

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

3098



FROM: TLMA – Planning Department

SUBMITTAL DATE:
December 26, 2012

SUBJECT: GENERAL PLAN AMENDMENT NO. 01117 – EA42432 – Applicant: Clark Van Wick – Engineer/Representative: Mike Naggar – Third/Third Supervisorial District – The proposal is to the entire Citrus Vineyard Rural Policy Area which features several zoning and General Plan Land Use Designations - REQUEST: The project proposes a Policy/Entitlement Amendment General Plan text change to add a policy to the Southwest Area Plan (SWAP); specifically the Citrus/ Vineyard Policy Area, that would allow religious institutions and ancillary elementary schools to operate in the Citrus Vineyard Policy Area.

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating the above referenced general plan amendment based on the attached report. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the report to the Board (see attached Report and Recommendations to the Board of Supervisors.)

Carolyn Syms Luna

Carolyn Syms Luna
Planning Director

CSL:ms

(CONTINUED ON ATTACHED PAGE)

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Stone, Benoit, and Ashley
Nays: None
Absent: Tavaglione
Date: January 29, 2013
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

15-1

REVIEWED BY EXECUTIVE OFFICE

DATE 1/17/13

Tina Grande

Departmental Concurrence

Policy

Consent

Dept't Recomm.:

Policy

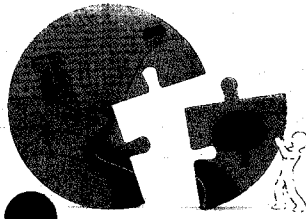
Consent

Per Exec. Ofc.:

The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date and place when the Planning Commission and the Board of Supervisors would consider this GPA initiation request.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

309B

DATE: December 26, 2012

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: General Plan Amendment No. 1117

(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|--|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT) | <input type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input checked="" type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input checked="" type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

No AD Required

15-1 1/29/13

(21)

Riverside Office • 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-1811

Desert Office • 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"



**PLANNING COMMISSION
MINUTE ORDER
DECEMBER 19, 2012**

I. AGENDA ITEM 2.1: GENERAL PLAN AMENDMENT NO. 01117 - EA42432 – Applicant: Clark Van Wick – Engineer/Representative: Mike Naggar – Third/Third Supervisorial District – Rancho California Zoning Area- Southwest Area Plan: Agriculture: Agriculture – Location: The Citrus Vineyard Rural Policy Area is generally located easterly of Temecula, southerly of French Valley and westerly of Sage. (Legislative)

II. PROJECT DESCRIPTION:

The project proposes a new Policy/Entitlement Amendment General Plan text change regarding religious institutions and ancillary elementary schools in the Citrus Vineyard Policy Area.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner, Matt Straite at (951) 955-8631 or email mstraite@rctlma.org

The following spoke in favor of the proposed project.

- Mike Naggar, 445 D. Street, Perris 92570 (951) 551-7730
- Malissa McKeith
- Robert Tyler
- Maya Grasse

The following donated their time to the above in favor of the proposed project.

- Sam Alhadeff
- Taige Ronan
- Sam Walton

The following spoke in opposition to the proposed project.

- Phil Baily, 36150 Pauba Road, Temecula 92592 phil@bailywinery.com
- Ray Falkner, Falkner Winery

No one spoke in a neutral position to the proposed project.

IV. PLANNING COMMISSION ACTION:

Staff collected comments for the Board of Supervisors.

CD: The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

Agenda Item No.:
Area Plan: Southwest 2.1
Zoning Area: Rancho California
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: December 19, 2012

GENERAL PLAN AMENDMENT NO. 1117
(Entitlement/Policy Amendment)
Applicant: Clark Van Wick
Engineer/Representative: Mike Naggar

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1117 proposes a text change amendment to the Riverside County General Plan Southwest Area Plan to add a new policy regarding religious institutions and ancillary schools in the Citrus Vineyard Policy Area.

The applicant is proposing to add schools and churches to the Citrus Vineyard Zone (CV), in support of a proposed Plot Pan for an expansion of the existing Calvary Church. The applicant is proposing this General Plan text addition to make the Change of Zone and Plot Plan more clearly consistent with the General Plan. It is important to note, however, that it is unclear whether this general plan amendment is needed. It is in an abundance of caution the applicant has decided to submit this application to the County.

The proposed Amendment is located in the Southwest Area Plan; more specifically, the established Citrus Vineyard Rural Policy Area is generally located easterly of Temecula, southerly of French Valley and westerly of Sage.

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA), text change included, requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

The consideration of the initiation of proceedings pursuant to this application by the Planning Commission and the Board of Supervisors will not involve a noticed public hearing. The Planning Department, however, did notify the applicant of the time, date and place when the Planning Commission will consider this GPA initiation request.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance. This particular GPA application is an Entitlement/Policy Amendment GPA, under Section 2.4.

GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings subject to the development review process and final CEQA determination. The Administration Element of the General Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 1117 falls into the Entitlement/Policy category, because it is proposing a new policy.

The Administration Element of the General Plan explains that two findings must be made, and at least one of five additional findings must be made to justify an entitlement/policy amendment. The two findings are:

- a. The proposed change does not involve a change in or conflict with:
 - (1) The Riverside County Vision;
 - (2) Any General Plan Principle; or,
 - (3) Any Foundation Component designation in the General Plan.
- b. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.

The additional findings, only one of which need be made include:

- c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.
- d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.
- e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
- f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.
- g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

Consideration Analysis:

First and Second Required Finding: The applicant's legal representative, Ms. Malissa Hathaway McKeith of Lewis Brisbois Bisgaard & Smith LLP, in a letter dated October 30, 2012, submitted the following justification for the first and second required findings:

Calvary's proposed GPA does not affect a foundational element and amounts to a textual change in the Citrus/Vineyard ("C/V") Policy Area. The amendment would add language permitting religious institutions and ancillary elementary school facilities by way of a new Southwest Area Plan Policy within the C/V Policy Area. The proposed Policy would comport with other C/V Policy Area policies as follows:

[New] SWAP 1.7: Allow for the integration of places of religious worship and ancillary elementary school facilities on 20 acres or more provided that the facilities maintain the rural, agricultural character of the area by conforming to planting and design requirements not inconsistent with the goals of the Citrus/Vineyard Policy Area.

The proposed GPA further would not attempt to change the land designation of the project parcel, which is currently designated as Agriculture. Indeed, the project would further the goals of preserving the rural character of the area and adhering to the applicable planting requirements since Calvary has long committed to plant at least 75 percent of the parcel if required.

Schools in agriculturally zoned areas, moreover, are not an anomaly. Notably, the language of the Agriculture zoning ordinances make it clear that schools and churches are compatible uses depending upon the type of agriculture involved. Article XIII of the County's zoning ordinance sets forth permissible uses in the Light Agricultural (A-1) Zone. Section 13.1(b)(2) and (3) expressly permit both churches and private schools in the A-1 zone subject to approval of a plot plan pursuant to Section 18.30 of the zoning ordinance. Likewise, Article XIV defines permissible uses in the Heavy Agriculture Zone (A-2), and these uses also expressly include churches and private schools subject to plot plan approval. (Ord. 348b, Section 14.1(b)(3) and (7).)

While schools and churches are expressly permitted uses in the Light and Heavy Agricultural zones, they are not expressly permitted in the Poultry or Dairy Agricultural zones, which contemplate facilities for animal slaughtering and processing.² The County appears to be distinguishing between Light/Heavy Agriculture and Poultry/Dairy Agriculture in determining where it is appropriate to allow school and church use. Because the Citrus/Vineyard Policy Area is essentially quasi agricultural and quasi tourist, it is more akin to the Light/Heavy Agriculture zones. Both the Riverside County Vision and the Agriculture land use designation contemplate churches and private schools in these areas. The Calvary Expansion also is in harmony with the County's Vision which, among other goals, seeks "critical community facilities," including schools, in both urban and rural areas.³ This "Healthy Communities" vision strives to allow residents to take advantage of the amenities, both natural and built, surrounding them, and seeks to foster an environment where County residents can choose to live close to their work, schools, parks or open space. Allowing a school and place of worship furthers the goal of providing sensitively built amenities to residents of the Citrus/Vineyard Policy Area. In this regard, Calvary draws many of its members from the C/V area whose children would have the benefits of attending a religious elementary school in close proximity to their home.

Finally, the GPA does not conflict with any general planning principle found in Appendix B of the General Plan; indeed, this amendment typifies the type of projects envisioned by these guiding principles. For example, Calvary's expansion contributes positively to the goal of promoting a "unique community identity," while still adhering to the principles of the agricultural land use designation.

Further Required Finding: In addition to the two findings outlined above, the General Plan indicates that an additional finding, from a list of five, must also be made. For this General Plan Amendment two of the additional findings are appropriate:

- (d) A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.
- (f) An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.

Finding (d)

In April of 2011 the Board of Supervisors approved a new element of the General Plan, the Healthy Communities Element. Planners have always strived to have healthy concepts included in basic planning review such as placing density near transit, including trails, and other simple concepts aimed at reducing vehicle trips. The idea is to encourage walking and other forms of transit, as well as to keep vehicle pollutants out of the air by limiting vehicle miles. The new Healthy Communities Element takes many of these simple concepts and enumerates them into policies.

At the General Plan Initiation level Staff performs a review (not a detailed in depth analysis) of the proposal to see if there is a possibility that the project could be able to satisfy the requirements of the General Plan. The additional finding (d) states that a General Plan Amendment may be warranted in order to conform to a change in policy. The New Healthy Communities Element adds many new policy level criteria that encourage placing uses near the communities they serve. The proposed Amendment would clarify that churches and schools, two uses that serve a community, would be appropriate in the Citrus Vineyard area. This concept could limit vehicle travel times to such uses and encourage walking and biking. More specifically the proposed Amendment may help implement the following policies for the Healthy Community Element (Staff notes are shown in *italics*):

HC 1.1 Foster the overall health and well-being of County residents, particularly the most vulnerable populations. *Churches and schools could assist in maintaining the well being of a community.*

HC 4.1 Promote healthy land use patterns by doing each of the following to the extent feasible:

- a. Preserving rural open space areas, and scenic resources. *Any church or school project would still have to maintain the 75% planting rule.*
- b. Preventing inappropriate development in areas that are environmentally sensitive or subject to severe natural hazards. *The pesticide issue will require further analysis, but initiation would permit such analysis.*
- c. Developing incentives, such as transfer of development rights, clustered development, development easements, and other mechanisms, to preserve the economic value of agricultural and open space lands. *Any church or school project would still have to maintain the 75% planting rule.*

HC 8.1 Promote development patterns and policies that:

- a. Reduce commute times. *Bring uses such as churches and schools into the communities they serve may assist in implementing the policy.*
- b. Encourage the improvement of vacant properties and the reinvestment in neighborhoods.
- c. Provide public space for people to congregate and interact socially. *Both churches and schools can afford this opportunity.*
- d. Foster safe and attractive environments. *Both churches and schools can afford this opportunity.*
- e. Encourage civic participation. *Both churches and schools can afford this opportunity.*

HC 9.1 Coordinate the development of complete neighborhoods that provide for the basic needs of daily life and for the health, safety, and welfare of residents. *Churches and schools could assist in maintaining the well being of a community.*

Finding (f)

This finding requires that the proposed Amendment assist in basic employment job opportunities for the County. Adding schools and churches to the Citrus Vineyard Policy Area would bring additional possibilities for employment and would likely satisfy this finding. Initiation would permit further analysis.

Planning staff has reviewed the proposed text change to the General Plan in conjunction with the letter provided by the applicants representative and finds that, for purposes of the General Plan Initiation, there is adequate support to warrant further processing of the application if additional language is added to the proposed General Plan Policy Text to further clarify the intent of the proposed new policy.

SUMMARY OF FINDINGS:

- | | |
|------------------------------------|---|
| 1. General Plan Land Use (Ex. #5): | Agriculture: Agriculture (AG:AG) |
| 2. Existing Zoning (Ex. #2): | There are several zoning classifications in the policy area. |
| 3. Existing Land Use (Ex. #1): | Wineries, open space, single family dwellings, churches, schools, and other uses. |

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element could possibly be made to support further processing of the application if additional language is added to the proposed Policy to further clarify the intent of the policy. Staff requests that the Planning Commission provide comments to the Board of Supervisors regarding General Plan Amendment No. 1117. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The proposed General Plan Policy addition to the Citrus Vineyard Policy Area effects property that may be located within:
 - a. An Agricultural Preserve;
 - b. A MSHCP Criteria Area,
 - c. A High Fire Area;
 - d. The Community of Rancho California,
 - e. Ord. No. 663.10 Stephen's Kangaroo Rat Fee Area;
 - f. A Flood Zone; and,
 - g. A Fault Zone.
3. The proposed General Plan Policy addition to the Citrus Vineyard Policy Area effects property that generally is not be located within:
 - a. An Airport Influence Area;
 - b. A Redevelopment Area; or,
 - c. A City Sphere of Influence.

MS
Y:\Planning Case Files-Riverside office\GPA01117\GPIP\GPIP Staff Report.docx
Date Prepared: 12/11/12
Date Revised: 12/13/12

RIVERSIDE COUNTY PLANNING DEPARTMENT

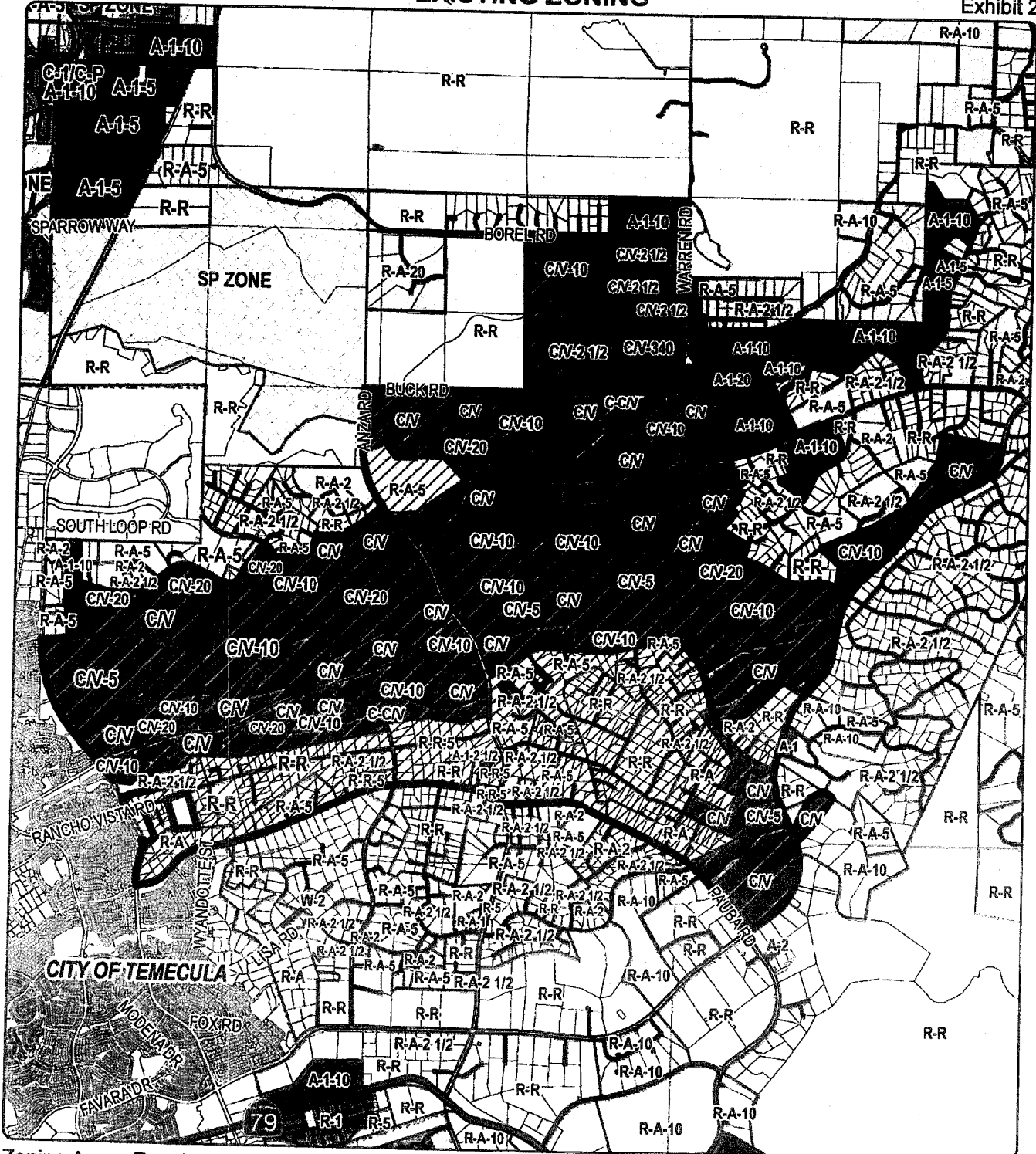
GPA01117

EXISTING ZONING

Date Drawn: 12/12/2012

Exhibit 2

Supervisor Stone
District 3



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 26

Assessors Bk. Pg. 942-18
Thomas Bros. Pg. 960 B1
Edition 2011



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.rtpa.co/riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

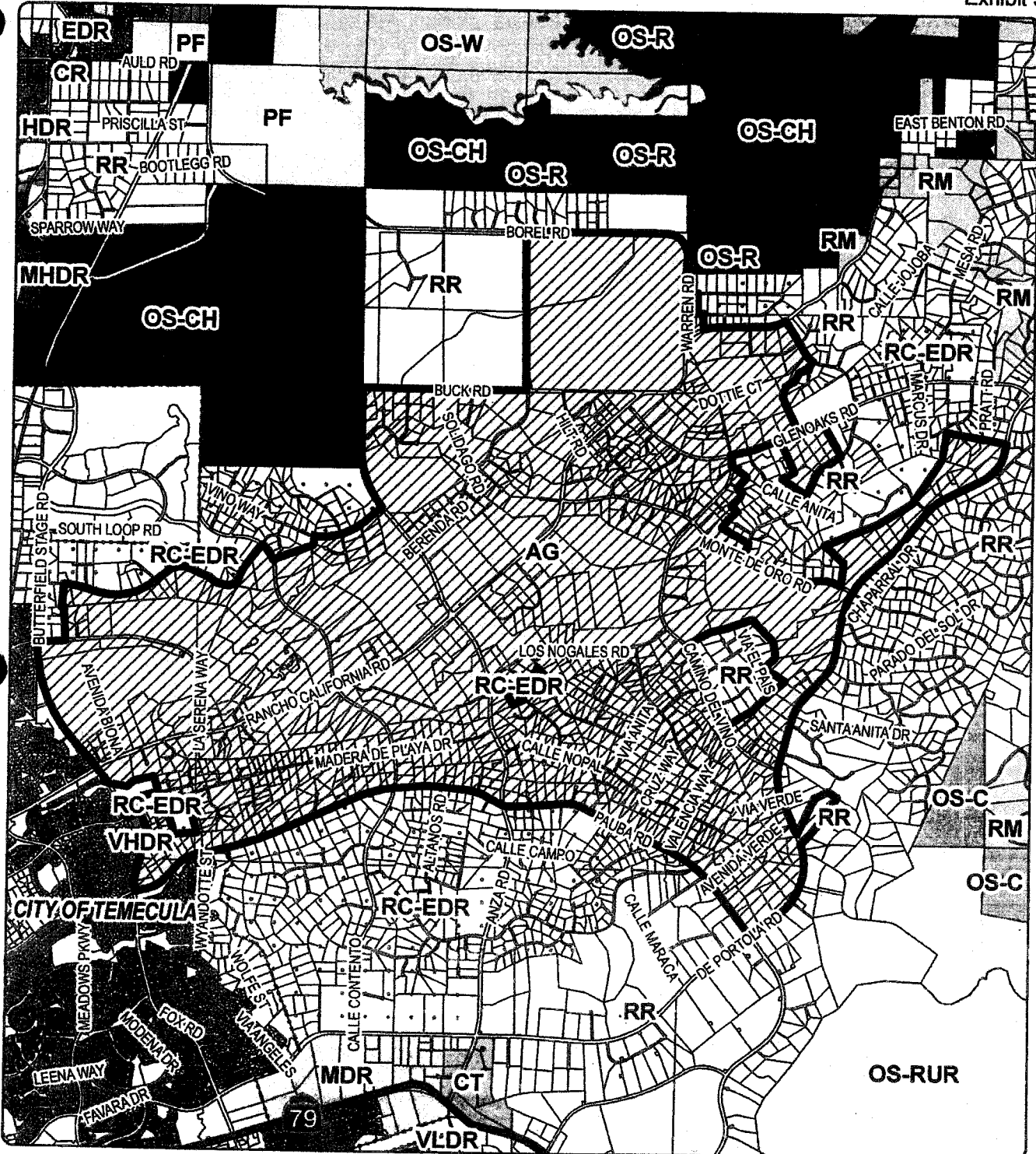
GPA01117

EXISTING GENERAL PLAN

Supervisor Stone
District: 3

Date Drawn: 12/13/2012

Exhibit 5



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 26

Assessors Bk. Pg. 942-18
Thomas Bros. Pg. 960 B1
Edition 2011



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RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA01117

LAND USE

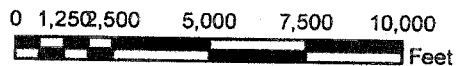
Supervisor Stone
District 3

Date Drawn: 12/13/2012
Exhibit 1

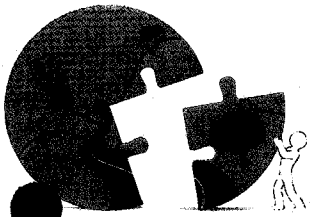


Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 26

Assessors Bk. Pg. 942-18
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RIVERSIDE COUNTY
PLANNING DEPARTMENT

Carolyn Syms Luna
Director

Memorandum

DATE: December 19, 2012
TO: Planning Commission
FROM: Matt Straite
RE: **Additional information for Agenda Item 2.1**

The Planning Department is submitting the following letters (attached) for your consideration:

- Kelliher dated 12-18-12
- Tyler & Bursch, LLP dated 12-18-12
- Lewis, Brisbois, Bisgaard & Smith dated 12-17-12

Y:\Planning Case Files-Riverside office\GPA01117\GPIP\Memo\Memo to PC.docx

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

Straite, Matt

From: johnpkelliher@gmail.com
Sent: Tuesday, December 18, 2012 12:17 PM
To: Straite, Matt
Subject: CV Zone Amendments

Categories: Blue Category

THIS EMAIL HAS BEEN SUBMITTED VIA THE RCTLMA WEBSITE.

Matt,

Tomorrow General Plan Amendment 01117 will be on the Planning Commission agenda.

Any changes that weaken the special zone set aside for wineries and agriculture will weaken the entire tourism industry in the Temecula Valley, accounting for approximately \$600 Million in direct economic impact for our region, including over 6,000 jobs.

In Napa, the most successful model for a similar wine-centric ag preserve, the AG and AGW zones preserve 91% of Napa County land for Agriculture purposes, leaving 9% for other uses. In our county, only 0.1% of Riverside land is contained within the CV and CCV zones, leaving 99.9% for other uses.

This is why the Temecula Valley Winegrowers Association and the Temecula Valley Convention and Visitors Bureau have both come out publicly against weakening the zone by paving the way for non-agricultural uses.

Please consider the importance and value of our wine country when evaluating potential changes that could endanger it, as well as the easy availability of alternative land for other uses.

John Kelliher
Riverside County Citizen
951 538-2091

TYLER & BURSCH, LLP
LAWYERS & ADVISORS

Reply To:
24910 Las Brisas Road, Suite 110
Murrieta, California 92562
Telephone: 951.600.2733
Facsimile: 951.600.4996
www.tylerbursch.com

Orange County Office:
15540-B Rockfield Boulevard
Irvine, California 92618
Telephone: 949.707.2733

San Diego Office:
16870 W. Bernardo Drive, Suite 400
San Diego, California 92127
Telephone: 619.299.2733

December 18, 2012

VIA ELECTRONIC
AND U. S. MAIL

Ms. Carolyn Syms Luna
Planning Director
Planning Department
Riverside County Transportation
And Land Management Agency
Post Office Box 1409
Riverside, California 92502-1409
Email: cluna@rctlma.org

Ms. Shellie Clack
Office of County Counsel
County of Riverside
3960 Orange Street, Suite 500
Riverside, California 92501
Email: mclack@co.riverside.ca.us

Mr. Matt Straite
Riverside County Planning
4080 Lemon Street 9th Floor
Post Office Box 1409
Riverside, California 92501
Email: mstraite@rctlma.org

Re: *Planning Commission Hearing on the December 19, 2012 Agenda Item 2.1: General Plan Amendment No. 1117*

Dear Planning Commission:

In light of the December 19, 2012, hearing on Calvary Chapel Bible Fellowship's ("Calvary") GPIIP, we would like to address two issues. First, we must stress that Calvary's General Plan Amendment No. 1117 only seeks to permit **ancillary** religious schools in the C/V zone—not private schools generally. This distinction is key, and cannot be stressed enough. Ancillary means "of secondary importance," auxiliary, supplementary, subordinate, or subsidiary. The main point of providing this distinction is to codify Calvary's primary intent of providing religious education as part of its overall church mission and also to limit the scope of the types and number of educational institutions that will be permitted in the C/V zone. By stating that only ancillary schools are permitted, the County will ensure that private schools will not be permitted to operate throughout wine country as an independent use. Thus, any fears of educational facilities popping up throughout Wine Country are simply misplaced.

Moreover, we must stress that providing religious education is a central tenet of Calvary Chapel's sincerely held religious beliefs and, therefore, is protected under the First Amendment to

the United States Constitution. Adhering to the various mandates in the Bible, Calvary firmly believes (1) that God has given parents and the church the primary responsibility for the education of their children and (2) that this education must be based on the truth of God revealed in the Bible. See Proverbs 1:7-9, 9:10, Deuteronomy 6:6-9, Proverbs 22:6; Ephesians 6:4. Operating an ancillary educational facility is simply part of the genetic make-up of Calvary Chapel as a church. It is not a new and distinct operation. On the contrary, operating a religious school is simply another arm of Calvary's mission to spread the gospel of Jesus Christ and to provide discipleship to its members.

Additionally, this sincerely held religious belief of providing Christian education to its parishioners' children has become increasingly important over the last decade. Not only are public schools not permitted to teach from the Bible, but much of today's current curriculum directly opposes what the Bible teaches. Take, for example, the over-sexualization of young children and the ability of school counselors to provide counseling to young teens on abortion and contraception without parental consent or knowledge. But not only is the curriculum hostile to the rights of parents to raise their children from a Christian worldview, but the environment at large is as well. Students are increasingly using drugs and more students are engaging in sexual activities at younger and younger ages. Moreover, the public school system is growing increasingly unsafe for children. More generally, however, we are finding that teachers, administrators, and other students are becoming more and more hostile to the Christian worldview. Therefore, in order to allow Calvary to fully exercise its freedom of religion under the First Amendment to the United States Constitution, it must be permitted to operate an ancillary religious school at its church facility.

The second issue we would like to address is to simply remind the Planning Commission that the inclusion of religious places of worship and ancillary religious schools in the Citrus Vineyard Zone is necessary to ensure compliance with the Religious Land Use and Institutionalized Persons Act. In the Staff Report for General Plan Amendment No. 1117, the County did not make the finding, as we had requested, that the inclusion of churches and ancillary schools in the C/V zone was necessary to correct a violation RLUIPA.

As outlined in our previous letters, by permitting "special occasion facilities" to operate in the C/V zone completely independent of a winery, but excluding religious places of worship, the county is treating religious assemblies on less than equal terms with secular assemblies. RLUIPA's equal terms provision prohibits a government from "impos[ing] or implement[ing] a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." 42 U.S.C. § 2000cc(b)(1). The Ninth Circuit construed the equal terms provision in *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma* (9th Cir. 2011) 651 F.3d 1163 ("*Centro*"). The court held that a government may permissibly draw a distinction against a religious organization only if there is a "legitimate regulatory purpose," or, stated more specifically, a government entity may not treat a church "on a less than equal basis with a secular comparator, similarly situated with respect to an accepted zoning criteria." *Centro*, 651 F.3d at 1173 (citing *River of Life Kingdom Ministries v. Village of Hazel Crest, Ill.* (7th Cir. 2010) 611 F.3d 367, 372 ("But if religious and secular land uses that are treated the same . . . from the standpoint of an

accepted zoning criterion, such as 'commercial district,' or 'residential district,' or 'industrial district,' that is enough to rebut an equal-terms claim and thus, in this case, to show that River of Life is unlikely to prevail in a full litigation.")); *see also Lighthouse Institute for Evangelism, Inc. v. City of Long Branch* (3d Cir. 2007) 510 F.3d 253, 266 ("a regulation will violate the Equal Terms provision only if it treats religious assemblies or institutions less well than secular assemblies or institutions that are similarly situated as to the regulatory purpose.")).

Here, there is no legitimate regulatory purpose for permitting special occasion facilities to operate in the C/V Zone independent of a winery but excluding religious places of worship from doing the same. The purpose of the C/V zone is to "encourage agricultural cultivation, vineyards, and wineries, that would preserve the rural lifestyle, wine-making atmosphere and long term viability of the wine-industry where such activities are occurring and that would protect such areas from incompatible uses which could result in reduced agricultural productivity and increased urbanization within the policy area." Ordinance 348 § 14.71. In addition to direct agricultural operations, the ordinance permits "incidental commercial uses," such as restaurants, bed and breakfasts, hotels, "special occasion facilities," and other uses—as long as such uses are "secondary, and directly related, to the agricultural operations." *Id.* The stated purpose of allowing these incidental commercial uses is "to provide economic viability to the primary vineyard and winery operations." *Id.* "Special occasion facilities" are defined as "[a]n outdoor facility, in conjunction with a dwelling unit or a winery, which may include a structure or building, which is used on special occasions for public assembly for a specific period of time in return for compensation. Special occasions may involve, but not be limited to, weddings, concerts, parties, spectator oriented events or other celebrations." All special occasion facilities not built in conjunction with a winery must be located on 10 acres of land with 75% of the property planted in vineyards. Ordinance 348 § 14.72(h), 14.73.b(4)(a).

Before analyzing the statute, it is important to note that for many of the permitted special occasion facilities, the vineyard is not the "primary operation." In fact, many, if not most, property owners in Wine Country plant vineyards simply to be able to operate a special occasion facility. This is because it is commonly known that a vineyard is not profitable operating by itself. Although there may be some vintners and agricultural production companies that have a sincere desire to harvest grapes as their primary operation, the reality is that very few business owners operate in wine country out of a humanitarian desire for grape production. Thus, despite the language of the ordinance, the special occasion facilities are in fact the primary operation in Wine Country—not the vineyards—and this is especially the case for those special occasion facilities that operate in the C/V Zone without a winery.

Moreover, it is also critical to note that Calvary Chapel Bible Fellowship is commonly known as "Calvary Wine Country." Indeed, operating in the Wine Country is an important characteristic that is a distinguishing factor between Calvary and other churches in the area. Many people even attend Calvary simply because it is located in the Wine Country. As a result, Calvary desires to plant vineyards to enhance the character and atmosphere of the church setting. Likewise, numerous special

occasion facilities are located within Wine Country because the atmosphere is conducive to their business. To be located among the vineyards is desirable for weddings and other special occasions. Although many of the special occasion facilities plant vineyards to comply with the planting requirements, they do not do so because grapes are the primary operation. Instead, they do so because the Wine Country atmosphere is important to the character and branding of the business.

Turning to the analysis under RLUIPA, by permitting secular assembly—such as weddings, concerts, and parties—that does not support the purpose of the C/V Zone, the County is treating religious assemblies on less than equal terms with similarly situated secular comparators. Simply stated, concerts, parties, weddings, and other secular gatherings are not directly related to agricultural operations. Indeed, many of these uses run directly contrary to encouraging agricultural cultivation. Moreover, if the stated purpose of allowing special occasion facilities is to promote the economic viability of the vineyards, religious places of worship—which are also public assembly—can equally promote the economic viability of the vineyard operation. Just as it is economically unprofitable to have a vineyard without a special occasion facility, it is equally unprofitable to have a vineyard without a church. Stated simply, a religious assembly can accomplish the same goal as a special occasion facility that is operating not in conjunction with a winery. In sum, religious assembly, such as Calvary, located on 10 acres of land with 75% planting, is absolutely no different—based on a legitimate regulatory purpose—than a “special occasion facility” on 10 acres of land with 75% planting. Therefore, the C/V zone facially violates RLUIPA and must be remedied accordingly. We, therefore, respectfully request that the County amend its staff report to state that Calvary’s GPA is “required to conform to changes in state or federal law or applicable findings of a court of law.”

Sincerely,



Robert H. Tyler, Esq.

RHT:lam

cc: Shellie Clack

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
Telephone: 213.250.1800
Fax: 213.250.7900
www.lbbslaw.com

MALISSA HATHAWAY McKEITH
DIRECT DIAL: 213.580.6303
E-MAIL: MCKEITH@LBBSLAW.COM

December 17, 2012

File No.
32652.2

By E-mail and Facsimile

Riverside County Planning Commissioners
County of Riverside Administrative Center
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502
Facsimile: (951) 955-1811

Re: Agenda Item No. 2.1: General Plan Amendment No. 1117

Dear Commissioners:

Calvary Chapel Bible Fellowship ("Calvary") submits this letter to clarify and to expand on the December 19, 2012 Staff Report ("Staff Report") concerning the General Plan Amendment Initiation Proceedings ("GPIP") for General Plan Amendment ("GPA") No. 1117, submitted by Calvary on November 8, 2012. The GPA is submitted in connection with Calvary's ongoing project to expand its worship facilities to include a small elementary school (under 150 students) consistent with churches and schools that exist throughout the County of Riverside ("County") in agricultural areas (the "Project").

1. Staff has stated that a GPA is required.

The Staff Report states: "[i]t is important to note, however, that it is unclear whether this general plan amendment is needed. It is in an abundance of caution that the applicant has decided to submit this application to the County." (Staff Report at p. 1). This comment requires additional context not included in the Staff Report.

The GPA application followed a memo dated September 20, 2012, from project planner, Matt Straite, informing Calvary that he could not make the determination that the Project was consistent with the General Plan. (Attachment A). Previously, Land Use

Policy 6.2 ("LU 6.2") permitted religious institutions and private schools in all areas of the County and served as the basis upon which planning staff had been proceeding with Calvary's Project. Because the County does not regularly update the online, electronic version the General Plan, apparently no one (including staff) considered the 2009 change affecting the Calvary Project.

In 2009, LU 6.2 was revised to eliminate express language allowing churches and schools, even though another amendment to the General Plan processed simultaneously expressly approved day care and nursery school facilities in all areas of the County. The rationale for deleting churches and private schools is unknown; however, given those omissions, Mr. Straite concluded that he could not make the necessary findings.

Since the September 20 memorandum, planning staff and the County's legal counsel have further reconsidered this issue, and they have suggested that a GPA is not required based upon language in the existing General Plan that is sufficiently broad to support a finding of consistency upon approval of Calvary's Project. Although the County declines to put this opinion in writing, based on conversations with County Counsel on November 14, 2012, the County's rationale is that the General Plan's language does not expressly prohibit schools and churches in any given area, and the General Plan's language is deliberately broad in order to allow a finer level of land use regulation through the zoning ordinances.

Calvary agrees that the General Plan may be broad enough to accommodate its request, however, it nevertheless prefers to proceed with the GPIIP given the significant opposition to Project, the uncertainty surrounding the amendments to LU 6.2, and Mr. Straite's memorandum, all of which would provide fodder for Calvary's opposition.

To Calvary's knowledge, it is the first religious institution with an ancillary private school to be proposed since the change in LU 6.2, making it vulnerable to attack from the many vintners who aggressively oppose the project.

The Planning Commission - and ultimately the Board of Supervisors - therefore is now faced with three options. First, if planning and legal staff have concluded that a GPA is not required, they should confirm this fact publicly along with the rationale therefor so that Calvary is not blindsided by the vintners or a change in position by the County later. Second, if a GPA is deemed more prudent to fortify against litigation, then Calvary requests that its GPIIP proceed today. A third option not considered in the Staff Report is to process an amendment to LU 6.2 to add back the language permitting religious institutions with ancillary schools in any land use area.

2. Calvary's GPIP application seeks a textual change limited to religious institutions with *ancillary* elementary schools

Calvary's GPIP application is extremely narrow. The proposed language is limited to religious institutions with ancillary elementary schools. The ancillary nature of the proposed permissive school use must be emphasized. This amendment would not allow stand alone educational institutions as some have claimed. Rather, the elementary school would need to be ancillary to or incorporated in the religious institution itself. By definition, a school that is ancillary to a religious institution is merely a small, auxiliary component of that institution.¹

The effect of the proposed GPA is to allow students to obtain a faith-based education close to religious facilities. The proximity of religious institutions and schools is important because it allows for parents and staff to congregate in one location thus working together to foster a safe environment free from the crime and violence often experienced in overburdened public schools. Traditionally, church schools in agricultural areas formed the foundation of many rural areas, and hence the concept is not inconsistent with the goals of Agriculture-designated areas.

3. The findings should include acknowledging "special circumstances" that inadvertently removed the General Plan policy which expressly allowed churches and schools in Agriculture-designated areas.

As the Staff Report indicates, the Board of Supervisor will need to make at least three findings to support granting the GPIP. In response to Mr. Straite's September 20 memorandum, Calvary submitted an analysis of four suggested findings on October 30, 2012. (Attachment B). The Administration Element of the General Plan requires two mandatory findings: (a) that the change does not involve a change or conflict with: (1) the Riverside County Vision; (2) any General Plan Principle; or (3) any Foundation Component designation in the General Plan; and (b) that the proposed GPA either would contribute to the achievement to the purposes of the General Plan or, at minimum, that it would not be detrimental to them. (General Plan Administration Element, subdivisions (a) and (b).) The Staff Report fully adopts the rationale cited in the October 30, 2012 letter for making these two mandatory findings. (Staff Report at p. 2-3).

Calvary recommends that an additional finding be made under subdivision (c) of the Administration Element of the General Plan, as previously suggested in the October 30 letter, namely that "[s]pecial circumstances or conditions have emerged that were

¹ The definition of "ancillary" is something that is "subordinate," "subsidiary," "supplementary," "auxiliary," or "assisting." See Merriam-Webster's online dictionary at: <http://www.merriam-webster.com/dictionary/ancillary>, and also Dictionary.com at <http://dictionary.reference.com/browse/ancillary?s=t>

unanticipated in preparing the General Plan.” In this case, there are special circumstances that were unanticipated in revising the General Plan in 2009, when the revisions deleted the language expressly allowing religious institutions and schools in any land use designation.²

Until 2009, LU 6.2 was the General Plan policy that expressly allowed for places of religious worship and schools in all land use designations, including Agriculture. The 2009 deletion was adopted by County Board of Supervisors Resolution 2009-118, approving a cycle of general plan amendments which included GPA No. 1073 and changed LU 6.2. This amendment was initiated by the County purportedly to allow “public facilities in any land use designation” except for certain Open Space designations,³ and to clarify that public facilities were not intended to be limited to the “Public Facilities” land use designation. The definition of “public facilities” in the new language of LU 6.2, however, deleted churches and schools and was limited to “all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, and all facilities operated by any combination of these agencies.”

The circumstances and record underlying the 2009 change to LU 6.2 show no evidence that the County intended an outright exclusion of churches or schools in any land use designations including Agricultural areas. In fact, the County's zoning ordinance still allows churches and schools in agriculturally *zoned* areas. Article XIII of the County's zoning ordinance sets forth permissible uses in the Light Agricultural (A-1) Zone. Section 13.1(b)(2) and (3) expressly permit both churches and private schools in the A-1 zone subject to approval of a plot plan pursuant to Section 18.30 of the zoning ordinance. Likewise, Article XIV defines permissible uses in the Heavy Agriculture Zone (A-2), and these uses also expressly include churches and private schools subject to plot plan approval. (Ord. 348b, Section 14.1(b)(3) and (7).)

The County ordinances distinguish between Light/Heavy Agriculture and Poultry/Dairy Agriculture in determining where it is appropriate to allow school and church use.⁴ Because the Citrus/Vineyard (“C/V”) Policy Area is essentially quasi agricultural

² Prior to the 2009 revisions, LU 6.2 allowed “educational [and] religious ... uses established to serve the surrounding community” to be found consistent with Agricultural designation provided that the facility is “compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods” and the location will not jeopardize public health, safety and welfare.

³ Resolution 2009-18, p. 20, ll. 21-24.

⁴ Specifically, the “Light Agriculture with Poultry” zone and the “Agriculture - Dairy” zone, at Ord. 348b, Articles XIIIa and XIVa, respectively. While schools and churches are expressly permitted uses in the Light (footnote continued)

and tourist oriented, it is more akin to the Light/Heavy Agriculture zones than the Dairy/Poultry Zones as they are defined under the ordinance. Both the Riverside County Vision and the Agriculture land use designation contemplate churches and private schools in these areas. Thus, the elimination of the previous language of LU 6.2 appears to be inadvertent. Importantly, if this ordinance were corrected as discussed below, it might eliminate the need for Calvary to go through the GPIIP and GPA process.

The agricultural area in which Calvary sits is not an agricultural preserve. Rather, it is a quasi residential, tourist area situated in an agricultural, rural setting. The C/V Zoning Ordinance, itself, provides for several non-agricultural purposes including hotels and golf courses.⁵ The argument that a school cannot be located there because of potential conflicts with pesticides is not a compelling reason to exclude a religious school. Thus far, every "claim" of potential litigation or safety risks associated with pesticide or alcohol near schools has been debunked. First, there are thousands of children already living or being home schooled in the C/V Zone and hence exposed to pesticides. Second, the Agricultural Commissioner's office (when pressed for facts) confirmed there has been no litigation over pesticide application near schools and, in fact, no formal violations. (See Attachment C, letter from McKeith to Snyder dated December 13, 2012 with attachments.) Therefore, any argument that religious institutions and ancillary private elementary schools are incompatible in wine country due to pesticide regulations is a pretext and is not supported by any substantial evidence.

The 2009 changes to LU 6.2 apparently were not based upon an express desire to eliminate "sensitive receptors", i.e. schools in agricultural areas. Notably, other General Plan changes processed at or about the same time expressly allow child care facilities in agricultural zones, arguably an even more sensitive use. General Plan Amendment 883 was approved by the Board of Supervisors on June 9, 2009, at the same time as GPA 1073 referenced above. GPA 883 proposed numerous changes throughout the General Plan to incorporate greater acknowledgement and integration of "day care" or "child care" centers. Although "child care" is not expressly defined in the GPA, one parenthetical explains it as "infants, toddlers, preschool and school age children." One of the many changes that was adopted involved an amendment to the then-existing LU 6.2, identified by the bolded, underlined text below:

LU 6.2 Direct public, educational, child day care centers, religious, and utility uses established to serve the surrounding community toward

and Heavy Agricultural zones, they are not expressly permitted in the Poultry or Dairy Agricultural zones, which contemplate facilities for animal slaughtering and processing.

⁵ The C/V Zone itself already allows for a variety of land uses, including 1) residential developments; 2) clustered residential developments; 3) wineries; 4) special occasion facilities; 5) lodging facilities; and 6) golf courses. (Riverside County Zoning Ordinance 348.4596, Art. XIVb).

those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space - Rural and Agriculture designations, under the following conditions: (AI 1,3).

This amendment goes on to list nearly *two pages* of additional new language regarding child care centers, all apparently intended to be part of LU 6.2. The Board of Supervisors approved GPA 883 - as written -- in Resolution 2009-118. And yet, by that same Resolution, the Board of Supervisors also approved GPA 1073, which drastically changed the language of LU 6.2 and eliminated its prior reference to "educational [and] religious...uses," without accounting for the simultaneous changes to LU 6.2 being approved in GPA 883. In short, it appears that on June 9, 2009, the Board of Supervisors approved two amendments to LU 6.2 that are in conflict with one another, and nothing in the minutes or other documentation suggests there was a resolution to this conflict. At a minimum, the fact that the Board approved GPA 883 retaining the references to religious and educational uses in Agricultural areas, suggests that the elimination of those uses by GPA 1073 was inadvertent.

Calvary's proposed GPA simply reconciles these changes and restates the intention of the County to allow churches and ancillary elementary schools here in the C/V Policy Area. As the General Plan states, "[t]he Land Use Plan focuses on preserving the unique features found only in the Southwest planning area and, at the same time, accommodating future growth. To accomplish this, more detailed land use designations are applied than for the countywide General Plan." (General Plan, Southwest Area Plan 2008, p. 15). Access to religious institutions with ancillary schools is an important policy so that parents within the C/V zone and surrounding area can have their children receive educational training in a safe environment is absolutely consistent with the goals of the County's General Plan.

4. The findings should include that the GPA is necessary to comport with the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA")⁶

In its October 30, 2012 letter, Calvary also stated that the County should find that the GPA is necessary under subdivision (d) of the Administration Element, which states that the change in policy is "required to conform to changes in state or federal law or applicable findings of a court of law. To that end, excluding religious institutions (and their ancillary private schools) from foundation elements of the General Plan is a de facto violation of federal law.

⁶ 42 U.S.C. §2000cc

Calvary submits that the GPA is necessary to comport with the federal RLUIPA, a law that protects churches from discriminatory or overly burdensome zoning and land use schemes. By implication, the lack of any express right to build a religious institution with an ancillary school in a light agricultural area such as the C/V Policy Area is discriminatory. First, as the County knows, both private and public schools were located throughout the region in agricultural areas prior to 2009. The blanket elimination of language permitting such uses without a rational basis would constitute a *de facto* ban on religious freedoms. Second, the C/V Policy Area allows large-scale secular gatherings, such as concerts, weddings and conferences and further allows for "special occasion facilities."⁷ By permitting these activities but restricting places of religious worship, the County is treating religious entities unequally with similarly situated secular entities in direct violation of RLUIPA.

RLUIPA prohibits the government from implementing a land use regulation "in a manner that treats a religious *assembly* or institution on less than equal terms with a nonreligious assembly or institution."⁸ Currently, public special events facilities and public schools are located throughout the agricultural areas of Riverside County. Because of the amendments to LU 6.2, the Board of Supervisors should take this opportunity to clarify that the County was not attempting to eliminate religious institutions with ancillary elementary schools from permitted uses.

5. Calvary is unclear about what staff means by "further clarify[ing] the intent" of the proposed policy


The intent of Calvary's policy is to expressly allow religious institutions and ancillary elementary schools in the Citrus Vineyard Policy area, subject to certain requirements that are consistent with the goals of that C/V Policy Area. Calvary believes that its proposed policy more than more than satisfies the findings required under the County's General Plan.

We appreciate the time of staff and this Commission in dealing with these land use issues. Thank you for your consideration.

⁷ See GPA 1056 amending the Southwest Area Plan ("SWAP") to include special occasion facilities.

⁸ 42 U.S.C. §2000cc(b).

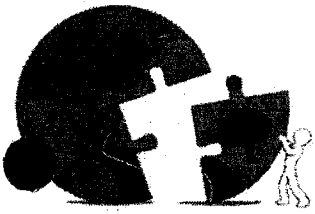
Very truly yours,


Melissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

MHM

Enclosures

Cc (via e-mail only): Mary Stark, Secretary to the Riverside County Planning
Commission, mcstark@rctlma.org
County Executive Officer George Johnson, GAJohnson@rceo.org
Deputy Planning Director Frank Coyle, fcoble@rctlma.org
County Planner Matt Straite, MSTRAITE@rctlma.org
Legislative Aide Olivia Barnes, OBBarnes@rcbos.org
Deputy County Counsel Shellie Clack, MClack@co.riverside.ca.us



Carolyn Syms Luna
Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

Memorandum

DATE: 9/20/12
TO: Mike Naggar
FROM: Matt Straite
RE: **Calvary Chapel Change of Zone No. 7782 General Plan Consistency**

Pursuant to our internal review of the application materials the County Planning Department, in conjunction with County Counsel has determined that the Change of Zone application request is not consistent with the General Plan. If continued processing is desired it would require a text change to the General Plan.

Feel free to contact Matt Straite 951-955-8631 mstraite@rctlma.org with any additional questions.

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Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
Telephone: 213.250.1800
Fax: 213.250.7900
www.lbbsslaw.com

MALISSA HATHAWAY McKEITH
DIRECT DIAL: 213.580.6303
E-MAIL: MCKEITH@LBBSLAW.COM

October 30, 2012

File No.
32652.2

VIA ELECTRONIC MAIL ONLY

Michelle Clack, Esq.
Deputy County Counsel
Office of Riverside County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

E-Mail: mclack@co.riverside.us
Facsimile: (951) 955-6322

Re: Calvary Chapel Bible Fellowship Expansion and Ancillary Elementary School
("Calvary Expansion").

Dear Shellie:

It was nice seeing you at the October 22, 2012 meeting with the Deputy Agricultural Commissioner. As promised, this preliminary letter addresses the process Calvary apparently must follow in proposing a General Plan Amendment ("GPA"). First, I assume County Counsel agrees with the conclusions set forth in Matt Strait's emails dated October 15 and October 18, 2012, requiring that Calvary obtain a GPA as part of its pending Application to expand the Church and to construct a private elementary school ("Application"); that Calvary first comply with Ordinance 348, Article II, section 2.4¹, the so-called General Plan Initiation Process or GPIIP ("GPIIP Ordinance"); and that, if the Board of Supervisors denies the GPIIP, Calvary cannot proceed further with its Application. If this is not your understanding, please let me know immediately. Based on Matt's emails (attached), such a denial would constitute exhaustion of Calvary's administrative remedies at the County level since it would have no further recourse. Please confirm that you share his understanding.

¹ The General Plan Initiation Process or GPIIP, at Ord. 348.4573 § 2.4, or, alternatively, section 17.08 *et seq.* of Title 17.

After so many years, Calvary is very frustrated that the County only now is requiring a GPIIP which effectively means that Calvary is starting from scratch. Given the extensive public debate on the Calvary Expansion relative to adoption of the Wine Country Community Plan ("WCCP"), the GPIIP should be processed with all due haste. This is particularly the case since Supervisor Stone (in whose district Calvary is located) has expressly supported a school and church for years. Moreover, the Planning Commission itself requested on August 22, 2012, that religious institutions and ancillary schools be evaluated as part of the WCCP Environmental Impact Report ("EIR"). Since these two issues so obviously overlap, we are proposing that the GPIIP, if it is even required, be placed on the next Planning Commission hearing agenda. This is the hearing at which the scope of the WCCP EIR relative to churches and schools is being addressed.

Preliminarily, however, it remains unclear whether a GPA is actually required or whether the County's amendments to Land Use Policy 6.2 ("LU 6.2") deleting churches and schools was, in fact, a clerical error that could be fixed *nunc pro tunc* or otherwise could be readily corrected. We discuss the basis of such a correction in Section 2, below. To avoid further debate or delay, Calvary is prepared to process a provisional GPIIP this week pending your determination whether it is required in light of the LU 6.2 discussion below.

1. Calvary Satisfies the GPIIP Requirements

As part of its GPIIP application, Calvary is prepared to present evidence supporting the necessary findings required under Ordinance 348 subsection (F)(2), as follows:

Entitlement/Policy Amendments. A planning commission resolution recommending approval of an entitlement/policy amendment and a board of supervisor's resolution approving an entitlement/policy amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

- a) The proposed change does not involve a change in or conflict with: the Riverside County Vision; any general planning principle set forth in general plan Appendix B; or any foundation component designation in the general plan;
- b) The proposed amendment would either contribute to the purposes of the general plan or, at a minimum, would not be detrimental to them;

These first two findings are the mandatory findings the County must make in approving any GPA.

Calvary's proposed GPA does not affect a foundational element and amounts to a textual change in the Citrus/Vineyard ("C/V") Policy Area. The amendment would add language permitting religious institutions and ancillary elementary school facilities by way of a new Southwest Area Plan Policy within the C/V Policy Area. The proposed Policy would comport with other C/V Policy Area policies as follows:

[New] SWAP 1.7: Allow for the integration of places of religious worship and ancillary elementary school facilities on 20 acres or more provided that the facilities maintain the rural, agricultural character of the area by conforming to planting and design requirements not inconsistent with the goals of the Citrus/Vineyard Policy Area.

The proposed GPA further would not attempt to change the land designation of the project parcel, which is currently designated as Agriculture. Indeed, the project would further the goals of preserving the rural character of the area and adhering to the applicable planting requirements since Calvary has long committed to plant at least 75 percent of the parcel if required.

Schools in agriculturally zoned areas, moreover, are not an anomaly. Notably, the language of the Agriculture *zoning ordinances* make it clear that schools and churches are compatible uses depending upon the type of agriculture involved. Article XIII of the County's zoning ordinance sets forth permissible uses in the Light Agricultural (A-1) Zone. Section 13.1(b)(2) and (3) expressly permit both churches and private schools in the A-1 zone subject to approval of a plot plan pursuant to Section 18.30 of the zoning ordinance. Likewise, Article XIV defines permissible uses in the Heavy Agriculture Zone (A-2), and these uses also expressly include churches and private schools subject to plot plan approval. (Ord. 348b, Section 14.1(b)(3) and (7).)

While schools and churches are expressly permitted uses in the Light and Heavy Agricultural zones, they are not expressly permitted in the Poultry or Dairy Agricultural zones, which contemplate facilities for animal slaughtering and processing.² The County appears to be distinguishing between Light/Heavy Agriculture and Poultry/Dairy Agriculture in determining where it is appropriate to allow school and church use. Because the Citrus/Vineyard Policy Area is essentially quasi agricultural and quasi tourist, it is more akin to the Light/Heavy Agriculture zones. Both the Riverside County Vision and the Agriculture land use designation contemplate churches and private schools in these areas.

The Calvary Expansion also is in harmony with the County's Vision which, among other goals, seeks "critical community facilities," including schools, in both urban and rural

² Specifically, the "Light Agriculture with Poultry" zone and the "Agriculture - Dairy" zone, at Ord. 348b, Articles XIIIa and XIVa, respectively.

areas.³ This "Healthy Communities" vision strives to allow residents to take advantage of the amenities, both natural and built, surrounding them, and seeks to foster an environment where County residents can choose to live close to their work, schools, parks or open space. Allowing a school and place of worship furthers the goal of providing sensitively built amenities to residents of the Citrus/Vineyard Policy Area. In this regard, Calvary draws many of its members from the C/V area whose children would have the benefits of attending a religious elementary school in close proximity to their home.

Finally, the GPA does not conflict with any general planning principle found in Appendix B of the General Plan; indeed, this amendment typifies the type of projects envisioned by these guiding principles. For example, Calvary's expansion contributes positively to the goal of promoting a "unique community identity," while still adhering to the principles of the agricultural land use designation.

Calvary further satisfies two other findings set forth in GPIP Ordinance: (1) special circumstances or conditions have emerged that were unanticipated in preparing the general plan; and (2) a change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.⁴

2. Special Circumstances Warrant the Amendment

The special circumstance in this instance derives from the apparently inadvertent elimination of the language in Land Use Policy 6.2 that previously permitted churches and private schools.⁵ Until 2009, LU 6.2 was the General Plan policy that expressly allowed for places of religious worship and schools in Agricultural land use designations. This change was adopted by County Board of Supervisors Resolution 2009-118, approving a cycle of general plan amendments, including GPA No. 1073 which changed LU 6.2. This amendment was initiated by the County purportedly to allow "public facilities in any land use designation" except for certain Open Space designations,⁶ and to clarify that public facilities, as defined by the policy, were not intended to be limited to the "Public Facilities"

³ See General Plan Amendment 1096 (adopted by Board resolution 2011-156 on October 18, 2011), which adopted the "Healthy Communities" provisions as part of the General Plan's Vision chapter.

⁴ These additional Entitlement/Policy Amendment findings are set forth in Riverside County code section 17.08.040(F)(2)(c) and (d); the County must make at least three findings (in addition to the two mandatory findings cited above) in order to approve a GPA.

⁵ LU 6.2 previously allowed "educational [and] religious ... uses established to serve the surrounding community" to be found consistent with Agricultural designation provided that the facility is "compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods" and the location will not jeopardize public health, safety and welfare.

⁶ Resolution 2009-18, p. 20, II. 21-24.

land use designation. Unfortunately, the definition of "public facilities" in the new language of LU 6.2 is "all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, and all facilities operated by any combination of these agencies." The definition does not encompass religious uses or private schools.

The circumstances and record underlying the 2009 change to LU 6.2 show no evidence that the County intended an outright exclusion of churches or schools in Agricultural areas. Indeed, as discussed above, the zoning ordinance still allows them in agriculturally *zoned* areas. Thus, the elimination of the previous language of 6.2 appears to be a case of unintended consequences and should be corrected. Importantly, if this ordinance were corrected as discussed below, it would eliminate the need for Calvary to go through the GPIP and GPA process.

It also appears that religious institutions and schools were deleted inadvertently because other changes processed at or about the same time contemplate child care facilities in agricultural zones, arguably an even more sensitive use. General Plan Amendment 883 was approved by the Board of Supervisors on June 9, 2009, at the same time as GPA 1073 referenced above. GPA 883 proposed numerous changes throughout the General Plan to incorporate greater acknowledgement and integration of "day care" or "child care" centers. Although "child care" is not expressly defined in the GPA, one parenthetical explains it as "infants, toddlers, preschool and school age children." One of the many changes proposed - and passed - included an amendment to the then-existing LU 6.2, identified by the bolded, underlined text below:

LU 6.2 Direct public, educational, **child day care centers**, religious, and utility uses established to serve the surrounding community toward those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space - Rural and Agriculture designations, under the following conditions: (AI 1,3).

This amendment goes on to list nearly *two pages* of additional new language regarding child care centers, all apparently intended to be part of LU 6.2. The Board of Supervisors approved GPA 883 - as written - in Resolution 2009-118. And yet, by that same Resolution, the Board of Supervisors also approved GPA 1073, which drastically changed the language of LU 6.2 and eliminated its prior reference to "educational [and] religious...uses," and did not account for the simultaneous changes to LU 6.2 being approved in GPA 883. In short, it appears that on June 9, 2009, the Board of Supervisors approved two amendments to LU 6.2 that are in conflict with one another, and nothing in the minutes or other documentation suggests there was a resolution to this conflict. At

minimum, the fact that the Board approved GPA 883, which retained the references to religious and educational uses in Agricultural areas, suggests that the elimination of those uses by GPA 1073 was a mistake.⁷

Calvary's proposed GPA simply restates the intention of the County to allow churches and ancillary elementary schools here in the C/V Policy Area. As the General Plan states, "[t]he Land Use Plan focuses on preserving the unique features found only in the Southwest planning area and, at the same time, accommodating future growth. To accomplish this, more detailed land use designations are applied than for the countywide General Plan." (General Plan, Southwest Area Plan 2008, p. 15).

3. *Excluding Religious Institutions and Ancillary Private Schools from Foundation Elements of the General Plan Without any Rational Basis is a De Facto Violation of Federal Law.*

Calvary further submits that the GPA is necessary to comport with the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA"),⁸ a law that protects churches from discriminatory or overly burdensome zoning and land use schemes. By implication, the lack of any express right to build a religious institution and ancillary school in a light agricultural area such as the C/V Policy Area is discriminatory. First, as the County knows, both private and public schools were located throughout the region in agricultural areas prior to 2009. The blanket elimination of language permitting such uses without a rational basis constitutes a de facto ban on religious freedoms. Second, the C/V Policy Area allows large-scale secular gatherings, such as concerts, weddings and conferences, and allows for "special occasion facilities."⁹ By permitting these activities but restricting places of religious worship, the County is treating religious entities unequally with similarly situated secular entities in direct violation of RLUIPA.

RLUIPA prohibits the government from implementing a land use regulation "in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution."¹⁰ Arguably, the elimination of the original LU 6.2, which provided for churches, and the resultant inability to find consistency for a church or religious school in the C/V Policy Area, could be viewed as implementing a land use

⁷ A thornier issue may be determining which amendment to LU 6.2 is operative. Both resolutions were passed "as recommended" by the same, single motion; the GPAs "as recommended" contained the conflicting language described here.

⁸ 42 U.S.C. §2000cc

⁹ See GPA 1056 amending the SWAP to include special occasion facilities.

¹⁰ 42 U.S.C. §2000cc(b)

regulation that discriminates against religious land use while promoting "special occasion facilities."

Likewise, prohibiting Calvary from developing its property in a manner that accommodates its growing congregation and the desire to provide elementary education is not the "least restrictive means" of achieving a compelling government interest, as RLUIPA requires.¹¹ As we heard firsthand from the Deputy Agricultural Commissioner on October 22, 2012, the County's regulations concerning pesticide application in the area of schools has worked successfully as evidenced by the fact that the Deputy Commissioner was unaware and has failed to identify a single lawsuit, violation or formal complaint. Therefore, any argument that religious institutions and ancillary private elementary schools are incompatible in wine country due to pesticide regulations is a pretext and is not supported by any substantial evidence.

Moreover, Calvary already has agreed to abide by conditions of the Agricultural Commissioner that would require it to refrain from holding school at times when spraying or other foliar application was required during school hours, and we are willing to submit to reasonable conditions on a permit to accommodate the surrounding vintners. That the vintners declined participating in the meeting with the Agricultural Commissioner on October 22, 2012 strongly suggests that they have no evidence that such mitigation is not effective.

Whether Calvary's individual application proceeds before the WCCP is adopted or the WPPC is amended to permit religious institutions and ancillary elementary schools, it is time the County put this issue to rest. In August, the Planning Commission voted to evaluate the issue of religious institutions and ancillary schools as part of the WCCP, and Calvary agreed to contribute \$100,000 toward the analysis of religious institutions and ancillary elementary schools as part of the recirculated EIR¹² Calvary remains willing to do so if a GPIP is granted signaling that this effort is not in vain. Therefore, to the extent you decide the GPIP is required, we urge that it be calendared at the Planning Commission hearing on December 5, 2012.

Very truly yours,


Malissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

¹¹ *Int'l Church of Foursquare Gospel v. City of San Leandro*, 673 F.3d 1059, 1070 (9th Cir. 2001).

¹² Under the WCCP, the Wine Country-Winery area replaces the existing C/V Policy Area.

Michelle Clack, Esq.
October 30, 2012
Page 8

MHM
Enclosure

Cc: Matt Straite, Planner, County of Riverside (via e-mail only)

Grasse, Maya

From: Straite, Matt <MSTRAITE@rctlma.org>
Sent: Monday, October 15, 2012 11:30 AM
To: 'Meenaxi Panakkal'; Michael Naggar; Sonya Hooker; McKeith, Malissa; Grasse, Maya
Cc: Michael Naggar; Clack, Shellie; Mares, David; Coyle, Frank
Subject: Calvary Chapel- GPIIP Understanding

Follow Up Flag: Follow up
Flag Status: Flagged

Team,

Pursuant to our meeting last week, I was looking into the General Plan Initiation Process (GPIP) for a text change, more specifically, if it needed to go through the process at all. We have had Counsel take a look at this issue and it appears that the text change **would** require a GPIP. So the process would be:

- Submit application for GPA text change.
- Staff does basic review to see if the application can be supported in a broad, general fashion.
- Staff creates a GPIP staff report and takes the project to the Planning Commission for comments only (*not a published hearing item*, but does show on the agenda).
- After PC Staff incorporates the PC comments into a Form 11 packet for the GPIP that is then taken to the Board (*again, not a hearing item* and no hearing notice required).
- Board either initiates the application to proceed or indicates that the application is not appropriate, at which point the application does not proceed.

Once the GPIP is over, the application proceeds as usual. That means it would go through our internal department review team (DRT), and then get paired with the other projects for hearing purposes (the Plot Plan and the Change of Zone). The GPIP must complete before the General Plan Amendment application can go to DRT. Let me know if there are any questions.

Matt Straite
Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501
951-955-8631



Grasse, Maya

Subject:

FW: Updates - please read

From: "Straite, Matt" <MSTRAITE@rctlma.org>

Subject: RE:

Date: October 18, 2012 8:38:21 AM PDT

To: 'Mike Naggar' <mike@mikenaggar.com>

Good questions. Yes, GPIIP is required in Ord 348 Article II section 2.4 (see below). Recourse if the applicant does not agree? No. There is no appeal to the determination, no denial happens, the application is simply not permitted to process. As far as I know you can apply again, and again. But that's the only recourse.

Matt Straite
Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501
951-955-8631

SECTION 2.4. GENERAL PLAN TECHNICAL AMENDMENTS AND ENTITLEMENT/POLICY AMENDMENTS.

a. **APPLICABILITY.** This Section shall govern the processing of any General Plan amendment which is defined as a Technical Amendment or an Entitlement/Policy Amendment. Technical Amendments involve changes of a technical nature including, without limitation: statistical corrections; mapping error corrections; changes in spheres of influence and city boundaries; changes in Unincorporated Communities or Communities of Interest; editorial clarifications that do not change the intent of the General Plan; or appendix information useful in interpreting the General Plan but which does not change the General Plan intent. Entitlement/Policy Amendments involve changes in land use designations or policies that involve land located entirely within a General Plan Foundation Component but that do not change the boundaries of that component. Notwithstanding the preceding sentence, a proposed change of land use designation to properties located in Eastern Riverside County Desert Area not covered by an Area Plan shall be considered a Foundation Component Amendment and shall be subject to the provisions of Section 2.5 and Section 2.6 of this ordinance. An Entitlement/Policy Amendment may also involve a change in General Plan Policy provided it does not change the Riverside County Vision, a Foundation Component, or a General Planning Principle set forth in General Plan Appendix B.

b. **INITIATION OF AMENDMENT PROCEEDINGS.** The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.

c. **RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** Either the Planning

Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

d. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

e. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Section 2.1 and Section 2.10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.

f. FINDINGS.

(1) Technical Amendments. A Planning Commission resolution recommending approval of a Technical Amendment and a Board of Supervisors resolution approving a Technical Amendment shall include the first finding listed below and any one or more of the subsequent findings listed below:

- (a) The proposed amendment would not change any policy direction or intent of the General Plan.
- (b) An error or omission needs to be corrected.
- (c) A land use designation was based on inaccurate or misleading information and should therefore be changed to properly reflect the policy intent of the General Plan.
- (d) A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion.
- (e) A minor change of boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

(2) Entitlement/Policy Amendments. A Planning Commission resolution recommending approval of an Entitlement/Policy Amendment and a Board of Supervisors resolution approving an Entitlement/Policy Amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

- (a) The proposed change does not involve a change in or conflict with: the Riverside County Vision; any General Planning Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.

(b) The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.

(c) Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.

(d) A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.

(e) An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.

(f) An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.

(g) An amendment is required to address changes in ownership of land or land not under the land use authority of the Board of Supervisors.

-----Original Message-----

From: Mike Naggar [mailto:mike@mikenaggar.com]

Sent: Tuesday, October 16, 2012 2:20 PM

To: Straite, Matt

Subject:

Matt,

regards Calvary Chapel; Is a GPIIP statutorily required for all GPA's? What is the recourse if the applicant does not agree with the boards decision?

Thanks

Mike

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
Telephone: 213.250.1800
Fax: 213.250.7900
www.lbbsslaw.com

MALISSA HATHAWAY McKEITH
DIRECT DIAL: 213.580.6303
E-MAIL: MCKEITH@LBBSLAW.COM

December 13, 2012

File No.
32652.2

VIA FACSIMILE AND EXPRESS MAIL

John Snyder
Agricultural Commissioner
Riverside Headquarters and District Office
4080 Lemon Street, Room 19, Basement
P.O. Box 1089
Riverside, CA 92502-1089

Facsimile: 951-955-3012

Re: Misleading prior comments regarding pesticides in the vicinity of schools

Dear Mr. Snyder:

This firm represents the Calvary Chapel Bible Fellowship ("Calvary"). As you know, Calvary is in the process of applying to expand its existing church with an ancillary elementary school (the "Calvary Expansion Project" or "Project"). The issue of the Calvary Expansion has arisen as part of the Wine County Community Plan ("WCCP") as well as Calvary's current application.

On August 22, 2012, one of your staffers, Michele Tracy, provided public testimony at the Planning Commission hearing in Temecula regarding the WCCP. Attached is an unofficial transcript of her testimony. Whether intentional or not, the testimony that offsite agricultural pesticide applications has caused problems with schools in agricultural areas was not based upon actual facts and served to mislead the Planning Commissioners and the public. Most notable was her groundless assertion that "there will be lawsuits."

In an effort to arrive at objective facts about the safety issues of building a school in the wine country, Calvary made a Public Records Act request to the Agricultural Commissioner's office on October 23, 2012, and it has since reviewed the responsive records. These documents establish, and Deputy Agricultural Commissioner Robert Mulherin ultimately confirmed, that there have been no violations issued in connection with

off-site agricultural pesticide applications in the vicinity of schools in Riverside County over the past five years. Nor have there been documented complaints by parents or teachers about off-site pesticide spraying near the County's 75 schools or any of the "lawsuits" that Ms. Tracey implied. These facts belie Ms. Tracy's public testimony to the Planning Commission on August 22, 2012, where she averred, "You put a school in the area, ..., you will get complaints, you will get lawsuits."¹ She went on to say that even if the Commissioner's Office finds no formal violation, it does not "protect the grower, or the County, or the property owner, because you can sue based on a perceived nuisance..."² These comments lack any factual support and, at worst, were grossly misleading and alarmist.

Mr. Mulherin also issued a statement on December 3, 2012, which - though less hysterical - was similarly misleading in that it suggested that five adverse incidents, leading to formal violations, had occurred in connection with pesticides and schools. To his credit, Mr. Mulherin clarified on December 4, 2012, that the five incidents referred to had no relationship to the issue at hand in that those incidents were all a result of on-site user error and not off-site agricultural pesticide application. Ultimately, however, there is still significant confusion and alarm surrounding this issue because of the statements made on behalf of the Commissioner's Office on August 22 and December 3, 2012, which were made without any factual support.

Calvary has since established that there are no facts which support the August 22 and December 3 statements relating the impacts of off-site spraying. We are requesting by this letter that your office formally withdraw Ms. Tracey's testimony and that Mr. Mulherin's official statement be corrected.

Calvary is willing (and in fact suggested) many of the mitigation measures that Mr. Mulherin suggested in his December 3, 2012 statement. Though we appreciate that some farmers may find this inconvenient or not desirable for Calvary to expand, the bottom line is that there is no evidence of any harm having resulted from pesticide applications near the 75 Riverside County schools operating in agricultural areas. The County Agricultural Commissioner should not be publishing letters nor offering testimony suggesting that there have been safety violations and problems surrounding offsite spraying that will lead to litigation if those statements have no merit.

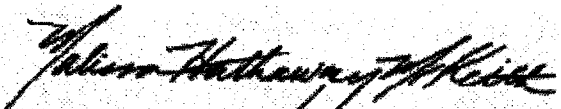
¹ Transcript, p. 2, lines 14-16, emphasis added. This comment was sufficiently noteworthy to get reprinted in NBC's online coverage of the hearing, which is disturbing considering its gross inaccuracy (see attached article).

² Transcript, p. 2, lines 18-19.

John Snyder
December 13, 2012
Page 3

Thank you for your attention to this matter.

Very truly yours,



Malissa Hathaway Mckeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

MHM

Enclosures

Cc (via e-mail only): County Executive Officer George Johnson
Planning Commissioners John Petty, John Snell, John Roth, Jan
Zuppardo and Guillermo Sanchez (via email to Mary Stark, Planning
Commission secretary)
Deputy Planning Director Frank Coyle
County Planner Matt Straite
Legislative Aide Olivia Barnes
Deputy Agricultural Commissioner Robert Mulherin
Deputy County Counsel Shellie Clack

1 RIVERSIDE COUNTY PLANNING COMMISSIONERS HEARING
2 PUBLIC TESTIMONY RE WINE COUNTRY COMMUNITY PLAN

3 August 22, 2012

4 [excerpt]

5 COMMISSIONER JOHN SNELL: Let's go ahead and have the ag people—ag commissioner
6 people - speak to us.

7 [OFF CAMERA – JOHN PETTY]: Why don't you introduce yourself and tell us what you do.

8 ROBERT MULHERIN: I'm Robert Mulherin. I'm one of the Deputy Agricultural Commissioners
9 for the County of Riverside.

10 MICHELE TRACY: Michele Tracy, Agricultural Commissioner's Office since 1984, here in this
11 area.

12 COMMISSIONER JOHN PETTY: It's almost better, I think, that we waited, so you guys could
13 hear some testimony. I've talked about some public schools that have been cited – my experiences
14 in the easterly San Jacinto valley were right next to some orange or grapefruit orchards. Those
15 have been fairly recent – I'd say within the last five to ten years, anyway, certainly no more than
16 ten years, um – built schools. In your professional opinion, what impacts would locating schools
17 in Temecula wine country have on the ability of, um, these people, who have invested a lot of
18 money in these winery operations, to conduct business both now and in the future?

19 MICHELE TRACY: It's impacted even the references that you're saying, east Hemet, um, it's
20 severely curtailed the amount of foliar spraying that they can do on those citrus groves to the point
21 where they're having to use different chemicals, more chemicals, more night spraying, uh, on the
22 off-school hours, in order to protect those trees. The other issue is that at a certain point, it's no
23 longer cost effective to farm under those conditions, with the schools and the complaints from the
24 parents and things that are generated, that they've turned the water off. Um, in Menifee it's been a
25 severe problem where we were only-- primarily growing dryland grain, which might get sprayed
26 one time per year, and the number of complaints that get generated, the minute there's a tractor or
27 a helicopter or something in the vicinity – it doesn't even have to be right next door – it's, it's
28 gotten to the point where we've had to extend the no-spray boundaries even for ground rigs to a

1 half a mile, and one mile on aircraft, to keep the complaints from coming in.

2 Um, any time there's kids and pesticides, doesn't matter if it's even stuff applied by the
3 schools themselves, uh, the schools, churches, whatever, can't control their own members. Their
4 own members are the one that generate the complaints, their own employees are the ones that
5 generate complaints. The minute there's kids involved, it's automatically a public health issue,
6 whether there really is one or not, because it's all perception, uh, odors aren't necessarily drift.
7 Like in the case of sulphur, this whole valley smells like sulphur, that does not guarantee that
8 there's a sulphur drift issue here - it's purely the fact that sulphur off-gases in heat and humidity.
9 Umm, we've had a lot of guys in the dryland business that have basically quit farming. Um, Mr.
10 Barnes was talking about his row crop issues and organic versus conventional. Organic does not
11 mean no pesticides. It just means no synthetic pesticides in fertilizers, so they have to spray
12 sometimes every bit or more than our conventional growers. Their stuff also costs about fifty
13 times more than the conventional things. So it impacts everybody. The- the particular issue in
14 Temecula valley is the odor of the sulphur. Like I say, odor doesn't necessarily mean drift. You
15 put a school in the area, no matter if they spray during school session, no matter if there's no drift,
16 you will get complaints, you will get lawsuits. And it costs the taxpayers a bunch of money
17 because then me and State and Bob and everybody else gets involved, doing investigations, trying
18 to prove whether or not there was an actual violation. If there's no violation, it doesn't protect the
19 grower, or the County, or the property owner, because you can sue based on a perceived nuisance,
20 and Mr. Newcomb can attest to that, he's had to deal with it. So it's- it's a very high impact.

21 The Church, you can work around the church - they're mainly weekends, mainly evenings,
22 when they're either not spraying or there's not a high impact. Um, five days a week, two times to
23 three times a day - big problem.

24 JOHN PETTY: Are you familiar with lawsuits, and I assume you're called, probably, on a semi-
25 regular basis to be—

26 MICHELE TRACY: Not so far.

27 JOHN PETTY: --provide expert testimony, but uh, what, uh, what's your experience been with,

28 um--

1 MICHELE TRACY: There are certain parts of the public that are anti-pesticide activists, um I
2 believe Calvary Chapel has actually dealt with one before at their Murrietta school. Umm, a lot of
3 them will even come from outside the area or don't live in the area -- if it becomes a news issue.
4 Um we've had other deals where the risk of putting the schools in a vineyard area-- Lestonnac
5 center, for instance, um, got together with the growers and they traded properties and put their
6 stuff right on the edge of a-- of a residential development. Um, I haven't had to deal with the
7 lawsuits directly, thank you very much, umm but it is a big issue.

8 JOHN PETTY: So if you were advising this Commission as to going forward and whether to
9 allow churches—or, sorry, to allow schools in Temecula wine country, what would that advice be?

10 MICHELE TRACY: If I were sitting where guys, there's no way in heck I would allow a school
11 there. The Church we can work around; the school – no. It's a direct dollar amount impact and
12 probably one of the highest impacts in the state. When we're talking about urban-agricultural
13 interfaces, we can even work with the urban, but the minute you put a school there, and like you
14 were saying with the um-- with the uh-- AB whatever number it was where they were going--
15 and that was actually the half mile, not a quarter mile – uh, where they're going to ban all
16 pesticide uses within a half mile of any school property, period. There's already that prohibition
17 on specific chemicals, some of the fumigants, some of the things they would need to replant
18 vineyards with, are already prohibited by state law.

19 JOHN PETTY: How do we reconcile-- I understand sensitive receptors at schools, but we also
20 have sensitive receptors at-- dining at restaurants in wine country – how do we reconcile that?

21 MICHELE TRACY: We've not-- I've never had a complaint come to my office regarding that.
22 Typically, the guys are real careful that they're not going to be spraying within eyesight of a
23 public event of any type, and that would include, you know, Faulkner's patio, for instance. You
24 know, nobody's dumb enough to sit there with a spray rig right below that restaurant. Unless it's
25 their own guys, which--

26 COMMISSIONER JOHN SNELL: I think the other thing with the restaurant--

27 MICHELE TRACY: --we've had that issue issue

28 JOHN SNELL: -- is the transient use and—

1 MICHELE TRACY: It is—

2 JOHN SNELL: -- and the school is constant use, and it's a different nature—

3 MICHELE TRACY: It is. And the school kids are paying to be there and they have to be there.

4 JOHN SNELL: And they're our precious little ones too.

5 MICHELE TRACY: Yeah, yeah.

6 JOHN SNELL: With grandkids, I know what that means. So, any other questions? Thank you so
7 much for being here, and does staff have your contact card and stuff? Ok. Thank you very much.

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Temecula Debates Building Churches, Schools Near Vineyards

Would an elementary school threaten wine makers?

By Jacob Rascon

Thursday, Aug 23, 2012 | Updated 6:53 AM PST



Jacob Rascon

Wine makers and churchgoers debated building a religious school near a Temecula Vineyard Wednesday. In an area famous for wine, some are worried that the expansion of religious buildings in the area may threaten the ability to make and sell alcoholic beverages. Jacob Rascon reports from Temecula for the NBC4 News at 5 p.m. on August 22, 2012.

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Replay«»advertisement

A capacity crowd attended a planning commission meeting Wednesday at Temecula City Hall to hear about a ban that keeps churches from building or expanding in an area that grows and bottles wine.

The commission requested additional study of the 2020 Wine Country Community plan after lengthy debate. The issue will return to the planning commission next month.

Officials are considering whether the plan should be amended to eliminate a prohibition

against houses of worship and schools in a zone established to protect the vineyard region.

Church-goer Riley Smith stands on one side of the battle over wine country land.

"I think they should probably let us go in and move because we're not really doing anything harmful to them," Smith said.

Loretta Falkner owns a winery in the area. She said she is a religious person, but is "against the destruction of a beautiful wine country."

The wine area in Temecula has one church. Calvary chapel, near Rancho California Road between Calle Contento and Anza Road, purchased adjacent property and officials plan to expand. Vintners spoke against the churches plan Wednesday to expand and add a school.

If Calvary Chapel builds a school, vintners predict major problems in the form of lawsuits over pesticide issues and alcohol sales. Riverside County agricultural standards investigator Michele Tracy agreed it is a legitimate concern.

"You will get complaints, you will get lawsuits," Tracy said.

The vintners also fear another church and a school would be a waste of perfect farming land.

But the pastor at Calvary Chapel said the church is a growing and an established part of the community.

"We've been in the community for 15 years and we're getting a lot of requests for a school," he said.

Calvary Chapel's pastor has lived in wine country for decades and argues that its Christian residents deserve a private school. As wine country expands, so should his church, which is above capacity, said the Rev. Clark Van Wick.

"We need some more classrooms, we could use more seats in the sanctuary – so it would be nice just to accommodate the people in the community," said Van Wick.

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Find this article at:

<http://www.nbclosangeles.com/news/local/Temecula-Debates-Building-Churches-and-Schools-Near-Vineyards--167119665.html>

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

221 North Figueroa Street, Suite 1200
Los Angeles, California 90012
Telephone: 213.250.1800
Fax: 213.250.7900
www.lbbsslaw.com

MALISSA HATHAWAY McKEITH
DIRECT DIAL: 213.580.6303
E-MAIL: MCKEITH@LBBSSLAW.COM

December 4, 2012

File No.
32652.2

By facsimile and hand delivery

Riverside County Planning Commissioners
County of Riverside Administrative Center
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, CA 92502

Re: Comments of Calvary Bible Fellowship Church ("Calvary") December 5, 2012
Planning Commission Hearing - Wine Country Community Plan ("WCCP")

Dear Commissioners:

Calvary Bible Fellowship Church ("Calvary") submits this supplemental letter to be included in the Administrative Record for the Wine County Community Plan ("WCCP"). Although it is unclear whether the public record is now closed, we are submitting this correspondence in response to a letter dated December 3, 2012, from the Riverside Agricultural Commissioner. (Attachment A). It also briefly addresses the Staff Report dated December 5, 2012,¹ concerning recirculation of the Draft Environmental Impact Report ("EIR") for evaluation of religious institutions with ancillary elementary schools.

In 2011, the Agricultural Commissioner submitted a report setting forth the current rules and regulations concerning pesticide application in the vicinity of schools concluding that pesticide application is safe in the vicinity of schools assuming Commission rules are followed. This report previously has been submitted to the Planning Commission.

At the WCCP Planning Commission hearing on August 22, 2012, Michele Tracy, an agricultural standards investigator for the Riverside County Agricultural Commissioner's

¹ The December 5 Staff Report was made publicly available on or about November 29, 2012.

wrongly testified that there had been "several" lawsuits involving pesticide exposure in areas of schools. Because she provided no details and was not submitted to cross-examination, Calvary requested that County staff convene a meeting with the Agricultural Commissioner, the vintners and Calvary to discuss the details of these alleged incidences and appropriate mitigation to avoid them. On October 19, 2012, a meeting was convened with County Executive Officer George Johnson, Deputy Planning Director Frank Coyle, Legislative Aide Olivia Barnes, Deputy Agricultural Commissioner Robert Mulherin, Deputy County Counsel Michelle Clack, Robert Tyler, Mike Naggar and myself. At that meeting, Mr. Mulherin was unable to point to a single example in Riverside County where a complaint was lodged due to exposure of school children to offsite agricultural pesticide application.

Unfortunately, the vintners refused to attend the October 19, 2012 meeting, and have declined to participate in any meeting since. On October 20, 2012, Calvary wrote to Ben Drake expressing our disappointment with his refusal to meet so that the parties could arrive at some agreed-upon objective facts about pesticide risk and mitigation. Calvary thereafter served a Public Records Act ("PRA") request on the Agricultural Commissioner's office to obtain copies of any of the so-called complaints referenced on August 22, 2012 or other documentation in the Commissioner's files to support Ms. Tracy's statements.

On December 3, 2012, Calvary received a statement from the Agricultural Commissioner's office, concerning pesticide application and incidents prompting enforcement actions in proximity with schools. (Attachment A). At first blush, this statement would lead the reader to conclude that the five incidents referenced had something to do with off-site pesticide application and schools. As such, the statement again is both deceptive and inaccurate.

On December 4, 2012, Mr. Mulherin clarified via e-mail to Calvary and County planning staff that the five enforcement actions referenced were entirely unrelated to offsite pesticide spraying and instead involved activities performed by school employees on school property. In sum, Mr. Mulherin states, "The five formal ... were related to activities performed by school employees on school property. The noncompliances noted in these five formal violations ... were not committed by an agricultural operation (farm or pest control business)." (Attachment B, emphasis in original). Although we appreciate this clarification, we ask for a formal letter from the Commissioner withdrawing the August 22, 2012 statements made by Ms. Tracy and revising the December 3, 2012 statement to provide clear facts for this Commission to evaluate now and at further hearings.

Moreover, documentation provided by the Agricultural Commissioner's Office in response to Calvary's PRA request and confirmed by conversations with Mr. Mulherin on November 21, 2012 and December 3, 2012 establish that none of the incidents referenced in the statement concern off-site agricultural spraying; rather, they were almost entirely due

to on-site "user error." In other words, the most notable "pesticide" incidents in and around Riverside County schools since 2007, all concern school employees mishandling their own chemicals. In the past five years (if not longer), *there is not a single violation documented by the Agricultural Commissioner of agricultural pesticide operations impacting a school.*

The five "adverse incidents" referenced in the December 3 statement that led to formal violations are outlined below:

- 1) In 2008, a Corona Norco Unified School District employee who was applying the weed killer Roundup on the school grounds was injured by the chemical. The violations included finding that the employee was not properly trained (she had not received training in pesticide mixing since 2001), that she was not taken to a physician, and that the School failed to supervise its employees. The Agricultural Commissioner issued a cease and desist order proscribing employee handling of pesticides until workers underwent proper training. This was the most serious violation found by the Agricultural Commissioner's office, and it is the one that led to the civil penalties referenced in the December 3, 2012 statement. (Pesticide Investigation Report 2008-220, Blanca Nunez; Notice of Violation 101-100858LC08).
- 2) In 2010, a teacher/coach at Norte Vista High School sought treatment for irritation on his legs after spending time on athletic fields that had recently been sprayed with Roundup. The Agricultural Commissioner's Office issued notice of violation to the school for failure to notify school employees of the school's Roundup application and failure to provide training of pesticide handling to employees, and ordered the District to cease and desist applications until proper training was completed. (Pesticide Investigation Report 2010-712, Kenneth Batdorf; Notice of Violation 101-80055-JL-11).
- 3) In 2010, a Pesticide Enforcement Inspection at the Bethel Christian School found that the school was in violation of requirements to train school employees prior to the application of gopher killer, and that the school improperly stored and applied that pesticide on its grounds. The Agricultural Commissioner issued a letter of warning outlining these violations. (Letter of Warning to Bethel Christian School dated May 20, 2010).
- 4) In 2010, a Pesticide Enforcement Inspection at the Jurupa Unified School District found that the District was not in compliance with requirements to wear proper safety gear when applying the weed killer Roundup, to properly train school employees in the application of Roundup and inform them of health and emergency procedures. The Agricultural Commissioner's Office issued a Letter of Warning to the school. (Letter of Warning to Jurupa Unified School District dated September 1, 2010).
- 5) In 2007, the Agricultural Commissioner's Office issued a Letter of Warning to the Riverside Unified School District after an enforcement inspection revealed that school

employees failed to don protective eyewear when applying Roundup on school grounds. (Letter of Warning to Riverside Unified School District dated February 28, 2011).

The documentation of the above incidents is enclosed for your review (Attachment C).

As is now more than evident, none of these incidents adverse affects on a vulnerable population are due to neighboring pesticide application - which supposedly is the primary concern claimed by the vintners. Calvary therefore requests that the Planning Commission disregard entirely - and ignore in its decision making - the prior testimony of Ms. Tracy.

Calvary respects and supports the efforts of the vintners and the other growers in Riverside County and believes that the lack of reported incidents in the past demonstrates that the two can peacefully coexist. In fact, Calvary agreed to provisions in its 1999 Public Use Permit ("PUP") stating that it would not object to farm activities in its immediate area acknowledging that Riverside is a Right-to-Farm County, and Calvary has not ever complained about the vintners.

Since August 22, 2012, Calvary has further confirmed that there are nearly 9,000 children under 18 living in the wine country.² Similarly, the Saint Jeanne de Lestonnac School and the Temecula Valley Charter School are both located immediately adjacent to agricultural operations. The Commissioner's office has confirmed that there are already 75 schools in Riverside County within a quarter mile of agricultural operations.³ If the vintners and the Agricultural Commissioner were truly concerned that "sensitive receptors" such as children were being adversely affected, then what is being done to notify and protect existing residents and schools for such concerns? Calvary suggests that this issue is nothing more than a veiled effort to keep Calvary from expanding its religious services including the education of the children who attend Calvary and that, in the end, it is a de facto form of discrimination.

The tactics of the vintners and the misstatements of the Agricultural Commissioner's office, in the end, do a serious disservice to the entire agricultural community. Either agriculture can coexist safely with other uses or it is unsafe and must end as communities

² See Attachment D showing 2010 census data for four tracts comprising the majority of the wine country. The data indicate that approximately 8,800 children under age 18 are living in wine country.

³ Documentation of these schools has been previously submitted to the Planning Commission by Calvary.

expand. The suggestion that churches and schools cannot safely be located in agricultural areas implies that no urban uses are safe.

Calvary again reiterates its desire to work with the vintners. Calvary has voluntarily stipulated to a number of mitigation measures above and beyond those legally required. Recently, the vintners (or some subset thereof) sued the County based upon its supposed failure to enforce mitigation measures in Calvary's PUP requiring that Calvary plant Christmas trees over a decade ago.⁴ This lawsuit appears to be nothing more than a pretext to argue that that Calvary and the County cannot be trusted to abide by or to enforce the PUP, and therefore that any representation Calvary will abide by the Agricultural Commissioner's 12 hour notice to cease school operations for emergency spraying will not be followed.

Suffice it to say that no party has more incentive to abide by the safety regulations of the Commissioner than does Calvary given that it is our children who will be attending the elementary school. The pending litigation is simply is mean spirited and nothing more than a waste of public resources at a time the County can least afford it.

Calvary has now debunked the two key reasons against allowing religious institutions and ancillary schools in the wine country: alcohol and beverage licenses and public safety in connection with pesticides. Calvary also agreed to pay for what it considered a reasonable portion of a revised EIR to evaluate traffic and other genuine environmental impact issues. The costs proposed by the County in its Staff Report seemed excessive and suggests that the EIR otherwise does not require recirculation. Based on the testimony from August 22, 2012, there were several additional issues that had not been properly evaluated in the EIR or required further review including (a) the impact of additional hotel and agricultural growth on worker housing and related public safety; (b) an updated cumulative analysis of water availability at build out; and (c) mitigation required for additional nitrate load. For whatever reason, the December 5, 2012 Staff Report is silent on these issues.

As staff indicated in the December 5 Staff Report, Calvary fully intends to proceed expeditiously with its application to expand, and we anticipate that our environmental impact report will be complete within six months. This information will help to reduce the cost of the recirculated EIR for the WCCP but it will not address the many other issues that were raised before this Commission unrelated to Calvary.

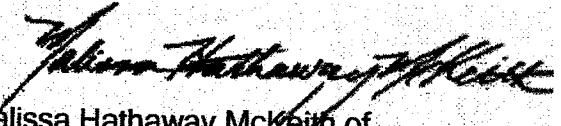
⁴ *Temecula Agriculture Conservation Council v. County of Riverside*, Riverside Superior Court case no. RIC 1216703, filed November 13, 2012; Calvary was sued as the real party in interest.

Riverside County Planning Commissioners
December 4, 2012
Page 6

In sum, there remains no substantial evidence in the record indicating that religious institutions with ancillary elementary schools cannot operate safely and compatible in the wine country. We appreciate the time that staff has spent on this matter, and we continue to encourage the County to require mandatory mediation between the parties so that these issues can be resolved outside of litigation.

Please include this letter and attachments as part of the record for the December 5, 2012 Planning Commission hearing on the Wine Country Community Plan.

Very truly yours,


Melissa Hathaway McKeith of
LEWIS BRISBOIS BISGAARD & SMITH LLP

MHM

Enclosures

Cc: Mary Stark, Secretary to the Riverside County Planning Commission
mcstark@rctlma.org

Attachment A



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19

P.O. BOX 1089

RIVERSIDE, CA 92502-1089

PHONE (951) 955-3000

FAX (951) 955-3012

www.rivcoag.org

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET

P.O. BOX 1480

RIVERSIDE, CA 92502-1480

PHONE (951) 955-3030

FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

December 3, 2012

The County of Riverside has requested and the agricultural commissioner's office has reviewed its records and surveyed its staff to determine the number of complaints/incidents during the period from 2007 to date resulting from pesticide applications in the areas of the 75 Riverside public and private schools. Based upon this file review, five incidents that led to formal violations, and one incident that led to a formal civil penalty action have been identified. While the siting of schools in agricultural areas has occurred for years, this arrangement is not ideal due to significant agricultural-urban interface issues, (see attached excerpt from the California Department of Pesticide Regulation's publication, "A Guide to Pesticide Regulation in California" – "Addressing Public Concerns about Pesticides"). There are a number of studies and reports which point to the wisdom of land use decisions which prevent potential pesticide exposure to humans, especially to the most vulnerable segment of our population. As the county department that is usually the first line of defense regarding responding to and investigating pesticide related complaints, (whether actual or perceived), we are in a position to say that land use/planning decisions that result in an ag/urban interface (especially a sensitive site interface such as a school) are far from ideal. The results are almost always undue burdens to the farm community and potential negative health effects to the adjacent population. Additionally, land use decisions that result in ag-urban interfaces are generally not consistent with the county's "Right to Farm" Ordinance as well as the "Notice of Right to Farm" state law, attached. These siting's require ongoing flexibility on the part of farmers operating in the vicinity of schools, regarding agricultural chemical application timing and various cultural practices, as well as the cooperation and agreement by private schools to terminate activities in the event of special circumstances and/or the need for emergency agricultural chemical applications. Ag chemical applications due to special circumstances may include, but are not limited to soil fumigations and aerial pesticide applications, associated with emergency pest infestations. To avoid conflicts, the Board of Supervisors may add additional conditions to any use permit of a private school including limitations on outdoor activities; use of air filters, full disclosure to the parents of school children and all school related staff and contract employees, concerning periodic agricultural activities, including chemical applications, and an agreement to terminate school upon 12 hours notice in the event of emergency situation.

Attachments

Attachment B

Grasse, Maya

From: Mulherin, Robert <RMulherin@RIVCOAG.ORG>
Sent: Tuesday, December 04, 2012 5:08 PM
To: McKeith, Malissa; Grasse, Maya
Cc: Coyle, Frank; Nanthavongdouangsy, Phayvanh
Subject: Pesticides and Schools Statement Document, dated 12-3-12

On December 3, 2012, the Agricultural Commissioner's Office provided you with a document concerning the use of pesticides on or near schools. Within this document reference is made to five incidents that led to formal violations being issued and one incident where a formal civil penalty action was taken.

To clarify, the five formal violations and one formal civil penalty action were related to activities performed by school employees on school property. The noncompliances noted in these five formal violations and one formal civil penalty action were not committed by an agricultural operation (farm or pest control business).

Robert Mulherin
Deputy Agricultural Commissioner
Environmental Protection Division
Riverside County Agricultural Commissioner's Office
(951) 955-3023
(951) 955-3047 FAX
rmulherin@rivcoag.org

Attachment C

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION

VIOLATION NOTICE

PR-ENF-101 (REV 3/03)

A. VIOLATOR INFORMATION

FIRM / PERSON NAME Corona Norco Unified School District	TELEPHONE NUMBER (951) 736-5000	COUNTY NAME Riverside
MAILING ADDRESS 2820 Clark Avenue	PERMIT ID NUMBER N/A	VIOLATION NOTICE NO. 101-100858LC08
CITY Norco	STATE CA	ZIP CODE 92860
		VIOLATION DATE/TIME 2/1/08 7:15 a.m.

B. FIRM / PERSON INFORMATION

<input type="checkbox"/> Agricultural Pest Control Advisor	<input type="checkbox"/> Structural Pest Control Operator	<input type="checkbox"/> Private Applicator	LICENSE/CERTIFICATE # N/A
<input type="checkbox"/> Pest Control Business	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Labor Contractor	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Qualified Applicator Certificate	<input checked="" type="checkbox"/> Government Agency	
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator License	<input type="checkbox"/> Other	

C. VIOLATION LOCATION

ADDRESS/PROPERTY LOCATION 1395 E. Foothill Parkway	CITY Corona
---	----------------

D. SECTION(S) VIOLATED

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	1) 6702(b)(2) 2) 6702(b)(3) 3) 6724 4) 6726(c)
Business and Professions Code (B&P)	
Labor Code (LC)	

E. VIOLATION NARRATIVE

- 1) The employer shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform. (employees did not receive training).
- 2) The employer shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with.
- 3) The employer shall have a written training program which address each of the subjects specified in subsection (b). The training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled and repeated at least annually thereafter (Employees were not trained to use Roundup Pro).
- 4) When there is reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately. (The employee drove herself to the physician's office).

F. CEASE AND DESIST/ STOP WORK ORDER

You must CEASE AND DESIST from allowing untrained handlers to use pesticides.

Pursuant to Food and Agricultural Code Section: (Check one box) 1737 11896 11897 13101 13102

G. NOTICE

This information documents that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

H. NOTIFICATION INFORMATION

NOTIFIED PERSON'S PRINTED NAME Robert Kent	TITLE HR Administrator	SIGNATURE	DATE
---	---------------------------	-----------	------

The "Notified Person's Signature" (above) is not an admission of guilt or a promise to appear (citation).

ENFORCING OFFICER'S PRINTED NAME Lena Canada	TITLE ASI IV	SIGNATURE <i>Lena Canada</i>	DATE 6/19/08
---	-----------------	---------------------------------	-----------------

ISSUING AGENCY RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER	DATE NOTICE ISSUED 6/19/2008
---	---------------------------------

VIOLATION DELIVERED:

Regular Mail Certified Mail # 7007 2580 0000 3861 5187 Fax # Other In Person Date:

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT
 PR-ENF-127 (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

RECEIVED BY Robert Mulherin	RECEIVED FROM DPR-Anaheim	REPRESENTING WHS	DATE/TIME RECEIVED 4/21/08 08:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	PERSON NOTIFIED DFA	DATE
TYPE OF EPISODE <input checked="" type="checkbox"/> HUMAN EFFECTS # 1		ENVIRONMENTAL EFFECTS <input type="checkbox"/> OTHER		PRIORITY INVESTIGATION <input type="checkbox"/> YES # _____ <input checked="" type="checkbox"/> NO		
PROPERTY LOSS \$ _____		OTHER I.D. NO. _____		COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008	TIME 7:15
EPISODE LOCATION 1395 E. Foothill Pkwy., Corona						

INJURED/COMPLAINANT INFORMATION

COMPLAINT SIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	DR. VISITED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> Fatal <input checked="" type="checkbox"/> Symptoms <input type="checkbox"/> Serious <input type="checkbox"/> Exposed Only	ACTIVITY OF PERSON EXPOSED/INVOLVED <input checked="" type="checkbox"/> Mixer/Loader <input type="checkbox"/> Field Worker* <input type="checkbox"/> Applicator <input type="checkbox"/> Public* Explain _____	
NAME Blanca Nunez	AGE 40	SEX Female	WHS NO. 2008-220	WORKDAYS LOST None
ADDRESS 5509 Ellen Street	CITY Riverside	ZIP 92503	PHONE (951) 351-4123	
MEDICAL FACILITY NAME Vista Medical Group	<input checked="" type="checkbox"/> TREATMENT PROVIDED <input type="checkbox"/> OBSERVATION ONLY	HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME ADMITTED	DATE/TIME DISCHARGED
PHYSICIAN Naser W. Azar, M.D.	ADDRESS 1820 Fullerton Avenue Ste. 140, Corona CA 92881	PHONE (951) 549-0900		
SIGNS/SYMPTOMS EXPERIENCED burning face and the taste of chemical in mouth	EMPLOYER Corona Norco Unified School District	ADDRESS 2820 Clark Avenue, Norco CA 92860	PHONE (951)736-5000	

PROTECTIVE MEASURES USED

<input checked="" type="checkbox"/> EYES Safety Glasses <input type="checkbox"/> Goggles <input type="checkbox"/> Faceshield <input type="checkbox"/> Eye/Sun Glasses <input type="checkbox"/> None	<input type="checkbox"/> HANDS Cloth/Leather Gloves <input checked="" type="checkbox"/> Chem. Resistant Gloves <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> INHALATION Dust Mask <input type="checkbox"/> 1/2 Face Respirator <input type="checkbox"/> Full Face Respirator <input checked="" type="checkbox"/> SCBA <input type="checkbox"/> None	<input checked="" type="checkbox"/> OTHER Work Clothes Coveralls <input type="checkbox"/> Chem. Resistant Clothes <input type="checkbox"/> Chem. Resistant Boots <input type="checkbox"/> Head Covering <input type="checkbox"/> Other _____	<input type="checkbox"/> ENGINEERING CONTROLS Closed System Enclosed Cab <input type="checkbox"/> Enc. Cab w/Air Purification <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> None
--	---	--	--	--

ENVIRONMENTAL OR PROPERTY DAMAGE

DESCRIPTION OF DAMAGE N/A	AMOUNT/VALUE
OWNER	ADDRESS
	PHONE

ALLEGED RESPONDENT(S)

NAME N/A	PHONE	LICENSE/PERMIT NO.	RECOMMENDATION MADE <input type="checkbox"/> YES # _____ <input type="checkbox"/> NO
ADDRESS	EMPLOYER'S NAME	PHONE	
CITY	STATE	ZIP	EMPLOYER'S ADDRESS
EXPLAIN*	CITY	STATE	ZIP

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED
Roundup Pro Herbicide/Monsanto	524-475-ZA	Caution	1 gallon/80 gallons	2/1/08	planters/school

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION
80 gallon spray tank, electric cart

SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Episode Report Supplement Form PR-ENF-127A if Additional Space is Needed)

Summary:
 On February 2, 2008, an employee of the Corona Norco Unified School District, Blanca Nunez, was performing a mix load when chemical splashed into her face. She cleaned the pesticide off her face and then reported the incident to her supervisor. She was sent to the clinic for evaluation and treatment.

Background Information: Training was provided to Blanca Nunez for Roundup on March 28, 2001

REPORT PREPARED BY (NAME/TITLE) Sara Canade ASE	DATE PREPARED 6/19/08	REPORT REVIEWED/APPROVED BY (NAME/TITLE) Robert Mulherin / Dep. Ag. Comm.	DATE APPROVED 6/19/08
--	--------------------------	--	--------------------------

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 2 OF 3

DN/SUBJECT 1395 E. Foothill Pkwy., Corona/Nunez	PRIORITY/WHS NO. 2008-220	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008
--	------------------------------	----------------	-----------------------------------	--

REPORT TYPE
 NARRATIVE CONTINUATION
 SUPPLEMENTAL REPORT
 OTHER REPORT

REMARKS
 Violations:

- CCR 6726(c)-The employee was not taken to the physician.
- CCR 6724-The employer does not have a written training program and employees were not trained
- CCR 6702-Failure to supervise employees

Witnesses:

- Blanca Nunez, Maintenance, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 351-4123
- Robert Perez, Field Supervisor, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 736-3316
- Librado Carranza, Maintenance, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 736-5000
- Jesse Balderas, Administrator, Corona Norco Unified School District, 2820 Clark Avenue, Norco CA 92860 (951) 739-5600

Investigation and Statements:

On June 11, 2008 at 8:10 a.m. I spoke via telephone with the Supervisor of Maintenance for the Corona Norco Unified School District, Robert Perez. He stated the following in summary:

I am not the immediate supervisor for Blanca Nunez. I am the maintenance manager of the entire district. The direct supervisor for Ms. Nunez is Alan Davidson; however, he was not working the day of the incident. Santiago High School's Administrator, Jesse Balderas, was her supervisor the day of the incident. You will need to contact him to find out exactly what happened. I only know that she was sent to the doctor for a Roundup exposure. We had training for the employees, which was conducted by Monsanto Chemical Company. I will send you the records for that training. We do provide the employees with safety glasses and protective gloves, which they are instructed to use. I will have Ms. Nunez contact you.

On June 11, 2008 at 11:00 a.m. I spoke with Blanca Nunez in person at Santiago High School. Nobody else was present during the interview. Ms. Nunez stated the following in summary:

I was preparing to spray for weeds early in the morning on Friday February 1, 2008 when I was splashed with Roundup in the face. It was shortly after we arrived at work, probably around 7:15 a.m. The tank already had about 20 or 30 gallons of diluted pesticide in the tank from the previous day. I was going to fill up the tank with water and add some more pesticide. As I was filling the tank with water my coworker, Librado Carranza, was trying to connect the tank hitch to the electric cart. He picked up the hitch to connect it, but he did not know what he was doing and he dropped it. The force of the impact caused some of the tank solution to splash out of the tank onto my face. I was wearing safety glasses so the chemical did not get into my eyes, but it splashed onto the side of my face and my chest. I went to the restroom by the pool and washed my face and hands. I then went to tell my supervisor, Jesse Balderas what happened. He told me to go to the doctor.

I went to the doctor right away around 8:00 a.m. I did not want to go, but they told me to. They washed my face and took vitals and then I was allowed to leave. I tasted the chemical in my mouth and my face burned for about a day. I do not have any further symptoms or problems. I received training about five or so years ago for the Roundup. Librado has never been trained. When we work we wear safety glasses, gloves, and a disposable tyvek suit.

REPORT PREPARED BY (NAME/TITLE) <i>Alan Davidson / ASI</i>	DATE PREPARED <i>6/19/08</i>	REPORT REVIEWED/APPROVES BY (NAME/TITLE) <i>Robert Muehlen / Dep. Ag. Comm.</i>	DATE APPROVED <i>6/19/08</i>
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STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 3 OF 3

LOCATION/SUBJECT 1395 E. Foothill Pkwy., Corona/Nunez	PRIORITY/WHS NO. 2008-220	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 1 YR 2008
--	------------------------------	----------------	-----------------------------------	--

REPORT TYPE
 NARRATIVE CONTINUATION SUPPLEMENTAL REPORT OTHER REPORT

REMARKS
 On June 17, 2008 at 3:30 p.m. I spoke with Librado Carranza via the telephone. He stated the following in summary:
 The incident occurred on February 1, 2008 at around 7:00 a.m. I was hooking up the pesticide tank to the electric cart, when the hitch slipped out of my hands and dropped to the ground. There was a couple of gallons of diluted chemical in the tank from the previous day. When I dropped it, the solution splashed out of the top into Blanca's face. She was filling the tank with water when it happened. Blanca washed off her face with water and took off the chemical suit. We wear safety glasses, the suit, and gloves when we apply the Roundup. After it happened, I went to the office to tell the supervisor about the incident. Blanca went to the hospital shortly after that. I have never had training on the Roundup.

On June 18, 2008 at 8:20 a.m. I spoke with Administrator Jesse Balderas via the telephone. He stated the following in summary:
 I am not the immediate supervisor of Ms. Nunez, but I was the supervisor on site the day of the incident. Her supervisor was gone that day. Ms. Nunez was filling up the pesticide tank with water while Mr. Carranza was trying to hook the tank hitch up to the cart. He dropped the hitch, and some diluted pesticide from a previous application splashed into Ms. Nunez' face. She rinsed her face with water and came to tell me about the incident in the office. I had her go to the physician as a precaution. I am not aware of her last training or how often the training should be conducted. Bob Perez, Field Supervisor, is responsible making sure the maintenance crew is trained properly.

I informed Jesse Balderas as well as Bob Perez of the training requirements and their record keeping responsibilities. A training packet was mailed to the Corona Norco Unified School District.

Findings:
 The Corona Norco Unified School District did not train their employees properly prior to handling pesticides. Ms. Nunez had not received training since March 28, 2001 and Mr. Carranza had never received any training. Proper training on how to handle the pesticide and the equipment may have prevented the incident from occurring. Ms. Nunez was not taken to the hospital, but drove herself after the incident.

Attachments:
 Doctor's First Report for Blanca Nunez
 Training records for March 28, 2001 training
 Notice of Violation to Corona Norco Unified School District
 Roundup Label

REPORT PREPARED BY (NAME/TITLE) <i>Jana L. Wade IABSI</i>	DATE PREPARED <i>6/19/08</i>	REPORT REVIEWED/APPROVES BY (NAME/TITLE) <i>Robert Meadham / Dep. Ag. Comm.</i>	DATE APPROVED <i>6/19/08</i>
--	---------------------------------	--	---------------------------------

4-21-08

VISTA MEDICAL GR
Industrial Care Ce
Doctors' First Report of Occupational

RIVERSIDE
Name: NUNEZ, BLANCA
Date of Injury: 2/1/2008

2008-220

5 days of your initial examination, for every occupational injury or illness, send this report to insurer or employer (only if self-insured). Failure to file a timely doctor's report may result in assessment of a civil penalty. In the case of diagnosed or suspected pesticide poisoning, send one copy of this report directly to the Division of Labor Statistics and Research, P.O. Box 603, San Francisco, CA 94101; and notify your local health officer by telephone within 24 hours and by sending a copy of this report within seven days. For a supply of this form, please call (415) 557-1924.

1. Insurer Name/Address: TRISTAR INSURANCE P.O. BOX 10880 SANTA ANA, CA. 92711	2. Employer Name: C.N.U.S.D 3. Address: 2820 CLARK AVE. NORCO, CA. 92860	4. Nature of Business: SCHOOL DISTRICT	PLEASE DO NOT USE THIS COLUMN
			Case No.

5. Patient Name: BLANCA NUNEZ	6. SEX: FEMALE	7. DOB: 2/9/1968	RECEIVED APR - 8 2008
8. Address: 5509 ELLEN STREET RIVERSIDE, CA. 92503	9. Telephone #: (951) 351-4123	11. Social Security Number: 556-69-7958	
10. Occupation: (Specific Job Title) POOL ATTENDANT	12. Injured at: 1395 FOOTHILL City CORONA County RIVERSIDE		Industry County Age SAFETY Hazard

13. Date and hour of Injury or onset of illness 2-1-2008	14. Date last worked 2-1-2008	Disease
15. Date and hour of first injury, examination or treatment 2-1-2008	16. Have you (or your office) previously treated patient <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Hospitalization
17. Patient, please describe how the accident or exposure happened (Be Specific) PATIENT STATED: " WHILE I WAS WORKING WEED KILLER SPLASHED ON MY FACE".		Occupation Return Date Code

18. Subjective Complaints: OUND UP SPLASHED ON FACE, BUT NO CONTACT WITH EYES.(PATEINT WEARING GLASSES)
 19. Objective Findings: FACE, EYES, MOUTH, NOSE, SKIN: NO SIGNS OF BURNING OR REDNESS.
 20. Diagnosis: Chemical or toxic compounds involved Yes No X-RAY Yes No

21. Findings consistent with patient's statement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	22. Other condition that will impede recovery <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Explain:
--	--	----------

23. Treatment Rendered/Planned: EVALUATION AND TREATMENT PERFORMED, REASSURANCE. PATIENT WASHED FACE IMMEDIATELY.

If further treatment required, specify treatment: NONE Estimated Duration: APR 1 11 2008

24. If hospitalized as inpatient, give hospital name/location: N/A Admit Date: N/A
 25. Work Status: Is patient able to perform usual work? Yes NO Estimated Stay: RIVERSIDE CLINIC

If no, patient can return to: Regular Work: Modified Work: Restrictions:

Naser W. Azar, M.D
 1820 Fullerton Avenue
 Suite #140 Corona, CA 92881
 CA License: A54778
 IRS Number: 33-0697381
 Phone #: (951) 549-0900

DATE: -2-1-2008
 I, not violated LC 139.3 and the contents of the report are true and correct to the best of my knowledge. This statement is made under penalty of perjury. Any person who makes or causes to be made any knowingly false or fraudulent material statement of material Representation for the purpose of obtaining or denying workers compensation benefits or payments is guilty of a felony.



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

October 6, 2008

NOTICE OF PROPOSED ACTION, GROUNDS THEREFORE, AND OPPORTUNITY TO BE HEARD

**TO: Corona Nerco Unified School District
2820 Clark Avenue
Norco, CA 92860**

FILE NO. 500-ACP-RIV-08/09

You are hereby notified that pursuant to the provisions of Section 12999.5 of the Food and Agricultural Code of California and Section 6130 of Title 3 of the California Code of Regulations, the Commissioner proposes to fine you **\$700.00** for the following violation(s) of these code(s): California Code of Regulations Section 6702. The amount of each fine is determined by applying the circumstances of each violation to the fine guidelines that have been adopted for use in these actions. Those guidelines are found in Title 3, California Code of Regulations Section 6130, which provides:

- (a) When taking civil penalty action pursuant to section 12999.5 of the Food and Agricultural Code, County Agricultural Commissioners shall use the provisions of this section to determine the violation class and fine amount.
- (1) For purposes of this section, violations shall be designated as "*Class A*", "*Class B*", and "*Class C*".
 - (A) "*Class A*": Violations which created an actual health or environmental hazard, violations of a lawful order of the Commissioner issued pursuant to sections 11737, 11737.5, 11896 or 11897 of the Food and Agricultural Code, or violations that are repeat Class B violations. The fine range for Class A violations is **\$700-\$5,000**.
 - (B) "*Class B*": Violations which posed a reasonable possibility of creating a health or environmental effect or violations that are repeat Class C violations. The fine range for Class B violations is **\$250 - \$1,000**.
 - (C) "*Class C*": Violations that are not defined in either Class A or Class B. The range for Class C violations is **\$50 - \$400**.

This fine action has been proposed in keeping with statewide pesticide enforcement guidelines and is based on the incident(s) referenced within this document, as well as on any prior incidents (compliance history).

The description of the incident(s) along with the individual statute(s) violated are cited below.

Incident: On February 1, 2008, a pesticide handler (Blanca Nunez) employed by the Corona Norco Unified School District sought medical attention at the medical offices of Naser W. Azar in Corona CA, where she was treated for exposure to a pesticide (Roundup Pro) and released. Ms. Nunez had been experiencing symptoms of her face burning and the taste of chemical in her mouth. As a result of her medical visit, a Pesticide Illness Report (WHS 2008-220) was generated wherein a pesticide exposure was suspected as contributing to the patient's symptoms.

On June 11, 2008, Agricultural & Standards Investigator, Lena Canada began an investigation to determine if Ms. Nunez's injuries were a result of pesticide exposure. Ms. Canada interviewed Mr. Robert Perez, Supervisor of Maintenance for the Corona Norco Unified School District, and also Ms. Nunez, the injured employee, on June 11, 2008. On June 17, 2008, Ms. Canada interviewed Librado Carranza, the other pesticide handler present on February 1, 2008 when Ms. Nunez was exposed to Roundup Pro. On June 18, 2008, Ms. Canada interviewed Jesse Balderas, the supervisor of Ms. Nunez and Librado Carranza on February 1, 2008.

Ms. Canada determined that on February 1, 2008 Ms. Nunez had mixed and loaded the pesticide (Roundup Pro, EPA Reg. # 524-475-ZA) in preparation of spraying weeds at Santiago High School, which is located at 1395 E. Foothill Parkway in Corona, California. Ms. Canada found that neither Ms. Nunez nor any of the other pesticide handlers had been trained prior to using Roundup, as required by California Code of Regulations Section 6724. Roundup Pro, EPA Registration Number 524-475-ZA, is a pesticide that is registered with the California of Pesticide Regulation. During the mixing and loading operation, Ms. Nunez was wearing safety glasses, rubber gloves and Tyvek coveralls, which were provided by the employer. The tank in which she was mixing the Roundup Pro was on a trailer and as she was filling the tank with water, Mr. Carranza tried to connect the trailer hitch to an electric cart. As he was doing this he dropped the hitch. The force of the impact of the hitch hitting the ground caused some of the pesticide solution to splash out of the tank onto the face and chest of Ms. Nunez. She began to experience symptoms of burning to her face. Ms. Nunez washed her face and hands with water and then told her supervisor, Jesse Balderas, of what had occurred. Mr. Balderas told her to go to the doctor. Instead of the employer ensuring that the injured employee (Ms. Nunez) was taken to a physician, as required by California Code of Regulations Section 6726(c), she drove herself to the medical facility on February 1, 2008. She received treatment and was released to return to work. As a result of the employer's failure to supervise the pesticide handlers (Ms. Nunez and Mr. Carranza) to assure that safe work practices were being followed, the employee (Ms. Nunez) was exposed to a pesticide which caused injury to her face.

Ms. Canada issued Violation Notice #101-100858LC08 to the Corona Norco Unified School District as a result of this incident.

Violation 1:

Section 6702 of the California Code of Regulations states in part, *the employer: shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform; shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with; has the duty to provide a safe work place for employees and require employees to follow safe work practices; and shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements.*"

Corona Norco Unified School District failed to: provide pesticide-specific training to their employees (Blanca Nunez, Librado Carranza) prior to the handling of pesticides; supervise employees handling pesticides to assure that employees follow safe work practices and are in compliance with worker safety requirements; ensure that an employee that has a pesticide illness is taken to a physician immediately. These violations resulted in injury to their employee.

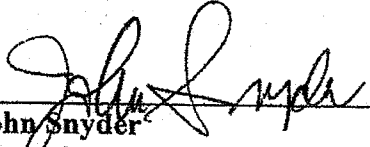
The proposed fine of \$700.00 is at the low end of Class A because this violation caused an actual health effect.

You are entitled to review the Commissioner's evidence supporting these charges at the Office of the County Agricultural Commissioner, located at 4080 Lemon Street, Room 19, Riverside, California. **You must however request an appointment first by either calling (951) 955-3045, or by writing to the letterhead address of this document.**

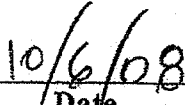
You also are entitled to a hearing to present any evidence, oral or written including witnesses to testify on your behalf why the Commissioner should not take the proposed action. You are not required to be represented by legal counsel at the hearing, but your attorney may accompany and represent you if you wish. A transcript or tape recording will be made of the entire hearing proceeding and will be available for review on appeal to the Director of the California Department of Pesticide Regulation and by the courts.

A hearing in this matter will be scheduled and held at the Office of the County Agricultural Commissioner located at the above address, if you request a hearing in writing within **twenty (20) days** of receipt of this notice. Please sign and date your request, state the reason that you are requesting a hearing, and reference the file number.

Failure to timely request a hearing is a waiver of the right to a hearing, and the Commissioner may take action proposed in this notice without a hearing. If you do not wish to request a hearing to contest the charges and proposed action, you may stipulate to the enclosed Order by dating, signing, and returning the **Stipulation and Waiver to Order**, and the fine amount, within **20 days** of receipt of this notice.



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures



Date

**COUNTY OF RIVERSIDE
AGRICULTURAL COMMISSIONER'S OFFICE**

ORDER AND STIPULATION

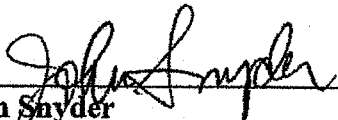
FILE NO. 500-ACP-RIV-08/09

**TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860**

ORDER: It is hereby ordered that Corona Norco Unified School District is fined \$700.00.

Make check payable to: Riverside County
 Agricultural Commissioner

**Send check along with this form dated and signed to: Pesticide Division
Agricultural Commissioner's Office
P.O. Box 1089
Riverside, CA 92502-1089**



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures

10/6/08

Date

STIPULATION AND WAIVER TO ORDER

I hereby stipulate that the Agriculture Commissioner's Notice of Proposed Action in the above-entitled matter states grounds for disciplinary action based on the evidence now before the Commissioner. I further stipulate to the Commissioner's Order, as set forth above and I waive all rights to a hearing and appeal or any other review in this matter.

Dated: _____ **Signed:** _____



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19

P.O. BOX 1089

RIVERSIDE, CA 92502-1089

PHONE (951) 955-3000

FAX (951) 955-3012

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET

P.O. BOX 1480

RIVERSIDE, CA 92502-1480

PHONE (951) 955-3030

FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

November 4, 2008

NOTICE OF DECISION AND ORDER

FILE NO. 500-ACP-RIV-08/09

TO: Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860

You are hereby notified that the Commissioner has reached his final decision in the above-entitled matter. On **October 9, 2008** you received the **Notice of Proposed Action, Grounds Therefore, And Opportunity To Be Heard.**

You did not request a scheduled Administrative Hearing pursuant to the provisions of Section 12999.5 of the Food and Agricultural Code of California within the legally specified time of **twenty (20) days** of receipt of the **Notice of Proposed Action** sent to you by certified mail, receipt number 7007 1490 0003 4273 3381, and therefore waived your right to an Administrative Hearing by the Agricultural Commissioner regarding the proposed action.

FINDINGS OF FACT:

On February 1, 2008, a pesticide handler (Blanca Nunez) employed by the Corona Norco Unified School District sought medical attention at the medical offices of Naser W. Azar in Corona CA, where she was treated for exposure to a pesticide (Roundup Pro) and released. Ms. Nunez had been experiencing symptoms of her face burning and the taste of chemical in her mouth. As a result of her medical visit, a Pesticide Illness Report (WHS 2008-220) was generated wherein a pesticide exposure was suspected as contributing to the patient's symptoms.

**NOTICE OF DECISION
AND ORDER**

FILE NO. 500-ACP-RIV-08/09

On June 11, 2008, Agricultural & Standards Investigator, Lena Canada began an investigation to determine if Ms. Nunez's injuries were a result of pesticide exposure. Ms. Canada interviewed Mr. Robert Perez, Supervisor of Maintenance for the Corona Norco Unified School District, and also Ms. Nunez, the injured employee, on June 11, 2008. On June 17, 2008, Ms. Canada interviewed Librado Carranza, the other pesticide handler present on February 1, 2008 when Ms. Nunez was exposed to Roundup Pro. On June 18, 2008, Ms. Canada interviewed Jesse Balderas, the supervisor of Ms. Nunez and Librado Carranza on February 1, 2008.

Ms. Canada determined that on February 1, 2008 Ms. Nunez had mixed and loaded the pesticide (Roundup Pro, EPA Reg. # 524-475-ZA) in preparation of spraying weeds at Santiago High School, which is located at 1395 E. Foothill Parkway in Corona, California. Ms. Canada found that neither Ms. Nunez nor any of the other pesticide handlers had been trained prior to using Roundup, as required by California Code of Regulations Section 6724. Roundup Pro, EPA Registration Number 524-475-ZA, is a pesticide that is registered with the California of Pesticide Regulation. During the mixing and loading operation, Ms. Nunez was wearing safety glasses, rubber gloves and Tyvek coveralls, which were provided by the employer. The tank in which she was mixing the Roundup Pro was on a trailer and as she was filling the tank with water, Mr. Carranza tried to connect the trailer hitch to an electric cart. As he was doing this he dropped the hitch. The force of the impact of the hitch hitting the ground caused some of the pesticide solution to splash out of the tank onto the face and chest of Ms. Nunez. She began to experience symptoms of burning to her face. Ms. Nunez washed her face and hands with water and then told her supervisor, Jesse Balderas, of what had occurred. Mr. Balderas told her to go to the doctor. Instead of the employer ensuring that the injured employee (Ms. Nunez) was taken to a physician, as required by California Code of Regulations Section 6726(c), she drove herself to the medical facility on February 1, 2008. She received treatment and was released to return to work. As a result of the employer's failure to supervise the pesticide handlers (Ms. Nunez and Mr. Carranza) to assure that safe work practices were being followed, the employee (Ms. Nunez) was exposed to a pesticide which caused injury to her face.

Ms. Canada issued Violation Notice #101-100858LC08 to the Corona Norco Unified School District as a result of this incident.

NOTICE OF DECISION
AND ORDER

FILE NO. 500-ACP-RIV-08/09

Count 1:

Section 6702 of the California Code of Regulations states in part, *the employer: shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform; shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with; has the duty to provide a safe work place for employees and require employees to follow safe work practices; and shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements.*"

Corona Norco Unified School District failed to: provide pesticide-specific training to their employees (Blanca Nunez, Librado Carranza) prior to the handling of pesticides; supervise employees handling pesticides to assure that employees follow safe work practices and are in compliance with worker safety requirements; ensure that an employee that has a pesticide illness is taken to a physician immediately. These violations resulted in injury to their employee.

The proposed fine of **\$700.00** is at the low end of Class A because this violation caused an actual health effect.

**NOTICE OF DECISION
AND ORDER**

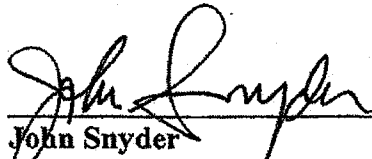
FILE NO. 500-ACP-RIV-08/09

DETERMINATION OF ISSUES:

Corona Norco Unified School District failed to request a hearing within the legally allotted time of twenty (20) days and therefore waived their right to a hearing by the Agricultural Commissioner. It is presumed that Corona Norco Unified School District chose not to contest the charges. The Agricultural Commissioner therefore sustains the *Notice of Proposed Action* and finds Corona Norco Unified School District to be in violation of the code section(s) referenced within that document.

ORDER:

Corona Norco Unified School District is hereby fined and ordered to pay Seven Hundred Dollars (\$700.00).



John Snyder
Agricultural Commissioner
Sealer of Weights & Measures

11/4/08
Date

Make check payable to: **Riverside County
Agricultural Commissioner**

Send check to: **Riverside County Agricultural Commissioner
4080 Lemon Street, Room #19
P.O. Box 1089
Riverside, CA 92502-1089**



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sealer of Weights & Measures

January 21, 2009

**Corona Norco Unified School District
2820 Clark Avenue
Norco, CA 92860**

File No. 500-ACP-RIV-08/09

DEMAND FOR PAYMENT

On November 4, 2008, you were ordered to pay a \$700.00 fine for violations of pesticide laws and/or regulations. Our records show that this fine has not been paid.

IF PAYMENT IS NOT RECEIVED WITHIN 10 DAYS OF THE DATE OF THIS LETTER, OTHER ACTION WILL BE TAKEN AGAINST YOU. That action may include referring the matter to the County Counsel or the County's collection agency, or the courts. In addition, the matter may be referred to the District Attorney to bring criminal charges against you for refusing or neglecting to pay the ordered fine. Such refusal or neglect is unlawful under California Food and Agricultural Code Section 11791.

A Non-Compliance Action of this type by you can also jeopardize any future attempt to secure State Licensing, County Registration, or a County Pesticide Use Permit.

Your prompt payment will be appreciated. Your check should be made payable to: Riverside County Agricultural Commissioner. Please send the check to: Pesticide Division, Riverside County Agricultural Commissioner, 4080 Lemon Street, P.O. Box 1089, Riverside, California 92502-1089.

Sincerely,

John Snyder
Agricultural Commissioner
Sealer of Weights & Measures

JS:rm

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION
VIOLATION NOTICE

PR-ENF-101 (REV 9/03)

A. VIOLATOR INFORMATION

FIRM / PERSON NAME Alvord Unified School District	TELEPHONE NUMBER 951/509-5025	COUNTY NAME Riverside
MAILING ADDRESS 10365 Keller Ave.	PERMIT ID NUMBER N/A	VIOLATION NOTICE NO. 101-800551-JL-11
CITY Riverside	STATE CA	ZIP CODE 92505
		VIOLATION DATE/TIME 2/18/2010 0800

B. FIRM / PERSON INFORMATION

<input type="checkbox"/> Agricultural Pest Control Advisor	<input type="checkbox"/> Structural Pest Control Operator	<input type="checkbox"/> Private Applicator	LICENSE/CERTIFICATE # N/A
<input type="checkbox"/> Pest Control Business	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Labor Contractor	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Qualified Applicator Certificate	<input type="checkbox"/> Government Agency	
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator License	<input checked="" type="checkbox"/> Other	

C. VIOLATION LOCATION

ADDRESS/PROPERTY LOCATION 6585 Crest Ave.	CITY Riverside
--	-------------------

D. SECTION(S) VIOLATED

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	1) 6618(b), 2) 6724(d)
Business and Professions Code (B&P)	
Labor Code (LC)	

E. VIOLATION NARRATIVE

1) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notification required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action (no notification given on date of spray, February 18, 2010.)

2) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter (no training records available for applicators.)

F. CEASE AND DESIST/ STOP WORK ORDER

You must CEASE AND DESIST from all pesticide applications until applicators have been properly trained.

Pursuant to Food and Agricultural Code Section: (Check one box) 1737 11896 11897 13101 13102

G. NOTICE

This information documents that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

H. NOTIFICATION INFORMATION

NOTIFIED PERSON'S PRINTED NAME Bill Eaton	TITLE Director Maint. & Operations	SIGNATURE	DATE
The "Notified Person's Signature" (above) is not an admission of guilt or a promise to appear (citation).			
ENFORCING OFFICER'S PRINTED NAME Jeremy Larson	TITLE ASI IV	SIGNATURE	DATE 3/17/2011
ISSUING AGENCY RIVERSIDE COUNTY AGRICULTURAL COMMISSIONER	DATE NOTICE ISSUED 3/17/2011		

VIOLATION DELIVERED:

Regular Mail Certified Mail #7002241900010488805 Fax # Other In Person Date:

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT
 PR-ENF-127 (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 1 OF 2

RECEIVED BY Robert Mulhern	RECEIVED FROM DPR-Anaheim	REPRESENTING WHS	DATE/TIME RECEIVED 09/29/2010 - 8:00	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	PERSON NOTIFIED	DATE
TYPE OF EPISODE <input checked="" type="checkbox"/> HUMAN EFFECTS # 1		ENVIRONMENTAL EFFECTS <input type="checkbox"/> YES # _____ <input checked="" type="checkbox"/> NO		PROPERTY LOSS \$ _____		
OTHER I.D. NO. N/A	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO2 DAY18 YR 2010	TIME Unknown	DFA _____ DFG _____ DHS _____ DIR _____ EPA _____ CAC _____ OTHER _____		
EPISODE LOCATION 8585 Crest Ave., Riverside, CA 92503						

INJURED/COMPLAINANT INFORMATION

COMPLAINT SIGNED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	DR. VISITED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	EXTENT OF INJURY/ILLNESS <input type="checkbox"/> Fatal <input checked="" type="checkbox"/> Symptoms <input type="checkbox"/> Serious <input type="checkbox"/> Exposed Only	ACTIVITY OF PERSON EXPOSED/INVOLVED <input type="checkbox"/> Mfr./Loader <input type="checkbox"/> Field Worker* <input type="checkbox"/> Other* <input type="checkbox"/> Applicator <input checked="" type="checkbox"/> Public* Explain Teacher	
NAME Kenneth Batdorf	AGE 45 yr.	SEX Male	WHS NO. 2010-712	WORKDAYS LOST N/A
ADDRESS 2673 Lyon	CITY Riverside	ZIP 92503	PHONE (951)310-8823	
MEDICAL FACILITY NAME Inland Empire Occupational Clinic	<input checked="" type="checkbox"/> TREATMENT PROVIDED <input type="checkbox"/> OBSERVATION ONLY	HOSPITALIZED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE/TIME ADMITTED N/A	DATE/TIME DISCHARGE N/A
PHYSICIAN Rafael Villarosa M.D.	ADDRESS 3579 Arlington Avenue Ste# 300, Riverside, CA 92506	PHONE (951)341-9333		

SIGNS/SYMPOMS EXPERIENCED
Redness on lower extremities

EMPLOYER Alvord Unified School District	ADDRESS 10365 Keller Avenue, Riverside, CA 92505	PHONE (951)509-5000
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PROTECTIVE MEASURES USED

<input type="checkbox"/> Safety Glasses	<input type="checkbox"/> Hands Cloth/Leather Gloves	<input type="checkbox"/> Inhalation Dust Mask	<input type="checkbox"/> OTHER Work Clothes	<input type="checkbox"/> ENGINEERING CONTROLS Closed System
<input type="checkbox"/> Goggles	<input type="checkbox"/> Chem. Resistant Gloves	<input type="checkbox"/> 1/2 Face Respirator	<input type="checkbox"/> Coveralls	<input type="checkbox"/> Enclosed Cab
<input type="checkbox"/> Faceshield	<input type="checkbox"/> Other _____	<input type="checkbox"/> Full Face Respirator	<input type="checkbox"/> Chem. Resistant Clothes	<input type="checkbox"/> Enc. Cab w/Air Purification
<input checked="" type="checkbox"/> Eye/Sun Glasses	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> SCBA	<input type="checkbox"/> Chem. Resistant Boots	<input type="checkbox"/> Other _____
<input checked="" type="checkbox"/> None		<input checked="" type="checkbox"/> None	<input type="checkbox"/> Head Covering	<input checked="" type="checkbox"/> None
			<input type="checkbox"/> Other _____	

ENVIRONMENTAL OR PROPERTY DAMAGE

DESCRIPTION OF DAMAGE N/A	AMOUNT/VALUE
OWNER	ADDRESS
	PHONE

ALLEGED RESPONDENT(S)	PCA <input type="checkbox"/>	DEALER <input type="checkbox"/>	PILOT <input type="checkbox"/>	GROWER <input type="checkbox"/>	AGENCY <input type="checkbox"/>	OTHER* <input type="checkbox"/>
NAME N/A	PHONE	LICENSE/PERMIT NO.	RECOMMENDATION MADE <input type="checkbox"/> YES # _____ <input type="checkbox"/> NO			
ADDRESS	EMPLOYER'S NAME		PHONE			
CITY	STATE	ZIP	EMPLOYER'S ADDRESS			
EXPLAIN*	CITY	STATE	ZIP			

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED
Roundup PRO Max	524-579	3	UNKNOWN	2/18/2010	Weeds/Athletic Field

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION

SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Episode Report Supplement Form PR-ENF-127A if Additional Space is Needed)

I spoke with Ken Batdorf at 9:30 a.m. on February 17, 2011 on the telephone. He stated the following in summary:

On February 18, 2010 I arrived to work at Norte Vista High School at approximately 7:15 a.m. and saw a school maintenance worker "Efen" spraying around the athletic fields with a backpack sprayer. Ken was not notified as to what or where the application had occurred.

At 8:00 a.m. he took his physical education class up to the football field to run. His lower legs began to bother him for the rest of the day. Ken was sent to the Medical clinic at 9:20 a.m. on February 19 for a rash on his legs due to chemical exposure. After leaving the clinic Ken returned to work to ask Efen what had been sprayed on the field the previous day. He says that Efen claimed nothing had been sprayed but after more questioning admitted to spraying "Roundup" on weeds throughout the athletic fields.

REPORT PREPARED BY (NAME/TITLE) Jeremy Larson ASI II	DATE PREPARED 3/17/2011	REPORT REVIEWED/APPROVED BY (NAME/TITLE) Robert Mulhern / Deputy CAC	DATE APPROVED 3/22/11
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STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION
SUPPLEMENTAL REPORT
 PR-ENF-127A (REV. 7/00)

DEPARTMENT OF PESTICIDE REGULATION
 PESTICIDE ENFORCEMENT BRANCH

PAGE 2 OF 2

LOCATION/SUBJECT 6585 Crest Ave., Riverside/K. Batdorf	PRIORITY/WHS NO. 2010-712	OTHER I.D. NO.	COUNTY OF OCCURRENCE Riverside	DATE OF OCCURRENCE MO 2 DAY 18 YR 2010
REPORT TYPE <input checked="" type="checkbox"/> NARRATIVE CONTINUATION <input type="checkbox"/> SUPPLEMENTAL REPORT <input type="checkbox"/> OTHER REPORT _____				

REMARKS
 Violations:

CCR 6618(b) - This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notification required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action (no notification given on date of spray.)

CCR 6724(d) - Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter (no training records available.)

Witnesses: None

Investigation and Statements:

On February 17, 2011 at 1:00 p.m. I, Jeremy Larson, interviewed Bill Eaton, Director Maintenance & Operations for Alvord School District, at his office. Mr. Eaton advised that maintenance employees at each school spray Roundup at fencelines and spot treatments throughout each school. Mr. Eaton specified that Roundup Pro Max, EPA registration number 524-579, is the only product used for this purpose. All records are kept at each individual school site.

On February 23, 2011 at 9:55 a.m. I, Jeremy Larson went to Norte Vista High school and asked the principal's secretary, Jeri Gereau, for all pesticide reports and/or training available. I was handed a folder that contained structural reports from Orkin pest control for the years 2006 to 2009. Ms. Gereau advised that this folder contained all of the pesticide information at the school. I was told to go to the district office for any additional information. At 10:30 a.m. the same day I went to the Alvord School District office and spoke with Tom Barnes, head of groundskeeping. Mr. Barnes advised that all pesticide records should be kept at the school but that was not something that was checked on a regular basis. Mr. Barnes said that he conducts pesticide training for the school district but had not done so for at least one year and had no records of previous training.

Findings:

According to Ken Batdorf no notification was given orally or in writing to advise that Roundup Pro Max was sprayed on or near an athletic field used for physical education classes. Also, per Tom Barnes, no employee training had occurred within the last year concerning the handling of pesticides nor were old records available to determine the amount of time since the previous training. Notice of Violation 101-800551-JL-11 was issued to Alvord Unified School District. Also, Bill Eaton, Director of Maintenance and operations for the school district, was mailed a copy of "The Healthy Schools Act, Frequently Asked Questions" packet provided by the California Department of Pesticide Regulation website to provide additional resources for pesticide applicator training.

Attachments:

Roundup Pro Max label, EPA Reg. No. 524-579

"The Healthy Schools Act, Frequently Asked Questions"

PREPARED BY (NAME/TITLE) Jeremy Larson ASI II	DATE PREPARED 3/17/2011	REPORT REVIEWED/APPROVES BY (NAME/TITLE) Robert Mulholland / Deputy CAC	DATE APPROVED 3/22/11
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ALV00001

INLAND EMPIRE OCCUPATION/ Doctor's First Report of Occupation/ STATE OF CALIFORNIA

RIVERSIDE 2010-712 Name: BARSORF, KENNETH Date of Injury: 2/18/2010

1. INSURER: KEENAN & ASSOC 2. EMPLOYER: ALVOR STREET ADDRESS P.O. BOX 51916 CITY, STATE, ZIP RIVERSIDE, CA 92517 3. STREET ADDRESS 10365 KELLER AVENUE CITY, STATE, ZIP RIVERSIDE, CA 92505 SEP 21 2010 4. BUSINESS TYPE ALVORD UNIFIED SCHOOL DISTRICT 5. PATIENT NAME BARSORF, KENNETH 6. SEX: Male 7. DATE OF BIRTH 08/11/1966 8. ADDRESS NO. AND STREET CITY ZIP 2673 LYON RIVERSIDE 92503 9. TELEPHONE NUMBER (951)310-6823 10. OCCUPATION (SPECIFIC JOB TITLE) TEACHER/COACH 11. SOCIAL SECURITY NUMBER 12. INJURED AT: NO. AND STREET JOBSITE CITY RIVERSIDE COUNTY RIVERSIDE 13. DATE AND HOUR OF INJURY OR ONSET OF ILLNESS DATE 2/18/2010 HOUR AM PM 14. DATE LAST WORKED 2/19/2010 15. DATE AND HOUR OF FIRST EXAMINATION OR TREATMENT DATE 2/19/2010 HOUR 9:20 AM PM 16. HAVE YOU (OR YOUR OFFICE) PREVIOUSLY TREATED PATIENT? YES NO X

17. DESCRIBE HOW THE ACCIDENT OR EXPOSURE HAPPENED (GIVE SPECIFIC OBJECT, MACHINERY OR CHEMICAL.) "EXPOSURE TO A CHEMICAL SPRAYED ON THE FIELD."

RECEIVED

18. SUBJECTIVE COMPLAINTS (DESCRIBE FULLY) PE COACH EXPOSED TO CHEMICALS ON BOTH LOWER EXTREMITIES. HAPPENED TWICE IN THE PAST.

SEP 29 2010

19. OBJECTIVE FINDINGS CONTACT DERMATITIS BILATERAL LOWER EXTREMITIES 4" x 8" AREA OF REDNESS. PRURITIC.

AGRICULTURAL COMMISSIONER RIVERSIDE COUNTY

B. X-RAY AND LABORATORY RESULTS (STATE IF NONE OR PENDING) None

20. DIAGNOSIS (IF OCCUPATIONAL ILLNESS, SPECIFY ETIOLOGIC AGENT AND DURATION OF EXPOSURE) CONTACT DERMATITIS 692.9 CHEMICAL OR TOXIC COMPOUNDS INVOLVED ACCIDENT DUE EXPOSURE NOT ELSEWHERE IDENTIFIABLE X YES NO

21. ARE YOUR FINDINGS AND DIAGNOSIS CONSISTENT WITH PATIENT'S ACCOUNT OF INJURY OR ONSET OF ILLNESS? X YES NO

22. IS THERE ANY OTHER CURRENT CONDITIONS THAT WILL IMPEDE OR DELAY PATIENT'S RECOVERY? YES NO X

23. TREATMENT RENDERED (USE REVERSE SIDE IF MORE SPACE IS NEEDED) EVALUATION. DISCUSSION. MEDROL DOSEPACK 4MG #21. TRIAMCINOLONE CREAM.

24. IF FURTHER TREATMENT REQUIRED, SPECIFY TREATMENT PLAN RE-EVALUATION 2/22/10 AT 9:00 AM.

25. IF HOSPITALIZED AS INPATIENT, GIVE HOSPITAL NAME

26. WORK STATUS Is patient able to perform usual occupation? X YES NO Is permanent residual disability anticipated? YES NO

If "no" Date when patient can return to: Regular work: Restrictions: NONE

DOCTOR'S SIGNATURE NAME AND DEGREE RAFAEL VILLAROSA MD ADDRESS 3579 ARLINGTON AVE #300 RIVERSIDE, CA 92506

CA LICENSE C50463 IRS NUMBER 33-0774239 PHONE NUMBER (951)341-9333

ANY PERSON WHO MAKES OR CAUSES TO BE MADE ANY KNOWINGLY FALSE OR FRAUDULENT MATERIAL STATEMENT OF MATERIAL REPRESENTATION FOR THE PURPOSE OF OBTAINING OR DENYING WORKERS COMPENSATION BENEFITS OR PAYMENTS IS GUILTY OF A FELONY

ATTENTION:

This specimen label is provided for general information only.

- This pesticide product may not yet be available or approved for sale or use in your area.
- It is your responsibility to follow all Federal, state and local laws and regulations regarding the use of pesticides.
- Before using any pesticide, be sure the intended use is approved in your state or locality.
- Your state or locality may require additional precautions and instructions for use of this product that are not included here.
- Monsanto does not guarantee the completeness or accuracy of this specimen label. The information found in this label may differ from the information found on the product label. You must have the EPA approved labeling with you at the time of use and must read and follow all label directions.
- You should not base any use of a similar product on the precautions, instructions for use or other information you find here.
- Always follow the precautions and instructions for use on the label of the pesticide you are using.

6302813-10



The complete broad-spectrum postemergence professional herbicide for non-crop, industrial, turf and ornamental weed control.

Complete Directions for Use

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION IS LIKELY TO RESULT

EPA Reg. No. 524-579

2010-1



Read the entire label before using this product.

Use only according to label instructions.

Not all products listed on this label are registered for use in California. Check the registration status of each product in California before using.

Read the LIMIT OF WARRANTY AND LIABILITY statement at the end of the label before buying or using. If terms are not acceptable, return at once unopened.

THIS IS AN END-USE PRODUCT. MONSANTO DOES NOT INTEND AND HAS NOT REGISTERED IT FOR REFORMULATION OR REPACKAGING.

PRODUCT INFORMATION

1.0 INGREDIENTS

ACTIVE INGREDIENT:

*Glyphosate, N-(phosphonomethyl)glycine,
in the form of its potassium salt..... 48.7%
OTHER INGREDIENTS..... 51.3%
100.0%

*Contains 660 grams per liter or 5.5 pounds per U.S. gallon of the active ingredient glyphosate, in the form of its potassium salt. Equivalent to 540 grams per liter or 4.5 pounds per U.S. gallon of the acid, glyphosate.

This product is protected by U.S. Patent No's. 5,668,085 and 6,366,551. Other patents pending. No license granted under any non-U.S. patent(s).

2.0 IMPORTANT PHONE NUMBERS

FOR PRODUCT INFORMATION OR ASSISTANCE IN USING THIS PRODUCT,
CALL TOLL-FREE, 1-800-332-3111.
IN CASE OF AN EMERGENCY INVOLVING THIS PRODUCT,
OR FOR MEDICAL ASSISTANCE,
CALL, COLLECT, DAY OR NIGHT, (314)-694-4000.

3.0 PRECAUTIONARY STATEMENTS

3.1 Hazards to Humans and Domestic Animals

Keep out of reach of children.

CAUTION!

CAUSES MODERATE EYE IRRITATION.

Avoid contact with eyes or clothing. Avoid breathing vapor or spray mist.

FIRST AID: Call a poison control center or doctor for treatment advice.	
IF IN EYES	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15 to 20 minutes.• Remove contact lenses if present after the first 5 minutes then continue rinsing eye.
<ul style="list-style-type: none">• Have the product container or label with you when calling a poison control center or doctor, or going for treatment.• You may also contact (314) 694-4000, collect day or night, for emergency medical treatment information.• This product is identified as Roundup PROMAX® herbicide, EPA Registration No. 524-579.	

DOMESTIC ANIMALS: This product is considered to be relatively nontoxic to dogs and other domestic animals; however, ingestion of this product or large amounts of freshly sprayed vegetation may result in temporary gastrointestinal irritation (vomiting, diarrhea, colic, etc.). If such symptoms are observed, provide the animal with plenty of fluids to prevent dehydration. Call a veterinarian if symptoms persist for more than 24 hours.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear long-sleeved shirt and long pants, shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d) (4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

3.2 Environmental Hazards

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment washwaters.

3.3 Physical or Chemical Hazards

Spray solutions of this product can be mixed, stored and applied using only stainless steel, fiberglass, plastic or plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT STAINLESS STEEL) CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product react with such containers and tanks to produce hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. This product can only be used in accordance with the Directions for Use on this label or in separately published Monsanto supplemental labeling. Supplemental labeling can be found on the Internet at www.agrian.com, www.cdms.net or www.greenbook.net, or obtained from your Authorized Monsanto Retailer or Monsanto Company Representative.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulations.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 4 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep people and pets off treated areas until spray solution has dried.

4.0 STORAGE AND DISPOSAL

Proper pesticide storage and disposal are essential to protect against exposure to people and the environment due to leaks and spills, excess product or waste, and vandalism. Do not allow this product to contaminate water, foodstuffs, feed or seed by storage and disposal.

PESTICIDE STORAGE: Store pesticides away from food, pet food, feed, seed, fertilizers, and veterinary supplies. Keep container closed to prevent spills and contamination.

PESTICIDE DISPOSAL: To avoid wastes, use all material in this container, including rinsate, by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program. Such programs are often run by state or local governments or by industry. All disposal must be in accordance with applicable Federal, state and local regulations and procedures.

CONTAINER HANDLING AND DISPOSAL: See container label for container handling and disposal instructions and refilling limitations.

5.0 PRODUCT INFORMATION

Product Description: This product is a postemergence, systemic herbicide with no soil residual activity. It gives broad-spectrum control of many annual weeds, perennial weeds, woody brush and trees. It is formulated as a water-soluble liquid containing surfactant and no additional surfactant is needed or recommended.

Time to Symptoms: This product moves through the plant from the point of foliage contact to and into the root system. Visible effects are a gradual wilting and yellowing of the plant, which advances to complete browning of aboveground growth and deterioration of underground plant parts. Effects are visible on most annual weeds within 2 to 4 days, but on most perennial weeds, effects may not be visible for 7 or more days. Extremely cool or cloudy weather following treatment may slow activity of this product and delay development of visual symptoms.

Stage of Weeds: Annual weeds are easiest to control when they are small. Best control of most perennial weeds is obtained when treatment is made at late growth stages approaching maturity.

Mode of Action in Plants: The active ingredient in this product inhibits an enzyme found only in plants and microorganisms that is essential to the formation of specific amino acids.

Cultural Considerations: Reduced control may result when applications are made to annual or perennial weeds that have been mowed, grazed or cut, and have not been allowed to regrow to the specified stage for treatment.

Rainfastness: Heavy rainfall soon after application may wash this product off of the foliage and a repeat application may be required for adequate weed control.

No Soil Activity: Weeds must be emerged at the time of application to be controlled by this product. Weeds germinating from seed after application will not be controlled. Plants

arising from unattached underground rhizomes or rootstocks of perennials that have not yet emerged at the time of application will not be affected by this herbicide and will continue to grow.

Maximum Application Rates: The maximum application or use rates stated throughout this label are given in units of volume (fluid ounces or quarts) of this product per acre. However, the maximum allowed application rates apply to this product combined with the use of any and all other herbicides containing the active ingredient glyphosate, whether applied separately or as tank mixtures, on a basis of total pounds of glyphosate (acid equivalents) per acre. If more than one glyphosate-containing product is applied to the same site within the same year, you must ensure that the total use of glyphosate (pounds acid equivalents) does not exceed the maximum allowed. The combined total of all treatments must not exceed 7 quarts of this product (8 pounds of glyphosate acid) per acre per year. See the INGREDIENTS section of this label for necessary product information.

ATTENTION

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION MAY RESULT.

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended. The likelihood of injury occurring from the use of this product increases when winds are gusty, as wind velocity increases, when wind direction is constantly changing or when there are other meteorological conditions that favor spray drift. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) that are likely to drift. **AVOID APPLYING AT EXCESSIVE SPEED OR PRESSURE.**

NOTE: Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or have other unintended consequences.

5.1 Weed Resistance Management

Glyphosate, the active ingredient in this product, is a Group 9 herbicide based on the mode of action classification system of the Weed Science Society of America. Any weed population may contain plants naturally resistant to Group 9 herbicides. Weed species resistant to Group 9 herbicides may be effectively managed utilizing another herbicide from a different Group or using other cultural or mechanical practices.

To minimize the occurrence of glyphosate-resistant biotypes observe the following general weed management recommendations:

- Scout your application site before and after herbicides applications.
- Control weeds early when they are relatively small.
- Incorporate other herbicides and cultural or mechanical practices as part of your weed control system where appropriate.
- Utilize the labeled rate for the most difficult weed in the site. Avoid tank-mixtures with other herbicides that reduce this product's efficacy (through antagonism) or tank mixture recommendations which encourage rates of this product below the labeled rate.
- Control weed escapes and prevent weeds from setting seeds.
- Clean equipment before moving from site to site to minimize spread of weed seed.
- Use new commercial seed as free of weed seed as possible.
- Report any incidence of repeated non-performance of this product on a particular weed to your Monsanto representative, local retailer, or county extension agent.

5.2 Management Recommendations for Glyphosate-Resistant Weed Biotypes

NOTE: Appropriate testing is critical in order to confirm weed resistance to glyphosate. Call 1-800-ROUNDUP (1-800-768-6387) or contact your Monsanto representative to determine if resistance in any particular weed biotype has been confirmed in your area, or visit on the Internet www.weedresistancemanagement.com or www.weedscience.org.

Directions for the control of biotypes confirmed to be resistant to glyphosate are made available on separately published supplemental labeling or Fact Sheets for this product and may be obtained from your local retailer or Monsanto representative.

Since the occurrence of new glyphosate-resistant weeds cannot be determined until after product use and scientific confirmation, Monsanto Company is not responsible for any losses that may result from the failure of this product to control glyphosate-resistant weed biotypes.

The following good weed management practices are recommended to reduce the spread of confirmed glyphosate-resistant biotypes:

- If a naturally occurring resistant biotype is present at your site, this product may be tank-mixed or applied sequentially with an appropriately labeled herbicide with a different mode of action to achieve control.
- Cultural and mechanical control practices may also be used as appropriate.
- Scout treated sites after herbicide applications and control escapes, including resistant biotypes, before they set seed.
- Thoroughly clean equipment before leaving sites known to contain resistant biotypes.

6.0 MIXING

Spray solutions of this product can be mixed, stored and applied using only clean stainless steel, fiberglass, plastic or plastic-lined metal containers. Clean sprayer parts immediately after using this product by thoroughly flushing with water.

Use caution to avoid siphoning back into the carrier source. Use approved anti-back-siphoning devices where required by State or local regulations.

6.1 Mixing with Water

NOTE: PRODUCT PERFORMANCE MAY BE SIGNIFICANTLY REDUCED IF WATER CONTAINING SOIL SEDIMENT IS USED AS CARRIER. DO NOT MIX THIS PRODUCT WITH WATER FROM PONDS AND DITCHES THAT IS VISIBLY MUDDY OR MURKY.

This product mixes readily with water. Mix spray solutions of this product as follows: Begin filling the mixing tank or spray tank with clean water. Add the proper amount of this product near the end of the filling process and mix gently. During mixing and application, foaming of the spray solution may occur. To prevent or minimize foaming, mix gently, terminate by-pass and return lines at the bottom of the tank and, if necessary, use an anti-foam or defoaming agent.

6.2 Tank Mixing

This product does not provide residual weed control. This product may be tank-mixed with other herbicides to provide residual weed control, a broader weed control spectrum or an alternate mode of action. Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used. Use according to the most restrictive precautionary statements for each product in the mixture.

When this label lists a tank mixture with a generic active ingredient such as atrazine, 2,4-D, dicamba, diuron or pendimethalin the user is responsible for ensuring that the specific application being made is included on the label of the specific product being used in the tank mixture. Refer to all individual product labels, supplemental labeling and fact sheets for all products in the tank mixture, and observe all precautions and limitations on the label, including application timing restrictions, soil restrictions and use according to the most restrictive precautionary statements for each product in the tank mixture.

Always predetermine the compatibility of all tank-mix products together in the carrier by mixing small proportional quantities in advance.

Buyer and all users are responsible for all loss or damage in connection with the use or handling of mixtures of this product with herbicides or other materials that are not expressed in this label. Mixing this product with herbicides or other materials not on this label may result in reduced performance.

6.3 Tank Mixing Procedure

When tank mixing, read and carefully observe label directions, cautionary statements and all information on the labels of all products used. Add the tank-mix product to the tank as directed by the label. Maintain agitation and add the specified amount of this product.

Maintain good agitation at all times until the contents of the tank are sprayed. If the spray mixture is allowed to settle, thorough agitation may be required to resuspend the mixture before spraying is resumed.

Keep by-pass line on or near the bottom of the tank to minimize foaming. Screen size in nozzle or line strainers should be no finer than 50-mesh.

Always predetermine the compatibility of labeled tank mixtures of this product with water carrier by mixing small proportional quantities in advance. Ensure that the specific tank mixture product is registered for application at the desired site.

Refer to the Tank Mixing and PRODUCT INFORMATION sections for additional precautions.

6.4 Mixing for Hand-Held Sprayers

Prepare the desired spray volume by mixing the amount of this product indicated in the following table in water:

Spray Solution

1 gal	0.5 oz	1 oz	1.3 oz	2 oz	5 oz	9 oz
25 gal	0.8 qt	0.7 qt	1 qt	1.5 qt	4 qt	7 qt
100 gal	1.5 qt	2.8 qt	1 gal	1.5 gal	4 gal	7 gal

For use in backpack, knapsack or pump-up sprayers, add the appropriate amount of this product, mixed with water in a larger container and then filling sprayer with the mixed solution.

6.5 Colorants or Dyes

Colorants or marking dyes may be added to spray solutions of this product; however, they can reduce product performance, especially at lower rates or dilution. Use colorants or dyes according to the manufacturer's directions.

7.0 APPLICATION EQUIPMENT AND TECHNIQUES

Do not apply this product through any type of irrigation system.

APPLY SPRAY SOLUTIONS IN PROPERLY MAINTAINED AND CALIBRATED EQUIPMENT CAPABLE OF DELIVERING DESIRED VOLUMES.

7.1 Aerial Equipment

DO NOT APPLY THIS PRODUCT USING AERIAL SPRAY EQUIPMENT EXCEPT UNDER CONDITIONS AS SPECIFIED WITHIN THIS LABEL.

FOR AERIAL APPLICATION IN CALIFORNIA, REFER TO THE FEDERAL SUPPLEMENTAL LABEL FOR AERIAL APPLICATIONS IN THAT STATE FOR SPECIFIC INSTRUCTIONS, RESTRICTIONS AND REQUIREMENTS.

AVOID DRIFT. DO NOT APPLY WHEN WINDS ARE GUSTY OR UNDER ANY OTHER CONDITION WHICH FAVORS DRIFT. DRIFT MAY CAUSE DAMAGE TO ANY VEGETATION CONTACTED TO WHICH TREATMENT IS NOT INTENDED. TO PREVENT INJURY TO ADJACENT DESIRABLE VEGETATION, APPROPRIATE BUFFER ZONES MUST BE MAINTAINED.

Avoid direct application to any body of water.

Use the labeled rates of this herbicide in 3 to 25 gallons of water per acre unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product.

Coarse sprays are less likely to drift; therefore, do not use nozzles or nozzle configurations that dispense spray as fine spray droplets. Do not angle nozzles forward into the airstream and do not increase spray volume by increasing nozzle pressure. Drift control additives may be used. When a drift control additive is used, read and carefully observe the cautionary statements and all other information appearing on the additive label.

Ensure uniform application. To avoid streaked, uneven or overlapped application, use appropriate marking devices.

Aircraft Maintenance: Thoroughly wash aircraft, especially landing gear, after each day of spraying to remove residues of this product accumulated during spraying or from spills. PROLONGED EXPOSURE OF THIS PRODUCT TO UNCOATED STEEL SURFACES MAY RESULT IN CORROSION AND POSSIBLE FAILURE OF THE PART. LANDING GEAR IS MOST SUSCEPTIBLE. Maintaining an organic coating (paint) that meets aerospace specification MIL-C-33413 may prevent corrosion.

SPRAY DRIFT MANAGEMENT

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended.

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment- and weather-related factors determines the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

AERIAL SPRAY DRIFT MANAGEMENT

The following drift management requirements must be followed to avoid off-target drift movement from aerial application.

1. The distance of the outermost nozzles on the boom must not exceed 3/4 the length of the wingspan or rotor.
2. Nozzles must always point backward, parallel with the air stream and never be pointed downwards more than 45 degrees. Where states have more stringent regulations, they should be observed.

Importance of Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see the "Wind", "Temperature and Humidity", and "Temperature Inversions" sections of this label).

Controlling Droplet Size

- Volume: Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with the higher rated flows produce larger droplets.
- Pressure: Use the lower spray pressures recommended for the nozzle. Higher pressure reduces droplet size and does not improve canopy penetration. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.
- Number of nozzles: Use the minimum number of nozzles that provide uniform coverage.
- Nozzle orientation: Orienting nozzles so that the spray is released backwards, parallel to the air stream, will produce larger droplets than other orientations. Significant deflection from the horizontal will reduce droplet size and increase drift potential.

- **Nozzle type:** Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce larger droplets than other nozzle types.
- **Boom length:** For some use patterns, reducing the effective boom length to less than 3/4 of the wingspan or rotor length may further reduce drift without reducing swath width.
- **Application height:** Applications must not be made at a height greater than 10 feet above the top of the tallest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces the exposure of the droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase with increasing drift potential (higher wind speed, smaller droplets, etc.).

Wind

Drift potential is lowest between wind speeds of 2 to 10 miles per hour. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application must be avoided below 2 miles per hour due to variable wind direction and high inversion potential. **NOTE:** Local terrain can influence wind patterns. Every applicator needs to be familiar with local wind patterns and how they affect drift.

Temperature and Humidity

When making applications in low relative humidity, setup equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry.

Temperature Inversions

Applications must not be made during a temperature inversion because drift potential is high. Temperature inversions restrict vertical air mixing, which causes small, suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, the movement of smoke from a ground source or an aircraft smoke generator can also identify temperature inversions. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

Apply this product when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

7.2 Ground Broadcast Equipment

Apply the labeled rates of this product in 3 to 40 gallons of water per acre as a broadcast spray unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product. As density of weeds increases, spray volume should be increased within the specified range to ensure complete coverage. Carefully select proper nozzles to avoid spraying a fine mist. For best results with ground application equipment, use flat-fan nozzles. Check spray pattern for uniform distribution of spray droplets.

7.3 Hand-Held or Backpack Equipment

Apply to foliage of vegetation to be controlled. For applications made on a spray-to-wet basis, spray coverage should be uniform and complete. Do not spray to the point of runoff. Use coarse sprays only.

For low-volume directed spray applications, spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one-half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are multiple sprouts.

7.4 Selective Equipment

This product may be diluted in water and applied through shielded applicators, hooded sprayers, wiper applicators or sponge bars to weeds listed on this label growing in any non-crop site specified on this label.

AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION, AS SERIOUS INJURY OR DEATH OF THE DESIRABLE VEGETATION IS LIKELY TO OCCUR.

Application equipment used above desired vegetation should be adjusted so that the lowest spray stream or wiper contact point is at least 2 inches above the desirable vegetation. Droplets, mist, foam or splatter of the herbicide solution settling on desirable vegetation is likely to result in discoloration, stunting or destruction.

Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds not contacted by the herbicide solution will not be affected. This may

occur in dense clumps, severe infestations or when the height of the weeds varies so that not all weeds are contacted. In these instances, repeat treatment may be necessary.

Shielded and Hooded Applicators

A shielded or hooded applicator directs the herbicide solution onto weeds, while shielding desirable vegetation from the herbicide. Use nozzles that provide uniform coverage within the treated area. Keep shields on these sprayers adjusted to protect desirable vegetation. **EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF HERBICIDE WITH DESIRABLE VEGETATION.**

Wiper Applicators

Wiper applicators are devices that physically wipe the appropriate amounts of this product directly onto the weed. Equipment must be designed, maintained and operated to prevent the herbicide solution from contacting desirable vegetation.

Application equipment used over the top of desirable vegetation should be adjusted so that the wiper contact point is at least 2 inches above the desirable vegetation. Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds should be a minimum of 6 inches above the desirable vegetation. Adjust the height of the applicator to ensure adequate contact with weeds. Weeds not contacted by the herbicide solution will not be affected. Poor contact may occur when weeds are growing in dense clumps, in severe weed infestations or when weed height varies dramatically. In these instances, repeat treatments may be necessary.

Operate this equipment at ground speeds no greater than 5 miles per hour. Performance may be improved by reducing speed in areas of heavy weed infestations to provide adequate wiper saturation with the herbicide solution. Better results may be obtained when two applications are made in opposite directions.

Droplets, mist, foam or splatter of the herbicide solution settling onto desirable vegetation may result in discoloration, stunting or destruction. Avoid leakage or dripping onto desirable vegetation. Keep wiping surfaces clean. Be aware that on sloping ground the herbicide solution may migrate, causing dripping on the lower end and drying of the wicks on the upper end of the wiper applicator.

Do not use wiper applicators when weeds are wet.

Mix only the amount of this product to be used during a 1-day period, as reduced product performance may result from the use of solutions held in storage. Clean wiper parts immediately after using this product by thoroughly flushing with water.

For Rope or Sponge Wick Applicators—Solutions ranging from 25 to 70 percent of this product in water may be used.

For Panel Applicators and Pressure-Feed Systems—Solutions ranging from 25 to 100 percent of this product in water may be used.

When applied as directed, this product **CONTROLS** the following weeds:

Corn, volunteer	Sicklepod
Panicum, Texas	Spanishneedles
Rye, common	Sturubur, bristly
Shattercane	

When applied as directed, this product **SUPPRESSES** the following weeds:

Beggarsweed, Florida	Ragweed, common
Bermudagrass	Ragweed, giant
Dogbane, hemp	Smutgrass
Dogfennel	Sunflower
Guineagrass	Thistle, Canada
Johnsongrass	Thistle, musk
Milkweed	Vasegrass
Nightshade, silverleaf	Velvetleaf
Pigweed, redroot	

7.5 Injection Systems

This product may be used in aerial or ground injection spray systems. It may be used as a liquid concentrate or diluted prior to injecting into the spray stream. Do not mix this product with the undiluted concentrate of other products when using injection systems unless specifically instructed in this label.

7.6 GDA Equipment

The rate of this product applied per acre by controlled droplet application (CDA) equipment must not be less than the amount directed in this label when applied by conventional broadcast equipment. For vehicle-mounted CDA equipment, apply 2 to 15 gallons of water per acre.

CDA equipment produces a spray pattern that is not easily visible. Extreme care must be exercised to avoid spray or drift contacting the foliage or any other green tissue of desirable vegetation, as damage or destruction is likely to result.

8.0 SITE AND USE INSTRUCTIONS

This product may be used in non-crop areas such as airports, apartment complexes, commercial sites, ditch banks, driveways, dry ditches, dry canals, fencerows, golf courses, greenhouses, industrial sites, landscape areas, lumber yards, manufacturing sites, municipal sites, natural areas, office complexes, ornamentals, parks, parking areas, pastures, petroleum tank farms and pumping installations, public areas, railroads, rangeland, recreation areas, residential areas, rights-of-way, roadsides, schools, shadehouses, sports complexes, storage areas, substations, turfgrass areas, utility sites, warehouse areas and wildlife management areas.

This product may also be used in non-food crop sites such as Christmas tree farms, plant nurseries, sod or turf seed farms.

Unless otherwise specified, applications may be made to control any weeds listed in the WEEDS CONTROLLED section of this label.

8.1 Cut Stump

Cut stump treatments may be made on any site listed on this label. This product will control many types of woody brush and tree species, some of which are listed below. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut trees or resprouts close to the soil surface. Apply a 50- to 100-percent solution of this product to the freshly cut surface immediately after cutting. Delays in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

Alder	Pepper, Brazilian	Sweetgum
Eucalyptus	Pine, Austrian	Tan oak
Medrone	Red, giant	Willow
Oak	Saltcedar	

DO NOT MAKE CUT STUMP APPLICATIONS WHEN THE ROOTS OF DESIRABLE WOODY BRUSH OR TREES MAY BE GRAFTED TO THE ROOTS OF THE CUT STUMP. Some sprouts, stems, or trees may share the same root system. Adjacent trees having a similar age, height and spacing may signal shared roots. Whether grafted or shared, injury is likely to occur to non-treated stems/trees when one or more trees sharing common roots are treated.

8.2 Forestry Site Preparation

This product is labeled for the control or partial control of woody brush, trees and herbaceous weeds in forestry. This product is also labeled for use in preparing or establishing wildlife openings within these sites and maintaining logging roads.

Use this product for site preparation prior to planting any tree species, including Christmas trees, eucalyptus, hybrid tree cultivars and silvicultural nursery sites.

Use the higher rates of this product within the specified range for control or partial control of woody brush, trees and hard-to-control perennial herbaceous weeds. For best results, apply to actively growing woody brush and trees after full leaf expansion and before fall color and leaf drop. Increase rates within the specified range for control of perennial herbaceous weeds any time after emergence and before seedheads, flowers or berries appear.

Use the lower rates of this product within the specified range for control of annual herbaceous weeds and actively growing perennial herbaceous weeds after seedheads, flowers or berries appear. Apply to the foliage of actively growing annual herbaceous weeds any time after emergence.

TANK MIXTURES: Tank mixtures of this product may be used to increase the spectrum of vegetation controlled. When tank mixing, read and carefully observe the label claims, cautionary statements and all information on the labels of all products used. Use according to the most restrictive precautionary statements for each product in the mixture.

NOTE: For forestry site preparation, make sure the tank-mix product is approved for use prior to planting the desired species. Observe planting interval restrictions.

Any labeled rate of this product may be used in a tank mix with the following products for forestry site preparation.

Arsenal Applicators Concentrate	Garlon 4
Chopper	Landmark XP
Escort or Escort XP	Oust XP
Garlon 3A	Westar

For control of herbaceous weeds, use the lower labeled tank mixture rates. For control of dense stands or tough-to-control woody brush and trees, use the higher labeled rates.

Do not apply this product as an over-the-top broadcast spray for forestry conifer or hardwood release unless otherwise specified on this label, or in separate supplemental labeling or fact sheets published by Monsanto for this product.

8.3 General Areas and Industrial Sites

General Weed Control, Trim-and-Edge, Bare Ground

This product may be used in general non-crop and non-food crop areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around objects in these sites, for spot treatment of unwanted vegetation and to

eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

Repeated applications of this product may be used, as weeds emerge, to maintain bare ground.

TANK MIXTURES: This product may be tank mixed with the following products, provided that the specific product is labeled for application at the use site. Refer to the individual product labels for approved sites and application rates.

Arsenal	Karmex DF	Princep DF
atrazine ¹	Krovar I DF	Princep 4L
Barricade 65WG	Landmark II MP	Ronstar 50 WP
Certainty	Landmark MP	Sahara
Crossbow I	Landmark XP	simazine ¹
dicamba ¹	Milestone	Surflan AS
diuron ¹	Oust XP	Surflan WDG
Endurance	Outrider [®]	Telar
Escort or Escort XP	Pendulum 3.3 EC	Transline
Gallery 75DF	Pendulum WDG	Vanquish
Garlon 3A	pendimethalin ¹	Velpar DF
Garlon 4	Platsau	Velpar L
Goal 2XL	Poast	2,4-D ¹

¹Tank mixtures with products containing this single active ingredient may be made provided the specific product is labeled for application at the use site.

This product plus dicamba tank mixtures may not be applied by air in California.

When applied as a tank mixture for bare ground, this product provides control of the emerged annual weeds and control or partial control of emerged perennial weeds, woody brush and trees.

For control or partial control of the following perennial weeds, apply 22 to 44 fluid ounces of this product plus 2 to 4 ounces of Oust XP per acre.

Bahiagrass	Dock, curly	Poorjoe
Bermudagrass	Dogfennel	Quackgrass
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Vervain, blue

Chemical Mowing - Perennials

This product will suppress perennial grasses listed in this section to serve as a substitute for mowing. Use 5 fluid ounces of this product per acre when treating tall fescue, fine fescue, orchardgrass, quackgrass or reed canarygrass covers. Use 4 fluid ounces of this product per acre when treating Kentucky bluegrass. Apply treatments in 10 to 40 gallons of spray solution per acre.

Use only in areas where some temporary injury or discoloration of perennial grasses can be tolerated.

Chemical Mowing - Annuals

For growth suppression of some annual grasses, such as annual ryegrass, wild barley and wild oats growing in coarse turf on roadsides or other industrial areas, apply 3 to 4 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Applications should be made when annual grasses are actively growing and before the seedheads are in the boot stage of development. Treatments may cause injury to the desired grasses.

8.4 Turfgrass

Dormant Turfgrass

This product may be used to control or suppress many winter annual weeds and tall fescue for effective release of dormant bermudagrass and bahiagrass turf. Treat only when turf is dormant and prior to spring green-up.

Apply 5 to 44 fluid ounces of this product in 10 to 40 gallons of water per acre. Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated.

Treatments in excess of 11 fluid ounces per acre may result in injury or delayed green-up in highly maintained areas, such as golf courses and lawns. DO NOT apply tank mixtures of this product plus Oust XP¹ in highly maintained turfgrass areas.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. DO NOT apply more than 11 fluid ounces of this product per acre in highly maintained turfgrass areas. DO NOT apply tank mixtures of this product plus Oust XP in highly maintained turfgrass areas. Use only in areas where some temporary injury or discoloration can be tolerated.

Turfgrass Renovation, Seed or Sod Production

This product controls most existing vegetation prior to renovating turfgrass areas or establishing turfgrass grown for seed or sod. For maximum control of existing vegetation, delay planting or sodding to determine if any regrowth from escaped underground plant parts occurs. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses such as bermudagrass, summer or fall applications provide the best control. Where existing vegetation is growing under mowed turfgrass management, apply this product after omitting at least one regular mowing to allow sufficient growth for good interception of the spray.

Desirable turfgrasses may be planted following the above procedures.

Hand-held equipment may be used for spot treatment of unwanted vegetation growing in existing turfgrass. Broadcast or hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

PRECAUTIONS, RESTRICTIONS: Do not disturb soil or underground plant parts before treatment. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow translocation into underground plant parts. If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove livestock before application and wait 8 weeks after application before grazing or harvesting.

8.5 Habitat Management

Habitat Restoration and Management

This product may be used to control exotic and other undesirable vegetation in habitat management and natural areas, including rangeland and wildlife refuges. Applications can be made to allow recovery of native plant species, prior to planting desirable native species, and for similar broad-spectrum vegetation control requirements. Spot treatments can be made to selectively remove unwanted plants for habitat management and enhancement.

Wildlife Food Plots

This product may be used as a site preparation treatment prior to planting wildlife food plots. Any wildlife food species may be planted after applying this product, or native species may be allowed to repopulate the area. If tillage is needed to prepare a seedbed, wait 7 days after application before tillage to allow translocation into underground plant parts.

8.6 Hollow Stem Injection

This product may be applied through hand-held injection devices that deliver specified amounts of this product into targeted hollow-stem plants growing in any site specified on this label.

For control of the following hollow-stem plants, follow the use instructions below:

Castorbean, *Ricinus communis*

Inject 4 mL per plant of this product into the lower portion of the main stem.

Hemlock, Poison, *Conium maculatum*

Inject one leaf cane per plant 10 to 12 inches above the root crown with 5 mL of a 5% w/v solution of this product.

Hogweed, Giant, *Heracleum mantegazzianum*

Inject one leaf cane per plant 12 inches above the root crown with 5 mL of a 5% w/v solution of this product.

Horsetail, Field, *Equisetum arvense*

Inject one segment above the root crown with 0.5 mL per stem of this product. Use a small syringe that calibrates to this rate.

Knotweed, Bohemian, *Polygonum bohemicum*

Inject 5 mL per stem of this product between the second and third internode.

Knotweed, Giant, *Polygonum sachalinense*

Inject 5 mL per stem of this product between second and third internode.

Knotweed, Japanese, *Polygonum cuspidatum*

Inject 5 mL per stem of this product between second and third internode.

Reed, Giant, *Arundo donax*

Inject 6 mL per stem of this product between second and third internode.

Thistle, Canada, *Cirsium arvense*

Cut 8 to 9 of the tallest plants at bud stage in a clump with clippers. Use a cavity needle that is pushed into the stem center and then slowly removed as 0.5 mL per stem of this product is injected into the stem.

NOTE: The combined total for all treatments must not exceed 7 quarts of this product per acre. At 5 mL per stem, 7 quarts should treat approximately 1300 stems per acre.

8.7 Injection and Frill (Woody Brush and Trees)

This product may be used to control woody brush and trees by injection or frill applications. Apply this product using suitable equipment that must penetrate into the living tissue. Apply the equivalent of 1 mL of this product per each 2 to 3 inches of trunk diameter at breast height (DBH). This is best achieved by applying a 50- to 100-percent concentration of this product either to a continuous frill around the tree or as cuts evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying diluted material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow run-off to occur from frilled or cut areas in species that exude sap freely. In species such as this, make the frill or cuts at an oblique angle to produce a cupping effect and use a 100-percent concentration

of this product. For best results, application should be made during periods of active growth and after full leaf expansion. This product will control many species, some of which are listed below:

Control	Partial Control
Oak	Blackgum
Poplar	Dogwood
Sweetgum	Hickory
Sycamore	Maple, red

8.8 Non-Food Tree, Shrub, or Vine Production Sites

This product may be used for general weed control prior to the planting of and around established ornamentals, or any woody tree, shrub or vine species, including arbovitae, azalea, beeweed, crabapple, eucalyptus, euonymus, fir, Douglas fir, jojoba, hollies, lilac, magnolia, maple, oak, poplar, privet, pine, spruce and yew, growing in plant nurseries, on Christmas tree farms, or on other non-food tree production sites.

UNLESS OTHERWISE DIRECTED, THIS PRODUCT IS NOT RECOMMENDED FOR USE AS AN OVER-THE-TOP BROADCAST SPRAY IN ORNAMENTALS AND CHRISTMAS TREES. Care must be taken to avoid contact of spray, drift or mist with foliage or bark of desirable ornamental species.

This product may also be used to control weeds growing in and around greenhouses and shadehouses. Desirable vegetation must not be present during application and air circulation fans must be turned off until after the application has dried.

TYPES OF APPLICATION: Site Preparation, Post-directed, Trim-and-edge, Wiper Application

Site Preparation

This product may be used prior to planting any tree, shrub or vine, including Christmas tree species, in a nursery or production setting.

Post-Directed, Trim-and-Edge

This product may be used as a post-directed spray around established woody ornamental species, or to trim and edge around trees, buildings, sidewalks, roads, potted plants and other objects in a production setting.

Desirable plants may be protected from the spray solution by using shields or coverings made of cardboard or other impermeable material.

Wiper Application

This product may be used through wick or other suitable wiper applicators to control or partially control undesirable vegetation around established trees, shrubs or vines. See the **SELECTIVE EQUIPMENT** section of this label for further information about the proper use of wiper applicators.

8.9 Parks, Recreational and Residential Areas

All of the instructions in the General Areas and Industrial Sites section may be made in park and recreational areas.

This product may be used in parks, recreational and residential areas. It may be applied with any application equipment described in this label. This product may be used to trim-and-edge around trees, fences, paths, around buildings, sidewalks and other objects in these areas. This product may be used for spot treatment of unwanted vegetation. This product may be used to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting an area to ornamentals, flowers, turfgrass (sod or seed), or prior to laying asphalt or beginning construction projects.

8.10 Railroads

All of the instructions in the General Areas and Industrial Sites section may be made to railroads.

Bare Ground, Ballast and Shoulders, Crossings, Spot Treatment

This product may be used to maintain bare ground on railroad ballast and shoulders. Repeat applications of this product may be used, as weeds emerge, to maintain bare ground. This product may be used to control tall-growing weeds to improve line-of-sight at railroad crossings and reduce the need for mowing along rights-of-way. For crossing applications, up to 80 gallons of spray solution per acre may be used.

TANK MIXTURES: This product may be tank mixed with the following products for ballast, shoulder, spot, bare ground and crossing treatments provided the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates:

Arsenal	Hyvar X	Velar DF
atrazine ¹	Hyvar X-L	Transline
dicamba ¹	Krovar I DF	Vanquish
diuron ¹	Oust XP	Velpar DF
Escort	Outrider	Velpar I
Escort XP	Sahara DG	2,4-D ¹
Garlon 3A	simazine ¹	
Garlon 4	Spike 80DF	

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Brush Control

This product may be used to control woody brush and trees on railroad rights-of-way. Apply 2.5 to 7 quarts of this product per acre as a broadcast spray, using boom-type or boomless nozzles. Up to 80 gallons of spray solution per acre may be used. Apply a 0.7- to 1.5-percent solution of this product when using high-volume spray-to-wet applications. Apply a 4- to 7-percent solution of this product when using low volume directed sprays for spot treatment.

TANK MIXTURES: This product may be mixed with the following products for ballast, shoulder, spot, bare ground and crossing treatments as well as for enhanced control of woody brush and trees, provided the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

Arsenal	Garlon 3A	Spike 80DF
atrazine ¹	Garlon 4	Transline
dicamba ¹	Hyvar X	Vanquish
diuron ¹	Hyvar X-L	Velpar I
Escort	Sahara DG	Velpar DF
Escort XP	simazine ¹	2,4-D ¹

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Bermudagrass Release

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply 11 to 32 fluid ounces of this product in up to 80 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahiagrass	Johnsongrass
Bluestem, silver	Trumpetcraper
Fescue, tall	Vaseygrass

This product may be tank-mixed with Oust XP. If tank-mixed, use no more than 11 to 32 fluid ounces of this product with 1 to 2 ounces of Oust XP per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust XP label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahiagrass	Dewberry	Poorjoe
Blackberry	Dock, curly	Raspberry
Bluestem, silver	Dogfennel	Trumpetcraper
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Vervain, blue

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications in the same season are not recommended, since severe injury may occur.

8.11 Roadsides

All of the applications in the General Areas and Industrial Sites section may be made on roadsides.

Shoulder Treatments

This product may be used on road shoulders. It may be applied with boom sprayers, shielded boom sprayers, high-volume off-center nozzles, hand-held equipment, and similar equipment.

Guardrails and Other Obstacles to Mowing

This product may be used to control weeds growing under guardrails and around signposts and other objects along the roadside.

Spot Treatment

This product may be used as a spot treatment to control unwanted vegetation growing along roadsides.

TANK MIXTURES: This product may be tank-mixed with the following products, for shoulder, guardrail, spot and bare ground treatments provided that the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

atrazine ¹	Krovar I DF	Princep DF
Clarity	Landmark MP	Princep 4L
Crossbow I	Landmark II MP	Princep 50 WP
dicamba ¹	Landmark XP	Sahara
diuron ¹	Oust XP	simazine ¹
Endurance	Outrider	Surtlan
Escort	Pendulum 3.3 EC	Velar
Escort XP	Pendulum WDG	Vanguish
Gallery 75 DF	Plateau	2,4-D ¹

¹ Tank mixtures with products containing this single generic active ingredient may be made provided the specific product is labeled for application at the use site.

Release of Bermudagrass or Bahiagrass

Dormant Applications

This product may be used to control or partially control many winter annual weeds and tall fescue for effective release of dormant bermudagrass or bahiagrass. Treat only when turf is dormant and prior to spring green-up. This product may also be tank-mixed with Outrider herbicide or Oust XP for residual control. Tank mixtures of this product with Oust XP may delay green-up.

For best results on winter annuals, treat when plants are in an early growth stage (below 6 inches in height) after most have germinated. For best results on tall fescue, treat when fescue is at or beyond the 4- to 6-leaf stage.

Apply 5 to 44 fluid ounces of this product in a tank mix with 0.75 to 1.33 ounces of Outrider herbicide per acre. Read and follow all label directions for Outrider herbicide.

Apply 6 to 44 fluid ounces of this product per acre alone or in a tank mixture with 0.25 to 1 ounce per acre of Oust XP. Apply the labeled rates in 10 to 40 gallons of water per acre. Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated. To avoid delays in green-up and minimize injury, add no more than 1 ounce of Oust XP per acre on bermudagrass and no more than 0.5 ounce of Oust XP per acre on bahiagrass and avoid treatments when these grasses are in a semi-dormant condition.

Actively Growing Bermudagrass

This product may be used to control or partially control many annual and perennial weeds for effective release of actively growing bermudagrass. Apply 11 to 32 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Use the lower rate when treating annual weeds below 6 inches in height (or runner length). Use the higher rate as weeds increase in size or as they approach flower or seedhead formation. These rates will also provide partial control of the following perennial species:

Bahiagrass	Johnsongrass
Bluestem, silver	Trumpetcraper
Fescue, tall	Vaseygrass

This product may be tank-mixed with Outrider herbicide for control or partial control of Johnsongrass and other weeds listed on the Outrider label. Use 5 to 22 fluid ounces of this product with 0.75 to 1.33 ounces of Outrider per acre. Use the higher rates of both products for control of perennial weeds or annual weeds greater than 6 inches in height.

This product may be tank-mixed with Oust XP. If tank-mixed, use no more than 11 to 22 fluid ounces of this product with 1 to 2 ounces of Oust XP per acre. Use the lower rates of each product to control annual weeds less than 6 inches in height (or runner length) that are listed in this label and the Oust XP label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages. These rates will also provide partial control of the following perennial weeds:

Bahiagrass	Dock, curly	Poorjoe
Bluestem, silver	Dogfennel	Trumpetcraper
Broomsedge	Fescue, tall	Vaseygrass
Dallisgrass	Johnsongrass	Vervain, blue

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment, but regrowth will occur under moist conditions. Repeat applications of the tank mix in the same season are not recommended, since severe injury may occur.

Actively Growing Bahiagrass

For suppression of vegetative growth and seedhead inhibition of bahiagrass for approximately 45 days, apply 4 fluid ounces of this product in 10 to 40 gallons of water per acre. Apply 1 to 2 weeks after full green-up or after mowing to a uniform height of 3 to 4 inches. This application must be made prior to seedhead emergence.

For suppression up to 120 days, apply 3 fluid ounces of this product per acre, followed by an application of 1.5 to 3 fluid ounces per acre about 45 days later. Make no more than 2 applications per year.

This product may be used for control or partial control of Johnsongrass and other weeds listed on the Outrider herbicide label. Apply 4 fluid ounces of this product with 0.75 to 2.0 ounces of Outrider per acre. Use the higher rates for control of perennial weeds and annual weeds greater than 6 inches in height. Use only on well established bahiagrass.

A tank mixture of this product plus Oust XP may be used. Apply 4 fluid ounces of this product plus 0.25 ounce of Oust XP per acre 1 to 2 weeks following an initial spring mowing. Make only one application per year.

8.12 Rangelands

This product will control or suppress many annual weeds growing in perennial cool- and warm-season grass rangelands, pastures, and industrial sites. Preventing weed seed production is critical to the successful control of annual grassy weeds invading these perennial grass sites. Follow-up applications in sequential years should eliminate most of the viable seeds. Grazing of treated areas should be delayed to encourage growth of desirable perennials. Allowing desirable perennials to flower and reseed in the treated area will encourage successful transition.

Bromus: This product may be used to control or suppress downy brome (*Bromus tectorum*), Japanese brome (*Bromus japonicus*), soft chess (*Bromus mollis*), cheatgrass (*Bromus setcalinus*), cereal rye and jointed goatgrass found in rangelands, pastures and industrial sites. Apply 5 to 11 fluid ounces of this product per acre on a broadcast basis.

For best results, treatment should coincide with early seedhead emergence of the most mature plants. Delaying the application until this growth stage will maximize the emergence of other weedy grass species. Applications should be made to the same site each year until seed banks are depleted and the desirable perennial grasses can become reestablished on the site.

Medusahead: To control or suppress medusahead, apply 11 fluid ounces of this product per acre at the 3-leaf stage when plants are actively growing. Delaying applications beyond this stage will result in reduced or unacceptable control. Repeat applications in subsequent years may be necessary to eliminate the seedbank before reestablishing desirable perennial grasses. Applications may be made in the fall or spring.

Applications may be made using ground or aerial equipment. Aerial applications for these uses may be made using fixed wing or helicopter equipment. For aerial applications, apply in 2 to 10 gallons of water per acre. For applications using ground equipment, apply in 10 to 20 gallons of water per acre.

Spot Treatment, Wiper Application

This product may be applied in rangeland, pastures or industrial sites as a spot treatment, or over the top of desirable grasses using wiper applicators to control tall weeds. Applications may be repeated in the same area at 30-day intervals.

For spot treatments or wiper application methods using rates of 2 quarts of this product per acre or less, the entire site or any portion of it may be treated. When spot treatments or wiper applications are made using rates above 2 quarts of this product per acre, no more than 10 percent of the total site may be treated at any one time. To achieve maximum performance, remove domestic livestock before application and wait 7 days after application before grazing livestock or harvesting for feed.

8.13 Utility Sites

Use this product along electrical power, pipeline and telephone rights-of-way, and in other sites associated with these rights-of-way, such as substations, roadsides, railroads or similar rights-of-way that run in conjunction with utilities.

Use this product in utility sites and substations for bare ground, trim-and-edge around objects, spot treatment of unwanted vegetation and to eliminate unwanted weeds growing in established shrub beds or ornamental plantings. This product may be used prior to planting a utility site to ornamentals, flowers, turfgrass (sod or seed), or beginning construction projects.

Repeated applications of this product may be used, as weeds emerge, to maintain bare ground.

This product also may be used in preparing or establishing wildlife openings within these sites, maintaining access roads and for side trimming along utility rights-of-way.

TANK MIXTURES: This product may be tank mixed with the following products for use in utility sites, provided that the specific product used is labeled for use on these sites. Refer to the individual product labels for approved sites and application rates.

For control of herbaceous weeds, use the lower tank mixture rates. For control of dense stands or tough-to-control woody brush and trees, use the higher tank mixture rates.

Arsenal	Kranite	Surflan WDG
atrazine ¹	Krovar 1 DF	Telar DF
Barricade 65WG	Oust XP	Transline
dicamba ¹	Outfider	Vanquish
diuron ¹	pendimethalin ¹	Valpar DF
Endurance	Plateau	Valpar L
Escort	Ronstar 50 WP	2,4-D ¹
Escort XP	Sahara	
Garlon 3A ²	simazine ¹	
Garlon 4 ³	Surflan AS	

¹ Tank mixtures with product containing this generic active ingredient may be made provided the specific product is labeled for application at the use site.

² Ensure that Garlon 3A is thoroughly mixed with water according to label directions before adding this product. Have spray mixture agitating at the time this product is added to avoid spray incompatibility problems.

³ For side trimming treatments, this product can be used alone or in a tank mixture with Garlon 4.

8.14 Grass Seed or Sod Production

Use this product in grass seed and sod production for preplant, at-planting, preemergence, removal of established stands, renovation, site preparation, shielded spraying, wiper application, spot treatment, and creating rows in annual ryegrass.

Preplant, At-Planting, Preemergence, Removal of Established Stands, Renovation, Site Preparation

This product controls most existing vegetation for purposes of renovating turf or forage grass seed areas or for establishing turfgrass grown for sod. It may also be used to destroy remaining undesired grass vegetation when production fields are converted to alternate species or crops. Make applications before, during, or after planting, or for renovation purposes. Applications must be made prior to crop emergence in order to avoid crop injury. For maximum control of existing vegetation, delay planting to determine if any regrowth from escaped underground plant parts occurs. Where existing vegetation is growing under mowed turfgrass management, apply this product after omitting at least one regular mowing to allow sufficient growth for good interception of the herbicide spray. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses, such as bermudagrass, summer or fall applications provide best control. Broadcast equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested. Application rates up to 3.3 quarts per acre may be used to totally remove established stands of tough to kill grass species.

Do not disturb soil or underground plant parts before treatment. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow proper translocation into underground plant parts. If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

Shielded Sprayers

Apply 22 to 64 fluid ounces of this product in 10 to 20 gallons of water per acre to control weeds between grass seed rows. Uniform planting in straight rows aids in shielded sprayer applications. Best results are obtained when the grass seed plants are small enough to easily pass by the protective shields.

Contact of this product in any manner with desirable vegetation may result in discoloration, stunting or destruction. Such damage shall be the sole responsibility of the applicator.

Wiper Application

This product may be applied over the top of desirable grasses using wiper applicators for the control of tall weeds.

Contact of this product in any manner with desirable vegetation may result in discoloration, stunting or destruction. Such damage shall be the sole responsibility of the applicator.

Spot Treatment

Apply a 1-percent solution of this product using hand-held spray equipment to control weeds within established vegetation prior to heading of grasses grown for seed. Hand-held equipment may be used to control sod remnants or other unwanted vegetation after sod is harvested.

The grass sprayed in the treated area will be killed. Take care not to spray or allow spray to drift outside the target area in order to avoid unwanted grass injury or destruction.

Creating Rows in Annual Ryegrass

Apply 11 to 22 fluid ounces of this product per acre. Best results are obtained when applications are made before the ryegrass reaches 6 inches in height. Use the higher rate within the labeled range when ryegrass is greater than 6 inches in height.

Set nozzle heights to allow the establishment of the desired row spacing. Use of low-pressure nozzles, or drop nozzles designed to target the application over a narrow band are recommended.

Take care not to spray or allow spray to drift outside target area in order to avoid unwanted grass destruction.

Grower assumes all responsibility for losses resulting from misapplication of this product.

8.15 Pastures

This product may be applied to any pasture grass (other than food crops in the Gramineae family), including bahiagrass, bermudagrass, bluegrass, brome, fescue, guineagrass, kikuyugrass, orchardgrass, pangola grass, ryegrass, timothy, and wheatgrass. Application can be made as a spot treatment, wiper application, preplant, preemergence, pasture renovation, or postemergent broadcast.

Preplant, Preemergence, Pasture Renovation

This product may be applied for weed control prior to planting or emergence of forage grasses. This product may also be applied to control perennial pasture species listed on this label prior to replanting.

If application rates total 2 quarts per acre or less, no waiting period between treatment and feeding or livestock grazing is required. If the rate is greater than 2 quarts per acre, remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

Spot Treatment, Wiper Application

This product may be applied in pastures as a spot treatment, or over the top of desirable grasses using wiper applicators to control tall weeds. Applications may be repeated in the same area at 30-day intervals.

For spot treatments or wiper application methods using rates of 2 quarts of this product per acre or less, the entire field or any portion of it may be treated. When spot treatments or wiper applications are made using rates above 2 quarts of this product per acre, no more than 10 percent of the total pasture may be treated at any one time. To achieve maximum performance, remove domestic livestock before application and wait 7 days after application before grazing livestock or harvesting for feed.

Postemergent Weed Control (Broadcast Treatments)

This product may be applied to pastures to suppress competitive growth and seed production of annual weeds and undesirable vegetation in pastures. For selective applications with broadcast spray equipment, apply 8 to 11 fluid ounces of this product per acre in early spring before desirable perennial grasses break dormancy and initiate green growth. Late fall applications can be made after desirable perennial grasses have reached dormancy.

Some stunting of perennial grasses will occur if broadcast applications are made when plants are not dormant. Use of higher application rates will cause stand reductions. No waiting period is required between application and grazing or harvesting for feed. Do not apply more than 2 quarts of this product per acre per year onto pasture grasses except for renovation uses as described previously in this section.

9.0 WEEDS CONTROLLED

Always use the higher rate of this product per acre within the specified range when weed growth is heavy or dense or weeds are growing in an undisturbed (noncultivated) area.

Reduced results may occur when treating weeds heavily covered with dust. For weeds that have been mowed, grazed or cut, allow regrowth to occur prior to treatment.

Refer to the following label sections for rates to control annual and perennial weeds and woody brush and trees. For difficult to control perennial weeds and woody brush and trees, where plants are growing under stressed conditions, or where infestations are dense, this product may be used at 4 to 7 quarts per acre for enhanced results.

9.1 Annual Weeds

Use 22 fluid ounces of this product per acre if weeds are less than 6 inches in height or runner length and 1.0 to 2.7 quarts of this product per acre if weeds are over 6 inches in height or runner length or when weeds are growing under stressed conditions. Use the higher rate for tough-to-control species regardless of the weed size at application. Treat tough-to-control weeds early when they are relatively small. This product may be tank mixed provided the tank-mix product is labeled for application at the target site. Refer to the individual tank mix product labels for approved sites and application rates.

For spray-to-wet applications, apply a 0.4-percent solution of this product to weeds less than 6 inches in height or runner length. For annual weeds over 6 inches tall, or for smaller weeds growing under stressed conditions, use a 0.7- to 1.5-percent solution. Use the higher rate for tough-to-control species or for weeds over 24 inches tall. Apply prior to seedhead formation in grass or bud formation in broadleaf weeds.

For low volume directed spray applications, use a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall weeds when foliage is thick and dense or where there are multiple sprouts.

Weed Species

Anoda, spurred	Ritchgrass
Barley	Johnsongrass, seedling
Barnyardgrass	Junglerice
Bassia, fivehook	Knotweed
Bittercress	Kochia
Black nightshade	Lamb's-quarters
Bluegrass, annual	Little barley
Bluegrass, bulbous	London rocket
Brome, downy	Mayweed
Brome, Japanese	Medusahead
Browtop panicum	Morningglory
Buttercup	(Ipomoea spp)
Carolina fxtail	Mustard, blue
Carolina geranium	Mustard, tansy
Castorbean	Mustard, tumble
Cheatgrass	Mustard, wild
Cheeseweed	Oats
(Melva parviflora)	Pigweed

Chervil	Plains/Ticksseed
Chickweed	cornopsis
Cocklebur	Prickly lettuce
Copperleaf, hophornbeam	Puncturevine
Corn	Purslane, common
Corn speedwell	Ragweed, common
Crabgrass	Ragweed, giant
Dwardandelion	Red rice
Eastern mangrass	Russian thistle
Elofita	Rye
Fall panicum	Ryegrass
Falsedandelion	Sandbar, field
Falsesfax, smallseed	Shattercane
Fiddleneck	Shepherd's-purse
Field pennycress	Sicklepod
Flarae	Signalgrass, broadleaf
Fleabane, annual	Smartweed, ladythumb
Fleabane, hairy	Smartweed, Pennsylvania
(Conyza bonariensis)	Sowthistle, annual
Fleabane, rough	Spanishneedles
Florida puslay	Speedwell, purslane
Footfall	Sprangletop
Goatgrass, jointed	Spurge, annual
Goosagrass	Spurge, prostrate
Grain sorghum (milo)	Spurge, spotted
Groundsel, common	Spurry, umbrella
Hemp sesbania	Starchick, yellow
Henbit	Stinkgrass
Horseweed/Marastail	
(Conyza canadensis)	

Weed Species

Sunflower	Wheat
Teaweed/Prickly sida	Wild oats
Texas panicum	Witchgrass
Velvetleaf	Woolly cupgrass
Virginia copperleaf	Yellow rocket
Virginia pepperweed	

9.2 Perennial Weeds

Best results are obtained when perennial weeds are treated after they reach the reproductive stage of growth (seedhead initiation in grasses and bud formation in broadleaves). For non-flowering plants, best results are obtained when the plants reach a mature stage of growth. In many situations, treatments are required prior to these growth stages. Under these conditions, use the higher application rate within the specified range.

Ensure thorough coverage when using spray-to-wet treatments with hand-held equipment. For best results, use a 1.5-percent solution on harder-to-control perennials such as bermudagrass, dock, field bindweed, hemp dogbane, milkweed and Canada thistle.

For low volume directed spray applications, use a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50 percent of the foliage contacted. Coverage of the top one half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall weeds when foliage is thick and dense or where there are multiple sprouts.

Allow 7 or more days after application before tillage.

Weed Species	Rate (qt/acre)	Hand-Held % Solution
Alligatorweed*	3	1
Bahia grass	2-3.3	1.5
Bentgrass*	1	1.5
Bermudagrass, water (kuoigrass)	1	1.5
Bluegrass, Kentucky	1.5	1.5
Brachemem	2-3	1
Bursage, woolly-leaf	-	1.5
Cattail	2-3.3	1.5
Cuscutgrass	2-3.3	1.5
Dandelion	2-3.3	1.5
Dogbane, hemp	2.5	1.5

Weed Species	Rate (GT/A)	Hand-Held % Solution
Fescue, tall	2	1.5
Guineagrass	2	1
Horseradish	3	1.5
Jerusalem artichoke	2 - 3.3	1.5
Kibongrass	1.5 - 2	1.5
Lantana	-	1
Milkweed, common	2	1.5
Mullein, common	2 - 3.3	1.5
Nightshade, silverleaf	1.5	1.5
Orchardgrass	1.5	1.5
Paragrass	2 - 3.3	1.5
Phragmites*	2 - 3.3	1 - 1.5
Poleweed, common	1	1.5
Redvine*	1.5	1.5
Ryegrass, perennial	1.5 - 2	1
Sowthistle, perennial	1.5 - 2	1.5
Sowthistle, yellow	1.5	1.5
Thistle, artichoke	1.3 - 2	1 - 1.5
Timothy	1.5 - 2	1.5
Trumpet creeper*	1.5 - 2	1.5
Velvetgrass	2 - 3.3	1.5

* Partial control

9.3 Woody Brush and Trees

Apply this product after full leaf expansion, unless otherwise directed on this label, or in separate supplemental labeling or Fact Sheets published by Monsanto Company for this product. Use the higher rate for larger plants and/or dense areas of growth. On vines, use the higher rate for plants that have reached the woody stage of growth. Best results are obtained when application is made in late summer or fall after fruit formation.

In arid areas, best results are obtained when applications are made in the spring to early summer when brush species are at high moisture content and are flowering.

For best results when using hand-held equipment, use a 1.5-percent solution on harder-to-control woody brush and trees.

For low volume directed-spray applications, apply a 4- to 7-percent solution of this product. Spray coverage should be uniform with at least 50-percent of the foliage contacted. Coverage of the top one-half of the plant is important for best results. To ensure adequate spray coverage, spray both sides of large or tall woody brush and trees, when foliage is thick and dense, or where there are multiple sprouts.

Symptoms may not appear prior to frost or senescence with fall treatments.

Allow 7 or more days after application before tillage, mowing or removal. Repeat treatments may be necessary to control plants regenerating from underground parts or seed. Some autumn colors on undesirable deciduous species are acceptable provided no major leaf drop has occurred. Reduced performance may result if fall treatments are made following a frost.

Weed Species	Broadcast Rate (GT/A)	Hand-Held Spray-to-Wet % Solution
Ash*	1.5 - 3.3	1 - 1.5
Bearclover (Bearmat)*	1.5 - 3.3	1 - 1.5

Birch	1.5 - 2	1
Blackgum	1.5 - 3.3	1 - 1.5
Broomy French, Scotch	1.3 - 3.3	1 - 1.5
Cascara*	1.5 - 3.3	1 - 1.5
Ceanothus*	1.5 - 3.3	1 - 1.5
Cherry, bitter, black, pin	1.5 - 2	1
Deerweed	1.3 - 3.3	1
Elderberry	1.5 - 2	1
Eucalyptus	-	1.5
Hesariita*	1.3 - 2.5	1 - 1.5
Hazel	1.5 - 2	1
Honeysuckle	2 - 3	1
Kudzu	2.5 - 3*	1.5
Madone resprouts*	-	1.5
Maple, red	1.5 - 3	1
Maple flower*	1.3 - 2.7	1 - 1.5
Oak, post	2 - 3	1
Oak, scrub*	1.3 - 2.7	1
Peppertree, Brazilian (Florida holly)*	1.3 - 3.3	1 - 1.5
Pine	1.5 - 3.3	1 - 1.5
Poison oak	2.5 - 3.3	1.5
Redbud, eastern	1.5 - 3.3	1 - 1.5
Russian olive*	1.5 - 3.3	1 - 1.5
Sage, white*	1.5 - 2.7	1 - 1.5
Salmonberry	1.5 - 2	1
Sassafras*	1.5 - 3.3	1 - 1.5
Sumac, laurel, poison, smooth, sugarbush, winged*	1.5 - 3	1 - 1.5
Swordfern*	1.5 - 3.3	1 - 1.5
Tan oak resprouts*	-	1.5
Tobacco, tree*	1.5 - 2.5	1 - 1.5
Trumpet creeper	1.5 - 2	1
Virginia creeper	1.5 - 3.3	1 - 1.5
Willow	2 - 3	1

* Partial control

10.0 LIMIT OF WARRANTY AND LIABILITY

Monsanto Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes set forth in the Complete Directions for Use label booklet ("Directions") when used in accordance with those Directions under the conditions described therein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, NO OTHER EXPRESS WARRANTY OR IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE OR MERCHANTABILITY IS MADE. This warranty is also subject to the conditions and limitations stated herein.

To the extent consistent with applicable law, buyer and all users shall promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise.

To the fullest extent permitted by law, buyer and all users are responsible for all loss or damage from use or handling which results from conditions beyond the control of this Company to the extent consistent with applicable law, including, but not limited to, incompatibility with products other than those set forth in the Directions, application to or contact with desirable vegetation, failure of this product to control weed biotypes which develop resistance to glyphosate, unusual weather, weather conditions which are outside the range considered normal at the application site and for the time period when the product is applied, as well as weather conditions which are outside the application ranges set forth in the Directions, application in any manner not explicitly set forth in the Directions, moisture conditions outside the moisture range specified in the Directions, or the presence of products other than those set forth in the Directions in or on the soil, crop or treated vegetation.

This Company does not warrant any product reformulated or repackaged from this product except in accordance with this Company's stewardship requirements and with express written permission from this Company.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE LIMIT OF THE LIABILITY OF THIS COMPANY OR ANY OTHER SELLER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (INCLUDING CLAIMS BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) SHALL BE THE PURCHASE PRICE PAID BY THE USER OR BUYER FOR THE QUANTITY OF THIS PRODUCT INVOLVED, OR, AT THE ELECTION OF THIS COMPANY OR ANY OTHER SELLER, THE REPLACEMENT OF SUCH QUANTITY OR, IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL THIS COMPANY OR ANY OTHER SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

Upon opening and using this product, buyer and all users are deemed to have accepted the terms of this LIMIT OF WARRANTY AND LIABILITY which may not be varied by any verbal or written agreement. If terms are not acceptable, return at once unopened.

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MONSANTO COMPANY
800 N. LINDBERGH BLVD.
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I. DEFINITIONS

1-1. What types of facilities are subject to the Healthy Schools Act?

Public K-12 schools and both public and private child day care facilities are subject to the Healthy Schools Act (HSA). Specifically the Healthy Schools Act uses the term "school site" to include kindergarten, elementary, or secondary school facilities (including charter schools), and child day care facilities. Day care centers are a type of child care facility and thus fall under the requirements of the Healthy Schools Act. According to section 1596.76 of the Health and Safety Code, the term "day care center" includes preschools, infant centers, extended day care facilities and school age child care centers. Child day care facilities which are subject to the Healthy Schools Act also include employer-sponsored child care centers. The Healthy Schools Act excludes family day care homes, colleges and universities, and private kindergarten, elementary, or secondary school facilities. The term school site also includes the buildings or structures, playgrounds, athletic fields, vehicles, and any other area of property visited or used by the pupils. [Education Code § 17609(e); Health and Safety Code §§ 1596.750, 1596.76]

1-2. Integrated pest management (IPM) has various definitions. How does the Healthy Schools Act define it?

The Healthy Schools Act defines IPM as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using non-chemical practices to make the habitat less conducive to pest development, improving sanitation, and using mechanical and physical controls. Pesticides that pose the least possible hazard and are effective

in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. Note that this definition applies only to IPM in schools and child day care facilities. [Food and Agricultural Code § 13181]

1-3. What is a pesticide?

Under state and federal law, a pesticide is any substance that controls, destroys, repels, or attracts a pest. Pesticides include insecticides, insect repellents, miticides, herbicides, fungicides, fumigants, nematocides, rodenticides, avicides, plant growth regulators, defoliant, desiccants, antimicrobials, and algicides. For more information about antimicrobials (such as sanitizers and disinfectants) see 3-8 and 3-14 below. Antimicrobials, including swimming pool chlorine and toilet bowl cleaners, are exempt from notification and posting. However, similar to other pesticides, you will still need to use products that have been registered with the U.S. Environmental Protection Agency (U.S. EPA) and DPR for use in California. (To see if a product is registered in California, go to DPR's Web site, www.cdpr.ca.gov, and click on "Look up pesticide products" at the bottom right.)

Plant nutrients, fertilizers, and soil amendments are not considered pesticides unless they also include a pesticide active ingredient. For example, weed-and-feed products are considered pesticides because they contain an herbicide. If the label of a pesticide lacks a U.S. EPA registration number, check to see if it's exempt from registration (see 3-13). If it lacks an U.S. EPA registration number and is not exempt from registration, then it's illegal to use it. Go to DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm) and click on "Pesticides Exempted under the Healthy Schools Act" at the bottom right for more information on exempt products. [Food and Agricultural Code § 12753]

🍌 **1-4. What is a school site designee?**

The designee is the person that is assigned to carry out the requirements of the Healthy Schools Act. School districts often designate maintenance and operations directors, risk managers, or business officers. This person may also be called the IPM coordinator (see 1-6). Child day care facilities often assign the child day care facility director as the school site designee.

🍌 **1-5. What are the responsibilities of the school site designee?**

The designee makes sure that:

- Parents and staff receive annual written notification about pesticide products expected to be used at each school or child day care facility in the coming year.
- Parents and staff receive written notification at least 72 hours in advance if the school or child day care facility decides to use a pesticide not listed in the annual notification.
- Parents and staff have the opportunity to register if they want notification before each pesticide application at the school or child day care facility.
- Parents and staff that have registered with the school or child day care facility are notified before each pesticide application.
- Warning signs are posted from 24 hours before to 72 hours after a pesticide application.
- Records are kept of pesticide applications.

See 2-1 through 2-14, 3-1, 3-7, and 3-8 for more information. [Education Code §§ 17609(d), 17612]

🍌 **1-6. What's an IPM coordinator?**

Many school districts use the title "IPM coordinator" as the equivalent to the school site designee (see 1-4 and 1-5).

🍌 **1-7. Under the law, child day care facilities must be given 120-hour notice by property managers of a pesticide application. Are preschool programs located at other schools considered to be child day care facilities; and therefore, subject to the 120-hour notice requirement?**

Yes, they are child day care facilities since they meet the definition of a child day care facility (see 1-1). [Health & Safety Code §1596.750]. Therefore, the property owner or property owner's representative would notify the preschool

120 hours before any pesticide application and all other requirements of the Healthy Schools Act must be met.

🍌 **1-8. For preschool programs located at schools, could the district IPM coordinator also be considered the child day care facility designee?**

Yes, the school district IPM coordinator could also be the child day care facility designee for a preschool that is located on a public school site.

2. NOTIFICATION AND POSTING

🍌 **2-1. How do schools and child day care facilities carry out the annual notification requirement?**

Each school or child day care facility must give a written notice to parents and staff identifying pesticides expected to be used in the coming year. The list of pesticides must also include the DPR Web site that provides information on pesticides and reduced-risk alternatives (www.cdpr.ca.gov/schoolipm, click on "School IPM HELPR" in the column on the right). The Legislature intended that the notification would be included with other one-time notices sent to parents by school districts or child day care facilities, usually at the beginning of the year. Putting this information in a packet with other notices will reduce costs. See DPR's School IPM Web site (go to www.cdpr.ca.gov/schoolipm and click on "Tools & Templates" in the column on the left) for examples. [Education Code § 17612]. School districts and child day care facilities may want to coordinate with pest control businesses to develop a notification system.

🍌 **2-2. What are the requirements if a pesticide is to be applied that was not listed in the annual notification?**

If a school or child day care facility decides to use a pesticide product that wasn't listed in the annual notification, the school site designee must provide written notification to parents and staff at least 72 hours before application. The notice should identify the product name and active ingredients, and provide DPR's School IPM Web site address, www.cdpr.ca.gov/schoolipm. [Education Code § 17612(a)(2)]

🍌 **2-3. When is advance notification of a pesticide application not required?**

Advance notification is not required in "emergency conditions."

❖ **2-12. Do schools or child day care facilities have to notify and post when they make applications during breaks?**

The Healthy Schools Act does not make any special provisions for notification, posting, and recordkeeping when the school or child day care facility is not in session. However, even when closed, students or other people may enter the grounds for various reasons. Teachers often stop in during vacations to plan lessons or organize their classrooms. School districts and child day care facilities should try to plan ahead and list any pesticides expected to be used during the entire school year, notify registered parents and staff before all applications, and always post a treatment area.

❖ **2-13. If a school or child day care facility is contiguous with an agricultural parcel – for example, an orange grove – and the school district owns the land on which the crop is planted, does the district have to notify and post when the crop is sprayed? The parcel is completely fenced with locked gates and off-limits to students.**

The agricultural parcel, although owned by the school district, is not a school site under the law [Education Code § 17608(e)]. The term "school site" includes the buildings or structures (including attics and crawl spaces), playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. Therefore, the school does not have to notify or post with regard to pesticides used on the parcel. However, the school, as property owner of a production agriculture site, may have other posting or notification requirements for a pesticide application based upon the pesticide label and/or permit conditions established by the county agricultural commissioner. If a production agriculture site is located next to a school and there is concern about off-site movement of pesticides, contact the county agricultural commissioner (go to www.cdpr.ca.gov, click on "Ag commissioners" in the "Quick Finder"). The commissioner follows up on any reported illness that may be pesticide-related or any complaint about pesticide applications.

❖ **2-14. How do schools operated by the Division of Juvenile Justice comply with the Healthy Schools Act?**

The school administrator is required to notify the facility's chief medical officer (CMO) at least 72 hours before an application. The CMO must then take any steps necessary to protect the health of the pupils. The California Department of Public Health (CDPH) recommends the following: (1) the CMO of each facility should provide a list of all pesticides

expected to be used in the facility during the year with a copy of the product label (or U.S. EPA registration number) and the material safety data sheet (MSDS) for each item on the list; (2) the yearly list of pesticides anticipated to be used should be posted at the entry to the facility and a copy provided to all staff members; (3) pest control businesses should provide the CMO specific pesticide use information for school applications; (4) staff assigned to pest control duties and contracted pest control businesses should give the CMO 72 hours notice of specific applications; (5) employees must be trained before handling any pesticide, and annually thereafter; and (6) the CMO should thoroughly investigate any complaint or suspected illness due to application of a pesticide and take appropriate action. Suspected illnesses also must be reported to the county health officer. [Education Code § 17612(e) and information provided by CDPH].

❖ **2-15. Are schools and child day care facilities reimbursed for paperwork and mailing?**

No. The Commission on State Mandates has concluded that the legislation does not impose any reimbursable state-mandated duties since existing state law does not require the application of pesticides. To view the Commission decision, go to www.csm.ca.gov, click on the "Reports to Legislature" tab at the top, click on "Denied mandates", then click on "January 1, 2004 – December 31, 2004."

❖ **2-16. Does the law require posting before an aerial application by a mosquito abatement district or California Department of Public Health (CDPH) Vector Control?**

No, the law does not require notification and posting since the school or child day care facility manager, or property owner or owner's agent are not applying the pesticides to the facility. However, it is a best management practice to notify the pupils, staff, and public by posting information distributed by the mosquito abatement district or CDPH Vector Control. [Education Code § 17613; Health & Safety Code § 116180]

3. PESTICIDE USE, RECORDKEEPING, AND REPORTING

❖ **3-1. Who is required to keep records?**

Under the Healthy Schools Act, each school or child day care facility must keep records of almost all pesticide applications for four years (see 3-6). Some pesticide applications are exempt from the recordkeeping requirement (see 3-8). The law also requires licensed pest control

businesses hired by a school or child day care facility to keep records of pesticide use and report that use to DPR (see 3-2). This requirement is intended for commercial applicators and is in addition to the pesticide use report applicators already submit to the county agricultural commissioner. Commercial applicators include pest control businesses that are licensed by either DPR or the Structural Pest Control Board. [California Code of Regulations §§ 6624, 6627]

❖ **3-2. Who has to report pesticide use at schools and child day care facilities?**

Pest control businesses contracted by schools or child day care facilities have two reports to submit for pesticide use: (1) the Monthly Summary Pesticide Use Report to the county agricultural commissioner that includes pesticides used at schools or child day care facilities, and (2) the School Site Pesticide Use Reporting form that is submitted to DPR. (To access this form, go to www.cdpr.ca.gov/schoolipm and click on Pest Control Businesses in the column on the left, then click on Reporting pesticide use and maintaining records.) The law states that the School Site Pesticide Use Reporting form must be submitted by pest control business to DPR at least annually. For those applying pesticides at the end of December, the form must be submitted as soon as possible as it is due to DPR by January 30th.

Applications made by school or child day care facility personnel do not need to be reported to the county agricultural commissioner, except when a restricted-use pesticide is used (as defined in California Code of Regulations § 6400). Only a person holding either a qualified applicator certificate or a qualified applicator license can make restricted-use pesticide applications. That person must report the use of restricted-use pesticides to the county agricultural commissioner each month (see 3-5). School and child care facility personnel do not need to report pesticide use to DPR. See 3-1 and 3-6 for additional information about recordkeeping for restricted-use pesticides. [California Code of Regulations § 6624(a)(3); 6625; Food and Agricultural Code § 13186(a)(b)(c)]

❖ **3-3. When a licensed pest control business applies a pesticide at a school or child day care facility, who must report the application?**

The licensed pest control business is responsible for completing DPR's School Site Pesticide Use Reporting form and submitting it to DPR. The school or child day care facility, although not responsible for use reporting, must keep records of almost all pesticide applications for four years, including those made by licensed pest control businesses (see 3-8 for exemptions). The school district or child day care

facility may include the Healthy Schools Act reporting requirements when they contract for services of licensed pest control businesses. [Food and Agricultural Code § 13186]

❖ **3-4. Are licensed pest control businesses required to report pesticide applications at schools or child day care facilities as part of their existing monthly reports to the county agricultural commissioner?**

Yes. Pest control businesses must continue to report school or child day care facility applications on their Monthly Summary Pesticide Use Report to the county agricultural commissioner. Pest control businesses must also submit the School Site Pesticide Use Reporting form at least annually to DPR. (See 3-2 and 3-5.) [Food and Agricultural Code § 13186(b)(c); California Code of Regulations §§ 6624, 6627]

❖ **3-5. For instances where schools or child day care facilities have their own qualified applicator on staff, what pesticide use must be reported?**

When restricted-use pesticides are used on school or child day care facility property, the qualified applicator must report the applications to the county agricultural commissioner in the Monthly Summary Pesticide Use Report. The Healthy Schools Act does not change this requirement. Note that restricted use pesticides can only be used by individuals who hold a valid DPR qualified applicator certificate (QAC) or license (QAL). Use of CA restricted materials additionally requires a permit from the county agricultural commissioner, with some exemptions. Consult with your local County Agricultural Commissioner prior to restricted use pesticide application. [California Code of Regulations §§ 6624, 6625, 6627]

❖ **3-6. Does the law require that records be kept of every pesticide used and each application?**

Under the Healthy Schools Act, each school or child day care facility must keep records of every pesticide application for a period of four years (see 3-7), except for exempt pesticides (see 3-8). The records must include the pesticide product name, manufacturer's name, U.S. EPA registration number, date and areas of application, reason for application, and amount of pesticide used. Records must be available to the public upon request. As a simple way to keep records, schools or child day care facilities may want to keep a copy of the posted warning sign that includes a written record of the amount of pesticide used. DPR recommends that records be kept of all pest management practices, including those that are exempt from notification and posting. [Education Code §§ 17611, 17612(d)]

Additionally, existing regulations require each school or child day care facility to keep records for two years after each application of a restricted-use pesticide (separate from the four-year requirement under the Healthy Schools Act). These records must include the date of application, the treated property operator's name, location of the property and exact site treated, total acreage or units treated at the site, pesticide name with the U.S. EPA registration number, and amount of pesticide used. [California Code of Regulations § 6624(a)(2),(b),(e)]

❖ **3-7. How do schools and child day care facilities make records available to the public?**

The Healthy Schools Act is a right-to-know law, so anyone who wants access to records can retrieve them. Depending on what filing system the school or child day care facility has available, this could either be in a paper (kept in filing folders, for instance) or electronic copy form. [Education Code § 17611]

❖ **3-8. Which pesticide active ingredients are exempt from the provisions of this law?**

Certain requirements of the law (recordkeeping, written notification, and posting) do not apply to pesticide products deployed in the form of a self-contained bait or trap; gel or paste deployed as a crack-and-crevice treatment; pesticides exempted from registration by U.S. EPA; or antimicrobial pesticides, including sanitizers and disinfectants. For example, this means that chlorine used in swimming pools is exempt from the recordkeeping, written notification, and posting provisions of this law. (For further information about pesticides exempt from registration in California, go to www.cdpr.ca.gov/schoolipm, click on "Pesticides Exempted Under the Healthy Schools Act" on the right. Questions 3-9, 3-10, and 3-11 also pertain to this topic.) [Education Code § 17610.5]

❖ **3-9. What are self-contained baits or traps?**

The law does not define self-contained. The interpretation and practice of school officials and pest management professionals has been to consider tamper- and child-resistant bait stations (whether they be for rodents, general pests, or termites) to be self-contained bait stations.

Bait stations that are sold without bait are not pesticide products. Such bait stations are considered to be application equipment, and therefore are not regulated by U.S. EPA. U.S. EPA lists eight criteria for tamper-resistant bait boxes – but they apply only to rodent bait boxes:

- Resistant to weather.
- Strong enough to prohibit entry by large non-target species.
- Equipped with a locking lid and/or secured rebaiting hatches.
- Equipped with entrances that readily allow target animals access to baits while denying access to larger non-target species.
- Capable of being anchored securely to resist efforts to move the container or to displace its contents.
- Equipped with an internal structure for containing bait.
- Made in such a way as not to be an attractive nuisance.
- Capable of displaying proper precautionary statements in a prominent location. [www.epa.gov/PR_Notices/pr94-7.html]

Starting June 2011, U.S. EPA requires that all rodenticide manufacturers sell their products that are marketed to general and residential customers be contained in a self-contained bait station, while loose baits (e.g. pellets, meal) are prohibited. Four tiers of bait stations will be manufactured to meet the new requirements. The four tiers were designed to provide a variety of cost and protection options for the consumer. [www.epa.gov/pesticides/reregistration/rodenticides/finalriskdecision.htm] Corresponding criteria do not exist for other types of bait boxes or bait stations. [Food and Agricultural Code § 12973, www.epa.gov/REDs/2100red.pdf]

❖ **3-10. Is granular gopher bait – the kind put into gopher runways underground – exempt from requirements of the Healthy Schools Act?**

No. Only bait in a self-contained bait station is exempt.

❖ **3-11. What's a crack-and-crevice treatment?**

The law defines crack-and-crevice treatment as the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors. [Education Code § 17609(b)]

❖ **3-12. Which pesticides are exempted from registration by the U.S. EPA?**

The U.S. EPA (under Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] Section 25[b]), exempts pesticides from registration if they contain certain active and inert ingredients. These are primarily food-grade materials such as

mint oil, clove oil, and sodium lauryl sulfate (derived from coconut and commonly found in shampoos and detergent). DPR allows similar exemptions, although some DPR-exempt products require additional wording on labels. See www.cdpr.ca.gov/schoolipm and click on "Pesticides Exempted Under the Healthy Schools Act" located on the right. [California Code of Regulations § 6147]

❖ **3-13. How can I tell if a particular product is exempted from registration by the U.S. EPA?**

Look at the product label for a U.S. EPA or a California registration number. If the label does not have a registration number, then the product may be exempt. (Note: very few products are exempt from registration). To ensure you have an exempt product in the absence of a registration number, check to see if all the product's active and inert ingredients are listed on the FIFRA section 25(b) list and the U.S. EPA 4A list, respectively. (See www.cdpr.ca.gov/schoolipm and click on "Pesticides Exempted Under the Healthy Schools Act" located on the right for the lists of exempt active and inert ingredients.)

❖ **3-14. What are antimicrobials?**

Antimicrobials (such as disinfectants and sanitizers) are pesticides that are intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or protect inanimate objects (for example floors and walls), industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime. Although sanitizers and disinfectants are exempt from notification and posting requirements under the Healthy Schools Act, you will still need to use products that have been registered with the U.S. EPA for use in California. Antimicrobials are also not exempt from the licensed pest control business requirements to report pesticide use. [Food and Agricultural Code § 12995; Education Code § 17609(a); www.epa.gov/oppad001]

❖ **3-15. How do I get information about pesticide products? Active ingredients? Human health impacts? Environmental fate?**

See www.cdpr.ca.gov/schoolipm and select "School IPM HELPR" from the featured links list on the right, then click on the pest-specific information you need.

4 ENFORCEMENT AND COMPLIANCE

❖ **4-1. Who enforces requirements for posting, annual written notification and pesticide use recordkeeping?**

The Healthy Schools Act contains no specific enforcement authority for these requirements. Since these requirements are under the Education Code, the school district superintendent and the district's elected school board members, or a child day care facility's director are responsible for enforcement. The California Department of Education's (CDE) School Facility Planning Division is available as a resource to school districts (www.cde.ca.gov/ls/fa/st/). For interpretation of Healthy Schools Act requirements as it applies to your school district, consult your district's legal counsel.

❖ **4-2. Are private schools exempt from the Healthy Schools Act? What about community colleges?**

The law applies to public facilities used for child day care, kindergarten, elementary, or secondary school and private child day care facilities. The law exempts private schools, family day-care homes, and colleges and universities even when attended by secondary school students. However, DPR will provide any interested public or private educational institution with information on starting an IPM program. [Education Code § 17609(e)]

❖ **4-3. Are schools and child day care facilities on federal property (such as military bases) exempt from the Healthy Schools Act?**

The law does not apply to schools and child day care facilities under federal jurisdiction. Pest managers of military bases may voluntarily want to comply with the law as if they were under state jurisdiction. However, state-funded schools and child day care facilities that operate on military bases are not exempt. Schools and child day care facilities located on Indian reservations and rancherias are exempt from requirements of the Healthy Schools Act.

❖ **4-4. Which pesticides can be used legally at schools or child day care facilities? Does the label have to specify this type of use?**

First read the label to identify the terms used. A product label does not have to specify school or child day care facility use. Pesticide labels registered by U.S. EPA and DPR may use such terms as: for institutional use; for use in kitchens, dining areas; or in and around buildings, such as schools, hospitals, etc. When indicating outdoor use, terms include for use on turf and ornamentals, and for use on playing fields. Some labels, such as vertebrate pest control products, may refer only to the pest with such terms as (for control of mice) place bait along runways, or place bait in main (gopher) tunnel. In a few instances, the manufacturer may indicate that the product should not be used in schools or other settings where

children are likely to be present. Contact your county agricultural commissioner's office for additional help in determining if a product is appropriate to use in school buildings, on school grounds, or at child day care facilities.

❖ **4-5. What situations on school or child day care facility property require a qualified applicator or licensed pest control business?**

Only a person holding a DPR qualified applicator certificate (QAC) or license (QAL), or a person holding a Structural Pest Control Board license may apply federally restricted-use pesticides. Federal restricted-use pesticides are identified as such on their label. Only a person holding one of these certificates or licenses plus a pesticide use permit issued by the county agricultural commissioner may apply state-listed restricted-use pesticides. Some school districts or child day care facilities require that all pesticide applications be supervised or performed by certified or licensed applicators. A pest control business license is required of any person or company performing pest control for hire. Check DPR's Web site and the Structural Pest Control Board's Web site to determine if a pest control business is licensed. For DPR's license information, (go to www.cdpr.ca.gov, click on "Licensing" in the "Quick Finder," then click on "List of Persons and Businesses with Valid DPR Licenses.") To see the "California Restricted Materials Requirements" list, go to www.cdpr.ca.gov, click on "A-Z Index," then "Restricted materials - California list."

❖ **4-6. What happens when a public park adjoins a school or child day care facility and functions as a playground? Does the city or county have to notify and post when applying pesticides (usually herbicides) to the park?**

City and county property is exempt from the requirements of the Healthy Schools Act if it is not used as a school site as defined under the law. Some school districts and local agencies have signed a formal memorandum of understanding or joint-use agreement so that the park property becomes school property. Then the requirements of the Healthy Schools Act would apply, including notification, posting, and recordkeeping.

❖ **4-7. What if my school district or child day care facility has planned its pesticide applications well in advance, on specific dates. Are we complying with the law if we simply notify all parents at the beginning of the year about these applications?**

The school or child day care facility has fulfilled the annual notification requirements if it notifies all parents at the beginning of the year and the notification includes 1) the name of all pesticide products expected to be applied at the school site during the upcoming year, 2) the active ingredient(s) in each pesticide product, and 3) DPR's School IPM website www.cdpr.ca.gov/schoolipm so that they may access information on pesticides and pesticide use reduction. However, the law also specifies that the designee must notify parents and staff, who register in advance, of individual applications at least 72 hours before the application. This individual application notification must include 1) the product name, 2) the active ingredient(s) in the product, and 3) the intended date of application. The law does not specify how early you can notify those who have registered. Keep in mind that the Healthy Schools Act is a right-to-know law that advocates IPM. Notifying people too far in advance may defeat the law's purpose because the registered individuals may fail to remember when the individual application is scheduled to take place. Notifications well in advance also likely means pesticide use is being decided by a calendar versus an actual need or IPM threshold exceedance. Individual school districts and child day care facilities should decide the most appropriate approach that also complies with the intent of the law.

❖ **4-8. Are there any pesticide products that are specifically prohibited from use in schools and child day care facilities?**

The use of a pesticide on a school or child day care facility is prohibited if the pesticide has a conditional, experimental use, or interim registration, and the pesticide contains a new active ingredient or is for a new use. A pesticide is also prohibited if it has been canceled, suspended, or phased out. [Education Code § 17610.1] A list of pesticides that are prohibited for use in schools or at child day care facilities can be found at DPR's School IPM Web site at www.cdpr.ca.gov/schoolipm, click on "Pesticides Prohibited from Use" in the column on the right. This prohibition does not apply to public health pesticides or antimicrobial pesticides registered pursuant to Section 12836 of the Food and Agricultural Code.

5. DEVELOPING AN IPM PROGRAM

❖ **5-1. Where do I get information about IPM programs, policies, and practices?**

See DPR's School IPM Web site, www.cdpr.ca.gov/schoolipm, for links to school IPM information. The Web site offers information on pesticide products, a directory of resources describing least-hazardous pest management practices, a

model IPM program guidebook, and ways to reduce pesticide use. The Web site also has information on the public health and environmental impacts of pesticides, and much more. [Education Code § 17612(a), Food and Agricultural Code § 13184(a)(b)]

❖ **5-2. How is DPR getting information to staff at school and child day care facilities?**

DPR routinely provides information to IPM coordinators and child day care facility managers. DPR also works with the CDE and groups such as Coalition for Adequate School Housing, California Association of School Business Officials, Professional Association of Pesticide Applicators, Pest Control Operators of California, California Childcare Health Program, California Department of Public Health, and California Child Care Resource & Referral Network. In addition, DPR has a listserv available for those who would like to receive updates about DPR's School IPM Program. Go to www.cdpr.ca.gov/docs/dept/listserv/listdesc.htm to sign up.

6. TRAINING

❖ **6-1. What do the school IPM workshops offered by DPR cover?**

Under the Healthy Schools Act, DPR must offer IPM training to help school districts establish their own IPM programs. The law specifies that DPR use a train-the-trainer approach as appropriate to disseminate information rapidly, and emphasize training on a regional basis before focusing on individual school districts. Our regional workshops highlight school IPM principles, pest prevention, monitoring, and the use of least-hazardous pest management practices. Each year, DPR offers workshops around the state. For specific dates and locations, see DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm). [Food and Agricultural Code § 13185]

❖ **6-2. What training is available for child day care facility owners and managers about the Healthy Schools Act?**

On DPR's School IPM Web site and Child Care IPM Web site, you will find handouts that summarize the Healthy Schools Act. Go to www.cdpr.ca.gov, click on the "Pest Management" tab. From there you can click on the "Schools" tab or the "Child Care" tab for IPM information and resources. You can also find templates in the left column under "Tools and Templates." DPR also provides a train-the-trainer program and provides outreach to child day care facilities and schools. Additionally for child day care facilities, the California Department of Social Services (DSS) is required to provide

information about the Healthy Schools Act and IPM practices at the orientations the DSS gives before issuing a new child care license or special permit. For more information on the Healthy Schools Act and contact names, phone numbers, and email addresses, see the bottom of DPR's Web site, www.cdpr.ca.gov/schoolipm/childcare.

7. RESOURCES

❖ **7-1. What are some resources to learn more about IPM and the Healthy Schools Act?**

- DPR's School IPM Web site: www.cdpr.ca.gov/schoolipm
- DPR's home page: www.cdpr.ca.gov
- County Agricultural Commissioners: go to www.cdpr.ca.gov, click on "Ag Commissioners" in "Quick Finder"
- California Department of Education: www.cde.ca.gov/ls/fa/sf
- University of California Statewide IPM Program: www.ipm.ucdavis.edu/index.html
- University of California IPM Cooperative Extension Offices: www.ipm.ucdavis.edu/GENERAL/ceofficefinder.html
- U.S. EPA's IPM in Schools Web site: www.epa.gov/pesticides/ipm/index.htm
- National School IPM Information Source: <http://schoolipm.ifas.ufl.edu/>

❖ **7-2. Does the Healthy Schools Act have a list of approved pesticides for use by schools or child day care facilities?**

The Healthy Schools Act does not establish a list of pesticides approved for schools or child day care facilities. However, DPR does maintain a list of pesticides that are prohibited for use in schools or at child day care facilities. See DPR's Web site (www.cdpr.ca.gov/schoolipm, click on "Pesticides Prohibited from Use" in the column on the right).

For help selecting the correct pest treatment option, the School IPM HELPR provides pest notes, control methods, and hazard information. See DPR's School IPM Web site (www.cdpr.ca.gov/schoolipm, click on "School IPM HELPR" in the column on the right).



SCHOOL IPM PROGRAM
(916) 445-9903 FAX: (916) 445-4033
e-mail: school-ipm@cdpr.ca.gov
www.cdpr.ca.gov/schoolipm



CHILD CARE IPM PROGRAM
(916) 324-4077 FAX: (916) 445-4033
www.cdpr.ca.gov/schoolipm/childcare



CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION
1001 I Street, P.O. Box 4015, Sacramento, CA 95812-4015
www.cdpr.ca.gov



CALIFORNIA DEPARTMENT OF EDUCATION
www.cde.ca.gov



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sector of Weights & Measures

Letter of Warning

May 20, 2010

Bethel Christian School
2425 Van Buren Blvd.
Riverside, CA 92503

10-RIV-LOW-DJC-191

On May 19, 2010 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J Cioc at your field application site located at 2425 Van Buren Blvd., Riverside.

The purpose of this inspection was to determine the level of compliance by Bethel Christian School with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection Report form presented to you. The non-compliance was for California Food and Agricultural Code Section 12973-The use of any pesticide shall not conflict with labeling registered which is delivered with the pesticide (Gopher Killer EPA Reg#12455-18-1663, was used in landscaped areas around the school). California Code of Regulations Section 6724-Failure to train employees prior to pesticide application (Bethel Christian School failed to train applicator Jesus Guzman prior to pesticide application). California Code of Regulations Section 6680-In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink or household products (table spoon used for pesticide application).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. You must CEASE AND DESIST from all pesticide applications until your employee has been properly trained, and Gopher Killer has been replaced with an approved product for your site. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner


By: Delia J Cioc
Agricultural Standards Investigator IV

BM:DC

PESTICIDE USE
MONITORING INSPECTION REPORT

104-806621

Overseas

INSPECTION COUNTY

1st Victoria School
1st Victoria School
1st Victoria School

Inspected by Von Busch, DM	Inspector's name School	Area around cover/landscape area	Map scale 0.5m/px	Direction W to E
-------------------------------	----------------------------	-------------------------------------	----------------------	---------------------

- 1. AREA
- 2. SPECIFICATION
- 3. HANDFIELD
- 4. GROUND/RIG
- OTHER

Item	Inspected	Compliance	Remarks
...

REQUIREMENTS	REQUIREMENTS
...	...

COMPLIANCE CONDITIONS: ...
COMPLIANCE VIOLATIONS/REMARKS: ... immediately

Remarks: I have advised the person of non-compliance. When standards are not required, a comment on the inspection report. (IN Supplemental REPORT 2011)
I have some spoon for applications (home use only product)
Violations observed (reported on 5/24/10)
No follow-up required. School supervisor informed me they will no longer
continue to use killer applications.

Delta loc
Signature
Signature
Signature
Signature

INSPECTION REPORT
NO 5-9-10
DATE ACKNOWLEDGED
5/19/10



JOHN SNYDER
Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
RIVERSIDE, CA 92502-1089
PHONE (951) 955-3000
FAX (951) 955-3012
www.rivcoag.org

Letter of Warning

WEIGHTS & MEASURES DIVISION

2950 WASHINGTON STREET
P.O. BOX 1480
RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

September 1, 2010

Jurupa Unified School District
4740 Pedley Road
Riverside, CA 92509

10-RIV-LOW-DJC-207

On August 31, 2010 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J Cloc at your field application site located at 4850 Pedley Road, Riverside.

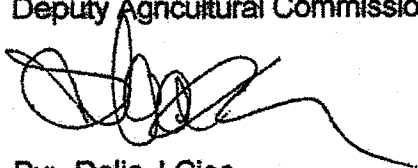
The purpose of this inspection was to determine the level of compliance by Jurupa Unified School District with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection Report presented to you. The non-compliance was for California Food and Agricultural Code Section 12973-The use of any pesticide shall not conflict with labeling registered which is delivered with the pesticide (applicator failed to wear long sleeves shirt during pesticide application). California Code of Regulations Section 6738(c)(1)(C)-The employer shall assure that gloves are worn when required by the pesticide product labeling or when employees are engaged in application by hand or using hand held equipment (applicator failed to wear rubber gloves during pesticide application). California Code of Regulations Section 6724-Failure to train employees prior to pesticide application. California Code of Regulations Section 6726(b)-Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care (no emergency medical care posting in vehicle or at work site). California Code of Regulations Section 6678-Service containers shall be labeled with the name and address of the person or firm responsible for the container; the identity of the economic poison in the container; and the work "Danger," "Warning," or "Caution," in accordance with the label on the original container (backpack without service container label).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. You must CEASE AND DESIST from all pesticide applications until proper training has been provide to pesticide handler. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner



By: Delia J Cioc
Agricultural Standards Investigator IV

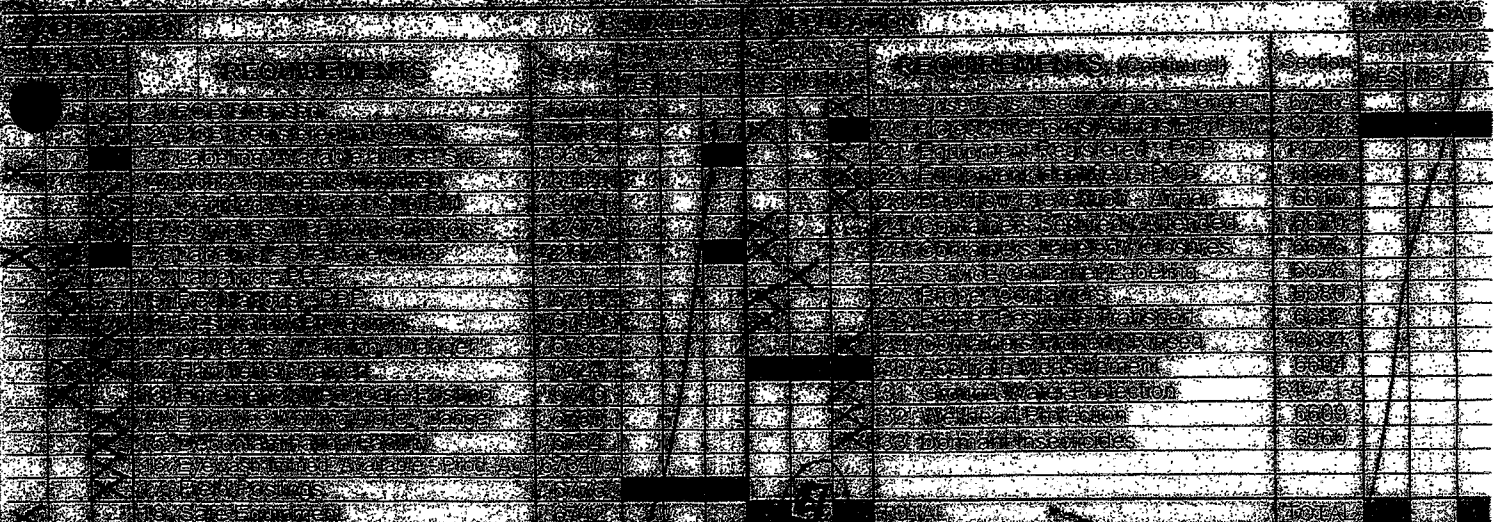
BM:DJC

PESTICIDE USE MONITORING INSPECTION REPORT

1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside

1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside
1000 Kelly Rd. Riverside

DATE	TIME	WIND DIRECTION	WIND VELOCITY	TEMPERATURE	HUMIDITY	RELATIVE HUMIDITY	WIND VELOCITY	TEMPERATURE	HUMIDITY	RELATIVE HUMIDITY
8-31-70	11:00	SE	10	85	75	75	10	85	75	75



COMPLIANCE VIOLATIONS: *Handwritten notes*

COMPLIANCE VIOLATIONS: *Handwritten notes*

Inspector: *Handwritten name*

Inspector: *Handwritten name*

Date: *8-31-70*

Time: *8-31-70*

PESTICIDE USE MONITORING INSPECTION REPORT

04-339779

NAME OF OPERATOR
 DATE OF INSPECTION
 PESTICIDE NAME
 PESTICIDE FORMULATION
 PESTICIDE APPLICATION METHOD
 PESTICIDE EQUIPMENT USED

INSPECTING COUNTY

PESTICIDE NAME	FORMULATION	APPLICATION METHOD	EQUIPMENT USED	COMPLIANCE	REMARKS
...

PESTICIDE NAME	FORMULATION	APPLICATION METHOD	EQUIPMENT USED	COMPLIANCE	REMARKS
...

REQUIREMENTS	COMPLIANCE	REQUIREMENTS	COMPLIANCE
Operator must be licensed	...	Operator must be licensed	...
Label must be read and understood	...	Label must be read and understood	...
Proper protective equipment must be worn	...	Proper protective equipment must be worn	...
Proper application methods must be used	...	Proper application methods must be used	...
Proper equipment must be used	...	Proper equipment must be used	...
Proper storage and handling of pesticides	...	Proper storage and handling of pesticides	...
Proper disposal of pesticides	...	Proper disposal of pesticides	...
Proper record keeping	...	Proper record keeping	...
Proper labeling of containers	...	Proper labeling of containers	...
Proper cleanup procedures	...	Proper cleanup procedures	...
Proper safety procedures	...	Proper safety procedures	...
Proper equipment maintenance	...	Proper equipment maintenance	...

COMPLIANCE ACTIONS: YES / NO / N/A

Notes with farmer supervisor who I met who informed me that there will be no further use from all pastured applications until all the crop requires an application. Shared with a licensed professional. Additional follow up pending.

Operator: [Signature] Date: 8/28/10

VIOLATION NOTICE: YES / NO / N/A



AGRICULTURAL COMMISSIONER'S OFFICE

4080 LEMON STREET, ROOM 19
P.O. BOX 1089
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RIVERSIDE, CA 92502-1480
PHONE (951) 955-3030
FAX (951) 276-4728

JOHN SNYDER

Agricultural Commissioner
Sector of Weights & Measures

Letter of Warning

February 28, 2011

Riverside Unified School District
3070 Washington Street
Riverside, CA 92504

11-RIV-LOW-DJC-256

On February 8, 2011 a Pesticide Enforcement Inspection was conducted by Agricultural Standards Investigator Delia J. Cioc at your field application site located at 17925 Krameria Avenue, Riverside.

The purpose of this inspection was to determine the level of compliance by Riverside Unified School District with the California Food and Agricultural Codes and/or Regulations.

Your pesticide operational procedures were found to be in violation of the California Agricultural Codes and/or Regulations as indicated by the Pesticide Use Monitoring Inspection form presented to you. The non-compliance was for California Code of Regulation Section 6738(b)(1)(C)-The employer shall assure that employees wear protective eyewear when required by pesticide product labeling or when employees are engaged in application by hand or using hand-held equipment. (Applicator Rudy Trevin failed to wear safety glasses during Roundup application). California Code of Regulation Section 6678-Service containers shall be labeled with a) The name and address of the person responsible for the container b) The name of the pesticide and c) the word "Danger," "Warning," or "Caution," in accordance with the label on the original container. (Backpacks without service container label).

This LETTER OF WARNING is to provide you with official notice that further violations of California Agricultural codes and/or Regulations may result in a Notice of Violation being issued to you or your company and Agricultural Civil Penalty Action being taken against you by the Agricultural Commissioner.

The Riverside County Agricultural Commissioner's Office strongly urges you to view this matter seriously and immediately take all necessary actions to bring about full compliance with all pesticide laws and regulations. If you have any questions or need clarification, please call this office at (951) 955-3016. Thank you for your attention to this matter.

Sincerely,
Bob Mulherin
Deputy Agricultural Commissioner

By: 
Delia J. Cioc
Agricultural Standards Investigator IV

BM:DC

**PESTICIDE USE
MONITORING INSPECTION REPORT**

PR-ENF-104 (REV. 01/10) Page 1 of 1

COMPLETE
 PARTIAL
 FOLLOW-UP INSPECTION

ORIGINAL INSP. # _____

Riverende
INSPECTING COUNTY

FIRM / PERSON INSPECTED <u>Riverside Unified School Distr</u>		FIRM MAILING ADDRESS <u>3070 Washington Str. Riv. 92504</u>	
PROPERTY OPERATOR <u>Augustus Miller School</u>	SUPERVISOR <u>David Ayres</u>	INTERVIEWED <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO	BUSINESS TYPE <input checked="" type="checkbox"/> Property Operator <input type="checkbox"/> Pest Control Business <input type="checkbox"/> Maintenance Gardener <input type="checkbox"/> Other
PROPERTY LOCATION / SITE ID <u>7925 Krameria Ave @ Alta Costa Riverside</u>		PERMIT / OPERATOR ID # _____	
ADJACENT ENVIRONMENT <u>Str. / Vacant lot</u> <u>School parking</u>		BUSINESS LICENSE # _____	
TREATMENT AREA <u>Vacant lot / Str.</u>		LICENSE NUMBER <input type="checkbox"/> QAL <input type="checkbox"/> QAC <input type="checkbox"/> PAC <input type="checkbox"/> JPC <input type="checkbox"/> APC <input type="checkbox"/> UNL <input checked="" type="checkbox"/> N/R	
W <u>Vacant lot</u>		TELEPHONE NUMBER <u>788-7496</u>	
		COMMODITY / SITE <u>Planters / Parking lot</u>	
		METHOD OF APPLICATION (CHECK ONE): <input type="checkbox"/> 1. AERIAL <input type="checkbox"/> 2. CHEMIGATION <input checked="" type="checkbox"/> 3. HAND HELD <input type="checkbox"/> 4. GROUND RIG <input type="checkbox"/> 5. OTHER	
		WIND VELOCITY <u>10-15 mi/hr</u>	
		DIRECTION _____ to _____	

HANDLER'S NAME / # INTERVIEWED <u>Juan Tostado</u>	ACTIVITY <u>App.</u>	PERSONAL PROTECTIVE EQUIPMENT WORN <u>L.P.S. Shoes socks, rubber gloves, safety glasses</u>
---	-------------------------	--

PESTICIDE NAME / MANUFACTURER	LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE	DILUTION
<u>QuikPro / Monsanto</u>	<u>624-535</u>	<u>Caution</u>	<u>Powder</u>	<u>7.5 oz</u>	<u>4 gal</u>

A. APPLICATION COMPLIANCE				B. MIX/LOAD COMPLIANCE				A. APPLICATION COMPLIANCE				B. MIX/LOAD COMPLIANCE					
YES	NO	N/A	Section	YES	NO	N/A	Section	YES	NO	N/A	Section	YES	NO	N/A	Section		
		<input checked="" type="checkbox"/>	1. PCB Licensed	11701												19. Closed Sys. Used / Criteria - "Danger"	6746
		<input checked="" type="checkbox"/>	2. PCB Registered in County	11732												20. Protect. of Persons/Animals/Property	6614
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		3. Labeling Available at Use Site	6602												21. Equipment Registered - PCB	11732
		<input checked="" type="checkbox"/>	4. Notice of Intent Submitted	6434												22. Equipment Identified - PCB	6630
		<input checked="" type="checkbox"/>	5. Certified Applicator Sup RM	6406												23. Backflow Prevention - Airgap	6610
		<input checked="" type="checkbox"/>	6. Complies w/Permit Conditions	12973												24. Containers Secured / Attended	6670
<input checked="" type="checkbox"/>			7. Labeling - Site/Rate/Other	12973												25. Containers Labeled / Closures	6676
<input checked="" type="checkbox"/>			8. Labeling - PPE	12973												26. Service Container Labeling	6678
<input checked="" type="checkbox"/>			9. Regulations - PPE	6738												27. Proper Containers	6680
		<input checked="" type="checkbox"/>	10. Respiratory Protection	6739												28. Proper Pesticide Transport	6682
		<input checked="" type="checkbox"/>	11. Coveralls, "Warning / Danger"	6736												29. Containers Properly Rinsed	6684
		<input checked="" type="checkbox"/>	12. Handler(s) Trained	6724												30. Accurate Measurement	6604
<input checked="" type="checkbox"/>			13. Emergency Med. Care Posting	6726												31. Ground Water Protection	6487.1-5
		<input checked="" type="checkbox"/>	14. Employee Working Alone, "Danger"	6730												32. Wellhead Protection	6609
		<input checked="" type="checkbox"/>	15. Decontamination Facility	6734												33. Dormant Insecticides	6960
		<input checked="" type="checkbox"/>	16. Eyewash Immed. Available - Prod. Ag.	6734(c)													
		<input checked="" type="checkbox"/>	17. Field Postings	6776													
<input checked="" type="checkbox"/>			18. Safe Equipment	6742													
TOTAL					TOTAL					TOTAL							

COMPLIANCE ACTIONS: Cease and Desist Order 11737 / 11897 / 13102 Follow-up Required	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COMPLIANCE ACTIONS, (Continued): Correct Noncompliances By: <u>immediately</u>
---	---	---

Remarks - include a detailed description of noncompliances. When additional space is required, continue on Inspection Report / VN Supplement, PR-ENF-111.

Rudy Trevino - applicator (used goggles during pesticide application)
No service container label attached to backpack.
Cease and Desist due to gusty winds (School gets out at 12:15; parents and students still around).

INSPECTOR (Print Name) <u>Delia Gior</u>	Signature 	TIME AND DATE INSPECTED <u>1310 2-8-11</u>
INSPECTION ACKNOWLEDGED BY (Print Name) <u>JUAN C. TOSTADO</u>	Signature 	DATE ACKNOWLEDGED <u>2/08/11</u>
VIOLATION NOTICE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO # <u>104-DJC-256</u>		

104-806658

COMPLETE
 PARTIAL
 FOLLOW-UP INSPECTION
ORIGINAL INSP. # 104-839798

Riverside
INSPECTING COUNTY

PERSON INSPECTED: Riverside Unified School Distr
PROPERTY OPERATOR: School SUPERVISOR: David Acves INTERVIEWED: YES NO
PROPERTY LOCATION / SITE ID: 17925 Krameria Ave @ Alta Cresta Ln
ADJACENT ENVIRONMENT: Str / Vacant Lot N School Parking W Vacant Lot / Str. E Vacant Lot
FIRM MAILING ADDRESS: 3070 Washington Str. Riv. 92504
BUSINESS TYPE: Property Operator Pest Control Business Maintenance Gardener Other
PERMIT / OPERATOR ID #: _____ BUSINESS LICENSE #: _____
LICENSE NUMBER: _____ TELEPHONE NUMBER: 788-7496
COMMUNITY / SITE: Planters / Parking Lot
METHOD OF APPLICATION (CHECK ONE): 1. AERIAL 2. CHEMIGATION 3. HAND HELD 4. GROUND RIG 5. OTHER
WIND VELOCITY: 10-15 mph DIRECTION: _____ to _____
HANDLER'S NAME / # INTERVIEWED: Juan Testada ACTIVITY: App PERSONAL PROTECTIVE EQUIPMENT WORN: L.P.S, shoes socks, rubber gloves, safety glasses.

PESTICIDE NAME / MANUFACTURER	LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE	DILUTION
/					

A. APPLICATION				B. MIX/LOAD				A. APPLICATION				B. MIX/LOAD			
COMPLIANCE			Section	COMPLIANCE			Section	COMPLIANCE			Section	COMPLIANCE			
YES	NO	N/A		YES	NO	N/A		YES	NO	N/A		YES	NO	N/A	
			1. PCB Licensed	11701						19. Closed Sys. Used / Criteria - "Danger"	6746				
			2. PCB Registered in County	11732						20. Protect. of Persons/Animals/Property	6614				
			3. Labeling Available at Use Site	6602						21. Equipment Registered - PCB	11732				
			4. Notice of Intent Submitted	6434						22. Equipment Identified - PCB	6630				
			5. Certified Applicator Sup RM	6406						23. Backflow Prevention - Airgap	6610				
			6. Complies w/Permit Conditions	12973						24. Containers Secured / Attended	6670				
			7. Labeling - Site/Rate/Other	12973						25. Containers Labeled / Closures	6676				
			8. Labeling - PPE	12973						26. Service Container Labeling	6678				
X			9. Regulations - PPE	6738				X		27. Proper Containers	6680				
			10. Respiratory Protection	6739						28. Proper Pesticide Transport	6682				
			11. Coveralls, "Warning / Danger"	6736						29. Containers Properly Rinsed	6684				
			12. Handler(s) Trained	6724						30. Accurate Measurement	6604				
			13. Emergency Med. Care Posting	6726						31. Ground Water Protection	6487.1-5				
			14. Employee Working Alone, "Danger"	6730						32. Wellhead Protection	6609				
			15. Decontamination Facility	6734						33. Dormant Insecticides	6960				
			16. Eyewash Immed. Available - Prod. Ag.	6734(c)						TOTAL					
			17. Field Postings	6776											
			18. Safe Equipment	6742											

COMPLIANCE ACTIONS: Cease and Desist Order 11737 / 11897 / 13102 YES NO
Follow-up Required YES NO

COMPLIANCE ACTIONS, (Continued): Correct Noncompliances By: N/A

Remarks - Include a detailed description of noncompliances. When additional space is required, continue on Inspection Report / VN Supplement, PR-ENF-111.
Safety glasses provided; Service container attached to back packs.
Noncompliances corrected.

INSPECTOR (Print Name): Olivia Croc SIGNATURE: [Signature]
INSPECTION ACKNOWLEDGED BY (Print Name): Joe Gutierrez SIGNATURE: [Signature]
VIOLATION NOTICE YES NO # 160-266

TIME AND DATE INSPECTED: 110 2-15-11
DATE ACKNOWLEDGED: 2/15/11

Attachment D

Wine Country Area 2010 Census Information

POPULATION

RACE

ETHNICITY

AGE / SEX

HOUSING STATUS

GEOGRAPHIC LEVELS

- National View
- American Indian and Alaska Native Areas
- Congressional District
- County / Municipio
- County Subdivision
- Place
- Census Tract**
- Census Block Group
- Census Block

Enter city and state.

?

TOTAL POPULATION

0 - 2,499
2,500 - 3,199
3,200 - 3,899
3,900 - 4,499
4,500 - 5,299
5,300 - 6,299
6,300 - 99,999

Census Tract Total Population Key Map

POPULATION



GEOGRAPHIC LEVELS

- National View
- American Indian and Alaska Native Areas
- Congressional District
- County / Municipality
- County Subdivision
- Place

Census Tract

- Census Block Group
- Census Block

TOTAL POPULATION

- 0 - 2,400
- 2,401 - 3,100
- 3,101 - 3,900
- 3,901 - 4,400
- 4,401 - 5,200
- 5,201 - 6,200
- 6,201 - 23,000

RACE

ETHNICITY

AGE / SEX

HOUSING STATUS

Enter city and state

FIND



CA - Riverside County - Census Tract 4124
 Total Population: 5,906

Age / Sex

Total Population : 5,906

Male	2,870
Female	3,036
Under 18	1,943
18 and over	3,913
20-24	239
25-34	467
35-49	1,806
50-64	907
65 & over	530

Zoom In | Compare | Print

POPULATION
RACE
ETHNICITY
AGE / SEX
HOUSING STATUS

DEOGRAPHIC LEVELS

- National View
- American Indian and Alaska Native Areas
- Congressional District
- County / Municipio
- County Subdivision
- Place
- Census Tract
- Census Block Breshp
- Census Block

CA - Riverside County - Census

Age / Sex

Total Population: 7,034

Male	3,518
Female	3,521
Under 18	2,349
18 and over	4,585
20-24	251
25-34	653
35-49	1,870
50-64	1,112
65 & over	605

Zoom In | Compare | Print

Enter city and state.

Total Population

TOTAL POPULATION

- 0 - 2,500
- 2,501 - 3,100
- 3,101 - 3,600
- 3,601 - 4,100
- 4,101 - 5,200
- 5,201 - 6,200
- 6,201 - 88,000

POPULATION



Geographic Levels

- National View
- American Indian and Alaskan Native Areas
- Congressional District
- County / Municipality
- County Subdivision
- Place

Census Tract

Census Block Group

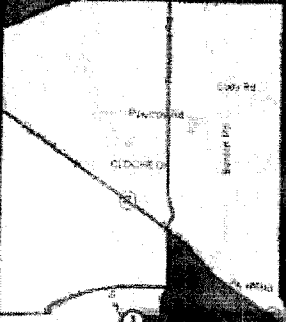
Census Block

TOTAL POPULATION

- 0 - 2,400
- 2,401 - 5,100
- 5,101 - 7,300
- 7,301 - 9,400
- 9,401 - 12,200
- 12,201 - 16,000
- 16,001 - 20,000
- 20,001 - 38,000



RACE



ETHNICITY

CA - Riverside County - Census Tract 63251
Total Population 8,938

CA - Riverside County - Census

Age / Sex

Total Population : 8,938

Male	4,909
Female	3,929
Under 18	2,913
18 and over	5,925
20-24	546
25-34	1,400
35-49	2,219
50-64	1,062
65 & over	415

Zoom In | Compare | Print

HOUSING STATUS

AGE/SEX

Enter city and state



POPULATION

+ -

GEOGRAPHIC LEVELS

- National View
- American Indian and Alaskan Native Areas
- Congressional District
- County / Municipio
- County Subdivision
- Block
- Census Tract
- Census Block Group
- Census Block

CA - Nevada County - Census Tract 2220

Total Population 6,792 County - Census

Age / Sex

Total Population : 6,792

TOTAL POPULATION

- 0 - 2,400
- 2,401 - 3,100
- 3,101 - 3,900
- 3,901 - 4,400
- 4,401 - 5,200
- 5,201 - 6,200
- 6,201 - 23,000

ETHNICITY

AGE / SEX

HOUSING STATUS

Enter city and state.

ZIP



Male	3,433
Female	3,359
Under 18	1,553
18 and over	5,239
20-24	393
25-34	448
35-49	1,477
50-64	1,716
65 & over	1,027
Zoom In Compare Print	

Barton, Karen

From: Chase, Valerie
Sent: Tuesday, January 29, 2013 8:32 AM
To: Barton, Karen
Subject: FW: From the District 3 Website to: General Mailbox

I think this applies to the item on today's agenda?? TY!

-----Original Message-----

From: District3@rcbos.org [<mailto:District3@rcbos.org>]
Sent: Tuesday, January 29, 2013 8:30 AM
To: District3
Subject: From the District 3 Website to: General Mailbox

WEB FORM SUBMISSION:

SUBJECT: Wine Country schools

PHONE: 9516953713

EMAIL: jimb4e4@gmail.com

CITY: Temecula

MSG: While I'm not against schools in the wine country I am definitely against having one on Rancho CA Rd. In particular on Cavalry Chapel's property. I live about 1.5 miles East of them, and when traveling West into town it is impossible to see the site because of a hill and a curve. They need traffic control on Sunday's now, with a school there they would need it each weekday. It would be dangerous on the 2-lane road with a 55 MPH limit (which is fine) Keep in mind that this is the group that moved in while in non-compliance with wine country rules & regulations.

STATE: California

FNAME: Jim Brierley

Barton, Karen

From: Chase, Valerie
Sent: Tuesday, January 29, 2013 8:38 AM
To: Barton, Karen
Subject: FW: Letter to Board of Supervisors Re Incorporation of Prior Calvary Correspondence with Attachments
Attachments: Letter to Riverside County Board of Supervisors

Another?

From: Waller, Carla [<mailto:waller@lbbslaw.com>]
Sent: Tuesday, January 29, 2013 8:32 AM
To: District1; District2; District3; District4 Supervisor John J Benoit; District5
Cc: Grasse, Maya; Johnson, George; Coyle, Frank; Straite, Matt; Barnes, Olivia; Clack, Shellie; McKeith, Malissa; rtyler@tylerbursch.com; ewalton@tylerbursch.com
Subject: Letter to Board of Supervisors Re Incorporation of Prior Calvary Correspondence with Attachments

Good Morning, on behalf of Ms. Maya Grasse, attached is correspondence to the Riverside County Board of Supervisors from Calvary Chapel Bible Fellowship re: Hearing Agenda Item 15-1 (General Plan amendment application no. 1117), with Attachments A&B. Should you have any questions, please do not hesitate to contact us.

Thank you,
Carla Waller, Legal Secretary
Lewis, Brisbois, Bisgaard & Smith, LLP
(714) 545-9200, Ext. 3419
waller@lbbslaw.com

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**

ATTORNEYS AT LAW

650 Town Center Drive, Suite 1400
Costa Mesa, California 92626
Telephone: 714.545.9200
Fax: 714.850.1030
www.lbbsslaw.com

MAYA LOPEZ GRASSE
DIRECT DIAL: 714.966.3160
E-MAIL: GRASSE@LBBSSLAW.COM

January 29, 2013

File No.
32652.2

VIA HAND DELIVERY and E-Mail

Board of Supervisors
Riverside County
4080 Lemon St.
Riverside, CA 92501

Re: Hearing Agenda Item 15-1 (General Plan amendment application no. 1117);
incorporation of prior correspondence by reference

Dear Supervisors:

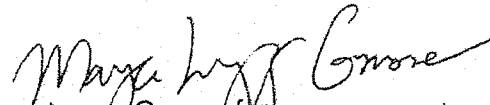
Calvary Chapel Bible Fellowship's ("Calvary") General Plan amendment application no. 1117 comes before you today as Agenda Item 15-1 as part of the Riverside County's ("County") General Plan Amendment Initiation Proceedings ("GPIP").

Calvary has previously submitted more than a dozen letters to the County which are relevant to future consideration of Calvary's development project, including its General Plan amendment. In the interest of maintaining a clear record of those letters for the County's consideration now and in the future (while avoiding unnecessary duplication at this time), Calvary has attached a chronology detailing its correspondence to the County (Attachment A). Calvary's understanding is that the prior correspondence is, by this letter, incorporated by reference to the record for Calvary's General Plan amendment application no. 1117.

Calvary has also prepared and circulated a "Frequently Asked Questions" sheet concerning the GPIP process as it relates to Calvary. This is also attached for the record (Attachment B).

Thank you for your consideration of this GPIP.

Very truly yours,



Maya Lopez Grasse for
LEWIS BRISBOIS BISGAARD & SMITH LLP

Board of Supervisors
January 29, 2013
Page 2

MLG

Attachments: Chronology of correspondence to County re Calvary
Frequently Asked Questions sheet re Calvary GPIIP

Cc (via email only): Mary Stark, Secretary to the Riverside County Planning
Commission, mcstark@rctlma.org
County Executive Officer George Johnson, GAJohnson@rceo.org
Deputy Planning Director Frank Coyle, fcoyle@rctlma.org
County Planner Matt Straite, MSTRAITE@rctlma.org
Legislative Aide Olivia Barnes, OBBarnes@rcbos.org
Deputy County Counsel Michelle Clack, MClack@co.riverside.ca.us

Attachment A

Chronology of Correspondence to Riverside County re Calvary Chapel Bible Fellowship ("Calvary")

Date	Description	County receipt via:
December 17, 2012	Letter From Malissa McKeith To Planning Commissioners ("PC") Re Clarification And Expansion To Calvary GPIIP Staff Report With Multiple Enclosures as follows: Att. A: Memo from Matt Straite dated 9/20/2012 re GP Consistency Att. B: Letter to Clack re GPIIP and GPA dated 10/30/12, incl. that letter's enclosures Att. C: Letter to Ag Comm'er Snyder dated 12/13/12, incl. that letter's enclosures	PC re Calvary GPIIP
December 13, 2012	Letter From Malissa McKeith To Ag. Commissioner John Snyder Re Misleading Prior Comments Regarding Pesticides In The Vicinity Of Schools With Enclosures: Att. A: Transcript of 8/22/12 Wine Country Community Plan ("WCCP") hearing - excerpted for ag. comm'r staffs' comments Att. B: NBC News article quoting ag commissioner staff comments from 8/22/12 WCCP hearing Att. C: Letter to planning commission dated 12/4/12 re WCCP, incl. that letter's enclosures	PC re Calvary GPIIP (as attachment C to 12/17/12 letter)
December 4, 2012	Letter From Malissa McKeith To Riverside County Planning Commissioners Re WCCP (Schools Near Agriculture) With Multiple Attachments: Att. A: Ag. Commissioner's 12/3/12 Statement re pesticide incidents near schools Att. B: 12/4/12 email clarification by Ag Commissioner's office re 12/3/12 statement Att. C: Documentation of pesticide incidents (from ag comm'r PRA request) Att. D: 2010 Census data/maps showing children in wine country	PC re WCCP Hearing, PC re Calvary GPIIP (as Att. C to 12/13/12 letter, which was in turn Att. C to 12/17/12 letter)
October 30, 2012	Letter From Malissa McKeith To Michelle Clack Re GPIIP And GPA Findings With Enclosures as follows: Att. A: Emails between Mike Naggar and Matt Straite re effect of GPIIP denial Att. B: Email from Matt Straite confirming text change to General Plan would require a GPIIP	PC re Calvary GPIIP (as attachment B to 12/17/12 letter)
October 23, 2012	Letter From Malissa McKeith To Robert Mulherin/Ag. Comm'r office Re Public Records Act Request	Ag. Commissioner
October 23, 2012	Letter from Malissa McKeith to Ben Drake re Calvary expansion and meeting re same	Copies to G. Johnson, F. Coyle, R. Mulherin, O. Barnes, S. Pastor
September 6, 2012	Letter from Malissa McKeith Regarding Calvary Bible Fellowship Church Input On Recirculation	County Counsel

Chronology of Correspondence to Riverside County re Calvary Chapel Bible Fellowship ("Calvary")

Date	Description	County receipt via:
August 21, 2012	Letter From Malissa McKeith To Planning Commissioners Re Factual Inaccuracies In WCCP Staff Report With Multiple Enclosures: Att. A: Calvary's Proposed Planning Commission Resolution Att. B: Letter from McKeith to County Counsel, 8/16/12 re proposed changes to GP and zoning ordinance language for WCCP. Att. C: Agricultural Comm'r Report re schools and pesticides, May 19, 2011 Att. D: Calvary radius illustration (p. 6 excerpt of illustrated Calvary Press Release dated 8/6/12)	PC re WCCP hearing
August 17, 2012	Letter From Robert Tyler To Planning Commission Re WCCP and potential Violation Of Rights	PC, County Counsel, Planning Director re WCCP
August 16, 2012	Letter From Malissa McKeith To Shellie Clack Re Proposed Changes To Proposed General Plan And Zoning Ordinance Language of WCCP	County Counsel; PC (as att. B to 8/21/12 letter)
August 14, 2012	Letter From Erik Zimmerman (American Center for Law and Justice) Re WCCP and houses of worship therein	PC re WCCP
July 25, 2012	Letter From Robert Tyler To Planning Department Re Public Use Permit	PC and RCTLMA re Calvary PUP 798
June 27, 2012	Letter From Robert Tyler To Shellie Clack Re WCCP EIR, Zone Amendment Changes And Development Project	County Counsel re WCCP
February 1, 2012	Letter From Robert Tyler To Carolyn Luna Re comments to WCCP DEIR - Incorporation Of Religious Assemblies Into Future Plans Enclosed Letters Of Analysis And Application	Planning Director re WCCP
September 8, 2010	Letter From Robert Tyler To Shellie Clack Re Ordinance Amendment	County Counsel, copy to L. Ross (RCTLMA)
May 28, 2010	Letter from Robert Tyler to BOS and Planning Commissioners re Amendment to C/V zoning ordinance, RLUIPA	PC, County Counsel, Planning Director

Attachment B

CALVARY CHAPEL BIBLE FELLOWSHIP
GENERAL PLAN INITIATION PROCESS/AMENDMENT APPLICATION NO. 1117
January 29, 2013 Board of Supervisors Hearing Agenda Item 15-1
Frequently Asked Questions

1. What is a GPIP?

A General Plan Amendment Initiation Proceeding ("GPIP") is a non-binding, preliminary determination by the Board of Supervisors to confirm that a proposed change in the General Plan can move forward for consideration or is effectively "dead on arrival". An affirmative vote by the Board of Supervisors does not grant the actual General Plan amendment; it merely allows the applicant and staff to proceed with the time and expense needed to fully evaluate all aspects of the proposed amendment including environmental review.

2. What is Calvary proposing?

Calvary seeks to expand to include new worship facilities with an ancillary religious elementary school of less than 150 students on its existing site and an additional 20 acres and to date has filed applications for a Plot Plan and Change of Zone ("Application"). It is seeking a General Plan amendment to add a new policy overlay to the Southwest Area Plan to expressly "allow for the integration of places of religious worship with ancillary elementary school facilities on 20 acres or more provided that the facilities maintain the rural, agricultural character of the area by conforming to planting and design requirements not inconsistent with the goals of the Citrus/Vineyard Policy Area."

3. Why is a GPIP Required?

County staff has been unclear about whether the GPIP is actually needed, and Calvary is processing a GPIP and General Plan amendment in an abundance of caution to avoid the County and Calvary being sued again. First, Calvary received a letter from Planner Matt Strait in September 2012, stating that a GPIP was required and, despite Calvary's request, that letter has not been withdrawn. Second, during processing of the Wine Country Community Plan ("WCCP"), several vintners argued that religious institutions with ancillary schools were incompatible due to pesticide exposure, alcohol use, and the need to preserve the agricultural "ambience" of the wine country. In connection with the WCCP, the Planning Commission failed to consider religious institutions with ancillary schools despite repeated requests by Supervisor Stone that the Calvary project be included. Based solely on the cost of recirculating the WCCP Environmental Impact Report to evaluate the inclusion of religious institutions with ancillary schools, the Planning Commission ultimately 'carved' Calvary out of the WCCP creating even more confusion. Moreover, since 2000, the County has revised the General Plan and Zoning Ordinances to systematically remove religious institutions and private schools from the agricultural areas of the County. The WCCP "carve out" (which is not yet final) and the

elimination of an express reference to churches and religious schools in a 2009 amendment to General Plan Land Use Policy ("LU") 6.2 necessitate clarification that the County, in fact, is not intending to exclude religious institutions with ancillary religious schools from the Southwest Area Plan or, if it intends to exclude religious institutions with ancillary schools, to clearly state that such a ban is the policy of the County.

4. Will this decision affect processing of the WCCP?

No.

5. Will the Board of Supervisors review Calvary's Project again?

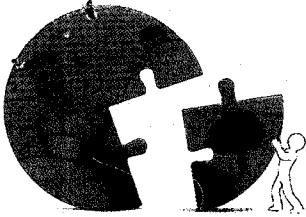
Yes. Granting the GPIP does not commit the Board of Supervisors to any ultimate approval of the Project, including the General Plan amendment. The Planning Commission and Board of Supervisors will have an opportunity to review the General Plan amendment application after a full environmental analysis, including review of pesticide exposure, alcohol use, and traffic.

5. What is the affect of the Board of Supervisor's decision on the GPIP?

If the Board of Supervisors grants the GPIP, then the General Plan amendment and Calvary's existing Application for land use entitlements are allowed to proceed including environmental review. A denial of the GPIP, on the other hand, means that Calvary will not be able to submit a General Plan amendment and staff will not continue processing Calvary's current Application.

6. Is there any evidence that religious institutions with ancillary schools are incompatible with agricultural areas?

No. There are 75 schools already existing in agricultural areas of the county. The Riverside County Agricultural Commissioner confirmed on December 4, 2012, that there have been no reported litigations or formal violation resulting from off-site pesticide applications near schools to its knowledge. Calvary's existing Public Use Permit waives any objection to alcohol use in the surrounding area and acknowledges the existence of pesticide applications; Calvary's new project would contain similar conditions and acknowledgments.



Carolyn Syms Luna
Director

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Memorandum

DATE: January 29, 2013
TO: Board of Supervisors
FROM: Matt Straite
RE: Additional information for Agenda Item 15-1

The Planning Department Director's Report that is traditionally included in the Form 11 for a General Plan Initiation (GPIP) was not completed at the time the Form 11 was distributed. Please find the completed Director's Report attached for your consideration.

Y:\Planning Case Files-Riverside office\GPA01117\GPIP\GPIP BOS\Memo to BOS for GPIP for GPA1117\Memo to BOS.docx

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

1/29/13
15-1

Agenda Item No.:
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: December 19, 2012

GENERAL PLAN AMENDMENT NO. 1117
(Entitlement/Policy Amendment)
Applicant: Clark Van Wick
Engineer/Representative: Mike Naggar

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

RECOMMENDATIONS:

The Planning Director recommended that the appropriate findings per the General Plan Administration Element could possibly be made to support further processing of the application if additional language is added to the proposed Policy to further clarify the intent of the policy. The Planning Director continues to recommend that the appropriate findings per the General Plan Administration Element can be made. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director:

Commissioner John Roth: The Commissioner indicated that the proposed policy does not indicate how many places of worship or schools there can be in the Wine Country. He indicated that as worded, the policy is too open ended. He explained there should be a suggestion of a limit to how many churches or schools there can be and such a limit could be structured to address the three areas suggested in the Community plan- residential, citrus/vineyard, and equestrian.

{Staff note: This proposed Amendment is an application by a private entity and is in no way affiliated with the County Wine County efforts.}

Commissioner John Snell: No Comment

Commissioner John Petty: The Commissioner gave this a 'yellow' light. He felt it would need many studies and be well vetted. It would have to enhance Wine Country.

Commissioner Bill Sanchez: No Comment

Commissioner Jan Zuppardo: No Comment



Riverside County Farm Bureau, Inc.

21160 Box Springs Road, Suite 102, Moreno Valley, California 92557-8706
Telephone 951.684.6732 FAX 951.782.0621 E-mail President@RiversideCFB.com
www.RiversideCFB.com Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

April 19, 2010

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Mr. David K. Huff, Deputy County Counsel
County of Riverside
3960 Orange Street
Riverside, CA 92501

Dear Mr. Huff,

The Riverside County Farm Bureau (RCFB) is very concerned about the proposed amendment to the Riverside County Code regarding the Citrus/Vineyard Zone (CV Zone) to allow churches and other places of worship along with private and public schools into the CV Zone.

The RCFB agrees with the Temecula Valley Winegrowers Association (TVWA) that churches and schools are "incompatible uses" in the CV Zone.

The CV Zone was established in order to preserve, protect, and promote vineyards, wineries, and citrus crops. It was not established to allow schools or places of worship to dictate everyday agricultural activities and practices.

At this time, AB 1721 (The Healthy and Safe School Zones Act, Swanson -D Oakland) is going through the review process in Sacramento. If this bill passes, it will not allow restricted-use pesticides used for purposes of production agriculture or a state pest eradication or control program to be applied within one-half mile of a school site within 24 hours of when children are or will be present. While there are already precautions taken around schools to insure pesticides are not applied near schools when children are present, a 24 hour limit would curtail application to a short window only on weekends (assuming no school games, practices, or other school activities are taking place) that would not be realistic in dealing with pest outbreaks and re-entry requirements during harvest season. This bill would include children attending church related Sunday schools and mid-week special school sessions.

We encourage the Riverside County Board of Supervisors to drop their proposed amendment to the CV Zone. The amendment to allow places of worship and schools into the CV Zone is not compatible with the main reason the CV Zone was established in the first place - to preserve, protect, and promote agriculture.

Sincerely yours,

Grant Chaffin
President

*Serving
Riverside
County
Agriculture
Since
1917*

CC: RCFB Board
Riverside County Board of Supervisors
Temecula Valley Winegrowers Association

Submitted by _____
1/29/13 Item 15-1
(date)



Riverside County Farm Bureau, Inc.

21160 Box Springs Road, Suite 102, Moreno Valley, California 92557-8706
Telephone 951.684.6732 FAX 951.782.0621 E-mail President@RiversideCFB.com
www.RiversideCFB.com Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

October 18, 2010

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Agriculture

Since

1917

Supervisor Marion Ashley, Chairman
Riverside County Board of Supervisors
4080 Lemon St., Fifth Floor
Riverside, CA 92501

Dear Supervisor Ashley,

The Riverside County Farm Bureau (RCFB) opposes Ordinance 348.4702's proposal to amend Article XIV (b) of Ordinance Number 348 Citrus Vineyard (C-V) Zone. The RCFB strongly believes the efforts to enact an amendment change to the C-V Zone would undermine the preservation of the Temecula Valley as an agriculturally focused wine region. The existing C-V Zone regulations best serve our 5,100 acre region and any change involving the addition of adjunct special uses would impede upon the positive trends the valley has seen in terms of winery and vineyard growth and development.

Riverside County first recognized the Temecula Valley Wine Country as an economic contributor in 1989 when the Riverside County Planning Commission initiated the designation of a Citrus/Vineyard/Rural Policy Area. Our Wine Country is now recognized as the foundation of the area's hospitality industry, which accounts for more than 6,000 area jobs and more than \$600 million in total economic impact.

Then and now, the C/V/R Policy Area goals were simple: preserve the rural lifestyle and wine making atmosphere of the area; encourage the continued viability of the area as a major agricultural and wine making area; protect vineyard and other agricultural areas from incompatible uses which could result in the reduction of productivity and increase complaints of agricultural activities. Its General Development Policies also discourage curbs, gutters, and street lights "in order to preserve the rural character of the area."

In 2000, the Board of Supervisors found that there was a need for a zone classification within the "C/V/R Policy Area" of the Southwest Area Community Plan that would encourage agricultural cultivation, vineyards and citrus groves, including wineries, that would preserve the rural lifestyle and wine making atmosphere of the area and that would protect such areas from incompatible uses which otherwise could result in reduced agricultural productivity and increased urbanization within the policy area. The C-V Zone adopted very limited incidental commercial uses, such as wine sales,

Submitted by Steve Pastor
12/13 (date) Item 15-1



sampling rooms, restaurants, delicatessens, bed and breakfast inns and hotels which would be permitted only when secondary and directly related to the agricultural operations. The intent of allowing such limited commercial uses was to provide economic viability to the primary vineyard and/or citrus operation.

While there have been some amendments to the C/V Zone in the years since its adoption, the integrity, intent and spirit of the documents are clearly significant both today and for the future of the region. On behalf of property and business owners, partners, employees, and associates that may be adversely affected by the potential demise of such a precious commodity, we ask that the Planning Commission uphold the existing C/V Zone policies and preserve the Temecula Valley Wine Country. Please vote NO on ordinance 348.4702.

Sincerely yours,

A handwritten signature in black ink that reads "Grant Chaffin". The signature is written in a cursive, flowing style.

Grant Chaffin
President

CC: RCFB Board

Riverside County Planning Commission
Temecula Valley Winegrape Growers Association



Assembly Member **SANDRÉ SWANSON**

News Release

For Immediate Release:
April 8, 2010

Contact: Amy Alley
(916) 990-2134

Assembly Environmental Safety Committee Passes Swanson's Bill To Protect Children From Aerial Applications Of Pesticides

(Sacramento, Ca)— **AB 1721**, The Health and Safety School Zones Act, passed the Assembly Environmental Safety and Toxic Materials Committee this week with a 5 to 2 vote. The bill's author, Assemblymember Sandré. R Swanson (D-Oakland), made the following statement after the hearing:

"With this important vote, the Environmental Committee has expressed its agreement that the state's most valuable resource—its children—must be adequately protected from pesticide exposure. **AB 1721** is a sound public safety measure that will potentially save thousands of children from aerial spraying and drift by establishing safe buffer zones around school sites.

"I have spent many years studying the impact of pesticides on the environment and sensitive populations and carrying legislation to combat these problems. **The Health and Safety Zones Act** is a practical and simple way to protect our children from pesticides by creating consistent buffer zones around schools throughout the state.

"California has made it clear that clean air is a right and not a privilege. Many communities have recognized the unintended side effects of aerial spraying and have passed ordinances to protect their school sites. We need to follow the standards taking place within these communities and apply them statewide," concluded Assemblymember Swanson.

AB 1721 prohibits the application of restricted-use pesticides for the purposes of commercial agriculture or a state pest eradication or control program within one-half mile of a school and prohibits the application of non-restricted use pesticides for the same purposes within one-quarter mile of a school. The bill excludes local mosquito and vector control agencies from the prohibitions and exempts certain organic pesticides.

Support for the bill includes the American Lung Association, the Center for Environmental Health, the California Nurses Association, the California Public Health Association, the Sierra Club, and the California Teacher's Association, among many others.

AB 1721 will be heard by the Assembly Agriculture Committee on April 14, 2010.

###

Capitol: State Capitol - P.O. Box 942849 - Sacramento, CA 94249-0016 - Tel: (916) 319-2016 - Fax: (916) 319-2116
District: 1515 Clay Street, Suite 2204 - Oakland, CA 94612 - Tel: (510) 286-1670 - Fax: (510) 286-1888

Submitted by *Supv. Jeff Pies*
1/29/13 (date) Item 15-J

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: MAUSSA McKEITH

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 1/29/13 **Agenda #** 15-1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors
Request to Speak**

~~10
MIN~~

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: ROBERT TYLER

Address: _____
(only if follow-up mail response requested)

City: BEN COVILLO **Zip:** CHURCH

Phone #: _____

Date: 1/29/13 **Agenda #** 15-1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

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**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: MAYA GRASSE

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** 92504

Phone #: _____
W/TYLER

Date: 1/29/15 **Agenda #** 15-1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

X **Support** _____ **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: ROBERT TYLER

BOARD RULES

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**Riverside County Board of Supervisors
Request to Speak**

3 min

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Jacobs

Address: _____
(only if follow-up mail response requested)

City: Temecula **Zip:** _____

Phone #: _____

Date: 1/29/13 **Agenda #** 15.1

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

BOARD RULES

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**Riverside County Board of Supervisors
Request to Speak**

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SPEAKER'S NAME: Garry Grant

Address: _____
(only if follow-up mail response requested)

City: Perris **Zip:** _____

Phone #: _____

Date: 1/29/13 **Agenda #:** 15.1

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Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
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Support **Oppose** **Neutral**

I give my 3 minutes to: Paul Jacobs

BOARD RULES

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**Riverside County Board of Supervisors
Request to Speak**

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SPEAKER'S NAME: MIKE NAGGAR

Address: _____
(only if follow-up mail response requested)

City: Pro Jet MOORE
zip: _____

Phone #: _____

Date: 1/29/13 **Agenda #** 15-1

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Support **Oppose** **Neutral**

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I give my 3 minutes to: _____

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**Riverside County Board of Supervisors
Request to Speak**

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SPEAKER'S NAME: Ray Falkner

Address: Falkner Winery
(only if follow-up mail response requested)

City: Temecula **Zip:** 92591

Phone #: 951-676-8231

Date: 1/29/13 **Agenda #** 15-1

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Support **Oppose** **Neutral**

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Support **Oppose** **Neutral**

I give my 3 minutes to: _____

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SPEAKER'S NAME: STEVE PASTOR

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 1-29-13 **Agenda #** 15-1

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Support **Oppose** **Neutral**

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SPEAKER'S NAME: Brett Holmshaus

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: SOLUTION

Date: _____ **Agenda #** 15-1

STAMP JEWEL NO ALCOHOL

PLEASE STATE YOUR POSITION BELOW:

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Public.
_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

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