

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



Agenda of: ~~August 22~~September 12, 2024

Staff: Evan Mattes, Sr. Planner

COMMERCIAL CANNABIS USE PERMIT

(Proposed revisions to previous staff report made in ~~strikeout~~/underline format)

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.~~

The proposed project would include the construction and operation of a mixed light and outdoor cannabis cultivation facility (also referred to as the cannabis cultivation premises or premises) that would include approximately 10,000 sf of flowering mixed-light cannabis canopy and 17,640 sf of immature nursery cultivation in a fenced, designated cannabis cultivation area; a water well and tank for irrigation and storage; storage structures; parking spaces; and compost area.

Both immature and mature cannabis would be grown in raised beds and fabric pots and would use drip irrigation. The greenhouses would be roughly 8 ft tall and would be used for cultivation of up to 10,000-sf of mature cannabis cultivation, while immature plants would be grown in a 17,640-sf designated nursery area. The cannabis would be sun grown from seed to maturity on the premises, with a plan to eventually use six greenhouses for mature plant cultivation and harvest on-site. The mature plants would be transported to an off-site, third-party licensed manufacturing facility for trimming, packaging, and processing.

Construction would take place in two phases. The first phase would establish the outdoor growing area, while the second phase would convert the outdoor mature cannabis cultivation area to greenhouses. Hoop houses may be used during phase one, but the hoop houses would be for light deprivation and would not include supplementary lighting. During both phases, the nursery area would be outdoors.

STAFF ANALYSIS

Employees

Operations would be handled by an on-site manager who would oversee project employees. These employees would include 4 to 5 full-time workers and 7 to 8 part-time, seasonal employees to be present during harvest. The total number of employees present on-site is not expected to exceed 12 at any point in time. The project is expected to generate at most 8 truck deliveries per day to supply nutrients, soil, or other growth medium, supplies for cultivation operations, etc. Therefore, the project is conservatively expected to generate up to 36 daily commuter trips and 8 daily truck trips under busiest assumptions but would generate far fewer trips on most days. The hours of operation for the project would be 7:00 a.m. to 4:00 p.m., with extended hours during harvest.

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 turnaround 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 located outdoors would not require supplemental lighting. Cultivation within greenhouses would include supplemental lighting and would be equipped with light deprivation curtains to eliminate light spillage from 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

FINDINGS

**Commercial Cannabis Use Permit CCUP21-0008/Archon
Planning Commission/~~August 22~~September 12, 2024
(Proposed revisions to previous staff report made in ~~strikeout~~/underline format)**

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration (MND) together with the comments received during the public review process. The MND and associated Mitigation Monitoring and Reporting Program (MMRP) reflect the independent judgment of the County and have been completed in compliance with the California Environmental Quality Act (CEQA) and are adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the Initial Study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Natural Resource (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources.

Rationale: Development of the commercial cannabis cultivation is consistent with this policy. Commercial cannabis cultivation and nurseries are allowed by approval of a Commercial Cannabis Use Permit (CCUP) within the Rural Lands, 160-acre Minimum (RL-160) zone district. The RL zone district is consistent with the NR land use designation. The site is within a Rural Region. The proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is currently undeveloped. The adjoining properties have similarly rural zoning designations. The project is consistent with the development standards within Section 130.41.200 of the Zoning Ordinance - Outdoor and Mixed-Light Cultivation of Commercial Cannabis; therefore, the project has been located and designed to be compatible with adjoining land uses.

2.4 The project is consistent with General Plan Policy 5.1.2.1

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project proposes to utilize a well for water and a solar system for electricity.

2.5 The project is consistent with General Plan Policy 5.1.2.2

General Plan Policy 5.1.2.2 requires provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1.

Rationale: Both the Pioneer Fire Protection District (PFPD) and the El Dorado County Sheriff's Office (EDSO) have stated that they can provide service that meets minimum established standards. EDSO requires that the site's surveillance system storage device or cameras must be transmission control protocol (TCP) capable of being accessed from the internet so that law enforcement can evaluate the situation in real time before responding. All applicable agencies identified in Table 5-1 of the General Plan were sent the project, and no agency responded that the impact of the project would exceed the minimum level of service.

2.6 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project was reviewed by the PFPD for adequate fire protection services capacity. The site will be served by a well that was permitted by the County and has adequate flow rate. The project, as conditioned, is consistent with this policy.

2.7 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The PFPD and CalFire currently provide fire protection services to the project site. PFPD has imposed Conditions of Approval to ensure adequate water supply, storage, conveyance, and site access for fire protection remains adequate for the project. The site will be served by a well that was permitted by the County and has adequate flow rate. A Fire Safe Plan approved by PFPD and CalFire will be implemented at the project site.

2.8 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 requires that prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

Rationale: The PFPD and CalFire currently provide fire protection services to the project site. The project has a Fire Safe Plan, which includes provisions of a financing mechanism for said services.

2.9 The project is consistent with General Plan Policy 5.7.3.1.

General Plan Policy 5.7.3.1 requires that prior to approval of new development, the Sheriff's Department shall be requested to review all applications to determine the ability of the department to provide protection services. The ability to provide protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

Rationale: EDSO has reviewed the project including the security plan, background check of the owners, spouses, and Designated Local Contact, and has inspected the site. EDSO requires that the site's surveillance system storage device or cameras must be TCP capable of being accessed from the internet so that law enforcement can evaluate the situation in real time before responding. EDSO has concluded that EDSO is able to provide law enforcement services for the site. No agency identified that the project would exceed service capacity.

2.10 The project is consistent with General Plan Policy 6.2.2.2, 6.2.3.1, 6.2.3.2.

General Plan Policy 6.2.2.2 requires that the County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local fire protection district having jurisdiction and/or California Department of Forestry and Fire Protection (Resolution 124- 2019, August 6, 2019).

General Plan Policy 6.2.3.1 requires that as a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district, that concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

General Plan Policy 6.2.3.2 requires the applicant demonstrate that adequate access exists or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The PFPD and CalFire currently provide fire protection services to the project site. PFPD has imposed Conditions of Approval to ensure site access for fire protection remains adequate for the project. A Fire Safe Plan approved by the PFPD and CalFire was prepared by California Reforestation Inc.

2.11 The project is consistent with General Plan Policy TC-Xd.

Level of Service (LOS) for County-maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: This project will be located in a Rural Region and does not worsen (as defined by General Plan Policy TC-Xe) LOS for any County-maintained road or State highway.

2.12 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A two (2) percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily; or
- B. The addition of 100 or more daily trips; or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, or C of this policy are not met. The cannabis farm will be required to report travel data to the County Department of Transportation (DOT) annually. If the thresholds of this policy are met in the future, a Traffic Study will be required with permit renewal.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The parcel is within the RL-160 zone district. The RL zone identifies those lands that are suitable for limited residential development based on topography, access, ground water or septic capability, and other infrastructural requirements.

Rationale: The project has been analyzed in accordance with Zoning Ordinance Section 130.21.020 (Agricultural, Rural, and Resource Zone Districts Use Matrix) for allowable uses. 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.

3.2 The project is consistent with Chapter 130.30.070.G

Section 130.30.070.G prohibits the use of concertina wire, serpentine wire, barbed wire, razor wire and other similar fencing. A Minor Use Permit is required to allow these materials if it can be demonstrated that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner.

Rationale: The security plan calls for the use of security fencing and has been approved by EDSO. The site is not open to the public.

3.3 The project is consistent with Chapter 130.34.

Chapter 130.34 of the Zoning Ordinance establishes outdoor lighting requirements for developments with additional standards found in the Community Design Standards.

Rationale: The proposed project is consistent with the outdoor lighting standards. Conditions have been imposed requiring all lighting to be consistent with Chapter 130.34; therefore, this proposal will remain consistent with outdoor lighting standards.

3.4 The project is consistent with Section 130.41.100.

Section 130.41.100 requires that outdoor and mixed light cultivation of commercial cannabis shall be subject to Planning Commission approval of a CCUP.

Rationale: This project is a CCUP to allow for the construction and operation of a cannabis cultivation facility.

3.5 The project is consistent with Section 130.41.200.4.A

Section 130.41.200.A requires that outdoor or mixed-light commercial cannabis cultivation may only be permitted in RL, Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zoned districts subject to a CCUP and Commercial Cannabis Operating Permit (CCOP) under Section 130.41.100.

Rationale: The project parcel is within the RL-160 zone district.

3.6 The project is consistent with Section 130.41.200.4.B

Section 130.41.200.4.B requires that outdoor or mixed-light cultivation of commercial cannabis be limited to sites that meet the minimum premises area of 10 acres.

Rationale: The project parcel is 114.69 acres in size.

3.7 The project is consistent with Section 130.41.200.4.C.

Section 130.41.200.4.C requires outdoor or mixed-light commercial cannabis cultivation be subject to the following limits on maximum canopy based on zone district:

Lots zoned RL with a premises of 10 acres; Up to 1.5 percent of the size of the premises with a maximum of one (1) outdoor or mixed-light cultivation operation, but not to exceed 10,000 square feet of total canopy coverage for that premises, including any designated nursery area with only immature plants.

Rationale: The project's Conditions of Approval and State licensing restrict the total mature cultivation canopy to 10,000 square feet.

3.8 The project is consistent with Section 130.41.200.5.B.

Section 130.41.200.5.B requires that outdoor or mixed-light commercial cannabis cultivation not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground, childcare center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility.

Rationale: The project has been found to not be within 1,500 feet from any school, school bus stop, place of worship, park, playground, childcare center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility.

3.9 The project is consistent with Section 130.41.200.5.C.

Section 130.41.200.5.C requires that outdoor or mixed-light cultivation of commercial cannabis shall be setback 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.

Rationale: The project cultivation area meets the 800-foot setback from all property lines and is located at least 300 feet from the upland extent of riparian vegetation of any watercourse. There is a road easement for the purposes of logging and mining access crossing the property. As this is not a public right of way, there is not required setback from the road easement. No setback reduction is being requested.

3.10 The project is consistent with Section 130.41.200.5.D

Section 130.41.200.5.D requires that any cannabis odor shall not be equal or greater than a seven (7) dilution threshold (DT) when measured by the County with a field olfactometer at the property line on which the cannabis is cultivated or processed for a minimum of two (2) olfactometer observations not less than 15 minutes apart within a one (1) hour period (seven DT one hour).

Rationale: The project cultivation and storage area are at least 800 feet from all property lines. An odor study (Exhibit H) was provided demonstrating that the project would not exceed a DT of seven (7) at all property lines.

3.11 The project is consistent with Section 130.41.200.5.E

Section 130.41.200.5.E requires that commercial cannabis cultivation may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate

water supply in the watershed and water rights to serve the cultivation site; and (2) all required State permits from the State Water Resources Control Board and any other State agency with jurisdiction.

Rationale: The project site contains a well permitted by the County Environmental Management Department (EMD). The water source has been reviewed and approved by the State Water Resources Control Board and the California Department of Fish and Wildlife. The well is 480 feet deep and provides 10 gallons per minute. This well would provide the main water supply for the cannabis canopy and miscellaneous support and sanitary needs. The project is estimated to use approximately 159,000 gallons of water annually. The project is not located over a critically over drafted groundwater basin. And is not anticipated to deplete groundwater supplies.

3.12 The project is consistent with Section 130.41.200.5.G

Section 130.41.200.5.G requires that cannabis shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Screening shall be accomplished by enclosure within a greenhouse or hoop house or by use of fencing or vegetation.

Rationale: The project proposes outdoor cultivation with a drying and storage area. The outdoor cultivation will be screened by use of exclusionary fencing with visually excluding slats or shade cloth and existing natural vegetation. The storage and drying area will be located within an existing structure.

3.13 The project is consistent with Section 130.41.200.5.H

Section 130.41.200.5.H requires areas where cannabis is cultivated, the premises on which cannabis is cultivated, or a portion thereof that includes the cultivation area shall be secured by a minimum six-foot high solid wood or chain link wildlife exclusionary fence, such as cyclone or field game fencing, with locked gates built in compliance with building and zoning codes.

Rationale: The security plan reviewed and approved by the EDSO includes security fencing enclosing all cultivation areas.

3.14 The project is consistent with Section 130.41.200.5.I

Section 130.41.200.5.I requires that electrical power for outdoor or mixed-light cultivation operations, including but not limited to illumination, heating, cooling, water supply, and ventilation, shall be provided by on-grid power with a 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources.

Rationale: The project site proposes a solar system, to be approved by the County, that will be the power source for the outdoor cultivation operation.

3.15 The project is consistent with Section 130.41.100.4.G.

Section 130.41.100.4.G requires that no CCUP may be issued until a background check of all owners and the Designated Local Contact is completed with review and recommendation by EDSO, including but not limited to criminal history, fingerprinting, and any pending charges. The applicant shall be responsible for the cost of the background check. The County may deny an application based on the results of a background check if the County determines that information in the background check makes it more likely than not that any amount of funding for the operation will be or was derived from illegal activity or because the criminal history or other information discovered in the background check of an owner or spouse of an owner weighs against the owner's trustworthiness or ability to run a legal business in compliance with all regulations, including but not limited to the risk of involvement or influence by organized crime, prior convictions involving controlled substances or violent crimes, the likelihood that sales and income will not be truthfully reported, or the risk that cannabis will be illegally provided or sold to individuals under the age of 21.

Rationale: EDSO completed the interim background review and determined that all required persons met the minimum background check requirements and recommended further processing of the application.

3.16 The project is consistent with Section 130.41.100.4.H.

Section 130.41.100.4.H requires that concentration of commercial cannabis activities and proximity to an existing or proposed commercial cannabis activity shall be considered in determining whether to grant a CCUP.

Rationale: The subject project site is approximately 5 miles from the closest approved application for commercial cannabis cultivation (CCUP20-0005). The next closest commercial cannabis cultivation is located approximately 5.75 miles away (CCUP21-0002). There would be no anticipated significant land use incompatibilities or significant impacts to public health resulting from the density of proposed and existing commercial cannabis activities.

4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

Rationale: The proposed commercial cannabis cultivation and facility use is consistent with the policies and requirements in the General Plan as discussed in the

General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: The proposed use will not significantly conflict with the adjacent uses and the project site. The adjoining properties to the north and east are zoned Forest Resource 160-Acres (FR-160), to the south by RL-160 and to the west by Open Space (OS) zoning designations. The project is consistent with the development standards within Section 130.41.200 of the Zoning Ordinance - Outdoor Cultivation of Commercial Cannabis. The proposed commercial cannabis cultivation is not anticipated to result in significant environmental impacts to neighboring parcels. Therefore, the project has been located and designed to be compatible with adjoining land uses. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the Staff Report and CEQA Initial Study. Studies prepared by qualified professionals conclude that odor, noise, and traffic will not exceed County development standards.

4.3 **The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: As discussed in Section 3.1 above, 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.

CONDITIONS OF APPROVAL

**Commercial Cannabis Use Permit CCUP21-0008/Archon
Planning Commission/~~August 22~~September 12, 2024
(Proposed revisions to previous staff report made in ~~strikeout~~/underline format)**

1. This Commercial Cannabis Use Permit (CCUP) is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit G.....Preliminary Site Plan
Exhibit ISecurity Plan

Any deviations from the project description, exhibits, or Conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval would constitute a violation of permit approval.

The project description is as follows:

~~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.~~

The proposed project would include the construction and operation of a mixed light and outdoor cannabis cultivation facility (also referred to as the cannabis cultivation premises or premises) that would include approximately 10,000 sf of flowering mixed-light cannabis canopy and 17,640 sf of immature nursery cultivation in a fenced, designated cannabis cultivation area; a water well and tank for irrigation and storage; storage structures; parking spaces; and compost area.

Both immature and mature cannabis would be grown in raised beds and fabric pots and would use drip irrigation. The greenhouses would be roughly 8 ft tall and would be used for cultivation of up to 10,000-sf of mature cannabis cultivation, while immature plants would be grown in a 17,640-sf designated nursery area. The cannabis would be sun grown from seed to maturity on the premises, with a plan to eventually use six greenhouses for mature plant cultivation and harvest on-site. The mature plants would be transported to an off-site, third-party licensed manufacturing facility for trimming, packaging, and processing.

Construction would take place in two phases. The first phase would establish the outdoor growing area, while the second phase would convert the outdoor mature cannabis cultivation area to greenhouses. Hoop houses may be used during phase one, but the hoop houses would be for light deprivation and would not include supplementary lighting. During both phases, the nursery area would be outdoors.

Planning Division

2. **Permit Implementation:** In compliance with County Code Section 130.54.060, implementation of the project must occur within 24 months of approval of this CCUP or the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the Conditions of Approval. This may be extended with a timely filed time extension request.
3. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each Condition imposed as part of the project approval. The applicant shall also schedule an inspection by the Planning Division prior to initiation of cultivation for verification of compliance with applicable Conditions of Approval.
4. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Department processing fees for the CCUP and building permit prior to initiation of cultivation.
5. **Gate:** The applicant shall submit for an Administrative Permit to allow for a gate across a road easement. The Administrative Permit shall be approved prior to initiation of any cannabis related uses on the property.
6. **Heritage Resources:** In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may

resume after the appropriate measures are taken or the site is determined not to be of significance.

7. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendations or preferences for treatment within 48 hours of being granted access to the site. The descendants' preferences for treatment may include the nondestructive removal and analysis of human remains and items associated with Native American burials or other culturally appropriate treatment in accordance with Section 5097.98(b). Any additional costs as a result of complying with this section shall be borne by the project applicant. The project applicant may continue grading and construction activities may resume after complying with Section 5097.8(e).

8. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning this approval and all other approvals for this project, including but not limited to, all future Commercial Cannabis Operating Permits (CCOP).

The permittee and all owners shall defend, indemnify, and hold harmless the County of El Dorado and its agents, officers, elected officials, and employees for any claims, damages, or injuries brought by affected property owners or other third parties due to the issuance of a permit or the commercial cannabis activities and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the issuance of a permit or the commercial cannabis activities.

The County will notify the applicant of any claim, action, or proceeding, and the County may cooperate fully in the defense.

9. **Change in Ownership:** In the event of any change of ownership of the subject parcels, change in the operator, or any change in business ownership, it is the responsibility of the future owners or operators to ensure all changes are consistent with this CCUP, CCOP, the El Dorado County General Plan, Zoning Ordinance, and all applicable standards in place at such time. Pursuant to Section 130.41.100.5.E, “A Commercial Cannabis Operating Permit is not transferrable and automatically expires upon any change of ownership to the applicant that results in a new owner or owners or new funding source. Before or upon the transfer of the business or addition of a new owner, an application for a new Commercial Cannabis Annual Operating Permit must be submitted. While the Commercial Cannabis Use Permit may be transferred, upon issuance of the new Commercial Cannabis Operating Permit, Conditions to the Commercial Cannabis Use Permit and Commercial Cannabis Operating Permit may be added or removed. The Director of Planning and Building may require a decision by the Planning Commission to impose any new conditions or remove any existing Conditions of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under this subsection consistent with Article 5, Section 130.54.070 (Revisions to an Approved Permit or Authorization).”
10. **Track and Trace:** All State licensees associated with operations on the project parcels shall provide read-only access to the California Cannabis Track and Trace (CCTT) system to track the movement of cannabis and cannabis products through the supply chain. Access shall be provided when requested by the County.
11. **Setbacks:** All cultivation areas shall conform to the setbacks as shown on the site plan.
12. **Screening:** Cannabis shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Screening shall be accomplished by enclosure within a greenhouse or hoop house or by use of fencing or vegetation.
13. **Regulatory Consistency:** Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the El Dorado County Zoning Ordinance and the California Code of Regulations, as may be amended from time to time, as applicable to the permit type.

14. **Inspections:** The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and Conditions prescribed herein. The property owner and operator shall consent for on-site inspection by County officials during the permittee's regular business hours and outside of the permittee's regular business hours if the County has reason to believe that violations are occurring outside of regular business hours.
15. **County and State Compliance:** The premises shall be in full compliance with all other applicable requirements of State law and the County Code, including but not limited to, the building, safety, sanitation, labor, and technical codes and requirements relevant to obtaining necessary building, plumbing, electrical, mechanical, grading, or other permits, inspection of structures requiring permits, and, as appropriate, the issuance of certificates of occupancy. All structures on the premises shall be permitted as required by Title 130 of the County Code. "Structures", for purposes of this paragraph, shall have the same meaning as it does in California Health & Safety Code § 18908.
16. **Exterior Lighting:** All lighting provided in conjunction with facility security or other lighting not associated with the cultivation of live plants shall be installed, directed downward and away from nearby property lines, and shielded to confine all direct rays of light within the boundaries of such facilities.
17. **Generators:** No generator shall be used for any cultivation activities, including pumping, except as an emergency backup to another power source. The term "emergency", for purposes of this provision, means a temporary outage of the primary power source due to circumstances that are verifiably beyond the permittee's control and unrelated to non-payment of a utility or other vendor providing or servicing the primary power source.
18. **Cannabis Taxes:** Timely payment shall be made of the Commercial Cannabis Activities Tax and all other applicable County taxes and assessments, including providing information related to such taxes and assessments to the County Treasurer-Tax Collector and Assessor upon request. Upon request, permit holder shall also provide County Treasurer-Tax Collector and Assessor all records identifying the distributors from which cannabis products were purchased and the quantities and price for each purchase.
19. **Odor Control Plan:** Any cannabis odor shall not be equal or greater than a seven (7) dilution threshold (DT) when measured by the County with a field olfactometer at the property line on which the commercial cannabis activity occurs for a minimum of two (2) olfactometer observations not less than 15 minutes apart within a one (1) hour period (seven DT one hour). If the odor from a commercial cannabis activity violates this subsection, the permittee must reduce the odor below the seven (7) DT one (1) hour at property line threshold within 30 days of the verification of a violation.

20. **Security Plan Compliance:** At all times, the operating permit holder and the property owner shall comply with the security plan reviewed and approved by the El Dorado County Sheriff's Office (EDSO) and shall operate and maintain a real-time access of the surveillance video for EDSO. Video footage must be given to EDSO upon demand.
21. **Disposal of Waste Material.** Cannabis waste material shall be disposed of in accordance with existing State and local laws and regulations at the time of disposal. Burning of cannabis waste material is prohibited.
22. **Monitoring Program (Section 130.41.100.8).** All CCOPs shall require the applicant's participation in a County-run monitoring program. The monitoring program shall be funded by applicants and will be used to conduct site visits and inspections of all commercial cannabis activities and verify compliance, including but not limited to all requirements of County Code and any site-specific permit conditions and State regulations, including the State track-and-trace requirements.
23. **Violation Notification:** The permit holder shall notify EDSO within three (3) days of any notices of violations or other corrective action ordered by a State or other local licensing authority and provide copies of the relevant documents. Permit holder is required to comply with applicable State law and State regulations at all times. Failure to do so shall constitute grounds for suspending or revoking this permit and denying any renewals and/or modifications to the permit.
24. **Odor Monitoring:** The project applicant shall submit a report, conducted by a qualified professional, demonstrating compliance with the dilution threshold of seven (7) DT at the property line. The report shall include two (2) field studies conducted during the blooming period of the first grow cycle and shall be submitted to the Planning Division prior to CCOP renewal after the first grow cycle. Phase II shall not commence until an odor report demonstrating compliance with the threshold of seven (7) DT is submitted to the Planning Division.
25. **Revocation After Three Violations (Section 130.41.100.7):** In addition to revocation of a CCUP or CCOP under Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit), upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to one (1) or more of the owners or operators at any property or combination of properties of one (1) or more of the same owners or operators within a two-year period, the CCOP shall be nullified, voided, or revoked, subject to prior notice and appeal under Section 130.54.090 (Revocation or County Mandated Modification of a Permit) and the CCUP may be revoked, subject to prior notice and appeal under Section 130.54.090. Upon revocation, an application for a CCOP to reestablish a cannabis operation by one (1) or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two (2) years. If only the CCOP is revoked under this Section, reissuance shall be subject to the procedures to issue a CCUP,

including hearing before and decision of the Planning Commission and any new or amended Conditions may be added to the CCUP.

26. **Designated Local Contact:** The Designated Local Contact is Kevin McCarty or as indicated on the CCOP with EDSO approval. No CCUP or CCOP may be issued unless a current name and contact information for a Designated Local Contact is included. The Designated Local Contact must be available by telephone on a 24-hour basis, seven (7) days per week and be able to respond to the County within two (2) hours, and corrective action, if required, must be completed within the time requested by the County. Any change to the Designated Local Contact shall be approved in advance and is subject to a background check consistent with Section 130.41.100.4.G. Each CCOP shall include the name of the Designated Local Contact and any change to the Designated Local Contact shall require a revised CCOP.

No less than one (1) week before commercial cannabis operations commence, the permittee must notify, by certified mail, the property owners and residents of property located within 1,000 feet of the perimeter of the parcel(s) upon which the commercial cannabis operations will occur and provide the name and contact information for the Designated Local Contact. Complaints made to the Designated Local Contact by any member of the public must be responded to within 24 hours of the initial complaint and corrective action, if required under any State or local law or regulation, must commence within a reasonable time based on the nature of the corrective action required. Complaints by any member of the public shall be logged in writing and the complaint log, including any corrective action taken, shall be provided to the Planning and Building Department annually with the application to renew the CCOP.

The permittee must immediately notify the County and owners and residents of property located within 1,000 feet of the perimeter of the parcel(s) upon which the commercial cannabis operations occur of any change to the Designated Local Contact or change to the telephone number for the Designated Local Contact.

Mitigation Measures

27. **Mitigation Measure BIO-1: Wildlife Exclusion Fencing**

To prevent special-status amphibians and other wildlife from entering work areas during construction, barriers shall be erected by the applicant before ground disturbance occurs. Specifically, wildlife exclusion fencing shall be erected around work areas, especially those facing the intermittent channel; this typically consists of three-foot-tall fencing made from erosion control fabric attached to wire mesh on posts, with the bottom keyed into the ground and the top bent away from work areas. Wildlife exclusion fencing shall also be incorporated into the perimeter fences of the cultivation compounds.

If any special-status species are detected, construction shall be delayed, and the appropriate wildlife agency (California Department of Fish and Wildlife [CDFW] and/or United States Fish and Wildlife Service [USFWS]) shall be consulted and project impacts and mitigation reassessed as necessary.

28. Mitigation Measure BIO-2: Pre-Construction Survey for Nesting Birds

A pre-construction survey for special-status species shall be performed by a qualified biologist to ensure that special-status species are not present in the project area. The focal species of the pre-construction survey are any roosting bats, nesting special-status birds, sharp-shinned hawk, long-legged myotis, and the North American Porcupine.

If construction activities occur during the nesting season (February 15th through August 31st), a pre-construction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist. Nesting bird surveys shall be tailored so that they capture the appropriate survey buffer for spotted owl and other special-status raptors to be present in the area. Pre-construction bat surveys could be performed at the same time. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

29. Mitigation Measure BIO-3: Pre-Construction Surveys for Special-Status Plants

Plants with the potential to occur on the project site include Nissenan manzanita, Brandegee’s clarkia, Stanislaus monkeyflower, Felt-leaved violet, Pleasant Valley mariposa-lily, and Red Hills soaproot. Special-status plant surveys conducted throughout the study area in November 2021 were negative but given enough time between the survey and the start of construction, plants may become established in areas where suitable habitat exists. Since the November 2021 surveys were also not conducted during the blooming period, another round of special-status plant surveys shall be conducted in areas proposed for impact prior to commencement of construction. Surveys shall be conducted in accordance with the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000), the Botanical Survey Guidelines of the California Native Plant Society (CNPS 2001), and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). This protocol includes conducting surveys at the appropriate time of year when plants are in bloom and focusing on habitat types that are more likely to harbor rare species, especially ones with the potential to occur on the project site. If no special-status plant species are found, no further mitigation would be required.

County of El Dorado Air Quality Management District (AQMD)

30. **Fugitive Dust:** A Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if during the course of the project requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 Construction, Bulk Material Handling, Blasting, Other Earthmoving activities and Trackout Prevention.
31. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
32. **Paving:** Road construction shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
33. **New Point Source:** Prior to construction/installation of any new point stationary source emissions units (e.g., emergency standby engine greater than 50 horsepower, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
34. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.
35. **Odors:** Odors that may result from the cannabis cultivation operation shall comply with AQMD Rule 205, Nuisance.
36. **Electric Vehicle (EV) Charging:** The project shall comply with the non-Residential Mandatory Measures identified in the 2022 Cal Green Building Code to facilitate future installation and use of EV chargers.
37. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets.

CalFire

38. **Emergency Access/Egress:** Roads and driveways, whether public or private, shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency.

39. **Width:** All roads shall be constructed to provide a minimum of two (2) 10-foot traffic lanes, not including shoulder and striping (20 feet total). These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress.
40. **Roadway Surface:** Roadways shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds.
41. **Roadway Grades:** The grade for all roads, streets, private lanes, and driveways shall not exceed 16 percent. Grade may exceed 16 percent, not to exceed 20 percent, with approval from the Authority Having Jurisdiction (AHJ).
42. **Turnarounds:** Turnarounds are required on driveways and dead-end roads. The minimum turning radius for a turnaround shall be 40 feet, not including parking. If a hammerhead/"T" is used instead, the top of the "T" shall be a minimum of 60 feet in length. Each dead-end road shall have a turnaround constructed at its terminus. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320-foot intervals.
43. **Dead-end Roads:** The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served: parcels zoned 20 acres or larger – 5,280 feet. All lengths shall be measured from the edge of the road surface at the intersection that begins the road to the end of the road surface at its farthest point. Where a dead-end road crosses area of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.
44. **Gate Entrances:** Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of 14 feet unobstructed horizontal clearance and unobstructed vertical clearance of 13 feet, six (6) inches. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local AHJ. The security gates and the emergency operation shall be maintained operational at all times. The local jurisdiction may have more restrictive gate requirements.

Pioneer Fire Protection District (PFPD)

45. **Underground Private Fire Mains:** After installation, all rods, nuts, bolts, washers, clamps, and other underground connections and restraints used for underground fire main piping and water supplies, except thrust blocks, shall be cleaned and thoroughly coated with a bituminous or other acceptable corrosion retarding material. All private fire service mains shall be installed per National Fire Protection Association (NFPA) 24 and shall be inspected, tested, and maintained per NFPA 25 California Edition.

46. **Hydrants:** This development shall install Dry Barrel Drafting Fire Hydrants, which conform to El Dorado County Water Supply for Suburban and Rural Fire Fighting Standard #D-003 Effective 5-11-21 with PFPD Amendments: specifications to provide water for fire protection. The Fire Department shall determine the exact location of each hydrant.
- a. Per Section 507.5.1 of the locally amended code, where required, where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
 - b. The “Water Supply for Suburban and Rural Fire Fighting STANDARD #D-003 Effective 5-11-21 with PFPD Amendments” meets these requirements and there is a drafting hydrant in place.
47. **Sprinklers:** Commercial building(s) greater than 3,600 square feet in size shall have fire sprinklers installed in accordance with NFPA 13, including all Building Division and fire department requirements. Buildings with storage capacity above 12 feet in height will need to have the sprinkler system(s) designed to accommodate the appropriate high-pile storage. Due to the rural nature of this project area, future fire flow requirements for a commercial project will not be obtainable. The system will be designed to meet the El Dorado County Fire Prevention Officers “Water Supply for Suburban and Rural Fire Fighting STANDARD #D-003 Effective 5-11-21 with PFPD Amendments” Standard in combination with NFPA 13.
- a. Due to the rural nature of this project area, future fire flow requirements for a commercial project will not be obtainable from a water purveyor. The system will be designed to meet the El Dorado County Fire Prevention officers’ “Water Supply for Suburban and Rural Fire Fighting Standard #D-003 Effective 5-11-21 with PFPD Amendments: Standard in combination with NFPA 13, and NFPA 1142 for a commercial project.
48. **Fire Detection and Alarm Systems:** Ensure that the project meets all acceptable current code requirements (California Fire Code [CFC]) Title 24, Part 9, Chapter 9/NFPA 72. etc.) and all other relevant sections. Ensure that all alarm components are listed and current with the California Office of the State Fire Marshall Listing Service.
49. **Roadways:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete, or other approved driving surface. The project proponent shall provide engineering specifications to support design if requested by the local AHJ.

50. **Roadway Grades:** The grade for all roads, streets, private lanes, and driveways shall not exceed 16 percent.
51. **Traffic Calming/Security Devices:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of the roadway. All other proposed traffic calming devices shall require approval by the fire code official.
52. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40 feet inside and 56 feet outside.
53. **Gates:** All gates shall meet the Public Information Officer (PIO) Gate Standard B-002, and this design standard shall be incorporated into the design and activation of access security devices.
54. **Fire Access During Construction:** In order to provide this project with adequate fire and emergency medical response during construction, all-access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the fire department, Standard B-003. A secondary means of egress shall be provided prior to any construction, or the project can be phased.
55. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all fire hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle or vegetation.
56. **Wildland Fire Safe Plan:** This project shall be conditioned to develop, implement, and maintain a Wildland Fire Safe Plan that is approved by the fire department as complying with the State Fire Safe Regulations.
57. **Fencing:** Lots that back up to wildland open space shall be required to use non-combustible type fencing.
58. **Knox Box and Keys:** All commercial or public occupied buildings shall install a Knox Box and building keys including, but not limited to, main entry doors, utility closets, roof accesses, alarm panels, fire sprinkler locks and all other keys required by the fire code official for emergency access.

59. **Parking and Fire Lanes:** All parking restrictions as stated in the current CFC and the current PIO Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard titled “No Parking-Fire Lane.” All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet “No Parking - Fire Lane” and a plan for maintenance created to assure legibility. This shall be white letters on a red background. There shall be a designated plan page that shows all fire lanes as required by the El Dorado County Regional Fire Protection Standard B-004 “No Parking-Fire Lane” and the fire code official.
60. **Setbacks:** Any parcels greater than one (1) acre shall conform to State Fire Safe Regulations requirements for setbacks (minimum 30-foot setback for buildings and accessory buildings from all property lines).
61. **Vegetative Fire Clearances:** Before June 1 each year, there shall be vegetation clearance around all Emergency Vehicle Access (EVA), buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the CFC, and the conditioned Wildland Fire Safe Plan.
62. **Addressing:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be visible and legible from the street or road fronting the property, as per El Dorado County Standard B-001.
63. **Landscaping:** Any landscaping plans shall be reviewed by the fire department to ensure that trees, plants, and other landscaping features proposed to be adjacent to the fire apparatus access roads, fire and life safety equipment, and near address locations on buildings and monuments will not impede fire apparatus access or visual recognition.
64. **Improvement (Civil) Plans:** A Fire Plan sheet shall be included in the improvement plans that show or list all requirements from the fire department as they relate to the design of the project. These requirements include, but are not limited to, fire lanes (and how they relate to allowed parking), hydrants, turning radius of all turns, slope percent of roads/driveways, points of egress for the public and emergency personnel, EVAs as required, road widths, gates, etc.

El Dorado County Department of Transportation (DOT)

65. **Trip Generation:** The security shall include digital monitoring of vehicular trips to and from the operation, and classification of trips (deliveries, shipments, employees, visitors, etc.). Report the actual trips to the DOT annually on the department’s Cannabis Operations Trip Generation Form.

66. **Encroachment:** Obtain an encroachment permit from DOT and construct the roadway encroachment from the project access road onto Omo Ranch Road to the provisions of County Standard Plan 103C. Remove vegetation along Omo Ranch Road as directed by the County Encroachment Inspector, to achieve adequate sight distance.

Stormwater Management

67. **Erosion and Sediment Control Plan:** An Erosion and Sediment Control Plan will need to be included in the plan submittal. Since the project will disturb over one (1) acre of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP).