

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



Agenda of: August 22, 2024
Staff: Evan Mattes, Sr. Planner

COMMERCIAL CANNABIS USE PERMIT

FILE NUMBER: CCUP21-0008/Archon

APPLICANT/AGENT: Kevin McCarty

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

LOCATION: South side of Omo Ranch Road and east of Paul Summer Road, in the Somerset area, Supervisorial District 2 (Exhibit A).

APN: 095-030-036 (Exhibit C)

ACREAGE: 114.69 acres

GENERAL PLAN

LAND USE DESIGNATION: Natural Resources (NR) (Exhibit E)

ZONING DESIGNATION: Rural Lands 160-Acres (RL-160) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration (MND) based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring and Reporting Program (MMRP) in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074(d), incorporated as Conditions of Approval; and

3. Approve Commercial Cannabis Use Permit CCUP21-0008 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

The project applicant proposes to construct a commercial cannabis cultivation facility. The proposal includes mixed-light outdoor cultivation, consisting of approximately 10,000 square feet of mixed-light cannabis canopy grown in six (6) greenhouses and 17,640 square feet of outdoor nursery cultivation area. Chapter 130.41 of the Zoning Ordinance requires approval of a Commercial Cannabis Use Permit (CCUP) for all commercial cannabis uses. The project is proposed on a parcel within the RL-160 zone district (Exhibit F), consistent with the NR General Plan land use designation (Exhibit E). Staff has determined that the proposed project is consistent with the applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

SITE DESCRIPTION

The project property consists of one (1) 114.69-acre parcel and construction and operation of the cannabis cultivation on one (1) acre of the project property, which is hereafter referred to as the “project site”. The project site, as well as all cannabis related infrastructure, would be located south of Omo Ranch Road. The project site is currently accessible via an existing driveway connecting to Omo Ranch Road. The property is designated NR in the County’s General Plan, and it is within the RL-160 zone district.

The project property is located in a mountainous region with land that generally slopes downward from northeast to southwest. The project would include one (1) cannabis cultivation area located in the central portion of the project property. The cannabis cultivation area gently slopes from northwest to southeast, and vegetation in the area proposed for cultivation is undeveloped sparsely wooded land. The project property has a small watercourse/riparian edge located approximately 350 feet northwest of the proposed cultivation area. Site elevations range from approximately 3,445 feet above mean sea level (AMSL) in the northeast area of the property to approximately 3,120 feet AMSL in the southern edge of the property. The southern half of the parcel drains west into Brownsville Creek, then Cedar Creek. The northern half is drained by an ephemeral watercourse approximately 350 feet north of the project area which flows west into Cedar Creek and then into Scott Creek, eventually flowing into the Cosumnes River. The project property is bordered to the east by undeveloped timber production land; to the south by wooded to densely wooded land; to the west by open space; and to the north by Omo Ranch Road and timber production land.

PROJECT DESCRIPTION

The project proposes the cultivation of approximately 6,450 square feet of mature outdoor cannabis canopy, and construction of the proposed project would occur in two (2) phases: Phase I would include the construction and operation of an outdoor cannabis cultivation facility that would include 4,950 square feet of flowering canopy to be implemented immediately upon project

approval and interior modifications to an existing garage to be used for harvest storage and drying; Phase II would consist of the construction of an additional 1,500 square feet of flowering, outdoor canopy area adjacent to the 4,950-square-foot area implemented in Phase I. Construction of Phase I would occur immediately upon project approval and acquisition of the required permits from the County, and construction of Phase II is anticipated to be implemented in the third year of project operations.

A 100-square-foot compost area would be constructed just east of the proposed cultivation area. A 200-square-foot immature plant area would be constructed northeast of the proposed cultivation area. One (1) existing 655-square-foot detached garage would be repurposed for harvest drying and storage. It would be internally partitioned and would include a harvest drying area, harvest storage area, cannabis waste storage area, equipment and supplies storage area, and chemical storage area. An existing septic system and leach field northeast of the proposed cultivation area would serve the project.

STAFF ANALYSIS

Employees

The project owner/applicant will live on-site and would manage day-to-day operations. For a few weeks during busy periods, such as peak harvest and processing, the owner may hire a small number of temporary employees to assist with work on the site. Under the most conservative (i.e., the busiest) assumptions, during peak season, up to five (5) individuals would be working on-site, with four (4) of those being part-time and/or temporary employees and one (1) being the owner/applicant. The project applicant would have full on-site presence, both running the day-to-day operations within the cultivation premises and occupying their personal property not associated with the cultivation premises. Occasional small truck deliveries are anticipated but would not occur on a regular, daily basis. Hours of operation for the project would be 9:00 a.m. to 6:00 p.m.

Odor

An Odor Analysis was prepared by Environmental Permitting Specialists (EPS) in February of 2022 for the proposed project. To conduct the Odor Analysis, EPS used an air dispersion model, one (1) year (2019) of hourly wind and temperature data at Somerset and on-site measurements of odor intensity at other locations. Data from four (4) other outdoor cannabis and hemp cultivation facilities and one (1) Tedlar bag sample were reviewed as part of the current analysis. Odor measurements taken at a 0.75-acre outdoor cultivation site in Yolo County were used as baseline odors to predict odors at the Somerset Ridge project property lines. The results of the analysis indicate that maximum odor intensity along the property lines would range from 2.56 detection threshold (DT) along the eastern property line to 5.66 DT along the western property line (EPS 2022). These results demonstrate that the intensity of odors would remain below seven (7) DT. The odor study was reviewed by Air Quality Management District (AQMD). AQMD concurred with the conclusions of the odor study.

Security Plan

A Security Plan was prepared by the project applicant and has been reviewed by the El Dorado County Sheriff's Office (EDSO). Section 130.41.100.4.F.13 of the Zoning Ordinance states that the security plan shall remain confidential. The plan includes a variety of security measures including fencing, deterrence, surveillance, and alarm systems.

Site Access/Parking

The site can be accessed from the north via a 12-ft wide gravel driveway that leads south from Omo Ranch Road to a parking area northeast of the cannabis cultivation area, and the project applicant would improve and maintain quality of the private road leading to the premises. These improvements would include laying down gravel and providing for the clearing and leveling of the premises area. The existing road has been widened from 12 to 20 feet, and proposed improvement activities would include leveling and adding gravel. Two emergency vehicle turnouts would be located along the access road, and the driveway area near the street would be improved with gravel. A Knox box would be located at the entrance to the property. There is an existing turn-around area adjacent to the cultivation area along the internal dirt road that would facilitate turnarounds as needed, including for emergency vehicles.

Lighting

Cannabis cultivation areas would be outdoor and would not require supplemental lighting. All lighting for security purposes would be directed downward and would not spill outside the property where the project site is located.

AGENCY COMMENTS

The project was distributed to all applicable local, County, and State agencies for review and comment. Comments were received from the Office of the County Surveyor, County Department of Transportation (DOT), AQMD, Pioneer Fire Protection District (PFPD), and the County Environmental Management Department (EMD). None of these agencies or departments expressed any significant issues or concerns regarding this project. These agencies provided standard and project specific Conditions of Approval which have been incorporated into the project.

CONSISTENCY

General Plan Consistency: The project is located within a Rural Region with the General Plan designating the project site as NR (Exhibit E). As proposed, the project would be consistent with the standards established by the NR land use designation. Staff has determined the proposed project is consistent with the applicable policies and requirements of the El Dorado County General Plan as discussed below in Section 2.0 of the Findings.

Zoning Ordinance Consistency: The proposed use is consistent with the RL-160 zone district as commercial cannabis cultivation and nursery facilities are allowed within the RL-160 zone district with the approval of a CCUP. The project has been analyzed in accordance with Zoning Ordinance Chapter 130.41 (Commercial Cannabis) for applicable development standards. As proposed, the project would be consistent with the development standards of the RL-160 zone district and Zoning

Ordinance Chapter 130.41. Staff has determined the proposed project is consistent with the applicable policies and requirements of the El Dorado County Zoning Ordinance as discussed below in Section 3.0 of the Findings.

PUBLIC OUTREACH

Public Notification: Section 130.41.100.4.B of the Zoning Ordinance states that prior to the hearing before the Planning Commission, notice of the application shall be provided pursuant to Section 130.04.015.

Public Outreach: No formal public outreach was conducted as a public outreach plan is not required for commercial cannabis projects pursuant to the County Zoning Ordinance. The Planning Division recommended, and the applicant agreed to contact adjacent property owners directly.

ENVIRONMENTAL REVIEW

A CEQA Initial Study was prepared analyzing the potential impacts the project may have on the project site (Exhibit J). There is no substantial evidence that the proposed project would have a significant effect on the environment and a MND has been prepared. Initially, the public review period for the Draft MND set forth in CEQA for this project was 30 days, and took place beginning June 24, 2024, and ending July 23, 2024.

The applicant shall submit to the Planning Division a \$50.00 recording fee and the current California Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. The applicant shall submit check for the total amount to the Planning Division and make the check payable to El Dorado County. No permits shall be issued until said fees are paid.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....	Vicinity Map
Exhibit B	Aerial Map
Exhibit C	Assessor’s Parcel Map
Exhibit D.....	Topographic Map
Exhibit E	General Plan Land Use Designation Map
Exhibit F.....	Zoning Designation Map
Exhibit G.....	Preliminary Site Plan
Exhibit H.....	Odor Study
Exhibit I	Security Plan
Exhibit J	Proposed Mitigated Negative Declaration and Initial Study