



## EL DORADO COUNTY PLANNING & BUILDING DEPARTMENT

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2850 Fairlane Court, Placerville, CA 95667  
Phone (530) 621-5355, Fax (530) 642-0508

Date: April 15, 2021

To: Planning Commission

From: Chris Perry, Assistant Director Planning and Building Department

**Subject: PROJ21-0001 & PROJ21-0002, appeals of scoring decision of CCPA20-0011, CCPA20-0012, and CCPA20-0013**

**Meyers Commercial Cannabis Retail Selection & Award Procedures – Merit Based Review & Scoring**

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The purpose of this memorandum is to provide a summary response to the separate appeals of (1) Charles Willett and the Tahoe Honey Company (“Tahoe Honey”); and (2) Charles Boldwyn (“Boldwyn”) of the Planning and Building Department Director’s March 5, 2021 decision regarding the Meyers Commercial Cannabis Retail Selection and Award Procedures – Merit Based Review and Scoring.

### **I. Background:**

Chapter 130.26 establishes the Meyers Area Plan (MAP) Zone, which provides for unique zoning to implement the policies of the Meyers Area Plan by setting forth separate and distinct uses and standards which apply to each of the five areas of the Meyers Community. As originally enacted by the voters, the County’s commercial cannabis program did not allow for commercial cannabis uses with the Meyers zones.

On May 12, 2020, the El Dorado County Board of Supervisors adopted Ordinance amendments to County Code Section 130.41.300 – Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis. The Ordinance amendments allowed for the addition of one (1) commercial cannabis retail storefront in Meyers in the Lake Tahoe Basin. In order to determine which applicant could submit a formal application for the single retail storefront permit, El Dorado County staff established a scoring system to rank potential applicants to determine the highest scoring applicant and then allow that applicant the first opportunity to go through the Commercial Cannabis Use Permit (“CCUP”) process. The scoring process was outlined in detail on the County’s commercial cannabis website and can be viewed as Attachment A to this memorandum. The County received three applications for consideration in the scoring process.

Staff had originally identified October 1, 2020 as the goal to release the scoring. However, staff were unable to meet this original goal due to a number of factors. Most significantly, due to delays outside of the County's control in obtaining the necessary state and federal approvals for the *El Dorado County Sheriff's Office* ("Sheriff's Office") to perform Live Scan background checks for commercial cannabis permits, staff was required to adjust the background check process to provide for background checks based on self-disclosures that adhered to the same criteria originally released for the scoring process. While initial application materials included a background check form, those completed forms were not reviewed by Planning staff and did not include all of the information necessary to complete background checks without Live Scan. Thus, applicants were required to submit complete self-disclosed information relevant to the background check scoring criteria. This background check process was communicated simultaneously to all three applicants through a series of emails from Brendan Ferry, Deputy Director, Tahoe Planning and Stormwater Division. These emails are attached to this memorandum as Exhibits D-F. The adjustments required the need for additional staff time to review materials and determine scores.

The submitted applications for scoring were reviewed by County staff with expertise in the corresponding fields and numerically scored by a multi-departmental panel based on the following equally-rated criteria:

- Distance to a Residence, scored by the Planning and Building Department
- Security Plan, scored by the Sheriff's Office
- Odor Control Plan, scored by the Air Quality Management District ("AQMD")
- Background Check, scored by the Sheriff's Office
- Plan to prevent theft and access to cannabis and cannabis products by individuals under the age of 21 unless they have a valid medical cannabis card, scored by the Sheriff's Office

The scoring process identified the scoring metric for each of the five categories, which are also identified on Exhibit A. Generally, each criterion was scored on a spectrum from 1 to 5, with 1 being the lowest score and 5 being the highest score. The scores from the five criteria above were then added together and the applicant that received the maximum score out of a possible 25 points was selected to submit a full application for the commercial cannabis retail location in Meyers.

The scores from each department were submitted to the Planning and Building Department without knowledge by one department of how each applicant was scored by other departments. The Meyers Advisory Council was not involved in the scoring process, nor were any outside consultants, contractors, or individuals. The applicant for the CCUP (to be considered by the Planning Commission at a later date) will be required to adhere to the proposed project and plans submitted as part of the scoring process because the County relied on the proposed project and plans to complete the scoring. Because the location of a proposed project was relied on during scoring, an applicant able to proceed would not be permitted to change the location of a project for purposes of the CCUP. Other than ensuring that all proposed project plans relied on in

the scoring remain in the project proposed for the CCUP, the scoring process does not affect or limit the Planning Commission's review of the CCUP application or the Planning Commission's ability to condition or deny the CCUP. The Planning Commission could also impose conditions that exceed the proposed project plans for scoring consistent with the Planning Commission's discretion to condition projects during the future CCUP hearing process.

The scoring was released on March 5, 2021, with CCPA20-0013, Embarc Meyers LLP ("Embarc"), receiving the highest score of 20 out of a total potential score of 25. Based on the scoring results, an application was submitted by Embarc, CCUP21-0001, which will be fully evaluated for consistency with the El Dorado County General Plan and Zoning Ordinance, the California Environmental Quality Act ("CEQA"), and any comments received from applicable departments, agencies, and the public. Additionally, consistent with the requirement in the Meyers Area Plan, CCUP21-0001 will be reviewed by the Meyers Advisory Council for a recommendation on the consistency of the proposed activity with the policies of the Meyers Area Plan and the Meyers Design Standards and Guidelines. The review authority for a decision on the CCUP is the Planning Commission and the Board of Supervisors would hear any appeal of a decision involving the CCUP.

## **II. Process for Appeals:**

As provided for in the scoring process: "Any applicant that submitted a timely and complete pre-application may file a written appeal to the El Dorado County Planning Commission to challenge the scoring decision made by the Planning & Building Department within 10 business days of the notification of scoring results. The burden of establishing by satisfactory factual proof the applicability and elements of a challenge to the application process or decision shall be on the applicant. The applicant must submit full information in support of their appeal. Failure to raise each and every issue that is contested in the written appeal and provide appropriate support evidence will be grounds to deny the appeal and will also preclude the applicant from raising such issues in court. Failure to file a timely appeal shall constitute a failure to exhaust administrative remedies that shall preclude such person from challenging the application process or decision in court."

The scoring decision has been timely appealed by Tahoe Honey and Boldwyn. Because of Embarc's interest in the outcome of the appeals, Embarc has been invited to participate as a responding party to the appeals. Similarly, one appealing party may respond to arguments raised by the other appealing party to the extent the argument seeks to affect that party's score or application. Given that both appeals are of the same decision, the hearing on the appeals is being combined in one hearing. The decision of the Planning Commission on the scoring process will be final and will not be appealable to the Board of Supervisors.

To provide a fair hearing of the scoring process, the following procedure will be utilized for the hearing on the appeal:

1. **Opening Remarks re: Scoring Process and Appeals**
  - a. Staff introductory comments
  - b. Tahoe Honey introductory comments (2 minutes max)
  - c. Boldwyn introductory comments (2 minutes max)
  - d. Embarc introductory comments (2 minutes max)
  
2. **Distance to Residence Scores**
  - a. Staff presentation
    - i. *Note: Tahoe Honey did not appeal the Distance to Residence Scores*
  - b. Boldwyn presents
  - c. Embarc presents/responds
  - d. Questions from Commissioners on Distance to Residence scores
  
3. **Security Plan Scores - No presentations**
  - a. No appeals were made based on the Security Plan scores
  
4. **Odor Control Plan Scores**
  - a. Staff presentation
  - b. Tahoe Honey presents
  - c. Boldwyn presents
  - d. Embarc presents/responds
  - e. Questions from Commissioners on Odor Control Plan scores
  
5. **Background Check Scores**
  - a. Staff presentation
  - b. Tahoe Honey presents
  - c. Boldwyn responds
    - i. *Note: Boldwyn did not appeal the Background Check scores, but may respond to Tahoe Honey's appeal as it relates to Boldwyn's score on Background Check*
  - d. Embarc presents/responds
  - e. Questions from Commissioners on Background Check scores
  
6. **Plan to Prevent Theft and Access Scores**
  - a. Staff presentation
  - b. Tahoe Honey presents
  - c. Boldwyn responds
    - i. *Note: Boldwyn did not appeal the Plan to Prevent Theft and Access scores, but may respond to Tahoe Honey's appeal as it relates to Boldwyn's score on Plan to Prevent Theft and Access*
  - d. Embarc presents/responds



- e. Questions from Commissioners on Plan to Prevent Theft and Access

**7. Remaining Arguments Raised in Appeals**

- a. Tahoe Honey presents
- b. Boldwyn presents
- c. Embarc presents/responds
- d. Questions from Commissioners on Remaining Arguments Raised in Appeals

**8. Public Comment**

**9. Response/Closing Comments**

- a. Staff response
- b. Tahoe Honey any response; closing comments
- c. Boldwyn any response; closing comments
- d. Embarc any response; closing comments

**10. Question from Planning Commissioners / Deliberations**

- 11. Planning Commission Action.** Substantive decision of the Planning Commission is limited to a vote to uphold scores as presented and deny appeals or change one or more scores and grant one or both appeals in whole or in part.

**III. County's Response to Appeals:**

The grounds for appeal as stated in each appeal is provided below in bold with quotation marks and County staff responses immediately following in italics. The appealing party has the burden of establishing by satisfactory factual proof the applicability and elements of a challenge to the scoring process or decision.

**A. PROJ21-0001 Appeal Submitted by Charles Willett and Tahoe Honey Company 03/18/2021**

- “A. Embarc and Boldwyn's Applications Should Have Been Disqualified.**
- 1. Embarc Meyers LLC (Lauren Carpenter, Gregory Daum, and Christina Wilson)**
    - a. Failure to Include Required Application Documents**
    - b. Incomplete Background Application**
    - c. Failure to Sign Background Application Materials”**

*The applications were found to be complete for review by qualified professionals within the Planning and Building Department, AQMD, and the Sheriff's Office.*

*Tahoe Honey asserts that the changes in the background check process and additional time afforded due to those changes were to provide “Embarc and/or Boldwyn*

*with additional time to supplement their inadequate applications, including the Background Application.” This statement is not accurate. As recounted in the emails from Brenden Ferry attached to this memorandum, the change in the background check process was in response to the fact that the County had not yet received the necessary federal approvals to perform background checks utilizing Live Scan as intended to score the background check applications. Because the Planning and Building Department did not view or score the background check applications that the Sheriff’s Office was scoring, it was not determined what information was already provided. Instead, to ensure a fair process, the Planning and Building Department requested a complete submission to be utilized for a background check that utilized self-disclosures. The blank forms for the Sheriff’s Office background check also did not seek the same information that would have been obtained through Live Scan and, due to the need to rely on self-disclosures, this potential additional information was needed to performed background checks without Live Scan. For example, the Sheriff’s Office background check form requests disclosures from the past seven years, but the scoring criteria for background checks was not limited to crimes within seven years. Mr. Ferry explained this in detail to all applicants in the October 15, 2020 email.*

*The background check process was administered by qualified law enforcement professionals within the Sheriff’s Office. They determined that the information necessary in order to produce a score based on the established scoring criteria was provided by each applicant. Because the applications utilized were not created for the scoring process, the applications may have sought additional information outside the scope of the scoring criteria. Delays in obtaining the necessary federal approvals to perform Live Scan background checks also required an adjustment to the background check process as previously explained.*

*Additionally, the scoring process clearly provided that deeming applications incomplete would not be a ground for disqualification during the scoring process and an opportunity to provide additional information during the scoring process would be afforded:*

*“Pre-Applications that are not deemed complete during the review period will be provided one 5 business day window for corrections to be made and may be resubmitted.”*

*A physical copy of the Required Submittal Information application was submitted by Embarc. The relevant information was also included in the business plan reviewed by the two other applicants.*

*Tahoe Honey also argues that certain application submittals were not valid because they utilized electronic signatures. As a matter of practice, the Planning and Building Departments accepts electronic signatures on application materials. The Sheriff’s Office also did not find the electronic signatures or typing of applications material defects and was able to score the application according to the self-disclosed submissions and published scoring criteria.*

**“d. Failure to Include Other Owners and Persons with Financial Interest in**

**Background Document Submissions”**

*The Sheriff’s Office confirmed that Embarc’s Background Check score is based on the self-reported criminal histories of Lauren Carpenter, Gregory Daum, Christina Wilson, and Dustin Moore.*

**“e. Proposed Location Violates El Dorado Municipal Code Section 130.40.300(4)(C)”**

*The scoring process was not intended to be a complete review of all criteria and standards that must be satisfied prior to issuance of a CCUP. Setbacks in section 130.40.300(4)(C) were not part of the scoring criteria. Prior to issuance of any CCUP, the Planning Commission will have to ensure that project complies with the required setbacks and whether any reduction is warranted under section 130.41.100(4)(C). Those considerations are not before the Planning Commission as part of the scoring process.*

**“f. Applicant Embarc Meyers Did Not Lawfully Exist at the Time of Applying”**

*Pre-applications are not an entitlement and the Meyers scoring result only identified the applicant able to first apply for the one CCUP available in Meyers. Embarc applied as individuals and corporation status was not a criterion for scoring. Corporate status is not normally evaluated as part of the planning application process and was not part of the scoring process except for the background check, which would investigate the individuals that own the corporation or come within the definition of “owners” under the County Code.*

**“2. 20200628 420-0001 LLC (Charles Boldwyn)**

**a. Incomplete Background Application**

**b. Failure to Sign Background Application”**

*See response above to “A. Embarc and Boldwyn's Applications Should Have Been Disqualified.”*

**“c. El Dorado Municipal Code Section 130.41.300(4)(C)”**

*The scoring process was not intended to be a complete review of all criteria and standards that must be satisfied prior to issuance of a CCUP. Setbacks in section 130.40.300(4)(C) were not part of the scoring criteria. Prior to issuance of any CCUP, the Planning Commission will have to ensure that project complies with the required setbacks and whether any reduction is warranted under section 130.41.100(4)(C). Those considerations are not before the Planning Commission as part of the scoring process.*

**“B. Tahoe Honey Company's (Charles Willett) Application Should Have Been Scored Substantially Higher**

**1. Background Check Scoring”**

*The Sheriff's Office scored background checks and those scores are not addressed in this memorandum. A separate letter from County Counsel's Office uploaded on Legistar responds to these arguments.*

**"2. Odor Control Plan Scoring"**

*Odor control plans were reviewed by a qualified professional within AQMD. Exhibit B contains AQMD's analyses and scores.*

**"3. Plan to Prevent Theft and Access Scoring"**

*The Plan to Prevent Theft and Access was reviewed and scored by qualified professionals in the Sheriff's Office. They thoughtfully evaluated the criteria based on their training and experience as law enforcement professionals and the reasoning for their scores is in Exhibit C.*

**"4. Scoring Based on Thoughtfulness and Creativity"**

*Pre-Applications were reviewed by County staff with expertise in the corresponding fields and numerically scored by a multi-departmental panel based on the equally-rated criteria. While thoughtfulness and creativity were encouraged in the general scoring criteria, parameters for scoring criteria in each category were described in more detail for each category. All criteria were equally evaluated in the process.*

**"C. Embarc and Boldwyn's Applications Should Have Been Scored Substantially Lower**

**1. Embarc Meyers**

**a. Odor Control Plan Scoring"**

*Odor control plans were reviewed by a qualified professional within AQMD. Exhibit B contains AQMD's analyses and scores.*

**"b. Plan to Prevent Theft and Access Scoring"**

*The Plan to Prevent Theft and Access was reviewed and scored by qualified professionals at the Sheriff's Office and those scores are explained in Exhibit C. They thoughtfully evaluated the criteria based on their training and experience as law enforcement professionals.*

**"c. Scoring Based on Thoughtfulness and Creativity"**

*Pre-Applications were reviewed by County staff with expertise in the corresponding fields and numerically scored by a multi-departmental panel based on the equally-rated criteria. While thoughtfulness and creativity were encouraged in the general scoring criteria, parameters for scoring criteria in each category were described in more detail for each category. All criteria were equally evaluated in the process.*

**“2. Boldwyn  
a. Odor Control Plan Scoring”**

*Odor control plans were reviewed by a qualified professional within AQMD. Exhibit B contains AQMD’s analyses and scores.*

**“b. Plan to Prevent Theft and Access Scoring”**

*The Plan to Prevent Theft and Access was reviewed and scored by qualified professionals at the Sheriff’s Office and those scores are explained in Exhibit C. They thoughtfully evaluated the criteria based on their training and experience as law enforcement professionals.*

**“D. El Dorado County Did Not Comply with Applicable Law regarding Conditional use Permits**

- 1. Pre-Application Process**
- 2. Notice to Interested Parties**
- 3. Pre-Application Review and Scoring**
- E. El Dorado County Violated California Law in the Application and Selection Process**

- 1. Public Hearings are Required for Conditional Use Permit Applications**
- 2. Authority to Rule on Conditional Use Permits Cannot be Delegated without Standards of Guidance**
- 3. Decisions on Conditional Use Permits Must be Supported by Findings of Fact**
- 4. Concerning Activities Regarding Re-Submittal of Information”**

*Meyers Commercial Cannabis Retail Selection & Award Procedures – Merit Based Review & Scoring did not result in an approved entitlement. The merit-based scoring process was utilized to prevent multiple applicants expending the time and financial resources to submit formal applications for a single permit and thus the highest scoring applicant was able to submit for a CCUP for the single permit first. Section 130.51.090 of the Zoning Ordinance provides a process for a pre-application prior to the submittal of development applications. While the scoring process was not a pre-application process under Section 130.51.090, it utilized the pre-application forms to facilitate the scoring process. The noticing and other code sections cited in the appeal apply to the conditional use process when a permit is issued, and all of those provisions will be complied with prior to the issuance of any CCUP, including the one retail facility allowed in the Meyers area.*

**B. PROJ21-0002 Appeal Submitted by Boldwyn 03/19/2021**

**“A. Appellant should be granted a continuance and Applicants should be compelled to authorize the release of pre-application files with only nonmaterial and personally sensitive information redacted.”**

*El Dorado County and AQMD staff reviewed the unredacted applications. Redactions were requested so that sensitive information would not be released to the public. Section 130.41.100(4)(F)(13) also states that security plans shall remain confidential. Additionally, the Sheriff's Office's background check application contains information such as social security numbers and driver's licenses, therefore the document is not released to the public and the Sheriff's Office is responsible for record keeping. Staff provided each of the three applicants with an opportunity to identify any sensitive information in their applications and submit a proposed redacted application. Those proposed redacted applications were then distributed to all three applicants and all three applicants were given an opportunity to object to any redaction. While the County sought to work with the applicants to reach an agreement on redactions, given concerns about the breadth of redactions, staff then performed redactions that were limited to sensitive background check information, security plans, and any document or excerpt that would not be subject to disclosure under state law. Applicants were provided an opportunity to review these redactions and then the complete files with these limited redactions will be available on Legistar. At the hearing, Boldwyn may raise an argument he was previously unable to raise based on a redaction.*

**“B. Embarc was improperly scored on the criteria Distance to a Residence and their score should be reduced from two (2) points to one (1) point**

- 1. All three APNs should be treated as one lot for the purposes of measuring distances to the nearest Residential Use.**
- 2. The immediately adjacent parcel is zoned for mixed use including Residences**
- 3. Embarc's proposed location is closer to the nearest residential structure in absolute terms.”**

*CCPA20-0013, Embarc, proposes to be located within an existing structure. The structure is located on Lot 3 of Subdivision Map D-59A, APN 034-671-005 (Exhibit A). Lot 3A of Subdivision Map D-59A, APN 034-671-006, contains the parking lot associated with the structure and is an integral part of the proposed use. When measuring setbacks, whether internal or external, the measurement is taken from the property lines of the parcel that contains the structure or use. Adjacent to the two parcels containing the structure and parking lot is an undeveloped parcel that is Lot 4 of Subdivision Map D-59A. Additionally, there are two other parcels to the west of the project that are undeveloped, Lot 4A of Subdivision Map D-59A and a portion created by a quitclaim. Combined, these three adjacent undeveloped parcels are represented as APN 034-671-014. While these undeveloped parcels, represented as one APN number, are owned by the applicant, setbacks were not measured from this parcel as it neither contains a structure nor any associated uses. The closest residence to the project parcels is located on APN 034-040-004, which is owned by the US Forest Service (“USFS”) and contains workforce housing. CCPA20-0013, Embarc, was given a distance score of 2 based on the measured distance of 60 feet from the parcels containing the structure and parking to the USFS parcel.*

*The criteria used to score the Meyers pre-applications were clearly noted that the measurements would be taken from the closest property line to the closest property line*

*of the two parcels. Setbacks established to evaluate or reduce potential land use conflicts are measured from property line to property line as within each parcel the location or addition of incompatible uses or structures could change at any time.*

*The criteria measured distance from a parcel containing a Residence, not a parcel with zoning that would allow for a residence.*

**“C. Applicants Embarc and THC should have their applications re-scored or in the alternative disqualified based on their redactions”**

*El Dorado County and AQMD staff reviewed unredacted applications. The unredacted odor plan is available on Legistar as part of this appeal.*

**“D. Appellant should have received a higher score on its Odor Control Plan”**

*Odor control plans were reviewed by a qualified professional at AQMD. Exhibit B contains AQMD’s analysis and scores.*

**“E. Embarc should be disqualified for providing an incomplete application”**

*All applications were reviewed by qualified professionals and found to be complete for review. The scoring process utilized pre-application forms, which were not tailored for scoring. The intent was to obtain the relevant information so that scoring could be accomplished. The use of the pre-application forms for the scoring process was not a means to seek to disqualify applications based on technicalities. The scoring process also stated, “Pre-Applications that are not deemed complete during the review period will be provided one 5 business day window for corrections to be made and may be resubmitted.” With the exception of the modified background checks based on unverified self-disclosures that provided for subsequent disqualification based on incomplete self-disclosures, the scoring process did not establish harsh disqualification procedures and anticipated requests for additional information if necessary.*

**“F. Embarc should be disqualified for providing a misleading application”**

*As noted above, all applications were reviewed by qualified professionals and found to be complete for review. While experience in the cannabis industry may contribute to an applicant’s ability to put forth a better application, such as an understanding of odor issues relevant to cannabis as Boldwyn describes in his appeal, experience in the industry was not a scoring criterion.*

**“G. Responses to points raised in the Appeal by THC**

- 1. Incomplete background application**
- 2. Failure to sign its background application”**

*The background check process was administered by qualified law enforcement professionals within the Sheriff’s Office. The Sheriff’s Office determined that the information necessary in order to produce a score was provided by each applicant.*

*Delays in obtaining the necessary federal approvals to perform Live Scan background checks also required an adjustment to the background check process. The scoring did not result in an entitlement; it identified the applicant who could first submit for a CCUP. The resulting processing of a CCUP will go through a more rigorous background check process as required of all cannabis related discretionary entitlements. Based on the scoring results an application was submitted, CCUP21-0001, which will be fully evaluated for consistency with the El Dorado County General Plan and Zoning Ordinance, CEQA, and any comments received from applicable departments and agencies.*

**“3. El Dorado County Municipal Code Section 130.41.300(4)(C)”**

*The scoring process was not intended to be a complete review of all criteria and standards that must be satisfied prior to issuance of a CCUP. Setbacks in section 130.40.300(4)(C) were not part of the scoring criteria. Prior to issuance of any CCUP, the Planning Commission will have to ensure that project complies with the required setbacks and whether any reduction is warranted under section 130.41.100(4)(C). Those considerations are not before the Planning Commission as part of the scoring process.*

**Attachments to Staff Memo:**

- Exhibit A ..... CCPA20-0013 Distance to Residence
- Exhibit B ..... AQMD Odor Evaluation and Scoring
- Exhibit C ..... Scoring Letter from Sheriff’s Office
- Exhibit D ..... October 9, 2020 Email from Brenden Ferry
- Exhibit E ..... October 14, 2020 Email from Brenden Ferry
- Exhibit F ..... October 15, 2020 Email from Brenden Ferry





PROJ21-0001 & PROJ21-0002 appeal of CCPA20-0011,  
CCPA20-0012, & CCPA20-0013  
Exhibit B

EDC AQMD Review for Meyers Cannabis Retail Stores Control Plans

**Embarc Meyers Retail Facilities  
CCPA20-0013**

APNS: 34671005, 34671006, 34671014  
**Location :** 3008 US HWY 50, Meyers, CA 96150  
**Distance to the closest residence:** 385 ft  
**Distance to the closest business:** 44 ft



Rank	5
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Odor Control Plan Items	Description
Product Packaging/Repackaging:	All products arrive at Embarc retail facilities fully processed in their final packaged form, there are virtually no odors.
Physical Building-Storage:	<ul style="list-style-type: none"> <li>- Reduction in doors to a single entry/exit point and no windows between common spaces and areas and inventory room.</li> <li>- Air Filtration and Negative Pressure, increase ventilation rate that will diminish the concentration of contaminants, air from the sales area will be filtered and exhausted to the outside</li> <li>- A sufficiently sized inventory room to allow for all (appropriately packaged and self-contained) product to be unpacked from the bulk boxes within the inventory room.</li> </ul>
Odor Control System:	<ul style="list-style-type: none"> <li>- Will be no conducting any cultivation, testing, packaging, extraction or distribution of cannabis and no noxious fumes or gases will be released.</li> <li>- CleanLeaf CL-2500-C10- Carbon Absorption Scrubber, Biofiltration and odor neutralization will be employed to mitigate any potential odor inside and outside the facility.</li> <li>- Embarc will verify the effectiveness of the air quality management system weekly by physically inspecting the instrument and verifying no odor, inspections findings will be logged in an odor control maintenance log.</li> </ul>
Odor Complaint Procedure:	Log complaints, within 30 min from receiving a complaint Embarc will investigate, identify the source, dispose the source in a secure and air-tight waste disposal, physical inspection to the odor control system and immediately place a fixing order if needed, communicate with the complainant and inform of the investigation, findings and resolution. Embarc will modify the odor management plan with 30 days if needed.
County's ordinance Odor Compliance Plan: <sup>1</sup>	If the odor from a commercial cannabis activity violates this requirement, Embarc will reduce the odor below the seven DT one hour at property line threshold within the time required by the County and will

<sup>1</sup> 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").

**Meyer's Retail Cannabis  
CCPA20-0012**

APNS: 34342011  
**Location :** 3025 US HWY 50, Meyers, CA 96150  
**Distance to the closest residence:** 330 ft  
**Distance to the closest business:** 422 ft



Rank	3
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Odor Control Plan Items	Description
Product Packaging/Repackaging:	Packaging details are not addressed.
Physical Building-Storage:	<ul style="list-style-type: none"> <li>- Purpose-built inventory vault within a limited access of a facility and no windows at the inventory room.</li> <li>- Air Filtration and Negative Pressure, no specific details except it will be based on industry specific best control technologies. .</li> </ul>
Odor Control System:	<ul style="list-style-type: none"> <li>- "Carbon filtration" will be employed to mitigate any potential odor inside the facility - no specific description.</li> <li>- Meyer's retail Cannabis will verify the effectiveness of the air quality management system by conducting regular maintenance and training (frequency is not specified), logs will be kept.</li> </ul>
Odor Complaint Procedure:	No specific details except addressing that when odor is received, actions will be taken by the business and responses o the complaint.
County's ordinance Odor Compliance Plan: <sup>1</sup>	Dispensary manager will conduct at least once every 30 days or when notified of a potential odor, perform two odor measurements using olfactometer at the property line nearest to occupied neighboring parcel, and at down wind edge of the property line.

<sup>1</sup> 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").

apart within a one hour period ("seven DT one hour").

**Tahoe Honey Company**

**CCPA20-0011**

APNS: 34323010

**Location :** 3160 US HWY 50, South Lake Tahoe, CA 96150

**Distance to the closest residence:** 267 ft

**Distance to the closest business:** 17 ft



Rank	4
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Odor Control Plan Items	Description
Product Packaging/Repackaging:	Not all products are sealed or fully packaged, packaging and processing will be conducted at the facility which increases potential sources of odor, the products that are not processed are stored in sealed non-porous plastic bags, glass jars or air tight containers.
Physical Building-Storage:	- Doors to each storage room will be closed except for transferring time. Windows will not be used for routine ventilation. - Air Filtration and Negative Pressure, the restaurant existing 2007 CaptiveAire kitchen ventilation system will be upgraded.
Odor Control System:	- Carbon - filtered fans will be employed to mitigate any potential odor inside, CleanLeaf CL-2500-C10 -Carbon Absorption Scrubber - Tahoe Honey Company will verify the effectiveness of the air quality management system by conducting regular maintenance and training by specified assigned personnel and frequency, logs will be kept.
Odor Complaint Procedure:	Log complaints and immediately reported to the assigned manager, will investigate, identify the source and physical inspection to the odor control system and immediately place a corrective action if needed, findings and resolution will be logged.
County's ordinance Odor Compliance Plan: <sup>1</sup>	If the odor from a commercial cannabis activity violates this requirement, odors will be reported and corrected.

<sup>1</sup>) 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").



## Exhibit C



JOHN D'AGOSTINI

SHERIFF - CORONER - PUBLIC ADMINISTRATOR  
COUNTY OF EL DORADO  
STATE OF CALIFORNIA

To: **Chris Perry**  
**Assistant Director, Planning and Building Department**  
**County of El Dorado**  
**Planning and Building Department**  
**2850 Fairlane Court**  
**Placerville, CA 95667**

This letter is to document my findings regarding the Meyers Commercial Cannabis Retail Selection & Award Procedures' scoring. EDC Planning Department is requesting the Commercial Cannabis Meyers pre-applications be reviewed and given a score which includes the below scoring criteria as posted on EDC Planning Services Webpage. **(Minus Criminal History – Background portion)**

- **Security Plan** – review and scoring of the business security plan.
- **Theft Prevention** – review and scoring of the theft prevention plan.

### Security Plan

1. **County Number CCPA20-0011, Tahoe Honey Company.**
2. **County Number CCPA20-0012, 20200628 420-0001 LLC, Charles Boldwyn.**
3. **County Number CCPA20-0013, Embarc Meyers.**

I will be scoring the applicant's Security Plan using El Dorado County's Planning Department's provided scoring formula: **(See Exhibit Number 2)**

1. **A score of 1 barely meets the minimum standards to be considered complete.**
2. **A score of 2 marginally goes beyond minimum standards.**
3. **A score of 3 exceeds minimum standards but is still an average plan.**
4. **A score of 4 is greater than average but less than the best plan.**
5. **A score of 5 is the best possible submittal.**

Headquarters • 200 Industrial Drive • Placerville, CA 95667 • 530-621-5655 • Fax 530-626-8163  
Jail Division • 300 Forni Road • Placerville, CA 95667 • 530-621-6000 • Fax 530-626-9472  
Tahoe Patrol • 1360 Johnson Blvd., Suite 100 • South Lake Tahoe, CA 96150 • 530-573-3000 • Fax 530-544-6809  
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While reviewing the applications, I observed that all three companies used Professional Security Consultants to provide their security and operational plans. All three plans were well written, and all met or exceeded the minimum requirements needed.

Although all three companies discuss transportation security:

Only County Number **CCPA20-0012 20200628 420-0001 LLC, Charles Boldwyn**. security plan included an enclosed loading zone. An enclosed loading area is a significant upgrade in safety, as items would not be transferred to and from vehicles within the public's view.

County Number **CCPA20-0011 (Tahoe Honey Company)** discusses some secured area to be locked before any loading or unloading of the product but does not list any location on their Site/Building Plan.

County Number **CCPA20-0013 (Embarc Meyers)** mentions a type of secured loading area but does not list any location on their Site/Building Plan.

Due to all three companies meeting or exceeding the security requirements, I will be using this area to rank the companies' security plans. As requested by the county, I will be using the above list scoring scale. **(See Exhibit Number 6)**

1. **The score of (5)-CCPA20-0012 20200628 420-0001 LLC, Charles Boldwyn.**
2. **The score of (4) CCPA20-0011, Tahoe Honey Company.**
3. **The score of (4) CCPA20-0013, Embarc Meyers.**

**Findings** - All three companies have professionally written security plans and similar locations. All three security plans meet the county's minimum requirement and exceed those requirements in certain areas. CPA20-0012 20200628 420-0001 LLC (Charles Boldwyn) received the score of (5) due to having a secured enclosed loading/unloading area out of the public's view and no public access.

## **Theft Prevention and Minor Access**

### **Scoring.**

I will be scoring each applicant's plan to prevent theft, access to cannabis and cannabis products by individuals under the age of 21(Unless they have a valid medical cannabis card):

1. **County Number CCPA20-0011, Tahoe Honey Company.**
2. **County Number CCPA20-0012, 20200628 420-0001 LLC Charles Boldwyn.**
3. **County Number CCPA20-0013, Embarc Meyers.**

I will be scoring the applicant's Theft Prevention Plan using El Dorado County's Planning Department's provided scoring formula: **(See Exhibit Number 2)**

1. **A plan that barely meets the minimum standards to be considered complete for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 1.**
2. **A plan that marginally goes beyond minimum standards for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 2.**
3. **A plan that exceeds minimum standards but is still considered an average for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 3.**
4. **A plan that provides a greater than average but less than the optimal amount of detail for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 4.**
5. **A plan that provides the best possible detail for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 5.**

1. **County Number CCPA20-0011, Tahoe Honey Company.**
2. **County Number CCPA20-0012, 20200628 420-0001 LLC (Charles Boldwyn).**
3. **County Number CCPA20-0013, Embarc Meyers.**

Again, while reviewing the applications, all three companies used Professional Security Consultants to provide their security and operational plans. All three plans met or exceeded the minimum requirements needed. These plans all included theft prevention and restricted access, including the following:

1. No one can enter the buildings/store without a government photo ID.
2. No access to anyone under the age of 21, Except 18-20-year-old persons with a valid medical cannabis card.
3. Employee theft and robbery training.
4. Employee badges and keycards only allowing access into certain areas.
5. Security Personnel's Certificates and training requirements.

**Findings** – All three company's Security Plans covered Theft Prevention and a Minor's Access to cannabis products. All three plans met or exceeded county requirements. Charles Boldwyn scored the highest due to having an enclosed loading area, therefor having a better Theft Prevention Plan.

1. The Score of (5)-CCPA20-0012, 20200628 420-0001 LLC, Charles Boldwyn.
2. The Score of (4) CCPA20-0011, Tahoe Honey Company.
3. The Score of (4) CCPA20-0013, Embarc Meyers.

## **Scoring Recap.**

### **Security Plan**

1. The score of (5) CCPA20-0012, 20200628 420-0001 LLC, Charles Boldwyn.
2. The score of (4) CCPA20-0011, Tahoe Honey Company.
3. The score of (4) CCPA20-0013, Embarc Meyers.

### **Theft Prevention and Minor Access Scoring.**

1. Score of (5) CCPA20-0012, 20200628 420-0001 LLC, Charles Boldwyn.
2. Score of (4) CCPA20-0011, Tahoe Honey Company.
3. Score of (4) CCPA20-0013, Embarc Meyers.

### **Exhibits Numbers**

1. El Dorado County Ordinance 130.41.100 Pages 1-10
2. EDC's Website for Meyers Scoring Procedures.
6. Submitted Floor Plans from all three companies.

## Sec. 130.41.100 - Commercial Cannabis Activities Permitting and Enforcement.

1. Applicability.
  - A. The purpose of this Section is to provide for the permitting and enforcement procedures to regulate commercial cannabis activities that are independently authorized in a separate chapter. Nothing in this Section is intended to authorize any commercial cannabis activity.
  - B. While the ordinance from which this Section is derived was originally enacted by voters, the Board of Supervisors retains discretion to amend the ordinance in any way, including but not limited to all procedures provided herein, permit requirements, and penalties, without further voter approval.
2. Definitions. The terms and phrases in this Section, any County Code authorizing a commercial cannabis activity, and Chapter 3.22 (Taxation of Commercial Cannabis Activities) shall have the meaning ascribed below, unless the context in which they are used clearly suggests otherwise. For any term not defined, the definition shall be that given by the State in the most current cannabis statutes or regulations.

*Cannabis* means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination, or "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code. (Business and Professions Code Section 26001.)

*Cannabis business* means any person engaged in any commercial cannabis activity.

*Cannabis products* means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. (Health and Safety Code Section 11018.1; Revenue and Taxation Code Section 34010.)

*Canopy* means the designated area(s) at a licensed premises, calculated in square feet, that will contain mature plants at any point in time, as follows:



- (1) For indoor and mixed-light cultivation and nurseries, canopy shall be calculated in square feet and measured using the room boundaries, walls, or ceiling-to-floor partitions of each enclosed area that will contain mature plants at any point in time, including all of the space(s) within the boundaries. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- (2) For outdoor cultivation and nurseries, canopy shall be calculated in square feet and measured using physical boundaries of all area(s) that will contain mature plants at any point in time, including the space within the boundaries. Canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by a physical boundary, such as a fence, hedgerow, garden plot, or other stable, semipermanent structure that clearly demarcates the canopy edge.

*Child care center* means any licensed child care center, daycare center, childcare home, or preschool.

*Place of worship* means a structure or leased portion of a structure that is used primarily for religious worship and related religious activities.

*Commercial cannabis activity* includes any activity involving the propagating, cultivating, harvesting, processing, drying, curing, storing, trimming, manufacturing, packaging, labeling, transporting, delivering, possessing, distributing, or laboratory testing of cannabis or cannabis products for the sale, distribution, gifting, or donating to any other person regardless of whether the activity involves medicinal or adult recreational cannabis or cannabis products, is operated for profit, or is in compliance with State laws and regulations. "Commercial cannabis activity" does not include any activity expressly allowed under Business and Professions Code Section 26033, Health and Safety Code Section 11362.1, and County Code Title 130, Article 9, Section 130.14.260 (Outdoor Medical Cannabis Cultivation for Personal Use) or the transportation of cannabis or cannabis products through the County without delivery within the County on public roads by a transporter licensed under State law.

*Commercial Cannabis Activities Tax* means the tax due under this article for engaging in the commercial cannabis activities in the unincorporated area of the County.

*Commercial cannabis operation* includes all of the commercial cannabis activities performed at a premises by one person as a single operation regardless of the number of individual permits or State licenses required and regardless of whether the activity involves medicinal or adult recreational cannabis or cannabis products.

*Cultivation* or *cultivating* means the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of one or more cannabis plants or any part thereof.

*Delivery* means the commercial transfer of cannabis or cannabis products to a customer and includes the use by a retailer of any technology platform. (California Business and Professions Code Section 26001.)

*Distribution* means the procurement, sale, and transport of cannabis and cannabis products between licensed cannabis businesses, but not the direct sale or transport to the general public.

*Distributor* means a person engaged in the distribution of cannabis and/or cannabis products between cannabis businesses.

*Dried flower* means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

*Flowering* means that a cannabis plant has formed a mass of pistils measuring greater than one half inch wide at its widest point.

*Gross receipts* shall have the same meaning as set forth in California Revenue and Taxation Code Section 6012.

*Immature plant* or *immature* means a cannabis plant that has a first true leaf measuring greater than one half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one half inch wide at its widest point (if vegetatively propagated), but which is not flowering.

*Indoor cultivation* means the cultivation of cannabis within a permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above 25 watts per square foot.

*Infusion* means a process by which cannabis, cannabinoids, or cannabis concentrations are directly incorporated into a product formulation to produce a cannabis product.

*Legal parcel* means any parcel of real property that may be separately sold in compliance with the Subdivision Map Act (Division 2 (commencing with Government Code Section 66410) of Title 7 of the Government Code).

*Manufacture* means all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis, cannabis products, or other components and ingredients that is performed pursuant to a license issued by the California Department of Public Health's Manufactured Cannabis Safety Branch.

*Mature plant* means a cannabis plant that is flowering.

*Medical or medicinal cannabis* means cannabis grown for personal medicinal use by a qualified patient as defined in Health and Safety Code Section 11362.7 or a person with a valid cannabis identification card issued under Health and Safety Code Section 11362.71.

*Mixed-light cultivation* means the cultivation of mature cannabis in a greenhouse, hoop-house, glass house, conservatory, hothouse, or other similar structure using a combination of natural light or light deprivation and artificial lighting at a rate of six watts per square foot or less.

*Nursery* means all activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

*Organic certification standards* means the organic certification adopted by the California Department of Food and Agriculture for cannabis pursuant to Business and Professions Code Section 26062.

*Outdoor cultivation* means cultivation activities that are not conducted within a fully enclosed, permitted building, constructed of solid materials, accessible only through one or more locking doors.

*Owner* means any person that constitute an "owner" under the regulations promulgated by the Bureau of Cannabis Control and (1) a person with any ownership interest, however small, in the person applying for a permit, unless the interest is solely a security, lien, or encumbrance; (2) the chief executive officer of a nonprofit or other entity; (3) a member of the board of directors of a nonprofit entity; (4) a person who will be participating in the direction, control, or management of the person applying for a permit, including but not limited to a general partner of a partnership, a non-member manager or managing member of a limited liability company, and an

officer or director of a corporation; or (5) a person who will share in any amount of the profits of the person applying for a permit or has a financial interest, as defined by the regulations promulgated by the Bureau of Cannabis Control, in the person applying for the permit.

*Person* means any individual, firm, partnership, joint venture, association, corporation, limited liability company, cooperative, collective, organization, entity, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether as principal, agent, employee, or otherwise, and the plural as well as the singular.

*Premises* means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels may be counted as a single "premises."

*Process or processing* means all cannabis business activities associated with drying, curing, grading, trimming, storing, packaging, and labeling of raw cannabis, or any part thereof, for transport.

*Processor* means a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products.

*Propagate or propagation* means to cultivate immature plants from cannabis plant cuttings or seeds.

*Retail sale, sell, and to sell* means any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a cannabis permittee to the cannabis permittee from whom the cannabis or cannabis product was purchased.

*School* means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but does not include a home school or vocational or professional institution of higher education, including a community or junior college, college, or university.

*School bus stop* means any location designated in accordance with California Code of Regulations, Title 13, Section 1238, to receive school buses, as defined in Vehicle Code Section 233, or school pupil activity buses, as defined in Vehicle Code Section 546. *Testing laboratory or laboratory* means a laboratory, facility, or entity in California that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

*Transport or transportation* means the transfer of cannabis from the licensed cannabis business site of one State commercial cannabis licensee to the State licensed cannabis business site of another State commercial cannabis licensee for the purposes of conducting cannabis business activities as authorized pursuant to California Business and Professions Code Section 26000 et seq.

*Treasurer-Tax Collector* means the Treasurer-Tax Collector of the County of El Dorado, his or her deputies, unless another County officer or employee is assigned by resolution of the Board of Supervisors, to perform all or a portion of the duties as listed herein, in which case, the Treasurer-Tax Collector shall be interpreted as the person defined in the resolution.

*Watts per square foot* means the sum of the maximum wattage of all lights identified in the designated canopy area(s) in the cultivation plan divided by the square feet of designated canopy area(s) identified in the cultivation plan.

*Youth-oriented facility* means any facility that caters to or provides services primarily intended for minors.

3. Permits Required. No person shall engage in any commercial cannabis activity in the unincorporated areas of the County without a valid Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit.
4. Commercial Cannabis Use Permit.
  - A. 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.
  - B.

*Notice to Interested Parties, Cities, and Counties.* Prior to the hearing before the Planning Commission, notice of the application shall be provided pursuant to Section 130.04.015. If a commercial cannabis activity is proposed within a one-half mile radius of an incorporated city or county, notice of and an opportunity to comment on the application for the Commercial Cannabis Use Permit shall be provided to the applicable city or county before the permit is considered by the Planning Commission.

- C. No Commercial Cannabis Use Permit may be granted unless the applicant demonstrates compliance with all standards in the County Code and State law and regulations for the particular commercial cannabis activity. 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.
- D. Issuance of a Commercial Cannabis Use Permit under this Chapter is a discretionary act requiring compliance with the California Environmental Quality Act ("CEQA") and the applicant shall comply with Article 5, Section 130.51.030 (Environmental Review). The applicant shall be responsible for all costs associated with CEQA compliance, including but not limited to environmental analysis and studies, preparation of the appropriate CEQA document, and all County staff time, including attorney time, spent reviewing and pursuing final adoption of the appropriate environmental document.
- E. Pursuant to Article 5, Section 130.51.020 (Application Forms, Submittal Process, and Fees), application fees adopted by resolution of the Board of Supervisors shall be paid upon application submittal. Additional fees may be required subject to the provisions of the adopted fee schedule, such as for "time and material" fee categories.
- F. An application for a Commercial Cannabis Use Permit shall be submitted in accordance with Article 5, Section 130.51.020 (Application Forms, Submittal Process, and Fees) and, in addition to any information requested by the Planning and Building Department, shall include:
  - 1.

The name, contact address, and phone number of the applicant and all owners, as defined above, and spouses or registered domestic partners of owners, all documents providing for the establishing and ownership and control of the applicant, including but not limited to operational agreements, bylaws, stock agreements, and any other documents demonstrating the ownership interest of each owner and any other funding sources for the applicant.

2. Consent to a background check of all owners, spouses of owners, and the Designated Local Contact, including providing the information necessary for performing the background check and fingerprinting. The Sheriff's Office has the discretion to waive a fingerprinting if the individual owns five percent or less of the business.
3. If the applicant is not the record title owner of the parcel, written consent of the owner of the parcel with original signature and notary acknowledgement. The written consent must be notarized within 30 days of the date that the application is submitted with the County.
4. Name and contact information for the Designated Local Contact.
5. Site plan showing the entire parcel, including any easements, streams, springs, ponds, and other surface water features and the location and area for cultivation on the parcel with dimensions of the area for cultivation and setbacks from property lines, if applicable. The site plan shall also include all areas of ground disturbance or surface water disturbance associated with cultivation activities, if applicable, and identify any areas where cannabis will be stored, handled, or displayed.
6. Detailed explanation of how the applicant will prevent theft and access to cannabis and cannabis products by individuals under the age of 21 unless the individual has a valid medical cannabis card and is lawfully purchasing medicinal cannabis from a licensed retailer.
7. Proof that the operations will comply with all of the County regulations and standards in the County Code for the particular commercial cannabis activity and any other applicable County regulations and standards, including but not limited to Title 130, Chapter 130.36 (Signs).
- 8.



Proof that the operations will comply with all State standards and regulations by all State agencies with jurisdiction over the particular commercial cannabis activity, including submission of a copy of all documents and exhibits that are required for a State license.

9. An operating plan demonstrating proper protocols and procedures that address enforcement priorities for cannabis activities, including ensuring that cannabis and cannabis products are obtained from and supplied only to other permitted licensed sources within the State and not distributed out of State.
10. If applicable, description of how the applicant will meet and maintain organic certification standards or the substantial equivalent or, if pesticides and fertilizers are used, a list of all pesticides and fertilizers that may be used.
11. If applicable, written acknowledgement that the County reserves the right to reduce the size of the area allowed for cultivation under any permit issued in the event that environmental conditions, such as a sustained drought or non-compliant odor, merit a reduction in the cultivation size.
12. Complete copy of the State license application, including all exhibits, diagrams, and attachments, along with a certification under penalty of perjury that the copy provided is accurate and that the County will be notified in writing immediately if any information provided to the State differs from what was provided to the County.
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.
14. Detailed diagrams of the premises, including any buildings, structures,



fences, gates, parking, lighting, and signage.

15. Certification of the accuracy of the information submitted and agreement to comply with all conditions of the permit.
- G. 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.
  - 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.
  - I. At a minimum, a Commercial Cannabis Use Permit shall include:
    1. The name of all owners.
    2. The single commercial cannabis activity authorized in the permit, including any site specific restrictions or conditions of approval under Section 130.51.060 (Conditions of Approval).
    3. If applicable, statement that the County reserves the right to reduce the size of the area allowed for cultivation under any permit issued in the event that environmental conditions, such as a sustained drought or non-compliant odor, merit a reduction in the cultivation size.
    4. Condition of approval that 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

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[Home](#) > [Government](#) > [Planning Services](#)

[Cannabis Home Page](#)

[Policy](#)

[Commercial Information](#)

[Regulatory History](#)

[Contact Us / Complaint](#)

[Commercial Cannabis Tax](#)

[Retail Applications](#)

[Personal Cultivation](#)

[Meyers Retail Applications](#)

[Cannabis Enforcement Violations & Appeal Hearings](#)

## Meyers Commercial Cannabis Retail Selection & Award Procedures – Merit Based Review & Scoring

The following are procedures for submitting application materials and for scoring and selecting a candidate to go through the conditional use permit (CUP) process for the one (1) available commercial cannabis retail license in Meyers, CA. There is a cap of one (1) commercial cannabis retail storefront in Meyers based on the El Dorado County Board of Supervisors' May 12, 2020 amendments to County Code Section 130.41.300 - Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis.

Applicants must submit a completed [Commercial Cannabis Retail Pre-Application form](#), a [Supplemental Submittal Information for Commercial Cannabis Retailer form](#) and a [Security Plan and Background Check form](#) along with the Pre-Application payment of \$1,558 by 5:00 PM, June 30, 2020. Applicants must email [brendan.ferry@edcgov.us](mailto:brendan.ferry@edcgov.us) to schedule an appointment to drop off the application materials at 924 B Emerald Bay Road, South Lake Tahoe, CA 96150 prior to that date. The Pre-Application fee is non-refundable.

Pre-Applications that are not deemed complete during the review period will be provided one 5 business day window for corrections to be made and may be resubmitted.

Pre-Applications will be reviewed by County staff with expertise in the corresponding fields and numerically scored by a multi-departmental, blind panel based on the following equally-rated criteria:

- Distance to a Residence
- Security Plan
- Odor Control Plan
- Background Check
- Plan to prevent theft and access to cannabis and cannabis products by individuals under the age of 21 unless they have a valid medical cannabis card

On a spectrum from 1 to 5, with 1 being the lowest score and 5 being the highest score, applications will be scored in each of the above criteria areas based on their completeness, thoughtfulness, creativity, and ability to meet and/or exceed the standards outlined in the County's application forms. The scores from the five criteria above will then be added together and the applicant that receives the maximum score out of a possible 25 points will be selected to submit a full application for the commercial cannabis retail location in Meyers. A ranked list of applicants based upon total scores will be established. In the event of a tie, the applicant able to proceed will be selected by a lottery drawing. There is no appeal to the lottery drawing.

**The scoring criteria are generally described as follows:**

1. A score of 1 barely meets the minimum standards to be considered complete
2. A score of 2 marginally goes beyond minimum standards
3. A score of 3 exceeds minimum standards but is still an average plan
4. A score of 4 is greater than average but less than the best plan
5. A score of 5 is the best possible submittal

The following explains the specific scoring criteria for each criterion:

## Distance to a Residence

1. A location that is directly adjacent to a Residence will be given a score of 1.
2. A location that is between 1 and 100 feet from a Residence will be given a score of 2.
3. A location that is between 101 and 200 feet from a Residence will be given a score of 3.
4. A location that is between 201 and 300 feet from a Residence will be given a score of 4.
5. A location that is greater than 301 feet from a Residence will be given a score of 5.

**Note** – the measurement will be taken from the closest property line to the closest property line of the two parcels.

## Security Plan

1. A security plan that barely meets the minimum standards to be considered complete for the property's security will be given a score of 1.
2. A security plan that marginally goes beyond minimum standards for the property security will be given a score of 2.
3. A security plan that exceeds minimum standards but is still considered an average security plan for the subject property and for surrounding properties will be given a score of 3.
4. A security plan that provides a greater than average but less than the optimal amount of security both at the property and for surrounding properties will be given a score of 4.
5. A security plan that provides the best possible security both at the property and for surrounding properties will be given a score of 5.

## Odor Control Plan

1. An odor control plan that barely meets the minimum standards to be considered complete to control odor at the site and does not address odor control between properties will be given a score of 1.
2. An odor control plan that marginally goes beyond minimum standards to control odor both at the property and between surrounding properties will be given a score of 2.
3. An odor control plan that exceeds minimum standards but is still considered an average odor control plan to control and limit odor at the subject property and between surrounding properties will be given a score of 3.
4. An odor control plan that provides a greater than average but less than the optimal amount of odor control both at the property and between surrounding properties will be given a score of 4.
5. An odor control plan that provides the best possible odor control both at the property and between surrounding properties will be given a score of 5.

## Background Check

1. An applicant with a total of three or more relevant infractions or misdemeanors or one felony conviction on the background checks for all owners will be given a score of 1.
2. An applicant with two relevant infractions or misdemeanors on the background checks for all owners will be given a score of 2.
3. An applicant with one relevant misdemeanor on the background checks for all owners will be given a score of 3.

4. An applicant with one infraction on the background checks for all owners will be given a score of 4.
5. An applicant with an absolutely clean background check for all owners will be given a score of 5.

For purposes of a commercial cannabis application, a relevant infraction, misdemeanor, or felony is one that the Sheriff's Office determines "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".

**Note** – An additional fee may be required for the background check. Further, as part of the full application process there will be a more in-depth background check process.

***Plan to prevent theft and access to cannabis and cannabis products by individuals under the age of 21 unless they have a valid medical cannabis card***

1. A plan that barely meets the minimum standards to be considered complete for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 1.
2. A plan that marginally goes beyond minimum standards for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 2.
3. A plan that exceeds minimum standards but is still considered an average for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 3.
4. A plan that provides a greater than average but less than the optimal amount of detail for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 4.
5. A plan that provides the best possible detail for preventing theft and access to cannabis products by individuals under the age of 21 will be given a score of 5.

The County will post the ranked scores list and will notify applicants of their standing no later than October 1st, 2020.

The selected applicant must submit a full Commercial Cannabis Retail Application and the associated application fee within 5 business days of being notified of their selection.

If the selected applicant fails to submit a complete Application and applicable payment within 5 business days of being notified, that applicant will be disqualified and the applicant that scored second will be given the opportunity to submit a full application and payment within 5 business days of notification.

After the full application has been deemed complete by the County, the applicant will follow the outlined Conditional Use Permit process .

In the event that no qualified applicants are selected during the first 30-day submittal period, a second 30-day application submittal window will be opened by the County that follows the same process.

**Appeals** – any applicant that submitted a timely and complete pre-application may file a written appeal to the El Dorado County Planning Commission to challenge the scoring decision made by the Planning & Building Department within 10 business days of the notification of scoring results. The burden of establishing by satisfactory factual proof the applicability and elements of a challenge to the application process or decision shall be on the applicant. The applicant must submit full information in support of their appeal. Failure to raise each and every issue that is contested in the written appeal and provide appropriate support evidence will be grounds to deny the appeal and will also preclude the applicant from raising such issues in court. Failure to file a timely appeal shall constitute a failure to exhaust administrative remedies that shall preclude such person from challenging the application process or decision in court.

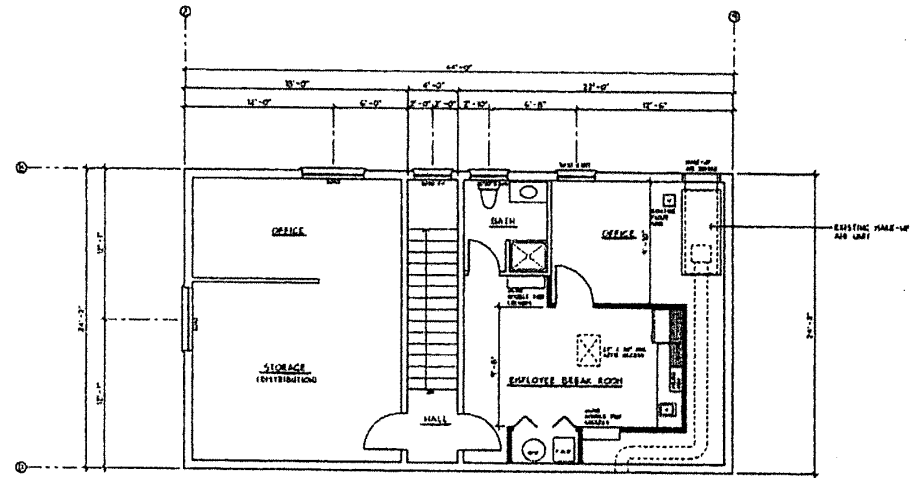


**APPLICANT INFORMATION**

TAHOE HONEY COMPANY  
 11400 DENVER PARK BLVD  
 STE. 101 #305  
 TRUCKEE, CA 96161  
 (531) 586-6160 (MAIN)  
 (531) 586-6000 (FAX)  
 TARRANT@TAHOEHONEY.COM

**PROPERTY OWNER'S INFORMATION**

DESBET REALTY MANAGEMENT, LLC  
 3140 N.W. 17TH RD  
 SUITE 1000  
 BOCA RATON, FL 33433  
 (561) 374-3273 (F)

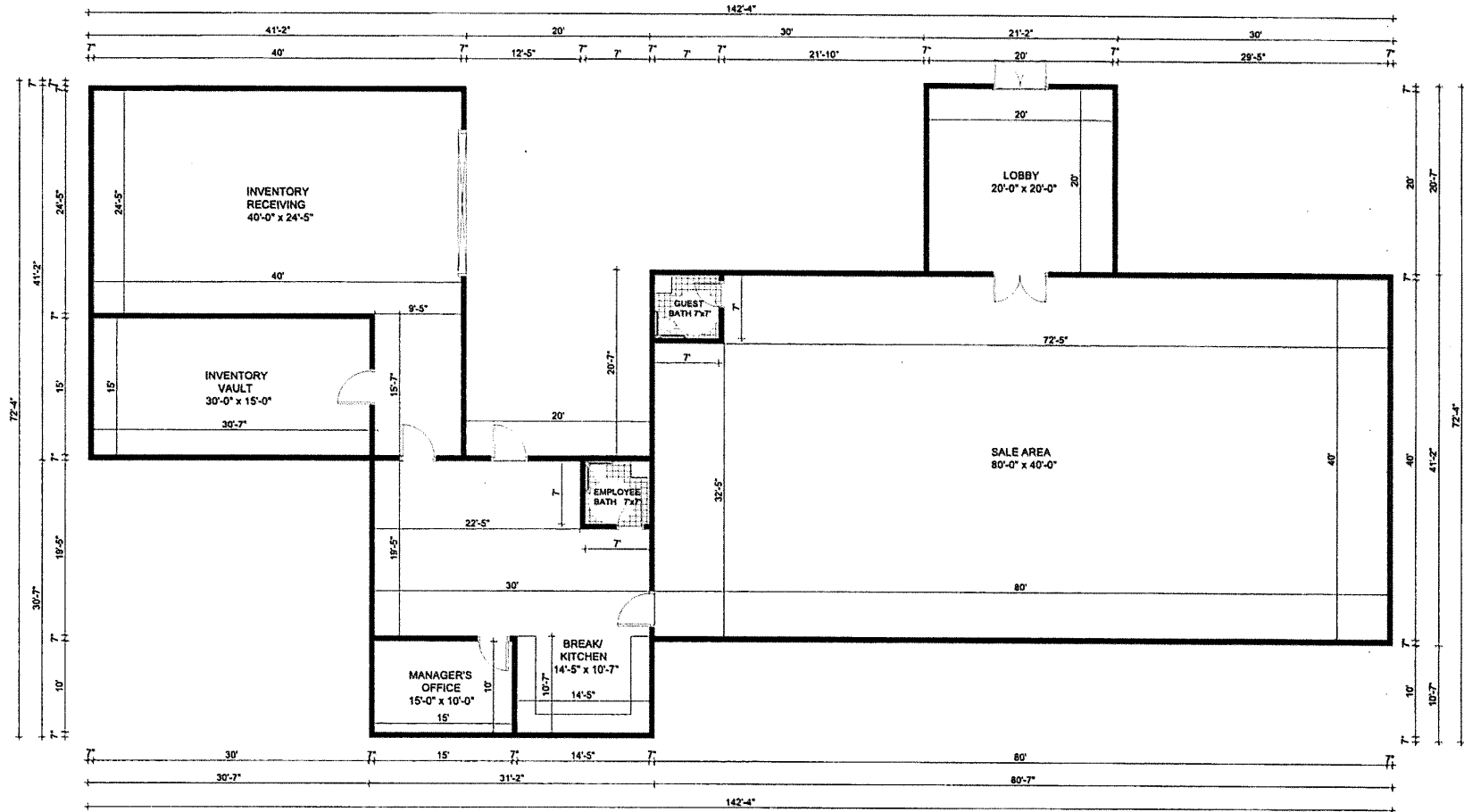


**UPPER FLOOR PLAN**  
 UPPER FLOOR AREA = 663 SF



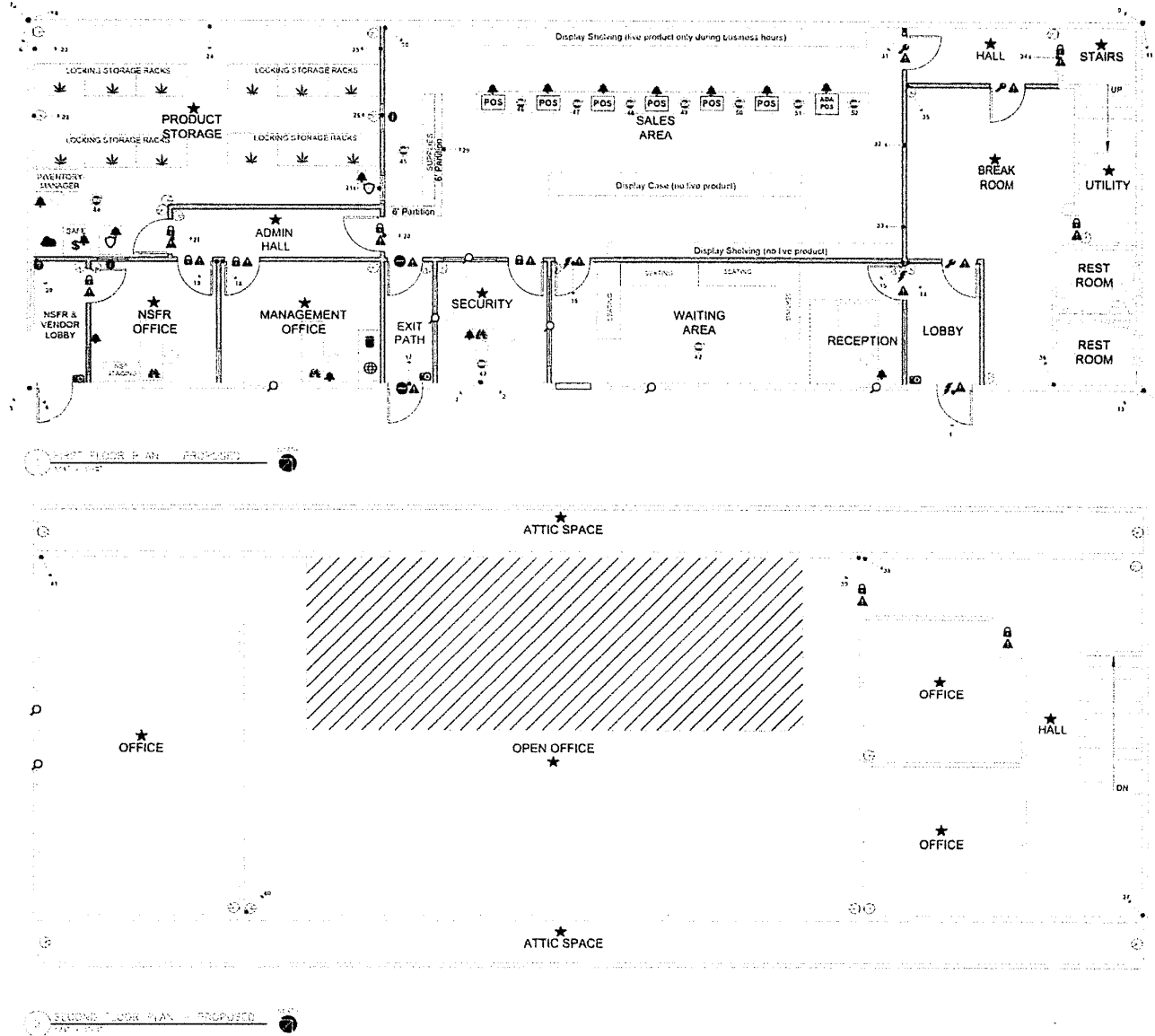
- LEGEND**
- EXISTING PARTITIONS
  - PROPOSED PARTITIONS
  - PARTITIONS TO BE REMOVED

<p>REVISIONS</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>											<p>DENNIS DODDS &amp; ASSOCIATES, INC.                  CIVIL ENGINEERING DESIGN CONSULTANTS                  2000 MARKET VALLEY ROAD, SUITE B                  TRUCKEE, CA 96161-8900</p>
<p>TAHOE HONEY COMPANY                  LOT 7, TAHOE PARADISE UNIT NO. 7A                  2800 W. HWY 89                  TRUCKEE, CA 96161-8900                  APN: 024-023-020-000</p>	<p>DATE: 06/21/2020                  SCALE: 1/8" = 1'-0"                  DRAWN: JEV                  JOB: TAHOE HONEY CO                  SHEET: A2</p>										



# FLOOR PLAN

AREA FOR PUBLIC     AREA FOR EMPLOYEE ONLY



**Carroll Security Consulting LLC**  
 1000 S. Industrial Parkway  
 Suite 100  
 Carson City, NV 89401  
 (775) 886-1111

**Services:**

- Security Planning
- Physical Security
- Security System Design
- Surveillance System Design
- Access Control System Design
- Emergency Response Planning
- Crime Prevention Through Environmental Design

**Matt Carroll**  
 Project Manager  
 (775) 886-1111

**Legend:**

- Management Job required
- Employee/Role Job required
- Maglock release by staff required (or staff job) for inbound, no outbound restrictions.
- Maglock released by button press (outbound only)
- Alarm, Contact Point
- Alarm, Motion Detector
- Alarm, Silent/Robbery Trigger
- Alarm, Panel (covered/boxed)
- Fixed, Wide Angle Camera, #1-41
- Overhead / 360Deg. Camera # 42-52
- Viewing Area (All Cameras)
- DVR, Archives, Access Controller, Alarm Controller (locking rack)
- Display (Adjacent Exterior Views)
- Limited Access Area
- Secure Currency Storage (UL Rated Sales)
- Secure Product Storage (Locking Metal, Mounted Cabinets)
- Secure Records Storage (Locking, metal file cabinet)
- Secure Cannabis Waste (Locking metal refuse bin)
- Intrusion Resistant Window (Natural Surveillance)
- Pass Thru, Service Window
- Drop Safe



# Exhibit D



Breann Moebius <breann.moebius@edcgov.us>

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## Alternate Background Check Process - Meyers Commercial Retail Cannabis Location

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**Brendan Ferry** <brendan.ferry@edcgov.us>  
To: Brendan Ferry <brendan.ferry@edcgov.us>  
Bcc: breann.moebius@edcgov.us

Fri, Oct 9, 2020 at 11:13 AM

Dear Meyers Pre-Applicant,

As you are aware, the County is not yet able to complete the Background Check process through our Sheriff's Office in order to finish scoring pre-applications for the commercial retail cannabis location in Meyers. Therefore, the County is asking pre-applicants to self-report and disclose all relevant criminal history by listing offenses for all "owners" that will be part of the business. Please note that an actual livescan will be conducted at the application stage and failure to accurately disclose relevant criminal history will be considered during the permitting process. If you have any question as to your criminal history, you can obtain a copy of your criminal history information as a Personal Record Review directly from the California Department of Justice at <https://oag.ca.gov/fingerprints/record-review> and the Federal Bureau of Investigation at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>. **Please do not provide a copy of either of these reports to the County as the County is not legally able to consider your Personal Record Review.**

The scoring process requires disclosure of "relevant" infractions, misdemeanors, and felonies of all "owners." For purposes of a commercial cannabis application, a "relevant" infraction, misdemeanor, or felony is one that the Sheriff's Office determines "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." Because the Sheriff's Office determines what is a relevant infraction, misdemeanor, or felony, you should report any and all infractions, misdemeanors, or felonies in your record so the Sheriff's Office may determine whether it is relevant. Failure to disclose an infraction, misdemeanor, or felony because you do not believe it is relevant will be considered a failure to accurately disclose your relevant criminal history. If you are unsure whether something in your record constitutes an infraction, misdemeanor, or felony, please disclose as much information as you have, including the charge and resolution of the charge, including any fines or jail time imposed.

Under the County Code, an "owner" is defined as "any person that constitute an 'owner' under the regulations promulgated by the Bureau of Cannabis Control and (1) a person with any ownership interest, however small, in the person applying for a permit, unless the interest is solely a security, lien, or encumbrance; (2) the chief executive officer of a nonprofit or other entity; (3) a member of the board of directors of a nonprofit entity; (4) a person who will be participating in the direction, control, or management of the person applying for a permit, including but not limited to a general partner of a partnership, a non-member manager or managing member of a limited liability company, and an officer or director of a corporation; or (5) a person who will share in any amount of the profits of the person applying for a permit or has a financial interest, as defined by the regulations promulgated by the Bureau of Cannabis Control, in the person applying for the permit." If your application is scored first and it is later determined during permitting that you did not accurately disclose the relevant criminal history of all "owners" for your business, the scores will be recalculated and your application will be disqualified if you no longer score first with all "owners" included. Similarly, if the "owners" of your business change from the owners identified for pre-application scoring, your application will be rescored at the time of permitting and the scores will be recalculated and your application will be disqualified if you no longer score first.

**Please provide the requested information no later than Friday October 16th via email to Deputy Steven Casper at [caspers@edso.org](mailto:caspers@edso.org).** If you are unable to obtain your Personal Record Review by October 16 and need to do so, please let me know before October 16 and the deadline will be extended until you have obtained this record for your own use. As soon as all pre-applicant information is received, the County will complete the scoring process and notify applicants of their standings.

Thank you very much for providing this additional information.

**Brendan Ferry**  
Deputy Director  
Tahoe Planning & Stormwater Division

**El Dorado County**  
Planning & Building Department  
924 B Emerald Bay Rd.  
South Lake Tahoe, CA 96150  
(530) 573-7905  
[brendan.ferry@edcgov.us](mailto:brendan.ferry@edcgov.us)

# Exhibit E



Breann Moebius <breann.moebius@edcgov.us>

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## Alternate Background Check Process - Meyers Commercial Retail Cannabis Location

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**Brendan Ferry** <brendan.ferry@edcgov.us>

Wed, Oct 14, 2020 at 1:50 PM

To: Brendan Ferry <brendan.ferry@edcgov.us>

Cc: Tahoe Honey Co <tahoehoneyco@gmail.com>, Embarc Meyers <embarcmeyers@gmail.com>, Charles Boldwyn <cboldwyn@gmail.com>, Tiffany Schmid <tiffany.schmid@edcgov.us>, Breann Moebius <breann.moebius@edcgov.us>, Aaron Mount <aaron.mount@edcgov.us>, Steven Casper <caspers@edso.org>

Dear Meyers Pre-Applicant,

I apologize for any confusion on my request for information for a background check as much of that information was already requested on the Sheriff's Office's Cannabis Business License Permit and Background Application form that was included in your original submission. While those forms provide much of the information, they were intended to supplement the background check performed through Live Scan. As you are aware, the Cannabis Business License Permit and Background Application inquired whether each owner has been convicted of an infraction, misdemeanor, or felony, but did not inquire about the number of each of those offenses. For scoring, the number is relevant. The Cannabis Business License Permit and Background Application form also only requested information for the past seven years for infractions and misdemeanors, but the scoring criteria is not limited to seven years. We also want to give all applicants the opportunity to confirm the information disclosed since the Live Scan is not yet available for the Sheriff's Office to confirm that information and even an erroneous omission at this stage may now result in disqualification. We thus ask that you submit the information as originally requested so that we can complete the scoring based on the number of each offense.

Thank you again for your time.

**Brendan Ferry**  
Deputy Director  
Tahoe Planning & Stormwater Division

**El Dorado County**  
Planning & Building Department  
924 B Emerald Bay Rd.  
South Lake Tahoe, CA 96150  
(530) 573-7905  
brendan.ferry@edcgov.us

On Fri, Oct 9, 2020 at 11:13 AM Brendan Ferry <brendan.ferry@edcgov.us> wrote:  
[Quoted text hidden]

# Exhibit F



Breann Moebius <breann.moebius@edcgov.us>

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## Alternate Background Check Process - Meyers Commercial Retail Cannabis Location

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**Brendan Ferry** <brendan.ferry@edcgov.us>  
To: Brendan Ferry <brendan.ferry@edcgov.us>  
Bcc: breann.moebius@edcgov.us

Thu, Oct 15, 2020 at 2:44 PM

Hello Meyers Pre-Applicant,

I received additional questions about why the self-disclosure is requested in addition to that in the pre-application materials. At the time of pre-application, we anticipated the Sheriff's Office would have Live Scan access to complete the background check and score the applications based on the criteria disclosed. As you know, this is not currently available.

We are asking for self-disclosure so the scoring can be completed and ask that you complete the self-disclosure as I have already described. While much of this information was included in the Sheriff's Office's Cannabis Business License Permit and Background Application form, the form did not seek all infractions and misdemeanors because it only asked for the past seven years. Also the "yes" or "no" format of the form did not expressly request that you list the number of each infraction, misdemeanor, and felony. While you may have included this information in the Cannabis Business License Permit and Background Application form, I have recused myself from reviewing or scoring the application materials, so I cannot review the forms to check. If your Cannabis Business License Permit and Background Application form included all infractions, misdemeanors, and felonies for each owner, including those more than seven years old and the number of each, you can let me know and I will ask the Sheriff's Office to score your application based on that information.

Thank you for your patience while we strive to move the scoring process forward while ensuring a fair procedure that adheres to the scoring criteria as originally disclosed.

[Quoted text hidden]

[Quoted text hidden]