

File Number: CCUP-a25-0001
Date Received: 3-7-2025

Receipt No.: 59029
Amount: 9450

APPEAL FORM

(For more information, see Section 130.52.090 of the Zoning Ordinance)

2025 MAR -7 PM 3:56

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Justin Kipperman
ADDRESS 3331 Rosewood Ln, Somerset, CA 95084
DAYTIME TELEPHONE (415) 656-1705

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT _____
ADDRESS _____
DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Please see Attached
Denial of CCUP 21-0007

DATE OF ACTION BEING APPEALED 2/27/25

Signature [Signature] Date 3/7/2025



Cash Register Receipt

Printed Receipt

| DESCRIPTION | ACCOUNT | QTY | PAID |
|--|--------------|-----|----------|
| ProjectTRAK | | | \$450.00 |
| CCUP-A25-0001 Address: 3331 ROSEWOOD LN APN: 095130051 | | | \$450.00 |
| APPEALS FEES | | | \$450.00 |
| ALL APPEALS | 3720200 0240 | 0 | \$450.00 |
| TOTAL FEES PAID BY RECEIPT: R59029 | | | \$450.00 |

2025 Mar -7 PM 3:58
PLACERVILLE 204

Date Paid: Friday, March 07, 2025

Paid By: Jason Kipperman

Cashier: ERM

Pay Method: CHK-PLACERVILLE 204



You can check status of your Permit/Project/Case using e-TRAKiT at <https://edc-trk.aspgov.com/etrakit/> or using the above QR code. You must create an account to see reviews and inspections.

Your local Fire District may have it's own series of inspection requirements for your permit/project. Please contact them for further information. Fire District inspections (where required) must be approved prior to calling for a frame and final inspection through the building department.

Printed: Friday, March 7, 2025 3:53 PM



Jason Kipperman
3331 Rosewood Ln.
Somerset, CA 95684
845-656-1705
jaykipp0904@aol.com
March 7, 2025

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El Dorado County Board of Supervisors & Planning Department
330 Fairlane Ct.
Placerville, CA 95667

Subject: Appeal of Denial for CCUP21-0007 (Rosewood Cannabis Cultivation)

Dear El Dorado County Supervisors and Planning Department,

I am writing to formally appeal the denial of Commercial Cannabis Use Permit CCUP21-0007 (Rosewood) and to request reconsideration based on the following points:

1. Consistency with Staff Report Recommendations

The Planning Department's staff report recommended approval of CCUP21-0007, concluding that the project complies with all applicable General Plan policies and Zoning Ordinance requirements, including PA-20 zoning and AL-A land use designation.

- The report noted that the requested setback reduction is legally justified under Section 130.41.100.4.C of the El Dorado County Zoning Ordinance, as the property was purchased prior to the ordinance's enactment.
- The Mitigated Negative Declaration (MND) identified no significant environmental impacts.
- No objections were raised by reviewing agencies, including:
 - Air Quality Management District (AQMD)
 - Department of Transportation (DOT)
 - Pioneer Fire Protection District (PFPD)
 - Environmental Management Department (EMD)

The Commission's denial contradicts these findings without providing substantial evidence to justify **overturning** the staff's recommendation.

2. Legal Justification for Setback Reduction

The denial cites setback issues, but Section 130.41.100.4.C allows for setback reductions when:

1. The property was purchased before the 2018 ordinance (which it was—purchased in April 2018).
2. The reduced setback achieves the ordinance's purpose, as:
 - No cannabis is visible.
 - All operations are fully enclosed in greenhouses or buildings.
 - The ordinance specifically allows for odor mitigation through carbon filters.

Scientific studies (included in the project's environmental documents) support the effectiveness of these odor control measures.

Additionally, the bus stop location is subjective—it is merely a point along the road, not a designated fixed structure. This ambiguity could lead to inconsistent enforcement. Attached is a letter from the school board confirming that this bus stop is currently not in use. The issue is further exacerbated by the fact that choosing a different parcel could either qualify or disqualify an application, entirely based on an improperly written sentence in the code.

In the case of the bus stop at Omo Ranch Rd. and Derby Ln., it technically sits on three different parcels. The closest parcel was arbitrarily chosen for measurement, but there is no legal or logical basis for why that parcel was assigned over the others.

3. Comprehensive Environmental Mitigation

- Water Use:
 - The property has two wells available.
 - A lot line adjustment (in process) will provide access to both wells.
 - Upon securing agreements with the California Department of Fish & Wildlife (CDFW), the project will also utilize an existing pond for irrigation and fire suppression.
 - Rainwater capture systems may be implemented to further minimize groundwater depletion.
- Air Quality & Odor:
 - Setback Relief & Odor Control—Legally Mandated Under Voter-Approved Initiative The right to setback relief is explicitly written into the voter-approved ballot initiative and must be granted unless “same effect” cannot be achieved. The term “same effect” refers specifically to odor at the property line. This project proposes the same odor mitigation system required for indoor cultivation on commercially zoned parcels—carbon scrubbers in all enclosed greenhouses. The County is so confident in the effectiveness of this system that it requires zero setbacks in commercial zones where this setup is used. If zero setbacks are permitted in commercial zones using this same technology, then the odor standard for this project will unquestionably be met.
- Traffic Safety & Vehicle Monitoring:
 - A vehicle monitoring program is already in place.
 - Trips will average fewer than 10 per day, with a seasonal peak of only 20 per day—well below our initial traffic report showing 60 trips per day, well below the 100 trip threshold that would require further studies/EIR.
 - No traffic study or evidence was provided to justify denial based on traffic concerns.
 - Road Maintenance - Rosewood will assume full responsibility for road maintenance on Rosewood Lane, ensuring no burden on other local residents.
 - We are willing to accept a condition of approval to fund a significant portion of maintenance for the main road to Rosewood if necessary (portion of Derby Lane leading to Rosewood Lane).

4. Compliance with the California Environmental Quality Act (CEQA)

- The project underwent a full CEQA review, resulting in an MND after an extended 45-day public comment period.
- No significant environmental impacts were identified.
- The staff recommended adopting the MND.

Denying the project without substantial evidence of environmental harm contradicts CEQA's procedural requirements.

Furthermore, the denial appears to rely on lay testimony—yet none of the neighbors or commissioners have experience residing near a legal, licensed cannabis operation.

5. Lower Impact Compared to Alternative Land Uses

If developed for other agricultural purposes, these parcels would likely result in:

- Increased traffic (due to higher operational demands).
- Higher water usage (without conservation measures like rainwater capture).
- More significant noise & environmental disturbances.

For example, if this land were developed for grape cultivation, which is common in El Dorado County, the impact would likely be far greater than cannabis due to:

- Higher water usage—grapevines require extensive irrigation in dry climates, whereas cannabis cultivation is water-efficient, using targeted irrigation techniques.
- More frequent and intense vehicle trips—vineyards require ongoing maintenance, pesticide application, and harvest-related trucking, leading to significantly more traffic.
- Greater environmental impact—vineyards often involve extensive land grading, erosion concerns, and chemical runoff, all of which pose a greater risk than a controlled, enclosed cannabis cultivation site.

In contrast, this cannabis project is:

- Low-impact
- Environmentally responsible
- Fully compliant with county and state regulations

6. Request for Reconsideration

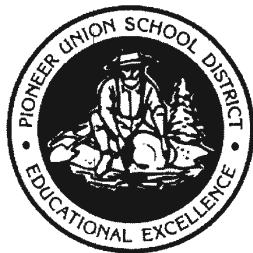
Given these facts, I respectfully request that the Board of Supervisors reverse the denial of CCUP21-0007, based on:

- The staff's findings.
- The project's full compliance with zoning laws.
- The adoption of the Mitigated Negative Declaration (MND) under CEQA.

If concerns remain, I welcome reasonable project modifications rather than an outright denial. Additionally, I invite and encourage anyone from the board or council to do a site visit at any time.

Please confirm receipt of this appeal and provide information on the next steps. I appreciate your time and consideration.

Sincerely,
Jason Kipperman
Rosewood - CCUP21-0007



Pioneer Union School District

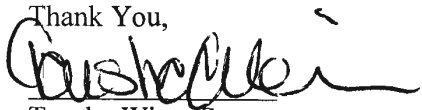
6862 MT. AUKUM RD ♦ SOMERSET ♦ CALIFORNIA ♦ 95684
PHONE (530) 620-3556 ~ FAX (530) 620-4932

March 7, 2025

To Whom it may concern,

Omo Ranch and Derby Lane is a bus stop that Pioneer Union School District can utilize at any given time. Currently, we do not have any registered students actively using it.

Thank You,


Tausha Winn, Secretary

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Patrick Paturel - Superintendent