business structures between and LLC and a corporation, though both offer the golden carrot of avoiding personal liability if somebody gets wrongly hurt or otherwise damaged by actions performed under corporate shield because a corporation gives those behind it a dispose-at-will escape from personal liability.

In order to govern the massive benefit of limited liability we have mandatory rules which apply to the Application actually submitted. The USA is a sought place because there is a reasonable predictability of legal outcomes, rare in the world. As a part of our system the corporate rules serve as a protective architecture from the legislature so as not to tolerate rules violation by persons seeking the relief from personal responsibility which limited liability provides. These limitations are in the public interest.

Here the most basic tap root important rule was blown right at the start. Because three quite different mutually exclusive statements were made in description of the putative Applicant on the Application form, no legally sufficient Applicant has ever been present in this situation.

Because there is no actual Applicant, there is no party or person who has the legal ability to delegate the legal right to Appeal to anyone else, including in this instance Mr. Kipperman. One person known to me was told from Planning that the Application was not open to public inspection due to alleged proprietary needs of the Applicant. The Application was produced to me, a lawyer. Our whole system depends on people following the rules and that system is threatened when any unlawful procedure is allowed, such out of political sympathies.

I urge that in this particular instance, and reflective of the need for our reliable matrix of requirements for Applications for Permits, and in compliance with our need for predictable legal regularity in government actions, we need to follow the rules here, which were not followed as no actual Applicant was defined in the original Application.

Because there was no legally sufficient Applicant, there can not have been lawful delegation of permission to file this putative Appeal. There was no lawful Applicant by a parsec having the legal ability to so delegate permission to so Appeal against the Planning Commission findings. Not having received any challenge from any advocate for this factory to the contents of my letter of February 26 submitted to the Planning Commission, I stress again that my February 26 letter to the Planning Commission by reference herein is integrated into this letter in whole as though fully set forth herein.

The reality that our Planning Commission considered this matter with deliberative care as is evident in the video of the Commission Hearing, see the last approximate half hour of that video, including after one short break and one long break. It is beyond rational dispute that the Commissioners were working diligently to follow what the law, including the Initiative language. This included the Chair of the Commission specifically referencing an April, 2024 decision of this Board that the Initiative language which provided for these facilities in El Dorado County must be literally and narrowly interpreted, because it was not within the purview of the Board or Planning, to materially re-interpret specific language which the voters had approved. I hereby incorporate by this reference my letter to the Planning Commission of February 26, 2025 as though fully set forth herein.

Christine Schaufelberger's extraordinarily thorough recent submission, in addition to showing the legal incapacity of the putative Appellant on other grounds has, and in company of my own letter of February 26th covered crucial factual and legally vital non-compliance issues, including the absence of actual available well water determination, with instead reliance on a test 20 years back, the fact that the purported expert on marijuana smell mitigation based her analysis *entirely* on a sprinkled water aroma reduction system which was installed on flat agricultural ground in Chico as the basis for approving the filtration in the Rosewood advocacy, which is dry carbon fiber, a radically different approach and more. Christine's work product is overall more comprehensive and than this submission of singular focus, and her work in company with mine of February 26th, show not only that the Commission made the correct call but that they did so because law and regulation left no other lawful choice.

Rather than going over ground already briefed, this letter brings to the Board's attention that it is legally impossible for this purported Appellant, or anyone else, two pursue an Appeal for an Applicant which wasn't even identified in the Application which is at the inescapable root of this controversy.

Very truly yours,

Harry V. Lehmann 3500 Derby Court

Somerset, California

PS: I am limited to email and private cell now as local telephone poles are being replaced.

From: Cammy &/or Michael Morreale <mcmorreale@sbcglobal.net>

Sent: Monday, April 28, 2025 2:18 PM

To: BOS-Clerk of the Board

Cc: Christine Schaulferberger; Carolyn Clary; Michael Morreale; Annie Bower; Bruce Bowers;

BOS-District II; BOS-District III; BOS-District IV; BOS-District I; BOS-District V

Subject: BOS Appeal hearing 4/29/25 - Jason Kipperman/Rosewood (CCUP-A25-0001) - Public

Comment

Attachments: Bus Stops - Pioneer Elementary.pdf

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Dear Clerk of the Board:

Can you please post this public comment **email and attachment** to the corresponding calendar/file? Thank you

Dear Board of Supervisors:

My name is Cammy Morreale and I live in South County near the subject property (CCUP21-0007 Rosewood).

I'm asking that you deny Mr. Kepperman's appeal and uphold the Project denial decision by the Planning Commission on 2/27/25. My reasons are as follows:

1) Environmental, health and data

There are many environmental, health and data driven reasons that Commercial Cannabis does not belong on Mr. Kepperman's property. The most obvious is this property is surrounded by homes. This drug crop does not belong near homes! A drug crop is <u>not</u> a solution to drug crimes!

2) Property Lines Setback:

This project is asking for reduced setback lines for all four the property lines. It is my understanding from the Board of Supervisor's Meeting on 4/9/24 (File 24-0688) – the BOS directed staff to NO longer pursue any additional changes to the cannabis ordinance, including setbacks, canopy limits, propagation, and manufacturing. We urge you to uphold this decision and NOT allow this project to reduce the property set back lines.

Additionally, there is no conclusive evidence the reduction of the 800 foot setback will achieve the purpose intended in the Ordinance. Nor does the November 2018 measures support the reduction.

Lastly you may know, the Air Quality dilution threshold 7dt is difficult to achieve with significantly reduced setbacks.

3) Bus Stop Setback:

Please uphold the 1,500 foot setback for the registered Bus Stop from Mr. Kepperman's property lines. This bus stop was registered 12+ years prior to the application. Please see the attached "Pioneer Elementary Blue Route" list from 12-8-23. This list includes the Derby Court Bus Stop and was used by Evan Mattes (EDC Project Planner) for previous projects. Did you know that Mr. Kepperman's children were using this bus stop for years and **recently stopped using this bus stop to sway the commission's decision on this matter.**

I call your attention to the precedence established by the Green Gables Commercial Cannabis Project wherein the Board of Supervisor's approved the Appeal by Dave Scroggins (Superintendent of Latrobe School District) reversing the Planning Commission's permit approval. This Appeal Hearing was on November 7, 2023. This precedence is relevant to the Rosewood Cannabis project as the active Bus Stop near Rosewood is less than the allowed distance to the property line(s) just like the Bus Stop for the Green Gables project.

The permit denial decision by the Planning Commission on 2/27/25 was the "right" decision based on the facts, rules of law, CEQA, flawed project documentation and impact to the environment and human health.

Thank you for your attention to this matter.

Cammy Morreale 818-681-8552 mcmorreale@sbcglobal.net

PIONEER ELEMENTARY BLUE ROUTE

BUS STOP				
DU3 31UP	AM TIME	PM TIME	MIN DAY	SUPER MIN
		2:50	1:50	12:58
Mt. Aukum Rd & Candlelight Village	7:28	3:00	2:00	1:08
Painted Pony	7:30	3:01	2:01	1:09
Mt Aukum & Brinkwood	7:35	3:03	2:05	1:14
Mt. Aukum Rd & Bertone Dr.	7:36	3:05	2:09	1:16
Mt. Aukum Rd & River Pines Fire Station	7:38	3:09	2:09	1:18
Mt. Aukum Post Office /Roosters	7:38	3:10	2:10	1:20
Dorado Canyon & Omo Ranch	7:40	3:11	2:11	1:28
Ranch Camp Rd	7:42	3:15	2:15	1:29
Derby Lane	7:44	3:16	2:16	1:30
3585 Omo Ranch Road	7:45	3:17	2:17	1:31
Omo Ranch Rd & Cedarville/Coyote Ridge	7:50	3:20	2:20	1:31
Fairplay Rd & Stoney Creek Road	7:52	3:22	2:22	1:32
Perry Creek Rd & Crystal Caves Mobile Park	7:53	3:24	2:24	1:45
Perry Creek Rd & Idlewild	7:54	3:25	2:25	1:46
Perry Creek Rd & Slug Gulch	7:54	3:25	2:25	1:46
Perry Creek & Gray Rock Road	7:56	3:26	2:36	1:34
7251 Perry Creek Road	7:57	3:27	2:37	1:35
Fairplay and Rontree Rd	8:01	3:29	2:29	1:29
Fairplay and Dollar General	8:02	3:30	2:30	1:30
Arrive at Pioneer School	8:15			
Arrive at Mountain Creek	8:15			1:45

THE TIMES LISTED ABOVE ARE "DEPARTURE TIMES," PLEASE BE AT YOUR BUS STOP 5 MINUTES EARLY

12/8/23

From: Jason <jaykipp0904@aol.com>
Sent: Monday, April 28, 2025 2:35 PM

To: BOS-Clerk of the Board

Cc: Aaron D. Mount; Evan R. Mattes

Subject: Submission of Documents for Rosewood CCUP Appeal (File No. #25-0508) **Attachments:** Rosewood CCUP Appeal Hearing - Argument Presentation Outline - v2.2 -

04.28.2025.docx; Rosewood - Additional Conditions of Approval for Amended CCUP21-0007 - 04.28.2025.docx; Rosewood - Case Law Summary - Agricultural Land

Use - 04.28.2025.docx; Rosewood Commercial Cannabis Use Permit Appeal -

Presentation - 04.29.2025.pdf

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Dear Clerk of the Board,

I hope this message finds you well. In advance of the upcoming hearing for the Rosewood Commercial Cannabis Use Permit Appeal (File No. #25-0508), I am submitting the following documents for the public record and for review by the Board of Supervisors:

- 1. Rosewood CCUP Appeal Presentation This presentation provides an overview of the merits of the appeal and a detailed argument for reconsideration.
- 2. List of Proposed Additional Permit Conditions A list of five new proposed conditions that address concerns raised during the appeal process, aimed at ensuring the project's compliance with applicable regulations and mitigating any potential impacts.
- 3. Applicable Case Law Letter re: Agricultural Land Use A letter outlining relevant case law supporting the appeal, particularly in relation to agricultural land use and the application of setback requirements.

I trust that these documents will be helpful in providing context and clarity on the Rosewood project as the Board reviews the appeal. Please confirm receipt of this email and the attached documents, and let me know if any additional information or clarification is needed.

Thank you for your time and consideration. I look forward to the Board's review and discussion of the appeal.

Best regards, Jason Kipperman

ROSEWOOD COMMERCIAL CANNABIS USE PERMIT APPEAL CCUP-A25-0001

APRIL 29, 2025



- 1. Introduction
- 2. Key Issues with Denial
- 3. Compliance with General Plan
- 4. Economic & Tax Impact
- 5. Project Comparison
- 6. Traffic Impact
- 7. Water Use
- 8. Odor Control
- 9. Neighbors' Concerns
- 10. Bus Stop Setback
- 11. Request for Reconsideration

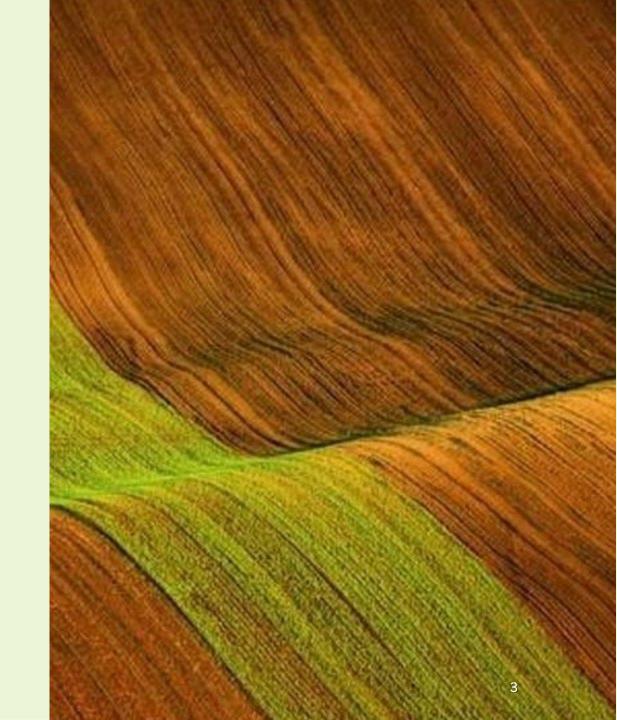
1. INTRODUCTION

• Who I Am: Jason Kipperman

- Long-time resident of El Dorado County
- Small business owner, advocate for local economic growth, and responsible cannabis cultivation

Purpose of the Appeal

- Demonstrate that denial of CCUP was arbitrary and unsupported by substantial evidence
- Request Board's reconsideration of Planning Commission's denial



2. KEY ISSUES WITH CCUP DENIAL

Vague and Unsupported Denial Reasons

- Denial based on speculative concerns: land use conflicts, air quality, groundwater
- No expert testimony or concrete evidence provided to rebut the IS/MND and Staff recommendation
- The Commission did not explore possible conditions to mitigate concerns, but denied the project without making an effort to find a reasonable resolution



3. COMPLIANCE WITH EDC GENERAL PLAN

Agricultural Zoning & Precedence

- Rosewood complies with PA-20 (Planned Agriculture) zoning: prioritizes agriculture over residential development
- Located in Somerset Agricultural District, offering extra protection for agricultural uses

Legal Precedent

Agricultural use should take precedence in agricultural-zoned districts

4. ECONOMIC & TAX REVENUE BENEFITS

Contribution to Local Economy

- Tax revenue, job creation, and economic activity
- Grape industry facing worst year; cannabis can diversify agriculture in El Dorado County

County Cannabis Ordinance

• Cannabis farming is strictly regulated, unlike other agriculture which lacks such oversight



5. PROJECT COMPARISON

Zoning & Setbacks

- Rosewood: PA-20 zone,
 239-foot setback
- Arabian & Kilzer: Rural Land (RL), smaller setbacks (123-168 feet)

Cultivation Methods

- Rosewood: Enclosed greenhouses with carbon filtration (odor control)
- Arabian & Kilzer: Outdoor cultivation, no odor mitigation

Project	Parcel Size	Zoning Code	Land Use Designation		Cultivation Method
Arabian	20.18 acres	Rural Land (RL)	Rural Residential (RR)	123 feet	Hoop Houses
Kilzer	10 acres	Rural Land (RL)	Rural Residential (RR)	168 feet	Outdoor
Rosewood		Planned Agriculture (PA-20)	Agricultural Lands - Agricultural District (AL-A)	239 feet	Greenhouses with Carbon Filtration

6. TRAFFIC IMPACTS



Responsible Maintenance

 We are committed to maintain the shared driveway and address any traffic concerns. The adjacent property owner has no objections, these have come from neighbors farther up on Derby Lane.

Traffic Monitoring

- Current traffic study shows fewer than 100 daily trips, well below required threshold
- Proposed Condition #1: Ensure traffic does not exceed 20 trips per day, with quarterly monitoring reports

7. WATER USE

Water Use Monitoring

- Property has two wells and a pond for water supply, with ample capacity to support cultivation
- We are committed to responsibly manage water use in compliance with all State regulations and are willing to use the pond as a backup for fire suppression and reserve of collected rainwater.
- <u>Proposed Condition #2</u>: Annual monitoring of water flow rates and collaboration with State Water Board for responsible management







Odor Control Plan

- Carbon filtration systems in fully enclosed greenhouses
- Proposed Condition #3: Submit an odor control plan, including field studies during first grow cycle to demonstrate compliance with 7 DT threshold per EDC cannabis ordinance

- EDC currently allows zero setbacks for indoor cultivation facilities utilizing carbon filtration systems, the same as our project.
- No reason or evidence has been provided to suggest that these systems would be inadequate in rural areas such as ours.
- Science, expert testimony, and EDC permit precedent support the notion that our project is eligible for the requested setback reduction



9. ADDRESSING NEIGHBORS' CONCERNS

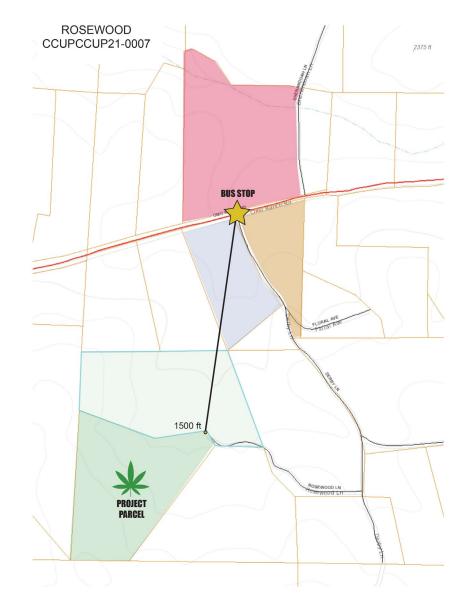
Visibility & Security

- Site is not visible from neighboring properties
- Odor and noise will be fully mitigated, and site will be equipped with security measures approved by the El Dorado County Sheriff's Office (EDSO)
- Proposed Condition #4: Implement a security and visibility plan, ensuring full enclosure and no impact on neighbors' quality of life
- Proposed Condition #5: Designate a contact person available 24/7 to address and immediately resolve any community concerns

10. BUS STOP SETBACK

Bus Stop Location

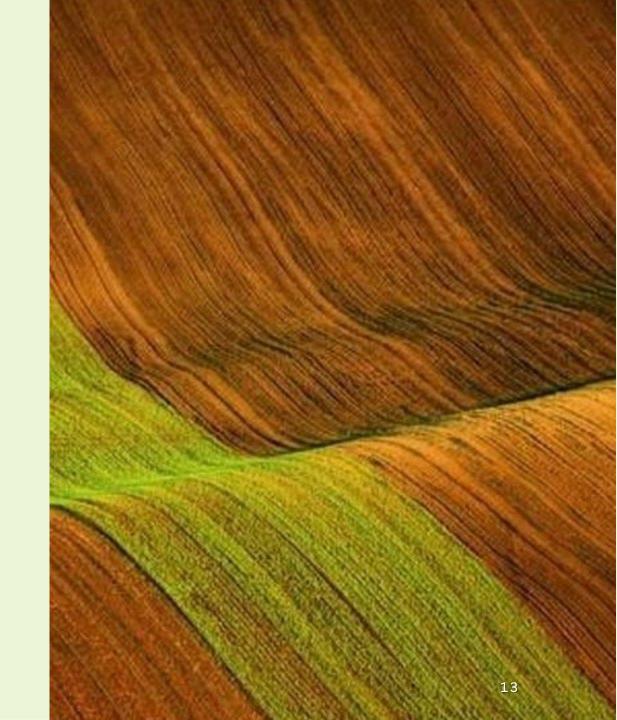
- Setback calculation
 based on an arbitrary
 reference, bus stop is
 in public right of way,
 not a specific parcel
- Project setback is enhanced by variable terrain (elevated, wooded area)
- Eligible for setback
 reduction under EDC
 Ordinance, achieves
 "intended purpose" of
 setback with certainty

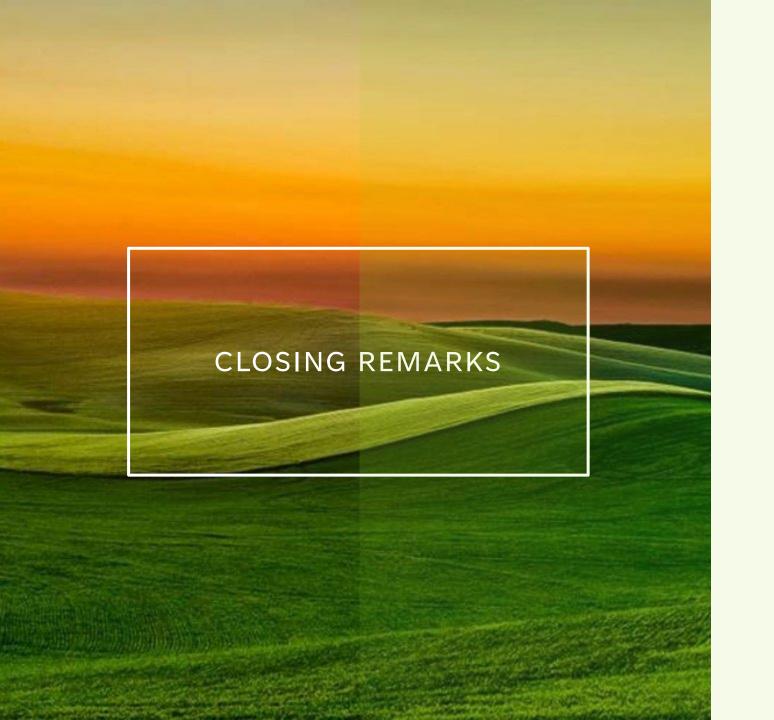


11. REQUEST FOR RECONSIDERATION

Summary of Key Points

- The Planning Commission's denial lacked substantial evidence that our project is inconsistent with EDC General Plan or had "land use conflicts"
- The project complies with County regulations and has been reviewed by several scientific experts
- Request for Approval: Allow the Rosewood project to proceed with an amended Conditional Use Permit, to include the proposed conditions.



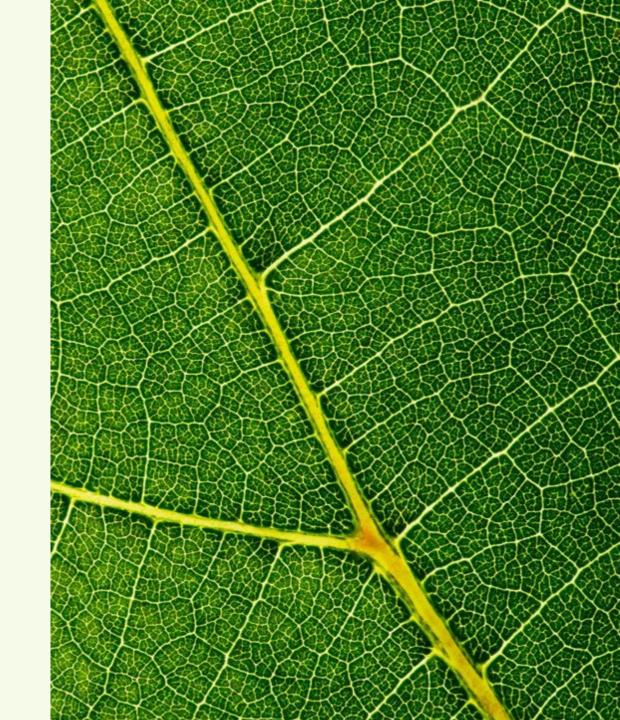


Commitment to the Community

- We have adapted our project to address and resolve concerns. We humbly request that we be allowed the opportunity to succeed.
- We are committed to ensuring this project is a positive addition to the local economy, the environment, and the EDC community.
- Open for questions and further discussion

THANK YOU

Jason Kipperman jaykipp0904@aol.com



Appeal Presentation Outline – CCUP21-0007 (Rosewood Cannabis Cultivation Project)

I. Introduction and Purpose of the Appeal (3 minutes)

Introduction of Applicant:

 Jason Kipperman, a long-time resident of El Dorado County, small business owner, and advocate for local economic growth and responsible cannabis cultivation.

Overview of the Appeal:

Request for the Board's reconsideration of the Planning Commission's denial of CCUP21-0007.
 The denial was arbitrary and unsupported by substantial evidence. The applicant is committed to working collaboratively with neighbors and County staff to address concerns and ensure compliance.

II. Key Issues with the Planning Commission's Denial (4 minutes)

Vague and Unsupported Reasons for Denial:

- The Planning Commission's denial was based on speculative concerns regarding land use conflicts, air quality impacts, and groundwater usage, without providing concrete evidence or expert testimony. This decision contrasts with the principles established in *DeVita v. County of Napa (1995)*, which emphasized that decisions must be based on substantial, factual evidence, not vague claims.
- The Commission did not explore possible conditions to mitigate concerns, which is typical in other jurisdictions. Instead, it outright denied the project without making an effort to find a reasonable resolution.

III. Compliance with County Ordinances and General Plan (4 minutes)

Agricultural Zoning and Precedence of Agricultural Use:

- The project is fully compliant with the <u>PA-20 zoning</u>, which prioritizes agricultural uses over residential development, as set forth in the General Plan.
- Extensive judicial case law precedent reinforces the principle that agricultural use should take precedence in land use decisions in agricultural zoned districts. See attached summary of relevant legal cases involving agricultural land uses. This decision disregards the County's longterm vision for agricultural land use and the intent to support cannabis cultivation as an agricultural enterprise.

 The Rosewood parcel is located in the Somerset Agricultural District, which adds an extra layer of protection under the County's general plan for agricultural uses over residential uses.

IV. Comparison to Other Approved Projects: Arabian and Kilzer (5 minutes)

Zoning and Land Use Designation Comparison:

The Rosewood project is located on a property zoned as **Planned Agriculture (PA-20)**, with an **Agricultural Lands - Agricultural District (AL-A)** land use designation. These zoning and land use characteristics provide explicit support for agricultural operations, ensuring that Rosewood is aligned with the County's agricultural policies. By contrast, the Arabian and Kilzer projects are located on properties zoned Rural Land (RL) with a Rural Residential (RR) land use designation.

Setback Distances:

The Rosewood project has a canopy setback of <u>239 feet</u>, which is the largest setback of the three projects. In comparison, the Arabian project has a setback of <u>123 feet</u>, and the Kilzer project has a setback of <u>168 feet</u>.

- The next-largest setback in other California jurisdictions is 300 feet. This is the generally accepted setback adopted to ensure potential impacts are mitigated. This project, with mitigation measures, will demonstrably achieve the "intended purpose" of the setback as defined under EDC ordinance.
- The County's cannabis ordinance allows **10-acre parcels** for permits, meaning **smaller farms** like Rosewood were expected to benefit from **setback relief**, as intended by voters and the Board.

Cultivation Methods:

The Rosewood project will utilize fully enclosed greenhouses with carbon filtration systems, recognized as the industry standard for controlling odor and ensuring air quality. In contrast, the Arabian and Kilzer projects are outdoor cultivation with no odor mitigation measures in place. Rosewood's approach to mitigating odor has been studied and verified by experts, and no reasonable cause exists to deny the project on this basis.

Comparison Table of Key Characteristics

Project	Parcel Size	Zoning Code	Land Use Designation		Cultivation Method
Arabian	20.18 acres	Rural Land (RL)	Rural Residential (RR)	123 feet	Hoop Houses
Kilzer	10 acres	Rural Land (RL)	Rural Residential (RR)	168 feet	Outdoor
Rosewood		Planned Agriculture (PA-20)	Agricultural Lands - Agricultural District (AL-A)	239 feet	Greenhouses with Carbon Filtration

V. Economic and Tax Revenue Benefits (3 minutes)

Contribution to the Local Economy:

- The Rosewood project represents a sustainable source of tax revenue, jobs, and economic activity, which is particularly important given the County's fiscal challenges.
- The grape industry is facing one of its worst years on record, as reported in the American Vineyard Association (AVA). With agriculture already struggling, cannabis cultivation presents a promising alternative to diversify the County's agricultural economy.
- Cannabis cultivation, in particular, would provide a viable, heavily regulated agricultural use,
 unlike many other types of farming that have no such oversight or environmental monitoring in place.
- Other agricultural uses on the property can proceed by-right without setbacks. Cannabis should be treated with reasonable restrictions, but not disproportionately compared to other uses.
- The denial overlooks the significant economic benefits, including job creation, tax contributions, and diversification of the County's agricultural economy.

VI. Scientific Assessments and Expert Studies (6 minutes)

Traffic and Transportation:

- The On-Site Transportation Review (OSTR) confirms that the project will generate fewer than
 100 daily trips, below the threshold for requiring a full traffic study.
- We are committed to maintain the shared driveway and address any traffic concerns. The
 adjacent property owner has no objections, and objections have come from neighbors farther
 away on Derby Lane.

Proposed Condition for Traffic:

Condition 1: The applicant shall implement a traffic flow management plan during peak times (e.g., harvest), and provide quarterly reports to ensure trip generation remains below approved thresholds. The applicant has committed to ensuring that traffic will remain below 20 trips per day at the maximum, a reduction from the initial estimate of 60 trips.

Air Quality and Odor:

- The ISMND and supplemental odor studies confirm that the project will use carbon filtration systems to mitigate odor concerns.
- The County currently allows zero setbacks for indoor cannabis cultivation facilities utilizing carbon filtration systems. The Rosewood project is premised on sealed greenhouses with these same systems. No valid reason or evidence has been provided to suggest that the laws of physics would work differently in the country. All available science, expert testimony, and

regulatory precedent support the notion that the Rosewood project should be eligible for the requested setback reduction.

 The Rosewood project's setback remains several hundred feet of woodland with zero potential for adverse impacts to any surrounding parcels, residents, or uses.

Proposed Condition for Odor Control:

Condition 2: The applicant shall implement the proposed carbon filtration system within fully enclosed greenhouses to ensure that no odors exceed the 7 dilution threshold (DT) at the property line, as per AQMD Rule 205. The applicant shall submit an odor control plan, including two field studies conducted during the blooming period of the first grow cycle, to demonstrate compliance with the dilution threshold. This report must be submitted to the Planning Division prior to operating permit renewal.

VII. Addressing Neighbors' Concerns in Good Faith (5 minutes)

• Concerns About Water Resources:

 The property has two wells and a pond for water supply, with ample capacity to support cultivation. The applicant is committed to using the pond as a backup for fire suppression and to responsibly manage water use in compliance with all State regulations.

Proposed Condition for Water Resources:

• <u>Condition 3</u>: The applicant shall monitor and report water usage, including the flow rates from both wells, to the County annually to demonstrate responsible water resource management. The applicant shall also collaborate with the State Water Board as necessary to ensure that water usage complies with all applicable rules and standards.

• Visibility and Impact on Neighbors:

 The Rosewood cultivation area is not visible from any neighboring properties. Odors and noise will be fully mitigated, and the site will be equipped with a robust security system approved by the El Dorado County Sheriff's Office (EDSO).

Proposed Condition for Visibility and Security:

- <u>Condition 4</u>: The applicant shall implement a security and visibility plan ensuring that the cultivation area remains fully enclosed and unobtrusive to surrounding properties. If complaints related to visibility, applicant shall take corrective action within a reasonable time frame, as determined by the County.
- <u>Condition 5</u>: The applicant shall designate a local contact person, available 24/7, to address any community concerns. The contact person's information shall be provided to all residents within 1,000 feet of the property boundary. The applicant shall maintain a complaint log and provide annual updates to the Planning Division. If complaints related

to odor, traffic, or other operational issues arise, the applicant shall take corrective action within a reasonable time frame, as determined by the County.

VII. Bus Stop and Setback Arbitrary Determination (6 minutes)

Arbitrary Bus Stop Location:

- The bus stop referenced in the staff report is located at the intersection of four parcels, but the Planning Commission based the setback calculation on the parcel closest to the Rosewood site.
 This was an arbitrary determination and is not specified in the County's adopted commercial cannabis ordinance.
- The 239-foot setback is enhanced by variable wooded terrain and elevation, with the bus stop 1,600 feet away. These features ensure the project meets the setback purpose as required.
- Rosewood is eligible for setback reduction under the County's commercial cannabis Ordinance 5109 because the applicant has demonstrated that the actual setback will substantially achieve the purpose of the required setback, and because the parcel was owned or leased by the applicant prior to voter approval of this ordinance on November 6, 2018. This was confirmed by staff in the original report, which recommended approval of the project.

VIII. Request for Reconsideration and Approval (2 minutes)

Summary of Key Points:

- The Planning Commission's denial was arbitrary, lacking substantial evidence and not grounded in law. The project complies with County regulations, has been thoroughly reviewed by experts, and is recommended for approval by staff.
- We have adapted the project to resolve concerns. The Board should approve the amended
 Conditional Use Permit to allow the project to succeed, rather than denying it outright.
- Request for Board Approval: I respectfully ask the Board to approve CCUP21-0007 with the proposed additional conditions to mitigate any concerns and ensure the project benefits the community.

IX. Closing Remarks and Availability for Questions (2 minutes)

• Commitment to the Community:

As a dedicated member of the El Dorado County community, I am committed to making this
project a positive addition to the area, benefiting both the local economy and environment.

PROPOSED CONDITIONS FOR AMENDED ROSEWOOD CCUP (CCUP21-0007):

• Proposed Condition for Traffic:

<u>Condition 1</u>: The applicant shall implement a traffic flow management plan during peak times (e.g., harvest), and provide quarterly reports to ensure trip generation remains below approved thresholds. The applicant has committed to ensuring that traffic will remain below 20 trips per day at the maximum, a reduction from the initial estimate of 60 trips.

• Proposed Condition for Odor Control:

<u>Condition 2</u>: The applicant shall implement the proposed carbon filtration system within fully enclosed greenhouses to ensure that no odors exceed the 7 dilution to threshold (DT) at the property line, as per AQMD Rule 205. The applicant shall submit an odor control plan, including two field studies conducted during the blooming period of the first grow cycle, to demonstrate compliance with the dilution threshold. This report must be submitted to the Planning Division prior to operating permit renewal.

• Proposed Condition for Water Resources:

 <u>Condition 3</u>: The applicant shall monitor and report water usage, including the flow rates from both wells, to the County annually to demonstrate responsible water resource management. The applicant shall also collaborate with the State Water Board as necessary to ensure that water usage complies with all applicable rules and standards.

Proposed Conditions for Visibility and Security:

- <u>Condition 4</u>: The applicant shall implement a security and visibility plan ensuring that the cultivation area remains fully enclosed and unobtrusive to surrounding properties. If complaints related to visibility, applicant shall take corrective action within a reasonable time frame, as determined by the County.
- Condition 5: The applicant shall designate a local contact person, available 24/7, to address any community concerns. The contact person's information shall be provided to all residents within 1,000 feet of the property boundary. The applicant shall maintain a complaint log and provide annual updates to the Planning Division. If complaints related to odor, traffic, or other operational issues arise, the applicant shall take corrective action within a reasonable time frame, as determined by the County.

To the Honorable Members of the El Dorado County Board of Supervisors,

I am writing to submit case law precedent in support of the Rosewood Commercial Cannabis Use Permit (CCUP21-0007) appeal hearing (CCUP-A25-0001) related to Assessor's Parcel Numbers 095-130-051 and 095-130-054. I respectfully request that the Board consider these legal precedents, which emphasize the priority of agricultural land uses over residential concerns, particularly in areas zoned for agricultural purposes.

Legal Precedent Supporting Agricultural Land Use Over Residential Concerns

Several California court decisions have established that when agricultural projects are proposed on agricultural land and nearby residents raise complaints, the authority should prioritize agricultural use over residential concerns. Below are key cases that support this position:

1. County of San Luis Obispo v. Laetitia Vineyard & Winery (2007)

- **Key Points**: This case involved a winery on agricultural land, with nearby residents raising concerns about traffic, noise, and visual impacts.
- **Court Ruling**: The court ruled that agricultural uses must be prioritized in agricultural zones, even when residential concerns are raised.
- **Impact**: This reinforced the importance of preserving agricultural operations over residential complaints.

2. Madera Oversight Coalition, Inc. v. County of Madera (2011)

- **Key Points**: The case concerned residential development near agricultural land, with complaints from residents about farming impacts like dust and noise.
- Court Ruling: The court upheld that agricultural operations should not be restricted by residential complaints.
- **Impact**: This case confirmed that agricultural land should take precedence in agricultural zones.

3. Friends of the Santa Clara River v. County of Los Angeles (2006)

- **Key Points**: This case involved residential development near agricultural land, with complaints from residents about the impacts of farming.
- **Court Ruling**: The court found that preserving agricultural land uses is essential and that residential concerns should not outweigh agricultural priorities.

• **Impact**: Reinforced the importance of agricultural preservation despite residential concerns.

4. Fresno Citizens for Responsible Development v. County of Fresno (2007)

- **Key Points**: The case addressed the impact of residential development near agricultural land, with residents complaining about farming practices.
- Court Ruling: The court ruled that agricultural operations should not be hindered by residential developments.
- **Impact**: This case reaffirmed that agricultural uses should be prioritized over residential concerns.

5. Farmers Group, Inc. v. County of Santa Clara (2006)

- **Key Points**: This case involved complaints from residents about the impact of farming near a proposed residential development.
- **Court Ruling**: The court held that agricultural uses must take precedence in agricultural zones, regardless of residential complaints.
- Impact: Further confirmed the priority of agricultural land use in zoning decisions.

These cases show that agricultural land uses should be given priority over residential concerns in areas zoned for agriculture. In light of these precedents, I respectfully request that the Board prioritize the preservation of agricultural land uses when considering the Rosewood Commercial Cannabis Use Permit appeal.

Thank you for your time and consideration.

Sincerely,

Jason Kipperman jaykipp0904@aol.com April 28, 2025 **From:** kevinwmccarty@pm.me

Sent: Monday, April 28, 2025 2:49 PM

To: BOS-Clerk of the Board

Cc: 'Lee Tannenbaum'; 'Michael Pinette'; 'Lexi Boeger'; jaykipp0904@aol.com;

jordan.vettoretti@gmail.com; D TINMAN; 'Eric Jacobsen'; growpeteearles@gmail.com;

huckleberrybilly@gmail.com; shawn@hedisyn.com; erin.mahoney88@gmail.com

Subject: Agenda item #25-0508 - Rosewood CCUP Appeal Hearing - 04.29.2025

Attachments: Rosewood - Public Comment - BOS Agenda Item 25-0508 - 04.28.2025 - Signed.pdf

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ATTN: Clerk of the Board of Supervisors,

I hope you are doing well.

Attached is a letter submitted as public comment for Agenda Item #32, file #25-0508, regarding CCUP-A25-0001 appealing the Planning Commission's February 27, 2025 denial of the Rosewood Commercial Cannabis Use Permit (CCUP21-0007).

Please ensure this public comment is added to the record and included for consideration at the Board meeting set for tomorrow, April 29th, 2025.

Regards,

Kevin W. McCarty (775) 240-3055

forti et fideli nil dificile

"to the brave and faithful nothing is difficult"

Kevin W. McCarty 5600 Omo Ranch Road Somerset, CA 95684



April 28, 2025

El Dorado County Board of Supervisors 330 Fair Lane Placerville, CA 95667

RE: Support for Appeal of CCUP21-0007 - Rosewood Cannabis Cultivation Project

Dear Honorable Supervisors,

I am writing in support of the Rosewood Cannabis Cultivation Project (CCUP21-0007), which is currently under appeal before the Board. As a resident of El Dorado County, President/CEO of Archon Farms, and Director of the El Dorado County Grower's Alliance, I have a strong interest in seeing our County's agricultural industries thrive, including the regulated cannabis sector, which presents a promising opportunity for both economic growth and community enrichment.

The Rosewood Project has been thoroughly vetted by County planning staff and complies with all relevant regulations, including those set forth in El Dorado County's cannabis ordinance. County Planning staff's recommendation to approve this project with certain conditions reflects the responsible approach taken by the applicant, Jason Kipperman, to address concerns while advancing an agricultural project that will benefit the community economically, socially, and environmentally.

Clarification of Manufacturing and Distribution Uses

I understand that there have been concerns expressed by some members of the community about the applicant's request to conduct "manufacturing" and "distribution" activities on-site. It is important to clarify that these activities are in line with the California State licensing regulations as governed by the Department of Cannabis Control (DCC) and represent a low-risk, non-industrial process.

Manufacturing: The requested Type N "infusion" license does not involve industrial
extraction processes. Rather, it allows for the manufacturing of cannabis edibles and
pre-rolled cannabis joints infused with cannabis concentrate—a popular and widely
accepted product in the medical and adult-use markets. This process is strictly regulated,
and there is zero fire hazard associated with these activities. This type of cannabis
manufacturing is authorized in the Planned Agriculture (PA) zone under the County's

- cannabis ordinance and is consistent with the agricultural land use designation of the property. This is not an industrial process but a safe, regulated practice that enhances the economic viability of a small, family-owned agricultural business like Rosewood.
- <u>Distribution</u>: The distribution proposed in this application is simply "self-distribution," where Rosewood would transport its own cultivated product, after proper laboratory testing for purity and safety, to licensed retail dispensaries. This process is no different than the transportation of wine by local wineries in Fair Play and across the County. Just as wineries process grapes into wine and distribute it to local markets, so too does Rosewood plan to distribute its clean, tested cannabis products to retail dispensaries.

Any suggestion that Rosewood is proposing large-scale industrial manufacturing or wholesale distribution of cannabis products is a misunderstanding or deliberate misrepresentation of the application's scope. The project is small in scale, highly regulated, and poses no additional risks compared to other agricultural uses permitted in the area.

Economic Impact and County Budget Concerns

The economic potential at stake is significant. Cannabis cultivation in El Dorado County represents a sustainable, viable industry that is essential for local economic diversification, particularly as traditional industries like grape cultivation face uncertainty. The grape industry is experiencing one of its worst years on record, as highlighted by the American Vineyard Association (AVA), and local small businesses need new avenues for growth and stability.

This project will create well-paying jobs, bring new tax revenue into the County, and help diversify agricultural output in a region that relies heavily on traditional farming. With the County facing a \$20 million budget gap, it is crucial that the Board take a reasonable approach to cannabis regulation, enabling the growth of small, sustainable businesses that will help ensure future fiscal stability. The County needs long-term, reliable tax income, and cannabis is positioned to help fill this gap—without relying on temporary or one-time funding sources.

A Reasoned Approach to Cannabis in El Dorado County

I strongly urge the Board to approve the Rosewood project and to reject the speculative, fear-driven opposition that seeks to block responsible cannabis cultivation. This is not the first time El Dorado County has faced opposition to new agricultural uses, and history shows that reasonable regulation combined with thorough mitigation measures can allow for the responsible development of new industries. Denying this application would send a detrimental message to other responsible cannabis operators who are committed to complying with local laws and regulations.

The Rosewood project will not solve all of the County's budget challenges, but approving this project will send a clear signal that El Dorado County is open to reasonable, well-regulated cannabis operations that contribute to the community. I am confident that the Board's support

of this project will create a positive precedent for small, family-owned businesses across the County.

I respectfully ask that the Board approve the appeal for CCUP21-0007, allowing the Rosewood Cannabis Cultivation Project to proceed as recommended by County planning staff. This project will contribute positively to El Dorado County's agricultural future and its economic trajectory, helping ensure the County's fiscal health while providing a clear path forward for responsible cannabis cultivation.

Thank you for your time and consideration.

Regards,

Kevin W. McCarty
Kevin W. McCarty

CEO / President, Archon Farms Inc.

Director, El Dorado County Growers Alliance