



## **Agricultural Commission Staff Report**

Date: April 7, 2021

To: El Dorado County Agricultural Commission

From: Charlene Carveth; Agricultural Commissioner

Subject: **CCUP20-0003/Kilzer Commercial Cannabis Cultivation  
Commercial Cannabis Use Permit  
Assessor's Parcel Number: 041-900-003**

### **Planning Request and Project Description:**

Planning Services is processing the attached application for a Commercial Cannabis Use Permit and requests the project be placed on the Agricultural Commission's Agenda. Section 130.41.200.5.N of the Zoning Ordinance states "Recommendation of the Agricultural Commission. An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission."

The applicants are requesting the following:

Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5840 Stephanie Ct., Somerset, Ca -APN: 041-900-003. The project is located on a 10-acre parcel in an RL-10 zone district. This application is for up to 6,000 square feet of outdoor cultivation. Processing will be done on site. The applicant will reside at the property and will be the sole employee.

### **Parcel Description:**

- Parcel Number and Acreage: APN: 041-900-003 (10 acres)
- Agricultural District: No
- Land Use Designation: RR = Rural Residential
- Zoning: RL-10, Rural Land 10 Acres
- Elevation: 3200 feet
- Soil Type: All Choice Soils

- MrC, Musick Sandy Loam, 9 to 15 Percent Slopes
- MsC, Musick Rocky Sandy Loam, 5 to 15 Percent Slopes

**Discussion:**

A site visit was conducted on April 29, 2021 to review the location for the proposed cultivation area.



Cultivation site area looking west.

**Staff Recommendation:**

Staff recommends support of the applicants proposal for a cannabis cultivation operation on a 10 acre property at 5840 Stephanie Ct, Somerset, California, APN: 041-900-003 . In addition staff recommends that some form of odor mitigation be put in



place to prevent the exceedence of the County's standard based on the following analysis of compliance with General Plan and County policies:

**Relevant Policies:**

2.2.2.2

The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County's federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as "choice" agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District but only serves to identify agriculture as the principal activity and to discourage incompatible uses such as higher density residential use.

- A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage expansion of agricultural activities and production.

**This policy is not applicable as the parcels are not in an Agricultural District.**

8.1.4.1

The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and

**The nearest agriculturally zoned parcel, is a Forest Resource zoned parcel approximately 1000 feet to the north. The cultivation site will not impact any logging activities that may take place on the parcel. There is a Limited Agriculture parcel to the northeast, which has a vineyard and is approximately 1800 feet away from the cultivation**

**site. Terpenes are not known to have effects to crops more than 200-300 feet away so there should not be any affect on the vineyard.**

- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and

**The project does not create an island effect as there is no changes to zoning.**

- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

**The project will not reduce the size of the parcel.**

#### 8.1.3.5

On any parcel 10 acres or larger identified as having an existing or potential agricultural Use, the Agricultural Commission must consider and provide a recommendation on the Agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

**General Plan policy 8.1.3.5: this proposal will not diminish or impair the existing or potential use of this Rural Lands zoned parcel. The proposed area does contain choice soils. The cannabis cultivation will use approximately .14 acres of the 10 acre property. The location is not currently being used for agriculture, but most areas of the parcel could still be used for agricultural purposes in conjunction with the commercial cannabis cultivation operation.**

#### Setbacks:

Commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way.

If waiver is requested from the setback; review the applicant's mitigating



measures to reduce conflicts and provide a recommendation which may include suggested conditions or restrictions.

**The applicant is requesting a waiver from the setback. The applicant had an odor study conducted. Since there is a potential for the odor intensity to exceed the County's standard limit of 7 DT on parts of the southern property line the company recommended installation of an odor control system to mitigate odors. Staff recommends that some form of odor mitigation be put in place to prevent the exceedence of the County's standard.**

BORISAVLJEVIC ZORAN & KATHARINE  
7707 STEPHANIE LN  
SOMERSET CA 95684-9410

RAMIREZ CHARLES E & DOROTHY J  
PO BOX 192  
SOMERSET CA 95684

FISCHER LINDA E  
7761 STEPHANIE LN  
SOMERSET CA 95684-9410

CIANCHETTA ANTHONY W  
PO BOX 292486  
SACRAMENTO CA 95829

OSBORNE RICHARD E & KOMBEREC  
LAURIE A  
730 105TH AVE  
OAKLAND CA 94603  
KILZER SUSAN B & COLLINS ADAM  
20016 BRAGG  
CHAPEL HILL NC 27517

HERNANDEZ ERICA  
7770 STEPHANIE LN  
SOMERSET CA 95684-9410

CIANCHETTA ANTHONY W & LISA R TR  
9300 GERBER RD  
SACRAMENTO CA 95829

LADNER ROBERT T TR & R FM LV REV  
TR 03/18/05  
8372 MONROE AVE  
STANTON CA 90680-2614  
ROACH CAROLA N TR & C N TRUST  
5/01/08  
1645 GRANITE DR  
RENO NV 89509-3999  
KUNDER DAVID B & JILL TR  
7777 STEPHANIE LN  
SOMERSET CA 95684-9410

Please note a map was not  
provided. These people were  
notified.





# AGRICULTURAL COMMISSION

311 F

Please note the first memo you received didn't have the meeting time on it. The meeting will start at 6:30pm, thank you!

[edcgov.us](http://edcgov.us)

Greg Boeger, Chair – Agricultural Processing Industry  
 Dave Bolster, Vice-chair – Fruit and Nut Farming Industry  
 Lloyd Walker- Other Agricultural Interest  
 Chuck Bacchi – Livestock Industry  
 Bill Draper – Forestry/Related Industries  
 Ron Mansfield – Fruit and Nut Farming Industry

## MEETING NOTIFICATION

The El Dorado County Agricultural Commission has been requested to review a project application for a parcel that is located in the proximity of your property. It is the customary business practice for this Commission to notify all parcels located within 500 feet of the subject parcel's boundary lines. Please note that the requested project may or may not affect your property.

The project listed below will be heard by the El Dorado County Agricultural Commission on **May 12, 2021 questions about the meeting please call Myrna at the office at (530) 621-6647 before 12:00pm on 4/12/2021.**

Myrna Tow is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/95512047064?pwd=VEk0akZ0N1crT3ptckVCL29OWERLUT09>

Meeting ID: 955 1204 7064

Passcode: 827299

One tap mobile

+16699006833,,95512047064#,,,,\*827299# US (San Jose)

+Dial by your location

- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 312 626 6799 US (Chicago)

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Find your local number: <https://zoom.us/u/adXjuwjoQ1>

**Planning Department Aaron Mount**

**CCUP20-0003/ Kilzer Commercial Cannabis Cultivation Commercial Cannabis Use Permit Assessor's Parcel Number: 041-900-003**

Planning Services is processing an application for a Commercial Cannabis Use Permit and requests the project be placed on the Agricultural Commission's Agenda. Section 130.41.200.5.N of the Zoning Ordinance states "Recommendation of the Agricultural Commission. An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission."

The applicants are requesting the following: Commercial Cannabis Use Permit for the cultivation of commercial cannabis located at 5840 Stephanie Ct., Somerset, Ca -APN: 041-900-003. The project is located on a 10-acre parcel in an RL-10 zone district. This application is for up to 6,000 square feet of outdoor cultivation. Processing will be done on site. The applicant will reside at the property and will be the sole employee. This property is in Supervisor District II.

Please see Discretionary review process for a Commercial Cannabis Use Permit (CCUP) for cultivation: Specific to a CCUP for cultivation, the following hearings and reviews are required and allow the public to provide comments:

Section 130.41.200.5.N of the Zoning Ordinance states "Recommendation of the Agricultural Commission. **An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission** and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission."

*You are being notified as an adjacent Property owner to the project parcel that will be at the Agricultural Commission hearing.*

Section 130.41.100.4.D states "Issuance of a Commercial Cannabis Use Permit under this Chapter is a discretionary act requiring compliance with the California Environmental Quality Act ("CEQA") and the applicant shall comply with Article 5, Section 130.51.030 (Environmental Review)."

*CEQA Noticing: CEQA noticing will be done as a separate notice (no longer running congruent with the hearing notice). Property owners within 1,000 feet of the project parcel will be notified of the completion of the CEQA Initial Study and will be able to provide comments.*

Section 130.41.100.4.A states "A Commercial Cannabis Use Permit shall be subject to Article 5 of Title 130 of the County Code (Application Forms, Submittal Process, and Fees), unless provided otherwise herein. It shall be treated as a Conditional Use Permit under Section 130.52.021 (Conditional Use Permits), subject to the **public hearing** procedures and recommendation from the Planning and Building Director and **decision by the Planning Commission.**"

**PLEASE SEE ATTACHED FLOWCHART FOR FURTHER REVIEW REQUIRED AFTER THIS COMMERCIAL CANNABIS USE PERMIT COMES TO THE AGRICULTURAL COMMISSION.**

The Agricultural Commission is an advisory body to and for the Board of Supervisors and Planning Commission on all matters pertaining to agriculture. The Agricultural Commission reviews and makes recommendations only on the agricultural element of the project. *\*\*Please note that the exception to this is a "Request for Administrative Relief from an Agricultural Setback" which is processed solely through the El Dorado County Department of Agriculture with the Agricultural Commission's decision being able to be appealed to the El Dorado County Board of Supervisors.*

All interested parties for the above-mentioned project are encouraged to attend this meeting. Public testimony will be received on each agenda item as it is called. Individual comments are limited to 3 minutes; and individuals representing a group are allocated 5 minutes.

If you wish to view the meeting agenda in its entirety, please go to following website: <https://eldorado.legistar.com/Calendar.aspx>. The agenda is also posted in the lobby of the Bethell-Delfino Agriculture Building located at 311 Fair Lane, Placerville, California. A copy of the project's submitted documents may also be reviewed at this location.

If you have any questions regarding this meeting, please contact the Clerk to the Agricultural Commission at (530) 621-5520. All questions relating to specific details of the project should be addressed to the Planner identified above at Planning Services, (530) 621-5355.





# AGRICULTURAL COMMISSION

311 Fair Lane  
Placerville, CA 95667  
(530) 621-5520  
(530) 626-4756  
[eldcag@edcgov.us](mailto:eldcag@edcgov.us)

Greg Boeger, Chair – Agricultural Processing Industry  
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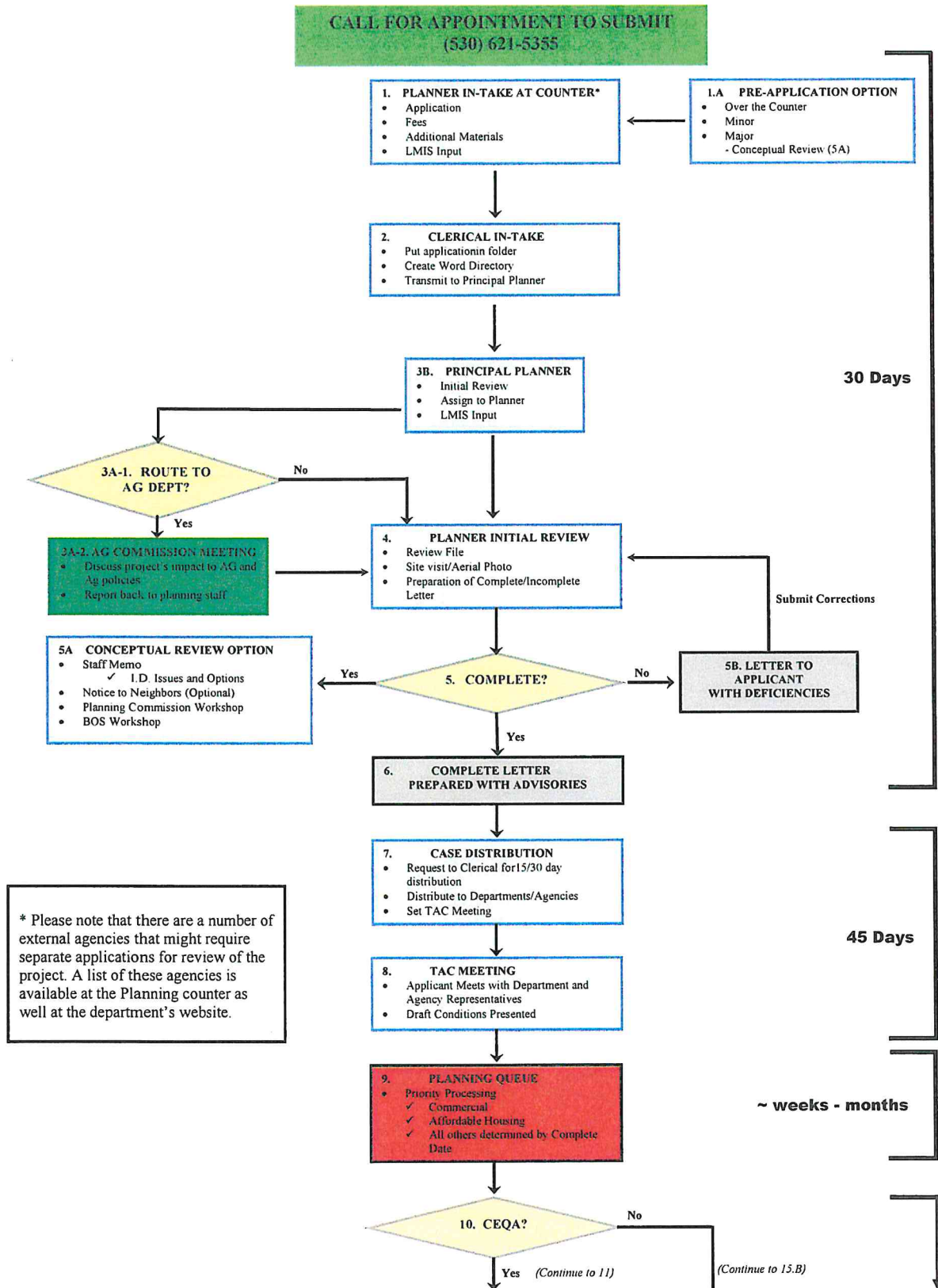
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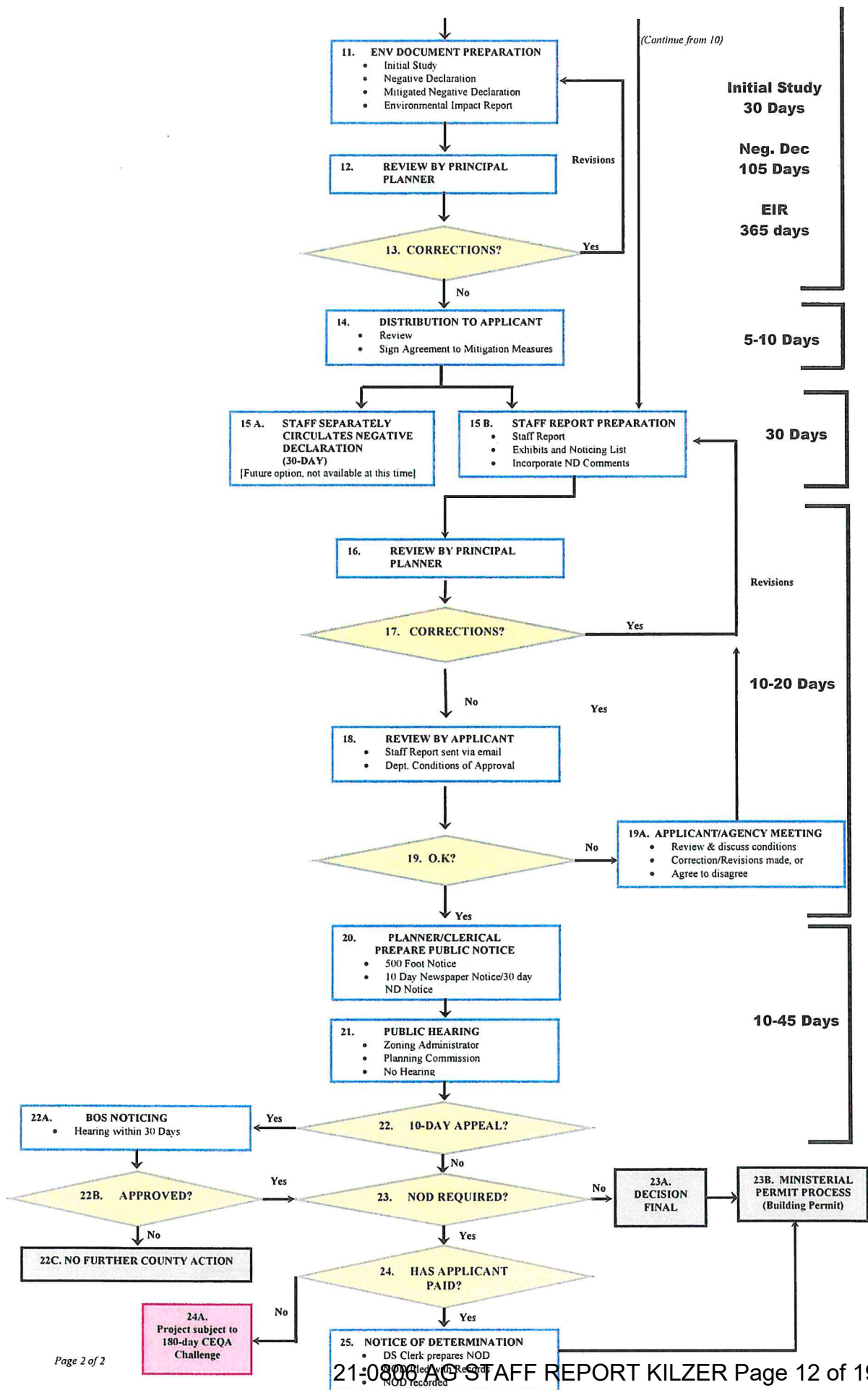
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# Planning Services Discretionary Review Process (February 2009)

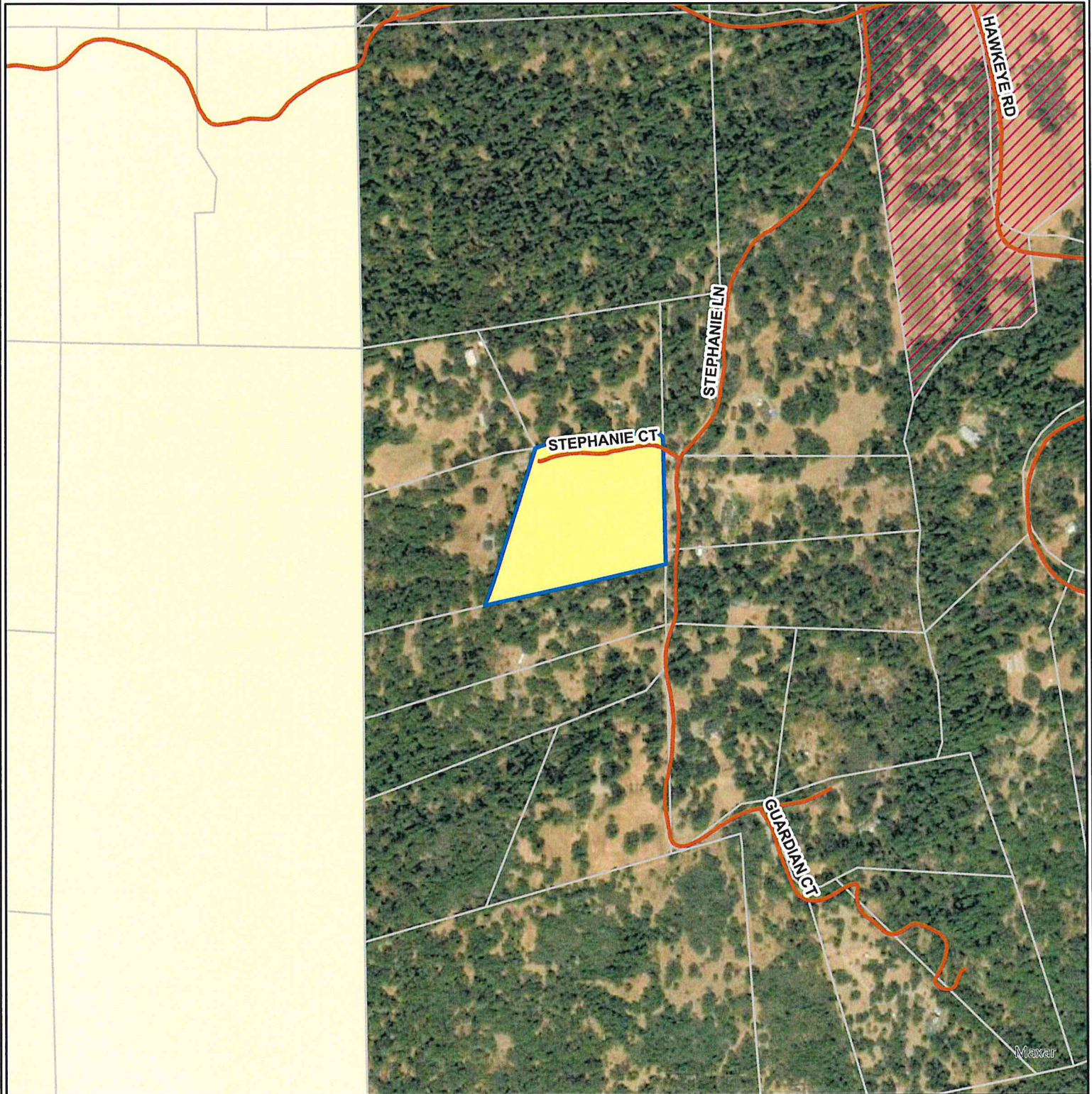






# Kilzer Cannabis

## Proximity to Agricultural District



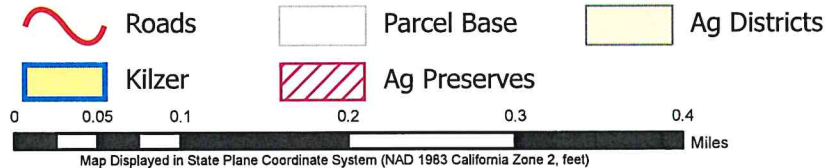
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MAP PREPARED BY: Sara Dougherty DATE: 04/28/2021

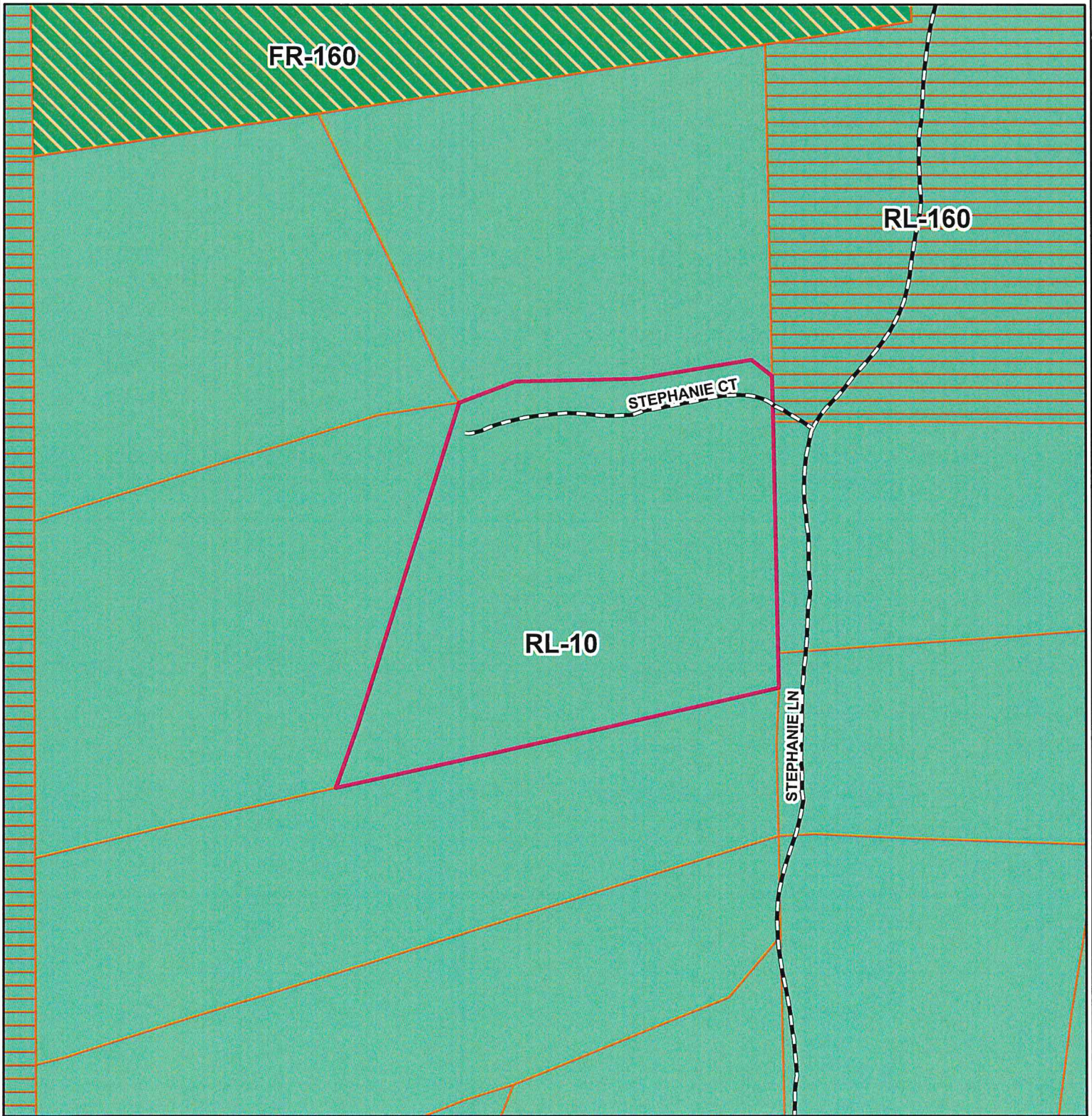
PROJECT ID: sec074422\_Kilzer\_p

EL DORADO COUNTY SURVEYOR G.I.S. DIVISION  
PHONE (530) 621-6511 FAX (530) 626-8731





# Kilzer Cannabis Zoning



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MAP PREPARED BY: Sara Dougherty DATE: April 28, 2021

PROJECT ID: see0074432\_Kilzer\_z

EL DORADO COUNTY SURVEYOR G.I.S. DIVISION  
PHONE (530) 621-6511 FAX (530) 626-8731



Roads



Kilzer



Parcel Base



Forest Resource 160 Acres



Rural Land 10 Acres



Rural Land 160 Acres

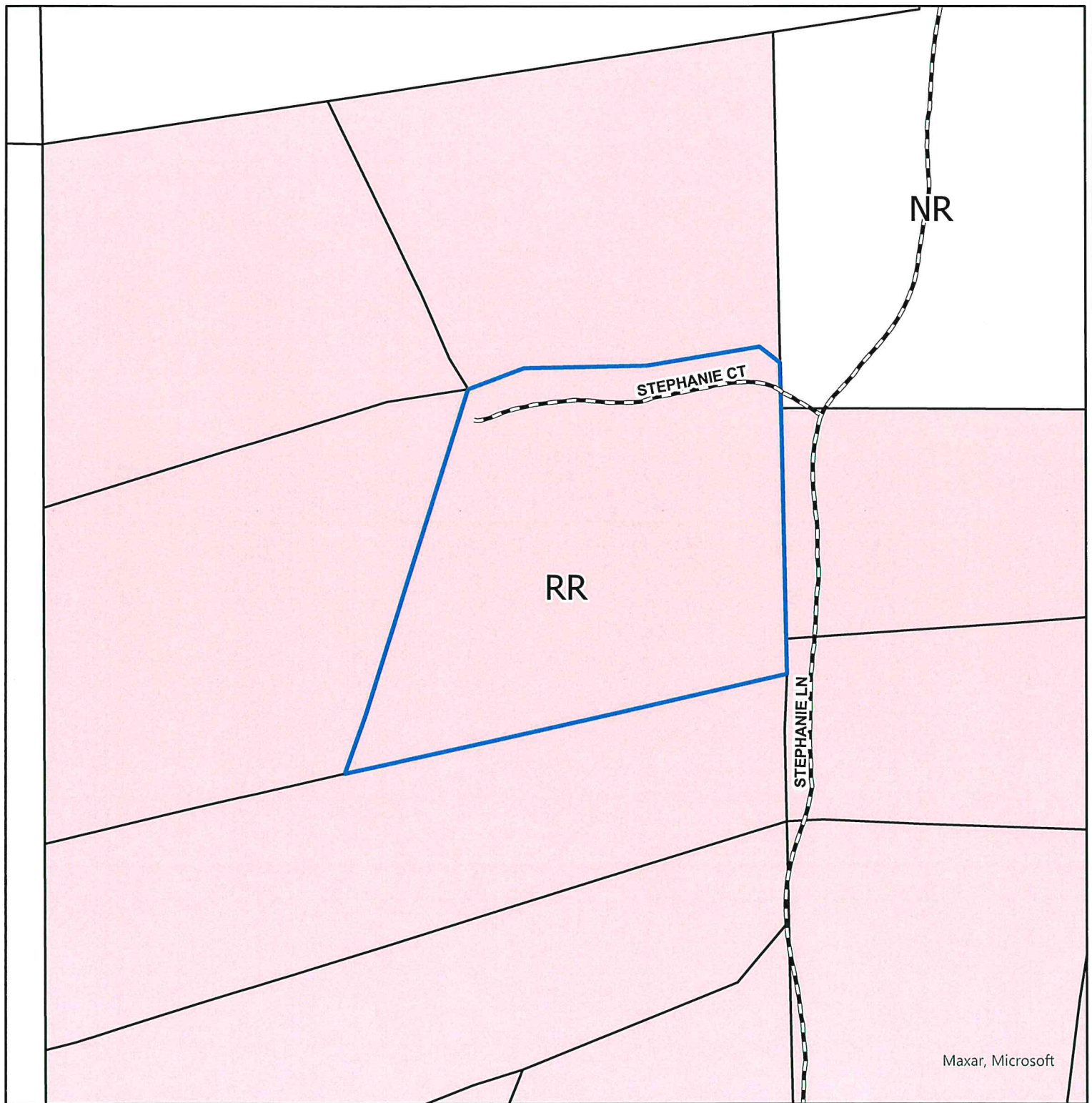
0 0.01 0.03 0.05 0.08 0.1 Miles



Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



# Kilzer Cannabis Landuse



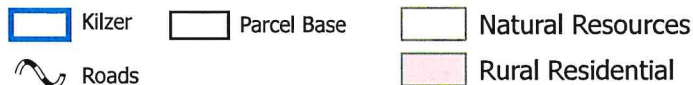
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MAP PREPARED BY: Sara Dougherty DATE: April 28, 2021

PROJECT ID: sec0074422\_Kilzer\_L

EL DORADO COUNTY SURVEYOR G.I.S. DIVISION  
PHONE (530) 621-6511 FAX (530) 626-8731



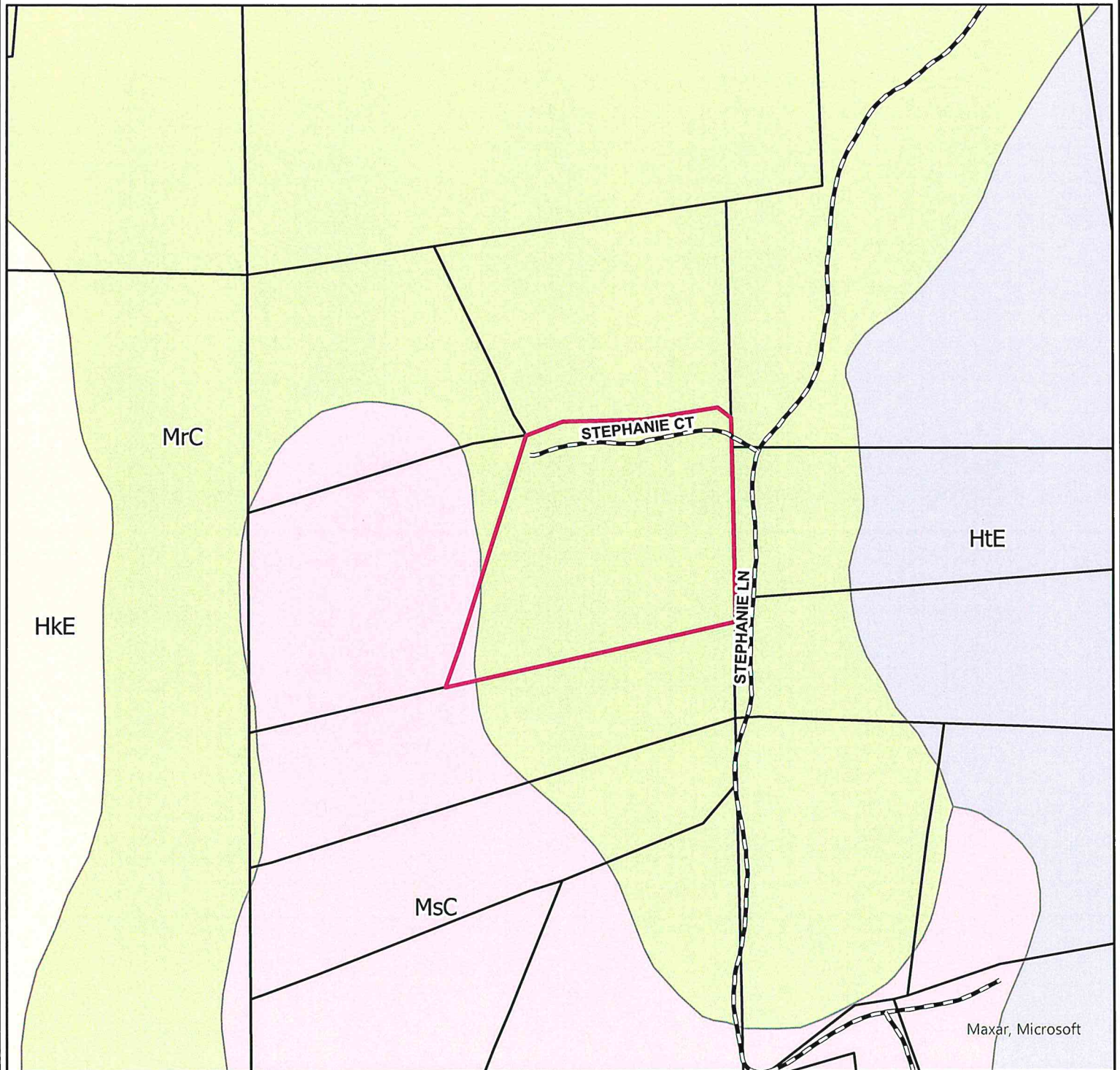
Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)





# Kilzer Cannabis

## Soils



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MAP PREPARED BY: Sara Dougherty DATE: April 26, 2021

PROJECT ID: see0074423\_GGFarm\_s

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION  
PHONE (530) 621-6511 FAX (530) 626-8731

- Roads
- Kilzer
- Parcel Base

- Holland Very Rocky Coarse Sandy Loam, 15 to 50 Percent Slopes
- Hotaw Very Rocky Coarse Sandy Loam, 15 to 50 Percent Slopes
- Musick Sandy Loam, 9 to 15 Percent Slopes
- Musick Rocky Sandy Loam, 5 to 15 Percent Slopes



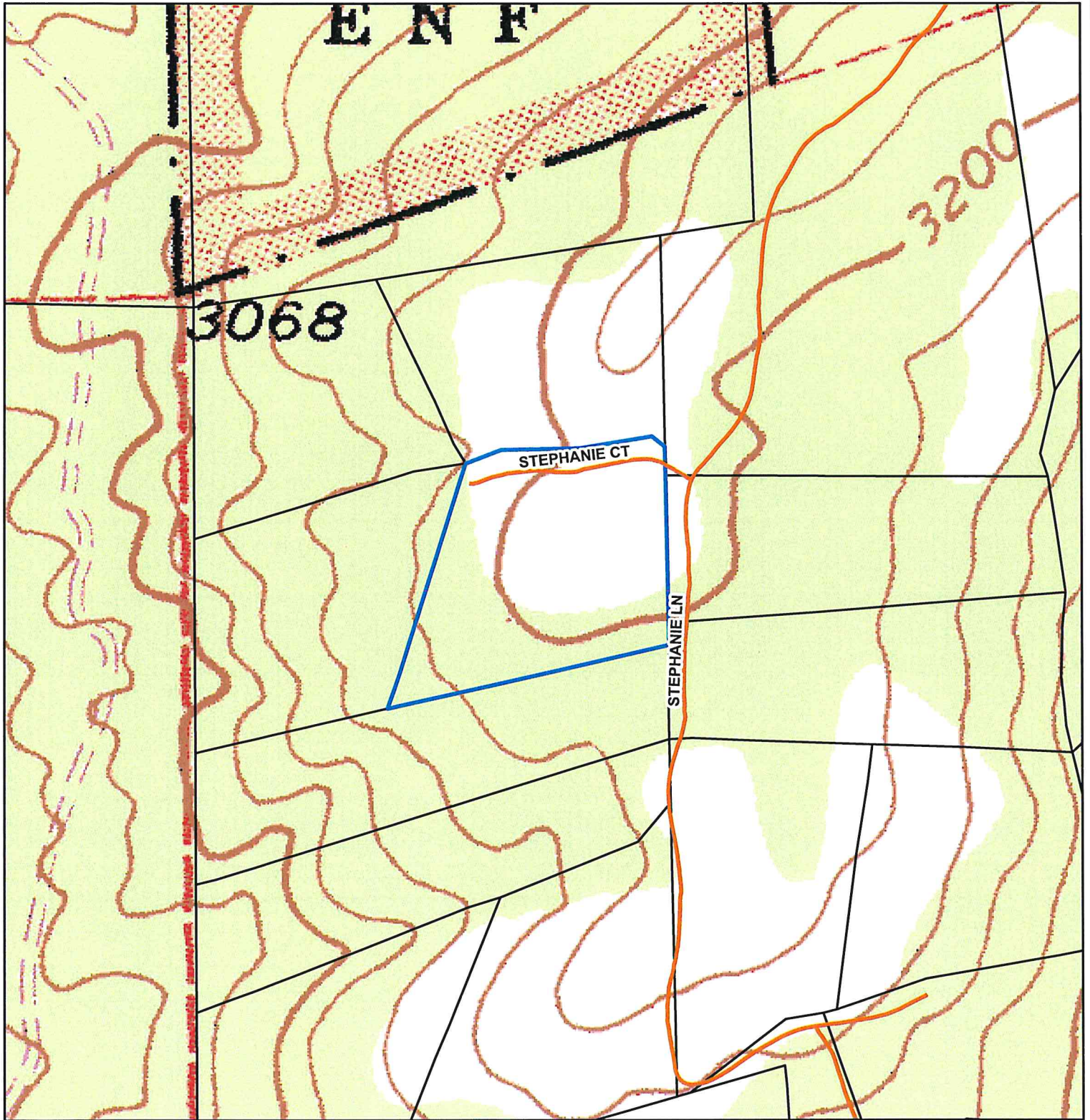
0 105 210 420 630 840 Feet

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)



# Kilzer Cannabis

## Topography



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MAP PREPARED BY: Sara Dougherty DATE: April 28, 2021

PROJECT ID: sec074422\_Kilzer\_1

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION  
PHONE (530) 621-6511 FAX (530) 626-8731

 Roads

 Kilzer

 Parcel Base

0 0.03 0.05 0.1 0.15 0.2  
Miles

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)





# Kilzer Cannabis



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PROJECT ID: 900074422\_Kilzer\_a

EL DORADO COUNTY SURVEYOR/G.I.S. DIVISION  
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Roads

Kilzer

Parcel Base

800 Ft Buffer - Side 1

800Ft Buffer - Side 2

800 Ft Buffer - Side 3

800 Ft Buffer - Side 4

0 0.03 0.07 0.13  
Miles

Map Displayed in State Plane Coordinate System (NAD 1983 California Zone 2, feet)







Source: Esri, Maxar, GeoEye, Earthstar Geographics,  
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS  
User Community

Kilzer Cannabis  
Cultivation site 