



County of El Dorado

MEETING AGENDA Planning Commission

Planning and Building
Department
2850 Fairlane Court
Placerville CA 95667
www.edcgov.us
phone: 530-621-5355
fax: 530-642-0508

Patrick J. Frega, Chair, District 5
Jeff Hansen, First Vice- Chair, District 3
Tim Costello, Second Vice-Chair, District 4
David Spaur, District 1
Bob Williams, District 2

Rhiannon Guilford, Clerk of the Planning Commission
Karen L. Garner, Executive Secretary

Thursday, July 9, 2026

9:00 AM

<https://edcgov-us.zoom.us/j/81648230648>

**Planning Commission Hearing Room 2850 Fairlane Court, Building C Hearing Room,
Placerville, CA 95667**

For Purposes of the Brown Act § 54954.2 (a), the numbered items on this Agenda give a brief description of each item of business to be transacted or discussed. Recommendations of the staff, as shown, do not prevent the Commission from taking other action.

The County of El Dorado strives to ensure all Commission agenda materials are ADA-compliant. However, in limited circumstances, attachments to agenda items may not be fully accessible to individuals with disabilities. We remain committed to ensuring the agenda materials are accessible to and usable by individuals with disabilities to the maximum extent possible. Alternative formats for the requested agenda materials can be made available upon request to the Clerk of the Planning Commission at 530-621-5355 or via email, planning@edcgov.us, preferably no less than 24 hours in advance of the meeting.

PUBLIC PARTICIPATION INFORMATION

In accordance with the Ralph M. Brown Act and recent updates under Senate Bill 707, the El Dorado County Planning Commission is committed to ensuring accessible and inclusive public meetings where remote participants have the same opportunity to address the Commission in-person attendees. There are multiple ways to attend, view, and participate:

In-Person: Attend and provide comments in-person at the Planning Commission Hearing Room.

Zoom: Join the meeting at: <https://edcgov-us.zoom.us/j/81648230648>

- Meeting ID: 816 4823 0648
- You may join the live stream 15 minutes prior to the posted meeting start time.
- To make a public comment via Zoom, use the "Raise Hand" feature.

By Phone: Call 530-621-7603 or 530-621-7610

- Press *9 to indicate your desire to comment.

Written Comments: If you prefer not to attend or speak during the meeting you may submit written comments on specific agenda items. Please email your comments to planning@edcgov.us by 2 PM the day before the meeting to ensure timely distribution to the Commission. All written comments will be entered into the public record. The clerk cannot guarantee that any public comment received after the deadline will be delivered to the Commission prior to any action on the subject matter.

By participating in this meeting, you acknowledge that you are being recorded and may be publicly broadcast.

All meeting agendas, most Board of Supervisors meeting videos, supplemental materials, and meeting minutes are available at: <http://eldorado.legistar.com/Calendar.aspx>

PROTOCOLS FOR PUBLIC COMMENT

Public comment will be received at designated periods as called by the Commission Chair.

Each speaker will be allotted up to three (3) minutes to address the Commission.

- If time is exceeded, the speaker's microphone will be muted
- Individuals may speak only once during each designated public comment period.

At the Commission's discretion, the Commission may establish:

- A specific time limit per speaker, and/or
- A total time limit for public comment on any item or Open Forum.

Applause, outbursts, or other disruptions are not permitted in the Hearing Room.

8:30 A.M. - CALL TO ORDER & ROLL CALL

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS REGARDING THE AGENDA

APPROVAL OF THE CONSENT CALENDAR

PUBLIC COMMENT ON CONSENT CALENDAR

All items on the Consent Calendar are to be approved by one motion unless a Commission member requests an item be removed from the Consent Calendar for discussion and a separate Commission action.

CONSENT CALENDAR

1. [26-0989](#) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of May 28, 2026.

END OF CONSENT CALENDAR

OPEN FORUM

Open Forum is an opportunity for members of the public to address the Planning Commission on subject matter that is not on their meeting agenda and within their jurisdiction. Public comments during Open Forum are limited to three minutes per person. The Chair may limit public comment during Open Forum.

AGENDA ITEMS

2. [26-1109](#) Hearing to consider CONDITIONAL USE PERMIT, CUP25-0014/Calvary Chapel - Classroom Addition request for a proposed 2,298-square-foot classroom addition to an existing legal nonconforming church.

The property, identified by Assessor's Parcel Number 329-342-006, consisting of 3.18 acres, is located on the northeast side of Commerce Way, approximately 300 feet northwest of the intersection with Pleasant Valley Road, located in the Diamond Springs/El Dorado Community Region, submitted by John Kristedja;

Staff recommends the Planning Commission take the following actions:

1. Find Conditional Use Permit CUP25-0014 to be Categorically Exempt pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines; and

2. Approve Conditional Use Permit CUP25-0014, based on the Findings and subject to the Conditions of Approval as presented.

(Supervisor District 3)

3. [26-1110](#) Hearing to consider Planning and Building Department, Long Range Planning Unit, proposed amendments to Chapter 130.36 of the Zoning Ordinance (Signs) to allow limited digital signs in the El Dorado Hills Community Region; and staff recommending the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:
- 1) Adopt the Addendum to the County's 2015 Sign Ordinance Update Final Environmental Impact Report (FEIR), certified in July 2015 (State Clearinghouse No. 2014102011) (Legistar Attachment B); and
- 2) Approve the amendments to Chapter 130.36 (Signs) as presented, based on the Findings (Legistar Attachment B).
4. [26-1111](#) Hearing to consider Revisions to Cannabis Setbacks Reductions for Parcels Owned or Leased Prior to November 6, 2018.

STAFF AND COMMISSIONER UPDATES

This is an opportunity for planning staff and Commission members to provide short informational updated on matters of concern. (May be called at any time during the meeting)

ADJOURNMENT

If you challenge an application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to, the public hearing.



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Master Report

File Number: 26-0989

***File ID #:** 26-0989

Agenda Item
Type:

Status: Consent Calendar

Version: 1

Reference:

Gov Body: Planning
Commission

Department: Planning and Building

Created: 05/29/2026

Agenda Title: 07-09-26 PC Minutes 05-28-26

Final Action:

Title: Clerk of the Planning Commission recommending the Commission
approve the MINUTES of the regular meeting of May 28, 2026.

Notes:

Code Sections:

Agenda Date: 07/09/2026

Agenda Number: 1.

Sponsors:

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Attachments: DRAFT MINUTES

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Contact: Rhiannon Guilford

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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 26-0989

Clerk of the Planning Commission recommending the Commission approve the MINUTES
of the regular meeting of May 28, 2026.



County of El Dorado

Planning and Building
Department
2850 Fairlane Court
Placerville CA 95667
www.edcgov.us
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fax: 530-642-0508

Minutes - Draft Planning Commission

Patrick J. Frega, Chair, District 5
Jeff Hansen, First Vice- Chair, District 3
Tim Costello, Second Vice-Chair, District 4
David Spaur, District 1
Bob Williams, District 2

Rhiannon Guilford, Clerk of the Planning Commission
Karen L. Garner, Executive Secretary

Thursday, May 28, 2026

8:30 AM

<https://edcgov-us.zoom.us/j/84860798988>

**Planning Commission Hearing Room 2850 Fairlane Court, Building C Hearing Room,
Placerville, CA 95667**

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Although the County strives to offer remote participation, be advised that remote Zoom participation is provided for convenience only. In the event of a technological malfunction, the only assurance of live comments being received by the Commission is to attend in person. Except for a noticed teleconference meeting, the Planning Commission reserves the right to conduct the meeting without remote access if there is a malfunction.

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- A specific time limit per speaker, and/or
- A total time limit for public comment on any item or Open Forum.

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8:30 A.M. - CALL TO ORDER**ROLL CALL**

Commissioner Costello was absent.

Present: 4 - Commissioner Frega, Commissioner Spaur, Commissioner Williams and Commissioner Hansen

Absent: 1 - Commissioner Costello

PLEDGE OF ALLEGIANCE**APPROVAL OF THE CONSENT CALENDAR**

Public Comment: None

A Motion was made by Commissioner Williams, seconded by Commissioner Hansen, to Approve the Consent Calendar with no changes.

Yes: 4 - Commissioner Frega, Commissioner Spaur, Commissioner Williams and Commissioner Hansen

Absent: 1 - Commissioner Costello

All items on the Consent Calendar are to be approved by one motion unless a Commission member requests an item be removed from the Consent Calendar for discussion and a separate Commission action.

CONSENT CALENDAR

1. **26-0831** Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of May 14, 2026.

This item was Approved on the Consent Calendar.

2. **26-0834** Chief Administrative Office, Parks and Trails Division, submitting a request by Michael Juarez, Action Whitewater Adventure (AWA) and Adam Anderson, Coloma Lotus Whitewater (CLW), to approve the transfer of 17 weekday user day allocations from River Use Permit #44 held by AWA to River Use Permit #20 held by CLW.

Staff recommends the Commission approve the request from Action Whitewater Adventure and Coloma Lotus Whitewater to transfer 17 weekday user day allocations from River Use Permit# 44 to River Use Permit# 20.

A Staff Report is attached.

CONTACT

Zachary Perras, Parks Manager
Chief Administrative Office, Parks & Trails Division

This item was Approved on the Consent Calendar.

END OF CONSENT CALENDAR

OPEN FORUM

Public Comment: None

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AGENDA ITEMS

- 3. 26-0833** Hearing to consider Determination of Conformity with the El Dorado County (County) 2004 General Plan for a proposed land exchange with the California Tahoe Conservancy (Conservancy). The six (6) parcels the County is acquiring from the Conservancy are identified by Assessor's Parcel Numbers 034-300-025, 034-300-026, 034-300-27, 034-300-028, 034-331-015 and 034-331-023, consisting of approximately 4.44 acres, and located in the unincorporated community of Meyers - four (4) parcels are located immediately south of the SR 89 and US 50 interchange, and two (2) parcels are located in Meyers Town Center. The five (5) parcels the Conservancy is acquiring from the County are identified by Assessor's Parcel Numbers 034-623-002, 034-623-003, 034 623-006, 034-622-007, and 033-191-006, consisting of approximately 3.28 acres and is located in the unincorporated community of Meyers at 620, 621, 630, and 660 West San Bernardino Avenue and 1374 Boca Raton Drive respectively.

The Planning and Building Department, Tahoe Planning and Building Division recommends the Planning Commission take the following action: render a report that the land exchange, as described above, is in conformity with the El Dorado County General Plan, pursuant to Government Code Section 65402.

FUNDING: N/A

Public Comment: None

Chair Frega opened the hearing. Upon hearing from staff and the public, Chair Frega closed the hearing.

Chair Frega and Commissioner Williams each disclosed that they had met with staff.

A motion was made by Chair Frega, seconded by Commissioner Williams, to approve staff's recommendation.

Yes: 4 - Commissioner Frega, Commissioner Spaur, Commissioner Williams and Commissioner Hansen

Absent: 1 - Commissioner Costello

- 4. 26-0832** Hearing to consider Planning and Building Department, Long Range Planning Unit, proposed amendments to Title 120 (Subdivisions) and Title 130 (Zoning Ordinance) of the County Code; and staff recommending the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:
- 1) Find the 2026 Administrative Zoning Ordinance Update (AZOU) Statutorily and Categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) (General Rule), 15274 (Family Day Care Homes), and 15305 (Minor Alterations to Land Use Limitations) of the CEQA Guidelines; and
 - 2) Approve the AZOU to amend Title 120 of the El Dorado County Code - Subdivisions (Attachment A) and Title 130 of the El Dorado County Code - Zoning Code (Attachment C).

Funding: General Fund

Public Comment: None

Chair Frega opened the hearing. Upon hearing from staff and the public, Chair Frega closed the hearing.

Commissioners Williams and Spaur each disclosed that they had met with staff.

A motion was made by Commissioner Spaur, seconded by Commissioner Hansen, to Recommend that the Board of Supervisors approve staff recommendations and to direct formation of a joint ad hoc committee of the Planning Commission/Board of Supervisors to evaluate and analyze uses in the R&D zone and return to the Board of Supervisors with a potential Resolution of Intention.

Yes: 3 - Commissioner Frega, Commissioner Spaur and Commissioner Hansen

Noes: 1 - Commissioner Williams

Absent: 1 - Commissioner Costello

- 5. 26-0872** The Executive Secretary of the Planning Commission recommends the Commission ratify the Bylaws as approved by the Board of Supervisors on May 12, 2026.

Public Comment: None

A motion was made by Commissioner Williams, seconded by Commissioner Spaur, to approve the Bylaws.

Yes: 4 - Commissioner Frega, Commissioner Spaur, Commissioner Williams and Commissioner Hansen

Absent: 1 - Commissioner Costello

STAFF AND COMMISSIONER UPDATES

Ande Flower, Planning Manager, reported on the following:
Both June meetings of the Planning Commission have been cancelled.
Appeals coming to the Board of Supervisors in June.

Karen Garner, Director of Planning and Building, reported on the following:
Robert Peters was promoted to Chief Deputy Director of Planning.

Commissioner Williams reported on the following:
The Grand Jury Report on Code Compliance.

Commissioner Hansen reported on the following:
The ongoing need for support in Camino after recent weather events.

Commissioner Spaur reported on the following:
A discussion with Supervisor Ferrero regarding design standards and Costco.

Chair Frega reported on the following:
A new restaurant coming to Whitehall.

This is an opportunity for planning staff and Commission members to provide short informational updates on matters of concern. (May be called at any time during the meeting)

ADJOURNMENT

Chair Frega adjourned the meeting at 9:54 AM.

If you challenge an application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to, the public hearing.



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Master Report

File Number: 26-1109

***File ID #:** 26-1109

Agenda Item
Type:

Status: Agenda Item

Version: 1

Reference:

Gov Body: Planning
Commission

Department: Planning and Building

Created: 06/18/2026

Agenda Title: 07-09-26 PC Calvary Chapel

Final Action:

Title: Hearing to consider CONDITIONAL USE PERMIT, CUP25-0014/Calvary Chapel - Classroom Addition request for a proposed 2,298-square-foot classroom addition to an existing legal nonconforming church.

The property, identified by Assessor's Parcel Number 329-342-006, consisting of 3.18 acres, is located on the northeast side of Commerce Way, approximately 300 feet northwest of the intersection with Pleasant Valley Road, located in the Diamond Springs/El Dorado Community Region, submitted by John Kristedja;

Staff recommends the Planning Commission take the following actions:

1. Find Conditional Use Permit CUP25-0014 to be Categorically Exempt pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines; and
2. Approve Conditional Use Permit CUP25-0014, based on the Findings and subject to the Conditions of Approval as presented.

(Supervisor District 3)

Notes:

Code Sections:

Agenda Date: 07/09/2026

Agenda Number: 2.

Sponsors:

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Attachments: A - Staff Report, B- Findings, C - Conditions of Approval, D - Staff Report Exhibits, E - Staff Presentation

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Contact: Ande Flower

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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 26-1109

Hearing to consider CONDITIONAL USE PERMIT, CUP25-0014/Calvary Chapel - Classroom Addition request for a proposed 2,298-square-foot classroom addition to an existing legal nonconforming church.

The property, identified by Assessor's Parcel Number 329-342-006, consisting of 3.18 acres, is located on the northeast side of Commerce Way, approximately 300 feet northwest of the intersection with Pleasant Valley Road, located in the Diamond Springs/El Dorado Community Region, submitted by John Kristedja;

Staff recommends the Planning Commission take the following actions:

1. Find Conditional Use Permit CUP25-0014 to be Categorically Exempt pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines; and
2. Approve Conditional Use Permit CUP25-0014, based on the Findings and subject to the Conditions of Approval as presented.

(Supervisor District 3)

DISCUSSION / BACKGROUND

Request to consider the following: CUP25-0014/Calvary Chapel - Classroom Addition submitted by John Kristedja for a proposed 2,298-square-foot classroom addition to an existing legal nonconforming church. The property, identified by Assessor's Parcel Number 329-342-006, consisting of 3.18 acres, is located on the northeast side of Commerce Way, approximately 300 feet northwest of the intersection with Pleasant Valley Road, located in the Diamond Springs/El Dorado Community Region, Supervisorial District 3. (County Planner: Michelle Drehobl, email: Michelle.Drehobl@edcgov.us) (Categorically Exemption pursuant to Section 15301 of the CEQA Guidelines)

A Staff Report is attached.

CONTACT

Ande Flower
Planning and Building Department, Planning Division



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

Date: July 9, 2026
Staff: Michelle Drehobl

CONDITIONAL USE PERMIT

FILE NUMBER: CUP25-0014/Calvary Chapel – Classroom Addition

APPLICANT: John Kristedja

PROPERTY OWNER: Calvary Chapel of Placerville

REQUEST: Conditional Use Permit (CUP) for a proposed 2,298-square-foot classroom addition to an existing legal nonconforming church.

LOCATION: On the northeast side of Commerce Way, approximately 300 feet northwest of the intersection with Pleasant Valley Road, located in the Diamond Springs/El Dorado Community Region (Exhibit A).

SUPERVISOR DISTRICT: 3

APN: 329-342-006 (Exhibit B)

ACREAGE: 3.18 Acres

GENERAL PLAN: Industrial (I) (Exhibit C)

ZONING: Industrial Light (IL) (Exhibit D)

ENVIRONMENTAL DOCUMENT: This project has been found to be Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find Conditional Use Permit CUP25-0014 to be Categorically Exempt pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines; and
2. Approve Conditional Use Permit CUP25-0014, based on the Findings and subject to the Conditions of Approval as presented.

REGULATORY AUTHORITY

Pursuant to Zoning Ordinance Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses), the Planning Commission (PC) may allow changes or expansions to legal nonconforming uses as set forth by a Conditional Use Permit (CUP).

EXISTING CONDITIONS/SITE CHARACTERISTICS

The 3.18-acre site is located on the northeast side of Commerce Way, approximately 300 feet northwest of the intersection with Pleasant Valley Road, located in the Diamond Springs/El Dorado Community Region, in the Diamond Springs area (Exhibit A). The existing legal nonconforming church for the proposed project was approved and finalized on July 21, 1999, with Building Permit number 115359, and has been in continuous operation. All adjacent parcels are similarly zoned Industrial Light (IL) with Commercial Community (CC), Commercial Limited (CL), and Residential Multi-Unit (RM) zoned parcels located nearby (Exhibit D).

PROJECT DESCRIPTION

The proposed project is a request for a CUP to allow the addition of a 2,298-square-foot Sunday School classroom to an existing legal nonconforming church (Exhibit E). The classroom addition would accommodate up to 130 students and includes a lobby and two (2) restroom enclosed areas. The exterior of the classroom addition will be consistent with the existing design of the church. The existing propane tank will be relocated outside of the existing 80-foot Pacific Gas and Electric (PG&E) easement and with associated landscaping along Commerce Way.

STAFF ANALYSIS

Environmental Review: Staff has reviewed the project and has determined CUP25-0014 is Categorically Exempt pursuant to Section 15301 (Class 1, Existing Facilities), of the CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing,

or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use; (c) Additions to existing structures provided that the addition will not result in an increase more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. Approval of this CUP would allow for construction of a 2,298-square-foot classroom addition to an existing legal nonconforming church.

Per CEQA Guidelines Section 15062, filing of a Notice of Exemption is required to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

The applicant shall submit the \$50.00 recording fee to the Planning Division for the County Recorder to file the Notice of Exemption within 48 hours of any decision-making body approving the project. Checks shall be made payable to El Dorado County. If the fee is not received and the notice is not filed, an 180-day statute of limitations will apply.

General Plan Consistency: Staff has determined that the proposed project is consistent with the applicable policies and requirements in the El Dorado County General Plan, as discussed below in Section 2.0, General Plan Findings.

Zoning Ordinance Consistency: Staff has determined that the proposed project is consistent with the applicable regulations and requirements in Title 130 of the El Dorado County Code, as discussed below in Sections 3.0 and 4.0, Zoning, and Conditional Use Permit Findings.

Agency Comments: The project was distributed to all applicable agencies and departments for review and comment. Comments were received from California Department of Forestry and Fire Protection (CalFire), El Dorado County Fire Protection District, El Dorado County Department of Transportation (DOT), El Dorado County Stormwater Unit, El Dorado County Surveyor's Office, El Dorado County Environmental Management Department, and PG&E. Additionally, since the proposed project is within the Diamond Springs/El Dorado Community Region, it was forwarded to the Diamond Springs-El Dorado Community Advisory Committee (DSEDCAC). DSEDCAC was in support of the project and only requested the exterior of the classroom addition be consistent with the existing color and design of the building. Comments received have been reviewed and, if applicable, incorporated as Conditions of Approval for the project.

Public Notice: The project was duly noticed for a PC public hearing with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers. In addition, project notification was sent to the County's PC email subscription list and posted on the Planning Division's PC webpage. No physical sign posting is required for CUPs.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Vicinity Map

Exhibit B.....Assessor's Parcel Map

Exhibit C.....General Plan Land Use Map

Exhibit D.....Zoning Designation Map

Exhibit E.....Site Plan and Floor Plan

Exhibit F.....Elevations

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FINDINGS

Conditional Use Permit CUP25-0014/Calvary Chapel – Classroom Addition Planning Commission/July 9, 2026

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the Staff Report and evidence in the record, the following Findings can be made:

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- 1.1 CUP25-0014 has been found to be Categorically Exempt pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use; (c) Additions to existing structures provided that the addition will not result in an increase more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. As proposed, the project is consistent with this exemption classification under CEQA. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions to exemptions found in CEQA Guidelines Section 15300.2.

Exception (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The project is a Class 1 exemption; therefore, this exception does not apply.

Exception (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed project does not anticipate further development. Therefore, this exception does not apply.

Exception (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no

unusual circumstances at the location of this proposed project; therefore, this exception does not apply.

Exception (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). The proposed project is not within a scenic highway corridor; therefore, this exception does not apply.

Exception (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The proposed project is not located on a hazardous waste site; therefore, this exception does not apply.

Exception (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The location of the proposed project on the subject site does not include historical resources. Therefore, this exception does not apply.

- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department - Planning Division at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The proposed use is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Industrial (I) land use designation establishes areas suitable for a full range of light and heavy industrial uses. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The project has an Industrial General Plan land use designation. The project is an expansion of legal nonconforming use and as proposed and conditioned, will be compatible with the existing landscape and surrounding uses.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

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

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

2.3 The project is consistent with General Plan Policy 5.1.2.1.

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

Rationale: This project was distributed to all applicable agencies. These agencies include, but are not limited to, the El Dorado County Building Division, El Dorado Irrigation District (EID), El Dorado County Environmental Management, El Dorado County Department of Transportation (DOT), El Dorado County Fire Protection District, and Pacific Gas and Electric (PG&E). All utilities and services have been found to be available and adequate for the proposed development. No issues or concerns were raised regarding the adequacy of public services and utilities to serve this project. Therefore, this project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 5.2.1.2.

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

Rationale: The project was distributed to affected public service agencies and organizations serving the project parcel including the El Dorado County Fire Protection District, California Department of Forestry and Fire Protection (CalFire), EMD, and El Dorado County Stormwater Unit. These agencies/organizations reviewed the project and determined adequate quantity and quality of water for all uses will be available to serve the project. Therefore, this project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 requires the responsible fire protection district review all

applications to determine the ability of the district to provide required services and to ensure services will not be reduced below acceptable levels.

Rationale: The project was distributed to the El Dorado County Fire Protection District for review. After reviewing the project plans, the fire district determined the project would not affect the fire district's ability to provide required fire services to the project parcel as conditioned. Therefore, the project is consistent with this policy.

2.6 The project is consistent with General Plan Policy 6.2.3.2.

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

Rationale: The proposed project was reviewed by DOT and El Dorado County Fire Protection District for adequate site access. The project will continue to maintain adequate site access in the event of emergency access and/or evacuation. No additional site access or improvements to the existing roads are proposed or required. Therefore, this project is consistent with this policy.

2.7 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources be mitigated in accordance with the standards of the Oak Resources Management Plan (ORMP).

Rationale: An exempt oak tree will be removed as part of this project with Administrative Permit number ADM26-0063. The oak tree was deemed hazardous by the El Dorado County Fire Protection District, and the appropriate application and mitigation has been processed in accordance with this policy. Therefore, this project is consistent with this policy.

3.0 ZONING

3.1 The project is consistent with 130.23: Zones Established.

Industrial and Research and Development (R&D) zones are intended to provide for a full range of light and heavy manufacturing, including manufacturing, processing, distribution,

and storage. The subject parcel is zoned Industrial Light (IL). The IL zone is applied to lands for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in outdoor storage or activity areas. The industrial zone matrix of allowed uses (Table 130.23.020) establishes those uses that are permitted and those that require approval by a Conditional Use Permit (CUP) in the IL zoning designation.

Rationale: As proposed, the project use is not consistent with the allowable use of the IL zone. The current use for this parcel is a legal nonconforming civic use. The existing legal nonconforming church for the proposed project was approved and finalized on July 21, 1999, with Building Permit number 115359, and has been in continuous operation. The proposed classroom addition is allowed with an approved CUP by the Planning Commission (PC) per Zoning Ordinance Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses).

3.2 **The project is consistent with Chapter 130.23.030: Industrial Zones Development Standards.**

Section 130.23.030 of the Zoning Ordinance establishes development standards for Industrial zones. The proposed use conforms to mandatory minimum setbacks, height restrictions, and floor area ratio requirements.

Rationale: The project expansion will be a minimum of 10 feet from the front and rear property lines, and 5 feet from side property lines (Exhibit E). The proposed height for the classroom addition is under the 50-foot maximum allowable height (Exhibit F). Thus, the project is in compliance with the Zoning Ordinance.

3.3 **The project is consistent with 130.61.050.D**

The Commission shall make one or more of the following findings regarding changes or expansions to legal nonconforming uses:

1. The proposed change or expansion of the legal nonconforming use is essential and/or desirable to the public convenience or welfare.

Rationale: The existing church and classrooms have been in operation since 1999. The proposed classroom addition would be desirable for public convenience and welfare because it will provide facilities for Sunday School children at the

same location as the existing church (Exhibit E).

2. The change or expansion of the nonconforming use will not have a negative impact on the surrounding conforming uses and the area overall.

Rationale: The proposed church classroom addition would not have a negative impact on the surrounding conforming uses and the area overall.

3. Other property where the use would be conforming is unavailable, either physically or economically, within the limits of the nearest similarly developed area(s).

Rationale: This optional finding is not applicable because the project site is not near other property where the use would be conforming.

4. No other appropriate remedies are available to bring the use into conformance, including amending the zone or Zoning Ordinance text.

Rationale: This optional finding is not applicable because the project site is surrounded with the same zoning designation as the subject site: IL. A rezone of this site would be considered spot-zoning, which would not be recommended by staff.

4.0 CONDITIONAL USE PERMIT FINDINGS

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

Rationale: The proposed use is consistent with all applicable policies and requirements of the General Plan as discussed above in Section 2.0 in the General Plan Findings section of the Staff Report.

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

Rationale: The use will not conflict with surrounding land uses which includes existing offices, education, associated retail, and other related support service facilities. The proposed use will comply with the development standards of the IL zone district. As proposed and conditioned, the proposed use would not be detrimental to public health, safety and welfare, or injurious to the surrounding area.

4.3 The proposed use is specifically permitted by CUP.

Rationale: The current use for this parcel is a legal nonconforming civic use. The existing legal nonconforming church for the proposed project was approved and finalized on July 21, 1999, with Building Permit number 115359, and has been in continuous operation. The proposed classroom addition is allowed with an approved CUP by the PC per Zoning Ordinance Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses). This application meets the requirement of the applicable provisions above for a CUP.

CONDITIONS OF APPROVAL

Conditional Use Permit CUP25-0014/Calvary Chapel – Classroom Addition Planning Commission/July 9, 2026

Planning Division

1. The Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, the following hearing exhibits, and Conditions of Approval set forth below:

Approval of the CUP allows for a 2,298-square-foot classroom addition with lobby and restrooms to an existing legal nonconforming church.

Exhibit E Site Plan and Floor Plan

Exhibit F.....Elevations

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 will constitute a violation of permit approval.

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

2. **Permit Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.
3. **Legal Indemnity/Hold Harmless Agreement:** 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 landowner 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 a CUP.

California Department of Forestry and Fire Protection (CalFire)

4. **Emergency Access and Egress:** Roads and driveways, whether public or private, unless exempted under 14 California Code of Regulations (CCR) § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency.
5. **Roadway Surface:** Roadways shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.
6. **Addresses for Buildings:** All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified. (The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code [CFC], CCR title 24, part 9. Addresses for residential buildings shall be reflectorized.
7. **Address Installation, Location, and Visibility:** All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property. Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way. Address signs along one-way roads shall be visible from both directions. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.

El Dorado County Fire Protection District (Fire Department)

8. **Fire Apparatus Access:** Fire apparatus access roads shall be provided in accordance with CFC Section 503 and Fire District standards. Access shall extend to within 150 feet of all portions of the exterior of the first story of the building, including the proposed classroom

addition. Existing access roads and drive aisles shall be maintained and, where modified, shall meet minimum Fire Department standards for width, clearance, and load-bearing capacity. Turning radii shall meet Fire Department requirements. Any modifications to circulation or site access shall be subject to Fire Department review and approval.

9. **Fire Lanes and Parking Control:** Fire lanes shall be established and maintained as required by the Fire Code Official. Fire lanes shall be clearly marked with red curbs and/or approved “NO PARKING – FIRE LANE” signage and shall be maintained in a legible condition at all times. Based on the site plan, parking areas and drive aisles shall be configured to ensure that fire access is not obstructed, particularly adjacent to the proposed addition and along primary access routes. A fire lane striping and signage plan shall be submitted with improvement plans for Fire Department approval.
10. **Water Supply and Fire Flow:** An approved water supply capable of delivering the required fire flow shall be provided in accordance with CFC Section 507. Existing fire hydrants shown on the site plan shall be maintained accessible and unobstructed at all times. Any relocation or modification of utilities (including the noted propane tank relocation) shall not impact fire hydrant access or fire protection system functionality.
11. **Fire Protection Systems:** The existing building is equipped with an automatic fire sprinkler system. The system shall be extended to serve the proposed classroom addition in accordance with the California Building Code and applicable National Fire Protection Association (NFPA) standards. Fire sprinkler system plans shall be submitted to the Fire Department for review and approval prior to installation. Fire Department Connections (FDCs) shall remain visible, accessible, and located in accordance with Fire Department standards. No reduction in the level of existing fire protection shall occur as a result of this project.
12. **Fire Alarm and Life Safety Systems:** Fire alarm system requirements shall be evaluated based on occupancy classification, occupant load, and the addition of new classroom space. Any required modifications or expansions to existing fire alarm systems shall be submitted for review and approval. Emergency lighting and exit signage shall be provided in accordance with applicable codes.
13. **Addressing and Site Identification:** Approved address numbers shall be installed on the building and shall be visible from Commerce Way. Addressing shall comply with Fire District standards for size, contrast, and visibility. Due to the size of the campus and multiple buildings, additional directional or monument signage may be required to clearly identify building entrances and access points.

14. **Fire Access Gates (if Applicable)** Any gates installed across fire access roads shall be approved by the Fire Code Official and shall provide approved emergency access, including Knox key switch and other required override systems.
15. **Construction Requirements:** Fire apparatus access and water supply shall be maintained during all phases of construction. Fire access roads shall remain clear and unobstructed. Any temporary impacts to access or water supply shall be coordinated with and approved by the Fire Department.
16. **Knox Access:** A Knox Box shall be installed or updated at an approved location to provide emergency access. Existing Knox devices shall be updated as necessary to reflect new construction or access changes.
17. **Operational/Assembly and Educational Use Conditions:** The facility includes an existing worship center (approximately 350 seats per plans) and classroom uses. The addition of classroom space shall not negatively impact egress, fire protection systems, or occupant load limitations. The maximum occupant load shall be determined by the Building Official and Fire Department and shall not be exceeded. A crowd management plan may be required for large gatherings or special events. Any use of open flame (e.g., candles for services) shall comply with applicable fire code requirements. Temporary events exceeding normal operations may require permits, fire watch, or additional safety measures.

El Dorado County Environmental Management

18. **Construction and Demolition (C&D) Debris Recycling:** State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. Please visit the following website <https://www.eldoradocounty.ca.gov/Public-Safety-Justice/Waste-Disposal/Solid-Waste-Disposal/Construction-and-Demolition-Debris-Recycling> to view El Dorado County's Construction & Demolition Debris Recycling Ordinance Program information and requirements.

El Dorado County Department of Transportation (DOT)

19. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.

20. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the project Grading and Improvement Plans prior to the start of construction of improvements. Grading or Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements. Project Conditions of Approval shall be incorporated into the project Improvement Plans when submitted for review.
21. **Easements:** All existing and proposed easements shall be shown on the project Grading Plans and Improvement Plans.
22. **Utility Encroachment Permit:** Landscaping needs to remain on private property and any utilities that encroach onto the County Right-of-Way will require a utility encroachment permit from DOT.
23. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County shall require an additional grading permit for that offsite grading.
24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and DOT. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, DOT shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Stormwater Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
25. **RCD Coordination:** The timing of construction and method of re-vegetation shall be coordinated with RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to DOT. DOT shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

26. **Geotechnical Report:** At the time of the submittal of the Grading or Improvement Plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to and receive approval from DOT. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
27. **Entrance Gates:** Pursuant to Article 2, Section 1273.11 of the State Responsibility Area (SRA) Fire Safe Regulations, all gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate. All gates shall be designed and constructed with turnarounds acceptable to the County and Fire Department.
28. **Drainage (Cross-Lot):** Avoid cross lot drainage. Contain any concentrated cross lot drainage, or natural sheet flow drainage increased by the project, within dedicated drainage easements. Convey concentrated flows via closed conduit or open channel, to natural drainage courses or storm drain system. Show drainage easements for on-site drainage facilities on the project Grading and Improvement plans.
29. **Water Quality Stamp:** Include a stormwater quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. Obtain approval of proposed message from County Engineer prior to construction.

El Dorado County Stormwater Unit

30. **Erosion and Sediment Control:** An Erosion and Sediment Control Plan will need to be included in the plan submittal. If the project will disturb over one (1) acre of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). CGP requirements can be found at the following link: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html.
31. **Stormwater Management:** The County is subject to the State of California's

Phase II MS4 Permit
(https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/phsii2012_5th/order_final.pdf). Thus, the County's post construction water quality requirements follow those outlined in that Permit or any superseding Permit at the time of application submittal. Projects typically qualify as "Small" or "Regulated/Hydromodification" projects under the current MS4 Permit/West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan Requirements (<https://www.eldoradocounty.ca.gov/Land-Use/Planning-and-Building/Tahoe-Planning-and-Building-Division-Stormwater-Unit/West-Slope-Development-and-Redevelopment-Standards>) if improvements will create or replace 2,500 square feet or more of impervious surface, including offsite improvements. Qualifying projects are required to provide treatment of stormwater prior to the water leaving the site or entering a waterbody. Show detention and/or retention facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual.

County Surveyor's Office

32. **Boundary Monuments:** All boundary monuments that may be disturbed or destroyed during project construction shall be identified and referenced and/or reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).
33. **Address:** If applicable, applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required with 30 days of approval.



Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

CUP25-0014/Calvary Chapel - Classroom Addition
Exhibit A - Vicinity Map



Legend

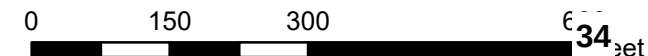
Parcel Lines

Roads

MAJOR

MINOR

26-1109 D Page 1 of 7



RECEIVED

SEP 23 2025

EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT

329:34

1" = 200'

DIAMOND DEVELOPMENT
POR. SEC. 25, T.10N., R.10E., M.D.M.
F-119



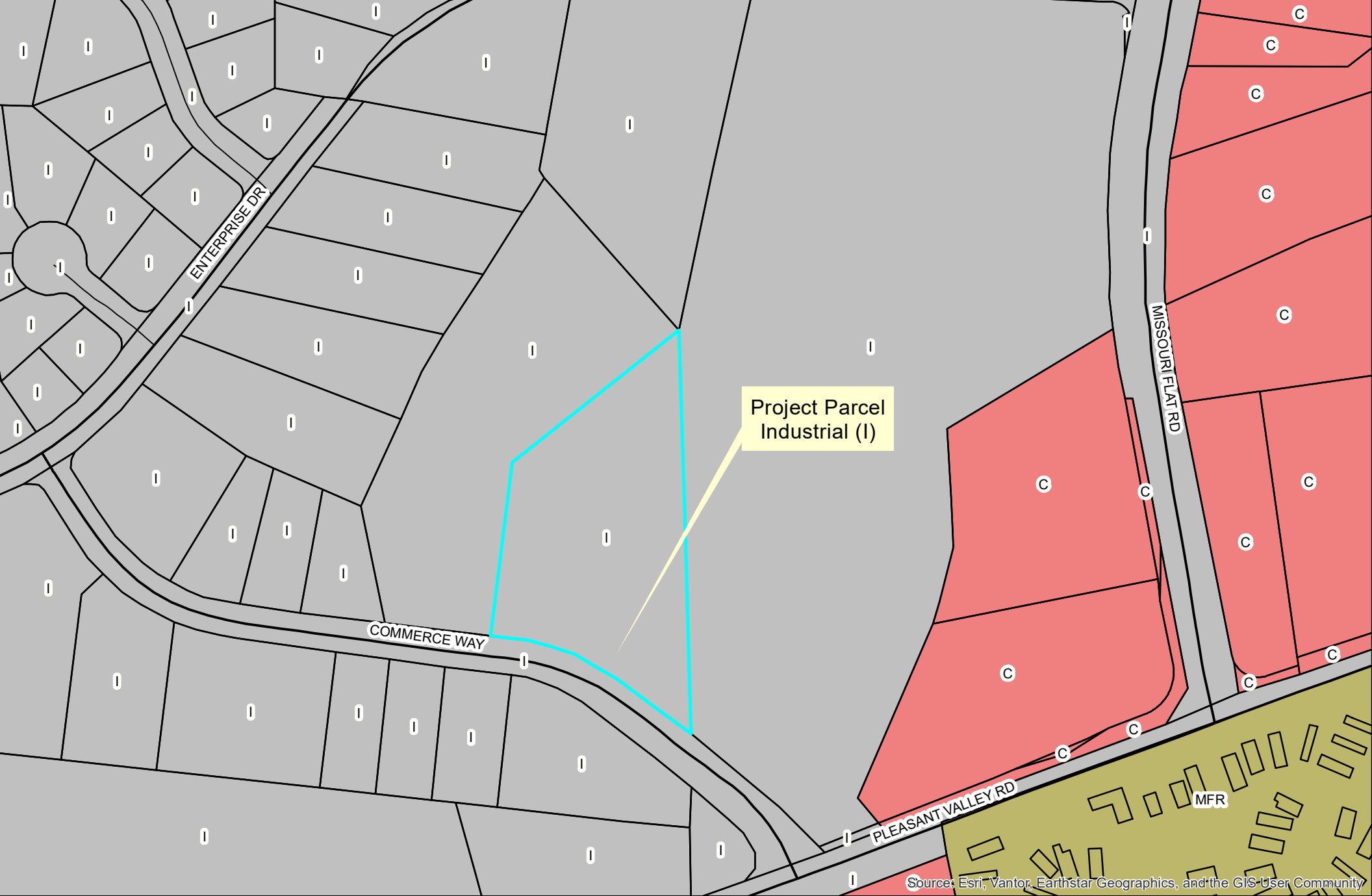
Acres Are Estimates

"THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's office for assessment purposes only. Area calculations and characteristics are not guaranteed. Users should verify items such as dimensions and acreage."

Adjacent Map Pages shown in Grey Text
Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Rev. Aug 27, 2013

Assessor's Map Bk. 329, Pg. 34
County of El Dorado, CA

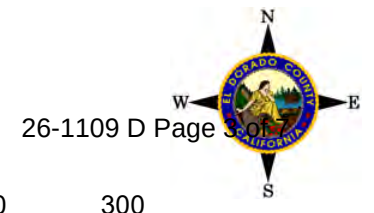


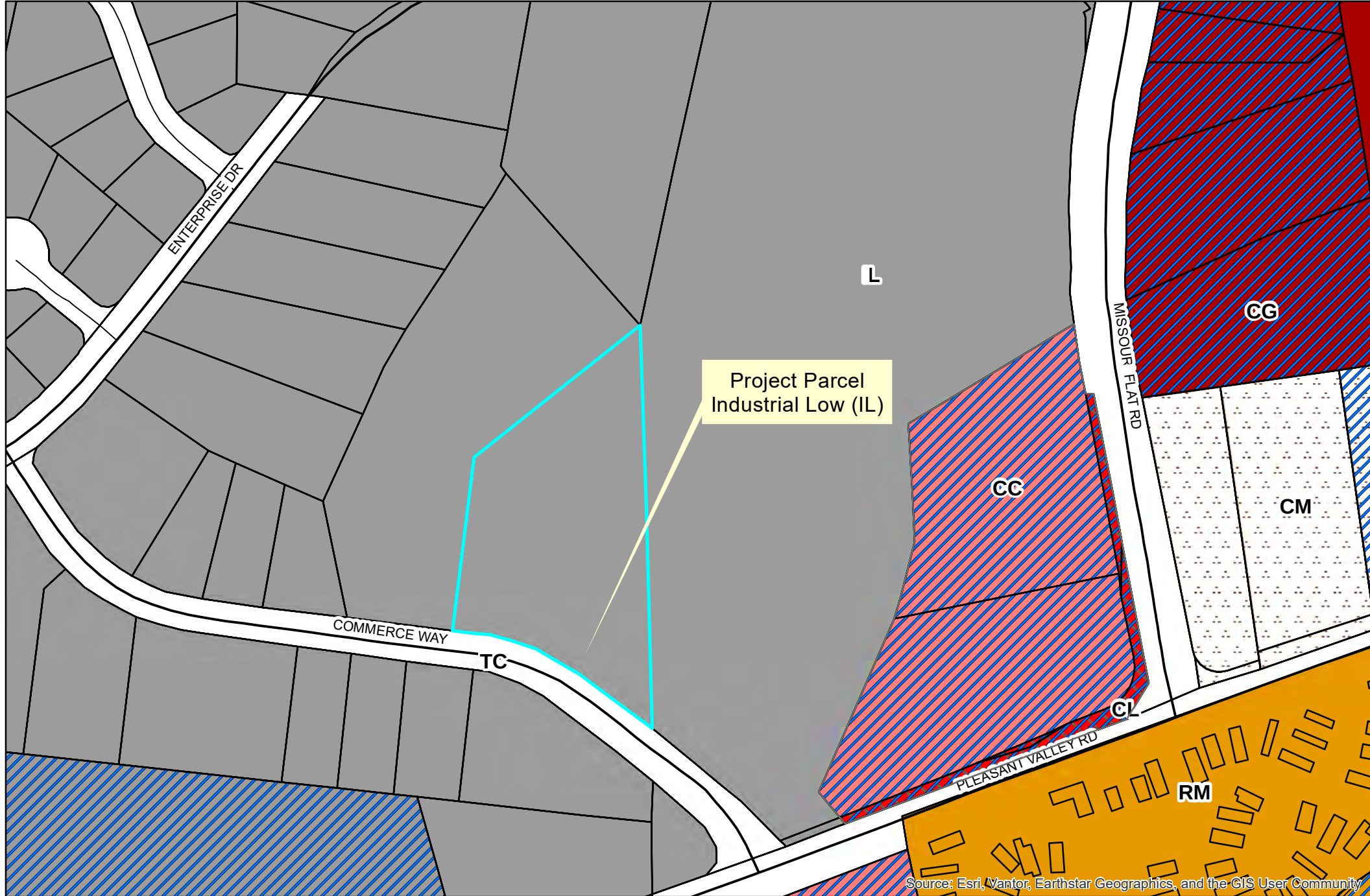
Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

Legend

-  Parcel Lines
-  Commercial
-  Industrial
-  Multi-Family Residential

CUP25-0014/Calvary Chapel - Classroom Addition Exhibit C - General Plan Land Use Map



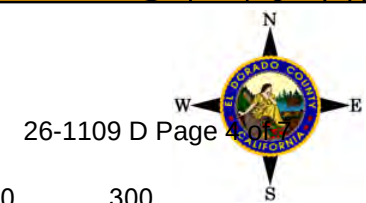


Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

Legend

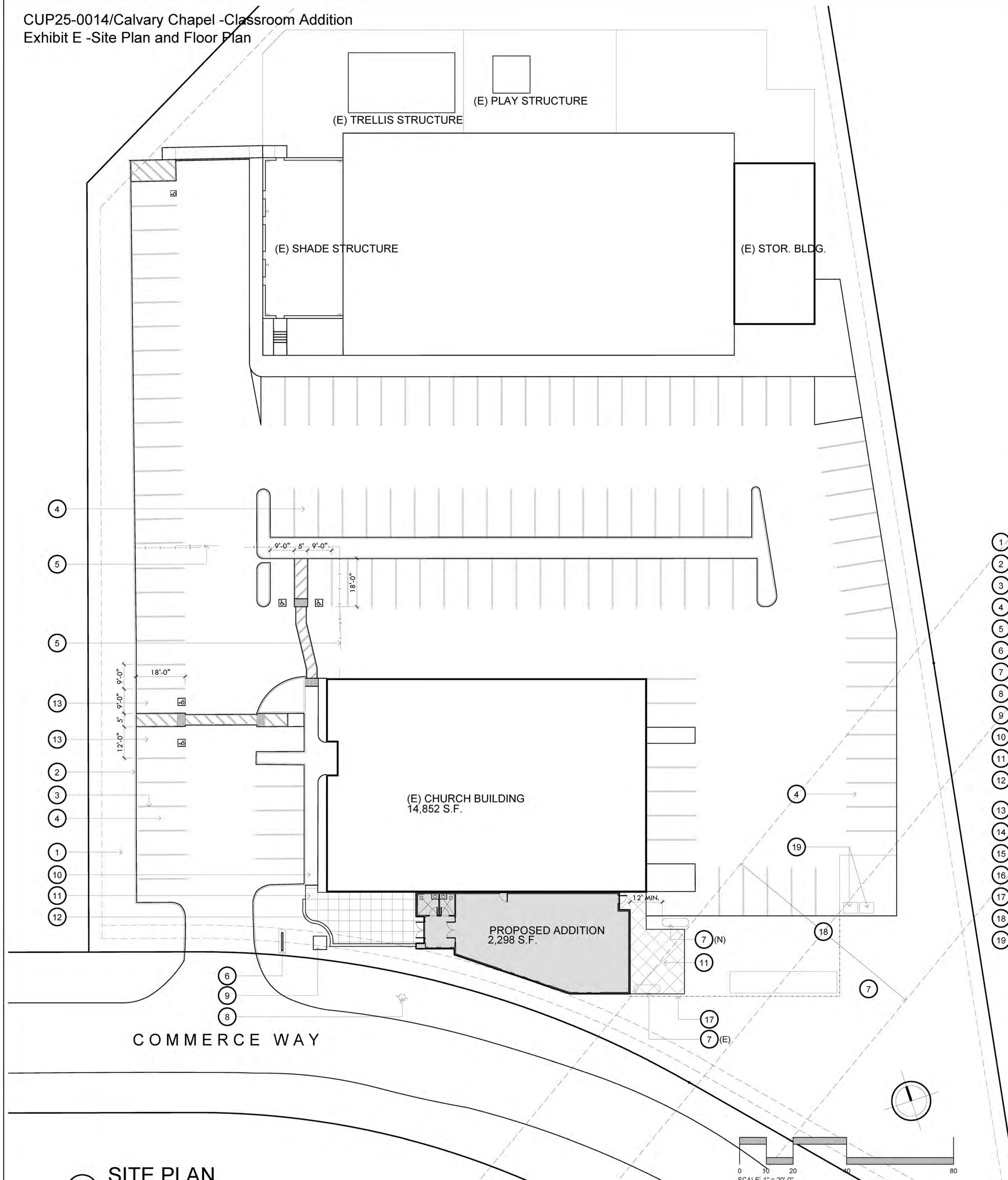
- | | |
|----------------------------|------------------------------|
| Parcel Lines | IL = Industrial Low |
| CC = Commercial Community | RM = Residential Multi-Unit |
| CG = Commercial General | DC = Design Control |
| CL = Commercial Limited | TC = Transportation Corridor |
| CM = Commercial Mainstreet | |

CUP25-0014/Calvary Chapel - Classroom Addition Exhibit D - Zoning Designation Map

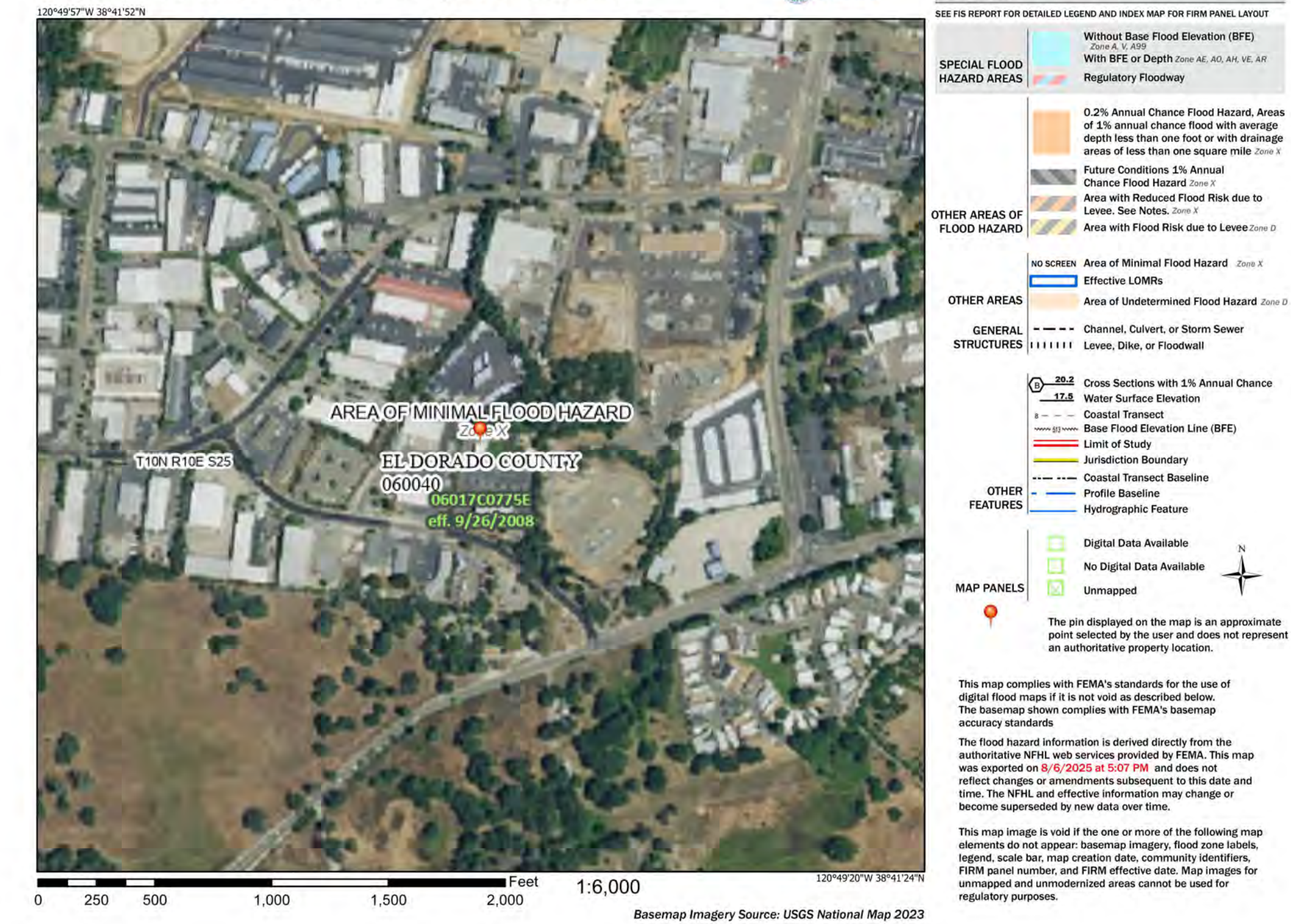


0 150 300 6 37 Feet

CUP25-0014/Calvary Chapel -Classroom Addition
Exhibit E -Site Plan and Floor Plan

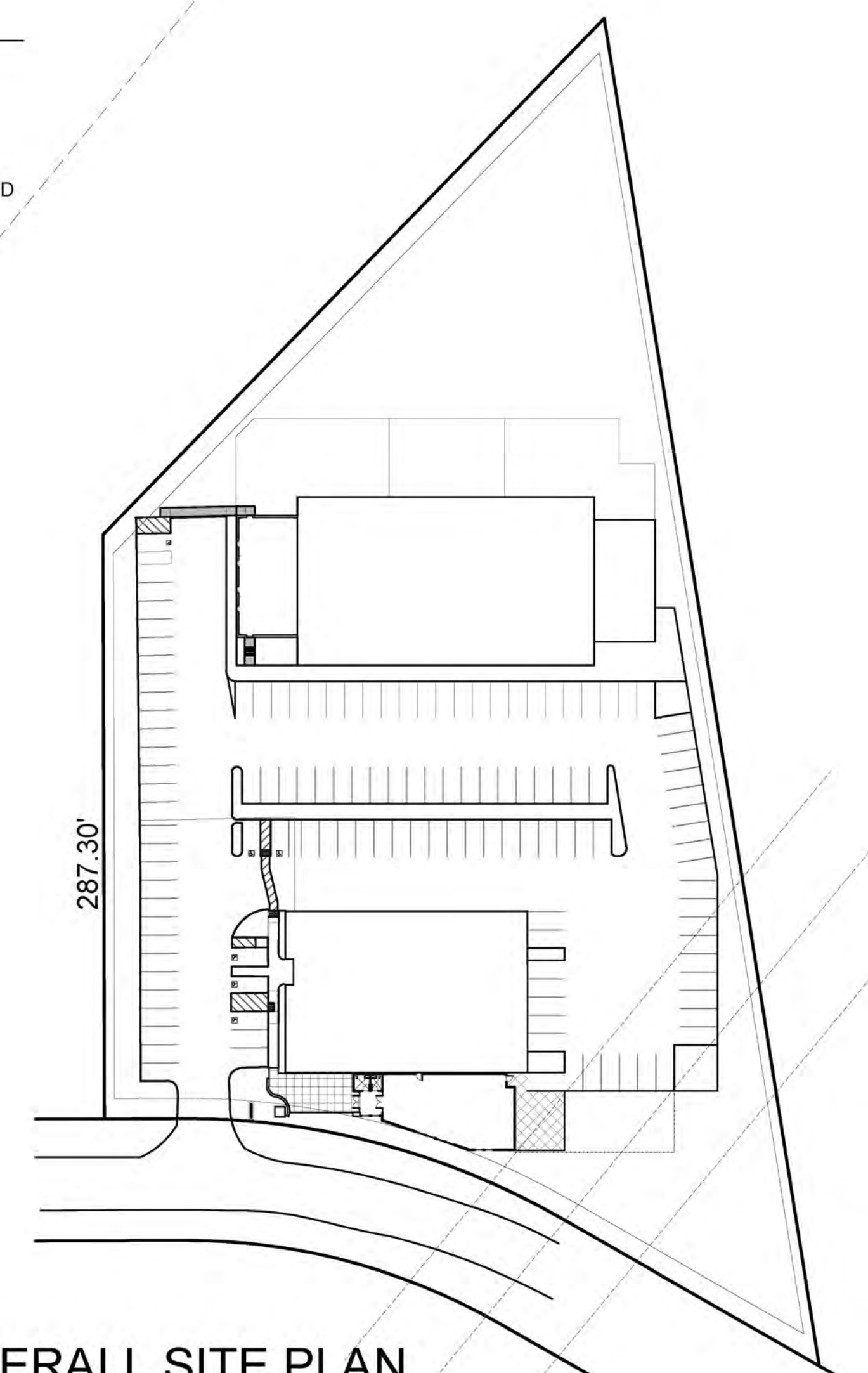


National Flood Hazard Layer FIRMette

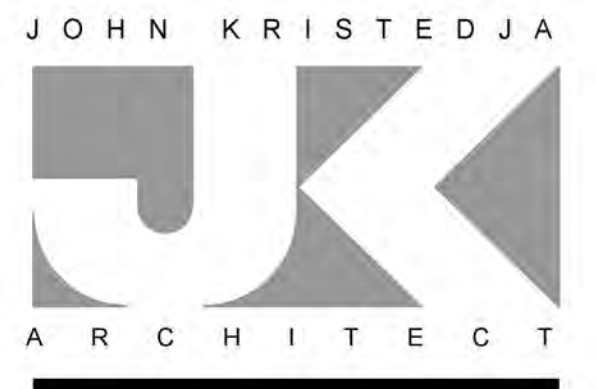


KEYNOTE LEGEND

- 1 (E) PLANTER AREA
- 2 (E) CONCRETE CURB
- 3 (E) PARKING STRIPING - RECONFIGURE AS REQ'D
- 4 (E) PARKING STALLS - TYP. U.N.O.
- 5 (E) VEHICULAR ROLLING GATE
- 6 (E) BUILDING SIGNAGE
- 7 (E) PROPANE TANK TO BE RELOCATED
- 8 (E) FIRE HYDRANT
- 9 (E) ELECT. VAULT
- 10 (E) CONC. SIDEWALK PAVING
- 11 NEW CONC. PAVING
- 12 NEW 18" TALL CONC. SEAT WALL -
COLOR TO MATCH BUILDING
- 13 ACCESSIBLE PKG. - RECONFIGURE AS REQ'D
- 14 ACCESSIBLE PKG. STRIPING
- 15 (E) AC ENTRY DRIVE
- 16 (E) PROPERTY LINE SETBACK
- 17 (E) CHAIN LINK FENCING
- 18 80' WIDE PG&E EASEMENT
- 19 TRASH / RECYCLE COLLECTION AREA



2 OVERALL SITE PLAN

$$1'' = 20'-0''$$


ARCHITECTURE ■ PLANNING

6288 BUTTERFIELD WAY
PLACERVILLE, CA 95667

(916) 933-7633 T
(916) 933-7650 F

ARCHITECT'S STAMP



CONSULTANT

PROJECT NAME	
--------------	--

CALVARY CHAPEL PLACERVILLE
CLASSROOM ADDITION

PROJECT ADDRESS

6575 COMMERCE WAY
DAMOND SPRINGS, CA 95619

DRAWING NAME

SITE PLAN

SUBMITTAL	DATE
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[illegible]

DRAWN BY: JK

CHECKED BY: JK

DATE: 01-19-2026

SCALE: NOTED

PROJECT NUMBER: 221001

DRAWING NUMBER:

A1

26-1109 D Page 5 of 7



ARCHITECTURE ■ PLANNING

6288 BUTTERFIELD WAY
PLACERVILLE, CA 95667

(916) 933-7633 T
(916) 933-7650 F

ARCHITECT'S STAMP



CONSULTANT

PROJECT NAME

CALVARY CHAPEL PLACERVILLE
CLASSROOM ADDITION

PROJECT ADDRESS

6575 COMMERCE WAY
DAMOND SPRINGS, CA 95619

DRAWING NAME

EXTERIOR
ELEVATIONS

SUBMITTAL	DATE

NO	DATE	REVISION
△		
△		
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DRAWN BY: JK	CHECKED BY: JK
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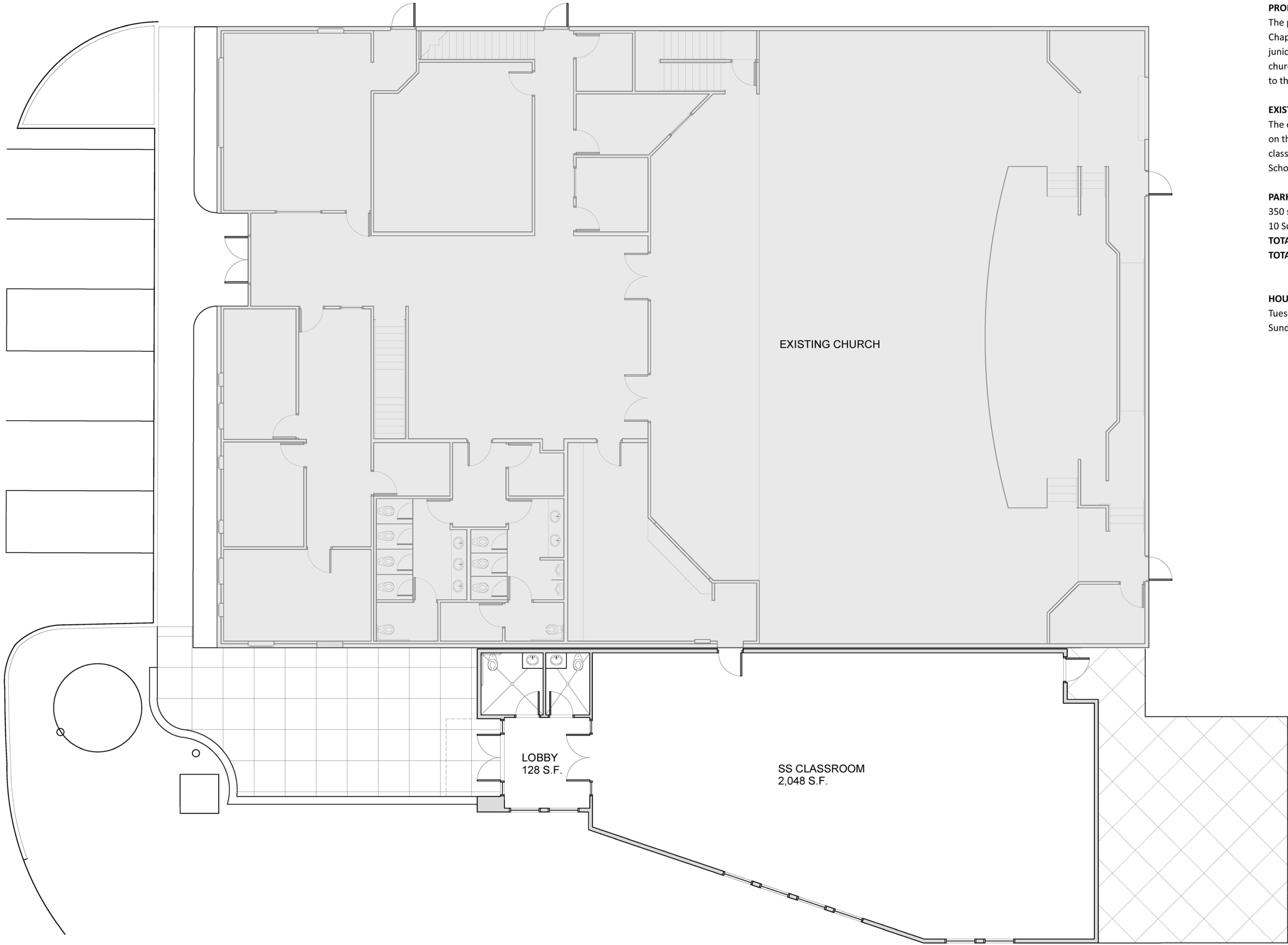
DATE: 01-19-2026	SCALE: NOTED
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PROJECT NUMBER:	221001
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DRAWING NUMBER:	
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A-2.3

26-1109 D Page 6 of 7



PROJECT NARRATIVE

CALVARY CHAPEL PLACERVILLE CHURCH
6575 COMMERCE WAY
DIAMOND SPRINGS, CA 95619

PROPOSED USE:

The proposed project is a 2,298 s.f. addition of a new Sunday School classroom for the Calvary Chapel Church in Diamond Springs. The new addition will serve as Sunday School classrooms for junior high to high school aged children. The proposed addition will also serve as the children's church prior to their Sunday school sessions. After the children's worship session, they will head to their respective classrooms.

EXISTING USE:

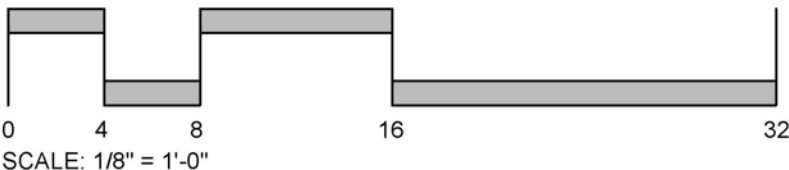
The current church has 290 seats on the main floor in the sanctuary and an additional 60 seats on the 2nd level balcony for a total seating capacity of 350. There are 8 existing Sunday School classrooms. The addition will add 2 additional Sunday School rooms for a total of 10 Sunday School classrooms.

PARKING REQUIREMENT:

350 seats / 4 = 88 parking spaces
10 Sunday School Classrooms / 1 = 10 parking spaces
TOTAL REQUIRED = 98 spaces
TOTAL PROVIDED = 127 spaces

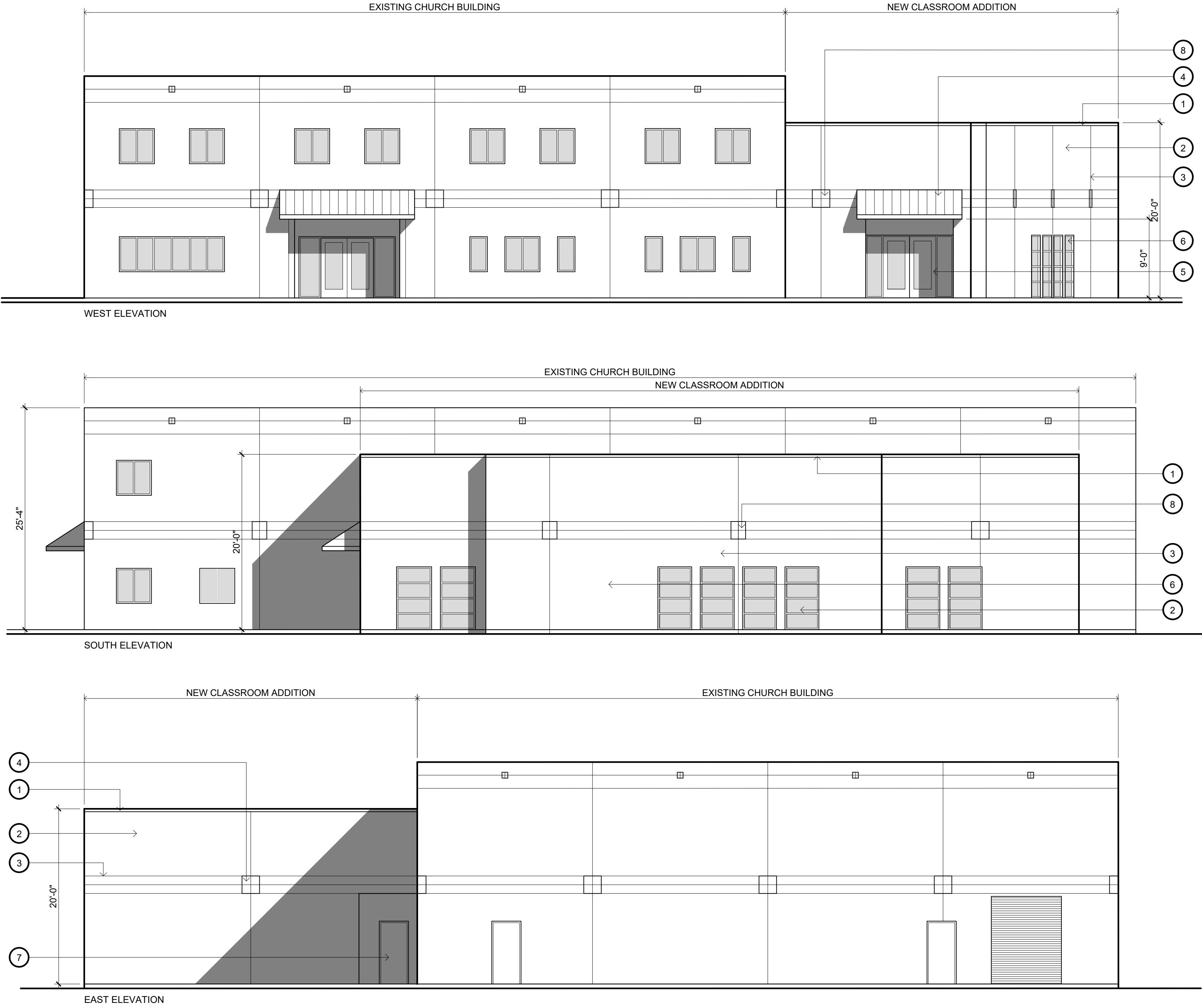
HOURS OF OPERATION:

Tuesday – Friday 9:00am – 4:30pm
Sunday 7:30am – 1:30pm



1/8" = 1'-0"

FLOOR PLAN



- KEYNOTE LEGEND
- 1 SHT. METAL PARAPET CAP
 - 2 7/8" EXTERIOR PLASTER FINISH
 - 3 ALUM. PLASTER REVEAL
 - 4 METAL ENTRY AWNING
 - 5 ALUMINUM STOREFRONT ENTRY
 - 6 ALUMINUM STOREFRONT WINDOWS
 - 7 METAL EXTERIOR DOOR
 - 8 PLASTER RELIEF ACCENT TO MATCH (E) BUILDING



ARCHITECTURE ■ PLANNING
6288 BUTTERFIELD WAY
PLACERVILLE, CA 95667
(916) 933-7633 T
(916) 933-7650 F

ARCHITECT'S STAMP



CONSULTANT

PROJECT NAME

CALVARY CHAPEL PLACERVILLE
CLASSROOM ADDITION

PROJECT ADDRESS

6575 COMMERCE WAY
DAMOND SPRINGS, CA 95619

DRAWING NAME

EXTERIOR
ELEVATIONS

SUBMITTAL	DATE

NO	DATE	REVISION
△		
△		
△		
△		
△		
△		

DRAWN BY: JK CHECKED BY: JK

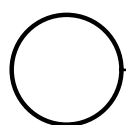
DATE: 01-19-2026 SCALE: NOTED

PROJECT NUMBER: 221001

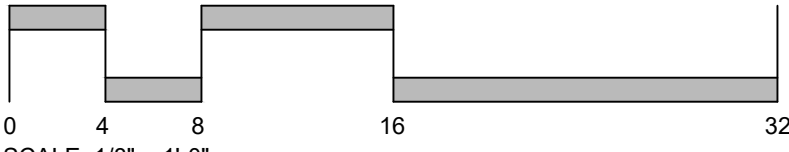
DRAWING NUMBER:

A2.1

26-1109 D Page 7 of 7



EXTERIOR ELEVATIONS



1/8" = 1'-0"

Planning Commission Hearing

CUP25-0014

Calvary Chapel Classroom Addition



JULY 9, 2026

PLANNING AND BUILDING DEPARTMENT - PLANNING DIVISION

Project Description

Conditional Use Permit (CUP) for a proposed 2,298 square-foot classroom addition to an existing legal nonconforming church.

Project Vicinity Map



Legend

Parcel Lines

Roads

MAJOR

MINOR

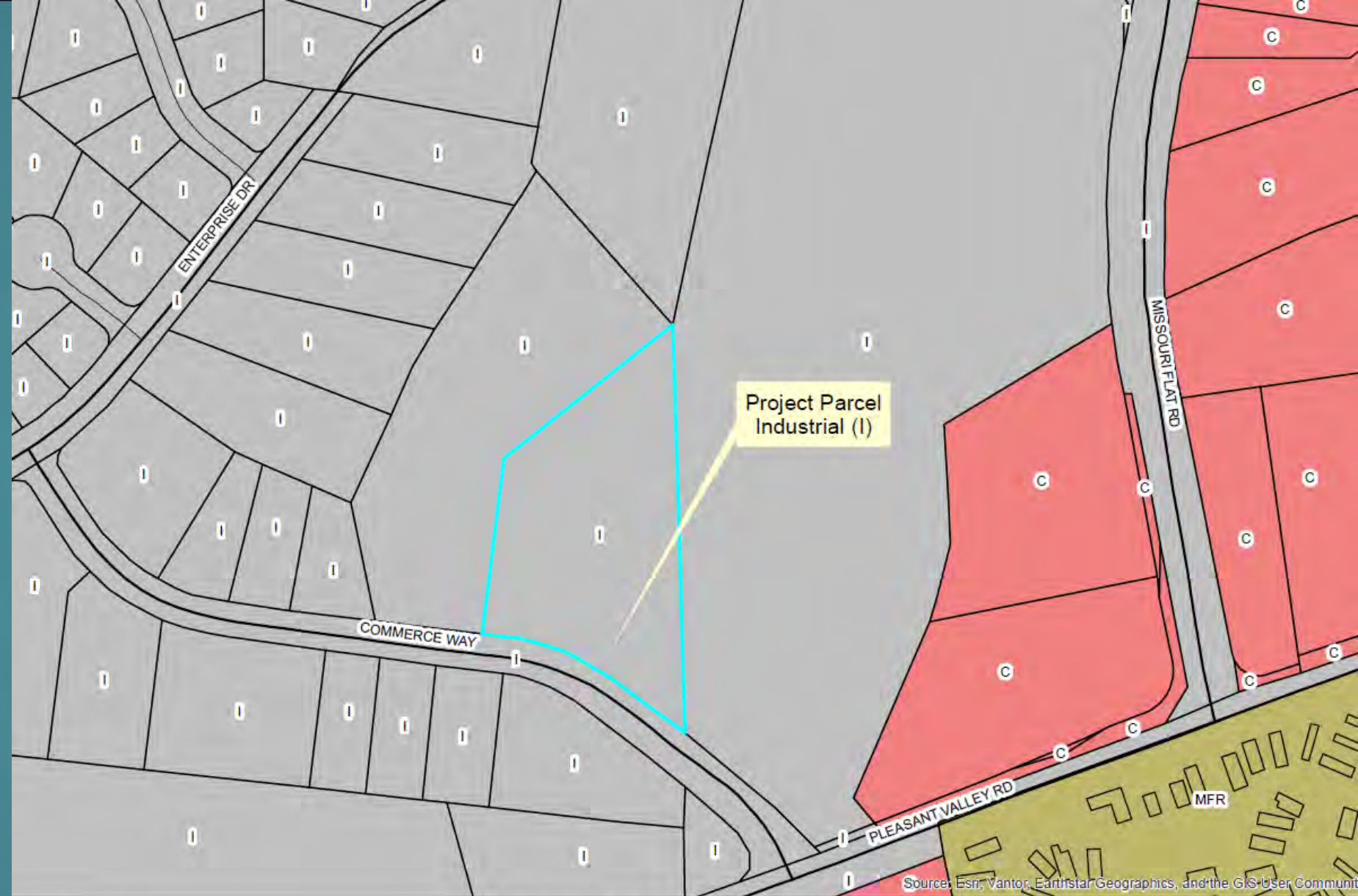
CUP25-0014/Calvary Chapel - Classroom Addition
Exhibit A - Vicinity Map

0 150 300 Feet

26-1109 E Page 3 of 11

43

General Plan Land Use Map



Legend

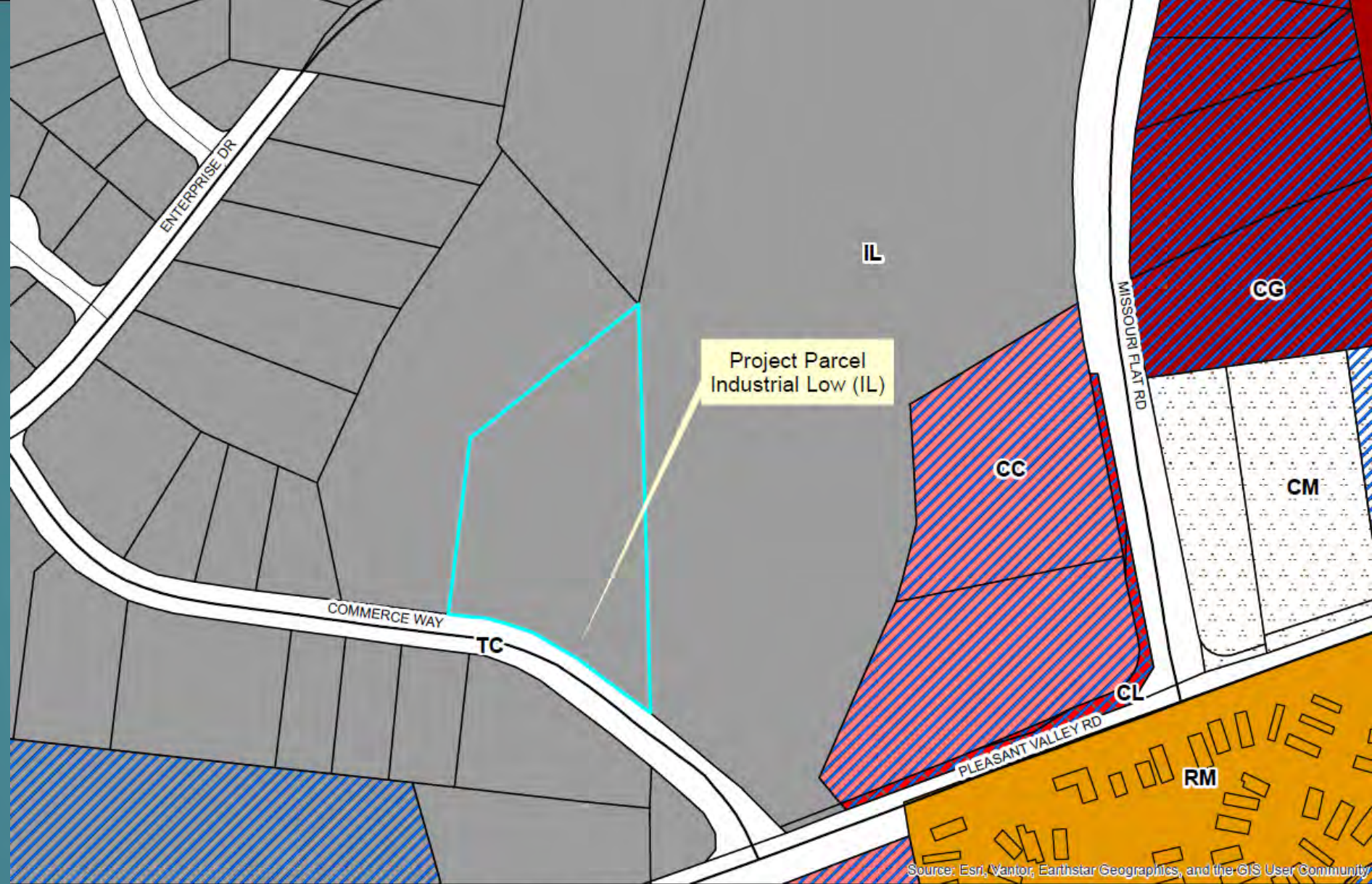
- Parcel Lines
- Commercial
- Industrial
- Multi-Family Residential

CUP25-0014/Calvary Chapel - Classroom Addition
Exhibit C - General Plan Land Use Map

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community



Zoning Map

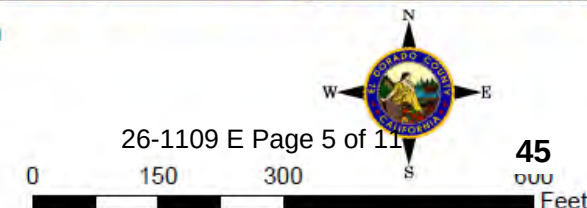


Legend

Parcel Lines	IL = Industrial Low
CC = Commercial Community	RM = Residential Multi-Unit
CG = Commercial General	DC = Design Control
CL = Commercial Limited	TC = Transportation Corridor
CM = Commercial Mainstreet	

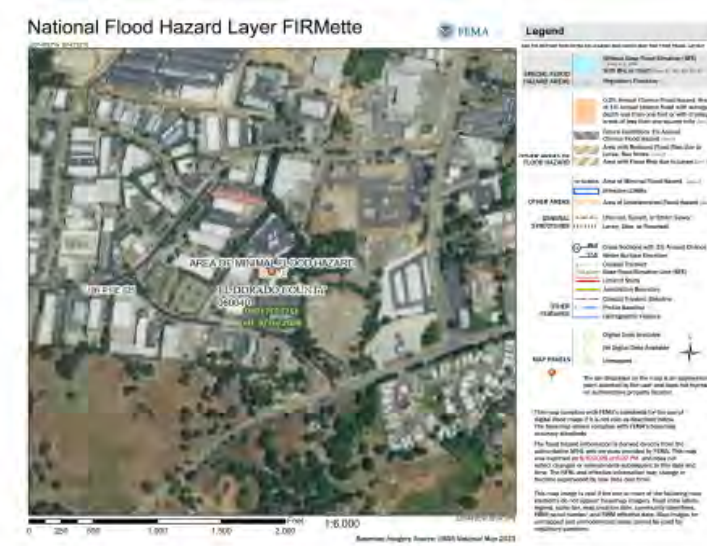
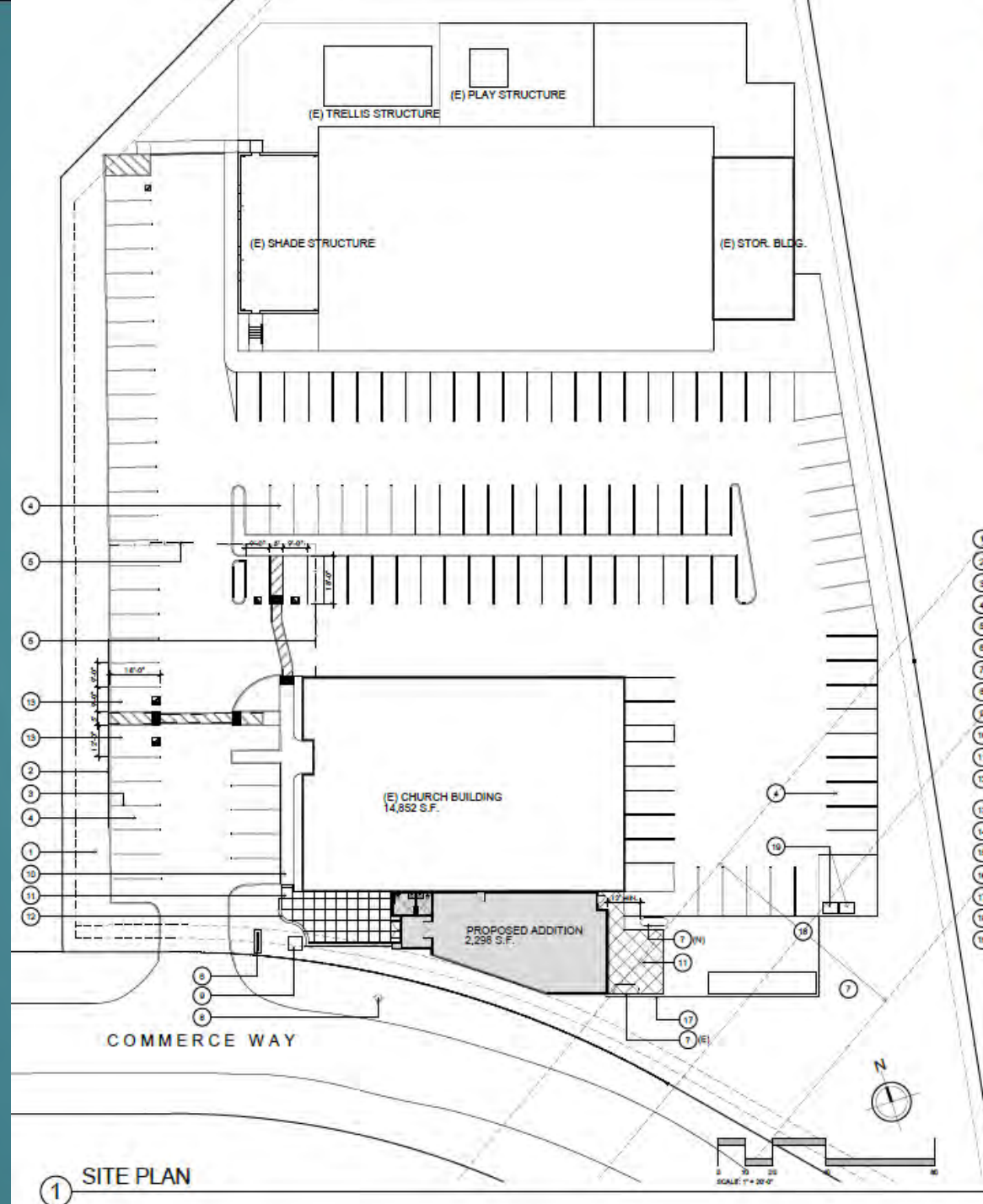
CUP25-0014/Calvary Chapel - Classroom Addition
Exhibit D - Zoning Designation Map

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

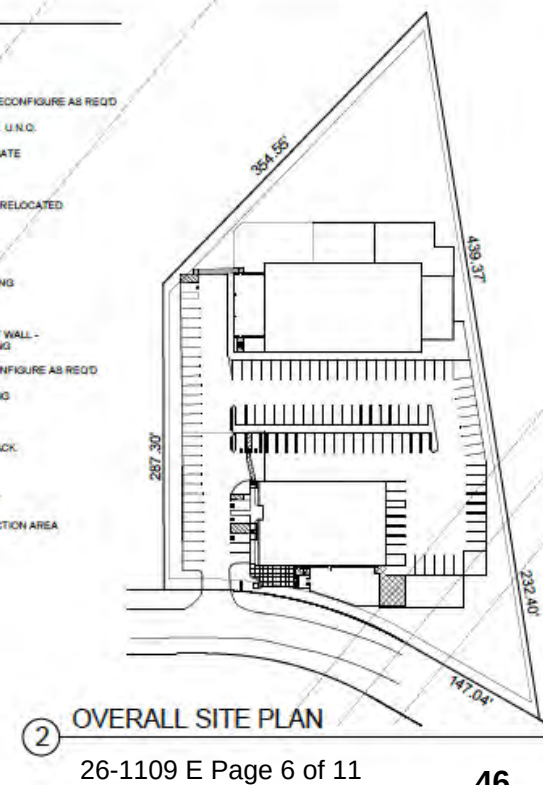


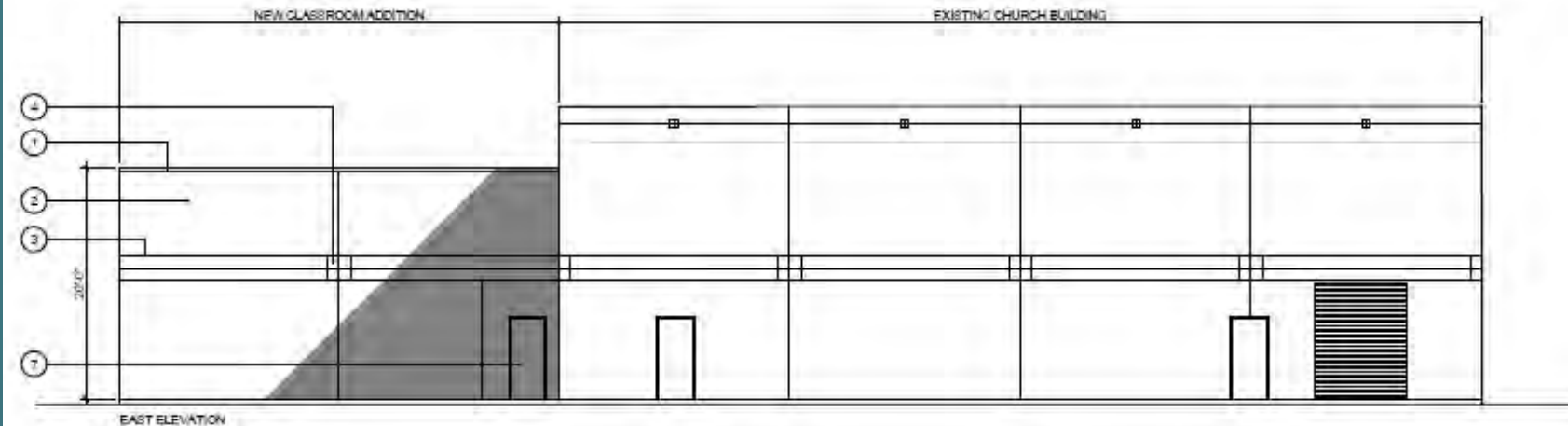
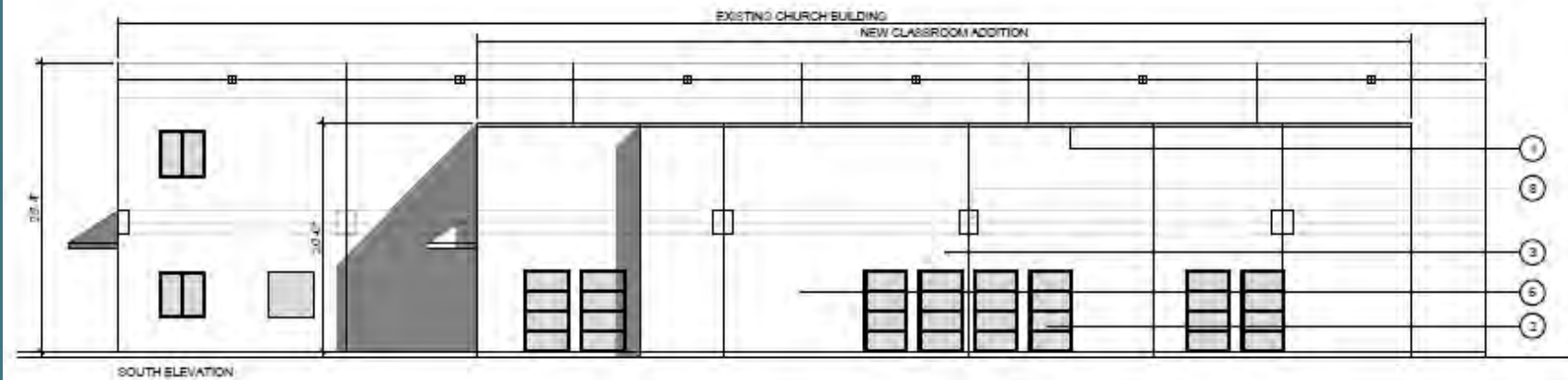
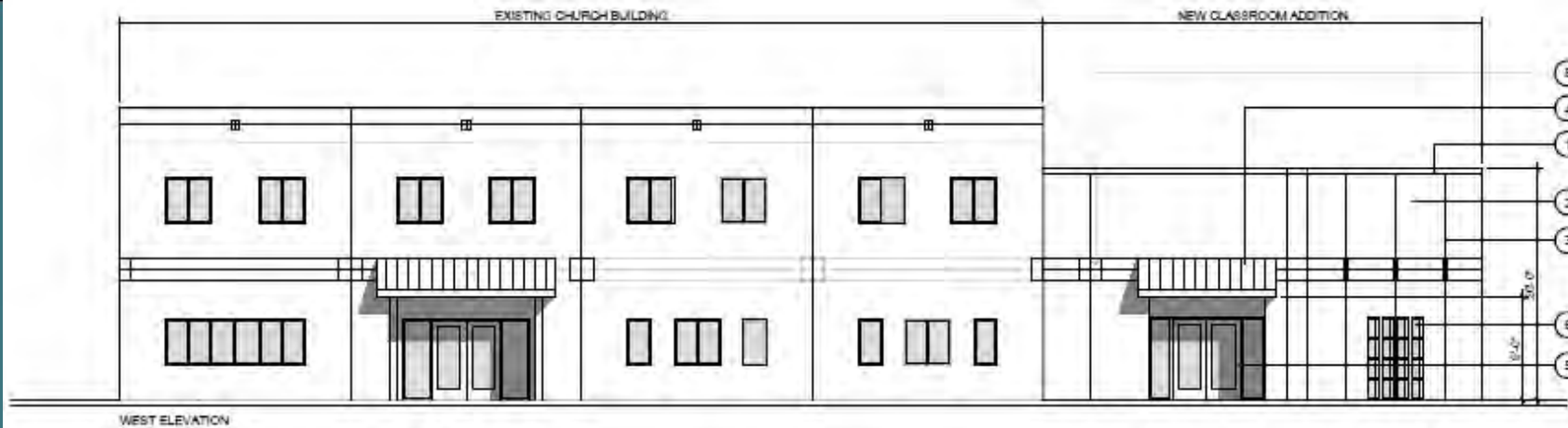
45
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Feet

Project Plans

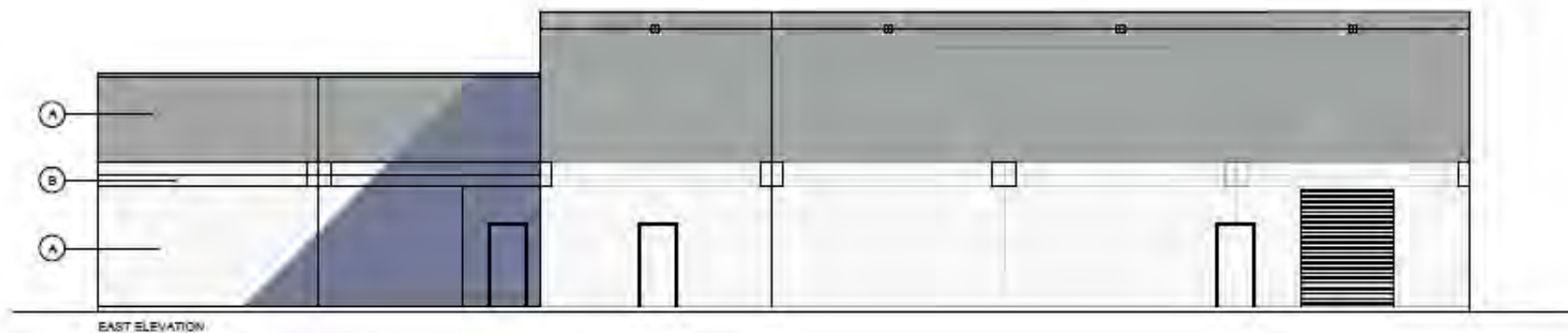
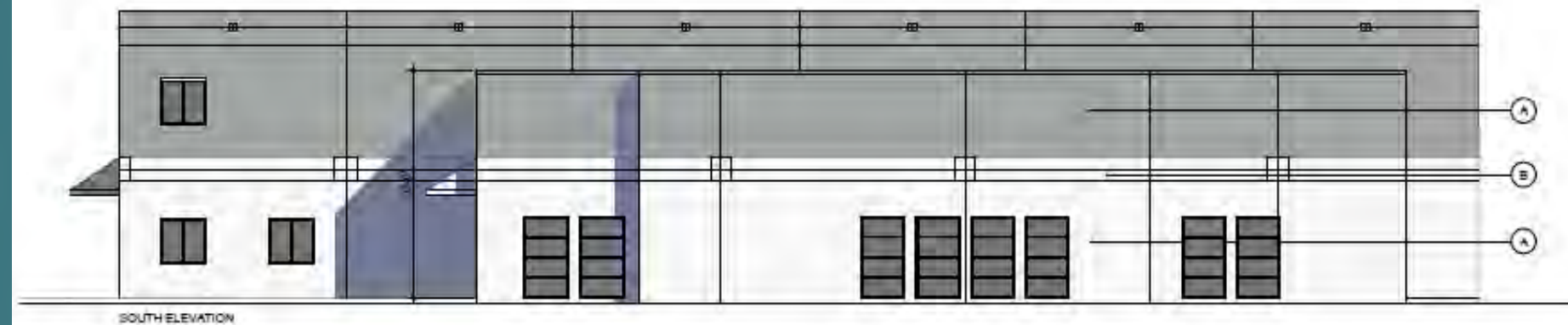
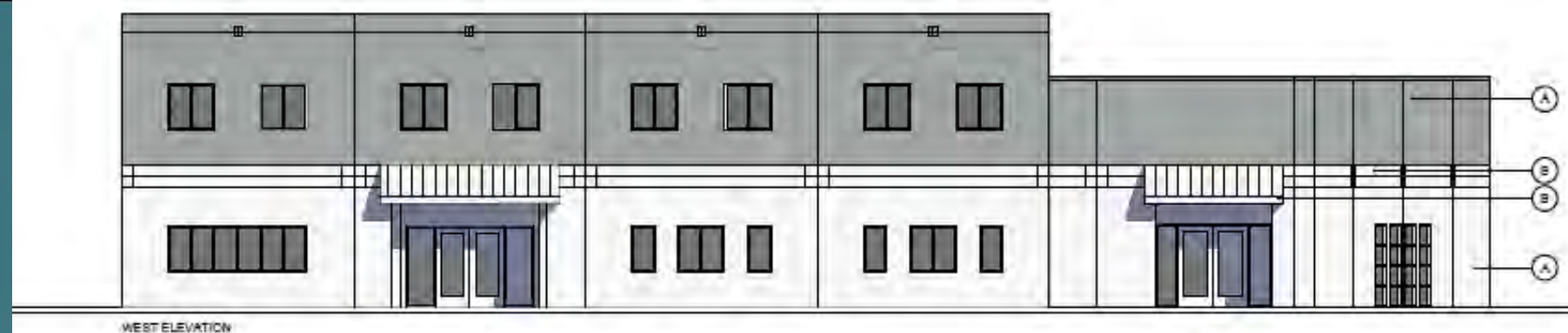


- KEYNOTE LEGEND**
- (E) PLANTER AREA
 - (E) CONCRETE CURB
 - (E) PARKING STRIPING - RECONFIGURE AS REQ'D
 - (E) PARKING STALLS - TYP. U.N.D.
 - (E) VEHICULAR ROLLING GATE
 - (E) BUILDING SIGNAGE
 - (E) PROPANE TANK TO BE RELOCATED
 - (E) FIRE HYDRANT
 - (E) ELECT. VAULT
 - (E) CONC. SIDEWALK PAVING
 - NEW CONC. PAVING
 - NEW 18" TALL CONC. SEAT WALL - COLOR TO MATCH BUILDING
 - ACCESSIBLE PKG. - RECONFIGURE AS REQ'D
 - ACCESSIBLE PKG. STRIPING
 - (E) AC ENTRY DRIVE
 - (E) PROPERTY LINE SETBACK
 - (E) CHAIN LINK FENCING
 - 80' WIDE PG&E EASEMENT
 - TRASH / RECYCLE COLLECTION AREA





Project Plan Elevations



Environmental Review

Staff has reviewed the project and has determined Conditional Use Permit CUP25-0014 is Categorically Exempt pursuant to Section 15301 (Class 1, Existing Facilities), of the CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use; (c) Additions to existing structures provided that the addition will not result in an increase more than: (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. Approval of this Conditional Use Permit would allow for construction of a 2,298 square foot classroom addition to an existing legal nonconforming church.

Staff Recommendation

Staff recommends the Planning Commission take the following actions:

1. Find Conditional Use Permit CUP25-0014 to be Categorically Exempt pursuant to Section 15301, Existing Facilities of the CEQA Guidelines; and
2. Approve Conditional Use Permit CUP25-0014 based on the Findings and subject to the Conditions of Approval as presented.

Thank you.
Staff is available for questions.



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Master Report

File Number: 26-1110

***File ID #:** 26-1110

Agenda Agenda Item
Type:

Status: Agenda Item

Version: 1

Reference:

Gov Body: Planning
Commission

Department: Planning and Building

Created: 06/18/2026

Agenda Title: 07-09-26 PC Digital Sign Ordinance

Final Action:

Title: Hearing to consider Planning and Building Department, Long Range Planning Unit, proposed amendments to Chapter 130.36 of the Zoning Ordinance (Signs) to allow limited digital signs in the El Dorado Hills Community Region; and staff recommending the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

- 1) Adopt the Addendum to the County's 2015 Sign Ordinance Update Final Environmental Impact Report (FEIR), certified in July 2015 (State Clearinghouse No. 2014102011) (Legistar Attachment B); and
- 2) Approve the amendments to Chapter 130.36 (Signs) as presented, based on the Findings (Legistar Attachment B).

Notes:

Code Sections:

Agenda Date: 07/09/2026

Agenda Number: 3.

Sponsors:

::

Attachments: A - Staff Presentation, B - Draft EIR Addendum, C - Redline Amendments to Chapter 130.36 (Signs), D - Clean Zoning Ordinance Chapter 130.36 (Signs), E - Staff Memo, F - Public Noticing

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Contact: Thea Graybill

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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 26-1110

Hearing to consider Planning and Building Department, Long Range Planning Unit, proposed amendments to Chapter 130.36 of the Zoning Ordinance (Signs) to allow limited digital signs in the El Dorado Hills Community Region; and staff recommending the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

- 1) Adopt the Addendum to the County's 2015 Sign Ordinance Update Final Environmental Impact Report (FEIR), certified in July 2015 (State Clearinghouse No. 2014102011) (Legistar Attachment B); and
- 2) Approve the amendments to Chapter 130.36 (Signs) as presented, based on the Findings (Legistar Attachment B).

DISCUSSION/BACKGROUND

On September 16, 2025 (Legistar File 25-1480), the Board of Supervisors (Board) directed Long Range Planning (LRP) staff to adopt amendments to Chapter 130.36 of the Zoning Ordinance (Signs). These amendments included language banning digital signs with limited exceptions after the Signage Ad Hoc Committee, formed in March 2025, recommended the ban on digital signs to the Planning Commission and Board.

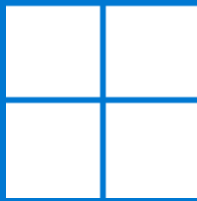
Based on feedback received, staff discovered the digital sign ban was too narrowly written and inadvertently banned digital signs that were desired in certain portions of the County. On January 6, 2026 (Legistar File 25-2066), LRP staff brought a Resolution of Intention (ROI) to the Board to initiate the process of amending Chapter 130.36 (Signs). Staff requested feedback and direction from the Board regarding the following specific digital sign-related items: 1) sign technology; 2) restrictions on message changes; 3) sign size, placement, type, height, and number allowed; 4) appropriate permitting process; and 5) appropriate location(s). The Board provided recommendations and authorized staff to initiate appropriate amendments to Chapter 130.36 regarding digital signs, with a focus on limiting use of digital signs to communities with major shopping destinations on the County's West Slope, such as the El Dorado Hills Community Region. Following staff's presentation of the ROI to the Board, staff worked with the Signage Ad Hoc Committee on recommended amendments and the Signage Ad Hoc Committee reviewed and approved those amendments, as presented in this item.

The proposed amendments include changes to Sections 130.36.070.H (Development Standards for Specific Sign Types) and 130.36.090.B.2 (Prohibited Signs - Exemptions) to allow limited use of digital freestanding and directory signs within specified commercial zones in the El Dorado Hills Community Region. For details, please refer to the staff memo (Legistar Attachment E).

The current draft of the proposed amendments is included as Legistar Attachment C. The proposed Ordinance amendments would be effective 30 days after final adoption by the Board.

CONTACT

Thea Graybill, Planning Manager
Planning and Building Department, Long Range Planning Unit



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**Addendum to the El Dorado County Sign Ordinance
Update
Final Environmental Impact Report**

**Zoning Ordinance Amendments to
Chapter 130.36 (Signs)**

State Clearinghouse Number 2014102001

Prepared by:
County of El Dorado
Planning and Building Department

July 2026

I. INTRODUCTION

A. Overview

This document constitutes an addendum to the certified Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2014102001) for the El Dorado County (County) 2015 Sign Ordinance Update. County staff has determined that an addendum is the appropriate document for the Digital Signs Zoning Ordinance Amendments (Amendments) because minor, technical amendments to Chapter 130.36 of the Zoning Ordinance (Signs) are needed, and none of the revisions trigger any of the conditions for preparation of a subsequent or new document under the California Environmental Quality Act (CEQA). This addendum was prepared pursuant to California Public Resources Code section 21000 et seq. and CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

B. CEQA Authority for Addendum

Pursuant to CEQA Guidelines section 15164(a), the lead or responsible agency must prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR have occurred. CEQA Guidelines section 15164(e) provides that the brief explanation of the decision to not prepare a subsequent EIR must be supported by substantial evidence.

Under CEQA Guidelines section 15162, “no subsequent EIR shall be prepared for that project unless the lead agency determines...one or more of the following conditions occur:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects

not discussed in the previous EIR or negative declaration;

b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

C. Scope of Addendum

This addendum addresses whether any of the above conditions have occurred as described in CEQA Guidelines section 15162 that would require preparation of a subsequent EIR to the 2015 Sign Ordinance Update FEIR as the result of the minor, technical amendments to Chapter 130.36 (Signs). The scope of analysis contained within this addendum addresses the two environmental resource areas previously identified and analyzed in the 2015 Sign Ordinance Update FEIR for potential environmental impacts as listed below:

- Aesthetics
- Visual Resources

Section 3 of this addendum includes a table that summarizes the proposed Zoning Ordinance amendments and completes the necessary CEQA review of the draft documents as compared to the 2015 Sign Ordinance Update FEIR.

D. Adoption and Availability of Addendum

As noted above, this addendum will be considered for approval by the County Board of Supervisors (Board). Pursuant to CEQA Guidelines section 15164(c), an addendum is not required to be circulated for public review but can be included in or attached to the FEIR. Under CEQA Guidelines section 15164(d), the Board must consider the addendum with the FEIR prior to deciding on the proposed amendments to Chapter 130.36 (Signs).

II. BACKGROUND INFORMATION ON THE PROPOSED DIGITAL SIGNS ZONING ORDINANCE AMENDMENTS (CHAPTER 130.36)

On September 16, 2025 (Legistar File 25-1480), the Board of Supervisors (Board) directed Long Range Planning (LRP) staff to adopt amendments to Chapter 130.36 of the Zoning Ordinance (Signs). These amendments included language banning digital signs with limited exceptions after the Signage Ad Hoc Committee, formed in March 2025, recommended the ban on digital signs to the Planning Commission and Board.

Based on feedback received, staff discovered the digital sign ban was too narrowly written and inadvertently banned digital signs that were desired in certain portions of the County. On January 6, 2026 (Legistar File 25-2066), LRP staff brought a Resolution of Intention (ROI) to the Board to initiate the process of amending Chapter 130.36 (Signs). Staff requested feedback and direction from the Board regarding the following specific digital sign-related items: 1) sign technology; 2) restrictions on message changes; 3) sign size, placement, type, height, and number allowed; 4) appropriate permitting process; and 5) appropriate location(s). The Board provided recommendations and authorized staff to initiate appropriate amendments to Chapter 130.36 regarding digital signs, with a focus on limiting use of digital signs to communities with major shopping destinations on the County's West Slope, such as the El Dorado Hills Community Region. Following staff's presentation of the ROI to the Board, staff worked with the Signage Ad Hoc Committee on recommended amendments and the Signage Ad Hoc Committee reviewed and approved the proposed amendments as discussed below.

III. PROPOSED DIGITAL SIGNS ZONING ORDINANCE AMENDMENTS (CHAPTER 130.36)

A. Overview

The proposed amendments consist of minor clarifications and/or modifications to the current Ordinance regarding use of digital signs in the EDHCR. Adoption of the amendments will clarify sign permitting requirements and review procedures and create separate objective development standards for signs within the EDHCR.

B. Proposed Ordinance Amendments

The amendments will update County sign regulations to allow limited digital signage within the EDHCR under defined development standards and

operational restrictions. The amendments establish eligibility thresholds based on commercial center size, regulate the number, size, and height of permitted digital freestanding and directory signs, and limit digital signage to specified commercial zone districts.

The amendments include operational standards intended to minimize visual impacts, including prohibiting visibility from U.S. Highway 50, requiring freestanding signs to be oriented inward toward commercial centers, and restricting legibility of directory signs from adjacent residential areas. In addition, the amendments revise the County's prohibited sign regulations to clarify that digital signs remain prohibited countywide except for specified existing exemptions and the newly established EDHCR provisions. All eligible digital signs within El Dorado Hills would be required to comply with the County's Uniform Sign Program requirements and applicable sign development standards. The proposed changes are intended to provide limited flexibility for modernized commercial signage while maintaining compatibility with surrounding land uses and protecting community character and aesthetics.

Below is a summary of the minor, technical proposed amendments to Chapter 130.36 (Signs).

i. New objective development standards for digital signs located in the EDHCR

The project proposes new objective sign standards for digital freestanding and directory signs in the EDHCR (Section 130.36.070.H (5)) and Table 130.36.070.H.1) including: 1) Eligibility thresholds based on commercial center size, 2) Regulations on the number, size, and height of permitted digital freestanding and directory signs, and 3) Limitations restricting digital signs to specified commercial zone districts only. Additional amendments include prohibiting visibility from U.S. Highway 50, requiring freestanding signs to be oriented inward toward commercial centers and restricting legibility of directory signs from adjacent residential areas.

The 2015 Sign Ordinance Update FEIR determined that, with incorporation of strict regulations regarding digital sign light and glare into the 2015 Sign Ordinance update, as specified in Mitigation Measure 3.1.4, the use of digital signs would not create a new source of light or glare that would adversely affect daytime or nighttime views in the area. Those regulations were codified into the 2015 Sign Ordinance Update as existing Section 130.36.070.H (3) (development standards for electronic [digital] signs). Therefore, the proposed digital sign allowances in the EDHCR would not cause any new or increased impacts beyond the impacts previously analyzed in the 2015 Sign Ordinance Update FEIR.

ii. Exemption to prohibited digital signs for EDHCR

The amendments revise the list of prohibited sign types by adding a new exemption for limited use of digital signs in the EDHCR (Section 130.36.090.2(e)). This section clarifies that digital signs will remain prohibited countywide except for specified existing exemptions and signs consistent with new EDHCR provisions including:

1) Compliance with the existing development standards in Section 130.36.070.H(3) (Development Standards for Specified Sign Types) and new Section 130.36.070.H(5) (Digital Signs in the EDHCR) and 2) Digital signs shall be approved under a Uniform Sign Program as described in existing Section 130.36.080.B (Uniform Sign Program Required). Although the above amendments would allow limited use of digital signs in the EDHCR, none of these changes would cause a significant increase to the quantity, size, height, placement or spacing of new signs and therefore, these changes would not cause any new or increased environmental impacts beyond those previously analyzed in the 2025 Sign Ordinance Update FEIR.

IV. CEQA ANALYSIS

County staff has determined that an addendum is the appropriate document because minor, technical amendments to Chapter 130.36 (Signs) are needed, but none of the amendments would trigger any of the conditions for preparation of a subsequent or new document under the CEQA. The proposed amendments represent a limited refinement to the County's existing sign regulations and do not constitute a substantial change to the overall regulatory framework evaluated in the 2015 Sign Ordinance Update FEIR. The amendments permit only a limited number of digital signs in constrained commercial settings within the EDHCR and impose substantial operational and locational restrictions intended to reduce visibility and potential land use compatibility effects. The amendments would not increase development intensity, authorize new land uses, alter adopted land use designations, or facilitate physical growth beyond that previously contemplated in the County's General Plan and zoning regulations. Any future sign installations would remain accessory to existing or otherwise permitted commercial development. The environmental effects associated with the new digital sign regulations, including aesthetics, visual character, and potential traffic-related distraction considerations, were analyzed in the certified 2015 Sign Ordinance Update FEIR and the proposed amendments would not result in any new or increased environmental impacts beyond those previously analyzed in that FEIR. The environmental analysis is presented in the table below, which lists the relevant ordinance citation(s), the subject matter of the proposed amendment category, and relevant CEQA review.

Relevant Ordinance Citation(s)	Proposed Amendment	CEQA Review
(Sec.130.36.070.H(5)) Design Standards for Specific Sign Types – Digital Signs in EDHCR (EDHCR)	Adds new objective development standards for digital freestanding and directory signs in the EDHCR. New regulations include: 1) eligibility thresholds based on commercial center size, 2) regulations on the number, size, and height of permitted digital freestanding and directory signs, and 3) limitations restricting digital signs to specified commercial zone districts only. Additional amendments include prohibiting visibility from U.S. Highway 50, requiring freestanding signs to be oriented inward toward commercial centers and restricting legibility of directory signs from adjacent residential areas.	The proposed amendments represent a limited refinement to the County’s existing sign regulations and do not constitute a substantial change to the overall regulatory framework evaluated in the 2015 Sign Ordinance Update FEIR. The amendments permit only a limited number of digital signs in the EDHCR and impose substantial operational and locational restrictions intended to reduce visibility and potential land use compatibility effects. The amendments would not increase development intensity, authorize new land uses, alter adopted land use designations, or facilitate physical growth beyond that previously contemplated. Any future sign installations would remain accessory to existing or otherwise permitted commercial development. The environmental effects associated with digital signage, including aesthetics, visual character, and potential traffic-related distraction considerations, were analyzed in the certified FEIR and fully mitigated.
(Sec. 130.36.090.B.2(e)) Prohibited Signs – Exception for Digital Signs in EDHCR	The amendments revise the County’s prohibited sign regulations to clarify that digital signs remain prohibited countywide except for specified existing exemptions and signs consistent with new EDHCR provisions including: 1) compliance with the existing development standards in Section 130.36.070.H (Development Standards for Specified Sign Types) and new Section 130.36.070.H(5) (Digital Signs in the EDHCR) and 2) digital signs shall be approved under a Uniform Sign Program as described in existing Section 130.36.080.B (Uniform Sign Program Required).	The proposed amendments do not increase allowable development density or intensity, do not authorize new land uses, and do not alter the geographic scope of development previously evaluated in the 2015 Sign Ordinance Update FEIR. The amendments are limited to allowing certain digital sign types subject to strict objective development standards, including requirements applicable to monument and freestanding signs, and review through a Uniform Sign Program. The proposed amendments would therefore remain within the scope of impacts and mitigation measures previously analyzed in the 2015 Sign Ordinance Update FEIR.

V. CONCLUSION

Based on the above findings, the County has concluded that preparation of a subsequent EIR for these minor, technical amendments to the Zoning Ordinance is unnecessary and that preparation of an addendum is consistent with CEQA Guidelines Section 15164. The County has determined, based on substantial evidence in light of the whole record, that the proposed amendments described in this addendum are not substantial. None of the conditions described under section 15162 of the CEQA Guidelines requiring preparation of a subsequent document have occurred. The modifications do not involve any new significant environmental effects. In addition, no substantial changes have occurred with respect to the circumstances under which the amendments will be undertaken. The amendments would not involve new information of substantial importance, which shows that the Project will have one or more significant effects not discussed in the previous environmental document.

The County has independently considered the 2015 Sign Ordinance Update FEIR and this addendum, and concludes the following:

1. The consideration of the FEIR and approval of the addendum reflect the independent judgment of the County;
2. The contents of the addendum does not substantially change the County General Plan or its circumstances and does not require major revisions to the 2015 Sign Ordinance Update FEIR. The information added through the proposed amendments to Chapter 130.36 of the Zoning Ordinance (Signs) associated with the amendments does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts as previously analyzed in the 2015 Sign Ordinance Update FEIR; and
3. Together, the FEIR and this addendum satisfy the requirements of CEQA. Preparation of an addendum is appropriate in accordance with CEQA Guidelines section 15164; no subsequent EIR is required.

Accordingly, the County approves this addendum and the associated amendments.

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ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 130 OF THE EL DORADO
COUNTY ORDINANCE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

Section 1. Section 130.36.070.H entitled “Design Standards for Specific Sign Types” is amended as set forth below:

- 5.** **Digital Signs in El Dorado Hills Community Region.** Digital signs may be allowed in the El Dorado Hills Community Region when consistent with all other requirements of this Chapter and the development standards in Table 130.36.070.H.1 below, including restrictions on sign type, location, size and number allowed. Where allowed, digital signs shall also comply with the following:
- a. No digital sign shall be visible from US Highway 50.
 - b. Freestanding digital signs shall be oriented to minimize visibility from outside a specific commercial center.
 - c. Digital directory signs shall not be legible from adjacent residential uses.

Table 130.36.070.H.1 - EDH Community Region Digital Signs Matrix

Commercial/Retail Floor Area (Excluding Parking)	Sign Type	Number Allowed	Maximum Size	Maximum Height	Allowed Zone Districts CC, CG, CR, CL, CM, CPO
<50,000 S.F.	Digital signs not allowed				
50,001 – 110,000 S.F.					
	Freestanding	Not allowed			
	Directory ¹	2	15 S.F.	6'	
110,001 – 500,000 S.F					
	Freestanding	2	150 S.F.	10'	
	Directory ¹	5	20 S.F.	6'	
>500,000 S.F.					
	Freestanding	4	200 S.F.	15'	
	Directory ¹	10	20 S.F.	8'	

Note:

¹ Directory signs are not subject to the 50 percent digital display area requirement in Section 130.36.070.H.3.

Section 2. Section 130.36.090 entitled “Prohibited Signs” is amended as set forth below:

- B. The signs listed in this Section are prohibited in all zones. Except as otherwise specifically noted herein, these prohibitions apply in all unincorporated Community Regions and rural areas of the County.
1. Any sign not specifically allowed by this Chapter.
 2. Electronic (Digital) Message Signs as defined herein, with the following exceptions:
 - a. Motor vehicle fuel pricing signs as defined in Section 130.36.030.B.12;
 - b. Signs displaying time, date, temperature, or weather information;
 - c. Public service message signs on property leased or owned by a Community Services District established under Title 3, Division 6 of the Government Code.
 - d. Relocation or Digital Conversion of Off-Site Billboards in accordance with Business and Professions Code Section 5412
 - e. Digital signs in the El Dorado Hills Community Region when consistent with the following:
 - i. Digital signs shall be consistent with the allowed sign types and development standards in Sections 130.36.070.H.3 and 130.36.070.H.5 of this Chapter;
 - ii. Digital signs shall be approved under a Uniform Sign Program as described in Section 130.36.080.B above (Uniform Sign Program Required).

Section 3. California Environmental Quality Act (CEQA).

In 2015, the Board of Supervisors (Board) certified the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2014102001) for the County 2015 Sign Ordinance Update. Under CEQA Guidelines section 15164, the County must prepare an addendum to a previously certified Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in CEQA Guidelines section 15162 that require the preparation of a subsequent EIR have occurred. Staff determined that an Addendum to the County 2015 Sign Ordinance Update FEIR is the appropriate level of environmental review for the amendments to Chapter 130.36 of the County Ordinance Code as the above amendments would not result in any new or more severe impacts than those previously analyzed in the 2015 Sign Ordinance Update FEIR. Therefore, this Addendum, together with the 2015 Sign Ordinance Update FEIR, will be utilized by the County as the environmental compliance for the amendments to Chapter 130.36 of the County Ordinance Code in accordance with Sections 15162 and 15164 of the CEQA Guidelines.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5. Effective Date.

Pursuant to California Government Code section 25123, this Ordinance shall become effective thirty (30) days from the date of final passage by the Board.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2026, by the following vote of said Board:

ATTEST

Ayes:

KIM DAWSON

Clerk of the Board of Supervisors

Noes:

By _____

Deputy Clerk

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM

DAVID LIVINGSTON

COUNTY COUNSEL

By: _____

Title: _____

CHAPTER 130.36 – SIGNS

Sections:

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130.36.010 Content and Applicability

Content. This Chapter pertains to the regulation of signs and supersedes all previously adopted standards and ordinances regarding signs, and applies prospectively only. The purpose of this Chapter is to establish sign regulations that are consistent with the goals, objectives and policies of the El Dorado County General Plan and the County's visual and aesthetic goals, and provide adequate identification for establishments. Specifically, this Chapter regulates the size, quantity, and location of signs to maintain and enhance the visual appearance of the County (Goal 2.7), regulates the location, number and size of highway signs and, to the extent allowable by law, eliminates billboards along identified scenic and historic routes (Objective 2.7.1). The Sign Ordinance shall include design review for signs within the foreground and background of the designated scenic corridors commensurate with the goal of scenic corridor viewshed protection (Policy 2.1.1.1).

Applicability. This Chapter applies only to the unincorporated areas of the County; within such areas, this Chapter applies to signs located or mounted on private property, as well as County owned properties and land owned by public entities over which the County has land use regulatory authority. For lands subject to the regulatory authority of the Tahoe Regional Planning Agency (TRPA), signs shall meet TRPA design standards and permitting regulations or any superseding standards and regulations applicable to unincorporated lands within the Lake Tahoe Basin. Where a standard is missing for a proposed sign (such as a billboard), design standards and permitting regulations will be set by the regulations in this Chapter. For the purposes of this Chapter, Community Region sign regulations established herein shall apply to those areas designated in the County General Plan Land Use Diagram as Community Regions.

The County recognizes that signs are an essential element of a community's visual appearance and provide a means to identify communities and promote commerce, provide useful information to the public, and should not become visual distractions along public roadways.

These regulations are intended to protect the public health, safety, and welfare and provide for the integrity of the County's aesthetics.

In addition, these regulations are intended to:

- A. Promote economically stable and visually attractive communities within the County;
- B. Promote signs that are attractive, pleasing, and harmonized with the physical character of the structure and environment of surrounding properties;
- C. Recognize the distinct signage needs and applications in the County's designated Community Regions and rural areas through distinct sign regulations;
- D. Prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message;
- E. Protect viewsheds in designated scenic corridors;
- F. Encourage individuality among communities and businesses through signage;
- G. Encourage consolidation of signs to reduce visual clutter;
- H. Improve traffic safety and the smooth and efficient flow of pedestrians, bicyclist and vehicles to their destinations; and
- I. Direct persons to various activities and enterprises, in order to provide for maximum public convenience.
- J. Regulate signs in a constitutional manner, including required content-neutrality; and
- K. Respect and protect the right of free speech by sign display, while reasonably regulating the structural locational and other noncommunicative aspects of signs, generally, for the public health, safety, welfare, and specifically, to serve the public interests in community aesthetics and traffic and pedestrian safety.

130.36.020 General Sign Requirements

Except as otherwise specifically noted herein, the following requirements shall apply to all signage in the unincorporated Community Regions and rural areas of the County.

- A. **Regulatory Interpretations.** The requirements of this Chapter shall not be interpreted to nullify any easements, covenants, or other private agreements that provide for more restrictive sign regulations than are required by this Chapter.
- B. **Message Neutrality.** In adopting this Chapter, the County intends to regulate signs within the scope of this Chapter in a way that does not favor commercial speech over noncommercial speech and does not regulate noncommercial speech based on message content. The message of any sign shall not be reviewed except to the minimum extent necessary to identify the type of sign.

- C. **Message Substitution.** Subject to the property owner's consent, a constitutionally protected noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is authorized in compliance with this Chapter, without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular protected noncommercial message over any other protected noncommercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is authorized in compliance with this Chapter, without consideration of message content.

This provision does not create a right to increase the total amount of signage on a parcel, lot, or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device or location; does not allow for the substitution of an off-site commercial message in the place of an on-site commercial or noncommercial message, and does not authorize the conversion of an existing sign to general advertising for hire.

- D. **On-Site/Off-Site Distinction.** Within this Chapter, the distinction between on-site and off-site signs applies only to commercial messages.
- E. **Community Region/Rural Distinction.** Within this Chapter, Community Region sign regulations shall apply to those areas designated as Community Regions on the County General Plan Land Use Diagram. Rural sign regulations shall apply to areas in the unincorporated County not otherwise designated as Community Region in the County General Plan Land Use Diagram. Unless otherwise noted, sign regulations in this Chapter shall apply to both Community Regions and rural areas equally.
- F. **General Prohibition.** Permanent signs not expressly allowed by this Chapter are prohibited.
- G. **Exceptions to Limitations.** Any exception to the limitations and/or sign development standards stated or shown within this Chapter shall require a Variance in compliance with Government Code Section 65906 (Variance) or a Development Plan Permit in compliance with Section 130.52.040 (Development Plan Permit) in Article 5 (Planning Permit Processing) of this Title. However, consideration of the Variance request or Development Plan Permit shall not evaluate the message or graphic design of the sign.
- H. **Severability.** If any section, subsection, sentence, clause, phrase or part of this Chapter is for any reason found by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter, which shall be in full force and effect. The Board hereby declares that it would have adopted this Chapter with each section, subsection, sentence, clause, phrase or part thereof irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases or parts be declared invalid or unconstitutional.

130.36.030 Exemptions.

The following sign types are expressly exempted from the Planning Sign Permit requirements of this Chapter but must satisfy any and all other applicable permit requirements when applicable (e.g., Building, Electrical, Plumbing, Grading, Encroachment). Except as otherwise specifically noted herein, these exemptions shall apply in all unincorporated Community Regions and rural areas of the County.

A. Exempt Signs Without Limitations. The following signs are exempt from Sign Permit requirements with no specific limitations:

1. Conforming signs that change messages, but do not alter the size, location, or illumination. This provision does not authorize the conversion of an existing legal sign to a general advertising for hire use or to a digital display.
2. All devices which are excluded from the definition of a "sign" as set forth in this Chapter.
3. Official traffic signs or other municipal governmental signs, legal notices, advertisements and notices prescribed by law and placed by governmental entities, and signs indicating the location of buried utility lines or any notice posted by a governmental officer in the scope of his or her duties.
4. Direction, warning, or information signs or structures required or authorized by law, or by federal, state, county, or county authority, including, but not limited to, traffic control signs (e.g., stop, yield), highway route number signs, and construction zone or site signs. Such signs may include electronic (digital) message signs, as defined in this Chapter and are not limited to 50 percent display area.
5. Noncommercial utility company signs identifying cables, conduits, and dangerous situations.
6. Street address signs on structures and building identification signs consistent with the County-adopted building code or relevant provisions of the County Municipal Code. Notwithstanding anything in this Section, street address signs may be illuminated and may contain reflective paint or material.
7. Tablets and plaques installed by the County, or by a state, federal, or county recognized historical organization exempt from federal taxation under section 501 of USC Title 26 (IRS Code), or signs authorized and installed by county, state or federal agencies on public owned lands.
8. Vehicle signs on currently registered and operable vehicles and vessels, including license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the establishment for which the vehicle or vessel is an instrument or tool (not including general advertising, such as mobile billboards), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.

9. Signs and advertising located upon the buses, vehicles and bus shelters of the El Dorado Transit Authority.
10. Signs on California State Park Lands in conformance with the standards enforced by the State of California as set forth in the Department of Parks and Recreation Sign Handbook, 1973, as amended.
11. Signs on National Forest lands, including sites permitted for private use, in conformance with the standards enforced by the U.S. Forest Service as set forth in the Forest Service Catalog of Posters and Signs, EM-7100-15, as amended.
12. Relocation or Digital Conversion of Off-Site Billboards. Notwithstanding the prohibition on billboards in Subsection 130.36.090.B.2 (Prohibited Signs) the Board may, at its sole discretion, enter into written agreements for 1) relocation of existing off-site general advertising for hire signs (e.g. billboards) to County owned land, and such relocation may, in the County's sole discretion, allow conversion of a relocated non-digital sign to a digital sign and/or 2) conversion of existing non-digital billboard signs to digital signs on private property, both in accordance with Business and Professions Code Section 5412. The display area of such signs shall not be limited to 50 percent.

B. **Exempt Signs With Limitations.** The following signs are exempt from Sign Permit requirements, provided that they meet the size, height, duration, and/or maximum number limitations listed below. Exempt signs that do not meet the limitations listed may be allowed only by Variance or Development Plan Permit as outlined in Section 130.36.020.G (Variance) or in Section 130.52.040 (Development Plan Permit) in Article 5 (Planning Permit Processing) of this Title.

1. No more than 25 percent of total window area shall be obscured by signs. Window signs do not count toward cumulative allowable sign area. Window signage shall be placed so that law enforcement personnel have a clear and unobstructed view of the interior of the establishment, including any cash registers.
2. Temporary signs in conformity with Section 130.36.050 (Temporary Signs) below in this Chapter.
3. Flags, not subject to the standards set forth in Table 130.36.050.1 (Allowed Temporary On-Site Sign Standards) below in this Chapter, shall meet the following requirements:
 - a. Flag poles shall be located outside of the public right-of-way.
 - b. The maximum height for flag poles is 30 feet.
 - c. The maximum size for any one (1) flag is 30 square feet.
4. Signs on property undergoing construction or remodeling not exceeding 32 square feet each in area and limited to one (1) sign for each street frontage. Such signs

shall not be illuminated. Such signs shall be removed within 30 days of the earliest of the following events: final building inspection approval, issuance of a valid certificate of occupancy, opening for business to the public, or expiration of the Building Permit.

5. Signs warning against trespass, hunting or shooting as described in Section 602 of the California Penal Code not to exceed two (2) square feet per sign and spaced in accordance with the requirements of state law.
6. Signs on property that is currently offered for sale, lease, or rental [also referred to as “real estate signs” as defined in 130.36.120 (Definitions)]:
 - a. On single-family home and improved multi-family property for two (2) to four (4) units, one (1) sign not exceeding eight (8) square feet and not exceeding a height of five (5) feet. Up to four (4) signs to direct traffic to the subject property are allowed, provided each sign does not exceed eight (8) square feet in area and three and one-half (3.5) feet in height. A sign shall not be placed on a sidewalk or street or Public Right-of-Way. A sign shall not create a safety hazard. Such signs shall not be illuminated.
 - b. On nonresidential and residential property suitable for investment and development, and agricultural and resource-zoned property, one (1) sign per street or road frontage, not exceeding 32 square feet in area and 12 feet in height. The sign shall not be illuminated.
7. Signs on private property where there is a garage, yard, or estate sale taking place. Such signs may be posted for no more than 48 hours and must be removed at the end of the sale. A maximum of six (6) square feet is allowed per sign.
8. On-site directional signs, such as exit, entrance, or other on-site traffic directional signs, the maximum height of any directional sign shall not exceed three and one-half (3.5) feet and the maximum size shall not exceed six (6) square feet within designated Community Regions under 3,000-foot elevation of the County. Within the designated rural areas, the maximum height of any on-site directional sign shall not exceed 12 feet and the maximum size shall not exceed 32 square feet. Within Community Regions above 3,000-foot elevation, rural area height limit shall apply. In both Community Regions and rural areas of the County, no advertising or message other than for traffic direction shall be displayed on the signs authorized by this subsection.
9. Off-site commercial directional signs on private property within the designated rural areas of the County, for establishments that are not directly abutting County roads. For establishments that solely derive access from a private road, each establishment is allowed one (1) non-illuminated commercial directional sign with a maximum sign area of 16 square feet and a maximum height of 12 feet at the intersection of the private road with the county road. Additional commercial directional signs are allowed for the establishment at other intersecting points along

the private road to provide guidance to the establishment. Each additional commercial directional sign shall have a maximum allowed area of 12 square feet and a maximum height of 12 feet. Such signs may be permanent or temporary and require property owner consent. This provision does not allow general advertising for hire.

10. Temporary signs displaying noncommercial messages subject to:
 - a. Six (6) square feet of signage, set back at least five (5) feet from the public right-of-way and not projecting above the roofline of any structure.
 - b. During the time period beginning 60 days before a special, general, or primary election and ending two (2) weeks after such election, the total allowed sign area for noncommercial messages may be 32 square feet in area. The same setback and height restrictions listed above shall apply to this additional area.
 - c. Such signs shall be non-illuminated.
11. Home Occupation signs identifying authorized home business activities on site. All signs shall be non-illuminated, compatible in design with existing residential structures, and consistent with the sign development and design standards as listed on Table 130.36.070.3 (Sign Standards for Home Occupation Signs) below in this Chapter.
12. Motor vehicle fuel pricing signs, as required by state law, which identify the brand, types, octane rating, etc., of motor vehicle fuel for sale within the County (Section 13531 of the Business and Professional Code as it may be amended). Motor vehicle fuel pricing signs are limited to one (1) sign per establishment, in addition to the business identification sign provided for in this Chapter, and shall have a maximum sign area (including the area for all brands, types, octane rating, price, and the service station name) of 60 square feet.

130.36.040 Permanent Signs.

- A. **Permanent On-Site Signs.** Permanent on-site signs allowed in the County's zoning districts include the following sign types:
 1. **Building-Attached Signs.** Allowed permanent on-site signs attached to a structure include wall signs, projecting signs, awning or canopy signs, under canopy signs, and roof signs on non-residential structures within the designated rural areas of the County, consistent with the standards listed in Table 130.36.070.2 (Rural Area Signage Standards for Permanent On-Site Signs) below in this Chapter.
 2. **Freestanding Signs.** Allowed permanent freestanding signs include monument and pylon signs. Permanent on-site signs shall be consistent with the sign design and developments standards as described in this Chapter and shown on Tables 130.36.070.1 and 130.36.070.2 (Signage Standards for Permanent On-Site Signs, Community Region and Rural Area, respectively) below in this Chapter.

3. **Signs for Drive-In and Drive-Through Uses.** Signage shall be consistent with the sign design and developments standards as described in this Chapter. No alterations or additions (e.g., rider signs) along the exterior of the sign are allowed.
4. **U.S. Highway 50-Oriented Signs.** Signs on properties within 100 feet of the edge of the right-of-way of U.S. Highway 50 that are outside of the designated State Scenic Highway Corridor. (Note: Designated State Scenic Highway Corridors in El Dorado County shall be subject to special sign regulations under the reserved Section 130.27.070 (Design Review - Scenic Corridor (-DS) Combining Zone) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.

Permanent on-site signs shall not be used as general advertising for hire.

130.36.050 Temporary Signs.

Temporary signs may include, but are not limited to, commercial signs (including sign twirlers) for grand openings, products/services, sales, special events, and new apartments/multi-family units. All temporary signs must comply with the standards listed in Table 130.36.050.1 (Allowed Temporary On-Site Sign Standards) below in this Section and are subject to the conditions herein.

- A. **Time Duration.** Display periods for temporary on-site signs shall be limited to a cumulative maximum of 90 days per establishment per calendar year, unless otherwise specified below.
 1. **Apartment Signs.** Signs at new or substantially renovated apartments shall be removed six (6) months from opening.
 2. **Banner Signs.** All banner signs (including feather banners) utilized for grand opening events shall be limited to a maximum of 30 consecutive days per establishment per calendar year.
 3. **Feather Banners and Sign Twirlers.** Feather banners and sign twirlers shall be allowed only on-site during daylight hours and shall be removed from dusk to dawn and during all times when the establishment is closed or event is completed.
 4. **A-Frame Signs.** A-frame signs are not subject to the 90-day display period and shall be allowed year-round. A-frame signs shall be allowed only on-site during daylight hours and shall be removed from dusk to dawn and during all times when the establishment is closed or event is completed. A-frame signs must be located outside the public right-of-way and allow sufficient access to doors/pathways and not impede pedestrian access or movement allowing for at least five (5) feet clearance.
- B. **Illumination.** Temporary signs shall not be illuminated.
- C. **Message.** Temporary signs displaying a commercial message shall be limited to on-site signage only. Off-site signage displaying a commercial message shall not be allowed,

except as noted in Section 130.36.030.B.9 (Exempt Signs With Limitations) above in this Chapter.

- D. **Illegal Signs.** Illegal temporary signs shall be removed immediately.

Table 130.36.050.1 - Allowed Temporary On-Site Sign Standards

Sign Type	Number Allowed	Max. Area	Max. Height	Minimum Setback from Right-of-Way ¹
On-Site Subdivision and Apartment Signs ¹				
Banner	3	30 sf each	Roofline	5 feet
Feather Banner	1 per subdivision	30 sf	12 feet	5 feet
Entrance	1 per subdivision entrance	80 sf each	15 feet	5 feet
Model Home	1 per model home	8 sf	2 feet	5 feet
Flags	5 poles per street frontage, max 15 poles per subdivision	20 sf per pole	25 feet	5 feet
Sign Twirler	1 per subdivision entrance; on legal parcel of subdivision	12 sf	8 feet	5 feet
All Other Uses ¹				
Banner	1 sign (any type) per establishment per street frontage	50 sf	Roofline	5 feet behind face of curb, outside of right-of-way
Feather Banner		30 sf	12 feet	
A-Frame		8 sf	4 feet	
Sign Twirler	1 per establishment; on legal parcel of establishment	12 sf	8 feet	5 feet
Notes ¹ Must be located outside of the required cross visibility area as defined in the Design Improvement Standards Manual.				

130.36.060 Community Sign Programs.

In addition to the sign permits required by this chapter, a Community Sign Program shall be required for all new or modified community directional, identity, event, and industry association signs located on private property or County-maintained roads or rights-of-way [per Section 130.36.110 (Signs on County Property)] that are part of a County-authorized and coordinated program to provide the public with information and guidance concerning public accommodations, facilities, commercial services, events, and points of scenic, cultural, historic, educational, recreational, religious interest, and other local community destinations. For existing community signs without a community sign program in place, the purpose of this provision is to bring eligible signs under the program into conformance with the development code, while allowing existing legal signage to remain until new signage is proposed. Signs under this program shall be permitted in any zone district by a Design Review Permit (DR) and be subject to review and approval by the approval authority as shown on Table 130.36.080.1. At a minimum, Community Sign Programs applications should include the program type (directional, identity, event, industry association), the number of signs, sign area, height, and location of signs, and should include plans illustrating sign type, size, color, materials. Program descriptions and standards for each sign type are outlined below.

- A. **Community Directional.** Community directional sign programs generally include but are not limited to signs to direct residents and visitors to points of interest, recreational areas, and tourist industries in the County. Application for Community Directional signs shall clearly identify the intent of the proposed sign program (e.g. points of interest, recreational areas, tourist industries, historical structures). Community directional signs shall be limited to freestanding signs. Freestanding direction signage shall be limited to six (6) square feet in total sign area, set back at least five (5) feet from the public right-of-way, and not projecting above the roofline of any structure.
- B. **Community Identity.** Community identity sign programs shall establish a means for individual communities within the County to designate their name at main point(s) of entry to their community. Such signage be unique in design as a means to define each community's character, quality, or historic contribution to the County. Community identity signs are limited to a maximum of two signs per community.
 - 1. **Area.** Community identity signs shall not exceed 96 square feet in sign area
 - 2. **Height.** Signs shall not exceed 12 feet in height
 - 3. **Illumination.** Signs may be internally or externally illuminated
 - 4. **Sign Spacing.** Community identity signs shall be located a minimum of 250 feet apart.
 - 5. **Architectural Compatibility.** Signs shall be compatible in architectural scale and bulk with the architectural style of one or more visually prominent structures within the identified community. The applicant shall incorporate construction materials, color, letter style, and other design details in designing an architecturally compatible sign. It is not the intent of this provision to regulate creative aspects of signage, but only to regulate the size, height, placement, and physical characteristics of signs in order to protect the public health, safety and welfare and to avoid incompatibility with the surrounding local neighborhood or community.

- C. **Community Events.** Community event sign programs are limited to identified sites for the display of event signs as shown on a new or modified application, as appropriate. Signs may be allowed to be displayed up to 30 days prior to the event and shall be removed within three (3) days after the event has ended. The following standards shall apply. Community event signs shall be limited to banners, feather banners, and A-Frame signs and shall conform to the standards in Section 130.36.050 (Temporary Signs).
- D. **Industry Association Signs.** Industry association sign programs shall establish directional and identifying agricultural industry association signs such as those offered by the El Dorado County Farm Bureau, Farm Trails, Apple Hill Growers Association, El Dorado Winery Association and similar groups.. The intent of this section is not to duplicate requirements outlined in Section 130.36.060.A (Community Directional). Industry association signs shall be limited to pylon and pole signs with a maximum sign area of 12 square feet, a maximum height of eight (8) feet, non-illuminated, and set back at least five (5) feet from the public right-of-way.

130.36.070 Sign Development and Design Standards.

This Section establishes standards for sign development and design, including but not limited to: methods for measuring sign size, area and height, sign placement, construction, design, illumination, maintenance, and removal. Unless otherwise specified in this section, sign development and design standards shall apply to all signs within the unincorporated Community Regions and rural areas of the County.

- A. **General Sign Design Requirements for Permanent Signs.** Permanent Signs shall comply with the following general design requirements as well as design standards applicable to specific types of signs listed herein in Subsection 130.36.070.K (Standards for Permanent On-Site Signs) below in this Section.
1. **Design Compatibility with Structure.** Signs shall be compatible in architectural scale and bulk with the architectural style of the main structure or structures on the site where the sign is located. The applicant shall incorporate construction materials, color, letter style, and other design details in designing an architecturally compatible sign. Multiple signs on any structure, or on structures within the same development, shall have the same primary type of building-attached sign. It is not the intent of this provision to regulate creative aspects of signage, but only to regulate the size, height, placement, and physical characteristics of signs in order to protect the public health, safety and welfare and to avoid incompatibility with the surrounding local neighborhood or community.
 2. **Sign Illumination.** The artificial illumination of signs, from either an internal or external source, shall be designed to prevent the casting of stray light on surrounding rights-of-way and properties. All illuminated signs shall comply with the following:
 - a. External light sources shall be directed toward the sign and fully shielded to limit direct illumination of any object other than the sign.

- b. The light from an illuminated sign shall not be of an intensity or brightness that creates glare or other negative impacts on residential properties in direct line of sight to the sign.
- c. Unless otherwise allowed by another provision of this Chapter, signs shall not have blinking, flashing, or intermittent lights or other illumination devices that have a changing light intensity, brightness, or color.
- d. Colored lights shall not be used at a location or in a manner so as to be confused or interpreted as traffic control devices.
- e. Light sources shall utilize energy-efficient fixtures compliant with Title 24 of the California Code of Regulations.

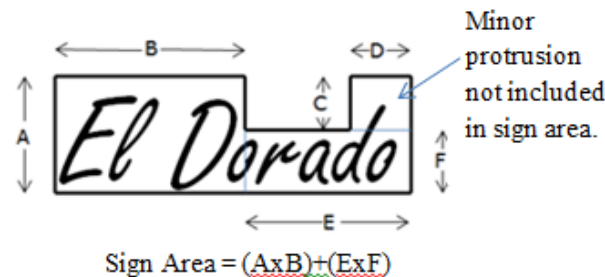
B. Sign Area Measurement Procedures. The sign area is determined by the shape of the sign. For signs that are not four-sided, the sign area is the available display area. For example, for the star-shaped logo sign shown in Figure 130.36.070.A (Star Shaped Sign Area) below in this Section, the sign area is the shaded area within the star shape. For irregularly shaped signs or signs with cursive individual letters, the area of the sign may be calculated by using multiple geometric shapes (see Figure 130.36.070.B (Irregularly Shaped Sign Area) below in this Section. In determining the area of an individual sign that has more than one (1) face (e.g., a monument or projecting sign), the single sign face with the greatest area shall be used.

1. Sign Area Examples.

Figure 130.36.070.A Star Shaped Sign Area



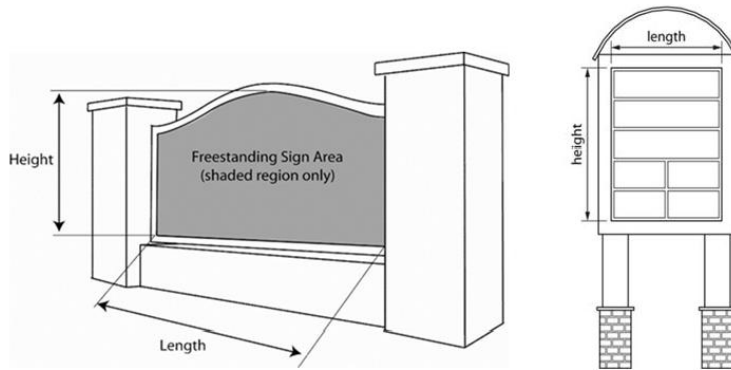
Figure 130.36.070.B Irregularly Shaped Sign Area



Sign Area is measured by using multiple geometric shapes, rather than one rectangle.

2. **Awning, Canopy, Push Pin, and Channel Letter Sign Area.** Sign area for copy, which is applied to an awning, canopy, or as separate lettering onto the building façade shall be computed at 100 percent of the area within a single parallelogram enveloping the sign copy.
3. **Freestanding Sign Area.** Freestanding sign area is to be computed as total height by the total length of the sign face for one (1) side regardless if it is single- or double-face, excluding structural or architectural framework with no sign copy. See Figure 130.36.070.C (Freestanding Sign Area) below in this Section.

Figure 130.36.070.C Freestanding Sign Area



3. **Three-Dimensional Objects.** Where a sign consists of one (1) or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculptures, or statue-like trademarks or symbols), the sign area shall be measured as their maximum visible surface area from any vantage point. See Figure 130.36.070.D (Area of Three-Dimensional Objects) below in this Section.

Figure 130.36.070.D Area of Three-Dimensional Objects



- C. **Sign Height Measurement.** Sign height shall be measured from the ground, adjacent to the sign, to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.
- D. **Construction Requirements.** Every sign and all parts, portions, and materials thereof shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and county laws and regulations, including the locally adopted building code. All signs shall comply with the following criteria:
1. All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the structure or shall be concealed within the sign.
 2. All permanent signs shall be constructed of quality materials such as metal, concrete, natural stone, wood, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
 3. All freestanding signs that incorporate lighting shall have underground utility service.
 4. All temporary signs and banners shall be maintained in good condition for as long as the sign is displayed.
- E. **Sign Placement.**
1. **Location of Building-Attached Signs.** Building-attached signs may be located along any frontage of a building that faces directly onto a public right-of-way or an internal circulation path of the site. Orientation of signs that face directly onto residential property is allowed only when there is no practical alternative, the visibility of the sign from the residence is minimized and the sign is not illuminated.
 2. **Clearance from Public Utility Facilities.** The person erecting a sign and the owner of the premises shall maintain any legally required clearance from communications and electric facilities. A sign may not be constructed, erected, installed, maintained, or repaired in any manner that conflicts with a rule, regulation, or order of the California Public Utilities Commission pertaining to the construction, operation, and maintenance of public utilities facilities.

3. **Interference with Motorist Field of Vision.**

- a. No sign shall be located in a manner that obstructs the view of traffic or safety signs, encroaches into a cross-visibility area as described in the County Design Improvement Standards Manual (DISM) or otherwise poses a traffic or safety hazard.
- b. Any landscaping shall be trimmed as needed to provide clear visibility of the sign or signs.
- c. Signs shall not be located within the "cross visibility area," as defined in the Design Improvement Standards Manual.

4. **Setback and Spacing of Freestanding Signs.** Setback and spacing standards for freestanding signs are as follows:

- a. The minimum setback distance for any portion of any freestanding sign shall be measured from the back of the public right-of-way or side of a driveway. With the exception of front setbacks, sign setbacks shall be determined by base Zone District. Signs may be allowed within front setbacks, provided that the signs are not located within a public right-of-way, required cross visibility area as described in the County DISM, utility or private road easement.
- b. The minimum spacing distance between permanent freestanding signs, excluding on-site directory signs, shall be 250 feet, (except that U.S. Highway 50-oriented signs shall be separated by a minimum of 1,000 feet). The designated approving authority as noted in Table 130.36.080.1 (Planning Sign Permits and Review Authority) below in this Chapter may allow a reduction in minimum spacing requirements to ensure that a qualified establishment can have at least one (1) freestanding sign as allowed in Tables 130.36.070.1 and 130.36.070.2 (Signage Standards for Permanent On-Site Signs, Community Region and Rural Area, respectively) below in this Section and also for establishments with more than one (1) street frontage (e.g., corner lots). The designated approving authority will review a proposed sign location on a case-by-case basis to ensure the sign is located outside the required cross visibility area as described in the County DISM and does not inhibit motorist safety.

- F. **Maintenance Requirements.** Every sign and all parts, portions, and materials thereof shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other non-maintained or damaged portions of a sign shall be repaired or replaced within 30 days following notification by the County. Noncompliance with such a notice will constitute a nuisance and zoning violation and will be enforced as such. Application for additional sign permits will not be processed until all existing signs on the premise are in compliance with this section.

- G. **Sign Removal or Replacement.** When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance.
- H. **Design Standards for Specific Sign Types.** In addition to the general sign design requirements in Subsection A, the following requirements shall apply to specific sign types listed below.
1. **A-Frame Signs.** A-frame signs, where allowed under Section 130.36.050 (Temporary Signs) above in this Chapter, shall be placed at least five (5) feet behind the face of curb and outside the County right-of-way. Where there is no sidewalk or curb, A-frame signs shall be located outside of the County right-of-way. A-frame signs shall not be placed where they may obstruct vision or create other public safety hazards. A-frame signs shall comply with clearance rules under the Americans with Disabilities Act. A-frame signs shall be removed during all times when the establishment is closed.
 2. **Awning and Canopy Signs.** Awning and canopy signs may be allowed only as an integral part of the awning or canopy to which they are attached or applied and shall be considered wall signs for sign area calculation purposes. The following requirements shall apply:
 - a. Lettering shall not exceed 25 percent of the total surface area.
 - b. Only permanent signs that are an integral part of the awning or architectural projection shall be allowed. Temporary signs shall not be placed on awnings.
 - c. Awning signs shall be allowed only on first- and second-story occupancies.
 - d. Awnings shall not be lit from under the awning (backlit) so that the awning appears internally illuminated. Lighting directed downward that does not illuminate the awning is allowed.
 - e. Awnings shall maintain a minimum of eight (8) feet above grade.
 3. **Electronic (Digital) Signs. Where allowed, the following standards apply to electronic (digital) signs:**
 - a. Digital display is limited to 50 percent of the total allowable display face area of any particular sign.
 - b. Signs shall not change message more than once every 8 seconds (dwell time).
 - c. Digital signs shall not operate at brightness levels of more than 0.3 foot-candles above ambient light, as measured using industry standard procedures at a distance from the sign face as determined by the following formula:

$$\text{Measurement distance} = \sqrt{\text{Area of sign in square feet} \times 100}$$

Each digital display area shall have a light-sensing device that will adjust the brightness of the sign as ambient light conditions change throughout the day.

4. **Freestanding Signs.** Freestanding sign materials and design, including monument and pylon signs, shall be complementary to the materials and design of the structures for the related development. For example, if the façade of the structure is made of brick or brick veneer, a complementary freestanding sign would also include brick.
5. **Digital Signs in El Dorado Hills Community Region.** Digital signs may be allowed in the El Dorado Hills Community Region when consistent with all other requirements of this Chapter and the development standards in Table 130.36.070.H.1 below, including restrictions on sign type, location, size and number allowed. Where allowed, digital signs shall also comply with the following:
 - a. No digital sign shall be visible from US Highway 50.
 - b. Freestanding digital signs shall be oriented to minimize visibility from outside a specific commercial center.
 - c. Digital directory signs shall not be legible from adjacent residential uses.

Table 130.36.070.H.1 - EDH Community Region Digital Signs Matrix

Commercial/Retail Floor Area (Excluding Parking)	Sign Type	Number Allowed	Maximum Size	Maximum Height	Allowed Zone Districts
<50,000 S.F.	Digital signs not allowed				CC, CG, CR, CL, CM, CPO
50,001 – 110,000 S.F.					
	Freestanding	Not allowed			
	Directory ¹	2	15 S.F.	6’	
110,001 – 500,000 S.F					
	Freestanding	2	150 S.F.	10’	
	Directory ¹	5	20 S.F.	6’	
>500,000 S.F.					
	Freestanding	4	200 S.F.	15’	
	Directory ¹	10	20 S.F.	8’	

Note:

¹ Directory signs are not subject to the 50 percent digital display area requirement in Section 130.36.070.H.3(a).

6. **Projecting Signs.** Projecting signs, including, but not limited to, blade signs, bracket signs, hanging and suspended signs, under canopy signs, and marquee signs, shall be considered wall signs for the purposes of sign area calculation purposes. Projecting signs shall only be allowed as follows:
 - a. **Location.** Projecting signs shall be placed only on ground-floor façades, except for establishments located above the ground level with direct exterior pedestrian access. Within the designated rural areas, projecting signs may also be placed on fences, posts, and railings.
 - b. **Angle of Projection.** Projecting signs shall either be located at right angles to the structure front along the façade, or, when located on the corner of a building, at a 45-degree angle to the corner of the structure.
 - c. **Height.** Where located above a pedestrian walkway, the lowest point of a blade, bracket, or hanging suspended sign shall be a minimum of eight (8) feet above grade.
 - d. **Projection.** The sign may project a maximum of 5½ (5.5) feet from the structure. A projecting sign may not extend onto or over the street or public right-of-way

unless an Encroachment Permit is secured through the Director of the Transportation Department.

- e. **Suspension.** The sign shall be suspended with a clear space of at least six (6) inches between the sign and the structure. Exceptions may be granted consistent with applicable building code requirements.
- f. **Sign Structure.** Sign supports and brackets shall be compatible with the design and scale of the sign.
- g. **Multiple Projecting Signs.** Multiple projecting signs shall not be installed within ten (10) feet of each other if on the same property and shall be separated from projecting (including hanging and suspended) signs on adjacent properties and other establishments by at least ten (10) feet to ensure adequate visibility.

7. **Wall Signs.**

- a. Wall signs shall not project more than one (1) foot from the structure's façade.
- b. Wall sign raceways shall be concealed from public view (e.g., within the structure's wall or otherwise integrated with the design of the sign and structure) so as to not detract from the architectural character of the structure.
- c. Wall signs shall not be placed in front of architectural building features (such as cornices and other decorative features), windows, doors, and other points of access.

I. **Standards for Off-Site Subdivision Signs.** The purpose of subdivision signs is to direct the traffic related to new residential subdivisions in a manner that minimizes visual clutter, reduces unnecessary traffic through established neighborhoods, and provides an orderly, attractive, high-quality image of the County.

- 1. Subdivision signs shall not exceed 60 square feet in sign area, 12 feet in height, and the display area shall be at least two (2) feet off the ground.
- 2. All subdivision signs require approval of a subdivision sign permit as required under Section 130.36.080.D (Subdivision Sign Permit) below in this Chapter and their locations approved within or outside of the County's right-of-way.
- 3. Subdivision signs listing multiple subdivisions shall include removable sign panels with no more than one (1) panel per residential subdivision.
- 4. No subdivision sign may be located within 1,000 feet of another subdivision sign except in the case of signs on different corners of an intersection.
- 5. All subdivision signs placed on private property require written consent of the property owner and require an Administrative Permit. All subdivision signs placed

within County right-of-way require an Encroachment Permit issued by the County Department of Transportation.

6. Subdivision signs may only be located in a manner that does not obstruct the view of traffic or safety signs, encroach within the cross-visibility area described in the County DISM, or otherwise pose a traffic or safety hazard.
7. There shall be no additions, tag signs, streamers, balloons, flags, riders, devices, display boards, or appurtenances added to the subdivision signs as approved.
8. Structures and panels on subdivision signs may not be displayed after a subdivision developer has completed the sale of all units in the development. Each developer shall be responsible for sign removal. The form, amount and term of the security instrument shall be specified by the permit issuing body and approved by County Counsel.
9. All signs for housing subdivisions shall be removed within 30 days after all lots in the subdivision are sold.
10. **Security Deposit:** The County shall require the developer to submit a performance deposit or other form of security to ensure compliance with the standards of this Section. The form, amount and term of the security instrument shall be specified by the permit issuing body and approved by County Counsel.

J. **Standards for U.S. Highway 50-Oriented Signs.** Proposed on-site signs designed for visibility from U.S. Highway 50, outside of the officially designated scenic corridor, are subject to a Design Review Permit. U.S. Highway 50-oriented signs shall be consistent with the standards provided below, and as required in other provisions of this Chapter. U.S. Highway 50-oriented signs shall not be used as general advertising for hire.

1. **Location.**

- a. **Spacing Between Signs.** U.S. Highway 50-oriented signs shall be separated by at least 1,000 feet between signs.
- b. **Setbacks.** All signs must be set back a minimum of 100 feet from the highway right-of-way. All U.S. Highway 50-oriented signs must be located a minimum of 200 feet from any residential zone as listed under Chapter 130.24 (Residential Zones).
- c. **Visibility.** U.S. Highway 50-oriented signs shall not be located to inhibit pedestrian or vehicular visibility and more specifically shall not be located within the clear visibility area as defined in this Chapter or other County adopted policies or standards. Illuminated signs shall be directed away from any residentially designated land.

2. **Quantity.** One (1) U.S. Highway 50-oriented sign shall be allowed per either:

- a. Integrated developments, as defined in this Chapter; or
 - b. Sites with a single tenant of ten (10) acres or more.
3. **Area.**
- a. **Maximum Allowed Area.** For single-tenant signs, the maximum sign area shall be 60 square feet. For multi-tenant signs, the maximum sign area shall be 200 square feet.
 - b. **Ancillary Components.** Ancillary components of the sign, such as shopping center identification, shall not exceed 25 percent of the total sign area and shall be excluded from the calculation of the sign area.
 - c. **Freestanding Sign Area.** The area of a U.S. Highway 50-oriented sign shall be in addition to the allowable freestanding street frontage sign area if the underlying property is adjacent to the highway and a local street.
4. **Height.** The maximum height of U.S. Highway 50-oriented signs shall be as follows:
- a. **For single-tenant signs,** 1.5 times the height of an adjacent structure up to a maximum of 30 feet. Within designated scenic corridors, the maximum height of a single-tenant sign shall be 24 feet.
 - b. **For multi-tenant signs,** a maximum of 50 feet. Within designated scenic corridors, the maximum height of a multi-tenant sign shall be 48 feet.
5. **Architecture.** U.S. Highway 50-oriented signs shall be designed as pylon signs, and shall be composed of materials and design-compatible with the building materials and design of the applicable establishment.
6. **Illumination.** If illuminated, U.S. Highway 50-oriented signs must be internally lit. Signs shall not have blinking, flashing, or intermittent lights or other illuminating devices that have a changing light, brightness, or color. Electronic (digital) changeable copy LED lights are allowed to be incorporated into the structure consistent with restrictions listed in Section 130.36.070.H.3 (Electronic (Digital) Signs) above in this Section.
7. **Special Development and Design Standards for Designated State Scenic Highway Corridors.** *(Reserved for future Scenic Corridor Ordinance.)*
- K. **Standards for Permanent On-Site Signs.** Permanent on-site sign standards in this section are listed separately for the designated Community Regions and rural areas of the County based on zone and sign type. See Table 130.36.070.1 (Community Region Area Signage Standards for Permanent On-Site Signs) and Table 130.36.070.2 (Rural Area Signage Standards for Permanent On-Site Signs) below in this Section. Standards for home occupation signs are on Table 130.36.070.3 (Sign Standards for Home Occupation Signs) below in this Section. Standards for U.S. Highway 50-oriented signs are in Section

130.36.070.J (Standards for U.S. Highway 50-Oriented Signs) above in this Section. Where allowed the following sign types shall conform to standards listed below.

1. **Building-Attached Sign Allowance.** Building-attached signs (and projecting signs placed on fences, posts, railings and roofs within the designated rural areas) have a maximum allowable sign area that can be used for 1 or more signs as specified in Tables 130.36.070.1 and 130.36.070.2 (Signage Standards for Permanent On-Site Signs, Community Region and Rural Area, respectively) below in this Section. Building-attached signs are allowed on walls that face public streets, parking areas, and pedestrian walkways. Wall signs are not allowed on walls facing adjoining residential property within designated Community Regions of the County. Within the designated rural areas of the County, wall signs (where allowed), may face adjoining residential properties.
2. **Freestanding Sign Allowance.** Freestanding signs are allowed a maximum number, maximum sign area, and maximum height standard per individual establishment or integrated development as specified in Tables 130.36.070.1 and 130.36.070.2 (Signage Standards for Permanent On-Site Signs, Community Region and Rural Area, respectively) below in this Section. For definitions, see Section 130.36.120 (Definitions) below in this Section.
3. **Changeable Copy Allowance.** Changeable copy signs are only allowed in commercial and agricultural zoning districts and for nonresidential uses in residential zones (e.g., religious institutions and public service uses, home occupations, community centers, and schools).
4. **Signs for Drive-In and Drive-Through Uses.** Where allowed, each drive-in or drive-through use is allowed a maximum of 60 square feet of signage, with no one (1) sign to exceed 30 square feet. The sign(s) shall not count toward the cumulative allowable display area purposes of Tables 130.36.070.1 and 130.36.070.2 (Signage Standards for Permanent On-Site Signs, Community Region and Rural Area, respectively) below in this Section, either in terms of number or cumulative area. The maximum height shall be six (6) feet.

Table 130.36.070.1a - Community Region Area Signage Standards for Permanent On-Site Signs

Zone District	Allowed Signs and Development Standards in Community Regions				
	Building-Attached	Freestanding			
		Number Allowed	Max. Area	Max. Height	Specific Reg.
Residential and Agricultural Zone Districts					
R1 R20K R1A R2A R3A RE (-5 or -10)	Not allowed	1 non-illuminated sign per subdivision or neighborhood	12 sf	8 feet	See Section 130.36.070
R2 RM	Not allowed	1 non-illuminated sign per subdivision or neighborhood	12 sf	8 feet	
RT	Not allowed	1 sign per development	12 sf	8 feet	
MP	Not allowed	1 sign per park	12 sf	8 feet	
PA	Not allowed	1 non-illuminated sign per parcel	16 sf	12 feet	
AG	Not allowed	2 non-illuminated signs per parcel	32 sf	12 feet	

Table 130.36.070.1b - Community Region Area Signage Standards for Permanent On-Site Signs

Zone District	Allowed Signs and Development Standards in Community Regions	
	Building-Attached	Freestanding
Commercial Zone Districts		
CC CG CR	1 or more signs per establishment not exceeding a maximum sign area of 150 sf. Roofline is max height	Individual Establishment: No more than 1 sign per public street frontage as follows: ➤ 60 sf max area, 12 ft max height
		Integrated Development: 1 multi-tenant sign per public street frontage as follows: ➤ 80 sf max area, 20 ft max height
CL CM CPO	1 or more signs not exceeding a combined total of 60 sf per establishment; Roofline is max height	Individual Establishment: No more than 1 sign per public street frontage as follows: ➤ 60 sf max area, 12 ft max height
		Integrated Development: 1 multi-tenant sign per public street frontage as follows: ➤ 80 sf max area, 20 ft max height

Table 130.36.070.1c - Community Region Area Signage Standards for Permanent On-Site Signs

Zone District	Allowed Signs and Development Standards in Community Regions	
	Building-Attached	Freestanding
Industrial Zone Districts		
I (-H or -L)	1 or more signs not exceeding a combined total of 50 sf per establishment; Roofline is max height	Individual Establishment: No more than 1 sign per public street frontage as follows: ➤ 50 sf max area, 12 ft max height
		Integrated Development: 1 multi-tenant sign per public street frontage as follows: ➤ 80 sf max area, 20 ft max height
R&D	2 signs per establishment, 80 sf max area; Roofline is max height	No more than 1 sign per public street frontage for individual establishment or integrated development: ➤ 50 sf max area, 12 ft max height

Table 130.36.070.1d - Community Region Area Signage Standards for Permanent On-Site Signs

Zone District	Allowed Signs and Development Standards in Community Regions	
	Building-Attached	Freestanding
Miscellaneous Zone Districts		
TPZ	Not allowed	2 non-illuminated signs per parcel: ➤ 32 sf max area each, 12 ft max height
RF (-H or – L)	1 or more signs not exceeding a combined total of 50 sf per structure; Roofline is max height	No more than 1 sign per public street frontage as follows: ➤ 60 sf max area, 12 ft max height
OS, TC	Not allowed	Not allowed
Specific Plan (SP) Zones	Specific Plan (SP) sign standards or 1 or more signs per establishment not exceeding a maximum sign area of 50 sf (Roofline is max height), whichever is stricter.	Specific Plan (SP) sign standards or not more than 1 sign per public street frontage as follows: ➤ 60 sf max area, 12 ft max height, whichever is stricter.

Table 130.36.070.2a – Rural Area Signage Standards for Permanent On-Site Signs

Zone District	Allowed Signs and Development Standards in Rural Areas				
	Building-Attached	Freestanding			
		Number Allowed	Max. Area	Max. Height	Specific Reg.
Residential and Agricultural Zone Districts					
R1 R20K R1A R2A R3A RE (-5 or -10)	Not allowed (Except in RE-10 in rural areas)	1 non-illuminated sign per subdivision or neighborhood	12 sf	8 feet	See Section 130.36.070
RM	Not allowed	1 non-illuminated sign per subdivision or neighborhood	12 sf	8 feet	
RL (10-160)	1 or more signs not exceeding a combined total of 50 sf per establishment; Max height is 6 feet above the roofline	1 non-illuminated sign per parcel	12 sf	12 feet	
LA	Not allowed	1 non-illuminated sign per parcel	12 sf	12 feet	
PA	1 or more signs not exceeding a combined total of 50 sf, per establishment; Max height is 6 feet above the roofline	1 non-illuminated sign per parcel	16 sf	12 feet	
AG	1 or more signs not exceeding a combined total of 50 sf, per establishment; Max height is 6 feet above the roofline	2 non-illuminated signs per parcel	32 sf	12 feet	

Table 130.36.070.2b - Rural Area Signage Standards for Permanent On-Site Signs

Zone District	Allowed Signs and Development Standards in Rural Areas	
	Building-Attached	Freestanding
Commercial Zone Districts		
CC CG CL CM CRU	1 or more signs per establishment based on floor area as follows: • < 10,000 sf floor area = 50 sf max sign area • 10,001—25,000 sf floor area = 75 sf max sign area • > 25,001 sf floor area = 100 sf max sign area	Individual Establishment: No more than 1 sign per public street frontage as follows: ➤ <u>First street frontage</u>: 50 sf max area, 12 ft max height ➤ <u>Other street frontage(s)</u>: 30 sf max area, 8 ft max height
		Integrated Development: 1 multi-tenant sign per public street frontage as follows: ➤ <u>First street frontage</u>: 80 sf max area, 20 ft max height ➤ <u>Other street frontage(s)</u>: 40 sf max area, 10 ft height limit
CPO	1 or more signs not exceeding a combined total of 50 sf per establishment; Roofline is max height	Individual Establishment: No more than 1 sign per public street frontage as follows: ➤ <u>First street frontage</u>: 50 sf max area, 12 ft max height ➤ <u>Other street frontage(s)</u>: 30 sf max area, 8 ft max height
		Integrated Development: 1 multi-tenant sign per public street frontage as follows: ➤ <u>First street frontage</u>: 80 sf max area, 20 ft max height ➤ <u>Other street frontage(s)</u>: 40 sf max area, 10 ft max height

Table 130.36.070.2c - Rural Area Signage Standards for Permanent On-Site Signs		
Zone District	Allowed Signs and Development Standards in Rural Areas	
	Building-Attached	Freestanding
Industrial Zone Districts		
I (-H or -L)	1 or more signs not exceeding a combined total of 50 sf per establishment; Roofline is max height	Individual Establishment: No more than 1 sign per public street frontage: ➤ 50 sf max area, 12 ft max height
		Integrated Development: 1 multi-tenant sign per public street frontage: ➤ 80 sf max area, 20 ft max height
R&D	2 signs per establishment; 80 sf max area; Roofline is max height	No more than 1 sign per public street frontage for individual establishment or integrated development: ➤ 50 sf max area, 12 ft max height

Table 130.36.070.2d - Rural Area Signage Standards for Permanent On-Site Signs		
Zone District	Allowed Signs and Development Standards in Rural Areas	
	Building-Attached	Freestanding
Miscellaneous Zone Districts		
FR TPZ	Not allowed	2 non-illuminated signs per parcel: ➤ 32 sf max area each, 12 ft max height
RF (-H or -L)	1 or more signs not exceeding a combined total of 50 sf per establishment; Max height is 6 feet above the roofline	1 non-illuminated sign per parcel: ➤ 16 sf max area, 12 ft max height
OS TC	Not allowed	Not allowed

Table 130.36.070.3 - Sign Standards for Home Occupation Signs								
	Allowed Signs and Development Standards in Rural Areas							
Zone District	Building-Attached Signs				Freestanding Signs			
	Number Allowed	Max. Area	Max. Height	Location	Number Allowed	Max. Area	Max. Height	Location
R1 R20K R1A R2A R3A RM	1 sign per home occupation	2 sf	N/A	Adjacent to front entrance	Not allowed			
RE (-5 or-10) RM Agriculture and Resource Zones	1 sign per home occupation	2 sf	N/A	Adjacent to front entrance	2 signs	12 sf each	6 feet	1 adjacent to residence, 1 within front setback

130.36.080 Permit Requirements and Review Procedures.

This Section describes permit requirements and review procedures applicable to all signage in the unincorporated Community Regions, Rural Centers and Rural Regions of the County. Signs proposed within a Community Region or Rural Center with County adopted local sign standards shall conform to those standards

- A. **Sign Permit Required.** Planning Sign Permits shall be required for specified types of permanent signs prior to erection, relocation, alteration, or replacement, as listed in Table 130.36.080.1 (Planning Sign Permits and Review Authority) below in this Section, unless otherwise exempted by this Chapter. Planning Sign Permits shall be processed in accordance with Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title.

1. No planning approvals shall be required for general maintenance of existing conforming signs or replacement of a conforming sign face (including message) when the area of the sign is not being changed, subject to Section 130.36.020 (General Sign Requirements) above in this Chapter.
2. Sign Permit(s) shall be required as part of the review of any discretionary application that includes proposed signage. The Sign Permit shall be in addition to the discretionary application or permit.
3. Sign Permits are not required for the display of temporary signs. However, temporary signs shall be consistent with the development standards and time duration limits established in this Chapter.

B. Uniform Sign Program Required. A Development Plan Permit (PD) shall be required for all new or modified Uniform Sign Programs as shown on Table 130.36.080.1 (Planning Sign Permits and Review Authority). A Uniform Sign Program shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant, mixed-use, or otherwise integrated developments of three (3) or more separate tenants/uses that share structures, public spaces, landscape, and/or parking facilities where deviations from the development standards of this Chapter are requested. A Uniform Sign Program provides a process for the County's review of, and decisions related to, requests for signs for multi-tenant projects. The Uniform Sign Program allows for the integration of a project's signs with the design of the structures to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects. The Zoning Administrator is typically the decision-making authority for Uniform Sign Programs. However, if part of an application is reviewed and decided by the Planning Commission or Board of Supervisors, the Uniform Sign Program shall be decided by same higher-level Review Authority in conjunction with other entitlements. Deviations from the sign standards in Section 130.36.070 (Sign Development and Design Standards) above in this Chapter are allowed through the Uniform Sign Program. Standard procedures for application submittal, review, decision, and appeal are outlined in Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title.

C. U.S. Highway 50-Oriented Signs. A Design Review Permit shall be required for all proposed new or remodeled signs designed for visibility from U.S. Highway 50.-. The approval of a Design Review Permit is a ministerial project pursuant to CEQA when in compliance with adopted standards set forth in Section 130.36.070.J (Standards for U.S. Highway 50-Oriented Signs) above in this Chapter. If part of an application is reviewed and decided by the Planning Commission or Board of Supervisors, the Design Review Permit shall be decided by the same higher-level Review Authority in conjunction with other entitlements. Standard procedures for application submittal, review, decision, and appeal are outlined Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title.

D. Subdivision Sign Permit. Off-site subdivision signs are subject to approval of an Administrative Permit. The applicant shall submit, as a requirement of the application, a map identifying the proposed location of the sign. Site Plans shall illustrate sign type,

number, location, size, colors and materials, and type of illumination (if any) for all off-site subdivision signs. As part of the permitting process, all off-site subdivision signs shall be reviewed by the County to ensure their locations are approved within or outside the County's right-of-way and that they are consistent with the standards under Section 130.36.070.I (Standards for Off-Site Subdivision Signs) above in this Chapter.

- E. **Variances.** Requests for individual signs not associated with an approved Uniform Sign Program that deviate from the development standards of this Chapter shall require processing of a variance application as detailed in section 130.36.020.G..
- F. **Community Sign Program Required.** A Design Review Permit shall be required for all new or modified Community Sign Programs. A Community Sign Program shall be required for all new or modified community directional, identity, event, and industry association signs located on private property or County-maintained roads or rights-of-way (per Section 130.36.110 (Signs on County Property) in this Chapter) that are part of a County-authorized and coordinated program to provide the public with information and guidance on topics including, but not limited to, public accommodations, facilities, commercial services, events, and points of scenic, cultural, historic, educational, recreational, religious interest, and other local community destinations.
- G. **Review Procedures.**
 - 1. **Method of Application.** An application for a Sign Permit, Uniform Sign Program, Community Sign Program, U.S. Highway 50-Oriented Sign Permit, or Variance shall be made on the form(s) prescribed by the Planning Division. The application shall be accompanied by any fees as specified by Board resolution.
 - 2. **Application Review Procedures, Decisions, and Appeals.** The application review procedures, decisions, and appeals of decisions for Sign Permit, Uniform Sign Programs, Community Sign Program, U.S. Highway 50-Oriented Sign Permits, or Variances shall be as provided in Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title.

Table 130.36.080.1 - Planning Sign Permits and Review Authority					
<u>Planning Permit Required:</u> A: Administrative Permit DR: Design Review Permit V: Variance PD: Development Plan Permit	P: Allowed Use - No Planning Permit Required ¹	D: Planning and Building Department Director ZA: Zoning Administrator PC: Planning Commission BOS: Board of Supervisors			
SIGN TYPE ¹		REVIEW AUTHORITY			
		D	ZA	PC	BOS
Replacement ²	P				
Freestanding or Building—Attached Signs		A			
Temporary On-Site Signs including, but not limited to: New Apartments, Grand Opening Banners, Products/Services, Special Events	P				
Off-Site Signs: ⁴ New Subdivisions		A			
U.S. Hwy 50-Oriented Signs		DR			
Exempt Signs ³	P				
Home Occupation Signs	P				
Individual Signs Exceeding Development Standards but Not Part of New or Amended PD Permit or Uniform Sign Program			V		
Signs on Public Property		A			
Uniform Sign Programs:					
• New or Modified Uniform Sign Program			PD		
• Construction of new or replacement signs as part of an approved program	P				
Community Sign Programs: (Directional, Identity, Event, Industry Association)					

Table 130.36.080.1 - Planning Sign Permits and Review Authority					
<u>Planning Permit Required:</u> A: Administrative Permit DR: Design Review Permit V: Variance PD: Development Plan Permit	P: Allowed Use - No Planning Permit Required ¹	D: Planning and Building Department Director ZA: Zoning Administrator PC: Planning Commission BOS: Board of Supervisors			
SIGN TYPE ¹		REVIEW AUTHORITY			
		D	ZA	PC	BOS
• New or Modified Community Sign Program			DR		
• Construction of new or replacement signs as part of an approved program	P				
Sign(s) Proposed as Part of a Discretionary Project	Permitted with Discretionary Project				
NOTES: ¹ All allowed signs may be subject to a building permit, as required by current Building Code. All signs requiring a building permit shall be consistent with the requirements of this Chapter. ² No planning approvals shall be required for general maintenance of existing conforming signs or replacement of a legal, nonconforming sign face. ³ Signs exempt from a Planning Sign Permit as specifically listed or described in Section 130.36.030. All signage shall be consistent with the requirements of this Chapter. ⁴ All other off-site commercial signage is prohibited, unless expressly allowed in Chapter 130.36.					

130.36.090 Prohibited Signs.

- A. **General Prohibition.** All off-site commercial signage on private property is prohibited unless as otherwise allowed in this Chapter. Existing off-site signs (e.g., billboards) are considered nonconforming signs as regulated by Section 130.36.100 (Illegal, Abandoned, and Nonconforming Signs) below in this Chapter. Off-site signs on County property are regulated by Section 130.36.110 (Signs on County Property) below in this Chapter.
- B. The signs listed in this Section are prohibited in all zones. Except as otherwise specifically noted herein, these prohibitions apply in all unincorporated Community Regions and rural areas of the County.
1. Any sign not specifically allowed by this Chapter.
 2. Electronic (Digital) Message Signs as defined herein, with the following exceptions:
 - a. Motor vehicle fuel pricing signs as defined in Section 130.36.030.B.12;

- b. Signs displaying time, date, temperature, or weather information;
 - c. Public service message signs on property leased or owned by a Community Services District established under Title 3, Division 6 of the Government Code.
 - d. Relocation or Digital Conversion of Off-Site Billboards in accordance with Business and Professions Code Section 5412
 - e. Digital signs in the El Dorado Hills Community Region when consistent with the following:
 - i. Digital signs shall be consistent with the allowed sign types and development standards in Sections 130.36.070.H.3 and 130.36.070.H.5 of this Chapter;
 - ii. Digital signs shall be approved under a Uniform Sign Program as described in Section 130.36.080.B above (Uniform Sign Program Required).
2. Billboards as defined herein. This does not prohibit relocation agreements as authorized by state law (California Business and Professions Code § 5412).
 3. Roof signs or signs placed above the roofline in Community Regions.
 4. Animated, flashing, scrolling, digital or video screen signs where the message is displayed for less than 8 seconds (dwell time) before changing to a different message.
 5. Pennants, banners, balloons, or other paraphernalia composed of paper, cloth, or other flexible material, except as otherwise allowed.
 6. Pole signs except where permitted within designated rural areas of the County, consistent with standards listed in Table 130.36.070.2 (Rural Area Signage Standards for Permanent On-Site Signs) above in this Chapter.
 7. Signs placed on the public right-of-way or affixed to an element or structure on the public right-of-way, or located on a publicly owned tree, fence, or utility pole or otherwise posted on public property, except where required by a governmental agency.
 8. Inflatable balloon signs, including, but not limited to, individual balloons, balloon strings, and other inflatable objects made of a flexible material and inflated so as to be lighter than air.
 9. Signs painted upon a fence, or free-standing wall.
 10. Mobile billboard advertising displays traversing upon or parked on a public right-of-way for the primary purpose of general advertising for hire.

11. Movable signs with a commercial message.
12. Signs attached to light standards (poles), traffic control devices, or utility poles.
13. Signs affixed to a structure or property not owned by the person or entity installing the signs, unless authorized by the written consent of the owner of the structure or property. For purposes of this provision, "owner" means any person or entity holding the immediate right of possession and control.
14. Signs that are dilapidated, abandoned, or in disrepair or dangerous condition.
15. Window signs that exceed 25 percent of any window.

130.36.100 Illegal, Abandoned, and Nonconforming Permanent Signs.

- A. **Illegal Signs.** Illegal signs shall be abated by the property owner or person responsible for installing or maintaining the sign. Should the property owner or responsible person not abate the illegal sign, the sign may be abated via any remedy authorized under this Code.
 1. The duty to abate arises upon notice by the Planning Director. Such notice shall give such parties a 30-day opportunity to cure by conformance to current law and/or current permit, to abate by removal or other remedial action.
 2. Such notices may be appealed in the same manner as any other sign-related decision. However, when a sign poses a serious and immediate threat to public health or safety by virtue of its physical condition, without consideration of the message thereon, then the threat may be summarily abated by court order, or an emergency abatement may be summarily abated by the County with the reasonable cost of abatement chargeable to the sign owner and/or property owner.
- B. **Abandoned Signs.** The following standards shall apply to conforming and nonconforming abandoned signs:
 1. If a sign is maintained, the sign copy shall be replaced with blank sign copy within 90 days of the close of the operation (e.g., no utility service, not open for more than two (2) weeks).
 2. A nonconforming sign that is maintained with blank copy shall only be allowed to remain for 9 consecutive months (for a total of 12 months from closure of the establishment). At the conclusion of this time period, if a new establishment that utilizes the nonconforming sign structure has not been established, the entire sign structure shall be removed. However, within the designated rural areas of the

County, the maximum timeline to maintain blank copy on a nonconforming sign shall be 24 months from establishment closure.

3. A conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new establishment on a property, shall not fall under the definition of abandoned.
4. Abandoned signs that are not maintained or removed consistent with the requirements of this Section may be abated by the County according to the provisions of Chapter 9.02 of County Code (Code Enforcement).

C. Nonconforming Signs.

1. **Removal/Abatement.** Any sign which becomes nonconforming as a result of the provisions of this Chapter shall be protected from removal by applicable provisions of state law and may be removed only as allowed by state law. The County shall order nonconforming signs to be abated by the property owner and/or person or entity responsible for sign installation and/or maintenance.
2. **Maintenance and Repair.** Any sign currently in use that was legally installed but does not conform to the requirements of this Chapter may continue with routine maintenance and repair.
3. **Relocation and Alteration.** No nonconforming sign shall be moved, enlarged, or raised in height unless such relocation, alteration, or enlargement is required by law, or brings the sign into conformance with the provisions of this Chapter. Modification of a nonconforming sign may be allowed through the plan check application process so long as it is determined that there is an increase in the level of conformity of the subject nonconforming sign. No nonconforming sign shall be converted to a digital sign unless pursuant to a relocation agreement as authorized by state law (California Business and Professions Code § 5413).
4. **Restoration of Damaged Signs.** As determined by the Director, whenever 50 percent or less of a nonconforming sign is destroyed by fire or other calamity (not including intentional acts), the sign may be restored to its nonconforming condition and the use modified as necessary to comply with current safety code requirements. Any nonconforming sign destroyed by more than 50 percent shall not be restored unless it is brought into compliance with the provisions of this Chapter.
5. **Building Façade Modifications.** If a Building Permit is issued for major modifications to the exterior of a building façade, as determined by the County, any nonconforming building signs on the façade undergoing modification shall be brought into full conformance with the provisions of this Chapter prior to approval for final occupancy.

130.36.110 Signs on County Property.

This Section states rules and policies for display of signs on properties owned by El Dorado County, either in fee or by holding the present right of possession and control. This Section provides the process and standards for establishing signage on County property. In adopting this Section, the Board acts in its proprietary capacity as to County property, as defined in this Section, within the County. This Section is adopted in compliance with the County's general powers, property rights, Government Code §§ 65850(b), 38774, and 38775, Business and Professions Code § 5200 et seq., and Penal Code § 556 et seq.

- A. **Public Forum.** The County declares that County property shall not function as a designated public forum, unless some specific portion of County property is designated herein, or by Resolution of the Board, as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period. For the purposes of this chapter, a public forum is a government-owned property that is open to public expression and assembly that is protected under the First Amendment.
- B. **General Prohibition.** Unless specifically authorized by this Chapter, no private party signs may be displayed on County property. Any sign posted on County property in violation of this Section may be summarily removed by the County as a trespass and a public nuisance.
- C. **Certain Governmental Signs.** The following signs may be erected and displayed on County property:
 - 1. Traffic control and traffic directional signs erected by the County or another governmental unit.
 - 2. Official notices required or authorized by law.
 - 3. Signs placed by the County in furtherance of its governmental functions, including the dissemination of its own speech and information to the public.
 - 4. Signs allowable under Subsections E and F below in this Section.
 - 5. Off-site digital general advertising for hire signs; such signs are only allowed by written agreement with the County.
- D. **Temporary Signs Displaying Noncommercial Message.** In areas qualifying as traditional public forums, private persons may display noncommercial message signs thereon, provided that such signs conform to all of the following:
 - 1. The signs must be personally held by a person or personally attended by one (1) or more persons. "Personally attended" means that a person is physically present within five (5) feet of the sign at all times.
 - 2. The maximum aggregate size of all signs held or personally attended by a single person is six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.

3. The maximum size of any one (1) sign which is held or personally attended by two (2) or more persons acting in concert is 50 square feet.
 4. The sign must have no more than two (2) display faces and may not be inflatable, inflated or air-activated.
 5. In order to serve the County's interests in traffic flow and safety, persons displaying signs under this Section may not stand in any vehicular traffic or bicycle lane, and persons displaying signs on public sidewalks must give at least 5 feet width clearance for pedestrians to pass by. Persons holding signs may not obstruct the "cross visibility area," as defined in the Design Improvement Standards Manual.
 6. The message substitution policy as described in Section 130.36.020 (General Sign Requirements) above in this Chapter, applies only to traditional public forum areas.
- E. **Off-Site Signage in Designated Rural Areas.** Within designated rural areas of the County, off-site commercial signs are allowed with limitations listed or approved as outlined below.
1. Approved Industry Association Sign as part of Community Sign Program, as listed in Section 130.36.060 above in this Chapter.
 - a. Signs located on County property along the street shall be located so as not to obscure vision or create other public safety hazards based on the requirements of the County DISM ; and
 - b. Signs located on County property shall be subject to an encroachment permit issued by County Department of the Transportation.
- F. **Relocation of Off-Site Billboards.** Notwithstanding the prohibition on billboards in Subsection 130.36.090.B.2 (Prohibited Signs) above in this Chapter, pursuant to state law, the Board may approve agreements for relocation of existing off-site general advertising for hire (e.g., billboards) to County owned land.

130.36.120 Definitions.

As used in this Chapter, the terms below are defined as follows:

Abandoned Sign. Any display or sign remaining in place or not maintained which no longer identifies an ongoing business, product, or service available on the premises where the display or sign is located or where the structure or establishment to which the display or sign is related has ceased operation, or have not been updated upon occupancy of a new establishment.

A-Frame Sign. A portable sign capable of standing without support or attachment and sometimes referred to as a "sandwich board." Such signs typically resemble the letter "A", but may also resemble the letters "T" (upright or inverted) or "U" or "H" and are hinged or designed to fold up for easy moving by hand. See Figure 130.36.120.A (A-Frame Sign) in this Section.

Figure 130.36.120.A A-Frame Sign



Animated Sign. Any sign that uses movement or change of lighting to depict action or movement of visual elements.

Air-Activated Sign. An attention attracting device that is activated by wind or forced air, portions of which flutter or flap in the air; examples are known by commercial names such as sky puppet, air puppets, air crows, air dancers and wind dancers; the definition includes functionally similar devices.

Banner. Any sign made of cloth, lightweight fabric, bunting, plastic, vinyl, paper or similar material that is permanently or temporarily placed on, or affixed to, real property in a location where the message or image displayed is visible to the public from outside of the building or structure. A flag, as defined, shall not be considered a banner.

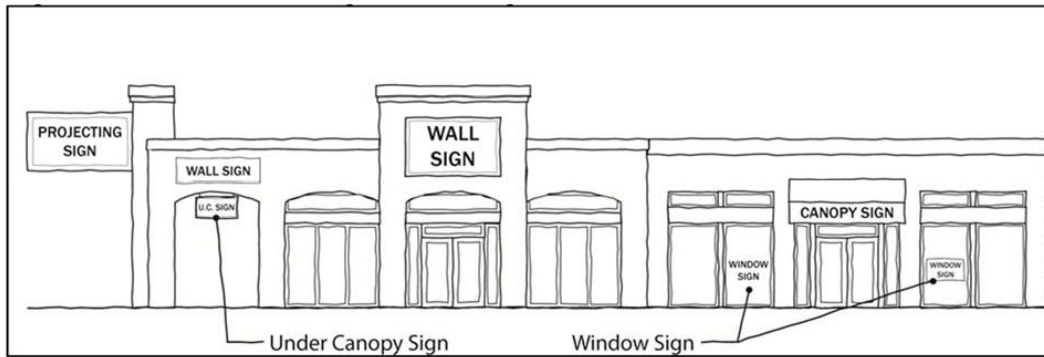
Billboard. A sign which meets any one (1) or more of the following criteria:

1. A sign structure which is used for the display of off-site commercial messages;
2. A sign structure which constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located;
3. An outdoor sign used as general advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration; or
4. An off-site outdoor advertising sign on which space is leased or rented.

Blade/Bracket Sign. A small, pedestrian-oriented sign that projects perpendicular from a structure (including fences, posts, and railings).

Building-Attached Sign. A sign placed on a wall or canopy, projecting from a wall, or hung underneath a canopy or overhang structure, or placed in a window. This sign category includes wall signs, canopy signs, projecting signs, under canopy signs, and window signs as defined herein. See Figure 130.36.120.B (Building-Attached Signs) below in this Section.

Figure 130.36.120.B Building-Attached Signs



Building Façade. Means all walls, or portions thereof, of a building's exterior which is exposed to public view, excepting alleys.

Can Sign. A type of sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. Such sign structures typically use slide in panels to display the message to the public. See Figure 130.36.120.C (Can Sign) in this Section

Figure 130.36.120.C Can Sign



Canopy Sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover (excluding a marquee) over an actual or faux door, entrance, window, or outdoor service area. See Figure 130.36.120.B (Building-Attached Signs) above in this Section.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign. See Figure 130.36.120.D (Changeable Copy Sign) in this Section.

Figure 130.36.120.D Changeable Copy Sign



Channel Letter Sign. A type of sign comprising individual letters that are independently mounted to a wall or other surface with a covered face. The "air space" between the letters is the building façade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements. See Figure 130.36.120.E (Channel Letter Sign) in this Section.

Figure 130.36.120.E Channel Letter Sign



Commercial Directional Sign. A sign whose primary function is to provide directional information for an establishment offering retail sales to the general public, when the establishment does not have access through frontage on a county road.

Commercial Message. Any sign, wording, logo, or other representation that names or advertises an establishment, product, service, or other commercial activity, primarily concerns the economic interest of the message sponsor or audience, or which proposes a commercial transaction.

Community Sign. A sign located on private property or County-maintained roads or rights-of-way (per Section 130.36.110 (Signs on County Property) above in this Chapter) that is part of a County-authorized and coordinated program to provide the public with information and guidance concerning public accommodations, facilities, commercial services, events, and points of scenic, cultural, historic, educational, recreational, religious interest, and other local community destinations as designated and recognized by a Community Sign Program.

Construction Site Sign. A temporary sign mounted or displayed on the site of a construction project during the time when actual physical construction is ongoing.

Copy. The words, letters, numbers, figures, designs, or other symbolic representations incorporated into the visually communicative elements of a sign.

Design and Improvement Standards Manual (DISM). The County document adopted on May 27, 1986, by Resolution No. 128-90, including subsequent revisions, that contains development

standards for specified land use and transportation-related improvements on public and private lands for purposes of public safety and consistency with generally accepted engineering practices.

Digital Display. Display methods utilizing Light Emitting Diode (LED), Liquid Crystal Display (LCD), Plasma, projected images, or any functionally equivalent technology, and which is capable of automated remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or flashing, blinking or intermittent light, or any combination of them. Also known as dynamic signs, Electronic Message Center (EMC) and Commercial Electronic Variable Message Signs (CEVMS).

Digital Sign. See "Electronic (Digital) Message Sign".

Directional Sign. Any sign (building-attached or freestanding) intended to be permanently affixed and utilized only for the purpose of indicating the direction of any object, place, or area.

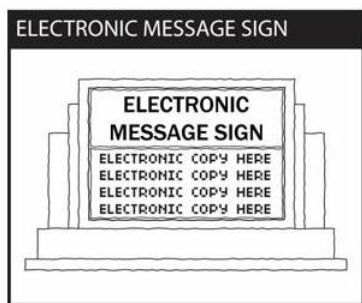
Directory Sign. A pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

Display Face. See "Sign Face".

Dwell Time. The number of seconds an electronic (digital) message is displayed before changing to a different message.

Electronic (Digital) Message Sign. An electronic sign, typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma, or other digital illuminated display that contains one (1) or more messages. An electronic message sign is different from an illuminated sign in that the illumination of the display creates the message, rather than an internal or external light source illuminating the message. Also known as Electronic Message Center (EMC). See Figure 130.36.120.F (Electronic (Digital) Message Sign).

Figure 130.36.120.F Electronic (Digital) Message Sign



Establishment. Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, tenants and or lessees, factories, farms, schools, hospitals, hotels, and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, or residential condominiums. Multi-units housing developments are considered

establishments during the time of construction; individual units are not within the meaning of establishment once a certificate of occupancy has been issued or full-time residency begins.

Exempt Sign. A sign that is not subject to a plan check approval or a sign that is not subject to a sign permit.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Feather Banner. A pole (typically flexible) with an attachment generally made of fabric and in the shape of a feather or quill, used to attract attention and/or present some visually communicative image to public view. Also known as feather flag, quill flag and similar names.

Freestanding Sign. A permanent sign that is self-supporting in a fixed location and not attached to a building. A freestanding sign can be connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs include, but are not limited to, monument/pylon signs and pole signs as described in this section.

General Advertising for Hire. The enterprise of advertising or promoting other businesses, establishments or causes using methods of advertising, in contrast to self-promotion or on-site advertising. The term applies regardless of whether a given message is commercial, noncommercial, or "public service" in nature. Also known as general advertising.

Highway-Oriented (U.S. Highway 50 only) Sign. An on-site freestanding sign structure (single or multi-tenant identification) designed to be visible from, U.S. Highway 50 that is outside of the officially designated scenic corridor for which a U.S. Highway 50-Oriented Sign Permit is issued.

Home Occupation Sign. A sign located at a residence advertising a business or profession legally conducted in the residence.

Illegal Sign. A sign which is not lawfully permitted in accordance with current adopted regulations.

Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign; includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. An illuminated sign excludes electronic (digital) message signs, which are separately defined.

Inflatable Balloon Sign. A sign consisting of balloons and inflatables made of latex, metallic and/or cloth material, regardless of the size that is used, for the purpose of attracting attention.

Integrated Development. A property or combination of properties containing 3 or more separate tenants and which share common parking, driveway, and access areas.

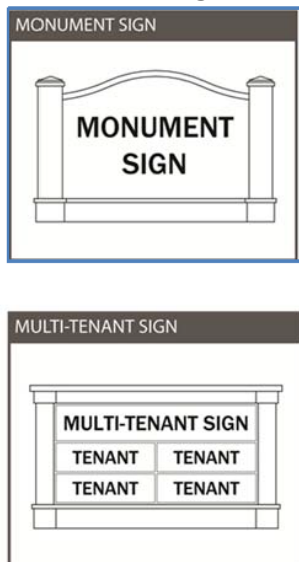
Legal Nonconforming Sign. A sign that was lawfully erected but that does not comply with the provisions of this Chapter.

Marquee. Any permanent roofed structure projecting over public property or right-of-way attached to and supported by a building.

Mobile Billboard. A vehicle which parks upon public land or traverses upon public roads for the primary purpose of displaying general advertising for hire.

Monument Sign. A freestanding sign detached from a building and having a support structure with a base that appears to be solid and is constructed of permanent material, such as concrete block or brick. This sign type also includes multi-tenant signs. See Figure 130.36.120.G (Monument Sign) in this Section.

Figure 130.36.120.G
Monument Sign



Motor Vehicle Fuel Pricing Signs. Signs identifying the brand, type, octane rating, etc., of motor vehicle fuel for sale, as required by state law.

Movable Sign. A sign that can easily be moved from one place to another, typically by mounting it on a vehicle or trailer, or by attaching wheels to it.

Mural. A painted or otherwise attached or adhered image or representation on the exterior of a structure that is visible from a public right-of-way or neighboring property, does not contain commercial advertisement (is noncommercial in nature), and is designed in a manner so as to serve as public art, to enhance public space, and to provide inspiration.

Noncommercial Message. A message that addresses topics of public debate and concern. By way of example and not limitation, such messages often express opinions and views on subjects such as religion, politics, commentary on the arts or sports, or protests.

Off-Site Sign. Any sign not located on the premises of the establishment indicated or advertised by such sign. This definition shall include, but not be limited to billboards, poster panels, painted bulletins, and other similar advertising displays.

On-Site Sign. A sign directing attention to an establishment, commodity, service, or entertainment conducted, sold, or offered upon the same property as that upon which the sign is maintained.

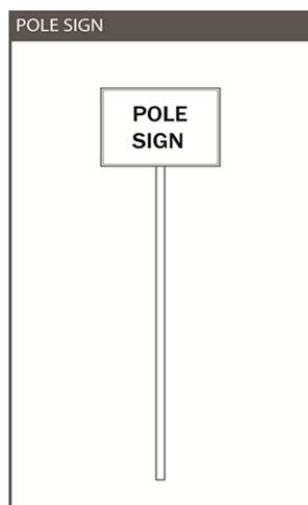
Painted Sign. A sign that comprises only paint applied on a structure.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

Permanent Sign. A sign that is entirely constructed out of durable materials, is fixed in place, and is intended to exist for more than 120 days.

Pole Sign. A freestanding sign detached from a building and supported by one (1) or more structural elements that are either: (a) architecturally dissimilar to the design of the sign; or (b) less than one-quarter the width of the sign face. Pole Signs do not include traffic signs (as defined in Section 130.36.030 – Exemptions) or monument signs. See Figure 130.36.120.H (Pole Sign) in this Section. (Freestanding signs constructed with poles as the substructure where the poles are encased to incorporate design features are not considered pole signs.)

Figure 130.36.120.H Pole Sign



Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition.

Projecting Sign. A sign attached to and extending outward from the face of a structure. Includes, but is not limited to, a blade/bracket sign, or marquee sign. See Figure 130.36.120.B (Building-Attached Signs) above in this Section.

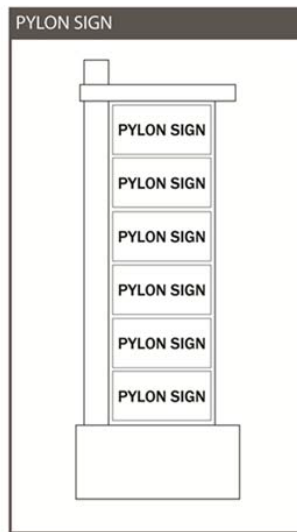
Pushpin Letter Sign. A type of sign comprising individual letters that are independently mounted to a wall or other surface. Such sign may be illuminated by an external light source, such as pendant lighting. The "air space" between the letters is the building façade. See Figure 130.36.120.I (Pushpin Sign) in this Section.

Figure 130.36.120.I Pushpin Sign



Pylon Sign. A freestanding sign detached from a building and having a support structure with a base that appears to be solid and is constructed of permanent material, such as concrete block or brick. See Figure 130.36.120.J (Pylon Sign) in this Section.

Figure 130.36.120.J Pylon Sign



Raceway (Sign). A sign channel for protecting and holding electrical wires and cables, especially a metal rectangular tube used for such purposes.

Real Estate Sign. A temporary sign advertising the sale or lease or other economic transaction involving real property. All signs described in Civil Code § 713 are within this definition.

Roof Sign. A sign erected, constructed, painted, or placed upon or over a roof or parapet wall of a building and which is wholly or partly supported by the building or roof structure.

Sign Face. That area or portion of a sign on which copy is intended to be placed.

Sign. Any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating with the public. The following do not fall within the definition of a "sign" for purposes of this Chapter:

- a. Architectural or decorative features of buildings (not including lettering, trademarks, or moving parts).
- b. Fireworks, candles, and artificial lighting. The legal use of fireworks, candles, and artificial lighting not otherwise regulated by this Chapter.
- c. Graphic images that are visible only from above, such as those visible only from airplanes or helicopters, but only if not visible from the street surface or public right-of-way.
- d. Gravestones and grave markers.
- e. Holiday and cultural observance decorations that are on display for not more than 45 calendar days per year (per parcel or use) and which do not include commercial advertising messages.

- f. Interior signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof or located at least three (3) feet from the window on the interior of the structure.
- g. Manufacturers' marks on tangible products that identify the maker, seller, provider, or product and which customarily remain attached to the product even after sale.
- h. Mass transit graphic images mounted on trains or duly licensed mass transit vehicles that legally pass through the County.
- i. Murals, painted or otherwise attached or adhered image or representation on the exterior of a structure that is visible from a public right-of-way or neighboring property, does not contain commercial advertisement (is noncommercial in nature), and is designed in a manner so as to serve as public art, to enhance public space, and to provide inspiration.
- j. News racks and newsstands.
- k. Personal appearance items or devices of personal apparel, decoration, or appearance, including, but not limited to, tattoos, makeup, wigs, costumes, and masks.
- l. Shopping carts, golf carts, and horse-drawn carriages.
- m. Symbols embedded in architecture such as symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a building; the definition also includes foundation stones and cornerstones.
- n. Vehicle and vessel insignia as shown on street-legal vehicles and properly licensed watercraft including, but not limited to, license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising for hire), and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.
- o. Vending machines that do not display off-site commercial messages or general advertising messages.

Sign for Drive In/Drive Through Uses. A sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

Sign Twirler. A human being, or a robotic imitation of a human being, displaying signs visible from the public right-of-way by holding the physical sign and twirling or spinning for the purpose of attracting public attention. Also known as sign spinner.

Subdivision Sign. A temporary or otherwise limited-term sign for the purpose of providing direction for vehicular and/or pedestrian traffic to the new home sale of multiple lots or dwelling units with a single builder within a master planned community, including both single-family and multi-family for-sale products. All other home sales signs are included within the definition of real estate sign.

Temporary Promotional Sign. Any sign displaying a commercial/promotional message, pennant, streamer, banner, beacon, bunting material, or other similar nonpermanent sign made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames, whether displayed as freestanding, wall-mounted, pole-mounted, window-mounted, or painted, or any other method of attachment, or beacon, which is intended to be displayed for a limited period of time.

Temporary Sign. A sign used for the public display of visual messages or images, which is easily installed with or without common hand tools, and which is not intended or suitable for long-term or permanent display (e.g., less than 120 days), due to lightweight or flimsy construction materials. Examples include, but are not limited to, A-frame signs, banners, pennants, streamers, or similar nonpermanent signs made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames. Any device that meets the definition of a "structure" in the building code is not within this definition.

Tourist Industry. Commercial businesses that provide goods and/or services (such as attractions and recreation; accommodations; restaurants and retail; transportation, travel and rental car services) for people traveling for pleasure (e.g., vacation, recreation, sightseeing).

Under Canopy Sign. A pedestrian-oriented sign hung from underneath an awning, canopy or overhang structure/breezeway. See Figure 130.36.120.B (Building-Attached Signs) above in this Section.

Vehicle Sign. A sign mounted upon a vehicle which may legally be parked on or move on public roads as well as a sign mounted upon a water vessel which may legally move upon the waters.

Wall Sign. A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. See Figure 130.36.120.B (Building-Attached Signs) above in this Section.

Window Sign. Any permanent or temporary sign, picture, letter, character, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed upon and/or inside and/or within three (3) feet of a window for the purpose of being visible from the exterior of the window. See Figure 130.36.120.B (Building-Attached Signs) above in this Section.



PLANNING AND BUILDING DEPARTMENT

PLANNING DIVISION

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plan-buildSLT@edcgov.us

TO: Planning Commission

FROM: Thea Graybill, Planning Manager

DATE: July 9, 2026

SUBJECT: Digital Signs Zoning Ordinance Amendments

BACKGROUND / INTRODUCTION:

On September 16, 2025, the Board of Supervisors (Board) directed Long Range Planning (LRP) staff to adopt amendments to Chapter 130.36 of the Zoning Ordinance (Signs). These amendments included language banning digital signs with limited exceptions after the Signage Ad Hoc Committee, formed in March 2025, recommended the ban on digital signs to the Board.

Based on community feedback received since then, the digital sign amendments were too narrowly written and inadvertently banned digital signs that were desired. On January 6, 2026, Long Range Planning staff (staff) brought a Resolution of Intention (ROI) to the Board to initiate the process to amend portions of Chapter 130.36 of the Zoning Ordinance regarding digital signs (Legistar File No. 25-2066). At that meeting, staff requested feedback and direction from the Board on the following topics: 1) sign technology; 2) restrictions on message changes; 3) sign size, placement, type, height, and number allowed; 4) appropriate permitting process; and 5) appropriate location(s).

The Board gave staff three general recommendations for the focused ordinance amendments: 1) new digital signs should be limited to West Slope communities with major shopping destinations, such as those in the El Dorado Hills Community Region (EDH CR); 2) no digital signs should be visible from U.S. Highway 50; and 3) approval of new digital signs should be site specific and subject to public review through a Uniform Sign Program.

Following staff's presentation of the ROI to the Board, the Signage Ad Hoc Committee reviewed and approved staff recommendations to amend Chapter 130.36 (Signs).

Consistent with Board and Signage Ad Hoc Committee direction, the proposed Zoning Ordinance amendments will allow for limited digital freestanding and directory signs within specified commercial zones in the EDH CR, when consistent with all other requirements as provided in Chapter 130.36 (Signs), and with the proposed EDH CR Digital Signs Matrix (Table 130.36.070.H1).

PROPOSED AMENDMENTS SUMMARY:

In accordance with Board direction, staff propose two amendments to Chapter 130.36 (Signs), as summarized below:

1. Section 130.36.070.H “Design Standards for Specific Sign Types”

Digital freestanding and directory signs may be allowed in the EDH CR when consistent with the following:

- a. No sign shall be visible from US Highway 50.
- b. Freestanding digital signs must be oriented to minimize visibility from outside the specific commercial / retail center location.
- c. Digital directory signs must not be legible from adjacent residential uses.
- d. Digital signs must be consistent with the size, height, type, and maximum number allowed in the EDH CR Digital Sign Matrix (Table 130.36.070.H.1) as summarized:

Digital signs are limited to the commercial/retail site total floor area (excluding parking), and will be allowed in districts zoned as CC, CG, CR, CL, CM, and CPO.

- No digital signs allowed on sites under 50,000 ft².
- No freestanding signs allowed on sites 50,001-110,000 ft².
- Maximum 2 directory signs on sites 50,001-110,000 ft².
- Maximum 2 freestanding and/or 5 directory signs on sites 110,001-500,000 ft².
- Maximum 4 freestanding and/or 10 directory signs on sites over 500,000 ft².

2. Section 130.36.090 “Prohibited Signs”

To implement the Board’s direction, staff added a new exemption for digital and freestanding signs within the EDH CR with two qualifying requirements:

- a. Exempt digital signs must follow all requirements and development standards provided in (existing) Sections 130.36.070.H.3 (Design Standards for Specific Sign Types: Electronic (Digital) Signs) and proposed section 130.36.070.H.4 (Design Standards for Specific Sign Types: Freestanding Signs).
- b. Digital Signs must be approved under a Uniform Sign Program as described in Section 130.36.080.B (Permit Requirements and Review Procedures).

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA) Sections 15162 and 15164 of the CEQA Guidelines (Addendum to an EIR or Negative Declaration), staff has determined that an EIR Addendum is the appropriate environmental document to analyze the proposed Zoning Ordinance modifications (Legistar Attachment C). This Addendum demonstrates that the proposed

amendments to Section 130.36 (Digital Signs) would not result in any new or more severe impacts than those previously analyzed in the certified Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2014102001) for the El Dorado County 2015 Sign Ordinance Update. Therefore, this Addendum satisfies the requirements of CEQA Guidelines Sections 15162 and 15164. The proposed amendments do not trigger any of the requirements for preparation of a subsequent EIR, as further discussed in Section IV of the EIR Addendum. Addendum Section IV outlines the proposed changes and explains how each of the proposed amendments would not cause any new or intensified environmental impacts beyond those impacts previously analyzed in the 2015 Sign Ordinance Update FEIR. Further, the amendments to Chapter 130.36 would not involve a substantial change in circumstances under which the project is undertaken, and as the amendments are minor or technical in nature, would not require any new or modified mitigation measures from those mitigation measures included in the 2015 Sign Ordinance Update FEIR.

RECOMMENDATION:

Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Addendum to the County 2015 Sign Ordinance Update Final Environmental Impact Report (FEIR), certified in July 2015 (State Clearinghouse Number 2014102001) (Legistar Attachment B) demonstrating that the analysis in that FEIR adequately addresses the potential physical impacts associated with implementation of the amendments to Chapter 130.36 of the Zoning Ordinance (Signs), and these amendments in regards to digital signs would not trigger any of the conditions described in California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared; and
2. Approve the amendments to Chapter 130.36 (Signs) regarding digital signs as presented in the Redline Amendments (Legistar Attachment C).

LEGISTAR ATTACHMENTS:

- B Draft EIR Addendum
- C Redline Amendments to Chapter 130.36 (Signs)
- D Clean Zoning Ordinance Chapter 130.36 (Signs)



EL DORADO COUNTY PLANNING DIVISION

<https://www.eldoradocounty.ca.gov/Land-Use/Planning-and-Building/Planning-Division>

NOTICE OF PUBLIC HEARING

The **County of El Dorado Planning Commission** will hold a public hearing in the Planning Commission Hearing Room, 2850 Fairlane Court in Building C, Placerville, CA 95667 on **July 9, 2026, at 9:00 a.m.**, to consider a recommendation for amending Sections 130.36.070.H and 130.36.090.B.2 of the Zoning Ordinance as presented to allow limited use of digital freestanding and directory signs in the El Dorado Hills Community Region, submitted by the Planning and Building Department, Long Range Planning Unit. (Addendum to El Dorado County's 2015 Sign Ordinance Update Final Environmental Impact Report).

Agenda and Staff Reports are available two weeks prior at <https://eldorado.legistar.com/Calendar.aspx>

All persons interested are invited to write their comments to the Planning Commission in advance of the hearing. If you challenge the application in court, you may be limited to raising only those items you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to, the public hearing. Any written correspondence should be directed to the County of El Dorado Planning and Building Department, 2850 Fairlane Court, Placerville, CA 95667 or via e-mail: **PLANNING@EDCGOV.US**

Please send written comments by 2:00 p.m. the day prior to the meeting. Comments received after the deadline may not be delivered to the Commission before any action.

COUNTY OF EL DORADO PLANNING COMMISSION
KAREN L. GARNER, Executive Secretary
June 19, 2026

Mountain Democrat

PROOF OF PUBLICATION
(2015.5. C.C.P.)

STATE OF CALIFORNIA
County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 2889 Ray Lawyer Drive, a newspaper of general circulation, printed and published Wednesday and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

6/19

ALL IN THE YEAR 2026

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 19th day of
JUNE, 2026

Allison Rains

Signature

Allison Rains
Legals Clerk

Proof of Publication NOTICE OF PUBLIC HEARING

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To ensure delivery to the Commission prior to the hearing, written information from the public is encouraged to be submitted by Thursday the week prior to the meeting. Planning Services cannot guarantee that any FAX or mail received the day of the Commission meeting will be delivered to the Commission prior to any action.

COUNTY OF EL DORADO PLANNING
COMMISSION

KAREN L. GARNER, Executive Secretary
June 19, 2026

6/19

16305

This page is reserved for the Affidavit of Publication from the Tahoe Tribune.
Document has not yet been received.



PROOF OF PUBLICATION
(2015.5. C.C.P.)

STATE OF CALIFORNIA
County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the El Dorado Gazette, Georgetown Gazette & Town Crier, a newspaper of general circulation, printed and published once each week in the town of Georgetown, Ponderosa Judicial District, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

6/18

ALL IN THE YEAR 2026

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 18th day of JUNE, 2026

Allison Rains

Signature

Allison Rains
Legals Clerk

Proof of Publication
NOTICE OF PUBLIC HEARING

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COUNTY OF EL DORADO PLANNING
COMMISSION

KAREN L. GARNER, Executive Secretary

June 18, 2026

6/18

002732



County of El Dorado

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Master Report

File Number: 26-1111

***File ID #:** 26-1111

Agenda Item
Type:

Status: Agenda Item

Version: 1

Reference:

Gov Body: Planning
Commission

Department: Planning and Building

Created: 06/18/2026

Agenda Title: 07-09-26 PC Cannabis Ordinance

Final Action:

Title: Hearing to consider Revisions to Cannabis Setbacks Reductions for
Parcels Owned or Leased Prior to November 6, 2018.

Notes:

Code Sections:

Agenda Date: 07/09/2026

Agenda Number: 4.

Sponsors:

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Attachments: A - Staff Memo Final, B - Residential and Sensitive
Use Buffer Map, C - Proposed Amendments to
Chapter 130.41 of Title 130 - CLEAN, D - Proposed
Amendments to Chapter 130.41 of Title 130 -
REDLINE, E - Alternative A - Proposed Amendments
to Chapter 130.41 of Title 130 - CLEAN, F -
Alternative A - Proposed Amendments to Chapter
130.41 of Title 130 - REDLINE, H - Staff Presentation

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Contact: Aaron Mount

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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 26-1111

Hearing to consider Revisions to Cannabis Setbacks Reductions for Parcels Owned or
Leased Prior to November 6, 2018.

DISCUSSION / BACKGROUND

On May 13, 2025 (Legistar File 25-0373), the Board of Supervisors (Board) received a presentation from the Planning and Building Department, Planning Division and the Tahoe Planning and Building Division, outlining major accomplishments during Fiscal Year 2024/2025 and key priorities for Fiscal Year 2025/2026. During this presentation, the Board discussed concerns related to Commercial Cannabis Use Permits (CCUPs) and associated requests for setback reductions. The Board directed staff to return with a Resolution of Intention (ROI) to review removal options for setback reductions identified within the Commercial Cannabis Ordinance.

Pursuant to Section 130.63.020 of the Zoning Ordinance, which requires County-initiated Zoning Ordinance amendments to be initiated by a ROI by the Board, staff recommended that the Board approve further amendments to the Zoning Ordinance, Chapter 130.41 - Commercial Cannabis.

On January 13, 2026 (Legistar File 25-1617), Planning staff presented ROI 014-2026 to the Board, along with information regarding the applicability of special setbacks to different commercial cannabis uses and the incorporation of setback relief into approved, denied, and pending/processing CCUPs. The Board discussed the various cannabis use types and their associated setbacks, with the primary focus on setback requirements for outdoor/mixed-use cultivation.

The ROI was adopted January 13, 2026, by a 4-1 vote, directing staff bring the following to the Planning Commission for consideration:

1. Amend Section 130.41.100.4.C of the El Dorado County Zoning Ordinance, to remove or modify the ability for any setback from a commercial cannabis activity to be reduced in a CCUP 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 the section was derived on November 6, 2018.

CONTACT

Aaron Mount

Planning and Building Department, Planning Division



PLANNING AND BUILDING DEPARTMENT

PLANNING DIVISION

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To: Planning Commission Agenda of: July 9, 2026

From: Evan Mattes, Senior Planner Legistar No.: 26-1111

Re: OR26-0001/Commercial Cannabis Chapter 130.41 Amendments

Revisions to Cannabis Setbacks Reductions for Parcels Owned or Leased Prior to November 6, 2018.

Background: On May 13, 2025 (Legistar File 25-0373), the Board of Supervisors (Board) received a presentation from the Planning and Building Department, Planning Division and the Tahoe Planning and Building Division, outlining major accomplishments during Fiscal Year 2024/2025 and key priorities for Fiscal Year 2025/2026. During this presentation, the Board discussed concerns related to Commercial Cannabis Use Permits (CCUPs) and associated requests for setback reductions. The Board directed staff to return with a Resolution of Intention (ROI) to review removal options for setback reductions identified within the Commercial Cannabis Ordinance.

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the applicant before voter approval of the ordinance from which the section was derived on November 6, 2018.

Setbacks: A preliminary analysis was conducted in determining what impact removing setback reduction requests would have on the different cannabis use types. Setbacks for outdoor/mixed light cultivation include a 300-foot wetland setback, an 800-foot setback from property lines, and a 1,500-foot setback from identified sensitive uses (schools, school bus stop) measured property line to property line. All other cannabis uses including retail store front, retail delivery, laboratory, manufacturing, and indoor cultivation have a 1,500-foot setback from identified sensitive uses (ex. schools, school bus stop) and a 500-foot setback from residential zones and uses, both measured property line to property line.

Table 1: Commercial Cannabis Use Setbacks				
Cannabis Use	300-ft Wetland Setback	800-ft property line or public right-of-way setback	1,500-ft school, school bus stop, etc. setback¹	500-ft residential zone/use setback¹
Retail Store Front			X	X
Retail Delivery			X	X
Laboratory			X	X
Distribution			X	X
Manufacturing			X	X
Indoor Cultivation			X	X
Outdoor/Mixed Light Cultivation	X	X	X	
¹ Setback measured property line to property line				

Outdoor/Mixed Light Cultivation: Outdoor/Mixed-use cultivation of commercial cannabis may be permitted within Rural Lands (RL), Planned Agriculture (PA), Limited Agriculture (LA), and Agricultural Grazing (AG) zoning designations and has setback requirements of 800 feet from all property lines, 1,500 feet from sensitive uses, and 300 feet from the upland extent of riparian vegetation. The maximum number of commercial cannabis cultivation operations, including outdoor/mixed-use cannabis cultivation, is limited to 150. To date, five (5) CCUPs have been approved for commercial cannabis outdoor/mixed-use cultivation, with one (1) of those approvals being expired, and two (2) CCUPs have been denied.

A preliminary analysis on the effects of setbacks on parcels within El Dorado County was conducted, based upon an assumption of a minimum 60-acre square parcel to support a 10,000-square-foot commercial cannabis cultivation. Initially, parcels were selected by parcel size, private ownership, and zoning designations. Analysis mapped sensitive uses by parcel with a 1,500-foot setback and 300-foot buffer from mapped waterways. An internal setback buffer of 800 feet from all property lines was applied to all parcels. Based upon preliminary analysis, without the ability to reduce setbacks, approximately 130 parcels are eligible for commercial cannabis outdoor/mixed use cultivation within El Dorado County.

Commercial Cannabis Indoor Cultivation: Indoor cultivation of commercial cannabis may be permitted within General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zoning designations and has setback requirements of 1,500 feet from sensitive uses and 500 feet from any residential use or zoned parcels. Indoor cultivation consists of 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. The maximum number of commercial cannabis cultivation operations, including indoor cannabis cultivation, is limited to 150. To date, there have been no applications submitted for, and no approvals issued on, CCUPs for commercial cannabis indoor cultivation. Based upon preliminary analysis, without the ability to reduce setbacks, no parcels are eligible for commercial cannabis indoor cultivation within El Dorado County.

Commercial Cannabis Distribution Facilities: Commercial cannabis distribution facilities may be permitted within CG, IH, IL, R&D, Meyers Community Center (MAP-1), and MAP-2 zoning designations and have setback requirements of 1,500 feet from sensitive uses and 500 feet from residential use or zoned parcels. There is no limit to the amount of commercial cannabis distribution facilities allowed. To date, there have been no applications submitted for, and no approvals issued on, CCUPs for commercial cannabis distribution facilities. Based upon preliminary analysis, without the ability to reduce setbacks, no parcels are eligible for commercial cannabis distribution facilities.

Commercial Cannabis Retail Sale, Storefront: Commercial cannabis retail sales (storefront) may be permitted within Community Commercial (CC), Regional Commercial (CR), CG, IL, and MAP-1 zoning designations and have setback requirements of 1,500 feet from sensitive uses and 500 feet from residential uses or zoned parcels. There is a limit of seven (7) cannabis retail storefront facilities, with one (1) additional storefront being permitted in Meyers. All commercial cannabis retail store front CCUPs have either been approved or applied for. All commercial cannabis storefronts have requested or are requesting a setback reduction. Based upon preliminary analysis, without the ability to reduce setbacks, no parcels are eligible for commercial cannabis retail store fronts in El Dorado County.

Commercial Cannabis Retail Sale, Delivery: Commercial cannabis retail delivery sales (non-storefront) may be permitted within CG, IH, IL, R&D, and MAP-2 zoning designations and have setback requirements of 1,500 feet from sensitive uses and 500 feet from residential use or zoned parcels. There is no limit on the amount of commercial cannabis delivery operations allowed. To date, one (1) CCUP for a non-storefront commercial cannabis delivery project has been approved. The one (1) approved commercial cannabis delivery project requested a setback reduction request. Based upon preliminary analysis, without the ability to reduce setbacks, no parcels are eligible for commercial cannabis non-storefront delivery retail in El Dorado County.

Commercial Cannabis Testing Laboratories: Commercial cannabis testing laboratories may be permitted within CG, IH, IL, R&D, and MAP-2 zoning designations and have setback requirements of 1,500 feet from sensitive uses and 500 feet from residential uses or zoned parcels. There is no limit on the amount of commercial cannabis testing laboratories allowed. To date, there have been no applications submitted for, and no approvals issued on, CCUPs for commercial cannabis testing laboratories. Based upon preliminary analysis, without the ability to

reduce setbacks, no parcels are eligible for commercial cannabis testing laboratories within El Dorado County.

Commercial Cannabis Manufacturing: Allowances for commercial cannabis manufacturing are determined by license type. Each license type determines which manufacturing activities are allowed. All license types have setback requirements of 1,500 feet from sensitive uses and 500 feet from residentially used or zoned parcels. To date, there have been no applications submitted for, and no approvals issued on, CCUPs for commercial cannabis manufacturing.

Type 7: Type 7 manufacturing licenses allow for volatile solvent extraction. Volatile solvents are chemicals that produce flammable gas or vapor, such as butane, heptane, hexane and propane. Type 7 licenses may be permitted within IH, IL, and MAP-2 zoning designations. Based upon preliminary analysis, without the ability to reduce setbacks, no parcels are eligible for Type 7 manufacturing in El Dorado County.

Type 6: Type 6 manufacturing licenses allow for non-volatile solvent manufacturing or mechanical extraction. Non-volatile solvent manufacturing are chemicals that do not produce flammable gas or vapor, such as ethanol, carbon dioxide, cooking oils, and butter. Mechanical extraction uses pressure or temperature to extract cannabinoids, such as with rosin presses or dry ice. Type 6 licenses may be permitted in CG, IH, IL, R&D, and MAP-2 zoning designations. Based upon preliminary analysis, without the ability to reduce setbacks, no parcels are eligible for Type 6 manufacturing in El Dorado County.

Type N & Type P: Type N manufacturing licenses allow for the infusion of products and the packaging and labeling of cannabis. Type P manufacturing allows for only the packaging and labeling of cannabis products. Type N and Type P manufacturing licenses may be permitted in CC, CR, CG, IH, IL, R&D, PA, LA, and AG zoning designations. PA, LA, and AG zoned properties require a minimum premises of 10 acres. Based upon preliminary analysis, approximately 40 parcels would be eligible for Type N & Type P manufacturing in El Dorado County. All potential parcels are located on PA, LA, and AG zoned properties.

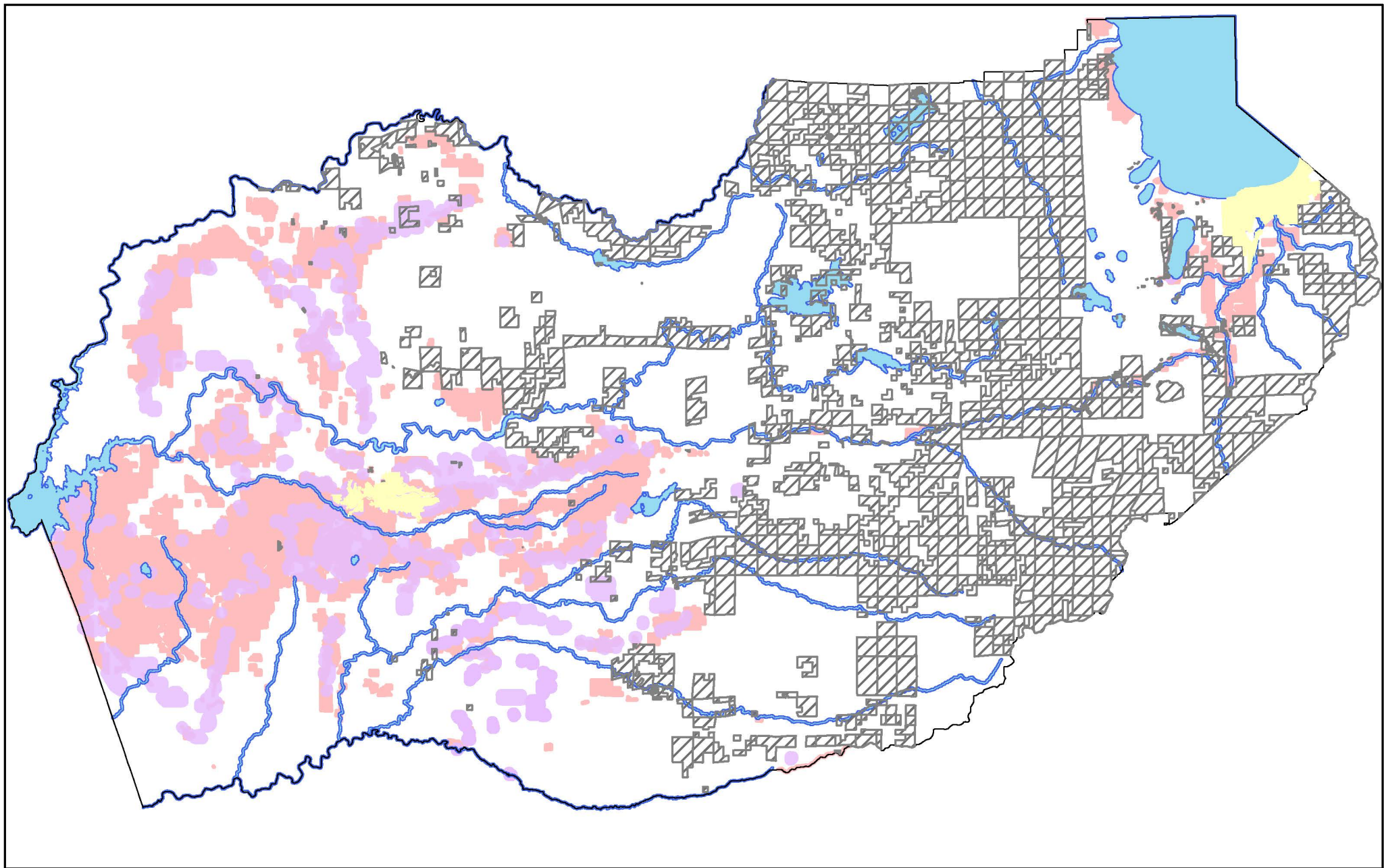
Type S: Type S manufacturing licenses are for shared-use facilities that can conduct non-volatile extraction, infusion, and packaging and labeling. A Type S manufacturing license may be issued in a zone district only if the manufacturing activity (Type 7, Type 6, etc.) is authorized in that particular zone district.

Alternatives: Planning staff has prepared alternative El Dorado County Zoning Ordinance Chapter 130.41 updates, should the direction of the Board change. Alternative A would retain the ability for commercial cannabis projects to reduce required setbacks, with the exception of outdoor/mixed light cultivation, so long as the parcel was owned or leased by the applicant before November 6, 2018.

California Environmental Quality Act (CEQA): Staff reviewed the proposal for consistency with CEQA and found the proposed amendments to be exempt from environmental review under Section(s) 15060(c)(2) and 15378 of the CEQA Guidelines, as the amending of commercial

cannabis setback reductions does not have the potential of resulting in a direct or reasonably foreseeable indirect physical change in the environment.

\\CDADData\DS-Shared\DISCRETIONARY\CCUP\2026\OR26-0001 Commercial Cannabis Setback



- 1500 ft Sensitive Use Buffer
- 500 ft Residential Zone Buffer
- 300 ft Riparian Buffer
- Cities of Placerville and SLT
- Federal Lands

OR26-0001/Cannabis Ordinance Chapter 130.41 Amendments Residential and Sensitive Use Buffer Map

0 5 10 20 Miles

26-1111 B Page 1 of 1



CHAPTER 130.41 – COMMERCIAL CANNABIS

Sections:

- 130.41.100 Commercial Cannabis Activities Permitting and Enforcement
- 130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis
- 130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis

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 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.
- 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 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.
5. 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.
6. Indication of whether the Commercial Cannabis Use Permit is for approval of a commercial activity involving cannabis for medicinal, adult-use recreational, or both. A single Commercial Cannabis Use Permit may allow for a commercial activity involving both medicinal and adult-use recreational cannabis provided that the operation is consistent with State law and regulations.
7. Name and contact information for the Designated Local Contact.

8. Condition of approval requiring timely payment 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.
- J. Authorization may not be provided to the appropriate State licensing agency for an annual State license unless the County has issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit.

5. Commercial Cannabis Annual Operating Permit.

- A. In addition to a discretionary Commercial Cannabis Use Permit, a person may only conduct a commercial cannabis activity if the person obtains a Commercial Cannabis Annual Operating Permit. When a Commercial Cannabis Use Permit is first issued, the Building and Planning Department shall also issue a Commercial Cannabis Annual Operating Permit, subject to annual renewals. A Commercial Cannabis Annual Operating Permit is valid for one year from the date of issuance and may be renewed after staff-level review with public notice as provided for in Chapter 130.50 (Application Filing and Processing) of this Title.
- B. In addition to any other information or documentation requested by the County Planning and Building Department, an application for renewal of a Commercial Cannabis Annual Operating Permit shall include all of the information required for a Commercial Cannabis Use Permit, noting any changes from the information submitted with the original application, and the complaint report required under Section 9(B) (Designated Local Contact) below in this Section. The applicant must demonstrate continued compliance with all County and State regulations and site specific conditions in the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit. If the applicant is not the record title owner of the parcel, an updated written consent of the owner of the parcel with original signature and notary acknowledgement must be provided and be notarized within 30 days of the date that the renewal application is submitted with the County.
- C. A Commercial Cannabis Annual Operating Permit shall not be issued if the applicant owes any delinquent Commercial Cannabis Activities Tax or any other fines, violations, assessments, fees, costs, or amounts related to the commercial cannabis activity. Prior to issuance, Building and Planning Department shall notify the Sheriff's Office and Code Enforcement of the application and request information on any resolved or pending complaints or violations.
- D. If taxes under Chapter 3.22 (Taxation of Commercial Cannabis Activities) for cultivation of cannabis are assessed based on square footage, taxes shall be calculated based on the maximum square footage stated in the Commercial Cannabis Annual Operating Permit. If a permittee does not intend to cultivate the entire square footage permitted in a Commercial Cannabis Use Permit in any given year, the permittee must request a reduction in square footage in the application for a Commercial Cannabis Annual

Operating Permit. Failure to request a reduction in the application will result in taxes being assessed on the square footage stated in the Commercial Cannabis Use Permit.

- E. A Commercial Cannabis Annual Operating Permit is not transferrable and automatically expires upon any change of ownership to the applicant that results in a new owner or owners or new funding source. Before or upon the transfer of the business or addition of a new owner, an application for a new Commercial Cannabis Annual Operating Permit must be submitted. While the Commercial Cannabis Use Permit may be transferred, upon issuance of the new Commercial Cannabis Annual Operating Permit, conditions to the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit may be added or removed. The Director of Planning and Building may require a decision by the Planning Commission to impose any new conditions or remove any existing conditions of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under this subsection consistent with Article 5, Section 130.54.070 (Revisions to an Approved Permit or Authorization).

6. Out-of-County Delivery and Distribution of Commercial Cannabis.

- A. This Section applies to any person located outside of the unincorporated areas of the County who delivers or distributes commercial cannabis to a physical location in an unincorporated area of the County as part of a legal commercial cannabis activity. No person operating a commercial cannabis retail or distribution facility located outside of the unincorporated area of the County may deliver or distribute commercial cannabis within the unincorporated area of the County without a valid business license under Chapter 5.08 (License Requirements and Procedure).
- B. Cannabis delivery hours in the County are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.
- C. The Commercial Cannabis Activities Tax shall be paid for the sale of all commercial cannabis delivered or distributed within El Dorado County regardless of where the retail or distribution facility is located.

7. Revocation After Three Violations.

In addition to revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit), upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to one or more of the owners or operators at any property or combination of properties of one or more of the same owners or operators within a two-year period, the Commercial Cannabis Annual Operating Permit shall be nullified, voided, or revoked, subject to prior notice and appeal under Section 130.54.090 (Revocation or County Mandated Modification of a Permit) and the Commercial Cannabis Use Permit may be revoked, subject to prior notice and appeal under Section 130.54.090. Upon revocation, an

application for a Commercial Cannabis Annual Operating Permit to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two years. If only the Commercial Cannabis Annual Operating Permit is revoked under this Section, reissuance shall be subject to the procedures to issue a Commercial Cannabis Use Permit, including hearing before and decision of the Planning Commission and any new or amended conditions may be added to the Commercial Cannabis Use Permit.

8. Monitoring Program.

All Commercial Cannabis Annual Operating Permits shall require the applicant's participation in a County-run monitoring program. The monitoring program shall be funded by applicants and will be used to conduct site visits and inspections of all commercial cannabis activities and verify compliance, including but not limited to all requirements of County Code and any site specific permit conditions and State regulations, including the State track-and-trace requirements. The Board of Supervisors shall by resolution or ordinance adopt such fees necessary to implement this monitoring program. The annual monitoring program fees shall be collected yearly at the time of renewal of the Commercial Cannabis Annual Operating Permit.

9. Designated Local Contact.

- A. No Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit may be issued unless a current name and contact information for a Designated Local Contact is included. The Designated Local Contact must be available by telephone on a 24-hour basis, seven days per week and be able to respond to the County within two hours and corrective action, if required, must be completed within the time requested by the County.
- B. No less than one week before commercial cannabis operations commence, the permittee must notify the property owners and residents of property located within 1,000 feet of the perimeter of the parcel(s) upon which the commercial cannabis operations will occur and provide the name and contact information for the Designated Local Contact. Complaints made to the Designated Local Contact by any member of the public must be responded to within 24 hours of the initial complaint and corrective action, if required under any State or local law or regulation, must commence within a reasonable time based on the nature of the corrective action required. Complaints by any member of the public shall be logged in writing and the complaint log, including any corrective action taken, shall be provided to the Building and Planning Department annually with the application to renew the Commercial Cannabis Annual Operating Permit.
- C. The permittee must immediately notify the County and owners and residents covered property 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.

- D. The failure to comply with any requirement of this Section constitutes a violation subject to enforcement under this Chapter.

10. Criminal Enforcement.

- A. Any person who engages or attempts to engage in any commercial cannabis activity without the required County permits, owns the property upon which a commercial cannabis activity is conducted without the required County permits, or otherwise violates or attempts to violate any of the provisions of the County's commercial cannabis activities ordinances can be charged with a misdemeanor or infraction at the discretion of the District Attorney.
- B. If charged as a misdemeanor, the violation shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment in the County jail for a term not exceeding six months or by both such fine and imprisonment. If charged as an infraction, the violation shall be punishable by a fine not exceeding \$100.00 for the first violation, \$250.00 for the second violation within one year, and \$500.00 for each additional violation within one year. Each and every day, or portion of a day, that a violation exists may be charged as a separate offense.

11. Administrative Enforcement and Abatement.

- A. In addition to criminal enforcement and potential revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, a violation of this Section, violation of any County or State rule, regulation, or law governing the particular commercial cannabis activity, or violation of a condition in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit shall be deemed a public nuisance and shall be subject to enforcement as provided herein and the provisions of Chapter 9.02 (Code Enforcement). Pursuant to Section 9.02.020(B), the higher fines of this Section shall control in any administrative enforcement action.
- B. A notice to correct or notice to abate issued under Chapter 9.02 shall provide 72 hours for the responsible person to correct or abate the violation and shall identify the administrative fines of this Section if the violation is not corrected or abated within 72 hours.
- C. Fines for Persons Operating with a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:
 - 1. For any violation by a person who has been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of \$1,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.

2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$2,500.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
 3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$5,000 per day, per violation for each and every day, or portion of a day, that a violation exists.
 4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
- D. Fines for Persons Operating a Commercial Cannabis Activity Without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:
1. For any violation by a person who has not been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of \$5,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.
 2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
 3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$25,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
 4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$50,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

5. If the violation is for operating without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit, the fine shall be tolled from the date the application is submitted until the permit is granted or denied by the County provided that all fines accrued prior to the date the permit is submitted are paid with the permit. If the violation is for failure to comply with the regulations of the County Code for the particular commercial cannabis activity, the fines shall not be tolled during the period that an application for a commercial cannabis activity permit is under review.
- E. Each plant cultivated outside of the square footage provided for in the Commercial Cannabis Annual Operating Permit shall be deemed a separate violation. The determination of the plants outside of the permitted square footage shall be made with reference to the cultivation site plan submitted with an application. Each retail sale or attempted retail sale of cannabis shall be deemed a separate violation.
- F. Notwithstanding Section 9.02.390, a request for an administrative hearing under Chapter 9.02 must be made within three days of service of the notice to correct, administrative citation, or notice to abate and the hearing shall be held within five days of the request for a hearing.
- G. The decision of the Hearing Officer under Section 9.02.440 shall be issued within five days of completion of the hearing.
- H. A notice to abate or decision of a Hearing Officer requiring abatement shall provide that, if any plants cultivated under this Section are removed as part of the abatement action because they are in excess of the allowable square footage, the responsible person may decide which plants will remain so long as the remaining plants are in compliance with the Commercial Cannabis Annual Operating Permit. The notice to abate shall require the responsible person to identify the plants to remain within the 72-hours provided in the notice to abate or the time provided for in the decision by the Hearing Officer. If the responsible person does not identify the plants to remain in writing within the time provided, the enforcement official shall determine, in his or her sole discretion, which plants will remain.
- I. Unless a notice is personally served, any notice provided under this Section shall be mailed under Section 9.02.120 and posted conspicuously on or in front of the business or cultivation site, or other place reasonably anticipated to provide notice to the responsible person.
- J. The remedies provided herein are cumulative to all other administrative, civil, and criminal remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances or criminal activity.
- K. All County officers with authority to enforce this Code shall also have the authority to enforce this Section.

12. No Authorization, Defense, or Immunity. The issuance of a permit under this Chapter shall not confer on any person the right to maintain a public or private nuisance or to authorize or facilitate any violation of State or Federal law. Except for enforcement actions arising out of this Chapter, no provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the District Attorney, the State of California, the United States, or any other person. Nothing in this Section shall be construed to authorize or facilitate a commercial cannabis activity that is otherwise illegal under State or Federal law.
13. No Duty to Enforce. Nothing in this Section shall be construed as imposing on the Sheriff, the District Attorney, or the County any duty to abate any unlawful commercial cannabis activity, to prosecute a violation of County Code, or to take any other action with regard to any unlawful commercial cannabis activity. Furthermore, the Sheriff, District Attorney, County, and any of their officers or employees shall not be held liable for failure to abate any unlawful commercial cannabis activity, to prosecute a violation of this Section, or to take any other action with regard to any unlawful commercial cannabis activity.
14. Ordinance Declarative of Existing Law. Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.
15. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.
16. Implementation. The Planning and Building Department shall have applications available to the public no later than September 30, 2019. The Board of Supervisors may grant an extension of the time to have permits available or any other aspect of implementation based on a finding of unforeseen circumstances, changes in State or Federal law, lack of sufficient funding, or other reason necessitating an extension. Pursuant to California Government Code Section 25125, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage.

130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section was derived

was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.

- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of Agricultural Preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in Chapter 130.41 shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. A minimum of 75 of the total 150 cannabis cultivation operations are reserved for outdoor or mixed-light cultivation operations that are less than 10,000 square feet in total canopy area, with 40 of the 75 reserved for operations limited to cultivation canopy of 3,000 square feet or less and cannabis that is grown exclusively with natural light and meets organic certification standards or the substantial equivalent. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. Outdoor and Mixed-Light Commercial Cannabis Cultivation.

- A. *Permitted Zones.* Outdoor or mixed-light commercial cannabis cultivation may only be permitted in the Rural Lands (RL), Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zoned districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100. This Section allows outdoor or mixed-light commercial cannabis cultivation as a new use authorized by this Section only.
- B. *Minimum Site Area.* Outdoor or mixed-light cultivation of commercial cannabis is limited to sites that meet the minimum premises area of ten acres. The County may require a premises greater than ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.
- C. *Canopy Coverage.* Outdoor or mixed-light commercial cannabis cultivation is subject to the following limits on maximum canopy based on zone district. The County may place

additional and further restrictions on canopy size to maintain consistency with other laws, agricultural uses, and neighborhood compatibility. A cannabis cultivation operation shall not exceed the canopy size threshold established by State law.

1. Lots zoned RL with a minimum premises of ten acres: Up to 1.5 percent of the size of the premises with a maximum of one outdoor or mixed-light cultivation operation per premises, but not to exceed 10,000 square feet of total canopy coverage for that premises, including any designated nursery area with mature plants and excluding any designated nursery area with only immature plants.
 2. Lots zoned AG, LA, and PA with a premises between ten and 14.9 acres in area: Up to 1.5 percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of two outdoor or mixed-light cultivation operations, but not to exceed 0.45 acres of total canopy coverage for that premises, excluding any nursery area.
 3. Lots zoned AG, LA, and PA with a premises between 15 and 25 acres in area: Up to two percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of four outdoor or mixed-light cultivation operations, but not to exceed 1.5 acres of total canopy coverage for that premises, excluding any nursery area.
 4. Lots zoned AG, LA, and PA with a premises greater than 25 acres: Up to five percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of six outdoor or mixed-light cultivation operations, but not to exceed two acres of total canopy coverage for that premises, excluding any nursery area.
- D. Retail sale. Retail sale of cannabis shall not occur on any premises where cultivation occurs.

5. Cultivation Standards.

- A. In addition to any State requirements by any governing State agency and any site specific requirements in a permit, outdoor or mixed-light cultivation of commercial cannabis shall comply with the following requirements. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or these requirements is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 (Commercial Cannabis Activities Permitting and Enforcement) and Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- B. *Location.* Outdoor or mixed-light commercial cannabis cultivation shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured

from the nearest point of the property line of the premises that contains the commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.

- C. *Setbacks.* Outdoor or mixed-light cultivation of commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse.
- D. *Odor.* The cultivating, drying, curing, processing, and storing of cannabis shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which cannabis is cultivated or processed due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the cannabis is cultivated or processed for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from cannabis cultivating, drying, curing, processing, or storing violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- E. *Water Source.* Commercial cannabis cultivation may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required State permits from the State Water Resources Control Board and any other State agency with jurisdiction. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, unpermitted well, or body of water. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any spring, wetland, stream, creek, river, lake, or body of water.

- F. *Water Conservation Measures.* Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, including but not limited to underground drip irrigation, soil moisture monitoring, water capture systems, grey water systems, or other equally effective water conservation measures, shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.
- G. *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. All greenhouses, hoop houses, and fences shall comply with all building and zoning codes and any other applicable law or regulation. Greenhouses and hoop houses are the preferred means of screening.
- H. *Security and Wildlife Exclusionary Fencing.* Areas where cannabis is cultivated, the premises on which cannabis is cultivated, or a portion thereof that includes the cultivation area shall be secured by a minimum six-foot high solid wood or chain link wildlife exclusionary fence, such as cyclone or field game fencing, with locked gates built in compliance with building and zoning codes. All gates shall be lockable and remain locked at all times except to provide immediate entry and exit. A chain link fence is not sufficient for screening. Fencing may not be covered with plastic or cloth except that neutral-colored shade cloth may be used on the inside of the fence.
- I. *Renewable Energy.* Electrical power for outdoor or mixed-light cultivation operations, including but not limited to illumination, heating, cooling, water supply, and ventilation, shall be provided by on-grid power with a 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. Generators may be used as a secondary back-up power source pursuant to a valid permit from the El Dorado County Air Quality Management District. Impacts from generator use will also be considered in the environmental analysis and site specific restrictions and conditions may be imposed to mitigate those impacts, including conditions to minimize noise.
- J. *Lighting.* All lights used for mixed-light cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial lighting for mixed-light cultivation is limited to a rate of six watts per square foot or less. For outdoor and mixed-light commercial cannabis cultivation, security lighting shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).
- K. *Pesticide Usage.* Preference shall be given to applicants that maintain organic certification standards or the substantial equivalent, provided that maintaining organic certification standards or the substantial equivalent is a condition of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit. Until the California Department of Food and Agriculture adopts a organic certification standards,

the County Agricultural Commissioner shall determine whether a particular operation satisfies substantially equivalent organic criteria. Documentation of all pesticides used shall be presented each year as part of the Commercial Cannabis Annual Operating Permit. All pesticides and fertilizers shall be properly labeled and stored and disposed of to avoid contamination through erosion, leakage, or inadvertent damages from rodents, pests, and wildlife and to prevent harm to persons, the environment, and wildlife.

- L. *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.
- M. *Public Sewer or Sewage Disposal System.* The premises where the cultivation of cannabis takes place shall either be connected to a public sewer system, have a County inspected and approved sewage disposal system, or have restroom facilities deemed appropriate by the Director of the Environmental Management Department, or his or her authorized designee(s).
- N. *Recommendation of the Agricultural Commission.* An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission.

6. Commercial Cannabis Nurseries.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the nursery that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5) for all activities of the nursery that will be conducted indoors.
- B. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall state the maximum square footage allowed for designated nursery areas with only immature plants, designated nursery areas for seed propagation that may contain mature plants, and designated research and development areas that may contain mature plants if the permittee will be conducting research and development activities that require a plant to flower. The County may place restrictions on such square footage to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.
- C. Nursery activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

7. Commercial Cannabis Processors.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis processor shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the processor that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5)(A) for all activities of the processor that will be conducted indoors.
- B. The County may place restrictions on square footage for commercial cannabis processing activities to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility. Commercial cannabis processing activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

8. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

10. Effective Date.

Pursuant to California Government Code Section 25123, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this Section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for any reason, this Section shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section is derived was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.
- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of agricultural preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in this Chapter shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Cultivation Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. General Requirements.

- A. In addition to any State requirements, the requirements in this Section are applicable to all commercial cannabis activities authorized under this Section 130.41.300. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or the requirements in this Section 130.41.300 is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- B. Odor. Commercial cannabis activities, including but not limited to cultivating, drying, curing, processing, manufacturing, testing, and storing of cannabis, shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property

on which the commercial cannabis activity occurs due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the commercial cannabis activity occurs for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from a commercial cannabis activity violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of activated carbon filtration or equivalent odor abatement control equipment on air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

- C. Location. A commercial cannabis activity authorized under this Section shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. With the exception of the Meyers Community Center (MAP-1) zoning district, a commercial cannabis activity authorized under this Section shall not be established on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district. Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use using a direct straight-line measurement. For the Meyers Community Center (MAP-1) zoning district, proximity to a residence shall be evaluated to determine compatibility of the proposed use. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.
- D. Screening. Commercial cannabis activities authorized under this Section shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Coverings on any windows may not be made of tarps, canvas, tinfoil, or other fabrics affixed directly to the wall or window.
- E. Lighting. Security lighting for any building utilized for commercial cannabis activities authorized under this Section shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).

- F. 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.
- G. Public Sewer or Sewage Disposal System. The premises where commercial cannabis activities authorized under this Section take place shall either be connected to a public sewer system or have a County inspected and approved sewage disposal system.
- H. Transportation Vehicles. Cannabis may only be transported within the unincorporated areas of the County inside a commercial vehicle or trailer with sufficient security features and GPS tracking. Cannabis or cannabis signage or symbols may not be visible or identifiable from outside of the commercial vehicle or trailer. Transportation by means of aircraft, watercraft, drones, rail, human powered vehicles, and unmanned vehicles is prohibited.
- I. Notification to Sheriff's Office. As a condition of any Commercial Cannabis Use Permit for an activity authorized under this Section, the County may require the permittee to notify the Sheriff's Office before transporting cannabis within the unincorporated areas of the County.
- J. Review by Fire Code Official. Prior to approval of any Commercial Cannabis Use Permit for any commercial cannabis activity authorized in this Section, the application must be reviewed by the local fire code official and any recommendations of the local fire code official shall be incorporated as a condition of the Commercial Cannabis Use Permit or a written response to the local fire code official shall explain why a recommendation is not being incorporated.
- K. Retail Sale. Retail sale of cannabis shall not occur on any premises permitted under this Section except for section 7(A).

5. Indoor Cultivation of Commercial Cannabis.

- A. Limitation on Use. Indoor cultivation of commercial cannabis may be permitted in the General Commercial (GC), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. The County may place restrictions on canopy size to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.
- C. Renewable Energy Source. Electrical power for indoor commercial cultivation operations, including but not limited to illumination, heating, cooling, and ventilation, shall be provided by on-grid power with 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power

not from renewable sources. The use of generators for indoor cultivation is prohibited, except for temporary use in emergencies only.

- D. All lights used for indoor commercial cannabis cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process.
- E. Water Source. Indoor cultivation of commercial cannabis may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required state permits from the State Water Resources Control Board and any other state agency with jurisdiction. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, underground well, or body of water.
- F. Water Conservation Measures. Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, water capture systems, grey water systems, or other equally effective water conservation measures shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.

6. Commercial Cannabis Distribution Facilities.

- A. Limitation on Use. Distribution facilities for commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. A County permit for distribution may be limited to transportation only so long as the Bureau of Cannabis Control allows for a Distributor-Transport only license or the substantial equivalent. If a Commercial Cannabis Use Permit is sought for transportation only to transport cannabis, cannabis seeds or plants, or other cannabis products grown or manufactured by the same applicant, then the transport only use is not subject to the zone restrictions in Subsection 6(A) provided that the applicant is only transporting cannabis, cannabis seeds or plants, or other cannabis products grown or manufactured on the parcel for which the other commercial cannabis activity is authorized.
- C. If a distributor is located outside of the unincorporated areas of the County, the distributor must comply with Section 130.41.100(6).

7. Commercial Cannabis Retail Sale and Delivery Facilities.

- A. Limitation on Use for Storefront Retail. Retail sale storefront facilities open to the public for the sale of commercial cannabis may only be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial Low (IL), and Meyers Community Center (MAP-1), zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. Limitation on Use for Non-storefront Retail (Delivery Only). Retail non-storefront delivery facilities of commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- C. If a retail delivery service is located outside of the unincorporated areas of the County, the retailer must comply with Section 130.41.100(6).
- D. With the exception of a non-storefront retail facility providing only delivery service, no more than seven cannabis retail storefront facilities that are open to the public shall be permitted at any one time. One additional cannabis retail storefront facility may be permitted in the Meyers Community Center (MAP-1) zoning district for a total of eight potential cannabis retail storefront facilities in the County. Concentration of commercial cannabis facilities and proximity to an existing or proposed cannabis retail facility shall be considered in determining whether to grant a permit. Provided that the application for a Commercial Cannabis Use Permit is received within 45 days of the availability of applications for retail sale, the County shall first review and take action on the application of any retail facility that was issued a valid temporary license from the Bureau of Cannabis Control by July 17, 2018 and continuation within a zone inconsistent with those authorized under this Section may be permitted for those retail facilities as part of the Commercial Cannabis Use Permit as a legal non-conforming use under Article 6, Chapter 130.61 (Nonconforming Uses, Structures, and Lots).
- E. Hours of operation for retail sale and delivery are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.
- F. A retail facility shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. Security lighting shall be motion activated and all outdoor lighting shall comply with Chapter 130.34.

8. Commercial Cannabis Testing Laboratories.

- A. Limitation on Use. Commercial cannabis testing laboratories may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the laboratory testing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis testing laboratory facility at any time during normal business hours to ensure compliance.

9. Commercial Cannabis Manufacturing Facilities.

- A. Limitation on Use. The following manufacturing license types, as defined in the most recent regulations promulgated by the California Department of Public Health's Manufactured Cannabis Safety Branch, may only be permitted in the following zone districts:
 - 1. Type 7 license may be permitted in the Industrial High (IH), Industrial Low (IL), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 2. Type 6 license may be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 3. Type N and Type P licenses may be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100. Permits in Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zone districts shall be limited to sites that meet the minimum premises area of ten acres, and the County may require a premises greater than ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.
 - 4. A registered shared-use facility (Type S license) may be issued in a particular zone district only if the manufacturing activity or activities to be performed in

the shared-use facility (Type 7, Type 6, Type N, or Type P license) is or are authorized in that particular zone district.

5. The Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit must specify the manufacturing activities authorized and those activities must be consistent with the specific license types issued by the California Department of Public Health's Manufactured Cannabis Safety Branch at the time of issuance of the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit.
 6. No manufacturing of commercial cannabis may be permitted in a residential dwelling or accessory structure connected to a residential dwelling.
- B. Shared-Use Facility (Type S License). A single person shall be identified as the primary permittee for a shared-use facility. For any violation at a shared-use facility, the primary permittee and the permittee authorized to use the shared-use facility during the time of the violation may be held jointly and severally liable for the violation regardless of any agreement between the permittees. The occupancy schedule and designated area for a Type S license shall be included in the application for the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and may not be changed without prior written notification and prior written approval from the Building and Planning Department and any such change shall be memorialized in the Commercial Cannabis Annual Operating Permit.
- C. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the manufacturing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis manufacturing facility at any time during normal business hours to ensure compliance.

10. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this ordinance shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

11. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether

one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

12. Effective Date.

Pursuant to California Government Code section 25123, the amendments to this ordinance shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for any reason, this ordinance shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

CHAPTER 130.41 – COMMERCIAL CANNABIS

Sections:

- 130.41.100 Commercial Cannabis Activities Permitting and Enforcement
- 130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis
- 130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis

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 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 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.
 - 5. 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.
 - 6. Indication of whether the Commercial Cannabis Use Permit is for approval of a commercial activity involving cannabis for medicinal, adult-use recreational, or both. A single Commercial Cannabis Use Permit may allow for a commercial activity involving both medicinal and adult-use recreational cannabis provided that the operation is consistent with State law and regulations.

7. Name and contact information for the Designated Local Contact.
8. Condition of approval requiring timely payment 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.
- J. Authorization may not be provided to the appropriate State licensing agency for an annual State license unless the County has issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit.

5. Commercial Cannabis Annual Operating Permit.

- A. In addition to a discretionary Commercial Cannabis Use Permit, a person may only conduct a commercial cannabis activity if the person obtains a Commercial Cannabis Annual Operating Permit. When a Commercial Cannabis Use Permit is first issued, the Building and Planning Department shall also issue a Commercial Cannabis Annual Operating Permit, subject to annual renewals. A Commercial Cannabis Annual Operating Permit is valid for one year from the date of issuance and may be renewed after staff-level review with public notice as provided for in Chapter 130.50 (Application Filing and Processing) of this Title.
- B. In addition to any other information or documentation requested by the County Planning and Building Department, an application for renewal of a Commercial Cannabis Annual Operating Permit shall include all of the information required for a Commercial Cannabis Use Permit, noting any changes from the information submitted with the original application, and the complaint report required under Section 9(B) (Designated Local Contact) below in this Section. The applicant must demonstrate continued compliance with all County and State regulations and site specific conditions in the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit. If the applicant is not the record title owner of the parcel, an updated written consent of the owner of the parcel with original signature and notary acknowledgement must be provided and be notarized within 30 days of the date that the renewal application is submitted with the County.
- C. A Commercial Cannabis Annual Operating Permit shall not be issued if the applicant owes any delinquent Commercial Cannabis Activities Tax or any other fines, violations, assessments, fees, costs, or amounts related to the commercial cannabis activity. Prior to issuance, Building and Planning Department shall notify the Sheriff's Office and Code Enforcement of the application and request information on any resolved or pending complaints or violations.
- D. If taxes under Chapter 3.22 (Taxation of Commercial Cannabis Activities) for cultivation of cannabis are assessed based on square footage, taxes shall be calculated based on the maximum square footage stated in the Commercial Cannabis Annual Operating Permit. If a permittee does not intend to cultivate the entire square footage permitted in a

Commercial Cannabis Use Permit in any given year, the permittee must request a reduction in square footage in the application for a Commercial Cannabis Annual Operating Permit. Failure to request a reduction in the application will result in taxes being assessed on the square footage stated in the Commercial Cannabis Use Permit.

- E. A Commercial Cannabis Annual Operating Permit is not transferrable and automatically expires upon any change of ownership to the applicant that results in a new owner or owners or new funding source. Before or upon the transfer of the business or addition of a new owner, an application for a new Commercial Cannabis Annual Operating Permit must be submitted. While the Commercial Cannabis Use Permit may be transferred, upon issuance of the new Commercial Cannabis Annual Operating Permit, conditions to the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit may be added or removed. The Director of Planning and Building may require a decision by the Planning Commission to impose any new conditions or remove any existing conditions of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under this subsection consistent with Article 5, Section 130.54.070 (Revisions to an Approved Permit or Authorization).

6. Out-of-County Delivery and Distribution of Commercial Cannabis.

- A. This Section applies to any person located outside of the unincorporated areas of the County who delivers or distributes commercial cannabis to a physical location in an unincorporated area of the County as part of a legal commercial cannabis activity. No person operating a commercial cannabis retail or distribution facility located outside of the unincorporated area of the County may deliver or distribute commercial cannabis within the unincorporated area of the County without a valid business license under Chapter 5.08 (License Requirements and Procedure).
- B. Cannabis delivery hours in the County are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.
- C. The Commercial Cannabis Activities Tax shall be paid for the sale of all commercial cannabis delivered or distributed within El Dorado County regardless of where the retail or distribution facility is located.

7. Revocation After Three Violations.

In addition to revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit), upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to one or more of the owners or operators at any property or combination of properties of one or more of the same owners or operators within a two-year period, the Commercial Cannabis Annual Operating Permit shall be nullified, voided, or revoked, subject to prior notice and appeal under Section 130.54.090 (Revocation or County

Mandated Modification of a Permit) and the Commercial Cannabis Use Permit may be revoked, subject to prior notice and appeal under Section 130.54.090. Upon revocation, an application for a Commercial Cannabis Annual Operating Permit to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two years. If only the Commercial Cannabis Annual Operating Permit is revoked under this Section, reissuance shall be subject to the procedures to issue a Commercial Cannabis Use Permit, including hearing before and decision of the Planning Commission and any new or amended conditions may be added to the Commercial Cannabis Use Permit.

8. Monitoring Program.

All Commercial Cannabis Annual Operating Permits shall require the applicant's participation in a County-run monitoring program. The monitoring program shall be funded by applicants and will be used to conduct site visits and inspections of all commercial cannabis activities and verify compliance, including but not limited to all requirements of County Code and any site specific permit conditions and State regulations, including the State track-and-trace requirements. The Board of Supervisors shall by resolution or ordinance adopt such fees necessary to implement this monitoring program. The annual monitoring program fees shall be collected yearly at the time of renewal of the Commercial Cannabis Annual Operating Permit.

9. Designated Local Contact.

- A. No Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit may be issued unless a current name and contact information for a Designated Local Contact is included. The Designated Local Contact must be available by telephone on a 24-hour basis, seven days per week and be able to respond to the County within two hours and corrective action, if required, must be completed within the time requested by the County.
- B. No less than one week before commercial cannabis operations commence, the permittee must notify the property owners and residents of property located within 1,000 feet of the perimeter of the parcel(s) upon which the commercial cannabis operations will occur and provide the name and contact information for the Designated Local Contact. Complaints made to the Designated Local Contact by any member of the public must be responded to within 24 hours of the initial complaint and corrective action, if required under any State or local law or regulation, must commence within a reasonable time based on the nature of the corrective action required. Complaints by any member of the public shall be logged in writing and the complaint log, including any corrective action taken, shall be provided to the Building and Planning Department annually with the application to renew the Commercial Cannabis Annual Operating Permit.
- C. The permittee must immediately notify the County and owners and residents covered property 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.

- D. The failure to comply with any requirement of this Section constitutes a violation subject to enforcement under this Chapter.

10. Criminal Enforcement.

- A. Any person who engages or attempts to engage in any commercial cannabis activity without the required County permits, owns the property upon which a commercial cannabis activity is conducted without the required County permits, or otherwise violates or attempts to violate any of the provisions of the County's commercial cannabis activities ordinances can be charged with a misdemeanor or infraction at the discretion of the District Attorney.
- B. If charged as a misdemeanor, the violation shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment in the County jail for a term not exceeding six months or by both such fine and imprisonment. If charged as an infraction, the violation shall be punishable by a fine not exceeding \$100.00 for the first violation, \$250.00 for the second violation within one year, and \$500.00 for each additional violation within one year. Each and every day, or portion of a day, that a violation exists may be charged as a separate offense.

11. Administrative Enforcement and Abatement.

- A. In addition to criminal enforcement and potential revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, a violation of this Section, violation of any County or State rule, regulation, or law governing the particular commercial cannabis activity, or violation of a condition in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit shall be deemed a public nuisance and shall be subject to enforcement as provided herein and the provisions of Chapter 9.02 (Code Enforcement). Pursuant to Section 9.02.020(B), the higher fines of this Section shall control in any administrative enforcement action.
- B. A notice to correct or notice to abate issued under Chapter 9.02 shall provide 72 hours for the responsible person to correct or abate the violation and shall identify the administrative fines of this Section if the violation is not corrected or abated within 72 hours.
- C. Fines for Persons Operating with a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:
 - 1. For any violation by a person who has been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of

\$1,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.

2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$2,500.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$5,000 per day, per violation for each and every day, or portion of a day, that a violation exists.
4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

D. Fines for Persons Operating a Commercial Cannabis Activity Without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:

1. For any violation by a person who has not been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of \$5,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.
2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$25,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be

\$50,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

5. If the violation is for operating without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit, the fine shall be tolled from the date the application is submitted until the permit is granted or denied by the County provided that all fines accrued prior to the date the permit is submitted are paid with the permit. If the violation is for failure to comply with the regulations of the County Code for the particular commercial cannabis activity, the fines shall not be tolled during the period that an application for a commercial cannabis activity permit is under review.
- E. Each plant cultivated outside of the square footage provided for in the Commercial Cannabis Annual Operating Permit shall be deemed a separate violation. The determination of the plants outside of the permitted square footage shall be made with reference to the cultivation site plan submitted with an application. Each retail sale or attempted retail sale of cannabis shall be deemed a separate violation.
- F. Notwithstanding Section 9.02.390, a request for an administrative hearing under Chapter 9.02 must be made within three days of service of the notice to correct, administrative citation, or notice to abate and the hearing shall be held within five days of the request for a hearing.
- G. The decision of the Hearing Officer under Section 9.02.440 shall be issued within five days of completion of the hearing.
- H. A notice to abate or decision of a Hearing Officer requiring abatement shall provide that, if any plants cultivated under this Section are removed as part of the abatement action because they are in excess of the allowable square footage, the responsible person may decide which plants will remain so long as the remaining plants are in compliance with the Commercial Cannabis Annual Operating Permit. The notice to abate shall require the responsible person to identify the plants to remain within the 72-hours provided in the notice to abate or the time provided for in the decision by the Hearing Officer. If the responsible person does not identify the plants to remain in writing within the time provided, the enforcement official shall determine, in his or her sole discretion, which plants will remain.
- I. Unless a notice is personally served, any notice provided under this Section shall be mailed under Section 9.02.120 and posted conspicuously on or in front of the business or cultivation site, or other place reasonably anticipated to provide notice to the responsible person.
- J. The remedies provided herein are cumulative to all other administrative, civil, and criminal remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances or criminal activity.

- K. All County officers with authority to enforce this Code shall also have the authority to enforce this Section.
12. No Authorization, Defense, or Immunity. The issuance of a permit under this Chapter shall not confer on any person the right to maintain a public or private nuisance or to authorize or facilitate any violation of State or Federal law. Except for enforcement actions arising out of this Chapter, no provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the District Attorney, the State of California, the United States, or any other person. Nothing in this Section shall be construed to authorize or facilitate a commercial cannabis activity that is otherwise illegal under State or Federal law.
 13. No Duty to Enforce. Nothing in this Section shall be construed as imposing on the Sheriff, the District Attorney, or the County any duty to abate any unlawful commercial cannabis activity, to prosecute a violation of County Code, or to take any other action with regard to any unlawful commercial cannabis activity. Furthermore, the Sheriff, District Attorney, County, and any of their officers or employees shall not be held liable for failure to abate any unlawful commercial cannabis activity, to prosecute a violation of this Section, or to take any other action with regard to any unlawful commercial cannabis activity.
 14. Ordinance Declarative of Existing Law. Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.
 15. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.
 16. Implementation. The Planning and Building Department shall have applications available to the public no later than September 30, 2019. The Board of Supervisors may grant an extension of the time to have permits available or any other aspect of implementation based on a finding of unforeseen circumstances, changes in State or Federal law, lack of sufficient funding, or other reason necessitating an extension. Pursuant to California Government Code Section 25125, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage.

130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section was derived was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.
- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of Agricultural Preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in Chapter 130.41 shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. A minimum of 75 of the total 150 cannabis cultivation operations are reserved for outdoor or mixed-light cultivation operations that are less than 10,000 square feet in total canopy area, with 40 of the 75 reserved for operations limited to cultivation canopy of 3,000 square feet or less and cannabis that is grown exclusively with natural light and meets organic certification standards or the substantial equivalent. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. Outdoor and Mixed-Light Commercial Cannabis Cultivation.

- A. *Permitted Zones.* Outdoor or mixed-light commercial cannabis cultivation may only be permitted in the Rural Lands (RL), Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zoned districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100. This Section allows outdoor or mixed-light commercial cannabis cultivation as a new use authorized by this Section only.
- B. *Minimum Site Area.* Outdoor or mixed-light cultivation of commercial cannabis is limited to sites that meet the minimum premises area of ten acres. The County may require a premises greater than ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.

C. *Canopy Coverage.* Outdoor or mixed-light commercial cannabis cultivation is subject to the following limits on maximum canopy based on zone district. The County may place additional and further restrictions on canopy size to maintain consistency with other laws, agricultural uses, and neighborhood compatibility. A cannabis cultivation operation shall not exceed the canopy size threshold established by State law.

1. Lots zoned RL with a minimum premises of ten acres: Up to 1.5 percent of the size of the premises with a maximum of one outdoor or mixed-light cultivation operation per premises, but not to exceed 10,000 square feet of total canopy coverage for that premises, including any designated nursery area with mature plants and excluding any designated nursery area with only immature plants.
2. Lots zoned AG, LA, and PA with a premises between ten and 14.9 acres in area: Up to 1.5 percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of two outdoor or mixed-light cultivation operations, but not to exceed 0.45 acres of total canopy coverage for that premises, excluding any nursery area.
3. Lots zoned AG, LA, and PA with a premises between 15 and 25 acres in area: Up to two percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of four outdoor or mixed-light cultivation operations, but not to exceed 1.5 acres of total canopy coverage for that premises, excluding any nursery area.
4. Lots zoned AG, LA, and PA with a premises greater than 25 acres: Up to five percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of six outdoor or mixed-light cultivation operations, but not to exceed two acres of total canopy coverage for that premises, excluding any nursery area.

D. Retail sale. Retail sale of cannabis shall not occur on any premises where cultivation occurs.

5. Cultivation Standards.

- A. In addition to any State requirements by any governing State agency and any site specific requirements in a permit, outdoor or mixed-light cultivation of commercial cannabis shall comply with the following requirements. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or these requirements is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 (Commercial Cannabis Activities Permitting and Enforcement) and Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

- B. *Location.* Outdoor or mixed-light commercial cannabis cultivation shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.
- C. *Setbacks.* Outdoor or mixed-light cultivation of commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse.
- D. *Odor.* The cultivating, drying, curing, processing, and storing of cannabis shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which cannabis is cultivated or processed due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the cannabis is cultivated or processed for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from cannabis cultivating, drying, curing, processing, or storing violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- E. *Water Source.* Commercial cannabis cultivation may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required State permits from the State Water Resources Control Board and any other State agency with jurisdiction. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, unpermitted well, or body of water. The premises where the cultivation of cannabis takes place shall either be

connected to a public water supply or have a County inspected and approved private water source. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any spring, wetland, stream, creek, river, lake, or body of water.

- F. *Water Conservation Measures.* Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, including but not limited to underground drip irrigation, soil moisture monitoring, water capture systems, grey water systems, or other equally effective water conservation measures, shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.
- G. *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. All greenhouses, hoop houses, and fences shall comply with all building and zoning codes and any other applicable law or regulation. Greenhouses and hoop houses are the preferred means of screening.
- H. *Security and Wildlife Exclusionary Fencing.* Areas where cannabis is cultivated, the premises on which cannabis is cultivated, or a portion thereof that includes the cultivation area shall be secured by a minimum six-foot high solid wood or chain link wildlife exclusionary fence, such as cyclone or field game fencing, with locked gates built in compliance with building and zoning codes. All gates shall be lockable and remain locked at all times except to provide immediate entry and exit. A chain link fence is not sufficient for screening. Fencing may not be covered with plastic or cloth except that neutral-colored shade cloth may be used on the inside of the fence.
- I. *Renewable Energy.* Electrical power for outdoor or mixed-light cultivation operations, including but not limited to illumination, heating, cooling, water supply, and ventilation, shall be provided by on-grid power with a 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. Generators may be used as a secondary back-up power source pursuant to a valid permit from the El Dorado County Air Quality Management District. Impacts from generator use will also be considered in the environmental analysis and site specific restrictions and conditions may be imposed to mitigate those impacts, including conditions to minimize noise.
- J. *Lighting.* All lights used for mixed-light cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial lighting for mixed-light cultivation is limited to a rate of six watts per square foot or less. For outdoor and mixed-light commercial cannabis cultivation, security lighting shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).

- K. *Pesticide Usage.* Preference shall be given to applicants that maintain organic certification standards or the substantial equivalent, provided that maintaining organic certification standards or the substantial equivalent is a condition of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit. Until the California Department of Food and Agriculture adopts a organic certification standards, the County Agricultural Commissioner shall determine whether a particular operation satisfies substantially equivalent organic criteria. Documentation of all pesticides used shall be presented each year as part of the Commercial Cannabis Annual Operating Permit. All pesticides and fertilizers shall be properly labeled and stored and disposed of to avoid contamination through erosion, leakage, or inadvertent damages from rodents, pests, and wildlife and to prevent harm to persons, the environment, and wildlife.
- L. *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.
- M. *Public Sewer or Sewage Disposal System.* The premises where the cultivation of cannabis takes place shall either be connected to a public sewer system, have a County inspected and approved sewage disposal system, or have restroom facilities deemed appropriate by the Director of the Environmental Management Department, or his or her authorized designee(s).
- N. *Recommendation of the Agricultural Commission.* An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission.

6. Commercial Cannabis Nurseries.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the nursery that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5) for all activities of the nursery that will be conducted indoors.
- B. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall state the maximum square footage allowed for designated nursery areas with only immature plants, designated nursery areas for seed propagation that may contain mature plants, and designated research and development areas that may contain mature plants if the permittee will be conducting research and development activities that require a plant to flower. The County may place restrictions on such square footage to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.

- C. Nursery activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

7. Commercial Cannabis Processors.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis processor shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the processor that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5)(A) for all activities of the processor that will be conducted indoors.
- B. The County may place restrictions on square footage for commercial cannabis processing activities to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility. Commercial cannabis processing activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

8. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

10. Effective Date.

Pursuant to California Government Code Section 25123, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this Section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for

any reason, this Section shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section is derived was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.
- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of agricultural preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in this Chapter shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Cultivation Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. General Requirements.

- A. In addition to any State requirements, the requirements in this Section are applicable to all commercial cannabis activities authorized under this Section 130.41.300. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or the requirements in this Section 130.41.300 is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

- B. **Odor.** Commercial cannabis activities, including but not limited to cultivating, drying, curing, processing, manufacturing, testing, and storing of cannabis, shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which the commercial cannabis activity occurs due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the commercial cannabis activity occurs for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from a commercial cannabis activity violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of activated carbon filtration or equivalent odor abatement control equipment on air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- C. **Location.** A commercial cannabis activity authorized under this Section shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. With the exception of the Meyers Community Center (MAP-1) zoning district, a commercial cannabis activity authorized under this Section shall not be established on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district. Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use using a direct straight-line measurement. For the Meyers Community Center (MAP-1) zoning district, proximity to a residence shall be evaluated to determine compatibility of the proposed use. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.
- D. **Screening.** Commercial cannabis activities authorized under this Section shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Coverings on any windows may not be made of tarps, canvas, tinfoil, or other fabrics affixed directly to the wall or window.
- E. **Lighting.** Security lighting for any building utilized for commercial cannabis activities authorized under this Section shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).

- F. 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.
- G. Public Sewer or Sewage Disposal System. The premises where commercial cannabis activities authorized under this Section take place shall either be connected to a public sewer system or have a County inspected and approved sewage disposal system.
- H. Transportation Vehicles. Cannabis may only be transported within the unincorporated areas of the County inside a commercial vehicle or trailer with sufficient security features and GPS tracking. Cannabis or cannabis signage or symbols may not be visible or identifiable from outside of the commercial vehicle or trailer. Transportation by means of aircraft, watercraft, drones, rail, human powered vehicles, and unmanned vehicles is prohibited.
- I. Notification to Sheriff's Office. As a condition of any Commercial Cannabis Use Permit for an activity authorized under this Section, the County may require the permittee to notify the Sheriff's Office before transporting cannabis within the unincorporated areas of the County.
- J. Review by Fire Code Official. Prior to approval of any Commercial Cannabis Use Permit for any commercial cannabis activity authorized in this Section, the application must be reviewed by the local fire code official and any recommendations of the local fire code official shall be incorporated as a condition of the Commercial Cannabis Use Permit or a written response to the local fire code official shall explain why a recommendation is not being incorporated.
- K. Retail Sale. Retail sale of cannabis shall not occur on any premises permitted under this Section except for section 7(A).

5. Indoor Cultivation of Commercial Cannabis.

- A. Limitation on Use. Indoor cultivation of commercial cannabis may be permitted in the General Commercial (GC), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. The County may place restrictions on canopy size to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.
- C. Renewable Energy Source. Electrical power for indoor commercial cultivation operations, including but not limited to illumination, heating, cooling, and ventilation, shall be provided by on-grid power with 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power

not from renewable sources. The use of generators for indoor cultivation is prohibited, except for temporary use in emergencies only.

- D. All lights used for indoor commercial cannabis cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process.
- E. Water Source. Indoor cultivation of commercial cannabis may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required state permits from the State Water Resources Control Board and any other state agency with jurisdiction. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, underground well, or body of water.
- F. Water Conservation Measures. Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, water capture systems, grey water systems, or other equally effective water conservation measures shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.

6. Commercial Cannabis Distribution Facilities.

- A. Limitation on Use. Distribution facilities for commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. A County permit for distribution may be limited to transportation only so long as the Bureau of Cannabis Control allows for a Distributor-Transport only license or the substantial equivalent. If a Commercial Cannabis Use Permit is sought for transportation only to transport cannabis, cannabis seeds or plants, or other cannabis products grown or manufactured by the same applicant, then the transport only use is not subject to the zone restrictions in Subsection 6(A) provided that the applicant is only transporting cannabis, cannabis seeds or plants, or other cannabis products grown or manufactured on the parcel for which the other commercial cannabis activity is authorized.
- C. If a distributor is located outside of the unincorporated areas of the County, the distributor must comply with Section 130.41.100(6).

7. Commercial Cannabis Retail Sale and Delivery Facilities.

- A. Limitation on Use for Storefront Retail. Retail sale storefront facilities open to the public for the sale of commercial cannabis may only be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial Low (IL), and Meyers Community Center (MAP-1), zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. Limitation on Use for Non-storefront Retail (Delivery Only). Retail non-storefront delivery facilities of commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- C. If a retail delivery service is located outside of the unincorporated areas of the County, the retailer must comply with Section 130.41.100(6).
- D. With the exception of a non-storefront retail facility providing only delivery service, no more than seven cannabis retail storefront facilities that are open to the public shall be permitted at any one time. One additional cannabis retail storefront facility may be permitted in the Meyers Community Center (MAP-1) zoning district for a total of eight potential cannabis retail storefront facilities in the County. Concentration of commercial cannabis facilities and proximity to an existing or proposed cannabis retail facility shall be considered in determining whether to grant a permit. Provided that the application for a Commercial Cannabis Use Permit is received within 45 days of the availability of applications for retail sale, the County shall first review and take action on the application of any retail facility that was issued a valid temporary license from the Bureau of Cannabis Control by July 17, 2018 and continuation within a zone inconsistent with those authorized under this Section may be permitted for those retail facilities as part of the Commercial Cannabis Use Permit as a legal non-conforming use under Article 6, Chapter 130.61 (Nonconforming Uses, Structures, and Lots).
- E. Hours of operation for retail sale and delivery are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.
- F. A retail facility shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. Security lighting shall be motion activated and all outdoor lighting shall comply with Chapter 130.34.

8. Commercial Cannabis Testing Laboratories.

- A. Limitation on Use. Commercial cannabis testing laboratories may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and

Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.

- B. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the laboratory testing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis testing laboratory facility at any time during normal business hours to ensure compliance.

9. Commercial Cannabis Manufacturing Facilities.

- A. Limitation on Use. The following manufacturing license types, as defined in the most recent regulations promulgated by the California Department of Public Health's Manufactured Cannabis Safety Branch, may only be permitted in the following zone districts:
 - 1. Type 7 license may be permitted in the Industrial High (IH), Industrial Low (IL), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 2. Type 6 license may be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 3. Type N and Type P licenses may be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100. Permits in Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zone districts shall be limited to sites that meet the minimum premises area of ten acres, and the County may require a premises greater than ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.
 - 4. A registered shared-use facility (Type S license) may be issued in a particular zone district only if the manufacturing activity or activities to be performed in the shared-use facility (Type 7, Type 6, Type N, or Type P license) is or are authorized in that particular zone district.

5. The Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit must specify the manufacturing activities authorized and those activities must be consistent with the specific license types issued by the California Department of Public Health's Manufactured Cannabis Safety Branch at the time of issuance of the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit.
 6. No manufacturing of commercial cannabis may be permitted in a residential dwelling or accessory structure connected to a residential dwelling.
- B. Shared-Use Facility (Type S License). A single person shall be identified as the primary permittee for a shared-use facility. For any violation at a shared-use facility, the primary permittee and the permittee authorized to use the shared-use facility during the time of the violation may be held jointly and severally liable for the violation regardless of any agreement between the permittees. The occupancy schedule and designated area for a Type S license shall be included in the application for the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and may not be changed without prior written notification and prior written approval from the Building and Planning Department and any such change shall be memorialized in the Commercial Cannabis Annual Operating Permit.
- C. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the manufacturing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis manufacturing facility at any time during normal business hours to ensure compliance.

10. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this ordinance shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

11. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

12. Effective Date.

Pursuant to California Government Code section 25123, the amendments to this ordinance shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for any reason, this ordinance shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

CHAPTER 130.41 – COMMERCIAL CANNABIS

Sections:

- 130.41.100 Commercial Cannabis Activities Permitting and Enforcement
- 130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis
- 130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis

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 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. With the exception of outdoor/mixed light commercial cannabis cultivation, 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 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.
 - 5. 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.
 - 6. Indication of whether the Commercial Cannabis Use Permit is for approval of a commercial activity involving cannabis for medicinal, adult-use recreational, or both. A single Commercial Cannabis Use Permit may allow for a commercial activity involving both medicinal and adult-use recreational

cannabis provided that the operation is consistent with State law and regulations.

7. Name and contact information for the Designated Local Contact.
8. Condition of approval requiring timely payment 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.
- J. Authorization may not be provided to the appropriate State licensing agency for an annual State license unless the County has issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit.

5. Commercial Cannabis Annual Operating Permit.

- A. In addition to a discretionary Commercial Cannabis Use Permit, a person may only conduct a commercial cannabis activity if the person obtains a Commercial Cannabis Annual Operating Permit. When a Commercial Cannabis Use Permit is first issued, the Building and Planning Department shall also issue a Commercial Cannabis Annual Operating Permit, subject to annual renewals. A Commercial Cannabis Annual Operating Permit is valid for one year from the date of issuance and may be renewed after staff-level review with public notice as provided for in Chapter 130.50 (Application Filing and Processing) of this Title.
- B. In addition to any other information or documentation requested by the County Planning and Building Department, an application for renewal of a Commercial Cannabis Annual Operating Permit shall include all of the information required for a Commercial Cannabis Use Permit, noting any changes from the information submitted with the original application, and the complaint report required under Section 9(B) (Designated Local Contact) below in this Section. The applicant must demonstrate continued compliance with all County and State regulations and site specific conditions in the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit. If the applicant is not the record title owner of the parcel, an updated written consent of the owner of the parcel with original signature and notary acknowledgement must be provided and be notarized within 30 days of the date that the renewal application is submitted with the County.
- C. A Commercial Cannabis Annual Operating Permit shall not be issued if the applicant owes any delinquent Commercial Cannabis Activities Tax or any other fines, violations, assessments, fees, costs, or amounts related to the commercial cannabis activity. Prior to issuance, Building and Planning Department shall notify the Sheriff's Office and Code Enforcement of the application and request information on any resolved or pending complaints or violations.

- D. If taxes under Chapter 3.22 (Taxation of Commercial Cannabis Activities) for cultivation of cannabis are assessed based on square footage, taxes shall be calculated based on the maximum square footage stated in the Commercial Cannabis Annual Operating Permit. If a permittee does not intend to cultivate the entire square footage permitted in a Commercial Cannabis Use Permit in any given year, the permittee must request a reduction in square footage in the application for a Commercial Cannabis Annual Operating Permit. Failure to request a reduction in the application will result in taxes being assessed on the square footage stated in the Commercial Cannabis Use Permit.
- E. A Commercial Cannabis Annual Operating Permit is not transferrable and automatically expires upon any change of ownership to the applicant that results in a new owner or owners or new funding source. Before or upon the transfer of the business or addition of a new owner, an application for a new Commercial Cannabis Annual Operating Permit must be submitted. While the Commercial Cannabis Use Permit may be transferred, upon issuance of the new Commercial Cannabis Annual Operating Permit, conditions to the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit may be added or removed. The Director of Planning and Building may require a decision by the Planning Commission to impose any new conditions or remove any existing conditions of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under this subsection consistent with Article 5, Section 130.54.070 (Revisions to an Approved Permit or Authorization).

6. Out-of-County Delivery and Distribution of Commercial Cannabis.

- A. This Section applies to any person located outside of the unincorporated areas of the County who delivers or distributes commercial cannabis to a physical location in an unincorporated area of the County as part of a legal commercial cannabis activity. No person operating a commercial cannabis retail or distribution facility located outside of the unincorporated area of the County may deliver or distribute commercial cannabis within the unincorporated area of the County without a valid business license under Chapter 5.08 (License Requirements and Procedure).
- B. Cannabis delivery hours in the County are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.
- C. The Commercial Cannabis Activities Tax shall be paid for the sale of all commercial cannabis delivered or distributed within El Dorado County regardless of where the retail or distribution facility is located.

7. Revocation After Three Violations.

In addition to revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit), upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit

requirements or standards issued to one or more of the owners or operators at any property or combination of properties of one or more of the same owners or operators within a two-year period, the Commercial Cannabis Annual Operating Permit shall be nullified, voided, or revoked, subject to prior notice and appeal under Section 130.54.090 (Revocation or County Mandated Modification of a Permit) and the Commercial Cannabis Use Permit may be revoked, subject to prior notice and appeal under Section 130.54.090. Upon revocation, an application for a Commercial Cannabis Annual Operating Permit to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two years. If only the Commercial Cannabis Annual Operating Permit is revoked under this Section, reissuance shall be subject to the procedures to issue a Commercial Cannabis Use Permit, including hearing before and decision of the Planning Commission and any new or amended conditions may be added to the Commercial Cannabis Use Permit.

8. Monitoring Program.

All Commercial Cannabis Annual Operating Permits shall require the applicant's participation in a County-run monitoring program. The monitoring program shall be funded by applicants and will be used to conduct site visits and inspections of all commercial cannabis activities and verify compliance, including but not limited to all requirements of County Code and any site specific permit conditions and State regulations, including the State track-and-trace requirements. The Board of Supervisors shall by resolution or ordinance adopt such fees necessary to implement this monitoring program. The annual monitoring program fees shall be collected yearly at the time of renewal of the Commercial Cannabis Annual Operating Permit.

9. Designated Local Contact.

- A. No Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit may be issued unless a current name and contact information for a Designated Local Contact is included. The Designated Local Contact must be available by telephone on a 24-hour basis, seven days per week and be able to respond to the County within two hours and corrective action, if required, must be completed within the time requested by the County.
- B. No less than one week before commercial cannabis operations commence, the permittee must notify the property owners and residents of property located within 1,000 feet of the perimeter of the parcel(s) upon which the commercial cannabis operations will occur and provide the name and contact information for the Designated Local Contact. Complaints made to the Designated Local Contact by any member of the public must be responded to within 24 hours of the initial complaint and corrective action, if required under any State or local law or regulation, must commence within a reasonable time based on the nature of the corrective action required. Complaints by any member of the public shall be logged in writing and the complaint log, including any corrective action taken, shall be

provided to the Building and Planning Department annually with the application to renew the Commercial Cannabis Annual Operating Permit.

- C. The permittee must immediately notify the County and owners and residents covered property 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.
- D. The failure to comply with any requirement of this Section constitutes a violation subject to enforcement under this Chapter.

10. Criminal Enforcement.

- A. Any person who engages or attempts to engage in any commercial cannabis activity without the required County permits, owns the property upon which a commercial cannabis activity is conducted without the required County permits, or otherwise violates or attempts to violate any of the provisions of the County's commercial cannabis activities ordinances can be charged with a misdemeanor or infraction at the discretion of the District Attorney.
- B. If charged as a misdemeanor, the violation shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment in the County jail for a term not exceeding six months or by both such fine and imprisonment. If charged as an infraction, the violation shall be punishable by a fine not exceeding \$100.00 for the first violation, \$250.00 for the second violation within one year, and \$500.00 for each additional violation within one year. Each and every day, or portion of a day, that a violation exists may be charged as a separate offense.

11. Administrative Enforcement and Abatement.

- A. In addition to criminal enforcement and potential revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, a violation of this Section, violation of any County or State rule, regulation, or law governing the particular commercial cannabis activity, or violation of a condition in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit shall be deemed a public nuisance and shall be subject to enforcement as provided herein and the provisions of Chapter 9.02 (Code Enforcement). Pursuant to Section 9.02.020(B), the higher fines of this Section shall control in any administrative enforcement action.
- B. A notice to correct or notice to abate issued under Chapter 9.02 shall provide 72 hours for the responsible person to correct or abate the violation and shall identify the administrative fines of this Section if the violation is not corrected or abated within 72 hours.

C. Fines for Persons Operating with a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:

1. For any violation by a person who has been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of \$1,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.
2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$2,500.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$5,000 per day, per violation for each and every day, or portion of a day, that a violation exists.
4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

D. Fines for Persons Operating a Commercial Cannabis Activity Without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:

1. For any violation by a person who has not been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of \$5,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.
2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be

\$25,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$50,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
 5. If the violation is for operating without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit, the fine shall be tolled from the date the application is submitted until the permit is granted or denied by the County provided that all fines accrued prior to the date the permit is submitted are paid with the permit. If the violation is for failure to comply with the regulations of the County Code for the particular commercial cannabis activity, the fines shall not be tolled during the period that an application for a commercial cannabis activity permit is under review.
- E. Each plant cultivated outside of the square footage provided for in the Commercial Cannabis Annual Operating Permit shall be deemed a separate violation. The determination of the plants outside of the permitted square footage shall be made with reference to the cultivation site plan submitted with an application. Each retail sale or attempted retail sale of cannabis shall be deemed a separate violation.
 - F. Notwithstanding Section 9.02.390, a request for an administrative hearing under Chapter 9.02 must be made within three days of service of the notice to correct, administrative citation, or notice to abate and the hearing shall be held within five days of the request for a hearing.
 - G. The decision of the Hearing Officer under Section 9.02.440 shall be issued within five days of completion of the hearing.
 - H. A notice to abate or decision of a Hearing Officer requiring abatement shall provide that, if any plants cultivated under this Section are removed as part of the abatement action because they are in excess of the allowable square footage, the responsible person may decide which plants will remain so long as the remaining plants are in compliance with the Commercial Cannabis Annual Operating Permit. The notice to abate shall require the responsible person to identify the plants to remain within the 72-hours provided in the notice to abate or the time provided for in the decision by the Hearing Officer. If the responsible person does not identify the plants to remain in writing within the time provided, the enforcement official shall determine, in his or her sole discretion, which plants will remain.
 - I. Unless a notice is personally served, any notice provided under this Section shall be mailed under Section 9.02.120 and posted conspicuously on or in front of the business or

cultivation site, or other place reasonably anticipated to provide notice to the responsible person.

- J. The remedies provided herein are cumulative to all other administrative, civil, and criminal remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances or criminal activity.
 - K. All County officers with authority to enforce this Code shall also have the authority to enforce this Section.
- 12. No Authorization, Defense, or Immunity. The issuance of a permit under this Chapter shall not confer on any person the right to maintain a public or private nuisance or to authorize or facilitate any violation of State or Federal law. Except for enforcement actions arising out of this Chapter, no provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the District Attorney, the State of California, the United States, or any other person. Nothing in this Section shall be construed to authorize or facilitate a commercial cannabis activity that is otherwise illegal under State or Federal law.
 - 13. No Duty to Enforce. Nothing in this Section shall be construed as imposing on the Sheriff, the District Attorney, or the County any duty to abate any unlawful commercial cannabis activity, to prosecute a violation of County Code, or to take any other action with regard to any unlawful commercial cannabis activity. Furthermore, the Sheriff, District Attorney, County, and any of their officers or employees shall not be held liable for failure to abate any unlawful commercial cannabis activity, to prosecute a violation of this Section, or to take any other action with regard to any unlawful commercial cannabis activity.
 - 14. Ordinance Declarative of Existing Law. Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.
 - 15. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.
 - 16. Implementation. The Planning and Building Department shall have applications available to the public no later than September 30, 2019. The Board of Supervisors may grant an extension of the time to have permits available or any other aspect of implementation based on a finding of unforeseen circumstances, changes in State or Federal law, lack of sufficient funding, or other reason necessitating an extension. Pursuant to California Government Code Section

25125, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage.

130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section was derived was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.
- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of Agricultural Preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in Chapter 130.41 shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. A minimum of 75 of the total 150 cannabis cultivation operations are reserved for outdoor or mixed-light cultivation operations that are less than 10,000 square feet in total canopy area, with 40 of the 75 reserved for operations limited to cultivation canopy of 3,000 square feet or less and cannabis that is grown exclusively with natural light and meets organic certification standards or the substantial equivalent. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. Outdoor and Mixed-Light Commercial Cannabis Cultivation.

- A. *Permitted Zones.* Outdoor or mixed-light commercial cannabis cultivation may only be permitted in the Rural Lands (RL), Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zoned districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.

This Section allows outdoor or mixed-light commercial cannabis cultivation as a new use authorized by this Section only.

- B. *Minimum Site Area.* Outdoor or mixed-light cultivation of commercial cannabis is limited to sites that meet the minimum premises area of ten acres. The County may require a premises greater than ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.
- C. *Canopy Coverage.* Outdoor or mixed-light commercial cannabis cultivation is subject to the following limits on maximum canopy based on zone district. The County may place additional and further restrictions on canopy size to maintain consistency with other laws, agricultural uses, and neighborhood compatibility. A cannabis cultivation operation shall not exceed the canopy size threshold established by State law.
 - 1. Lots zoned RL with a minimum premises of ten acres: Up to 1.5 percent of the size of the premises with a maximum of one outdoor or mixed-light cultivation operation per premises, but not to exceed 10,000 square feet of total canopy coverage for that premises, including any designated nursery area with mature plants and excluding any designated nursery area with only immature plants.
 - 2. Lots zoned AG, LA, and PA with a premises between ten and 14.9 acres in area: Up to 1.5 percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of two outdoor or mixed-light cultivation operations, but not to exceed 0.45 acres of total canopy coverage for that premises, excluding any nursery area.
 - 3. Lots zoned AG, LA, and PA with a premises between 15 and 25 acres in area: Up to two percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of four outdoor or mixed-light cultivation operations, but not to exceed 1.5 acres of total canopy coverage for that premises, excluding any nursery area.
 - 4. Lots zoned AG, LA, and PA with a premises greater than 25 acres: Up to five percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of six outdoor or mixed-light cultivation operations, but not to exceed two acres of total canopy coverage for that premises, excluding any nursery area.
- D. Retail sale. Retail sale of cannabis shall not occur on any premises where cultivation occurs.

5. Cultivation Standards.

- A. In addition to any State requirements by any governing State agency and any site specific requirements in a permit, outdoor or mixed-light cultivation of commercial cannabis shall

comply with the following requirements. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or these requirements is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 (Commercial Cannabis Activities Permitting and Enforcement) and Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

- B. *Location.* Outdoor or mixed-light commercial cannabis cultivation shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.
- C. *Setbacks.* Outdoor or mixed-light cultivation of commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse.
- D. *Odor.* The cultivating, drying, curing, processing, and storing of cannabis shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which cannabis is cultivated or processed due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the cannabis is cultivated or processed for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from cannabis cultivating, drying, curing, processing, or storing violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

- E. *Water Source.* Commercial cannabis cultivation may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required State permits from the State Water Resources Control Board and any other State agency with jurisdiction. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, unpermitted well, or body of water. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any spring, wetland, stream, creek, river, lake, or body of water.
- F. *Water Conservation Measures.* Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, including but not limited to underground drip irrigation, soil moisture monitoring, water capture systems, grey water systems, or other equally effective water conservation measures, shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.
- G. *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. All greenhouses, hoop houses, and fences shall comply with all building and zoning codes and any other applicable law or regulation. Greenhouses and hoop houses are the preferred means of screening.
- H. *Security and Wildlife Exclusionary Fencing.* Areas where cannabis is cultivated, the premises on which cannabis is cultivated, or a portion thereof that includes the cultivation area shall be secured by a minimum six-foot high solid wood or chain link wildlife exclusionary fence, such as cyclone or field game fencing, with locked gates built in compliance with building and zoning codes. All gates shall be lockable and remain locked at all times except to provide immediate entry and exit. A chain link fence is not sufficient for screening. Fencing may not be covered with plastic or cloth except that neutral-colored shade cloth may be used on the inside of the fence.
- I. *Renewable Energy.* Electrical power for outdoor or mixed-light cultivation operations, including but not limited to illumination, heating, cooling, water supply, and ventilation, shall be provided by on-grid power with a 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. Generators may be used as a secondary back-up power source pursuant to a valid permit from the El Dorado County Air Quality Management District. Impacts from generator use will also be considered in the environmental analysis and site specific restrictions and conditions may be imposed to mitigate those impacts, including conditions to minimize noise.

- J. *Lighting.* All lights used for mixed-light cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial lighting for mixed-light cultivation is limited to a rate of six watts per square foot or less. For outdoor and mixed-light commercial cannabis cultivation, security lighting shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).
- K. *Pesticide Usage.* Preference shall be given to applicants that maintain organic certification standards or the substantial equivalent, provided that maintaining organic certification standards or the substantial equivalent is a condition of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit. Until the California Department of Food and Agriculture adopts a organic certification standards, the County Agricultural Commissioner shall determine whether a particular operation satisfies substantially equivalent organic criteria. Documentation of all pesticides used shall be presented each year as part of the Commercial Cannabis Annual Operating Permit. All pesticides and fertilizers shall be properly labeled and stored and disposed of to avoid contamination through erosion, leakage, or inadvertent damages from rodents, pests, and wildlife and to prevent harm to persons, the environment, and wildlife.
- L. *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.
- M. *Public Sewer or Sewage Disposal System.* The premises where the cultivation of cannabis takes place shall either be connected to a public sewer system, have a County inspected and approved sewage disposal system, or have restroom facilities deemed appropriate by the Director of the Environmental Management Department, or his or her authorized designee(s).
- N. *Recommendation of the Agricultural Commission.* An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission.

6. Commercial Cannabis Nurseries.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the nursery that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5) for all activities of the nursery that will be conducted indoors.
- B. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall state the maximum square footage allowed for

designated nursery areas with only immature plants, designated nursery areas for seed propagation that may contain mature plants, and designated research and development areas that may contain mature plants if the permittee will be conducting research and development activities that require a plant to flower. The County may place restrictions on such square footage to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.

- C. Nursery activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

7. Commercial Cannabis Processors.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis processor shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the processor that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5)(A) for all activities of the processor that will be conducted indoors.
- B. The County may place restrictions on square footage for commercial cannabis processing activities to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility. Commercial cannabis processing activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

8. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

10. Effective Date.

Pursuant to California Government Code Section 25123, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this Section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for any reason, this Section shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section is derived was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.
- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of agricultural preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in this Chapter shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Cultivation Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. General Requirements.

- A. In addition to any State requirements, the requirements in this Section are applicable to all commercial cannabis activities authorized under this Section 130.41.300. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or the requirements in this Section 130.41.300 is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- B. Odor. Commercial cannabis activities, including but not limited to cultivating, drying, curing, processing, manufacturing, testing, and storing of cannabis, shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which the commercial cannabis activity occurs due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the commercial cannabis activity occurs for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from a commercial cannabis activity violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of activated carbon filtration or equivalent odor abatement control equipment on air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- C. Location. A commercial cannabis activity authorized under this Section shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. With the exception of the Meyers Community Center (MAP-1) zoning district, a commercial cannabis activity authorized under this Section shall not be established on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district. Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use using a direct straight-line measurement. For the Meyers Community Center (MAP-1) zoning district, proximity to a residence shall be evaluated to determine compatibility of the proposed use. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.

- D. Screening. Commercial cannabis activities authorized under this Section shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Coverings on any windows may not be made of tarps, canvas, tinfoil, or other fabrics affixed directly to the wall or window.
- E. Lighting. Security lighting for any building utilized for commercial cannabis activities authorized under this Section shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).
- F. 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.
- G. Public Sewer or Sewage Disposal System. The premises where commercial cannabis activities authorized under this Section take place shall either be connected to a public sewer system or have a County inspected and approved sewage disposal system.
- H. Transportation Vehicles. Cannabis may only be transported within the unincorporated areas of the County inside a commercial vehicle or trailer with sufficient security features and GPS tracking. Cannabis or cannabis signage or symbols may not be visible or identifiable from outside of the commercial vehicle or trailer. Transportation by means of aircraft, watercraft, drones, rail, human powered vehicles, and unmanned vehicles is prohibited.
- I. Notification to Sheriff's Office. As a condition of any Commercial Cannabis Use Permit for an activity authorized under this Section, the County may require the permittee to notify the Sheriff's Office before transporting cannabis within the unincorporated areas of the County.
- J. Review by Fire Code Official. Prior to approval of any Commercial Cannabis Use Permit for any commercial cannabis activity authorized in this Section, the application must be reviewed by the local fire code official and any recommendations of the local fire code official shall be incorporated as a condition of the Commercial Cannabis Use Permit or a written response to the local fire code official shall explain why a recommendation is not being incorporated.
- K. Retail Sale. Retail sale of cannabis shall not occur on any premises permitted under this Section except for section 7(A).

5. Indoor Cultivation of Commercial Cannabis.

- A. Limitation on Use. Indoor cultivation of commercial cannabis may be permitted in the General Commercial (GC), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.

- B. The County may place restrictions on canopy size to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.
- C. Renewable Energy Source. Electrical power for indoor commercial cultivation operations, including but not limited to illumination, heating, cooling, and ventilation, shall be provided by on-grid power with 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor cultivation is prohibited, except for temporary use in emergencies only.
- D. All lights used for indoor commercial cannabis cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process.
- E. Water Source. Indoor cultivation of commercial cannabis may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required state permits from the State Water Resources Control Board and any other state agency with jurisdiction. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, underground well, or body of water.
- F. Water Conservation Measures. Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, water capture systems, grey water systems, or other equally effective water conservation measures shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.

6. Commercial Cannabis Distribution Facilities.

- A. Limitation on Use. Distribution facilities for commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. A County permit for distribution may be limited to transportation only so long as the Bureau of Cannabis Control allows for a Distributor-Transport only license or the substantial equivalent. If a Commercial Cannabis Use Permit is sought for transportation only to transport cannabis, cannabis seeds or plants, or other cannabis products grown or manufactured by the same applicant, then the transport only use is not subject to the zone restrictions in Subsection 6(A) provided that the applicant is only transporting cannabis, cannabis seeds or plants, or other cannabis products grown or manufactured on the parcel for which the other commercial cannabis activity is authorized.

- C. If a distributor is located outside of the unincorporated areas of the County, the distributor must comply with Section 130.41.100(6).

7. Commercial Cannabis Retail Sale and Delivery Facilities.

- A. Limitation on Use for Storefront Retail. Retail sale storefront facilities open to the public for the sale of commercial cannabis may only be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial Low (IL), and Meyers Community Center (MAP-1), zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. Limitation on Use for Non-storefront Retail (Delivery Only). Retail non-storefront delivery facilities of commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- C. If a retail delivery service is located outside of the unincorporated areas of the County, the retailer must comply with Section 130.41.100(6).
- D. With the exception of a non-storefront retail facility providing only delivery service, no more than seven cannabis retail storefront facilities that are open to the public shall be permitted at any one time. One additional cannabis retail storefront facility may be permitted in the Meyers Community Center (MAP-1) zoning district for a total of eight potential cannabis retail storefront facilities in the County. Concentration of commercial cannabis facilities and proximity to an existing or proposed cannabis retail facility shall be considered in determining whether to grant a permit. Provided that the application for a Commercial Cannabis Use Permit is received within 45 days of the availability of applications for retail sale, the County shall first review and take action on the application of any retail facility that was issued a valid temporary license from the Bureau of Cannabis Control by July 17, 2018 and continuation within a zone inconsistent with those authorized under this Section may be permitted for those retail facilities as part of the Commercial Cannabis Use Permit as a legal non-conforming use under Article 6, Chapter 130.61 (Nonconforming Uses, Structures, and Lots).
- E. Hours of operation for retail sale and delivery are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.
- F. A retail facility shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. Security

lighting shall be motion activated and all outdoor lighting shall comply with Chapter 130.34.

8. Commercial Cannabis Testing Laboratories.

- A. Limitation on Use. Commercial cannabis testing laboratories may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the laboratory testing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis testing laboratory facility at any time during normal business hours to ensure compliance.

9. Commercial Cannabis Manufacturing Facilities.

- A. Limitation on Use. The following manufacturing license types, as defined in the most recent regulations promulgated by the California Department of Public Health's Manufactured Cannabis Safety Branch, may only be permitted in the following zone districts:
 - 1. Type 7 license may be permitted in the Industrial High (IH), Industrial Low (IL), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 2. Type 6 license may be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 3. Type N and Type P licenses may be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100. Permits in Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zone districts shall be limited to sites that meet the minimum premises area of ten acres, and the County may require a premises greater than ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.

4. A registered shared-use facility (Type S license) may be issued in a particular zone district only if the manufacturing activity or activities to be performed in the shared-use facility (Type 7, Type 6, Type N, or Type P license) is or are authorized in that particular zone district.
 5. The Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit must specify the manufacturing activities authorized and those activities must be consistent with the specific license types issued by the California Department of Public Health's Manufactured Cannabis Safety Branch at the time of issuance of the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit.
 6. No manufacturing of commercial cannabis may be permitted in a residential dwelling or accessory structure connected to a residential dwelling.
- B. Shared-Use Facility (Type S License). A single person shall be identified as the primary permittee for a shared-use facility. For any violation at a shared-use facility, the primary permittee and the permittee authorized to use the shared-use facility during the time of the violation may be held jointly and severally liable for the violation regardless of any agreement between the permittees. The occupancy schedule and designated area for a Type S license shall be included in the application for the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and may not be changed without prior written notification and prior written approval from the Building and Planning Department and any such change shall be memorialized in the Commercial Cannabis Annual Operating Permit.
- C. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the manufacturing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis manufacturing facility at any time during normal business hours to ensure compliance.

10. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this ordinance shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

11. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of

the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

12. Effective Date.

Pursuant to California Government Code section 25123, the amendments to this ordinance shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for any reason, this ordinance shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

CHAPTER 130.41 – COMMERCIAL CANNABIS

Sections:

- 130.41.100 Commercial Cannabis Activities Permitting and Enforcement
- 130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis
- 130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis

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 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. With the exception of outdoor/mixed light commercial cannabis cultivation, ~~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 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.
 5. 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.

6. Indication of whether the Commercial Cannabis Use Permit is for approval of a commercial activity involving cannabis for medicinal, adult-use recreational, or both. A single Commercial Cannabis Use Permit may allow for a commercial activity involving both medicinal and adult-use recreational cannabis provided that the operation is consistent with State law and regulations.
 7. Name and contact information for the Designated Local Contact.
 8. Condition of approval requiring timely payment 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.
- J. Authorization may not be provided to the appropriate State licensing agency for an annual State license unless the County has issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit.

5. Commercial Cannabis Annual Operating Permit.

- A. In addition to a discretionary Commercial Cannabis Use Permit, a person may only conduct a commercial cannabis activity if the person obtains a Commercial Cannabis Annual Operating Permit. When a Commercial Cannabis Use Permit is first issued, the Building and Planning Department shall also issue a Commercial Cannabis Annual Operating Permit, subject to annual renewals. A Commercial Cannabis Annual Operating Permit is valid for one year from the date of issuance and may be renewed after staff-level review with public notice as provided for in Chapter 130.50 (Application Filing and Processing) of this Title.
- B. In addition to any other information or documentation requested by the County Planning and Building Department, an application for renewal of a Commercial Cannabis Annual Operating Permit shall include all of the information required for a Commercial Cannabis Use Permit, noting any changes from the information submitted with the original application, and the complaint report required under Section 9(B) (Designated Local Contact) below in this Section. The applicant must demonstrate continued compliance with all County and State regulations and site specific conditions in the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit. If the applicant is not the record title owner of the parcel, an updated written consent of the owner of the parcel with original signature and notary acknowledgement must be provided and be notarized within 30 days of the date that the renewal application is submitted with the County.
- C. A Commercial Cannabis Annual Operating Permit shall not be issued if the applicant owes any delinquent Commercial Cannabis Activities Tax or any other fines, violations, assessments, fees, costs, or amounts related to the commercial cannabis activity. Prior to issuance, Building and Planning Department shall notify the Sheriff's Office and Code

Enforcement of the application and request information on any resolved or pending complaints or violations.

- D. If taxes under Chapter 3.22 (Taxation of Commercial Cannabis Activities) for cultivation of cannabis are assessed based on square footage, taxes shall be calculated based on the maximum square footage stated in the Commercial Cannabis Annual Operating Permit. If a permittee does not intend to cultivate the entire square footage permitted in a Commercial Cannabis Use Permit in any given year, the permittee must request a reduction in square footage in the application for a Commercial Cannabis Annual Operating Permit. Failure to request a reduction in the application will result in taxes being assessed on the square footage stated in the Commercial Cannabis Use Permit.
- E. A Commercial Cannabis Annual Operating Permit is not transferrable and automatically expires upon any change of ownership to the applicant that results in a new owner or owners or new funding source. Before or upon the transfer of the business or addition of a new owner, an application for a new Commercial Cannabis Annual Operating Permit must be submitted. While the Commercial Cannabis Use Permit may be transferred, upon issuance of the new Commercial Cannabis Annual Operating Permit, conditions to the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit may be added or removed. The Director of Planning and Building may require a decision by the Planning Commission to impose any new conditions or remove any existing conditions of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under this subsection consistent with Article 5, Section 130.54.070 (Revisions to an Approved Permit or Authorization).

6. Out-of-County Delivery and Distribution of Commercial Cannabis.

- A. This Section applies to any person located outside of the unincorporated areas of the County who delivers or distributes commercial cannabis to a physical location in an unincorporated area of the County as part of a legal commercial cannabis activity. No person operating a commercial cannabis retail or distribution facility located outside of the unincorporated area of the County may deliver or distribute commercial cannabis within the unincorporated area of the County without a valid business license under Chapter 5.08 (License Requirements and Procedure).
- B. Cannabis delivery hours in the County are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.
- C. The Commercial Cannabis Activities Tax shall be paid for the sale of all commercial cannabis delivered or distributed within El Dorado County regardless of where the retail or distribution facility is located.

7. Revocation After Three Violations.

In addition to revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit under Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit), upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or standards issued to one or more of the owners or operators at any property or combination of properties of one or more of the same owners or operators within a two-year period, the Commercial Cannabis Annual Operating Permit shall be nullified, voided, or revoked, subject to prior notice and appeal under Section 130.54.090 (Revocation or County Mandated Modification of a Permit) and the Commercial Cannabis Use Permit may be revoked, subject to prior notice and appeal under Section 130.54.090. Upon revocation, an application for a Commercial Cannabis Annual Operating Permit to reestablish a cannabis operation by one or more of the same owners or operators or at the subject property shall not be accepted for a minimum period of two years. If only the Commercial Cannabis Annual Operating Permit is revoked under this Section, reissuance shall be subject to the procedures to issue a Commercial Cannabis Use Permit, including hearing before and decision of the Planning Commission and any new or amended conditions may be added to the Commercial Cannabis Use Permit.

8. Monitoring Program.

All Commercial Cannabis Annual Operating Permits shall require the applicant's participation in a County-run monitoring program. The monitoring program shall be funded by applicants and will be used to conduct site visits and inspections of all commercial cannabis activities and verify compliance, including but not limited to all requirements of County Code and any site specific permit conditions and State regulations, including the State track-and-trace requirements. The Board of Supervisors shall by resolution or ordinance adopt such fees necessary to implement this monitoring program. The annual monitoring program fees shall be collected yearly at the time of renewal of the Commercial Cannabis Annual Operating Permit.

9. Designated Local Contact.

- A. No Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit may be issued unless a current name and contact information for a Designated Local Contact is included. The Designated Local Contact must be available by telephone on a 24-hour basis, seven days per week and be able to respond to the County within two hours and corrective action, if required, must be completed within the time requested by the County.
- B. No less than one week before commercial cannabis operations commence, the permittee must notify the property owners and residents of property located within 1,000 feet of the perimeter of the parcel(s) upon which the commercial cannabis operations will occur and provide the name and contact information for the Designated Local Contact. Complaints made to the Designated Local Contact by any member of the public must be responded to within 24 hours of the initial complaint and corrective action, if required under any State or local law or regulation, must commence within a reasonable time based on the

nature of the corrective action required. Complaints by any member of the public shall be logged in writing and the complaint log, including any corrective action taken, shall be provided to the Building and Planning Department annually with the application to renew the Commercial Cannabis Annual Operating Permit.

- C. The permittee must immediately notify the County and owners and residents covered property 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.
- D. The failure to comply with any requirement of this Section constitutes a violation subject to enforcement under this Chapter.

10. Criminal Enforcement.

- A. Any person who engages or attempts to engage in any commercial cannabis activity without the required County permits, owns the property upon which a commercial cannabis activity is conducted without the required County permits, or otherwise violates or attempts to violate any of the provisions of the County's commercial cannabis activities ordinances can be charged with a misdemeanor or infraction at the discretion of the District Attorney.
- B. If charged as a misdemeanor, the violation shall be punishable by a fine not to exceed \$1,000.00 or by imprisonment in the County jail for a term not exceeding six months or by both such fine and imprisonment. If charged as an infraction, the violation shall be punishable by a fine not exceeding \$100.00 for the first violation, \$250.00 for the second violation within one year, and \$500.00 for each additional violation within one year. Each and every day, or portion of a day, that a violation exists may be charged as a separate offense.

11. Administrative Enforcement and Abatement.

- A. In addition to criminal enforcement and potential revocation of a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, a violation of this Section, violation of any County or State rule, regulation, or law governing the particular commercial cannabis activity, or violation of a condition in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit shall be deemed a public nuisance and shall be subject to enforcement as provided herein and the provisions of Chapter 9.02 (Code Enforcement). Pursuant to Section 9.02.020(B), the higher fines of this Section shall control in any administrative enforcement action.
- B. A notice to correct or notice to abate issued under Chapter 9.02 shall provide 72 hours for the responsible person to correct or abate the violation and shall identify the administrative fines of this Section if the violation is not corrected or abated within 72 hours.

C. Fines for Persons Operating with a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:

1. For any violation by a person who has been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of \$1,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.
2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$2,500.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$5,000 per day, per violation for each and every day, or portion of a day, that a violation exists.
4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

D. Fines for Persons Operating a Commercial Cannabis Activity Without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit:

1. For any violation by a person who has not been issued a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and who does not correct the violation within the 72-hour notice to correct, an administrative fine of \$5,000.00 per day, per violation will accrue for each and every day, or portion of a day, that a violation exists.
2. Once a notice to abate is issued and the time to abate provided in the notice has expired or a decision of a Hearing Officer requires abatement and the time to abate provided in the decision has expired, the fine shall increase to \$10,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
3. For a second violation within the 12-month period commencing from the date of a prior administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be

\$25,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.

4. For a third violation within the 12-month period commencing from the date of the first administrative citation by the same person or on the same premises if the property owner remains the same, the administrative fine shall be \$50,000.00 per day, per violation for each and every day, or portion of a day, that a violation exists.
 5. If the violation is for operating without a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit, the fine shall be tolled from the date the application is submitted until the permit is granted or denied by the County provided that all fines accrued prior to the date the permit is submitted are paid with the permit. If the violation is for failure to comply with the regulations of the County Code for the particular commercial cannabis activity, the fines shall not be tolled during the period that an application for a commercial cannabis activity permit is under review.
- E. Each plant cultivated outside of the square footage provided for in the Commercial Cannabis Annual Operating Permit shall be deemed a separate violation. The determination of the plants outside of the permitted square footage shall be made with reference to the cultivation site plan submitted with an application. Each retail sale or attempted retail sale of cannabis shall be deemed a separate violation.
 - F. Notwithstanding Section 9.02.390, a request for an administrative hearing under Chapter 9.02 must be made within three days of service of the notice to correct, administrative citation, or notice to abate and the hearing shall be held within five days of the request for a hearing.
 - G. The decision of the Hearing Officer under Section 9.02.440 shall be issued within five days of completion of the hearing.
 - H. A notice to abate or decision of a Hearing Officer requiring abatement shall provide that, if any plants cultivated under this Section are removed as part of the abatement action because they are in excess of the allowable square footage, the responsible person may decide which plants will remain so long as the remaining plants are in compliance with the Commercial Cannabis Annual Operating Permit. The notice to abate shall require the responsible person to identify the plants to remain within the 72-hours provided in the notice to abate or the time provided for in the decision by the Hearing Officer. If the responsible person does not identify the plants to remain in writing within the time provided, the enforcement official shall determine, in his or her sole discretion, which plants will remain.
 - I. Unless a notice is personally served, any notice provided under this Section shall be mailed under Section 9.02.120 and posted conspicuously on or in front of the business or

cultivation site, or other place reasonably anticipated to provide notice to the responsible person.

- J. The remedies provided herein are cumulative to all other administrative, civil, and criminal remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances or criminal activity.
 - K. All County officers with authority to enforce this Code shall also have the authority to enforce this Section.
- 12. No Authorization, Defense, or Immunity. The issuance of a permit under this Chapter shall not confer on any person the right to maintain a public or private nuisance or to authorize or facilitate any violation of State or Federal law. Except for enforcement actions arising out of this Chapter, no provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the District Attorney, the State of California, the United States, or any other person. Nothing in this Section shall be construed to authorize or facilitate a commercial cannabis activity that is otherwise illegal under State or Federal law.
 - 13. No Duty to Enforce. Nothing in this Section shall be construed as imposing on the Sheriff, the District Attorney, or the County any duty to abate any unlawful commercial cannabis activity, to prosecute a violation of County Code, or to take any other action with regard to any unlawful commercial cannabis activity. Furthermore, the Sheriff, District Attorney, County, and any of their officers or employees shall not be held liable for failure to abate any unlawful commercial cannabis activity, to prosecute a violation of this Section, or to take any other action with regard to any unlawful commercial cannabis activity.
 - 14. Ordinance Declarative of Existing Law. Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.
 - 15. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.
 - 16. Implementation. The Planning and Building Department shall have applications available to the public no later than September 30, 2019. The Board of Supervisors may grant an extension of the time to have permits available or any other aspect of implementation based on a finding of unforeseen circumstances, changes in State or Federal law, lack of sufficient funding, or other reason necessitating an extension. Pursuant to California Government Code Section

25125, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage.

130.41.200 Outdoor and Mixed-Light Cultivation of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section was derived was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.
- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of Agricultural Preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in Chapter 130.41 shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. A minimum of 75 of the total 150 cannabis cultivation operations are reserved for outdoor or mixed-light cultivation operations that are less than 10,000 square feet in total canopy area, with 40 of the 75 reserved for operations limited to cultivation canopy of 3,000 square feet or less and cannabis that is grown exclusively with natural light and meets organic certification standards or the substantial equivalent. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. Outdoor and Mixed-Light Commercial Cannabis Cultivation.

- A. *Permitted Zones.* Outdoor or mixed-light commercial cannabis cultivation may only be permitted in the Rural Lands (RL), Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zoned districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.

This Section allows outdoor or mixed-light commercial cannabis cultivation as a new use authorized by this Section only.

- B. *Minimum Site Area.* Outdoor or mixed-light cultivation of commercial cannabis is limited to sites that meet the minimum premises area of ten acres. The County may require a premises greater than ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.
- C. *Canopy Coverage.* Outdoor or mixed-light commercial cannabis cultivation is subject to the following limits on maximum canopy based on zone district. The County may place additional and further restrictions on canopy size to maintain consistency with other laws, agricultural uses, and neighborhood compatibility. A cannabis cultivation operation shall not exceed the canopy size threshold established by State law.
 - 1. Lots zoned RL with a minimum premises of ten acres: Up to 1.5 percent of the size of the premises with a maximum of one outdoor or mixed-light cultivation operation per premises, but not to exceed 10,000 square feet of total canopy coverage for that premises, including any designated nursery area with mature plants and excluding any designated nursery area with only immature plants.
 - 2. Lots zoned AG, LA, and PA with a premises between ten and 14.9 acres in area: Up to 1.5 percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of two outdoor or mixed-light cultivation operations, but not to exceed 0.45 acres of total canopy coverage for that premises, excluding any nursery area.
 - 3. Lots zoned AG, LA, and PA with a premises between 15 and 25 acres in area: Up to two percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of four outdoor or mixed-light cultivation operations, but not to exceed 1.5 acres of total canopy coverage for that premises, excluding any nursery area.
 - 4. Lots zoned AG, LA, and PA with a premises greater than 25 acres: Up to five percent of the size of the premises per outdoor or mixed-light cultivation operation with a maximum of six outdoor or mixed-light cultivation operations, but not to exceed two acres of total canopy coverage for that premises, excluding any nursery area.
- D. *Retail sale.* Retail sale of cannabis shall not occur on any premises where cultivation occurs.

5. Cultivation Standards.

- A. In addition to any State requirements by any governing State agency and any site specific requirements in a permit, outdoor or mixed-light cultivation of commercial cannabis shall

comply with the following requirements. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or these requirements is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 (Commercial Cannabis Activities Permitting and Enforcement) and Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

- B. *Location.* Outdoor or mixed-light commercial cannabis cultivation shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.
- C. *Setbacks.* Outdoor or mixed-light cultivation of commercial cannabis shall be setback a minimum of 800 feet from the property line of the site or public right-of-way and shall be located at least 300 feet from the upland extent of the riparian vegetation of any watercourse.
- D. *Odor.* The cultivating, drying, curing, processing, and storing of cannabis shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which cannabis is cultivated or processed due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the cannabis is cultivated or processed for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from cannabis cultivating, drying, curing, processing, or storing violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of a greenhouse or hoop house that includes activated carbon filtration or equivalent odor abatement control equipment on the air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).

- E. *Water Source.* Commercial cannabis cultivation may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required State permits from the State Water Resources Control Board and any other State agency with jurisdiction. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, unpermitted well, or body of water. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. The activities associated with the cultivation of cannabis shall not create erosion or result in contaminated runoff into any spring, wetland, stream, creek, river, lake, or body of water.
- F. *Water Conservation Measures.* Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, including but not limited to underground drip irrigation, soil moisture monitoring, water capture systems, grey water systems, or other equally effective water conservation measures, shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.
- G. *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. All greenhouses, hoop houses, and fences shall comply with all building and zoning codes and any other applicable law or regulation. Greenhouses and hoop houses are the preferred means of screening.
- H. *Security and Wildlife Exclusionary Fencing.* Areas where cannabis is cultivated, the premises on which cannabis is cultivated, or a portion thereof that includes the cultivation area shall be secured by a minimum six-foot high solid wood or chain link wildlife exclusionary fence, such as cyclone or field game fencing, with locked gates built in compliance with building and zoning codes. All gates shall be lockable and remain locked at all times except to provide immediate entry and exit. A chain link fence is not sufficient for screening. Fencing may not be covered with plastic or cloth except that neutral-colored shade cloth may be used on the inside of the fence.
- I. *Renewable Energy.* Electrical power for outdoor or mixed-light cultivation operations, including but not limited to illumination, heating, cooling, water supply, and ventilation, shall be provided by on-grid power with a 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. Generators may be used as a secondary back-up power source pursuant to a valid permit from the El Dorado County Air Quality Management District. Impacts from generator use will also be considered in the environmental analysis and site specific restrictions and conditions may be imposed to mitigate those impacts, including conditions to minimize noise.

- J. *Lighting.* All lights used for mixed-light cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial lighting for mixed-light cultivation is limited to a rate of six watts per square foot or less. For outdoor and mixed-light commercial cannabis cultivation, security lighting shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).
- K. *Pesticide Usage.* Preference shall be given to applicants that maintain organic certification standards or the substantial equivalent, provided that maintaining organic certification standards or the substantial equivalent is a condition of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit. Until the California Department of Food and Agriculture adopts a organic certification standards, the County Agricultural Commissioner shall determine whether a particular operation satisfies substantially equivalent organic criteria. Documentation of all pesticides used shall be presented each year as part of the Commercial Cannabis Annual Operating Permit. All pesticides and fertilizers shall be properly labeled and stored and disposed of to avoid contamination through erosion, leakage, or inadvertent damages from rodents, pests, and wildlife and to prevent harm to persons, the environment, and wildlife.
- L. *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.
- M. *Public Sewer or Sewage Disposal System.* The premises where the cultivation of cannabis takes place shall either be connected to a public sewer system, have a County inspected and approved sewage disposal system, or have restroom facilities deemed appropriate by the Director of the Environmental Management Department, or his or her authorized designee(s).
- N. *Recommendation of the Agricultural Commission.* An application for a Commercial Cannabis Use Permit for outdoor or mixed-light cultivation must be reviewed by the Agricultural Commission and the recommendation of the Agricultural Commission, including any suggested conditions or restrictions, shall be forwarded to and considered by the Planning Commission.

6. Commercial Cannabis Nurseries.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the nursery that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5) for all activities of the nursery that will be conducted indoors.
- B. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis nursery shall state the maximum square footage allowed for

designated nursery areas with only immature plants, designated nursery areas for seed propagation that may contain mature plants, and designated research and development areas that may contain mature plants if the permittee will be conducting research and development activities that require a plant to flower. The County may place restrictions on such square footage to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.

- C. Nursery activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

7. Commercial Cannabis Processors.

- A. A Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit for a commercial cannabis processor shall be subject to all of the restrictions and requirements in this Section 130.41.200 for any activities of the processor that will be conducted outdoors or in mixed-light and all of the restrictions and requirements in Section 130.41.300(4) and (5)(A) for all activities of the processor that will be conducted indoors.
- B. The County may place restrictions on square footage for commercial cannabis processing activities to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility. Commercial cannabis processing activities may not be permitted in a residential dwelling or accessory structure connected to a residential dwelling.

8. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this Chapter shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

10. Effective Date.

Pursuant to California Government Code Section 25123, the amendments to the ordinance from which this Section is derived shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this Section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for any reason, this Section shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

130.41.300 Retail Sale, Distribution, Indoor Cultivation, Laboratory Testing, and Manufacturing of Commercial Cannabis.

1. Applicability.

- A. The purpose of this Section is to permit certain specified commercial cannabis activities and uses in the unincorporated areas of the County, subject to the regulation and control of the Board of Supervisors. While the ordinance from which this Section is derived was originally enacted by voters, the Board of Supervisors retains discretion to regulate such uses, including without limitation the density, intensity, number, proximity, location, and environmental standards of such uses without further voter approval.
- B. Cannabis is not an agricultural crop or product with respect to the "right to farm" ordinance in Article 4, Section 130.40.290 (Right to Farm), the establishments of agricultural preserves under Section 130.40.290, or any other provision in this Code that defines or allows cultivation of crops or agricultural products and nothing in this Chapter shall be construed to the contrary.
- C. This Section applies regardless of whether commercial cannabis is cultivated for medicinal or recreational adult use.

2. Definitions.

The terms and phrases in this Section shall have the meaning ascribed to them in Section 130.41.100(2), unless the context in which they are used clearly suggests otherwise.

3. Limit on the Number of Commercial Cannabis Cultivation Operations.

The maximum number of commercial cannabis cultivation operations in the unincorporated portions of the County shall be limited to 150. This Section sets the maximum possible permits only and nothing in this Section shall be construed to require the County to issue a minimum or the maximum number of permits.

4. General Requirements.

- A. In addition to any State requirements, the requirements in this Section are applicable to all commercial cannabis activities authorized under this Section 130.41.300. Any violation of State regulations, site specific requirements in a Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit, or the requirements in this Section 130.41.300 is subject to enforcement, abatement, and revocation of a County permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- B. Odor. Commercial cannabis activities, including but not limited to cultivating, drying, curing, processing, manufacturing, testing, and storing of cannabis, shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which the commercial cannabis activity occurs due to odor that is disturbing to people of normal sensitivity. Any cannabis odor shall not be equal or greater than a seven dilution threshold ("DT") when measured by the County with a field olfactometer at the property line on which the commercial cannabis activity occurs for a minimum of two olfactometer observations not less than 15 minutes apart within a one hour period ("seven DT one hour"). If the odor from a commercial cannabis activity violates this subsection, the permittee must reduce the odor below the seven DT one hour at property line threshold within the time required by the County. Notwithstanding the prior issuance of a permit, the County may require installation of one or more odor control options, which may include but are not limited to the use of activated carbon filtration or equivalent odor abatement control equipment on air exhaust, a vapor-phase odor control system, increasing the required setback, growing fewer plants, or growing only low odor cannabis strains. Installation of certain odor control options may require a permit. Any such notice requiring the use of one or more odor control options will provide a deadline for completion and the dilution threshold will be retested upon expiration of that deadline. The continued odor in excess of seven DT one hour upon retesting will constitute a violation of this Section subject to enforcement, abatement, and revocation of the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100 and Article 5, Section 130.54.090 (Revocation or County Mandated Modification of a Permit).
- C. Location. A commercial cannabis activity authorized under this Section shall not be located within 1,500 feet from any school, school bus stop, place of worship, park, playground child care center, youth-oriented facility, pre-school, public library, licensed drug or alcohol recovery facility, or licensed sober living facility. With the exception of the Meyers Community Center (MAP-1) zoning district, a commercial cannabis activity authorized under this Section shall not be established on any parcel containing a dwelling unit used as a residence or within 500 feet of a residential zoning district. Distance shall be measured from the nearest point of the property line of the premises that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use using a direct straight-line measurement. For the Meyers Community Center (MAP-1) zoning district, proximity to a residence shall be evaluated to determine compatibility of the proposed use. A new adjacent use does not affect the continuation of an existing use that was permitted and legally established under the standards of this Chapter.

- D. Screening. Commercial cannabis activities authorized under this Section shall be screened from public view so that no part of a plant can be seen from an adjacent street or adjacent parcel. Coverings on any windows may not be made of tarps, canvas, tinfoil, or other fabrics affixed directly to the wall or window.
- E. Lighting. Security lighting for any building utilized for commercial cannabis activities authorized under this Section shall be motion activated and all outdoor lighting shall comply with Article 3, Chapter 130.34 (Outdoor Lighting).
- F. 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.
- G. Public Sewer or Sewage Disposal System. The premises where commercial cannabis activities authorized under this Section take place shall either be connected to a public sewer system or have a County inspected and approved sewage disposal system.
- H. Transportation Vehicles. Cannabis may only be transported within the unincorporated areas of the County inside a commercial vehicle or trailer with sufficient security features and GPS tracking. Cannabis or cannabis signage or symbols may not be visible or identifiable from outside of the commercial vehicle or trailer. Transportation by means of aircraft, watercraft, drones, rail, human powered vehicles, and unmanned vehicles is prohibited.
- I. Notification to Sheriff's Office. As a condition of any Commercial Cannabis Use Permit for an activity authorized under this Section, the County may require the permittee to notify the Sheriff's Office before transporting cannabis within the unincorporated areas of the County.
- J. Review by Fire Code Official. Prior to approval of any Commercial Cannabis Use Permit for any commercial cannabis activity authorized in this Section, the application must be reviewed by the local fire code official and any recommendations of the local fire code official shall be incorporated as a condition of the Commercial Cannabis Use Permit or a written response to the local fire code official shall explain why a recommendation is not being incorporated.
- K. Retail Sale. Retail sale of cannabis shall not occur on any premises permitted under this Section except for section 7(A).

5. Indoor Cultivation of Commercial Cannabis.

- A. Limitation on Use. Indoor cultivation of commercial cannabis may be permitted in the General Commercial (GC), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.

- B. The County may place restrictions on canopy size to maintain consistency with other laws, surrounding commercial uses, and neighborhood compatibility.
- C. Renewable Energy Source. Electrical power for indoor commercial cultivation operations, including but not limited to illumination, heating, cooling, and ventilation, shall be provided by on-grid power with 100 percent renewable source, on-site zero net energy renewable source, or with the purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor cultivation is prohibited, except for temporary use in emergencies only.
- D. All lights used for indoor commercial cannabis cultivation shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process.
- E. Water Source. Indoor cultivation of commercial cannabis may only be permitted if sufficient evidence submitted to the County demonstrates: (1) there is adequate water supply in the watershed and water rights to serve the cultivation site; and (2) all required state permits from the State Water Resources Control Board and any other state agency with jurisdiction. The premises where the cultivation of cannabis takes place shall either be connected to a public water supply or have a County inspected and approved private water source. Cultivation of cannabis shall not utilize water that has been or is illegally diverted from any spring, wetland, stream, creek, river, lake, underground well, or body of water.
- F. Water Conservation Measures. Cannabis cultivation operations shall include adequate measures that minimize the use of water for cultivation at the site. Water conservation measures, water capture systems, grey water systems, or other equally effective water conservation measures shall be incorporated into the cultivation operations in order to minimize the use of water where feasible.

6. Commercial Cannabis Distribution Facilities.

- A. Limitation on Use. Distribution facilities for commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. A County permit for distribution may be limited to transportation only so long as the Bureau of Cannabis Control allows for a Distributor-Transport only license or the substantial equivalent. If a Commercial Cannabis Use Permit is sought for transportation only to transport cannabis, cannabis seeds or plants, or other cannabis products grown or manufactured by the same applicant, then the transport only use is not subject to the zone restrictions in Subsection 6(A) provided that the applicant is only transporting cannabis,

cannabis seeds or plants, or other cannabis products grown or manufactured on the parcel for which the other commercial cannabis activity is authorized.

- C. If a distributor is located outside of the unincorporated areas of the County, the distributor must comply with Section 130.41.100(6).

7. Commercial Cannabis Retail Sale and Delivery Facilities.

- A. Limitation on Use for Storefront Retail. Retail sale storefront facilities open to the public for the sale of commercial cannabis may only be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial Low (IL), and Meyers Community Center (MAP-1), zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. Limitation on Use for Non-storefront Retail (Delivery Only). Retail non-storefront delivery facilities of commercial cannabis may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- C. If a retail delivery service is located outside of the unincorporated areas of the County, the retailer must comply with Section 130.41.100(6).
- D. With the exception of a non-storefront retail facility providing only delivery service, no more than seven cannabis retail storefront facilities that are open to the public shall be permitted at any one time. One additional cannabis retail storefront facility may be permitted in the Meyers Community Center (MAP-1) zoning district for a total of eight potential cannabis retail storefront facilities in the County. Concentration of commercial cannabis facilities and proximity to an existing or proposed cannabis retail facility shall be considered in determining whether to grant a permit. Provided that the application for a Commercial Cannabis Use Permit is received within 45 days of the availability of applications for retail sale, the County shall first review and take action on the application of any retail facility that was issued a valid temporary license from the Bureau of Cannabis Control by July 17, 2018 and continuation within a zone inconsistent with those authorized under this Section may be permitted for those retail facilities as part of the Commercial Cannabis Use Permit as a legal non-conforming use under Article 6, Chapter 130.61 (Nonconforming Uses, Structures, and Lots).
- E. Hours of operation for retail sale and delivery are limited to commencing at 8:00 a.m. and ending at 8:00 p.m. Any delivery must be initiated by a customer by 7:00 p.m. These restricted hours apply regardless of whether the sale originates within or outside of the County.

- F. A retail facility shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. Security lighting shall be motion activated and all outdoor lighting shall comply with Chapter 130.34.

8. Commercial Cannabis Testing Laboratories.

- A. Limitation on Use. Commercial cannabis testing laboratories may only be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
- B. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the laboratory testing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis testing laboratory facility at any time during normal business hours to ensure compliance.

9. Commercial Cannabis Manufacturing Facilities.

- A. Limitation on Use. The following manufacturing license types, as defined in the most recent regulations promulgated by the California Department of Public Health's Manufactured Cannabis Safety Branch, may only be permitted in the following zone districts:
 - 1. Type 7 license may be permitted in the Industrial High (IH), Industrial Low (IL), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 2. Type 6 license may be permitted in the General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100.
 - 3. Type N and Type P licenses may be permitted in the Community Commercial (CC), Regional Commercial (CR), General Commercial (CG), Industrial High (IH), Industrial Low (IL), Research and Development (R&D), Planned Agricultural (PA), Limited Agricultural (LA), Agricultural Grazing (AG), Meyers Community Center (MAP-1), and Meyers Industrial (MAP-2) zone districts subject to a Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit under Section 130.41.100. Permits in Planned Agricultural (PA), Limited Agricultural (LA), and Agricultural Grazing (AG) zone districts shall be limited to sites that meet the minimum premises area of ten acres, and the County may require a premises greater than

ten acres to maintain consistency with other laws, surrounding residential uses, and neighborhood compatibility.

4. A registered shared-use facility (Type S license) may be issued in a particular zone district only if the manufacturing activity or activities to be performed in the shared-use facility (Type 7, Type 6, Type N, or Type P license) is or are authorized in that particular zone district.
 5. The Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit must specify the manufacturing activities authorized and those activities must be consistent with the specific license types issued by the California Department of Public Health's Manufactured Cannabis Safety Branch at the time of issuance of the Commercial Cannabis Use Permit or Commercial Cannabis Annual Operating Permit.
 6. No manufacturing of commercial cannabis may be permitted in a residential dwelling or accessory structure connected to a residential dwelling.
- B. Shared-Use Facility (Type S License). A single person shall be identified as the primary permittee for a shared-use facility. For any violation at a shared-use facility, the primary permittee and the permittee authorized to use the shared-use facility during the time of the violation may be held jointly and severally liable for the violation regardless of any agreement between the permittees. The occupancy schedule and designated area for a Type S license shall be included in the application for the Commercial Cannabis Use Permit and Commercial Cannabis Annual Operating Permit and may not be changed without prior written notification and prior written approval from the Building and Planning Department and any such change shall be memorialized in the Commercial Cannabis Annual Operating Permit.
- C. The Director of the Environmental Management Department, or his or her authorized designee(s), may impose any additional restrictions or requirements for the manufacturing of commercial cannabis to protect public health and safety and may inspect any portion of the commercial cannabis manufacturing facility at any time during normal business hours to ensure compliance.

10. Ordinance Declarative of Existing Law.

Article 2, Chapter 130.20 of the El Dorado County Zoning Ordinance provides that only uses specifically enumerated are permitted and, unless an exemption applies, any unenumerated use is not allowed within the County. Nothing in this ordinance shall be construed to legalize any existing commercial cannabis activity currently operating in the County, whether it is operating with or without a business license.

11. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

12. Effective Date.

Pursuant to California Government Code section 25123, the amendments to this ordinance shall become effective 30 days from the date of final passage. If the general tax passed by the voters of El Dorado County in the November 2018 election, now codified at Chapter 3.22, is challenged or invalidated for any reason, no new Commercial Cannabis Use Permits or Commercial Cannabis Annual Operating Permits may be issued for commercial cannabis activities authorized under this section unless and until the challenge concludes and the tax is upheld as valid or a new tax of greater or equal amount is enacted. If any general tax for commercial cannabis activities is repealed or invalidated for any reason, this ordinance shall automatically expire and be repealed unless and until a new tax of greater or equal amount is enacted.

OR26-0001 COMMERCIAL CANNABIS ORDINANCE AMENDMENT

Planning Commission
July 9, 2026



TIMELINE



PROPOSED CHANGES

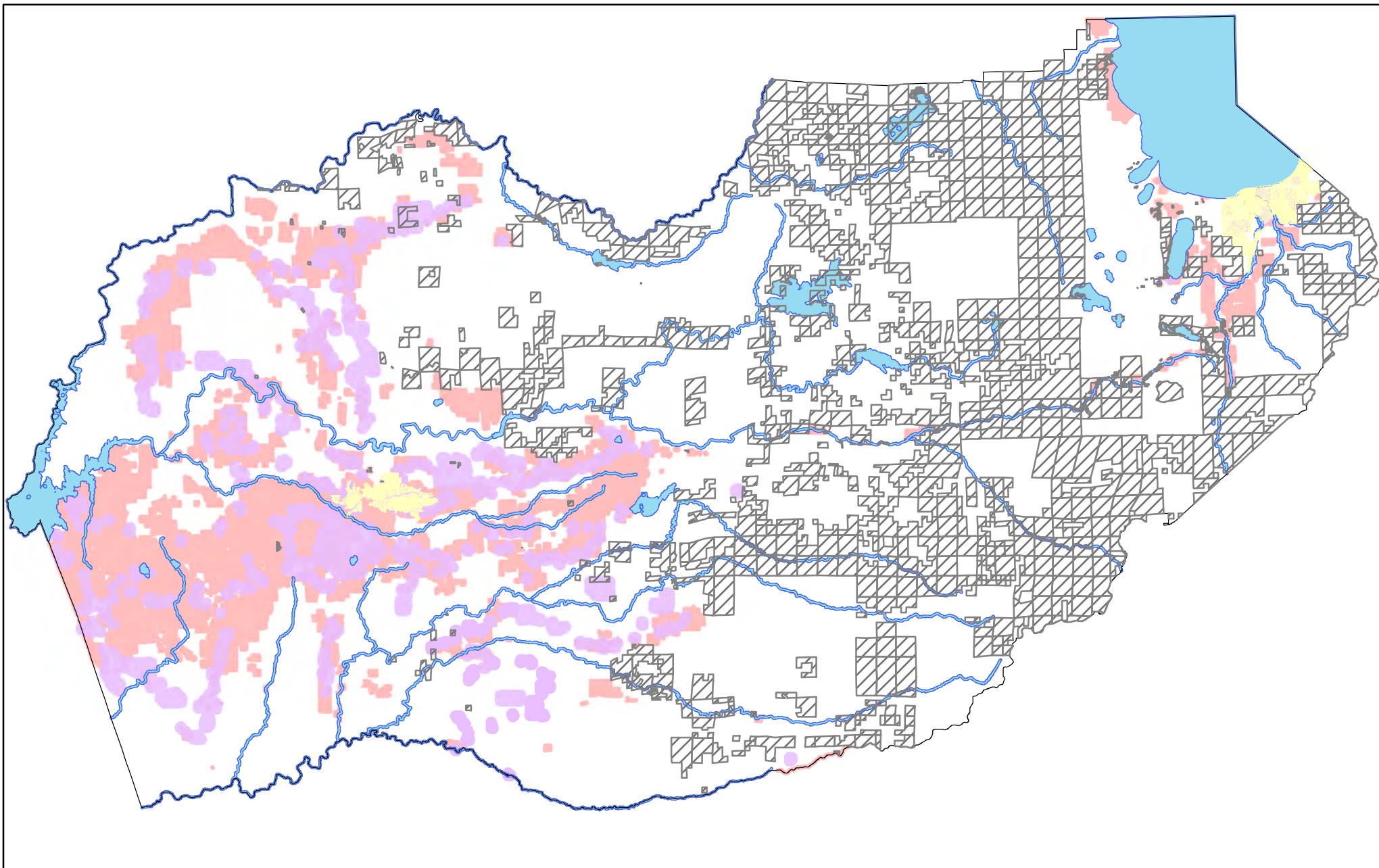
■ Amendment of Section 130.41.100.4.C

Cannabis Ordinance

- *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.~~*

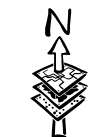
CANNABIS SETBACKS

Table 1: Commercial Cannabis Use Setbacks				
Cannabis Use	300-ft Wetland Setback	800-ft property line or public right-of-way setback	1,500-ft school, school bus stop, etc. setback ¹	500-ft residential zone/use setback ¹
Retail Store Front			X	X
Retail Delivery			X	X
Laboratory			X	X
Distribution			X	X
Manufacturing			X	X
Indoor Cultivation			X	X
Outdoor/Mixed Light Cultivation	X	X	X	
¹ Setback measured property line to property line				



- 1500 ft Sensitive Use Buffer
- 500 ft Residential Zone Buffer
- 300 ft Riparian Buffer
- Cities of Placerville and SLT
- Federal Lands

OR26-0001/Cannabis Ordinance Chapter 130.41 Amendments Residential and Sensitive Use Buffer Map



Staff recommends the Planning Commission forward a recommendation to the Board to take the following actions:

- 1. FIND THE AMENDMENT OF SECTION 130.41.100.4.C EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION(S) 15060(C)(2) AND 15378 OF THE CEQA GUIDELINES; AND**
- 2. APPROVE THE AMENDMENTS OF SECTION 130.41.100.4.C OF TITLE 130 EL DORADO COUNTY ORDINANCE RELATED TO REMOVING THE ABILITY TO REDUCE SETBACKS FOR ANY COMMERCIAL CANNABIS ACTIVITY.**