

**Re: Comment for Consent Calendar Agenda Item 24-0811 Planning Commission meeting
May 9th, 2024**

Lee Tannenbaum <lee.tannenbaum@gmail.com>

Wed 5/8/2024 7:27 PM

P.C. 05/09/24
6 pages

To: Planning Department <planning@edcgov.us>

Cc: lexi boeger <lexiboeger@gmail.com>; Andy Nevis <andynevis@gmail.com>; Michael Pinette <michaelpca@gmail.com>; Michael Ranalli <Mike@ranallivineyard.com>; Christopher J. Perry <Christopher.Perry@edcgov.us>; kevinwmccarty@pm.me <kevinwmccarty@pm.me>; Lexi Boeger <Lexi.Boeger@edcgov.us>; Andy Nevis <Andy.Nevis@edcgov.us>; Daniel Harkin <Daniel.Harkin@edcgov.us>; Brandon Reinhardt <Brandon.Reinhardt@edcgov.us>; Bob Williams <Bob.Williams@edcgov.us>; Kris Payne <krispayne999@gmail.com>

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Commissioners,

I am very disturbed by the comment below about not being able to upload comments to an agendized item of your commission. As you can see below, the comment to upload was received at 8:52am May 8th. Within 15 minutes, I asked specifically why a comment could not be posted to an agendized item and did not receive a response. Also disturbing is that the video of your last meeting is not available for review, nor are the minutes clear. Please read my comments below. This is in reference to the last PC meeting held, April 25th 2024.

lee

Lee Tannenbaum
CEO Cybele Holdings, Inc.
President El Dorado County Growers Alliance
650.515.2484



From: Planning Department <planning@edcgov.us>

Date: Wednesday, May 8, 2024 at 8:52 AM

To: Lee Tannenbaum <lee.tannenbaum@gmail.com>

Cc: lexi boeger <lexiboeger@gmail.com>, Andy Nevis <andynevis@gmail.com>, Michael Pinette <michaelpca@gmail.com>, Michael Ranalli <Mike@ranallivineyard.com>, "Christopher J. Perry" <Christopher.Perry@edcgov.us>, "kevinwmccarty@pm.me" <kevinwmccarty@pm.me>

Subject: Re: Comment for Consent Calendar Agenda Item 24-0811 Planning Commission meeting May 9th, 2024

Thank you for your public comment. We cannot upload your comments to the Consent Calendar or the Minutes, these will need to be submitted as part of public forum for the Planning Commission.

County of El Dorado
Planning and Building Department (Planning Services)
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355



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From: Lee Tannenbaum <lee.tannenbaum@gmail.com>
Sent: Tuesday, May 7, 2024 2:07 PM
To: Planning Department <planning@edcgov.us>
Cc: lexi boeger <lexiboeger@gmail.com>; Andy Nevis <andynevis@gmail.com>; Michael Pinette <michaelpca@gmail.com>; Michael Ranalli <Mike@ranallivineyard.com>; Christopher J. Perry <Christopher.Perry@edcgov.us>; kevinwmccarty@pm.me <kevinwmccarty@pm.me>
Subject: Comment for Consent Calendar Agenda Item 24-0811 Planning Commission meeting May 9th, 2024

Please add the following comment to Consent Calendar Agenda Item 24-0811, Acceptance of Minutes from the April 25th, 2024 Planning Commission Meeting.

Commissioners,

For item 24-0520, April 25th, 2024, on the hearing re Single Source Solutions Commercial Cannabis CCUP, a decision by the commission was made to a) revise the project or b) prepare an EIR. This has led to confusion and both the EDC Growers Alliance and the applicant have asked for clarity as to what the will of the Planning Commission is. Based on the email below from Chris Perry, the confusion is not only on the applicants part, but also from Staff.

We formally request the Planning Commission give specific direction to staff and the applicant as to what specific changes need to be made to the project to bring it into compliance. Also the Planning Commission needs to determine if this is a focused EIR or a general EIR should the applicant decide to go down this path.

While we do not argue the decision made by the Planning Commission, everyone involved needs direction to move forward and it is incumbent that this Planning Commission address this immediately. This decision is costing the applicant a potential growing season (and a lot of money from not being able to plant) due to a general lack of direction and it is critical that the Planning Commission give proper direction to staff and the applicant.

Based on the response from staff below, asking the neighbors below for approval or signoff is not realistic, nor in any part of any ordinance and sets a very dangerous precedent for the county and it's residents. It is our understanding that a scientific challenge be made to CEQA to require a potential EIR, and so far, the only potential competing scientific commentary presented by the project opponents is an opinion document (there was no formal study done by Mr. Schaeffer). So if the applicant decides to do an EIR, we request the commission specify a focused EIR for Odor only.

All of this said, the project has a Phase 2 which entails all of the proposed grow be contained in greenhouses with charcoal filtration. This satisfies the opponents concerns wholly from a scientific perspective as well as being approved by all parties concerned (staff, various departments, and Helix), and Mr. Schaeffer (the consultant). So if the applicant (which he tried to do during the April 25th hearing) moves to this phase now, will this satisfy the Commission's requirement for modifying the project? It should not require recirculation as it has been already approved by all except the Planning Commission.

These questions and comments need to be addressed immediately. There is also no recording of the meeting (unable to review), and I believe Commissioner Boeger asked a similar question(s) which were not answered during the meeting.

Thanks for your time.

lee

Lee Tannenbaum
CEO Cybele Holdings, Inc.
President El Dorado County Growers Alliance
650.515.2484



From: "Christopher J. Perry" <Christopher.Perry@edcgov.us>
Date: Friday, May 3, 2024 at 1:23 PM
To: Michael Pinette <michaelpca@gmail.com>, tslmeds <tslmeds@gmail.com>, Jay Windhill <jaywind855@gmail.com>, Lee Tannenbaum <lee.tannenbaum@gmail.com>
Subject: RE: Lee - Mike P memo

Mike,

Indeed, to build on my responses from last week please see answers/questions to you and Lee below.

There is a contention that all parties have agreed to going straight to charcoal filtration on a full greenhouse operation. When did you come to this agreement? Are you saying that the CEQA challenge will be dropped on the odor question? Did the town hall you mentioned last week already occur? You will recall that staff amended our recommendation to the PC based on a fair argument being put forward on CEQA. We would at least want to see that there is agreement on this point. But how are you planning on addressing the water concerns?

Any changes you make to the project description (including going full greenhouses on the project, not just in a second phase) we would run back out to agencies and to Helix for their review, as I mentioned in my last email. Once it recirculates to agencies and Helix we would learn if there would be any additional conditions, mitigations, etc. needed. Agency circulation is typically 30 days. Helix review would depend on their workload but we would ask them to expedite review of the project description. And then the updated MND would need public circulation for 30 days. Hazarding a guess on this timeline would be difficult given the variables of agency review and Helix review. But assuming everything moves apace, you might be looking at a hearing at the PC in September but I would first want to speak with Helix.

Talk to you soon,

Chris

From: Michael Pinette <michaelpca@gmail.com>

Sent: Friday, May 3, 2024 12:31 PM

To: Christopher J. Perry <Christopher.Perry@edcgov.us>; tslmeds <tslmeds@gmail.com>; Jay Windhill <jaywind855@gmail.com>; Lee Tannenbaum <lee.tannenbaum@gmail.com>

Subject: Fwd: Lee - Mike P memo

Dear Chris...

We are now working on the 3rd day from your email and well over a week since the first emails -- when are you going to reply and when will we have the answers? I really don't want to elevate this up the chain but the complete lack of communication and support is very unprofessional. Please call or let me know via email when you will respond to all the questions posed. They are critical to us heaving a fair and balanced hearing or appeal.

Regards,
Mike Pinette
SSSInc

----- Forwarded message -----

From: Christopher J. Perry <Christopher.Perry@edcgov.us>

Date: Wed, May 1, 2024 at 8:58 PM

Subject: Re: Lee - Mike P memo

To: Michael Pinette <michaelpca@gmail.com>, tslmeds <tslmeds@gmail.com>, Jay Windhill <jaywind855@gmail.com>, Lee Tannenbaum <lee.tannenbaum@gmail.com>

Good Evening Mike,

I will have a response for you on these questions in the next day. My apologies for not getting you a response sooner.

Talk soon,

Chris

From: Michael Pinette <michaelpca@gmail.com>

Sent: Wednesday, May 1, 2024 11:12:56 AM

To: Christopher J. Perry <Christopher.Perry@edcgov.us>; tslmeds <tslmeds@gmail.com>; Jay Windhill <jaywind855@gmail.com>; Lee Tannenbaum <lee.tannenbaum@gmail.com>

Subject: Fwd: Lee - Mike P memo

Dear Chris,

Can you please honor us with a response to these very important questions. Thanks very much.

So further, as I understand -- i have to redo the description of the project to use only hoop houses, provide the specifications for such hoop houses, and we are taking the extra step, despite the mountain of evidence published that charcoal filtered hoop houses eliminate almost every aspect of odor from cannabis and other products, of doing another Odor study with the respected Ray Kapahi. What else, specifically, needs to be edited or changed? In the myriad of documents we want to make sure everything is provided as required. Finally, assuming we can

get that to you end of this week, will that start the 30 day review period? So there would be a potential to schedule early June's calendar.....

Please advise, thanks

Mike -- for SSS INC

----- Forwarded message -----

From: **Lee Tannenbaum** <lee.tannenbaum@gmail.com>

Date: Fri, Apr 26, 2024 at 10:58 AM

Subject: Re: Lee - Mike P memo

To: Christopher J. Perry <Christopher.Perry@edcgov.us>, Michael Pinette <michaelpca@gmail.com>

Cc: Karen L. Garner <Karen.L.Garner@edcgov.us>, Andy Nevis <andynevis@gmail.com>, Planning Department <planning@edcgov.us>, David Harde <davidharde123@gmail.com>, Kevin McCarty <kevinwmccarty@pm.me>, Jay Windhill <jaywind855@gmail.com>, tslmeds <tslmeds@gmail.com>, Jim Brunello <jl87@aol.com>, Evan R. Mattes <Evan.Mattes@edcgov.us>

Chris,

Quick question on this. Phase 2 of the proposed project calls for a full greenhouse implementation with charcoal filtration. This would satisfy the odor issue according to the Schaeffer report and the neighbors. It has also already been fully approved by all parties already. If Pinette were to move this phase to now, would this satisfy Planning as it would address the issue at hand? There is plenty of scientific data showing that a full greenhouse implementation with filtration has a zero (or near) zero odor emissions.

Pursuant to this, if Pinette were to make this commitment and use Schaeffer's report to have Kaphali re-run the odor analysis with the Schaeffer baseline to show less than 7DT at the property line, would this be acceptable to the county? I believe it would satisfy the neighbors expert as well as prove with a new report from Kapahli that all conditions requested by Schaeffer would be met.

WRT the water, the neighbors provided no scientific proof that the Pinette farm was taking their water. Peoples wells run dry all the time and with our fractured rock, there is no water table to draw from as the neighbors suggested. There is also language in the GP re agricultural rights to water and it taking precedent over homeowners. I realize that commissioner Nevis has concerns over this, but we're dealing with a project that has been blessed by the state water board, the county and others, so without scientific proof, not sure how this would stand up to legal examination. I'd also add that with the elimination of the vines in the proposed site, the water usage would go down on the Pinette site, not up. All I saw from the neighbors was arm waving on this topic and no science. It is my understanding that CEQA requires scientific proof, not conjecture. So a neighbor suggesting that Pinette's farm is taking their water with zero scientific proof is not a valid argument to CEQA as it is not an expert opinion.

The other neighbor concerns like crime and traffic were addressed by EDSO and DOT. Also, there is no scientific support of the neighbors claims, so I believe these also fall outside of the scope of a valid challenge to CEQA or the project overall.

Can you please clarify on both of the above please.

Lee Tannenbaum

CEO Cybele Holdings, Inc.

President El Dorado County Growers Alliance

650.515.2484

