

ITEM: 21.1 (ID # 19805)

**MEETING DATÉ:** 

FROM: TLMA-PLANNING:

Tuesday, September 20, 2022

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CONDITIONAL USE PERMIT NO. 190059, CHANGE OF ZONE NO. 1800022, ADOPTION OF ORDINANCE NO. 348.4993, DEVELOPMENT AGREEMENT NO. 1900050, and associated ORDINANCE NO. 664.94 - Intent to Adopt a Mitigated Negative Declaration (CEQ180108) - State Clearinghouse: SCH2022060471 - Applicant: Isen Garden, LLC - Third Supervisorial District – Rancho California Area – Riverside Extended Mountain Area Plan (REMAP) - Rural: Rural Residential (R:RR) - Location: east of Willow Creek Rd, south-west of Red Mountain Rd. - 5.03 Gross Acres - Zoning: Rural Residential (R-R) - REQUEST: Change of Zone No. 1800022 proposes to change the zoning classification of the subject site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) to bring the subject site into compliance with the requirements for operating a Small Mixed Light Cannabis Cultivation facility. Conditional Use Permit No. 190059 is a proposal for a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres for cultivation of 6,477 square feet of sun-grown, flowering cannabis. The existing residence is to remain to serve as a caretaker's unit. Other site improvements include 16 solar arrays, a secure and screened trash enclosure, security fencing, and landscaping. 10 parking spaces, including 2 ADA spaces, will be provided for employees. Facility operations would be 24 hours a day, 7 days a week, with 10 employees serving the site, including a 24-7 security guard. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. Development Agreement No. 1900050 is the associated development agreement to CUP190059 and has a term life of 10 years. It will grant the applicant vesting rights to develop the project in accordance with the terms of DA1900050 and CUP190059. District 3. [Applicant Fees 100%]

**RECOMMENDED MOTION:** That the Board of Supervisors:

Continued on page 2

**ACTION:Policy** 

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended; the above Ordinance is approved as introduced with waiver of the reading; and Ordinance 348.4993 is adopted with waiver of the reading.

Ayes:

Jeffries, Washington, Perez and Hewitt

Eldebrand 18/2022

Nays:

None

Absent: Date:

Spiegel

XC:

September 20, 2022

TLMA-Transp., MC/COBAB/ZM

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Kecia R. Harper

- ADOPT a MITIGATED NEGATIVE DECLARATION for ENVIRONMENTAL ASSESSMENT NO. 180108, based on the findings and conclusions provided in the initial study, attached hereto, and the conclusion that the project will not have a significant effect on the environment;
- 2. <u>APPROVE</u> CHANGE OF ZONE NO. 1800022, to amend the zoning classification of the Project site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) based upon the findings and conclusions incorporated in the staff report and all exhibits and pending final adoption of the Zoning Ordinance No. 348.4993;
- 3. <u>ADOPT</u> ORDINANCE NO. 348.4993, amending the zoning in the Rancho California Area as shown on Map No. 2.2483, attached hereto and incorporated herein by reference, implementing Change of Zone No. 1800022;
- 4. INTRODUCE, READ TITLE, WAIVE FURTHER READING OF, AND ADOPT on successive weeks Ordinance No. 664.94, an Ordinance of the County of Riverside approving DEVELOPMENT AGREEMENT NO. 1900050, based upon the findings in the staff report and all exhibits; and
- 5. APPROVE CONDITIONAL USE PERMIT NO. 190059, based upon the findings and conclusions provided in this staff report and all exhibits and subject to the attached Advisory Notification Document, Conditions of Approval, final approval of Change of Zone No. 1800022 and adoption of corresponding Ordinance No. 348.4993, and final approval of Development Agreement No. 1900050 and adoption of corresponding Ordinance No. 664.94.

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

C.E.O. RECOMMENDATION: Approve

#### **BACKGROUND:**

#### **Summary and Project Details**

On October 30, 2019, the applicant, Isen Garden, LLC, submitted Conditional Use Permit No. 190059 (CUP190059) to the County of Riverside for consideration. The Project proposes the construction of a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres. The first floor of the structure would consist of 2,922 square feet of indoor grow rooms for vegetation, propagation, and flowering plants; 1,208 square feet of processing rooms for trimming, drying/curing packaging, and storage; 1,068 square feet of business

operations space, which includes restrooms, showers, a conference room, offices, trash enclosure, and a secure vault; and 806 square feet of storage. The second floor of the structure includes 3 fully enclosed greenhouses adjacent to one another for cultivation of sun-grown, flowering cannabis. The total square footage of the mature/flowering cannabis would be 6,477 square feet, which is within the 10,000 square foot canopy limit for Small Mixed Light Cannabis facilities.

The site will also include several additional structures to facilitate operations of the proposed use. Sixteen solar arrays are proposed, which is anticipated to generate 553,918 kWh annually of energy to support operations. The MND for the project had an error in the calculation of how much energy usage these solar panels would off-set in relation to the Project's energy demand. The analysis listed that the panels would provide approximately 93% of the proposed Project's demand, and the Planning Commission (PC) staff report reflects this information. However, the report correctly should have read that the panels would provide approximately 23% of the proposed Project's demand. The Project would still have a less than significant impact on energy, so the MND findings are not affected by this change. The Project still meets County standards, as well, as Ordinance No. 348 requires that a minimum of 20% of energy usage by cultivation projects must come from renewable energy systems. The discrepancy has been addressed in the response to comments, which are provided with the MND in Exhibit E.

A geothermal heating and cooling system will be utilized for climate control, as well as a rainwater harvesting and water recycling systems for water reclamation. A secure and screened trash enclosure and security fencing of at least 6 feet in height will fully enclose the cultivation area and most of the solar arrays for safety. Additional safety measures include surveillance cameras, motion sensors, and secure inventory rooms.

The facility operations are for cultivation and self-distribution only and will not be utilized for manufacturing or extraction. Facility operations would be 24 hours a day, 7 days a week. 10 employees would serve the site, which includes a security guard who would be present on-site 24 hours a day, 7 days a week. 10 parking spaces, including 2 ADA spaces, will be provided on-site for employee use. The parking is to be covered with solar awning arrays that stand at approximately 16 feet in height. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. A 2,340 square foot existing residence, 2 sheds totaling 286 square feet, and one solar array located at the northeast corner of the site are to remain on-site to serve as the caretaker's unit.

#### **General Plan Consistency**

The Project's existing General Plan Foundation Component is Rural (R), and the Land Use Designation is Rural Residential (RR). The RR designation allows for one single family residence per five acres, as well as limited animal-keeping and agricultural activities. Limited recreational uses, compatible resource development and associated uses, and governmental uses are also allowed within this designation. The Project is consistent with the RR land use designation as it is for an agricultural use with supporting residential uses to remain for the site caretakers. In addition to the use itself proposed by CUP190059, the proposed Light Agriculture,

5-acre minimum (A-1-5) zone is considered "highly consistent" with the RR land use designation, and, therefore, the proposed Project would be consistent with the objectives, policies, land use designation, and programs of the General Plan. This is further detailed in the Land Use Findings of the PC staff report.

#### **Zoning Consistency**

The current zone classification for the property is Rural Residential (R-R). The Project is proposing Change of Zone No. 1800022 (CZ1800022) to change the subject site's current zone classification to Light Agriculture, 5 acre minimum (A-1-5). The change of zone proposal would allow the subject site to be in compliance with the requirements of the proposed cannabis cultivation use, subject the concurrent approval of the conditional use permit and development agreement. With approval of the change of zone, the property would be subject to the development standards outlined in Article XIII Section 13.2 (Development Standards) of Ordinance No. 348. Staff has reviewed the Project and has determined that it is compliant with the applicable development standards of the A-1 zoning classification, which is further detailed in the Development Standards Findings of the PC staff report.

#### **Development Agreement No. 1900050**

The applicant has proposed entering into the attached Development Agreement No. 1900050 (DA1900050) with the County for the Project. DA1900050 is consistent with the General Plan and with Board Policy B-9. Additionally, the Advisory Notification Document, Conditions of Approval, and entitlement approvals are incorporated in the exhibits of DA1900050 and will ensure that the Project is developed in a way that would not conflict with the public's health, safety, or general welfare. DA1900050 has a term of 10 years (with the option for a 5-year extension subject to mutual approval) and will grant the applicant vesting rights to develop the Project in accordance with the terms of the DA. In exchange, DA1900050 provides certain public benefits that go beyond the basic requirements of the County including annual public benefit payments, which will be used for additional public safety services, infrastructure improvements or community enhancement programs.

DA1900050 requires the applicant to make the following payments:

- An initial deposit-based fee of \$5,000 for annual inspections and the administration of the development agreement program.
- 2. A baseline Public Benefits payment of \$33,846.00, which will be increased 2% per year. The baseline payment amount shall be allocated 45% to the Code Enforcement Department, and the remaining 55% will be transferred to the Executive Office for deposit into the General Fund, to be allocated as part of the annual budget process and generally spent on cannabis regulatory activity performed by the District Attorney's Cannabis Regulation Task Force, the Sheriff's Office, Public Health, County Counsel, and the Agricultural Commissioner's office. The percentages above are based on the expected regulatory costs that were used to

establish the baseline Public Benefits fee, as approved by the Board on January 29, 2019. The Code Enforcement Department will serve as the main regulatory arm of the County in monitoring that the businesses will comply with their conditions of approval and respond to public concerns.

3. An annual Additional Public Benefit payment of \$45,000.00, which will increase 4% per year for the remaining term of DA1900050. The applicant shall upgrade portions of Willow Creek Road and Owl Creek Road within 6 months from the issuance of the certificate of occupancy, and such improvements shall count as the initial additional annual public benefit payment consistent with the applicant submitted Annual Road Maintenance Fees prepared by Love Engineering (Exhibit "I" of DA1900050) (valued at \$48,740.00). For subsequent additional annual public benefit payments, annual road maintenance shall be performed at a minimum of twice per year, with additional maintenance as needed, consistent with the applicant submitted CUP190059 Annual Road Maintenance Fees prepared by Love Engineering (Exhibit "H" of DA1900050) (valued at \$30,000.00). The remaining \$15,000.00 of the \$45,000.00, including the annual increase of 4% (based on the full value of the additional annual public benefit), shall be due prior to July 1st following the initial payment and each July 1st thereafter. Any payments shall be held by TLMA in an account specifically for the Rancho California Area, to be allocated by the Board of Supervisors to projects and services that benefit the community.

Per state law, a development agreement is a legislative act that must be approved by ordinance. Proposed Ordinance No. 664.94, an Ordinance of the County of Riverside Approving Development Agreement No. 1900050, incorporates by reference DA1900050 consistent with Government Code section 65867.5.

DA1900050 and CUP190059 were submitted to the County of Riverside on October 30, 2019.

#### **Planning Commission**

The Riverside County Planning Commission considered the Project at a regularly scheduled public hearing held on August 3, 2022. The applicant agreed to accept all recommended conditions of approval for CUP190059. The Planning Commission recommended that the Board of Supervisors tentatively approve DA1900050 and CZ1800022 and approve CUP190059 by a unanimous vote (4-0), with Commissioner Awad absent from the proceedings.

Planning staff received written communication/phone calls from the public who indicated support or opposition to the proposed Project prior to both the Planning Commission and Board of Supervisors hearings. These comments have been compiled and provided to the Supervisors for their review prior to the public hearing.

#### Impact on Citizens and Businesses

An Initial Study (IS) and a Mitigated Negative Declaration (MND) have been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The IS and MND represent the independent judgement of Riverside County. The documents were circulated for public review per the California Environmental Quality Act Statute and Guidelines Section 15105. Comment letters were received in response to the circulated IS and MND from the California Fish & Wildlife Department and the California Department of Cannabis Control. The comments were reviewed by the applicant's CEQA representative, as well as County staff. A response to comments was prepared and is incorporated. No request for re-circulation of the document was made.

While the IS identifies potentially significant impacts (Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Noise, Transportation, and Mandatory Findings of Significance), mitigation measures have been incorporated into the Project to reduce those impacts to a level that is less than significant. Accordingly, the Project, as reviewed and conditioned, will not result in any potentially significant environmental impacts with the incorporation of the mitigation as required under the MND. All documents supporting this determination are located at the County of Riverside Planning Department, 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, CA 92502.

#### **Additional Fiscal Information**

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

#### **ATTACHMENTS:**

- A. PLANNING COMMISSION REPORT OF ACTIONS
- B. PLANNING COMMISSION STAFF REPORT
- C. FINAL CONDITIONS OF APPROVAL
- D. PROJECT EXHIBITS
- E. ENVIRONMENTAL MND, NOD, & RESPONSE TO COMMENTS
- F. ORDINANCE NO. 348.4993
- G. ORDINANCE NO. 664.94
- H. DEVELOPMENT AGREEMENT NO. 1900050

Jason Farin Principal Management Analyst 9/14/2022

#### **ORDINANCE NO. 348,4993**

#### AN ORDINANCE OF THE COUNTY OF RIVERSIDE

#### AMENDING ORDINANCE NO. 348 RELATING TO ZONING

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The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Section 4.1 of Ordinance No. 348, and official Zoning Plan Map No. 2, as amended, are further amended by placing in effect in the Rancho California Area, the zone or zones as shown on the map entitled "Change of Official Zoning Plan Amending Ordinance No. 348, Map No. 2.2483, Change of Zone Case No. 1800022" which map is made a part of this ordinance.

Section 2. This ordinance shall take effect 30 days after its adoption.

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

COF

By:

Chair, Board of Supervisors

JEFF HEWITT

By: WIRWARUM

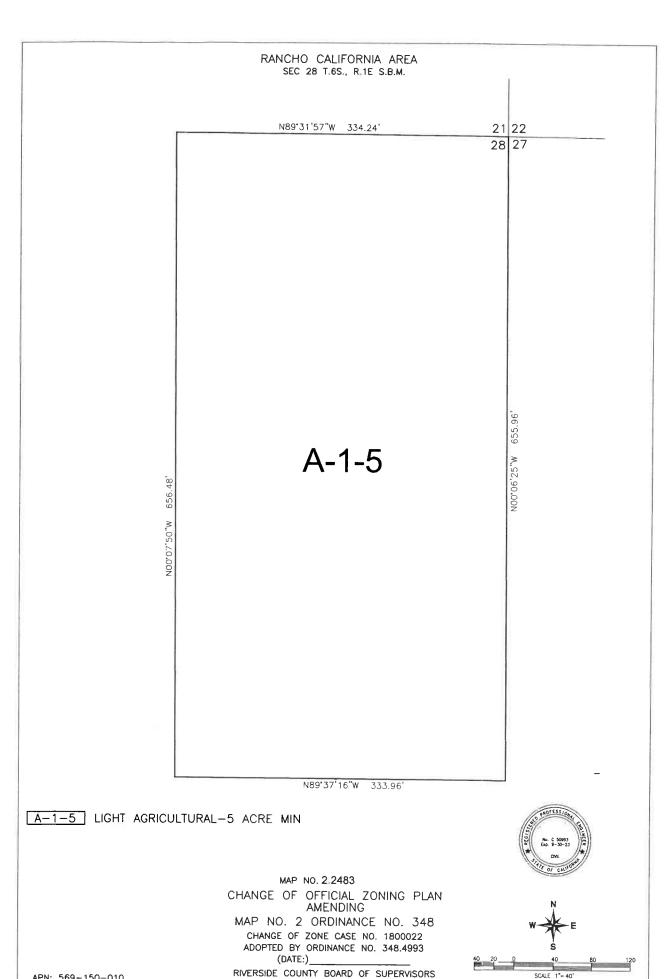
(SEAL)

ATTEST:

APPROVED AS TO FORM September 2, 2022

SARAH K. MOORE
Deputy County Counsel

SEP 2 0 2022 21.1



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#### ORDINANCE NO. 664.94



#### AN ORDINANCE OF THE COUNTY OF RIVERSIDE

#### APPROVING DEVELOPMENT AGREEMENT NO. 1900050

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The Board of Supervisors of the County of Riverside ordains as follows:

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Pursuant to Government Code Section 65867.5, Development Agreement Section 1.

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No. 1900050, a copy of which is on file with the Clerk of the Board of Supervisors and incorporated herein

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by reference, is hereby approved. The Chairman of the Board of Supervisors is hereby authorized to execute Section 2.

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said Development Agreement on behalf of the County of Riverside within ten (10) days after the Effective

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Date of this ordinance, provided that all owners listed in Development Agreement No. 1900050 have

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executed said Development Agreement within thirty (30) days after adoption of this ordinance.

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Section 3. Effective Date. This ordinance shall take effect thirty (30) days after its

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adoption.

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ATTEST:

By:

(SEAL)

By:

KECIA R. HARPER Clerk of the Board

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AARON C. GETTIS

APPROVED AS TO FORM 

Supervising Deputy County Counsel

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

By:

Chairman, Board of Supervisors

#### Mitchell, Kathleen

From: Mitchell, Kathleen

**Sent:** Monday, July 25, 2022 9:56 AM

**To:** katelynn lee

Subject: RE: Conditional permit #190059. Changeover zone# 1800022. Development agreement #1900050

Hello,

I apologize, I missed that part of your email -

The re-zoning only affects the property involved in the project. The project applicant is requesting the change directly in relation to this project. As it is not a County initiated change of zone, it will not affect the zoning of the surrounding properties. So, the zoning that your property currently has will remain the same, it will not be impacted.

Best, Kathleen

#### Kathleen Mitchell

TLMA-Planning ~ Urban Planner III

Email: kmitchell@rivco.org Phone: 951-955-6836



From: katelynn lee <katelynnlee1@hotmail.com>

Sent: Monday, July 25, 2022 9:48 AM

To: Mitchell, Kathleen < KMitchell@Rivco.org>

Subject: Re: Conditional permit #190059. Changeover zone# 1800022. Development agreement #1900050

We rarely get rain up here and our wells are already running dry. Also the question about re zoning? Will this affect all of us and raise our taxes? Thank you

#### Get Outlook for Android

From: Mitchell, Kathleen <KMitchell@Rivco.org>

Sent: Monday, July 25, 2022 9:16:42 AM

To: katelynn lee < katelynnlee1@hotmail.com>

Subject: RE: Conditional permit #190059. Changeover zone# 1800022. Development agreement #1900050

#### Good morning,

The project does propose to utilize the well on-site for potable water, but there are additional water-saving measures that will be used to decrease water demands since cannabis cultivation projects are required to implement water conservation measures into their project design. For this project, the proposed irrigation system will be designed to minimize water usage with the installation of a rainwater harvesting system, water reclamation system, and water recycling system. This process will be supported with the construction of a bio-retention basin to collect and treat stormwater runoff. The system is expected to provide recovery/recycling of irrigation water use at a rate of 97%. In addition, all proposed landscaping, including trees, shrubs, vine, and ground cover, are drought tolerant species to be

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irrigated with an automatic based controller and drip irrigation system to reduce water waste and run-off. With these measures, the environmental analysis for the project found that the impacts to water would be less than significant for the project. This document and the findings can be found here if you'd like to review them in more depth: https://planning.rctlma.org/Home/Planning-Notices/MND-for-CUP190059-CZ180002-DA1900050.

If you still have further concerns that you would like to bring to the Commissioners and have answered by the applicants, you can request to speak on the item here:

https://forms.rivco.org/ConstituentSpeakingRequest.aspx#gsc.tab=0. Please sign up at least 24 hours in advance of the hearing. The Planning Commission hearing will be held next week on August 3<sup>rd</sup> at 9:00 a.m. in the Board Hearing Chambers (4080 Lemon Street, Riverside, CA, 92501). You can either call in to the hearing, or attend in-person.

Please let me know if there's any additional information I can provide.

Best, Kathleen

#### Kathleen Mitchell

TLMA-Planning ~ Urban Planner III

Email: kmitchell@rivco.org

Phone: 951-955-6836



From: katelynn lee < katelynnlee1@hotmail.com >

Sent: Sunday, July 24, 2022 3:21 PM

To: Mitchell, Kathleen < KMitchell@Rivco.org>

Subject: Conditional permit #190059. Changeover zone# 1800022. Development agreement #1900050

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

Hi were one of the neighbors of Jenni Weeks and Joshua Steeves on Willow creek road in sage. We have a couple concerns involving the water and zoning. Will they be bringing in water for there plants or using the well. We are already having problems with our wells up here having no water and would be very against this if they are using well water. Also we are concerned about rezoning our area. Will it just be there property being rezone or everybody up here on willow creek? We do not want our taxes to go up or any negative changes if so. Can you please let us know as soon as possible and what can we do if we don't like the changes being made? Thank you so much.

#### Get Outlook for Android

#### Confidentiality Disclaimer

This email is confidential and intended solely for the use of the individual(s) to whom it is addressed. The information contained in this message may be privileged and confidential and protected from disclosure.

If you are not the author's intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error please delete all copies, both electronic and printed, and contact the author immediately.

#### **County of Riverside California**

From Michael and Paul Swisher:

We have lived on this property 32815 Red Mt Rd for 50 years. We love our place and this community.

Four year ago, Jenni and Josh moved next door. We became friends and over time, they told us of their dream to have a legal grow. Of course there were many concerns to be addressed: water usage, traffic, dust control, and pesticides. But the more we discussed these issues, we found them to be very forthcoming and honest about how this project was to proceed. They are also concerned about the impact on the land and the feelings of this community.

We endorse this project and wish them the best,

Michael Swisher & Paul Swisher brobear151@gmail.com

To whom it may concern,

As a neighbor to the proposed legal grow, IsenGarden, I am very happy that they are doing this. They have put much thought and research into this endeavor and it will become a model of the correct way to do this. We need more legal grows to help eliminate the illegal grows; if the illegal grows have competition from legal grows, they will begin to fade away. Sadly there are some people who are not even neighbors, who are against IsenGarden; they have not really looked at what is planned and how the way it is planned will eliminate all problems these folks have against it. The county needs legal grows and this one absolutely should be approved.

Laura Stillwell, Sage

To whom it may concern,

My name is Eddie Romero I am a Riverside County resident and am writing in support for Ms. Jenn whom I have known for a little more than 5 years as she was my daughters dance teacher. She is a very kind, clean and wholesome person. We support her in her pursuit for her legal cannabis cultivation project.

If you have any questions or concerns please feel free to contact me Eddie Romero- 951-448-5123

#### Mitchell, Kathleen

From: Mitchell, Kathleen

Sent: Wednesday, August 3, 2022 7:36 AM

To: Bill Jensen

Subject: RE: Conditional Use Permit # 190059 change of zone # 1800022

Good morning,

Thank you for providing your concerns regarding the project -- I will provide a copy of your comments to the Planning Commissioners at the public hearing today so that they can review them. I will also be reading in to record at the hearing itself any public comments I receive, and the primary concerns of the constituents who contacted me, so that the Commissioners may use that information for questions they have for the applicant and any decisions they make. Let me know if there's any other questions you may have that I can answer regarding the Project. Just so you're aware, the Project will need to move to the Board of Supervisors for final adoption, so another public hearing notice will be sent out for that meeting, as well. If you would like to make additional comments, or to speak at that hearing once it approaches, please let me know so I can assist you.

Best, Kathleen

#### Kathleen Mitchell

TLMA-Planning ~ Urban Planner III

Email: kmitchell@rivco.org Phone: 951-955-6836

From: Bill Jensen <br/>
Sent: Wednesday, August 3, 2022 7:13 AM<br/>
To: Mitchell, Kathleen <KMitchell@Rivco.org>

Subject: Conditional Use Permit # 190059 change of zone # 1800022

**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.

I live within the Sage area and must get my water from a well on our property.

The rezoning from my understanding is to allow this property to grow cannabis and use well water. I only have issues with allowing any new grows, be it nuts, grapes, cannabis, etc. during our present drought issues. This property or any other new grows should have to get water from city water supply and NOT well water. We are starting to hear of wells going dry within the Sage area. My understanding is that the property in question is required to have a 100,000 gallon storage of water, just taking that from underground wells can run other wells dry. I do also understand they will also be doing some recycling of unused water.

Please make this a permit, an example and add meters to the well(s) on that property. The county should monitor that use. The county should monitor where they are getting their water to fill the 100,000 gallons of water.

In other words, make sure they get their water from city pipes and not local well water.

To drill new wells we are looking at going to depths of 900 feet or more, That is well over \$30,000 to drill a new well in our area.

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I do not want to complain about what is being grown, only the water usage for any new permits for any type of grows. Thank you for considering this request.

William Jensen 35155 Sawh Court Sage, CA 92544

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Circle BC Ranch Bill Jensen bjensen690@gmail.com 951-805-4145



# PLANNING DEPARTMENT

Charissa Leach, P.E. TLMA Director

DATE: September 6, 2022

TO: Clerk of the Board of Supervisors

FROM: Planning Department – Riverside – Kathleen Mitchell, Project Planner 5-6836 (BOS date 20-2022)

SUBJECT: Conditional Use Permit No. 190059, Change of Zone No. 1800022, & Development Agreement No. 1900050

(Charge your time to these case numbers)

TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CONDITIONAL USE PERMIT NO. 190059, CHANGE OF ZONE NO. 1800022, ADOPTION OF ORDINANCE NO. 348.4993, DEVELOPMENT AGREEMENT NO. 1900050, and associated ORDINANCE NO. 664.94 - Intent to Adopt a Mitigated Negative Declaration (CEQ180108) - State Clearinghouse: SCH2022060471 - Applicant: Isen Garden, LLC - Third Supervisorial District - Rancho California Area - Riverside Extended Mountain Area Plan (REMAP) - Rural: Rural Residential (R:RR) - Location: east of Willow Creek Rd, south-west of Red Mountain Rd. – 5.03 Gross Acres – Zoning: Rural Residential (R-R) – REQUEST: Change of Zone No. 1800022 proposes to change the zoning classification of the subject site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) to bring the subject site into compliance with the requirements for operating a Small Mixed Light Cannabis Cultivation facility. Conditional Use Permit No. 190059 is a proposal for a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres for cultivation of 6,477 square feet of sun-grown, flowering cannabis. The existing residence is to remain to serve as a caretaker's unit. Other site improvements include 16 solar arrays, a secure and screened trash enclosure, security fencing, and landscaping. 10 parking spaces, including 2 ADA spaces, will be provided for employees. Facility operations would be 24 hours a day, 7 days a week, with 10 employees serving the site, including a 24-7 security guard. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. Development Agreement No. 1900050 is the associated development agreement to CUP190059 and has a term life of 10 years. It will grant the applicant vesting rights to develop the project in accordance with the terms of DA1900050 and CUP190059. [Applicant Fees 100%]

The attached	item(s)	require the	following	action(s) by	the Board	of Supervisors:
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☐ Place on Administrative Action	$\boxtimes$	Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
⊠Labels provided If Set For Hearing ⊠10 Day	$\boxtimes$	Publish in Newspaper: (3rd Dist) Press Enterprise
	$\boxtimes$	Mitigated Negative Declaration  ☑ 10 Day ☐ 20 Day ☐ 30 day
	$\boxtimes$	Notify Property Owners (app/agencies/property owner labels provided)

Designate Newspaper used by Planning Department for Notice of Hearing:

(3rd Dist) Press Enterprise

Riverside Office \* 4080 Lemon Street, 12th Floor P.O. Box 1409, Riverside, California 92502-1409 (951) 955-3200 \* Fax (951) 955-1811 Desert Office • 77-588 Duna Court, Suite H Palm Desert, California 92211 (760) 863-8277 • Fax (760) 863-7040



FROM: TLMA - Planning Department

Click here to enter text.

TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CONDITIONAL USE PERMIT NO. 190059, CHANGE OF ZONE NO. 1800022, ADOPTION OF ORDINANCE NO. 348,4993, DEVELOPMENT AGREEMENT NO. 1900050, and associated ORDINANCE NO. 664.94 - Intent to Adopt a Mitigated Negative Declaration (CEQ180108) - State Clearinghouse: SCH2022060471 - Applicant: Isen Garden, LLC - Third Supervisorial District - Rancho California Area - Riverside Extended Mountain Area Plan (REMAP) - Rural: Rural Residential (R:RR) - Location: east of Willow Creek Rd, south-west of Red Mountain Rd. - 5.03 Gross Acres -Zoning: Rural Residential (R-R) - REQUEST: Change of Zone No. 1800022 proposes to change the zoning classification of the subject site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) to bring the subject site into compliance with the requirements for operating a Small Mixed Light Cannabis Cultivation facility. Conditional Use Permit No. 190059 is a proposal for a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres for cultivation of 6,477 square feet of sun-grown, flowering cannabis. The existing residence is to remain to serve as a caretaker's unit. Other site improvements include 16 solar arrays, a secure and screened trash enclosure, security fencing, and landscaping. 10 parking spaces, including 2 ADA spaces, will be provided for employees. Facility operations would be 24 hours a day, 7 days a week, with 10 employees serving the site, including a 24-7 security guard. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. Development Agreement No. 1900050 is the associated development agreement to CUP190059 and has a term life of 10 years. It will grant the applicant vesting rights to develop the project in accordance with the terms of DA1900050 and CUP190059. [Applicant Fees 100%]

01 1 7			_					
Charissa Leach Assistant CEO / TLMA Director		ontinued on next pa		uan C. Perez OO				
FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec, Office)			
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A				
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent □ Policy □			
SOURCE OF FUNI	<b>DS</b> : Applicant Fe	es 100%	•	Budget Adjustr	nent: No			
				For Fiscal Year	: N/A			
C.E.O. RECOMME	NDATION: Clic	k here to enter tex	ct.					
County Executive	Office Signatur	re						
	MINITE	S OF THE BOAF	D OF SUBERV	ISUBS				
	MINOIL	O OF THE BOAR	OF SUPERV	ISUKS				

		MINUTES	OF THE BOARD	OF SUPERVISORS
Positions Added Change Order				
A-30 4/5 Vote				
	Prev. Agn. Ref.:		District:	Agenda Number:

**FORM 11:** 

DATE: Click here to enter text.

PAGE: Page 2 of 5

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. ADOPT a MITIGATED NEGATIVE DECLARATION for ENVIRONMENTAL ASSESSMENT NO. 180108, based on the findings and conclusions provided in the initial study, attached hereto, and the conclusion that the project will not have a significant effect on the environment; and,

- APPROVE CHANGE OF ZONE NO. 1800022, to amend the zoning classification of the Project site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) based upon the findings and conclusions incorporated in the staff report and all exhibits and pending final adoption of the Zoning Ordinance No. 348.4993; and,
- 3. <u>ADOPT ORDINANCE NO. 348.4993</u>, amending the zoning in the Rancho California Area as shown on Map No. 2.2483, attached hereto and incorporated herein by reference, implementing Change of Zone No. 1800022; and,
- 4. INTRODUCE, READ TITLE, WAIVE FURTHER READING OF, AND ADOPT on successive weeks Ordinance No. 664.94, an Ordinance of the County of Riverside approving DEVELOPMENT AGREEMENT NO. 1900050, based upon the findings in the staff report and all exhibits; and,
- 5. <u>APPROVE</u> CONDITIONAL USE PERMIT NO. 190059, based upon the findings and conclusions provided in this staff report and all exhibits and subject to the attached Advisory Notification Document, Conditions of Approval, final approval of Change of Zone No. 1800022 and adoption of corresponding Ordinance No. 348.4993, and final approval of Development Agreement No. 1900050 and adoption of corresponding Ordinance No. 664.94.

#### BACKGROUND:

#### **Summary and Project Details**

On October 30, 2019, the applicant, Isen Garden, LLC, submitted Conditional Use Permit No. 190059 (CUP190059) to the County of Riverside for consideration. The Project proposes the construction of a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres. The first floor of the structure would consist of 2,922 square feet of indoor grow rooms for vegetation, propagation, and flowering plants; 1,208 square feet of processing rooms for trimming, drying/curing packaging, and storage; 1,068 square feet of business operations space, which includes restrooms, showers, a conference room, offices, trash enclosure, and a secure vault; and 806 square feet of storage. The second floor of the structure includes 3 fully enclosed greenhouses adjacent to one another for cultivation of sun-grown, flowering cannabis. The total square footage of the mature/flowering cannabis would be 6,477 square feet, which is within the 10,000 square foot canopy limit for Small Mixed Light Cannabis facilities.

The site will also include several additional structures to facilitate operations of the proposed use. Sixteen solar arrays are proposed, which is anticipated to generate 553,918 kWh annually of energy to support operations. The MND for the project had an error in the calculation of how much energy usage these solar panels would offset in relation to the Project's energy demand. The analysis listed that the panels would provide approximately 93% of the proposed Project's demand, and the Planning Commission (PC) staff report reflects this information. However, the report correctly should have read that the panels would provide approximately 23% of the proposed Project's demand. The Project would still have a less than significant impact on energy, so the MND findings are not affected by this change. The Project still meets County standards, as well, as Ordinance No. 348 requires that a minimum of 20% of energy usage by cultivation projects must come from renewable energy systems. The discrepancy has been addressed in the response to comments, which are provided with the MND in Exhibit E.

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DATE: Click here to enter text.

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A geothermal heating and cooling system will be utilized for climate control, as well as a rainwater harvesting and water recycling systems for water reclamation. A secure and screened trash enclosure and security fencing of at least 6 feet in height will fully enclose the cultivation area and most of the solar arrays for safety. Additional safety measures include surveillance cameras, motion sensors, and secure inventory rooms.

The facility operations are for cultivation and self-distribution only and will not be utilized for manufacturing or extraction. Facility operations would be 24 hours a day, 7 days a week. 10 employees would serve the site, which includes a security guard who would be present on-site 24 hours a day, 7 days a week. 10 parking spaces, including 2 ADA spaces, will be provided on-site for employee use. The parking is to be covered with solar awning arrays that stand at approximately 16 feet in height. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. A 2,340 square foot existing residence, 2 sheds totaling 286 square feet, and one solar array located at the northeast corner of the site are to remain on-site to serve as the caretaker's unit.

#### **General Plan Consistency**

The Project's existing General Plan Foundation Component is Rural (R), and the Land Use Designation is Rural Residential (RR). The RR designation allows for one single family residence per five acres, as well as limited animal-keeping and agricultural activities. Limited recreational uses, compatible resource development and associated uses, and governmental uses are also allowed within this designation. The Project is consistent with the RR land use designation as it is for an agricultural use with supporting residential uses to remain for the site caretakers. In addition to the use itself proposed by CUP190059, the proposed Light Agriculture, 5-acre minimum (A-1-5) zone is considered "highly consistent" with the RR land use designation, and, therefore, the proposed Project would be consistent with the objectives, policies, land use designation, and programs of the General Plan. This is further detailed in the Land Use Findings of the PC staff report.

#### Zoning Consistency

The current zone classification for the property is Rural Residential (R-R). The Project is proposing Change of Zone No. 1800022 (CZ1800022) to change the subject site's current zone classification to Light Agriculture, 5 acre minimum (A-1-5). The change of zone proposal would allow the subject site to be in compliance with the requirements of the proposed cannabis cultivation use, subject the concurrent approval of the conditional use permit and development agreement. With approval of the change of zone, the property would be subject to the development standards outlined in Article XIII Section 13.2 (Development Standards) of Ordinance No. 348. Staff has reviewed the Project and has determined that it is compliant with the applicable development standards of the A-1 zoning classification, which is further detailed in the Development Standards Findings of the PC staff report.

#### **Development Agreement No. 1900050**

The applicant has proposed entering into the attached Development Agreement No. 1900050 (DA1900050) with the County for the Project. DA1900050 is consistent with the General Plan and with Board Policy B-9. Additionally, the Advisory Notification Document, Conditions of Approval, and entitlement approvals are incorporated in the exhibits of DA1900050 and will ensure that the Project is developed in a way that would not conflict with the public's health, safety, or general welfare. DA1900050 has a term of 10 years (with the option for a 5-year extension subject to mutual approval) and will grant the applicant vesting rights to develop the Project in accordance with the terms of the DA. In exchange, DA1900050 provides certain public benefits that go beyond the basic requirements of the County including annual public benefit payments, which will be used for additional public safety services, infrastructure improvements or community enhancement programs.

DA1900050 requires the applicant to make the following payments:

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**DATE:** Click here to enter text.

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1. An initial deposit-based fee of \$5,000 for annual inspections and the administration of the development agreement program.

- 2. A baseline Public Benefits payment of \$33,846.00, which will be increased 2% per year. The baseline payment amount shall be allocated 45% to the Code Enforcement Department, and the remaining 55% will be transferred to the Executive Office for deposit into the General Fund, to be allocated as part of the annual budget process and generally spent on cannabis regulatory activity performed by the District Attorney's Cannabis Regulation Task Force, the Sheriff's Office, Public Health, County Counsel, and the Agricultural Commissioner's office. The percentages above are based on the expected regulatory costs that were used to establish the baseline Public Benefits fee, as approved by the Board on January 29, 2019. The Code Enforcement Department will serve as the main regulatory arm of the County in monitoring that the businesses will comply with their conditions of approval and respond to public concerns.
- 3. An annual Additional Public Benefit payment of \$45,000.00, which will increase 4% per year for the remaining term of DA1900050. The applicant shall upgrade portions of Willow Creek Road and Owl Creek Road within 6 months from the issuance of the certificate of occupancy, and such improvements shall count as the initial additional annual public benefit payment consistent with the applicant submitted Annual Road Maintenance Fees prepared by Love Engineering (Exhibit "I" of DA1900050) (valued at \$48,740.00). For subsequent additional annual public benefit payments, annual road maintenance shall be performed at a minimum of twice per year, with additional maintenance as needed, consistent with the applicant submitted CUP190059 Annual Road Maintenance Fees prepared by Love Engineering (Exhibit "H" of DA1900050) (valued at \$30,000.00). The remaining \$15,000.00 of the \$45,000.00, including the annual increase of 4% (based on the full value of the additional annual public benefit), shall be due prior to July 1st following the initial payment and each July 1st thereafter. Any payments shall be held by TLMA in an account specifically for the Rancho California Area, to be allocated by the Board of Supervisors to projects and services that benefit the community.

Per state law, a development agreement is a legislative act that must be approved by ordinance. Proposed Ordinance No. 664.94, an Ordinance of the County of Riverside Approving Development Agreement No. 1900050, incorporates by reference DA1900050 consistent with Government Code section 65867.5.

DA1900050 and CUP190059 were submitted to the County of Riverside on October 30, 2019.

#### **Planning Commission**

The Riverside County Planning Commission considered the Project at a regularly scheduled public hearing held on August 3, 2022. The applicant agreed to accept all recommended conditions of approval for CUP190059. The Planning Commission recommended that the Board of Supervisors tentatively approve DA1900050 and approve CUP190059 by a unanimous vote (4-0), with Commissioner Awad absent from the proceedings.

Planning Staff received written communication/phone calls from the public who indicated support or opposition to the proposed Project prior to both the Planning Commission and Board of Supervisors hearings. These comments have been compiled and provided to the Supervisors for their review prior to the public hearing.

#### **Impact on Citizens and Businesses**

An Initial Study (IS) and a Mitigated Negative Declaration (MND) have been prepared for this project in accordance with the California Environmental Quality Act (CEQA). The IS and MND represent the independent judgement of Riverside County. The documents were circulated for public review per the California Environmental Quality Act Statue and Guidelines Section 15105. The documents were circulated for public review per the California Environmental Quality Act Statute and Guidelines Section 15105. Comment letters were received in response to the circulated IS and MND from the California Fish & Wildlife Department and the

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**DATE:** Click here to enter text.

PAGE: Page 5 of 5

California Department of Cannabis Control. The comments were reviewed by the applicant's CEQA representative, as well as County staff. The corrections were minor and have since been corrected in the document. No request for re-circulation of the document was made.

While the IS identifies potentially significant impacts (Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Noise, Transportation, and Mandatory Findings of Significance), mitigation measures have been incorporated into the Project to reduce those impacts to a level that is less than significant. Accordingly, the Project, as reviewed and conditioned, will not result in any potentially significant environmental impacts with the incorporation of the mitigation as required under the MND. All documents supporting this determination are located at the County of Riverside Planning Department, 4080 Lemon Street, 12<sup>th</sup> Floor, Riverside, CA 92502.

#### **Additional Fiscal Information**

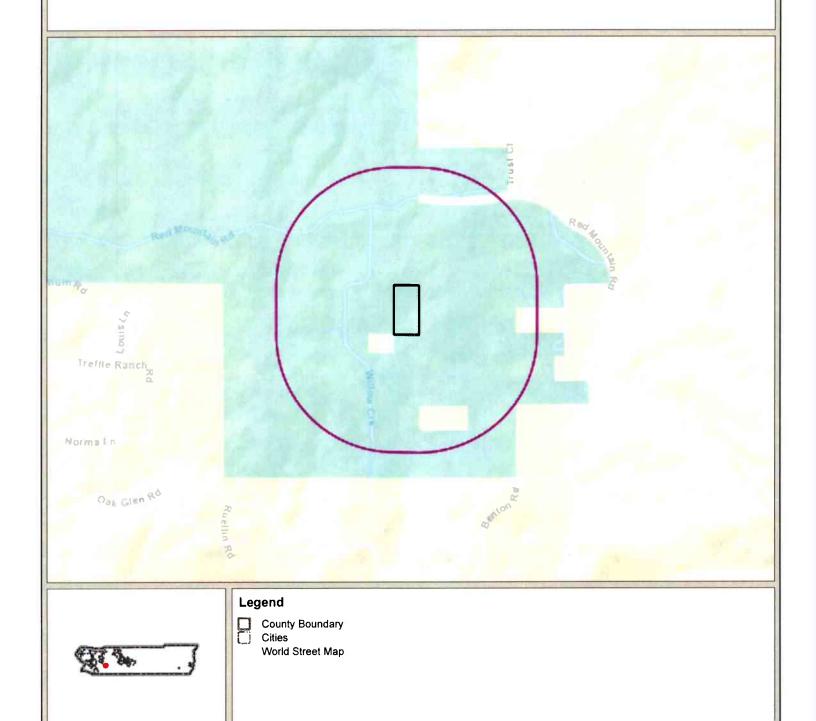
All fees are paid by the applicant; there is no General Fund obligation.

#### **ATTACHMENTS:**

- A. PLANNING COMMISSION REPORT OF ACTIONS
- B. PLANNING COMMISSION STAFF REPORT
- C. FINAL CONDITIONS OF APPROVAL
- D. PROJECT EXHIBITS
- E. ENVIRONMENTAL MND, NOD, & RESPONSE TO COMMENTS
- F. ORDINANCE NO. 348,4993
- G. ORDINANCE NO. 664.94
- H. DEVELOPMENT AGREEMENT NO. 1900050

### **Riverside County GIS Mailing Labels**

CZ1800022 CUP190059 ( 1600 feet buffer )







1,505



3,009 Feet

\*IMPORTANT\* Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 4/29/2022 9:47:16 AM

© Riverside County RCIT

#### PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify	that onAPRIL 27, 2022
The attached property owners list was prepared by	Riverside County GIS
APN (s) or case numbersCZ1800022 CU	JP190059 for
Company or Individual's NameRCIT - G	SIS
Distance buffered1600'	
Pursuant to application requirements furnished by th	e Riverside County Planning Department.
Said list is a complete and true compilation of the ov	wners of the subject property and all other
property owners within 600 feet of the property inv	volved, or if that area yields less than 25
different owners, all property owners within a notifica	ation area expanded to yield a minimum of
25 different owners, to a maximum notification area	of 2,400 feet from the project boundaries,
based upon the latest equalized assessment rolls. If	the project is a subdivision with identified
off-site access/improvements, said list includes a comp	plete and true compilation of the names and
mailing addresses of the owners of all property t	that is adjacent to the proposed off-site
improvement/alignment.	
I further certify that the information filed is true and	d correct to the best of my knowledge. I
understand that incorrect or incomplete information m	ay be grounds for rejection or denial of the
application.	
TITLE: GIS Analyst	
ADDRESS: 4080 Lemon Stree	et 9 <sup>TH</sup> Floor
Riverside, Ca. 92	502
TELEPHONE NUMBER (8 a.m. – 5 p.m.):	951) 955-8158

569150012 VANCE THOMAS WOODRUFF 1011 W DEVONSHIRE AVE HEMET CA 92543 569150019 WILLIAM SANDERS 32985 RED MOUNTAIN RD HEMET CA 92544

569360005 NJJR 2120 LUNDY LAKE DR ESCONDIDO CA 92029 569180015 ABEL GONZALEZ 24269 VERONA CT WILDOMAR CA 92595

569150017 MICHAEL A. HOWARD 171 VENADO WAY SAN JOSE CA 95123 569360002 JESSE LUCAS 45160 RED MOUNTAIN RD HEMET CA 92544

569150011 JAMES MACHADO 32881 RED MOUNTAIN RD HEMET CA 92544 569150039 CLIFFORD SWISHER P O BOX 804 HEMET CA 92546

569150055 MARK BELT 8771 BARTON ST RIVERSIDE CA 92508 569150029 RICHARD L. STRAUSS P O BOX 6427 FULLERTON CA 92834

569150049 VERA M. BAILEY 12302 SUNGROVE ST GARDEN GROVE CA 92840 569150022 JOSEPH E. KOERNER P O BOX 35 HEMET CA 92546

569180001 TERRI BECKER 9242 LEONA AVE LEONA VALLEY CA 93551 569180002 STANLEY STEPHENSON 23998 VIA ASTUTO MURRIETA CA 92562 569180024 NATHAN I. DUBOIS 32951 RED MOUNTAIN RD HEMET CA 92544 569150008 JOVITA ARAGON 5416 CLARK ST LYNWOOD CA 90262

569150010 HERMANOS SEMANAS 32875 RED MOUNTAIN RD HEMET CA 92544 569150014 MARGARITO FIGUEROA 7520 CHEROKEE TRL YUCCA VALLEY CA 92284

569150054 CAIN LIVING TRUT DATED 04/12/2007 5 FIRST AMERICAN WAY SANTA ANA CA 92707 569040031 WESTERN RIVERSIDE COUNTY REG CON 3133 MISSION INN AVE RIVERSIDE CA 92507

569180008 LITH LIEU 34275 BENTON RD HEMET CA 92544 569150018 CHARLES A ALLEN 27887 HOLLAND RD MENIFEE CA 92584

569150021 ROBERT W. LEE 32789 RED MOUNTAIN RD HEMET CA 92544 569150050 JOHN D. HUDSON 40252 STETSON AVE HEMET, CA 92544

569180022 WITSCHGER MARK ESTATE OF 10 AMBER LN SEQUIM WA 98382 569150016 IRMA E. BELTRAN 32809 RED MOUNTAIN RD HEMET CA 92544

569150020 SANTIAGO MAGANA DELTRAN 32809 RED MOUNTAIN RD HEMET CA 90502 569150040 VALENTINE VALDEZ 32817 RED MOUNTAIN RD HEMET CA 92544 569050023 WESTERN RIVERSIDE COUNTY REG CON 3403 10TH ST STE 320 RIVERSIDE CA 92501 569180014 MAIN CAPITAL INVESTMENTS PO BOX 311152 FONTANA CA 92331

569180017 JOSEPH EDWARD KOERNER P O BOX 35 HEMET CA 92546 569180019 SALVADOR PLACENCIA 45285 RED MOUNTAIN RD HEMET CA 92544

569360003 ERIC SIEFKEN 45155 RED MOUNTAIN RD HEMET CA 92544 569360004 NJJR LTD 2120 LUNDY LN ESCONDIDO CA 92029

# NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, CHANGE OF ZONE, ORDINANCE, AND DEVELOPMENT AGREEMENT, THIRD SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, September 20, 2022 at 10:00 A.M. or as soon as possible thereafter, to consider the Planning Commission's recommendation to approve Conditional Use Permit No. 190059, Change of Zone No. 1800022, Ordinance No. 348.4993, and Development Agreement No. 1900050. Change of Zone No. 1800022 proposes to change the zoning classification of the subject site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) to bring the subject site into compliance with the requirements for operating a Small Mixed Light Cannabis Cultivation facility. Conditional Use Permit No. 190059 is a proposal for a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres for cultivation of 6,477 square feet of sun-grown, flowering cannabis. The existing residence is to remain to serve as a caretaker's unit. Other site improvements include 16 solar arrays, a secure and screened trash enclosure, security fencing, and landscaping. 10 parking spaces, including 2 ADA spaces, will be provided for employees. Facility operations would be 24 hours a day, 7 days a week, with 10 employees serving the site, including a 24-7 security guard. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. Development Agreement No. 1900050 is the associated development agreement to CUP190059 and has a term life of 10 years. It will grant the applicant vesting rights to develop the project in accordance with the terms of DA1900050 and CUP190059. This proposed project is located east of Willow Creek Rd and south-west of Red Mountain Rd. in the Third Supervisorial District.

On August 3, 2022, Planning Commission approved the project by a vote of 4-0. The Planning Department meeting documents for the proposed project may be viewed online under the Planning Commission hearing date on the Public Hearing page of the Planning Department website: <a href="https://planning.rctlma.org/Public-Hearings">https://planning.rctlma.org/Public-Hearings</a>.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT KATHLEEN MITCHELL, PROJECT PLANNER, AT (951) 955-6836 OR EMAIL KMITCHELL@RIVCO.ORG.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: September 6, 2022 Kecia R. Harper, Clerk of the Board By: Zuly Martinez, Board Assistant

# 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:	Jermi Wes	ess (ap	plicant)
Address:			
City:		_Zip:	
Phone #:		_	
Date:		_Agenda #	.1
PLEASE STATE YO	UR POSITION BELO	ow:	
Position on "Reg	ular" (non-appeal	ed) Agenda Ito	em:
Suppor	tОрј	pose	Neutral
•	here for an agenda rately your positior		
Suppor	tOp	oose	Neutral
I give my 3 minut	es to:		1. P II 1 "

#### **BOARD RULES**

#### Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda/Public Comment: Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is

#### Power Point Presentations/Printed Material:

not permitted during Public Comment.

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

#### **Individual Speaker Limits:**

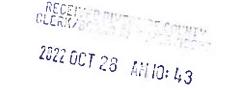
Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin to flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.

#### **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the bottom of the form.

#### Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman, may result in removal from the Board Chambers by Sheriff Deputies.



		RECEIPT 22-33		ER:	
		STATE CL	EARIN	GHOUSE N	UMBER (If applicable)
SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEA	RLY.				
LEAD AGENCY	LEADAGENCY EMAIL		(1	DATE	
CLERK OF THE BOARD OF SUPERVISORS	COB@RIVCO.ORG			09/08/	2022
COUNTY/STATE AGENCY OF FILING				DOCUMENT	
RIVERSIDE				E-202	200838
PROJECT TITLE					
CUP190059					
PROJECT APPLICANT NAME	PROJECT APPLICANT	EMAIL	ļi	PHONE NU	MBER
CLERK OF THE BOARD OF SUPERVISORS	COB@RIVCO.ORG			(951) 955	-1069
PROJECT APPLICANT ADDRESS	CITY	STATE	Z	ZIP CODE	
4080 LEMON ST. 1ST FLOOR,	RIVERSIDE	CA	\	92501	
PROJECT APPLICANT (Check appropriate box)					
	Other Special District	☐ St	ate Age	ency	Private Entity
CHECK APPLICABLE FEES:					
☐ Environmental Impact Report (EIR)		\$3,539.25	\$ _		
☐ Mitigated/Negative Declaration (MND)(ND)		\$2,548.00	\$_		
Certified Regulatory Program (CRP) document - payme	nt due directly to CDFW	\$1,203.25	\$_		
☐ Exempt from fee					
☐ Notice of Exemption (attach)					
CDFW No Effect Determination (attach)					
Fee previously paid (attach previously issued cash rece	ipt copy)				
☐ Water Right Application or Petition Fee (State Water Re	sources Control Board only)	\$850.00	\$_		
☐ County documentary handling fee			\$_		\$0.00
Other			\$		
PAYMENT METHOD:					
☐ Cash ☐ Credit ☐ Check ☑ Other	TOTAL	RECEIVED	\$_		\$0.00
SIGNATURE	AGENCY OF FILING PRINTED N	VAME AND TI	TLF		
01/11/200	Danutu				

9/ac/22 21.1 2022-11-154070



Lead Agency: CLERK OF THE BOARD

ATTN: ZULY MARTINEZ

Address: 4080 LEMON ST. 1ST FLOOR RM127

RIVERSIDE, CA 92501

FILED/POSTED

County of Riverside Peter Aldana Assessor-County Clerk-Recorder

E-202200838 09/08/2022 04:16 PM Fee: \$ 0.00 Page 1 of 2



(SPACE FOR CLERK'S USE)

### **Project Title**

NOTICE OF PUBLIC HEARING - CUP190059

### Filing Type

Environmental Impact Report
Mitigated/Negative Declaration
Notice of Exemption

✓ Other: NOTICE OF PUBLIC HEARING

## <u>Notes</u>

# NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, CHANGE OF ZONE, ORDINANCE, AND DEVELOPMENT AGREEMENT, THIRD SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, September 20, 2022 at 10:00 A.M. or as soon as possible thereafter, to consider the Planning Commission's recommendation to approve Conditional Use Permit No. 190059, Change of Zone No. 1800022, Ordinance No. 348.4993, and Development Agreement No. 1900050. Change of Zone No. 1800022 proposes to change the zoning classification of the subject site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) to bring the subject site into compliance with the requirements for operating a Small Mixed Light Cannabis Cultivation facility. Conditional Use Permit No. 190059 is a proposal for a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres for cultivation of 6,477 square feet of sun-grown, flowering cannabis. The existing residence is to remain to serve as a caretaker's unit. Other site improvements include 16 solar arrays, a secure and screened trash enclosure, security fencing, and landscaping. 10 parking spaces, including 2 ADA spaces, will be provided for employees. Facility operations would be 24 hours a day, 7 days a week, with 10 employees serving the site, including a 24-7 security guard. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. Development Agreement No. 1900050 is the associated development agreement to CUP190059 and has a term life of 10 years. It will grant the applicant vesting rights to develop the project in accordance with the terms of DA1900050 and CUP190059. This proposed project is located east of Willow Creek Rd and south-west of Red Mountain Rd. in the Third Supervisorial District.

On August 3, 2022, Planning Commission approved the project by a vote of 4-0. The Planning Department meeting documents for the proposed project may be viewed online under the Planning Commission hearing date on the Public Hearing page of the Planning Department website: <a href="https://planning.retlma.org/Public-Hearings">https://planning.retlma.org/Public-Hearings</a>.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT KATHLEEN MITCHELL, PROJECT PLANNER, AT (951) 955-6836 OR EMAIL KMITCHELL@RIVCO.ORG.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1069, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: September 6, 2022

Kecia R. Harper, Clerk of the Board By: Zuly Martinez, Board Assistant

## THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100 Riverside, CA 92507 951-684-1200 951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption of Ord. No. 348.4993 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

#### 09/30/2022

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

Date: September 30, 2022 At: Riverside, California

Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS COUNTY OF RIVERSIDE PO BOX 1147 RIVERSIDE, CA 92502

Ad Number: 0011562913-01

P.O. Number:

#### Ad Copy:

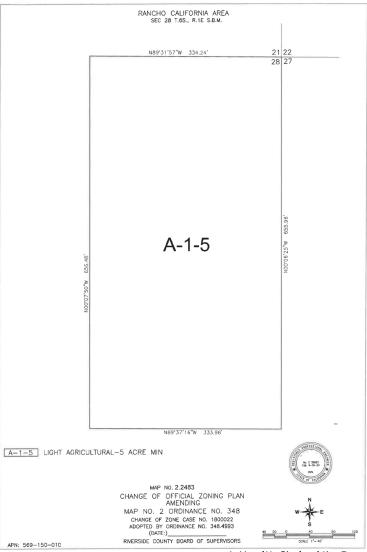
## BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

ORDINANCE NO. 348.4993 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Section 4.1 of Ordinance No. 348, and official Zoning Plan Map No. 2, as amended, are further amended by placing in effect in the Rancho California Area, the zone or zones as shown on the map entitled "Change of Official Zoning Plan Amending Ordinance No. 348, Map No. 2.2483, Change of Zone Case No. 1800022" which map is made a part of this ordinance.

part of this ordinance.
Section 2. This ordinance shall take effect 30 days after its adoption.



J. Hewitt, Chair of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on September 20, 2022, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Washington, Perez and Hewitt

NAYS: None ABSENT: Spiegel

Kecia R. Harper, Clerk of the Board By: Zuly Martinez, Board Assistant **Press-Enterprise** 

Press-Enterprise Published: 9/30/22

#### THE PRESS-ENTERPRISE

KEEP YOUR EYES ON THE 'PRISE

3512 14 Street Riverside, California 92501 (951) 368-9222 legals@inlandnewspapers.com

County of Riverside - Clerk of the Board PO Box 1147 Riverside, California 92502

Account Number: 5209148
Ad Order Number: 0011558836

Customer's Reference/PO Number:

Publication: The Press-Enterprise

Publication Dates: 09/10/2022

Total Amount: \$588.74

Payment Amount: \$0.00

Amount Due: \$588.74

Notice ID: yn48Cl03hQUMI6L5TLVI

Invoice Text: NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF

RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, CHANGE OF ZONE, ORDINANCE, AND DEVELOPMENT AGREEMENT, THIRD SUPERVISORIAL DISTRICT NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, September 20, 2022 at 10:00 A.M. or as soon as possible thereafter, to consider the Planning Commission's recommendation to approve Conditional Use Permit No. 190059, Change of Zone No. 1800022, Ordinance No. 348.4993, and Development Agreement No. 1900050. Change of Zone No. 1800022 proposes to change the zoning classification of the subject site from Rural Residential (R-R) to Light Agriculture, 5 acre minimum (A-1-5) to bring the subject site into compliance with the requirements for operating a Small Mixed Light Cannabis Cultivation facility. Conditional Use Permit No. 190059 is a proposal for a two-story, 18,070 square foot Small Mixed Light Cannabis Cultivation facility on 5.03 gross acres for cultivation of 6,477 square feet of sun-grown, flowering cannabis. The existing residence is to remain to serve as a caretaker's unit. Other site improvements include 16 solar arrays, a secure and screened trash enclosure, security fencing, and landscaping. 10 parking spaces, including 2 ADA spaces, will be provided for employees. Facility operations would be 24 hours a day, 7 days a week, with 10 employees serving the site, including a 24-7 security guard. Transport of the product off-site would occur Monday through Friday, between 8 a.m. to 5 p.m. Development

#### THE PRESS-ENTERPRISE

KEEP YOUR EYES ON THE 'PRISE pe.com

The Press-Enterprise 3512 14 Street Riverside, California 92501 (951) 368-9222

County of Riverside - Clerk of the Board

PO Box 1147

Riverside, California 92502

Publication: The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc: 0011558836

FILE NO. 0011558836

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#### 09/10/2022

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

Date: September 10, 2022. At: Riverside, California

Signature

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, CHANGE OF ZONE, ORDINANCE, AND DEVELOPMENT AGREEMENT, THIRD SUPERVISORIAL DISTRICT

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Dated: September 6, 2022 Kecla R. Harper, Clerk of the Board By: Zuly Martinez, Board Assistant The Press-Enterprise Published: 9/10/22