



# EL DORADO COUNTY

## PLANNING & BUILDING DEPARTMENT

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Date: January 12, 2023

To: Planning Commission

From: Aaron Mount, Planning Manager

**Subject: Planning Commission adoption of Findings and Conditions of Approval  
File No. CCUP19-0005  
Applicant: Matt Vaughn  
APN: 121-190-022**

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The Planning Commission held a public hearing on October 13, 2022 to review a request for Commercial Cannabis Use Permit (CCUP) for a retail storefront for the sale of cannabis goods for medicinal and adult-use recreational in an existing building. The Planning Department recommended denial of the CCUP based on inconsistency with Section 130.41.100(4)(G) of the Zoning Ordinance. Section 130.41.100(4)(G) of the Zoning Ordinance is a mandatory and specific policy which requires a background check and recommendation on the Commercial Cannabis Use Permit by the Sheriff's Office. A letter dated December 1, 2021, from the Sheriff's office that determined that the applicant does not meet the minimum requirements for the background portion of the application process. During the October 13, hearing a closed session item, pursuant to Government Code 54956.7, resulted in the Planning Commission voting 3-2 with Commissioners Vegna and Nevis voting no, to find that the Sheriff's Office background check does not disqualify the applicant from the Commercial Cannabis permit sought. Further, a motion was made by Commissioner Payne, seconded by Commissioner Clerici to continue the hearing to a date certain of January 26, 2023 for further consideration by the Planning Commission.

### EXECUTIVE SUMMARY

The proposed project includes a Commercial Cannabis Use Permit (CCUP) to conduct continued retail sales of cannabis products in an existing building. Operation of a commercial cannabis retail storefront is an "Allowed Use" with approval of a CCUP. This commercial cannabis retail storefront has been operating as a Medical cannabis retail dispensary. Approval of a CCUP would thus allow the existing medical use retail operations to continue under the County's legal commercial cannabis program and add adult-use recreational cannabis to its operations and denial would mean that the business would have to cease all sales of commercial cannabis and the State would be notified that local approval was denied and no commercial cannabis operations would be allowed to continue regardless of use. The current operation only allows

medical commercial cannabis sales for those patients that have a current medical recommendation.

## **PROJECT DESCRIPTION**

The proposed project includes a request for a Commercial Cannabis Use Permit for a retail sale storefront facility open to the public for the sale of commercial cannabis for medicinal or adult-use recreational. The retail facility is 999 square feet within one suite within a development that contains 14 units. Hours of operation for retail sale and delivery are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. The retail facility will provide security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. During operation there are 2 employees that consist of a security guard and a sales floor employee. The site currently contains a retail storefront facility for sale of cannabis for medicinal use only. Operation of a commercial cannabis retail storefront is an allowed use in the IL zone district with the issuance of a CCUP. No expansion of the building is proposed as part of this project. Furthermore, no new signs are being proposed as part of this project.

## **STAFF ANALYSIS**

**General Plan Consistency:** The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Commercial Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21(compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.1.1 (fire protection in Community Regions), Policy 6.2.3.2 (adequate access for emergencies), and Transportation Policies TC-Xa through TC-Xi. Further details are discussed in the Findings section below.

**Zoning Ordinance Consistency:** Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance).

The project is consistent with all applicable policies within Chapter 130.41 Commercial Cannabis. The site contains an existing State provisionally licensed commercial cannabis retail storefront that is good standing and the current operation has been inspected by County staff for consistency with this Chapter.

The project parcel is within the Commercial, General zone district and the project has been analyzed in accordance with all applicable development standards for this zone district.

## **AGENCY COMMENTS:**

The project was distributed to all applicable local and state agencies for review and comment. Comments were received from the El Dorado County Sheriff's Office as detailed in Exhibit H of

the previous staff report. The County's Department of Transportation (DOT) did not require a traffic study and or other study as traffic generated by this proposed project would be less than significant.

**PUBLIC OUTREACH:**

No formal public outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. However, the project was duly noticed for a Planning Commission public hearing with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers. In addition, project notification was also posted on the Planning Services Planning Commission webpage. No physical sign posting is required for a Commercial Cannabis Use Permit.

**ENVIRONMENTAL REVIEW:**

Commercial Cannabis Use Permit (CCUP) CCUP19-0005 is Categorically Exempt pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines. Section 15301 categorically exempts the "permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." As an example, section 15301 includes "[a]dditions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) The area in which the project is located is not environmentally sensitive." Here, the Project proposes no alterations to the existing structure and the only expansion of use is to include sale of adult-use recreational cannabis. While regulated separately, adult-use recreational cannabis and medicinal use cannabis involve the same types of products and the retail use involves the same type of use. No alterations to the structure are required to issue the Commercial Cannabis Use Permit. This CEQA finding is also based on the cannabis retail sales use proposed as being in compliance with the El Dorado County's General Plan and Zoning Ordinance, including the County's Commercial Cannabis Regulatory Program. The property is zoned, planned and developed for commercial uses. The site also meets all the development standards for the Commercial, General zone district. The subject property is served by public water and wastewater facilities. No environmentally sensitive habitat areas are located onsite or within the immediate vicinity. The proposed exemptions are not affected by the Public Resource Code section §15300.2 limitations to categorical exemptions, including limitations related to location, cumulative impact, significant effect due to unusual circumstances, scenic highway, hazardous waste site, or historical resources as discussed in the Commercial Cannabis Use Permit findings below.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County’s decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

**RECOMMENDATION:** Staff does not have a recommendation.

**Attachments to Memo:**

**Findings**

**Conditions of Approval**

**Exhibits**

- Exhibit G.....Site Plan/Floor Plans
- Exhibit I .....Security Plan

## **FINDINGS**

### **1.0 CEQA FINDINGS**

- 1.1 Commercial Cannabis Use Permit (CUP) CUP19-0005 is Categorically Exempt pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines. Section 15301 categorically exempts the “permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” As an example, section 15301 includes “[a]dditions to existing structures provided that the addition will not result in an increase of more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) The area in which the project is located is not environmentally sensitive.” Here, the Project proposes no alterations to the existing structure and the only expansion of use is to include sale of adult-use recreational cannabis. While regulated separately, adult-use recreational cannabis and medicinal use cannabis involve the same types of products and the retail use involves the same type of use. No alterations to the structure are required to issue the Commercial Cannabis Use Permit. This CEQA finding is also based on the cannabis retail sales use proposed as being in compliance with the El Dorado County’s General Plan and Zoning Ordinance, including the County’s Commercial Cannabis Regulatory Program. The property is zoned, planned and developed for commercial uses. The site also meets all the development standards for the Commercial, General zone district. The subject property is served by public water and wastewater facilities. No environmentally sensitive habitat areas are located onsite or within the immediate vicinity. The proposed exemptions are not affected by the Public Resource Code section §15300.2 limitations to categorical exemptions, including limitations related to location, cumulative impact, significant effect due to unusual circumstances, scenic highway, hazardous waste site, or historical resources as discussed in the Commercial Cannabis Use Permit findings below.
- 1.2 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, Planning Services Division, 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 Commercial (C) land use designation is to provide for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Lands designated as C considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: Commercial cannabis retail is a use consistent with this policy with the issuance of a CCUP. The site is within the Cameron Park Community 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.**

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

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

## **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 fully developed. The adjoining properties to the north, east and south are similarly zoned and designated as Commercial. On the west, the site borders Transportation Corridor uses (Cameron Park Airport). Residential uses are located approximately 400 feet away from the project site and no land use conflicts are anticipated as the uses are separated by an airport. 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 site currently utilizes El Dorado Irrigation District (EID) water and sewer services. No change in the use of water, sewer, and or electrical services is proposed beyond what is currently being utilized on the project site. Public services and utility impacts would be less than many other allowed uses on the site due to the fact that retail uses are not utility intensive.

## **2.5 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 Cameron Park Fire Department and EID for adequate public services capacity. The project is consistent with this policy.

**2.6 The project is consistent with General Plan Policy 5.7.1.1.**

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) 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 Cameron Park Fire Department currently provides fire protection service to the project site. Cameron Park Fire Department had no comments on the project.

**2.7 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2 (Adequate Access for Emergencies) 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 Cameron Park Fire Department reviewed the application materials and have not provided any project specific requirements. Development of the site was previously approved by the Cameron Park Fire Department.

**2.8 The project is consistent with General Plan Policy TC-Xa.**

- (1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: This policy does not apply, as this Project for a commercial cannabis retail use is not a residential project.

- (2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voter's approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

- (3) Intentionally blank as noted in the General Plan.
- (4) Intentionally blank as noted in the General Plan.
- (5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

- (6) Intentionally blank as noted in the General Plan.
- (7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project will not create residential parcels; therefore, this policy does not apply.

**2.9 The project is consistent with General Plan Policy TC-Xb.**

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

**2.10 The project is consistent with General Plan Policy TC-Xc.**

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**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. Level of Service 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 not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any county-maintained road or state highway. The Project is for continued operation of an existing use. The Department of Transportation determined that a traffic study was not required for this project.

**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 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 Department of Transportation determined that a traffic study was not required for this project.

**2.13 The project is consistent with General Plan Policy TC-Xf.**

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The project will not worsen traffic on the County road system. The Department of Transportation determined that a traffic impact study was not required for this application. Therefore, this policy does not apply.

**2.14 The project is consistent with General Plan Policy TC-Xg.**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: Department of Transportation has determined that that there are no improvements necessary to mitigate the effects of traffic from the project.

**2.15 The project is consistent with General Plan Policy TC-Xh.**

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision

Rationale: This project will pay TIM fees at the time a building permit is issued if permits are required. TIM fees were paid at the time that the existing structure was developed.

**2.16 The project is consistent with General Plan Policy TC-Xi.**

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is directed to the County to coordinate with other agencies.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Section 130.23.030.**

Section 130.22.030 (Commercial Zones Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the Commercial, General (CG) Zone District.

Rationale: The proposed operation of commercial cannabis retail is allowed within the Commercial, General zone district with approval of a CCUP. No external changes have been made or are proposed for the existing buildings and site.

**3.2 The project is consistent with Section 130.41.300.4.C.**

Section 130.41.300.4.C requires commercial cannabis activity authorized under this Section shall not be located within 1,500 feet from any school, school bus stop, place of

worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. The section further requires that with the exception of the Meyers Community Center (MAP-1) zoning district, a commercial cannabis activity authorized under this Section shall not be established on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district.

**Rationale:** The project is within approximately 400 feet from a residential zone district. The adjacent residentially zoned parcels are separated by the Cameron Park Airport and do not have direct access to the project site. Zoning Ordinance Section 130.41.100.4.C states, “Any setback for a commercial cannabis activity may be reduced in a Commercial Cannabis Use Permit so long as the applicant demonstrates that the actual setback will substantially achieve the purpose of the required setback and that the parcel was owned or leased by the applicant before voter approval of the ordinance from which this Section is derived on November 6, 2018.”

On May 13, 2014 (Legistar item #13-1174) the Board found the existing medical cannabis distribution facility (retail storefronts) was substantially consistent with section 130.14.250(2)(D) of the El Dorado County Code. This action by the Board confirms that the project was owned or leased by the applicant before voter approval of the ordinance from which this Section is derived on November 6, 2018. A copy of the lease was submitted and reviewed by Planning Services and the BOS at the time of this BOS action. Continued operation was reviewed by the County each year that the State processed a yearly provisional medical cannabis sales license.

The proposed cannabis retail sales business is only accessible to persons with a medical recommendation or those 21 years and older. Security staff located near the business entrance verifies customer’s age and/or medical recommendation and manages the public access area. The use does not include any on-site cannabis cultivation, processing or manufacturing. All cannabis products are pre-packaged according to state regulations. No on-site cannabis consumption is proposed or allowed. Granting the Use Permit will not be detrimental to the public, or health, welfare or safety or cause adverse impacts to the public, site or surrounding commercial area based on the proposed cannabis retail business site plan, floor plans, and the plan of operations. As noted in the previous Findings of Approval, the project is consistent with the General Plan and Zoning Ordinance. The applicant has demonstrated that the actual setback will substantially achieve the purpose of the required setback.

**3.3 The project is consistent with Section 130.41.300.4.E.**

Section 130.41.300.4.E: “Lighting”, states that security lighting for any building utilized for commercial cannabis activities authorized under this Section shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).”

Rationale: No external changes have been made or are proposed for the existing buildings and site. The site currently does not have outdoor lighting installed in the parking areas. Outdoor lighting is limited to wall-mounted lighting which was reviewed for consistency at the building permit stage. No additional lighting would be proposed as part of this application.

**3.4 The project is consistent with Chapter 130.36 Signs.**

Chapter 13.36 states the purpose of this Chapter is to establish sign regulations that are consistent with the goals, objectives and policies of the El Dorado County General Plan and the County's visual and aesthetic goals, and provide adequate identification for establishments. Specifically, this Chapter regulates the size, quantity, and location of signs to maintain and enhance the visual appearance of the County (Goal 2.7), regulates the location, number and size of highway signs and, to the extent allowable by law, eliminates billboards along identified scenic and historic routes (Objective 2.7.1).

Rationale: No external changes have been made or are proposed for the existing buildings and site. Existing signage is limited to wall-mounted signage. No additional signage would be proposed as part of this application. Wall-mounted signage for future tenants may be administratively approved by the Director of Planning and Building.

**3.5 The project is consistent with Chapter 130.35 Parking.**

Chapter 130.35 states this Chapter contains standards for off-street parking requirements for residential and non-residential uses. Additional standards for the design for the required parking for new development are found in the adopted Parking and Loading Standards (Resolution 202-2015).

Rationale: No external changes have been made or are proposed for the existing buildings and site. The project site currently provides 34 parking spaces and loading areas along the rear of the building. The available parking and loading areas exceed the requirements of the Zoning Ordinance as the 14 suites that occupy the existing building would require 30 parking spaces for the existing and proposed uses. No modification or reduction in the off-street parking would occur as part of this CCUP application. Additionally, on-street parking is available on public streets fronting the subject property.

**3.6 The project is consistent with Section 130.41.300.4.G.**

Section 130.41.300.4.G requires that no Commercial Cannabis Use Permit may be issued until a background check of all owners and the Designated Local Contact is completed with review and recommendation by the Sheriff's Office, 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: At the regularly scheduled Planning Commission hearing on October 13, 2022, the Planning Commission voted 3-2 with Commissioners Vegna and Nevis voting no, to find that the Sheriff's Office background check does not disqualify the applicant from the Commercial Cannabis permit sought.

### **3.7 The project is consistent with Section 130.41.100.4.H.**

Concentration of commercial cannabis activities and proximity to an existing or proposed commercial cannabis activity shall be considered in determining whether to grant a Commercial Cannabis Use Permit.

Rationale: The subject project site is approximately two miles north of the closest operating retail commercial cannabis storefront (CCUP19-0001). The two retail locations are not visible from each other and are not located in a direct path of travel. The closest public school is approximately 2 miles away. 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 130.52.021.C.**

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

The proposed use is consistent with the policies and requirements of the General Plan as discussed in the General Plan section of this 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.**

The proposed cannabis retail sales business is only accessible to persons with a medical recommendation or those 21 years and older. Security staff located near the business entrance verifies customer's age and/or medical recommendation and manages the public access area. The County has not received any residential neighborhood complaints related to the existing commercial cannabis retail use.

The layout, location, size, and operating characteristics of the proposed cannabis business will be compatible with the existing property and surrounding commercial and industrial land uses. The proposed cannabis retail sales business will be located and operated in a portion of an existing, developed commercial property that is zoned for the use. The project meets or exceeds all the development standards for the Commercial, General zone district.

The application materials describe the proposed business operations, business hours, and security. A detailed security plan has been reviewed for implementation by the El Dorado County Sheriff's Office as part of the Commercial Cannabis Annual Operating Permit (CCAOP) application. Hours of operation for retail sale are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. The use does not include any on-site cannabis cultivation, processing or manufacturing. All cannabis products are pre-packaged according to state regulations. No on-site cannabis consumption is proposed or allowed. Based on the business scale and operation, the project will not significantly increase the demand on public facilities such as roads, water and sewer.

The project meets current development standards for the Commercial, General zone district. The proposed cannabis business will be located at a developed, approved commercial property in the Shingle Springs Community Region that is served by public streets and utilities. There are no physical constraints or other unique site characteristics that preclude the use of the existing retail commercial business. No interior or exterior improvements are proposed. An on-site security staff located near the front entrance will screen clients as they enter the retail area.

The proposed number of employees and working hours will be consistent with other small commercial businesses operating in the area. The plan of operations addresses potential operational concerns relating to inventory control and security. The hours of operation are consistent with other commercial businesses in the vicinity, and will not cause significant levels of traffic or parking demand for the area. Although all cannabis products are prepackaged, air ventilation equipment will be required to prevent odor emissions from on-site cannabis sales if found to be a nuisance. Granting the Commercial Cannabis Use Permit will not be detrimental to the public, or health, welfare or safety or cause adverse impacts to the public, site or surrounding commercial area based on the proposed cannabis retail business site plan, floor plans, building elevations, and the plan of operations. As noted in the previous Findings of Approval, the project is consistent with the General Plan and Zoning Ordinance.

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

The proposed commercial cannabis retail storefront complies with the requirements of Zoning Ordinance Section 130.41.300.7, subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100. 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.

**Conditions of Approval**

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.....Site Plan/Floor Plans  
Exhibit I..... Security 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 includes a Commercial Cannabis Use Permit (CCUP) for the operation of a commercial cannabis retail storefront for the sales of adult-use recreational and medical use cannabis goods located at 3031 Alhambra Drive, Unit 2, Cameron Park, CA. Operation of a commercial cannabis retail storefront is an allowed use in the Commercial, General zone district with the issuance of a CCUP. No expansion of the building is part of this project. No new signs are proposed.

The Owner of the project approved in this CCUP is Matt Vaughn.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

**Planning Services Division**

2. **Permit Implementation:** In Compliance with County Code Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24 months of approval of this CUP 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 conditions of approval.
3. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.



4. **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 Annual Operating Permits.

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.

5. **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 Commercial Cannabis Use Permit, Commercial Cannabis Annual Operating Permit, 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 Annual 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 Annual Operating Permit, conditions to the Commercial Cannabis Use Permit and Commercial Cannabis Annual 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).”
6. **Hours of Operation:** Hours of operation for retail sale are limited to commencing at 8:00 a.m. and ending at 8:00 p.m.

7. **Designated Local Contact:** The Designated Local Contact is Matt Vaughn. No Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit 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 days per week and be able to respond to the County within two 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 Commercial Cannabis Annual Operating Permit shall include the name of the Designated Local Contact and any change to the Designated Local Contact shall require a revised Commercial Cannabis Annual Operating Permit.

No less than one week before commercial cannabis operations commence, the permittee must notify 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 Building and Planning Department annually with the application to renew the Commercial Cannabis Annual Operating Permit.

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.

8. **Track and Trace:** All state licensees associated with this CCUP 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.
9. **Screening:** Cannabis products shall be screened from public view so that no part of any display can be seen from an adjacent street or adjacent parcel. All allowed commercial cannabis activity shall be conducted inside the building located on the Property. No commercial cannabis activity shall be visible from the exterior of the building or from the public right of way abutting the Property.
10. **Inspections:** The permit holder and subject property owner shall permit the County or representative(s) or designee(s) to make inspections at any reasonable 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 onsite 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.

11. **Violation Notification:** The Permit Holder shall notify the Sheriff's Office 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.
12. **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 15 of the County Code. "Structures", for purposes of this paragraph, shall have the same meaning as it does in California Health & Safety Code § 18908.
13. **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.
14. **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 and shall operate and maintain real-time access of the surveillance video for the Sheriff's Office. Video footage must be given to El Dorado County Sheriff's Office upon demand.

The existing security system shall be upgraded, if necessary, to meet current requirements and be inspected by the El Dorado County Sheriff's Office within 30 days of this approval.

15. **Cannabis Odor:** The business operator shall ensure that air filtration and ventilation equipment is maintained in good working condition and monitored on an on-going basis to limit potential adverse odor emission impacts to employees and/or properties located in the vicinity of the business.

Any cannabis odor shall not be equal or greater than a seven 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 olfactometer observations not less than 15 minutes apart within a one 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 DT one hour at property line threshold within 30 days of the verification of a violation.

16. **Revocation After Three Violations (Section 130.41.100.7).** In addition to revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit), upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to one or more of the owners or operators at any property or combination of properties of one or more of the same owners or operators within a two-year period, the Commercial Cannabis Annual Operating Permit 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 Commercial Cannabis Use Permit may be revoked, subject to prior notice and appeal under Section 130.54.090. Upon revocation, an application for a Commercial Cannabis Annual Operating Permit to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two years. If only the Commercial Cannabis Annual Operating Permit is revoked under this Section, reissuance shall be subject to the procedures to issue a Commercial Cannabis Use Permit, including hearing before and decision of the Planning Commission and any new or amended conditions may be added to the Commercial Cannabis Use Permit.
17. **Monitoring Program (Section 130.41.100.8).** All Commercial Cannabis Annual Operating Permits 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.
18. **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.
19. **Exterior Lighting:** All lighting provided in conjunction with facility security or other lighting to be installed, shall be directed downward and away from nearby property lines, and shielded to confine all direct rays of light within the boundaries of such facilities.

# CCUP19-0005 Exhibit G

## 3031 ALHAMBRA DRIVE, UNIT 2

### CAMERON PARK, CA 95682

**D&Z**  
 Structural Engineering, Inc.  
 3389 Mira Loma Dr. Ste. 3  
 Cameron Park, CA 95682  
 Tel: (530) 677-0900  
 Fax: (530) 677-0901  
 www.dz-engineering.com



### PROJECT TEAM

**OWNER**  
 MATT VAUGHN  
 3031 ALHAMBRA DRIVE  
 CAMERON PARK, CA 95682  
 PHONE: (530) 677-5362  
 EMAIL:

**DESIGNER**  
 D&Z STRUCTURAL ENGINEERING, INC.  
 3389 MIRA LOMA DR. #3  
 CAMERON PARK, CA 95682  
 PHONE: (530) 677-0900  
 CONTACT: JIM DILLINGHAM  
 EMAIL: jdillingham@dz-engineering.com

### PROJECT INFORMATION

**ADDRESS:** 3031 ALHAMBRA DRIVE, UNIT 2  
 CAMERON PARK, CA 95682

**APN:** 083-420-02 (UNIT 2)

**AREA:**

(E) RETAIL AREA	999	S.F.
(E) COMMERCIAL AREA (NOT PART OF SCOPE)	6560	S.F.
(E) TOTAL BUILDING AREA	7559	S.F.

**ZONING DESIGNATION:** CG  
**OCCUPANCY TYPE:** B  
**CONSTRUCTION TYPE:** V-B  
**SPRINKLER REQUIREMENT:** NO

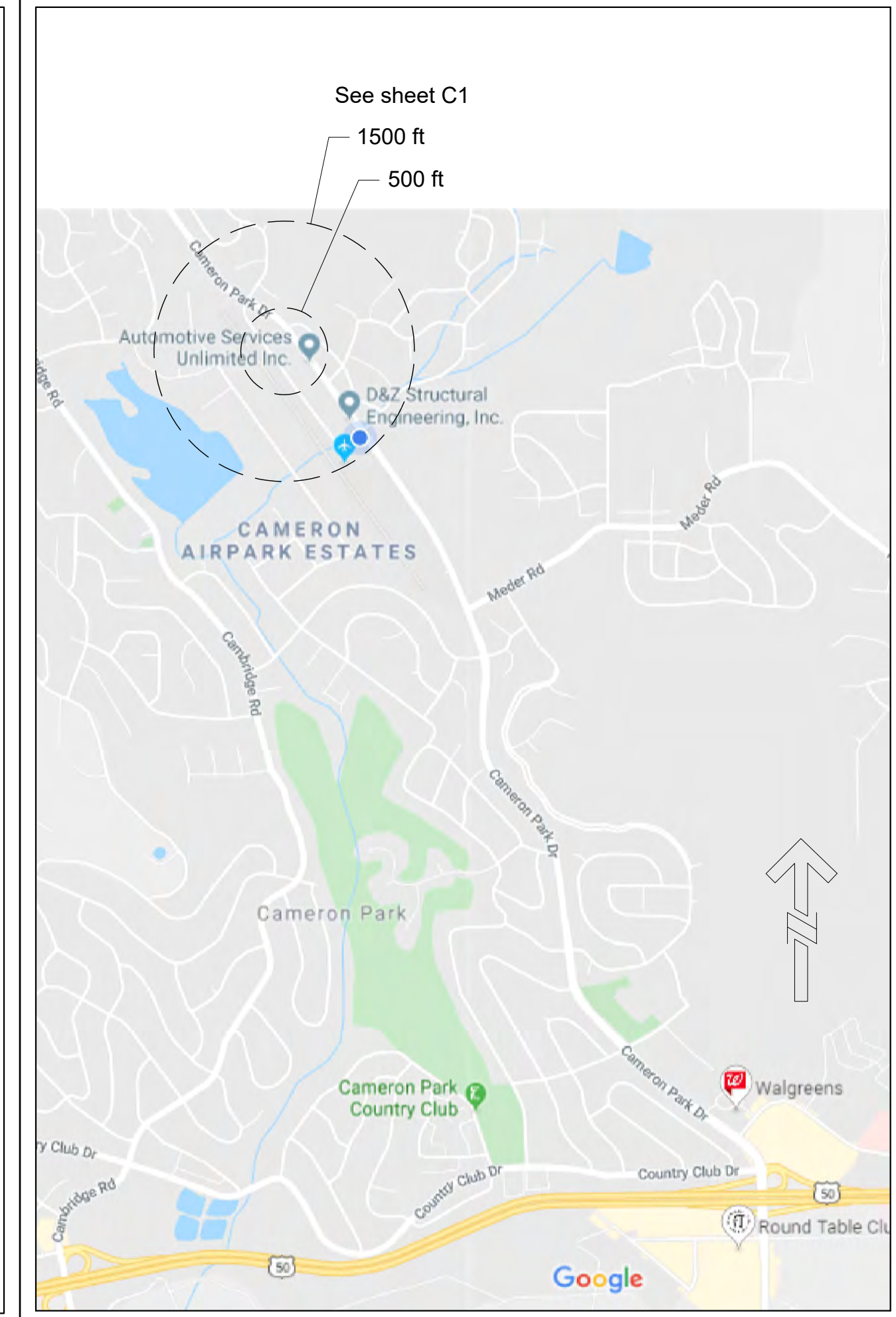
**APPLICABLE CODE:**  
 2016 CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA GREEN STANDARDS CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA FIRE CODE, CALIFORNIA ENERGY CODE, AND CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE AS AMENDED BY THE STATE OF CALIFORNIA AND THE LOCAL JURISDICTION AND THE LATEST VERSION OF ALL OTHER CODES ADOPTED BY THE LOCAL JURISDICTION ARE APPLICABLE TO THIS PROJECT. THIS PROJECT REQUIRES COMPLIANCE WITH THESE CODES.

**SCOPE OF WORK:**  
 PERMIT APPLICATION FOR EXISTING MEDICAL DISPENSARY CHANGE TO RECREATIONAL DISPENSARY. UNIT 2 OF BUILDING WITH 14 UNITS. EXISTING BUILDING & SITE CONDITIONS TO REMAIN UNCHANGED.

### SHEET INDEX

- T1 TITLE COVER SHEET
- C1 500 FT & 1500 FT SETBACKS
- C2 SITE PLAN
- A1 RETAIL FLOOR PLAN

### VICINITY MAP



Conditional Use Application

**MMCA**  
 3031 Alhambra Drive, Unit 2  
 Cameron Park, CA 95682

Owner  
 Owner

Revisions	By	Date

Designed **JD**

Drawn **DD**

Date **11/11/2019**

Title Cover Sheet

Sheet  
**T1**

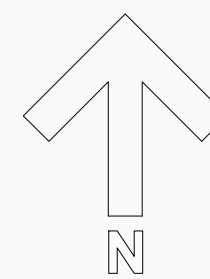
Summary:

4 residences in  
 500 foot radius

No properties of  
 concern in  
 1500 foot radius



500 ft & 1500 ft Radius  
 from MMCA  
 to adjacent properties 1" = 140'



Conditional Use Application

**MMCA**

3031 Alhambra Drive, Unit 2  
 Cameron Park, CA 95682

Owner  
 Owner

Revisions	Sym	Description	Date	By
1	Δ			

Designed JD

Drawn DD

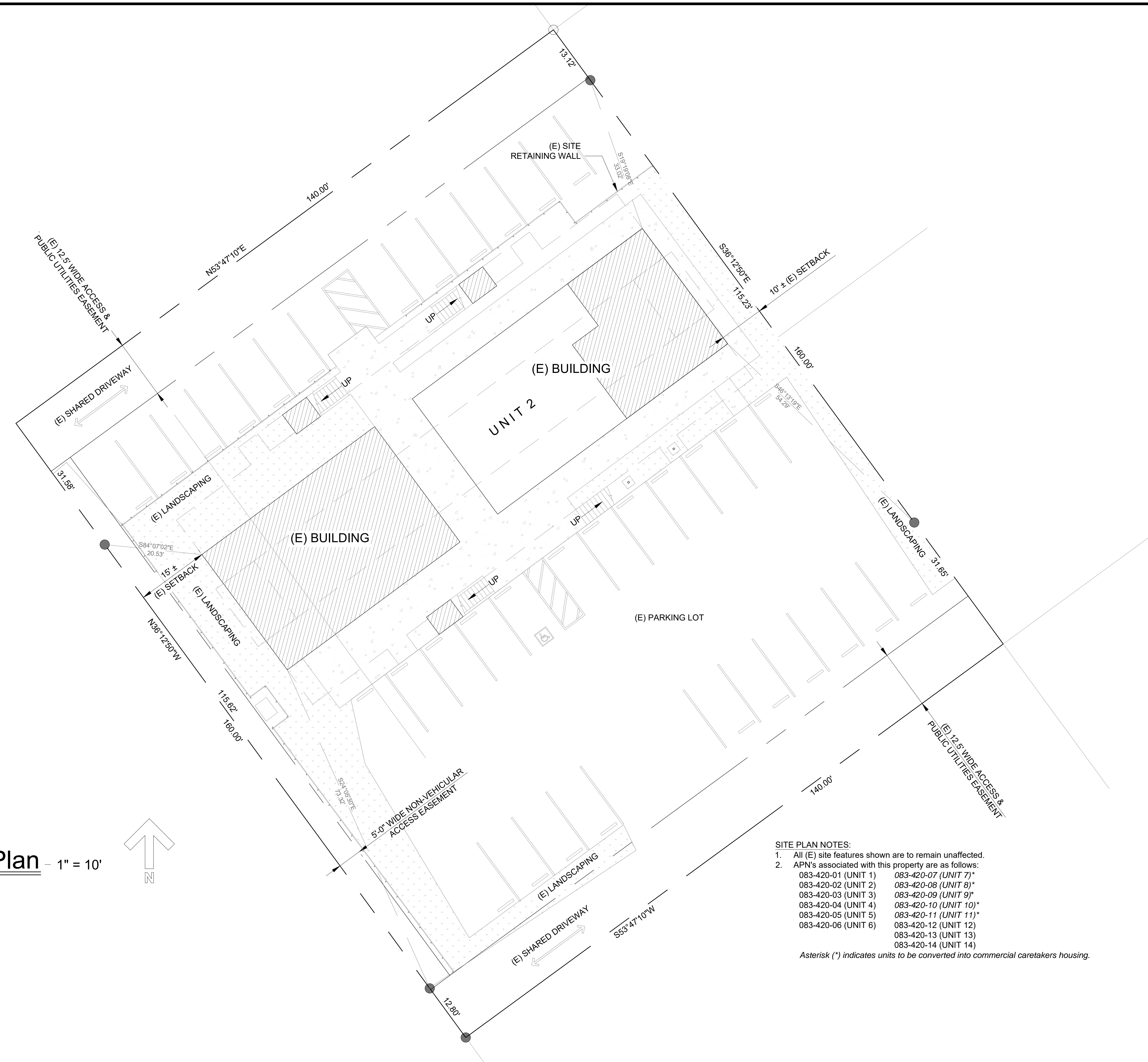
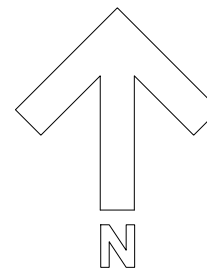
Date 11/11/2019

500 ft & 1500 ft setbacks

Sheet

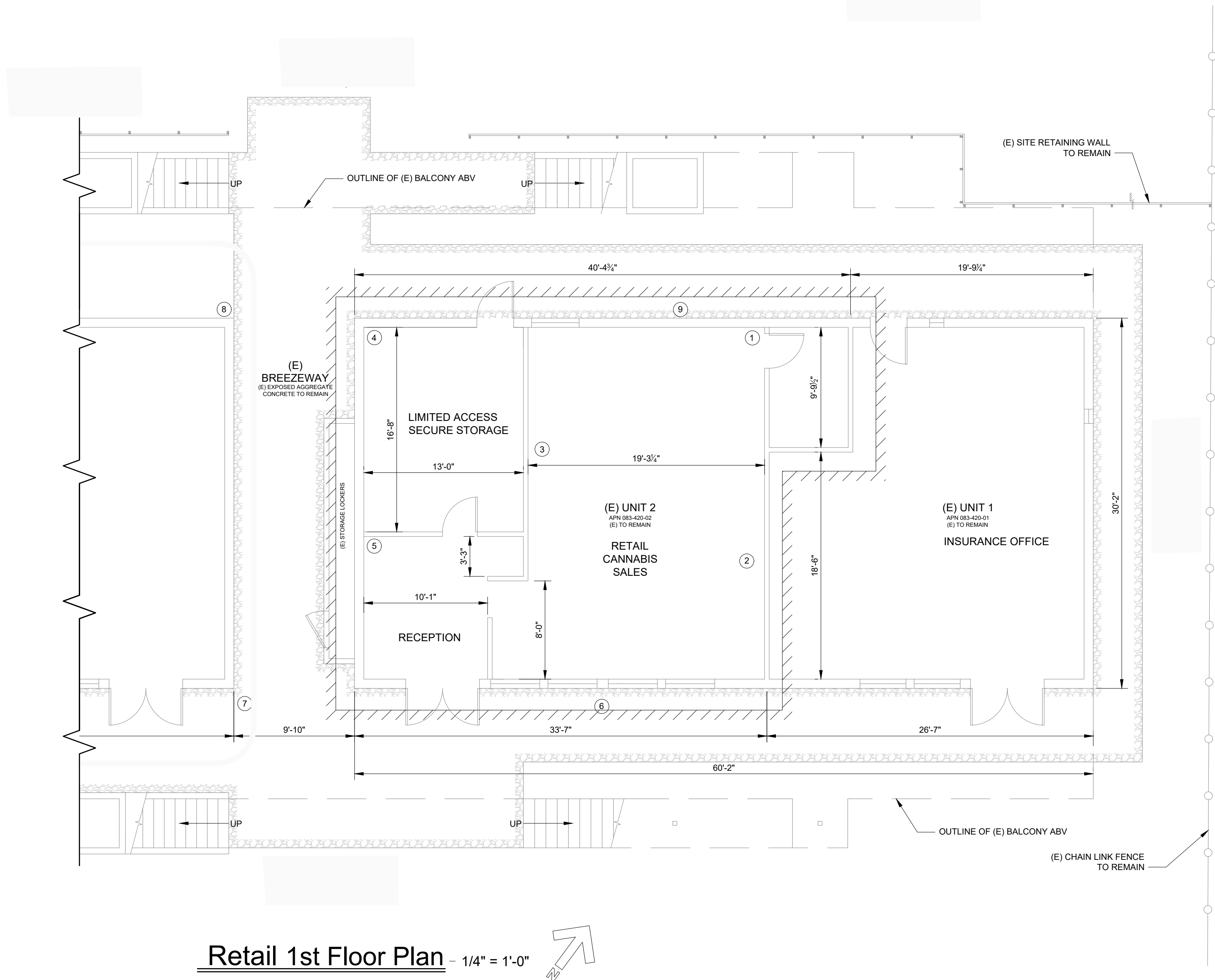
**C1**

Site Plan - 1" = 10'



- SITE PLAN NOTES:**
- All (E) site features shown are to remain unaffected.
  - APN's associated with this property are as follows:  
 083-420-01 (UNIT 1)      083-420-07 (UNIT 7)\*  
 083-420-02 (UNIT 2)      083-420-08 (UNIT 8)\*  
 083-420-03 (UNIT 3)      083-420-09 (UNIT 9)\*  
 083-420-04 (UNIT 4)      083-420-10 (UNIT 10)\*  
 083-420-05 (UNIT 5)      083-420-11 (UNIT 11)\*  
 083-420-06 (UNIT 6)      083-420-12 (UNIT 12)  
    083-420-13 (UNIT 13)  
    083-420-14 (UNIT 14)
- Asterisk (\*) indicates units to be converted into commercial caretakers housing.

Owner		Owner
Revisions	Sym	Description
	Date	By
Designed	JD	
Drawn	DD	
Date	11/11/2019	
Site Plan		
Sheet		
<b>C2</b>		



Retail 1st Floor Plan - 1/4" = 1'-0" ↗

**Framing Legend**

	(E) wall framing to remain
--	----------------------------

**ARCHITECTURAL FLOOR PLAN NOTES:**

1. No construction work is proposed
2. Cameras (#)

Conditional Use Application

**MMCA**

3031 Alhambra Drive, Unit 2  
 Cameron Park, CA 95682

Owner

Owner

Revisions	Sym	Description	Date	By

Designed JD

Drawn DD

Date 11/11/2019

Retail Floor Plan

Sheet

**A1**



# CCUP19-0005 Exhibit I

130.41.100.4.F.13 The security plan for the operation that includes adequate lighting, security video cameras with a minimum camera resolution of 1080 pixels and 360 degree coverage, alarm systems, and secure area for cannabis storage. The security plan shall include a requirement that there be at least 90 calendar days of surveillance video (that captures both inside and outside images) stored on an ongoing basis and made available to the County upon request. The County may require real-time access of the surveillance video for the Sheriff's Office. The video system for the security cameras must be located in a locked, tamper-proof compartment. ***The security plan shall remain confidential.***