

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.

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