

CONDITIONS OF APPROVAL

Commercial Cannabis Use Permit CCUP21-0002/Harde Planning Commission/January 25, 2024

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

Exhibit JSecurity 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 proposed project would include the cultivation of 68,000 square feet of mature outdoor cannabis canopy grown in four (4) areas and transportation-only distribution. Construction of the proposed project would occur in two (2) phases: Phase I and Phase II. Phase I would include the installation of Area A-1 which includes 43,000 square feet of outdoor cannabis canopy grown north of the existing vineyards. Phase II would include the installation of Area B-1 which includes 10,000 square feet of outdoor cannabis canopy, Area B-2 which includes 10,000 square feet of outdoor cannabis canopy, and Area B-3 which includes 5,000 square feet of outdoor cannabis canopy. The total cannabis canopy in Phase I would be 43,000 square feet and the total cannabis canopy in Phase II would be 25,000 square feet. Construction of Phase I would occur immediately upon project approval and upon acquisition of the required permits from the County and State and would take approximately three (3) months to complete. Construction of Phase II is anticipated to be implemented between two (2) to four (4) years after project approval.

Planning Services Division

2. **Permit Implementation:** In compliance with County Code Section 130.54.060, implementation of the project must occur within 24 months of approval of this CCUP or the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the Conditions of Approval.

3. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each Condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to initiation of cultivation for verification of compliance with applicable Conditions of Approval.
4. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Department processing fees for the CCUP and building permit prior to initiation of cultivation.
5. **Heritage Resources:** In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
6. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

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

7. **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 (CCAOP).

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.

8. **Change in Ownership:** In the event of any change of ownership of the subject parcels, change in the operator, or any change in business ownership, it is the responsibility of the future owners or operators to ensure all changes are consistent with this CCUP, CCAOP, 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).”
9. **Track and Trace:** All state licensees associated with operations on the project parcels shall provide read only access to the California Cannabis Track and Trace (CCTT) system to track the movement of cannabis and cannabis products through the supply chain. Access shall be provided when requested by the County.

10. **Setbacks:** All cultivation areas shall conform to the setbacks as shown on the site plan.
11. **Screening:** Cannabis shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Screening shall be accomplished by enclosure within a greenhouse or hoop house or by use of fencing or vegetation.
12. **Regulatory Consistency:** Commercial cannabis activity shall be conducted in compliance with all laws and regulations as set forth in the El Dorado County Zoning Ordinance and the California Code of Regulations, as may be amended from time to time, as applicable to the permit type.
13. **Inspections:** The permit holder and subject property owner are to permit the County or representative(s) or designee(s) to make inspections at any time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein. The property owner and operator shall Consent for 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.
14. **County and State Compliance:** The premises shall be in full compliance with all other applicable requirements of State law and the County Code, including but not limited to, the building, safety, sanitation, labor, and technical codes and requirements relevant to obtaining necessary building, plumbing, electrical, mechanical, grading, or other permits, inspection of structures requiring permits, and, as appropriate, the issuance of certificates of occupancy. All structures on the premises shall be permitted as required by Title 130 of the County Code. "Structures", for purposes of this paragraph, shall have the same meaning as it does in California Health & Safety Code § 18908.
15. **Exterior Lighting:** All lighting provided in conjunction with facility security or other lighting not associated with the cultivation of live plants shall be installed, directed downward and away from nearby property lines, and shielded to confine all direct rays of light within the boundaries of such facilities.
16. **Generators:** No generator shall be used for any cultivation activities, including pumping, except as an emergency backup to another power source. The term "emergency", for purposes of this provision, means a temporary outage of the primary power source due to circumstances that are verifiably beyond the permittee's control and unrelated to non-payment of a utility or other vendor providing or servicing the primary power source.
17. **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.

18. **Odor Control Plan:** Any cannabis odor shall not be equal or greater than a seven (7) dilution threshold (DT) when measured by the County with a field olfactometer at the property line on which the commercial cannabis activity occurs for a minimum of two (2) olfactometer observations not less than 15 minutes apart within a one (1) hour period (seven DT one hour). If the odor from a commercial cannabis activity violates this subsection, the permittee must reduce the odor below the seven (7) DT one (1) hour at property line threshold within 30 days of the verification of a violation.
19. **Security Plan Compliance:** At all times, the operating permit holder and the property owner shall comply with the security plan reviewed and approved by the El Dorado County Sheriff's Office (EDSO) and shall operate and maintain a real-time access of the surveillance video for EDSO. Video footage must be given to EDSO upon demand.
20. **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.
21. **Monitoring Program (Section 130.41.100.8).** All CCAOPs 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.
22. **Violation Notification:** The permit holder shall notify EDSO within three (3) days of any notices of violations or other corrective action ordered by a State or other local licensing authority and provide copies of the relevant documents. Permit holder is required to comply with applicable State law and State regulations at all times. Failure to do so shall constitute grounds for suspending or revoking this permit and denying any renewals and/or modifications to the permit.
23. **Revocation After Three Violations (Section 130.41.100.7):** In addition to revocation of a CCUP or CCOP under Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit), upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to one (1) or more of the owners or operators at any property or combination of properties of one (1) or more of the same owners or operators within a two-year period, the CCAOP shall be nullified, voided, or revoked, subject to prior notice and appeal under Section 130.54.090 (Revocation or County Mandated Modification of a Permit) and the CCUP may be revoked, subject to prior notice and appeal under Section 130.54.090. Upon revocation, an application for a CCOP to reestablish a cannabis operation by one (1) or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two (2) years. If only the CCOP is revoked under this Section, reissuance shall be subject to the procedures to

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

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

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

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

Mitigation Measures

25. **Mitigation Measure AQ-01: Odor Control System**
The project shall require odor mitigation along approximately 350 feet of the eastern portion of the property. Prior to construction of the cannabis cultivation facility, the applicant shall implement one (1) of two (2) options for mitigating odors: using a misting system that sprays the odor neutralizer across the property lines or use a fan that flows the neutralizer across and towards the canopy. It is recommended the applicant shall use fan-based mitigation. The applicant shall install three (3) to six (6) fans along the eastern portion of the property, and the amount of neutralizer that shall be dispensed shall be adjusted to ensure the odors are neutralized. The effectiveness of the system shall be confirmed by measuring the odor intensity using the Nasal Ranger olfactometer. If cannabis-related odor levels are detected at a level above the county limit of 7 DT, Cannabis Cultivation activities on-site would be halted and project impacts and mitigation would be reassessed as necessary.

Monitoring Requirement: The mitigation measure compliance shall be demonstrated prior to commencement of any commercial cannabis activities.

Monitoring Responsibility: El Dorado County Planning and Building Department

26. **Mitigation Measure BIO-01: Pre-Construction Survey for Nesting Raptors and other Protected Bird Species**

Construction or disturbance activities during the breeding season (February 1 – August 31) could disturb or remove occupied nests of raptors and/or protected bird species. If construction is anticipated during breed season, the applicant shall require pre-construction surveys to be completed by a California Department of Fish and Wildlife (CDFW) qualified biologist within 14 days prior to disturbance. The nesting survey radius around the proposed disturbance shall be identified prior to the implementation of the protected bird nesting surveys by a CDFW-qualified biologist and shall be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat.

If any nesting raptors or protected birds are identified during such pre-construction surveys, trees or shrubs or grasslands with active nests shall not be removed or disturbed. A no-disturbance buffer shall be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers shall be determined by a CDFW-qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.

Monitoring Requirement: The mitigation measure shall be noted on all grading and development plans.

Monitoring Responsibility: El Dorado County Planning and Building Department

County of El Dorado Air Quality Management District (AQMD)

28. **Paving:** Project construction may involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
29. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
30. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).

31. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)).
32. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., tub grinders, conveyors, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523).
33. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the CARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.
34. **Odors:** Odors that may result from the cannabis cultivation operation shall comply with AQMD Rule 205, Nuisance.
35. **Electric Vehicle Charging:** The project shall comply with the Non-Residential Mandatory Measures identified in the 2019 Cal Green Building Code §5.106.5.3 concerning installation of electric vehicle supply equipment (EVSE). Plans shall include; the location(s) and type of EVSE, a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit originating at a service panel with sufficient capacity to accommodate a minimum 40A dedicated circuit, and terminating in a suitable enclosure in close proximity to the proposed location of the charging equipment. Plans, specifications, and electrical calculations shall show the electrical system has sufficient capacity to simultaneously charge all required electric vehicles at their full rated amperage. Raceways shall be installed from the electrical service panel to the designated parking areas at the time of initial construction.

Pioneer Fire Protection District

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

37. **Sprinklers:** Commercial building(s) greater than 3,600 square feet in size shall have fire sprinklers installed in accordance with NFPA 13, including all Building Division and Fire Department requirements. Buildings with storage capacity above 12 feet in height will need to have the sprinkler system(s) designed to accommodate the appropriate high-pile storage. Due to the rural nature of this project area, future fire flow requirements for a commercial project will not be obtainable. The system will be designed to meet the El Dorado County Fire Prevention Officers “Water Supply for Suburban and Rural Fire Fighting STANDARD #D-003 Effective 5-11-21 with PFPD Amendments” Standard in combination with NFPA 13.
38. **Fire Detection and Alarm Systems:** Ensure that the project meets all acceptable current code requirements (California Fire Code (CFC) Title 24, Part 9, Chapter 9 / NFPA 72. Etc.) and all other relevant sections. Ensure that all alarm components are listed and current with the California Office of the State Fire Marshall Listing Service.
39. **Roadways:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete, or other approved driving surface. The project proponent shall provide engineering specifications to support design if requested by the local Authority Having Jurisdiction.
40. **Roadway Grades:** The grade for all roads, streets, private lanes, and driveways shall not exceed 16 percent.
41. **Traffic Calming/Security Devices:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of the roadway. All other proposed traffic calming devices shall require approval by the fire code official.
42. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40 feet inside and 56 feet outside.
43. **Gates:** All gates shall meet the Public Information Officer (PIO) Gate Standard B-002, and this design standard shall be incorporated into the design and activation of access security devices.
44. **Fire Access During Construction:** In order to provide this project with adequate fire and emergency medical response during construction, all-access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the fire department, Standard B-003. A secondary means of egress shall be provided prior to any construction, or the project can be phased.
45. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all fire hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle or vegetation.

46. **Wildland Fire Safe Plan:** This project shall be conditioned to develop, implement, and maintain a Wildland Fire Safe Plan that is approved by the fire department as complying with the State Fire Safe Regulations.
47. **Fencing:** Lots that back up to wildland open space shall be required to use non-combustible type fencing.
48. **Knox Box and Keys:** All commercial or public occupied buildings shall install a Knox Box and building keys including, but not limited to, main entry doors, utility closets, roof accesses, alarm panels, fire sprinkler locks and all other keys required by the fire code official for emergency access.
49. **Parking and Fire Lanes:** All parking restrictions as stated in the current California Fire Code and the current PIO Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard titled “No Parking-Fire Lane.” All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet “No Parking - Fire Lane” and a plan for maintenance created to assure legibility. This shall be white letters on a red background. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 “No Parking-Fire Lane” and the fire code official.
50. **Setbacks:** Any parcels greater than one (1) acre shall conform to State Fire Safe Regulations requirements for setbacks (minimum 30-foot setback for buildings and accessory buildings from all property lines).
51. **Vegetative Fire Clearances:** Before June 1 each year, there shall be vegetation clearance around all EVAs (Emergency Vehicle Access), buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the California Fire Code, and the conditioned Wildland Fire Safe Plan.
52. **Addressing:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be visible and legible from the street or road fronting the property, as per El Dorado County Standard B-001.
53. **Improvement (Civil) Plans:** A Fire Plan sheet shall be included in the improvement plans that show or list all requirements from the fire department as they relate to the design of the project. These requirements include, but are not limited to, fire lanes (and how they relate to allowed parking), hydrants, turning radius of all turns, slope percent of roads/driveways, points of egress for the public and emergency personnel, EVAs as required, road widths, gates, etc.

El Dorado County Department of Transportation

54. **Encroachment:** Obtain an encroachment permit from El Dorado County Department of Transportation for access onto Perry Creek Road prior to commencing the proposed use.
55. **Trip Generation:** The security shall include digital monitoring of vehicular trips to and from the operation, and classification of trips (deliveries, shipments, employees, visitors, etc.). Report the actual trips to the Department of Transportation annually on the Department's Cannabis Operations Trip Generation Form.