

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



ITEM: 3.22
(ID # 18300)

MEETING DATE:
Tuesday, February 08, 2022

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: DENIAL OF CONDITIONAL USE PERMIT NO. 190038 and DEVELOPMENT AGREEMENT NO. 1900027– Applicant: The Fuego Farms LLC– Engineer/Representative: Carmen Lopez - First Supervisorial District – Rancho California Zoning Area – Southwest Area Plan – Rural: Rural Mountainous (R:RM) (10-acre minimum) – Location: North of Carancho Rd., East of El Calamar Rd., West of Deluz Rd. – 72.15 Gross Acres – Zoning: Light Agriculture, 10-acre minimum (A-1-10) – REQUEST: Deny Conditional Use Permit No. 190038 and Development Agreement No. 1900027, APN: 933-020-005, District 1. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **DENY** CONDITIONAL USE PERMIT NO. 190038 and **DEVELOPMENT AGREEMENT NO. 1900027**, based upon the findings and conclusions contained herein and the public testimony provided from the January 11, 2022 Board of Supervisors hearing.

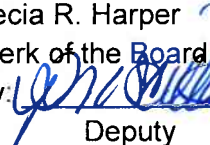
ACTION:Policy


John Hildebrand, Planning Director 1/31/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended to deny permit.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: February 8, 2022
xc: Planning

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Commercial Cannabis Activities Background:

On October 23, 2018, the Board of Supervisors adopted Ordinance No. 348.4898, which established the permitting process and regulations for commercial cannabis activities. Applicants requesting to establish commercial cannabis retail, microbusinesses, and/or cultivation uses were required to submit a request for proposal (RFP) cannabis package. Applicants who ranked highest were allowed to proceed forward with the Conditional Use Permit process. On July 2, 2019, the Board of Supervisors accepted the Cannabis RFP response package rankings list, which allowed the highest-ranking applicants to begin the land use review process for their proposed project. In the first year of implementation, 50 cannabis cultivation applications and 19 cannabis retail applications began the land use review process.

This project was assigned an RFP Cannabis File No. CAN190118 and was recommended to proceed forward with the Conditional Use Permit application process as a Cannabis Cultivation project. The applications for Conditional Use Permit No. 190038 and the associated Development Agreement No. 1900027 were submitted on October 24, 2019.

The project is a proposal for the development of a new Mixed Light Cannabis Cultivation Facility that will include seventeen (17) greenhouse structures totaling 62,620 square feet in area, one (1) 4,800-square foot steel structure, one (1) 160-square foot storage unit, an improved driveway for site access from Carancho Road, a six foot (6') high chain-link fence with vertical privacy slats enclosing the cultivation area, a six foot (6') high wooden gate at the driveway entrance, and landscaping along the project frontage.

The greenhouses include two (2) 2,802.5-square foot greenhouses and fifteen (15) 3,841-square foot greenhouses that would accommodate approximately 22,000 square feet of mature canopy and 16,000 square feet of vegetative canopy. The 4,800 square foot steel structure will be used for crop processing, loading/unloading of product, security headquarters, restrooms, and office space for the cannabis business. Other implementations include site work to establish fire lane, internal circulation, a driveway for site access, and a parking lot for seven (7) vehicles. The parking requirement for the mixed-light cannabis cultivation facility is 2 spaces per 3 employees, which would result in a total of seven (7) required parking spaces for a total of 10

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employees. Overall, there are a total of 7 parking spaces that are available for the proposed cannabis business, which meets the requirement for off-street parking per Section 18.12 of Ordinance No. 348. Of the 7 spaces provided, one (1) ADA parking space has also been included, meeting the standards set forth in Section 18.12.C of Ordinance No. 348.

The description as included above constitutes the “project” as further referenced in this report.

Public Hearing

The Riverside County Planning Commission considered the project at a regularly scheduled public hearing held on August 18, 2021 and was continued to September 1, 2021 due to the absence of the commissioner for the 1st Supervisorial District. Due to extensive community opposition, the Planning Commission voted to continue the project to October 20th to allow additional time for the applicant to conduct public outreach. On October 20th, after considering additional public testimony, the Planning Commission recommended approval of CUP190038 and DA1900027 by a vote of 3-2 with the additional conditions of approval to 1) limited hours of operation, 2) address employee carpool, 3) updated site plan with an updated entry gate, and 4) requirement for maintenance of the filtration system.

The Riverside County Board of Supervisors (“Board”) considered the project during a public hearing on January 11, 2022. After considering the project components, Planning Commission’s recommendations, applicant’s statements, and extensive public opposition, the Board tentatively denied the project by a vote of 5-0, primarily due to public testimony regarding neighborhood compatibility and health and safety concerns, as further detailed in the findings below. The referenced Board of Supervisor Public Hearing documents for January 11, 2022 Agenda Item No. 21.1 are available at:

http://riversidecountyca.igm2.com/Citizens/Detail_Meeting.aspx?ID=2638.

As a result of the tentative denial, the Board directed staff to return with findings and conclusions for denial of the project. The recommended findings and conclusions for denial are contained herein.

FINDINGS:

1. Conditional Use Permit No. 1900038, would if approved permit Mixed Light Cannabis Cultivation Facility that will include seventeen (17) greenhouse structures totaling 62,620 square feet in area, one (1) 4,800-square foot steel structure, one (1) 160-square foot storage unit, an improved driveway for site access from Carancho Road, a six foot (6') high chain-link fence with vertical privacy slats enclosing the cultivation area, a six foot (6') high wooden gate at the driveway entrance, and landscaping along the project frontage. The greenhouses would have accommodated approximately 21,978 square feet of mature canopy.

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2. The associated Development Agreement No. 1900027 and Ordinance No. 664.89 is a proposal for the applicant entering into a development agreement with the County consistent with Board of Supervisor's Policy No. B-9 and would impose a lifespan on the proposed cannabis project and provide community benefit to the Rancho California Area (De Luz/Santa Rosa).
3. The project site is designated Rural Mountainous (RM) on the Southwest Area Plan.
4. The project is surrounded by properties which are designated Rural Mountainous (RM).
5. The project site's existing zoning classification is Light Agricultural, 10-acre minimum (A-1-10).
6. The project site is surrounded by properties that are zoned A-1-10, Rural Residential (R-R), Residential Agricultural, 5-acre minimum (R-A-5), and Residential Agricultural, 10-acre minimum (R-A-10).
7. The project site is located in an area that supports residential and agricultural uses within the De Luz/Santa Rosa Community, south of the Santa Rosa Plateau Reserve.
8. Pursuant to Ordinance No. 348 Article XIXh Commercial Cannabis Activities Section 19.510, Mixed Light Cannabis Cultivation on lots five (5) gross acres or more are allowed in the A-1 Zone with an approved Conditional Use Permit.
9. The Board of Supervisors received all public comments provided to Planning Commission and to the Board for the January 11th hearing. The vast majority of the public testimonies were in opposition of the proposed project. Numerous testimonies and signed petitions were from those who reside in the De Luz Community. Opposition statements were also submitted by the Cities of Murrieta and Temecula, as well as Riverside County Sheriff Chad Bianco. The statements expressed concerns with the proposed Mixed Light Cannabis Cultivation's compatibility with the surrounding residential agricultural neighborhood, quality of life and public health and safety, and the element of crime with the cannabis cultivation facilities in an area primarily composed of residential properties.
10. During the public hearings, members of the public expressed concerns related to, but not exclusive of, the following:
 - Stormwater and water quality concerns.
 - Impacts related to odors and pesticides.
 - Impacts to biological resources and the Santa Rosa Plateau Reserve.
 - Nighttime lighting.
 - Lack of compatibility with surrounding agricultural uses and residences.

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- Impacts related to police service and crime.
- Traffic and dangerous conditions along Carancho Road.
- Incompatibility with the area as a commercial use.

11. At the conclusion of the public testimony, including receiving statements from the applicant, the Board of Supervisors closed the public hearing for the proposed project.

12. In light of the above opposition, the Board of Supervisors finds that proposed project is not a compatible use with the surrounding residential agricultural community due to close proximity to residential homes; potential impacts due to pesticides, nighttime lighting, and odors; the close proximity to the Santa Rosa Plateau and the potential for significant impacts to the plateau; and the distance between the neighborhood and emergency services and the impact the project may have on such services all, collectively and individually, would detrimentally affect the public health, safety, and general welfare of the community.

13. Pursuant to Ordinance No. 348 Section 18.28. D Conditions, a conditional use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety of general welfare of the community. Given the testimony provided and the findings and determinations from the Board, the applicant did not meet that required burden.

14. The denial of the proposed project is CEQA exempt per State CEQA Guidelines Section 15061(b)(4) and 15270, projects which are disapproved.

Conclusions:

1. The proposed project is not a compatible use with the surrounding residential agricultural area that is designated Rural Mountainous.
2. The public's health, safety and general welfare are not protected through project design nor the use of the site for Mixed Light Cannabis Cultivation activities.
3. The proposed project is not compatible with the present and future logical development of the area.
4. The denial of the proposed project will not have a significant effect on the environment.

Impact on Residents and Businesses


The impacts of the proposed project have been evaluated through the public hearing process.

Additional Fiscal Information

All fees are paid by the applicant; there is no General Fund obligation.

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Jason Farin, Principal Management Analyst 2/1/2022


Aaron Gettis, Deputy County Counsel 1/31/2022


Gregory L. Priamos, Director County Counsel 1/31/2022



February 04, 2022

Board of Supervisors
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Subject: Evaluation of Potential for Off-Site Cannabis Odors at Proposed
Fuego Farms, LLC Cannabis Development Project, Temecula, CA

Dear Supervisors:

I have reviewed the cannabis development project proposed by Fuego Farms, LLC to be located on Carancho Road East of El Calamar Road in Temecula. It is my understanding that the proposed development would establish 17 greenhouses on a 72 acre site in rural Riverside County. Of the 17 greenhouses, 6 would be used to cultivate and grow cannabis plants and be used for vegetative propagation. The remaining greenhouses would be used for growing mature plants that reach flowering stage. Potential cannabis odors are associated only from mature flowering plants and during the drying and packing phases.

I have reviewed the site plans, the location of nearby homes, the proposed odor mitigation system and the cooling/ventilation system for the greenhouses that will house the mature cannabis plants. The focus of my review was to determine if odors generated inside the greenhouses would migrate off-site and cause a nuisance at nearby residences.

The intensity and frequency of odors at nearby homes depends on the following factors:

- The number of flowering plants
- The effectiveness of the odor control system
- Distance from the greenhouses to nearby homes
- Local wind speed and direction

Of these factors, the effectiveness of the odor control system and the distances to nearby homes are the most critical factors in determining if odors are likely to impact nearby homes. These are discussed below.

Effectiveness of Proposed Odor Control System

The proposed odor mitigation system would use activated carbon filters inside the flowering greenhouses and inside the packing house. Carbon filters trap odors through a process called adsorption which occurs when molecules attach or stick to the outside of a surface, rather than being soaked into it. The latter is called absorption. Since cannabis odors are in a gaseous form, they cannot be controlled using mechanical filters, such as HEPA filters.

The effectiveness of carbon filters have been demonstrated through numerous studies¹² over several decades. Odor control efficiencies between 90% to 95% can be routinely achieved.

Each flowering greenhouse would be 118 feet x 29.5 feet x 14 feet or 48,734 cubic feet in volume. Each flowering greenhouse would be equipped with four scrubbers each capable of treating 1,400 cubic feet of air per minute. At this rate, the entire air inside the flowering greenhouse would be fully scrubbed every nine minutes. Each greenhouse will also be equipped with a climate sensor controlled passive cooling/ventilation system. It is anticipated that this system will operate once for a maximum of 30 to 45 minutes during the summer. At this operating rate, the air inside the greenhouse would have been filtered at least four times before it is exhausted to the outside.

To verify the effectiveness of the odor control system, I recommend that Fuego Farms measure odor intensity adjacent to each flowering greenhouse and confirm that the carbon filters are working effectively. If needed, I recommend that a second layer of odor control using misting systems be installed at the air discharge points at each greenhouse.

¹ WWD (2014): "Research Shows Activated Carbon Technology is Preferred for Odor Control", Water and Waste Digest, July 11, 2014. Available at: <https://www.wwdmag.com/odor-control-equipment/research-shows-activated-carbon-technology-preferred-odor-control>

² Farhana M, et al. (2014): "Efficient Control of Odors and VOC Emissions via Activated Control Technology", Water Environment Research, Vol. 86, pp 594-605, July 2014. Available at: <https://www.jstor.org/stable/24585446>

The carbon scrubbers will serve as the main odor control measure proposed by the Applicant. In addition, the Applicant is also considering a secondary misting or additional carbon scrubber to be installed at each of the greenhouse exhaust vents as additional odor mitigation in order to comply with Riverside County odor ordinance.

Distance to Nearby Residences

I have reviewed the vicinity and site maps of the project (Figure 1). The distances to the nearest homes vary between 409 feet to over 1,160 feet. Since odor intensity declines with distance, the setbacks between the greenhouses and nearest homes provides a spatial buffer that will reduce the intensity of odors at nearby homes.

These two factors would be sufficient to ensure odors from the project do not cause a nuisance at nearby homes. Our firm has conducted measurements of odor intensity at both outdoor and indoor cannabis cultivation sites in California. The measurements involve the use on an olfactometer (a device for measuring odor intensity).

Odor intensity is measured in units of dilution to threshold (DT) which represents the amount of clean air needed to dilute an odor sample so that 50% of the population cannot detect the odors. A value of 7 DT is considered the maximum allowable odor intensity before the public can detect the odors. A value of 7 DT has been incorporated by several county ordinances, such as by El Dorado County. Riverside County's regulations do not stipulate a numerical limit on odor intensity.

Odor measurements taken at other locations that have greenhouses equipped with odor control system confirm that odor intensity would be below 7 DT. For example, odor measurements conducted October 1 to 3, 2019 at a Northern California location (10175 Alorton Ave, Chico) had seven (7) greenhouses each measuring 200 feet x 42 feet. Each greenhouse had 3 rows of four hundred (400) plants totaling 1,200 plants. The greenhouses were equipped with an odor control misting system. At the time odor measurements were taken, the plants were two weeks away from harvesting. See attached photographs.

As a comparison, the Fuego Farms project would have a total of 616 flowering plants and would use a carbon filtration system that is at least as effective as the misting system used at the Chico greenhouses.

In order to determine the effectiveness of the odor control system, odor measurements were taken with and without the odor control system in operation. Measurements were taken immediately adjacent to the greenhouse exhaust vents, at the property lines and at nearby off-site locations. The nearest property line was 230 feet from the greenhouse. The nearest off-site residence was located 390 feet. The results of the odor measurements are summarized on the next page.

Location	Maximum Odor Intensity (DT)	
	No Odor Controls	With Odor Controls
On-Site 6 feet from Exhaust Fan	7	<2
On-Site 12 feet from Exhaust Fan	4	<2
Nearest Property Line - Entrance Gate 230 feet	<2	<2
Off-Site (Nearest Home) 390 feet	<2	<2
<i>Note: A reading of less than 2 DT (<2) indicates no detectible odors.</i>		

In addition to on-site readings, 144 off-site readings were taken over two days under a variety of weather conditions. A complete copy of the odor monitoring report is attached.

These results indicate that odor intensity from the greenhouses equipped with effective odor control system would not lead to excess odors. Specifically, the odor intensity would remain at or below 7 DT.

These data provide compelling evidence that greenhouses equipped with an effective odor control system do not cause nuisance odors at both on-site and off-site locations. This is in part, because the various odor controls systems have proven to control odors. The setbacks further reduce the intensity of odors. As a result, it is reasonable to conclude that operations at Fuego Farms, LLC would not cause any nuisance odors at nearby residences.

I would be glad to answer any questions or provide additional information. I can be reached at (916)-806-8333 or by e-mail: ray.kapahi@gmail.com.

Respectfully yours,

Ray Kapahi

Ray Kapahi
Principal
Environmental Permitting Specialists
Web Site: <https://www.epsconsulting.org/>

ATTACHMENTS

- Fuego Farms Site Map
- Photos from Odor Testing at Greenhouses in Chico
- Copy of Chico Odor Testing Report (November 1, 2019)

Fuego Farms Site Map Showing Distances to Nearby Homes



Report and Photographs of Odor Measurements at Greenhouses in Chico, CA

October 2019

Figure 1

Location of Chico Greenhouses

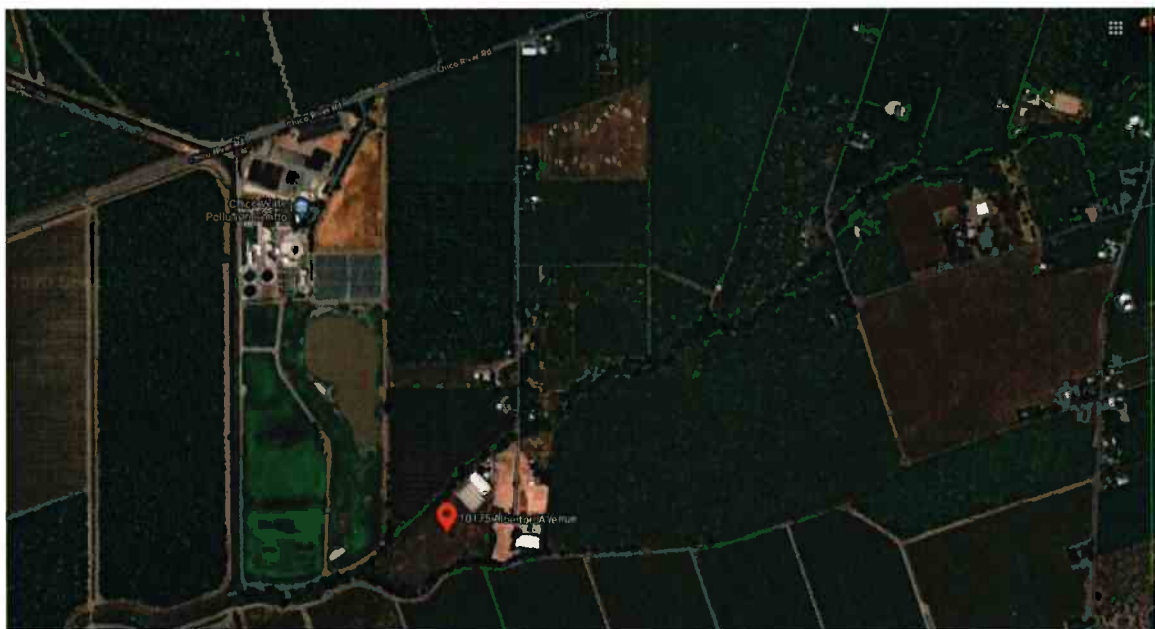


Figure No. 2 - Odor Inspection Locations Full View (Google Earth Map)

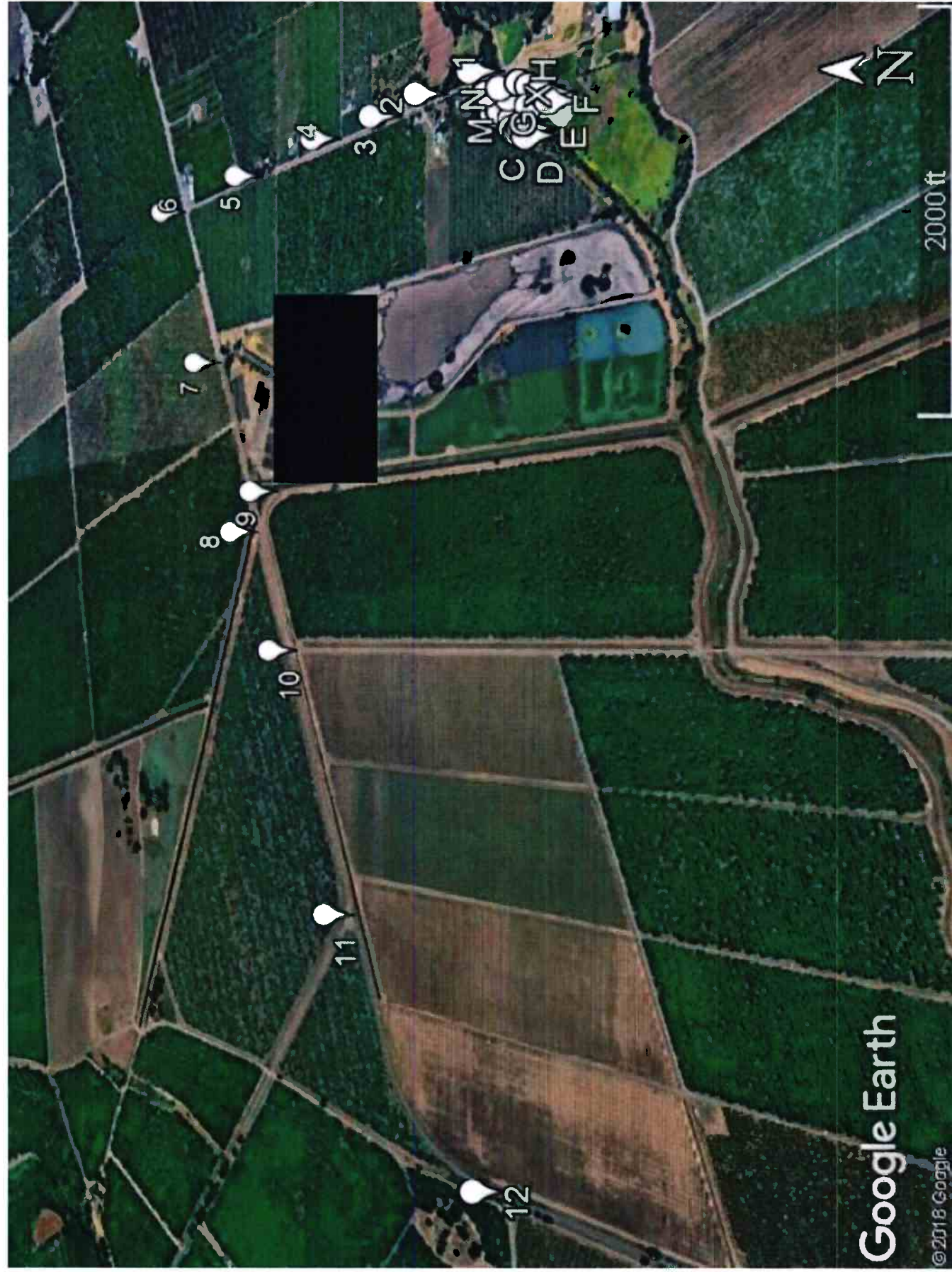


Figure No. 3 - Onsite Odor Inspection Locations (Google Earth Map)









Bosarge Environmental, LLC

707 Bienville Blvd.

Ocean Springs, MS 39564

(228) 217-3180

November 1, 2019

Fulcrum Enterprises, LLC
390 Main Street
Great Barrington, MA 01239

RE: Odor Assessment Study

Introduction

Fulcrum Enterprises, LLC, (Fulcrum) retained Bosarge Environmental, LLC, as a third-party Odor Expert, to analyze the cannabis odor impact of a facility in California that is similar to a project Fulcrum is proposing for approval in Great Barrington, MA. The California facility is much older, but very similar in building size and plant production, of the proposed new facility. The Fulcrum design incorporates the same measures for odor control as the California facility. Fulcrum plans to present this odor study of an existing operational facility as a model for permitting the new facility.

Ms. Melanie Bosarge conducted ambient odor surveys the three days of October 1- 3, 2019. This time frame was selected because the operation was in full flowering stage. During this period, the greenhouses would have a crop of fully formed flowering cannabis plants at the stage when terpene odor is the greatest, creating a “worst-case-scenario” of odor for the facility.

Ms. Bosarge is a Chemical Engineer and Owner/Manager of Bosarge Environmental, LLC. She has represented St. Croix Sensory (St. Croix) as a certified instructor and provided client training and odor assessment services, as an independent contractor, since 2002. For more than thirty-five (35) years, St. Croix has been assisting facility owners, consulting engineering firms, and regulatory agencies to quantify odors from a variety of industrial, agricultural, and municipal operations, including wastewater treatment, landfills, composting, and manufacturing in both field and laboratory settings. St. Croix manufactures and markets state-of-the-art odor sampling and measurement equipment, including the Nasal Ranger Olfactometer. St. Croix’s “ODOR SCHOOL”® is an internationally recognized program to prepare inspectors to conduct field evaluations of ambient odors.

Ambient Odor Assessment Methodology

Odor surveys were conducted using a newly calibrated Nasal Ranger field olfactometer to quantify odor strength when odor was noticed at each monitoring location. The Calibration Certificate appears in the Appendix as *Exhibit 1*. Prior to odor observations, an inspector breathes through carbon cartridges for approximately one minute to “zero” nose to 100%. Upon arrival at each separate location, ambient odor is assessed with the “naked nose”. If no odor is detected, the current time and “non-detected” (ND) is recorded. If an odor is detected, a reading is then taken with Nasal Ranger Olfactometer.

Using the Nasal Ranger, odor strength is measured as dilution ratios, reported as Dilution-to-Threshold (D/T) values. The Nasal Ranger Dilution-to-Threshold odor measurement is an “instantaneous” measurement, which is a recognition threshold. For example, a 4-D/T is the dilution ratio of 4-volumes of carbon filtered odor free air mixed with one-volume of ambient (odorous) air that makes the ambient odorous air “just-barely-recognizable” as an odor.

The D/T dilution ratio steps of the Nasal Ranger olfactometer used for the odor surveys were 2, 4, 7, 15, 30, and 60. If an odor is detected with the “naked nose” at a location, a measurement is taken with the Nasal Ranger. An odor in the air that is not measured at the 2-D/T dilution ratio is reported as less than 2-D/T (<2). The absence of ambient odor is reported as “non-detected” (ND).

Figure 1 – Nasal Ranger Olfactometer is a photograph taken during an odor survey at a cannabis growing operation in Colorado.

Figure No. 1 – Nasal Ranger Olfactometer



Building and Odor Control Specifications

NCM Environmental Solutions (NCM) constructed the odor neutralizing mist system for the California facility and currently provides the odor neutralizing agent and ongoing maintenance of the system. The California facility is much older, but very similar in building size and plant production, of the proposed new Fulcrum facility. Fulcrum plans to incorporate the same measures for odor control as the California facility. Consequently, one of the objectives of this odor study was to evaluate the efficiency of the exhaust and odor neutralizing system.

The cannabis growing area is made up of seven (7) greenhouses, two hundred (200) feet in length and forty-two (42) feet in width. Each greenhouse has three (3) rows of four hundred (400) plants, totaling twelve hundred (1,200) plants per greenhouse. The greenhouses have multiple holes on the siding and roof, as shown in pictures in *Exhibit 2*.

NCM system specifications include an electric 1 HP system with a 1.75 GPM high pressure atomizing pump, operating at 800 PSI. During the odor study, the chemical injection pump was not automated. It was adjusted by hand using two knobs, as shown in photographs in *Exhibit 2*.

The exhaust vents are fifty-five inches, square shaped, and powered by a 1-HP motor. Each exhaust vent has three (3) NCM 1.9 GPH nozzles. The nozzles are located on the exhaust vents, centered and positioned in a straight line. The California facility maintains the odor neutralizer injection pump at their preferred setting of 1000:1 dilution ratio. This set dilution ratio achieves the level of odor control needed and works within operations budget. Growers have determined that the facility has low levels of cannabis odors without the system on; therefore, the 1000:1 dilution ratio is sufficient for that site.

Odor Survey – Introduction and Mapping

Upon arrival at the facility on the afternoon of October 1, 2019, Ms. Bosarge was taken on an extensive tour of the site. Each step of the odor control system was identified and explained. A plan of action was developed and coordinated. The first odor survey was performed to test the efficiency of the odor control system. After concluding the onsite test, Ms. Bosarge investigated the area within the security fence, and along accessible residential, commercial and agricultural areas throughout neighborhood. Meteorological conditions were recorded and several locations were mapped and designated as survey locations. No odors were detected past the perimeter of the property during this initial investigation.

After the initial tour and first round of controlled test measurements of the odor neutralizer, Ms. Bosarge continued independently to develop a monitoring plan and complete several additional surveys during the three-day odor assessment study. Sixteen (16) onsite locations within the fenced area of the property and twelve (12) locations in the surrounding community were designated and mapped by recording latitude and longitude coordinates at each location. Unique identification codes were assigned to each location. The onsite locations were designated as Locations A through P. The offsite locations were designated as Locations 1 through 12. The center point of the cannabis greenhouses was designated as Location X. Latitude and longitude coordinates for each location were entered into Odor Tracker software to produce Google Earth Maps of the areas within the property and the surrounding community.

Table No. 1 Cannabis Facility Odor Monitoring Locations lists the center of the cannabis facility as Location X, along with twenty-eight (28) ambient odor survey locations. The table specifies an identification number, the latitude and longitude coordinates for each location and whether each location is onsite or offsite.

Table 1 - Cannabis Facility Odor Monitoring Locations

Loc #		Name	Latitude	Longitude
1	Offsite			
2	Offsite			
3	Offsite			
4	Offsite			
5	Offsite			
6	Offsite			
7	Offsite			
8	Offsite			
9	Offsite			
10	Offsite			
11	Offsite			
12	Offsite			
A	Onsite	Test Area 6 Ft from Exhaust		
B	Onsite	Test Area 12 FT From Exhaust		
C	Onsite	Test Area 24 Ft From Exhaust		
D	Onsite	West Corner of Greenhouses		
E	Onsite	South Corner of Greenhouses		
F	Onsite	South Midpoint of Greenhouses		
G	Onsite	East Corner of Greenhouses		
H	Onsite	East Corner of Whse		
I	Onsite	East Midpoint of Whse		
J	Onsite	North Corner of Whse		
K	Onsite	North Corner of Greenhouses		
L	Onsite	North Center of Greenhouses		
M	Onsite	Front Gate To Property		
N	Onsite	Post by Dumpster		
O	Onsite	Post Behind House		
P	Onsite	On Hill Behind House		
X	Onsite	Reference Center of Facility		

Figure No. 2 - Odor Inspection Locations Full View identifies the center of the cannabis facility as Location X and each of the twenty-eight (28) monitoring locations on a Google Earth map. The offsite Locations 1 through 12 are featured in this figure.

Figure No. 2 - Odor Inspection Locations Full View (Google Earth Map)



Figure No. 3 - Onsite Odor Inspection Locations identifies the center of the cannabis facility as Location X, and each of the sixteen (16) onsite monitoring Locations A through P on a Google Earth map.

Figure No. 3 - Onsite Odor Inspection Locations (Google Earth Map)



Odor Survey – Discussion

Fourteen (14) ambient odor surveys were conducted during the three-day study. Seven (7) of the rounds were performed offsite, in the surrounding community, and seven (7) rounds were conducted onsite. Two (2) of the onsite rounds, referred to as Test Rounds, included locations on the side of the greenhouses where the odor control system is installed. The objective of these Test Rounds was to evaluate the efficiency of the exhaust and odor neutralizing system.

For the Test Rounds, Locations A, B and C were designated at points six feet, twelve feet and twenty-four feet away from the exhaust fan of the greenhouses with the most mature plants. The exhaust fan, when operational, was blowing from the greenhouses at approximately sixteen MPH. The Test Rounds were performed under different scenarios to test the efficiency of the exhaust and odor neutralizing system.

Five (5) additional odor surveys were conducted onsite, within the facility property over the three-day odor study. During each survey, the date, time, odor reading and meteorological conditions, including temperature, humidity, precipitation, sky conditions, wind speed and wind direction were recorded at each location. Each survey was recorded separately and odor survey data reports appear in the Appendix as *Exhibit 3*.

Approximately one hundred and sixty-eight (168) odor observations were recorded during the three-day study. During those days, seven offsite odor surveys were completed and seventy-nine (79) offsite observations were recorded. No cannabis odor was detected offsite at the property perimeter or in the community during those three days. The meteorological conditions, time of day and level of odor treatment varied between each offsite survey. Based on the results of the Odor Study, cannabis odor from the cultivation process does not leave the property.

During the same three-day timeframe, seven (7) onsite odor surveys were conducted and eighty-nine (89) onsite observations were recorded. No cannabis odor was detected during fifty-two (52) of those observations. Cannabis odor was detected at <2 D/T during twenty-three (23) observations and 2 D/T during nine (9) observations. Cannabis odor was detected at a level of 4 D/T during three (3) observations and 7 D/T during two (2) observations. During each observation of 4 D/T and 7D/T, the exhaust system had just been activated without odor neutralizer treatment, after cannabis odors had built up over night in the greenhouses. Those values returned to 2 D/T or less, within minutes after the greenhouses were properly vented and/or treated. These levels are extremely low for onsite operations.

Meteorological data and odor observation readings, from each Round, were loaded into the Odor Tracker software. *Exhibit 3* displays the results of each of the fourteen (14) Rounds. *Exhibit 4* contains several Maps that were created by the Odor Tracker Software, utilizing the entered data.

Odor Rounds Summary

Test Round 1 - Onsite

On the first afternoon, Test Round 1 was conducted from approximately 2:45 PM until 3:30 PM. In *Exhibit 3*, the Round 1 Onsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 30%, and the temperature was 74 degrees F. The wind was moderate and blowing from the west northwest. Prior to the odor observations, the exhaust and odor neutralizer systems were turned off. Cannabis odors were allowed to accumulate within the greenhouses. At 2:45 PM, the ventilation and exhaust system was turned on, without engaging the mist system. Measurements were taken at the three locations A, B and C, as the exhaust fans were turned on, but with no water mist or odor neutralizer. A reading of 7 D/T was taken at Location A with the Nasal Ranger. Within two minutes, a reading of 4 D/T was taken at Location B. Within two more minutes, a reading of 2 D/T was taken at Location C. These readings are higher than normal, because of the accumulation of cannabis odors, with an outdoor temperature of 74 degrees F and without any consistent ventilation in the greenhouses.

The next test was performed with the exhaust fans on and water mist only. After the system was on for approximately five minutes, a reading of 4 D/T was taken at Location A. Within two minutes, a reading of 2 D/T was taken at Location B. Within two more minutes, a reading of <2 D/T was taken at Location C. The lower readings were due to a combination of additional venting time and the water mist.

The odor control system was fully operational for the third and fourth set of readings. Each survey was within five to eight minutes of each other and results were identical at Locations A, B and C. A reading of <2 D/T was taken at Locations A and B. At Location C, no odor was detected. From these test results, it appears that a fully operational odor control system lowers the odor intensity readings from 7 D/T to <2 D/T, at six to twelve feet from the greenhouse ventilation fan. At twenty-four feet, the odor intensity goes from 2 D/T to non-detected.

Round 2 - Onsite

Several more onsite locations were designated and observed that afternoon, during Round 2, from 3:36 PM until 4:11 PM. The sky was sunny with no precipitation. The humidity was 20%, and the temperature was 74 degrees F. The wind was moderate and blowing from the northwest. The odor control system was fully operational. Odor was observed at <2 D/T at Locations D, E and G. No odors were detected at Locations M or K.

Round 3 - Offsite

After the initial onsite investigation, several offsite locations were designated and observed during Round 3, from approximately 4:13 PM until 5:06 PM. In *Exhibit 3*, the Round 3 Offsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 19%, and the temperature was 74 degrees F. The wind was moderate and blowing from the west northwest. The odor control system was fully operational. No odors were detected.

Round 4 - Offsite

On the second day of the odor study, a few more offsite locations were designated and observed during Round 4, from approximately 9:56 PM until 10:30 PM. In **Exhibit 3**, the Round 4 Offsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 51%, and the temperature was 55 degrees F. The wind was calm and blowing from the north. The odor control system was not operational yet. No odors were detected.

Test Round 5 - Onsite

Several more onsite locations were designated and observed during Round 5, from approximately 11:00 AM until 11:45 AM. In **Exhibit 3**, the Round 5 Offsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 30 - 36%, and the temperature was 63 - 64 degrees F. The wind was light and variable. The odor control system had been during the night and had not been turned on yet. Odor was detected at a level of 2 D/T at Location O. At that moment, this location was downwind of greenhouses. Odor was detected at a level of <2 D/T at Locations A, B and F. No odors were detected at the other onsite locations.

Test Round 6 - Onsite

On the second day, Test Round 6 was conducted from approximately 11:40 AM until 12:24 PM. Additional onsite Locations L & K were incorporated into Test Round 6. In **Exhibit 3**, the Round 6 Onsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 30%, and the temperature was 64 degrees F. The wind was light and blowing from the north. Prior to the odor observations, the exhaust and odor neutralizer systems were still turned off. Cannabis odors were accumulating within the greenhouses, but appeared to be staying within the greenhouses. Readings were taken at Locations A and B at a level of <2 D/T. No odor was detected at Locations C or L. At approximately 11:45 PM, the ventilation and exhaust system was turned on, without engaging the mist system and allowed to vent for ten minutes. A reading of 2 D/T was taken at Locations A, B and C, within two minutes of each other. Within five to six more minutes, a reading of <2 D/T was taken at Locations L and K. These readings are higher than the first set of readings, because of the discharge of accumulated cannabis odors in the greenhouses.

The odor control system was fully operational during the next set of readings. The system was allowed to operate for fifteen minutes before odor was measured. A reading of <2 D/T was taken at Locations A, B and C. At Locations L and K, no odor was detected. From these test results, it appears that a fully operational odor control system, operated for fifteen to twenty minutes, lowers the odor intensity readings to non-detectable up to <2 D/T, at six to twenty-four feet from the greenhouse perimeter.

Round 7 – Onsite

After Test Round 6, one more set of observations were taken onsite, from approximately 12:26 PM until 12:51 PM. In *Exhibit 3*, the Round 7 Onsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 25%, and the temperature was 70 degrees F. The wind was light and blowing from the north. The odor control system was fully operational for approximately twenty to forty-five minutes. No odors were detected. This onsite round indicates that under the circumstances stated above, the odor control system, when operated consistently for less than one hour, reduces all onsite cannabis odor to zero.

Round 8 – Offsite

Offsite locations were observed during Round 4, from approximately 12:58 PM until 1:28 PM. In *Exhibit 3*, the Round 8 Offsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 24%, and the temperature was 72 degrees F. The wind was light and blowing from the north. The odor control system was fully operational. No odors were detected.

Round 9 – Offsite

Offsite locations were observed during Round 9, from approximately 6:09 PM until 6:34 PM. In *Exhibit 3*, the Round 9 Offsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 21%, and the temperature was 72 degrees F. The wind was moderate and blowing from the south southwest. The odor control system was not fully operational. The ventilation and exhaust system were operating; however, due to an issue with a pump, the odor neutralizer was not being used. No odors were detected.

Round 10 – Offsite

On the third day of the odor study, offsite locations were observed during Round 10, from approximately 9:42 AM until 10:09 AM. In *Exhibit 3*, the Round 10 Offsite Data Sheet displays the test data. The sky was mostly cloudy and foggy. The humidity was 51%, and the temperature was 59 degrees F. The wind was moderate and blowing from the south. The ventilation exhaust and odor control system were not in operation. No odors were detected.

Round 11 – Onsite

The next round was conducted from approximately 10:11 AM until 10:35 AM. In *Exhibit 3*, the Round 11 Onsite Data Sheet displays the test data. The sky was partly cloudy with no precipitation. The humidity was 37%, and the temperature was 60 degrees F. The wind was light and blowing from the north. Prior to the odor observations, the exhaust and odor neutralizer systems were still turned off. Cannabis odors had been accumulating within the greenhouses overnight.

At approximately 10:29 AM, the ventilation and exhaust system turned on automatically, because it was set to activate based on temperature in the greenhouses. The readings prior to the system coming on were relatively low. Readings at Locations J, O and K were <2 D/T. No odor was detected at any other locations before the system engaged. Once the ventilation and exhaust system turned on, a reading of 7 D/T was taken at Location A. A reading of 4 D/T was taken at Location B. A reading of 2 D/T was taken at Locations C and L. These readings are high and consistent with values obtained in Test Round 1, on the first day of the odor study, when the exhaust system was turned on, without the odor neutralizer. The elevated values are because of the discharge of accumulated cannabis odors in the greenhouses.

Round 12 – Onsite

After Round 11, one more set of observations were taken onsite, from approximately 11:20 AM until 11:50 AM. In *Exhibit 3*, the Round 12 Onsite Data Sheet displays the test data. The sky was partly cloudy with no precipitation. The humidity was 28%, and the temperature was 67 degrees F. The wind was light and blowing from the north. The ventilation and exhaust system had been operational for approximately fifty minutes to one hour and twenty minutes. The odor neutralizing system was still down because of the pump malfunction. Odors were detected at a level of 2 D/T at Location A. Odor was detected at a level of <2 D/T at Locations B, C, L and K. No odors were detected at any other locations. This onsite round indicates that under the circumstances stated above, the ventilation and exhaust system operating alone reduces the odor level onsite to a level of 2 D/T or less, when operated consistently.

Round 13 – Offsite

Offsite locations were observed during Round 13, from approximately 12:00 PM until 12:20 PM. In *Exhibit 3*, the Round 13 Offsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 26%, and the temperature was 68 degrees F. The wind was light and blowing from the north. The odor control system was not fully operational. The ventilation and exhaust system were operating; however, due to an issue with a pump, the odor neutralizer was not being used. No odors were detected.

Round 14 - Offsite

Offsite locations were observed during Round 14, from approximately 3:40 PM until 4:10 PM. In *Exhibit 3*, the Round 14 Offsite Data Sheet displays the test data. The sky was mostly sunny with no precipitation. The humidity was 16%, and the temperature was 77 degrees F. The wind was moderate and blowing from the south southeast. The odor control system was not fully operational. The ventilation and exhaust system were operating; however, due to an issue with a pump, the odor neutralizer was not being used. No odors were detected.

Odor Survey Conclusions

No odors were detected at any of the designated locations throughout the California Community, during the three-day Odor Study. Seven (7) offsite surveys were conducted under three different operational conditions including 1) ventilation fan exhaust and odor neutralizer treatment 2) ventilation fan exhaust and no odor neutralizer treatment and 3) no ventilation fan exhaust and no odor neutralizer treatment. Based on these findings, this facility or one similar in size, construction, cultivation and basic odor control measures, should not adversely affect the surrounding community, even in times when odor control equipment is out-of-service for maintenance or not working properly.

In each case of onsite odor detection, where proper ventilation, exhaust and odor neutralizer treatment was in place, the odor was faint and intermittent at each location where <2 D/T was recorded. These locations were along the exhaust side of the greenhouses and either next to the greenhouses or directly downwind of the exhaust fans. This value indicates a barely discernible odor with the “naked nose”, but under the threshold to be considered a recognizable odor with the Nasal Ranger Olfactometer on the lowest setting of 2-D/T.

Based on the findings in this Odor Study, Bosarge Environmental, LLC, concludes that “no discernible cannabis odor” was detected outside of this facility and is barely recognizable within 25 to 100 feet of the greenhouses. Consequently, this cannabis operation or one similar in size, construction, cultivation and odor control measures, should not adversely affect the surrounding community.

Submitted by,

Melanie Bosarge

Melanie Bosarge
Bosarge Environmental, LLC

APPENDIX

EXHIBIT 1

Nasal Ranger Olfactometer Calibration Certificate

CERTIFICATE OF CALIBRATION

for the
Nasal Ranger® Field Olfactometer

Serial Number : 90201429 Calibration Date : 7/15/2019

Dial D/T	Actual D/T	% Variance
60	60.02	0.0%
30	30.03	0.1%
15	15.07	0.5%
7	7.00	0.0%
4	4.00	0.0%
2	2.00	0.0%

This document certifies this Nasal Ranger® Field Olfactometer, specified by unique Serial Number, was calibrated using a NIST traceable primary gas flow standard by St. Croix Sensory, Inc.

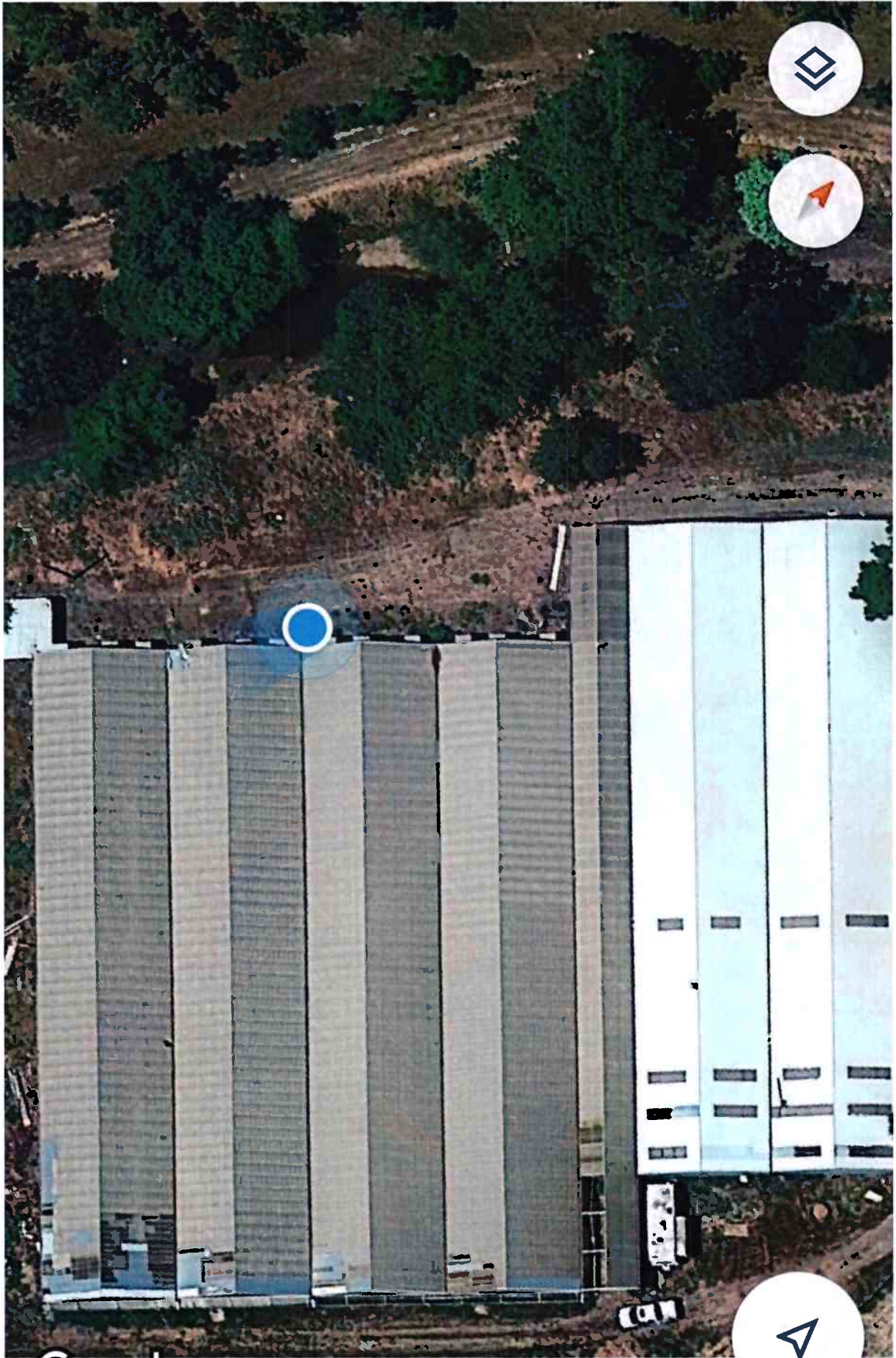
St. Croix Sensory, Inc.
1150 Stillwater Blvd. N.
Stillwater, MN 55082, USA
+1-651-439-0177
info@nasalranger.com



Reganmm Saml
Calibration Technician

Exhibit 2

Photographs from the California Property







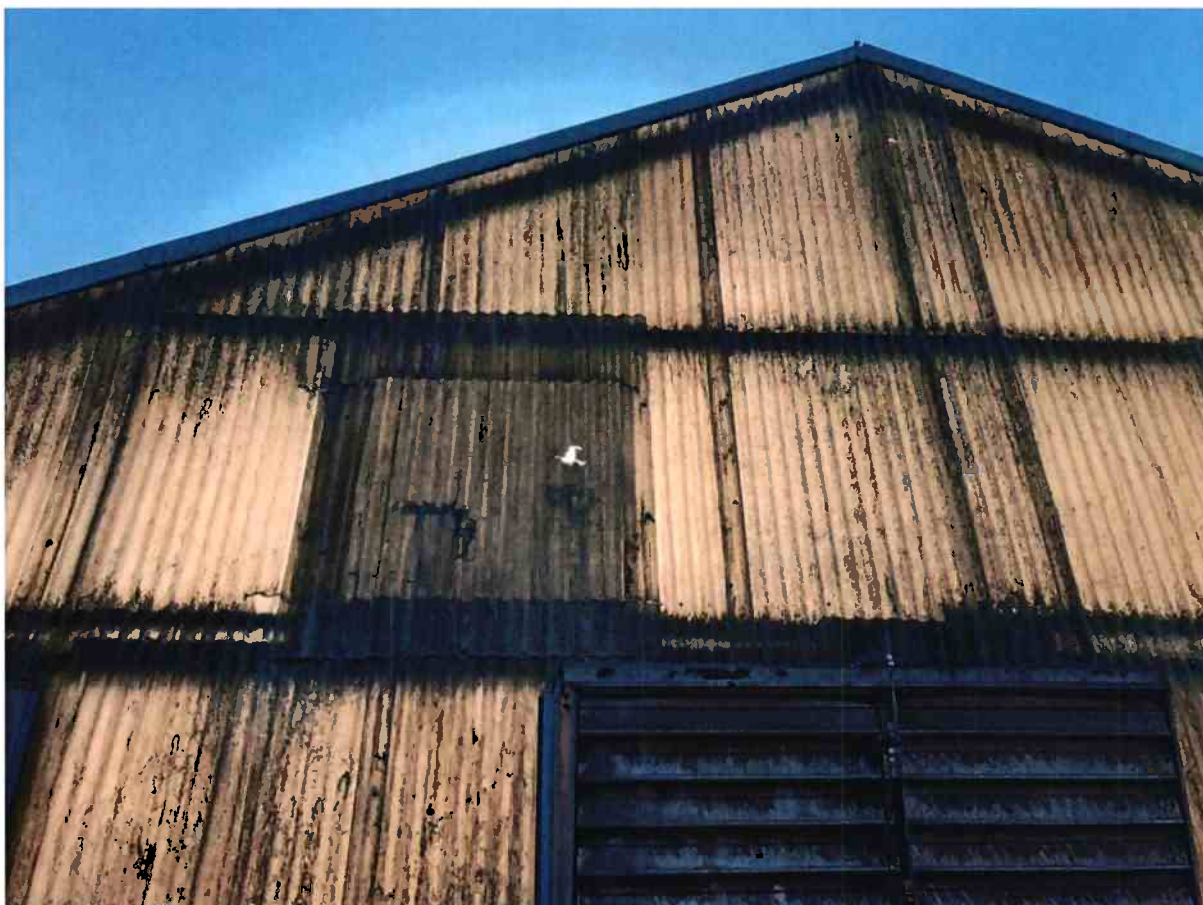














Exhibit 3

Onsite and Offsite Odor Survey Data Sheets

ROUND 1 - ONSITE

10/1/19 2:50 PM - 3:26 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	inHg
10/1/2019 15:26	C	Test Area 24 Ft From Exhaust	ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:24	B	Test Area 12 Ft From Exhaust	<2	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:22	A	Test Area 6 Ft from Exhaust	<2	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:20	C	Test Area 24 Ft From Exhaust	ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:17	B	Test Area 12 Ft From Exhaust	<2	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:14	A	Test Area 6 Ft from Exhaust	<2	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:06	C	Test Area 24 Ft From Exhaust	<2	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:04	B	Test Area 12 Ft From Exhaust	2	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 15:02	A	Test Area 6 Ft from Exhaust	4	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 14:54	C	Test Area 24 Ft From Exhaust	2	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 14:52	B	Test Area 12 Ft From Exhaust	4	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92
10/1/2019 14:50	A	Test Area 6 Ft from Exhaust	7	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	30	29.92

ROUND 2 - ONSITE

10/1/19 3:36 PM - 4:11 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	inHg
10/1/2019 16:11	M	Front Gate To Property	ND	Mostly Sunny	None	NW	Moderate Wind (5-15 mph)	74	20	29.95
10/1/2019 15:53	E	South Corner of Greenhouses	<2	Mostly Sunny	None	NW	Moderate Wind (5-15 mph)	74	20	29.95
10/1/2019 15:49	G	East Corner of Greenhouses	<2	Mostly Sunny	None	NW	Moderate Wind (5-15 mph)	74	20	29.95
10/1/2019 15:44	K	North Corner of Greenhouses	ND	Mostly Sunny	None	NW	Moderate Wind (5-15 mph)	74	20	29.95
10/1/2019 15:36	D	West Corner of Greenhouses	<2	Mostly Sunny	None	NW	Moderate Wind (5-15 mph)	74	20	29.95

ROUND 3 - OFFSITE
10/1/19 4:13 PM - 5:06 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	In/Hg
10/1/2019 17:06	6		ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	19	29.94
10/1/2019 17:02	10		ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	19	29.94
10/1/2019 16:59	11		ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	19	29.94
10/1/2019 16:56	12		ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	19	29.94
10/1/2019 16:54	9		ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	19	29.94
10/1/2019 16:50	8		ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	19	29.94
10/1/2019 16:43	1		ND	Mostly Sunny	None	WNW	Moderate Wind (5-15 mph)	74	19	29.94

ROUND 4 - OFFSITE

10/2/19 9:56 AM - 10:30 AM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	InHg
10/2/2019 10:30	1		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:28	2		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:24	3		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:21	6		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:19	4		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:17	5		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:15	7		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:12	8		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:08	9		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:04	10		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 10:00	11		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07
10/2/2019 9:56	12		ND	Mostly Sunny	None	N	Calm (<1 mph)	55	51	30.07

ROUND 5 - ONSITE

10/2/19 11:00 AM - 11:45 AM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	InHg
10/2/2019 11:45	L	North Center of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:43	C	Test Area 24 Ft From Exhaust	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:42	B	Test Area 12 FT From Exhaust	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:40	A	Test Area 6 Ft from Exhaust	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:38	D	West Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:36	O	Post Behind House	2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:33	P	On Hill Behind House	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:31	N	Post by Dumpster	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:27	E	South Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:26	F	South Midpoint of Greenhouses	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:24	G	East Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:22	H	East Corner of Whse	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:20	I	East Midpoint of Whse	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:18	J	North Corner of Whse	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:15	K	North Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:00	M	Front Gate To Property	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05

ROUND 6 - ONSITE

10/2/19 11:40 AM - 12:24 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	inHg
10/2/2019 12:24	A	Test Area 6 Ft From Exhaust	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 12:23	B	Test Area 12 FT From Exhaust	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 12:22	C	Test Area 24 Ft From Exhaust	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 12:21	L	North Center of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 12:19	K	North Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 12:05	K	North Corner of Greenhouses	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 12:05	K	North Corner of Greenhouses	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 12:04	L	North Center of Greenhouses	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:59	C	Test Area 24 Ft From Exhaust	2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:57	B	Test Area 12 FT From Exhaust	2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:55	A	Test Area 6 Ft From Exhaust	2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:45	L	North Center of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	63	36	30.05
10/2/2019 11:43	C	Test Area 24 Ft From Exhaust	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:42	B	Test Area 12 FT From Exhaust	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05
10/2/2019 11:40	A	Test Area 6 Ft From Exhaust	<2	Mostly Sunny	None	N	Light Breeze (1-5 mph)	64	30	30.05

ROUND 7 - ONSITE

10/2/19 12:26 PM - 12:51 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	InHg
10/2/2019 12:51	E	South Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:50	F	South Midpoint of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:48	G	East Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:47	H	East Corner of Whse	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:46	I	East Midpoint of Whse	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:44	N	Post by Dumpster	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:43	M	Front Gate To Property	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:42	P	On Hill Behind House	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:41	O	Post Behind House	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:40	J	North Corner of Whse	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:33	K	North Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:30	L	North Center of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03
10/2/2019 12:29	D	West Corner of Greenhouses	ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	70	25	30.03

ROUND 8 - OFFSITE

10/2/19 12:50 PM - 1:20 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	inHg
10/2/2019 13:28	11		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:25	12		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:21	10		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:19	8		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:18	9		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:16	7		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:14	6		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:12	5		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:10	4		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:06	3		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 13:04	2		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02
10/2/2019 12:58	1		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	72	24	30.02

ROUND 9 - OFFSITE

10/2/19 6:02 PM - 6:34 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	InHg
10/2/2019 18:34	12		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:31	11		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:29	10		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:27	9		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:25	8		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:22	7		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:20	6		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:18	5		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:16	4		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:14	3		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:12	2		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95
10/2/2019 18:09	1		ND	Mostly Sunny	None	SSW	Moderate Wind (5-15 mph)	72	21	29.95

ROUND 10 - OFFSITE

10/3/19 9:42 AM - 10:00 AM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	InHg
10/3/2019 10:09	1		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 10:08	2		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.30
10/3/2019 10:07	3		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 10:06	4		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 10:05	5		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 10:04	6		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 9:58	12		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 9:54	11		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 9:50	10		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 9:46	9		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 9:44	8		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00
10/3/2019 9:42	7		ND	Mostly Cloudy	Fog	S	Moderate Wind (5-15 mph)	59	51	30.00

ROUND 11 - ONSITE

10/3/19 10:11 AM - 10:35 AM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	InHg
10/3/2019 10:35	C	Test Area 24 Ft From Exhaust	2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:34	B	Test Area 12 FT From Exhaust	4	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:33	A	Test Area 6 Ft from Exhaust	7	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:31	D	West Corner of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:29	L	North Center of Greenhouses	2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:27	K	North Corner of Greenhouses	<2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:25	O	Post Behind House	<2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:23	P	On Hill Behind House	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:21	J	North Corner of Whse	<2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:19	I	East Midpoint of Whse	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:17	E	South Corner of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:16	F	South Midpoint of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:15	G	East Corner of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:14	H	East Corner of Whse	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:13	N	Post by Dumpster	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00
10/3/2019 10:11	M	Front Gate To Property	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	60	37	30.00

ROUND 12 - ONSITE
10/3/19 11:20 AM - 11:50 AM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	inHg
10/3/2019 11:50	M	Front Gate To Property	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:45	A	Test Area 6 Ft From Exhaust	2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:44	B	Test Area 12 FT From Exhaust	<2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:43	C	Test Area 24 Ft From Exhaust	<2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:41	D	West Corner of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:39	L	North Center of Greenhouses	<2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:38	K	North Corner of Greenhouses	<2	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:35	P	On Hill Behind House	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:34	O	Post Behind House	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:32	J	North Corner of Whse	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:29	N	Post by Dumpster	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:27	I	East Midpoint of Whse	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:25	H	East Corner of Whse	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:23	G	East Corner of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:21	F	South Midpoint of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99
10/3/2019 11:20	E	South Corner of Greenhouses	ND	Partly Cloudy	None	N	Light Breeze (1-5 mph)	67	28	29.99

ROUND 13 - OFFSITE

10/3/19 12:00 PM - 12:20 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	inHg
10/3/2019 12:20	12		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:18	11		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:15	10		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:12	9		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:10	8		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:08	7		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:06	6		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:05	5		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:04	4		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:03	3		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:02	2		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96
10/3/2019 12:00	1		ND	Mostly Sunny	None	N	Light Breeze (1-5 mph)	68	26	29.96

ROUND 14 - OFFSITE

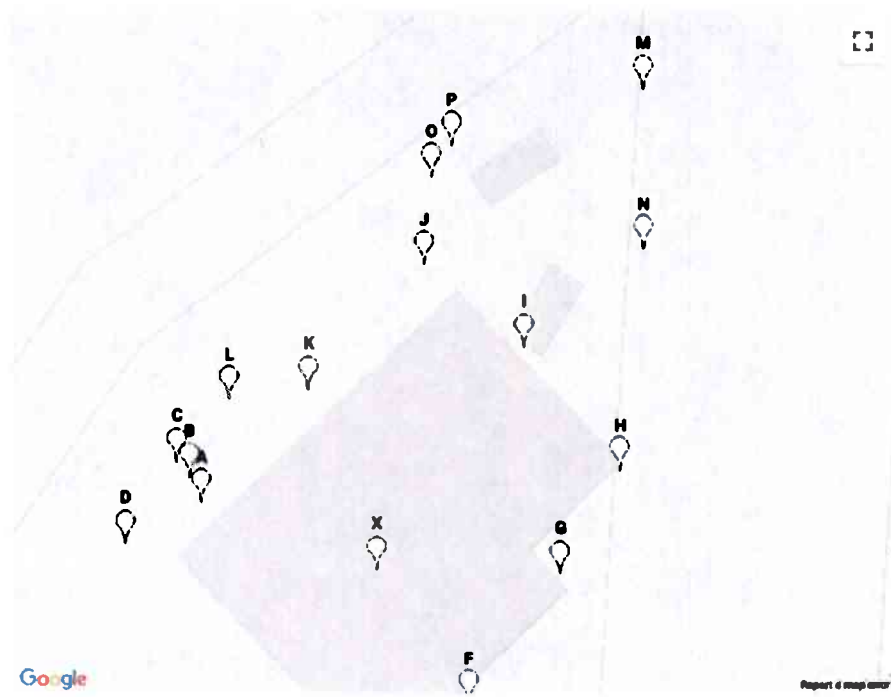
10/3/19 3:40 PM - 4:10 PM

Date	Loc #	Location	D/T	Weather Condition	Precip	Wind Direction	Wind Speed	Temp	Humidity	Pressure
							mph	F	%	inHg
10/3/2019 16:10	1		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 16:08	2		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 16:06	3		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 16:04	4		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 16:02	5		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 16:00	6		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 15:52	12		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 15:50	11		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 15:48	10		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 15:44	9		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 15:42	8		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90
10/3/2019 15:40	7		ND	Mostly Sunny	None	SSE	Moderate Wind (5-15 mph)	77	16	29.90

Exhibit 4

Onsite and Offsite Odor Data Maps

10/16/18, 12:28 PM



<http://www.edortrackr.com/LocationMap.aspx>

Page 1 of 1

10/16/19, 12:29 PM



<http://www.odortrackr.com/LocationMap.aspx>

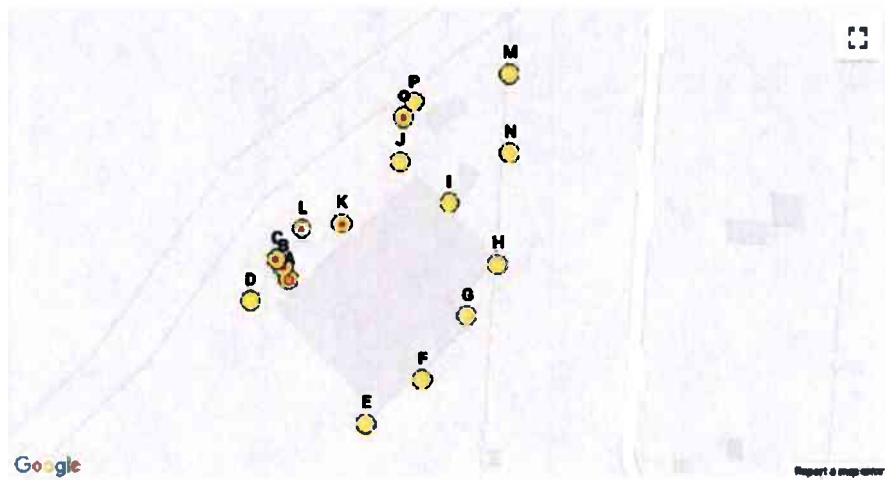
Page 1 of 1

10/16/19, 12:38 PM



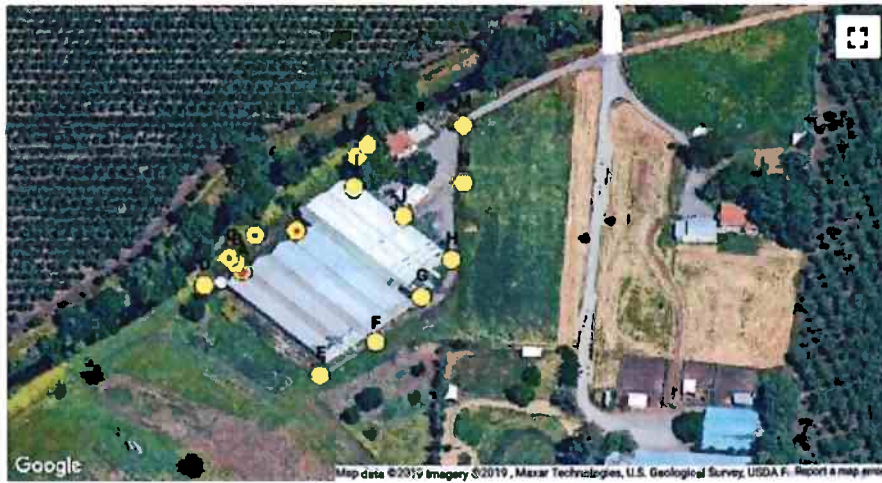
Odor DT Criteria (Eclipse Key)				Date Range: 10/1/2019 thru 10/3/2019	
Avg Log	Avg	Eclipse Symbol	Description	Any Time of Day	Assessment Type: Inspection
0.000	= ND		Full Sun	(DT)	Include Non-Detect
0.001-0.301	< 2		1/4 Eclipse		
0.301-0.845	>= 2		1/2 Eclipse		
0.846-	>= 7		Full Eclipse		

10/18/18, 12:48 PM



Order DT Criteria (Eclipse Key)				Date Range: 10/1/2019 thru 10/3/2019	
Avg. Log	Avg.	Eclipse Symbol	Description	Any Time of Day	Assessment Type: Inspection (DT)
0.000	= ND		Full Sun		Include Non-Detect
0.001-0.301	< 2		1/4 Eclipse		
0.301-0.845	>= 2		1/2 Eclipse		
0.846-	>= 7		Full Eclipse		

10/18/19, 12:55 PM



Odor DT Criteria (Eclipse Key)				Date Range: 10/1/2019 thru 10/3/2019	
Avg. Log	Avg.	Eclipse Symbol	Description	Any Time of Day	Assessment Type: Inspection (DT)
0.000	= ND		Full Sun		Include Non-Detect
0.001-0.301	< 2		1/4 Eclipse		
0.301-0.845	>= 2		1/2 Eclipse		
0.846-	>= 7		Full Eclipse		

January 28, 2022



County of Riverside
Planning Department
4080 Lemon Street
Riverside, CA 92501

RE: Fuego Farms Commercial Agricultural Operation

To whom it may concern:

On behalf of the Fuego Farms, LLC, Hernandez Environmental Services (HES) is providing this response to your comments on the Fuego Farms Commercial Agricultural Operation Project.

Comment No. 1: The project will result in impacts to Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) "Wildlife Corridor 10."

Response: According to the Western Riverside County MSHCP, "Proposed Constrained Linkage 10 is one of four Constrained Linkages connecting the Santa Rosa Plateau and Tenaja Corridor to San Diego County. It provides an upland connection to the Cleveland National Forest and areas in San Diego County via the Tenaja Corridor for large mammals. This connection may serve as one component of a larger movement corridor for mountain lions traveling between the Santa Ana Mountains and the Palomar Mountains." Based on the above excerpt from the MSHCP, Proposed Constrained Linkage 10 (referred to as Wildlife Corridor 10 by the commenter) connects the Santa Rosa Plateau to the Tenaja Corridor. The Santa Rosa Plateau is located approximately ¼ mile to the north of the project site and the Tenaja Corridor is located several miles to the northwest of the proposed project site, as depicted on the attached Conservation Lands Map. The project site is located within an existing active agricultural facility. The project development area will be confined to approximately 4.28 acres of the southwest portion of APN 933-020-005. The project has no potential to impact a linkage/wildlife corridor located several miles offsite.

Comment No. 2: The project failed to conduct biological surveys for threatened and endangered species.

Response: The General Biological Assessment (GBA) prepared for the project included a literature review and field survey of the project site and surrounding areas. A five mile radius of project area was used to identify sensitive species in the California Natural Diversity Data Base (CNDDB). Additional resources reviewed during the literature search included the United States Fish and Wildlife (USFWS) Endangered Species Lists, and the California Native Plant Society's (CNPS) Rare plant lists to obtain species information for the project area. Additionally, the Western Riverside County MSHCP was reviewed to determine requirements for sensitive species surveys within the boundaries of the MSHCP.

The field survey consisted of walking linear transects spaced approximately 50 feet apart for 100 percent coverage of the project site. All species observed were recorded and Global Positioning System (GPS) way points were taken to delineate specific habitat types, species locations, state or federal waters, or any other information that would be useful for the assessment of the project site. A comprehensive list of all plant and wildlife species that were detected during the field survey was recorded, which is included in Appendix A of the GBA prepared for the project. During the field survey, onsite habitats were assessed to determine suitability to support special status species with the potential to occur within the project area, as determined by the literature search. Based upon the literature search and field survey, the GBA identifies whether special-status wildlife species have the potential to occur on the site, whether the project will result in impacts to special-status wildlife species with the potential to occur, and includes recommendations to avoid, minimize, and/or mitigate for potential impacts to special-status wildlife species.

Comment No. 3: The project will result in operational impacts to Santa Rosa Plateau Ecological Reserve (i.e., night light, noise, human intrusion, water & fertilizer usage).

Response: The Santa Rosa Plateau Ecological Reserve is located approximately ¼ mile to the north of the project site. The project site is located within an existing active agricultural facility. The project development area will be confined to approximately 4.28 acres of the southwest portion of APN 933-020-005. The existing agricultural orchards surround the proposed project site to the north and east. The existing agricultural operation utilizes night lighting, noise producing equipment, water, fertilizers, etc.; therefore, anthropogenic disturbance is already present on the site and within closer proximity to the Santa Rosa Plateau Ecological Reserve than the proposed project. However, as a precautionary measure, the project incorporated Urban/Wildlands Interface Guidelines (Section 6.14 of the MSHCP) into the project design to reduce potential impacts to the adjacent sensitive resources, such as drainages and existing conservation areas.

Comment No. 4: The project will result in impacts to a wildlife movement corridor for mountain lion.

Response: The GBA prepared for the project found that the project site is not located within a designated wildlife corridor or linkage. The project area was evaluated for its function as a wildlife corridor that species use to move between wildlife habitat zones. The project site consists of approximately 4.28 acres of the southwest portion of APN 933-020-005. APN 933-020-005 contains an existing active agricultural operation. The 4.28-acre project site consists of disturbed land characterized by agricultural orchards and disturbed/developed areas. Immediately surrounding the project site to the north and east is an existing agricultural facility located within the remainder of APN 933-020-005. Several drainages cross through APN 933-020-005 to the north and east of the project site. Land uses surrounding APN 933-020-005 include Carancho Road and residential uses. Although the ephemeral drainages located within APN 933-020-005 could be utilized for local wildlife movement, an active agricultural operation exists within APN 933-020-005 and these areas would not provide adequate movement corridors for large mammals such as mountain lion.

Comment No. 5: The project was not adequately reviewed during the California Department of Fish and Wildlife Lake or Streambed Alteration Agreement process.

Response: As part of the California Department of Fish and Wildlife Lake or Streambed Alteration Agreement process, Marissa Caringella, a representative from the California Department of Fish and Wildlife, conducted a field review of the project area on March 25, 2021 to verify the jurisdictional delineation and contents of the Lake or Streambed Alteration Agreement Notification submittal. During the field review, Ms. Caringella found the delineation of California Department of Fish and Wildlife jurisdictional areas to be accurately mapped and described within the jurisdictional delineation and requested additional documentation to ensure that construction and operation of the project would not result in indirect impacts to California Department of Fish and Wildlife jurisdictional areas located adjacent to the project site. The California Department of Fish and Wildlife was provided the requested information and deemed the Notification complete on March 29, 2021. The California Department of Fish and Wildlife allowed 60 days to pass without issuing a Lake or Streambed Alteration Agreement. An Operation of Law letter was provided for the project on May 25, 2021 allowing the project to proceed as described in the Notification. Therefore, the project was reviewed by the California Department of Fish and Wildlife during the Lake or Streambed Alteration Agreement process.

Comment No. 6: The project does not implement a 1,000-foot setback from the Santa Rosa Plateau Ecological Reserve.

Response: The project site is located within an existing active agricultural facility. The project development area will be confined to approximately 4.28 acres of the southwest portion of APN 933-020-005. The project development area is located more than 1,000 feet from the southern boundary of the Santa Rosa Plateau Ecological Reserve.

Comment No. 7: The project will result in impacts to Santa Rosa Plateau Ecological Reserve hiking trails and access to the Santa Rosa Plateau Ecological Reserve visitor/education center.

Response: The project site is located within an existing active agricultural facility. The project development area will be confined to approximately 4.28 acres of the southwest portion of APN 933-020-005. The project development area is located more than 1,000 feet from the southern boundary of the Santa Rosa Plateau Ecological Reserve. Hiking trails for the Santa Rosa Plateau Ecological Reserve are located within the park boundaries. No public hiking trails exist within APN 933-020-005 or the project development area. Further, the Santa Rosa Plateau Ecological Reserve visitor/education center is located at 394000 Clinton Keith Road in Murrieta, several miles north of the site.

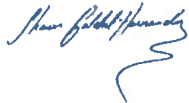
Comment No. 8: The project is in conflict with the Western Riverside County MSHCP and agreements with the California Department of Fish and Game.

Response: The GBA prepared for the project includes an MSHCP consistency analysis and an independent biological analysis. Both the consistency analysis prepared for the project and the County and RCA's

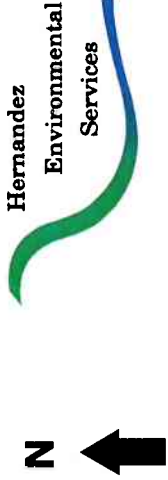
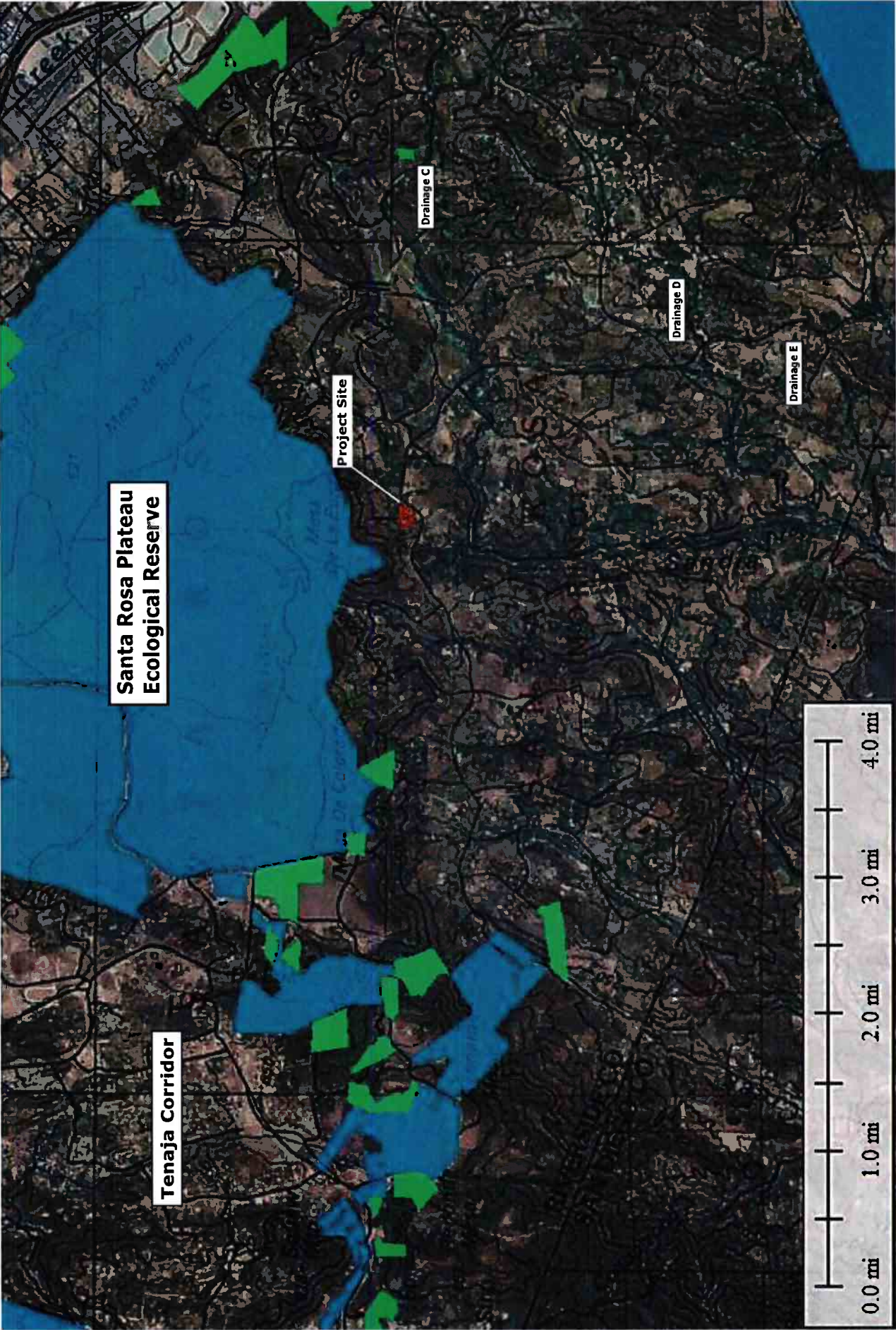
determination provide analyses and findings that the project will not conflict with the MSHCP, which the California Department of Fish and Wildlife is a party to.

Please feel free to contact me via email at shawn@hernandezenvironmental.com or by telephone at 951.334.6219 if you have any questions.

Sincerely,


A handwritten signature in blue ink, appearing to read "Shawn Gatchel-Hernandez", with a stylized flourish extending from the bottom.

Shawn Gatchel-Hernandez
Principal Regulatory Specialist

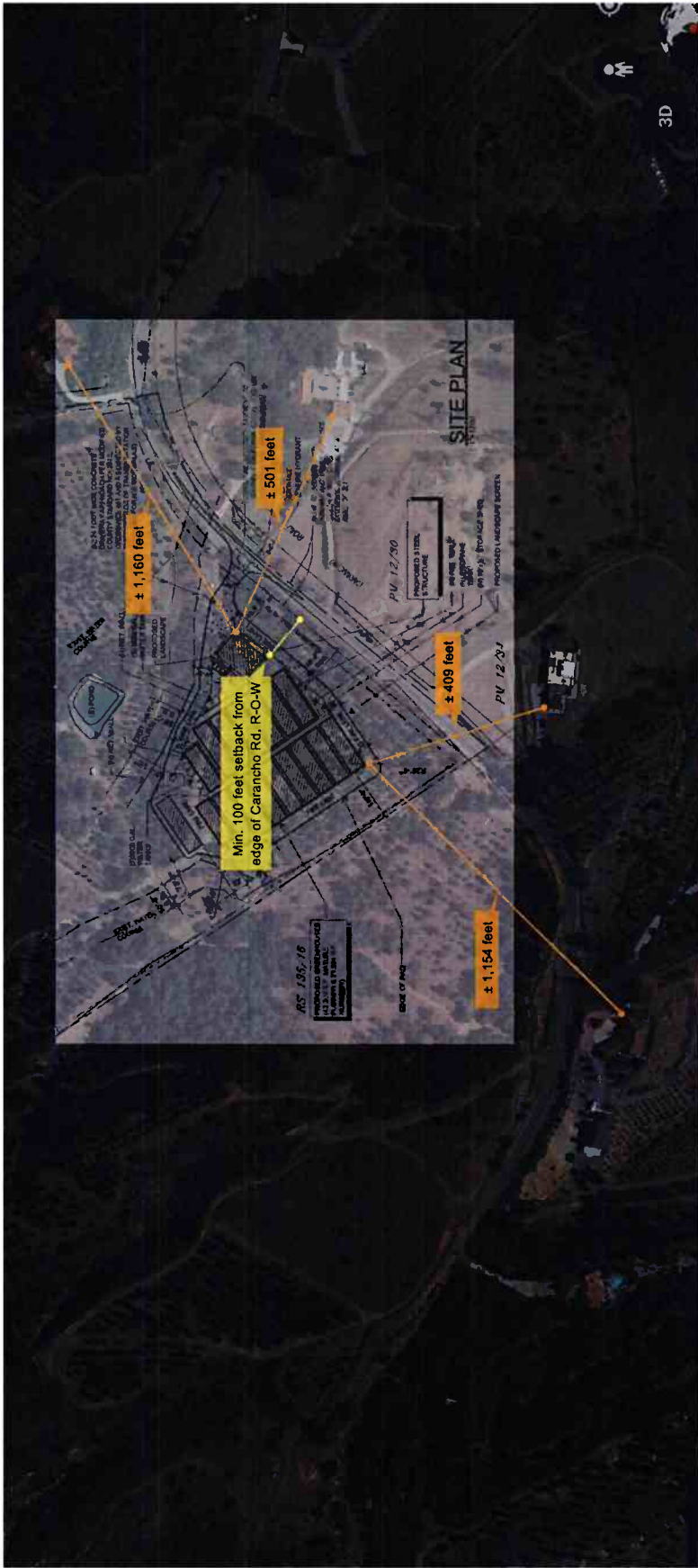


Conservation Lands Map
Fuego Farms Commercial Agricultural Operation
APN 933-020-005
Riverside County, California

Legend

 Project Site Boundary

Setback Distances



Boydd, April

From: cob@rivco.org
Sent: Monday, February 7, 2022 9:20 AM
To: COB; lesleyo@helixepi.com
Subject: Board comments web submission

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.



First Name: Lesley
Last Name: Owning
Address (Street, City and Zip): 11 Natoma Street, Suite 155, Folsom, CA 95630
Phone: 2094024541
Email: lesleyo@helixepi.com
Agenda Date: 02/08/2022
Agenda Item # or Public Comment: 3.22
State your position below: Neutral
Comments: HELIX prepared the CEQA IS/MND in coordination with County staff. Attached is a letter addressing environmental concerns raised in the denial findings and conclusions.
Attachments (Must be .pdf, .doc, or .docx): Fuego-Farms Riverside-County-BOS HELIX.pdf

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: John Armstrong <john@armstronglawgroup.co>
Sent: Monday, February 7, 2022 2:06 PM
To: Supervisor Jeffries - 1st District; District2; District3 Information; District 4 Supervisor V. Manuel Perez; District5; Priamos, Greg; COB; Planning
Cc: carmen@redasil.com
Subject: Response to Tentative Denial Letter re Fuego Farms, LLC CONDITIONAL USE PERMIT NO. 190038 and DEVELOPMENT AGREEMENT NO. 1900027
Attachments: Response Letter re Fuego Farms Cannaabis Cultivation Permit.pdf; EPS_Odor Rebuttal Letter_rev Final.pdf; HES Response Letter.docx; Conservation Lands Map.pdf; Feugo Farms Map_Setback Distance.pdf

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached Fuego Farms, LLC's response to the County's Letter of January 31, 2021 laying at the basis for its planned action to deny Fuego Farms, LLC's commercial cannabis cultivation permit set for hearing tomorrow morning.

Also enclosed are my client's expert reports.

Based on the enclosed, my client is requesting that the County reconsider its denial to avoid litigation, or to table the hearing until it can review the enclosed factual information before making a final determination.

I do intend on attending tomorrow's hearing to answer questions.

Sincerely,

John Armstrong

ARMSTRONG LAW GROUP



Strong Representation

23232 PERALTA DRIVE
SUITE 102
LAGUNA HILLS, CA 92653
TEL. (949) 942-6069
EMAIL:
John@ArmstrongLawGroup.Co

February 7, 2022

**Re: *Fuego Farms, LLC's Response to
Riverside County Board of Supervisors
Tentative Denial Letter Re:
CONDITIONAL USE PERMIT NO. 190038
and DEVELOPMENT AGREEMENT NO.
1900027***

**Dear Honorable Members of the Riverside
County Board of Supervisors:**

As you know, Fuego Farms, LLC sought a cannabis cultivation permit from Riverside County regarding its 72-acre parcel, which is zoned A-1, and is part of Riverside County's Master Plan allowing agricultural uses.

That is, except for cultivating cannabis, any other agriculture use, whether growing garlic, broccoli, tomatoes, or raising chickens are lawful uses for the subject property, none of which require permitting based on the existing zoning.

Accordingly, to have a rational basis to discriminate against a cannabis cultivation use, the County must have an objectively reasonable basis to deny such use, especially when, as here, the permit applicant's property and plan meets all regulatory and zoning requirements and had obtained the approval of the County's Planning Commission before the matter was subjected to a vote.

As the County, and particularly the Honorable Supervisor Kenneth Jeffries is aware, the owners of a property next to Fuego Farms has been using their political and financial influence to ensure that Fuego Farm's cannabis permit be denied—even creating a Political Action Committee ("PAC") to make false and defamatory

Re:

statements about Fuego Farms and its members to sabotage Fuego Farm's efforts to lawfully cultivate cannabis on its property in compliance with all applicable California State and Riverside County's requirements.

Our investigation as to the motives and relationship between the PAC, its counsel, and the apparently paid witnesses to speak "against" retained my law firm to assess viable claims against Riverside County given the innumerable misrepresentations and false, defamatory statements made about my client and its members at the last public hearing on its cannabis cultivation permit.

Based on the statements made in opposition at the last, my client and I worked with their team of experts to address the issues raised at the last hearing.

As you know, the County's Planning Department had previously approved and confirmed that Fuego Farms, LLC's planned cannabis cultivation activities met **all** applicable zoning and other regulatory requirements **before** the last public hearing.

At the last public hearing, no **factual** information was provided to the Board of Supervisors, other than uninformed, ignorant opinions of persons who are present investigation shows appear to have been paid. For example, a "public interest group" formed and organized by a neighboring property with ties to the Honorable Kevin Jeffries published a false, defamatory hit piece, accusing members of Fuego Farms of crimes that they did not commit, and other false and fabricated statements designed malign the County Board of Supervisors against Fuego Farms.

We are presently investigating whether some of those people who spoke in the public comments were paid persons to attempt to make such unlawful lobbying efforts appear facially legitimate.

The County indicated at the last hearing that it would provide reasons for its tentative denial of Fuego Farms cannabis application, a minority owned and controlled business.

Re:

On January 31, 2022, the County finally gave Fuego Farms the justification for its denial of its cannabis permit application that met all existing zoning and land use requirements under the existing County Ordinances.

Specifically, the County claimed concern regarding the following, which the County concedes were not brought up until the last public hearing by non-professionals who submitted no credible regarding the following items:

- Stormwater and water quality concerns.
- Impacts related to odors and pesticides.
- Impacts to biological resources and the Santa Rosa Plateau Reserve.
- Nighttime lighting.
- Lack of compatibility with surrounding agricultural uses and residences.
- Impacts related to police service and crime.
- Traffic and dangerous conditions along Carancho Road.
- Incompatibility with the area as a commercial use.

As conceded by the County in its letter of January 31, 2022, no scientific or other credible data was submitted—all the above items were speculation raised by lay persons without any supporting facts/data:

“12. In light of the above opposition, the Board of Supervisors finds that proposed project is not a compatible use with the surrounding residential agricultural community due to close proximity to residential homes; potential impacts due to pesticides, nighttime lighting, and odors; the close proximity to the Santa Rosa Plateau and the potential for significant impacts to the plateau; and the distance between the neighborhood and emergency services and the impact the project may have on such services all, collectively and individually, would detrimentally affect the public health, safety, and general welfare of the community.

13. Pursuant to Ordinance No. 348 Section 18.28. D Conditions, a conditional use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety of general welfare of the community. Given the testimony provided and the findings and determinations from the Board, the applicant did not meet that required burden.”

Re:

Notably, the “testimony” was not from any experts or even by the County’s own Planning Department who had previously pre-approved the cannabis application. The County was given no objective, reliable, or even accurate data at the last hearing to support its “findings” that the project posed a threat to public safety or public health, other than rank speculation.

Enclosed with this letter are the expert opinions based on objective data showing that the subject application does not pose a threat to public safety or to public health and is consistent with other authorized agricultural uses given the pre-existing zoning classification for the subject property.

Regarding **stormwater and water quality concerns**, as provided in more detail in the enclosed letters from expert regarding compliance with California Environmental Quality Act, the existing project does **not** provide any abnormal or unusual or materially different stormwater runoff or water quality concerns different from any other lawfully permitted agricultural use. CEQA compliance was previously submitted to the County’s Planning Commission, which confirmed this, yet the County apparently rejected the objective data and its own Planning Commission’s approvals in this regard in favor public comments by uneducated lay persons’ speculation about what “might” happen without any data. Bowing to speculation by lay persons is not a rational basis upon which to base a decision.

Regarding impacts related to **odors**, this project provided detailed information that the cannabis cultivation would take place in enclosed green house structures that provided carbon filtering to address odors. Another expert report regarding the lack of odor expected to be produced from the planned and County Planning Commission-approved odor control methods is provided with this letter.

Regarding impacts related to **pesticides**, as previously provided to the County’s Planning Commission and as previously approved by such Commission, only natural pesticides were to be used, which are all California approved and less than pesticides used on any of the neighboring property’s crops.

Moreover, objecting to pesticides regarding cannabis in California is objectively unreasonable in that California’s regulations for cannabis pesticides are the most strenuous to comply with in the Country for any

Re:

agricultural use. As put by journalist for nationally recognized publication, *Environmental Health Perspectives*, “Taken as a whole, California’s pesticide regulations for cannabis are considered by most industry watchers to be the strictest in the country. California has the advantage of a sophisticated Department of Pesticide Regulation (DPR) with significant expertise in toxicology and human-health risk assessment.^{20,21} In some cases, that expertise—paired with broad support for environmental regulation—has helped the state establish rules , t

The reality is that the pesticides allowed to be used on tomatoes are far more dangerous than the pesticides allowed to be used on cannabis, which is because both recreational and medical cannabis are used by cancer patients and other persons with compromised immune systems, meaning that there are far stricter regulations on cannabis pesticides than for any other agricultural crop in California.

Regarding impacts to **biological resources** and to the **Santa Rosa Plateau Reserve**, there are no such impacts. The proposed cultivation is small fraction of the 72-acre parcel at issue and the cannabis is going to be grown in green houses that prevent animals and insects from entering. Moreover, there is nothing about the proposed green house or the property that prevents access to the Santa Rosa Plateau Reserve, and if this were remotely a legitimate concern (it is not), the County’s Planning Commission would have so indicated some time in over the two years it took to get the application ready for Board approval, but was never mentioned until some uninformed lay persons claimed, without evidence, and purely based on speculation, that the Santa Rosa Plateau Reserve would be negatively impacted Fuego Farms were allowed to construct green houses to cultivate cannabis on a small portion of its property.

Regarding concerns for nighttime lighting, this was addressed before the County’s Planning Commission. First, the nighttime lighting surrounding the security cameras around the green houses and other buildings will be visible by neighboring properties unless they are flying overhead or trespassing upon Fuego Farms cultivation facility. There is no evidence that the exterior lighting necessary to meet California’s cannabis safety requirements will cause light pollution that will affect any of the neighboring properties—especially since there are literally acres of

Re:

distances between any residential dwelling and the **indoor** cannabis cultivation site.

Regarding the alleged **lack of compatibility with surrounding agricultural uses and residences**, this property and all properties contiguous to the 72-acre parcel are all zoned for agricultural use. The proposed activities are greenhouse farming—an activity that only requires a permit because the crop is cannabis as opposed to any other plant, which normally requires no permitting whatsoever if farming is done in a designated agricultural zone. Additionally, because the cannabis cultivation is taking place in enclosed greenhouse, there is no risk of possible contamination of any neighboring crops or farming activities. To say that cultivation activities are inconsistent with an area that has been zoned for such activities if Riverside has been County is neither credible nor rational.

As to **residences**, Fuego Farms is only cultivating in enclosed greenhouses on a small portion of 72-acre parcel and the neighboring properties have a minimum of 5-10 acres of land. There are no residences that will be affected, much less adversely affected by cannabis cultivation activities taking place in enclosed greenhouses that are not visible or anywhere near any of the neighboring residences. Notably, none of the contiguous zoning areas to the subject parcel are zoned exclusively for residential. Rather, the County’s Master Plan and existing zoning show that the County is allowing some residential use of primarily agricultural properties, not that the County is imposing or allowing agricultural use in a **designated** residential zone. Hence, this is not a rational or facially valid concern given the existing zoning at and surrounding Fuego Farm’s project.

Regarding impacts related to **police service and crime**, there is no evidence that licensed cannabis facilities have ever caused an increase in crime or police service. No doubt black market and other illicit cannabis cultivation does have a significant impact on police and service and crime, but this has not been the case for **licensed** cannabis operators. This is because the State of California requires 24-hour security and security cameras in and surrounding cannabis cultivation facilities.

Re:

The State of California requires licensed cannabis operators to hire outside security companies to run security for them, and cannot use in-house security guards, much less in-house armed security to comply with existing regulations. Thus, given that everything is record 24 hours a day, 7 days a week, with round the clock professional security services—none of which is visible from the street or outside of the subject property—shows that there would little no impact on existing police services, other than perhaps some inspections. And, as to crime, having such security on-site and with security cameras is likely to have negative impact on local crime, and not to increase it.

Accordingly, relying on ignorant speculation on possible police and crime impacts, as opposed to having knowledge of rigorous security requirements for a licensed cannabis operation, which the State of California itself can inspect remotely ensures that public safety is better protected with the granting of the requested cannabis cultivation permit.

Regarding concerns regarding **traffic and dangerous conditions along Carancho Road**, again, this concern is solely based on speculation. There is no evidence that allowing greenhouse cannabis cultivation on a small portion of the subject 72-acre parcel is more likely to have a significant and negative impact on traffic or create/increase the alleged “dangerous conditions” along Carancho Road.

For example, most of the work and movement of cultivate cannabis happens at most 2-3 times in a year. Most of the crop movement is done using secure, armored transport, usually at night—times when there are never children present and when there is substantially less traffic. This is ordinarily done for safety reasons as fewer persons on the road means it is easier to track if someone attempted to hijack the licensed transportation vehicle, which is communication with the California Department of Farming and Agriculture’s Cannabis Division and local law enforcement. So, to say that the concern is that allowing cannabis cultivation poses a threat to some children crossing the road shows ignorance of how cannabis cultivation facilities operate.


Moreover, as to any increase in traffic by having employees working at the site, there is no material difference whether Fuego Farms has decided to cultivate flowers in its greenhouse versus any other crop, as any property

Re:

like Fuego Farms that is **zoned** for commercial agricultural is entitled to have workers assist in its cultivation activities. There is no evidence that proposed cannabis cultivation activities will cause significantly more employees or workers than any of the neighboring commercial avocado or other farms abutting the same stretch of road.

Finally, regarding the **alleged incompatibility with the area as a commercial use**, there is no commercial manufacturing activities other than farming activities. The property owner has a vested right based on long-existing zoning ordinances allowing commercial farming, and the properties surrounding Fuego Farms property are also presently permitted to conduct commercial farming activities. Thus, unless the County is intending to change its Master Plan and re-zone Fuego Farms and its neighbors to **prevent commercial farming**, there is no rational basis for deny commercial farming activities in an areas zoned for commercial farming and which allows neighboring property owners, who are predominately white, to engage commercial farming activities while banning Fuego Farms from doing so, which happens to be minority owned—unless the County is basing its denial on factors that are not objectively and rationally based.

Given the above, and the enclosed expert reports addressing copious detail the County’s expressed concerns, and given the lack of an objective, rational basis to deny Fuego Farms’ permit request, Fuego Farms respectfully requests that County grant the subject permit, or table the hearing until the County has completed a rational and objective review of all the data before making its decision.



John R. Armstrong,
Principal
Armstrong Law Group

Boydd, April

From: cob@rivco.org
Sent: Monday, February 7, 2022 8:31 AM
To: COB
Subject: Board comments web submission

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First Name: Sam
Last Name: Godar
Phone: 9515423013
Agenda Item # or Public Comment: 3.22
State your position below: Support
Attachments (Must be .pdf, .doc, or .docx): 2022.02.04-Wittwer-Parkin-Rebuttal-Letter.pdf

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: cob@rivco.org
Sent: Monday, February 7, 2022 8:06 AM
To: COB; shawn@hernandezenvironmental.com
Subject: Board comments web submission

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First Name: Shawn
Last Name: Gatchel-Hernandez
Phone: 19513346219
Email: shawn@hernandezenvironmental.com
Agenda Date: 02/08/2022
Agenda Item # or Public Comment: 3.22
State your position below: Neutral
Attachments (Must be .pdf, .doc, or .docx): [HES-Response-Letter.pdf](#)

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: cob@rivco.org
Sent: Sunday, February 6, 2022 9:47 PM
To: COB; carl@yanchardesign.com
Subject: Board comments web submission

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First Name:	Carl
Last Name:	Yanchar
Address (Street, City and Zip):	26741 Portola Pkwy
Phone:	+1942891123
Email:	carl@yanchardesign.com
Agenda Date:	02/08/2022
Agenda Item # or Public Comment:	3.22
State your position below:	Support
Comments:	Wrong phone number previously submitted

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: cob@rivco.org
Sent: Sunday, February 6, 2022 9:45 PM
To: COB; carl@yanchardesign.com
Subject: Board comments web submission

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First Name: Carl
Last Name: Yanchar
Address (Street, City and Zip): 26741 Portola Pkwy
Phone: +19497706601
Email: carl@yanchardesign.com
Agenda Date: 02/08/2022
Agenda Item # or Public Comment: 3.22
State your position below: Support

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: cob@rivco.org
Sent: Saturday, February 5, 2022 5:14 PM
To: COB
Subject: Board comments web submission

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First Name: Ray
Last Name: Kapahi
Phone: 916-806-8333
Agenda Item # or Public Comment: 3.22
State your position below: Support
Comments: I would like to comment on the proposed odor mitigation and its effectiveness in preventing nuisance odors at nearby residences.

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: cob@rivco.org
Sent: Monday, February 7, 2022 3:05 PM
To: COB; chris@hickokkim.com
Subject: Board comments web submission

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First Name: Chris
Last Name: Hickok
Address (Street, City and Zip): 2202 S Figueroa street, unit 201, Los Angeles ca 90007
Phone: 6612194245
Email: chris@hickokkim.com
Agenda Date: 02/08/2022
Agenda Item # or Public Comment: 3.22
State your position below: Support
Comments: The Board of Supervisors should reconsider their denial of fuego farms CUP

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: cob@rivco.org
Sent: Monday, February 7, 2022 2:54 PM
To: COB; john@armstronglaw.group
Subject: Board comments web submission

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.



First Name: John
Last Name: Armstrong
Address (Street, City and Zip): 23232 Peralta Drive, Suite 102, Laguna Hills, CA 92653
Phone: 949-942-6069
Email: john@armstronglaw.group
Agenda Date: 02/08/2022
Agenda Item # or Public Comment: 3.22

State your position below: Oppose

Comments: I am the attorney for Fuego Farms, LLC asked to assist them in response to public comments from the last hearing and who has addressed the County Board of Supervisor's stated reasons for denying the present commercial cannabis cultivation permit.

As per my letter and the attachments thereto, including expert reports relying on objective data, the facts show that the County's present concerns are not based on facts but on speculation, which speculation is inconsistent with both California State cannabis regulations as well as how cannabis cultivators lawfully cultivate cannabis.

Sincerely,

John Armstrong

Attachments (Must be .pdf, .doc, or .docx): [Response-to-Comments-from-William-Parkin.docx](#)

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: cob@rivco.org
Sent: Monday, February 7, 2022 3:54 PM
To: COB; chris@hickokkim.com
Subject: Board comments web submission

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.



First Name: Christopher
Last Name: Hickok
Address (Street, City and Zip): 2202 S Figueroa Street, Unit 201, Los Angeles, CA 9007
Phone: 6612194245
Email: chris@hickokkim.com
Agenda Date: 02/08/2022
Agenda Item # or Public Comment: 3.22
State your position below: Support
Comments: I support the approval of Fuego Farms CUP, and request the County reconsider their opposition to the CUP.
Attachments (Must be .pdf, .doc, or .docx): [Fuego-Boardletter.pdf](#)

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

Boydd, April

From: Nanthavongdouangsy, Phayvanh
Sent: Monday, February 7, 2022 4:33 PM
To: COB
Cc: Carmen Lopez
Subject: FW: HK Law Ink
Attachments: Fuego-Boardletter.docx

Good afternoon,
The attached letter is for 2/8/22 Agenda Item 3.22.

Please distribute.

Thank you,
Phayvanh Nanthavongdouangsy

TLMA- Planning, Principal Planner
4080 Lemon St. 12th Floor
Riverside, CA 92501
951-955-6573

[How are we doing? \(Click the Link and tell us\)](#)

From: Carmen Lopez <carmen@redasil.com>
Sent: Monday, February 7, 2022 4:24 PM
To: Nanthavongdouangsy, Phayvanh <PNANTHAV@RIVCO.ORG>
Subject: HK Law Ink

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hi Phayvanh,

I forgot to include this letter. Can you please share this with everyone?

Thank you,
Carmen Lopez
310.908.8468

--

Sincerely,

Carmen Lopez
Business Relations
C: 310-908-8468
Carmen@Redasil.com

12130 Millennium Drive,
Suite 300
Los Angeles, CA 90094



Christopher D. Hickok
E-mail: chris@hickokkim.com

February 7, 2022

VIA E-MAIL

Board of Supervisors
County of Riverside
4080 Lemon Street, 1st Floor
Riverside, California 92501
cob@rivco.org
district1@rivco.org
district2@rivco.org
d3email@rivco.org
district4@rivco.org
district5@rivco.org

Re: Fuego Farms Conditional Use Permit No. 190038

Dear Board of Supervisors:

My name is Christopher David Hickok, my firm, HK Law Inc., represents Fuego Farms, LLC (“Fuego Farms”) as its corporate and compliance attorney. I am writing to you to express my strong opposition to the Riverside County’s Board of Supervisors (the “Board”) decision to deny Fuego Farms’ conditional use permit, permit number 190038 (“CUP”). In its written denial, the Board stated that:

- A. the proposed project is not a compatible use with the surrounding residential agricultural area that is designated Rural Mountainous;
- B. the public’s health, safety and general welfare are not protected through project design nor the use of the site for Mixed Light Cannabis Cultivation activities; and
- C. the proposed project is not compatible with the present and future logical development of the area.

This letter will provide the Board with irrefutable facts regarding showing Fuego Farms’ compliance with the County of Riverside’s: (1) Ordinance; (2) Zoning Limitations; and (3) Location Requirements and based on these facts, request that Board reevaluate and reconsider.

1. Ordinance History

The Board adopted ordinance number 348.4898 (the “Ordinance”) on October 23, 2018. However, the development of this Ordinance began a year earlier. On October 13, 2017, the County of Riverside (the “County”) created a website, which generated public comments and surveys regarding the proposed Ordinance. Additionally, the Board advertised in both the *Press Enterprise Newspaper* and the *Desert Sun Newspaper* providing notice of the Ordinance, website, and upcoming meetings regarding commercial cannabis activity.

On March 20, 2018, the Board held their first public meeting regarding the Ordinance. Prior to the meeting, Board staff received one hundred twenty-one (121) letters with thirty three percent (33%) in favor of regulation, twenty eight percent (28%) opposed, and thirty nine percent (39%) were defined as neutral. Most of the neutral comments appeared to be in favor of the Ordinance, although they wanted increased regulations and oversight. It appears that none of the letters or the public commenters were from the De Luz area. Moreover, none of the letters or the commenters had issues with the specific zones within De Luz that may be affected.

In turn, the planning commission, in development of the Ordinance, took into consideration all relevant comments, concerns, and issues brought up by the staff and the public. The planning commission’s staff reports dated June 20, 2018 and July 18, 2018 both concluded that:

“[t]he public’s health, safety, and general welfare are protected through permitting provisions, development standards and operational requirements established within the proposed ordinance amendment.”

Based on the planning commissions staff report, which led to the creation and implementation of the Ordinance by the Board, it was concluded that the public would be protected so long as the County’s permitting provisions, development standards and operational requirements were strictly followed.

Fuego Farms has complied with all zoning and location requirements implemented by the County, the planning commission and the Board to its detriment. Moreover, Fuego Farms’ record will show that it has complied with all permitting provisions, development standards and proposed operational requirements (the “Standards”) set out by the Ordinance. Thus, having met or exceeded the Standards issued by the County, the Board may not issue a denial based on concerns for public health, safety or general welfare when the County has already deemed that by meeting the Standards, public health, safety, and general welfare have been protected.

2. Zoning Limitations

The Ordinance laid out the framework for the zoning and size limitation requirements, which can be found in Section 17.302.110 (A) and (B) of the Riverside County Municipal Code (the “RCMC”). The RCMC clearly states that medium mixed light cannabis cultivation is allowed on lots five (5) gross acres or more in ONLY zones designated as A-1 and A-2. The County has chosen to limit, with specificity, that a property must be over five (5) acres and in one of two available zones.

Fuego Farms projected is located on a seventy-two (72.15) acre plot on an existing A-1 zone. Fuego Farms clearly meets both zoning requirements for medium mixed light commercial cannabis cultivation required by the County. Lastly, the County required, in conformity with state law, that the canopy may not exceed twenty-two thousand (22,000) square feet. Fuego Farms proposed project conforms with this requirement.

3. Location Requirements

As part of the County's dedication to creating permitting provisions that protect the public's health, safety and general welfare, the County mandated specific setbacks, which exceed state law requirements, from various sensitive use and public right of way areas. The specific location requirements and setback provisions are found in Section 17.302.120 of the RCMC.

All mixed light cannabis cultivation may not be located within one thousand (1,000) feet of any child day care center, K-12 school, public park, or youth center ("Sensitive Use Site"). In fact, when the Ordinance was originally proposed, the Sensitive Use Site distance requirement was in line with state law, which was that any proposed project need only be six hundred (600) feet from a Sensitive Use Site. However, after public comments made during the drafting of the Ordinance, the County decided to extend this distance to one thousand (1,000) feet. As such, Fuego Farms moved forward at their location because there were no Sensitive Use Sites within the required distance.

Throughout Fuego Farm's review process, it was the County's assessment that the Santa Rosa Plateau was not a public park, and thus not a concern. However, during the CUP approval hearing, the Board ignored the assessment of their own department and relied on public comments to determine that they believed the Santa Rosa Plateau was a public park. Regardless, even if the Santa Rosa Plateau is considered a public park, the park is further than the one thousand (1,000) feet required by the Ordinance. Additionally, the fact that Fuego Farms' lot, not the project itself, shares a boarder with the Santa Rosa Plateau is not a violation of the ordinance, as Section 17.302.120(A)(2) states that the cultivation project is not allowed *in* an established agricultural preserve. This project is not in the Santa Rosa Plateau.

The following are additional setback/zoning requirements set out by the Ordinance and the RCMC:

- a. The cultivation area must be one hundred (100) feet from all lot lines and public right of ways. **Fuego Farms is one hundred (100) feet from Carancho Road and is four hundred nine (409) feet from the closest lot line.**
- b. The cultivation area must be fifty (50) feet from the drip line of any riparian vegetation of any watercourse. **This requirement has been met.**
- c. All greenhouses used for cultivation must be separated by a minimum of six (6) feet. **This requirement has been met.**
- d. When adjacent to a residentially zoned lot, the cannabis cultivation area shall be a minimum of one hundred (100) feet from the adjacent residentially zoned lot lines. **Fuego Farms is four hundred nine (409) feet from the closest residential lot lines.**

It is clear that Fuego Farms has met every location requirement set out by the County and the Board. However, during the public comment period of Fuego Farms' CUP hearing, the Board considered testimony from surrounding neighbors regarding their proximity to the residential/agriculture lots and appeared concerned that the project was located so close to residents despite their own Ordinance's clear regulatory requirements that had already considered and accommodated this issue.

It is important to note that in the development of the Ordinance, the County and the Board used public comments to amend and refine the Ordinance—this fact is clear upon review of this Ordinance’s history. The County used the public comments to create additional set back requirements for Sensitive Use Sites. However, public comments appear to be devoid of any concerns regarding increasing the set-backs for residential lots. Had the public commenters asserted their concerns at any time from October 2017 to October 2018, it is possible that the County would have adjusted the residential set back. The reality is that the public was made aware of this requirements, had no such concerns, and nonetheless deemed it sufficient. Further, had an increased set back been required, Fuego Farms may have been able to draft their plans around these requirements. While we can understand a citizens concern of Fuego Farms’ project proximity, the fact is that these requirements were made clear over three (3) years prior, and detrimentally relied upon by Fuego Farms.

4. Conclusion

It was the belief of the County that it should be the purpose of the Ordinance to regulate commercial cannabis activity. The County believed that:

“[t]he unregulated cultivation of cannabis in the unincorporated area of Riverside County can adversely affect the health, safety, and well-being of the county, its residents and environment. Comprehensive regulation of lots used for cannabis cultivation is proper and necessary to reduce the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from unregulated cannabis cultivation.”

It is clear from the County’s own words that unregulated cannabis posed an immense threat to the safety, health and general well-being of the public. As such, the County created the Ordinance and this permitting process to allow for operators to become regulated. There is no doubt that many of the applicants have past experience in this industry. It is simply the nature of this industry. In line with that nature, there is a strong belief that the government has been disproportionally harming cannabis operators for years. This understanding was a pillar in the drafting of the Medical and Adult Use of Cannabis Regulation and Safety Act (“MAUCRSA”) and is why nearly all cannabis crimes are now misdemeanors. The state of California has even developed programs to grant preferential treatment to individuals who have been harmed by this war on drugs.

Fuego Farms was the very first mixed light cannabis application to make it through the County’s rigorous and expensive application process. Nonetheless, the Board and the County are effectively saying to Fuego Farms and all other applicants, that despite submitting a complete application and meeting every single requirement that is listed in the County’s Ordinances, the Board has the discretion to arbitrarily deny based on unsubstantiated reasoning.

This begs the questions: what incentive does an operator have to continue down this path of regulation? What recourse does an operator have when it detrimentally relies on the County’s Ordinances and the Board arbitrarily denies the application? The County has required years of hard work and strict compliance to get to this point, only to have the Board take it away despite every agency in the County approving this project.

The Board’s decisions to deny Fuego Farm’s CUP demonstrates a complete disregard for the purpose of this Ordinance, the law, as well as the County’s own reports. Respectfully, the Board must reevaluate their decision regarding Fuego Farm’s CUP, otherwise, their entire licensing system may be in jeopardy.

Respectfully,

A handwritten signature in black ink, appearing to be 'CH', written above a horizontal line.

Christopher D. Hickok, Esq.

Boydd, April

From: Jon Lieberg <jlieberg@losglaw.com>
Sent: Monday, February 7, 2022 4:53 PM
To: COB
Subject: Findings to support denial of CUP No.190038; Item: 3.22 on 2/8/22 BOS Agenda

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Supervisors:

Regarding the TLMA-Planning submittal referenced above, Finding 13 on page 5 of 6 would be bolstered against a possible court challenge by also cross-referencing **Ordinance No. 348 Section 19.506 B. 4.** The public and expert testimony would support the inclusion of that reason in the findings.

Best regards,
Jon

Jon H. Lieberg
LIEBERG OBERHANSLEY LLP
41911 Fifth Street, Suite 300
Temecula CA 92590
Tel. No. (951) 699-6600
Fax No. (951) 699-6616

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County of Riverside California

Maxwell, Sue

From: cob@rivco.org
Sent: Tuesday, February 8, 2022 11:38 AM
To: COB
Subject: Board comments web submission

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.



First Name: MERCEDES
Last Name: DELEON
Phone: 949-303-3940

**Agenda Item # or
Public Comment:** 3.22

**State your
position below:** Neutral

Comments: I support the denial of the conditional use permit. There has been much opposition. The applicant: Fuego Farms LLC
The owner is openly voicing his hate against what he basically referred to a bunch of white people. I am not white. I am brown and I agree with the DENIAL of a conditional use permit. His representative stating our tomatoes have more pesticides than the marijuana does not help their argument. The people said no for many legal/lawful reasons. The armed security does not make the community feel safe at all! They should not be there protecting itself from the crime it attracted. The project would welcome noise pollution.

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID # 864 4411 6015 . Password is 20220208 . You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

9 min 11:14

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 to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Samuel Hazelip

Address: 22538 Carancho Rd

City: Temecula Zip: 92590

Phone #: 530-520-8016

Date: 2/8/2022 Agenda # 3.22

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

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SPEAKER'S NAME: Andre Lauritzen

Address: 4620 Tilden Ave

City: Sherman Oaks Zip: 91403

Phone #: 310 425-4240

Date: 2/8/22 Agenda # 3.22

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: Sam Hazelip

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Riverside County Board of Supervisors Request to Speak

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SPEAKER'S NAME: Steven Lam

Address: 1804 S. Barrington Ave

City: LA Zip: 90025

Phone #: 562 335 4874

Date: 2/8/22 Agenda # 3.22

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: Sam ~~Bozar~~ Hazelis

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9 mins

11:24
+9

Riverside County Board of Supervisors Request to Speak

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SPEAKER'S NAME: John Armstrong

Address: ~~75422~~ 23232 Peralta Dr.

City: Laguna Hills Zip: 92653

Phone #: 949 942-6069

Date: 2-8-2022 Agenda # 3.22

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X Oppose Neutral
(opposed
Denial)

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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SPEAKER'S NAME: Carmen Lopez

Address: 6302 Alviso Ave

City: Los Angeles Zip: 90043

Phone #: 310-908-8468

Date: 2/8/2022 Agenda # 3.22

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

☒ Support ☐ Oppose ☐ Neutral

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☐ Support ☐ Oppose ☐ Neutral

I give my 3 minutes to: John Armstrong

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Riverside County Board of Supervisors Request to Speak

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SPEAKER'S NAME: Anne Dee

Address: 711 Walnut St.

City: Los Angeles Zip: 91101

Phone #: 442-222-9696

Date: 2/8/22 Agenda # 3.22

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

X Support Oppose Neutral

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 Support Oppose Neutral

I give my 3 minutes to: John Armstrong

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