

PROJECT REPORT

TO: **PLANNING COMMISSION**

AGENDA DATE: November 09, 2022

FROM: **PLANNING & DEVELOPMENT SERVICES**

AGENDA TIME: 9:00am / No.9

CUP #22-0011 (Cultivation), CUP #22-0012 (Manufacturing),
CUP #22-0013 (Virtual Retail) & CUP #22-0014 (Distribution)
PROJECT TYPE: His & Herbs, Inc. Cannabis Production Company SUPERVISOR DIST. 4

LOCATION: 2185 Sunrise Drive APN: 014-041-007 & 004-000
Thermal, CA 92274 PARCEL SIZE: +/-2.07 acres

GENERAL PLAN (existing) Urban (West Shores/Salton City) GENERAL PLAN (proposed) NA

ZONE (existing) M-1 (Light Manufacturing) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 11/09/2022

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIRONMENTAL EVALUATION COMMITTEE DECISION:

HEARING DATE: 08/25/2022

INITIAL STUDY: #22-0019

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
FIRE / OES	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
SHERIFF.	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
OTHER				

IID, Quechan Indian Tribes, CA. Dept. of Transportation

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING AND THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF RECOMMENDS THAT YOU TAKE THE FOLLOWING ACTION:

1. ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED BY THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC) ON AUGUST 25, 2022;
2. MAKE THE DE MINIMIS FINDINGS AS RECOMMENDED AT THE AUGUST 25, 2022 EEC HEARING THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE AN ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE FISH AND GAME CODE; AND
3. APPROVE THE RESOLUTIONS AND SUPPORTING FINDINGS APPROVING CONDITIONAL USE PERMIT #22-0011 (CULTIVATION), SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP AGREEMENT UPON RECEIPT FROM THE APPLICANT
4. APPROVE THE RESOLUTIONS AND SUPPORTING FINDINGS APPROVING CONDITIONAL USE PERMIT #22-0012 (MANUFACTURING), SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP AGREEMENT UPON RECEIPT FROM THE APPLICANT.
5. APPROVE THE RESOLUTIONS AND SUPPORTING FINDINGS APPROVING CONDITIONAL USE PERMIT #22-0013 (VIRTUAL RETAIL), SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP AGREEMENT UPON RECEIPT FROM THE APPLICANT.
6. APPROVE THE RESOLUTIONS AND SUPPORTING FINDINGS APPROVING CONDITIONAL USE PERMIT #22-0014 (DISTRIBUTION), SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP AGREEMENT UPON RECEIPT FROM THE APPLICANT.

STAFF REPORT
Planning Commission
November 09, 2022

Subject:

- A. Conditional Use Permit #22-0011(Cultivation)
- B. Conditional Use Permit #22-0012 (Manufacturing)
- C. Conditional Use Permit #22-0013 (Virtual Retail)
- D. Conditional Use Permit #22-0014 (Distribution)

Project Name: His & Herbs, Inc. Cannabis Production Facility

Applicant: His & Herbs, Inc. Cannabis Production Facility
7918 El Cajon Blvd. N361
La Mesa, CA 91942

Project Location:

The proposed project site is located at 2185 Sunrise Drive in Thermal, CA 92274 and further identified as Lot 9 and 12, Block 11, Tract 570, FM 5 30. It is approximately 2.07 acres and is located on Imperial County Assessor Parcel Numbers 014-041-007 (1.09 acres) and 014-041-004 (.98 acres).

Project Summary:

The proposed project is a 26,250 square foot facility that will house a cultivation and manufacturing site and will also serve as headquarters to a distribution center and virtual retail store. Parking will be located northeast of primary project site at 1385 Bel Air Ave Thermal, CA and will provide forty-seven parking spaces including two spaces reserved for handicap parking. Hours of operation are from 8:00 a.m. to 5 p.m. from Monday to Sunday.

Cultivation of cannabis products will take place over approximately seventy five (75) percent of building area, at 16,757 square feet, with remaining twenty five percent used for cannabis manufacturing, virtual retail, distribution processing, along with employee facilities.

All purchasable cannabis will be sealed in accordance with state law requirements; however, dispensary staff shall have the discretion to make select products available for inspection under supervision. Product storage and storage of all cannabis waste will be placed in a secure waste receptacle or in a secured area on the licensed premise, which will be restricted to licensee, employees and agency providing hauling services. Cannabis waste will be securely stored until collected by hauler authorized to collect and haul cannabis waste within the County.

The proposed project is also subject to an APCD's Odor Control Plan to mitigate any resultant odor from the facility; measures are proposed by insulation and isolation of cannabis-containing rooms. A closed growing environment will keep environmental

conditions contained within a production room, as opposed to an open aeration system that brings in air from outside of the facility. Each room where plants are cultivated is sealed from other rooms. Additionally, the air will be conditioned with humidifiers, dehumidifiers and air conditioning. Continuous carbon scrubbing, consisting of internally active carbon filters, will recycle the air in the grow rooms by circulating internal odorous air with filtered air expected to significantly reduce odors in sealed areas.

The proposed project would be subject to a Security Control plan under the Commercial Cannabis Activity (CCA) license, which would require approval from the County of Imperial Enforcement Agency. Prior to operation, the proposed project would be required to secure an approved CCA license to engage in commercial cannabis activity in California.

For Additional information, please see attached application and project description provided by customer.

Land Use Analysis:

According to the Land Use Element of the Imperial County General Plan, the project site is designated "Manufacturing". It is classified as M-1 (Light Industrial) under the Imperial County Land Use Ordinance (Title 9). The proposed Conditional Use Permit(s) could be determined consistent with the General Plan and the Cannabis Ordinance with an approved Conditional Use Permit.

SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:

DIRECTION	CURRENT LAND USE	ZONIN	GENERAL PLAN
Project Site	Light Industrial	(M-1)	Manufacturing
North	Light Industrial	(M-1)	Manufacturing
South	High-Density Residential	(R-4)	Urban
East	Light Industrial	(M-1)	Manufacturing
West	Light Industrial	(M-1)	Manufacturing

Environmental Review:

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee. The Committee consists of a seven (7) member panel, which are the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. On August 25, 2022, after review by the EEC members, the members recommended a Negative Declaration.

On August 30, 2022 the public notice for the Negative Declaration was filed with the Imperial County Clerk-Recorders and was posted and circulated for a 25-day comment period from 08/30/2022 to 09/26/2022.

Staff Recommendation:

It is recommended that you conduct a public hearing and that you hear all the opponents and proponents of the proposed project. Staff recommends that you take the following action:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environmental Evaluation Committee (EEC) on August 25, 2022; and,
2. Make the De Minimus findings as recommended at the August 25, 2022 EEC hearing that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in section 711.2 of the fish and game code; and,
3. Approve the Resolutions and supporting findings approving Conditional Use Permit #22-0011 (Cultivation), subject to all the conditions and authorize the Planning & Development Services Director to sign the CUP Agreement upon receipt from the Applicant; and,
4. Approve the Resolutions and supporting findings approving Conditional Use Permit #22-0012 (Manufacturing), subject to all the conditions and authorize the Planning & Development Services Director to sign the CUP Agreement upon receipt from the Applicant; and,
5. Approve the Resolutions and supporting findings approving Conditional Use Permit #22-0013 (Virtual Retail), subject to all the conditions and authorize the Planning & Development Services Director to sign the CUP Agreement upon receipt from the Applicant; and,
6. Approve the Resolutions and supporting findings approving Conditional Use Permit #22-0014 (Distribution), subject to all the conditions and authorize the Planning & Development Services Director to sign the CUP Agreement upon receipt from the Applicant.

Prepared By: Victoria Escalante, Planner I



Reviewed By: Michael Abraham, AICP, Assistant Director
Planning & Development Services



Approved By: Jim Minnick, Director
Planning & Development Services

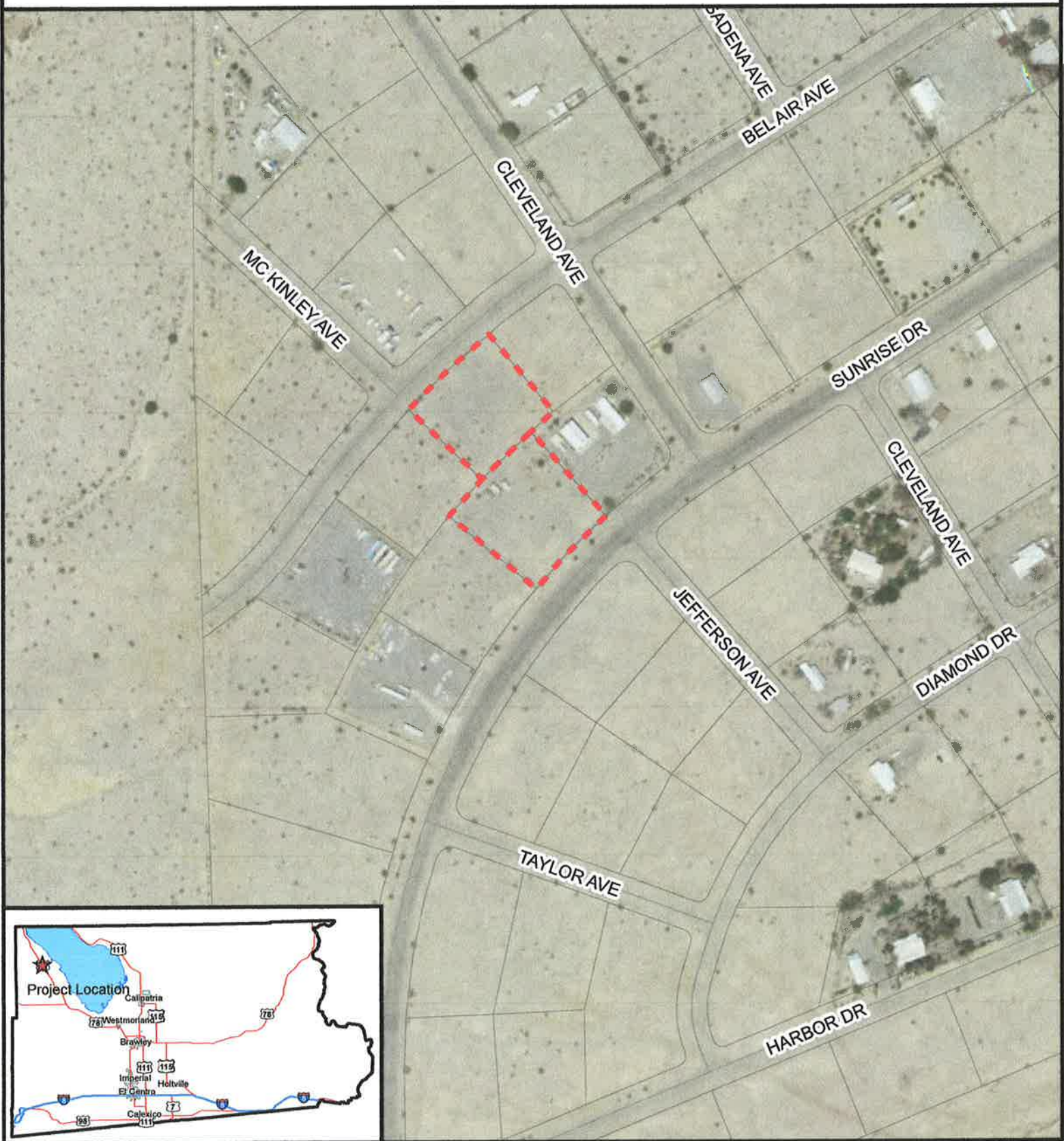


Attachments:

- A. Vicinity Map & Site Plan
- B. CEQA Resolution
- C. Resolution and CUP #22-00011 Conditions of Approval
- D. Resolution and CUP #22-00012 Conditions of Approval
- E. Resolution and CUP #22-00013 Conditions of Approval
- F. Resolution and CUP #22-00014 Conditions of Approval
- G. EEC Package
- H. Comment Letters

Attachment A-
Vicinity Map & Site Plan

PROJECT LOCATION MAP

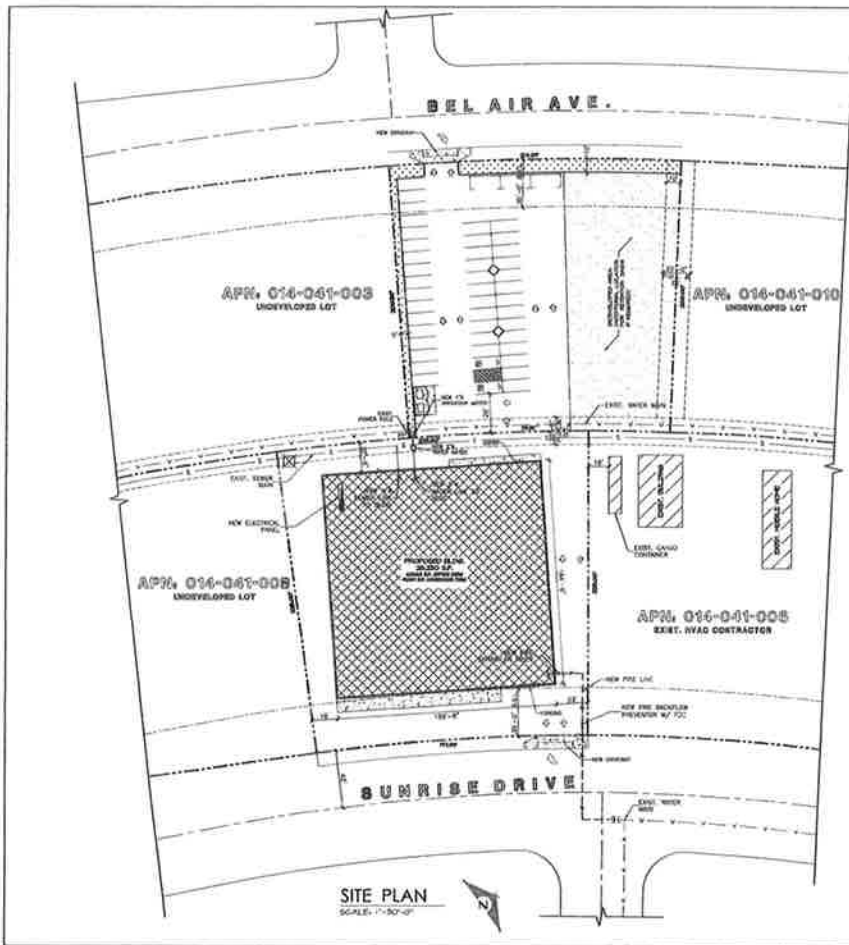


HIS AND HERBS, INC
CUP #22-0011, CUP #22-0012,
CUP #22-0013, CUP #22-0014
APN 014-041-007 & 004

Legend:

- Project Location
- Centerline
- Parcels





PROJECT DATA

PROPERTY OWNER:
 KOWA LLC
 705 S. CALHOUN BLVD. NW
 LA MESA, CA 92042

PROPERTY ADDRESS:
 240 WINDSOR DR
 SALTON CITY, CA 92374

CONTRACTOR/ARCHITECT:
 DARRING CONSTRUCTION INC.
 541 N. GARDEN COURT
 PERRIS, CA 92371

LEGAL DESCRIPTION:
 LOT 12 BLOCK 2 TRACT 270 PH D 30

ASSIGNED PARCELS NO. 4 LOT SIZE:
 04-04-004-000 - 0.88 AC
 04-04-007-000 - 1.04 AC

SITE LEGEND

- NEW CONCRETE AREA
- NEW LANDSCAPE AREA
- NEW PAVEMENT
- EXIST. BUILDING
- NEW EXIST. AREAS
- EXIST. MATERIAL
- ARMORED EDGE OF DEVELOPMENT LINE
- SETBACKS
- PUBLIC UTILITY EASEMENT

PARKING:

PARKING PROVIDED: FUTURE BROWNSHAW STORAGE AREA APPROXIMATELY 18,000 SQ. FT. / 2000 STALLS
 FUTURE OFFICE AREA APPROXIMATELY 8,000 SQ. FT. / 27 - 37 PARKING STALLS

* TOTAL PARKING PROVIDED: 47 PARKING STALLS

PROPERTY BOUNDARY NOTE:
 THIS PROJECT IS TO BE CONSTRUCTED WITHIN THE BOUNDARIES OF THE PLOT AND AN APPROPRIATE AND ASSURANCE. THIS PLAN SHALL NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

PREPARED BY: [Name] DATE: [Date]
 CHECKED BY: [Name] DATE: [Date]
 APPROVED BY: [Name] DATE: [Date]

DUGGINS CONSTRUCTION
 1000 W. GARDEN COURT
 PERRIS, CA 92371
 (951) 221-0444
 www.dugginsconstruction.com

SITE PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 03/27/2021

Attachment B-
CEQA Resolutions

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “NEGATIVE DECLARATION” FOR INITIAL STUDY #22-0019 (CONDITIONAL USE PERMITS #22-0011, #22-0012, #22-0013 & #22-0014)

WHEREAS, on August 12, 2022, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for August 25, 2022; and

WHEREAS, a Negative Declaration & CEQA findings have been prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County’s “Rules and Regulations to Implement CEQA, as Amended”; and

WHEREAS, the Environmental Evaluation Committee recommended to the Planning Commission of the County of Imperial to adopt the Negative Declaration for Initial Study #22-0019 (Conditional Use Permits #22-0011, #22-0012, #22-0013 and #22-0014); and

WHEREAS, the Negative Declaration was circulated for 25 days from August 30, 2022 thru September 26, 2022; and

WHEREAS, the Planning Commission of the County of Imperial has been designated with the responsibility of adoptions and certifications; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other comments by interested parties at a public hearing held with respect to this item on November 9, 2022.

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Conditional Use Permit #22-0011, #22-0012, #22-0013 and #22-0014. The Planning Commission finds and determines that the ND is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) which analyzes the project’s environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct, and valid; and,
2. That the Planning Commission has reviewed the attached ND for Conditional Use Permit #22-0011 and considered the information contained in the ND together with all comments received during the public review period and prior to approving the Conditional Use Permits; and,
3. That the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and.

4. That the ND reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, based on the findings, the Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for Initial Study #22-0019 (Conditional Use Permits #22-0011, #22-0012, #22-0013 and #22-0014).

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 9, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Secretary to the Planning Commission

Attachment C-

CUP #22-0011 (Cultivation)
Resolutions & Agreement

RESOLUTION NO. 2022

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE APPROVAL OF “CONDITIONAL USE PERMIT #22-0011 (CULTIVATION)” FOR THE HIS & HERBS, INC. CANNABIS PRODUCTION FACILITY.

WHEREAS, His & Herbs, Inc. Cannabis Production Company has submitted an application for Conditional Use Permit #22-0011, for a commercial cannabis cultivation facility; and

WHEREAS, an “Negative Declaration (ND)” and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA as Amended”; and

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications of proposed projects; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 9, 2022; and

WHEREAS, on August 25, 2022, the proposed Negative Declaration (ND) was submitted to the County’s Environmental Evaluation Committee (EEC) and the EEC determined the ND to be legally adequate under the California Environmental Quality Act, Section 15070, due to the fact that the Initial Study shows that there are no substantial evidence, in light of the whole record before the EEC that the project would not a significant effect on the environment.

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #22-0011 prior to consideration of approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for the recommending approval of CUP #22-0011 has been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as “Urban” according to the West Shores/Salton City Urban Area Plan. An analysis of the projects’ consistency with the General Plan goals and objectives relevant to the project is provided and considered consistent with the applicable policies. The proposed project is consistent with Board of Supervisors Adopted Ordinance dated November 21, 2017 Title 14 permitting the

commercial operation of cannabis in Imperial County as described in Chapter 14.03 Commercial Cannabis Activities, as defined in section 14.03.040 Retail Sales of the County of Imperial Codified Ordinances.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The Project could be found consistent with the proposed use of the zones it is located within. The purpose of the project is for the operation of a "commercial cannabis retail facility with cultivation, manufacturing and distribution delivery (recreational and medicinal)". This use is permitted within the "M-1" zone. Pursuant to Title 9, Division 4, Chapter 6, Section 90406.05 "Commercial Cannabis Zoning (Conditional Use Permit)," are uses that are permitted in the M-1 zone subject to approval of a CUP from the County.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00.

The proposed cannabis uses are consistent with the definition of Land Use Ordinance, Section 90406.05 with an approved Conditional Use Permit.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Conditions of Approval will insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The Cannabis Production Facility is generally surrounded by land zone industrial to the north, south and west; land zone high density residential is located to the east. The facilities will be constructed and monitored by numerous state and local agencies to insure of any sensitive sensors are not impacted. A security plan to protect the facility and surrounding public will be reviewed and approved by the County. An Odor Abatement Plan will be administered and background checks using live scans will be required.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and State laws. The proposed project will be subject to the Conditional Use Permit and current State and Local regulations.

G. The proposed use is not granting a special privilege.

The proposes Cannabis facilities are permitted uses subject to approval of a Conditional Use Permit (Land Use Ordinance, Section 90406.00) et. seq. and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE OF** Conditional Use Permit #22-0011 (Cultivation), subject to the attached Conditions of Approvals.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 9, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

S:\AllUsers\APN\014\041\007\CANNABIS\CUP22-0011-HIS & HERBS, INC\PC

When Recorded Return To:

Imperial County Planning & Development
Services Department
801 Main Street
El Centro, CA 92243

AGREEMENT FOR CONDITIONAL USE PERMIT #22-0011

Cannabis Cultivation Facility
APN #014-041-007-000 & 014-041-004-000
(His & Herbs, Inc. Cannabis Production Company)
(Approved at the Planning Commission on _____)

This Agreement is made and entered into on this ____ day of _____ 2022, by and between His & Herbs, Inc. Cannabis Production Company (hereinafter referred to as "Permittee" or "Applicant"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the lessee or successor-in-interest of certain land in Imperial County with the proposed cannabis manufacturing facility, at 2185 Sunrise Drive, Thermal, CA, further identified as Assessor Parcel Number 014-041-007-000 and 014-041-004-000, and legally describe as Lots 9 and 12 in Block 11 of Tract 570, in an unincorporated area of the County of Imperial, State of California, as per map recorded in Book 5 page 24 of Final Maps on file in the Office of the County Recorder of Imperial County.

WHEREAS, the land use entitlement for the "His and Herbs, Inc. Cannabis Production Company" ("Project") includes four (4) Conditional Use Permits (CUPs #22-0011 through CUP #22-0014) for the cultivation, manufacturing, distribution and retail sales of cannabis and cannabis products.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0011 (part of an overall Project as described above) for the operation of a cannabis production facility.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0011 (the "Project") for the operation of a cannabis cultivation facility.

WHEREAS, Permittee for the His and Herbs, Inc. Cannabis Production Company Project shall fully comply with all of the terms and conditions of the Project as specified hereinafter within this Conditional Use Permit.

GENERAL CONDITIONS:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

G-1 GENERAL LAWS

The Permittee shall comply with any and all local, state, and federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

G-2 COSTS

The Permittee shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field inspections, enforcement, monitoring, or other activities related to compliance with this permit, County Ordinances, and/or other applicable regulations.

G-3 PERMITS/LICENSES

The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or other approvals for the construction and/or operation of the Project. This shall include, but not be limited to, local requirements by the Imperial County EHS/Health Department, Planning and Development Services Department, Imperial County Air Pollution Control District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works Department, Imperial County Sheriff/Coroner's office, Imperial County Fire Protection/Office of Emergency Services, among others. Permittee shall likewise comply with all such permit requirements. Additionally, Permittee shall submit a copy of such additional permit and/or licenses to the Planning and Development Services Department within thirty (30) days of receipt, including amendments or alternatives thereto, when requested.

G-4 RECORDATION

This permit shall **not be effective** until it is recorded at the Imperial County Records Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least sixty (60) days prior to the original 180-day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

G-5 COMPLIANCE/REVOICATION

Upon the determination by the Planning and Development Services Department, (if necessary upon consultation with other Departments or Agency(ies) that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the PERMIT and the noted violation(s) shall be brought immediately to the attention of the appropriate enforcement agency or to the Planning Commission for hearing to consider

1 appropriate response including but not limited to the revocation of the CUP or to consider
2 possible amendments to the CUP. The hearing before the Planning Commission shall be
3 held upon due notice having been provided to the Permittee and to the public in accordance
4 with established ordinance/policy.

4 **G-6 PROVISION TO RUN WITH LAND**

5 The provisions of this project are to run with the land/project and shall bind the current and
6 future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project.
7 Permittee shall not without prior notification to the Planning and Development Services
8 Department assign, sell, or transfer, or grant control of this Permit or any right or privilege
9 herein. The Permittee shall provide a written notice a minimum of sixty (60) calendar days
10 prior to such proposed transfer becoming effective.

8 **G-7 RIGHT OF ENTRY**

9 The County reserves the right to enter the premises to make the appropriate inspection(s)
10 at any time, announced or unannounced, in order to make appropriate inspection(s) and to
11 determine if the condition(s) of this permit are complied with. Access to authorized
12 enforcement agency personnel shall not be denied.

12 **G-8 TIME LIMIT**

13 Unless otherwise specified within the project specific conditions this project shall be limited
14 to a maximum of (3) three years from the recordation date of the CUP. The CUP may be
15 extended for successive three (3) years by the Planning Director upon a finding by the
16 Planning & Development Services Department that the project is in full and complete
17 compliance with all conditions of the CUP and any applicable land use regulation(s) of the
18 County of Imperial. Unless specified otherwise herein, no conditional use permit shall be
19 extended for more than four (4) consecutive periods. If an extension is necessary or
20 requested beyond fifteen (15) years, the Permittee shall file a written request with the
21 Planning Director for a hearing before the Planning Commission. Such request shall include
22 the appropriate extension fee. An extension shall not be granted if the project is in violation
23 of any one or all of the conditions or if there is a history of non-compliance with the project
24 conditions. This time limit is contingent upon initial and continued compliance with Specific
25 Condition S-14 "State & Local Cannabis Activities License/Permits."

20 **G-9 DEFINITIONS**

21 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s), and/or
22 conditions or sections herein shall be determined by the Planning Commission of the County
23 of Imperial. Their determination shall be final unless an appeal is made to the Board of
24 Supervisors within the required time. In this permit, the term Permittee may also apply to
25 any other facility user whether specified by name herein or not. To the extent that this site
26 may be used by more than one service provider other than the applicant (Permittee), all of
27 the conditions of this permit shall be equally applicable to the other "user(s)" as if they were
28 the "Permittee".

26 **G-10 SPECIFICITY**

27 The issuance of this permit does not authorize the Permittee to construct or operate this
28 project in violation of any state, federal, local law nor beyond the specified boundaries of the
project as shown on the application/project description, nor shall this permit allow any

1 accessory or ancillary use not specified herein. This permit does not provide any
2 prescriptive right or use to the Permittee for future addition and/or modification to this project.
3 The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S")
conditions, and only the use or uses listed shall be deemed as approved by this permit.

4 **G-11 HEALTH HAZARD**

5 If the County Health Officer determines that a significant health hazard exists to the public,
6 the County Health Officer may require appropriate measures and the Permittee shall
7 implement such measures to mitigate the health hazard. If the hazard to the public is
8 determined to be imminent, such measures may be imposed immediately and may include
9 temporary suspension of the subject operations. However, within forty-five (45) days of any
such suspension of operations, the measures imposed by the County Health Officer must
be submitted to the Planning Commission for review and approval. Nothing shall prohibit
Permittee from requesting a special Planning Commission meeting provided Permittee
bears all costs.

10 **G-12 REPORT(S)**

11 Permittee shall file an annual report with the Planning and Development Services
12 Department to show that Permittee is in full compliance with this Conditional Use Permit.
13 The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date)
14 of this permit. It shall be the responsibility of the Permittee to provide all reports and to
include the information about other users. The County may request information at any time
from the Permittee or other users if applicable; however, it shall be the responsibility of the
Permittee to assure that the County receives such information in a timely manner.

15 **G-13 RESPONSIBLE AGENT**

16 Permittee shall maintain on file with the Planning and Development Services Department
17 the name and phone number of the responsible agent for the site. A back-up name shall
18 also be provided, and a phone number for twenty-four (24) hour emergency contact shall
also be on file. If there are other users, the same information (as applicable) required from
the Permittee shall also be made available to the County from such other users.

19 **G-14 INDEMNIFICATION**

20 As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and
21 release the County, its agents, officers, attorneys, and employees from any claim, action, or
22 proceeding brought against any of them, the purpose of which is to attack, set aside, void,
23 or annul the Permit or adoption of the environmental document which accompanies it. This
indemnification obligation shall include, but not be limited to, damages, costs, expenses,
attorney's fees, or expert witness fees that may be asserted by any person or entity,
24 including the Permittee, arising out of or in connection with the approval of this Permit,
whether or not there is concurrent, passive or active negligence on the part of the County,
its agents, officers, attorneys, or employees.

25 **G-15 CHANGE OF OWNER/OPERATOR**

26 In the event the ownership of the site or the facilities or the operation of the site transfers
27 from the current Permittee to a new successor Permittee, the successor Permittee shall be
28 bound by all terms and conditions of this permit as if said successor was the original

1 Permittee. Current Permittee shall inform the County Planning and Development Services
2 Department in writing at least sixty (60) calendar days prior to any such transfer. Failure of
3 a notice of change of ownership or change of operator shall be grounds for the immediate
4 revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the
5 Planning and Development Services Department via Certified Mail, a letter stating that they
6 are fully aware of all conditions and acknowledge that they will adhere to all conditions and/or
7 regulations. If this permit or any subservient or associated permit requires financial surety,
8 the transfer of this permit shall not be effective until the new Permittee has the requisite
9 surety on file. Furthermore, the existing surety shall not be released until a replacement
10 surety is accepted by County Counsel's office.

7 **G-16 MINOR AMENDMENTS**

8 The Planning Director may approve minor changes or administrative extensions, as
9 requested in writing by the Permittee, provided it does not result in additional environmental
10 impacts and/or are generally procedural or technical and/or which may be necessary to
11 comply with other government permit compliance requirements.

11 **G-17 CONDITION PRIORITY**

12 This project shall be constructed and operated as described in the Conditional Use Permit
13 application, the Environmental Assessment, the project description, and as specified in
14 these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall
15 govern and take precedence.

14 **G-18 SEVERABILITY**

15 Should any condition(s) of this permit be determined by a Court or other agency with proper
16 jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining
17 provision(s) of this permit.

17 **G-19 WATER AND SEWER**

18 Permittee shall provide water and sewer to Federal, State and County standards. Water
19 and sewer systems shall be approved by the Environmental Health Services and the
20 Planning and Development Services Department.

20 **G-20 COMMENCEMENT OF WORK**

21 No commencement of work until all conditions pursuant to the CUP has been satisfied.
22 Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to
23 the Planning Director prior to commencement.

23 **G-21 FIRE PROTECTION**

24 Permittee shall provide an adequate fire protection system and accessibility to the site in
25 accordance with the National Fire Protection Act (NFPA), California Fire Code, and County
26 Fire Department standards. This shall include all requirements by the Imperial County Fire
27 Department regarding fire protection water storage and access roads. Additionally
28 Permittee shall provide to Imperial County Fire Department a plot plan, drawn to scale
indicating the exact location and size of the water storage tanks and the access roads.

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G-22 INSURANCE

The Permittee shall take out and maintain workers compensation insurance as required by the State of California. The Permittee shall also secure liability insurance and such other insurance as required by state and/or federal law. A Certificate of Insurance is to be provided to the Planning/Building Department by the insurance carrier, and said insurance and certificate shall be kept current for the life of the project. Certificates of Insurance shall be sent directly to the Planning/Building Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

(Total "G" Conditions are 22)

(The balance of this page was intentionally left blank)

SPECIFIC CONDITIONS:**S-1 PROJECT DESCRIPTION**

The Permittee may construct and operate the following facilities in compliance with the Conditional Use Permit, the County's General Plan's Land Use Element, Land Use Ordinance, and all other applicable local, state, and federal laws, ordinances, regulations and standards (LORS), to include any other permits which are incorporated herein by reference:

1. The operation of cannabis cultivation.
2. Maintenance of the facility's water system and storm-water retention basin system to contain on-site storm-water flows and storm-water detention basin system for management of off-site storm-water flows shall be as approved by the Imperial County Public Works Department and the Regional Water Quality Control Board;
3. A fire protection system that meets the requirements of the Imperial County Fire/OES Department.

S-2 AESTHETICS

Permittee shall install a minimum six (6) foot perimeter fence and landscaping at the public roadway frontage. The fence shall be comprised of an approved material such as chain link. The perimeter fencing and landscaping will need design approval from the County prior to installation and Permittee is responsible for maintaining the fence.

An on-site parking plan shall be prepared with county approved landscaping requirements.

S-3 SOLID WASTE DISPOSAL

Permittee shall not dispose of any solid waste on-site and all solid waste shall be removed from the site and deposited in an approved solid waste site.

S-4 LIGHT & GLARE

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

S-5 LATEST CODES GOVERN

All on-site structures shall be designed and built to meet the latest edition of the applicable codes.

S-6 FIRE PROTECTION

1. An approved water supply capable of supplying the required fire flow determined by appendix B of the California Fire Code.
2. All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
3. All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
4. All cannabis facilities shall have an approved automatic smoke removal system installed and maintained to the current adapted fire code and regulations.

- 1 5. Gates and Fire Department access will be in accordance with the current adapted fire
- 2 code and the facility will maintain a Knox Box for access on site.
- 3 6. Compliance with all required sections of the fire code.
- 4 7. Additional requirements may be mandated for cultivation and manufacturing
- 5 processes.
- 6 8. Imperial County Fire Department reserves the right to comment and request
- 7 additional requirements pertaining to this project regarding fire and life safety
- 8 measures, California Building and Fire Code, and National Fire Protection
- 9 Association standards at a later time, as we see necessary.¹

7 **S-7 SECURITY PLAN**

8 A Security Plan providing 24-hour protection, including but not limited to, electronic
9 surveillance and alarm measures, structural (interior and exterior) lighting, perimeter
10 fencing. 24 hours surveillance by licensed Security Officers will be required. The Security
11 Plan will require approval by the County.

10 **S-8 PERMITTED USE OF PROPERTY**

11 This Permit authorizes the use of the identified project site as a cannabis cultivation facility.
12 All permitted Cannabis Activities within this project site shall be subject to the provisions of
13 Title 9 Chapter 90406.00 regardless of whether the use existed or occurred prior to adoption
14 of this Chapter. Commercial cannabis activities are allowed on Light Industrial zoned lands
15 (M-1) with an approved Conditional Use Permit approved by the Planning Commission.

14 **S-9 AIR POLLUTION CONTROL DISTRICT**

15 Imperial County Ordinance 14.03.080 (F) states “an odor control plan providing air
16 treatment/filtration systems to eliminate the cannabis operation detection from outside the
17 facility shall be submitted for county of Imperial Air Pollution Control District (APCD)”. The
18 applicant does not discuss any Odor Control Plan (OCP) in any of the CUP documents.
19 While the applicant has submitted an OCP with CCA #22-0004, 0005, 0006, and 0007, the
20 Air District would also like to be formally request a site visit as part of the final OCP
21 verification to be completed before a Certificate of Occupancy is provided. The Air District
22 would like to remind the applicant that depending on the type and size of equipment used
23 within the facility the Air District may require a permit. In general, generators and equipment
24 with engines greater than 50 horsepower require permits, however, the Air District
25 recommends contacting the Engineering and Permitting Division directly for assistance with
26 all permitting requirements².

22 **S-10 PUBLIC WORKS**

- 23 1. This project includes several properties with proposed improvements constructed
- 24 across the property lines. The Applicant/Developer shall execute and record a “lot tie
- 25 agreement” which will bind all of the several properties together for the duration of
- 26 the project life. The “lot tie agreement” shall be executed and recorded prior to
- 27 issuance of any building or grading permits.
- 28 2. Applicant for encroachment permits within Imperial County right-of-way, grading
- plans and/or improvement plans is responsible for researching, protecting, and
- preserving survey monuments per the Professional Land Surveyor’s Act (8771 (b)).
- This shall include a copy of the referenced survey map and tie card(s) (if applicable)
- for all monuments that may be impacted.

- 1 3. The Applicant shall furnish a fully Engineered Drainage and Grading Plan to provide
2 for property grading and drainage control, which shall also include prevention of
3 sedimentation of damage to off-site properties. Said plan shall be completed per
4 *County of Imperial Department of Public Works Engineering Design Guidelines*
5 *Manual for the Preparation and Checking of Street Improvement, Drainage, and*
6 *Grading Plans within Imperial County.* The Study/Plan shall be submitted to the
7 Department of Public Works for review and approval. The applicant shall implement
8 the approved plan. Employment of the appropriate Best Management Practices
9 (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter
10 12.10.020 B)
- 11 4. Section 12.10.020 – Street Improvements Requirements of Imperial County
12 Ordinance:
 - 13 a. Street improvements shall be required in conjunction with, but not limited to,
14 any construction, grading, or related work, including the construction of
15 structures, buildings, or major additions thereto, on property located adjacent
16 to any county street or on property utilizing any county street for ingress and
17 egress.
 - 18 b. For the purpose of establishing proper standards, specification and directions
19 for design and construction of any road, or other land division improvements
20 required to be constructed in the unincorporated territory of Imperial County,
21 the document entitled “Engineering Design Guidelines Manual for the
22 Preparation and Checking of Street Improvement, Drainage, and Grading
23 Plans within Imperial County” revision dated September 15, 2008, is hereby
24 adopted and made a part of this division by reference, three copies of which
25 are on file in the office of the clerk of the board of supervisors and for use and
26 examination by the public. Copies of the manual can also be found at the
27 Imperial County Department of Public Works.
- 28 5. Bel Air Ave and Sunrise Drive along property frontage shall require street
improvements per Section 12.10.020 – Street Improvement Requirements of Imperial
County Ordinance.
6. Any activity and/or work within Imperial County right-of-way shall be completed under
a permit issued by this Department (encroachment permit) as per Chapter 12.12 –
EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County Ordinance.
 - a. Any activity and/or work may include, but not be limited to, the installation of
stabilized construction entrances, street improvements (i.e. curb, gutter,
sidewalks, driveways, paving), site fence installation, underground/overhead
electrical crossings, road repairs, water and sewer connections, temporary
traffic control, etc.
7. Prior to the issuance of grading and building permits, the contactor shall complete the
installation of temporary stabilized construction entrances.
Section 12.10.030 – Building Permits of Imperial County Ordinance.
8. No building permit for any structure or building or major addition to a building or
structure shall be issued until the improvements required by Section 12.10.010 of this
chapter have been installed. In addition, no building permit shall be issued until there
has been compliance with Chapter 12.12 of this title and the requirement that an
encroachment permit be obtained.

- 1 9. All off-site improvements within Imperial County right-of-way shall be financially
2 secured by either a road improvement bond or letter of credit prior to issuance of a
grading permit, building permit, and encroachment permit.
- 3 10. Applicant shall complete a Traffic Report and submit it to this Department for review
4 and approval. Traffic Report shall be per the County Traffic Study and Report Policy,
and it will be used to determine whether a complete Traffic Impact Study is deemed
5 necessary.
- 6 11. The Applicant will be required to repair any damages caused to County roads by
construction traffic during construction and maintain them in safe conditions.
- 7 12. The project may require a National Pollutant Discharge Elimination System (NPDES)
8 permit and Notice of Intent (NOI) from the Regional Water Quality Control Board
(RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
- 9 13. A Transportation Permit may be required from road agency(s) having jurisdiction over
10 the haul route(s) for any hauls of heavy equipment and/or large vehicles which
impose greater than legal loads on riding surfaces, including bridges. (Per Imperial
11 County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND
LOADS).
- 12 14. The project may require a National Pollutant Discharge Elimination System (NPDES)
13 permit and Notice of Intent (NOI) from the Regional Water Quality Control Board
(RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
- 14 15. A Transportation Permit may be required from road agency(s) having jurisdiction over
15 the haul route(s) for any hauls of heavy equipment and/or large vehicles which
impose greater than legal loads on riding surfaces, including bridges. (Per Imperial
16 County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND
LOADS.)
- 17 16. Applicant shall comply with Chapter 8.72A – Mandatory Organic Waste Disposal
18 Reduction Program of Imperial County Ordinance.
- 19 17. Effective September 15, 2020, the State's Mandatory Organic Waste Recycling Law
(AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring all
20 businesses and multi-dwelling facilities of 5 units or more generating two (2) cubic
yards or more of solid waste per week to recycle their organic waste including
21 landscape waste, wood waste, and food waste. Information about possible organics
waste recycling services can be found at the CalRecycle website.

22 **S-11 IMPERIAL IRRIGATION DISTRICT**

- 23 1. For electrical service, the applicant should be advised to contact Gabriel Ramirez, IID
24 Customer Project Development offices at (760) 339-9257 or e-mail Mr. Ramirez to
initiate the customer service application process. In addition to submitting a formal
25 application, the applicant will be required to submit a complete set of approved project
plans by the County of Imperial (including AutoCAD files), project schedule, estimated
26 in-service date, electrical one-line diagram, electrical loads and panel schedules,
electrical panel specifications (size, voltage and location) and the applicable fees,
27 permits, easements and environmental compliance documentation pertaining to the
provision of temporary and permanent electrical service to the project. The applicants
shall be responsible for all costs and mitigations measures related to providing
28 electrical service to the project.
2. Electrical capacity is limited in the project area and a circuit study may be required.
Any system Improvements or mitigation identified in the circuit study to enable the

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provision of electrical service to the project shall be the financial responsibility of the applicant.

- 3. Any construction or operation on IID property or within its existing and proposed right of way or easements including by not limited to: surface improvement such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit applicant and instructions for its completion are available at the IID website. The district Real Estate Section should be contacted at (760)339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID’s right of way.
- 4. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can included but is not limited to electrical utility substations electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project’s CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project postponement⁶.

S-12 California Department of Transportation

1. Traffic Impact Study

- a) A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) may be needed for this project. Please use the California Governor’s Office of Planning and Research December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA guidance to identify VMT related impacts. Or please provide justification on VMT exemption.
- b) The TIS may also need to identify the proposed project’s near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

2. Hauling

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code.

3. Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans’ Right-of-Way (R/W) through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the ND, or MND that Caltrans will use for our subsequent environmental compliance.

- 1 4. An encroachment permit will be required for any work within the Caltrans' R/W prior
2 to construction. As part of the encroachment permit process, the applicant must
3 provide approved final environmental documents for this project, corresponding
4 technical studies, and necessary regulatory and resource agency permits.
5 Specifically, CEQA determination or exemption. The supporting documents must
6 address all environmental impacts within the Caltrans' R/W and address any impacts
7 from avoidance and/or mitigation measures.
- 8 5. It is recommended that this project specifically identifies and assesses potential
9 impacts caused by the project or impacts from mitigation efforts that occur within
10 Caltrans' R/W that includes impacts to the natural environment, infrastructure
11 including but not limited to highways, roadways, structures, intelligent transportation
12 systems elements, on-ramps and off-ramps, and appurtenant features including but
13 not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans
14 is interested in any additional mitigation measures identified for the project's draft
15 Environmental Document.
- 16 6. Mitigation
17 Caltrans endeavors that any direct and cumulative impacts to the State Highway
18 network be eliminated or reduced to a level of insignificance pursuant to the CEQA
19 and National Environmental Policy Act standards.⁴

20 **S-13 Imperial County Sheriff's Office**

21 County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement
22 agreement for direct police and fire protection services whereas for each call made to the
23 project site for such public safety services that the project is responsible for reimbursing the
24 County of Imperial. Such agreement can be created using a "Contract Cities Service Rate"
25 for both police (Sheriff) and fire protection services. County of Imperial require His & Herbs,
26 Inc., to enter into a specific cost reimbursement agreement for direct judicial and prosecutor
27 services whereas if a person(s) are tried in a court of law for potential crimes at the project
28 site, that the project itself is required to reimburse the County for such cost.⁷

29 **S-14 State and Local Cannabis Activities Permits**

30 The cannabis production facility will require activation of an Imperial County Commercial
31 Cannabis activities permit/license in conjunction with the issuance of a State of California
32 License/Permit for a cannabis cultivation license. These license/permits must be approved
33 before any cannabis cultivation activities are allowed. If the cannabis cultivation
34 License/Permit is terminated, suspended or withdrawn, all activities allowed in this permit
35 will be suspended and the County will commence revocation process pursuant to General
36 Condition G-8.

37 (Total "S" Conditions are 14)

38 Imperial County Fire Dept, letter dated August 11, 2022
APCD email dated September 26, 2022
Quechan Indian Tribe email dated May 25, 2022 and August 31, 2022
California Department of Transportation letter dated August 24, 2022

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I.C. Public Works letter dated September 8, 2022
IID letter dated May 25, 2022, August 4, 2022 and August 31, 2022
I.C. Sheriff's Office letter dated

NOW THEREFORE, County hereby approves Conditional Use Permit #22-0011 (Cultivation) and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

By: _____ Date _____
Sattah Pattah
His & Herbs, Inc.
Cannabis Production Company

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: _____ Date _____
JAMES A. MINNICK, Director
Imperial County Planning & Development Services

FOR PERMITTEES NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL} S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

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FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL} S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

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Attachment D-

**CUP #22-0012 (Manufacturing)
Resolutions & Agreement**

RESOLUTION NO. 2022

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE APPROVAL OF “CONDITIONAL USE PERMIT #22-0012 (MANUFACTURING)” FOR THE HIS & HERBS, INC. CANNABIS PRODUCTION FACILITY.

WHEREAS, His & Herbs, Inc. Cannabis Production Company has submitted an application for Conditional Use Permit #22-0012, for a commercial cannabis manufacturing facility; and

WHEREAS, an “Negative Declaration (ND)” and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA as Amended”; and

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications of proposed projects; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 9, 2022; and

WHEREAS, on August 25, 2022, the proposed Negative Declaration was submitted to the County’s Environmental Evaluation Committee (EEC) and EEC determined the ND to be legally adequate under the California Environmental Quality Act, Section 15070, due to the fact that the Initial Study shows that there are no substantial evidence, in light of the whole record before the EEC that the project would not a significant effect on the environment.

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #22-0012 prior to consideration of approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for the recommending approval of CUP #22-0012 has been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as “Urban” according to the West Shores/Salton City Urban Area Plan. An analysis of the projects’ consistency with the General Plan goals and objectives relevant to the project is provided and considered consistent with the applicable policies. The proposed project is consistent with Board of Supervisors Adopted Ordinance dated November 21, 2017 Title 14 permitting the

commercial operation of cannabis in Imperial County as described in Chapter 14.03 Commercial Cannabis Activities, as defined in section 14.03.040 Retail Sales of the County of Imperial Codified Ordinances.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The Project could be found consistent with the proposed use of the zones it is located within. The purpose of the project is for the operation of a "commercial cannabis retail facility with cultivation, manufacturing and distribution delivery (recreational and medicinal)". This use is permitted within the "M-1" zone. Pursuant to Title 9, Division 4, Chapter 6, Section 90406.05 "Commercial Cannabis Zoning (Conditional Use Permit)," are uses that are permitted in the M-1 zone subject to approval of a CUP from the County.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00.

The proposed cannabis uses are consistent with the definition of Land Use Ordinance, Section 90406.05 with an approved Conditional Use Permit.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Conditions of Approval will insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The Cannabis Production Facility is generally surrounded by land zone industrial to the north, south and west; land zone high density residential is located to the east. The facilities will be constructed and monitored by numerous state and local agencies to insure of any sensitive sensors are not impacted. A security plan to protect the facility and surrounding public will be reviewed and approved by the County. An Odor Abatement Plan will be administered and background checks using live scans will be required.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and State laws. The proposed project will be subject to the Conditional Use Permit and current State and Local regulations.

G. The proposed use is not granting a special privilege.

The proposes Cannabis facilities are permitted uses subject to approval of a Conditional Use Permit (Land Use Ordinance, Section 90406.00) et. seq. and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE OF** Conditional Use Permit #22-0012 (Manufacturing), subject to the attached Conditions of Approvals.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 9, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

S:\AllUsers\APN\014\041\007\CANNABIS\CUP22-0012-HIS & HERBS, INC

When Recorded Return To:

Imperial County Planning & Development
Services Department
801 Main Street
El Centro, CA 92243

AGREEMENT FOR CONDITIONAL USE PERMIT #22-0012

Cannabis Manufacturing Facility
APN #014-041-007-000 & 014-041-004-000
(His & Herbs, Inc. Cannabis Production Company)
(Approved at the Planning Commission on _____)

This Agreement is made and entered into on this ____ day of _____ 2022, by and between His & Herbs, Inc. Cannabis Production Company (hereinafter referred to as "Permittee" or "Applicant"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the lessee or successor-in-interest of certain land in Imperial County with the proposed cannabis manufacturing facility, at 2185 Sunrise Drive, Thermal, CA, further identified as Assessor Parcel Number 014-041-007-000 and 014-041-004-000, and legally describe as Lots 9 and 12 in Block 11 of Tract 570, in an unincorporated area of the County of Imperial, State of California, as per map recorded in Book 5 page 24 of Final Maps on file in the Office of the County Recorder of Imperial County.

WHEREAS, the land use entitlement for the "His and Herbs, Inc. Cannabis Production Company" ("Project") includes four (4) Conditional Use Permits (CUPs #22-0011 through CUP #22-0014) for the cultivation, manufacturing, distribution and retail sales of cannabis and cannabis products.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0012 (part of an overall Project as described above) for the operation of a cannabis production facility.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0012 (the "Project") for the operation of a cannabis manufacturing facility.

WHEREAS, The Permittee for the His and Herbs, Inc. Cannabis Production Company Project shall fully comply with all of the terms and conditions of the Project as specified hereinafter within this Conditional Use Permit.

1
2 **GENERAL CONDITIONS:**

3 *The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that*
4 *are either routinely and commonly included in all Conditional Use permits as "standardized"*
5 *conditions and/or are conditions that the Imperial County Planning Commission has established as*
a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that
the General Conditions are as applicable as the SITE SPECIFIC conditions!

6 **G-1 GENERAL LAWS**

7 The Permittee shall comply with any and all local, state, and federal laws, rules, regulations,
8 ordinances, and/or standards as they may pertain to this project whether specified herein or
not.

9 **G-2 COSTS**

10 The Permittee shall pay any and all amounts as determined by the County to defray all costs
11 for the review of reports, field inspections, enforcement, monitoring, or other activities related
to compliance with this permit, County Ordinances, and/or other applicable regulations.

12 **G-3 PERMITS/LICENSES**

13 The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or
14 other approvals for the construction and/or operation of the Project. This shall include, but
not be limited to, local requirements by the Imperial County EHS/Health Department,
15 Planning and Development Services Department, Imperial County Air Pollution Control
District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works
16 Department, Imperial County Sheriff/Coroner's office, Imperial County Fire Protection/Office
of Emergency Services, among others. Permittee shall likewise comply with all such permit
17 requirements. Additionally, Permittee shall submit a copy of such additional permit and/or
licenses to the Planning and Development Services Department within thirty (30) days of
18 receipt, including amendments or alternatives thereto, when requested.

19 **G-4 RECORDATION**

20 This permit shall **not be effective** until it is recorded at the Imperial County Recorders Office,
and payment of the recordation fee shall be the responsibility of the Permittee. If the
21 Permittee fails to pay the recordation fee within six (6) months from the date of approval,
and/or this permit is not recorded within 180 days from the date of approval, this permit shall
22 be deemed null and void, without notice having to be provided to Permittee. Permittee may
request a written extension by filing such a request with the Planning Director at least sixty
23 (60) days prior to the original 180-day expiration. The Director may approve an extension
for a period not to exceed 180 days. An extension may not be granted if the request for an
24 extension is filed after the expiration date.

25 **G-5 COMPLIANCE/REVOCAION**

26 Upon the determination by the Planning and Development Services Department, (if
27 necessary upon consultation with other Departments or Agency(ies) that the project is or
may not be in full compliance with any one or all of the conditions of this Conditional Use
28 Permit, or upon the finding that the project is creating a nuisance as defined by law, the
PERMIT and the noted violation(s) shall be brought immediately to the attention of the

1 appropriate enforcement agency or to the Planning Commission for hearing to consider
2 appropriate response including but not limited to the revocation of the CUP or to consider
3 possible amendments to the CUP. The hearing before the Planning Commission shall be
4 held upon due notice having been provided to the Permittee and to the public in accordance
5 with established ordinance/policy.

6 **G-6 PROVISION TO RUN WITH LAND**

7 The provisions of this project are to run with the land/project and shall bind the current and
8 future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project.
9 Permittee shall not without prior notification to the Planning and Development Services
10 Department assign, sell, or transfer, or grant control of this Permit or any right or privilege
11 herein. The Permittee shall provide a written notice a minimum of sixty (60) calendar days
12 prior to such proposed transfer becoming effective.

13 **G-7 RIGHT OF ENTRY**

14 The County reserves the right to enter the premises to make the appropriate inspection(s)
15 at any time, announced or unannounced, in order to make appropriate inspection(s) and to
16 determine if the condition(s) of this permit are complied with. Access to authorized
17 enforcement agency personnel shall not be denied.

18 **G-8 TIME LIMIT**

19 Unless otherwise specified within the project specific conditions this project shall be limited
20 to a maximum of (3) three years from the recordation date of the CUP. The CUP may be
21 extended for successive three (3) years by the Planning Director upon a finding by the
22 Planning & Development Services Department that the project is in full and complete
23 compliance with all conditions of the CUP and any applicable land use regulation(s) of the
24 County of Imperial. Unless specified otherwise herein, no conditional use permit shall be
25 extended for more than four (4) consecutive periods. If an extension is necessary or
26 requested beyond fifteen (15) years, the Permittee shall file a written request with the
27 Planning Director for a hearing before the Planning Commission. Such request shall include
28 the appropriate extension fee. An extension shall not be granted if the project is in violation
of any one or all of the conditions or if there is a history of non-compliance with the project
conditions. This time limit is contingent upon initial and continued compliance with Specific
Condition S-14 "State & Local Cannabis Activities License/Permits.

21 **G-9 DEFINITIONS**

22 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s), and/or
23 conditions or sections herein shall be determined by the Planning Commission of the County
24 of Imperial. Their determination shall be final unless an appeal is made to the Board of
25 Supervisors within the required time. In this permit, the term Permittee may also apply to
26 any other facility user whether specified by name herein or not. To the extent that this site
27 may be used by more than one service provider other than the applicant (Permittee), all of
28 the conditions of this permit shall be equally applicable to the other "user(s)" as if they were
the "Permittee".

G-10 SPECIFICITY

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown on the application/project description, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project. The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions, and only the use or uses listed shall be deemed as approved by this permit.

G-11 HEALTH HAZARD

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-12 REPORT(S)

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of this permit. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-13 RESPONSIBLE AGENT

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-14 INDEMNIFICATION

As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Permit or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this Permit, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

G-15 CHANGE OF OWNER/OPERATOR

In the event the ownership of the site or the facilities or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least sixty (60) calendar days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Planning and Development Services Department via Certified Mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all conditions and/or regulations. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Permittee has the requisite surety on file. Furthermore, the existing surety shall not be released until a replacement surety is accepted by County Counsel's office.

G-16 MINOR AMENDMENTS

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

G-17 CONDITION PRIORITY

This project shall be constructed and operated as described in the Conditional Use Permit application, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

G-18 SEVERABILITY

Should any condition(s) of this permit be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this permit.

G-19 WATER AND SEWER

Permittee shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning and Development Services Department.

G-20 COMMENCEMENT OF WORK

No commencement of work until all conditions pursuant to the CUP has been satisfied. Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to the Planning Director prior to commencement.

G-21 FIRE PROTECTION

Permittee shall provide an adequate fire protection system and accessibility to the site in accordance with the National Fire Protection Act (NFPA), California Fire Code, and County Fire Department standards. This shall include all requirements by the Imperial County Fire Department regarding fire protection water storage and access roads. Additionally

1 Permittee shall provide to Imperial County Fire Department a plot plan, drawn to scale
2 indicating the exact location and size of the water storage tanks and the access roads.

3 **G-22 INSURANCE**

4 The Permittee shall take out and maintain workers compensation insurance as required by
5 the State of California. The Permittee shall also secure liability insurance and such other
6 insurance as required by state and/or federal law. A Certificate of Insurance is to be provided
7 to the Planning/Building Department by the insurance carrier, and said insurance and
8 certificate shall be kept current for the life of the project. Certificates of Insurance shall be
9 sent directly to the Planning/Building Department by the insurance carrier and shall name
10 the Department as a recipient of both renewal and cancellation notices.

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12 (Total "G" Conditions are 22)

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SPECIFIC CONDITIONS:**S-1 PROJECT DESCRIPTION**

The Permittee may construct and operate the following facilities in compliance with the Conditional Use Permit, the County's General Plan's Land Use Element, Land Use Ordinance, and all other applicable local, state, and federal laws, ordinances, regulations and standards (LORS), to include any other permits which are incorporated herein by reference:

1. The operation of cannabis manufacturing.
2. Maintenance of the facility's water system and storm-water retention basin system to contain on-site storm-water flows and storm-water detention basin system for management of off-site storm-water flows shall be as approved by the Imperial County Public Works Department and the Regional Water Quality Control Board;
3. A fire protection system that meets the requirements of the Imperial County Fire/OES Department.

S-2 AESTHETICS

Permittee shall install a minimum six (6) foot perimeter fence and landscaping at the public roadway frontage. The fence shall be comprised of an approved material such as chain link. The perimeter fencing and landscaping will need design approval from the County prior to installation and Permittee is responsible for maintaining the fence.

An on-site parking plan shall be prepared with county approved landscaping requirements.

S-3 SOLID WASTE DISPOSAL

Permittee shall not dispose of any solid waste on-site and all solid waste shall be removed from the site and deposited in an approved solid waste site.

S-4 LIGHT & GLARE

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

S-5 LATEST CODES GOVERN

All on-site structures shall be designed and built to meet the latest edition of the applicable codes.

S-6 FIRE PROTECTION

1. An approved water supply capable of supplying the required fire flow determined by appendix B of the California Fire Code.
2. All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
3. All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
4. All cannabis facilities shall have an approved automatic smoke removal system installed and maintained to the current adapted fire code and regulations.

- 1 5. Gates and Fire Department access will be in accordance with the current adapted fire
- 2 code and the facility will maintain a Knox Box for access on site.
- 3 6. Compliance with all required sections of the fire code.
- 4 7. Additional requirements may be mandated for cultivation and manufacturing
- 5 processes.
- 6 8. Imperial County Fire Department reserves the right to comment and request
- 7 additional requirements pertaining to this project regarding fire and life safety
- 8 measures, California Building and Fire Code, and National Fire Protection
- 9 Association standards at a later time, as we see necessary.¹

7 **S-7 SECURITY PLAN**

8 A Security Plan providing 24-hour protection, including but not limited to, electronic
9 surveillance and alarm measures, structural (interior and exterior) lighting, perimeter
10 fencing. 24 hours surveillance by licensed Security Officers will be required. The Security
11 Plan will require approval by the County.

10 **S-8 PERMITTED USE OF PROPERTY**

11 This Permit authorizes the use of the identified project site as a cannabis production facility.
12 All permitted Cannabis Activities within this project site shall be subject to the provisions of
13 Title 9 Chapter 90406.00 regardless of whether the use existed or occurred prior to adoption
14 of this Chapter. Commercial cannabis activities are allowed on Light Industrial zoned lands
15 (M-1) with an approved Conditional Use Permit approved by the Planning Commission.

14 **S-9 AIR POLLUTION CONTROL DISTRICT**

15 Imperial County Ordinance 14.03.080 (F) states “an odor control plan providing air
16 treatment/filtration systems to eliminate the cannabis operation detection from outside the
17 facility shall be submitted for county of Imperial Air Pollution Control District (APCD)”. The
18 applicant does not discuss any Odor Control Plan (OCP) in any of the CUP documents.
19 While the applicant has submitted an OCP with CCA #22-0004, 0005, 0006, and 0007, the
20 Air District would also like to be formally request a site visit as part of the final OCP
21 verification to be completed before a Certificate of Occupancy is provided.

22 The Air District would like to remind the applicant that depending on the type and size of
23 equipment used within the facility the Air District may require a permit. In general, generators
24 and equipment with engines greater than 50 horsepower require permits, however, the Air
25 District recommends contacting the Engineering and Permitting Division directly for
26 assistance with all permitting requirements².

22 **S-10 PUBLIC WORKS**

- 23 1. This project includes several properties with proposed improvements constructed
24 across the property lines. The Applicant/Developer shall execute and record a “lot tie
25 agreement” which will bind all of the several properties together for the duration of
26 the project life. The “lot tie agreement” shall be executed and recorded prior to
27 issuance of any building or grading permits.
- 28 2. Applicant for encroachment permits within Imperial County right-of-way, grading
plans and/or improvement plans is responsible for researching, protecting, and
preserving survey monuments per the Professional Land Surveyor’s Act (8771 (b)).
This shall include a copy of the referenced survey map and tie card(s) (if applicable)
for all monuments that may be impacted.

- 1 3. The Applicant shall furnish a fully Engineered Drainage and Grading Plan to provide
2 for property grading and drainage control, which shall also include prevention of
3 sedimentation of damage to off-site properties. Said plan shall be completed per
4 *County of Imperial Department of Public Works Engineering Design Guidelines*
5 *Manual for the Preparation and Checking of Street Improvement, Drainage, and*
6 *Grading Plans within Imperial County.* The Study/Plan shall be submitted to the
7 Department of Public Works for review and approval. The applicant shall implement
8 the approved plan. Employment of the appropriate Best Management Practices
9 (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter
10 12.10.020 B)
- 11 4. Section 12.10.020 – Street Improvements Requirements of Imperial County
12 Ordinance:
 - 13 a. Street improvements shall be required in conjunction with, but not limited to,
14 any construction, grading, or related work, including the construction of
15 structures, buildings, or major additions thereto, on property located adjacent
16 to any county street or on property utilizing any county street for ingress and
17 egress.
 - 18 b. For the purpose of establishing proper standards, specification and directions
19 for design and construction of any road, or other land division improvements
20 required to be constructed in the unincorporated territory of Imperial County,
21 the document entitled “Engineering Design Guidelines Manual for the
22 Preparation and Checking of Street Improvement, Drainage, and Grading
23 Plans within Imperial County” revision dated September 15, 2008, is hereby
24 adopted and made a part of this division by reference, three copies of which
25 are on file in the office of the clerk of the board of supervisors and for use and
26 examination by the public. Copies of the manual can also be found at the
27 Imperial County Department of Public Works.
- 28 5. Bel Air Ave and Sunrise Drive along property frontage shall require street
improvements per Section 12.10.020 – Street Improvement Requirements of Imperial
County Ordinance.
6. Any activity and/or work within Imperial County right-of-way shall be completed under
a permit issued by this Department (encroachment permit) as per Chapter 12.12 –
EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County Ordinance.
 - a. Any activity and/or work may include, but not be limited to, the installation of
stabilized construction entrances, street improvements (i.e. curb, gutter,
sidewalks, driveways, paving), site fence installation, underground/overhead
electrical crossings, road repairs, water and sewer connections, temporary
traffic control, etc.
7. Prior to the issuance of grading and building permits, the contactor shall complete the
installation of temporary stabilized construction entrances.
Section 12.10.030 – Building Permits of Imperial County Ordinance.
8. No building permit for any structure or building or major addition to a building or
structure shall be issued until the improvements required by Section 12.10.010 of this
chapter have been installed. In addition, no building permit shall be issued until there
has been compliance with Chapter 12.12 of this title and the requirement that an
encroachment permit be obtained.

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- 9. All off-site improvements within Imperial County right-of-way shall be financially secured by either a road improvement bond or letter of credit prior to issuance of a grading permit, building permit, and encroachment permit.
- 10. Applicant shall complete a Traffic Report and submit it to this Department for review and approval. Traffic Report shall be per the County Traffic Study and Report Policy, and it will be used to determine whether a complete Traffic Impact Study is deemed necessary.
- 11. The Applicant will be required to repair any damages caused to County roads by construction traffic during construction and maintain them in safe conditions.
- 12. The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
- 13. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND LOADS).
- 14. The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
- 15. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND LOADS.)
- 16. Applicant shall comply with Chapter 8.72A – Mandatory Organic Waste Disposal Reduction Program of Imperial County Ordinance.
- 17. Effective September 15, 2020, the State's Mandatory Organic Waste Recycling Law (AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring all businesses and multi-dwelling facilities of 5 units or more generating two (2) cubic yards or more of solid waste per week to recycle their organic waste including landscape waste, wood waste, and food waste. Information about possible organics waste recycling services can be found at the CalRecycle website.

S-11 IMPERIAL IRRIGATION DISTRICT

- 1. For electrical service, the applicant should be advised to contact Gabriel Ramirez, IID Customer Project Development offices at (760) 339-9257 or e-mail Mr. Ramirez to initiate the customer service application process. In addition to submitting a formal application, the applicant will be required to submit a complete set of approved project plans by the County of Imperial (including AutoCAD files), project schedule, estimated in-service date, electrical one-line diagram, electrical loads and panel schedules, electrical panel specifications (size, voltage and location) and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of temporary and permanent electrical service to the project. The applicants shall be responsible for all cosets and mitigations measures related to providing electrical service to the project.
- 2. Electrical capacity is limited in the project area and a circuit study may be required. Any system Improvements or mitigation identified in the circuit study to enable the

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provision of electrical service to the project shall be the financial responsibility of the applicant.

- 3. Any construction or operation on IID property or within its existing and proposed right of way or easements including by not limited to: surface improvement such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit applicant and instructions for its completion are available at the IID website. The district Real Estate Section should be contacted at (760)339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID’s right of way.
- 4. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can included but is not limited to electrical utility substations electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project’s CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project postponement⁶.

S-12 California Department of Transportation

1. Traffic Impact Study

- a) A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) may be needed for this project. Please use the California Governor’s Office of Planning and Research December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA guidance to identify VMT related impacts. Or please provide justification on VMT exemption.
- b) The TIS may also need to identify the proposed project’s near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

2. Hauling

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code.

3. Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans’ Right-of-Way (R/W) through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the ND, or MND that Caltrans will use for our subsequent environmental compliance.

- 4. An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.
- 5. It is recommended that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.
- 6. Mitigation
Caltrans endeavors that any direct and cumulative impacts to the State Highway network be eliminated or reduced to a level of insignificance pursuant to the CEQA and National Environmental Policy Act standards.⁴

S-13 Imperial County Sheriff's Office

County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct police and fire protection services whereas for each call made to the project site for such public safety services that the project is responsible for reimbursing the County of Imperial. Such agreement can be created using a "Contract Cities Service Rate" for both police (Sheriff) and fire protection services. County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct judicial and prosecutor services whereas if a person(s) are tried in a court of law for potential crimes at the project site, that the project itself is required to reimburse the County for such cost.⁷

S-14 State and Local Cannabis Activities Permits

The cannabis production facility will require activation of an Imperial County Commercial Cannabis activities permit/license in conjunction with the issuance of a State of California License/Permit for a cannabis-manufacturing license. These license/permits must be approved before any cannabis manufacturing activities are allowed. If the cannabis manufacturing License/Permit is terminated, suspended or withdrawn, all activities allowed in this permit will be suspended and the County will commence revocation process pursuant to General Condition G-8.

(Total "S" Conditions are 14)

Imperial County Fire Dept letter dated August 11, 2022
APCD email dated September 26, 2022
Quechan Indian Tribe email dated May 25, 2022 and August 31, 2022
California Department of Transportation letter dated August 24, 2022

1 I.C. Public Works letter dated September 8, 2022
2 IID letter dated May 25, 2022, August 4, 2022 and August 31, 2022
3 I.C. Sheriff's Office letter dated

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NOW THEREFORE, County hereby approves Conditional Use Permit #22-0012 (Manufacturing) and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

By: _____ Date _____
Sattah Pattah
His & Herbs, Inc.
Cannabis Production Company

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: _____ Date _____
JAMES A. MINNICK, Director
Imperial County Planning & Development Services

FOR PERMITTEES NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL} S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

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FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF IMPERIAL} S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

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Attachment E-

**CUP #22-0013 (Virtual Retail)
Resolutions & Agreement**

RESOLUTION NO. 2022

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE APPROVAL OF “CONDITIONAL USE PERMIT #22-0013 (VIRTUAL RETAIL)” FOR THE HIS & HERBS, INC. CANNABIS PRODUCTION FACILITY.

WHEREAS, His & Herbs, Inc. Cannabis Production Company has submitted an application for Conditional Use Permit #22-0013, for a commercial cannabis virtual retail facility; and

WHEREAS, an “Negative Declaration (ND)” and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA as Amended”; and

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications of proposed projects; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 9, 2022; and

WHEREAS, on August 25, 2022, the proposed Negative Declaration was submitted to the County’s Environmental Evaluation Committee (EEC) and EEC determined the ND to be legally adequate under the California Environmental Quality Act, Section 15070, due to the fact that the Initial Study shows that there are no substantial evidence, in light of the whole record before the EEC that the project would not a significant effect on the environment.

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #22-0013 prior to consideration of approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for the recommending approval of CUP #22-0013 has been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as “Urban” according to the West Shores/Salton City Urban Area Plan. An analysis of the projects’ consistency with the General Plan goals and objectives relevant to the project is provided and considered consistent with the applicable policies. The proposed project is consistent with Board of Supervisors Adopted Ordinance dated November 21, 2017 Title 14 permitting the

commercial operation of cannabis in Imperial County as described in Chapter 14.03 Commercial Cannabis Activities, as defined in section 14.03.040 Retail Sales of the County of Imperial Codified Ordinances.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The Project could be found consistent with the proposed use of the zones it is located within. The purpose of the project is for the operation of a "commercial cannabis retail facility with cultivation, manufacturing and distribution delivery (recreational and medicinal)". This use is permitted within the "M-1" zone. Pursuant to Title 9, Division 4, Chapter 6, Section 90406.05 "Commercial Cannabis Zoning (Conditional Use Permit)," are uses that are permitted in the M-1 zone subject to approval of a CUP from the County.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00.

The proposed cannabis uses are consistent with the definition of Land Use Ordinance, Section 90406.05 with an approved Conditional Use Permit.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Conditions of Approval will insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The Cannabis Production Facility is generally surrounded by land zone industrial to the north, south and west; land zone high density residential is located to the east. The facilities will be constructed and monitored by numerous state and local agencies to insure that any sensitive receptors are not impacted. A security plan to protect the facility and surrounding public will be reviewed and approved by the County. An Odor Abatement Plan will be administered and background checks using live scans will be required.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and State laws. The proposed project will be subject to the Conditional Use Permit and current State and Local regulations.

G. The proposed use is not granting a special privilege.

The proposed Cannabis facilities are permitted uses subject to approval of a Conditional Use Permit (Land Use Ordinance, Section 90406.00) et. seq. and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE OF** Conditional Use Permit #22-0013 (Virtual Retail), subject to the attached Conditions of Approvals.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 9, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

S:\AllUsers\APN\014\041\007\CANNABIS\CUP22-0013-HIS & HERBS, INC

When Recorded Return To:

Imperial County Planning & Development
Services Department
801 Main Street
El Centro, CA 92243

AGREEMENT FOR CONDITIONAL USE PERMIT #22-0013

Cannabis Virtual Retail Facility
APN #014-041-007-000 & 014-041-004-000
(His & Herbs, Inc. Cannabis Production Company)
(Approved at the Planning Commission on _____)

This Agreement is made and entered into on this ____ day of _____ 2022, by and between His & Herbs, Inc. Cannabis Production Company (hereinafter referred to as "Permittee" or "Applicant"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the lessee or successor-in-interest of certain land in Imperial County with the proposed cannabis manufacturing facility, at 2185 Sunrise Drive, Thermal, CA, further identified as Assessor Parcel Number 014-041-007-000 and 014-041-004-000, and legally describe as Lots 9 and 12 in Block 11 of Tract 570, in an unincorporated area of the County of Imperial, State of California, as per map recorded in Book 5 page 24 of Final Maps on file in the Office of the County Recorder of Imperial County.

WHEREAS, the land use entitlement for the "His and Herbs, Inc. Cannabis Production Company" ("Project") includes four (4) Conditional Use Permits (CUPs #22-0011 through CUP #22-0014) for the cultivation, manufacturing, distribution and retail sales of cannabis and cannabis products.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0013 (part of an overall Project as described above) for the operation of a cannabis production facility.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0013 (the "Project") for the operation of a cannabis virtual retail facility.

WHEREAS, Permittee for the His and Herbs, Inc. Cannabis Production Company Project shall fully comply with all of the terms and conditions of the Project as specified hereinafter within this Conditional Use Permit.

1 **GENERAL CONDITIONS:**

2 *The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are*
3 *conditions that are either routinely and commonly included in all Conditional Use permits*
4 *as "standardized" conditions and/or are conditions that the Imperial County Planning*
5 *Commission has established as a requirement on all CUP's for consistent application and*
6 *enforcement. The Permittee is advised that the General Conditions are as applicable as*
7 *the SITE SPECIFIC conditions!*

6 **G-1 GENERAL LAWS**

7 The Permittee shall comply with any and all local, state, and federal laws, rules,
8 regulations, ordinances, and/or standards as they may pertain to this project whether
9 specified herein or not.

9 **G-2 COSTS**

10 The Permittee shall pay any and all amounts as determined by the County to defray all
11 costs for the review of reports, field inspections, enforcement, monitoring, or other
12 activities related to compliance with this permit, County Ordinances, and/or other
13 applicable regulations.

13 **G-3 PERMITS/LICENSES**

14 The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or
15 other approvals for the construction and/or operation of the Project. This shall include, but
16 not be limited to, local requirements by the Imperial County EHS/Health Department,
17 Planning and Development Services Department, Imperial County Air Pollution Control
18 District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works
19 Department, Imperial County Sheriff/Coroner's office, Imperial County Fire
20 Protection/Office of Emergency Services, among others. Permittee shall likewise comply
21 with all such permit requirements. Additionally, Permittee shall submit a copy of such
22 additional permit and/or licenses to the Planning and Development Services Department
23 within thirty (30) days of receipt, including amendments or alternatives thereto, when
24 requested.

20 **G-4 RECORDATION**

21 This permit shall **not be effective** until it is recorded at the Imperial County Recorders
22 Office, and payment of the recordation fee shall be the responsibility of the Permittee.
23 If the Permittee fails to pay the recordation fee within six (6) months from the date of
24 approval, and/or this permit is not recorded within 180 days from the date of approval, this
25 permit shall be deemed null and void, without notice having to be provided to Permittee.
26 Permittee may request a written extension by filing such a request with the Planning
27 Director at least sixty (60) days prior to the original 180-day expiration. The Director may
28 approve an extension for a period not to exceed 180 days. An extension may not be
granted if the request for an extension is filed after the expiration date.

26 **G-5 COMPLIANCE/REVOCATION**

27 Upon the determination by the Planning and Development Services Department, (if
28 necessary upon consultation with other Departments or Agency(ies) that the project is or
may not be in full compliance with any one or all of the conditions of this Conditional Use

1 Permit, or upon the finding that the project is creating a nuisance as defined by law, the
2 PERMIT and the noted violation(s) shall be brought immediately to the attention of the
3 appropriate enforcement agency or to the Planning Commission for hearing to consider
4 appropriate response including but not limited to the revocation of the CUP or to consider
5 possible amendments to the CUP. The hearing before the Planning Commission shall be
6 held upon due notice having been provided to the Permittee and to the public in
7 accordance with established ordinance/policy.

6 **G-6 PROVISION TO RUN WITH LAND**

7 The provisions of this project are to run with the land/project and shall bind the current and
8 future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project.
9 Permittee shall not without prior notification to the Planning and Development Services
10 Department assign, sell, or transfer, or grant control of this Permit or any right or privilege
11 herein. The Permittee shall provide a written notice a minimum of sixty (60) calendar days
12 prior to such proposed transfer becoming effective.

10 **G-7 RIGHT OF ENTRY**

11 The County reserves the right to enter the premises to make the appropriate inspection(s)
12 at any time, announced or unannounced, in order to make appropriate inspection(s) and
13 to determine if the condition(s) of this permit are complied with. Access to authorized
14 enforcement agency personnel shall not be denied.

14 **G-8 TIME LIMIT**

15 Unless otherwise specified within the project specific conditions this project shall be limited
16 to a maximum of (3) three years from the recordation date of the CUP. The CUP may be
17 extended for successive three (3) years by the Planning Director upon a finding by the
18 Planning & Development Services Department that the project is in full and complete
19 compliance with all conditions of the CUP and any applicable land use regulation(s) of the
20 County of Imperial. Unless specified otherwise herein, no conditional use permit shall be
21 extended for more than four (4) consecutive periods. If an extension is necessary or
22 requested beyond fifteen (15) years, the Permittee shall file a written request with the
23 Planning Director for a hearing before the Planning Commission. Such request shall
24 include the appropriate extension fee. An extension shall not be granted if the project is in
25 violation of any one or all of the conditions or if there is a history of non-compliance with
26 the project conditions. This time limit is contingent upon initial and continued compliance
27 with Specific Condition S-14 "State & Local Cannabis Activities License/Permits.

22 **G-9 DEFINITIONS**

23 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s), and/or
24 conditions or sections herein shall be determined by the Planning Commission of the
25 County of Imperial. Their determination shall be final unless an appeal is made to the
26 Board of Supervisors within the required time. In this permit, the term Permittee may also
27 apply to any other facility user whether specified by name herein or not. To the extent that
28 this site may be used by more than one service provider other than the applicant
(Permittee), all of the conditions of this permit shall be equally applicable to the other
"user(s)" as if they were the "Permittee".

G-10 SPECIFICITY

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown on the application/project description, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project. The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions, and only the use or uses listed shall be deemed as approved by this permit.

G-11 HEALTH HAZARD

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-12 REPORT(S)

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed at least fifteen (15) days prior to the anniversary (recording date) of this permit. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-13 RESPONSIBLE AGENT

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-14 INDEMNIFICATION

As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Permit or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this Permit, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

G-15 CHANGE OF OWNER/OPERATOR

In the event the ownership of the site or the facilities or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least sixty (60) calendar days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Planning and Development Services Department via Certified Mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all conditions and/or regulations. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Permittee has the requisite surety on file. Furthermore, the existing surety shall not be released until a replacement surety is accepted by County Counsel's office.

G-16 MINOR AMENDMENTS

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

G-17 CONDITION PRIORITY

This project shall be constructed and operated as described in the Conditional Use Permit application, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

G-18 SEVERABILITY

Should any condition(s) of this permit be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this permit.

G-19 WATER AND SEWER

Permittee shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning and Development Services Department.

G-20 COMMENCEMENT OF WORK

No commencement of work until all conditions pursuant to the CUP has been satisfied. Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to the Planning Director prior to commencement.

G-21 FIRE PROTECTION

Permittee shall provide an adequate fire protection system and accessibility to the site in accordance with the National Fire Protection Act (NFPA), California Fire Code, and County Fire Department standards. This shall include all requirements by the Imperial County Fire Department regarding fire protection water storage and access roads. Additionally

1 Permittee shall provide to Imperial County Fire Department a plot plan, drawn to scale
2 indicating the exact location and size of the water storage tanks and the access roads.

3 **G-22 INSURANCE**

4 The Permittee shall take out and maintain workers compensation insurance as required by
5 the State of California. The Permittee shall also secure liability insurance and such other
6 insurance as required by state and/or federal law. A Certificate of Insurance is to be
7 provided to the Planning/Building Department by the insurance carrier, and said insurance
8 and certificate shall be kept current for the life of the project. Certificates of Insurance
9 shall be sent directly to the Planning/Building Department by the insurance carrier and
10 shall name the Department as a recipient of both renewal and cancellation notices.

11 (Total "G" Conditions are 22)

12 ***(The balance of this page was intentionally left blank)***

SPECIFIC CONDITIONS:**S-1 PROJECT DESCRIPTION**

The Permittee may construct and operate the following facilities in compliance with the Conditional Use Permit, the County's General Plan's Land Use Element, Land Use Ordinance, and all other applicable local, state, and federal laws, ordinances, regulations and standards (LORS), to include any other permits which are incorporated herein by reference:

1. The operation of cannabis virtual retail.
2. Maintenance of the facility's water system and storm-water retention basin system to contain on-site storm-water flows and storm-water detention basin system for management of off-site storm-water flows shall be as approved by the Imperial County Public Works Department and the Regional Water Quality Control Board;
3. A fire protection system that meets the requirements of the Imperial County Fire/OES Department.

S-2 AESTHETICS

Permittee shall install a minimum six (6) foot perimeter fence and landscaping at the public roadway frontage. The fence shall be comprised of an approved material such as chain link. The perimeter fencing and landscaping will need design approval from the County prior to installation and Permittee is responsible for maintaining the fence.

An on-site parking plan shall be prepared with county approved landscaping requirements.

S-3 SOLID WASTE DISPOSAL

Permittee shall not dispose of any solid waste on-site and all solid waste shall be removed from the site and deposited in an approved solid waste site.

S-4 LIGHT & GLARE

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

S-5 LATEST CODES GOVERN

All on-site structures shall be designed and built to meet the latest edition of the applicable codes.

S-6 FIRE PROTECTION

1. An approved water supply capable of supplying the required fire flow determined by appendix B of the California Fire Code.
2. All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
3. All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
4. All cannabis facilities shall have an approved automatic smoke removal system installed and maintained to the current adapted fire code and regulations.

- 1 5. Gates and Fire Department access will be in accordance with the current adapted
- 2 fire code and the facility will maintain a Knox Box for access on site.
- 3 6. Compliance with all required sections of the fire code.
- 4 7. Additional requirements may be mandated for cultivation and manufacturing
- 5 processes.
- 6 8. Imperial County Fire Department reserves the right to comment and request
- 7 additional requirements pertaining to this project regarding fire and life safety
- 8 measures, California Building and Fire Code, and National Fire Protection
- 9 Association standards at a later time, as we see necessary.¹

7 **S-7 SECURITY PLAN**

8 A Security Plan providing 24-hour protection, including but not limited to, electronic
9 surveillance and alarm measures, structural (interior and exterior) lighting, perimeter
10 fencing. 24 hours surveillance by licensed Security Officers will be required. The Security
11 Plan will require approval by the County.

10 **S-8 PERMITTED USE OF PROPERTY**

11 This Permit authorizes the use of the identified project site as a cannabis production
12 facility. All permitted Cannabis Activities within this project site shall be subject to the
13 provisions of Title 9 Chapter 90406.00 regardless of whether the use existed or occurred
14 prior to adoption of this Chapter. Commercial cannabis activities are allowed on Light
15 Industrial zoned lands (M-1) with an approved Conditional Use Permit approved by the
16 Planning Commission.

15 **S-9 AIR POLLUTION CONTROL DISTRICT**

16 Imperial County Ordinance 14.03.080 (F) states, "an odor control plan providing air
17 treatment/filtration systems to eliminate the cannabis operation detection from outside the
18 facility shall be submitted for county of Imperial Air Pollution Control District (APCD)". The
19 applicant does not discuss any Odor Control Plan (OCP) in any of the CUP documents.
20 While the applicant has submitted an OCP with CCA #22-0004, 0005, 0006, and 0007,
21 the Air District would also like to be formally request a site visit as part of the final OCP
22 verification to be completed before a Certificate of Occupancy is provided.

23 The Air District would like to remind the applicant that depending on the type and size of
24 equipment used within the facility the Air District may require a permit. In general,
25 generators and equipment with engines greater than 50 horsepower require permits,
26 however, the Air District recommends contacting the Engineering and Permitting Division
27 directly for assistance with all permitting requirements².

23 **S-10 PUBLIC WORKS**

- 24 1. This project includes several properties with proposed improvements constructed
- 25 across the property lines. The Applicant/Developer shall execute and record a "lot
- 26 tie agreement" which will bind all of the several properties together for the duration
- 27 of the project life. The "lot tie agreement" shall be executed and recorded prior to
- 28 issuance of any building or grading permits.
2. Applicant for encroachment permits within Imperial County right-of-way, grading
- plans and/or improvement plans is responsible for researching, protecting, and
- preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)).

- 1 This shall include a copy of the referenced survey map and tie card(s) (if
2 applicable) for all monuments that may be impacted.
- 3 3. The Applicant shall furnish a fully Engineered Drainage and Grading Plan to
4 provide for property grading and drainage control, which shall also include
5 prevention of sedimentation of damage to off-site properties. Said plan shall be
6 completed per *County of Imperial Department of Public Works Engineering Design
7 Guidelines Manual for the Preparation and Checking of Street Improvement,
8 Drainage, and Grading Plans within Imperial County*. The Study/Plan shall be
9 submitted to the Department of Public Works for review and approval. The
10 applicant shall implement the approved plan. Employment of the appropriate Best
11 Management Practices (BMP's) shall be included (Per Imperial County Code of
12 Ordinances, Chapter 12.10.020 B)
- 13 4. Section 12.10.020 – Street Improvements Requirements of Imperial County
14 Ordinance:
- 15 a. Street improvements shall be required in conjunction with, but not limited to,
16 any construction, grading, or related work, including the construction of
17 structures, buildings, or major additions thereto, on property located adjacent
18 to any county street or on property utilizing any county street for ingress and
19 egress.
- 20 b. For the purpose of establishing proper standards, specification and
21 directions for design and construction of any road, or other land division
22 improvements required to be constructed in the unincorporated territory of
23 Imperial County, the document entitled "Engineering Design Guidelines
24 Manual for the Preparation and Checking of Street Improvement, Drainage,
25 and Grading Plans within Imperial County" revision dated September 15,
26 2008, is hereby adopted and made a part of this division by reference, three
27 copies of which are on file in the office of the clerk of the board of
28 supervisors and for use and examination by the public. Copies of the manual
can also be found at the Imperial County Department of Public Works.
5. Bel Air Ave and Sunrise Drive along property frontage shall require street
improvements per Section 12.10.020 – Street Improvement Requirements of
Imperial County Ordinance.
6. Any activity and/or work within Imperial County right-of-way shall be completed
under a permit issued by this Department (encroachment permit) as per Chapter
12.12 – EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County
Ordinance.
- a. Any activity and/or work may include, but not be limited to, the installation of
stabilized construction entrances, street improvements (i.e. curb, gutter,
sidewalks, driveways, paving), site fence installation, underground/overhead
electrical crossings, road repairs, water and sewer connections, temporary
traffic control, etc.
7. Prior to the issuance of grading and building permits, the contractor shall complete
the installation of temporary stabilized construction entrances.
Section 12.10.030 – Building Permits of Imperial County Ordinance.
8. No building permit for any structure or building or major addition to a building or
structure shall be issued until the improvements required by Section 12.10.010 of
this chapter have been installed. In addition, no building permit shall be issued until

- 1 there has been compliance with Chapter 12.12 of this title and the requirement that
2 an encroachment permit be obtained.
- 3 9. All off-site improvements within Imperial County right-of-way shall be financially
4 secured by either a road improvement bond or letter of credit prior to issuance of a
5 grading permit, building permit, and encroachment permit.
- 6 10. Applicant shall complete a Traffic Report and submit it to this Department for review
7 and approval. Traffic Report shall be per the County Traffic Study and Report Policy
8 and it will be used to determine whether a complete Traffic Impact Study is deemed
9 necessary.
- 10 11. The Applicant will be required to repair any damages caused to County roads by
11 construction traffic during construction and maintain them in safe conditions.
- 12 12. The project may require a National Pollutant Discharge Elimination System
13 (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control
14 Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
- 15 13. A Transportation Permit may be required from road agency(s) having jurisdiction
16 over the haul route(s) for any hauls of heavy equipment and/or large vehicles which
17 impose greater than legal loads on riding surfaces, including bridges. (Per Imperial
18 County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND
19 LOADS).
- 20 14. The project may require a National Pollutant Discharge Elimination System
21 (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control
22 Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
23 A Transportation Permit may be required from road agency(s) having jurisdiction
24 over the haul route(s) for any hauls of heavy equipment and/or large vehicles which
25 impose greater than legal loads on riding surfaces, including bridges. (Per Imperial
26 County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND
27 LOADS.)
- 28 15. Applicant shall comply with Chapter 8.72A – Mandatory Organic Waste Disposal
Reduction Program of Imperial County Ordinance.
16. Effective September 15, 2020, the State's Mandatory Organic Waste Recycling
Law (AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring
all businesses and multi-dwelling facilitates of 5 units or more generating two (2)
cubic yards or more of solid waste per week to recycle their organic waste including
landscape waste, wood waste, and food waste. Information about possible organics
waste recycling services can be found at the CalRecycle website.³

S-11 IMPERIAL IRRIGATION DISTRICT

1. For electrical service, the applicant should be advised to contact Gabriel Ramirez,
IID Customer Project Development offices at (760) 339-9257 or e-mail Mr. Ramirez
at gramirez@iid.com to initiate the customer service application process. In addition
to submitting a formal application, the applicant will be required to submit a
complete set of approved project plans by the County of Imperial (including
AutoCAD files), project schedule, estimated in-service date, electrical one-line
diagram, electrical loads and panel schedules, electrical panel specifications (size,
voltage and location) and the applicable fees, permits, easements and
environmental compliance documentation pertaining to the provision of temporary
and permanent electrical service to the project. The applicants shall be responsible

- 1 for all costs and mitigations measures related to providing electrical service to the
2 project..
- 3 2. Electrical capacity is limited in the project area and a circuit study may be required.
4 Any system Improvements or mitigation identified in the circuit study to enable the
5 provision of electrical service to the project shall be the financial responsibility of the
6 applicant.
- 7 3. Any construction or operation on IID property or within its existing and proposed
8 right of way or easements including by not limited to: surface improvement such as
9 proposed new streets, driveways, parking lots, landscape; and all water, sewer,
10 storm water, or any other above ground or underground utilities; will require an
11 encroachment permit, or encroachment agreement (depending on the
12 circumstances). A copy of the IID encroachment permit applicant and instructions
13 for its completion are available at the IID website. The district Real Estate Section
14 should be contacted at (760)339-9239 for additional information regarding
15 encroachment permits or agreements. No foundations or buildings will be allowed
16 within IID's right of way.
- 17 4. Any new, relocated, modified or reconstructed IID facilities required for and by the
18 project (which can included but is not limited to electrical utility substations electrical
19 transmission and distribution lines, water deliveries, canals, drains, etc.) need to be
20 included as part of the project's CEQA and/or NEPA documentation, environmental
21 impact analysis and mitigation. Failure to do so will result in postponement of any
22 construction and/or modification of IID facilities until such time as the environmental
23 documentation is amended and environmental impacts are fully analyzed. Any and
24 all mitigation necessary as a result of the construction, relocation and/or upgrade of
25 IID facilities is the responsibility of the project postponement⁶.

16 **S-12 CALTRANS**

- 17 1. Traffic Impact Study
- 18 a. A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) may be
19 needed for this project. Please use the California Governor's Office of
20 Planning and Research December 2018 Technical Advisory on Evaluating
21 Transportation Impacts in CEQA guidance to identify VMT related impacts.
22 Or please provide justification on VMT exemption.
- 23 b. The TIS may also need to identify the proposed project's near-term and
24 long-term safety or operational issues, on or adjacent to any existing or
25 proposed State facilities.
- 26 2. Hauling: Caltrans has discretionary authority with respect to highways under its
27 jurisdiction and may, upon application and if good cause appears, issue a special
28 permit to operate or move a vehicle or combination of vehicles or special mobile
equipment of a size or weight of vehicle or load exceeding the maximum limitations
specified in the California Vehicle Code.
3. Environmental: Caltrans welcomes the opportunity to be a Responsible Agency
under the California Environmental Quality Act (CEQA), as we have some
discretionary authority of a portion of the project that is in Caltran's Right-of-Way
(R/W) through the form of an encroachment permit process. We look forward to the
coordination of our efforts to ensure that Caltrans can adopt the alternative and/or
mitigation measure for our R/W. We would appreciate meeting with you to discuss

1 the elements of the ND, or MND that Caltrans will use for our subsequent
2 environmental compliance.

- 3 4. An encroachment permit will be required for any work within the Caltrans' R/W prior
4 to construction. As part of the encroachment permit process, the applicant must
5 provide approved final environmental documents for this project, corresponding
6 technical studies, and necessary regulatory and resource agency permits.
7 Specifically, CEQA determination or exemption. The supporting documents must
8 address all environmental impacts within the Caltrans' R/W and address any
9 impacts from avoidance and/or mitigation measures.
- 10 5. It is recommended that this project specifically identifies and assesses potential
11 impacts caused by the project or impacts from mitigation efforts that occur within
12 Caltrans' R/W that includes impacts to the natural environment, infrastructure
13 including but not limited to highways, roadways, structures, intelligent transportation
14 systems elements, on-ramps and off-ramps, and appurtenant features including but
15 not limited to lighting, signage, drainage, guardrail, slopes and landscaping.
16 Caltrans is interested in any additional mitigation measures identified for the
17 project's draft Environmental Document.
- 18 6. Mitigation: Caltrans endeavors that any direct and cumulative impacts to the State
19 Highway network be eliminated or reduced to a level of insignificance pursuant to
20 the CEQA and National Environmental Policy Act standards.⁴

21 **S-13 SHERIFF'S OFFICE**

22 County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement
23 agreement for direct police and fire protection services whereas for each call made to the
24 project site for such public safety services that the project is responsible for reimbursing
25 the County of Imperial. Such agreement can be created using a "Contract Cities Service
26 Rate" for both police (Sheriff) and fire protection services. County of Imperial require His &
27 Herbs, Inc., to enter into a specific cost reimbursement agreement for direct judicial and
28 prosecutor services whereas if a person(s) are tried in a court of law for potential crimes at
the project site, that the project itself is required to reimburse the County for such cost.⁷

29 **S-14 STATE AND LOCAL CANNABIS PERMITS**

30 The cannabis production facility will require activation of an Imperial County Commercial
31 Cannabis activities permit/license in conjunction with the issuance of a State of California
32 License/Permit for a cannabis virtual retail license. These license/permits must be
33 approved before any cannabis virtual retail activities are allowed. If the cannabis virtual
34 retail License/Permit is terminated, suspended or withdrawn, all activities allowed in this
35 permit will be suspended and the County will commence revocation process pursuant to
36 General Condition G-8.

37 (Total "S" Conditions are 14)

- 38
1. Imperial County Fire Dept. letter dated August 11, 2022
 2. APCD email dated September 26, 2022
 3. Quechan Indian Tribe email dated May 25, 2022 and August 31, 2022
 4. California Department of Transportation letter dated August 24, 2022
 5. I.C. Public Works letter dated September 8, 2022
 6. IID letter dated May 25, 2022, August 4, 2022 and August 31, 2022
 7. I.C. Sheriff's Office letter dated

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NOW THEREFORE, County hereby approves Conditional Use Permit #22-0013 (Virtual Retail) and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

By: _____

Sattah Pattah
His & Herbs, Inc.
Cannabis Production Company

Date _____

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: _____

Jim Minnick, Director
Imperial County Planning
& Development Services

Date _____

FOR PERMITTEES NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL} S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
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FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL } S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

Attachment G-

**CUP #22-0014 (Distribution)
Resolutions & Agreement**

RESOLUTION NO. 2022

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE APPROVAL OF "CONDITIONAL USE PERMIT #22-0014 (DISTRIBUTION)" FOR THE HIS & HERBS, INC. CANNABIS PRODUCTION FACILITY.

WHEREAS, His & Herbs, Inc. Cannabis Production Company has submitted an application for Conditional Use Permit #22-0014, for a commercial cannabis distribution facility; and

WHEREAS, an "Negative Declaration (ND)" and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA as Amended"; and

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications of proposed projects; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 9, 2022; and

WHEREAS, on August 25, 2022, the proposed Negative Declaration was submitted to the County's Environmental Evaluation Committee (EEC) and EEC determined the ND to be legally adequate under the California Environmental Quality Act, Section 15070, due to the fact that the Initial Study shows that there are no substantial evidence, in light of the whole record before the EEC that the project would not a significant effect on the environment.

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #22-0014 prior to consideration of approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for the recommending approval of CUP #22-0014 has been made as follows:

A. The proposed use is consistent with goals and policies of the adopted County General Plan.

The General Plan designates the subject site as "Urban" according to the West Shores/Salton City Urban Area Plan. An analysis of the projects' consistency with the General Plan goals and objectives relevant to the project is provided and considered consistent with the applicable policies. The proposed project is consistent with Board of Supervisors Adopted Ordinance dated November 21, 2017 Title 14 permitting the

commercial operation of cannabis in Imperial County as described in Chapter 14.03 Commercial Cannabis Activities, as defined in section 14.03.040 Retail Sales of the County of Imperial Codified Ordinances.

B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.

The Project could be found consistent with the proposed use of the zones it is located within. The purpose of the project is for the operation of a "commercial cannabis retail facility with cultivation, manufacturing and distribution delivery (recreational and medicinal)". This use is permitted within the "M-1" zone. Pursuant to Title 9, Division 4, Chapter 6, Section 90406.05 "Commercial Cannabis Zoning (Conditional Use Permit)," are uses that are permitted in the M-1 zone subject to approval of a CUP from the County.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00.

The proposed cannabis uses are consistent with the definition of Land Use Ordinance, Section 90406.05 with an approved Conditional Use Permit.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.

The Conditions of Approval will insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The Cannabis Production Facility is generally surrounded by land zone industrial to the north, south and west; land zone high density residential is located to the east. The facilities will be constructed and monitored by numerous state and local agencies to insure of any sensitive sensors are not impacted. A security plan to protect the facility and surrounding public will be reviewed and approved by the County. An Odor Abatement Plan will be administered and background checks using live scans will be required.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and State laws. The proposed project will be subject to the Conditional Use Permit and current State and Local regulations.

G. The proposed use is not granting a special privilege.

The proposed Cannabis facilities are permitted uses subject to approval of a Conditional Use Permit (Land Use Ordinance, Section 90406.00) et. seq. and will not grant a special privilege.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE OF** Conditional Use Permit #22-0014 (Distribution), subject to the attached Conditions of Approvals.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 9, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

When Recorded Return To:

Imperial County Planning & Development
Services Department
801 Main Street
El Centro, CA 92243

AGREEMENT FOR CONDITIONAL USE PERMIT #22-0014

Cannabis Distribution Facility
APN #014-041-007-000 & 014-041-004-000
(His & Herbs, Inc. Cannabis Production Company)
(Approved at the Planning Commission on _____)

This Agreement is made and entered into on this ___ day of _____ 2022, by and between His & Herbs, Inc. Cannabis Production Company (hereinafter referred to as "Permittee" or "Applicant"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the lessee or successor-in-interest of certain land in Imperial County with the proposed cannabis manufacturing facility, at 2185 Sunrise Drive, Thermal, CA, further identified as Assessor Parcel Number 014-041-007-000 and 014-041-004-000, and legally describe as Lots 9 and 12 in Block 11 of Tract 570, in an unincorporated area of the County of Imperial, State of California, as per map recorded in Book 5 page 24 of Final Maps on file in the Office of the County Recorder of Imperial County.

WHEREAS, the land use entitlement for the "His and Herbs, Inc. Cannabis Production Company" ("Project") includes four (4) Conditional Use Permits (CUPs #22-0011 through CUP #22-0014) for the cultivation, manufacturing, distribution and retail sales of cannabis and cannabis products.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0014 (part of an overall Project as described above) for the operation of a cannabis production facility.

WHEREAS, Permittee has applied to the County of Imperial for a Conditional Use Permit #22-0014 (the "Project") for the operation of a cannabis distribution facility.

WHEREAS, Permittee for the His and Herbs, Inc. Cannabis Production Company Project shall fully comply with all of the terms and conditions of the Project as specified hereinafter within this Conditional Use Permit.

1 **GENERAL CONDITIONS:**

2 *The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are*
3 *conditions that are either routinely and commonly included in all Conditional Use permits as*
4 *"standardized" conditions and/or are conditions that the Imperial County Planning*
5 *Commission has established as a requirement on all CUP's for consistent application and*
6 *enforcement. The Permittee is advised that the General Conditions are as applicable as the*
7 *SITE SPECIFIC conditions!*

6 **G-1 GENERAL LAWS**

7 The Permittee shall comply with any and all local, state, and federal laws, rules, regulations,
8 ordinances, and/or standards as they may pertain to this project whether specified herein or
9 not.

9 **G-2 COSTS**

10 The Permittee shall pay any and all amounts as determined by the County to defray all costs
11 for the review of reports, field inspections, enforcement, monitoring, or other activities
12 related to compliance with this permit, County Ordinances, and/or other applicable
13 regulations.

12 **G-3 PERMITS/LICENSES**

13 The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or
14 other approvals for the construction and/or operation of the Project. This shall include, but
15 not be limited to, local requirements by the Imperial County EHS/Health Department,
16 Planning and Development Services Department, Imperial County Air Pollution Control
17 District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works
18 Department, Imperial County Sheriff/Coroner's office, Imperial County Fire Protection/Office
19 of Emergency Services, among others. Permittee shall likewise comply with all such permit
20 requirements. Additionally, Permittee shall submit a copy of such additional permit and/or
21 licenses to the Planning and Development Services Department within thirty (30) days of
22 receipt, including amendments or alternatives thereto, when requested.

19 **G-4 RECORDATION**

20 This permit shall **not be effective** until it is recorded at the Imperial County Records
21 Office, and payment of the recordation fee shall be the responsibility of the Permittee. If the
22 Permittee fails to pay the recordation fee within six (6) months from the date of approval,
23 and/or this permit is not recorded within 180 days from the date of approval, this permit shall
24 be deemed null and void, without notice having to be provided to Permittee. Permittee may
25 request a written extension by filing such a request with the Planning Director at least sixty
26 (60) days prior to the original 180-day expiration. The Director may approve an extension
27 for a period not to exceed 180 days. An extension may not be granted if the request for an
28 extension is filed after the expiration date.

26 **G-5 COMPLIANCE/REVOICATION**

27 Upon the determination by the Planning and Development Services Department, (if
28 necessary upon consultation with other Departments or Agency(ies) that the project is or
may not be in full compliance with any one or all of the conditions of this Conditional Use
Permit, or upon the finding that the project is creating a nuisance as defined by law, the

1 PERMIT and the noted violation(s) shall be brought immediately to the attention of the
2 appropriate enforcement agency or to the Planning Commission for hearing to consider
3 appropriate response including but not limited to the revocation of the CUP or to consider
4 possible amendments to the CUP. The hearing before the Planning Commission shall be
held upon due notice having been provided to the Permittee and to the public in accordance
with established ordinance/policy.

5 **G-6 PROVISION TO RUN WITH LAND**

6 The provisions of this project are to run with the land/project and shall bind the current and
7 future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project.
8 Permittee shall not without prior notification to the Planning and Development Services
9 Department assign, sell, or transfer, or grant control of this Permit or any right or privilege
herein. The Permittee shall provide a written notice a minimum of sixty (60) calendar days
prior to such proposed transfer becoming effective.

10 **G-7 RIGHT OF ENTRY**

11 The County reserves the right to enter the premises to make the appropriate inspection(s) at
12 any time, announced or unannounced, in order to make appropriate inspection(s) and to
determine if the condition(s) of this permit are complied with. Access to authorized
enforcement agency personnel shall not be denied.

13 **G-8 TIME LIMIT**

14 Unless otherwise specified within the project specific conditions this project shall be limited
15 to a maximum of (3) three years from the recordation date of the CUP. The CUP may be
16 extended for successive three (3) years by the Planning Director upon a finding by the
17 Planning & Development Services Department that the project is in full and complete
18 compliance with all conditions of the CUP and any applicable land use regulation(s) of the
19 County of Imperial. Unless specified otherwise herein, no conditional use permit shall be
20 extended for more than four (4) consecutive periods. If an extension is necessary or
21 requested beyond fifteen (15) years, the Permittee shall file a written request with the
Planning Director for a hearing before the Planning Commission. Such request shall include
the appropriate extension fee. An extension shall not be granted if the project is in violation
of any one or all of the conditions or if there is a history of non-compliance with the project
conditions. This time limit is contingent upon initial and continued compliance with Specific
Condition S-14 "State & Local Cannabis Activities License/Permits.

22 **G-9 DEFINITIONS**

23 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s), and/or
24 conditions or sections herein shall be determined by the Planning Commission of the
25 County of Imperial. Their determination shall be final unless an appeal is made to the Board
26 of Supervisors within the required time. In this permit, the term Permittee may also apply to
27 any other facility user whether specified by name herein or not. To the extent that this site
28 may be used by more than one service provider other than the applicant (Permittee), all of
the conditions of this permit shall be equally applicable to the other "user(s)" as if they were
the "Permittee".

G-10 SPECIFICITY

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown on the application/project description, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project. The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions, and only the use or uses listed shall be deemed as approved by this permit.

G-11 HEALTH HAZARD

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-12 REPORT(S)

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of this permit. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-13 RESPONSIBLE AGENT

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-14 INDEMNIFICATION

As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Permit or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this Permit, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

1 **G-15 CHANGE OF OWNER/OPERATOR**

2 In the event the ownership of the site or the facilities or the operation of the site transfers
3 from the current Permittee to a new successor Permittee, the successor Permittee shall be
4 bound by all terms and conditions of this permit as if said successor was the original
5 Permittee. Current Permittee shall inform the County Planning and Development Services
6 Department in writing at least sixty (60) calendar days prior to any such transfer. Failure of a
7 notice of change of ownership or change of operator shall be grounds for the immediate
8 revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the
9 Planning and Development Services Department via Certified Mail, a letter stating that they
10 are fully aware of all conditions and acknowledge that they will adhere to all conditions
11 and/or regulations. If this permit or any subservient or associated permit requires financial
12 surety, the transfer of this permit shall not be effective until the new Permittee has the
13 requisite surety on file. Furthermore, the existing surety shall not be released until a
14 replacement surety is accepted by County Counsel's office.

10 **G-16 MINOR AMENDMENTS**

11 The Planning Director may approve minor changes or administrative extensions, as
12 requested in writing by the Permittee, provided it does not result in additional environmental
13 impacts and/or are generally procedural or technical and/or which may be necessary to
14 comply with other government permit compliance requirements.

13 **G-17 CONDITION PRIORITY**

14 This project shall be constructed and operated as described in the Conditional Use Permit
15 application, the Environmental Assessment, the project description, and as specified in
16 these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall
17 govern and take precedence.

16 **G-18 SEVERABILITY**

17 Should any condition(s) of this permit be determined by a Court or other agency with proper
18 jurisdiction to be invalid for any reason, such determination shall not invalidate the
19 remaining provision(s) of this permit.

19 **G-19 WATER AND SEWER**

20 Permittee shall provide water and sewer to Federal, State and County standards. Water
21 and sewer systems shall be approved by the Environmental Health Services and the
22 Planning and Development Services Department.

22 **G-20 COMMENCEMENT OF WORK**

23 No commencement of work until all conditions pursuant to the CUP has been satisfied.
24 Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to
25 the Planning Director prior to commencement.

25 **G-21 FIRE PROTECTION**

26 Permittee shall provide an adequate fire protection system and accessibility to the site in
27 accordance with the National Fire Protection Act (NFPA), California Fire Code, and County
28 Fire Department standards. This shall include all requirements by the Imperial County Fire
Department regarding fire protection water storage and access roads. Additionally

1 Permittee shall provide to Imperial County Fire Department a plot plan, drawn to scale
2 indicating the exact location and size of the water storage tanks and the access roads.

3 **G-22 INSURANCE**

4 The Permittee shall take out and maintain workers compensation insurance as required by
5 the State of California. The Permittee shall also secure liability insurance and such other
6 insurance as required by state and/or federal law. A Certificate of Insurance is to be
7 provided to the Planning/Building Department by the insurance carrier, and said insurance
8 and certificate shall be kept current for the life of the project. Certificates of Insurance shall
9 be sent directly to the Planning/Building Department by the insurance carrier and shall name
10 the Department as a recipient of both renewal and cancellation notices.

11 (Total "G" Conditions are 22)

12 ***(The balance of this page was intentionally left blank)***

SPECIFIC CONDITIONS:**S-1 PROJECT DESCRIPTION**

The Permittee may construct and operate the following facilities in compliance with the Conditional Use Permit, the County's General Plan's Land Use Element, Land Use Ordinance, and all other applicable local, state, and federal laws, ordinances, regulations and standards (LORS), to include any other permits which are incorporated herein by reference:

1. The operation of a cannabis distribution.
2. Maintenance of the facility's water system and storm-water retention basin system to contain on-site storm-water flows and storm-water detention basin system for management of off-site storm-water flows shall be as approved by the Imperial County Public Works Department and the Regional Water Quality Control Board;
3. A fire protection system that meets the requirements of the Imperial County Fire/OES Department.

S-2 AESTHETICS

Permittee shall install a minimum six (6) foot perimeter fence and landscaping at the public roadway frontage. The fence shall be comprised of an approved material such as chain link. The perimeter fencing and landscaping will need design approval from the County prior to installation and Permittee is responsible for maintaining the fence.

An on-site parking plan shall be prepared with county approved landscaping requirements.

S-3 SOLID WASTE DISPOSAL

Permittee shall not dispose of any solid waste on-site and all solid waste shall be removed from the site and deposited in an approved solid waste site.

S-4 LIGHT & GLARE

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

S-5 LATEST CODES GOVERN

All on-site structures shall be designed and built to meet the latest edition of the applicable codes.

S-6 FIRE PROTECTION

1. An approved water supply capable of supplying the required fire flow determined by appendix B of the California Fire Code.
2. All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
3. All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
4. All cannabis facilities shall have an approved automatic smoke removal system installed and maintained to the current adapted fire code and regulations.

- 1 5. Gates and Fire Department access will be in accordance with the current adapted fire
- 2 code and the facility will maintain a Knox Box for access on site.
- 3 6. Compliance with all required sections of the fire code.
- 4 7. Additional requirements may be mandated for cultivation and manufacturing
- 5 processes.
- 6 8. Imperial County Fire Department reserves the right to comment and request
- 7 additional requirements pertaining to this project regarding fire and life safety
- 8 measures, California Building and Fire Code, and National Fire Protection
- 9 Association standards at a later time, as we see necessary.¹

7 **S-7 SECURITY PLAN**

8 A Security Plan providing 24-hour protection, including but not limited to, electronic
9 surveillance and alarm measures, structural (interior and exterior) lighting, perimeter
10 fencing. 24 hours surveillance by licensed Security Officers will be required. The Security
11 Plan will require approval by the County.

10 **S-8 PERMITTED USE OF PROPERTY**

11 This Permit authorizes the use of the identified project site as a cannabis production facility.
12 All permitted Cannabis Activities within this project site shall be subject to the provisions of
13 Title 9 Chapter 90406.00 regardless of whether the use existed or occurred prior to adoption
14 of this Chapter. Commercial cannabis activities are allowed on Light Industrial zoned lands
(M-1) with an approved Conditional Use Permit approved by the Planning Commission.

14 **S-9 AIR POLLUTION CONTROL DISTRICT**

15 Imperial County Ordinance 14.03.080 (F) states, "an odor control plan providing air
16 treatment/filtration systems to eliminate the cannabis operation detection from outside the
17 facility shall be submitted for county of Imperial Air Pollution Control District (APCD)". The
18 applicant does not discuss any Odor Control Plan (OCP) in any of the CUP documents.
19 While the applicant has submitted an OCP with CCA #22-0004, 0005, 0006, and 0007, the
20 Air District would also like to be formally request a site visit as part of the final OCP
21 verification to be completed before a Certificate of Occupancy is provided.

22 The Air District would like to remind the applicant that depending on the type and size of
23 equipment used within the facility the Air District may require a permit. In general,
24 generators and equipment with engines greater than 50 horsepower require permits,
25 however, the Air District recommends contacting the Engineering and Permitting Division
26 directly for assistance with all permitting requirements².

22 **S-10 PUBLIC WORKS**

- 23 1. This project includes several properties with proposed improvements constructed
24 across the property lines. The Applicant/Developer shall execute and record a "lot tie
25 agreement" which will bind all of the several properties together for the duration of the
26 project life. The "lot tie agreement" shall be executed and recorded prior to issuance
27 of any building or grading permits.
- 28 2. Applicant for encroachment permits within Imperial County right-of-way, grading
plans and/or improvement plans is responsible for researching, protecting, and
preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)).
This shall include a copy of the referenced survey map and tie card(s) (if applicable)
for all monuments that may be impacted.

- 1 3. The Applicant shall furnish a fully Engineered Drainage and Grading Plan to provide
2 for property grading and drainage control, which shall also include prevention of
3 sedimentation of damage to off-site properties. Said plan shall be completed per
4 *County of Imperial Department of Public Works Engineering Design Guidelines*
5 *Manual for the Preparation and Checking of Street Improvement, Drainage, and*
6 *Grading Plans within Imperial County*. The Study/Plan shall be submitted to the
7 Department of Public Works for review and approval. The applicant shall implement
8 the approved plan. Employment of the appropriate Best Management Practices
9 (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter
10 12.10.020 B)
- 11 4. Section 12.10.020 – Street Improvements Requirements of Imperial County
12 Ordinance:
 - 13 a. Street improvements shall be required in conjunction with, but not limited to,
14 any construction, grading, or related work, including the construction of
15 structures, buildings, or major additions thereto, on property located adjacent
16 to any county street or on property utilizing any county street for ingress and
17 egress.
 - 18 b. For the purpose of establishing proper standards, specification and directions
19 for design and construction of any road, or other land division improvements
20 required to be constructed in the unincorporated territory of Imperial County,
21 the document entitled “Engineering Design Guidelines Manual for the
22 Preparation and Checking of Street Improvement, Drainage, and Grading
23 Plans within Imperial County” revision dated September 15, 2008, is hereby
24 adopted and made a part of this division by reference, three copies of which
25 are on file in the office of the clerk of the board of supervisors and for use and
26 examination by the public. Copies of the manual can also be found at the
27 Imperial County Department of Public Works.
- 28 5. Bel Air Ave and Sunrise Drive along property frontage shall require street
improvements per Section 12.10.020 – Street Improvement Requirements of
Imperial County Ordinance.
6. Any activity and/or work within Imperial County right-of-way shall be completed under
a permit issued by this Department (encroachment permit) as per Chapter 12.12 –
EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County Ordinance.
 - a. Any activity and/or work may include, but not be limited to, the installation of
stabilized construction entrances, street improvements (i.e. curb, gutter,
sidewalks, driveways, paving), site fence installation, underground/overhead
electrical crossings, road repairs, water and sewer connections, temporary
traffic control, etc.
7. Prior to the issuance of grading and building permits, the contactor shall complete the
installation of temporary stabilized construction entrances.
Section 12.10.030 – Building Permits of Imperial County Ordinance.
8. No building permit for any structure or building or major addition to a building or
structure shall be issued until the improvements required by Section 12.10.010 of this
chapter have been installed. In addition, no building permit shall be issued until there
has been compliance with Chapter 12.12 of this title and the requirement that an
encroachment permit be obtained.

- 1 9. All off-site improvements within Imperial County right-of-way shall be financially
2 secured by either a road improvement bond or letter of credit prior to issuance of a
3 grading permit, building permit, and encroachment permit.
- 4 10. Applicant shall complete a Traffic Report and submit it to this Department for review
5 and approval. Traffic Report shall be per the County Traffic Study and Report Policy
6 and it will be used to determine whether a complete Traffic Impact Study is deemed
7 necessary.
- 8 11. The Applicant will be required to repair any damages caused to County roads by
9 construction traffic during construction and maintain them in safe conditions.
- 10 12. The project may require a National Pollutant Discharge Elimination System (NPDES)
11 permit and Notice of Intent (NOI) from the Regional Water Quality Control Board
12 (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
- 13 13. A Transportation Permit may be required from road agency(s) having jurisdiction over
14 the haul route(s) for any hauls of heavy equipment and/or large vehicles which
15 impose greater than legal loads on riding surfaces, including bridges. (Per Imperial
16 County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND
17 LOADS).
- 18 14. The project may require a National Pollutant Discharge Elimination System (NPDES)
19 permit and Notice of Intent (NOI) from the Regional Water Quality Control Board
20 (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
21 A Transportation Permit may be required from road agency(s) having jurisdiction over
22 the haul route(s) for any hauls of heavy equipment and/or large vehicles which
23 impose greater than legal loads on riding surfaces, including bridges. (Per Imperial
24 County Code of Ordinances, Chapter 10.12 – OVERWEIGHT VEHICLES AND
25 LOADS.)
- 26 15. Applicant shall comply with Chapter 8.72A – Mandatory Organic Waste Disposal
27 Reduction Program of Imperial County Ordinance.
- 28 16. Effective September 15, 2020, the State's Mandatory Organic Waste Recycling Law
(AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring all
businesses and multi-dwelling facilities of 5 units or more generating two (2) cubic
yards or more of solid waste per week to recycle their organic waste including
landscape waste, wood waste, and food waste. Information about possible organics
waste recycling services can be found at the CalRecycle website.³

S-11 IMPERIAL IRRIGATION DISTRICT

1. For electrical service, the applicant should be advised to contact Gabriel Ramirez, IID Customer Project Development offices at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application, the applicant will be required to submit a complete set of approved project plans by the County of Imperial (including AutoCAD files), project schedule, estimated in-service date, electrical one-line diagram, electrical loads and panel schedules, electrical panel specifications (size, voltage and location) and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of temporary and permanent electrical service to the project. The applicants shall be responsible for all costs and mitigations measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area and a circuit study may be required. Any system Improvements or mitigation identified in the circuit study to enable the

1 provision of electrical service to the project shall be the financial responsibility of the
2 applicant.

- 3 3. Any construction or operation on IID property or within its existing and proposed right
4 of way or easements including by not limited to: surface improvement such as
5 proposed new streets, driveways, parking lots, landscape; and all water, sewer,
6 storm water, or any other above ground or underground utilities; will require an
7 encroachment permit, or encroachment agreement (depending on the
8 circumstances). A copy of the IID encroachment permit applicant and instructions for
9 its completion are available at the IID website. The district Real Estate Section should
10 be contacted at (760)339-9239 for additional information regarding encroachment
11 permits or agreements. No foundations or buildings will be allowed within IID's right
12 of way.
- 13 4. Any new, relocated, modified or reconstructed IID facilities required for and by the
14 project (which can included but is not limited to electrical utility substations electrical
15 transmission and distribution lines, water deliveries, canals, drains, etc.) need to be
16 included as part of the project's CEQA and/or NEPA documentation, environmental
17 impact analysis and mitigation. Failure to do so will result in postponement of any
18 construction and/or modification of IID facilities until such time as the environmental
19 documentation is amended and environmental impacts are fully analyzed. Any and
20 all mitigation necessary as a result of the construction, relocation and/or upgrade of
21 IID facilities is the responsibility of the project postponement⁶.

22 **S-12 CALTRANS**

23 1. Traffic Impact Study

- 24 a. A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) may be
25 needed for this project. Please use the California Governor's Office of
26 Planning and Research December 2018 Technical Advisory on Evaluating
27 Transportation Impacts in CEQA guidance to identify VMT related impacts. Or
28 please provide justification on VMT exemption.
- 29 b. The TIS may also need to identify the proposed project's near-term and
30 long-term safety or operational issues, on or adjacent to any existing or
31 proposed State facilities.
- 32 2. Hauling: Caltrans has discretionary authority with respect to highways under its
33 jurisdiction and may, upon application and if good cause appears, issue a special
34 permit to operate or move a vehicle or combination of vehicles or special mobile
35 equipment of a size or weight of vehicle or load exceeding the maximum limitations
36 specified in the California Vehicle Code.
- 37 3. Environmental: Caltrans welcomes the opportunity to be a Responsible Agency
38 under the California Environmental Quality Act (CEQA), as we have some
39 discretionary authority of a portion of the project that is in Caltran's Right-of-Way
40 (R/W) through the form of an encroachment permit process. We look forward to the
41 coordination of our efforts to ensure that Caltrans can adopt the alternative and/or
42 mitigation measure for our R/W. We would appreciate meeting with you to discuss
43 the elements of the ND, or MND that Caltrans will use for our subsequent
44 environmental compliance.
- 45 4. An encroachment permit will be required for any work within the Caltrans' R/W prior
46 to construction. As part of the encroachment permit process, the applicant must

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provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

- 5. It is recommended that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.
- 6. Mitigation: Caltrans endeavors that any direct and cumulative impacts to the State Highway network be eliminated or reduced to a level of insignificance pursuant to the CEQA and National Environmental Policy Act standards.⁴

S-13 SHERIFF'S OFFICE

County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct police and fire protection services whereas for each call made to the project site for such public safety services that the project is responsible for reimbursing the County of Imperial. Such agreement can be created using a "Contract Cities Service Rate" for both police (Sheriff) and fire protection services. County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct judicial and prosecutor services whereas if a person(s) are tried in a court of law for potential crimes at the project site, that the project itself is required to reimburse the County for such cost.⁷

S-14 STATE AND LOCAL CANNABIS PERMITS

The cannabis production facility will require activation of an Imperial County Commercial Cannabis activities permit/license in conjunction with the issuance of a State of California License/Permit for a cannabis distribution license. These license/permits must be approved before any cannabis distribution activities are allowed. If the cannabis distribution License/Permit is terminated, suspended or withdrawn, all activities allowed in this permit will be suspended and the County will commence revocation process pursuant to General Condition G-8.

(Total "S" Conditions are 14)

- 1. Imperial County Fire Dept, letter dated August 11, 2022
- 2. APCD email dated September 26, 2022
- 3. Quechan Indian Tribe email dated May 25, 2022 and August 31, 2022
- 4. California Department of Transportation letter dated August 24, 2022
- 5. I.C. Public Works letter dated September 8, 2022
- 6. IID letter dated May 25, 2022, August 4, 2022 and August 31, 2022
- 7. I.C. Sheriff's Office letter dated

NOW THEREFORE, County hereby approves Conditional Use Permit #22-0014 (Distribution) and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement the day and year first written.

PERMITTEE:

By: _____
Sattah Pattah
His & Herbs, Inc.
Cannabis Production Company

Date _____

COUNTY OF IMPERIAL, a political subdivision of the STATE OF CALIFORNIA:

By: _____
Jim Minnick, Director
Imperial County Planning
& Development Services

Date _____

FOR PERMITTEES NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL} S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

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FOR COUNTY NOTARIZATION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF IMPERIAL} S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

S:\AllUsers\APN014041\007\CANNABIS\CUP22-0014-HIS & HERBS, INC\PC

Attachment H-

**Environmental Evaluation Committee (EEC)
Package**

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION
COMMITTEE

AGENDA DATE: August 25, 2022

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM / No. 3

CUP #22-0011 (Cultivation), 22-0012 (Manufacturing), 22-0013 (Virtual Retail) and
PROJECT TYPE: 22-0014 (Distribution) Applicant – His and Herb, Inc. SUPERVISOR DIST # 4

LOCATION: 2185 Sunrise Drive APN: 014-041-007 and 004-000

Salton City, CA PARCEL SIZE: (±)2.07 AC

GENERAL PLAN (existing) Urban (West Shores/Salton City) GENERAL PLAN (proposed) N/A

ZONE (existing) M 1 (Light Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 08/25/2022

INITIAL STUDY: #22-0019

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERIFF	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER		<u>Quechan, IID, CEO</u>		

REQUESTED ACTION:

(See Attached)

Planning & Development Services
801 MAIN STREET, EL CENTRO, CA, 92243 442-265-1736
(Jim Minnick, Director)

NEGATIVE DECLARATION
 MITIGATED NEGATIVE DECLARATION

Initial Study & Environmental Analysis
For: Initial Study #22-0019 His & Herbs, Inc.
Conditional Use Permits #22-0011, 22-0012, 22-0013, and 22-0014



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

August 2022

EEC ORIGINAL PKG

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INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting from the proposed four industrial cannabis activities; comprised of a virtual retail operation (adult & medicinal use non-storefront retail, with delivery), cannabis cultivation (indoor only), wholesale distributor, and manufacturing (non-volatile solvent), at 2185 Sunrise Drive, Thermal (Salton City), CA. Identified as Imperial County Assessor's Parcel Numbers (APNs) # 014-041-007-000 and 014-041-004-000. The legal description for these parcels are "Lots 9 and 12 in Block 11, of Tract 570, in an unincorporated area of the County of Imperial, State of California, as per map recorded in Book 5 page 24 of Final Maps on file in the Office of the County Recorder of Imperial County, located within the unincorporated Salton City town site of the County of Imperial, State of California.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970 as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.) applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents, which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (*30-days if submitted to the State Clearinghouse for a project of area-wide significance*) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of

the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a policy-level, project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. **Tiered Documents**

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents

can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or,
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning &

Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

II. *Environmental Checklist*

1. **Project Title:** His & Herbs, Inc., Cannabis Production Facility.
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Jim Minnick, Director (442)265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** jimminnick@co.imperial.ca.us
6. **Project location:** APN 014-041-007-000 and 014-041-004-000, 2185 Sunrise Drive, Salton City, CA.
7. **Project sponsor's name and address:** His & Herbs, Inc., 7918 El Cajon Blvd, N361, La Mesa, CA 91942
8. **General Plan designation:** Community Area
9. **Zoning:** M-1 (Light Industrial)
10. **Description of project:** **Description of project:** The applicant proposes Conditional Use Permits #22-0011, 22-0012, 22-0013, and 22-0014 to allow the operation a Cannabis Production Facility. The Cannabis Production Facility is comprised of four industrial cannabis activities, a virtual retail operation for adult & medicinal use, with delivery (CUP #22-0013), an indoor cannabis cultivation (CUP #22-0011), a wholesale distributor (CUP #22-0014), and a non-volatile solvent manufacturing (CUP #22-0012), at 2185 Sunrise Drive, Thermal (Salton City), CA. Identified as Imperial County Assessor's Parcel Numbers (APNs) # 014-041-007-000 and 014-041-004-000. The legal description for these parcels are "Lots 9 and 12 in Block 11 of Tract 570, in an unincorporated area of the County of Imperial, State of California, as per map recorded in Book 5 page 24 of Final Maps on file in the Office of the County Recorder of Imperial County. The Permittee will construct a new 26,250 square foot building located at 2185 Sunrise Drive, Salton City, CA.

The project will be located on two parcels, with the cannabis operations at 2185 Sunrise Drive (APN# 014-041-007-000), while the parking and retention basin will be located on the lot directly behind the operation at 1385 Bel Air Avenue (APN# 014-041-004-000).
11. **Surrounding land uses and setting:** The project site is located west of the Salton City area. Surrounding land uses are vacant light industrial and industrial, along with open spaces, and a recreational vehicle park.
12. **Other public agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement.): Planning Commission, Imperial County Air Pollution Control District, Imperial County Environmental Health Services, and Imperial County Fire Department.
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality: The AB 52 Notice of Opportunity to consult was mailed via certified mail to both the Torres Martinez and Quechan Indian Tribal Governments on May 23, 2022 for their review and comment.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology /Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: Yes No

EEC VOTES

- PUBLIC WORKS
- ENVIRONMENTAL HEALTH SVCS
- OFFICE EMERGENCY SERVICES
- APCD
- AG
- SHERIFF DEPARTMENT
- ICPDS

YES	NO	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


 Jim Minnick, Director of Planning/EEC Chairman

8-25-2022
 Date:

EEC ORIGINAL PKG

PROJECT SUMMARY

See attached Applicant's project description for additional information.

A. **Project Location:** The project will be located on two parcels, with the cannabis operations at 2185 Sunrise Drive, Salton City, CA (APN# 014-041-007-000), while the parking and retention basin will be located on the lot directly behind the operation at 1385 Bel Air Avenue, Salton City, CA (APN# 014-041-004-000). Legal description for these parcels are "Lots 9 and 12 in Block 11 of Tract 570, in an unincorporated area of the County of Imperial, State of California, as per map recorded in Book 5 page 24 of Final Maps on file in the Office of the County Recorder of Imperial County..

B. **Project Summary:** The applicant proposes to construct a new 26,250 square foot building located at 2185 Sunrise Drive. Conditional Use Permits #22-0011, 22-0012, 22-0013, and 22-0014 are proposed for the operation of a Cannabis Production Facility. It is comprised of four industrial cannabis activities, a virtual retail operation for adult & medicinal use, with delivery (CUP #22-0013), an indoor cannabis cultivation (CUP #22-0011), a wholesale distributor (CUP #22-0014), and a non-volatile solvent manufacturing (CUP #22-0012), at 2185 Sunrise Drive, Thermal (Salton City), CA. The operation will also have a comprehensive Security Plan and Odor Control Plan.

Conditional Use Permit #22-0011 - proposes to operate an indoor cannabis cultivation facility. State License Level Type 3A allows for between 10,001-22,000 square feet of cannabis canopy. The cultivation activities may include propagation of mother plants, clones, vegetation, flowering, harvesting, drying, curing and secure storage. The indoor nature of the cannabis cultivation allows for a 30-50% water recycling.

Conditional Use Permit #22-0012 - proposes to operate a non-volatile solvent manufacturing. State License Level Type 6. Manufacturing activities may include extraction and edibles production. The process will use ice, water, heat and pressure to create extracts. No chemicals, cutting agents, thickening agents, distillate, or other outside ingredients are proposed in the production process.

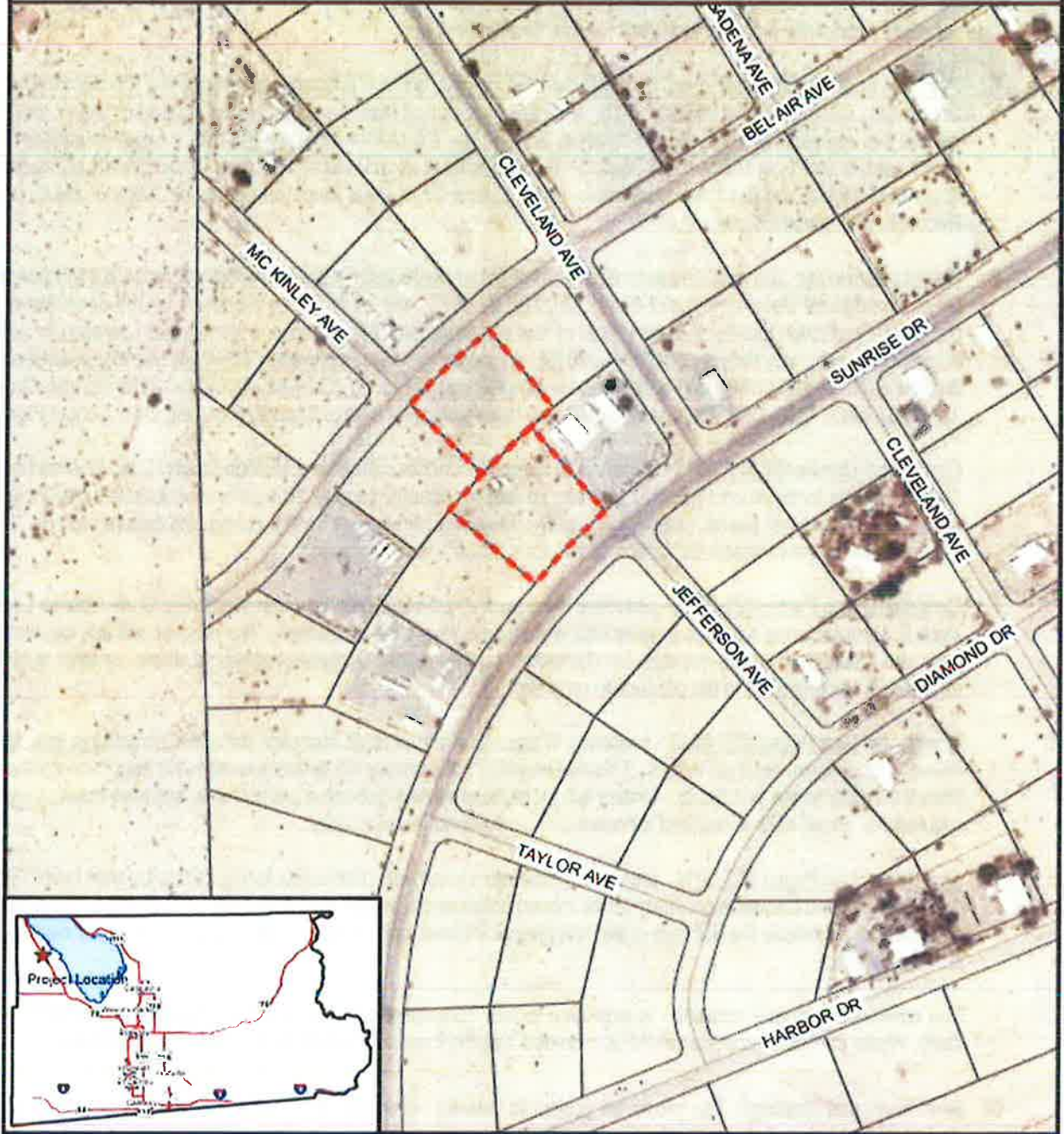
Conditional Use Permit #22-0013 - proposes to operate a virtual retail operation for adult & medicinal use, with delivery, State License Level Type 9. This non-storefront dispensary will deliver cannabis via nondescript vehicle from the facility to the purchaser. Orders will be processed on line through a point of sale software meeting state regulations. Proof of ID is required for release of cannabis to the purchaser.

Conditional Use Permit #22-0014 - proposes to operate a wholesale distribution facility. State License Level Type 11. Cannabis and Cannabis products will be moved between cultivation, manufacturing or distribution. Wholesale distribution can include the packaging and shipping of finished cannabis products to licensed retail premises and storage facilities.

The combined cannabis operation is expecting to hire 15 employees. The hours of operation will be 8am-5pm Daily. Waste cannabis products would be recorded and disposed of in accordance with State regulations.

- C. **Environmental Setting:** The proposed project is located within the M-1 (Light Industrial) zone within area designated as Urban Area under the General Plan. The proposed project is allowed within the M-1 zone, with an approved conditional use permit. The applicant has submitted conditional use permits for the proposed project.
- D. **Analysis:** Initial Study #22-0019 will analyze any impacts associated with the proposed project within the M-1 zone. The proposed project site has been used as a contractor's storage yard in the past.
- E. **General Plan Consistency:** The project is located within an area designated as Urban Area according to the General Plan, and the parcel is zoned M-1 (Light Industrial).

PROJECT LOCATION MAP

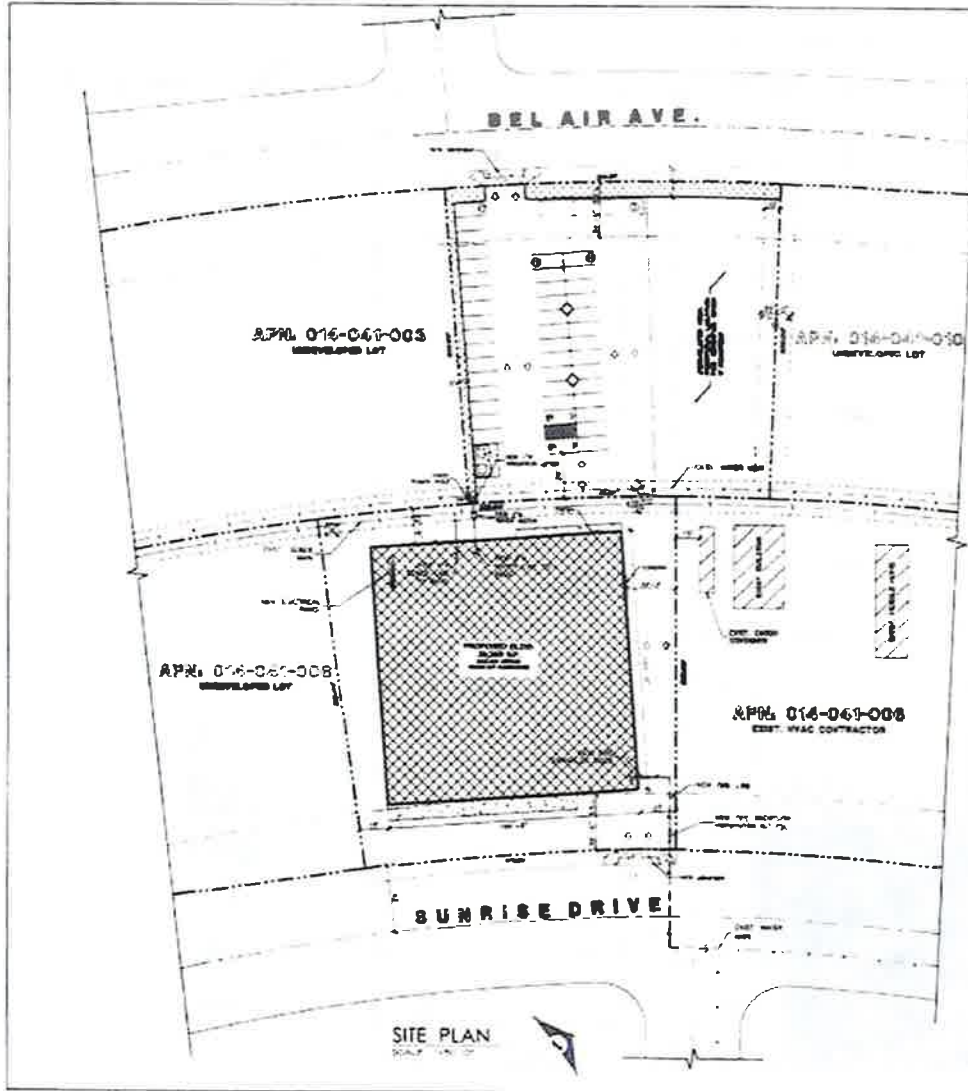


HIS AND HERBS, INC
CUP #22-0011, CUP #22-0012,
CUP #22-0013, CUP #22-0014
APN 014-041-007 & 004

Legend:

- Project Location
- Centerline
- Parcels





PROJECT DATA

PROPERTY OWNER:
 1841 W. CALIF BLVD #201
 LA BREA, CA 90007

PROPERTY ADDRESS:
 1841 W. CALIF BLVD
 LA BREA, CA 90007

GENERAL CONTRACTOR:
 DUGGINS CONSTRUCTION INC.
 100 N. GARDEN COURT
 TORRANCE, CA 90503

LEGAL DESCRIPTION:
 LOT 2 BLOCK 1 REALTY TRACT 8 80

APN 014-041-003 - 0.51 AC
 014-041-004 - 0.51 AC
 014-041-008 - 0.51 AC

SITE LEGEND

- LOT BOUNDARY MARK
- PROP. BOUNDARY MARK
- SITE BUILDING
- SITE PARKING
- SITE STREET MARK
- SITE UTILITY
- ADJACENT LOT OF DEVELOPMENT LOT
- STREET

PARKING

STANDARD PARKING: 10 SPACES
 15' x 30' PER SPACE (MIN. 10' x 20' PER SPACE PER CALIF. VEHICLE CODE) 15' x 30' PER SPACE PER CALIF. VEHICLE CODE
 10' x 20' PER SPACE PER CALIF. VEHICLE CODE
 15' x 30' PER SPACE PER CALIF. VEHICLE CODE

PROPERTY BOUNDARY MARKS
 TO BE SET BY THE CONTRACTOR
 AND SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR
 TO VERIFY THE LOCATION OF THE PROPERTY BOUNDARY MARKS
 AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT

DUGGINS CONSTRUCTION

100 N. GARDEN COURT
 TORRANCE, CA 90503
 TEL: (562) 501-1111
 FAX: (562) 501-1112
 WWW.DUGGINS-CA.COM

1841 W. CALIF BLVD #201

APN 014-041-003

SITE PLAN

DATE: 02/11/2011

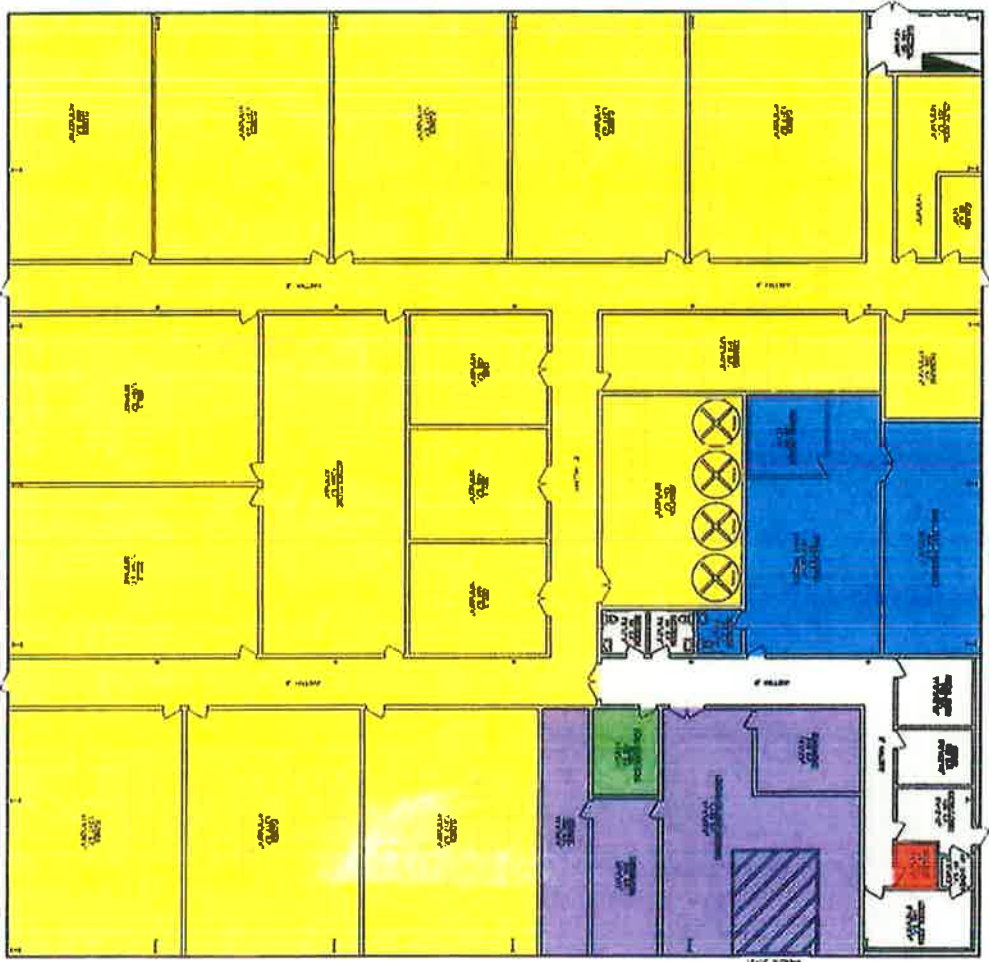
SCALE: AS SHOWN

EEC ORIGINAL PKG

FLOOR PLAN
Scale: 1/8" = 1'-0"



Office	Storage	Reception	Breakroom	Restroom	Locker
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PROJECT	HIS AND HERBS	DATE	07/19/2022
CLIENT	2111 S. STATE ST., SUITE 100, CO. 92503	DESIGNER	DUGGINS CONSTRUCTION
NO. OF SHEETS	01/19	DATE	07/19/2022
FLOOR PLAN		NO. OF SHEETS	01/19
2021-042			
34000 E. STATE ST., SUITE 100, CO. 92503 (951) 754-1111 www.dugginsconstruction.com		34000 E. STATE ST., SUITE 100, CO. 92503 (951) 754-1111 www.dugginsconstruction.com	

ECC ORIGINAL PKG

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>a) The proposed project, which includes both the building parcel and the adjacent parking and retention area parcel (the site) will be located in the western portion of the Townsite of Salton City at Sunrise Drive. It is not located within the vicinity of a scenic highway. It is not designated as a scenic highway in the Imperial County General Plan Circulation and Scenic Highways Element (Imperial County 2008a) nor is it identified on the California Scenic Highway Mapping System (Caltrans 2016). No scenic vistas or areas with high visual quality would be adversely affected by development of the proposed projects. Additionally, this proposed facility will install fencing and landscaping along the frontage of the properties, paving parking lots and landscaping along portions of existing building thereby enhancing the visual character of this area. Therefore, no impact is expected.</p> | | | | |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b) The proposed project is not near a state scenic highway; therefore, it will not damage scenic resources including trees, outcropping, and historical buildings within a state scenic highway. Therefore, no impact is expected.</p> | | | | |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) The proposed project is consistent with current zoning and land uses in the surrounding parcels with an approved conditional use permit. The site is zoned for industrial uses as is the surrounding properties. The project's proposed structures are consistent with an industrial use aesthetic. Therefore, less than significant impact is expected.</p> | | | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>d) All on-site lighting will be required to be shielded from adjacent properties and roads. The proposed site would continue to be zoned as M-1 (Light Industrial). A less than significant impact is projected.</p> | | | | |

II. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

a) No Impact. The proposed project is currently zoned for industrial uses. The proposed use appear consistent with general industrial type uses and would not appear to further impact this parcel of land. Previously, the parcel has been impacted by industrial uses over a number of years.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) There are no Williamson Act contract lands on this parcel. Therefore, no impact is expected.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

c) No Impact. The proposed project site is not zoned for, nor does it contain, forest land or timberland. As such, the project would not impact forest or timberlands.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

d) No Impact. The proposed project site does not contain any forestland and would not convert any forestlands; therefore, the project would not impact forest lands.

e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?

e) The proposed project site is located in the Recreational/Open Space designation and zoned Light Industrial. There are no existing forestlands on or in the immediate vicinity of the project site. Development of the proposed project would not result in the loss of forestland or conversion of forestland to non-forest use. There are adjacent industrial zoned parcels currently vacant; thus, the proposed project would appear to have No Impacts on expansion or conversion of any forestland.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

a) Less Than Significant. The permittee is proposing a new 26,250 square foot building located at 2185 Sunrise Drive to handle all cannabis operations, along with an adjacent 47 space paved parking lot and retention area. The building space will include and odor abatement plan for cannabis, which may include carbon control air filtration system. Areas not devoted to parking or buildings will be landscaped. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The project will adhere to the Air District's Fugitive Dust Rules (Regulation VIII- Fugitive Dust Rules).

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

b) Less Than Significant. The proposed 26,250 square foot building will include an odor abatement plan, which includes odor abatement, plans for cannabis including carbon control air filters. Areas not devoted to parking or buildings will be landscaped. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The project must adhere to the Air District's Fugitive Dust Rules (Regulation VIII- Fugitive Dust Rules). Approval of the Odor Control Plan is required pursuant to Imperial County Air Pollution Control District's June 25, 2022 letter and OCP White Paper.

- c) Expose sensitive receptors to substantial pollutant concentrations?

c) The proposed project will be entirely enclosed inside the proposed structure on site and is not expected to expose sensitive receptors to substantial pollutant concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.

- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

d) The proposed project will be entirely enclosed inside the proposed structure, and the project will abide with all state and local regulations for proposed cannabis operations on site. The proposed project is not expected to expose sensitive receptors to substantial pollutant concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.

IV. BIOLOGICAL RESOURCES *Would the project:*

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

a) The project site located in the western area of Salton City comprised of disturbed industrial land with no apparent biological resources on site. The surrounding properties both developed and undeveloped are also zoned industrial. The proposed project appears to have minimal impacts to any biological resources. Less than significant impacts are projected.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b) The proposed site is vacant with no apparent biological resources on site. The surrounding properties both

Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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developed and undeveloped are also zoned industrial. **Less than significant impacts are projected.**

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

c) No Impact. No wetlands or water resources are present on the project site; therefore, no impacts to wetland, riparian resources, or jurisdictional waters would occur as result of the Project.

- d) Would the project interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

d) There are no federally protected wetlands, resident or migratory fish or wildlife species or corridors for wildlife on the existing site. The proposed project will not have an adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Therefore, no impact is expected.

- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

e) The proposed project is zoned for industrial type uses; it is not subject to and does not conflict with any local policy or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, no impact is expected.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

f) The proposed project site is not part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan or local Plans would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, therefore, no impacts are expected.

V. CULTURAL RESOURCES *Would the project:*

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

a) The proposed project site is located within disturbed land in the western portion of the town site of Salton City. The project will not appear to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; therefore, any impacts are considered less than significant

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

b) As mentioned under Item a) above, the proposed is located on previously disturbed land and it is not likely

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that any historical, archaeological or human remains will be discovered. **Therefore, any impacts would be less than significant.**

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

c) Less Than Significant. As mentioned under Item a) above, the proposed project and facility is located on disturbed land zoned for industrial type uses and is not expected to directly or indirectly destroy a unique paleontological resource or unique geologic feature

VI. ENERGY *Would the project:*

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

a) The proposed cannabis operations will be located in a new industrial structure. Buildings will be designed in accordance with the California Energy Commission's 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the California Green Building Standards (CCR, Title 24, and Part 11). The project proposes solar panel parking shades to reduce the impact to the energy grid. Additionally, an energy analysis will be prepared for the project to quantify energy consumption. Further analysis of the project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient, and unnecessary energy usage. **Less than significant impacts are anticipated.**

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

b) The proposed cannabis operations will be located in in a new industrial structure. Buildings will be designed in accordance with the California Energy Commission's 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the California Green Building Standards (CCR, Title 24, and Part 11) or the most current regulations. Additionally, an energy analysis will be prepared for the Project to quantify energy consumption. Further analysis of the Project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient, and unnecessary energy usage. **Less than significant impacts are anticipated.**

VII. GEOLOGY AND SOILS *Would the project:*

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:

a) The project as proposed does not appear to conflict with the geology and soils of adjacent properties. The project may be required to perform a grading and drainage plan/study acceptable to the Imperial County Public Works Department. **Therefore, any impact would appear be less than significant.**

- 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to

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Division of Mines and Geology Special Publication 42?

a) The proposed projects are planned to be located in in a new industrial structure on site. The Quadrangle Official Map Effective January 1, 1990 does not indicate any active faults in or near the project area. **Impacts appear to be less than significant.**

2) Strong Seismic ground shaking?

2) The proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures the same as under the adopted General Plan, taking into account the above discussion and because seismic risk is associated with occupancy of future buildings regardless of its size which will require geotechnical review done on building permits. **The impact would be considered less than significant.**

3) Seismic-related ground failure, including liquefaction and seiche/tsunami?

3) The proposed project is not located in a "Special Studies Zone"; however, the site could still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code, which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures. Detailed soil investigations shall be conducted prior to issuance of the initial building permits to assure that the proposed building is designed to withstand potential problems related to geology/soils/seismicity. **Impact is considered less than significant.**

4) Landslides?

4) **Less than Significant** (see above a)

b) Result in substantial soil erosion or the loss of topsoil?

b) The project site is not located within an erosion susceptible area according to the Imperial County, Seismic and Public Safety Element, Figure 3; **therefore, less than significant impact is expected.**

c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?

c) **Less than Significant Impacts.** The project is not expected to have a significant adverse environmental impact on the existing geology and soils nor would it result in any direct geology/soils/seismicity impacts. According to the State of California's Revised January 1, 1990, Special Studies Map, the proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code (Sections 1626 through 1635), which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures.

d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?

d) The project as proposed does not appear to conflict with the geology and soils of adjacent properties.

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The project may be required to perform a grading and drainage plan/study and additional construction would require geotechnical work acceptable to the Imperial County Public Works Department and California Building Code for all new construction and expansion. **A less than Significant Impact is anticipated.**

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

e) Less than Significant Impacts. The proposed project is a new building (2,625 square feet) for cannabis (Adult and Medicinal) retail sales and delivery; thus, the installation of a new septic system will be subject to review by Environmental Health, along with the compliance with the appropriate California Building Code.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

f) Considering that the project site was completely disturbed when previously constructed industrial uses were built, the probability of encountering an unforeseen/buried human remains is very low. Therefore, the Project is anticipated to result in no or less than significant impacts.

VIII. GREENHOUSE GAS EMISSION *Would the project:*

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

a) Less Than Significant Impacts. The applicant are proposing the operation of a Cannabis Production Facility, which will include cultivation, non-volatile manufacturing, distribution and virtual retail. The site will require and approved odor abatement plan with APCD for cannabis operations. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. As a precaution, the applicant proposes to install a new HVAC system to reduce any possible odor impacts. Grading for parking and landscaping are proposed, but appear to have a less than significant impact. The project does not appear to significantly impact greenhouse gas emissions.

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

b) Less Than Significant Impacts. The proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The facility site was previously utilized for industrial uses. The site will require and approved odor abatement plan with APCD for cannabis operations.

IX. HAZARDS AND HAZARDOUS MATERIALS *Would the project:*

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

a) Less Than Significant Impacts. The proposed project would not appear to generate any significant

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hazards located near or adjacent to any site that uses hazardous materials or hazardous waste.

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

b) All future development shall provide proof of a hazardous materials business plan and that appropriate permits have been obtained for any hazardous materials to be hauled. A less than significant impacts is projected.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

c) No Impact. The proposed project will not handle hazardous materials or waste within a one-quarter mile of an existing or proposed school site.

- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

d) No Impact. The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, therefore, would not create a significant hazard to the public or environment.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

e) No impact is expected. The project site is not within two miles of an airport; the proposed uses appear to be Normally Acceptable Uses per Table 2A of the Imperial County Airport Land Use Compatibility Plan on page 2-17. The closest airport is the Salton City private airstrip approximately 3.3 miles south of the project site.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

f) The proposed project would not interfere with any adopted emergency response plan or emergency evacuation plan; therefore, no impact is expected. The permittee will meet any requirements requested by the Fire/OES Department for emergency responses and plans. No impacts are anticipated

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

g) The proposed project site is located within an unincorporated Local Responsibility Area classified as LRA "Unzoned" per Cal Fire Draft Fire Hazard Severity Zones in LRA for Imperial County. Therefore, it is not expected that it would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impacts are anticipated

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X. HYDROLOGY AND WATER QUALITY *Would the project:*

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

a) The project does not appear to violate any water quality standards or waste discharge orders. Less than significant impact is anticipated.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

b) Less Than Significant Impacts. The proposed project will not substantially decrease groundwater supplies or interfere with groundwater recharge, as the project is within the Salton Community Service District for water and wastewater services.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

c) Future development within the proposed project would not result in significant impacts to hydrology and water quality. Surface runoff quantities are a function of the impermeable surface area and land use types that will be created by development. The project site will not alter the course of a stream or river or create any substantial erosion or siltation on or off site. Any proposed grading will require drainage reviews and approval with Public Works. **Less than significant impact is anticipated.**

- (i) result in substantial erosion or siltation on- or off-site;

i) Less than Significant Impacts. The project has been previously used industrially and site has been impacted for a number of years.

- (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

ii) Less than Significant Impacts. The project would not appear to substantially increase the rate or amount of surface runoff resulting in flooding; the site is previously used for industrial uses and no additional structures are being proposed.

- (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;

iii) Less than Significant Impacts. The project does not appear to create or contribute to runoff water; the project has been previously used industrially and site has been impacted for a number of years.

- (iv) impede or redirect flood flows?

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iv) **Less than Significant Impacts.** The Project would not appear to impede or redirect flood floods; the project has been previously used industrially and site has been impacted for a number of years.

- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

d) **No Impact.** The project site does not appear to be located in a potential seiche, tsunami, or mudflow zone.

- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

e) **Future development within the proposed project would not result in significant impacts to hydrology and water quality.** Surface runoff quantities are a function of the impermeable surface area and land use types that will be created by development. The project site will not alter the course of a stream or river or create any substantial erosion or siltation on or off site. The projects will be using an existing building on site and no additional structures are anticipated. The current site has as proposed structure on site and no additional structures are planned. **Less than significant impact is anticipated**

XI. **LAND USE AND PLANNING** *Would the project:*

- a) Physically divide an established community?

a) **The proposed project is consistent with the intent of the County General Plan; cannabis operations are allowed with an approved Conditional Use Permit in a M-1 (Light Industrial) Zone, therefore once approved, less than significant impact is anticipated**

- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b) **The proposed project is consistent with the intent of the County General Plan, and the County's Land Use Ordinance. The project is not located in or conflict with habitat conservation or natural community conservations area or plans. The proposed project is located in the Salton City area zoned for industrial uses and will not physically divide an established community. Therefore, less than significant impact is anticipated.**

XII. **MINERAL RESOURCES** *Would the project:*

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

a) **The proposed project will not remove mineral resources on-site; therefore, no impact expected.**

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

b) **The proposed project will not remove mineral resources on-site; therefore, no impact expected.**

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XIII. NOISE *Would the project result in:*

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

a) The proposed operation is not expected to exceed applicable noise standards noises on local landowners. The facilities will be within a fenced and landscaped area, and the proposed project is not expected to significantly increase the ambient noise level in the vicinity. **Less than significant impacts are expected.**

b) Generation of excessive ground-borne vibration or ground-borne noise levels?

b) The proposed projects are not expected to exceed applicable noise standards noises on local landowners. The facilities will be within a fenced and landscaped area and the proposed activities will appear not to generate any excessive ground-borne vibration or noise. **A less than significant impact is expected.**

c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

c) The proposed operation is not within the vicinity of private airstrip or an airport. The closest airport is the Salton City private airstrip approximately 3.3 miles south of the project site. **No Impact is expected:**

XIV. POPULATION AND HOUSING *Would the project:*

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

a) The proposed facility does not appear to induce substantial population growth in the area, either directly or indirectly; therefore, **No Impact is expected.**

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

b) The proposed expansion will not displace substantial numbers of exiting housing, necessitating the construction of replacement housing elsewhere; therefore, no impact is expected. Previously, the parcel and proposed structure was used for general industrial uses and surrounding lots are zoned for industrial uses. **No Impact is expected**

XV. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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a) The proposed project will not physically impact any local government facilities or require for a new or altered government facility for any possible required services for proposed cannabis use. Development of this vacant lot appears have a **less than significant impact**.

1) Fire Protection?

a1) An approved water supply capable of supplying the required fire flow consisting of underground pressure main(s) and hydrant(s) will be provided for the project.

- All cannabis facilities will have an approved automatic fire suppression system.
- The facilities will have an approved automatic fire detection system.
- All fire detection systems will be installed and maintained to the current adapted fire code and regulations. Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
- All cannabis facilities will have an approved smoke removal system installed and maintained to the current adapted fire code and regulation **any impacts are considered to be less than significant**.

2) Police Protection?

2) The project site will have 24 hour security. The site will be lighted for security for safety purposes. The CHP and sheriff's office has active patrol. The facilities will have a security plan approved by the County. **Less than significant impacts are anticipated.**

3) Schools?

3) The project would not result in an increase in population or housing and would not require additional school services. The project site is not near any schools. **No Impact.**

4) Parks?

4) The project would not result in an increase in population or housing and would not increase demand/use for local parks. **No Impact.**

5) Other Public Facilities?

5) The project would not appear to put an increased burden on off-site public services, including existing fire, police, school and other governmental services. Therefore, **less than significant impacts would occur.**

XVI. RECREATION

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

a) The proposed project would not increase the use of the existing neighborhood and regional parks or other recreational facilities; **therefore, no impact is expected.**

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

b) The proposed project would not appear to include or require the construction of recreational facilities; **therefore, no impact are expected.**

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XVII. **TRANSPORTATION** *Would the project:*

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| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
a) The applicant will comply with all applicable conditions and regulations with the County's circulation plan, land use ordinance, and transportation planning. A less than significant impact anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
b) The proposed project would not appear to impact any public transit, bicycle or pedestrian facility. The parcel has an enclosed industrial type structure on site. The applicant is proposing improvement for ingress and egress and may make improvements as requested by Public Works for encroachment to site. A new parking plan with paved parking and landscaping will improve site. Less than significant impacts are anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
c) The permittee is proposing a 26,250 square feet space a Cannabis Production Facility, with up to 15 employees which will include cultivation, non-volatile manufacturing, distribution and virtual retail. The project also includes paved parking, retention basin and landscaping. Less than significant impacts are anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in inadequate emergency access?
d) All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. The surfacing shall meet the Department of Public Works and Fire/OES Standards as well as those of the Air Pollution Control District (APCD). (Per Imperial County Code of Ordinances, Chapter 12.10.020(A)). Less than significant impacts are anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XVIII. **TRIBAL CULTURAL RESOURCES**

- | | | | | |
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| a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:

a) Less than significant impacts. The permittee is proposing a 26,250 square feet space a Cannabis Production Facility, which will include cultivation, non-volatile manufacturing, distribution and virtual retail. on disturbed site; the impacts appears to be less than significant for tribal cultural resources as defined in Public Resources Code Section 21074. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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Code Section 5020.1(k), or

(i) The project would not appear to cause an adverse change in the significance of a tribal cultural resource, **any impacts are considered less than significant**. The property site has previously been impacted by general industrial uses allowed in the current zone. AB 52 letters have been sent out to both the Torres Martinez and Quechan Tribal governments for consultations.

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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(ii) The project site is zoned for light industrial uses and is used for industrial uses. The parcel is currently vacant and to date, there is no evidence of cultural resources have been seen on site. Therefore, no resources as defined in the Public Resources Code Section 5024.1 appears to be impacted. **Less than significant impacts.**

XIX. UTILITIES AND SERVICE SYSTEMS *Would the project:*

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) The property owners shall be required to pay all applicable development fees and improvements associated with developing their project. Based on the size of the proposed operation, i.e. the number of employees and truck/automobile drivers utilizing the project site, no additional expansion of public facilities appear necessary for the proposed structure. At time of development the project will need to connect to public utilities (CVWD and SCSD). Additionally, pursuant to the Imperial Irrigation's May 24, 2022 letter at time of development a circuit study may be required to ensure adequate electrical capacity in the area. Less than significant impacts are expected

b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Based on the size of the proposed operation, i.e. the number of employees and persons at the project site, the site shall require connection to public utilities. The applicant shall be required to pay all applicable fees and improvements associated with developing their project. The level of impacts appear to a less than significant.

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Based on the size of the proposed operation, i.e. the number of employees and persons at the project site, the site be required to connect to public utilities. The applicant shall be required to pay all applicable fees and improvements associated with developing their project. The level of impacts appear to a less than

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significant.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

d) All proposed projects within the County shall contract with a licensed waste hauler for waste generated by the facility. A waste management plan shall be submitted providing insight as to the waste deposition. **The level of impacts appear to be less than significant.**

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

e) See above Item d)

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

a) The proposed project site is not located on or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project site is located west of the community of Salton City and access to proposed project via 2185 Sunrise Drive and 1385 Bel Air Avenue. **Less than significant impact is anticipated.**

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

b) The proposed project site is not located or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project appears to be surrounded by industrial related land. Although the County has experienced damage from heavy winds in the past, hazards in the County are managed by the MJHMP, which is reviewed and updated every 5 years (County 2021). **Less than Significant Impacts are anticipated.**

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

c) An approved water supply capable of supplying the required fire flow consisting of underground pressure main(s) and hydrant(s) will be provided for the project.

- All cannabis facilities will have an approved automatic fire suppression system.
- The facilities will have an approved automatic fire detection system.
- All fire detection systems will be installed and maintained to the current adapted fire code and regulations. Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
- All cannabis facilities will have an approved smoke removal system installed and maintained to the current adapted fire code and regulation.

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- The project will be located on a parcel currently used for industrial uses. **Impacts are considered to be less than significant.**

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

d) The permittee is proposing a 26,250 square feet space a Cannabis Production Facility, which will include cultivation, non-volatile manufacturing, distribution and virtual retail. The project is located on flat and moderately sloped desert terrain. **Impacts are considered to be less than significant.**

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App. 4th 357; Protect the Historic Arredor Waterways v. Arredor Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App. 4th 656.

Revised 2009- CEQA
 Revised 2011- ICPDS
 Revised 2016 – ICPDS
 Revised 2017 – ICPDS
 Revised 2019 – ICPDS

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SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- David Black, Senior Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

(Written or oral comments received on the checklist prior to circulation)

V. REFERENCES

- 1) "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; & as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
- 2) Bryant, William A. and Earl W. Hart. 2007. Fault-Rupture Hazard Zones in California, Alquist-Priolo Earthquake Studies Zoning Act with Index to Earthquake Fault Zones Maps, Department of Conservation, California Geological Survey, Special Publication 42.
- 3) California Department of Transportation. 2017. California Scenic Highway Mapping System. Web site available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.
- 4) California Native Plant Society (CNPS). 2019. Inventory of Rare and Endangered Plants of California. Website available online at: <http://www.rareplants.cnps.org/>.
- 5) California Office of Planning and Research. 2003. General Plan Guidelines. Web site (accessed on March 2020) available at: http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf.
- 6) California State Geological Survey (CGS). 2015. Regulatory Maps. Web site (accessed on March 2020) available at: <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.
- 7) Federal Highway Administration (FHWA). 2006. Construction Noise Handbook. Web site available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/.
- 8) Federal Highway Administration (FHWA). 2011. Highway Traffic Noise: Analysis and Abatement. Web site available at: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf.
- 9) Federal Highway Administration (FHWA). 2017. California State Byways List. Web site (accessed on May 10, 2017) available at: <https://www.fhwa.dot.gov/byways/states/CA>.
- 10) Imperial County. 1998. General Plan. Website available online at: [http://www.icpds.com/CMS/Media/GENERAL-PLAN--\(OVERVIEW\).pdf](http://www.icpds.com/CMS/Media/GENERAL-PLAN--(OVERVIEW).pdf).
- 11) Imperial County Planning and Development Services. 2015. Maps. Website available online at: <http://www.icpds.com/?pid=577>.
- 12) Imperial IRWMP. 2012. Integrated Regional Water Management Plan – Groundwater Management Planning Elements Guidance Document. Website available line at: <https://www.iid.com/home/showdocument?id=9546>.
- 13) National Resource Conservation Service. 2019. Web Soil Survey GIS Portal. Available online at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.
- 14) Office of the State Fire Marshall (CalFire). 2007. Fire Hazard Severity Zones Map. Website available online at: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazardsbuilding-codes/fire-hazard-severity-zones-maps/>.
- 15) United States Fish and Wildlife Service. 2019. Information for Planning and Consultation (IPaC). Website available online at: <https://ecos.fws.gov/ipac/>.
- 16) United States Fish and Wildlife Service. 2019. National Wetlands Inventory – Wetlands Mapper. Website available online at: <https://www.fws.gov/wetlands/data/Mapper.html>.
- 17) United States Geological Survey (USGS). 1990. The San Andreas Fault System, California, Robert E. Wallace, editor, U.S. Geological Survey Professional Paper 1515.
- 18) Imperial Irrigation District Letter 5/25/22
- 19) Imperial County Air Pollution Control District letter 6/14/22

20) NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: His & Herbs, Inc. Cannabis Production Facility, Conditional Use Permits CUP #22-0011, 22-0012, 22-0013, and 22-0014

Project Applicant: His & Herbs, Inc., 7918 El Cajon Blvd, N361, La Mesa, CA 91942

Project Location: 2185 Sunrise Drive, Salton City, CA (Thermal zip code 92274)

Description of Project:

The applicant proposes to construct a new 26,250 square foot building located at 2185 Sunrise Drive. Conditional Use Permits #22-0011, 22-0012, 22-0013, and 22-0014 are proposed for the operation of a Cannabis Production Facility. It is comprised of four industrial cannabis activities, a virtual retail operation for adult & medicinal use, with delivery (CUP #22-0013), an indoor cannabis cultivation (CUP #22-0011), a wholesale distributor (CUP #22-0014), and a non-volatile solvent manufacturing (CUP #22-0012), at 2185 Sunrise Drive, Thermal (Salton City), CA. The operation will also have a comprehensive Security Plan and Odor Control Plan.

Conditional Use Permit #22-0011 - proposes to operate an indoor cannabis cultivation facility. State License Level Type 3A allows for between 10,001-22,000 square feet of cannabis canopy. The cultivation activities may include propagation of mother plants, clones, vegetation, flowering, harvesting, drying, curing and secure storage. The indoor nature of the cannabis cultivation allows for a 30-50% water recycling.

Conditional Use Permit #22-0012 - proposes to operate a non-volatile solvent manufacturing. State License Level Type 6. Manufacturing activities may include extraction and edibles production. The process will use ice, water, heat and pressure to create extracts. No chemicals, cutting agents, thickening agents, distillate, or other outside ingredients are proposed in the production process.

Conditional Use Permit #22-0013 - proposes to operate a virtual retail operation for adult & medicinal use, with delivery, State License Level Type 9. This non-storefront dispensary will deliver cannabis via nondescript vehicle from the facility to the purchaser. Orders will be processed on line through a point of sale software meeting state regulations. Proof of ID is required for release of cannabis to the purchaser.

Conditional Use Permit #22-0014 - proposes to operate a wholesale distribution facility. State License Level Type 11. Cannabis and Cannabis products will be moved between cultivation, manufacturing or distribution. Wholesale distribution can include the packaging and shipping of finished cannabis products to licensed retail premises and storage facilities.

The combined cannabis operation is expecting to hire 15 employees. The hours of operation will be 8am-5pm Daily, Waste cannabis products would be recorded and disposed of in accordance with State regulations.

VI. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:



The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.



The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public are invited to comment on the proposed Negative Declaration during the review period.

8-25-2022

Date of Determination

For 

Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

 8-25-2022
Applicant Signature Date

SECTION 4

VIII. RESPONSE TO COMMENTS

N/A

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

N/A

MAIAGIS:\AIIUsers\APN\0140411007\CAN\NABIB\CUP22-0011-HIS & HERBS, INC\EEC\CUP22-0011 Initial Study.docx



California Department of Transportation

DISTRICT I
1000 TAYLOR STREET, SUITE 200
SANTA ANA, CALIFORNIA 92701
(714) 709-2100 FAX (714) 964-1319
WWW.CALTRANS.CA.GOV

August 24, 2022

11:46 AM
PM 5:57

Initial Study #22-0019/Conditional Use Permit #22-0011, 12, 13, 14
Hix and Herbs (Cannabis Production Facility)

Mr. Jim Minnick,
Planning & Development Services Director
Integral County Planning & Development Services
801 Main Street
B. Center, CA 92303

Dear Mr. Minnick:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Initial Study (IS) #22-0019 and Conditional Use Permit (CUP) #22-0011, 12, 13, 14 for the Hix and Herbs (Cannabis Production Facility) project located near State Route 86 (SR-86). The mission of Caltrans is to provide safe and reliable transportation network that serves all people and respects the environment. The Local Development Review Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2033 the last year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals we will pursue meaningful collaboration with our partners. We encourage the implementation of new technology, innovation, and best practices that will enhance the safety on the transportation network. These pursuits are both additional and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans has the following comments:

Comments

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



August 24, 2022

11-IMP-86
PM 56.979

His and Herbs (Cannabis Production Facility)
Initial Study #22-0019/Conditional Use Permit #22-0011, 12, 13, 14

Mr. Jim Minnick
Planning & Development Services Director
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

Dear Mr. Minnick:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Initial Study (IS) #22-0019 and Conditional Use Permit (CUP) #22-0011, 12, 13, 14 for the His and Herbs (Cannabis Production Facility) Project located near State Route 86 (SR-86). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans has the following comments:

Traffic Impact Study

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) may be needed for this project. Please use the California Governor's Office of Planning and Research December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA¹ guidance to identify VMT related impacts. Or please provide justification on VMT exemption.
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

Hauling

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <http://www.dot.ca.gov/trafficops/permits/index.html>

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' Right-of-Way (R/W) through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the ND, or MND that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

¹ California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." <https://opr.ca.gov/ceqa/sb-743/>

Mr. Jim Minnick
August 24, 2022
Page 3

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Mitigation

Caltrans endeavors that any direct and cumulative impacts to the State Highway network be eliminated or reduced to a level of insignificance pursuant to the CEQA and National Environmental Policy Act standards.

If you have any questions or concerns, please contact Charlie Lecourtois, LDR Coordinator, at (619) 985-4766 or by e-mail sent to Charlie.Lecourtois@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review



August 17, 2022

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: CUP 22-0011, 22-0012, 22-0013, and 22-0014 – His & Herbs, Inc.

Dear Mr. Minnick:


The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on Conditional Use Permits 22-0011, 22-0012, 22-0013, 22-0014 ("Project") for a new 26,250 square foot facility for a commercial cannabis operation: cultivation, manufacturing, distribution, and virtual retail sale respectively.

Imperial County ordinance 14.03.080 (F.) states that "an odor control plan providing air treatment/filtration systems to eliminate the cannabis operation detection from outside the facility shall be submitted for county of Imperial Air Pollution Control District (APCD)". The applicant does not discuss any Odor Control Plan (OCP) in any of the CUP documents. While the applicant has submitted an OCP with CCA 22 0004, 0005, 0006, and 0007, the Air District is still unclear on some of the odor control activities and equipment. The Air District has developed an OCP White Paper to assist applicants in developing an OCP that addresses the Air District's areas of concern and will be included with this letter. The Air District strongly recommends the applicant use the White Paper to develop a more robust OCP. If the applicant should have any questions with regards to developing the OCP the applicant can contact the Air District. The Air District would also like to formally request a site visit as part of the final OCP verification to be completed before a Certificate of Occupancy is provided.

The Air District would like to remind the applicant that depending on the type and size of equipment used within the facility the Air District may require a permit. In general, generators and equipment with engines greater than 50 horsepower require permits, however, the Air District recommends contacting the Engineering and Permitting Division directly for assistance with all permitting requirements.

For your convenience, the Air District's rules and regulations are available on our website at <https://apcd.imperialcounty.org/rules-and-regulations/> Please feel free to call our office if you should you have any questions or concerns at (442) 265-1800.

Respectfully,



Ismael Garcia
APC Environmental Coordinator I

Via Email
Reviewed by,
Monica N. Soucier
APC Division Manager



IMPERIAL COUNTY SHERIFF'S OFFICE

RAYMOND LOERA
SHERIFF • CORONER • MARSHAL



The Imperial County Sheriff's Office (ICSO) is the chief law enforcement agency in Imperial County. The Sheriff's Office provides general law enforcement, detention and court services for the residents, business owners and visitors of Imperial County. We have a service area of approximately 4,597 square miles bordering on Mexico to the South, Riverside County to the North, San Diego County on the West, and the State of Arizona on the East. The terrain varies from 235 feet below sea level at the Salton Sea to 4,548 feet at Blue Angel Peak. In addition, the Sheriff's Office maintains substations in the surrounding areas and communities of Brawley, Palo Verde, Niland, Salton City, and Winterhaven.

The proposed project site (His & Herbs, Inc.) will be located at 2185 Sunset Drive in Salton City (Thermal), California. The Imperial County Sheriff's Office operates out of the Salton City Sub-Station, located at 2101 South Marina Drive in Salton City (Thermal), California. The area of responsibility for the Salton City Sub-Station covers roughly 500 square miles to include Salton City, Salton Sea Beach, Desert Shores and the Red Earth Casino. Four (4) Senior Deputies, four (4) Deputies and two (2) Sergeants regularly patrol the area over the course of a week, while only two Deputies are assigned to the "beat" that the project lies within. This staffing allows the Salton City Sub-Station to provide a minimum of one (1) Senior Deputy Sheriff and one (1) Deputy Sheriff on duty 24 hours per day, 7 days per week. With the significant increase in housing development, primarily on the east side of State Route 86 and Treadwell Boulevard, ICSO has encountered a higher than average volume of property crimes (thefts, burglaries) in the rural areas. What was once vastly unpopulated is now a popular living destination due to affordable housing and the close proximity to Riverside County. This increase in population has caused an increase in crime.

This particular parcel and the surrounding area experiences severe weather to include strong winds with blowing dust and sand. The severe weather causes road closures to this parcel, and the public safety needs to access this property in all types of weather. The Sheriff's Office is in need and would request funding for a marked and equipped four-wheel drive patrol vehicle. The current cost is approximately \$80,000. This mitigation measure will be required for the Sheriff's Office to provide ongoing services. Further sought in this will be investigatory field cameras to remotely observe the area. These cameras assist in identifying and locating persons or vehicles of interest, in the event of criminal activity on, against or near the property. With the proposed site focusing on marijuana cultivation, it will be considered a prime target for thefts and burglaries. The cost for four (4) cameras is approximately \$1,800. Additionally requested are vehicle identifiers and license plate readers to be set within the main roadway leading to or from the sites as this allows tracking and pertinent evidentiary tools to successful prosecution. These cameras cost \$3,000 per year. The final tool that would greatly assist full safety and security of a large area would be additional resources for our Unmanned Aircraft System program, also known as our Drone Program. Resources in equipment and upgraded software to manage oversight of given areas in remote locations would greatly advance the span of oversight ICSO is able to provide. We estimate these costs to be approximately \$20,000. The

general location of this project site has incurred a variety of thefts and burglaries of equipment and tools. This has included vehicles, off-road vehicles, power tools, building supplies, residential appliances, and other miscellaneous privately owned property. Prior to the legalization of recreational marijuana, the Imperial County Sheriff's Office investigated a homicide of a Salton City resident that was illegally cultivating marijuana at a residence. The resident was the victim of a robbery for the illegally grown marijuana. In the process of the robbery, the resident was murdered. Over the past 6 months alone, the area has sustained over 43 reported burglaries and 11 theft cases. Patrol and investigatory hours spent to conduct safety checks, take reports, and operate details because of monitoring such activity is extensive in labor and equipment necessary. The project description details the security efforts that will be implemented, however, private security will not have peace officer authority and the Imperial County Sheriff's Office will be the investigating and arresting agency for any criminal activity. Furthermore, the project description calls for remote viewing of surveillance cameras and alarm systems. This will increase the call volume for the Imperial County Sheriff's Office due to the nature of the business, the amount of vehicle and pedestrian activity and the 24-hours a day, seven days a week security plan.

The Imperial County Sheriff's Office is seeking for funding for the above-mentioned equipment and materials for ongoing patrol and safety of the project location. Furthermore, an adoption of recommendations C & D.

C. that the County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct police and fire protection services whereas for each call made to the project site for such public safety services that the project is responsible for reimbursing the County of Imperial. Such agreement can be created using a "Contract Cities Service Rate" for both police (Sheriff) and fire protection services.

D. that the County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct judicial and prosecutor services whereas if a person(s) are tried in a court of law for potential crimes at the project site, that the project itself is required to reimburse the County for such costs

ICSO feels that this project would create a significant impact and have a cumulatively considerable effect on our Salton City Sub-Station should similar type of calls for service arise. If there is an increase for calls for service as a result of this project and ICSO maintains its current personnel allocations, funding and equipment, service levels may drop below acceptable levels or industry standards.

ICSO presents the total costs as an upfront cost to the project. If you have any questions, please contact the Imperial County Sheriff's Office at (442)265-2001.

Sincerely,



Federico Miramontes
Undersheriff

Cc: Raymond Loera, Sheriff

EEC ORIGINAL PKG

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration

Phone: (442) 265-6000
Fax: (760) 482-2427

Training

Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention

Phone: (442) 265-3020

August 11, 2022

RE: Conditional Use Permit #22-0011, 22-0012, 22-0013, 22-0014
2185 Sunset Drive, Salton City (Thermal), CA 92274

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #22-001, 22-0012, 22-0013, 22-0014 for an Commercial Cannabis operation located at 2185 Sunset Drive, Salton City CA 92274

Imperial County Fire Department has the following comments and/or requirements for Cannabis operations.

- An approved water supply capable of supplying the required fire flow as per the California Fire Code appendix B
- All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems shall be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have approved smoke removal systems installed and maintained to the current adapted fire code and regulations.
- Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
- Compliance with all required sections of the fire code.
- Further requirement shall be required for cultivation and manufacturing process.

Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California Building and Fire Code, and National Fire Protection Association standards at a later time as we see necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely

Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration

Phone: (442) 265-6000
Fax: (760) 482-2427

Training

Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention

Phone: (442) 265-3020

Fire Prevention Bureau

CC

Robert Malek
Deputy Chief/Deputy Fire Marshal
Imperial County Fire Department
Fire Prevention Bureau

Alfredo Estrada Jr.
Fire Chief
Imperial County Fire Department

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG

Michael Abraham

From: Quechan Historic Preservation Officer <historicpreservation@quechantribe.com>
Sent: Friday, August 5, 2022 8:41 AM
To: Allison Galindo
Subject: RE: CUP22-0011, CUP22-0012, CUP22-013 & CUP22-0014 Request for Comments

CAUTION: This email originated outside our organization; please use caution.

This email is to inform you that we have no comments on this project.

From: Allison Galindo [mailto:allisongalindo@co.imperial.ca.us]

Sent: Wednesday, August 03, 2022 2:04 PM

To: Alfredo Estrada Jr; Alphonso Andrade; Ana L Gomez; Andrew Loper; Belen Leon; Carlos Ortiz; Chris Hamilton ; Donald Vargas ; Eric Havens; H. Jill McCormick; Jeff Lamoure; Jolene Dessert; Jordan D. Joaquin; Jorge Perez; Jose Serrano ; Manuel Deleon; Marcus Cuero ; Margo Sanchez; Mario Salinas; Matt Dessert; Miguel Figueroa; Mitch Mansfield; Monica Soucier; Ray Loera ; Robert Benavidez ; Robert Malek; Robert Menvielle; Rosa Lopez; Ryan Kelley; Sandra Mendivil; Scott Sheppard ; Vanessa Ramirez; Thomas.tortez@torresmartinez-nsn.gov; Ryan Kelley

Cc: Jim Minnick; Michael Abraham; Rosa Soto; Leslie Martinez; Maria Scoville; Aimee Trujillo; John Robb; Allison Galindo

Subject: CUP22-0011, CUP22-0012, CUP22-013 & CUP22-0014 Request for Comments

Good Afternoon,

Please see attached Request for Comments revised packet for **CUP22-0011, CUP22-0012, CUP22-013 & CUP22-0014/ APN 014-041-007/004-000**

Comments are due by **August 18th, 2022 at 5:00PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments packet is being sent to you via this email.

Should you have any questions, please feel free to contact Michael Abraham at (442) 265-1736, or submit your comment letters to ICPDScommentletters@co.imperial.ca.us.

Thank you,

Allison Galindo

Office Assistant III

Imperial County Planning & Development Services

801 Main St.

El Centro, CA 92243

(442)265-1736

 Virus-free www.avast.com



www.iid.com

Since 1911

May 25, 2022

Mr. Michael Abraham
Assistant Director
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: His and Herbs, Inc. Cannabis Project; CUP22-0011 thru CUP22-014

Dear Mr. Abraham:

On May 23, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Conditional Use Permit application nos. 22-0011 through 22-0014. The applicant, His and Herbs, Inc., proposes to establish a 26,250 sq. ft. commercial operation at 2185 Sunset Drive in Salton City, CA (APN 014-041-007-000) for the cultivation, manufacturing, distribution and virtual retail sale of cannabis.

The IID has reviewed the application and has the following comments:

1. To request electrical service, the applicant should be advised to contact Gabriel Ramirez, IID Customer Project Development, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit a complete set of approved project plans by the County of Imperial (including AutoCAD files), project schedule, estimated in-service date, electrical one-line diagram, electrical loads and panel schedules, electrical panel specifications (size, voltage and location) and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of temporary and permanent electrical service to the project. The applicants shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area and a circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at the website <https://www.iid.com/about-iid/departments-directory/real-estate>. The district Real

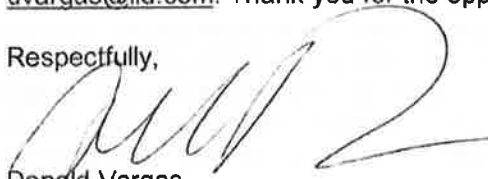
Michael Abraham
May 25, 2022
Page 2

Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.

4. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admnl.
Wayne K. Strumpfer, General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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Since 1911

August 4, 2022

Mr. Michael Abraham
Assistant Director
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: His and Herbs, Inc. Cannabis Project; CUP22-0011 thru CUP22-014 (Revised Request)

Dear Mr. Abraham:

On August 3, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a revised request for agency comments on Conditional Use Permit application nos. 22-0011 through 22-0014. The applicant, His and Herbs, Inc., proposes to establish a 26,250 sq. ft. commercial operation at 2185 Sunset Drive in Salton City, CA (APN 014-041-007-000) for the cultivation, manufacturing, distribution and virtual retail sale of cannabis.

The IID has reviewed the documents and finds that the comments provided in the May 25, 2022 district letter (see attached letter) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Geoffrey Holbrook, Interim General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



June 14, 2022

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: CUP 22-0011, 22-0012, 22-0013, and 22-0014 – His & Herbs, Inc.

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on Conditional Use Permits 22-0011, 22-0012, 22-0013, 22-0014 ("Project") for a new 26,250 square foot facility for a commercial cannabis operation: cultivation, manufacturing, distribution, and virtual retail sale respectively.

Imperial County ordinance 14.03.080 (F.) states that "an odor control plan providing air treatment/filtration systems to eliminate the cannabis operation detection from outside the facility shall be submitted for county of Imperial Air Pollution Control District (APCD)". The applicant does not discuss any Odor Control Plan (OCP) in any of the CUP documents. While the applicant has submitted an OCP with CCA 22 0004, 0005, 0006, and 0007, the Air District is still unclear on some of the odor control activities and equipment. The Air District has developed an OCP White Paper to assist applicants in developing an OCP that addresses the Air District's areas of concern and will be included with this letter. The Air District strongly recommends the applicant use the White Paper to develop a more robust OCP. If the applicant should have any questions with regards to developing the OCP the applicant can contact the Air District. The Air District would also like to formally request a site visit as part of the final OCP verification to be completed before a Certificate of Occupancy is provided.

The Air District would like to remind the applicant that depending on the type and size of equipment used within the facility the Air District may require a permit be obtained; in general generators and equipment with engines greater than 50 horsepower require permits, however,

the Air District recommends contacting the Engineering and Permitting Division directly for assistance with all permitting requirements.

For your convenience, the Air District's rules and regulations are available on our website at <https://apcd.imperialcounty.org/rules-and-regulations/>. Please feel free to call our office if you should you have any questions or concerns at (442) 265-1800.

Respectfully,



Ismael Garcia

APC Environmental Coordinator I



Reviewed by,

Monica N. Soucier

APC Division Manager



WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

PURPOSE

This paper provides guidance to operators of Cannabis Facilities (cultivation, processing, and otherwise) when developing and implement an **Odor Control Plan (OCP)**. The intent of an OCP is for the reduction or elimination of the discharge from any source whatsoever of such quantities of air contaminants or other material that may cause a nuisance or annoyance.¹ The pertinent information contained in an OCP is specific to your operation and should reflect the actual practices and customs of the operation.

The OCP is a living document intended for the **life of the project**; however, as operations change updates to the OCP will be necessary to maintain the reduction or elimination of the discharge of air contaminants. An initial site visit maybe necessary to confirm the elements of a draft OCP before the Air District can finalize its review. Once the OCP is finalized, additional site visits may occur to confirm project operations have not caused additional unforeseeable discharges from any source whatsoever of air contaminants or other material that cause a nuisance or annoyance.

MINIMUM REQUIRED ELEMENTS

While the details and specifications of each OCP will vary depending on the type, size, purpose and location of project operations, all OCP's must contain the following minimum elements:

- 1) The OCP must be on company letterhead, dated and signed by an authorizing agent of the facility
- 2) The OCP must indicate the version; draft vs final or revision
- 3) The OCP must contain sufficient information as to identify the legal owner by name, company name, location, headquarters etc.
- 4) The OCP must contain the identity and contact information of all responsible agents, and personnel involved in the day-to-day operations at the site.
 - This section must identify the primary contact for the implementation of the OCP, etc.

¹ Imperial County Rules and Regulations Rule 407 Nuisances, Revised 09/14/1999



WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

- This section must contain a commitment to notify the Air District of any personnel changes within 48 hours of the change.
- 5) The OCP must contain a description, with drawings if appropriate or available, of the project operations and must identify the current existing sources of odor and potential reasonably foreseeable potential sources of odor. This section is specific to the functions of the facility and should reference or include documents that provide sufficient information to identify sources of odors and the mitigation measures or technologies that reduce or eliminate those sources.
- Identify those processes that cause odors.
 - ❖ This section should describe the odor-emitting activities or processes (e.g., cultivation, drying, etc.) that take place at the facility, including the source(s) (e.g., processing of cannabinoids, etc.) of those odors, and the location(s) from where the odors originate. This is not necessarily limited to inside the facility. For instance, outside composting activities can and do produce odors
 - ❖ This section should describe the phases of the odor-emitting activities that take place at the facility (both inside and outside), and the length and frequency of those activities. For instance, cultivation may be continuous, while another activity (e.g., drying) may take place periodically for days or hours.
 - Identify the mitigation measures that will reduce or eliminate the potential existing and reasonably foreseeable odors and describe any contingency measures should primary mitigation measures fail.
 - ❖ This section should specify and describe any control technology utilized at the facility. The Air District recommends industry-specific best control technologies that achieve reductions in odor emissions, such as carbon filtration systems.
 - ❖ This section must provide assurances that all engineering controls for the identified odor sources are sufficient to mitigate odors. This section must also provide assurances that the control technology is installed correctly and properly operating. This can be accomplished by meeting any one of the below:



AIR POLLUTION CONTROL DISTRICT

WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

◇ *Sufficient to demonstrate mitigation of odors*

Provide documentation that attests to the effectiveness of the technology to mitigate the identified odors. Such as a certification from professional engineers.

Provide documentation of the approval by any one of the 38 Air Districts in California of the odor control technology as a suitable technology for odor control.

Provide documentation describing the system design and the technical processes

◇ *Sufficient to demonstrate technology is correctly installed and properly operating*

Provide documentation of the installation, including date of installation and the location of the technology within the facility.

Provide a Maintenance Plan

The maintenance plan is critical to ensure that technology is properly maintained and serviced. A description of the maintenance activities that are to be performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities should be included here. The activities should serve to maintain the odor mitigation systems and optimize performance (e.g., the schedule for regularly changing carbon filters as recommended by best engineering control practices).

6) Contingency Measures

- This section should specify the measures the facility will implement in the event installed technology or other administrative controls fail.

7) Notice and Record Keeping

- This section should describe all noticing measures and recordkeeping measures.



Office of the
Agricultural Commissioner
 Sealer of Weights and Measures

Carlos Ortiz
 Agricultural Commissioner
 Sealer of Weights and Measures

Jolene Dessert
 Asst. Agricultural Commissioner
 Asst. Sealer of Weights and Measures

Commercial Cannabis Activities Checklist

(May 9, 2018)

To Whom It May Concern:

For those that wish to obtain a license from the County of Imperial for the commercial production of *Cannabis sativa*, the Agricultural Commissioner's office has prepared the following checklist of potential regulatory concerns under our jurisdiction. Please review this list and consult with our office regarding those items for which a 'yes' is checked. Failure to do so may result in violations of local laws and regulations.

Description	Questions	Yes	No
Nursery Stock/Seeds - Incoming shipments of plant parts for production (including seed) typically require inspection by this office for plant pests/diseases and will be profiled for compliance with plant quarantines.	Do you intend to bring plants or other propagative plant parts (excluding seeds) into Imperial County?		
	Do you intend to bring seeds into Imperial County?		
Pesticide Use – All pesticide use is required to comply with California and Federal laws and regulations. All those that use pesticides in Imperial County for agricultural production are required to obtain an operator ID number (OIN) with our office and report pesticide usage. This OIN must be obtained prior to purchasing pesticides from a licensed pesticide dealer. Disclaimer: An OIN is not equivalent to a license to produce cannabis or a business license. The purpose is solely to come into compliance with California laws and regulations regarding pesticide use and allow for pesticide use reporting.	Do you intend to use any pesticides (including 'organic' pesticides) on your Cannabis crop?		
Weights and Measures – Any product sold by weight or measure is subject to state laws regarding that sale. Commercial weighing and measuring devices are required to be type approved for commercial use (please call for information prior to purchasing devices), registered, inspected, and sealed by our office. Point of Sale devices or Scanners used in retail sale transactions are also required to be registered and inspected. Furthermore, packaged products sold by weight or measure are also subject to periodic inspection by our office for compliance with state laws and regulations. https://www.cdffa.ca.gov/dms/CannabisWM.html	Do you intend to sell Cannabis products by weight over a scale?		
	Do you intend to sell Cannabis products by measure other than weight (for instance volume)?		
	Do you intend to sell Cannabis products with a point of sale system or scanner?		
	Do you intend to package a Cannabis product for sale by weight or measure?		



Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dossert
Asst. Agricultural Commissioner
Asst. Sealer of Weights and Measures

October 19, 2021

Landscaper/Nursery

This letter is to remind you of the requirements you must follow for movement of plant material into Imperial County. There are many quarantines which must be observed. The most complex is for the glassy-winged sharpshooter and detailed directions for compliance follow. However, there are a few other quarantines that you should be aware of and they are listed at the end of this letter.

There is a State Interior Quarantine in place to prevent artificial movement of the glassy-winged sharpshooter (GWSS). The GWSS is a hardy insect which feeds on many common landscape plants and crops. It carries and spreads *Xylella fastidiosa*, a bacterium which is deadly to many plants. Imperial County is the only Southern California County that is not infested with the glassy-winged sharpshooter, and is designated as an enforcing county.

A summary of the quarantine requirements for entry of GWSS-host nursery stock from infested counties:

- Nursery stock must be purchased from a nursery that is under Compliance Agreement with the Agricultural Commissioner's office in that County. The plants should enter Imperial County with paperwork that includes the GWSS Compliance Agreement Number stamp, the required blue tag (see below), and Certificate of Quarantine Compliance (CQC) if applicable.
- Every shipment of nursery stock from an infested county must be accompanied by a Warning Hold for Inspection Certificate also known as a blue tag. As stated on the blue tag, this requires the receiver to hold the shipment off sale upon arrival and call our office for an inspection. It is very important that we be notified immediately upon arrival of the plant shipment. You must not commingle the new shipment with previously-released nursery stock until released by our office. Our office hours are Monday through Friday, 8:00 AM to 5:00 PM. Please call as early as possible. If you intend to bring in plants on a Saturday or Holiday, you must notify our office in advance.
- Landscapers that have their own growing ground or holding yard where they store nursery stock are required to be licensed as a nursery. Landscapers that do not hold or store that stock prior to its delivery to the planting site do not need a license.
- All landscapers must comply with the requirements listed above for every shipment brought into the County. You also must hold the stock at its destination (preferably away from other plants) and call our office for an inspection - you may not plant any of the nursery stock until the plants have been inspected and released by our office. If you are buying and transporting nursery stock into Imperial County, it is your responsibility to obtain the required documents from the origin nursery and call for the inspection upon arrival.
- For every shipment, you must have a proof of ownership document for the nursery stock.

Penalties for failure to comply with the quarantine requirements listed above:

- Any violation of quarantine requirements is an infraction punishable by a fine of \$1,000 for the first offense. For a second or subsequent offense within three years, the violation is punishable as a misdemeanor (Food and Ag Code, Section 5309).
- In lieu of any civil action, the Agricultural Commissioner may levy a civil penalty for up to \$2,500 for each violation (Food and Ag Code, Section 5311).
- In addition to any other action taken, any violation of these requirements may be liable civilly in an amount not to exceed \$10,000 for each violation (Food and Ag Code, Section 5310).
- Anyone that negligently or intentionally violates any quarantine regulation and imports a GWSS-infested plant that results in an infestation, or the spread of an infestation, may be civilly liable in an amount up to \$25,000 for each violation (Food and Ag Code, Section 5028(c)).

Other restricted plant materials (if you intend to bring in any of the following commodities from outside Imperial County please contact us before the shipment date):

- Citrus species – All Citrus species are restricted from most locations within California.
- Phoenix palms – All palms of the Phoenix genus (this includes *Phoenix roebellii*, a common landscape plant) originating in California are prohibited, unless it is from certain portions of Riverside County.
- Florida nursery stock- Must comply with California State Interior Quarantine CCR. 3271 Burrowing and Reniform Nematodes, RIFA federal Quarantine and other quarantines may apply.
- Arizona nursery stock- Must comply with California State Interior Quarantine CCR. 3261 Ozonium Root Rot.
- Also, if you intend to remove any plants from the soil and ship them out of Imperial County you must be certified free from Ozonium Root Rot. To do so you must be part of our program and you should contact our office.

If you have any questions please contact our office at (442) 265-1500.

Sincerely,



Nelson Perez
Deputy Agricultural Commissioner
Pest Detection and Eradication



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

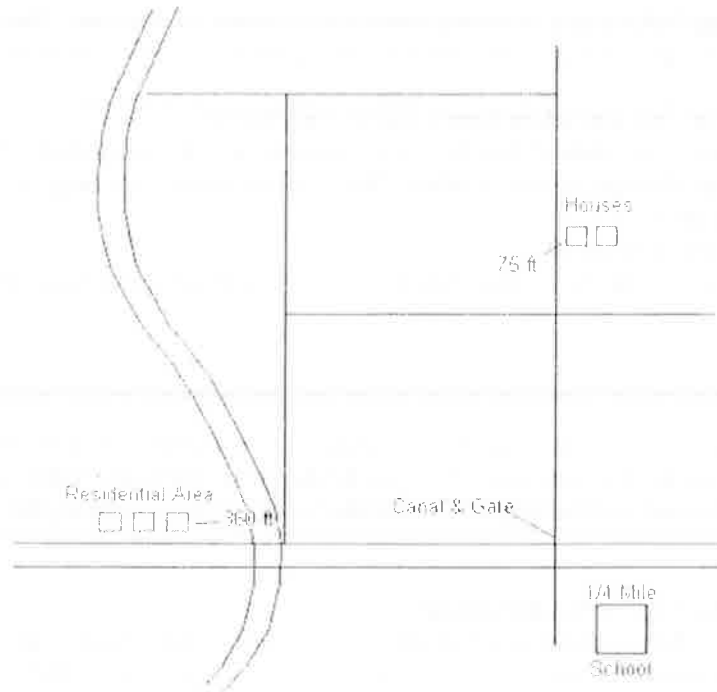
Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights & Measures

2020/2021 Operator Identification Number (OIN) Instructions

1. Fill out and sign the attached Property Operator Acknowledgement Form for each OIN. It must be signed by the owner, partner, or officer of the company.
2. Review the attached OIN printout, including contact information, for accuracy. Please include an email address. Put a single line through any information you wish to change and write in the correct information.
 - a. Remove any sites that will not be farmed during the OIN year.
 - b. Remove/correct commodities listed. For those sites that will not have a crop in the ground on July 1st or shortly after, list the crop as "uncultivated." Note: Commodities must be specific (head lettuce, leaf lettuce, napa cabbage, etc.)
 - c. Do not include/amend site ID's.
 - d. To add a new site, write in the canal and gate, and crop. Use additional paper or supplement forms as needed.
3. Maps
 - a. Two clean, legible maps must be submitted. Maps must remain legible upon faxing or photocopying in black and white. Please keep a clean original to copy for each year's OIN, and make updates to sensitive sites as needed. **Incorrect or rejected maps will delay the review and approval of your OIN.**
 - b. Map Criteria
 - i. Orient North to the top of the page.
 - ii. Depict the field(s) and all sensitive sites or potentially impacted areas within one mile. Sensitive sites include houses, schools, churches, businesses, the international border, residential areas or cities, and bodies of water. Be sure to update changes on your maps (new residence, etc.).
 - iii. Multiple fields are allowed on one map to the extent that they and the impacted areas remain clear and legible. Leave a one-inch border around the top and sides of the page and a 3-inch border on the bottom.
 - iv. All crossroads must be identified by name, and include the distance to the roads if not adjacent.
 - v. Distances from the field to the sensitive sites must be indicated and should be sufficiently accurate to allow applicators to use an appropriate buffer when needed.
 - vi. Schools within one mile of a field must be indicated on the map.
 - vii. Include a non-repeating map number on the lower right-hand corner and the OIN name on the top.
 - c. The following will likely be rejected: Plat maps, aerial imagery or color maps, illegible/blurry maps, stamped maps.
4. Return documents for review, after completing all changes and preparing your maps. Submit to Pesticide Use Enforcement at 852 Broadway, El Centro, CA 92243. These changes will be reviewed, then made in the CalAgPermits system. We will call the OIN signer when the OIN is ready to be signed.
5. Note: Any supplements turned into our office in June will be automatically added to the new OIN.

Farm XYZ

N
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Map #1

2020/2021
Property Operator Acknowledgment and Designation of Agent

County of Imperial
State of California

Operator ID/Restricted Materials Permit Name

No. 13-21-_____
Operator ID/Restricted Materials Permit Number

The undersigned hereby acknowledges as follows:

1. The Operator ID/Restricted Materials permit named above is a:
 corporation partnership sole proprietorship other (specify) _____
2. I am the _____ of the above named entity.
(title/position)
3. I am the operator of the properties listed on the Operator ID/Restricted Materials permit identified above. I am responsible for all acts, omissions, and representations made by the permittee. I am responsible for compliance with all laws, rules, regulations, and permit conditions.

Designation of Agent / Limited Power of Attorney

4. I hereby designate and appoint as my agent and attorney in fact:

Printed Name of Agent Designated to Sign the Operator ID/Restricted Materials Permit

Telephone Number

I understand that the Agricultural Commissioner is relying on this appointment and agree that I will be bound to the terms hereof until this permit expires or this appointment is revoked by me in writing. I understand and agree that this appointment authorizes the above named person to act on behalf of the permittee in any and all matters pertaining to the Operator ID/Restricted Materials permit identified above. I understand that this agreement must be renewed annually.

5. I further understand and agree that this appointment does not relieve me of my responsibilities as operator of the properties listed on the Operator ID/Restricted Materials permit identified above.

Operator Signature

Date

Print Your Name

Telephone Number

Address

City, State, Zip

E-mail



Office of the Agricultural Commissioner

Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

Records That Property Operators/Growers Must Maintain (3CCR 6618, 6619, 6623-6627, 6723, 6723.1, 6724, 6728, and 6739, 6761.1, 6764):

- Restricted Materials Permit (RMP) or Operator ID form, maps, and supplements (two years)
- Pesticide use reports for all pesticides applied for two years (must include the date of application, property operator, operator ID number or RMP number, site ID, crop, acres, pesticides applied-including the EPA or CA State Registration number, completion date and time, time to reentry), and records must be filed by site/field if applied by a commercial applicator.
- Any records required for employees handling pesticides, including pesticide use records with employee name and date of use for any employee handling DANGER or WARNING organophosphate/carbamate (3 years).
- Pesticide Safety Information Series (PSIS) if you have employees handling pesticides or entering treated fields.
- Safety Data Sheets (SDS) for all pesticides applied to your property

Records That Property Operator/Growers Must Submit (3CCR 6624, 6626, and 6627):

- Notice of Intent - 24 hours prior to the application of California restricted materials.
- Pesticide use reports for the grower application of any pesticide by the 10th of the month following the application. Two forms: one for crops and one for non-crops (i.e., ditch banks, right-of-ways, etc.). "Pesticides" include all substances/materials intended to control, destroy, repel, or mitigate a pest and adjuvants. This definition includes glyphosate and organic materials, and all such use must also be reported.

Field Worker Safety Requirements (any employee entering a "treated" field) (3CCR 6618, 6761-6776)

- Property operators must have a method of informing employees or other contractors who may be entering a field or working within a ¼ mile of a field of ongoing applications or active restricted entry intervals (REI).
- Complete and central location display of PSIS A-9 (Hazard Communication) at work site.
- Display application-specific information at a central location with unimpeded access during hours of fieldworker operation (site ID, acreage, date and time application is completed, reentry interval, pesticide/adjuvant, and active ingredient, CA and EPA Registration numbers, and SDS).
- Do not allow any person, other than the applicator(s), to enter or remain in a treated area during an application.
- Fieldworker training - ensure that all employees working in a treated field have been trained within the last year. Training requirements of 6764 have recently changed, and training material must be updated.
- Plan for emergency medical care in advance and post the location of emergency medical facilities at the work location. Immediately take all ill persons to a physician.
- Provide field worker decontamination facilities within a ¼ mile of workers - soap, water (at least one gallon per employee), and single use towels.
- Comply with pesticide REI/or early entry requirements.
- Comply with pesticide warning and posting requirements as specified on the label and in 3CCR 6776. Posting is required for all products whose REI exceeds 48 hours.

Training Requirements for Handlers (training must be provided annually) (3CCR 6724):

- Employees must be trained before working with pesticides and for each type of pesticide they handle.
- Written training records kept for each employee (retained for 2 years), signed by the employee and certified trainer.



Office of the Agricultural Commissioner

Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

- Certified Trainer – must be qualified by Train the trainer, PAC, QAL, QAC, PCA, Farm Advisor, or other approved by Dir.
- Completed and centrally displayed PSIS A-8 (Hazard Communication)
- Written training program for handler employees. Training records must specifically address:
(Note that the PSIS covers most of these topics)
 - Format and meaning of information contained in pesticide product labeling.
 - Applicator's responsibility to protect persons, animals, and property.
 - Need for limitations, appropriate use, and sanitation of personal protective equipment.
 - Safety requirements and procedures for handling, transporting, storing, and disposing of pesticides.
 - Where and in what form pesticides may be encountered (treated surfaces, residues on clothing/PPE/ application equipment, and drift)
 - Hazards of pesticides as identified in product labeling, SDS, or PSIS.
 - Routes pesticides can enter the body.
 - Signs and symptoms of overexposure.
 - Routine decontamination procedures. (1. Hand washing before eating, drinking, using the restroom, etc. 2. Shower with soap and water. 3. Changing into clean clothes. 4. Washing clothes separately from other laundry)
 - SDS contains information on hazards, emergency medical treatment, and other information
 - The location of the written hazard communication information for employees handling pesticides (PSIS A-8), other PSIS, and SDS.
 - The purposes and requirements for medical supervision, and documentation, if they fall into that category.
 - Emergency first aid and decontamination, including eye flushing for pesticide exposure.
 - How and when to obtain emergency medical care.
 - Heat-related illness prevention, recognition, and first aid training in accordance with 8CCR section 3395.
 - Requirements of the California Code of Regulations pertaining to pest control operations and environmental protection concerning pesticide safety, SDS, and PSIS.
 - Handlers must be 18 years old
 - Environmental concerns such as drift, runoff, and wildlife hazards.
 - Field posting requirements and REIs
 - Employees should not take pesticides or containers home.
 - Potential hazards to children and pregnant women. Handlers should decontaminate prior to coming into contact with family members.
 - How to report pesticide use violations
 - Employee rights (receive information about pesticides to which they may have been exposed, that a doctor or other representative is also entitled to this information, the illegality of employer retaliation for pesticide complaints and that they should report suspected violations to the Ag. Commissioner.

Written Respiratory Protection Program – (keep records for 3 years) (3CCR 6739):

- Know if respirators are required by reading the labels of the pesticides for the products you plan to use.
- When respirators are required, you must provide medical evaluation, fit testing, a written training program, annual respiratory protection training, annual pesticide program evaluation, and recordkeeping for these documents.



Office of the Agricultural Commissioner

Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

Medical Care and Medical Monitoring Requirements – (keep records for 3 years) (3CCR 6726 and 6728):

- Plan for emergency medical care for all employees using pesticides and post this information at the worksite (pickup, field). You must follow this plan and take staff for medical evaluation in the event of exposure or illness.
- When handling any organophosphate or N-methyl carbamate pesticide labeled DANGER or WARNING, maintain use records for each employee, which show the pesticide(s) used and date of each use.
- When an employee works with organophosphates or N-methyl carbamates labeled DANGER or WARNING for more than six days within any 30 days:
 - Employers must obtain medical supervision for employees and comply with the Doctor's Letter, which outlines the program and frequency of testing. A current copy of the medical supervision letter must be given to the Ag Commissioner's Office.
 - Employees must have cholinesterase baseline tests BEFORE they begin work, and must be retested at intervals based on 3CCR 6728 regulations and doctor's recommendation in the medical supervision letter.
 - All medical records and test results shall be kept on file by the employer.

Protective Clothing, Safety Equipment, and Other Handler PPE Requirements (3CCR 6730-6738.4 and 6746):

- Whenever an employee is using any pesticide - soap, water (3 gallons per handler), and single use towels must be available for washing at the worksite, in addition to an extra pair of clean coveralls to change into.
- When the label requires eye protection, the handler must have one pint of clean water available for emergency eyewash (in the cab of the application equipment), and the mix/load site must have at least 6 gallons of water available in a manner capable of delivering gently running water for at least 15 minutes.
- PPE must be provided and maintained by the employer. Employees cannot take PPE home. The employer must also ensure the proper use and storage of PPE.
- Eye protection and rubber gloves are required for all mixing and loading, when using hand or ground spray equipment, and when cleaning or repairing equipment. (CA law; may not be mandated on pesticide labels)
- Whenever protective eyewear is required, and the label does not identify a specific type, one of the following ANSI Z87 compliant items must be worn: 1. Safety glasses that provide front, brow, and temple protection, 2. Goggles, 3. Face shield, or a respirator with a full-face mask approved by NIOSH.
- Gloves – 3CCR 6738.3 specifies various categories of glove materials. If the label specifies a category, the gloves must correspond. All gloves must be 14 mils or thicker except barrier laminate and polyethylene materials.
- Pesticide labels may also require a respirator, chemical resistant boots, apron, head covering, or specific clothing under coveralls.
- A clean, long-sleeved shirt and long pants or coveralls may be worn instead of label required PPE when handling CAUTION materials with a closed system. Coveralls and apron may be used when handling DANGER or WARNING materials instead of labels required PPE.
- A closed system must be used by employees for mixing and loading of pesticides when required by label or by precautionary statements. Tier 1 closed system: "Fatal if absorbed through skin"; Tier 2 closed system: "May be fatal if absorbed through skin."
- When an employee works with any DANGER or WARNING pesticide, a changing area must be available where the employee can change and wash at the end of the day.
- Maintain contact with employees working alone with DANGER pesticides every 2 hours in the daytime, every 1 hour at night.



Office of the Agricultural Commissioner

Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

Minimal Exposure Pesticides - Buctril, Metasystox-R, Omite, Comite (3CCR 6790-6793):

- Must comply with Minimal Exposure Pesticide Safety User Requirements - 3CCR 6793.
- Employers should have a copy of PSIS A-6 Minimal Exposure Pesticides available and ensure that employees handling these pesticides comply with it.

Pesticide Use Near Schoolsites (3CCR 6690-6692):

- Any production ag. site within ¼ mile of a schoolsite (Public K-12 and licensed daycares) is subject to application restrictions from 6:00 AM to 6:00 PM, Monday through Friday. The restrictions prohibit applications during these times based on the potential for drift created by the application method and the pesticide formulation.
- Any property operator of an ag. site within ¼ mile of a schoolsite must submit an annual notification to the schoolsite by April 30th, of all intended pesticide use for the upcoming school year. Pesticides intended to be used should be accurate for the active ingredient; however, the trade name need not be. Notifications must be amended 48 hours prior to use for unanticipated pesticides. If a property operator changes, the new property operator has 30 days to submit the notification. Annual notifications must be retained for 2 years.

Beekeeper Notification Requirements for Grower Applied Pesticides Toxic to Bees (3CCR 6652 and 6654):

- Must notify beekeepers participating in this program 48 hours prior to applying toxic pesticides to blooming crops when bees are within one mile regardless of the time of application.
- Follow specific pesticide label requirements for bees and bloom in all cases.

I have received a copy of these requirements and understand that the California Food and Agricultural Code establishes that violations of pesticide use and worker safety requirements are subject to civil penalties of up to \$5,000 per violation.

_____ Initial to acknowledge that you have read and understood the information in this document.

OPERATOR (FIRM NAME)	TELEPHONE NUMBER
----------------------	------------------

MAILING ADDRESS (Number and Street, City, State, ZIP Code)

OPERATOR IDENTIFICATION NUMBER	ISSUING COUNTY	ISSUE DATE	EXPIRATION DATE
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LOCATION	SEC	TWN	RNG	COMMODITY	ACRES/UNIT	SITE IDENTIFICATION NUMBER

LIST ADDITIONAL COUNTIES AND OPERATOR IDENTIFICATION NUMBERS WHERE PESTICIDES MAY BE APPLIED:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

SIGNATURE	TITLE	DATE
	PREPARED BY	DATE



CANNABIS BUSINESSES: WHEN DO I NEED TO LICENSE AS A WEIGHMASTER?

On January 16, 2019, permanent cannabis regulations became effective for three licensing authorities in California:

- California Department of Food and Agriculture, CalCannabis Division
(CDFA CalCannabis Division)
[California Code of Regulations, Title 3, Division 8](#)
- California Department of Public Health, Manufactured Cannabis Safety Branch
(CDPH MCSB)
[California Code of Regulations, Title 17, Division 1, Chapter 13](#)
- California Department of Consumer Affairs, Bureau of Cannabis Control
(CDCA BCC)
[California Code of Regulations, Title 16, Division 42](#)

You need a weighmaster license if you have a license issued by CDFA CalCannabis Division and/or CDPH MCSB.

You do not need a weighmaster license if you only have one license, and that license was issued by CDCA BCC.

HOW DO I OBTAIN A WEIGHMASTER LICENSE?

Weighmaster licenses are issued by CDFA, Division of Measurement Standards, Weighmaster Program.

Go to the Weighmaster Program [webpage](https://www.cdfa.ca.gov/dms/programs/wm/wm.html) where you can find Frequently Asked Questions, licensing information, and an application. (<https://www.cdfa.ca.gov/dms/programs/wm/wm.html>)

When filling out your application, choose the classification(s) that correctly describes your cannabis business.

Business Classification by Commodity

CANNABIS-RELATED ACTIVITIES		
Adult Use. Cultivator (nurseries, growers, and processors)	Medicinal Use. Cultivator (nurseries, growers, and processors)	Cannabis (other businesses Not Elsewhere Classified)
Adult Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance)	Medicinal Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance)	Hemp (Cannabis plant fiber)
Adult Use. Manufacturers (extractions, infusions, packaging, and labeling)	Medicinal Use. Manufacturers (extractions, infusions, packaging, and labeling)	
Adult Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)	Medicinal Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)	

You may submit your application and payment electronically or print and fill out a paper version and submit with your payment.

Weighmaster laws are in the California Business and Professions Code, Division 5. Weights and Measures, Chapter 7, Weighmasters.

You may access these from the [California Legislative Information website](http://leginfo.ca.gov)

http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=

Weighmaster regulations are in the California Code of Regulations (CCR), Title 4, Division 9, Chapter 9.

You may access these from the [WESTLAW](https://govt.westlaw.com) website at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

WHO HAS TO ISSUE WEIGHMASTER CERTIFICATES?

Each state agencies' regulations are slightly different [California Code of Regulations (CCR)].

You must issue a weighmaster certificate if you have a license from CDFA CalCannabis Division.

CCR Title 3 § 8213. Requirements for Weighing Devices and Weighmasters.

(a) Weighing devices used by a licensee shall be approved, registered, tested, and sealed pursuant to chapter 5 (commencing with section 12500) of division 5 of the Business and Professions Code and its implementing regulations and registered with the county sealer consistent with chapter 2 (commencing with section 12240) of division 5 of the Business and Professions Code and its implementing regulations. Approved, registered, tested, and sealed devices shall be used whenever any one or more of the following apply:

- (1) Cannabis and nonmanufactured cannabis products are bought or sold by weight or count;
- (2) Cannabis and nonmanufactured cannabis products are packaged for sale by weight or count;
- (3) Cannabis and nonmanufactured cannabis products are weighed or counted for entry into the track-and-trace system; or
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) In any county in which a sealer is unable or not required to approve, register, test, and seal weighing devices used by a licensee, the department may perform the duties of the county sealer in the same manner, to the same extent, and with the same authority as if it had been the duly appointed sealer in such county. In those instances, the department shall charge a licensee for its services using the schedule of fees established in Business and Professions Code section 12240.

(c) For the purposes of this chapter a licensee must use wet weight or net weight. Wet weight and net weight shall be measured, recorded, and reported in U.S. customary units (e.g., ounce or pound); or International System of Units (e.g., kilograms, grams, or milligrams).

(d) For the purposes of this chapter, "count" means the numerical count of the individual cannabis plants, seeds, or nonmanufactured cannabis product units.

(e) Any licensee weighing or measuring cannabis or nonmanufactured cannabis product in accordance with subsection (a) shall be licensed as a weighmaster.

(f) A licensed weighmaster shall issue a weighmaster certificate whenever payment for the commodity or any charge for service or processing of the commodity is dependent upon the quantity determined by the weighmaster in accordance with section 12711 of the Business and Professions Code and shall be consistent with the requirements in chapter 7 (commencing with section 12700) of division 5 of the Business and Professions Code.

You may have to issue a weighmaster certificate if you have a license from CDPH MCSB, but not if the measurement is only to be entered into the Track-and-Trace System.

CCR Title 17 § 40277. Weights and Measures.

(a) Weighing devices used by a licensee shall be approved, tested, and sealed in accordance with the requirements in Chapter 5 (commencing with section 12500) of Division 5 of the Business and Professions Code, and registered with the county sealer consistent with Chapter 2 (commencing with section 12240) of Division 5 of the Business and Professions Code. Approved and registered devices shall be used whenever:

- (1) Cannabis or cannabis product is bought or sold by weight or count;
- (2) Cannabis or cannabis product is packaged for sale by weight or count;
- (3) Cannabis or cannabis product is weighed or counted for entry into the track-and-trace system; and
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) For the purposes of this chapter, "count" means the numerical count of the individual cannabis product units.

(c) Whenever the licensee is determining the weight, measure, or count of cannabis and cannabis products for the purposes specified in subsection (a), the weight, measure, or count shall be determined by a licensed weighmaster as required by Chapter 7 (commencing with section 12700) of Division 5 of the Business and Professions Code. The weighmaster certificate required under section 12711 of the Business and Professions Code shall not be required when cannabis or cannabis products are weighed for entry into the track-and-trace system.

You do not have to issue a weighmaster certificate if you are licensed only by CDCA BCC.

CCR Title 16 § 5049. Track and Trace Reporting.

- (a) A licensee shall record in the track and trace system all commercial cannabis activity, including:
- (1) Packaging of cannabis goods.
 - (2) Sale and transfer of cannabis goods.
 - (3) Transportation of cannabis goods to a licensee.
 - (4) Receipt of cannabis goods.
 - (5) Return of cannabis goods.
 - (6) Destruction and disposal of cannabis goods.
 - (7) Laboratory testing and results.
 - (8) Any other activity as required pursuant to this division, or by any other licensing authority.
- (b) The following information shall be recorded for each activity entered in the track and trace system:
- (1) Name and type of the cannabis goods.
 - (2) Unique identifier of the cannabis goods.
 - (3) Amount of the cannabis goods, by weight or count, and total wholesale cost of the cannabis goods, as applicable.**
 - (4) Date and time of the activity or transaction.
 - (5) Name and license number of other licensees involved in the activity or transaction.
 - (6) If the cannabis goods are being transported:
 - (A) The licensee shall transport pursuant to a shipping manifest generated through the track and trace system, that includes items (1) through (5) of this subsection, as well as:
 - (i) The name, license number, and licensed premises address of the originating licensee.
 - (ii) The name, license number, and licensed premises address of the licensee transporting the cannabis goods.
 - (iii) The name, license number, and licensed premises address of the destination licensee receiving the cannabis goods into inventory or storage.
 - (iv) The date and time of departure from the licensed premises and approximate date and time of departure from each subsequent licensed premises, if any.
 - (v) Arrival date and estimated time of arrival at each licensed premises.
 - (vi) Driver license number of the personnel transporting the cannabis goods, and the make, model, and license plate number of the vehicle used for transport.
 - (B) Upon pick-up or receipt of cannabis goods for transport, storage, or inventory, a licensee shall ensure that the cannabis goods received are as described in the shipping manifest, and shall record acceptance or receipt, and acknowledgment of the cannabis goods in the track and trace system.
 - (C) If there are any discrepancies between the type or quantity of cannabis goods specified in the shipping manifest and the type or quantity received by the licensee, the licensee shall record and document the discrepancy in the track and trace system and in any relevant business record.
 - (7) If cannabis goods are being destroyed or disposed of, the licensee shall record in the track and trace system the following additional information:
 - (A) The name of the employee performing the destruction or disposal.

- (B) The reason for destruction and disposal.
- (C) The entity disposing of the cannabis waste.
- (8) Description for any adjustments made in the track and trace system, including, but not limited to:
 - (A) Spoilage or fouling of the cannabis goods.
 - (B) Any event resulting in damage, exposure, or compromise of the cannabis goods.
 - (9) Any other information as required pursuant to this division, or by any other applicable licensing authorities.
- (c) Unless otherwise specified, all transactions must be entered into the track and trace system within 24 hours of occurrence.
- (d) Licensees shall only enter and record complete and accurate information into the track and trace system and shall correct any known errors entered into the track and trace system immediately upon discovery.

SCALES USED FOR COMMERCIAL PURPOSES

All scales used for commercial purposes must meet strict standards for accuracy and customer visibility in the California Code of Regulations. Appropriate and suitable scales must be of a type approved by the Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval or a National Type Evaluation Program (NTEP) Certificate of Conformance before commercial use. This process is known as "Type Evaluation." See the CTEP Information Guide at: <https://www.cdfa.ca.gov/dms/programs/ctep/CTEPInfoGuide.pdf>

- Step 1: Selecting a suitable scale to meet your business needs.
- Step 2: Setting up your scale.
- Step 3: Using and maintaining your scale.
- Step 4: Notifying your County Weights and Measures Office.

Step 1: Selecting a suitable scale to meet your business needs.

Consider:

- Range of weighing (minimum and maximum capacities)
- Division (increment) size
- Precision (i.e., scales that comply with Accuracy Class I & II parameters)

Legal-for-trade scales purchased from a scale dealer or purchased online will require calibration before use. A Registered Service Agency (RSA) can assist you in the selection of a type approved and suitable scale. They will ensure the scale is accurate and correct, install and place the scale into commercial use pending inspection by a local weights and measures official, and can assist in the scale registration process. [RSAs listings](#) can be found at <https://www.cdfa.ca.gov/dms/programs/rsa/rsa.html> or via online searches.

Step 2: Setting up your scale.

- Scales must be installed and operated per the manufacturer's instructions and California laws and regulations.
- Scales must be placed on a level solid surface and properly used and maintained (refer to owner's manual).
- Legal-for-trade scales must be "inspected, tested and sealed" by a County Weights and Measures Office.
- Precision scales may need to be verified and recalibrated when moved to another location within a production facility or retail establishment.

Step 3: Using and maintaining your scale.

- Use the scale according to the owner's reference manual.
- Deduct "TARE" (packaging, wrappings, containers, labels etc.) to determine "NET" weight (NET = GROSS – TARE).
- The owner or user is responsible for ensuring the accuracy and proper maintenance of a commercial scale.
- EVERYBODY benefits from an accurate scale. The customer is not cheated, and the seller is protected by weights and measures officials who ensure a level playing field for all competing businesses.

Step 4: Register a scale with your county.

- Most California counties have local ordinances requiring annual registration of commercial scales.
- Find your County Weights and Measures Office at: <https://www.cdfa.ca.gov/exec/county/countymap/>

SCALES USED FOR CANNABIS

For Harvest Weights, Bulk Packaging, Net Weight Verification and Weight Verification for Track and Trace Reporting.

Typical Class I & II Scale Capacities		Maximum Scale Division Size (Increments)*	
Metric Units kilogram (kg)	US Standard Units pound (lb)	Metric Units gram (g)	US Standard Units pound (lb)
0.5 kg (500 g)	1 lb	0.5 g	0.001 lb
5 kg	10 lb	5 g	0.01 lb
50 kg	100 lb	50 g	0.1 lb
50 kg +	100 lb +	500 g +	1.0 lb +

*EXAMPLES: Capacity=100 kg: min. div. can be (0.001 kg, 0.002 kg, 0.005 kg or smaller)
 Capacity=5000 lb: min. div. can be (1 lb, 0.2 lb, 0.5 lb, or smaller)

For Retail Packaging, Net Weight Verification, and Retail Sales from Bulk.

Typical Weighing Range	Maximum Scale Division Size (Increments)
0-1 gram (g)	0.01 g
Between 1-10 g	0.01 g
Between 10-100 g	0.1 g
Between 100-1,000 g	1 g
Between 1/8 ounce (oz) to 1/2 oz	0.0005 oz (0.00002 lb) (0.01 g)*
Between 1/2+ oz to 1 oz	0.005 oz (0.0002 lb) (0.1 g)*
Greater than 1 oz	0.05 oz (0.002 lb) (1 g)*

*Conversions rounded to nearest legal division size.

Additional Resources

California Weights and Measures Laws and Regulations	www.cdfa.ca.gov/dms/publications.html
Buying Legal-for-Trade Scales Online	ncwm.net/resource/consumer-information
National and California Type Evaluation Program - Certificate Search Database	ncwm.net/ntep/cert_search and cdfa.ca.gov/dms/ctep.html
California Weighmaster Requirements	https://www.cdfa.ca.gov/dms/programs/wm/wm.html

SALES BY WEIGHT:

A business needs to determine weight of:

- containers/packages of trimmings,
- containers/packages of product, and
- packages of dried flower.

These different types of containers and packages will likely require scales of different capacities and division sizes due to basic suitability requirements.

Scale 1: For weighing 1 lb net weight packages the grower could use a 1 kg x 0.001 kg scale (1000 g x 1 g).

Scale 2: For weighing 1 gram net weight packages the grower could use a 500 g x 0.01 g scale.

This may include, but is not limited to packages of:

- Usable cannabis (buds, flowers)
- Edibles
- Topicals (ointments, creams, balms, emollents)
- Shatter (cannabis concentrate)

SALES BY VOLUME:

Cannabis products in liquid form are sold by volume, e.g., milliliters (ml) and fluid ounces (fl oz).

This may include, but is not limited to packages of:

- Oils
- Tinctures
- Extracts



For additional information, go online at <https://www.cdfa.ca.gov/dms/> or send an email to DMS@cdfa.ca.gov.

CALIFORNIA WEIGHTS AND MEASURES LABEL REQUIREMENTS

Cannabis products sold in California must also meet the labeling requirements for the California Department of Public Health. Contact the appropriate agency for specific requirements.

This is a brief summary of regulations adopted by the State of California, pursuant to the Fair Packaging and Labeling Act, for packages in general. For complete requirements, consult the California Code of Regulations (CCR), Title 4. Other agencies may have different or additional labeling requirements (e.g., ingredient, nutritional labeling, pharmacological, safety related). Those requirements are not covered in this guide.

Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons.

The three basic requirements are:

1. A declaration of **identity** that is the common or usual name of the commodity.
2. A declaration of **responsibility** that includes the **name, address, and zip code** of the manufacturer, packer, or distributor. A street address is required if the name is not listed in a current directory, which can include an online source. The connection of a distributor must be shown (e.g., "packed for, distributed by"). This statement is not required to be on the principal display panel.
3. A declaration of the **quantity** of the commodity in the lower 30% of the principal display panel area, in a size depending upon the area of the principal display panel.

Units of Weight or Measure: Both SI (metric) and inch-pound units are **required** for most consumer packages. SI units may appear first and the converted value must not overstate the net contents. Exceptions include: labels printed before February 14, 1994, random weight packages, foods packed at retail, camera film, audio and video recording media. There may be different requirements for the following federally regulated commodities: meat, poultry, alcoholic beverages, drugs, cosmetics, insecticides, fungicides, rodenticides, and tobacco products.

CONSUMER PACKAGES

Principal Display Panel Area Determination: This area, not the area of the label, determines the minimum height requirement of the declaration of quantity (see table).

1. A rectangular package where an entire side is the principal display panel - height times width.
2. A cylindrical or nearly cylindrical container - 40% of the product of the height times the circumference.
3. Other shaped containers - 40% of the entire square area of the container.
4. Obvious principal display panels - the actual square area of the panel.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

Minimum Height of Numbers and Letters for Principal Display Panel		
Area of Principal Display Panel	Minimum Height of Numbers and Letters (Printer)	Minimum Height Label Information (Blown or Molded)
32 cm² (5 in ²) or less	1.6 mm (1/16 in)	3.2 mm (1/8 in)
Over 32 cm² (5 in ²) to 161 cm² (25 in ²)	3.2 mm (1/8 in)	4.8 mm (3/16 in)
Over 161 cm² (25 in ²) to 645 cm² (100 in ²)	4.8 mm (3/16 in)	6.4 mm (1/4 in)
Over 645 cm² (100 in ²) to 2581 cm² (400 in ²)	6.4 mm (1/4 in)	7.9 mm (5/16 in)
Over 281 cm² (400 in ²)	12.7 mm (1/2 in)	14.3 mm (9/16 in)

Proportion: Letters of a declaration of quantity must not be more than three (3) times as high as they are wide. Except for blown or molded declarations, the style of type or lettering shall be bold, clear, and conspicuous against its background.

A Free Area: A free area, equal to at least the height of the lettering, is required above and below the quantity declaration. At each end, the free area must be equal to twice the width of the capital "N" of the style and size of type used.

Decimal Fractions: Decimal fractions may be carried to three places. SI unit declarations may contain only decimal fractions. Decimal fractions are permitted in inch-pound declarations.

Common Fraction: Common fraction use is restricted to inch-pound units and is normally limited to halves, quarters, eighths, sixteenths, and thirty-seconds to the lowest term. Each number of a fraction in a declaration of quantity must be at least 1/2 the minimum height.

Abbreviations:

Inch-pound: avdp, lb, oz, gal, qt, pt, yd, ft, in, sq, and cu

SI units: kg, g, mg, L or l, mL or ml, m, cm, mm, m, m², dm², cm², m³, dm³, and cm³

Both systems may use: wt, fl, liq, dr, dia, pc, ea, and ct

Periods and plural forms are not recommended for inch-pound units and are prohibited for metric.

Rule of 1000 for SI Units: Numerical values should be between 1 and 1000 (e.g., 500 g not 0.5 kg; 1.96 kg not 1960 g; 750 ml not 0.75 l; 750 mm or 75 cm not 0.75 meters).

Weight Declarations: The words "net mass" or "net weight" are optional.

Less than 1 kilogram: must be stated in grams, decimals of a gram or milligrams.

1 kilogram or more: kilograms and decimals of a kilogram up to three places.

Less than 1 pound: must be stated as ounces or fraction of ounces.

1 pound or more: in pounds, with remainder in fractions of pounds, or ounces and fractions of ounces.

Fluid Declarations: The words "net" or "net contents" are optional. "Fluid" is required with ounces (e.g., 12 fl oz) unless the meaning is obvious by association (e.g., 1 pint 4 ounces).

Less than 1 liter: must be stated in milliliters.

1 liter or more: liters and decimal fractions of a liter up to three places.

Less than 1 pint: fluid ounces and fractions of an ounce.

1 pint to less than 1 gallon: largest whole unit (quarts or pints as appropriate), with remainder in ounces, fractions of a pint or a quart. (2 quarts may be stated as 1/2 gallon)

1 gallon or more: gallons and fractions of a gallon.

Supplementary Declarations: Non-required quantity declarations are not permitted on the principal display panel.

Qualifying Statements: Quantity declarations containing qualifying words are not permitted. Words such as "minimum," "approximately," "when packed," or any words that tend to exaggerate are considered qualifying words.

Multi-Unit, Combination or Variety Packages: Consult California Code of Regulations, Title 4, for specific requirements.

NONCONSUMER PACKAGES

Nonconsumer Package: This term applies to any package other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

Basic Requirements: A declaration of identity of the commodity, the name, address, and zip code of the packer, and a declaration of quantity shall be prominently and conspicuously displayed on the outside of the package.

Declaration of Quantity: The declaration of quantity shall be in the largest whole unit. SI and inch-pound units may be used, individually or together.

EXEMPTIONS FROM LABELING REQUIREMENTS

Bulk Foods Repacked and Sold by Retailer - Food and Drug Administration (FDA) Retail Food Labeling Exemptions

FDA regulations specify that foods **received by retailers in bulk quantities that are repackaged by the retailer and displayed for sale on the premises**, are exempt from:

1. Net content statements - if it is obvious that they are to be weighed, measured, or counted, within view of the customer or in compliance with the customer's order. [21 CFR § 1.24(a)(I)]
2. Identity statements - if a placard, counter card, or the master container bears the identity statement. [21 CFR § 101.100(b)(3)]
3. Responsibility statements. [21 CFR § 101.100(b)(I)]

Commodities Packed and Sold on the Same Premises

A package sold on the same premises where it was packed is not required to have a declaration of responsibility (i.e., name and address of the manufacturer, packer, or distributor). [CCR § 4510 UPLR 5]

However, the package must still have the declarations of quantity and identity. [CCR § 4510 UPLR 3, 4, 6, 7]

Random Weight Packages

These are packages from a lot having identical labels **except** for the net weight. An example would be packages of bricks of cheese labeled: *Extra Sharp Cheddar, Audry Cheese Company, Sell by April 25 '18*, each package having a different net weight ranging from 0.94 to 1.64 lb.

As of January 1, 2000, a random weight package must bear a label conspicuously declaring:

- a) the net weight
- b) unit price
- c) the total price

[CCR § 4510 UPLR 6.16, 11.1]

Exemptions

1. If the random weight package is packaged for sale at another location, the unit price and total price may be omitted providing they are on the package at the time of sale. [CCR § 4510 UPLR 6.16]
2. Random weight packages are not required to be labeled with the net weight if they are "sold intact and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale." For this exemption, no quantities can be represented on the package prior to being weighed or measured at the time of sale. The outside container is required to bear a label declaration of the total net weight. [CCR § 4510 UPLR 11.26]

A random weight package will have a conspicuous label stating:

- a) net weight
- b) price per pound
- c) total sales price

It is exempt from the requirements for:

- a) SI (Metric) quantity labeling
- b) type size
- c) placement in the lower 30% of the principal display panel free area

[CCR § 4510 UPLR 11.1]

3. If the random weight package does not state the net weight, price per pound and total sales on the same label at the time of sale, it must conform to all package labeling requirements. This includes placement, letter size, color contrast, prominence, etc., unless it is done as an indirect sale. [CCR § 4510 UPLR 11.1 and 11.1.1]
4. Indirect sales, such as internet orders, shall be exempt from the labeling requirements of unit price and total price when at the time of delivery, the package is marked with a statement of net weight and all of the following requirements are met:
 - (a) the unit price is set forth and established in the initial product offering
 - (b) the maximum possible net weight, unit price, and maximum possible price are provided to the customer by order confirmation when the product is ordered
 - (c) at delivery, the customer receives a receipt bearing the following information: identity, declared net weight, unit price, and the total price. [CCR § 4510 UPLR 11.1.1]



Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dossert
Asst. Agricultural Commissioner
Asst. Sealer of Weights and Measures

POINT-OF-SALE SCANNERS & ELECTRONIC PRICING DEVICES

The Imperial County Weighing and Measuring Devices and Point-of-Sale Systems ordinance (Chapter 5.68) requires businesses to register with the Imperial County Sealer of Weights and Measures Department and pay an annual registration fee. Registration certificate fees are based on the number of point of sale stations at each retail location. This registration certificate is required in addition to any other certificate, license or permit which may be required by the county, cities, or any public entity. Any registration certificate for which fees have not been paid within forty –five (45) days from the date that such payment is due, will be subject to a twenty percent (20%) penalty. See the attached fee schedule for reference.

All retail locations that utilize a point of sale system are subject to the county ordinance. Such systems include Universal Product Code (UPC) scanners, price look-up codes, or any other system that relies on the retrieval of electronically stored information to complete a transaction. Per the ordinance, all systems shall be available for testing and inspection by the county sealer of weights and measures.

The Imperial County Weights and Measures Office enforces the California Business and Professions Code as well as the California Code of Regulations as it pertains to point-of-sale systems. Below is a summary of applicable code sections:

In accordance to the California Business and Professions Code § 12024.2 and § 12024.6, it is unlawful for any person, at the time of sale of a commodity, to do any of the following:

- Charge an amount greater than the price, or to compute an amount greater than a true extension of a price per unit, that is then advertised, posted, marked, displayed, or quoted for that commodity.
- Charge an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect.

- No person, firm, corporation, or association shall advertise, solicit, or represent by any means, a product for sale or purchase if it is intended to entice a customer into a transaction different from that originally represented.

In accordance to the California Business and Professions Code sections § 13300-13303 and § 12024.6:

- Any business that uses a point-of-sale system must have a display of the prices charged visible to the customer from a reasonable and typical position
- When a price reduction or discount regarding an item is advertised, the checkout system customer indicator shall display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings
- Any surcharges and the total value to be charged for the overall transaction also shall be displayed for the consumer at least once before the consumer is required to pay for the goods or services
- "Point-Of-Sale System" means any computer or electronic price look-up system that retrieves the price of the item being purchased

The Imperial County Sealer of Weights and Measures is authorized to levy a civil penalty against a person violating any provision of this law or regulation adopted pursuant to this law, of not more than one thousand dollars (\$1,000) for each violation.

Please remember that it is the responsibility of the owner/operator of a business to obtain a current registration from the Sealer's Office before using an electronic point-of-sale checkout system. Our office is open to the public from 8:00AM to 5:00PM, Monday through Friday. If you have any questions or need assistance, please contact us at (442) 265-1500. We will be happy to assist you.

Sincerely,



Margo Sanchez
Deputy Sealer of Weights & Measures
Special Projects Division



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights & Measures

ANNUAL REGISTRATION/RENEWAL APPLICATION (expires December 31, 2022)

Registration No.: _____ *Please update any outdated or missing information.*

Company Headquarters:

Name: _____ **Contact:** _____
Mailing Address: _____ **Phone:** _____
City/State/Zip: _____ **Fax:** _____
Email: _____

Physical Location:

Business Name: _____ **Primary Contact:** _____
Physical Address: _____ **Phone:** _____
City/State/Zip: _____ **Fax:** _____

Device Type	Location Fee	Quantity	Fee per Device	Device Fee Subtotal	DMS Fee per Device	DMS Fee Subtotal	Device Total

TOTAL FEES DUE: _____

For Department Use Only	Make check or money order payable to:
DMS Receipt #: _____ DMS Date: _____	IMPERIAL COUNTY WEIGHTS & MEASURES
Deposit #: _____ Deposit Date: _____	852 Broadway El Centro, CA 92243

I CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION IS TRUE AND CORRECT.

Print Name of Authorized Representative	Signature	Date
--	------------------	-------------

We gladly accept checks. If your check is returned unpaid, your account will be debited electronically for the original amount and electronically or via paper for the state's maximum allowable service fee. Payment by check constitutes authorization of these transactions. You may revoke this authorization by calling (800) 666-5222, ext. 2, to arrange payment for any outstanding checks and service fees due. www.flserv.com

EEC ORIGINAL PKG

County of Imperial Division of Weights and Measures

Registration Fees = Location fee + Device fee + DMS fee (State Surcharge)

Fees are based on a statewide fee structure approved by the State Legislature and Governor. Fees partially offset the cost of administering the commercial weighing and measuring program, and are based on the number and type(s) in use per location. These fees have been adopted in the Imperial County Ordinance Chapter 5.68 and are authorized by the California Business and Professions Code: Device Fees Section 12240(f)-(t); Location Fee Section 12240(u); State Administrative Fee: Section 12241 and California Code of Regulations Title 4, Division 9, Chapter 3, Article 3, Section 4075.

All fees are due and payable by January 1st. Any registration paid after forty-five (45) days will be considered delinquent and be subject to penalties. The penalties are twenty percent (20%) of total device registration fee and location fee accruing each forty-five (45) days in arrears.

Device Location Fee: Each location (scanner/point-of-sale excluded) is charged a location fee of \$100. A location is considered a business with one or more types of devices that require specialized testing equipment that will necessitate more than one trip. Additionally, if a commercial device is installed on a vehicle, each vehicle is considered a single location.

Device Registration Fees	Fee per Device	DMS fee per Device
CNG Meter	\$20.00	\$16.00
Computing Scales <2,000#	\$20.00	\$2.20
Counter Scale < 2,000#	\$50.00	\$2.20
Electric Submeter	\$3.00	\$0.50
Fabric/Cord/Wire	\$20.00	\$2.20
Hanging Scale < 2,000#	\$50.00	\$2.20
Hanging Scale 2,000-10,000#	\$150.00	\$16.00
Hopper & Tank > 10,000#	\$250.00	\$24.00
Hopper & Tank 2,000-10,000#	\$150.00	\$16.00
L.P.G. Meter	\$185.00	\$16.00
Livestock Scale > 10,000#	\$150.00	\$24.00
Livestock Scale 2,000-10,000#	\$100.00	\$16.00
Misc. Measuring Devices	\$20.00	\$2.20
Misc. Weighing Devices < 2,000#	\$50.00	\$2.20
Monorail/Meat < 2,000#	\$50.00	\$2.20
Monorail/Meat 2,000-10,000#	\$150.00	\$16.00
Odometers	\$60.00	\$2.20
Platform/Dormant <2,000#	\$50.00	\$2.20
Platform/Dormant > 10,000#	\$250.00	\$16.00
Platform/Dormant 2,000-10,000#	\$150.00	\$16.00
Class II Scale (Non-prescription/jewelry)	\$20.00	\$2.20
Pres/Jewel Scale <2,000#	\$80.00	\$2.20
Railway Scale > 10,000#	\$250.00	\$24.00
Retail Meter Fuel (Gas pumps)	\$20.00	\$2.20
Retail Water Meter (Dispensers, Vending)	\$20.00	\$2.20
Vehicle Meter (Any vehicle mounted meter)	\$75.00	\$2.20
Vehicle Scale > 10,000#	\$250.00	\$24.00
Water Submeters	\$2.00	\$0.50
Wholesale Meter (Stationary Hi-volume sale)	\$75.00	\$2.20
Scanner/Point of Sale Registration Fees	Fee per Scanners	DMS Fee per Scanners
Scanners (1-3)	\$89.00	\$0.00
Scanners (4-16)	\$129.00	\$0.00
Scanners (17-30)	\$190.00	\$0.00
Scanners (31 or more)	\$240.00	\$0.00

Please note that some device types cap at \$1,000 per location. If you have any questions please call the Division of Weights and Measures at (442) 265-1500.



Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights and
Measures

July 29, 2022

Michael Abraham, Assistant Director
Imperial County
Planning & Development Services
801 Main Street
El Centro, CA 92243

Re: Commercial Cannabis Activity #22-0004, 22-0005, 22-0006 and 22-0007

Ms. Moran:

Our department has reviewed the documents pertaining to Commercial Cannabis Activity #22-0004, 22-0005, 22-0006 and 22-0007 for applicant His and Herbs, Inc., Company who proposes a new 26,250 square foot facility for commercial cannabis operations (cultivation, manufacturing, distribution and virtual retail sale) at 2185 Sunset Drive, Salton City (Thermal), CA 92274.

As required by Title 9 Division 3 Section 90302.04, Commercial uses, to landscape, our office asks that if plant material is not sourced from a nursery within Imperial County, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant can contact our Pest Detection and Eradication Division for any questions regarding the quarantines of movement of plant material, as there are several quarantines that must be observed.

Regarding the commercial cannabis dispensary operations, please refer to the handouts attached. The handouts will help in determining what type of scale(s) will be required for their operations. As referred in the business and planning project, the applicant will utilize point of sale equipment and scales. Please be advised that any commercial weighing and measuring devices are required to be type approved for commercial use and must be registered, inspected and sealed by our office on an annual basis. Any point of sale devices or scanners used in retail sale transactions are also required to be registered and inspected.

If you or the applicant has any questions, please feel free to contact our office at (442) 265-1500.

Regards,

A handwritten signature in blue ink that reads "Carlos Ortiz".

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

COUNTY EXECUTIVE OFFICE


Miguel Figueroa
County Executive Officer
miguelfigueroa@co.imperial.ca.us
www.co.imperial.ca.us



County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

August 8, 2022

TO: Michael Abraham, Planning and Development Services Department

FROM: Rosa Lopez, Executive Office 

SUBJECT: Request for Comments – His and Herbs, Inc CUP 22-0011, 22-0012, 22-0013 and 22-0014

The County of Imperial Executive Office is responding to a Request for Comments Conditional Use Permit 22-0011, 22-0012, 22-0013 and 22-0014 His and Herbs, Inc project. The Executive Office would like to inform the developer of conditions and responsibilities should the applicant seek a Conditional Use Permit (CUP). The conditions commence prior to the approval of an initial grading permit and subsequently continue throughout the permitting process. This includes, but not limited to:

- **Sales Tax Guarantee.** The permittee is required to have a Construction Site Permit reflecting the project site address, allowing all eligible sales tax payments are allocated to the County of Imperial, Jurisdictional Code 13998. The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
- **Construction/Material Budget:** Prior to a grading permit, the permittee will provide the County Executive Office a construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

Should there be any concerns and/or questions, do not hesitate to contact me.

CONDITIONAL USE PERMIT

PROJECT NAME	1011 North Street, Suite 200, Los Angeles, CA 90012
PROJECT ADDRESS	1011 North Street, Suite 200, Los Angeles, CA 90012
PROJECT CITY	Los Angeles, CA
PROJECT STATE	CA
PROJECT ZIP	90012
PROJECT PHONE	(213) 481-4300
PROJECT FAX	(213) 481-4300
PROJECT CONTACT	John Doe
PROJECT TITLE	Plumbing & Mechanical Contractor
PROJECT TYPE	Commercial
PROJECT STATUS	Proposed
PROJECT DATE	10/1/2000
PROJECT PERIOD	10/1/2000 - 12/31/2000
PROJECT VALUE	\$1,000,000
PROJECT TYPE	Commercial
PROJECT STATUS	Proposed
PROJECT DATE	10/1/2000
PROJECT PERIOD	10/1/2000 - 12/31/2000
PROJECT VALUE	\$1,000,000

1. PROJECT NAME: 1011 North Street, Suite 200, Los Angeles, CA 90012

2. PROJECT ADDRESS: 1011 North Street, Suite 200, Los Angeles, CA 90012

3. PROJECT CITY: Los Angeles, CA

4. PROJECT STATE: CA

5. PROJECT ZIP: 90012

6. PROJECT PHONE: (213) 481-4300

7. PROJECT FAX: (213) 481-4300

8. PROJECT CONTACT: John Doe

9. PROJECT TITLE: Plumbing & Mechanical Contractor

10. PROJECT TYPE: Commercial

11. PROJECT STATUS: Proposed

12. PROJECT DATE: 10/1/2000

13. PROJECT PERIOD: 10/1/2000 - 12/31/2000

14. PROJECT VALUE: \$1,000,000

15. PROJECT TYPE: Commercial

16. PROJECT STATUS: Proposed

17. PROJECT DATE: 10/1/2000

18. PROJECT PERIOD: 10/1/2000 - 12/31/2000

19. PROJECT VALUE: \$1,000,000

Application

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

APPLICANT MUST COMPLETE ALL INFORMATION ON THIS FORM

1. PROPERTY OWNER'S NAME NxNW, LLC, Christopher D'Avignon, CEO and Executive Chairman		EMAIL ADDRESS cd@1790group.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 7918 El Cajon Blvd., N361, La Mesa, CA		ZIP CODE 91942	PHONE NUMBER 619-933-9819
3. APPLICANT'S NAME His & Herbs, Inc.		EMAIL ADDRESS at@hisandherbs.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 8876 La Mesa Blvd., La Mesa, CA		ZIP CODE 91942	PHONE NUMBER 619-821-4131
4. ENGINEER'S NAME Duggins Construction Inc.	CA LICENSE NO 290934	EMAIL ADDRESS greg@dugginsconstruction.com	
5. MAILING ADDRESS (Street / P O Box, City, State) 341 Crown Court, Imperial, CA		ZIP CODE 92251	PHONE NUMBER 760-355-5600
ASSESSOR'S PARCEL NO 014-041-007-000 and 014-041-004-001		SIZE OF PROPERTY (in acres or square foot) 1.09 acres	ZONING (existing) M-1
PROPERTY (site) ADDRESS 185 Sunrise Drive, Thermal, CA 92274 and 1385 Bel Air Ave., Salton City, CA 92274			
8. GENERAL LOCATION (i.e. city, town, cross street) Thermal, cross street Cleveland Avenue			
LEGAL DESCRIPTION Lot 12 Block 11 Tract 570 FM 5 30 and Lot 9 Block 11 Tract 570 FM 5 24			

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Commercial Cannabis Cultivation facility
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant lot
12. DESCRIBE PROPOSED SEWER SYSTEM	Connect to local sewer district sewer lines at streets
13. DESCRIBE PROPOSED WATER SYSTEM	Connect to local water system (CVWD)
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	An automatic sprinkler system shall be installed throughout the building
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 5-15

I, THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

NxNW, LLC, Christopher D'Avignon, CEO and Executive Chairman 3/30/22
 Print Name _____ Date _____
 Signature [Signature]
 Print Name _____ Date _____
 Signature _____

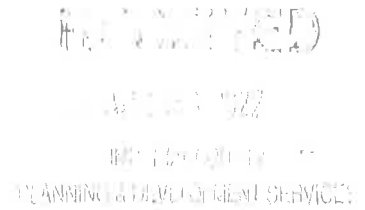
REQUIRED SUPPORT DOCUMENTS

- A. SITE PLAN
- B. FEE
- C. OTHER
- D. OTHER

APPLICATION RECEIVED	DATE
APPLICATION COMPLETE	DATE
APPLICATION REJECTED	DATE
APPLICATION RE-APPLIED	DATE
FINAL ACTION	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED

22-0011

**HIS & HERBS, INC. PROJECT DESCRIPTION
CULTIVATION
2185 Sunrise Drive, Thermal, CA 92274**



The 26,250 sq. ft. Cannabis Production facility located at 2185 Sunrise Drive, Thermal, CA 92274, will be a fully integrated operation consisting of a 20-30' building shell on a foundation, with primary metal columns located on the east and west sides of the floor plan. The building will be centered on the lot to allow room around the perimeter for equipment and emergency access. The parking and retention basin (if required) will be located at 1385 Bel Air Avenue adjacent to the property by recording reciprocal agreements. Solar panels will be utilized in covered parking and rooftop applications to offset power consumption and provide shade for employee vehicles.

Licensee will operate under the following California Department of Cannabis Control license: Cultivation - Type 3A Cultivation Indoor Medium Cultivation License, 10,001-22,000 sf of canopy. Cultivation activities may include propagation of mother plants and clones, vegetation, flowering, harvesting, drying, curing, and secure storage.

The facility will include shared office space for security, accounting, Track-and-Trace monitoring, and supply storage. Shared staff facilities and common areas will include kitchen, shower facilities, and lockers. The design incorporates workflow and lean manufacturing principles to maximize efficiencies, while also minimizing the possibility of cross-contamination between areas. Each clone, veg, flower, dry, cure and processing area will be accessed independently of the others to mitigate the spread of pests and reduce possible diversion.

Clones will be grouped into lots of not more than 100 plants. Each group will be tagged with a state-issued Unique Identifier (UID) and entered into the Track-and-Trace system. Mature plants will be transferred to veg and flower rooms and individually tagged with a UID. Each movement of the plant through the cultivation and manufacturing process within the facility will be entered into the Track-and-Trace system.

Plant growing cycles will be staged to produce a crop ready for harvest every 2-4 weeks. The growing medium, rockwool cubes, are made from basalt (rock) heated to 3,000°F and spun into fibers (wool). Benefits of this medium include faster

plant rooting, increased absorption, and reduced water and nutrient usage throughout the crop cycle resulting in environmental benefits, higher yields, and enhanced product quality. Rockwool is shredded at the end of the growing cycle and sent to recycling plants for shredding, sifting and reuse.

Mature plants will be harvested, trimmed, dried, and cured in designated secure areas. The process of harvesting and drying the cannabis takes place in secure drying rooms. 12-16" branches will be cut from mature plants and unwanted leaves will be removed. Branches will be hung in a dark room kept within 60-70 degrees F and humidity levels between 45-55%, with a small fan gently circulating the air. This process averages 5-15 days.

The next step in the production process is curing the cannabis buds. Buds are manicured and separated from the branches, packed loosely in airtight containers, sealed, and stored in secure drying rooms. Containers will be opened several times per day to let the flowers breathe, allowing moisture to escape while oxygen is replenished inside the container. This process will continue for 2-3 weeks until the cannabis buds are completely cured.

Cured cannabis will be weighed using an approved, tested, and sealed weighing device (pursuant to Chapter 5 of Division 5 of the California Business and Professions Code and registered with the County Sealer consistent with Chapter 2 of Division 5 of the Business and Professions Code) prior to being packaged for entry into the Track-and-Trace system and sale to a licensed distributor. Packaging and labeling will meet all applicable requirements pursuant to sections 26070, 26120, 26121 of Business and Professions Code as well as any other requirements specified by the California Department of Cannabis Control.

Liquified CO2 will be stored on site and used to supplement the CO2 in the sealed grow rooms. Microbulk tank(s) will be filled remotely, equipped with pressure relief valves, and auto shut off valves. Each grow room will have the required alarms, strobes, and auto shutoff features including automated mechanical exhaust if applicable.

All cannabis waste, i.e., food waste, green waste, landscape and pruning waste, nonhazardous-wood waste, and food-soiled paper waste that is mixed in with food waste, will be placed in a secure waste receptacle or in a secured area on the licensed premises. Physical access to this area will be restricted to the

licensee, employees of the licensee, and the local agency or company providing hauling services. Licensees are not prohibited from using a shared waste receptacle or area with other licensees, provided that the shared waste receptacle or area is secured and access is limited as required. Public access to this area shall be strictly prohibited. To meet the requirements of a waste management plan the applicant will use collection and processing by a locally approved hauler that is either under contract with the city or county, and/or has a permit, license, or some other authorization for the city or county in which it is operating to collect and haul cannabis waste within the city or county.

Water sources utilized during the production process will consist of fresh water from the regional water supplier and recycled water using reverse osmosis and water reclamation implemented with a drip irrigation system. Water recycling is estimated to save 30-50% of water usage.

The facility will comply with all pesticide laws and regulations as enforced by the Department of Pesticide Regulation.

The company will keep and maintain detailed, legible and secure records onsite in a secure area for at least 7 years including but not limited to: licenses, operational plans, environmental protection measures, supporting documentation for data input into the Track-and-Trace system, all UIDs assigned to product in inventory and all unassigned UIDs, financial records, personnel records, employee training records relating to Track-and-Trace system, contracts with other state licensed cannabis businesses, permits, licenses, and other local authorizations, security records, records associated with composting or disposal of cannabis waste, and documentation associated with loss of access to the Track-and-Trace system.

In accordance with the Track-and-Trace system principles, UIDs will accompany the cannabis product through all phases of the growing cycle. At harvest each harvest batch will be assigned a unique harvest batch name which will be associated with the UIDs for each individual plant, or portion thereof, contained in the harvest batch. The finished product will be transferred to a licensed distributor and these operations will be continuously repeated.

A security plan will be implemented to prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to: State licensed security guards on duty 24-hours a

day, 7 days per week; establishing physical barriers to secure perimeter access and all points of entry into the premises (such as locking primary entrances with commercial grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems); installing a security alarm system to notify and record incident(s) where physical barriers have been breached; establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, distributors, and visitors; maintaining the premises such that visibility and security monitoring of the premises is possible; and establishing procedures for the investigation of suspicious activities to prevent theft or loss of cannabis and cannabis products. This includes but is not limited to: establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the plant growth cycle; limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties; supervising tasks or processes with high potential for diversion; providing designated areas in which personnel may store and access personal items; secure and back up electronic records in a manner that prevents unauthorized access and that ensures the integrity of all records is maintained. All agents, officers, or other persons acting for or employed by the facility will display a laminated or plastic-coated identification badge issued by the licensee at all times while onsite.

The facility will have a complete digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels. The video surveillance system will effectively and clearly record images of the area under surveillance. The video surveillance system will be accessible remotely. Areas that will be recorded on the video surveillance system include, but are not limited to: areas where cannabis is grown or cannabis products are weighed, dried, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises; limited-access areas; security rooms; areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and the interior and exterior of all entrances and exits to the premises. The surveillance system will record continuously 24 hours per day and at a minimum of 15 frames per second. All recording and monitoring equipment will be located in secure rooms or areas of the premises in an access-

controlled environment and will be kept on the recording device for a minimum of 90 days.

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - (Please type or print)

1. PROPERTY OWNER'S NAME NxNW, LLC, Christopher D'Avignon, CEO and Executive Chairman		EMAIL ADDRESS cd@1790group.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 7918 El Cajon Blvd., N361, La Mesa, CA		ZIP CODE 91942	PHONE NUMBER 619-933-9819
3. APPLICANT'S NAME His & Herbs, Inc.		EMAIL ADDRESS at@hisandherbs.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 8876 La Mesa Blvd., La Mesa, CA		ZIP CODE 91942	PHONE NUMBER 619-821-4131
4. ENGINEER'S NAME Duggins Construction Inc.	CA LICENSE NO. 290934	EMAIL ADDRESS greg@dugginsconstruction.com	
5. MAILING ADDRESS (Street / P O Box, City, State) 341 Crown Court, Imperial, CA		ZIP CODE 92251	PHONE NUMBER 760-355-5600
6. ASSESSOR'S PARCEL NO. 014-041-007-000 and 014-041-004-001		SIZE OF PROPERTY (in acres or square foot) 1.09 acres	ZONING (existing) M-1
PROPERTY (site) ADDRESS 2185 Sunrise Drive, Thermal, CA 92274 and 1385 Bel Air Ave., Salton City, CA 92274			
8. GENERAL LOCATION (i.e. city, town, cross street) Thermal, cross street Cleveland Avenue			
9. LEGAL DESCRIPTION Lot 12 Block 11 Tract 570 FM 5 30 and Lot 9 Block 11 Tract 570 FM 5 24			

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Commercial Cannabis Manufacturing facility
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant lot
12. DESCRIBE PROPOSED SEWER SYSTEM	Connect to local sewer district sewer lines at streets
13. DESCRIBE PROPOSED WATER SYSTEM	Connect to local water system (CVWD)
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	An automatic sprinkler system shall be installed throughout the building
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 5-15

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

NxNW, LLC Christopher D'Avignon, CEO and Executive Chairman 3/30/22
 Print Name _____ Date _____
 Signature [Signature]
 Print Name _____ Date _____
 Signature _____

REQUIRED SUPPORT DOCUMENTS

- A. SITE PLAN _____
- B. FEE _____
- C. OTHER _____
- D. OTHER _____

APPLICATION RECEIVED BY: _____	DATE: _____	IS THIS APPLICATION AS APPLICANT'S PROPERTY?
APPLICATION DEEMED COMPLETE BY: _____	DATE: _____	YES _____
APPLICATION REJECTED BY: _____	DATE: _____	NO _____
TENTATIVE HEARING BY: _____	DATE: _____	
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE: _____	

CUP #
22-0012

HIS & HERBS, INC. PROJECT DESCRIPTION

MANUFACTURING

2185 Sunrise Drive, Thermal, CA 92274



The 26,250 sq. ft. Cannabis Production facility located at 2185 Sunrise Drive, Thermal, CA 92274, will be a fully integrated operation consisting of a 20-30' building shell on a foundation, with primary metal columns located on the east and west sides of the floor plan. The building will be centered on the lot to allow room around the perimeter for equipment and emergency access. The parking and retention basin (if required) will be located at 1385 Bel Air Avenue adjacent to the property by recording reciprocal agreements. Solar panels will be utilized in covered parking and rooftop applications to offset power consumption and provide shade for employee vehicles.

Licensee will operate under the following California Department of Cannabis Control license: Manufacturing – Type 6 Non-Volatile Solvent Manufacturing or Mechanical Extraction. Manufacturing activities may include extraction and edibles production. The process will use ice, water, heat and pressure to create extracts. No chemicals, cutting agents, thickening agents, distillate, or other outside ingredients are used in the production process

The facility will include shared office space for security, accounting, Track-and-Trace monitoring, and supply storage. Shared staff facilities and common areas will include kitchen, shower facilities, and lockers. The design incorporates workflow and lean manufacturing principles to maximize efficiencies, while also minimizing the possibility of cross-contamination between areas.

All cannabis waste produced during the manufacturing process will be placed in a secure waste receptacle or in a secured area on the licensed premises. Physical access to this area will be restricted to the licensee, employees of the licensee, and the local agency or company providing hauling services. Licensees are not prohibited from using a shared waste receptacle or area with other licensees, provided that the shared waste receptacle or area is secured and access is limited as required. Public access to this area shall be strictly prohibited. To meet the requirements of a waste management plan the applicant will use collection and processing by a locally approved hauler that is either under contract with the

city or county, and/or has a permit, license, or some other authorization for the city or county in which it is operating to collect and haul cannabis waste within the city or county.

The company will keep and maintain detailed, legible and secure records onsite in a secure area for at least 7 years including but not limited to: licenses, operational plans, environmental protection measures, supporting documentation for data input into the Track-and-Trace system, all UIDs assigned to product in inventory and all unassigned UIDs, financial records, personnel records, employee training records relating to Track-and-Trace system, contracts with other state licensed cannabis businesses, permits, licenses, and other local authorizations, security records, records associated with composting or disposal of cannabis waste, and documentation associated with loss of access to the Track-and-Trace system. In accordance with the Track-and-Trace system principles, UIDs will accompany the cannabis product through all operational phases. The finished product will be transferred to a licensed distributor.

A security plan will be implemented to prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to: State licensed security guards on duty 24-hours a day, 7 days per week; establishing physical barriers to secure perimeter access and all points of entry into the premises (such as locking primary entrances with commercial grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems); installing a security alarm system to notify and record incident(s) where physical barriers have been breached; establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, distributors, and visitors; maintaining the premises such that visibility and security monitoring of the premises is possible; and establishing procedures for the investigation of suspicious activities to prevent theft or loss of cannabis and cannabis products during the manufacturing process. This includes but is not limited to: establishing an inventory system to track cannabis material and the personnel responsible for processing during the manufacturing process; limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties; supervising tasks or processes with high potential for diversion; providing

designated areas in which personnel may store and access personal items; secure and back up electronic records in a manner that prevents unauthorized access and that ensures the integrity of all records is maintained. All agents, officers, or other persons acting for or employed by the facility will display a laminated or plastic-coated identification badge issued by the licensee at all times while onsite.

The facility will have a complete digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels. The video surveillance system will effectively and clearly record images of the area under surveillance. The video surveillance system will be accessible remotely. Areas that will be recorded on the video surveillance system include, but are not limited to: areas where cannabis is grown or cannabis products are weighed, dried, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises; limited-access areas; security rooms; areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and the interior and exterior of all entrances and exits to the premises. The surveillance system will record continuously 24 hours per day and at a minimum of 15 frames per second. All recording and monitoring equipment will be located in secure rooms or areas of the premises in an access-controlled environment and will be kept on the recording device for a minimum of 90 days.

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

1 PROPERTY OWNER'S NAME NxNW, LLC, Christopher D'Avignon, CEO and Executive Chairman		EMAIL ADDRESS cd@1790group.com	
2 MAILING ADDRESS (Street / P O Box, City, State) 7918 El Cajon Blvd., N361, La Mesa, CA		ZIP CODE 91942	PHONE NUMBER 619-933-9819
3 APPLICANT'S NAME His & Herbs, Inc.		EMAIL ADDRESS at@hisandherbs.com	
4 MAILING ADDRESS (Street / P O Box, City, State) 8876 La Mesa Blvd., La Mesa, CA		ZIP CODE 91942	PHONE NUMBER 619-821-4131
4 ENGINEER'S NAME Duggins Construction Inc.	CA. LICENSE NO. 290934	EMAIL ADDRESS greg@dugginsconstruction.com	
5 MAILING ADDRESS (Street / P O Box, City, State) 341 Crown Court, Imperial, CA		ZIP CODE 92251	PHONE NUMBER 760-355-5600
6 ASSESSOR'S PARCEL NO 014-041-007-000 and 014-041-004-001		SIZE OF PROPERTY (in acres or square foot) 1.09 acres	ZONING (existing) M-1
7 PROPERTY (site) ADDRESS 2185 Sunrise Drive, Thermal, CA 92274 and 1385 Bel Air Ave., Salton City, CA 92274			
8 GENERAL LOCATION (i.e. city, town, cross street) Thermal, cross street Cleveland Avenue			
9 LEGAL DESCRIPTION Lot 12 Block 11 Tract 570 FM 5 30 and Lot 9 Block 11 Tract 570 FM 5 24			

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Commercial Cannabis Virtual Retail facility
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant lot
12. DESCRIBE PROPOSED SEWER SYSTEM	Connect to local sewer district sewer lines at streets
13. DESCRIBE PROPOSED WATER SYSTEM	Connect to local water system (CVWD)
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	An automatic sprinkler system shall be installed throughout the building
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 5-15

I, THE LEGAL OWNER AS THE ONE ABOVE PROPERTY
CERTIFY THAT THE INFORMATION SUPPLIED IS TRUE AND CORRECT

NxNW, LLC Christopher D'Avignon, CEO and Executive Chairman 3/30/22
 Print Name Date

 Signature
 Print Name Date

REQUIRED SUPPORT DOCUMENTS

- A SITE PLAN
- B FEE
- C OTHER
- D OTHER

22-0013

HIS & HERBS, INC. PROJECT DESCRIPTION

VIRTUAL RETAIL

2185 Sunrise Drive, Thermal, CA 92274

The 26,250 sq. ft. Cannabis Production facility located at 2185 Sunrise Drive, Thermal, CA 92274, will be a fully integrated operation consisting of a 20-30' building shell on a foundation, with primary metal columns located on the east and west sides of the floor plan. The building will be centered on the lot to allow room around the perimeter for equipment and emergency access. The parking and retention basin (if required) will be located at 1385 Bel Air Avenue adjacent to the property by recording reciprocal agreements. Solar panels will be utilized in covered parking and rooftop applications to offset power consumption and provide shade for employee vehicles.

Licensee will operate under the following California Department of Cannabis Control license: Virtual Retail – Type 9 Non-Storefront Retailer (Delivery Only). A non-storefront retailer sells cannabis goods to customers only through delivery. Point of sale (POS) software, inventory management, and mobile solutions for cannabis dispensaries will be implemented to manage product sales and assure compliance with federal and state regulations.

The POS will streamline sales, collect payment, track inventory, and maintain accurate tax records. These tools will be used by employees, managers, and owners to complete each transaction and to perform back-office tasks, as well as integrating dispensary inventory with online menu websites. The system will track the GPS location of each driver and smart order assignment will suggest the best driver to deliver within the customized time frame. All transactions are reported to the Track and Trace system.

Cannabis will only be transported inside of a vehicle or trailer in which the cannabis product is not visible or identifiable from outside of the vehicle or trailer and locked in a fully enclosed box, container, or cage that is secured to the inside of the vehicle or trailer. Approved transport drivers will only travel between licensees shipping or receiving cannabis goods and the facility when engaged in the transportation of cannabis goods. Our drivers may transport multiple shipments of cannabis goods at once but will not deviate from the established travel route and applicable times, except for necessary rest, fuel, or required

vehicle repair stops. Any stop, whether necessary or unnecessary will be documented on the Driver Manifest. Predetermined GPS routes will be established for each delivery vehicle prior to departure. The GPS movement will be recorded and transmitted via the vehicle alarm system. If no built in GPS recording system exists, then location of delivery employees will be required via text or phone to the licensed facility every 30 minutes while the driver is conducting deliveries. While left unattended, all transport vehicles and trailers will be locked and secured. Drivers will verify that the cannabis goods being taken into possession, whether intended for distribution or receiving from another licensee's transport vehicle, are as described and accurately reflected in the Shipping / Transfer manifest. No person under the age of 21 years old will be in a commercial vehicle or trailer transporting cannabis goods and only an employee of His & Herbs or authorized security personnel will be allowed in a vehicle while transporting cannabis goods.

The facility will include shared office space for security, accounting, Track-and-Trace monitoring, and supply storage. Shared staff facilities and common areas will include kitchen, shower facilities, and lockers. The design incorporates workflow and lean manufacturing principles to maximize efficiencies.

All cannabis waste generated during the Virtual Retail process will be placed in a secure waste receptacle or in a secured area on the licensed premises. Physical access to this area will be restricted to the licensee, employees of the licensee, and the local agency or company providing hauling services. Licensees are not prohibited from using a shared waste receptacle or area with other licensees, provided that the shared waste receptacle or area is secured and access is limited as required. Public access to this area shall be strictly prohibited. To meet the requirements of a waste management plan the applicant will use collection and processing by a locally approved hauler that is either under contract with the city or county, and/or has a permit, license, or some other authorization for the city or county in which it is operating to collect and haul cannabis waste within the city or county.

The company will keep and maintain detailed, legible and secure records onsite in a secure area for at least 7 years including but not limited to: licenses, operational plans, environmental protection measures, supporting documentation for data input into the Track-and-Trace system, all UIDs assigned to product in inventory

and all unassigned UIDs, financial records, personnel records, employee training records relating to Track-and-Trace system, contracts with other state licensed cannabis businesses, permits, licenses, and other local authorizations, security records, records associated with composting or disposal of cannabis waste, and documentation associated with loss of access to the Track-and-Trace system. In accordance with the Track-and-Trace system principles, UIDs will accompany the cannabis product through all operation and retail phases.

A security plan will be implemented to prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to: State licensed security guards on duty 24-hours a day, 7 days per week; establishing physical barriers to secure perimeter access and all points of entry into the premises (such as locking primary entrances with commercial grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems); installing a security alarm system to notify and record incident(s) where physical barriers have been breached; establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, distributors, and visitors; maintaining the premises such that visibility and security monitoring of the premises is possible; and establishing procedures for the investigation of suspicious activities to prevent theft or loss of cannabis and cannabis products. This includes but is not limited to: establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout all operational and retail processes; limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties; supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); providing designated areas in which personnel may store and access personal items; secure and back up electronic records in a manner that prevents unauthorized access and that ensures the integrity of all records is maintained. All agents, officers, or other persons acting for or employed by the facility will display a laminated or plastic-coated identification badge issued by the licensee at all times while onsite.

The facility will have a complete digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels. The video surveillance system will

effectively and clearly record images of the area under surveillance. The video surveillance system will be accessible remotely. Areas that will be recorded on the video surveillance system include, but are not limited to: areas where cannabis is grown or cannabis products are weighed, dried, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises; limited-access areas; security rooms; areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and the interior and exterior of all entrances and exits to the premises. The surveillance system will record continuously 24 hours per day and at a minimum of 15 frames per second. All recording and monitoring equipment will be located in secure rooms or areas of the premises in an access-controlled environment and will be kept on the recording device for a minimum of 90 days.

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

1. PROPERTY OWNER'S NAME NxNW, LLC, Christopher D'Avignon, CEO and Executive Chairman	EMAIL ADDRESS cd@1790group.com	
2. MAILING ADDRESS (Street / P O Box City, State) 7918 El Cajon Blvd., N361, La Mesa, CA	ZIP CODE 91942	PHONE NUMBER 619-933-9819
3. APPLICANT'S NAME His & Herbs, Inc.	EMAIL ADDRESS at@hisandherbs.com	
4. MAILING ADDRESS (Street / P O Box City, State) 8876 La Mesa Blvd., La Mesa, CA	ZIP CODE 91942	PHONE NUMBER 619-821-4131
4. ENGINEER'S NAME Duggins Construction Inc.	CA. LICENSE NO 290934	EMAIL ADDRESS greg@dugginsconstruction.com
5. MAILING ADDRESS (Street / P O Box City, State) 341 Crown Court, Imperial, CA	ZIP CODE 92251	PHONE NUMBER 760-355-5600

ASSESSOR'S PARCEL NO 014-041-007-000 and 014-041-004-001	SIZE OF PROPERTY (in acres or square foot) 1.09 acres	ZONING (existing) M-1
PROPERTY (site) ADDRESS 185 Sunrise Drive, Thermal, CA 92274 and 1385 Bel Air Ave., Salton City, CA 92274		
8. GENERAL LOCATION (i.e. city, town, cross street) Thermal, cross street Cleveland Avenue		
9. LEGAL DESCRIPTION Lot 12 Block 11 Tract 570 FM 5 30 and Lot 9 Block 11 Tract 570 FM 5 24		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	Commercial Cannabis Distribution facility
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant lot
12. DESCRIBE PROPOSED SEWER SYSTEM	Connect to local sewer district sewer lines at streets
13. DESCRIBE PROPOSED WATER SYSTEM	Connect to local water system (CVWD)
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	An automatic sprinkler system shall be installed throughout the building
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 5-15

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

NxNW, LLC, Christopher D'Avignon, CEO and Executive Chairman 3/30/22
 Print Name _____ Date _____
 Signature [Signature]
 Print Name _____ Date _____
 Signature _____

- A SITE PLAN
- B FEE
- C OTHER
- D OTHER

APPROVATION RECEIVED BY _____ DATE _____
 CITY APPOINTMENT COMMISSIONER _____ DATE _____
 APPLICANT'S REPRESENTATIVE _____ DATE _____
 REVIEWER NAME _____ DATE _____
 REVIEWER TITLE _____ DATE _____

22-0014

HIS & HERBS, INC. PROJECT DESCRIPTION

DISTRIBUTION

2185 Sunrise Drive, Thermal, CA 92274



The 26,250 sq. ft. Cannabis Production facility located at 2185 Sunrise Drive, Thermal, CA 92274, will be a fully integrated operation consisting of a 20-30' building shell on a foundation, with primary metal columns located on the east and west sides of the floor plan. The building will be centered on the lot to allow room around the perimeter for equipment and emergency access. The parking and retention basin (if required) will be located at 1385 Bel Air Avenue adjacent to the property by recording reciprocal agreements. Solar panels will be utilized in covered parking and rooftop applications to offset power consumption and provide shade for employee vehicles.

Licensee will operate under the following California Department of Cannabis Control license: Distribution – Type 11 Distributor. Cannabis and cannabis products will be moved between cultivation, manufacturing or distribution premises; finished cannabis goods will be moved to retail premises; storage services will be provided to other licensees; and testing of cannabis goods will be arranged

His & Herbs, Inc. will only receive from, or ship to, other licensed entities approved to transport, sell, or distribute cannabis products. All items will be received or shipped on an appointment basis and must have a Shipping / Transfer Manifest presented. All incoming materials (raw materials, packaging materials, and retail packaged products) must be properly labeled and match the Shipping / Transfer Manifest. All items inspected and approved to be received will be transferred into a secured specific area in the facility, tagged, documented in the Receiving Log, and placed on Hold until completion of Quality Assurance Review. All transactions will be entered into the inventory database in real-time and entered into the Track and Trace system. All products will be stored using a numerical bay/bin/slot inventory approach, where each UID and Batch number is assigned a specific bay/bin/slot within the storage area providing full traceability back to the supplier and the originating plant and seed. A licensed laboratory will perform sampling and compliance testing prior to issuance of a Certificate of Analysis (COA). The UID/Batch associated with the COA will either be released for distribution or scheduled for destruction; depending on whether the item passes compliance

testing and the Quality Assurance Review procedure. All cannabis products will be fully packaged and labeled prior to filling customer orders and all items transported will be inspected and approved to be used for distribution.

Cannabis will only be transported inside of a vehicle or trailer in which the cannabis product is not visible or identifiable from outside of the vehicle or trailer and locked in a fully enclosed box, container, or cage that is secured to the inside of the vehicle or trailer. Approved transport drivers will only travel between licensees shipping or receiving cannabis goods and the facility when engaged in the transportation of cannabis goods. Our drivers may transport multiple shipments of cannabis goods at once but will not deviate from the established travel route and applicable times, except for necessary rest, fuel, or required vehicle repair stops. Any stop, whether necessary or unnecessary will be documented on the Driver Manifest. Predetermined GPS routes will be established for each delivery vehicle prior to departure. The GPS movement will be recorded and transmitted via the vehicle alarm system. If no built in GPS recording system exists, then location of delivery employees will be required via text or phone to the licensed facility every 30 minutes while the driver is conducting deliveries. While left unattended, all transport vehicles and trailers will be locked and secured. Drivers will verify that the cannabis goods being taken into possession, whether intended for distribution or receiving from another licensee's transport vehicle, are as described and accurately reflected in the Shipping / Transfer manifest. No person under the age of 21 years old will be in a commercial vehicle or trailer transporting cannabis goods and only an employee of His & Herbs or authorized security personnel will be allowed in a vehicle while transporting cannabis goods.

The facility will include shared office space for security, accounting, Track-and-Trace monitoring, and supply storage. Shared staff facilities and common areas will include kitchen, shower facilities, and lockers. The design incorporates workflow and lean manufacturing principles to maximize efficiencies.

All cannabis waste generated during the Distribution process will be placed in a secure waste receptacle or in a secured area on the licensed premises. Physical access to this area will be restricted to the licensee, employees of the licensee, and the local agency or company providing hauling services. Licensees are not prohibited from using a shared waste receptacle or area with other licensees, provided that the shared waste receptacle or area is secured and access is limited

as required. Public access to this area shall be strictly prohibited. To meet the requirements of a waste management plan the applicant will use collection and processing by a locally approved hauler that is either under contract with the city or county, and/or has a permit, license, or some other authorization for the city or county in which it is operating to collect and haul cannabis waste within the city or county.

The company will keep and maintain detailed, legible and secure records onsite in a secure area for at least 7 years including but not limited to: licenses, operational plans, environmental protection measures, supporting documentation for data input into the Track-and-Trace system, all UIDs assigned to product in inventory and all unassigned UIDs, financial records, personnel records, employee training records relating to Track-and-Trace system, contracts with other state licensed cannabis businesses, permits, licenses, and other local authorizations, security records, records associated with composting or disposal of cannabis waste, and documentation associated with loss of access to the Track-and-Trace system. In accordance with the Track-and-Trace system principles, UIDs will accompany the cannabis product through all phases of operations.

A security plan will be implemented to prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to: State licensed security guards on duty 24-hours a day, 7 days per week; establishing physical barriers to secure perimeter access and all points of entry into the premises (such as locking primary entrances with commercial grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems); installing a security alarm system to notify and record incident(s) where physical barriers have been breached; establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, distributors, and visitors; maintaining the premises such that visibility and security monitoring of the premises is possible; and establishing procedures for the investigation of suspicious activities to prevent theft or loss of cannabis and cannabis products. This includes but is not limited to: establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the plant growth cycle and manufacturing process; limiting access of personnel within the premises to those areas necessary to complete job duties,

and to those time-frames specifically scheduled for completion of job duties; supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); providing designated areas in which personnel may store and access personal items; secure and back up electronic records in a manner that prevents unauthorized access and that ensures the integrity of all records is maintained. All agents, officers, or other persons acting for or employed by the facility will display a laminated or plastic-coated identification badge issued by the licensee at all times while onsite.

The facility will have a complete digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels. The video surveillance system will effectively and clearly record images of the area under surveillance. The video surveillance system will be accessible remotely. Areas that will be recorded on the video surveillance system include, but are not limited to: areas where cannabis is grown or cannabis products are weighed, dried, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises; limited-access areas; security rooms; areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and the interior and exterior of all entrances and exits to the premises. The surveillance system will record continuously 24 hours per day and at a minimum of 15 frames per second. All recording and monitoring equipment will be located in secure rooms or areas of the premises in an access-controlled environment and will be kept on the recording device for a minimum of 90 days.

Attachment I-
Comments

Allison Galindo

From: Quechan Historic Preservation <historicpreservation@quechantribe.com>
Sent: Wednesday, August 31, 2022 11:45 AM
To: Allison Galindo; Victoria Escalante
Subject: RE: Notice of Intent- IS22-0019/CUP22-0011/0012/0013/0014 His & Herb Inc.

CAUTION: This email originated outside our organization; please use caution.

This email is to inform you that we do not wish to comment on this project.

From: Allison Galindo [mailto:allisongalindo@co.imperial.ca.us]

Sent: Tuesday, August 30, 2022 5:18 PM

To: Alfredo Estrada Jr; Alphonso Andrade; Ana L Gomez; Belen Leon; Carlos Ortiz; Chris Hamilton; Donald Vargas; Eric Havens; Guillermo Mendoza; H. Jill McCormick; Jeff Lamoure; John Gay; Jolene Dessert; Jordan D. Joaquin; Jorge Perez; Jose Serrano; Manuel Deleon; Marcus Cuero; Margo Sanchez; Mario Salinas; Matt Dessert; Miguel Figueroa; Mitch Mansfield; Monica Soucier; Robert Benavidez; Robert Malek; Robert Menvielle; Rosa Lopez; Ryan Kelley; Sandra Mendivil; Scott Sheppard; Vanessa Ramirez; Andrew Loper; Ray Loera; Ray Loera; Thomas.tortez@torresmartinez-nsn.gov; Ryan Kelley

Cc: Jim Minnick; Michael Abraham; David Black; Derek Newland; Diana Robinson; Gerardo Quero; Victoria Escalante; Aimee Trujillo; Allison Galindo; John Robb; Leslie Martinez; Maria Scoville; Melina Rizo; Rosa Soto

Subject: Notice of Intent- IS22-0019/CUP22-0011/0012/0013/0014 His & Herb Inc.

Good afternoon,

In an effort to increase the efficiency at which information is distributed and reduce paper usage, please find attached Results Agenda, and Notice of Intent for **IS22-0019 His & Herb Inc.**

Please feel free to view the EEC Original Hearing Package by clicking on the following link:
<https://www.icpds.com/assets/hearings/CUP22-0011-HIS-&-HERB-INC-ORIGINAL-PKG--1661885401.pdf>

Should you have any questions regarding this project, please feel free to contact Victoria Escalante, Director at (442)265-1736 or at victoriaescalante@co.imperial.ca.us.

Thank you,

Allison Galindo

Office Assistant III

Imperial County Planning & Development Services

801 Main St.

El Centro, CA 92243

(442)265-1736



IMPERIAL COUNTY SHERIFF'S OFFICE

RAYMOND LOERA
SHERIFF • CORONER • MARSHAL



The Imperial County Sheriff's Office (ICSO) is the chief law enforcement agency in Imperial County. The Sheriff's Office provides general law enforcement, detention and court services for the residents, business owners and visitors of Imperial County. We have a service area of approximately 4,597 square miles bordering on Mexico to the South, Riverside County to the North, San Diego County on the West, and the State of Arizona on the East. The terrain varies from 235 feet below sea level at the Salton Sea to 4,548 feet at Blue Angel Peak. In addition, the Sheriff's Office maintains substations in the surrounding areas and communities of Brawley, Palo Verde, Niland, Salton City, and Winterhaven.

The proposed project site (His & Herbs, Inc.) will be located at 2185 Sunset Drive in Salton City (Thermal), California. The Imperial County Sheriff's Office operates out of the Salton City Sub-Station, located at 2101 South Marina Drive in Salton City (Thermal), California. The area of responsibility for the Salton City Sub-Station covers roughly 500 square miles to include Salton City, Salton Sea Beach, Desert Shores and the Red Earth Casino. Four (4) Senior Deputies, four (4) Deputies and two (2) Sergeants regularly patrol the area over the course of a week, while only two Deputies are assigned to the "beat" that the project lies within. This staffing allows the Salton City Sub-Station to provide a minimum of one (1) Senior Deputy Sheriff and one (1) Deputy Sheriff on duty 24 hours per day, 7 days per week. With the significant increase in housing development, primarily on the east side of State Route 86 and Treadwell Boulevard, ICSO has encountered a higher than average volume of property crimes (thefts, burglaries) in the rural areas. What was once vastly unpopulated is now a popular living destination due to affordable housing and the close proximity to Riverside County. This increase in population has caused an increase in crime.

This particular parcel and the surrounding area experiences severe weather to include strong winds with blowing dust and sand. The severe weather causes road closures to this parcel, and the public safety needs to access this property in all types of weather. The Sheriff's Office is in need and would request funding for a marked and equipped four-wheel drive patrol vehicle. The current cost is approximately \$80,000. This mitigation measure will be required for the Sheriff's Office to provide ongoing services. Further sought in this will be investigatory field cameras to remotely observe the area. These cameras assist in identifying and locating persons or vehicles of interest, in the event of criminal activity on, against or near the property. With the proposed site focusing on marijuana cultivation, it will be considered a prime target for thefts and burglaries. The cost for four (4) cameras is approximately \$1,800. Additionally requested are vehicle identifiers and license plate readers to be set within the main roadway leading to or from the sites as this allows tracking and pertinent evidentiary tools to successful prosecution. These cameras cost \$3,000 per year. The final tool that would greater assist full safety and security of a large area would be additional resources for our Unmanned Aircraft System program, also known as our Drone Program. Resources in equipment and upgraded software to manage oversight of given areas in remote locations would greatly advance the span of oversight ICSO is able to provide. We estimate these costs to be approximately \$20,000. The

general location of this project site has incurred a variety of thefts and burglaries of equipment and tools. This has included vehicles, off-road vehicles, power tools, building supplies, residential appliances, and other miscellaneous privately owned property. Prior to the legalization of recreational marijuana, the Imperial County Sheriff's Office investigated a homicide of a Salton City resident that was illegally cultivating marijuana at a residence. The resident was the victim of a robbery for the illegally grown marijuana. In the process of the robbery, the resident was murdered. Over the past 6 months alone, the area has sustained over 43 reported burglaries and 11 theft cases. Patrol and investigatory hours spent to conduct safety checks, take reports, and operate details because of monitoring such activity is extensive in labor and equipment necessary. The project description details the security efforts that will be implemented, however, private security will not have peace officer authority and the Imperial County Sheriff's Office will be the investigating and arresting agency for any criminal activity. Furthermore, the project description calls for remote viewing of surveillance cameras and alarm systems. This will increase the call volume for the Imperial County Sheriff's Office due to the nature of the business, the amount of vehicle and pedestrian activity and the 24-hours a day, seven days a week security plan.

The Imperial County Sheriff's Office is seeking for funding for the above-mentioned equipment and materials for ongoing patrol and safety of the project location. Furthermore, an adoption of recommendations C & D.

C. that the County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct police and fire protection services whereas for each call made to the project site for such public safety services that the project is responsible for reimbursing the County of Imperial. Such agreement can be created using a "Contract Cities Service Rate" for both police (Sheriff) and fire protection services.

D. that the County of Imperial require His & Herbs, Inc., to enter into a specific cost reimbursement agreement for direct judicial and prosecutor services whereas if a person(s) are tried in a court of law for potential crimes at the project site, that the project itself is required to reimburse the County for such costs

ICSO feels that this project would create a significant impact and have a cumulatively considerable effect on our Salton City Sub-Station should similar type of calls for service arise. If there is an increase for calls for service as a result of this project and ICSO maintains its current personnel allocations, funding and equipment, service levels may drop below acceptable levels or industry standards.

ICSO presents the total costs as an upfront cost to the project. If you have any questions, please contact the Imperial County Sheriff's Office at (442)265-2001.

Sincerely,


Federico Miramontes
Undersheriff

Cc: Raymond Loera, Sheriff



IID

A century of service.

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Since 1911

August 4, 2022

Mr. Michael Abraham
Assistant Director
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: His and Herbs, Inc. Cannabis Project; CUP22-0011 thru CUP22-014 (Revised Request)

Dear Mr. Abraham:

On August 3, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a revised request for agency comments on Conditional Use Permit application nos. 22-0011 through 22-0014. The applicant, His and Herbs, Inc., proposes to establish a 26,250 sq. ft. commercial operation at 2185 Sunset Drive in Salton City, CA (APN 014-041-007-000) for the cultivation, manufacturing, distribution and virtual retail sale of cannabis.

The IID has reviewed the documents and finds that the comments provided in the May 25, 2022 district letter (see attached letter) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Enrique B. Martínez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Geoffrey Holbrook, Interim General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



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August 31, 2022

Ms. Victoria Escalante
Planner I
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOI for the Preparation of a ND for His and Herbs, Inc. Cannabis Project; CUP22-0011 thru CUP22-014

Dear Ms. Escalante:

On August 30, 2022, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Intent for the preparation of a Negative Declaration for Conditional Use Permit application nos. 22-0011 through 22-0014. The applicant, His and Herbs, Inc., proposes to establish a 26,250 sq. ft. commercial operation at 2185 Sunset Drive in Salton City, CA (APN 014-041-007-000) for the cultivation, manufacturing, distribution and virtual retail sale of cannabis.

The IID has reviewed the documents and finds that the comments provided in the August 4, 2022 district letter (see attached letter) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Geoffrey Holbrook, Interim General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



September 26, 2022

Jim Minnick
Planning & Development Services Director
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Intent for a Negative Declaration for Conditional Use Permit 22-0011,
0012, 0013, 0014 – His & Herbs, Inc

Dear Mr. Minnick,

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on the Notice of Intent for a Negative Declaration (NOI-ND) for Conditional Use Permit ("CUP") 22-0011, 0012, 0013, and 0014 ("Project"). The Project proposes a new 26,250 square foot commercial cannabis facility (cultivation, manufacturing, distribution, and virtual sale).

In previous comments, dated June 14, 2022 the Air District provided the applicant with the Air District's Odor Control Plan ("OCP") White Paper and suggested the applicant develop a more robust OCP using these guidelines. The Air District does not have in its records and the EEC packet does not include any response addressing these suggestions. The Air District repeats its request for a site visit for verification of the OCP prior to the issuance of a Certificate of Occupancy.

For your convenience, the Air District's rules and regulations are available via the web at <https://apcd.imperialcounty.org>. Please feel free to call should you have questions at (442) 265-1800.

Respectfully,

A blue ink signature of Ismael Garcia, written in a cursive style.

Ismael Garcia
Environmental Coordinator I

A blue ink signature of Monica N. Soucier, written in a cursive style.

Reviewed by,
Monica N. Soucier
APC Division Manager



COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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Public Works works for the Public

September 8, 2022

Mr. Jim Minnick, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Attention: Michael Abraham, Assistant Director

**SUBJECT: CUP 22-0011, CUP 22-0012, CUP 22-0013, CUP 22-0014,
His and Herbs, Inc.**
Located on 2185 Sunset Drive, Salton City, CA 92274
APN's 014-041-007

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on May 5, 2022 for the above mentioned project. The applicant proposes a new 26,250 square foot facility for commercial cannabis operation. (Cultivation, Manufacturing, Distribution and Virtual retail store).

Department staff has reviewed the package information and the following comments shall be Conditions of Approval:

1. This project includes several properties with proposed improvements constructed across the property lines. The Applicant/Developer shall execute and record a "lot tie agreement" which will bind all of the several properties together for the duration of the project life. The "lot tie agreement" shall be executed and recorded prior to issuance of any building or grading permits.
2. Applicant for encroachment permits within Imperial County right-of-way, grading plans and/or improvement plans is responsible for researching, protecting, and preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)). This shall include a copy of the referenced survey map and tie card(s) (if applicable) for all monuments that may be impacted.
3. The Applicant shall furnish a fully Engineered Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per *County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County*. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).

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<https://publicworks.imperialcounty.org/wp-content/uploads/2019/12/EngineeringSurveyApplication.pdf>

<https://publicworks.imperialcounty.org/wp-content/uploads/2020/04/County-Procedure-Manual-September-2008.pdf>

4. Section 12.10.020 - Street Improvement Requirements of Imperial County Ordinance:
 - a. Street improvements shall be required in conjunction with, but not limited to, any construction, grading, or related work, including the construction of structures, buildings, or major additions thereto, on property located adjacent to any county street or on property utilizing any county street for ingress and egress.
 - b. For the purpose of establishing proper standards, specification and directions for design and construction of any road, or other land division improvements required to be constructed in the unincorporated territory of Imperial County, the document entitled "Engineering Design Guidelines Manual for the Preparation and checking of Street Improvement, Drainage, and Grading Plans within Imperial County" revision dated September 15, 2008, is hereby adopted and made a part of this division by reference, three copies of which are on file in the office of the clerk of the board of supervisors and for use and examination by the public. Copies of the manual can also be found at the Imperial County Department of Public Works.
5. Bel Air Ave and Sunrise Drive along property frontage shall require street improvements per Section 12.10.020 - Street Improvement Requirements of Imperial County Ordinance
6. Any activity and/or work within Imperial County right-of-way shall be completed under a permit issued by this Department (encroachment permit) as per Chapter 12.12 - EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County Ordinance.
 - a. Any activity and/or work may include, but not be limited to, the installation of stabilized construction entrances, street improvements (i.e. curb, gutter, sidewalks, driveways, paving), site fence installation, underground/overhead electrical crossings, road repairs, water and sewer connections, temporary traffic control, etc.
<https://publicworks.imperialcounty.org/wp-content/uploads/2020/04/Encroachment-Permit-checklist-application.pdf>
7. Prior to the issuance of grading and building permits, the contractor shall complete the installation of temporary stabilized construction entrances.
Section 12.10.030 - Building Permits of Imperial County Ordinance:
8. No building permit for any structure or building or major addition to a building or structure shall be issued until the improvements required by Section 12.10.010 of this chapter have been installed. In addition, no building permit shall be issued until there has been compliance with Chapter 12.12 of this title and the requirement that an encroachment permit be obtained.

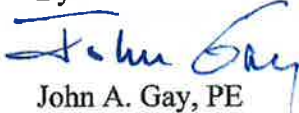
yards or more of solid waste per week to recycle their organic waste including landscape waste, wood waste, and food waste. Information about possible organics waste recycling services can be found at the CalRecycle site at:

<https://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

By:

A handwritten signature in blue ink that reads "John A. Gay". The signature is written in a cursive style with a horizontal line above the first name.

John A. Gay, PE
Director of Public Works

GM/gv

9. All off-site improvements within Imperial County right-of-way shall be financially secured by either a road improvement bond or letter of credit prior to issuance of a grading permit, building permit, and encroachment permit.
10. Applicant shall complete a Traffic Report and submit it to this Department for review and approval. Traffic Report shall be per the County Traffic Study and Report Policy (<https://publicworks.imperialcounty.org/wp-content/uploads/2019/12/TrafficStudyReportPolicy.pdf>), and it will be used to determine whether a complete Traffic Impact Study is deemed necessary.
 - a. If it is determined that a complete Traffic Impact Study, it shall be prepared and submitted to this Department for review and approval. The Developer will be responsible for any traffic impact study mitigation measures within the Traffic Impact Study, including but not limited to, road improvements and fair share costs. The traffic impact study shall also evaluate the need for the installation of turn lanes for site access and egress.
11. The Applicant will be required to repair any damages caused to County roads by construction traffic during construction and maintain them in safe conditions.
12. The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
13. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 - OVERWEIGHT VEHICLES AND LOADS).
14. The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior to County approval of onsite grading plan (40 CFR 122.28).
A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 10.12 - OVERWEIGHT VEHICLES AND LOADS).
<https://publicworks.imperialcounty.org/wp-content/uploads/2019/12/TransPermitupdate021913Letter.pdf>
https://publicworks.imperialcounty.org/wp-content/uploads/2019/12/2008_Transportation_Permit.pdf
15. Applicant shall comply with Chapter 8.72A – Mandatory Organic Waste Disposal Reduction Program of Imperial County Ordinance.
16. Effective September 15, 2020, the State’s Mandatory Organic Waste Recycling Law (AB 1826 or Chapter 727, Statutes of 2014) decreased the threshold requiring all businesses and multi-dwelling facilitates of 5 units or more generating two (2) cubic

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration

Phone: (442) 265-6000
Fax: (760) 482-2427

Training

Phone: (442) 265-6011

**OPERATIONS/PREVENTION**

2514 La Brucherie Road
Imperial, CA 92251

Operations

Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention

Phone: (442) 265-3020

August 11, 2022

RE: Conditional Use Permit #22-0011, 22-0012, 22-0013, 22-0014
2185 Sunset Drive, Salton City (Thermal), CA 92274

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #22-001, 22-0012, 22-0013, 22-0014 for an Commercial Cannabis operation located at 2185 Sunset Drive, Salton City CA 92274

Imperial County Fire Department has the following comments and/or requirements for Cannabis operations.

- An approved water supply capable of supplying the required fire flow as per the California Fire Code appendix B
- All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems shall be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have approved smoke removal systems installed and maintained to the current adapted fire code and regulations.
- Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
- Compliance with all required sections of the fire code.
- Further requirement shall be required for cultivation and manufacturing process.

Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California Building and Fire Code, and National Fire Protection Association standards at a later time as we see necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely
Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department

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ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

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Phone: (442) 265-6000
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OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

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Phone: (442) 265-3000
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Prevention

Phone: (442) 265-3020

Fire Prevention Bureau

CC

Robert Malek

Deputy Chief/Deputy Fire Marshal

Imperial County Fire Department

Fire Prevention Bureau

Alfredo Estrada Jr.

Fire Chief

Imperial County Fire Department

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



August 24, 2022

11-IMP-86
PM 56.979

His and Herbs (Cannabis Production Facility)
Initial Study #22-0019/Conditional Use Permit #22-0011, 12, 13, 14

Mr. Jim Minnick
Planning & Development Services Director
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

Dear Mr. Minnick:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Initial Study (IS) #22-0019 and Conditional Use Permit (CUP) #22-0011, 12, 13, 14 for the His and Herbs (Cannabis Production Facility) Project located near State Route 86 (SR-86). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans has the following comments:

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Traffic Impact Study

- A Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) may be needed for this project. Please use the California Governor's Office of Planning and Research December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA¹ guidance to identify VMT related impacts. Or please provide justification on VMT exemption.
- The TIS may also need to identify the proposed project's near-term and long-term safety or operational issues, on or adjacent to any existing or proposed State facilities.

Hauling

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <http://www.dot.ca.gov/trafficops/permits/index.html>

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' Right-of-Way (R/W) through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W. We would appreciate meeting with you to discuss the elements of the ND, or MND that Caltrans will use for our subsequent environmental compliance.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

¹ California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." <https://opr.ca.gov/ceqa/sb-743/>

Mr. Jim Minnick
August 24, 2022
Page 3

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Mitigation

Caltrans endeavors that any direct and cumulative impacts to the State Highway network be eliminated or reduced to a level of insignificance pursuant to the CEQA and National Environmental Policy Act standards.

If you have any questions or concerns, please contact Charlie Lecourtois, LDR Coordinator, at (619) 985-4766 or by e-mail sent to Charlie.Lecourtois@dot.ca.gov.

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review



HIS & HERBS

October 20, 2022

Dear Imperial County Planning Commissioners:

His & Herbs, Inc. appreciates the opportunity to call upon the Planning Commission to support the Staff recommendation to approve the four Conditional Use Permit (CUP) applications: **CUP22-0011** proposing to operate a commercial cannabis cultivation facility, **CUP22-0012** proposing to operate a commercial cannabis manufacturing facility, **CUP22-0013** proposing to operate a commercial cannabis virtual retail facility, and **CUP22-0014** proposing to operate a commercial cannabis distribution facility, all within a single building.

The proposed 26,250 sq. ft. cannabis production facility will be located at 2185 Sunrise Drive and 1385 Bel Air Avenue, Salton City, CA 92274. It will be a fully integrated operation consisting of a 20-30' building shell on a foundation, with primary metal columns located on the east and west sides of the floor plan.

The facility will NOT be open to the public. NO physical retail dispensary will be located on premises. NO cash will be stored on the premises, and all transactions will be completed through a Point of Sale (POS) system. Per State and County regulations, there will be NO signage on or near the premises identifying it as a cannabis facility.

The facility will only have two entrances: a main front entrance and an interior loading area, both of which will be monitored 24/7 by armed security guards. The facility will create 5-15 new jobs in Imperial County. We do not anticipate a significant increase in vehicle or pedestrian activity around the site.

His & Herbs, Inc. will operate as a fully permitted and licensed business within Imperial County. In 2018 we successfully obtained approval for a cannabis production facility in the City of San Diego after completion of a rigorous, lengthy, and highly competitive permitting process. The California Department of Cannabis Control approved a Cultivation license for that facility in 2019, and a Distribution

license in 2019 which has been renewed in 2020 and 2021. Our business, management team, and facilities have met the rigorous Department of Cannabis Control requirements and we are confident that this will be the case for our Imperial County project.

A detailed Security Plan (attached) was included in our application and has been reviewed by the relevant County Departments. It will prevent access to the premises by unauthorized personnel and protect the physical safety of employees and the community. Access to the facility will be limited to authorized personnel (5-15 employees), suppliers, distributors, and waste haulers.

State licensed armed security guards will be on duty 24-hours a day, 7 days per week. The facility will install and maintain a state-of-the-art digital video camera surveillance and alarm system, and an identification sign-in/sign-out procedure for authorized personnel, suppliers, distributors, and waste haulers will be maintained at the building entrance and the loading area.

All agents, officers, or other persons acting for or employed by the facility will display a laminated or plastic-coated identification badge at all times while onsite. Employee access within the premises will be limited to those areas necessary to complete job duties.

Limited access areas will be locked at all times and entered only upon coded permission specification via a key card system. All business activities will take place within the building. The loading dock is an enclosed, secure area within the building. The loading dock will be monitored at all times. All deliveries and receivables will take place within the secure loading area.

We value the feedback and input received throughout the application process from County staff in multiple departments. Amongst the comments, safety concerns are uppermost in mind. We understand that this is one of the reasons why State and local governments regulate the cannabis industry so heavily. In our view, these strict regulatory requirements are intended to strengthen and support legal cannabis businesses.

We have designed our project accordingly, including state-of-the-art surveillance equipment and systems, to dissuade criminal activity. We have met with the Imperial County Sheriff's Office (ICSO), acknowledge their challenges, and take their concerns seriously. One of the main ICSO concerns relates to the storage of cash on the premises. Upon further consideration, we have changed our position

and no cash will be stored on the premises. All transactions, both retail and wholesale, will be managed through a Point of Sale (POS) system, thereby eliminating a serious security risk at the facility.

The ICSO stated that in the vicinity of our project site, the transition from a vastly unpopulated area over the past several years to an affordable popular living destination has resulted in the need for an increase in law enforcement activities to mitigate the increase in crime. The statistics provided regarding burglaries and thefts over the selected six-month period reflect the ramifications of the community's overall population growth, not the legalization of cannabis in Imperial County or the launch of cannabis businesses. There is no demonstrated nexus between the rise in crime and any existing or proposed businesses in the area.

A May 2021 policy brief by the California Research Bureau showed that locally, 144 out of 482 California cities allow any kind of cannabis business, and 31 of the state's 58 counties permit cannabis retail, manufacture, and/or cultivation businesses in unincorporated areas. The brief stated that a multi-year study of crime rates in California and Colorado, the first two states to legalize marijuana use, noted that there was "no statistically significant long-term effects of recreational cannabis laws or the initiation of retail sales on violent or property crime rates in these states" and that "[marijuana] legalization has not had major detrimental effects on public safety. (Canna MD: MARIJUANA'S IMPACT ON CRIME: STUDIES SUPPORT CANNABIS, Updated on February 9, 2022.

It is in the interest of both His & Herbs and Imperial County law enforcement to maintain a safe community. We feel strongly that both State and local municipalities benefit directly from supporting legal cannabis businesses and should do their utmost to shut down the black market. The majority of crimes associated with cannabis result from black market dealings.

We believe the increased costs of law enforcement should be shared proportionately among all residential and commercial/industrial uses within Imperial County. Once operational, the estimated tax revenue generated by His & Herbs is \$1.2 - \$1.3 million annually (inclusive of annual Permitting fees, Cultivation tax, Retail tax, Property tax). Our analysis of the 2021-2022 Imperial County Budget estimates 8.15% of the total County budget allocated to the ICSO. Using that measure, the ICSO would receive \$ 99,430 – \$108,395 annually in tax revenue from the operation of the His & Herbs facility. We fully support the

strategic allocation of these funds to enhance law enforcement capabilities and reduce crime in the community.

These costs have historically been incorporated into municipal budgets, not imposed upon individual businesses. We believe that these costs, should they occur, be covered by the annual business tax revenue allocation to the pertinent department, as is the case for all other business tax revenue.

His & Herbs, Inc. thanks you for your time in considering the project application, staff materials, environmental documentation for the project, and this letter. We again request that the Planning Commission support the Staff recommendation for the project by approving the four Conditional Use Permit (CUP) applications: **CUP22-0011** proposing to operate a commercial cannabis cultivation facility, **CUP22-0012** proposing to operate a commercial cannabis manufacturing facility, **CUP22-0013** proposing to operate a commercial cannabis virtual retail facility, and **CUP22-0014** proposing to operate a commercial cannabis distribution facility, all within a single building.

Respectfully,
His & Herbs, Inc.



HIS & HERBS

**HIS & HERBS, INC. SECURITY PLAN
CULTIVATION, DISTRIBUTION, MANUFACTURING, VIRTUAL
RETAIL
2185 SUNRISE DRIVE, SALTON CITY, CA 92274**

Overview

A security plan will be implemented to prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to: State licensed security guards on duty 24-hours a day, 7 days per week; establishing physical barriers to secure perimeter access and all points of entry into the premises (such as locking primary entrances with commercial grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems); installing a security alarm system to notify and record incident(s) where physical barriers have been breached if such occurs; establishing and enforcing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, distributors, and visitors; maintaining the premises such that visibility and security monitoring of the premises is possible; and establishing procedures for the investigation of suspicious activities to prevent theft or loss of cannabis and cannabis products. This includes but is not limited to: establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the cultivation, manufacturing, distribution, and virtual retail process; limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties; supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); providing designated areas in which personnel may store and access personal items; secure and back up electronic records in a manner that



HIS & HERBS

prevents unauthorized access and that ensures the integrity of all records is maintained. All agents, officers, or other persons acting for or employed by the facility will display a laminated or plastic-coated identification badge. The facility will have a complete digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels. The video surveillance system will effectively and clearly record images of the area under surveillance. The video surveillance system will be accessible remotely. Areas that will be recorded on the video surveillance system include, but are not limited to: areas where cannabis is grown or cannabis products are weighed, dried, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises; limited-access areas; security rooms; areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and the interior and exterior of all entrances and exits to the premises. The surveillance system will record continuously 24 hours per day and at a minimum of 15 frames per second. All recording and monitoring equipment will be located in secure rooms or areas of the premises in an access-controlled environment and will be kept on the recording device for a minimum of 90 days.

- The facility has one point of entry through the front building entrance area. All other outside entryway doors are kept locked at all times. All keys and key cards to the building are accounted for and/or assigned to authorized personnel. Windows are locked and either covered with security bars or have security glass. Only authorized personnel are allowed in Limited-Access and Specific-Access areas. Access to one area does not necessitate access to other Limited-Access/Specific-Access areas. Each person is assigned access on a case-by-case basis which is recorded in their personnel file. Entrances to all Limited-Access areas shall always remain closed (except when in use) and have a solid commercial-grade door and a nonresidential door lock at all points of exit to the area(s).



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- Each authorized person who enters a Limited-Access or Specific-Access area must swipe their key card before entering and then immediately close and secure the door so that no other person can enter the area without swiping their own key card. **UNDER NO CIRCUMSTANCES MAY TWO PEOPLE ENTER ANY LIMITED-ACCESS OR SPECIFIC-ACCESS AREA BY USING ONE SWIPE.**
- Authorized individuals other than employees include, outside vendors, contractors, or other individuals conducting business that require access to the Limited-Access areas. Any non-employed but authorized individual who enters the Limited-Access area must be escorted by an authorized employee at all times while within the Limited-Access area. The company will maintain a record of all authorized individuals who are not employees of His & Herbs, Inc. who enter the Limited-Access areas. The record shall include the name of the individual, the company the individual works for, the reason the individual entered the Limited-Access area, the date, and the times the individual entered and exited the Limited-Access area. These records shall be made available to authorities upon request.
- All personnel shall display a laminated or plastic-coated identification badge at all times while within the facility or otherwise engaging in commercial cannabis activity (transporting, etc.). The identification badge shall, at a minimum include: The His & Herbs name and logo, His & Herbs license number, Employee name, Employee number (the number is assigned at hire and uses a sequential numbering system that starts at #101 and ascends as each new employee is added; 102, 103, 104, etc.), the His & Herbs "doing business as" name and license number (if applicable), the employee's first name, and a color 1" wide by 1.5" tall photograph of the full front of the employee's face. A change in responsibilities is decided on a case-by-case basis but where the change requires a change in security level access, that change is documented in the employee file and the electronic key card access is changed using the computer interface that manages the key card access program. Upon leaving employment, all security



HIS & HERBS

levels are revoked and the key card and employee badge are deactivated and destroyed.

- The entire premises is equipped with a digital video surveillance system with camera resolutions of at least 1280 × 720 pixels. At all times the video surveillance system effectively and clearly records images of the area under surveillance. Each camera is permanently mounted and in a fixed location. Each camera is placed within 20 feet of all points of entry/exit and all subsequent areas of the premises at locations that allow the cameras to clearly record activity occurring at these areas and points. These cameras allow for the clear and certain identification of any person and all activities in all areas. The areas that are recorded on the video surveillance system include, but are not limited to, the following: Cultivation (Clone, Veg, and Flower rooms, Harvesting, Drying, Curing and Storage areas); Distribution (Packaging and Weighing areas, Storage areas, Released Inventory Storage, Hold areas, Shipping & Receiving), Manufacturing areas, Virtual Retail (Storage areas, Released Inventory Storage, Hold areas, Order Processing, Shipping & Receiving), Common areas of Offices (Senior Management offices are not videoed and cannabis is not allowed in any of their offices), Locker Rooms & Break Rooms, Lobbies, All areas of the Limited Access Areas, Security rooms, Data and Surveillance System Storage Device area/room with camera(s) recording the access points to the area/room, both indoor and outdoor vantage points for every entrance and exit to the premises.
- The video surveillance system is equipped with a failure notification system that provides an electronic notification to all designated persons that an interruption or failure of the video surveillance system has occurred. His & Herbs will contract with a 3rd party security firm licensed by the Bureau of Security and Investigative Services that is in compliance with Chapters 11.4 and 11.5 of Division 3 of the Business and Professions Code to provide armed security services 24 hours a day. The security firm will be primarily responsible for monitoring the video surveillance system.



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- Security personnel will be stationed on His & Herbs premises. The use of roving security will not be used. Security shall be onsite 24 hours a day, 7 days a week. Security will be armed. His & Herbs has not engaged in a contract at this time, However, prior to operation of the site, His & Herbs shall contract with a licensed alarm company operator who will install and maintain an alarm system that will signal the presence of a hazard that requires urgent attention and to which police will also be contacted to respond.
- The alarm system will be maintained and tested by the contracted alarm service company. The alarm service company shall perform maintenance checks no less than once a quarter. The system features will monitor for unauthorized entry during non-business hours through the use of door sensors. Additional features include emergency notifications from within the facility occurring during business hours such as activation via security interface panels (panic button) and activation. In the event of a situation that requires urgent attention, each designated person shall receive a phone call and electronic notification that requires at least one person to respond to the alarm system event. In all cases, the alarm will include notification to law enforcement unless a member of senior management provides an override code to the contracted security alarm provider.



IMPERIAL COUNTY SHERIFF'S OFFICE
RAYMOND LOERA
SHERIFF-CORONER-MARSHAL



To:

October 24, 2022

Michael Abraham
Assistant Director
Imperial County Planning & Development Services

Sir-

This letter is to inform you that we have not received a response from His & Herbs, Inc., regarding our modified mitigation requests. Our last correspondence was on September 23, 2022. We would like to inquire on the status of this project. At this time, we are not prepared to move forward with the permitting process until this is resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Kelley".

Chief Ryan Kelley