



**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.

(ID # 17408)
MEETING DATE:
Wednesday, October 20, 2021

SUBJECT: CONDITIONAL USE PERMIT NO. 190038 and DEVELOPMENT AGREEMENT NO. 1900027 – Intent to Adopt a Mitigated Negative Declaration – CEQ190129 – Applicant: The Fuego Farms LLC – First Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Rural: Rural Mountainous (R-RM) (10 Acre Min.) – Location: Northerly of Carancho Road, easterly of El Calamar Road, and westerly of Deluz Road – 72.15 Acres – Zoning: Light Agriculture – 10 Acre Minimum (A-1-10) – REQUEST: Conditional Use Permit No. 190038 proposes to construct a Cannabis cultivation facility with one (1) 4,800 sq. ft. building, twelve (12) 1,800 sq. ft. mature canopy greenhouses and six (6) 3,240 sq. ft. vegetation greenhouses. Development Agreement No. 1900027 would impose a lifespan on the proposed cannabis project and provide community benefit to Riverside County. APN: 933-020-005. Continued from September 1, 2021. Project Planner: Phayvanh Nanthavongdouangsy at (951) 955-6573 or email at pnanthav@rivco.org.

PROPOSED PROJECT

Case Number(s):	CUP190038 & DA1900027
Environmental Type:	Mitigated Negative Declaration
Area Plan No.	Southwest
Zoning Area/District:	Rancho California Area
Supervisorial District:	First District
Project Planner:	Gabriel Villalobos
Project APN(s):	933-020-005
Continued From:	9/1/2021



John Hildebrand, Planning Director 10/14/2021

PROJECT DESCRIPTION AND LOCATION

Conditional Use Permit No. 190038 (CUP190038) proposes to construct a Medium Mixed Light Cannabis Cultivation facility with one (1) new 4,800 square foot building to be used as an auxillary structure for cannabis processing, fifteen (15) new 3,840 square foot greenhouses, and two (2) new 3,072 square foot greenhouses to be used for flowering and mature Cannabis plants. The cultivation area shall be accessed via a new driveway from Carancho Road and shall be enclosed within a new six (6') high chain-link fence with vertical privacy slats.

Development Agreement No. 1900027 (DA1900027) will impose a lifespan of 10 years on the proposed cannabis project, will grant the applicant vesting rights to develop the Project in

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accordance with the terms of Conditional Use Permit No. 190038 and Development Agreement No. 1900027, and provides community benefits to the Rancho California Area.

The project is located north of Carancho Rd., east of El Calamar Rd., and west of De Luz Rd. near the City of Temecula.

The above is hereinafter referred to as the "Project" or "project".

PROJECT RECOMMENDATION

STAFF RECOMMENDATIONS:

THAT THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

ADOPT a MITIGATED NEGATIVE DECLARATION for ENVIRONMENTAL ASSESSMENT NO. CEQ190129, 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,

TENTATIVELY APPROVE DEVELOPMENT AGREEMENT NO. 1900027, based upon the findings in this staff report, pending final adoption of the Development Agreement ordinance by the Board of Supervisors; and,

APPROVE CONDITIONAL USE PERMIT NO. 190038, subject to the attached Advisory Notification Document and Conditions of Approval; and based upon the findings and conclusions provided in this staff report, subject to final approval of the Development Agreement ordinance by the Board of Supervisors.

PROJECT DATA

Land Use and Zoning:

Existing General Plan Foundation Component:	Rural
Existing General Plan Land Use Designation:	Rural Mountainous (RM)
Policy / Overlay Area:	Santa Rosa Plateau Policy Area
Surrounding General Plan Land Uses	
North:	Conservation Habitat (CH)
East:	Rural Mountainous (RM)

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South:	Rural Mountainous (RM)
West:	Rural Mountainous (RM)
Existing Zoning Classification:	Light Agriculture – 10 Acre Min. (A-1-10)
Surrounding Zoning Classifications	
North:	Rural Residential (R-R)
East:	Residential Agricultural – 5 Acre Min. (R-A-5)
South:	Residential Agricultural – 10 Acre Min. (R-A-10)
West:	Light Agriculture – 10 Acre Min. (A-1-10)
Existing Use:	Agriculture
Surrounding Uses	
North:	Conservation Habitat
South:	Agriculture
East:	Agriculture
West:	Agriculture

Project Details:

<i>Item</i>	<i>Value</i>	<i>Min./Max. Development Standard</i>
Project Site (Acres):	72.15 acres	10 acre minimum
Proposed Building Area (SQFT):	Proposed Greenhouses – 63,744 sq. ft. Steel Structure – 4,800 sq. ft.	

Parking:

<i>Type of Use</i>	<i>Building Area (in SF)</i>	<i>Parking Ratio</i>	<i>Spaces Required</i>	<i>Spaces Provided</i>
Mixed-Light Cultivation	N/A	2 spaces per 3 employees	7	7
TOTAL:	N/A		7	7

Located Within:

City's Sphere of Influence:	No
Community Service Area ("CSA"):	Yes – CSA 152

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Special Flood Hazard Zone:	No
Agricultural Preserve:	No
Liquefaction Area:	No
Subsidence Area:	No
Fault Zone:	No
Fire Zone:	Yes – Moderate
Mount Palomar Observatory Lighting Zone:	Yes – Zone B
WRCMSHCP Criteria Cell:	Yes – 7051
CVMSHCP Conservation Boundary:	No
Stephens Kangaroo Rat (“SKR”) Fee Area:	No
Airport Influence Area (“AIA”):	No

PROJECT BACKGROUND AND ANALYSIS

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.

Project Details

The proposal is for the development of a new Mixed Light Cannabis Cultivation area to include seventeen (17) new greenhouse structures totaling 63,744 square feet in area, one (1) new 4,800 square foot steel structure for crop processing, a new driveway for site access, six (6’) foot high chain-link fence with vertical privacy slats enclosing the cultivation area and

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landscaping located in the Santa Rosa area of Riverside County. The project site is located on a 72-acre parcel approximately 4 miles west of the City of Temecula. There are no existing buildings located on-site as the parcel has been used primarily for agricultural purposes, with only one previously withdrawn planning case on record (PM35471). Approximately 4 acres on the southwestern portion of the 72-acre parcel would be used for the cannabis cultivation area and the immediate area is comprised of agricultural uses to the east, south, and west.

The development proposed as part of the CUP include the construction and operation of a mixed-light cannabis cultivation facility that would include 17 greenhouses including two (2) 3,072 square foot greenhouses and fifteen (15) 3,840 square foot greenhouses that would accommodate approximately 22,000 square feet of mature canopy and 16,000 square feet of vegetative canopy. In addition, a 4,800 square foot steel structure has also been proposed to house space 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, a small parking lot for 7 vehicles, and associated landscaping. The entire cultivation area would equal approximately 4.3 acres or 187,308 square feet.

The proposed Mixed Light Cannabis Cultivation facility would operate between the hours of 6 AM to 8 PM in compliance with the County of Riverside Ordinance No. 348 Section 19.505.K. The cannabis cultivation facility shall also have approximately ten (10) employees on site for the largest shifts. In addition, the proposed project shall include deliveries and shall operate between the normal hours of operation between 6 AM and 8 PM.

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 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.

General Plan Consistency

The project site has a General Plan Foundation Component of Rural (R) and a Land Use Designation of Rural Mountainous (RM). The Rural General Plan Foundation Component is intended to identify and preserve areas where the rural lifestyle is the desired use, including areas of remote cabins, residential estates, limited agriculture, equestrian, and animal keeping uses. The Rural Mountainous (RM) land use designation applies to areas of at least 10 acres where a minimum 70% of the area has slopes of 25% or greater. It also applies to remote areas that are completely or partially surrounded by slopes greater than 25%, and that do not have

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both county-maintained access and access to community sewer and water systems. The project is consistent with the Rural Mountainous Land Use Designation as it is an agricultural use that would not impact the rural character of the parcel. The proposal includes an enclosure that has been positioned and designed to screen the proposed use from the right-of-way and adjacent properties with low profile structures that have been conditioned to screen unnatural light from adjacent parcels and the night sky. In addition, the cultivation area is located on the flattest portion of the parcel to avoid substantial changes to the natural topography of the site, occupying only 4 acres of a roughly 72-acre parcel.

Zoning Consistency

The project site is zoned for Light Agriculture – 10 Acre minimum (A-1-10). Pursuant to Ordinance No. 348, Article XIXh, Section 19.510, Mixed Light Cannabis Cultivation on lots of five (5) gross acres or more (defined as Medium Mixed Light Cannabis Cultivation) are allowed in the A-1 zone with an approved conditional use permit. The applicant has submitted this CUP application to ensure compliance with all applicable development standards and regulations. In addition, pursuant to Section 19.510.B.5, the Canopy size on a single lot for a Medium Mixed Light Cannabis Cultivation shall not exceed 22,000 square feet which the proposed project adheres to as the proposed canopy size is 21,978 square feet. A canopy is defined under Section 21.19s of Ordinance No. 348 as the designated area or areas at a licensed Premises that will contain Mature Plants at any point in time. As further described in the findings section, the project meets all the applicable development standards for the A-1 zone and those set forth in Section 19.511 of Ordinance No. 348.

Continued Item

Planning staff requested a continuance of the item from the original scheduled Planning Commission hearing on August 18, 2021 due to the absence of the commissioner for the 1st Supervisorial District. The request was approved, and the agenda item was continued to the next available Planning Commission hearing on September 1, 2021.

At the Planning Commission hearing on September 1st, the project was presented by planning staff and both the applicants and general public were allowed to comment on the proposal. Several concerns were raised from the general public including issues regarding safety, traffic congestion, and details about the proposal itself. The applicants provided responses for these concerns and after some deliberation the commissioners decided that the project should be continued once again to allow additional time for the applicants to conduct public outreach. The commissioners voted and approved the motion to continue the public hearing for this item to a date certain of October 20, 2021.

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During the development review process, the applicant reached out to 1st Supervisorial District Staff to discuss community outreach on September 2020. The District Staff suggested that the applicant reach out to the De Luz Community Service District for the possibility of presenting to the community. The CSD declined the offer for a community presentation. The 1st Supervisorial District Staff then suggested that applicant reach out to the various homeowner associations in the area.

After the September 1, 2021 Planning Commission hearing, the applicant reached out the 1st Supervisorial District Staff for advisement on community outreach. After discussions with District Staff, and due to the lack of a public meeting venue in the De Luz area, the applicant created an informational website, <https://www.cup190038.com/>. The website provides a detailed project background and description, the applicant's September 1st presentation, contact information, a summary of and responses to comments received, and a Frequently Asked Questions page. It also provides the community an opportunity to register to the page for up-to-date project notification and information.

Community members of the De Luz area created a website, www.ProtectDeLuz.com, opposing the project.

ENVIRONMENTAL REVIEW / ENVIRONMENTAL FINDINGS

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 Initial Study identified potentially significant impacts in regard to the issue areas of Biological Resources, Cultural Resources, Hydrology/Water Quality, Tribal Resources, and Mandatory Findings of Significance; however, with the incorporation of mitigation measures the impacts were reduced to less than significant. Based on the Initial Study's conclusions, the County of Riverside determined that an MND is appropriate for the proposed Project pursuant to the State CEQA Guidelines. 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. Staff has received public comments and have attached response to this staff report package.

FINDINGS AND CONCLUSIONS

In order for the County to approve the proposed project, the following findings are required to be made:

Land Use Findings:

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1. The project site has a General Plan Land Use Designation of Rural Mountainous (RM). The proposed project is consistent with the land use designation as the project addresses General Plan Policy LU 21.2 which requires that adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use. This land use policy is met as the proposed project will utilize the existing water service connection, provided by the Rancho California Water District, to maintain the on-site fire hydrant, proposed landscaping, and plumbing for the proposed steel structure. In addition, the proposed irrigation system for the cannabis cultivation facility will be designed to minimize water usage and irrigation runoff as each plant would be fed a mixture of water and fertilizer at a low rate to allow for the plant to metabolize all of the nutrient mix that it receives each hour. Any wastewater generated from the proposed project will be held in a proposed septic tank system and removed routinely.

In addition, the proposed project also supports General Plan Policy LU 21.3, which ensures that development does not adversely impact the open space and rural character of the surrounding area. This land use policy is met as the proposed project will only occupy roughly 4 acres of a 72 acre parcel, with the remainder of the lot remaining as is. In addition, the project shall utilize low-profile structures for their greenhouse and auxiliary use structures to be constructed onsite. The height of the greenhouses will be 14 feet and the height of the steel structure for cultivation related uses will be a maximum of 19 feet on a parcel with a maximum height limit of 50 feet per the A-1 zone. In addition, the position of the cultivation area along with the proposed chain link fence enclosure with privacy slats and additional trees proposed for screening shall mitigate potential aesthetic impacts to the surrounding area and maintain the rural character of the overall area as the development site will be shielded from the public right-of-way.

2. The project site has a Zoning Classification of Light Agriculture – 10 Acre Minimum (A-1-10), which is consistent with the Riverside County General Plan. The proposed use of a Medium Mixed Light Cannabis Cultivation facility is allowed within the A-1 zone per Section 19.510.A.4 of Ordinance No. 348 with an approved conditional use permit.
3. The project site is located within the Santa Rosa Plateau/De Luz Policy Area. The Santa Rosa Plateau/De Luz Policy Area is intended to help maintain the rural and natural character of the area, account for its varied topography, and address the long-term stability of the Santa Rosa Plateau Ecological Reserve. In order to maintain the Plateau's attributes, future development must be designed in accordance with the area's rural character, limit the amount of grading to maintain the natural terrain to the greatest extent possible, and limit impacts to the ecological reserve. The project will not negatively impact the policy area as minimal grading is proposed for this proposed agricultural use that will maintain the rural

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character of the area. In addition, as discussed in detail within the IS/MND, the Project will not have a significant impact on biological resources or hydrology and therefore will not contribute to indirect impacts on the Santa Rosa Plateau Ecological Reserve.

4. The proposed use, a Medium Mixed Light Cannabis Cultivation Facility, is consistent with Ordinance No. 348 (Land Use) and is allowed within the A-1 Zoning Classification, subject to Conditional Use Permit approval. Pursuant to various sections of Ordinance No. 348, as described in greater detail below in this staff report, the proposed projects meets all of the conditional use permit findings, the development standards of the A-1 Zoning Classification, permit requirements for all commercial cannabis activities, and cannabis cultivation minimum standards.

Conditional Use Permit

The following findings shall be made prior to making a recommendation to grant a Conditional Use Permit pursuant to the provisions of Section 18.28 of the Riverside County Ordinance No. 348 (Land Use):

1. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. The project is conditioned to meet applicable State law and ordinances of Riverside County. The project is required to comply with all State cannabis licensing requirements and shall apply for the appropriate cannabis license within six (6) months of the Conditional Use Permit Approval. Failure to do so will terminate conditional use permit approval.
2. The proposed use will not be detrimental to the health, safety, or general welfare of the community since the project has been reviewed by County departments specifically for these concerns and has received departmental approvals and has been designed and conditioned to protect the health, safety, and general welfare of the community. Based on the findings included in this staff report and with compliance with the conditions set forth in the advisory notification document and conditions of approval, the proposed project will not be detrimental to the health, safety or general welfare of the community and is subject to those conditions necessary to protect the health, safety, and general welfare of the community.
3. The proposed project conforms to the logical development of the land and is compatible with the present and future logical development of the surrounding property, as the project site is located on a parcel that supports the proposed development while being consistent with both the General Plan and Ordinance No. 348. The site is surrounded by other properties which are designated Rural Mountainous (RM) to the east, west and south which encourage

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rural and agricultural development. In addition, the zoning of the parcel on which the project is proposed is one of only two zones which allow Medium Mixed Light Cannabis Cultivation. The proposed use, a cannabis cultivation facility, conforms to the logical development of the land and is compatible with the present and future logical development of the surrounding property as the project is considered an agricultural use which already exists on the parcel, as an avocado farm which will continue to operate, and on surrounding parcels. The proposed project does not have a retail component that would add additional impacts other than the transport of cannabis products grown onsite to other licensed businesses.

4. All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel. Under the current CUP application, this requirement does not apply as there are no additional structures being proposed, as such no condition is required.

Permit Requirements for All Commercial Cannabis Activities

1. Section 19.505 of Ordinance No. 348 sets forth requirements that all Commercial Cannabis Activities, including commercial cannabis cultivation facilities, must comply with, including, among others, submitting an appropriate application, obtaining and maintaining a state license, being sited and operated in such a way that controls odors, being limited in hours of operation, and implementing sufficient security measures. All these requirements have either already been met or are required in the attached project's Conditions of Approval or Advisory Notification Document which are incorporated herein by this reference. Specifically, Planning. 6, Planning. 9, Planning 14 and 15 of the Advisory Notification Document address odors, hours of operation and security, and other requirements of Section 19.505.
2. While security has been raised as a concern relating to cannabis-related activities, a standard condition of approval or requirement of the Advisory Notification Document (Planning. 14 and 15) requires sufficient security measures to deter and prevent the unauthorized entrance into areas containing Cannabis or Cannabis Products, to deter and prevent theft of Cannabis or Cannabis Products, and to ensure emergency access in accordance with applicable Fire Code standards. These requirements include the following:
 - a) A plan to prevent individuals from loitering on the lot if they are not engaging in activity expressly related to the Commercial Cannabis Activity.

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- b) 24-hour emergency contact information for the owner or an on-site employee which shall be provided to the County.
- c) A professionally installed, maintained, and monitored alarm system.
- d) Except for Live Cannabis Plants being cultivated at a cultivation facility and limited amounts of Cannabis for display purposes, all Cannabis and Cannabis Products shall be stored in a secured and locked structure and in a secured and locked safe room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.
- e) 24-hour security surveillance cameras to monitor all entrances and exits to a Commercial Cannabis Activity, all interior spaces within the Commercial Cannabis Activity that are open and accessible to the public, and all interior spaces where Cannabis, cash or currency is being stored for any period of time on a regular basis. The permittee for a Commercial Cannabis Activity shall be responsible for ensuring that the security surveillance camera's footage is accessible. Video recordings shall be maintained for a minimum of 90 days and shall be made available to the County upon request.
- f) Sensors shall be installed to detect entry and exit from all secure areas.
- g) Panic buttons shall be installed in all Commercial Cannabis Activities.
- h) Any bars installed on the windows or the doors of a Commercial Cannabis Activity shall be installed only on the interior of the building.
- i) Security personnel must be licensed by the State of California Bureau of Security and Investigative Services.
- j) A Commercial Cannabis Activity shall have the capability to remain secure during a power outage and all access doors shall not be solely controlled by an electronic access panel to ensure locks are not released during a power outage.
- k) A Commercial Cannabis shall cooperate with the County and, upon reasonable notice to the Commercial Cannabis Activity, allow the County to inspect or audit the effectiveness of the security plan for the Commercial Cannabis Activity.
- l) The permittee for a Commercial Cannabis Activity shall notify the Riverside County Sheriff's Department immediately after discovering any of the following:

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- a. Significant discrepancies identified during inventory.
 - b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Activity or any agent or employee of the Commercial Cannabis Activity.
 - c. The loss or unauthorized alteration of records related to Cannabis, registering qualifying patients, primary caregivers, or employees or agents of the Commercial Cannabis Activity.
 - d. Any other breach of security.
- m) Firearms shall not be permitted at a Commercial Cannabis Activity by an owner, manager, employee, volunteer, or vendor other than those individuals authorized as a State Licensed Security personnel.
- n) Cannabis or Cannabis Products shall not be stored outside at any time.

With implementation of these required measures, security concerns relating to the Commercial Cannabis Activity have been fully addressed.

Mixed Light Cannabis Cultivation:

Zones

1. *Medium Mixed Light Cannabis Cultivation is allowed on lots of five gross acres or more in the following zone classifications with an approved conditional use permit in accordance with Section 18.28 of this ordinance: A-1, A-2. This finding is met as the proposed project is located in the Light Agriculture – 10 Acre Min. (A-1-10) zone and is also on a parcel that is 72 acres which exceeds the minimum parcel size requirement.*

Size Limitations

2. *The Canopy size on a single lot for a Medium Mixed Light Cannabis cultivation shall not exceed 22,000 square feet except as provided for in 19.510B.6. below. This finding is met as the current Canopy size for the proposed project is 21,978 square feet.*
3. *Multiple Mixed Light Cannabis Cultivation operations may operate on a single lot provided all of the following is complied with:*

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- a. *A conditional use permit has been granted for Mixed Light Cannabis Cultivation and specifies the number and size of each proposed licensed Premises. A conditional use permit application has been submitted for the proposed project which includes the proposal for the approximately 4-acre cultivation area within the 72-acre parcel. No other applications are currently being processed for additional cultivation areas.*

- b. *The individual Canopy size for each Mixed Light Cannabis Cultivation operation complies with State law and the cumulative Canopy area for all the Mixed Light Cannabis Cultivation operations does not exceed the total amount of 43,560 square feet. This finding is met as the individual canopy size listed for this specific mixed light cannabis cultivation operation complies with the maximum of 22,000 square feet. In addition, no other cultivation areas are proposed for this parcel, so the cumulative total will not exceed 43,560 square feet.*

Cannabis Cultivation Standards:

Location Requirements

1. *Indoor and Mixed Light Cannabis Cultivation shall not be located within 1,000 feet of any Child Day Care Center, K-12 school, public park, or Youth Center, The distance shall be measured from the nearest points of the respective lot lines using a direct straight-line measurement. A new adjacent use will not affect the continuation of an existing legal use that has been established under this Article and continuously operating in compliance with the conditional use permit, and local and State laws and regulations. This location requirement may be modified with the approval of a variance pursuant to Section 18.27 of this ordinance. In no case shall the distance be less than allowed by State law. This finding is met because a radius map buffering 1,000 feet from the subject site was prepared by the Riverside County Geographic Information System and has not identified any Child Day Care Center, K-12 school, public park, or Youth Centers within 1,000 feet of the site.*

2. *Indoor and Mixed Light Cannabis cultivation are not allowed in an established agricultural preserve or on a lot under a land conservation contract pursuant to the Williamson Act. Indoor and Mixed Light Cannabis cultivation shall not be considered agriculture for the purposes of Ordinance No. 625 the County's Right-to-Farm Ordinance. This finding is met since a parcel report generated through the Riverside County Geographic Information System has concluded that the subject parcel is not located within any established agricultural preserve or is located on a lot under a land conservation contract pursuant to the Williamson Act.*

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3. *All Cannabis Cultivation is prohibited on natural slopes 25% or greater.* This finding is met as the location of the cannabis cultivation area is sited on the portion of the parcel that has natural slopes that are less than 25%.

Minimum Lot Size

4. *The minimum lot size for Medium Mixed Light Cannabis Cultivation is 5 gross acres and allowed in the A-1, A-2 zones.* This finding is met as the project is located on a parcel of approximately 72.3 acres and zoned A-1.

Minimum Lot Dimensions

5. *The minimum average lot width for Mixed Light Cannabis cultivation lots shall be 150 feet.* This finding is met as the narrowest portion of the lot is approximately 980 feet.

Setbacks

6. *Mixed Light Cannabis Cultivation:*
- a. *Except for Medium Mixed Light Cannabis Cultivation, the Cannabis Cultivation Area for Mixed Light Cannabis Cultivation shall be setback a minimum of 50 feet from all lot lines and public right-of-ways.* This standard does not apply to this project as it is considered a Medium Mixed Light Cannabis Cultivation facility.
 - b. *The Cannabis Cultivation Area for Medium Mixed Light Cannabis Cultivation shall be setback a minimum of 100 feet from all lot lines and public right-of-ways.* This finding is met as the cultivation area shown on the submitted site plan shows a distance of 110 feet from the nearest lot line to the west and 100 feet from the public right-of-way to the south.
 - c. *The Cannabis cultivation Area for all Mixed Light Cannabis Cultivation shall be located a minimum of 50 feet from the drip line of any riparian vegetation of any watercourse.* Per the Jurisdictional Delineation report (PDB210016) approved for this project, the nearest drainages were plotted on the site plan and setbacks shown depict a setback over 50 feet from the nearest riparian vegetation drip lines for the nearest watercourses to the cultivation area.
 - d. *All hoop structures, greenhouses and other similar structures used for all Mixed Light Cannabis Cultivation shall be separated by a minimum of 6 feet.* This finding is met

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as all greenhouse structures proposed on site are separated by a minimum of 6 feet on every side.

- e. *When adjacent to a residentially zoned lot, the Cannabis Cultivation Area for all Mixed Light Cannabis Cultivation shall be setback a minimum of 100 feet from the adjacent residentially zoned lot lines.* This finding is met as the cannabis cultivation area is setback at least 100 feet from all lot lines. In addition, the parcels located closest to the cannabis cultivation area are zoned Light Agriculture (A-1) and Residential Agriculture (R-A).
7. *Setback adjustments may be made in accordance with Section 18.33 of Ordinance No. 348, except in no event shall setbacks be less than the setbacks required by the State of California Department of Food and Agriculture.* This is not applicable as there is no requirement for a setback adjustment.

Screening and Fencing

8. *All Mixed Light Cannabis Cultivation shall occur within a secure fence at least 6 feet in height that fully encloses the Cannabis Cultivation Premises or Cannabis Cultivation area and prevents easy access to the Cannabis cultivation Area. The fence must be solid, durable and include a lockable gate(s) that is locked at all times, except for during times of active ingress and egress. Fences shall be separated by a minimum of six feet from all cultivation structures, providing a clear six-foot path. The fence shall comply with all other applicable County ordinances, policies, and design standards related to height, location, materials, or other fencing restrictions. Cannabis Cultivation Areas shall not be secured by fences with barbed wire or screened with plastic sheeting on chain link. Chain link with slats is allowed.* This finding is met as the proposed mixed light cannabis cultivation facility will include a 6-foot-high chain link fence with vertical privacy slats around the cannabis cultivation area. The cultivation area is enclosed with a lockable gate that shall only be open during business hours from 6 AM to 8 PM. The fencing will be setback by a minimum of 6 feet to provide a clear path for foot traffic around the perimeter of the cultivation area. Lastly, the privacy slats shall be composed of high-density polyethylene to ensure a durable material for screening the cannabis cultivation area from the public right-of-way and adjacent properties.

Enclosures

9. *Cannabis Cultivation operations shall occur within a fully enclosed permitted building, greenhouse, hoop structure, or other similar structure. Mixed light supplemental lighting shall not exceed 25 watts per square foot to be used up to one hour before sunrise or after*

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sunset, unless the building or structure is equipped with light-blocking measures to ensure that no light escapes. This finding is met as the proposed greenhouses would provide supplemental lighting during nighttime hours and would have black cloth curtains to contain light from within 30 minutes before sunset to 30 minutes after the sun rises to prevent light pollution into the night sky.

10. *All greenhouses, hoop structures, or other similar structures shall comply with Section 19.505.W of Ordinance No. 348. Per Section 19.505.W, no Live Cannabis Plants will be visible from a public or private road, sidewalk, park, or common public viewing area.* This finding is met as the cultivation area is set back from the public right-of-way and is also contained within an enclosure that will include a 6-foot-high chain link fence with privacy slats, in addition to, landscaping to screen the greenhouses from Carancho Road and adjacent parcels.

Energy Conservation Measures

11. *All Cannabis Cultivation operations shall include adequate measures to address the projected energy demand for Cannabis cultivation at the lot. On-site renewable energy generation shall be required for all Indoor Cannabis Cultivation operations. Renewable energy systems shall be designed to have a generation potential equal to or greater than 20-percent of the anticipated energy demand.* This finding is met as the energy efficiency from the cannabis cultivation operation would be maximized by reducing the number of grow lights needed and using a passive cooling system that relies on a smaller number of fans. The proposed project is not an Indoor Cannabis Cultivation operation and as such, is not required to implement onsite renewable energy measures as the greenhouses utilize solar power and will only require supplemental lighting at night.

Water Conservation Measures

12. *All Cannabis Cultivation operations shall include adequate measures that minimize use of water for cultivation on the lot. Water conservation measures, water capture systems, or grey water systems shall be incorporated into the operations in order to minimize use of water where feasible.* This is met as the proposed irrigation system for the cannabis cultivation facility would be designed to minimize water usage and irrigation runoff as each plant would be fed a mixture of water and fertilizer at a low rate to allow for the plant to metabolize all of the nutrient mix that it receives each hour.

Cannabis Cultivation Operational Requirements:

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1. *All Cannabis Cultivation lighting shall be fully shielded, downward casting and not spill over onto structures, other properties, or the night sky. All Indoor and Mixed Light Cannabis cultivation operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.* This finding is met as the proposed greenhouses would have light exclusion curtains to contain light from within 30 minutes before sunset to 30 minutes after the sun rises to prevent light spillover. In addition, lights would be installed with the specified fixtures, wattage, illumination levels, glare prevention and shielding to prevent light spillage. Some security lighting will be motion activated or dimmed to save energy and to alert security personnel only when activated. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 1 – Cannabis Cultivation Operations – 1)

2. *All Cannabis cultivation operations shall accumulate or store garbage and refuse in a nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on the site shall not be accumulated or stored for more than seven calendar days and shall be properly disposed of before the end of the seventh day. All waste, including but not limited to refuse, garbage, green waste, and recyclables, must be disposed of in accordance with County and State laws and regulations. All waste generated from Cannabis cultivation operations must be properly stored and secured to prevent access from the public.* This finding is met as waste bins and containers will be located at the entrance to the cultivation facility and inside the support structure. Waste will be hauled to an appropriate licensed facility by a private waste hauling contractor or by cultivation staff. Recyclables would be segregated from other solid waste and deposited in an appropriate recycling facility. Yard waste, green waste and other compostable materials would be segregated from other solid waste and shredded and composted on-site for reuse as mulch or as a soil amendment or deposited at an appropriate transfer facility. Any potentially toxic materials, such as paints, solvents, or lubricants, would be segregated from the solid waste and disposed of at a County facility. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 2 – Cannabis Cultivation Operations – 2)

3. *Onsite generators are prohibited, except as a source of energy in emergencies. Onsite generators for emergency use shall be included in the conditional use permit.* This finding is met as onsite generators are included as part of this conditional use permit and are proposed to only be used during emergencies. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 3 – Cannabis Cultivation Operations – 3)

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4. *Cannabis cultivation within the A-1, A-P, A-2, and A-D Zones shall not include the retail sales of Cannabis or Cannabis Products.* This finding is met as the project is located within the A-1 zone and does not include the retail sales of Cannabis or Cannabis Products, only the cultivation and distribution of Cannabis products to other licensed businesses. The project has been conditioned to meet this standard. (Advisory Notification Document Planning-All. 4 – Cannabis Cultivation Operations – 4)

Cannabis Cultivation Findings:

1. *The Indoor or Mixed Light Cannabis Cultivation complies with all the requirements of the State and County for Cannabis Cultivation.* This finding is met because the project has been conditioned to meet these requirements. (Advisory Notification Document Planning. 2 - General - B. State License Required)
2. *The Indoor or Mixed Light Cannabis Cultivation is not located within 1,000 feet from any child Day Care Center, K-12 school, public park, or Youth Center or a variance has been approved allowing a shorter distance but not less than allowed by State law.* This finding is met because a radius map buffering 1,000 feet from the subject site was prepared by Riverside County Geographic Information Systems and has not identified any Child Day Care Center, K-12 school, public park, or Youth Centers within 1,000 feet of the site. Therefore, the project meets this standard.
3. *The Indoor or Mixed Light Cannabis Cultivation includes adequate measures that minimize use of water for cultivation on the lot.* This finding is met as the project has implemented water conservation measures to ensure that the water used for cultivation is utilized efficiently to minimize the total amount used.
4. *The Indoor or Mixed Light Cannabis Cultivation includes adequate quality control measures to ensure cultivation on the lots meets State and County regulatory standards.* This finding is met as the project has been conditioned to comply with all local and State regulations including the implementation of adequate quality control measures. (Advisory Notification Document Planning. 24 - General - W. Compliance with Local and State Laws and Regulations)
5. *The Indoor or Mixed Light Cannabis cultivation includes adequate measures that address enforcement priorities for cultivation including restricting access to minors and ensuring that Cannabis is not supplied to unlicensed or unpermitted persons.* This finding is met because

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the project has been conditioned to meet this requirement. (Advisory Notification Document Planning. 16 - General - O. Permit and License Posting, and Planning. 11 – General – K Monitoring Program)

6. *For Indoor and Mixed Light Cannabis Cultivation lots with verified Cannabis related violations within the last 12 months prior to the adoption date of Ordinance No. 348.8498, the proposed use will not contribute to repeat violations on the lot and all applicable fees have been paid.* This finding is met because no record of any cannabis-related violations within the last 12 months exist at the project site.
7. *The Indoor and Mixed Cannabis Cultivation will operate in a manner that prevents Cannabis nuisance odors from being detected offsite.* This finding is met as the project will include odor abatement measures including multiple filtration systems, odor absorption, and carbon “scrubbers” to rid the system exhaust of any odors with an ozone generator placed upstream of the carbon filters to help control outgoing airstream odors and recharge the activated carbon filters. This project has also been conditioned to meet this standard. (Advisory Notification Document Planning. 6 - General - F. Nuisance Odors)

Light Agriculture (A-1) Development Standards Findings:

1. *Lot size shall not be less than 20,000 square feet, with a minimum average lot width of 100 feet and a minimum average lot depth of 150 feet, unless larger minimum lot area and dimensions are specified for a particular area or use.* This finding is met as the location of the parcel in which the project is located is approximately 72 acres which exceeds the minimum lot size.
2. *Minimum yard requirements shall be 20 feet front yard, five feet side yard, and ten feet rear yard.* This finding is met as the proposed cultivation is setback a minimum of 100 feet from the nearest lot line located at the public right-of-way.
3. *One family residences shall not exceed forty (40') feet in height. No other building or structure shall exceed fifty (50') feet in height, unless a greater height is approved pursuant to Section 18.34 of Ordinance No. 348. In no event, however, shall a building exceed seventy-five (75') feet in height or any other structure exceed one hundred five (105') feet in height, unless a variance is approved pursuant to Section 18.27 of Ordinance No. 348.* This finding is met as the greenhouse structures will be a maximum of 14 feet, with the steel structure having a maximum height of 19 feet.
4. *Animals on existing lots less than 100 feet in width. If the average lot width of an existing lot is less than 100 feet, animals shall be kept a minimum of 100 feet from the principal street*

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frontage. If such lot is a corner lot, animals shall also be kept not less than 20 feet from the rear lot line. For purposes of this section, the principal street frontage is the street frontage with the shortest dimension. This standard is not applicable to this project as there is no proposal to keep animals onsite.

5. *Automobile storage space shall be provided as required by Section 18.12 of Ordinance No. 348.* This finding is met as the parking requirement per Section 18.12 is a minimum of 7 parking spaces based off the requirement of 2 spaces for every 3 employees (max. 10 employees). A total of 7 designated parking spaces are located onsite, with 1 space being handicap accessible.

Other Findings:

1. The project site is located within Criteria Cell **7051** of the Western Riverside County Multiple Species Habitat Conservation Plan. This project fulfills the plan requirements as only 0.38 acres of the proposed 4.3 acres of cultivation area fall within the boundaries of Criteria Cell 7051. Per the approved HANS review (HANS210004), the RCA Joint Project Review (JPR) findings concludes that the project is consistent with both the Criteria and Other Plan requirements with implementation of the measures presented in JPR 21-04-14-01. In addition, the parcel was previously processed under HANS01835/JPR 09-07-15-01 which involved development of the entire parcel, whereas the current project only involves a portion and will not revise any portion of the previously approved review.
2. The project site is not located within an Airport Influence Area (AIA) boundary and is therefore not subject to the Airport Land Use Commission (ALUC) review.
3. In compliance with Assembly Bill 52 (AB52), notices regarding this project were mailed to all requesting tribes on March 03, 2020. Consultations were requested by the Pechanga Band of Luiseno Indians (Pechanga), the Pala Band of Mission Indians (Pala), and Rincon Band of Luiseño Indians (Rincon). The Soboba Band of Luiseno Indians deferred to closer tribes and no response was received from the Colorado River Indian Tribes, the Cahuilla Band of Indians or the Morongo Cultural Heritage Program.

A request to consult was received from Pechanga dated March 30, 2020. Consultation was initiated on May 11, 2020. The cultural report and project conditions of approval were provided to Pechanga on September 28, 2020. After several communications with the tribe this project was discussed during a meeting on December 2, 2020. Consultation was concluded with Pechanga on December 14, 2020.

A request to consult was received from Rincon dated March 31, 2020. Consultation was initiated on May 11, 2020. The cultural report and project conditions of approval were

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provided to Rincon on September 28, 2020. A letter agreeing with the conditions of approval and concluding consultation was received from Rincon dated September 30, 2020.

A request to consult was received from Pala dated April 17, 2020. Consultation was initiated on May 11, 2020. The cultural report and conditions of approval were provided to Pala on September 28, 2020. A follow-up meeting was held with Pala on October 09, 2020. Pala agreed with the conditions of approval and consultation was concluded the same day.

No Tribal Cultural Resources were identified by any of the consulting tribes. However, they all expressed concern that the project area is sensitive for cultural resources and that there is the possibility that previously unidentified resources might be found during ground disturbing activities. As such, the project has been conditioned for a Tribal Monitor from the consulting Tribe(s) to be present during grading activities so that any Tribal Cultural Resources found during project construction activities will be handled in a culturally appropriate manner. In addition, conditions of approval that dictate the procedures to be followed should any unanticipated cultural resources or human remains be identified during ground disturbing activities has been placed on this project. With the inclusion of these Conditions of Approval/ Mitigation Measures, impacts to any previously unidentified Tribal Cultural Resources would be less than significant.

4. The project site is located within Zone B of the Mount Palomar Observatory Lighting Zone boundary, as identified by Ordinance No. 655 (Mt. Palomar). The project is required to comply with all lighting standards specified within Ordinance No. 655, pursuant to Zone B.
5. The project site is not located within the Fee Assessment Area of the Stephen's Kangaroo Rat Habitat Conservation Plan (SKRHCP).

Fire Findings:

The project site is located within a Cal Fire State Responsibility Area (SRA) and is also located within a moderate hazard severity zone. Primary site access would be directly from Carancho Road via a short driveway leading to the proposed facility. A Knox box would be installed on the entry gate for emergency personnel access in the case of an emergency. A fire lane with a proposed width of at least 24 feet would surround the project facilities. A hammerhead turnaround would be constructed along the northern edge of the site to allow sufficient space for fire engine turnaround. The project will have an on-site fire hydrant.

Development Agreement:

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The applicant has proposed entering into the attached draft Development Agreement No. 1900027 (DA) with the County for the Project. The DA is consistent with the General Plan and Board Policy B-9. Additionally, the advisory notification document, conditions of approval, and entitlement approvals are incorporated in the exhibits of the DA and will ensure that the project is developed in a way that would not conflict with the public's health, safety or general welfare. The DA has a term of 10 years and will grant the applicant vesting rights to develop the Project in accordance with the terms of the DA. In exchange, the DA 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.

Conclusion:

1. For the reasons discussed above, as well as the information provided in the Initial Study, the proposed project conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County. Moreover, the proposed project would not be detrimental to the health, safety or general welfare of the community.

PUBLIC HEARING NOTIFICATION AND COMMUNITY OUTREACH

This project was advertised in the Press Enterprise Newspaper. Additionally, public hearing notices were mailed to property owners within 1,400 feet of the project site. As of the writing of this report, Planning Staff has received written communication indicating opposition to the proposed project. A summary of comments received for the September 1st hearing and the corresponding responses are attached to this staff report as Attachment I. Additional letters that were received since September 1st are attached as Attachment J.

The applicant will hold a virtual Community Meeting through the Zoom web application on October 15, 2021 at 9 a.m. The meeting announcement was posted on the applicant's website. The announcement was also emailed to community members that submitted comments and registered for information.