

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE November 16, 2023

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME

9:00 AM/No. 2

Conditional Use Permit #23-0014

PROJECT TYPE: DBO Investments SC, LLC dba From The Earth SUPERVISOR DIST. #4

LOCATION: 2084 S. Marina Dr. APN: 014-178-016-000

Salton City, CA 92275 PARCEL SIZE: +/- 4.5 Acres

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

ZONE (existing) C-2 (Medium Commercial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: 11/16/2023

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 09/14/2023

INITIAL STUDY: IS #23-0015

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

ICSO, CEO, IID, QUECHAN

REQUESTED ACTION:

STAFF RECOMMENDS THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING, HEAR ALL THE PROPONENTS AND OPPONENTS OF THE PROPOSED PROJECT, AND THEN TAKE THE FOLLOWING ACTIONS:

1. **ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED AT THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC) HEARING HELD ON SEPTEMBER 14, 2023; AND,**
2. **MAKE THE DE MINIMUS FINDINGS AS RECOMMENDED AT THE SEPTEMBER 14, 2023 EEC HEARING THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE ANY ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE FISH AND GAME CODES; AND,**
3. **ADOPT THE ATTACHED RESOLUTIONS AND SUPPORTING FINDINGS, APPROVING CONDITIONAL USE PERMIT #23-0014, SUBJECT TO ALL OF THE CONDITIONS, AND AUTHORIZE THE PLANNING AND DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP CONTRACT UPON RECEIPT FROM THE PERMITTEE.**

Planning & Development Services

801 MAIN STREE, EL CENTRO, CA. 92243 442-265-1736

JIM MINNICK, DIRECTOR

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STAFF REPORT
PLANNING COMMISSION MEETING
November 16, 2023
Conditional Use Permit (CUP) #23-0014

Applicant: **DBO Investments SC, LLC dba From The Earth**
2084 S. Marina Dr., Salton City, CA. 92275

Project Location:

The project site is located at 2084 S. Marina Dr., Salton City, Ca., further identified as Assessor's Parcel Number 014-178-016-000 and legally described as Par 3 of LLA 00221 4.54AC in an unincorporated area of Imperial County.

Project Summary:

The Applicant proposes Conditional Use Permit #23-0014 to allow the operation of a Storefront Retail Cannabis Dispensary and Delivery for Medicinal and Recreational Uses. The Applicant is proposing to remodel and operate +/- 467 square feet within the Salton City Travel Plaza's 9,782 square foot building.

The storefront dispensary would ensure medical patients and adult-use consumers would have safe and secure access to a wide variety of medical and recreational cannabis products. There will be two access doors, one for customers and a second entrance for vendors delivering products to the store. There will be no entrance between the Salton City Travel Plaza and the dispensary. The receptionist will ask for a valid form of identification to verify the customer is at least 21 years of age (or 18 for medical patients). The receptionist will ask medical patients for a copy of their valid doctor's recommendation or medical cannabis identification card. The Applicant is expecting to hire up to twenty (20) employees. Due to the small size of space, there will only be three (3) employees on-site at any one time, not including security officers stationed at the front door but be employed by an independent, third-party security company, or delivery drivers who will only be on-site for purposes of picking up product to be delivered. The dispensary will operate from 9am to 9pm, seven days per week. The Applicant will take all measures to ensure cannabis waste is unusable and unrecognizable before being disposed of, and employees charged with disposing of cannabis waste will ensure that no cannabis waste is disposed of in its packaging. An approved Commercial Cannabis Activity License with Conditions of Approval, a Conditional Use Permit and an approved Business and State Licenses will be required to begin operations.

Land Use Analysis:

The project site is zoned C-2(Medium Commercial) per Zoning Map #64 (Title 9, Section 92564.00). The proposed use is permitted with a Conditional Use Permit in accordance with Title 9 Division 5, Chapter 13, Section 90513.02. The proposed use is consistent with the Imperial County General Plan's designation, and the Imperial County's Land Use Ordinance. In addition, the adoption of the CEQA Initial Study for this project would be consistent with applicable County and State ordinances and regulations.

Surrounding Land Use Ordinance:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Commercial	C-2	Commercial
North	Commercial	C-2	Commercial
South	Commercial	C-2	Commercial
East	Open Space/Preservation	S-2	Open Space
West	Commercial	C-2	Commercial

Environmental Review:


Conditional Use Permit #23-0014 was environmentally assessed and reviewed by the Environmental Evaluation Committee on September 14, 2023. The project received a Negative Declaration, and the project was circulated from September 18, 2023 to October 15, 2023. On October 9, 2023 a letter was received from the Imperial County Air Pollution Control District requesting applicant to submit an odor control plan for the Air District for review and a copy of the draft CUP prior to recording for review. No other comments were received.

Staff Recommendation:

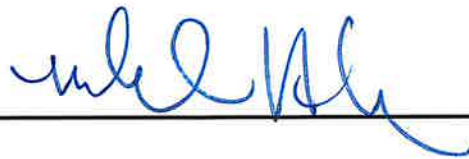
Staff recommends that the Planning Commission hold a public hearing, hear all the proponents and opponents of the proposed project, and then take the following actions:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing held on September 14, 2023;
2. Make the De Minimus findings as recommended at the September 14, 2023 EEC hearing that the project will not individually or cumulatively have any adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Game Codes;
3. Adopt the attached Finding and Resolution(s), approving Conditional Use Permit #23-0014, subject to all the Conditions of Approval and authorize the Planning and Development Services Director to sign the Conditional Use Permit upon receipt from the applicant.

Prepared By: Evelia Jimenez, Planner II
Planning & Development Services

for 

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



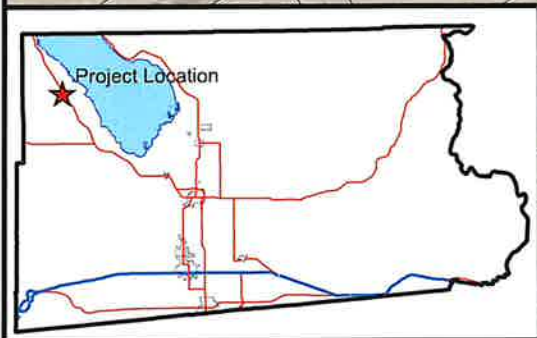
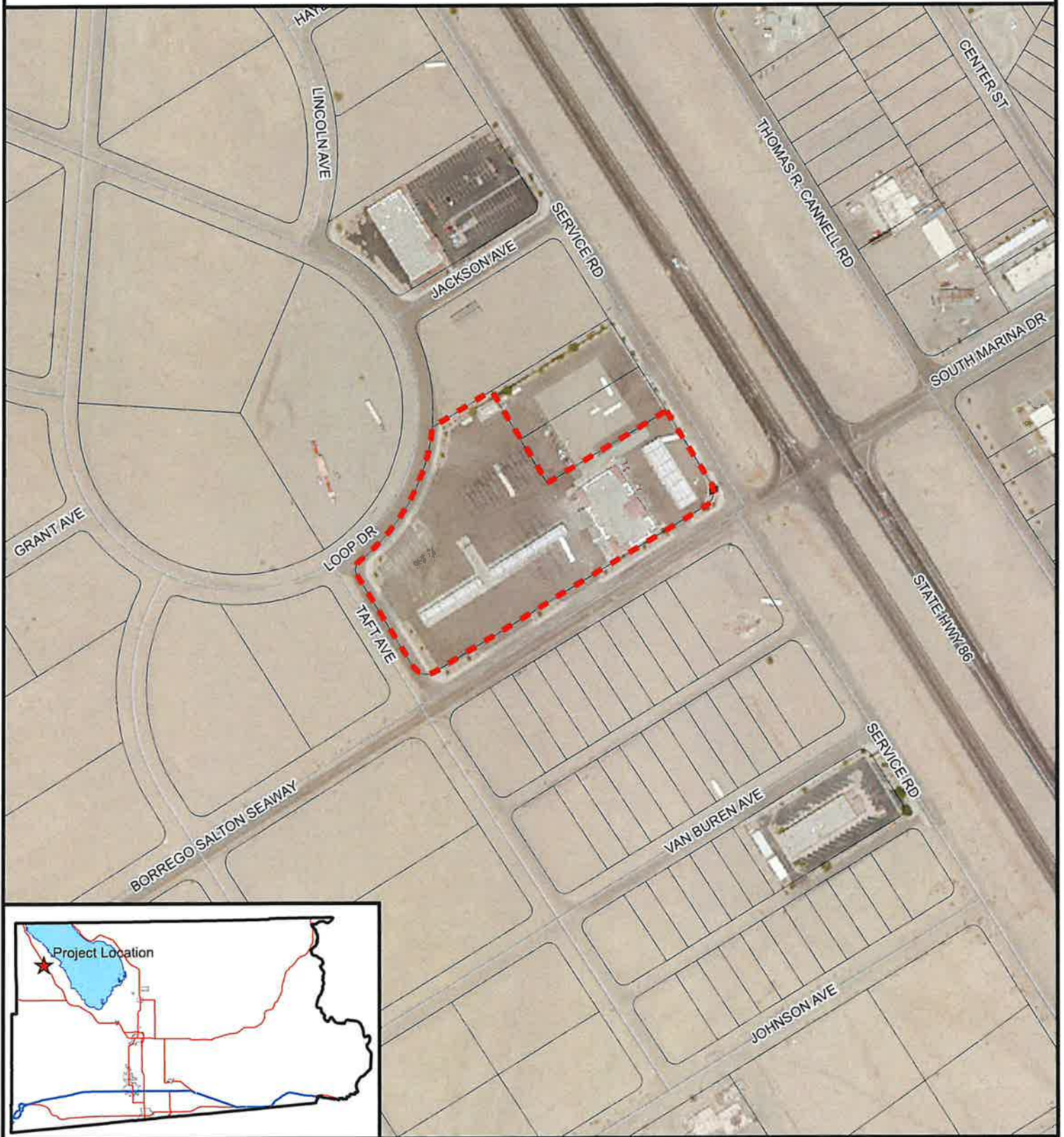
Approved By: Jim Minnick, Director
Planning & Development Services

for 




- Attachments:**
- A. Vicinity Map
 - B. Site Plan
 - C. CEQA Resolution
 - D. Planning Commission Resolution
 - E. Conditional Use Permit (CUP) #23-0014
 - F. EEC Package
 - G. Applicants Submittal
 - H. Comment Letters

Attachment A.
Location Map

PROJECT LOCATION MAP

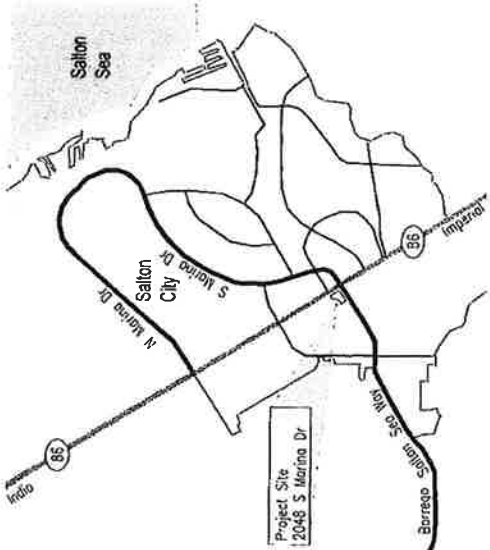
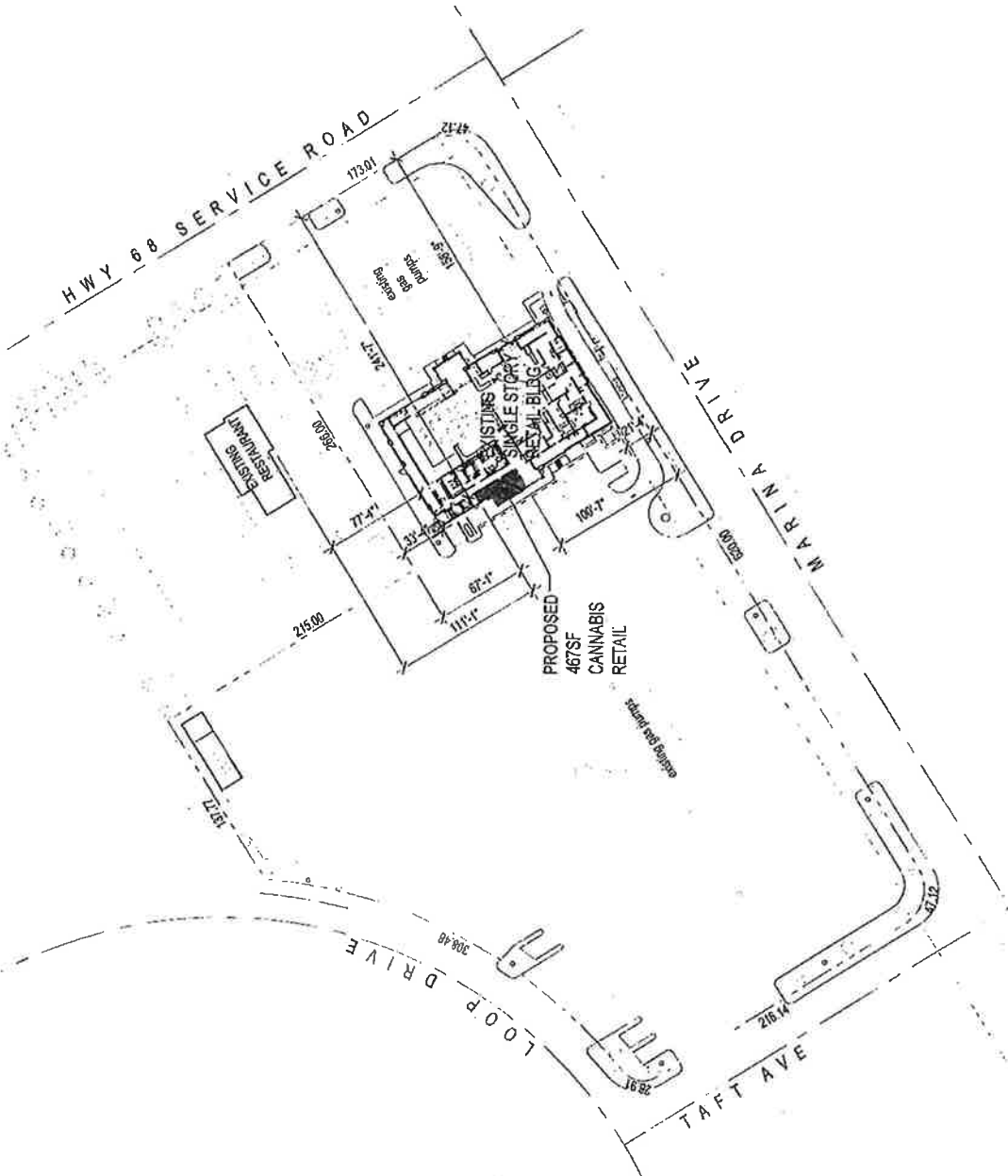


2084 S MARINA DR, SALTON CITY, CA
CCA23-0003
CUP23-0014/IS23-0015
APN 014-178-016-000

-  Project Location
-  Centerline
-  Parcels



Attachment B.
Site Plan



Property Information

address:
2084 South Marina Drive
Salton City, CA 92274

APN: 014-178-016

legal description: PAR 3 OF LLA 00221 4.540C

Owner:
D and G Enterprises, LLC
2084 South Marina Drive
Salton City, CA 92274

Applicant:
D&G Investments SC LLC
10250 Constellation Blvd # 2300a
Los Angeles, CA 90067

Plans prepared by:
Tom Fejc, Architect, C30145
Oler & Fejc Architecture, Inc
580 Laguna Rd
Pasadena, CA 91105

Oler & Fejc Architecture
www.olerfejc.com
213 781 5519

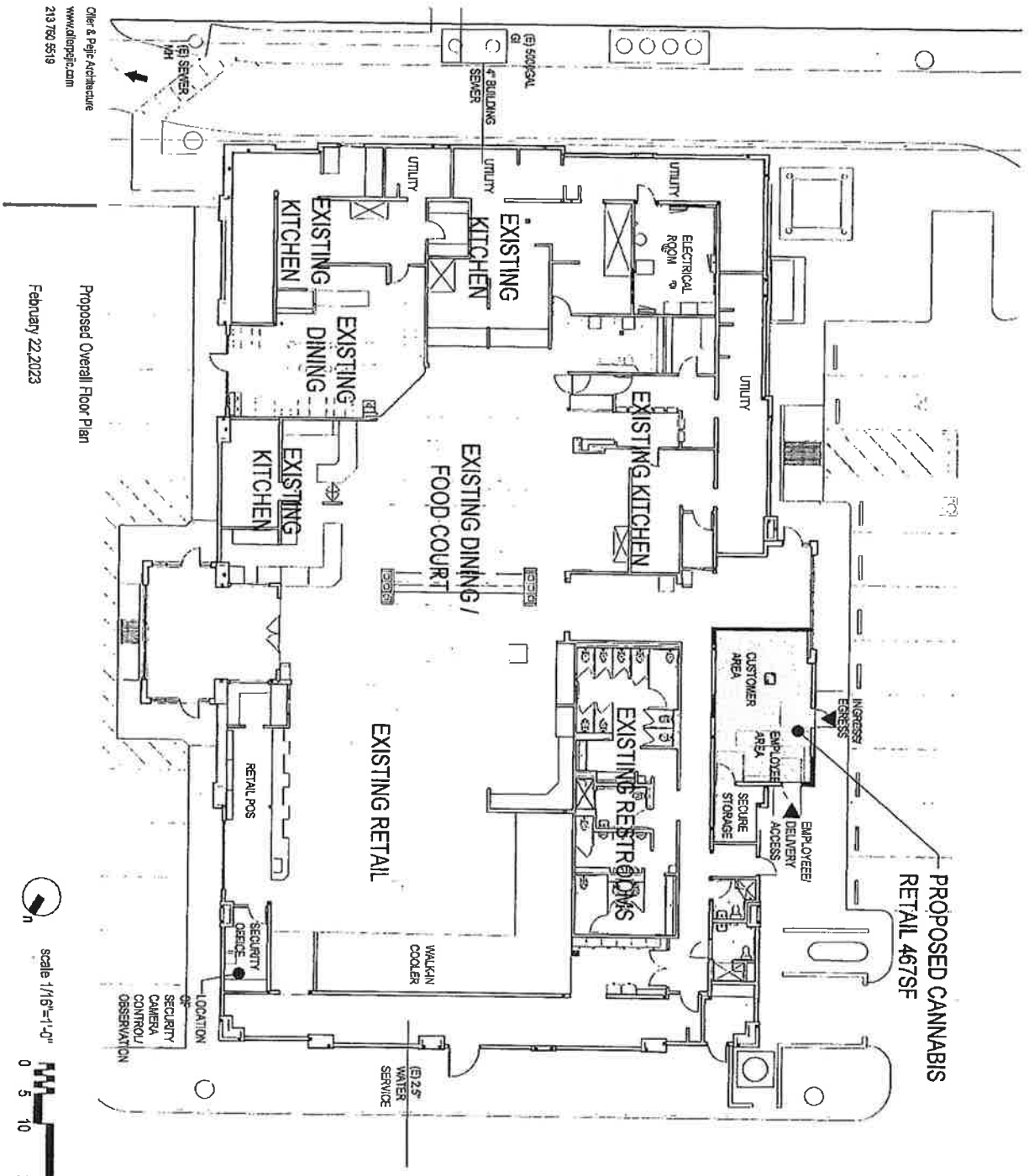
Proposed Site Plan & Vicinity Map

February 22, 2023

Proposed Cannabis Retail
2084 South Marina Drive
Salton City, CA 92274



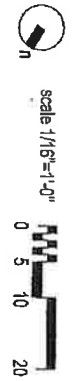
scale 1"=800'



- Customer Area
Unlimited Access
- Employee Area
Limited Access
- Storage Area
Secured

Oler & Pajic Architecture
 www.olerpajic.com
 213 750 5519

Proposed Overall Floor Plan
 February 22, 2023



Proposed Cannabis Retail
 2084 South Marina Drive
 Salton City, CA 92274

Attachment C.
CEQA Resolutions

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “NEGATIVE DECLARATION” (INITIAL STUDY #23-0015) FOR CONDITIONAL USE PERMIT #23-0014 FOR DBO INVESTMENTS SC, LLC DBA FROM THE EARTH.

WHEREAS, on September 1, 2023, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for September 14, 2023; and,

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

WHEREAS, on September 14, 2023, the Environmental Evaluation Committee heard the project and recommended the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permit (CUP) #23-0014; and

WHEREAS, the Negative Declaration was circulated for 20+ days, from September 18, 2023 to October 15, 2023; and

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

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

The Planning Commission has reviewed the Negative Declaration (ND) prior to approval of Conditional Use Permit (CUP) #23-0014. The Planning Commission finds and determines that the Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct and valid; and
2. That the Planning Commission has reviewed the Negative Declaration (ND) for Conditional Use Permit (CUP) #23-0014, and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit (CUP) #23-0014; and
3. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPTS** the Negative Declaration for Conditional Use Permit (CUP) #23-0014.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 16, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

Attachment D.
PC Resolutions & Findings

RESOLUTION NO. 2023-0074

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE APPROVAL ON “CONDITIONAL USE PERMIT #23-0014,” FOR THE DBO INVESTMENTS SC, LLC dba FROM THE EARTH STOREFRONT RETAIL CANNABIS DISPENSARY AND DELIVERY FOR MEDICINAL AND RECREATIONAL USES.

WHEREAS, DBO Investments SC, LLC dba From The Earth has submitted an application for Conditional Use Permit #23-0014, to operate a Storefront Retail Cannabis Dispensary and Delivery for Medicinal and Recreational Uses; and,

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

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

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 16, 2023; and,

WHEREAS, on September 14, 2023, the proposed Negative Declaration was submitted to the County’s Environmental Evaluation Committee (EEC) and EEC determined the ND to be legally adequate under the California Environmental Quality Act, Section 15070, due to the fact the initial study shows that there are no substantial evidence, in light of the whole record before the EEC that the project would not a significant effect on the environment.

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

SECTION 1. The Planning Commission has considered the proposed Conditional Use Permit #23-0014 prior to consideration of approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyses environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving Conditional Use Permit #23-0014 have been made as follows:

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

The Imperial County General Plan & West Shore/Salton City Urban Area Plan designates the subject site as "Urban Area". The project is consistent with the General Plan & West Shore Salton City Urban Plan goals and policies. Additionally, the proposed projects are consistent with Board of Supervisors Adopted Ordinance dated November 21, 2017 Title 14 permitting the commercial operation of cannabis in Imperial County as described in the Medicinal and Adult-Use Cannabis Regulation and safety Act, as defined in section 14.01.020 of the County of Imperial Codified Ordinances.

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

The purpose of the project is for the operation of an "Adult Use and Medicinal Storefront with Delivery. This use is permitted within the "General Commercial" zone. Pursuant to Title 9, Division 4, Chapter 6, 90406.05 (B) Commercial Cannabis Zoning (Conditional Use Permit)," are uses that are permitted in the zones subject to approval of a CUP from the County.

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

The proposed use is listed as a use allowed within the current zone, which is C-2 (Medium Commercial), subject to a Conditional Use Permit, and is therefore, consistent with the purpose of the zone. The proposed cannabis use is consistent with the definition of Land Use Ordinance, Section 90406.05 with an approved Conditional Use Permit.

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

The Project complies with the minimum requirements of this Title. The project complies with the applicable laws by obtaining a CUP pursuant to Title 9, Division 5, Chapter 13. The Conditions of Approval will further ensure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project meets the minimum requirements of the Land use Ordinance, Section 90203.00.

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

The proposed project is to offer medical patients and adult-use consumers safe and secure access to a wide variety of medical and recreational cannabis products. The

cannabis storefront is unlikely to result in significant impacts to surrounding properties or residents due to the conditions of approval.

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

The proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and State laws. The proposed project will be subject to the Conditional Use Permit #23-0014 and current State and Local regulations.

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

The proposed Cannabis storefront is a permitted use subject to the conditions of approval of Conditional Use Permit #23-0014 (Land Use Ordinance, Section 90406.00) and will not grant any special privileges.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVES** Conditional Use Permit #23-0014, subject to the Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was approved by the Planning Commission at a meeting conducted on November 16, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

Attachment E.
CUP #23-00014

1 Recorded Requested by and
When Recorded Return To:

2 _____
3 Imperial County Planning & Development Services Department
801 Main Street
4 El Centro, California 92243

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6 **AGREEMENT FOR**
7 **CONDITIONAL USE PERMIT #23-0014**
8 DBO INVESTMENTS SC, LLC DBA FROM THE EARTH
(Cannabis Adult Use & Medicinal Storefront with Delivery)
(014-178-016-000)
9 **(Approved at Planning Commission November 16, 2023)**

10 This Agreement is made and entered into on this ___ day of ___ 2023, by and between DBO
11 Investments SC, LLC dba From The Earth (hereinafter referred to as "Permittee" or
12 "Applicant"), and the COUNTY OF IMPERIAL, a political subdivision of the State of
California, (hereinafter referred to as "COUNTY").

13
14 **WHEREAS**, Permittee is the lessee or successor-in-interest of certain land in
15 Imperial County with the proposed Adult Use & Medicinal dispensary facility with delivery at
16 2084 S. Marina Dr., Salton City, CA, further identified as Assessor Parcel Number 014-178-
17 016-000, and legally described as Par 3 of LLA 00221 4.54AC with approximately 467
18 square feet within the Salton City Travel Plaza's 9,782 square foot building for the Adult
19 Use/Medicinal storefront with delivery located in the unincorporated Salton City/ West
20 Shores area, directly west along Highway 86, as per map recorded in Book 14 page 178 of
Final Maps on file in the Office of the County Recorder of Imperial County.

21 **WHEREAS**, Permittee has applied to the County of Imperial for a Conditional Use
22 Permit #23-0014 (the "Project") for the operation of an Adult Use & Medicinal cannabis
23 dispensary facility with delivery.

24
25 **WHEREAS**, Permittee for the adult use and medicinal dispensary facility with delivery
26 shall fully comply with all of the terms and conditions of the Project as specified within this
27 Conditional Use Permit.

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GENERAL CONDITIONS:

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

G-1 GENERAL LAWS:

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

G-2 COSTS:

The Permittee shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field inspections, enforcement, monitoring, or other activities related to compliance with this permit, County Ordinances, and/or other laws that apply. Any billing against this project, now or in the future, by the Planning and Development Services Department or any County Department for costs incurred as a result of this permit, shall be billed through the Planning and Development Services Department.

G-3 AUDIT OF BILLS:

The Permittee shall have the right to have any bill audited for clarification or correction. In the event Permittee request an audit or an explanation of any bill, it shall be in writing to the Planning and Development Services Department. Permittee shall bring the account current including any amount due under a “disputed” billing statement, before any audit is performed. If the amount disputed is the result of a Department other than the Planning and Development Services Department the explanation or audit shall be performed by said Department and a report provided to both the Permittee and the Planning and Development Services Department.

G-4 PERMITS/LICENSES:

The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or other approvals for the construction and/or operation of the Project. This shall

1 include, but not be limited to, local requirements by the Imperial County EHS/Health
2 Department, Planning and Development Services Department, Imperial County Air
3 Pollution Control District (ICAPCD), Imperial Irrigation District (IID), Imperial County
4 Public Works Department, Imperial County Sheriff/Coroner's office, Imperial County Fire
5 Protection/Office of Emergency Services, among others. Permittee shall likewise
6 comply with all such permit requirements. Additionally, Permittee shall submit a copy
7 of such additional permit and/or licenses to the Planning and Development Services
8 Department within thirty (30) days of receipt, including amendments or alternatives
9 thereto, when requested.

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14 **G-5 RECORDATION:**

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

24 **G-6 COMPLIANCE/REVOICATION:**

25 Upon the determination by the Planning and Development Services Department, (if
26 necessary upon consultation with other Departments or Agency(ies) that the project is
27 or may not be in full compliance with any one or all of the conditions of this Conditional
28 Use Permit, or upon the finding that the project is creating a nuisance as defined by law,
the PERMIT and the noted violation(s) shall be brought immediately to the attention of
the appropriate enforcement agency or to the Planning Commission for hearing to
consider appropriate response including but not limited to the revocation of the CUP or
to consider possible amendments to the CUP. The hearing before the Planning
Commission shall be held upon due notice having been provided to the Permittee and
to the public in accordance with established ordinance/policy.

29 **G-7 PROVISION TO RUN WITH LAND:**

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

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G-8 RIGHT OF ENTRY:

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

G-9 TIME LIMIT:

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

G-10 DEFINITIONS:

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

G-11 SPECIFICITY:

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

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G-12 HEALTH HAZARD:

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

G-13 REPORT(S):

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed within sixty (60) days from the first day of the Calendar year and shall include any problems encountered during the previous year, the name & phone number of the responsible person whom to contact, and a checklist to show the status of each condition herein. It shall be the responsibility of the Permittee to provide all reports. The County may request information at any time from Permittee; however, it shall be the responsibility of the permittee to assure the County that such information is received.

G-14 RESPONSIBLE AGENT:

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

G-15 INDEMNIFICATION:

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

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G-16 CHANGE OF OWNER/OPERATOR:

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

(Total "G" Conditions are 16)

SPECIFIC PROJECT CONDITIONS:

S-1 PROJECT DESCRIPTION:

The permit authorizes the permittee to operate the Storefront Retail Cannabis Dispensary with Delivery for Medicinal and Recreational Uses of approximately 467 square feet within a 9,782 square feet existing building. The storefront dispensary ensures medical patients and adult-use consumers safe and secure access to a wide variety of medical and recreational cannabis products. There will be two access doors, one for customers and a second entrance for vendors delivering product to the store. There will be no entrance between the Salton City Travel Plaza and the dispensary. The receptionist will ask for a valid form of identification to verify the customer is at least 21 years of age (or 18 for medical patients). The receptionist will ask medical patients for a copy of their valid doctor's recommendation or medical cannabis identification card. The dispensary will operate from 9am to 9pm, seven days per week. The applicant will take all measures to ensure cannabis waste is unusable and unrecognizable before being disposed of, and employees charged with disposing of cannabis waste will ensure that no cannabis waste will be disposed of in its packaging. An approved Commercial Cannabis Activity License with conditions, a Conditional Use Permit and an approved Business and State Licenses will be required to begin operations.

S-2 ADULT USE & MEDICINAL CANNABIS FACILITY LOCATION:

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1. Commercial cannabis activities shall not be located within 600-foot radius of a school providing instruction in Kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license issued. Horizontal distance measured in a straight line from the property line of the school to the closest property line of the commercial cannabis activities lot.
2. Commercial cannabis activities shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of the County's Land Use Ordinance.

S-3 CANNABIS WASTE DISPOSAL:

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

S-4 LATEST CODES GOVERN:

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

S-5 FIRE PROTECTION AN SAFETY:

The permittee shall comply with all the Imperial County Fire Department conditions below and the Imperial County Fire Department shall reserve the right to inspect the premises and request additional access and fire protection systems as they deem necessary.

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

S-6 LIGHT & GLARE:

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

S-7 ODOR CONTROL:

The permittee shall comply with an Odor Control Plan providing air treatment/filtration system to eliminating the cannabis operation detection from outside the facility. The facility shall contain at least two Charcoal carbon odor control air filters.

S-8 PERMITTED USE OF PROPERTY:

This Permit authorizes the use of the identified project site as an adult use Medicinal Cannabis Dispensary facility with delivery. All permitted Cannabis Activities within this project site shall be subject to the provisions of Title 9 Chapter 90406.00 regardless of whether the use existed or occurred prior to adoption of this Chapter. Commercial cannabis activities are allowed on General Commercial zoned lands (C-2) with an approved Conditional Use Permit approved by the Planning Commission.

S-9 HOURS OF OPERATION:

Permittee shall be allowed to operate the site Monday through Sunday from 9:00 a.m. to 9:00 p.m. seven (7) days a week.

S-10 AIR QUALITY:

The Permittee shall contact the Imperial County Air Pollution Control District's (ICAPCD) to verify the final Odor plan with a site visit prior to the issuance of the Certificate of Occupancy.

S-11 AG COMMISSIONER CONDITIONS:

The permittee shall comply with the Imperial County AG Commissioner regarding the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant must contact Pest Detection and Eradication Division for procedures regarding the quarantines of movement of plant material, any commercial weighing and measuring devices are required to be type approved for commercial use and must be registered, inspected and sealed by our office on an annual basis. Any point of sales devices or scanners used in retail sale transactions are also required to be registered and inspected.

S-12 IMPERIAL COUNTY SHERIFF'S OFFICE:

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1. The permittee shall submit a detailed security plan and security diagram be included and approved by the county prior to any activity on the premises.
2. The permittee shall contribute its proportionate share associated with the cost of training related to, but not limited to: Driving Under the Influence of Drugs (DUID), California Highway Patrol Drug Recognition Expert (DRE) certification course. Final cost and conditions shall be reasonably determined by the Sheriff's Office. The County shall be responsible for managing the reimbursement component of this condition.
3. The Imperial County Sheriff's Office requests that the applicant install license plate reading cameras at all ingress and regress locations at the project site and grant access to the Imperial County Sheriff's Office to review the data collected.

S-13 IMPERIAL IRRIGATION DISTRICT:

The permittee shall contact the Imperial Irrigation District (IID) for any electrical services or permits.

S-14 STATE AND LOCAL CANNABIS ACTIVITIES PERMITS:

This cannabis adult use & medicinal dispensary with delivery facility will require activation of an Imperial County Commercial Cannabis activities permit/license CCA #23-0003 in conjunction with the issuance of a State of California License/Permit for a cannabis medicinal dispensary. These license/permits must be approved before any cannabis dispensary activities and distribution activities are allowed. If the cannabis License/Permits are terminated, suspended or withdrawn, all activities allowed in this permit will be suspended and the County will commence revocation process pursuant to General Condition G-6.

(Total "S" Conditions are 14)

1. Imperial County Fire Dept. letter dated May 22, 2023
2. APCD email dated May 12, 2023 & August 08, 2023
3. Public Works letter dated July 11, 2023
4. AG Commissioner Office letter dated May 22, 2023
5. IID letter dated May 04, 2023
6. Imperial County Sheriff's Office letter dated November 13, 2023
7. County Executive Office letter dated May 15, 2023
8. Public Health letter dated May 02, 2023
9. Yuma Quechan Indian Tribe letter dated May 03, 2023

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NOW THEREFORE, County hereby approves Conditional Use Permit #23-0014 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

PERMITTEE:

By: _____ Date _____
Stewart Namao, CEO
NMH Investments, LLC. (DBA Valley Meds)

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

By: _____ Date _____
James A. Minnick, Director
Imperial County Planning & Development Services

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FOR PERMITTEES NOTARIZATION

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

STATE OF CALIFORNIA

Dated _____

STATE OF _____

COUNTY OF _____ } S.S.

On _____ before me,
_____ a Notary Public in and
for said County and State, personally appeared

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

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

WITNESS my hand and official seal

Signature _____

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

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

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COUNTY NOTARIZATION

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

STATE OF CALIFORNIA
COUNTY OF IMPERIAL} S.S.

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

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

WITNESS my hand and official seal

Signature _____

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

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

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Attachment F.
EEC Package

PROJECT REPORT

**TO: ENVIRONMENTAL EVALUATION
COMMITTEE**

AGENDA DATE: September 14, 2023

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME: 1:30 PM/ No.1

Conditional Use Permit #23-0014

PROJECT TYPE: DBO Investments SC, LLC dba From The Earth SUPERVISOR DIST #4

LOCATION: 2084 S. Marina Dr. APN: 014-178-016-000

Salton City, CA 92275 PARCEL SIZE: +/- 4.5 AC.

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

ZONE (existing) C-2 (Medium Commercial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION:

HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 9/14/2023

INITIAL STUDY: #23-0015

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

REQUESTED ACTION:

(See Attached)

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

EJ/S:\AllUsers\VPN\014\178\016\CUP23-0014\CUP23-0014 EEC\CUP23-0014 PROJECT REPORT.docx

EEC ORIGINAL PKG

- NEGATIVE DECLARATION**
 MITIGATED NEGATIVE DECLARATION

Initial Study & Environmental Analysis
For:

Conditional Use Permit #23-0014
DBO Investments SC, LLC dba From The Earth



Prepared By:

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

September 2023

EEC ORIGINAL PKG

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INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting from the proposed Storefront Retail Cannabis Dispensary and Delivery for Recreational Uses, on APN # 014-178-016-000 see. The legal description for this parcel is Par 3 of LLA #00221 4.54AC, in the unincorporated Town site of Salton City, of the County of Imperial. State of California.

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

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

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

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

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

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

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

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

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

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

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

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

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

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

SECTION 1

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

SECTION 2

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

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

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

SECTION 3

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

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

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

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

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

E. SCOPE OF ENVIRONMENTAL ANALYSIS

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

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

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

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

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

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

1. **Tiered Documents**

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tying is defined as follows:

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

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

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

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

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

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

2. Incorporation By Reference

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

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

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

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

II. *Environmental Checklist*

1. **Project Title:** Conditional Use Permit #23-0014/Initial Study #23-0015; DBO Investments SC, LLC dba From The Earth
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Evelia Jimenez, Planner II, (442) 265-1747
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** ejimenez@co.imperial.ca.us
6. **Project location:** 2084 S. Marina, Salton City, CA. APN 014-178-016-000, Par 3 of LLA 00221 4.5AC
7. **Project sponsor's name and address:** Daniel Zaharoni, DBO Investments SC, LLC dba From The Earth, 401 W. State St, Salton City, CA 92274
8. **General Plan designation:** Urban Area per the West Shores / Salton City Urban Area
9. **Zoning:** C-2 (Medium Commercial)
10. **Description of project:** The Applicant proposes Conditional Use Permit #23-0014 to allow the operation of a Storefront Retail Cannabis Dispensary and Delivery for Medicinal and Recreational Uses, on APN #014-178-016-000. The legal description for this parcel is Par 3 of LLA #00221 4.54AC, in the unincorporated Townsite of Salton City, of the County of Imperial, State of California. The Applicant, will remodel a +/- 467 square feet area within the 9,782 square foot Salton City Travel Plaza building located at 2084 S. Marina, Salton City, CA.

DBO Investments SC, LLC dba From The Earth ("Applicant") is proposing a Storefront Retail Cannabis Dispensary and Delivery for Medicinal and Recreational Uses. According to their application, the purpose of the dispensary will be to give medical patients adult-use consumers safe and secure access to a wide variety of medical and recreational cannabis products. The Applicant is expecting to hire up to twenty (20) employees. Due to the small size of space, there will only be three (3) employees on-site at any one time, not including security officers who will be stationed at the front door but be employed by an independent, third-party security company, or delivery drivers who will only be on-site for purposes of picking up product to be delivered. The dispensary will operate from 9am to 9pm, seven days per week. All cannabis waste will be disposed of in a secured waste receptacle within a secured area on the licensed premises. The Applicant will contract with a private waste hauler permitted by the local agency to collect and process the cannabis waste. The Applicant will take all measures to ensure cannabis waste is unusable and unrecognizable before being disposed of, and employees charged with disposing of cannabis waste will also ensure that no cannabis waste is disposed of in its packaging. An approved Commercial Cannabis Activity License with CCA conditions, a Conditional Use Permit and an approved Business and State Licenses and will be required to begin operations.

11. **Surrounding land uses and setting:** The project site is located in the Salton City area. Surrounding land uses includes commercial and residential land uses.
12. **Other public agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement.): Planning Commission.

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? The AB 52 Notice of Opportunity to consult was mailed via certified mail to the Quechan Indian Tribe, Campo Band Tribe, and Torrez-Martinez Tribe on May 09, 2023 for their review and comment. No comments were received from any of the above Tribes for this project.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse

impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

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

- Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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

EEC VOTES

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

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

Jim Minnick
 Jim Minnick, Director of Planning/EEC Chairman

9-14-2023
 Date:

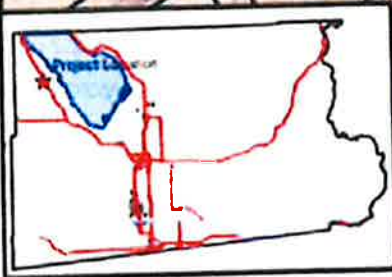
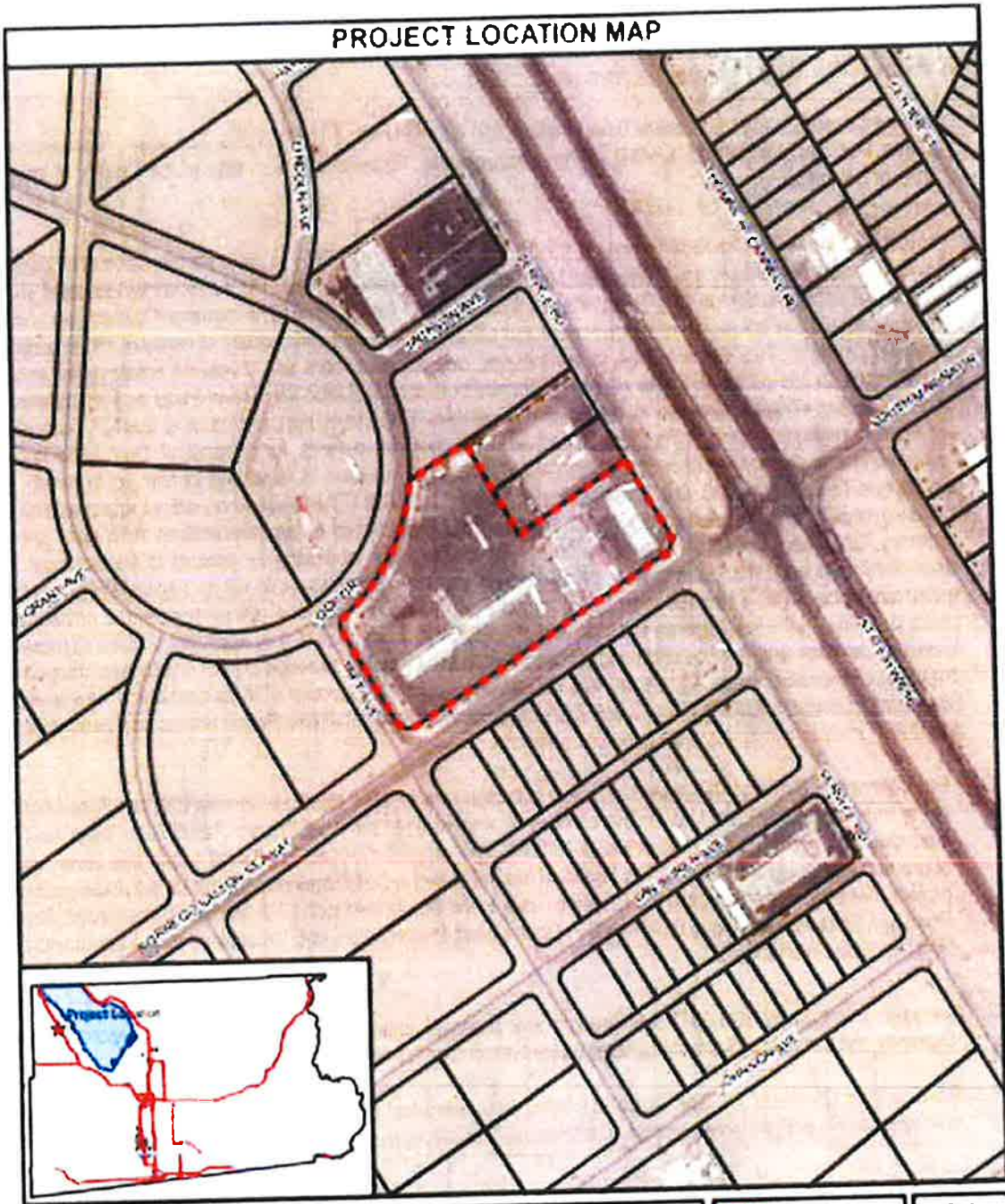
EEC ORIGINAL PKG

PROJECT SUMMARY




See attached Initial Study for additional information.

- A. Project Location:** 2084 S. Marina Drive, Salton City, Ca. APN #014-178-016-000. The legal description is as follows: Par 3 of LLA #00221 4.54AC, in the unincorporated Townsite of Salton City, of the County of Imperial, State of California.
- B. Project Summary:** The Applicant proposes Conditional Use Permit #23-0014 to allow the operation of a Storefront Retail Cannabis Dispensary and Delivery for Medicinal and Recreational Uses. The Applicant will remodel +/- 467 square feet within the Salton City Travel Plaza's 9,782 square foot building. The storefront dispensary ensures medical patients and adult-use consumers safe and secure access to a wide variety of medical and recreational cannabis products. Two doors will be to the exterior, one for customers and a second entrance for vendors delivering product to the store. There will be no entrance between the Salton City Travel Plaza and the dispensary. The receptionist will ask customers for a valid form of identification to verify the customer is at least 21 years of age (or 18 for medical patients). The receptionist will ask medical patients for a copy of their valid doctor's recommendation or medical cannabis identification card. The Applicant is expecting to hire up to twenty (20) employees. Due to the small size of space, there will only be three (3) employees on-site at any one time, not including security officers stationed at the front door but be employed by an independent, third-party security company, or delivery drivers who will only be on-site for purposes of picking up product to be delivered. The dispensary will operate from 9am to 9pm, seven days per week. All cannabis waste will be disposed of in a secured waste receptacle within a secured area on the licensed premises. The Applicant will contract with a private waste hauler permitted by the local agency to collect and process the cannabis waste. The Applicant will take all measures to ensure cannabis waste is unusable and unrecognizable before being disposed of, and employees charged with disposing of cannabis waste will ensure that no cannabis waste is disposed of in its packaging. An approved Commercial Cannabis Activity License with CCA conditions, a Conditional Use Permit and an approved Business and State Licenses will be required to begin operations.
- C. Environmental Setting:** The proposed project is located within a C-2 (Medium Commercial) per Zone Map #64 of the Imperial County Land Use Ordinance (Title 9). According to the West Shores/ Salton City Urban Area, the land use designation of the project site is "Urban". The proposed project is allowed within this zone with an approved Conditional Use Permit. The Applicant has submitted a Conditional Use Permit for the above-proposed project. The project is adjacent to the following: Jack in the Box to the North (C-2, Medium Commercial); Service Road and State Highway 86 to the East (S-2, Open Space/Preservation) and Vacant land to the South and West (C-2, Medium Commercial).
- D. Analysis:** Initial Study #23-0015 will analyze any potential impacts associated with the proposed project. Currently, the site contains a building used as the Salton City Travel Plaza as a commercial type use.
- E. General Plan Consistency:** The project is located within the West Shores/ Salton City Urban Area Plan and the planning area is designated as General Commercial. The parcel is zoned C-2 (Medium Commercial).

PROJECT LOCATION MAP

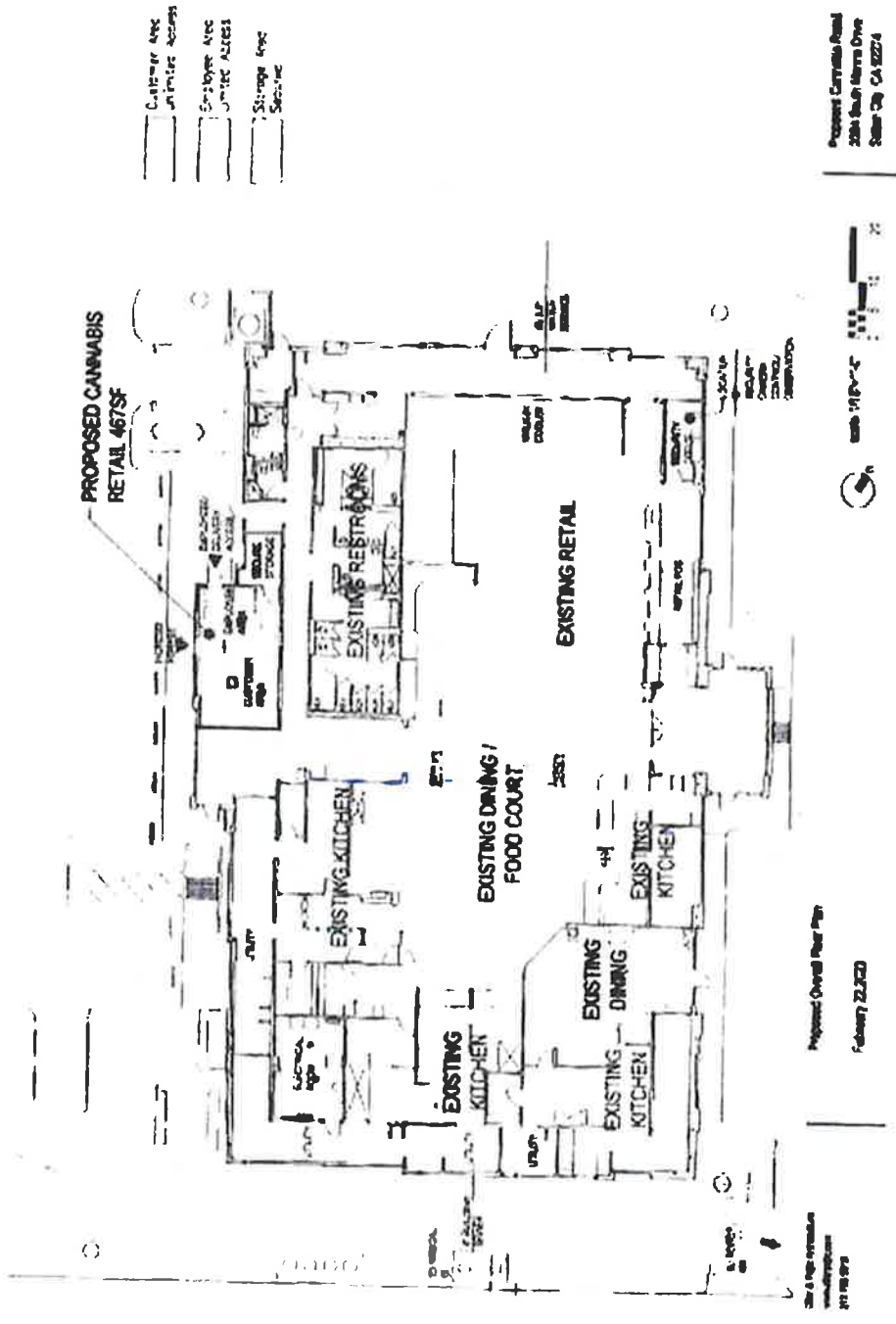


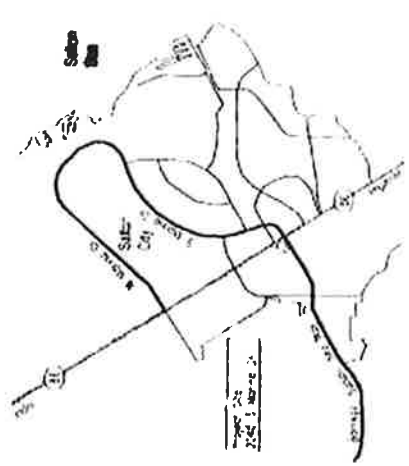
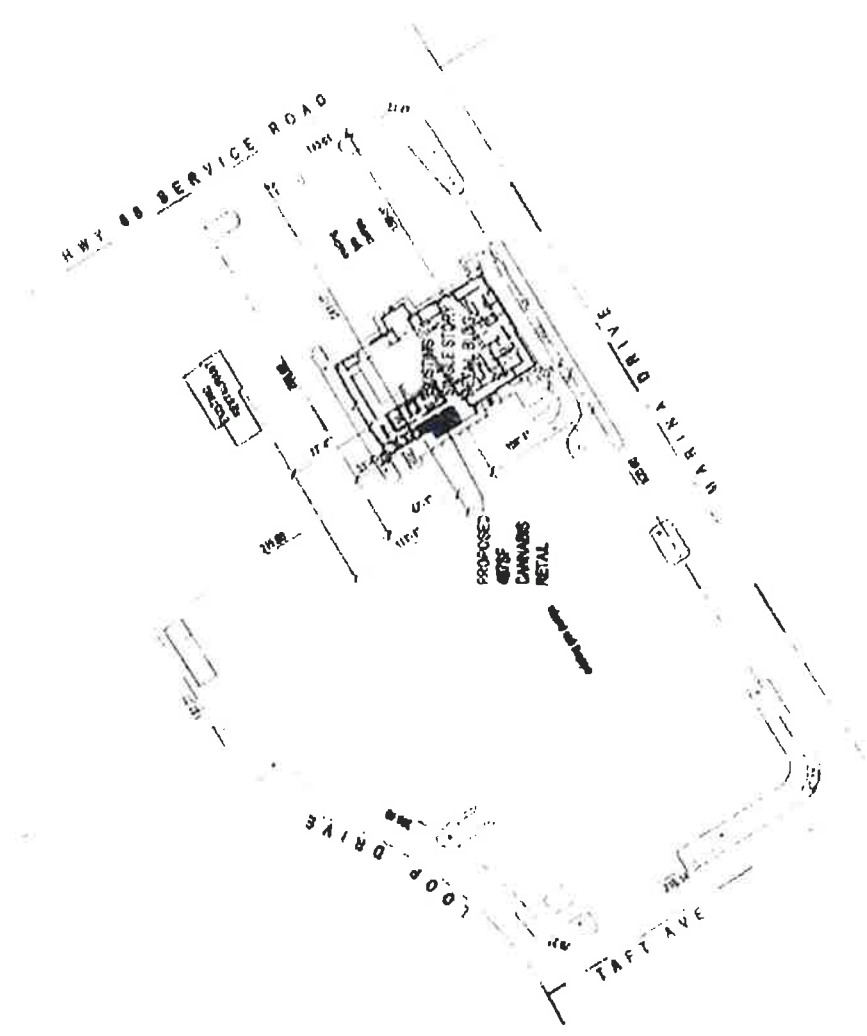
2084 S MARINA DR, SALTON CITY, CA
CCA23-0003
CUP23-0014/IS23-0015
APN 014-178-016-000

 Project Location
 Contour
 Parcel



EEC ORIGINAL PKG





Property Information
 2304 South Marine Drive
 Salton City, CA 92574
 APN: 974-794-010

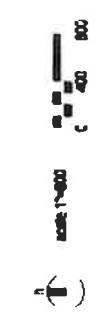
Legal Description: PAR 9 OF LA 8227-LSMAC

Owner:
 DBO Investments, LLC
 2304 South Marine Drive
 Salton City, CA 92574

Address:
 2304 South Marine Drive
 2304 South Marine Drive
 Salton City, CA 92574

Prepared by:
 Tom Page, Architect CDP 06
 Chris & Nick Architects, Inc.
 500 Laguna St.
 Pasadena, CA 91105

Proposed Cannable Road
 2304 South Marine Drive
 Salton City, CA 92574



Proposed Site Plan & Vicinity Map
 February 22, 2023

Chris & Nick Architects, Inc.
 500 Laguna St.
 Pasadena, CA 91105

EEC ORIGINAL PKG

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista or scenic highway?
a) The existing structure is in the Townsite of Salton City, on S. Marina Drive, West of State highway 86. The proposed facility is not located within the vicinity of a scenic highway. It is not designated as a scenic highway in the Imperial County General Plan Circulation and Scenic Highways Element (Imperial County 2008) nor is it identified on the California Scenic Highway Mapping System (Caltrans 2016). No scenic vistas or areas with high visual quality would be adversely affected by development of the proposed project. Any potential impacts would appear to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?
b) The proposed project is not near a state scenic highway; therefore, it will not damage scenic resources including trees, outcropping, and historical buildings within a state scenic highway. Therefore, no impact is expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
c) The proposed use is consistent with current zoning and land uses in the surrounding parcels, and is subject to an approved Conditional Use Permit. The site is zoned for commercial uses and has been previously impacted by those uses. Therefore, less than significant impact are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?
d) The proposed dispensary will operate within an existing facility. No new structure is to be constructed. No new lighting would be required other than interior. The proposed site would continue to be zoned as (C-2) Medium Commercial. A less than significant impact is projected. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

II. AGRICULTURE AND FOREST RESOURCES

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
a) The proposed project is currently zoned for commercial uses. The proposed use is consistent with general commercial type uses and would not appear to further impacts on this parcel of land. Previously, the parcel has been impacted by commercial uses over a number of years. Therefore, no impact is expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?
b) The proposed project is not in an agriculture farmland area. There are no Williamson Act contract lands on this parcel. The proposed project is a non-agriculture zoned area. Therefore, no impact is expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
by Government Code Section 51104(g))?				
c) No Impact. The Project site is not zoned for, nor does it contain forest land or timber land. As such, the Project would not impact forest or timberlands.				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) No Impact. The Project site does not contain any forest land and would not convert any forest lands; therefore, the Project would not impact forest lands.				
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The proposed site is zoned for general commercial uses and the Salton Sea Community Area Plan designates the site as General Commercial. There are no existing forestlands on or in the immediate vicinity of the Project site. Development of the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. There are adjacent commercial zoned parcels currently vacant. This use would appear to have No Impacts on expansion or conversion of any forest land.				

III. AIR QUALITY

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Less Than Significant. The permittee is proposing to use +/- 467 square feet of existing retail space for the sale of cannabis and delivery. The project will include an odor abatement plan for cannabis, which may include carbon control air filtration system. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The project will adhere to the Air District's Fugitive Dust Rules (Regulation VIII- Fugitive Dust Rules).				
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Less Than Significant. The proposed project is not expected to result in a cumulatively considerable net increase of any criteria pollutant since, as mentioned above under item a), it would be required to adhere to the Air District's Regulation VIII. It is expected that compliance with ICACPD requirements would bring any impact to less than significant.				
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The proposed project will be entirely enclosed inside existing structure on site and is not expected to expose sensitive receptors to substantial pollutant concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.				
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The proposed project will be entirely enclosed inside an existing structure and project will abide with all state and local regulations for proposed cannabis operations on site. The operation of the proposed project is not expected to result in other emissions that would adversely affect a substantial number of people. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.				

IV. BIOLOGICAL RESOURCES *Would the project:*

a) Have a substantial adverse effect, either directly or through	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

a) Less than significant impacts. The majority of the proposed project area is currently impacted by general commercial uses. The proposed uses are confined inside any existing industrial structure. The parcel appears to have minimal impacts to any biological resources.

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

b) The proposed site is being used for general commercial uses and the project area will not appear to further impact the site. Less than significant impacts are projected.

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

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

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

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

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

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

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

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

V. CULTURAL RESOURCES *Would the project:*

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

a) The proposed project site is used for general commercial uses, which is located within disturbed land. The project will not have no earthwork; therefore, any impacts are considered less than significant

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

b) As mentioned under (Item a) above, the proposed project site is located on previously disturbed land and it is not likely that any historical, archaeological or human remains will be discovered. Therefore, any impacts would be less than

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
significant.				
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Less Than Significant. As mentioned under item a) above, the proposed project and facility is located on disturbed land zoned for commercial type uses and is not expected to directly or indirectly destroy a unique paleontological resource or unique geologic feature.				

VI. ENERGY *Would the project:*

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- a) **The proposed cannabis operations will be located in an existing commercial structure. No expansion is planned. The project will be designed in accordance with the California Energy Commission's latest Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the California Green Building Standards (CCR, Title 24, and Part 11). Additionally, an energy analysis will be prepared for the Project to quantify energy consumption. Further analysis of the Project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient, and unnecessary energy usage. Less than significant impacts are anticipated.**
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- b) **The proposed cannabis operations will be located in an existing commercial structure. No expansion is planned. Further analysis of the Project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient and unnecessary energy usage. Less than significant impacts are anticipated.**

VII. GEOLOGY AND SOILS *Would the project:*

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:
- a) **The proposed cannabis operations will be located in an existing commercial structure. No expansion is planned. The project does not appear to conflict with the geology and soils of adjacent properties. Therefore, any impact would appear to be less than significant.**
- 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
- 1) **The proposed project is planned is located in an existing General Commercial structure on site, which has been located on the property site over the past years. The Quadrangle Official Map Effective January 1, 1990 does not indicate any active faults in or near the project area. Impacts appear to be less than significant.**
- 2) Strong Seismic ground shaking?
- 2) **The proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone D by the California Building Code Section 1613 et seq. (CBC 2022), which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures. The impact would be considered less than significant.**
- 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?
- 3) **The proposed project is not located in a "Special Studies Zone"; however, the site could still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone D by the California Building Code Section 1613 et seq. (CBC 2022), which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures. Detailed soil investigations shall be conducted prior to issuance of the initial building permits to assure that the proposed**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
building is designed to withstand potential problems related to geology/soils/seismicity. Impact is considered less than significant.				
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The project site topography is generally flat and according to the Imperial County General Plan Landslide Activity Map, Figure 2¹, Seismic and Public Safety Element, the project site is not located within a landslide activity area; therefore, no impacts are expected to occur related to landslide.				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The project site is not located within an erosion susceptible area according to the Imperial County, Seismic and Public Safety Element, Figure 3; therefore, less than significant impact is expected.				
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Less than Significant Impacts. The project is not expected to have a significant adverse environmental impact on the existing geology and soils, nor would it result in any direct geology/soils/seismicity impacts. According to the State of California's Revised January 1, 1990, Special Studies Map, the proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone D by the California Building Code Section 1613 et sq. (CBC 2022), which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures.				
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The project as proposed does not appear to be located on expansive soil as defined in the latest Uniform Building Code, creating substantial risk to life or property. A less than Significant Impact is anticipated.				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) No Impact. The Project does not propose any septic tanks or wastewater disposal systems; thus, no impact to soils from wastewater systems/management would occur as a result of the Project.				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) The project site is located on disturbed land and therefore, it is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. No impacts are expected.				

VIII. GREENHOUSE GAS EMISSION *Would the project:*

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Less Than Significant Impacts. The applicant is proposing an Adult Use/Medical Dispensary space for retail cannabis sales and delivery. The site will require an approved odor abatement plan with APCD for cannabis operations. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The applicant will not have open products inside the structure. The proposed project is not proposing any additional expansion of structures and construction activities would appear to be for remodel inside current structure. The project does not appear to significantly impact greenhouse gas emissions.				

¹ <http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Less Than Significant Impacts. The proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The facility site is utilized for commercial uses. The site will require an approved odor abatement plan with APCD for cannabls operations.				

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

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Less Than Significant Impacts. The proposed project would not appear to generate any significant hazards to the public or the environment, nor is it located near or adjacent to any site that uses hazardous materials or hazardous waste.				
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) All future development shall provide proof of a hazardous materials business plan and that appropriate permits have been obtained for any hazardous materials to be hauled. A less than significant impacts is projected.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) No Impact. The proposed project will not handle hazardous materials or waste. Additionally, the project site is not located within a one-quarter mile of any schools.				
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) No Impact. The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, therefore, would not create a significant hazard to the public or environment.				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The project site is not within two miles of the Imperial County Airport or the NAF Air Station; No impact is expected. The closest airport is the Salton Sea Airport located approximately 2.7 miles south.				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) The proposed project would not interfere with any adopted emergency response plan or emergency evacuation plan; therefore, no impact is expected. The permittee will meet any requirements requested by the Fire/OES Department for emergency responses and plans. No impacts are anticipated.				
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) The proposed project site is located within an unincorporated Local Responsibility Area classified as LRA "Unzoned" per				

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Cal Fire Draft Fire Hazard Severity Zones in LRA for Imperial County. Therefore, it is not expected that it would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impacts are anticipated

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

- | | Potentially Significant Impact (PSI) | Less Than Significant with Mitigation Incorporated (LTSWMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
|--|--------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
a) The project does not appear to violate any water quality standards or waste discharge orders nor degrade water quality, and is not within a flood zone. Less than significant impact is anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
b) Less Than Significant Impacts. The proposed project will not substantially decrease groundwater supplies or interfere with groundwater recharge, as the project is within the Salton Community Service District for water and wastewater services. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
c) Future development within the proposed project would not result in significant impacts to hydrology and water quality. Surface runoff quantities are a function of the impermeable surface area and land use types that will be created by development. The project site will not alter the course of a stream or river or create any substantial erosion or siltation on or off site. The projects will be using an existing building on site and no additional structures are anticipated. Any proposed grading will require drainage reviews and approval with Public Works. Less than significant impact is anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (i) result in substantial erosion or siltation on- or off-site;
i) Less than Significant Impacts. The proposed project will not alter existing drainage on site, including the alterations of a stream or river, which would result in substantial erosion or siltation on or off-site as it is not located near a stream or river. According to the Imperial County General Plan Erosion Activity Map, Figure 3, Seismic and Public Safety Element, the area is designated nil activity. Therefore, less than significant impacts are anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
ii) Less than Significant Impacts. As previously stated, the proposed project would not appear to substantially increase the rate or amount of surface runoff resulting in flooding; the site is used for commercial uses and no additional structures are being proposed. Any drainage patterns shall comply with all the State and Local Codes, including Public Works Department regulations. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;
iii) Less than Significant Impacts. The project does not appear to create or contribute to runoff water; the project is currently used commercially and site has been impacted for a number of years. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (iv) impede or redirect flood flows?
iv) The Project does not appear to impede or redirect flood flows; the project is being used commercially and the project site is located on a Zone X, which is "Area of Minimal Flood Hazard" under the FEMA Flood Map Community Panel Number 06025C0339C; therefore, no impacts are expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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d) No Impact. The Project site is not located in a potential seiche, tsunami, or mudflow zone.

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

e) The proposed project would not result in significant impacts to hydrology and water quality. Surface runoff quantities are a function of the impermeable surface area. The project will be using an existing building on site and no additional structures are anticipated. The current site has an existing structure on site and no additional structures are planned. Less than significant impact is anticipated.

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

- a) Physically divide an established community?

a) The proposed project will not physically divide an established community; the proposed project is consistent with the intent of the County General Plan. Cannabis operations are allowed with an approved Conditional Use Permit in a C-2 Commercial zone, therefore once approved, less than significant impact is anticipated

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

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

XII. MINERAL RESOURCES *Would the project:*

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

a) In accordance with the California of Conservation- Mineral Land Classification Map (13), the project site is not located within an area known to be underlain by regionally important mineral resources or within an area that has the potential to be underlain by regionally mineral resources. Accordingly, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be a value to the region of the residents of the State of California; therefore, no impact is expected.

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

b) In accordance with the Imperial County General Plan-Conservation and Open Space Element- Figure 8- Existing Mineral Resources, the project site is not located within an area known to be underlain by regionally important mineral resources or within an area that has the potential to be underlain by regionally mineral resources. Accordingly, implementation of the proposed project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on the local general plan, specific plan or other land use plans; therefore, no impacts are expected.

XIII. NOISE *Would the project result in:*

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

a) The proposed operation is not expected to exceed applicable noise standards on local landowners. The facilities will be within an area currently in a semi-developed commercial area. Less than significant impacts are expected.

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

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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b) The proposed project is not expected to exceed noise levels, and the proposed activities does not appear to generate any excessive ground-borne vibration or noise. No impact is expected.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) No impact is expected: The proposed activities would not appear to expose people to significant ambient noise levels in the vicinity of a private airstrip or airport.

XIV. POPULATION AND HOUSING *Would the project:*

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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a) The proposed facility does not appear to induce substantial population growth in the area, either directly or indirectly; therefore, no impact is expected.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) The proposed facility will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; therefore, no impact is expected. Currently, the parcel has an existing structure used for general commercial uses and surrounding lots are zoned for commercial uses. No impact is anticipated.

XV. PUBLIC SERVICES

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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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a) Less than significant impact. The proposed project will not physically impact any local government facilities or require for a new or altered government facility for any possible required service for the proposed cannabis use. The site has a pre-existing building and the proposed use appears not to have greater impacts to government services than previous uses on site.

1) Fire Protection?

1) The proposed project is not expected to result in substantial impacts on fire protection. As stated on comment letter received from the Imperial County Fire Department on May 22, 2023:

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

2) Police Protection?

2) The project site will have 24 hour security. The site will be lighted for security safety purposes. The CHP and Sheriff's office have active patrolling activities within the Salton City sector area. The facilities will have a security plan approved by the County. A security safety plan shall be submitted providing insight for The Sheriff's Office to review and approve as to

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
the security safety, please see Sheriff's reference letter for details. Less than significant impacts are anticipated.				
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) No Impact. The Project would not result in an increase in population or housing and would not require additional school services. The project site is not near any schools.				
4) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) No Impact. The Project would not result in an increase in population or housing and would not increase demand/use for local parks.				
5) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) The Project would not appear to put an increased burden on other public services, including existing fire, police, school and other governmental services. Therefore, less than significant impacts would occur.				

XVI. RECREATION

a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) The proposed project would not increase the use of the existing neighborhood and regional parks or other recreational facilities; therefore, no impact is expected.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) The proposed project would not appear to include or require the construction of recreational facilities; therefore, no impact are expected.				

XVII. TRANSPORTATION *Would the project:*

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) The Permittee for the Conditional Use Permit CUP #23-0014 shall comply with all applicable conditions and regulations with the County's circulation plan, land use ordinance, and transportation planning. A less than significant impact anticipated.				
b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The project would not appear to impact any public transit, bicycle or pedestrian facility. The parcel has an enclosed commercial type structure on site. Less than significant impacts are anticipated.				
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) No Impact. The project site is on previously constructed site. No additional development is being proposed.				
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. The surfacing shall meet the Department of Public Works and Fire/OES Standards as well as those of the Air Pollution Control District (APCD). (Per Imperial County Code of Ordinances, Chapter 12.10.020(A). Less than significant impacts are anticipated.				

XVIII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:				
a) The proposed cannabis retail and delivery store is in an existing commercial structure with no proposed expansion of the existing building. There would appear to be no impacts to tribal cultural resources as defined in Public Resources Code Section 21074. Less than significant impacts is anticipated.				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) The project would not appear to cause an adverse change in the significance of a tribal cultural resource, any impacts are considered less than significant. The property site has previously been impacted by general commercial uses allowed in the current zone. AB-52 letters have been sent out to the Quechan Tribe, Campo Band Tribe, and Torrez-Martinez Tribes for consultations. No comments at this time have been received.				
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii)The project site is zoned for general commercial uses and has an existing structure on site. As of today, no evidence of cultural resources have been seen on site. Therefore, no resources as defined in the Public Resources Code Section 5024.1 appears to be impacted. No impacts are expected.				

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

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?
- a) Based on the size of the proposed operation, i.e. the number of employees and truck/automobile drivers utilizing the project site, no additional expansion is required for the existing structure on site and no additional impacts are anticipated. The structure is serviced by the Coachella Valley Water District for water and sewer. Less than significant impacts are expected.**
- b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?
- b) Based on the size of the proposed operation, i.e. the number of employees and customers utilizing the project site, no additional expansion is required for the existing structure on site and no additional impacts are anticipated. The structure will utilize the existing public water system for water and sewer. Less than significant impact are expected.**
- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- c) The proposed project will be using the existing structure on site for all of its operations. No expansion of the building is proposed. Less than significant impacts are anticipated**
- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- d) Based on the size of the proposed operation, i.e. the number of employees and persons at the project site, the property owners shall be required to pay all applicable fees and improvements associated with developing their project. The level of**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
impacts appear to a less than significant.				
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) All proposed projects within the County shall contract with a licensed waste hauler for waste generated by the facility. A waste management plan shall be submitted providing insight for EHS to review and approve as to the waste deposition. The level of impacts appear to be less than significant.				

XX. WILDFIRE

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

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) DBO Investments, LLC dba From The Earth site is not located on or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project site is located in the community of Salton Sea and access to proposed project is on the townsite's major highway. Less than significant impact is anticipated. | | | | |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The project site, DBO Investments SC, LLC dba From The Earth project is not located or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project appears to be surrounded by commercial related land. Although the County has experienced damage from heavy winds in the past, hazards in the County are managed by the MJHMP, which is reviewed and updated every 5 years (County 2021). Less than Significant impacts are anticipated. | | | | |
| c) Require the installation or maintenance of associated Infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) As previously stated under Item (XV)(a)(1)- "Public Services" above, per comment letter received from the Imperial County Fire Department on May 22, 2023: | | | | |
| <ul style="list-style-type: none"> • An approved water supply capable of supplying the required fire flow as determined by the California Fire Code Appendix B. • All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations. • All cannabis facilities shall have an approved automatic fire detection system. All fire detections systems will be installed and maintained to the current adapted fire code and regulations. • All cannabis facility shall have an approved smoke removal system installed and maintained to the current adapted fire code and regulation. • Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site. • Compliance with all required sections of the fire code. | | | | |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) The project is located on relatively flat terrain. The existing structure was constructed decades ago and there would appear to be less than significant from landslides, runoff or drainage changes. | | | | |

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Gov. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 118 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Revised 2011- ICPDS
 Revised 2016 - ICPDS
 Revised 2017 - ICPDS
 Revised 2019 - ICPDS

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

IV. PERSONS AND ORGANIZATIONS CONSULTED

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

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson, Planning Manager
- Evelia Jimenez, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- County Executive Office
- Fire Department
- Ag Commissioner
- Imperial Irrigation District
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

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

V. REFERENCES

- 1) "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; & as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
- 2) Bryant, William A. and Earl W. Hart. 2007. Fault-Rupture Hazard Zones in California, Alquist-Priolo Earthquake Studies Zoning Act with Index to Earthquake Fault Zones Maps, Department of Conservation, California Geological Survey, Special Publication 42.
- 3) California Department of Transportation. 2017. California Scenic Highway Mapping System. Web site available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.
- 4) California Native Plant Society (CNPS). 2019. Inventory of Rare and Endangered Plants of California. Website available online at: <http://www.rareplants.cnps.org/>.
- 5) California Office of Planning and Research. 2003. General Plan Guidelines. Web site (accessed on March 2020) available at: http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf.
- 6) California State Geological Survey (CGS). 2015. Regulatory Maps. Web site (accessed on March 2020) available at: <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.
- 7) Federal Highway Administration (FHWA). 2006. Construction Noise Handbook. Web site available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/.
- 8) Federal Highway Administration (FHWA). 2011. Highway Traffic Noise: Analysis and Abatement. Web site available at: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf.
- 9) <https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
- 10) Federal Highway Administration (FHWA). 2017. California State Byways List. Web site (accessed on May 10, 2017) available at: <https://www.fhwa.dot.gov/byways/states/CA>.
- 11) Imperial County. 1998. General Plan. Website available online at: [http://www.icpds.com/CMS/Media/GENERAL-PLAN--\(OVERVIEW\).pdf](http://www.icpds.com/CMS/Media/GENERAL-PLAN--(OVERVIEW).pdf).
- 12) Imperial County Planning and Development Services. 2015. Maps. Website available online at: <http://www.icpds.com/?pid=577>.
- 13) Imperial IRWMP. 2012. Integrated Regional Water Management Plan – Groundwater Management Planning Elements Guidance Document. Website available line at: <https://www.iid.com/home/showdocument?id=9546>.
- 14) National Resource Conservation Service. 2019. Web Soil Survey GIS Portal. Available online at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.
- 15) Office of the State Fire Marshall (CalFire). 2007. Fire Hazard Severity Zones Map. Website available online at: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazardsbuilding-codes/fire-hazard-severity-zones-maps/>.
- 16) United States Fish and Wildlife Service. 2019. Information for Planning and Consultation (IPaC). Website available online at: <https://ecos.fws.gov/ipac/>.
- 17) United States Fish and Wildlife Service. 2019. National Wetlands Inventory – Wetlands Mapper. Website available online at: <https://www.fws.gov/wetlands/data/Mapper.html>.
- 18) United States Geological Survey (USGS). 1990. The San Andreas Fault System, California, Robert E. Wallace, editor, U.S. Geological Survey Professional Paper 1515.
- 19) Imperial Irrigation District Letter dated 5/18/23
- 20) Imperial County Fire Department letter dated 05/22/23
- 21) Imperial County Air pollution control district letter dated 05/18/23
- 22) Imperial County Sheriff's Office letter dated 05/16/23
- 23) Office of the Agriculture Commissioner Sealer of Weights and Measures Letter dated 05/22/23

VI. FINDINGS

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

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

The Initial Study identifies potentially significant effects but:

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

A NEGATIVE DECLARATION will be prepared.


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

NOTICE

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

9-14-2023 
Date of Determination Jim Minnick, Director of Planning & Development Services

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


Applicant Signature _____ Date _____

SECTION 4

VIII. RESPONSE TO COMMENTS

N/A

COMMENT LETTERS

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IMPERIAL COUNTY SHERIFF'S OFFICE
FRED MIRAMONTES
SHERIFF-CORONER-MARSHAL



Chief Deputy Ryan Kelley
328 Applestill Road
El Centro, Ca. 92243
(442) 265-2003
rkelley@icsso.org

RECEIVED

MAY 16 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

May 16, 2023

Imperial County Planning & Development Services
801 Main Street
El Centro, Ca. 92243
(442) 265-1736

Planning & Development Services,

The Imperial County Sheriff's Office is the Chief Law Enforcement agency in Imperial County. The Sheriff's Office provides general law enforcement, detention and court services for the residents, business owners and visitors of Imperial County. We have a service area of approximately 4,597 square miles bordering Mexico to the South, Riverside County to the North, San Diego County to the West, and the State of Arizona to the East.

The Imperial County Sheriff's Office appreciates this opportunity to provide comments. This response is in regards to DBO Investments, a commercial cannabis activity (CCA23-003/CUP#23-0014) application proposing a storefront retail cannabis dispensary and delivery facility at 2084 South Marina Drive in Salton City, California. The applicant is proposing the use of estimated 467 square feet of the 9,782 square feet of the existing travel center. The proposed site is approximately 860 feet from the front entrance to the Imperial County Sheriff's Office, Salton City Sub-Station, located at 2101 South Marina Drive in Salton City, California.

The Imperial County Sheriff's Office has reviewed the CCA license application. The Imperial County Sheriff's Office request that a detailed security plan and security diagram be included and approved by the county prior to any activity on the premises.

It is the position of the Imperial County Sheriff's Office to prevent or deter criminal activity that could potentially be associated with the approval of a retail commercial cannabis facility in our area of responsibility. The project site will see a large volume of commercial and passenger vehicles. The Imperial County Sheriff's Office requests that the applicant install license plate reading cameras at all ingress and regress locations at the project site and grant access to the Imperial County Sheriff's Office to review the data collected. It is requested that these cameras be included in the security plan.

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The Imperial County Sheriff's Office requests that the Imperial County Planning and Development Services also include the below language in the conditional use permit (CUP). This request is in consideration of the potential hazards to the Imperial County Sheriff's Office employees associated with responding to emergencies originating at a cannabis distribution facility:

The County of Imperial is committed to being a partner and provide effective and consistent patrolling to such projects. Thus, the Imperial County Sheriff's Office will require DBO Investments to contribute its proportionate share associated with the cost of training related to, but not limited to: Driving Under the Influence of Drugs (DUID), California Highway Patrol Drug Recognition Expert (DRE) certification courses. Final cost and conditions shall be reasonably determined by the Sheriff's Office.

(a) The County shall be responsible for managing the reimbursement component of this condition.

County of Imperial require DBO Investments to enter into a specific cost reimbursement agreement for direct police services, whereas for each call made to the project site for such public safety services that the project is responsible for reimbursing the County of Imperial. Such agreement can be created using a "Contract Cities Services Rate" for Imperial County Sheriff's Office services.

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

The Imperial County Sheriff's Office is available to discuss our concerns with the advancement of application CCA23-0003.

If you have any questions, please contact the Imperial County Sheriff's Office at (442)265-2003.

Sincerely,

Chief Deputy Ryan Kelley
Imperial County Sheriff's Office

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Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

Jolene Dessert
Commissioner / Sealer

Rachel Garewal
Asst. Commissioner / Sealer

May 22, 2023

Evelia Jimenez, Planner II
Imperial County
Planning & Development Services
801 Main Street
El Centro, CA 92243

RECEIVED

MAY 22 2023

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

Re: Commercial Cannabis Activity #23-0003

Mr. Valenzuela:

Our department has reviewed the documents pertaining to Commercial Cannabis Activity #23-0003 for applicant DBO Investments SC, LLC d/b/a From The Earth, company proposing the use of an existing travel center property as a storefront retail cannabis dispensary and delivery for recreational uses at 2084 S Marina Dr., Salton City, California.

Should the project require movement of plant material into Imperial County, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant can contact our Pest Detection and Eradication Division for any questions regarding the quarantines of movement of plant material, as there are several quarantines that must be observed. Please contact CDFA Nursery Services Program for requirements regarding movement of cannabis nursery stock and nursery license.

Please refer to the handouts attached. The handouts will explain the need for the applicant to register their point of sale systems with our office, determining what type of scale(s) if any required by their operations and the needs to apply for weighmaster license and label requirements for cannabis if scales will be used. Please be advised that any commercial weighing and measuring devices are required to be type approved for commercial use and must be registered, inspected and sealed by our office on an annual basis. The applicant can also register any non-commercial scale, such as prepacking scales, with our office and have them inspected upon request for a fee.

If you or the applicant have any questions, please feel free to contact our office at (442) 265-1500.

Regards,

A handwritten signature in black ink, appearing to read "Rachel Garewal", written over a white background.

Rachel Garewal



Office of the
Agricultural Commissioner
 Sealer of Weights and Measures

Carlos Ortiz
 Agricultural Commissioner
 Sealer of Weights and Measures

Jolene Dawson
 Asst. Agricultural Commissioner
 Asst. Sealer of Weights and Measures

Commercial Cannabis Activities Checklist
 (May 9, 2018)

To Whom It May Concern:

For those that wish to obtain a license from the County of Imperial for the commercial production of *Cannabis sativa*, the Agricultural Commissioner's office has prepared the following checklist of potential regulatory concerns under our jurisdiction. Please review this list and consult with our office regarding those items for which a 'yes' is checked. Failure to do so may result in violations of local laws and regulations.

Description	Questions	Yes	No
Nursery Stock/Seeds - Incoming shipments of plant parts for production (including seed) typically require inspection by this office for plant pests/diseases and will be profiled for compliance with plant quarantines.	Do you intend to bring plants or other propagative plant parts (excluding seeds) into Imperial County?		
	Do you intend to bring seeds into Imperial County?		
Pesticide Use – All pesticide use is required to comply with California and Federal laws and regulations. All those that use pesticides in Imperial County for agricultural production are required to obtain an operator ID number (OIN) with our office and report pesticide usage. This OIN must be obtained prior to purchasing pesticides from a licensed pesticide dealer. Disclaimer: An OIN is not equivalent to a license to produce cannabis or a business license. The purpose is solely to come into compliance with California laws and regulations regarding pesticide use and allow for pesticide use reporting.	Do you intend to use any pesticides (including 'organic' pesticides) on your Cannabis crop?		
Weights and Measures – Any product sold by weight or measure is subject to state laws regarding that sale. Commercial weighing and measuring devices are required to be type approved for commercial use (please call for information prior to purchasing devices); registered, inspected, and sealed by our office. Point of Sale devices or Scanners used in retail sale transactions are also required to be registered and inspected. Furthermore, packaged products sold by weight or measure are also subject to periodic inspection by our office for compliance with state laws and regulations. https://www.cdfa.ca.gov/dms/CannabisWM.html	Do you intend to sell Cannabis products by weight over a scale?		
	Do you intend to sell Cannabis products by measure other than weight (for instance volume)?		
	Do you intend to sell Cannabis products with a point of sale system or scanner?		
	Do you intend to package a Cannabis product for sale by weight or measure?		



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights & Measures

2020/2021 Operator Identification Number (OIN) Instructions

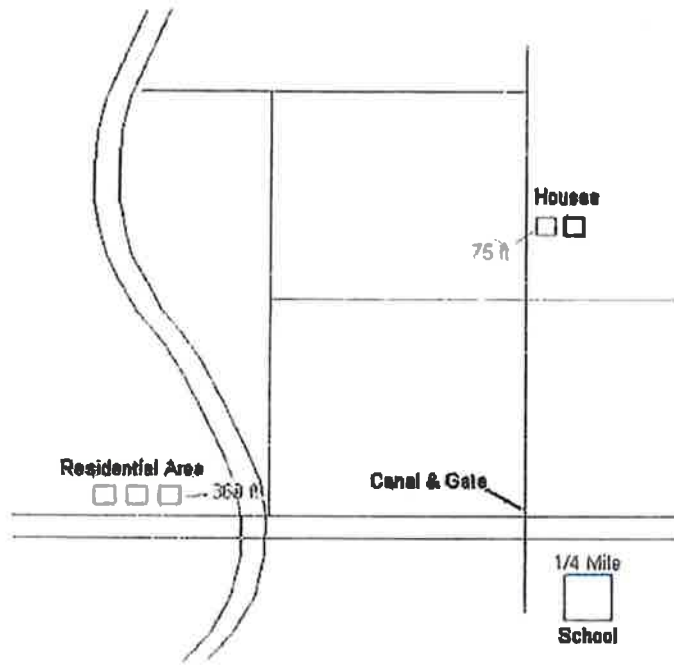
1. Fill out and sign the attached Property Operator Acknowledgement Form for each OIN. It must be signed by the owner, partner, or officer of the company.
2. Review the attached OIN printout, including contact information, for accuracy. Please include an email address. Put a single line through any information you wish to change and write in the correct information.
 - a. Remove any sites that will not be farmed during the OIN year.
 - b. Remove/correct commodities listed. For those sites that will not have a crop in the ground on July 1st or shortly after, list the crop as "uncultivated." Note: Commodities must be specific (head lettuce, leaf lettuce, napa cabbage, etc.)
 - c. Do not include/amend site ID's.
 - d. To add a new site, write in the canal and gate, and crop. Use additional paper or supplement forms as needed.
3. Maps
 - a. Two clean, legible maps must be submitted. Maps must remain legible upon faxing or photocopying in black and white. Please keep a clean original to copy for each year's OIN, and make updates to sensitive sites as needed. **Incorrect or rejected maps will delay the review and approval of your OIN.**
 - b. Map Criteria
 - i. Orient North to the top of the page.
 - ii. Depict the field(s) and all sensitive sites or potentially impacted areas within one mile. Sensitive sites include houses, schools, churches, businesses, the international border, residential areas or cities, and bodies of water. Be sure to update changes on your maps (new residence, etc.).
 - iii. Multiple fields are allowed on one map to the extent that they and the impacted areas remain clear and legible. Leave a one-inch border around the top and sides of the page and a 3-inch border on the bottom.
 - iv. All crossroads must be identified by name, and include the distance to the roads if not adjacent.
 - v. Distances from the field to the sensitive sites must be indicated and should be sufficiently accurate to allow applicators to use an appropriate buffer when needed.
 - vi. Schools within one mile of a field must be indicated on the map.
 - vii. Include a non-repeating map number on the lower right-hand corner and the OIN name on the top.
 - c. The following will likely be rejected: Plat maps, aerial imagery or color maps, illegible/blurry maps, stamped maps.
4. Return documents for review, after completing all changes and preparing your maps. Submit to Pesticide Use Enforcement at 852 Broadway, El Centro, CA 92243. These changes will be reviewed, then made in the CalAgPermits system. We will call the OIN signer when the OIN is ready to be signed.
5. Note: Any supplements turned into our office in June will be automatically added to the new OIN.

(442) 265-1500 • fax: (442) 265-5708 | 852 Broadway Street, El Centro, CA 92243
agcom@co.imperial.ca.us | <https://www.co.imperial.ca.us/ag/>

EEC ORIGINAL PKG

Farm XYZ

1



Map #1

**2020/2021
Property Operator Acknowledgment and Designation of Agent**

**County of Imperial
State of California**

Operator ID/Restricted Materials Permit Name

No. 13-21-_____
Operator ID/Restricted Materials Permit Number

The undersigned hereby acknowledges as follows:

1. The Operator ID/Restricted Materials permit named above is a:
 corporation partnership sole proprietorship other (specify) _____
2. I am the _____ of the above named entity.
(title/position)
3. I am the operator of the properties listed on the Operator ID/Restricted Materials permit identified above. I am responsible for all acts, omissions, and representations made by the permittee. I am responsible for compliance with all laws, rules, regulations, and permit conditions.

Designation of Agent / Limited Power of Attorney

4. I hereby designate and appoint as my agent and attorney in fact:

Printed Name of Agent Designated to Sign the Operator ID/Restricted Materials Permit

Telephone Number

I understand that the Agricultural Commissioner is relying on this appointment and agree that I will be bound to the terms hereof until this permit expires or this appointment is revoked by me in writing. I understand and agree that this appointment authorizes the above named person to act on behalf of the permittee in any and all matters pertaining to the Operator ID/Restricted Materials permit identified above. I understand that this agreement must be renewed annually.

5. I further understand and agree that this appointment does not relieve me of my responsibilities as operator of the properties listed on the Operator ID/Restricted Materials permit identified above.

Operator Signature

Date

Print Your Name

Telephone Number

Address

City, State, Zip

E-mail

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Office of the Agricultural Commissioner
Imperial County Summary of Production Agriculture Pesticide Regulations
Effective July 1, 2020 to June 30, 2021

Records That Property Operators/Growers Must Maintain (3CCR 6618, 6619, 6623-6627, 6723, 6723.1, 6724, 6728, and 6739, 6761.1, 6764):

- Restricted Materials Permit (RMP) or Operator ID form, maps, and supplements (two years)
- Pesticide use reports for all pesticides applied for two years (must include the date of application, property operator, operator ID number or RMP number, site ID, crop, acres, pesticides applied-including the EPA or CA State Registration number, completion date and time, time to reentry), and records must be filed by site/field if applied by a commercial applicator.
- Any records required for employees handling pesticides, including pesticide use records with employee name and date of use for any employee handling DANGER or WARNING organophosphate/carbamate (3 years).
- Pesticide Safety Information Series (PSIS) if you have employees handling pesticides or entering treated fields.
- Safety Data Sheets (SDS) for all pesticides applied to your property

Records That Property Operator/Growers Must Submit (3CCR 6624, 6626, and 6627):

- Notice of Intent - 24 hours prior to the application of California restricted materials.
- Pesticide use reports for the grower application of any pesticide by the 10th of the month following the application. Two forms: one for crops and one for non-crops (i.e., ditch banks, right-of-ways, etc.). "Pesticides" include all substances/materials intended to control, destroy, repel, or mitigate a pest and adjuvants. This definition includes glyphosate and organic materials, and all such use must also be reported.

Field Worker Safety Requirements (any employee entering a "treated" field) (3CCR 6618, 6761-6776)

- Property operators must have a method of informing employees or other contractors who may be entering a field or working within a ¼ mile of a field of ongoing applications or active restricted entry intervals (REI).
- Complete and central location display of PSIS A-9 (Hazard Communication) at work site.
- Display application-specific information at a central location with unimpeded access during hours of fieldworker operation (site ID, acreage, date and time application is completed, reentry interval, pesticide/adjuvant, and active ingredient, CA and EPA Registration numbers, and SDS).
- Do not allow any person, other than the applicator(s), to enter or remain in a treated area during an application.
- Fieldworker training - ensure that all employees working in a treated field have been trained within the last year. Training requirements of 6764 have recently changed, and training material must be updated.
- Plan for emergency medical care in advance and post the location of emergency medical facilities at the work location. Immediately take all ill persons to a physician.
- Provide field worker decontamination facilities within a ¼ mile of workers - soap, water (at least one gallon per employee), and single use towels.
- Comply with pesticide REI/ or early entry requirements.
- Comply with pesticide warning and posting requirements as specified on the label and in 3CCR 6776. Posting is required for all products whose REI exceeds 48 hours.

Training Requirements for Handlers (training must be provided annually) (3CCR 6724):

- Employees must be trained before working with pesticides and for each type of pesticide they handle.
- Written training records kept for each employee (retained for 2 years), signed by the employee and certified trainer.



Office of the Agricultural Commissioner

Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

- Certified Trainer – must be qualified by Train the trainer, PAC, QAL, QAC, PCA, Farm Advisor, or other approved by Dir.
- Completed and centrally displayed PSIS A-8 (Hazard Communication)
- Written training program for handler employees. Training records must specifically address: (Note that the PSIS covers most of these topics)
 - Format and meaning of information contained in pesticide product labeling.
 - Applicator's responsibility to protect persons, animals, and property.
 - Need for limitations, appropriate use, and sanitation of personal protective equipment.
 - Safety requirements and procedures for handling, transporting, storing, and disposing of pesticides.
 - Where and in what form pesticides may be encountered (treated surfaces, residues on clothing/PPE/ application equipment, and drift)
 - Hazards of pesticides as identified in product labeling, SDS, or PSIS.
 - Routes pesticides can enter the body.
 - Signs and symptoms of overexposure.
 - Routine decontamination procedures. (1. Hand washing before eating, drinking, using the restroom, etc. 2. Shower with soap and water. 3. Changing into clean clothes. 4. Washing clothes separately from other laundry)
 - SDS contains information on hazards, emergency medical treatment, and other information
 - The location of the written hazard communication information for employees handling pesticides (PSIS A-8), other PSIS, and SDS.
 - The purposes and requirements for medical supervision, and documentation, if they fall into that category.
 - Emergency first aid and decontamination, including eye flushing for pesticide exposure.
 - How and when to obtain emergency medical care.
 - Heat-related illness prevention, recognition, and first aid training in accordance with 8CCR section 3395.
 - Requirements of the California Code of Regulations pertaining to pest control operations and environmental protection concerning pesticide safety, SDS, and PSIS.
 - Handlers must be 18 years old
 - Environmental concerns such as drift, runoff, and wildlife hazards.
 - Field posting requirements and REIs
 - Employees should not take pesticides or containers home.
 - Potential hazards to children and pregnant women. Handlers should decontaminate prior to coming into contact with family members.
 - How to report pesticide use violations
 - Employee rights (receive information about pesticides to which they may have been exposed, that a doctor or other representative is also entitled to this information, the illegality of employer retaliation for pesticide complaints and that they should report suspected violations to the Ag. Commissioner.

Written Respiratory Protection Program – (keep records for 3 years) (3CCR 6739):

- Know if respirators are required by reading the labels of the pesticides for the products you plan to use.
- When respirators are required, you must provide medical evaluation, fit testing, a written training program, annual respiratory protection training, annual pesticide program evaluation, and recordkeeping for these documents.



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Imperial County Summary of Production Agriculture Pesticide Regulations
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Medical Care and Medical Monitoring Requirements – (keep records for 3 years) (3CCR 6726 and 6728):

- Plan for emergency medical care for all employees using pesticides and post this information at the worksite (pickup, field). You must follow this plan and take staff for medical evaluation in the event of exposure or illness.
- When handling any organophosphate or N-methyl carbamate pesticide labeled DANGER or WARNING, maintain use records for each employee, which show the pesticide(s) used and date of each use.
- When an employee works with organophosphates or N-methyl carbamates labeled DANGER or WARNING for more than six days within any 30 days:
 - Employers must obtain medical supervision for employees and comply with the Doctor's Letter, which outlines the program and frequency of testing. A current copy of the medical supervision letter must be given to the Ag Commissioner's Office.
 - Employees must have cholinesterase baseline tests BEFORE they begin work, and must be retested at intervals based on 3CCR 6728 regulations and doctor's recommendation in the medical supervision letter.
 - All medical records and test results shall be kept on file by the employer.

Protective Clothing, Safety Equipment, and Other Handler PPE Requirements (3CCR 6730-6738.4 and 6746):

- Whenever an employee is using any pesticide - soap, water (3 gallons per handler), and single use towels must be available for washing at the worksite, in addition to an extra pair of clean coveralls to change into.
- When the label requires eye protection, the handler must have one pint of clean water available for emergency eyewash (in the cab of the application equipment), and the mix/load site must have at least 6 gallons of water available in a manner capable of delivering gently running water for at least 15 minutes.
- PPE must be provided and maintained by the employer. Employees cannot take PPE home. The employer must also ensure the proper use and storage of PPE.
- Eye protection and rubber gloves are required for all mixing and loading, when using hand or ground spray equipment, and when cleaning or repairing equipment. (CA law; may not be mandated on pesticide labels)
- Whenever protective eyewear is required, and the label does not identify a specific type, one of the following ANSI Z87 compliant items must be worn: 1. Safety glasses that provide front, brow, and temple protection, 2. Goggles, 3. Face shield, or a respirator with a full-face mask approved by NIOSH.
- Gloves – 3CCR 6738.3 specifies various categories of glove materials. If the label specifies a category, the gloves must correspond. All gloves must be 14 mils or thicker except barrier laminate and polyethylene materials.
- Pesticide labels may also require a respirator, chemical resistant boots, apron, head covering, or specific clothing under coveralls.
- A clean, long-sleeved shirt and long pants or coveralls may be worn instead of label required PPE when handling CAUTION materials with a closed system. Coveralls and apron may be used when handling DANGER or WARNING materials instead of labels required PPE.
- A closed system must be used by employees for mixing and loading of pesticides when required by label or by precautionary statements. Tier 1 closed system: "Fatal if absorbed through skin"; Tier 2 closed system: "May be fatal if absorbed through skin."
- When an employee works with any DANGER or WARNING pesticide, a changing area must be available where the employee can change and wash at the end of the day.
- Maintain contact with employees working alone with DANGER pesticides every 2 hours in the daytime, every 1 hour at night.



Office of the Agricultural Commissioner

Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

Minimal Exposure Pesticides - Buctril, Metasystox-R, Omite, Comite (3CCR 6790-6793):

- Must comply with Minimal Exposure Pesticide Safety User Requirements - 3CCR 6793.
- Employers should have a copy of PSIS A-6 Minimal Exposure Pesticides available and ensure that employees handling these pesticides comply with it.

Pesticide Use Near Schoolsites (3CCR 6690-6692):

- Any production ag. site within ¼ mile of a schoolsite (Public K-12 and licensed daycares) is subject to application restrictions from 6:00 AM to 6:00 PM, Monday through Friday. The restrictions prohibit applications during these times based on the potential for drift created by the application method and the pesticide formulation.
- Any property operator of an ag. site within ¼ mile of a schoolsite must submit an annual notification to the schoolsite by April 30th, of all intended pesticide use for the upcoming school year. Pesticides intended to be used should be accurate for the active ingredient; however, the trade name need not be. Notifications must be amended 48 hours prior to use for unanticipated pesticides. If a property operator changes, the new property operator has 30 days to submit the notification. Annual notifications must be retained for 2 years.

Beekeeper Notification Requirements for Grower Applied Pesticides Toxic to Bees (3CCR 6652 and 6654):

- Must notify beekeepers participating in this program 48 hours prior to applying toxic pesticides to blooming crops when bees are within one mile regardless of the time of application.
- Follow specific pesticide label requirements for bees and bloom in all cases.

I have received a copy of these requirements and understand that the California Food and Agricultural Code establishes that violations of pesticide use and worker safety requirements are subject to civil penalties of up to \$5,000 per violation.

_____ Initial to acknowledge that you have read and understood the information in this document.

OPERATOR (FIRM NAME)	TELEPHONE NUMBER
----------------------	------------------

MAILING ADDRESS (Number and Street, City, State, ZIP Code)

OPERATOR IDENTIFICATION NUMBER		ISSUING COUNTY			ISSUE DATE	EXPIRATION DATE
LOCATION	SEC	TWN	RNG	COMMODITY	ACRES/UNIT	SITE IDENTIFICATION NUMBER

LIST ADDITIONAL COUNTIES AND OPERATOR IDENTIFICATION NUMBERS WHERE PESTICIDES MAY BE APPLIED:

1 _____	4 _____
2 _____	5 _____
3 _____	6 _____

SIGNATURE	TITLE	DATE
	PREPARED BY	DATE

EEC ORIGINAL PKG



Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Watson
Asst. Agricultural Commissioner
Asst. Sealer of Weights and Measures

October 19, 2021

Landscaper/Nursery

This letter is to remind you of the requirements you must follow for movement of plant material into Imperial County. There are many quarantines which must be observed. The most complex is for the glassy-winged sharpshooter and detailed directions for compliance follow. However, there are a few other quarantines that you should be aware of and they are listed at the end of this letter.

There is a State Interior Quarantine in place to prevent artificial movement of the glassy-winged sharpshooter (GWSS). The GWSS is a hardy insect which feeds on many common landscape plants and crops. It carries and spreads *Xylella fastidiosa*, a bacterium which is deadly to many plants. Imperial County is the only Southern California County that is not infested with the glassy-winged sharpshooter, and is designated as an enforcing county.

A summary of the quarantine requirements for entry of GWSS-host nursery stock from infested counties:

- Nursery stock must be purchased from a nursery that is under Compliance Agreement with the Agricultural Commissioner's office in that County. The plants should enter Imperial County with paperwork that includes the GWSS Compliance Agreement Number stamp, the required blue tag (see below), and Certificate of Quarantine Compliance (CQC) if applicable.
- Every shipment of nursery stock from an infested county must be accompanied by a Warning Hold for Inspection Certificate also known as a blue tag. As stated on the blue tag, this requires the receiver to hold the shipment off sale upon arrival and call our office for an inspection. It is very important that we be notified immediately upon arrival of the plant shipment. You must not commingle the new shipment with previously-released nursery stock until released by our office. Our office hours are Monday through Friday, 8:00 AM to 5:00 PM. Please call as early as possible. If you intend to bring in plants on a Saturday or Holiday, you must notify our office in advance.
- Landscapers that have their own growing ground or holding yard where they store nursery stock are required to be licensed as a nursery. Landscapers that do not hold or store that stock prior to its delivery to the planting site do not need a license.
- All landscapers must comply with the requirements listed above for every shipment brought into the County. You also must hold the stock at its destination (preferably away from other plants) and call our office for an inspection - you may not plant any of the nursery stock until the plants have been inspected and released by our office. If you are buying and transporting nursery stock into Imperial County, it is your responsibility to obtain the required documents from the origin nursery and call for the inspection upon arrival.
- For every shipment, you must have a proof of ownership document for the nursery stock.

(442) 265-1500 • fax: (760) 353-9420 | 852 Broadway Street, El Centro, CA 92243
agcom@co.imperial.ca.us | agcom.imperialcounty.org

EEC ORIGINAL PKG

Penalties for failure to comply with the quarantine requirements listed above:

- Any violation of quarantine requirements is an infraction punishable by a fine of \$1,000 for the first offense. For a second or subsequent offense within three years, the violation is punishable as a misdemeanor (Food and Ag Code, Section 5309).
- In lieu of any civil action, the Agricultural Commissioner may levy a civil penalty for up to \$2,500 for each violation (Food and Ag Code, Section 5311).
- In addition to any other action taken, any violation of these requirements may be liable civilly in an amount not to exceed \$10,000 for each violation (Food and Ag Code, Section 5310).
- Anyone that negligently or intentionally violates any quarantine regulation and imports a GWSS-infested plant that results in an infestation, or the spread of an infestation, may be civilly liable in an amount up to \$25,000 for each violation (Food and Ag Code, Section 5028(c)).

Other restricted plant materials (if you intend to bring in any of the following commodities from outside Imperial County please contact us before the shipment date):

- Citrus species – All Citrus species are restricted from most locations within California.
- Phoenix palms – All palms of the Phoenix genus (this includes *Phoenix roebelinii*, a common landscape plant) originating in California are prohibited, unless it is from certain portions of Riverside County.
- Florida nursery stock- Must comply with California State Interior Quarantine CCR. 3271 Burrowing and Reniform Nematodes, RIFA federal Quarantine and other quarantines may apply.
- Arizona nursery stock- Must comply with California State Interior Quarantine CCR. 3261 Ozonium Root Rot.
- Also, if you intend to remove any plants from the soil and ship them out of Imperial County you must be certified free from Ozonium Root Rot. To do so you must be part of our program and you should contact our office.

If you have any questions please contact our office at (442) 265-1500.

Sincerely,



**Nelson Perez
Deputy Agricultural Commissioner
Pest Detection and Eradication**

EEC ORIGINAL PKG



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

CANNABIS BUSINESSES: WHEN DO I NEED TO LICENSE AS A WEIGHMASTER?

On January 16, 2019, permanent cannabis regulations became effective for three licensing authorities in California:

- **California Department of Food and Agriculture, CalCannabis Division (CDFA CalCannabis Division)**
California Code of Regulations, Title 3, Division 8
- **California Department of Public Health, Manufactured Cannabis Safety Branch (CDPH MCSB)**
California Code of Regulations, Title 17, Division 1, Chapter 13
- **California Department of Consumer Affairs, Bureau of Cannabis Control (CDCA BCC)**
California Code of Regulations, Title 16, Division 42

You need a weighmaster license if you have a license issued by CDFA CalCannabis Division and/or CDPH MCSB.

You do not need a weighmaster license if you only have one license, and that license was issued by CDCA BCC.

HOW DO I OBTAIN A WEIGHMASTER LICENSE?

Weighmaster licenses are issued by CDFA, Division of Measurement Standards, Weighmaster Program.

Go to the Weighmaster Program [webpage](https://www.cdffa.ca.gov/dms/programs/wm/wm.html) where you can find Frequently Asked Questions, licensing information, and an application. (<https://www.cdffa.ca.gov/dms/programs/wm/wm.html>)

When filling out your application, choose the classification(s) that correctly describes your cannabis business.

Business Classification by Commodity

CANNABIS-RELATED ACTIVITIES		
Adult Use. Cultivator (nurseries, growers, and processors)	Medicinal Use. Cultivator (nurseries, growers, and processors)	Cannabis (other businesses Not Elsewhere Classified)
Adult Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance)	Medicinal Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance)	Hemp (Cannabis plant fiber)
Adult Use. Manufacturers (extractions, infusions, packaging, and labeling)	Medicinal Use. Manufacturers (extractions, infusions, packaging, and labeling)	
Adult Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)	Medicinal Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)	

You may submit your application and payment electronically or print and fill out a paper version and submit with your payment.

Weighmaster laws are in the California Business and Professions Code, Division 5. Weights and Measures, Chapter 7, Weighmasters.

You may access these from the [California Legislative Information website](http://leginfo.ca.gov)

http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=

Weighmaster regulations are in the California Code of Regulations (CCR), Title 4, Division 9, Chapter 9.

You may access these from the [WESTLAW website](https://govt.westlaw.com) at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

WHO HAS TO ISSUE WEIGHMASTER CERTIFICATES?

Each state agencies' regulations are slightly different [California Code of Regulations (CCR)].

You must issue a weighmaster certificate if you have a license from CDFA CalCannabis Division.

CCR Title 3 § 8213. Requirements for Weighing Devices and Weighmasters.

(a) Weighing devices used by a licensee shall be approved, registered, tested, and sealed pursuant to chapter 5 (commencing with section 12500) of division 5 of the Business and Professions Code and its implementing regulations and registered with the county sealer consistent with chapter 2 (commencing with section 12240) of division 5 of the Business and Professions Code and its implementing regulations. Approved, registered, tested, and sealed devices shall be used whenever any one or more of the following apply:

- (1) Cannabis and nonmanufactured cannabis products are bought or sold by weight or count;
- (2) Cannabis and nonmanufactured cannabis products are packaged for sale by weight or count;
- (3) Cannabis and nonmanufactured cannabis products are weighed or counted for entry into the track-and-trace system; or
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) In any county in which a sealer is unable or not required to approve, register, test, and seal weighing devices used by a licensee, the department may perform the duties of the county sealer in the same manner, to the same extent, and with the same authority as if it had been the duly appointed sealer in such county. In those instances, the department shall charge a licensee for its services using the schedule of fees established in Business and Professions Code section 12240.

(c) For the purposes of this chapter a licensee must use wet weight or net weight. Wet weight and net weight shall be measured, recorded, and reported in U.S. customary units (e.g., ounce or pound); or International System of Units (e.g., kilograms, grams, or milligrams).

(d) For the purposes of this chapter, "count" means the numerical count of the individual cannabis plants, seeds, or nonmanufactured cannabis product units.

(e) Any licensee weighing or measuring cannabis or nonmanufactured cannabis product in accordance with subsection (a) shall be licensed as a weighmaster.

(f) A licensed weighmaster shall issue a weighmaster certificate whenever payment for the commodity or any charge for service or processing of the commodity is dependent upon the quantity determined by the weighmaster in accordance with section 12711 of the Business and Professions Code and shall be consistent with the requirements in chapter 7 (commencing with section 12700) of division 5 of the Business and Professions Code.

You may have to issue a weighmaster certificate if you have a license from CDPH MCSB, but not if the measurement is only to be entered into the Track-and-Trace System.

CCR Title 17 § 40277. Weights and Measures.

(a) Weighing devices used by a licensee shall be approved, tested, and sealed in accordance with the requirements in Chapter 5 (commencing with section 12500) of Division 5 of the Business and Professions Code, and registered with the county sealer consistent with Chapter 2 (commencing with section 12240) of Division 5 of the Business and Professions Code. Approved and registered devices shall be used whenever:

- (1) Cannabis or cannabis product is bought or sold by weight or count;
- (2) Cannabis or cannabis product is packaged for sale by weight or count;
- (3) Cannabis or cannabis product is weighed or counted for entry into the track-and-trace system; and
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) For the purposes of this chapter, "count" means the numerical count of the individual cannabis product units.

(c) Whenever the licensee is determining the weight, measure, or count of cannabis and cannabis products for the purposes specified in subsection (a), the weight, measure, or count shall be determined by a licensed weighmaster as required by Chapter 7 (commencing with section 12700) of Division 5 of the Business and Professions Code. The weighmaster certificate required under section 12711 of the Business and Professions Code shall not be required when cannabis or cannabis products are weighed for entry into the track-and-trace system.

You do not have to issue a weighmaster certificate if you are licensed only by CDCA BCC.

CCR Title 16 § 5049. Track and Trace Reporting.

- (a) A licensee shall record in the track and trace system all commercial cannabis activity, including:
- (1) Packaging of cannabis goods.
 - (2) Sale and transfer of cannabis goods.
 - (3) Transportation of cannabis goods to a licensee.
 - (4) Receipt of cannabis goods.
 - (5) Return of cannabis goods.
 - (6) Destruction and disposal of cannabis goods.
 - (7) Laboratory testing and results.
 - (8) Any other activity as required pursuant to this division, or by any other licensing authority.
- (b) The following information shall be recorded for each activity entered in the track and trace system:
- (1) Name and type of the cannabis goods.
 - (2) Unique identifier of the cannabis goods.
 - (3) Amount of the cannabis goods, by weight or count, and total wholesale cost of the cannabis goods, as applicable.**
 - (4) Date and time of the activity or transaction.
 - (5) Name and license number of other licensees involved in the activity or transaction.
 - (6) If the cannabis goods are being transported:
 - (A) The licensee shall transport pursuant to a shipping manifest generated through the track and trace system, that includes items (1) through (5) of this subsection, as well as:
 - (i) The name, license number, and licensed premises address of the originating licensee.
 - (ii) The name, license number, and licensed premises address of the licensee transporting the cannabis goods.
 - (iii) The name, license number, and licensed premises address of the destination licensee receiving the cannabis goods into inventory or storage.
 - (iv) The date and time of departure from the licensed premises and approximate date and time of departure from each subsequent licensed premises, if any.
 - (v) Arrival date and estimated time of arrival at each licensed premises.
 - (vi) Driver license number of the personnel transporting the cannabis goods, and the make, model, and license plate number of the vehicle used for transport.
 - (B) Upon pick-up or receipt of cannabis goods for transport, storage, or inventory, a licensee shall ensure that the cannabis goods received are as described in the shipping manifest, and shall record acceptance or receipt, and acknowledgment of the cannabis goods in the track and trace system.
 - (C) If there are any discrepancies between the type or quantity of cannabis goods specified in the shipping manifest and the type or quantity received by the licensee, the licensee shall record and document the discrepancy in the track and trace system and in any relevant business record.
 - (7) If cannabis goods are being destroyed or disposed of, the licensee shall record in the track and trace system the following additional information:
 - (A) The name of the employee performing the destruction or disposal.

- (B) The reason for destruction and disposal.
- (C) The entity disposing of the cannabis waste.
- (8) Description for any adjustments made in the track and trace system, including, but not limited to:
 - (A) Spoilage or fouling of the cannabis goods.
 - (B) Any event resulting in damage, exposure, or compromise of the cannabis goods.
 - (9) Any other information as required pursuant to this division, or by any other applicable licensing authorities.
- (c) Unless otherwise specified, all transactions must be entered into the track and trace system within 24 hours of occurrence.
- (d) Licensees shall only enter and record complete and accurate information into the track and trace system and shall correct any known errors entered into the track and trace system immediately upon discovery.

SCALES USED FOR COMMERCIAL PURPOSES

All scales used for commercial purposes must meet strict standards for accuracy and customer visibility in the California Code of Regulations. Appropriate and suitable scales must be of a type approved by the Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval or a National Type Evaluation Program (NTEP) Certificate of Conformance before commercial use. This process is known as "Type Evaluation." See the CTEP Information Guide at: <https://www.cdfa.ca.gov/dms/programs/ctep/CTEPInfoGuide.pdf>

- Step 1: Selecting a suitable scale to meet your business needs.
- Step 2: Setting up your scale.
- Step 3: Using and maintaining your scale.
- Step 4: Notifying your County Weights and Measures Office.

Step 1: Selecting a suitable scale to meet your business needs.

Consider:

- Range of weighing (minimum and maximum capacities)
- Division (increment) size
- Precision (i.e., scales that comply with Accuracy Class I & II parameters)

Legal-for-trade scales purchased from a scale dealer or purchased online will require calibration before use. A Registered Service Agency (RSA) can assist you in the selection of a type approved and suitable scale. They will ensure the scale is accurate and correct, install and place the scale into commercial use pending inspection by a local weights and measures official, and can assist in the scale registration process. RSAs listings can be found at <https://www.cdfa.ca.gov/dms/programs/rsa/rsa.html> or via online searches.

Step 2: Setting up your scale.

- Scales must be installed and operated per the manufacturer's instructions and California laws and regulations.
- Scales must be placed on a level solid surface and properly used and maintained (refer to owner's manual).
- Legal-for-trade scales must be "inspected, tested and sealed" by a County Weights and Measures Office.
- Precision scales may need to be verified and recalibrated when moved to another location within a production facility or retail establishment.

Step 3: Using and maintaining your scale.

- Use the scale according to the owner's reference manual.
- Deduct "TARE" (packaging, wrappings, containers, labels etc.) to determine "NET" weight (NET = GROSS – TARE).
- The owner or user is responsible for ensuring the accuracy and proper maintenance of a commercial scale.
- EVERYBODY benefits from an accurate scale. The customer is not cheated, and the seller is protected by weights and measures officials who ensure a level playing field for all competing businesses.

Step 4: Register a scale with your county.

- Most California counties have local ordinances requiring annual registration of commercial scales.
- Find your County Weights and Measures Office at: <https://www.cdfa.ca.gov/exec/county/countymap/>

SCALES USED FOR CANNABIS

For Harvest Weights, Bulk Packaging, Net Weight Verification and Weight Verification for Track and Trace Reporting.

Typical Class I & II Scale Capacities		Maximum Scale Division Size (Increments)*	
Metric Units kilogram (kg)	US Standard Units pound (lb)	Metric Units gram (g)	US Standard Units pound (lb)
0.5 kg (500 g)	1 lb	0.5 g	0.001 lb
5 kg	10 lb	5 g	0.01 lb
50 kg	100 lb	50 g	0.1 lb
50 kg +	100 lb +	500 g +	1.0 lb +

*EXAMPLES: Capacity = 100 kg: min. div. can be (0.001 kg, 0.002 kg, 0.005 kg or smaller)
Capacity = 5000 lb: min. div. can be (1 lb, 0.2 lb, 0.5 lb, or smaller)

For Retail Packaging, Net Weight Verification, and Retail Sales from Bulk.

Typical Weighing Range	Maximum Scale Division Size (Increments)
0-1 gram (g)	0.01 g
Between 1-10 g	0.01 g
Between 10-100 g	0.1 g
Between 100-1,000 g	1 g
Between 1/8 ounce (oz) to 1/2 oz	0.0005 oz (0.00002 lb) (0.01 g)*
Between 1/2+ oz to 1 oz	0.005 oz (0.0002 lb) (0.1 g)*
Greater than 1 oz	0.05 oz (0.002 lb) (1 g)*

*Conversions rounded to nearest legal division size.

Additional Resources

California Weights and Measures Laws and Regulations	www.cdffa.ca.gov/dms/publications.html
Buying Legal-for-Trade Scales Online	ncwm.net/resource/consumer-information
National and California Type Evaluation Program - Certificate Search Database	ncwm.net/ntep/cert_search and cdffa.ca.gov/dms/ctep.html
California Weighmaster Requirements	https://www.cdffa.ca.gov/dms/prngrams/wm/wm.html

SALES BY WEIGHT:

A business needs to determine weight of:

- containers/packages of trimmings,
- containers/packages of product, and
- packages of dried flower.

These different types of containers and packages will likely require scales of different capacities and division sizes due to basic suitability requirements.

Scale 1: For weighing 1 lb net weight packages the grower could use a 1 kg x 0.001 kg scale (1000 g x 1 g)

Scale 2: For weighing 1 gram net weight packages the grower could use a 500 g x 0.01 g scale.

This may include, but is not limited to packages of:

- Usable cannabis (buds, flowers)
- Edibles
- Topicals (ointments, creams, balms, emollients)
- Shatter (cannabis concentrate)

SALES BY VOLUME:

Cannabis products in liquid form are sold by volume, e.g., milliliters (ml) and fluid ounces (fl oz).

This may include, but is not limited to packages of:

- Oils
- Tinctures
- Extracts



For additional information, go online at <https://www.cdffa.ca.gov/dms/> or send an email to DMS@cdffa.ca.gov.

CALIFORNIA WEIGHTS AND MEASURES LABEL REQUIREMENTS

Cannabis products sold in California must also meet the labeling requirements for the California Department of Public Health. Contact the appropriate agency for specific requirements.

This is a brief summary of regulations adopted by the State of California, pursuant to the Fair Packaging and Labeling Act, for packages in general. For complete requirements, consult the California Code of Regulations (CCR), Title 4. Other agencies may have different or additional labeling requirements (e.g., ingredient, nutritional labeling, pharmacological, safety related). Those requirements are not covered in this guide.

Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons.

The three basic requirements are:

1. A declaration of **identity** that is the common or usual name of the commodity.
2. A declaration of **responsibility** that includes the **name, address, and zip code** of the manufacturer, packer, or distributor. A street address is required if the name is not listed in a current directory, which can include an online source. The connection of a distributor must be shown (e.g., "packed for, distributed by"). This statement is not required to be on the principal display panel.
3. A declaration of the **quantity** of the commodity in the lower 30% of the principal display panel area, in a size depending upon the area of the principal display panel.

Units of Weight or Measure: Both SI (metric) and inch-pound units are **required** for most consumer packages. SI units may appear first and the converted value must not overstate the net contents. Exceptions include: labels printed before February 14, 1994, random weight packages, foods packed at retail, camera film, audio and video recording media. There may be different requirements for the following federally regulated commodities: meat, poultry, alcoholic beverages, drugs, cosmetics, insecticides, fungicides, rodenticides, and tobacco products.

CONSUMER PACKAGES

Principal Display Panel Area Determination: This area, not the area of the label, determines the minimum height requirement of the declaration of quantity (see table).

1. A rectangular package where an entire side is the principal display panel - height times width.
2. A cylindrical or nearly cylindrical container - 40% of the product of the height times the circumference.
3. Other shaped containers - 40% of the entire square area of the container.
4. Obvious principal display panels - the actual square area of the panel.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

Minimum Height of Numbers and Letters for Principal Display Panel		
Area of Principal Display Panel	Minimum Height of Numbers and Letters (Printer)	Minimum Height Label Information (Blown or Molded)
32 cm ² (5 in ²) or less	1.6 mm (1/16 in)	3.2 mm (1/8 in)
Over 32 cm ² (5 in ²) to 161 cm ² (25 in ²)	3.2 mm (1/8 in)	4.8 mm (3/16 in)
Over 161 cm ² (25 in ²) to 645 cm ² (100 in ²)	4.8 mm (3/16 in)	6.4 mm (1/4 in)
Over 645 cm ² (100 in ²) to 2581 cm ² (400 in ²)	6.4 mm (1/4 in)	7.9 mm (5/16 in)
Over 281 cm ² (400 in ²)	12.7 mm (1/2 in)	14.3 mm (9/16 in)

Proportion: Letters of a declaration of quantity must not be more than three (3) times as high as they are wide. Except for blown or molded declarations, the style of type or lettering shall be bold, clear, and conspicuous against its background.

A Free Area: A free area, equal to at least the height of the lettering, is required above and below the quantity declaration. At each end, the free area must be equal to twice the width of the capital "N" of the style and size of type used.

Decimal Fractions: Decimal fractions may be carried to three places. SI unit declarations may contain only decimal fractions. Decimal fractions are permitted in inch-pound declarations.

Common Fraction: Common fraction use is restricted to inch-pound units and is normally limited to halves, quarters, eighths, sixteenths, and thirty-seconds to the lowest term. Each number of a fraction in a declaration of quantity must be at least 1/2 the minimum height.

Abbreviations:

Inch-pound: avdp, lb, oz, gal, qt, pt, yd, ft, in, sq, and cu

SI units: kg, g, mg, L or l, mL or ml, m, cm, mm, m, m², dm², cm², m³, dm³, and cm³

Both systems may use: wt, fl, liq, dr, dia, pc, ea, and ct

Periods and plural forms are not recommended for inch-pound units and are prohibited for metric.

Rule of 1000 for SI Units: Numerical values should be between 1 and 1000 (e.g., 500 g not 0.5 kg; 1.96 kg not 1960 g; 750 ml not 0.75 l; 750 mm or 75 cm not 0.75 meters).

Weight Declarations: The words "net mass" or "net weight" are optional.

Less than 1 kilogram: must be stated in grams, decimals of a gram or milligrams.

1 kilogram or more: kilograms and decimals of a kilogram up to three places.

Less than 1 pound: must be stated as ounces or fraction of ounces.

1 pound or more: in pounds, with remainder in fractions of pounds, or ounces and fractions of ounces.

Fluid Declarations: The words "net" or "net contents" are optional. "Fluid" is required with ounces (e.g., 12 fl oz) unless the meaning is obvious by association (e.g., 1 pint 4 ounces).

Less than 1 liter: must be stated in milliliters.

1 liter or more: liters and decimal fractions of a liter up to three places.

Less than 1 pint: fluid ounces and fractions of an ounce.

- 1 pint to less than 1 gallon:** largest whole unit (quarts or pints as appropriate); with remainder in ounces, fractions of a pint or a quart. (2 quarts may be stated as 1/2 gallon)
- 1 gallon or more:** gallons and fractions of a gallon.

Supplementary Declarations: Non-required quantity declarations are not permitted on the principal display panel.

Qualifying Statements: Quantity declarations containing qualifying words are not permitted. Words such as "minimum," "approximately," "when packed," or any words that tend to exaggerate are considered qualifying words.

Multi-Unit, Combination or Variety Packages: Consult California Code of Regulations, Title 4, for specific requirements.

NONCONSUMER PACKAGES

Nonconsumer Package: This term applies to any package other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

Basic Requirements: A declaration of identity of the commodity, the name, address, and zip code of the packer, and a declaration of quantity shall be prominently and conspicuously displayed on the outside of the package.

Declaration of Quantity: The declaration of quantity shall be in the largest whole unit. SI and inch-pound units may be used, individually or together.

EXEMPTIONS FROM LABELING REQUIREMENTS

Bulk Foods Repacked and Sold by Retailer - Food and Drug Administration (FDA) Retail Food Labeling Exemptions

FDA regulations specify that foods **received by retailers in bulk quantities that are repackaged by the retailer and displayed for sale on the premises**, are exempt from:

1. Net content statements - if it is obvious that they are to be weighed, measured, or counted, within view of the customer or in compliance with the customer's order. [21 CFR § 1.24(a)(1)]
2. Identity statements - if a placard, counter card, or the master container bears the identity statement. [21 CFR § 101.100(b)(3)]
3. Responsibility statements. [21 CFR § 101.100(b)(1)]

Commodities Packed and Sold on the Same Premises

A package sold on the same premises where it was packed is not required to have a declaration of responsibility (i.e., name and address of the manufacturer, packer, or distributor).
[CCR § 4510 UPLR 5]

However, the package must still have the declarations of quantity and identity.
[CCR § 4510 UPLR 3, 4, 6, 7]

Random Weight Packages

These are packages from a lot having identical labels **except** for the net weight. An example would be packages of bricks of cheese labeled: *Extra Sharp Cheddar, Audry Cheese Company, Sell by April 25 '18*, each package having a different net weight ranging from 0.94 to 1.64 lb.

As of January 1, 2000, a random weight package must bear a label conspicuously declaring:

- a) the net weight
- b) unit price
- c) the total price

[CCR § 4510 UPLR 6.16, 11.1]

Exemptions

1. If the random weight package is packaged for sale at another location, the unit price and total price may be omitted providing they are on the package at the time of sale. [CCR § 4510 UPLR 6.16]
2. Random weight packages are not required to be labeled with the net weight if they are "sold intact and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale." For this exemption, no quantities can be represented on the package prior to being weighed or measured at the time of sale. The outside container is required to bear a label declaration of the total net weight. [CCR § 4510 UPLR 11.26]

A random weight package will have a conspicuous label stating:

- a) net weight
- b) price per pound
- c) total sales price

It is exempt from the requirements for:

- a) SI (Metric) quantity labeling
- b) type size
- c) placement in the lower 30% of the principal display panel free area

[CCR § 4510 UPLR 11.1]

3. If the random weight package does not state the net weight, price per pound and total sales on the same label at the time of sale, it must conform to all package labeling requirements. This includes placement, letter size, color contrast, prominence, etc., unless it is done as an indirect sale. [CCR § 4510 UPLR 11.1 and 11.1.1]
4. Indirect sales, such as internet orders, shall be exempt from the labeling requirements of unit price and total price when at the time of delivery, the package is marked with a statement of net weight and all of the following requirements are met:
 - (a) the unit price is set forth and established in the initial product offering
 - (b) the maximum possible net weight, unit price, and maximum possible price are provided to the customer by order confirmation when the product is ordered
 - (c) at delivery, the customer receives a receipt bearing the following information: identity, declared net weight, unit price, and the total price. [CCR § 4510 UPLR 11.1.1]



Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dossert
Asst. Agricultural Commissioner
Asst. Sealer of Weights and Measures

POINT-OF-SALE SCANNERS & ELECTRONIC PRICING DEVICES

The Imperial County Weighing and Measuring Devices and Point-of-Sale Systems ordinance (Chapter 5.68) requires businesses to register with the Imperial County Sealer of Weights and Measures Department and pay an annual registration fee. Registration certificate fees are based on the number of point of sale stations at each retail location. This registration certificate is required in addition to any other certificate, license or permit which may be required by the county, cities, or any public entity. Any registration certificate for which fees have not been paid within forty –five (45) days from the date that such payment is due, will be subject to a twenty percent (20%) penalty. See the attached fee schedule for reference.

All retail locations that utilize a point of sale system are subject to the county ordinance. Such systems include Universal Product Code (UPC) scanners, price look-up codes, or any other system that relies on the retrieval of electronically stored information to complete a transaction. Per the ordinance, all systems shall be available for testing and inspection by the county sealer of weights and measures.

The Imperial County Weights and Measures Office enforces the California Business and Professions Code as well as the California Code of Regulations as it pertains to point-of-sale systems. Below is a summary of applicable code sections:

In accordance to the California Business and Professions Code § 12024.2 and § 12024.6, it is unlawful for any person, at the time of sale of a commodity, to do any of the following:

- Charge an amount greater than the price, or to compute an amount greater than a true extension of a price per unit, that is then advertised, posted, marked, displayed, or quoted for that commodity.
- Charge an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect.

- No person, firm, corporation, or association shall advertise, solicit, or represent by any means, a product for sale or purchase if it is intended to entice a customer into a transaction different from that originally represented.

In accordance to the California Business and Professions Code sections § 13300-13303 and § 12024.6:

- Any business that uses a point-of-sale system must have a display of the prices charged visible to the customer from a reasonable and typical position
- When a price reduction or discount regarding an item is advertised, the checkout system customer indicator shall display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings
- Any surcharges and the total value to be charged for the overall transaction also shall be displayed for the consumer at least once before the consumer is required to pay for the goods or services
- "Point-Of-Sale System" means any computer or electronic price look-up system that retrieves the price of the item being purchased

The Imperial County Sealer of Weights and Measures is authorized to levy a civil penalty against a person violating any provision of this law or regulation adopted pursuant to this law, of not more than one thousand dollars (\$1,000) for each violation.

Please remember that it is the responsibility of the owner/operator of a business to obtain a current registration from the Sealer's Office before using an electronic point-of-sale checkout system. Our office is open to the public from 8:00AM to 5:00PM, Monday through Friday. If you have any questions or need assistance, please contact us at (442) 265-1500. We will be happy to assist you.

Sincerely,



Margo Sanchez
Deputy Sealer of Weights & Measures
Special Projects Division

EEC ORIGINAL PKG



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
 Agricultural Commissioner
 Sealer of Weights & Measures

Jolene Dessert
 Asst. Agricultural Commissioner
 Asst. Sealer of Weights & Measures

ANNUAL REGISTRATION/RENEWAL APPLICATION (expires December 31, 2022)

Registration No.: _____ *Please update any outdated or missing information.*

Company Headquarters:

Name: _____ Contact: _____
 Mailing Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____
 Email: _____

Physical Location:

Business Name: _____ Primary Contact: _____
 Physical Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____

Device Type	Location fee	Quantity	Fee per Device	Device Fee Subtotal	DMS Fee per Device	DMS Fee Subtotal	Device Total
TOTAL FEES DUE:							

<p align="center">For Department Use Only</p> <p>DMS Receipt #: _____ DMS Date: _____</p> <p>Deposit #: _____ Deposit Date: _____</p>	<p>Make check or money order payable to: IMPERIAL COUNTY WEIGHTS & MEASURES 852 Broadway El Centro, CA 92243</p>
--	---

I CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION IS TRUE AND CORRECT.

Print Name of Authorized Representative _____ **Signature** _____ **Date** _____

We gladly accept checks. If your check is returned unpaid, your account will be debited electronically for the original amount and electronically or via paper for the state's maximum allowable service fee. Payment by check constitutes authorization of these transactions. You may revoke this authorization by calling (800) 866-5222, ext 2, to arrange payment for any outstanding checks and service fees due www.fiserv.com

(442) 265-1500 • fax: (760) 353-9420 | 852 Broadway Street, El Centro, CA 92243
 agcom@co.imperial.ca.us | <https://agcom.imperialcounty.org>

EEC ORIGINAL PKG

County of Imperial Division of Weights and Measures

Registration Fees = Location fee + Device fee + DMS fee (State Surcharge)

Fees are based on a statewide fee structure approved by the State Legislature and Governor. Fees partially offset the cost of administering the commercial weighing and measuring program, and are based on the number and type(s) in use per location. These fees have been adopted in the Imperial County Ordinance Chapter 5.68 and are authorized by the California Business and Professions Code: Device Fees Section 12240(f)-(t); Location Fee Section 12240(u); State Administrative Fee: Section 12241 and California Code of Regulations Title 4, Division 9, Chapter 3, Article 3, Section 4075.

All fees are due and payable by January 1st. Any registration paid after forty-five (45) days will be considered delinquent and be subject to penalties. The penalties are twenty percent (20%) of total device registration fee and location fee accruing each forty-five (45) days in arrears.

Device Location Fee: Each location (scanner/point-of-sale excluded) is charged a location fee of \$100. A location is considered a business with one or more types of devices that require specialized testing equipment that will necessitate more than one trip. Additionally, if a commercial device is installed on a vehicle, each vehicle is considered a single location.

Device Registration Fees	Fee per Device	DMS fee per Device
CNG Meter	\$20.00	\$16.00
Computing Scales <2,000#	\$20.00	\$2.20
Counter Scale < 2,000#	\$50.00	\$2.20
Electric Submeter	\$3.00	\$0.50
Fabric/Cord/Wire	\$20.00	\$2.20
Hanging Scale < 2,000#	\$50.00	\$2.20
Hanging Scale 2,000-10,000#	\$150.00	\$16.00
Hopper & Tank > 10,000#	\$250.00	\$24.00
Hopper & Tank 2,000-10,000#	\$150.00	\$16.00
L.P.G. Meter	\$185.00	\$16.00
Livestock Scale > 10,000#	\$150.00	\$24.00
Livestock Scale 2,000-10,000#	\$100.00	\$16.00
Misc. Measuring Devices	\$20.00	\$2.20
Misc. Weighing Devices < 2,000#	\$50.00	\$2.20
Monorail/Meat < 2,000#	\$50.00	\$2.20
Monorail/Meat 2,000-10,000#	\$150.00	\$16.00
Odometers	\$60.00	\$2.20
Platform/Dormant <2,000#	\$50.00	\$2.20
Platform/Dormant > 10,000#	\$250.00	\$16.00
Platform/Dormant 2,000-10,000#	\$150.00	\$16.00
Class II Scale (Non-prescription/jewelry)	\$20.00	\$2.20
Pres/Jewel Scale <2,000#	\$80.00	\$2.20
Railway Scale > 10,000#	\$250.00	\$24.00
Retail Meter Fuel (Gas pumps)	\$20.00	\$2.20
Retail Water Meter (Dispensers, Vending)	\$20.00	\$2.20
Vehicle Meter (Any vehicle mounted meter)	\$75.00	\$2.20
Vehicle Scale > 10,000#	\$250.00	\$24.00
Water Submeters	\$2.00	\$0.50
Wholesale Meter (Stationary Hi-volume sale)	\$75.00	\$2.20
Scanner/Point of Sale Registration Fees	Fee per Scanners	DMS Fee per Scanners
Scanners (1-3)	\$89.00	\$0.00
Scanners (4-16)	\$129.00	\$0.00
Scanners (17-30)	\$190.00	\$0.00
Scanners (31 or more)	\$240.00	\$0.00

Please note that some device types cap at \$1,000 per location. If you have any questions please call the Division of Weights and Measures at (442) 265-1500.

EEC ORIGINAL PKG

AIR POLLUTION CONTROL DISTRICT



May 18, 2023

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

RECEIVED

MAY 22 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Conditional Use Permit 23-0014 & Commercial Cannabis Activity 23-0003 – DBO Investments SC, LLC d/b/a From The Earth

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 23-0014 and Commercial Cannabis Activity (CCA) 23-0003 (Project). The project proposes to operate a storefront with retail sales and delivery of cannabis in a 467-sqft portion of an existing 9,782-sqft travel center. The project is located at 2084 S. Marina Dr., Salton City also identified as Assessor's Parcel Number 014-178-016.

Title 14 of the Imperial County Code of Ordinances requires that all commercial cannabis activities comply with Chapter 14.03, Subsection 14.03.080(F) which states, "An odor control plan providing air treatment/filtration systems to eliminate the cannabis operation detection from outside the facility shall be submitted for county of Imperial Air Pollution Control District (APCD)." To assist applicants in developing an adequate OCP the Air District has developed an informational "white paper", which will be included as an attachment, explaining the requirements of an adequate OCP. The project packet does not include an Odor Control Plan (OCP), therefore, the Air District is requesting the applicant submit an OCP to the Air District for review. The Air District, recommends the applicant contact the Air District's Planning and Monitoring Division to discuss any questions regarding the development and requirements of the OCP. The Air District also advises the applicant that a site visit will be required to prior or finalization of the OCP.

Finally, the Air District is requesting a copy of the draft CUP prior to recording for review.

For your convenience the Air District's rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. Should you have any questions or concerns please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,



Ismael Garcia
Environmental Coordinator



Reviewed by,
Monica N. Soucier
APC Division Manager



AIR POLLUTION CONTROL DISTRICT

WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

PURPOSE

This paper provides guidance to operators of Cannabis Facilities (cultivation, processing, and otherwise) when developing and implement an **Odor Control Plan (OCP)**. The intent of an OCP is for the reduction or elimination of the discharge from any source whatsoever of such quantities of air contaminants or other material that may cause a nuisance or annoyance.¹ The pertinent information contained in an OCP is specific to your operation and should reflect the actual practices and customs of the operation.

The OCP is a living document intended for the ***life of the project***; however, as operations change updates to the OCP will be necessary to maintain the reduction or elimination of the discharge of air contaminants. An initial site visit maybe necessary to confirm the elements of a draft OCP before the Air District can finalize its review. Once the OCP is finalized, additional site visits may occur to confirm project operations have not caused additional unforeseeable discharges from any source whatsoever of air contaminants or other material that cause a nuisance or annoyance.

MINIMUM REQUIRED ELEMENTS

While the details and specifications of each OCP will vary depending on the type, size, purpose and location of project operations, all OCP's must contain the following minimum elements:

- 1) The OCP must be on company letterhead, dated and signed by an authorizing agent of the facility
- 2) The OCP must indicate the version; draft vs final or revision
- 3) The OCP must contain sufficient information as to identify the legal owner by name, company name, location, headquarters etc.
- 4) The OCP must contain the identity and contact information of all responsible agents, and personnel involved in the day-to-day operations at the site.
 - This section must identify the primary contact for the implementation of the OCP, etc.

¹ Imperial County Rules and Regulations Rule 407 Nuisances, Revised 09/14/1999



WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

- This section must contain a commitment to notify the Air District of any personnel changes within 48 hours of the change.
- 5) The OCP must contain a description, with drawings if appropriate or available, of the project operations and must identify the current existing sources of odor and potential reasonably foreseeable potential sources of odor. This section is specific to the functions of the facility and should reference or include documents that provide sufficient information to identify sources of odors and the mitigation measures or technologies that reduce or eliminate those sources.
- Identify those processes that cause odors.
 - ❖ This section should describe the odor-emitting activities or processes (e.g., cultivation, drying, etc.) that take place at the facility, including the source(s) (e.g., processing of cannabinoids, etc.) of those odors, and the location(s) from where the odors originate. This is not necessarily limited to inside the facility. For instance, outside composting activities can and do produce odors
 - ❖ This section should describe the phases of the odor-emitting activities that take place at the facility (both inside and outside), and the length and frequency of those activities. For instance, cultivation may be continuous, while another activity (e.g., drying) may take place periodically for days or hours.
 - Identify the mitigation measures that will reduce or eliminate the potential existing and reasonably foreseeable odors and describe any contingency measures should primary mitigation measures fail.
 - ❖ This section should specify and describe any control technology utilized at the facility. The Air District recommends industry-specific best control technologies that achieve reductions in odor emissions, such as carbon filtration systems.
 - ❖ This section must provide assurances that all engineering controls for the identified odor sources are sufficient to mitigate odors. This section must also provide assurances that the control technology is installed correctly and properly operating. This can be accomplished by meeting any one of the below:



AIR POLLUTION CONTROL DISTRICT

WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

◇ *Sufficient to demonstrate mitigation of odors*

Provide documentation that attests to the effectiveness of the technology to mitigate the identified odors. Such as a certification from professional engineers.

Provide documentation of the approval by any one of the 38 Air Districts in California of the odor control technology as a suitable technology for odor control.

Provide documentation describing the system design and the technical processes

◇ *Sufficient to demonstrate technology is correctly installed and properly operating*

Provide documentation of the installation, including date of installation and the location of the technology within the facility.

Provide a Maintenance Plan

The maintenance plan is critical to ensure that technology is properly maintained and serviced. A description of the maintenance activities that are to be performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities should be included here. The activities should serve to maintain the odor mitigation systems and optimize performance (e.g., the schedule for regularly changing carbon filters as recommended by best engineering control practices).

6) Contingency Measures

- This section should specify the measures the facility will implement in the event installed technology or other administrative controls fail.

7) Notice and Record Keeping

- This section should describe all noticing measures and recordkeeping measures.

COUNTY EXECUTIVE OFFICE

Miguel Figueroa
County Executive Officer
miguelfigueroa@co.imperial.ca.us
www.co.imperial.ca.us



County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

May 31, 2023

RECEIVED
MAY 31 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

TO: Evelia Jimenez, Planning and Development Services Department
FROM: Rosa Lopez-Solis, Executive Office *RLS*
SUBJECT: Comments – DBO Investments SC, LLC From the Earth - CUP 23-0014

The County of Imperial Executive Office is commenting on DBO Investments SC, LLC From the Earth - CUP 23-0014 project. The Executive Office would like to inform the developer of conditions and responsibilities should the applicant seek a Conditional Use Permit (CUP). The conditions commence prior to the approval of an initial grading permit and subsequently continue throughout the permitting process. This includes, but not limited to:

- **Sales Tax Condition.** The permittee is required to have a Construction Site Permit (prior to the issuance of any grading permits) reflecting the project site address, allowing all eligible sales tax payments are allocated to the **County of Imperial, Jurisdictional Code 13998.**
- The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
- **Construction/Material Budget:** Prior to a grading permit, the permittee will provide the County Executive Office a construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

Should there be any concerns and/or questions, do not hesitate to contact me.

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

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

Training
Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

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

Prevention
Phone: (442) 265-3020

RECEIVED

MAY 22 2023

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

May 22, 2023

RE: Conditional Use Permit #23-0014, CCA23-0003
2084 S. Marina Dr, Salton City, CA 92274
DBO Investments DBA From the Earth

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #23-0014, CCA23-0003 Commercial Cannabis business located at 2084 S. Marina Dr, Salton City, CA 92274

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

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

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

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

Sincerely
Andrew Loper
Lieutenant/Fire Prevention Specialist

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG



IID

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May 18, 2023

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MAY 18 2023

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

Ms. Evellia Jimenez
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Cannabis Dispensary and Delivery Service Project; CCA23-0003, CUP23-001, IS23-0015

Dear Ms. Jimenez:

On May 8, 2023, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on a commercial cannabis project; Commercial Cannabis Application No. 23-0003, Conditional Use Permit No. 23-0014, Initial Study No. 23-0015. The applicant, DBO Investments SC, LLC, dba From The Earth, proposes to establish a cannabis dispensary and delivery service at an existing travel center property located at 2084 S Marina Drive, Salton City, CA 92275 (APN 014-178-016-000).

The IID has reviewed the project information and has the following comments:

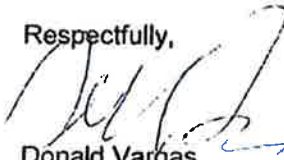
1. The project site is currently being provided electrical service. However, if the project requires an upgrade of the electrical service to the existing building, the applicant should be advised to contact Gabriel Ramirez, IID project development planner, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available at <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit AutoCAD file of site plan, electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing new electrical service to the project.
2. Electrical capacity is limited in the project area. If the project requires an upgrade of its electrical service, a circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.

Evelia Jimenez
May 18, 2023
Page 2

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

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Matthew H Smeiser – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

EEC ORIGINAL PKG

Melina Rizo

From: Guillermo Mendoza
Sent: Thursday, May 18, 2023 1:28 PM
To: Aimee Trujillo; Rachel Garewal; Sandra Mendivil; Jolene Dessert; Margo Sanchez; Ana L Gomez; Belen Leon; Monica Soucier; Jesus Ramirez; Eric Havens; Ryan Kelley; Miguel Figueroa; Rosa Lopez; Jeff Lamoure; Vanessa Ramirez; Jorge Perez; Alphonso Andrade; Mario Salinas; Salvador Flores; Robert Malek; Andrew Loper; rbenavidez@icso.org; Kelley, Ryan; John Gay; Fred Miramontes; mdeleon@icso.org; Donald Vargas (dvargas@iid.com); jbarrett@cvwd.org; incoming@cvwd.org; Mitch Mansfield; Salton Sea Authority; Roger Sanchez; Marcus Cuero ; jmesa@campo-nsn.gov; Jill McCormick; Jordan D. Joaquin; thomas.tortez@torresmartinez-nsn.gov; Joseph.mirelez@torresmartinez-nsn.gov
Cc: Evelia Jimenez; Michael Abraham; Diana Robinson; Jim Minnick; John Robb; Kamika Mitchell; Laryssa Alvarado; Melina Rizo; Rosa Soto; Valerie Grijalva
Subject: RE: CCA23-0003/CUP23-0014/IS23-0015

Good afternoon,

ICDPW has no comments on the above mention project.

Thanks,

Guillermo Mendoza
Permit Specialist
Imperial County
Department of Public Works
155 S. 11th Street
(442) 265 – 1818



RECEIVED

MAY 18 2023

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

From: Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>
Sent: Monday, May 8, 2023 4:43 PM
To: Rachel Garewal <RachelGarewal@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Ana L Gomez <analomez@co.imperial.ca.us>; Belen Leon <BelenLeon@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Eric Havens <EricHavens@co.imperial.ca.us>; Ryan Kelley <RyanKelley@co.imperial.ca.us>; Miguel Figueroa <miguelfigueroa@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Salvador Flores <SalvadorFlores@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; rbenavidez@icso.org; Kelley, Ryan <RKelley@icso.org>; John Gay

Melina Rizo

From: Jill McCormick <historicpreservation@quechantribe.com>
Sent: Wednesday, May 10, 2023 4:31 PM
To: Melina Rizo
Cc: Jim Minnick; Michael Abraham; Diana Robinson; Evelia Jimenez; Aimee Trujillo; John Robb; Kamika Mitchell; Laryssa Alvarado; Rosa Soto; Valerie Grijalva
Subject: Re: [EXTERNAL]:CUP23-0014 AB 52 Letter

Follow Up Flag: Follow up
Flag Status: Flagged

This email originated outside our organization; please use caution.

This email is to inform you that we do not wish to comment on this project.

H. Jill McCormick M.A.
Ft. Yuma Quechan Indian Tribe
P.O. Box 1899
Yuma, AZ 85366-1899
Office: 760-572-2423
Cell: 928-261-0254



RECEIVED
MAY 12 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: Melina Rizo <melinarizo@co.imperial.ca.us>
Sent: Tuesday, May 9, 2023 11:38 AM
To: Jill McCormick <historicpreservation@quechantribe.com>
Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Diana Robinson <DianaRobinson@co.imperial.ca.us>; Evelia Jimenez <EJimenez@co.imperial.ca.us>; Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Kamika Mitchell <kamikamitchell@co.imperial.ca.us>; Laryssa Alvarado <laryssaalvarado@co.imperial.ca.us>; Melina Rizo <melinarizo@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>
Subject: [EXTERNAL]:CUP23-0014 AB 52 Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Attached hereto please find copy of Quechan Indian Tribe AB52 letter for CUP23-0014. Original letter has been sent via certified mail.

Should you have any questions, please feel free to contact Evelia Jimenez at 442-265-1736, or by email at ejimenez@co.imperial.ca.us

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Thank you

Melina Rizo

Account Clerk III
Imperial County Planning & Development Services
801 Main St.
El Centro, CA 92243
(442)265-1736



APPLICATION

EEC ORIGINAL PKG

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME D&G Enterprises	EMAIL ADDRESS sctp2084@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 2084 S. Marina Drive, Salton City, CA	ZIP CODE 92274	PHONE NUMBER 760-394-1024
3. APPLICANT'S NAME DBO INVESTMENTS SC, LLC, d/b/a FROM THE EARTH	EMAIL ADDRESS danz@zaharoni.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 10250 Constellation Blvd., #2300A, Los Angeles, CA	ZIP CODE 90067	PHONE NUMBER 310-297-9722
4. ENGINEER'S NAME Oller & Pejic Architecture	CA. LICENSE NO. C30145	EMAIL ADDRESS tom@ollerpejic.com
5. MAILING ADDRESS (Street / P O Box, City, State) 580 Laguna Rd., Pasadena, CA	ZIP CODE 91105	PHONE NUMBER (213) 760-5519
6. ASSESSOR'S PARCEL NO. 014-178-016-000	SIZE OF PROPERTY (in acres or square foot) 9782 Sq. Ft.	ZONING (existing) Commercial
7. PROPERTY (site) ADDRESS 2084 S. Marina Drive, Salton City, CA 92274		
8. GENERAL LOCATION (i.e. city, town, cross street) Salton City Travel Plaza (Near intersection of Marina Dr & Service Rd)		
9. LEGAL DESCRIPTION See attached Exhibit "1",		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) Storefront retail cannabis dispensary and delivery for recreational uses. Adding two new unit numbers to property. See concurrently-filed Commercial Cannabis Activity License Application	
11. DESCRIBE CURRENT USE OF PROPERTY Retail shopping center	
12. DESCRIBE PROPOSED SEWER SYSTEM No change	
13. DESCRIBE PROPOSED WATER SYSTEM No change	
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM No change	
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE?

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Print Name: Ravl Grewal d/b/a D&G Enterprises, LLC Date: March 26, 2023

Signature: *Ravl Grewal*

Print Name: _____ Date: _____

Signature: _____

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

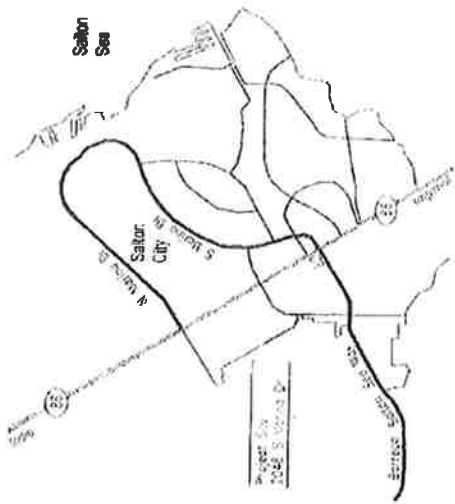
APPLICATION RECEIVED BY: _____	DATE: _____	REVIEW / APPROVAL BY:
APPLICATION DEEMED COMPLETE BY: _____	DATE: _____	<input type="checkbox"/> P.W.
APPLICATION REJECTED BY: _____	DATE: _____	<input type="checkbox"/> E.H.S.
TENTATIVE HEARING BY: _____	DATE: _____	<input type="checkbox"/> A.P.G.D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE: _____	<input type="checkbox"/> O.E.S.
		<input type="checkbox"/> _____

CUP #

EEC ORIGINAL PKG

SITE PLAN

EEC ORIGINAL PKG



Vicinity Map

Property Information

Address:
2084 South Marina Drive
Salton City, CA 92274

APN: 014-734-016

Legal description: PAR 3 OF L.A. 00221 4 540

Owner:

D and G Enterprises, LLC
2084 South Marina Drive
Salton City, CA 92274

Applicant:

DEC Investments, S.C., LLC
10250 Concession Drive #200a
Los Angeles, CA 90001

Plans prepared by:

Tom Pejs, Architect 033145
Chris & Paige Architecture, Inc.
580 Laguna Rd
Pasadena, CA 91105

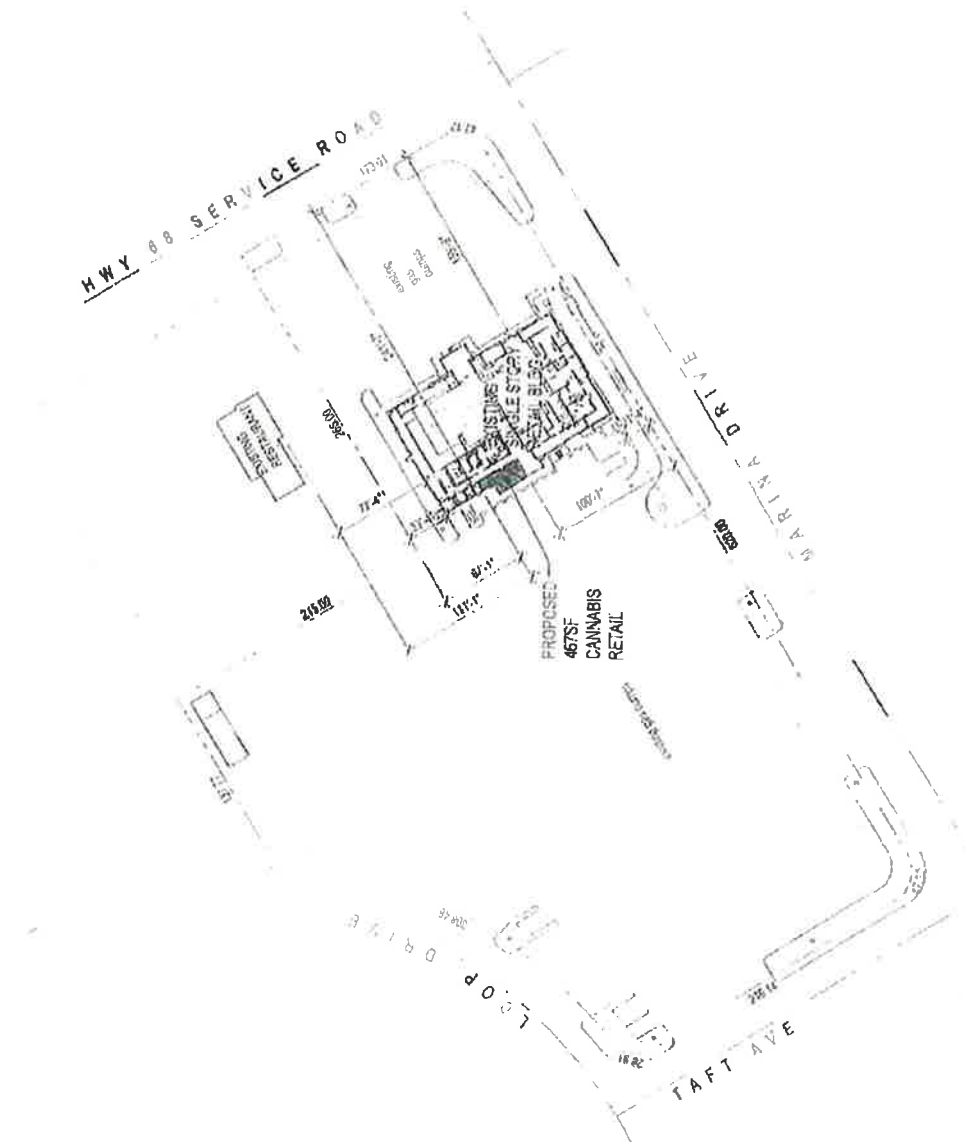
Offer & Prep: Ambirezure

www.dmpc.com

213.760.4519

Proposed Site Plan & Vicinity Map

February 22, 2023



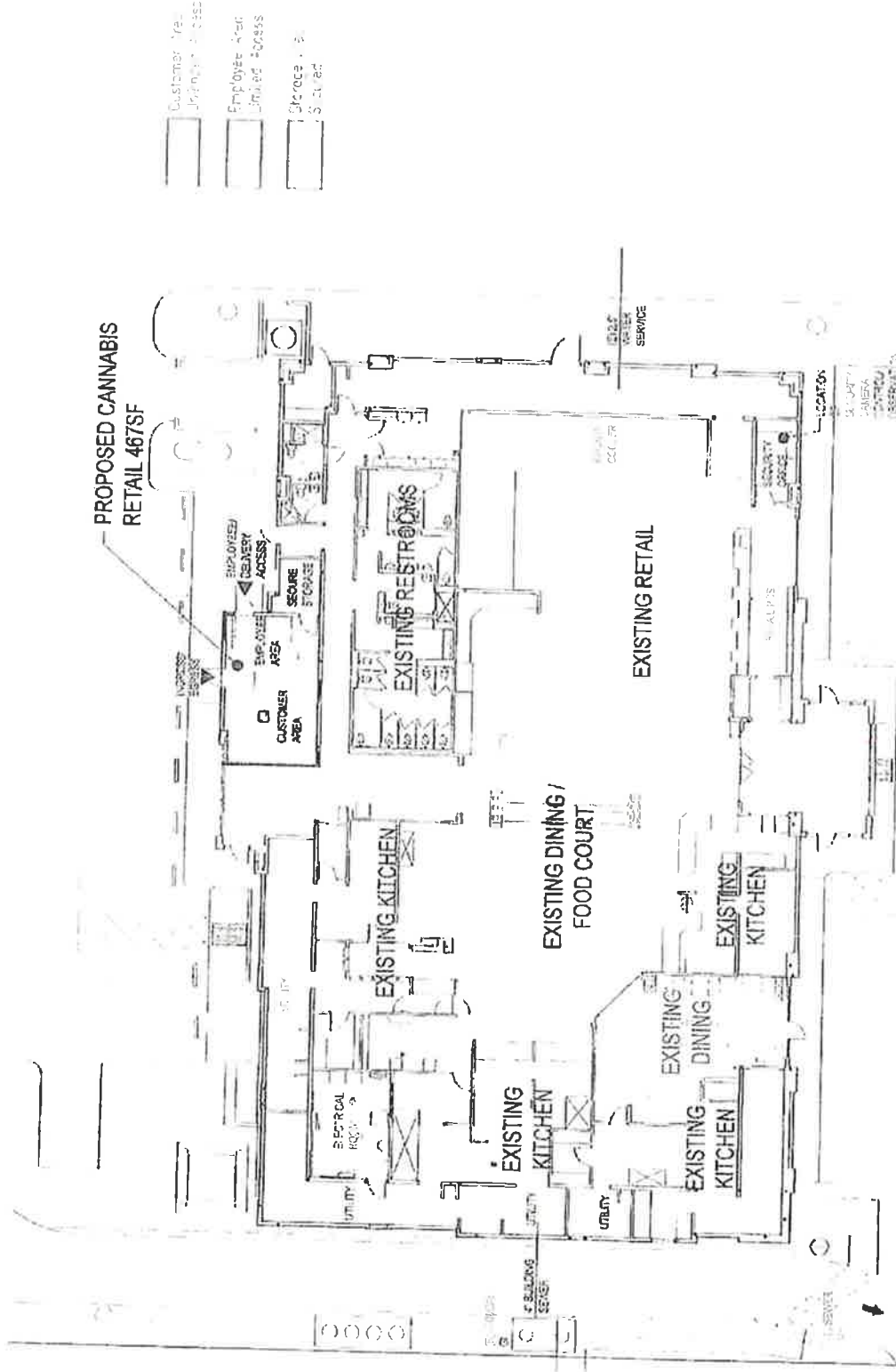
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Proposed Cannabis Retail
2084 South Marina Drive
Salton City, CA 92274

FLOOR PLAN

EEC ORIGINAL PKG



Customer Area	Unlimited Access
Employee Area	Limited Access
Storage	Secured

Proposed Cannabis Retail
 2084 South Marine Drive
 Salton City, CA 92274

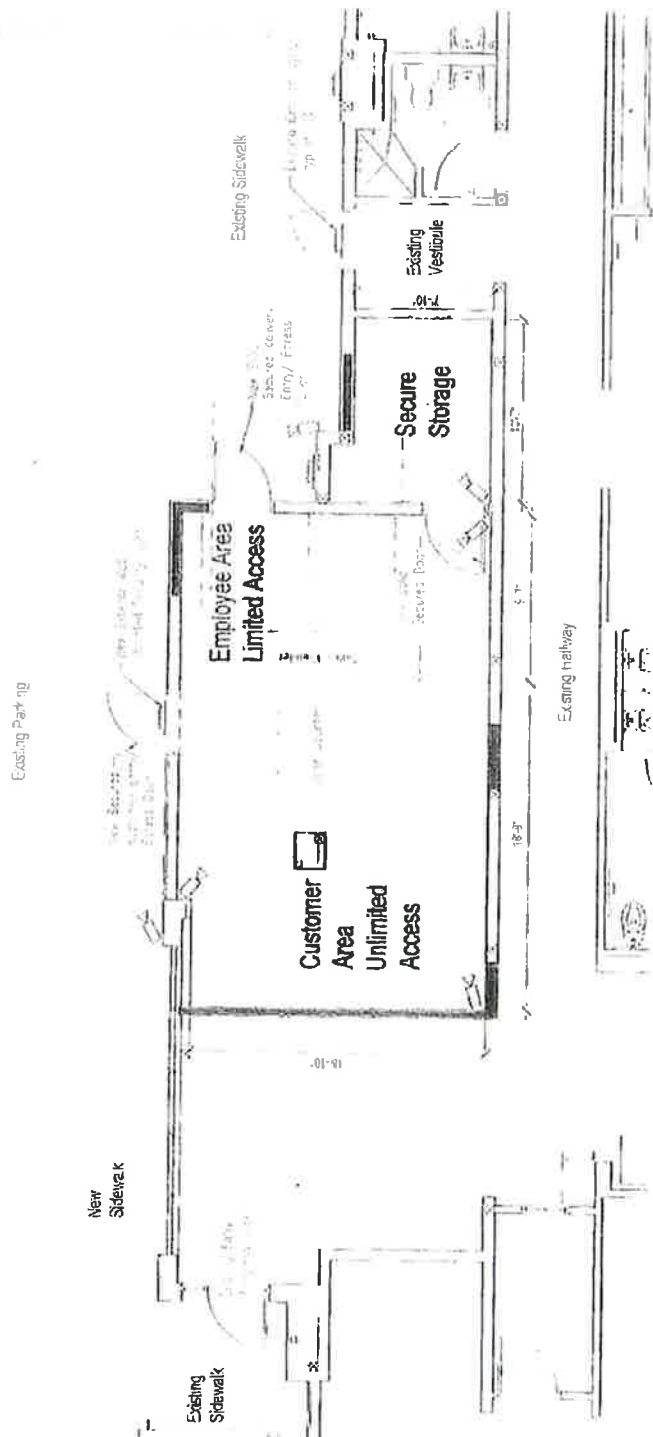
Scale: 1/16" = 1'-0"
 20

Proposed Overall Floor Plan
 February 22, 2023

Cliff & Eric Architecture
 www.cliffanderic.com
 213.780.5579

EEC ORIGINAL PKG

- 1. Existing Sidewalk
- 2. Existing Parking
- 3. Existing Vestibule
- 4. Existing Storage
- 5. Existing Employee Area
- 6. Existing Customer Area
- 7. Existing Restroom
- 8. Existing Security
- 9. Existing Signage
- 10. Existing Electrical
- 11. Existing Mechanical
- 12. Existing Plumbing
- 13. Existing Fire Alarm
- 14. Existing Fire Extinguisher
- 15. Existing Fire Exit
- 16. Existing Fire Door
- 17. Existing Fire Sprinkler
- 18. Existing Fire Alarm Control Panel
- 19. Existing Fire Alarm Sounder
- 20. Existing Fire Alarm Bell
- 21. Existing Fire Alarm Horn
- 22. Existing Fire Alarm Siren
- 23. Existing Fire Alarm Strobe
- 24. Existing Fire Alarm Flasher
- 25. Existing Fire Alarm Beacon
- 26. Existing Fire Alarm Light
- 27. Existing Fire Alarm Sign
- 28. Existing Fire Alarm Panel
- 29. Existing Fire Alarm Cabinet
- 30. Existing Fire Alarm Enclosure
- 31. Existing Fire Alarm Box
- 32. Existing Fire Alarm Chime
- 33. Existing Fire Alarm Buzzer
- 34. Existing Fire Alarm Bell Ringer
- 35. Existing Fire Alarm Bell Ringer
- 36. Existing Fire Alarm Bell Ringer
- 37. Existing Fire Alarm Bell Ringer
- 38. Existing Fire Alarm Bell Ringer
- 39. Existing Fire Alarm Bell Ringer
- 40. Existing Fire Alarm Bell Ringer



Proposed Cannabis Retail
 2084 South Mariposa Drive
 Sutter City, CA 92274



Floor Plan - Proposed Cannabis Retail
 February 22, 2023

Clay & Pappas Architecture
 www.claypappas.com
 213.765.5519

EEC ORIGINAL PKG

BUSINESS PLAN

EEC ORIGINAL PKG

DBO INVESTMENTS SC, LLC

d/b/a

FROM THE EARTH

CANNABIS BUSINESS PERMIT

STOREFRONT RETAIL APPLICATION

**FILED CONCURRENTLY WITH CONDITIONAL USE
PERMIT APPLICATION**

March 26, 2023

SALTON CITY, CALIFORNIA

EEC ORIGINAL PKG

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BUSINESS PLAN

Executive Summary

DBO INVESTMENTS SC, LLC, d/b/a/ FROM THE EARTH (“FTE”) is seeking to establish a store-front and delivery-capable cannabis dispensary within the Salton City Travel Plaza located at 2084 S. Marina Dr., (the “Property”) which is owned by D&G Enterprises (“D&G”). Concurrent with this application, both FTE and D&G are requesting a Conditional Use Application whereby the County permits the Property’s address to be split into Units 1 and 2. FTE will be the sole occupant of Unit 2.

FTE is a high-end, luxury dispensary that caters to a largely professional customer base. The Company currently operates two dispensaries – one in Santa Ana and one in Port Hueneine – and previously owned 7 additional dispensaries in California, Michigan and Missouri, all now sold.

The dispensaries share a very upscale aesthetic that play off of the FTE name, with green stamped concrete floors, blue sky and clouds painted on the ceilings, custom cabinetry with earthen materials and an array of high-tech video screens that provide entertainment, pricing, menu and a host of other information to customers. Murals depicting Mother Earth adorn the waiting room walls and a retro vibe provides a soothing backdrop to the brilliant colors and design of the sales floor. (See Attached Photos, pp. 28-32).

FTE looks and feels like a Whole Foods location, or even an Apple store, with minimalist décor, gleaming technology and hundreds of products arrayed in custom display cases with state-of-the-art, compliant packaging. Employees are all dressed alike, in matching polo shirts, and trained to provide the most comprehensive customer service seen anywhere in the industry. Ratings from Weedmaps and other popular review sites consistently reference the beautiful spaces occupied by FTE and the welcoming environment created by the company’s staff.

At FTE, the customer’s experience is the paramount concern and, therefore, the company stocks literally hundreds of products. These products span all product categories including flower, pre-rolls, concentrates, wax, edibles, cannabis-infused food and drinks, tinctures, topicals and FTE gear. Stocking a massive collection of products allows FTE to satisfy any customer need as well as upsell additional items to customers who are looking for something specific.

FTE has found most of its customers to be professionals – doctors, lawyers, educators and tending towards the more affluent side of society. Marketing is directed towards the strata of the market that appreciates the upscale environment and the focus on customer service. FTE is not the type of dispensary that’s hunting for a reputation as the “cheapest”; rather, it wants to be known as a place where you get the most value for your money.

The Property is an ideal location for a dispensary like FTE, which is seeking to elevate the entire cannabis industry insofar as it exhibits an upscale environment that attracts travelers to its beautifully presented retail options. The luxurious aesthetic of FTE will be a natural attraction for the demographic who regularly traffic through the Property and vice versa.

OPERATIONS PLAN

Premises

The dispensary will be housed in a 467sf retail space located within the Property. As noted in the attached Conditional Use Permit application, FTE is requesting that the County permit the creation of two units inside the property: Unit 1, which will house the existing Travel Plaza tenants and Unit 2, which will be solely occupied by FTE.

The main entrance to Unit 2 will be from an exterior door located at the back of the Property. Two doors will be erected to the exterior, one for customers and a second entrance for vendors delivering product to the store. There will be no entrance between the Travel Plaza and the dispensary. (See attached plans).

Sales Floor Operations

FTE is an experienced California state operator with over eight years' operating experience in compliance with the regulations promulgated by the state. We are committed to continuing to comply with the provisions of the Compassionate Use act of 1996 (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Sections 11362.7 through 11362.83), the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), and the regulations promulgated by the state licensing agencies under the MAUCRSA including, but not limited to, the Bureau of Cannabis Control within the Department of Consumer Affairs ("BCC"). In addition to compliance with all applicable state laws and regulations, FTE's operations will maintain full compliance with all Imperial County regulations and requirements.

FTE abides by the following operating procedures:

Opening

- Manager will disable alarm
- Manager will look over FOD (End of Day) binder to reflect previous day's numbers. (sales, discounts, discrepancies, events)
- Turn on all lights; scent machine, vendor displays, flower displays, wax fridge and edible fridge.
- Turn on all credit card machines
- Organize displays and restock any that are empty, ensuring all product that is available to be displayed is set out on shelves.
- Count to ensure all registers are at \$200. Start register's shift in POS system.
- Record any overages or shortages in the daily reg count document for GM or Store Manager for reconciliation.
- Resolve shortages with petty cash and record in the daily reg count document for GM or Store Manager for reconciliation.

- Stock any product requiring same
- Schedule employee rest and meal breaks
- Get opening staff's badges out and place tip jars at each station.
- When the staff arrives, Manager will meet with them for 10 minutes to go over the daily deals and assign tasks for them each to get done during "down time".

Checking In New Customers

1. The receptionist will first ask for a valid form of identification to verify the customer is at least 21 years of age (or 18 for medical patients). Medical patients will also be asked for a copy of their valid doctor's recommendation or medical cannabis identification card. FTE will not sell medical cannabis to a patient without proof of a valid doctor's recommendation. If the patient is at least 21 years of age, the customer can still be admitted to the facility and purchase cannabis products;
2. Receptionist creates a new customer profile in the POS system;
3. Receptionist scans the barcode on the ID to auto-populate the customer's information into their customer profile in the point of sale system. Any required information that does not auto-populate will be entered manually by receptionist and verified with customer license or other permissible documentation;
4. Receptionist photo scans the ID into the system;
5. Receptionist will ask how the customer heard about us;
6. Receptionist records the customer's answer in the POS for data tracking purposes;
7. Any additional information can be added into the customer's profile before asking the customer to have a seat in the waiting area while they wait for an available sales associate.

Checking In Returning Customers

1. The receptionist will first ask for a valid form of identification to verify the customer is at least 21 years of age (or 18 for medical patients);
2. The receptionist will scan the barcode on their ID, which will automatically pull up that customer's profile;
3. The receptionist will check in the customer;
4. Ask them to have a seat in the waiting area while they wait for an available sales associate.

Closing

- Managers will distribute tips to the team
- End each register's shift in POS system and print the EOS (End of Shift) report
- Count all registers to ensure all balances are at \$200
- Remove all credit card receipts and bundle with completed drop slip.

- Run the settlement report on all credit card machines
- Turn off all display lights
- All cash will be put in envelopes, marked with Manager's initials and date. Place cash in the secured vault.
- Turn off all iPads and other electronics
- Store should be left completely ready for the next morning before anyone leaves.
- Staff will ensure that the trash is emptied and stations are fully stocked with supplies. Once all items on the checklist are complete, the manager on duty may release their staff.
- Before leaving, it is the Manager's responsibility to ensure all lights are off, the alarm is enabled, and the front door is locked with the roll down door is completely down and secure.

Employee-Related Information

Employees

FTE anticipates that it will hire up to 20 employees for this location. Due to the small size of the space, there will only be 3 employees on-site at any one time, not including security officers who will be stationed at the front door but be employed by an independent, third-party security company, or delivery drivers who will only be on-site for purposes of picking up product to be delivered.

Said employees will include a Floor Manager, a Product Specialist and an Inventory Specialist. The Floor Manager and Product Specialist will handle customer service and sales while the Inventory Specialist will retrieve inventory from the safe when necessary and ensure that the display cases and shelves are stocked correctly.

In order to properly staff a 7-day operation, there will be 3-5 people who will be hired for each of the three positions. Additionally, FTE will hire 2-7 delivery drivers. FTE notes that, as a tenant in the building which houses the Travel Plaza, there are security and maintenance personnel who are employed by the Travel Plaza who will perform some services in and around the proposed dispensary.

Pay/Benefits

FTE starts all Product Specialists at a minimum wage of \$17/hour and they are allowed to keep all of their tips. Floor managers receive a minimum of \$20/hour. All employees are provided with bi-annual reviews where bonuses and/or raises are discussed. Because FTE operates multiple dispensaries and other cannabis-related projects, many employees are allowed to make lateral moves or be promoted in other locations. Upward job mobility is a topic that FTE discusses regularly with its employees.

After employees complete a probationary period, they are also offered medical benefits as well as standard vacation/personal days annually.

Employee Training

FTE will provide a comprehensive training and educational program for employees to enable them to become skilled in all aspects of its cannabis dispensary business and knowledgeable about cannabis and the laws regulating it. Employees will be taught best practices, ethical practices, and the standards and procedures for the safe operation of the business. The training will include shadowing existing employees (with similar job descriptions) performing their duties for a period of no less than ten business days.

New hires are also provided with an employee handbook and are required to perform research on specific websites to enhance their knowledge of the Company's product offerings. As noted in the attached Security Plan, security training occurs on a regularly-scheduled basis as well, in both monthly and more substantial quarterly meetings. The Company has an existing archive of cannabis-based information, articles, periodicals, procedural guides and a host of other information that contains literally 1000's of pages of information which is provided to new hires and is then used as the basis for periodic quizzes to ensure that employees have learned all information contained therein. New employees are also closely monitored by management for the first 30 days of their employment to determine whether they have sufficient knowledge to perform their tasks or require additional training.

The Company currently employs more than 50 people at its two dispensaries in Orange and Ventura counties. Some of these people have been working with the company for more than seven years and, thus, are steeped in the customer-centric policies employed by FTE which makes them ideal trainers and mentors for new hires.

One on One Service

FROM THE EARTH's dispensary model ensures that medical patients and adult-use consumers have safe and secure access to a wide variety of medical and/or recreational cannabis products. We practice a one-to-one model, where one Product Specialist helps one patient/customer (or group of customers if they came to shop together). This model gives our dispensary staff the time and opportunity to develop trusting relationships with our customers and learn every customer's unique and individual needs, whether they are shopping for medical or recreational reasons.

After a customer or patient is checked-in, the Product Specialist assists the customer with his needs. Once the customer has selected their product, the Product Specialist will process their transaction. If any discounts, such as medical or veterans discount, apply, a Floor Manager will assist the Product Specialist with approving the discount. Once cash is exchanged for product, the transaction is complete and the customer will leave while the Product Specialist moves on to assist the next customer. This is the bulk of the flow of our daily operations--**servicing our customers to the best of our ability is our foremost responsibility.**

Within our retail model, FROM THE EARTH offers online and phone orders that can be picked up on-site for our customers' convenience. When the customer arrives to pick up their pre-

packaged order, staff members will process the transaction and collect payment the same way they would a traditional transaction.

Cash Handling

All cash, other than a *de minimis* amount kept in store registers, will be stored in a vault or safe maintained within a locked, secured room located within the dispensary at the end of each business day. Closed circuit TV's will monitor the dispensary and will be streamed to the Company's and the Property's general offices as noted in the Security Plan below.

Each cashier receives \$200 in their drawer at the beginning of a business day. On each day's store opening, cash from the previous day is reconciled to confirm that the amounts match the point of sale's report.

Each hour during a business day, the Floor Manager will remove the cash from each cashier's cash drawer and deposit same in the safe with appropriate identification so that the amounts can be reconciled against the point of sale's report. Drop sheets are maintained throughout the day to confirm total amounts.

Cash is recorded into the company's accounting system whether paid directly to a vendor or received from a customer. All transactions, whether cash, check or wire transfer, are recorded into the company's accounting software by employees dedicated solely to the accounting functions of the dispensary. These employees are not involved in sales or marketing.

FTE has an existing relationship with East West Bank which allows it all of the standard banking operations of a "mainstream" business. FTE is unique in being allowed to bank with an FDIC-insured lender as this option is available to few cannabis companies in the United States. East West Bank instituted a pilot program, in coordination with California state banking officials in 2020 and admitted just 25 cannabis operators, including FTE, to open accounts within the bank. Accordingly, because of this relationship, a licensed armored truck is sent to each FTE location once a week, or more often as necessary, to collect cash and deposit it in the bank. FTE never has more than \$25,000 in cash on any location at any one time as it can contact East West Bank and arrange for a pick-up if on-site cash reserves ever reach that level.

Inventory Control and Reporting System

Tracking

FTE will maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all medical marijuana products throughout the distribution chain. The inventory control and reporting system shall comply with the track and trace program required by section 19335 of the California Business and Professions Code and regulations issued pursuant thereto and with the Salton City Municipal Code.

Specifically, FTE will use Treez Enterprise Quality Retail Management Software for its inventory control to prevent diversion of cannabis to non-approved uses, track the storage and movement of cannabis, recording label identifiers, employee screening, and for recordkeeping for compliance and auditing purposes.

Treez enables the Company to see the progress of online orders and track packages from fulfillment to delivery, allows employees to browse existing and available inventory, includes responsive and intuitive interfaces that accelerate the administrative process of handling orders, provides key data patterns and analytics related to all sales, streamlines inventory management, auto updates to reflect changing local, state and federal regulations, remains locally connected in the event of a power outage.

The Company's two dispensaries, FTE Santa Ana and FTE Port Hueneme, currently use Treez software and have a perfect record of compliance with all tracking regulations. FTE's dispensaries have a perfect record of tax compliance in that it has paid all taxes in a timely manner in the full amount owed.

Transactions

In accordance with the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and the regulations promulgated under it regarding recordkeeping, all records related to the commercial cannabis activity will be maintained for a minimum of seven years.

FTE shall keep a complete set of books of account, invoices, copies of orders and sales, receipts, shipping instructions, bills of lading, weight bills, bank statements (including cancelled checks and deposit slips, if and when cannabis-business banking becomes available), and all other records required to be maintained under law or that are necessary to fully show all transactions of FTE. The records will clearly track cannabis and cannabis product inventory, and a manual inventory audit will be conducted once a week. These inventory audits will be conducted more frequently if required under law or if otherwise needed to prevent the unlawful diversion or loss of inventory.

The Treez system used by FTE has comprehensive reports that can be tailored to accommodate the requirements of the business, Salton City, Imperial County and State law. The Treez system is comprised of several components, all of which are designed to seamlessly integrate with one another. The Treez system is a tracking system that tracks and reports on all aspects of the business, including but not limited to such matters as inventory-movement tracking and other inventory data.

The system will also maintain information concerning the employees. For example, when a new employee is hired by FTE, he or she will be given an employee ID number and ID card. The employee's ID number, his or her identification information, and other employee data will be entered into the system. By going to the "Employees" screen and choosing "Existing Employees," management and permitting and licensing authorities can see all employees' information, including their employee IDs, birthdates, hire dates, and other information.

Treez enables FTE to collect, store, and retrieve all data and activity, including data regarding inventory records, inventory-tracking records, supplier records, employee records, disposal records, and all scanned documents at any time, either in-system or through report creation. (See Attached Exhibit K-1)

Staging/Frequency of Vendor Deliveries to FTE

For purposes of staging deliveries, FTE will require that all vendors check in with the Floor Manager and provide basic business information and ID for internal filing. A security guard will escort the vendor to a secure area away from the public that is locked throughout the business day. The facility's Floor Manager will inspect the merchandise, confirm that it conforms with the purchase order issued by FTE, provide a written receipt to the vendor and provide delivery details to FTE's accounting staff for entry into the Company's accounting and POS systems. Cash or checks will be issued by the Company's accounting staff and recorded contemporaneously.

Purchase Orders are logged into the POS system which creates a barcoded label that is affixed to the product. The label contains date, weight, brand, strain name, and price tier as well as SKU. Products are then stored in a secure, locked room until they are packaged and/or processed for sale.

The Company will limit deliveries to two pre-established scheduled days to ensure that there is appropriate staffing to receive product and enter the correct information into the Company's accounting and POS systems.

In accordance with Business and Professions Code section 26100 of the MAUCRSA, all cannabis and cannabis products shall, at a minimum, be tested by an independent testing laboratory licensed by the Bureau of Cannabis Control for cannabis testing. The laboratory will test for concentration and pesticides and other contaminants and will perform all other required testing under state law. This process will be done through a licensed distributor, as required by state law.

In accordance with section 26100 of the MAUCRSA, the licensed testing laboratory will meet all of the following state-law requirements:

- (a) Is licensed by the State Department of Consumer Affairs (the Bureau of Cannabis Control).
- (b) Is independent from all other persons and entities involved in the cannabis industry.
- (c) Follows the methodologies, ranges, and parameters that are contained in the scope of the laboratory's accreditation and those set out in state statute and regulation.
- (d) Notifies the State Department of Consumer Affairs within one business day of the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(e) Has established standard operating procedures that provide for adequate chain-of-custody controls for sampling and transportation to the licensed testing laboratory for testing, as well as controls for samples used in testing in the laboratory.

In accordance with MAUCRSA, the licensed testing laboratory will issue a certificate of analysis for each batch tested, with supporting data.

DELIVERY PLAN

All deliveries of cannabis goods will be performed by employees employed by FTE. Each delivery employee shall be 21 years of age or older. Driver's age will be verified (birth certificate and CA id) background checked, along with his/her DMV history. Once screening is passed, driver will be provided with a photo id showing his/her name and place of employment. Drivers will provide proof of vehicle insurance. DMV and insurance will be verified every six months and kept on file.

At all times, drivers will carry a CA drivers license, proof of insurance, laminated badge which lists Applicant's City and State license number, driver's first name, employee number, current photo of driver. All drivers will inspect their vehicles prior to making any deliveries and will provide a daily vehicle inspection report to the Company, which will be kept in a secured office cabinet.

All deliveries will be within the limits permitted by City, County and State law. Delivery address must be verified via Google Maps. All cannabis medical patient's orders shall have their doctor's recommendation and California identification verified over phone and by scan or text photos prior to delivery. Those same documents will be shown to driver upon delivery. Customer must show a photo id document from one of the following: Federal, State, County, Municipal Government, US Armed Forces or valid US passport. Drivers will provide a receipt to the customer which includes date and time delivery was made and a signature by the customer. After customer signs, driver will provide one copy to the customer and the second copy will be filed in a secure location at the Company's premises.

Driver can accept returns if returned cannabis will not be resold and destroyed as required by State of California requirements. Drivers will be equipped with a portable electronic age verification device (CAV-2000). If there is any variation between the documentation provided to the driver and prior to the order, the delivery will be cancelled and the driver will return to the store with the product.

All deliveries shall be made in an enclosed motor vehicle operated by the driver only. Driver shall carry no more than \$200 in cash and no more than \$3,000 in product. All delivery vehicles will have a safe or vault system bolted into the car's trunk with camouflage on top so that it cannot be seen from outside the vehicle. All cash and product will be locked in the vault during the ride and will only be taken out upon arrival at the customer. The driver will sign for the product and cash with an intake form provided to him/her by the employee who is loading the car so that there are always two people who confirm the amount of cash and/or product involved.

Drivers will transport cannabis products only from a City and State licensed facility. A manifest will be created and the Company will maintain the State's approved Cannabis Track and Trace System (METRC System) with the following records maintained in a secure office environment: Date and time of delivery request, delivery address, name and address of retailer; first name and employee number of driver, first name and employee number of employee who prepared order for delivery; detailed description of all cannabis

goods by weight/volume, first name of the customer and retailer's assigned customer number, total amount for delivery including taxes, fee and cannabis goods.

All vehicles shall be equipped with an active vehicle alarm system and a global positioning system (GPS) for tracking vehicle path and location at all times. All drivers will also be armed with a mobile safety alarm, 24/7 monitoring device provided by G I Alarm. All deliveries will be during the hours approved by Salton City. Currently, the Company intends to deliver between the opening hour of the store and one hour before closing. This will ensure all drivers will be back at place of business prior to closing.

Drivers shall only travel from the business premises to the delivery address; from one delivery address to another and back to business premises. Driver shall not make any other stops except for fuel, vehicle repair, hazardous road conditions or road construction with detours. All cannabis delivered will be placed in sealed and secured smell-proof prescription bag or container. All cannabis products will be clearly identified by origin and be stored separately. Interior lining of container will consist of active carbon to absorb smells. Container will be black in color to help concealment and will be secured with two combination locks.

FTE shall provide an onsite parking space for the vehicle so that it is not parked on the street for any extended period of time. The Property has ample parking and there are never less than 50 available parking spaces on-site.

The dispensary will operate from 9am to 9pm, seven days per week. Currently, FTE operates seven days a week in both Santa Ana and Port Hueneme. In Santa Ana, hours are 6am-11pm; in Port Hueneme, hours are 9am-9pm.

SECURITY PLAN

Overall Quality

The Security Plan evidences the exacting detail that FTE requires, from the location of the cameras, number of security personnel, standard operating procedures and everything else that goes with protecting these valuable assets. The Company will install Digital CCTV cameras and monitors with overlapping fields of view of all interior and exterior areas of the facility, which will be operating and monitored 24 hours a day. All cameras will be of adequate quality, color rendition, night vision and resolution to identify all individuals in the facility or adjacent to the exterior of the property. Cameras placed at all patron entrances and the dispensary will have pan/tilt/zoom to allow ready identification of same.

FTE will install electronic locking doors into and out of the facility, controlled by armed security personnel with a monitor and visual availability prior to entry into the facility. The Company will also install intrusion/burglar alarms that will be monitored by either on-site security or a third-party monitoring company. The alarm sensors include door/window contacts, motion detection and glass break. These systems will also allow access by local Imperial County sheriffs and can also include alert buttons with direct connection to the Imperial County Sheriff's Department.

All security guards will at a minimum possess a guard card and have undergone state required training and testing as well as advanced training and testing by GI Security.

Cash Management Plan

All cash will be stored in a vault or safe maintained within a locked, secured room located within the dispensary at the end of each business day. Closed circuit TV's will be located throughout the dispensary and within the Company's general offices.

Each cashier receives \$200 in their drawer at the beginning of a business day. On each day's store opening, cash from the previous day is reconciled to confirm that the amounts match the point of sale's report.

Each hour during a business day, the CFO or responsible manager will remove the cash from each cashier's cash drawer and deposit same in the safe with appropriate identification so that the amounts can be reconciled against the point of sale's report. Drop sheets are maintained throughout the day to confirm total amounts.

Cash is recorded into the company's accounting system whether paid directly to a vendor or received from a customer. All transactions, whether cash, check or wire transfer, are recorded into the company's accounting software by employees dedicated solely to the accounting functions of the dispensary. These employees are not involved in sales or marketing.

Armored cars will pick up the dispensary's cash when the total equals \$20,000 but, in no case, less than once per day.

Employee Safety Education

Employees will be trained how to respond to robberies, patron disturbances, and other emergency situations. New hires will receive extensive classroom and on-site training from our security company, GI Security. All employees are provided ongoing training on a quarterly basis and “mock” intrusions or disturbances are held periodically so that employees and management can practice their responsibilities in a live environment.

Security Experience

This Security Plan was developed by Daniel Perez, a licensed security guard and owner of GI Security. Mr. Perez is a retired peace officer who spent 20 years on the Force. He retired in good standing with the Department as a homicide detective. Prior to joining the LAPD, Mr. Perez served his country in the Navy and was honorably discharged. GI Security will maintain a secure environment for FTE at the Property and for the surrounding community, as it has done in both the Santa Ana and Port Hueneme dispensaries owned by the Company. GI Security has provided its services to Knotts Berry Farm, Universal Studios and North Orange County Community College, as well as more than 50 cannabis-related facilities throughout Southern California.

GI Security is licensed to provide services throughout the State of California and will apply for a license within Imperial County prior to commencement of operations.

Employee Theft Reduction Measures

FTE is aware that theft of medical cannabis can occur not only from outside forces, but also internally. Security will visually inspect all packages belonging to employees daily prior to the employees exiting through the door designated by the Manager for employees to use for entering and exiting the facility. All employees must allow security to visually look inside packages and bags and may be asked to move items inside so that a thorough visual inspection can be made.

Employees may be asked to open items suspicious in nature for a visual inspection before being allowed to exit the dispensary. Employees refusing to comply with security requests will be escorted to the Manager’s office for further investigation.

If an employee is found to be attempting to remove medical cannabis or cannabis products from the facility without approval or a receipt of sale, the employee will be escorted to the Manager’s office. Security will provide a written report of the incident to the Manager as soon as possible.

Security Guards

FTE will generally have one (1) armed security guard on duty during dispensary operating hours and remote security guards monitoring the premises with the capability of communicating with intruders via speakers on the cameras. During operating hours, one (1) armed security guard will be stationed at the main entrance with monitors for the CCTV cameras to observe all activities in and around the facility and the ability to electronically lock and unlock the main entry into the

facility. During slow times, that security guard will conduct physical non-routine patrol checks of the exterior of the facility for any person(s) loitering on the property and conduct security checks of the parking areas as well as security/fire checks of all areas within the facility. These patrol checks will also confirm that there is no vagrancy or loitering in the immediate vicinity of the property.

All employees will have employee ID badges that will be checked by security before allowing entry into the facility. Security and local law enforcement personnel will be kept informed as to employment status of all employees and will be given a photo of any employees terminated by management and no longer allowed on the facility premises.

A member of the security team will maintain a written log of all security/fire checks for the facility noting the time, date and person conducting the check and status of the check. In the event of fire or criminal activity being discovered on or around the property, security will notify Imperial County Sheriff's Department and management immediately. Security will maintain all recorded camera video for management and law enforcement review and hold each recording for a period of 30 days from initial recording.

In the event of an emergency at the facility, security and management will have authority to contact local law enforcement for assistance, and security will furnish the Manager and local law enforcement with a detailed written report of the incident upon their arrival.

The Floor Manager, or an assistant manager selected by the Floor Manager, along with an armed security guard, will oversee the daily inventory of all cannabis products in the facility, and keep a daily inventory log of all medical cannabis and cannabis products secured in the vault or safe at close of business. A panic button will be installed at the entrance, the retail area and the Manager's office in the event of an armed incursion of the facility. All panic button activation will directly notify the Salton City Police Department dispatcher. All areas of the facility will be accessed by the electronic I.D. cards of staff who have authorization to be in said areas with the Manager's approval.

In the event of a fire alarm activation inside the facility, the security guard on patrol will respond immediately and go to the alarm location to verify that there is an actual fire and report it to the security guard monitoring the fire alarm panel.

The security guard at the fire panel will notify the local Fire Department, the Imperial County Sheriff's Department, and the Floor Manager. All employees and visitor(s) will be told to evacuate the building following pre-designated evacuation routes and exits to the outside and away from the building.

The patrolling security guard will quickly check to make sure all areas of the facility have been cleared of all employees and visitors and then exit the facility to the rear and keep all persons from reentering the facility until cleared to do so by the local Police and Fire Departments and the Floor Manager.

The security guard posted at the main entrance will then exit the building from the front entry, and prior to exiting, turn off all electronic locking doors with the exception of the vault/safe room

which will remain locked. The security guard will position at the main entrance and keep all persons from reentering until cleared to do so by the Salton City Police and Fire Departments and the Manager.

All logs and reports produced by the security guards will be entered into and maintained in FTE's Trez system.

Video Camera Surveillance

FTE can report that its video camera surveillance system in its two existing dispensaries far exceeds State requirements, both internally and externally. All cameras are high definition.

In both locations, the Company employs more than 30 cameras to monitor employee activities in, literally, 100% of the total work area, except for bathrooms and locker rooms. Cameras are also deployed on a 360-degree basis in the external parking lots so that every car arriving and departing the property – and its license plate – can be surveilled.

Video from each camera is maintained in a secure database for a period of 30 days. This same total immersion policy will exist in Salton City ensuring that there will be no place on the property where illegal or unacceptable practices can occur without some form of scrutiny.

Armored Car

FTE often employs a private armored car service affiliated with East West Bank to pick up cash on the premises when the total amount exceeds \$25,000 or, at a minimum, one time per week. In Santa Ana, where \$40,000+ days are common, armored car pickups occasionally occur more than once a day.

Product Access Protocols

FTE strives to keep inventory that is not accessible from the sales floor to a minimum. However, the Company does maintain stocks in the rear of the store in a highly secure room, with steel reinforced walls, that is accessible only through code-locked doors. The code is available to a maximum of four employees, two of whom will be the Floor Manager and Inventory Specialist of the location. The two employees who will be permitted in the room must have worked for the Company for a minimum of two years and have no disciplinary record. All entries into and out of the room are recorded and logged by the Company's security system.

The inventory room is further secured with a video camera at its entrance and additional cameras inside so that 100% of the area is under review by ownership or management.

Medical cannabis and cannabis products will be securely stored out of view of the general public during normal business hours. All medical cannabis inventory will be secured during non-operating hours in a custom-built vault or safe along with all cash.

The Manager, or assistant managers chosen by the Manager, will conduct inventory of all medical cannabis and cannabis products on the premises daily at the close of business and store all cannabis products inside the vault or safe with security present at all times. All cannabis products will be cataloged in the Treez system to be available for review by the Manager, and the County when required. If any back-up hard copy daily inventory log is maintained it will be locked in the Manager's office at the close of business each day, noting date, time and amounts in the respective columns on the inventory log.

The door to the office where the safe or vault are located will be secured by electronic locks during non-operating hours. That office will only be opened and secured by the Manager or individual employees chosen by the Manager. The vault or safe will be out of general public's view at all times, with a CCTV camera recording all activity around and within the vault or safe 24 hours/day.

Background Checks

All employees of FTE must submit to Live Scan and/or extensive background checks prior to the Company making an offer of employment. Many candidates have passed through multiple interviews but been denied a job due to questionable history that has arisen during the background check.

Driver Security and Safety Procedures

All vehicles will be equipped with an active vehicle alarm system. Delivery vehicle will have Honeywell total connect (TCTV2) which will be plugged directly into vehicle's OBD port. TCTV2 will show their immediate location via GPS, records speed and sends notification if driver goes outside of boundaries (geo-fencing).

Delivery vehicle will be equipped with a Pruveeo MX2 Dash Cam which plugs into the vehicle's cigarette lighter. The Cam will be mounted below the rear-view mirror. Dual video recorder records interior and exterior of vehicle and records up to eight hours. Audio records and has a speaker. The Cam supports a removable memory card.

Drivers will wear a GI alert device around their necks. If the driver suspects any suspicious activity or emergency situation, they press button to activate device whereupon the driver will be on 2-way communication with GI Alarm monitoring center. Monitoring can immediately call police, fire department or Company manager.

Drivers shall not consume cannabis while delivering cannabis goods to customers.

ODOR MANAGEMENT PLAN

FTE is committed to implementing preventative measures that will eliminate and reduce the potential risk of significant adverse environmental impacts as further set forth herein. As a retail operation, FTE does not anticipate any odor being detectable from anywhere outside of the building. Nonetheless, FTE will implement a comprehensive air quality and control plan for its dispensary. Moreover, FTE will adhere to the California Environmental Quality Act (CEQA) and is committed to ensuring that there will be no significant adverse environmental impacts of its operations. FTE will ensure that all of its air quality procedures and policies meet or exceed the requirements set forth in the regulations to be released under Senate Bill 94.

Air Quality Standards

In addition, FTE will implement policies and practices that adhere to California Ambient Air Quality Standards (CAAQS), as adopted by the California Air Resources Board (ARB) and the U.S. Environmental Protection Agency (U.S. EPA). FTE will ensure that air pollutants, if utilized or produced during any process related to its operations, remain in compliance with the following standards, the California ARB Standard PM10 and the California ARB Standard PM2.5. FTE is committed to protecting the health of its employees, visitors, contractors, and residents of the surrounding community, including, but not limited to, the elderly, people with heart and/or lung disease, children, and infants.

Odor Management

To preserve the retail facility and the community surrounding the retail facility, FTE has established multiple, state-of-the-art methods to prevent the spread of odor beyond the retail facility walls and combat offensive odors within the retail facility. FTE will use various methods of air control. If odor is reported coming from the retail facility at any time, FTE will make it a priority to find the source of the spreading odor and eliminate the cause. From there, FTE will revisit its standard operating procedures to determine appropriate modifications, if any. Upon discovering odor escaping the retail facility in any quantity, FTE will

1. Immediately prioritize finding the source of the odor;
2. Eliminate the cause of the odor; and
3. As necessary, modify operating procedure to ensure the prevention of future incidents.

Charcoal Filters

FTE will install multiple charcoal-filled carbon filters placed strategically in the retail facility to filter the offensive odor created by cannabis. Certain carbon filters will be set up as scrubbers where they constantly "scrub" the air by taking in dirty air and releasing clean air. Other filters will take in dirty air, filter it and transport the air via ducts to a specific room to further cleanse it. Other filters will take in dirty air, filter it and transport the air via ducts to a specific room to further cleanse it.

HEPA Filtration

In addition to charcoal filters, FTE will utilize High Efficiency Particulate Air Filters (“HEPA Filters”) in all HVAC units. All air that comes into the retail facility will pass through the HEPA filtration. These filters will reduce all airborne particles as small as 0.3 microns, including dust, pollen, and dander. Although HEPA filtration greatly improves air quality, some ultra-fine particles can be missed which is why charcoal filtration will also be used as discussed above. HEPA filtration is commonly used in hospitals, pharmaceuticals, manufacturing, food processing, and computer manufacturing facilities.

Closed Loop Aeration System.

FTE will implement a closed loop aeration system to promote air circulation within the retail facility instead of bringing in air from outside. This allows all environmental conditions to be contained within the retail facility and allows FTE to manually control the environment, preventing the spread of odor to outside the facility through air vents.

HVAC Systems

The retail facility will be equipped with Energy Star HVAC technology which allows an energy efficient means of controlling the retail facility’s climate, and the facilitation of proper ventilation to prevent the spread of unwanted odors. HVAC equipment will provide the following:

1. Installation of vent dampers;
2. Analysis of systems and replacement of inefficient components;
3. Use of programmable thermostats and controls; and
4. Sealing and insulation of ducts and hot water pipes.

Storage Areas

FTE’s storage areas have been designed for ease of maintenance. The retail facility Manager will ensure these areas remain dry, well ventilated, and have sufficient insulation or other temperature-control features to avoid extreme temperature fluctuations. FTE may incorporate a humidifier or de-humidifier if needed. Storage areas will utilize and maintain carbon filtration or other means of odor control.

Ventilation and Odor Control.

In accordance with the procedures set forth in this section, FTE will ensure the following:

1. Storage areas should have properly balanced ventilation systems; Dehumidifier equipment must be installed and maintained as necessary;
2. The retail facility Manager must ensure the regular maintenance of odor control equipment including regular cleanings and filter replacements as often as required;

3. Odor control equipment must employ activated carbon filtration and be serviced according to ions.

FTE's air system will create negative air pressure between the premises interior and exterior to ensure that odors from within the premises will not be detected outside of the premises.

Environmental Control Records. All environmental control adjustments and maintenance records must be recorded in FTE's records and maintained for a period of seven (7) years in accordance with applicable state law.

WASTE MANAGEMENT PLAN

All waste will be disposed of, including cannabis waste, in accordance with the Public Resources Code and any other applicable state and local laws, including laws regulating organic waste as defined in Public Resource Code section 42649.8(c). The Company will ensure its operations and all its employees are regularly trained in all waste procedures, including the knowledge to distinguish between hazardous and non-hazardous waste, and how to properly store, handle, and dispose of each type of material found on the premise.

All cannabis waste will be disposed of in a secured waste receptacle within a secured area on the licensed premises. Access to the secured waste area will be strictly controlled by the Company, and only those given express permission may be granted access. The local agency, Company employees, and the contracted waste hauler are the only parties to be granted access to the secure waste receptacle and area.

The Company does not currently engage in on-site composting of cannabis waste. The Company will contract with a private waste hauler permitted by the local agency to collect and process the cannabis waste. The Company intends to use cannabis waste disposal company, Gaiaa, to dispose of its cannabis waste. The Company will take all measures to ensure cannabis waste is unusable and unrecognizable before being disposed of, and employees charged with disposing of cannabis waste will also ensure that no cannabis waste is disposed of in its packaging.

The Company takes waste and pollution very seriously and is dedicated to reducing and mitigating the impact of waste on the environment and local community. The Company will abide by all local and state laws and regulations pertaining to waste and destruction of cannabis and cannabis products. The Company will encourage recycling to diminish the amount of waste generated. Each operating day, an employee will be tasked with evaluating on-site waste and operations for potential release of waste or pollution. If questionable or above normal waste or pollution is discovered, the employee will engage in the following guidelines:

- 1) Investigate and determine the likely source or cause of the waste or pollution;
- 2) Assess the effectiveness of available on-site management practices to resolve the waste/pollution event and immediately take steps to reduce the waste-generating capacity of on-site material;
- 3) Determine if the waste/pollution traveled off-site by surveying the site perimeter and noting odor from the building;
- 4) Notify the appropriate management personnel; and
- 5) Record the event for further operational review.

Waste Procedures Overview

The Company has a comprehensive system for systematically collecting and properly destroying all cannabis-containing materials. Routine disposal procedures include regular transporting of all waste and cannabis waste to a state-approved disposal site. The Company has identified the following sources as the key generators of cannabis waste materials in the manufacturing cycle:

- 1) Raw cannabis or unusable plant materials, including trim, leaves, and flower that is discarded during any part of the manufacturing cycle;
- 2) Cannabis that fails to meet the minimum safety standards and specifications for brand consistency or otherwise rejected based on quality;
- 3) Cannabis that becomes damaged, contaminated, in contact with cross-allergens, deteriorates, or has growth of unwanted microorganisms that cannot be remediated;
- 4) Cannabis subjected to improper storage conditions, including but not limited to, extremes in temperature, water damage, growth of microorganisms; or
- 5) Cannabis otherwise determined by the Manufacturing Director to not meet the Company's quality standards.

Waste Protocols

In compliance with all applicable laws and regulations, the Company will ensure that all employees adhere to the following cannabis waste protocols:

1. The Company strictly prohibits the sale of any cannabis waste under any circumstances.
2. All cannabis waste must be stored in a secure, limited access area at the Facility until it is properly disposed in accordance with these policies.
3. All cannabis waste set for disposal shall be properly weighed and recorded in the inventory software program and the Company's Waste Disposal Log, which at a minimum shall include:
 - a. The date and time the cannabis was allocated as waste;
 - b. The name and type of the cannabis product;
 - c. Unique identifier of the cannabis product;
 - d. Amount of the cannabis product, by weight or count to be disposed;
 - e. The date of disposal;
 - f. The name of the employee performing the disposal;

- g. The manner of disposal;
 - h. The reason for disposal; an
 - i. The business name, address, and contact phone number of the company contracted to haul the waste to a permitted waste facility
- 4. The cannabis product will be rendered unusable, unrecoverable, and unconsumable and shall be disposed of in a manner that protects any portion of the cannabis from being possessed or ingested by any person or animal;
 - a. All steps taken to render the cannabis unusable will be conducted under video surveillance at the Facility;
- 5. All cannabis containing waste will be disposed of by grinding and incorporating the cannabis product waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume;
 - a. All mixed waste will be delivered to the appropriate and permitted solid waste Facility for final disposition:
 - i. A manned and fully permitted solid waste landfill or transformation facility;
 - ii. A manned and fully permitted composting facility or manned composting operation.
 - iii. A manned fully permitted in-vessel digestion facility or operation;
 - iv. A manned fully permitted transfer/processing facility or operation; or
- 6. Because the Company has elected to use a third-party hauler or agency to collect and process the cannabis waste, the Company shall:
 - a. Provide the Bureau with the following information for the hauler or agency that is collecting and processing the cannabis waste:
 - b. The Company shall obtain documentation from the hauling entity that evidences subscription to a waste collection service;
- 7. Waste Nuisance Mitigation. All cannabis waste from manufacturing operations will be disposed in accordance with waste disposal policies and procedures outlined above. All other manufactured waste will be securely stored and regularly disposed of to:

- a. Minimize the development of odors;
 - b. Minimize the potential for waste to attract, harbor, or become a breeding place for pests;
 - c. Protect against contamination of cannabis, contact surfaces, water supplies, and grounds surrounding the Facility;
 - d. Control hazardous waste to prevent contamination of cannabis, contact surfaces, water supplies, and grounds surrounding the Facility; and
 - e. All recyclable waste will be packaged and transported to the nearest recycling site.
8. **Waste Disposal Log.** The Company shall maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation and disposal or disposition of cannabis waste. The Company shall obtain a record from the solid waste site evidencing the acceptance of the cannabis waste material at the site. The record shall contain the name and address of the site, the date, and the volume or weight of the cannabis waste accepted.
9. **Solid Resource Conservation.** The Company will implement a recycling program, and their staff will undergo training for recycling programs operated by local waste management providers and private recycling providers. The Facility's recyclable waste will be retrieved by waste management providers or transported to private recycling centers as needed.
10. **Flammable Materials.** The Company does not intend to use flammable materials. If for some reason it becomes necessary, all flammable liquids and materials, and any materials in contact or containing flammable materials (i.e., cleaning rags) shall be disposed of in accordance with local and state regulations and in a manner and with a qualified disposal vendor.

CORPORATE STRUCTURE

DBO Investments SC, I.L.C., is a single purpose entity which has been established for the purpose of filing this Application and, thus, has no assets. The three principals of FTE will be providing all start-up costs except that Dan Zaharoni has access to a \$14.75M credit line from East West Bank from his outside business which will be used for some, if not all, expenses.

The Property is owned by D&G. Mr. Zaharoni has cash reserves of more than \$250,000, which will be utilized for the build-out. Messrs. Patel, Quinones and Zaharoni have built out ten separate dispensary-related properties from the ground up so the process of improving a roughly 467sf space will not be complicated for the Company.

In Salton City, FTE estimates that total costs for tenant improvements will be less than \$50,000 as such improvements require little more than demolition, repainting, reflooring, light aesthetic work to the walls and the installation of all display cabinets and sales infrastructure, such as POS systems, software and security cameras. Start-up costs will equal approximately \$100,000, most of which will be for inventory (\$75,000), the remainder for marketing, software licenses, permit fees and miscellaneous office items. Accordingly, total costs for the entire project will not exceed \$200,000 and FTE has access to this amount in cash.

Corporate Principals

Messrs. Patel, Quinones and Zaharoni have substantial experience in a variety of cannabis locations throughout Southern California. Mr. Patel and Quinones began working in the cannabis industry in 2010 when they obtained employment at an Orange County-based dispensary. FTE has had as many as eight dispensaries, in three different states, operating at one time, along with licensed manufacturing and cultivation facilities. Over the past several years, FTE has sold the majority of its operating businesses but maintains an active presence in the California cannabis industry with nearly \$1M/month in cannabis-related sales.

Currently, the owners have the following projects among them:

Santa Ana – Mr. Patel is the owner of CBD, Inc., which owns the dispensary license for the Santa Ana location of FTE. The dispensary generates approximate revenues of \$6M/year;

Port Hueneme -- Messrs. Patel and Zaharoni own DBO INVESTMENTS PH, which operates the dispensary in Port Hueneme and generates approximate revenues of \$5M/year. Mr. Zaharoni is the manager of the entity that owns the building that in which the facility is located;

Mr. Patel has also spearheaded his existing company's move into providing services to the local community by establishing a resource center within his Santa Ana dispensary that works with special needs children and the underprivileged to determine the efficacy of cannabis-based medicine on childhood and adult-onset diseases.

Mr. Patel also sponsored and assisted in drafting the ordinance placed on the ballot in Costa Mesa, California, in 2016, seeking to regulate the sale and cultivation of cannabis in that

jurisdiction. Mr. Patel is also a co-founder of the Santa Ana Cannabis Association. With this group, he has been able to advise on the establishment of ordinances for cannabis facilities, in addition to advising cities on closing illegal marijuana dispensaries.

Beginning in 2007 and until opening the Santa Ana dispensary in 2014, Mr. Patel co-owned Paragon Lighting and Sound which consulted and designed architectural and entertainment lighting systems. It was through this business that Mr. Patel learned about the different lighting systems that are used in the cannabis industry and, thus, began his interest in dispensaries.

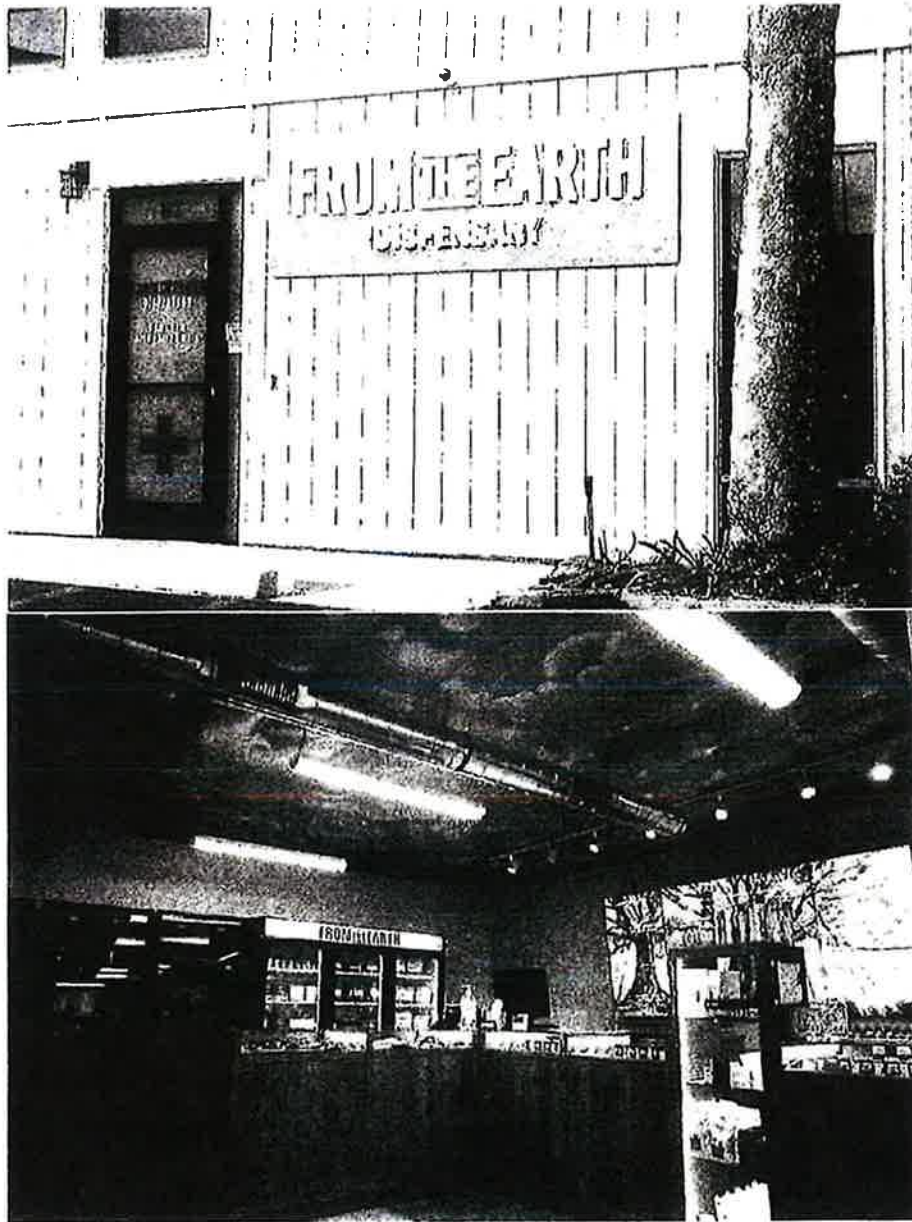
Mr. Patel has his Bachelor's degree in Economics with a minor in Managerial Economics from the University of California, Davis.

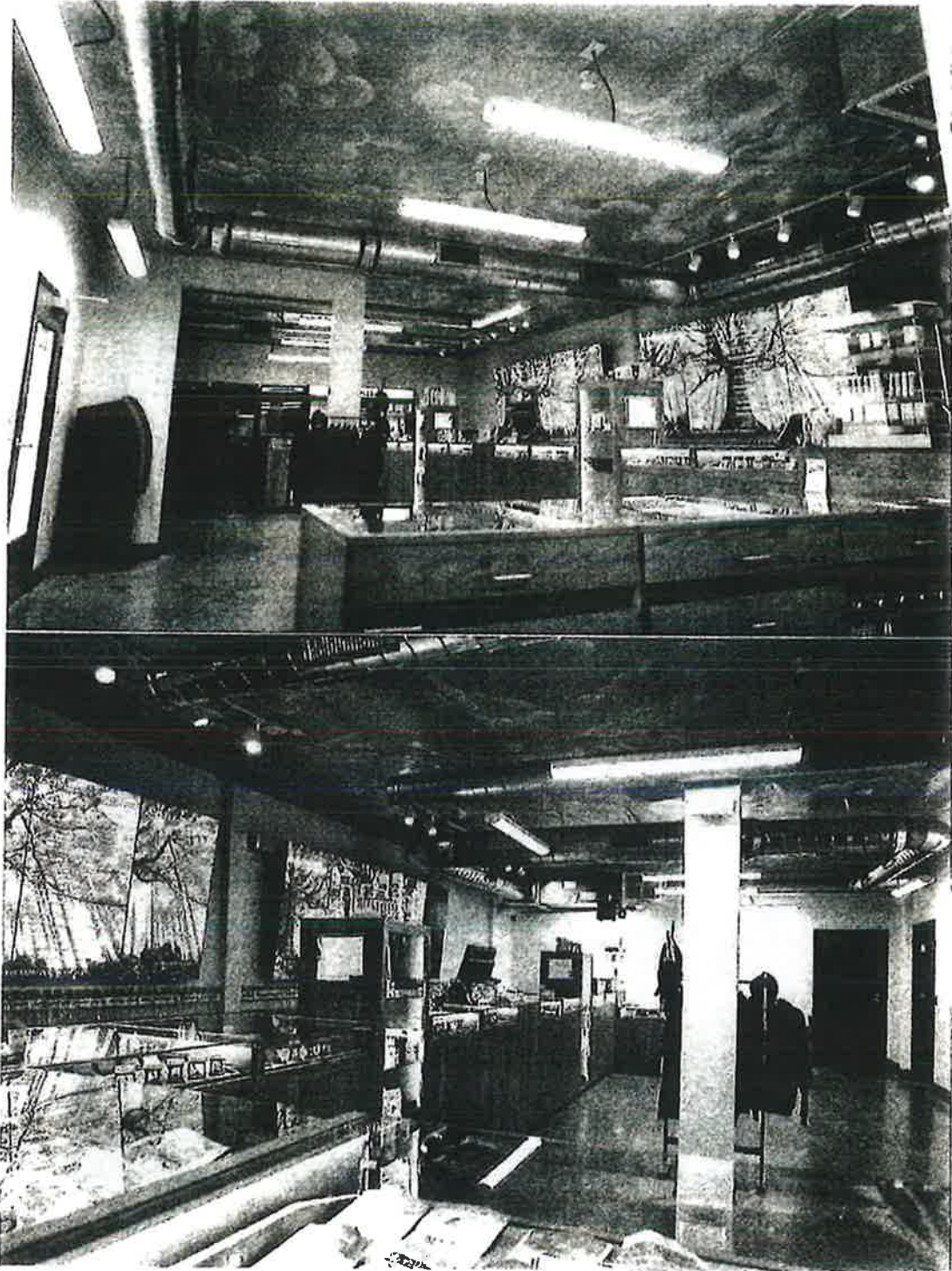
Prior to his interest in the cannabis industry, Mr. Zaharoni, a graduate of UC Berkeley and Loyola Law School, has been an attorney for 30+ years – formerly as the Managing Partner of his own firm, Warden, Urtnowski & Zaharoni - and also holds a Real Estate Broker and General Contractor's license in the State of California. Mr. Zaharoni is primarily responsible for the physical structures housing the various cannabis facilities and he handles all development, construction and regulatory tasks required to open each dispensary. He has acted as agent, principal and/or attorney for more than 50 entities over the past two decades, primarily in and around the real estate development industry.

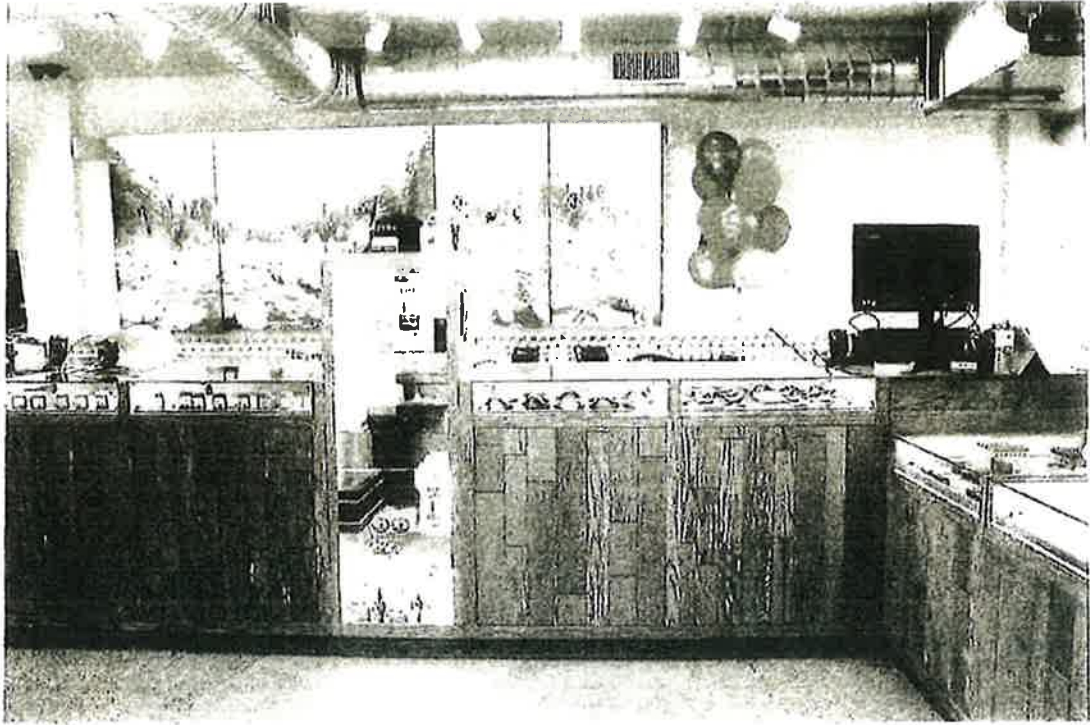
Neither FTE nor its managers have had a permit or license revoked by Salton City, Imperial County or any other municipality, nor have they had any administrative penalties assessed against their businesses. No owner, principal, officer, or other management personnel employed by FTE will have any type of violent or serious felony conviction as specified in Section 667.5 and 1192.7 of the Penal Code or any felony or misdemeanor conviction involving fraud, deceit, embezzlement, or moral turpitude, or an offense substantially related to his/her qualifications, functions, or duties relating to the business.

Messrs. Patel and Zaharoni have also received several letters of recommendation from City officials and non-profit executives such as Long Beach City Councilwoman Jeannine Pearce, Calabasas Mayor Fred Gaines, Port Hueneme City Councilman Jim Hensley, Santa Ana Mayor Pro Tem Michele Martinez, Congressman Lou Correa, Santa Ana City Councilman Jose Solorio, Pools of Hope Executive Director Patricia Dixon, Neutral Ground COO Bree Alvarado.

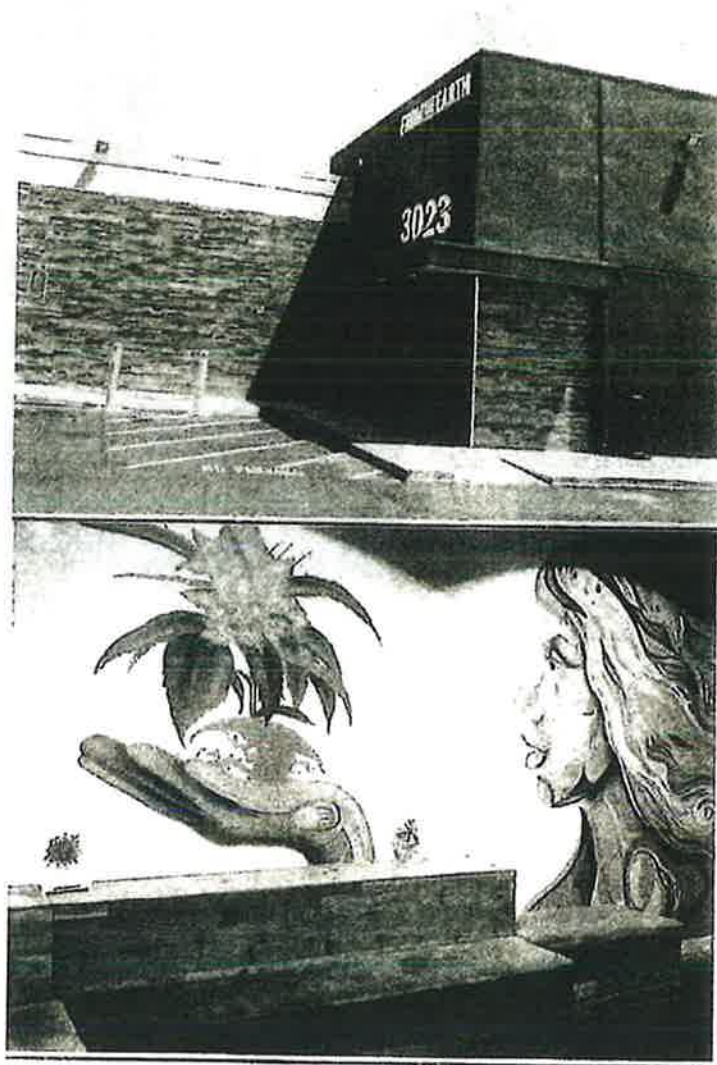
Interior & Exterior Photos of Existing FTE locations

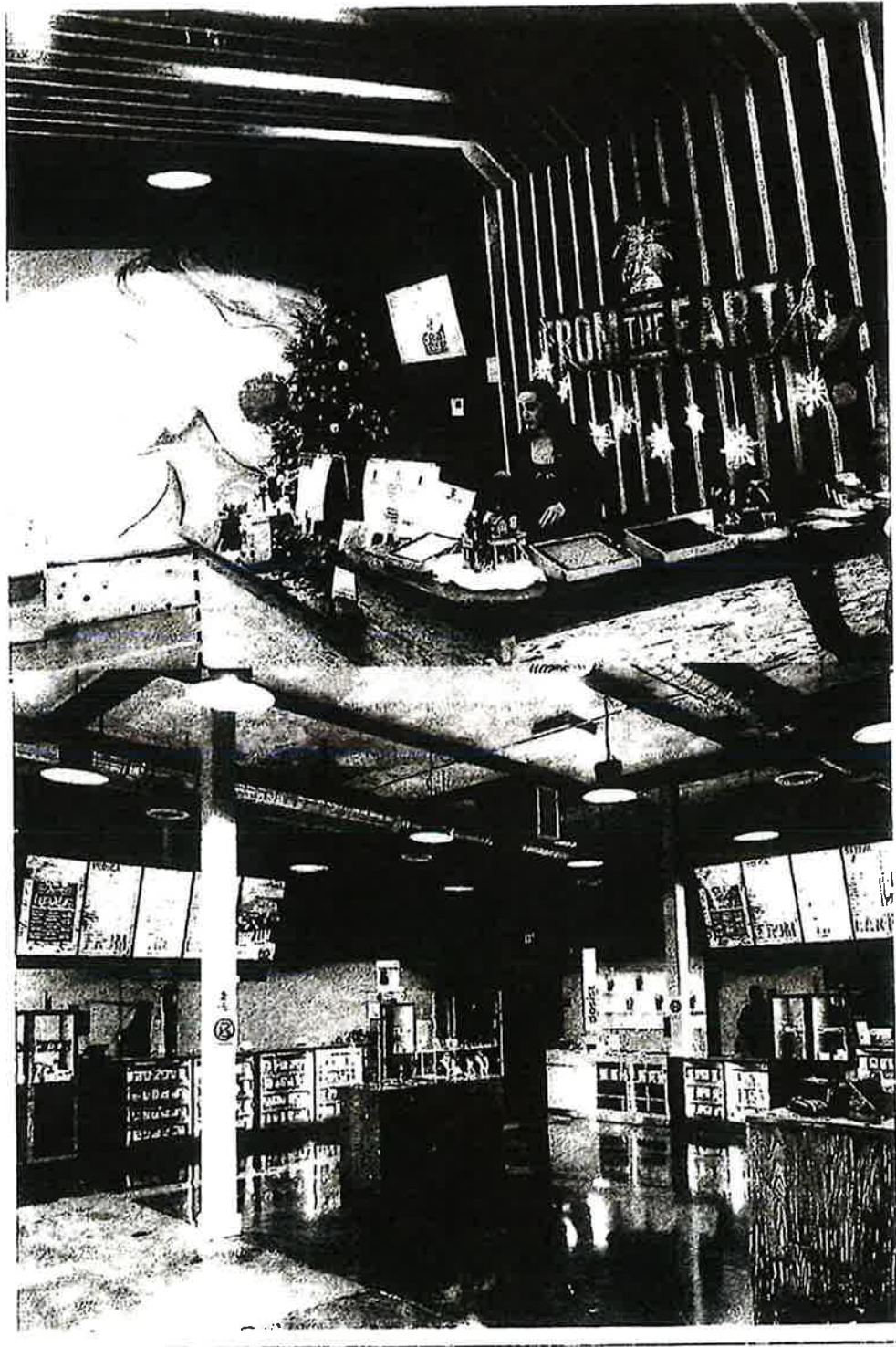






Interior & Exterior Photos of Santa Ana FTE location





Attachment G.
Application Submitted

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME D&G Enterprises	EMAIL ADDRESS sctp2084@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 2084 S. Marina Drive, Salton City, CA	ZIP CODE 92274	PHONE NUMBER 760-394-1024
3. APPLICANT'S NAME DBO INVESTMENTS SC, LLC, d/b/a FROM THE EARTH	EMAIL ADDRESS danz@zaharoni.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 10250 Constellation Blvd., #2300A, Los Angeles, CA	ZIP CODE 90067	PHONE NUMBER 310-297-9722
4. ENGINEER'S NAME Oller & Pejic Architecture	CA. LICENSE NO. C30145	EMAIL ADDRESS tom@ollerpejic.com
5. MAILING ADDRESS (Street / P O Box, City, State) 580 Laguna Rd., Pasadena, CA	ZIP CODE 91105	PHONE NUMBER (213) 760-5519
6. ASSESSOR'S PARCEL NO. 014-178-016-000	SIZE OF PROPERTY (in acres or square foot) 9782 Sq. Ft.	ZONING (existing) Commercial
7. PROPERTY (site) ADDRESS 2084 S. Marina Drive, Salton City, CA 92274		
8. GENERAL LOCATION (i.e. city, town, cross street) Salton City Travel Plaza (Near intersection of Marina Dr & Service Rd)		
9. LEGAL DESCRIPTION See attached Exhibit "1".		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	
Storefront retail cannabis dispensary and delivery for recreational uses. Adding two new unit numbers to property. See concurrently-filed Commercial Cannabis Activity License Application	
11. DESCRIBE CURRENT USE OF PROPERTY	Retail shopping center
12. DESCRIBE PROPOSED SEWER SYSTEM	No change
13. DESCRIBE PROPOSED WATER SYSTEM	No change
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	No change
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE?

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Ravi Grewal o/b/o D&G Enterprises, LLC March 26, 2023

Print Name Ravi Grewal Date _____
Signature [Signature]

Print Name _____ Date _____
Signature _____

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY: _____	DATE _____	REVIEW / APPROVAL BY OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY: _____	DATE _____	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY: _____	DATE _____	<input type="checkbox"/> A. P. C. D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	<input type="checkbox"/> O. E. S.
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____

CUP #

EXHIBIT 1 – LEGAL DESCRIPTION OF PROPERTY

Real property in the unincorporated area of the County of Imperial, State of California, described as follows:

PARCEL A:

PARCEL 3 AS SHOWN ON LOT LINE ADJUSTMENT NO. 00221, AS EVIDENCED BY DOCUMENT RECORDED MARCH 17, 2008 AS INSTRUMENT NO. 08-7564 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN THE UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, LYING IN SECTION 30 TOWNSHIP 10 SOUTH RANGE 10 EAST, BEING PARCEL "A" OF LOT MERGER NO. 00093 TOGETHER WITH PARCEL "C" AND A PORTION OF PARCEL "A" AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 26, BOTH IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID PARCEL "A", SAID POINT BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF SERVICE ROAD AS SHOWN ON SAID RECORD OF SURVEY; THENCE, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE SOUTH 32° 06' 00" EAST 215.00 FEET TO THE TRUE POINT OF BEGINNING.

THENCE, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE SOUTH 32° 06' 00" EAST 173.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 30.00 FEET;

THENCE, SOUTHERLY ALONG SAID RIGHT OF WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC LENGTH OF 47.12 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF MARINA DRIVE SOUTH AS SHOWN ON SAID RECORD OF SURVEY.

THENCE, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE SOUTH 57° 54' 00" WEST 620.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 30.00 FEET;

THENCE, WESTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC LENGTH OF 47.12 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF TAFT AVENUE AS SHOWN ON SAID RECORD OF SURVEY;

THENCE, NORTH 32° 06' 00" WEST 216.14 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 20.00 FEET;

THENCE, NORTHERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 82° 49' 10" AN ARC LENGTH OF 28.91 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF LOOP DRIVE AS SHOWN

ON SAID RECORD OF SURVEY SAID POINT BEING THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 380.00 FEET TO WHICH A RADIAL LINE BEARS NORTH 39°16'50" WEST;

THENCE, NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 46° 30' 47" AN ARC LENGTH OF 308.49 FEET TO THE COMMON CORNER OF SAID PARCEL "A" AND LOT 1 OF SAID BLOCK 8 OF TRACT 560 TO WHICH A RADIAL LINE BEARS SOUTH 85°47'37" EAST;

THENCE, ALONG THE COMMON LINE OF SAID PARCEL "A" AND SAID LOT 1 NORTH 57° 54' 00" EAST 137.27 FEET TO THE MOST WESTERLY CORNER OF THE PREVIOUSLY DESCRIBED PARCEL 1;

THENCE, LEAVING SAID COMMON LINE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1 AND CONTINUING ON THE SOUTHWESTERLY LINE OF THE PREVIOUSLY DESCRIBED PARCEL 2 SOUTH 32° 06' 00" EAST 215.00 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 2 NORTH 57° 54' 00" EAST 266.50 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING ALL URANIUM, THORIUM, OR ANY OTHER MATERIAL WHICH IS OR MAYBE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, TOGETHER WITH THE RIGHT AT ANY TIME TO ENTER UPON SAID LAND AND PROSPECT FOR, MINE AND REMOVE THE SAME.

ALSO EXCEPTING ALL OIL, GAS, OIL SHALE, COAL, PHOSPHATE, SODIUM, GOLD, SILVER, AND ALL OTHER MINERAL DEPOSITS, AS DEFINED IN SECTION 6403 PUBLIC RESOURCES CODE, CONTAINED THEREIN; ALSO THE RIGHT TO DRILL FOR AND EXTRACT SUCH DEPOSITS OF OTHER MINERALS FROM SAID LAND AS MAY BE REQUIRED THEREFOR, UPON COMPLIANCE WITH THE CONDITIONS AND SUBJECT TO THE PROVISIONS AND LIMITATIONS OF CHAPTER 5, PART I, DIVISION 6 OF THE PUBLIC RESOURCES CODE, AS RESERVED IN THE PATENT FROM THE STATE OF CALIFORNIA DATED, DECEMBER 6, 1951 AND RECORDED IN BOOK 832, PAGE 409 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL UNDERGROUND WATER IN, UNDER, OR FLOWING THROUGH SAID LAND, AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED BY SALTON RIVIERA, INC., IN GRANT DEED RECORDED OCTOBER 23, 1959 AS FILE NO. 28, IN BOOK 1007, PAGE 89 OF OFFICIAL RECORDS.

PARCEL B:

NON-EXCLUSIVE EASEMENTS FOR PARKING, VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS AND UNDERGROUND UTILITIES OVER, ALONG, UNDER AND ACROSS THE COMMON AREAS OF SAID PARCELS A, B AND C DESIGNATED

AS DRIVEWAY AND PARKING AREAS, FOR THE BENEFIT OF EACH OF SAID PARCELS A, B AND C OVER EACH OTHER REMAINING SAID PARCELS, AS SET FORTH IN THAT DOCUMENT ENTITLED "COVENANT AND AGREEMENT ESTABLISHING EASEMENTS FOR INGRESS, EGRESS, PARKING AND UTILITIES" AND RECORDED FEBRUARY 4, 2009 AS INSTRUMENT NO. 09-4389 OF OFFICIAL RECORDS.

APN: 014-178-016-000

INDEMNIFICATION AGREEMENT

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the County, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers, attorneys, or employees (including consultants), to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

March 26

Executed at Los Angeles California on _____, 2023

APPLICANT 

Name: DBO Investments SC, LLC
d/b/a From the Earth

By Daniel Zaharoni

Title Member

Mailing Address:

10250 Constellation Blvd., Ste 2300A
Los Angeles, CA 90067

REAL PARTY IN INTEREST
(If different from Applicant) 

Name D&G Enterprises, LLC

By Ravi Grewal

Title Owner

Mailing Address:

2084 S. Marina Dr.
Salton City, CA 92274

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN _____

S:\FORMS_LISTS\General Indemnification FORM 041516.doc

OWNER'S AFFIDAVIT

OWNER'S AFFIDAVIT

In the event the applicant is not owner, the following shall be signed and acknowledge by the owner.

Permission is hereby granted to DBO INVESTMENTS SC, LLC dba FROM THE EARTH to apply for this
(Lessee, Tenant, Contractor-Specify)

Conditional Use Permit
(State permit type clearly i.e. building, land used) _____ on the described property located at address

2084 S. Marina Drive Salton City, CA 92274 Further identified by Assessor's Parcel Number
(APN) 014-178-016-000 is hereby granted.

Ravi Grewal
OWNER (SIGNATURE)

Ravi Grewal o/b/o D&G Enterprises, LLC

OWNER (TYPED OR PRINT)

2084 S. Marina Drive, Salton City, CA 92274
OWNER'S ADDRESS

March 26, 2023

DATE

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

STATE OF CALIFORNIA
COUNTY OF Imperial San Bernardino } S.S.

On April 11th 2023 before me, Diana Romo - Notary Public personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

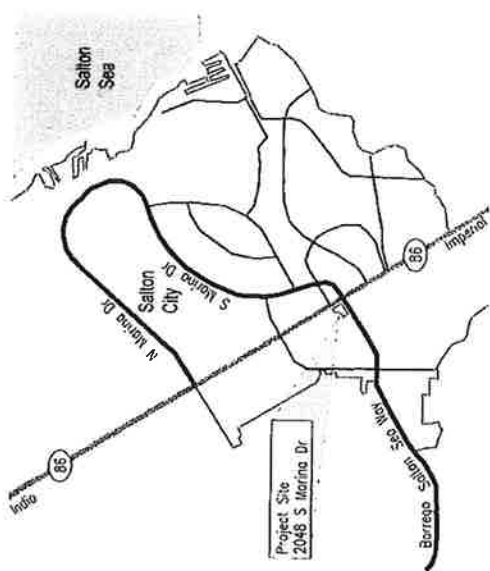
Signature *Diana Romo* (Seal)



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

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

SITE PLAN



Vicinity Map

Property Information

address:
2084 South Marina Drive
Salton City, CA 92274

APN: 014-178-016

legal description: PAR 3 OF LLA 00221 4.5A4C

Owner:

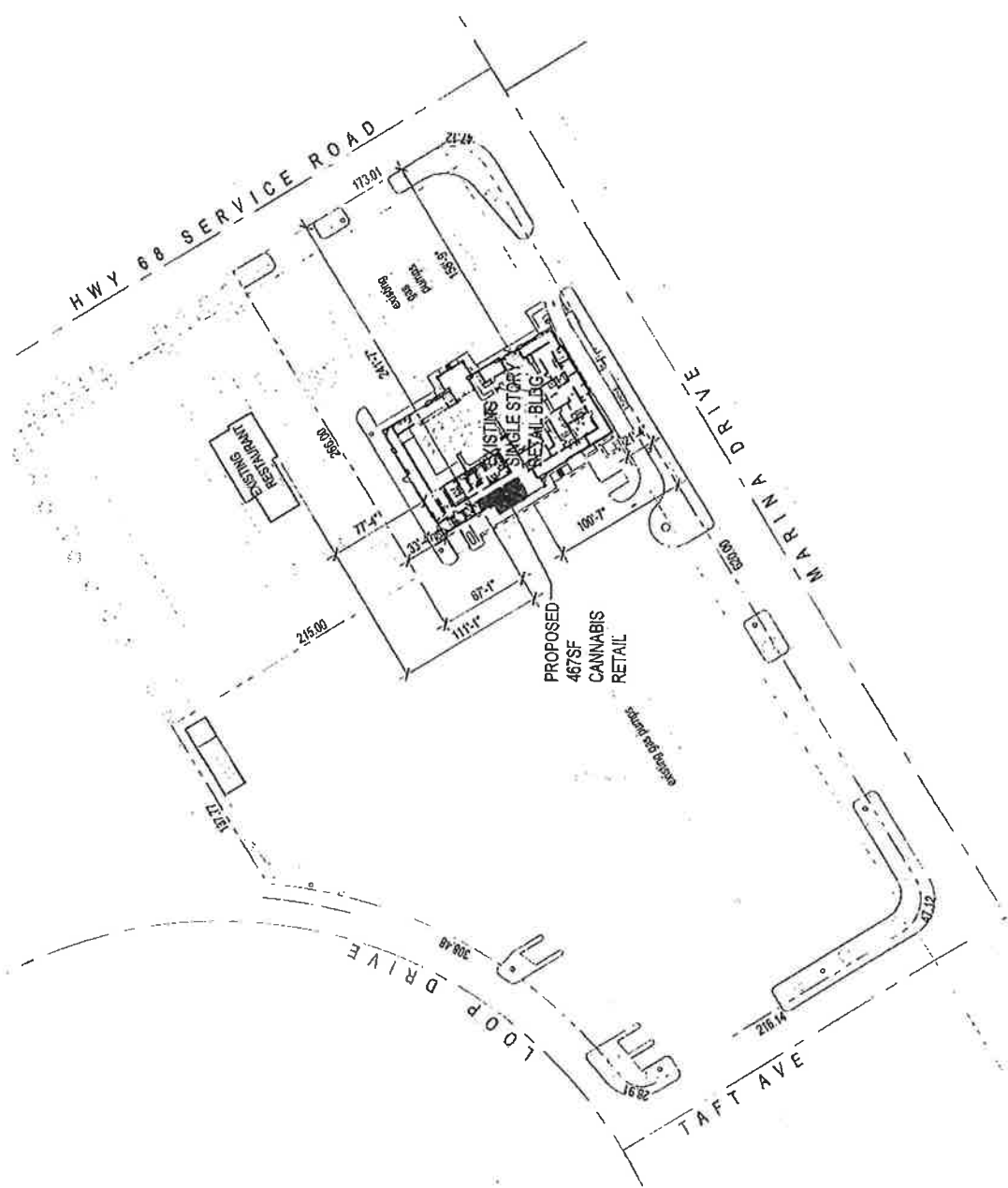
D and G Enterprises, LLC
2084 South Marina Drive
Salton City, CA 92274

Applicant:

DBO Investments SC LLC
10250 Concession Blvd # 2500a
Los Angeles, CA 90057

Plans prepared by:

Tom Pejac, Architect C30145
Oller & Pejac Architecture, Inc
5901 Laguna Rd
Pasadena, CA 91105



Proposed Site Plan & Vicinity Map

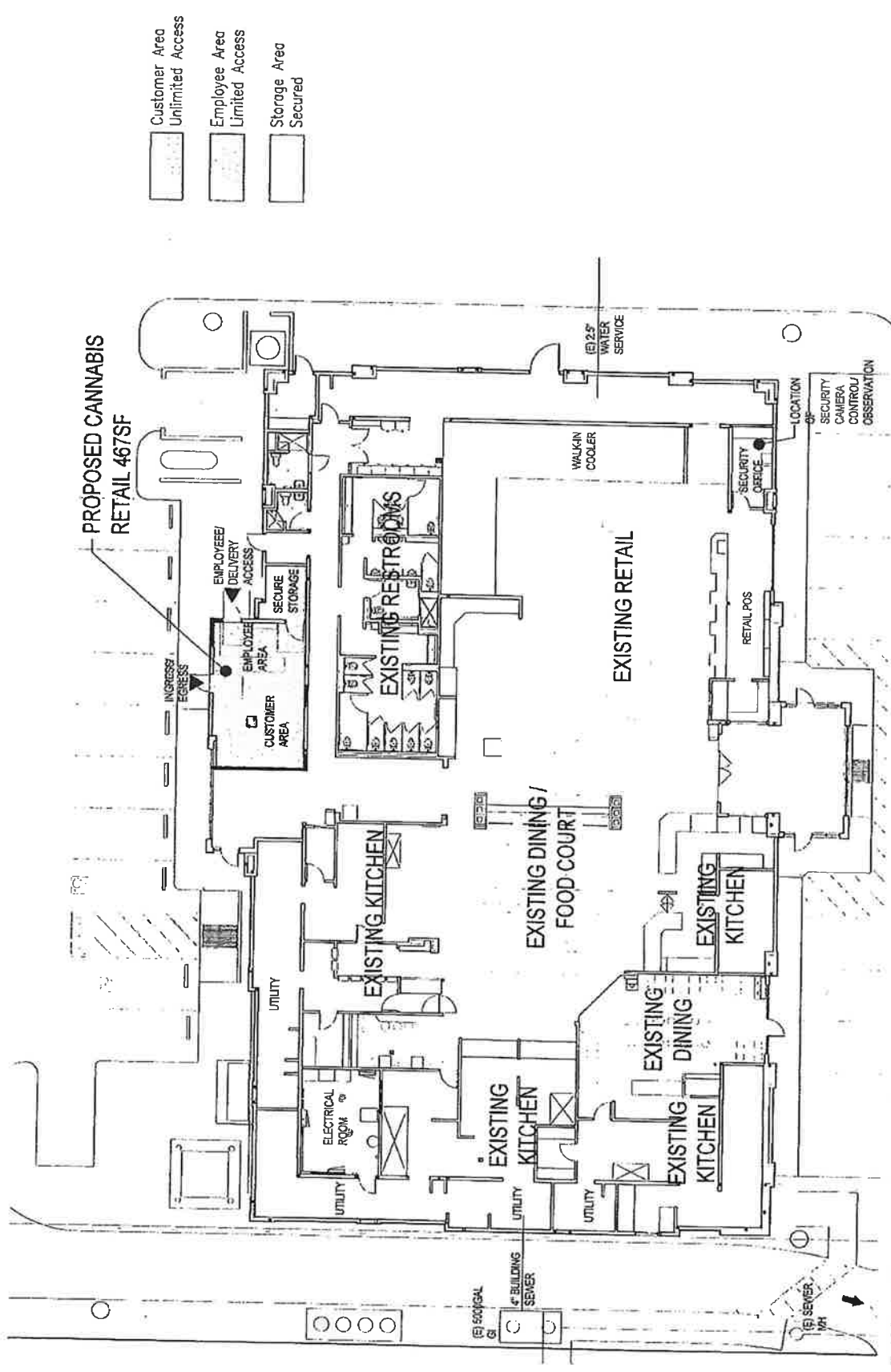
February 22, 2023

Oller & Pejac Architecture
www.ollerpejac.com
213.760.5519

Proposed Cannabis Retail
2084 South Marina Drive
Salton City, CA 92274



FLOOR PLAN








- Customer Area
Unlimited Access
- Employee Area
Limited Access
- Storage Area
Secured

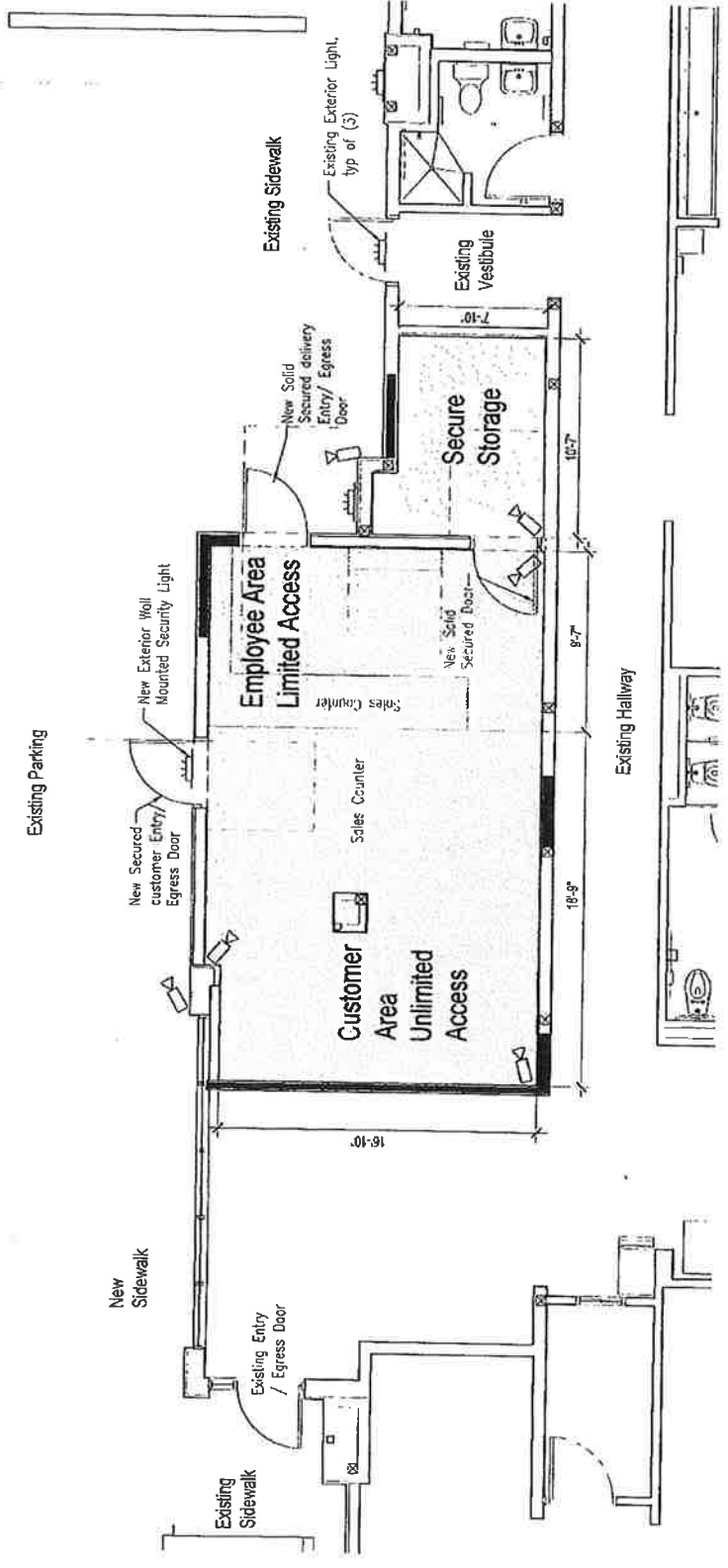
Proposed Cannabis Retail
 2084 South Marina Drive
 Salton City, CA 92274



Proposed Overall Floor Plan
 February 22, 2023

Oller & Peje Architecture
 www.ollerpeje.com
 213.760.5519

-  Customer Area
Unlimited Access
-  Employee Area
Limited Access
-  Storage Area
Secured
-  CCTV Camera tied to building wide system control in Security Room
-  Exterior Security light 3000 lm min LED on 24 HR dusk-to-dawn photocell control



Proposed Cannabis Retail
 2084 South Marina Drive
 Salton City, CA 92274



Floor Plan - Proposed Cannabis Retail

February 22, 2023

Oller & Pejic Architecture
 www.ollerpejic.com
 213.760.5519

PRELIMINARY TITLE REPORT



Jimmy Morada
Associate Senior
Underwriter/Advisory Title
Officer

Stewart Title Guaranty Company
Commercial Services (Los Angeles)
525 North Brand Blvd.
Glendale, CA 91203
(818) 547-2037 Phone
Jimmy.Morada@stewart.com

PRELIMINARY REPORT

Order No. : 23000110252
Title Unit No. : 11
Your File No. :
Buyer/Borrower Name :
Seller Name : D & G Enterprise LLC

Property Address: 2084 S Marina Dr., Thermal, CA 92274

In response to the above referenced application for a Policy of Title Insurance, Stewart Title Guaranty Company Commercial Services (Los Angeles) hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Stewart Title Guaranty Company Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referenced to as an Exception on Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions, and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on covered Risks of said policy or policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limits of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters, which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report, (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance a binder or commitment should be requested.

Dated as of January 31, 2023 at 7:30 a.m.

Jimmy Morada, Title Officer
Jeff Kreueger, Title Officer
Kristine Poole, Title Officer

When replying, please contact:

StewartcommercialservicesLA@Stewart.com

IF ANY DECLARATION, GOVERNING DOCUMENT (FOR EXAMPLE, COVENANT, CONDITION OR RESTRICTION) OR DEED IDENTIFIED AND/OR LINKED IN THIS TITLE PRODUCT CONTAINS ANY RESTRICTION BASED ON AGE, RACE COLOR, RELIGION, SEX, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, VETERAN OR MILITARY STATUS, GENETIC INFORMATION, NATIONAL ORIGIN, SOURCE OF INCOME AS DEFINED IN SUBDIVISION (p) OF SECTION 12955, OR ANCESTRY, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PURSUANT TO SECTION 12956.2 OF THE GOVERNMENT CODE BY SUBMITTING A "RESTRICTIVE COVENANT MODIFICATION" FORM, TOGETHER WITH A COPY OF THE ATTACHED DOCUMENT WITH THE UNLAWFUL PROVISION REDACTED TO THE COUNTY RECORDER'S OFFICE. THE "RESTRICTIVE COVENANT MODIFICATION" FORM CAN BE OBTAINED FROM THE COUNTY RECORDER'S OFFICE AND MAY BE AVAILABLE ON ITS WEBSITE. THE FORM MAY ALSO BE AVAILABLE FROM THE PARTY THAT PROVIDED YOU WITH THIS DOCUMENT. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.

PRELIMINARY REPORT

The form of Policy of Title Insurance contemplated by this report is:

- Standard Coverage Owner's Policy
- Extended Coverage Owner's Policy
- CLTA/ALTA Homeowner's Policy
- Standard Coverage Loan Policy
- Extended Coverage Loan Policy
- Short Form Residential Loan Policy
-

SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

Fee, as to Parcel(s) A.
Easement, as to Parcel(s) B

Title to said estate or interest at the date hereof is vested in:

D and G Enterprise, LLC, a California Limited Liability Company

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Imperial Unincorporated and described as follows:

APN: 014-178-016-000

Parcel A:

Parcel 3 as shown on Lot line Adjustment No. 00221, as evidenced by document recorded March 17, 2008 as Instrument No. 08-7564 of Official Records, being more particularly described as follows:

In the unincorporated area of the County of Imperial, State of California, lying in Section 30 Township 10 South Range 10 East, being Parcel "A" of Lot Merger No. 00093 together with Parcel "C" and a portion of Parcel "A" as shown on Record of Survey recorded in Book 5 of Record of Surveys at Page 26, both in the Office of the Imperial County Recorder, described as follows:

Commencing at the most Northerly corner of said Parcel "A", said point being on the Southwesterly right of way line of service road as shown on said Record of Survey; thence, along said Southwesterly right of way line South 32° 06' 00" East 215.00 feet to the true point of beginning.

Thence, continuing along said Southwesterly right of way line South 32° 06' 00" East 173.00 feet to the beginning of a curve concave Northwesterly, having a radius of 30.00 feet;

Thence, Southerly along said right of way and said curve through a central angle of 90° 00' 00" an arc length of 47.12 feet to a point on the Northwesterly right of way line of Marina Drive South as shown on said Record of Survey.

Thence, along said Northwesterly right of way line South 57° 54' 00" West 620.00 feet to the beginning of a curve concave Northerly, having a radius of 30.00 feet;

Thence, Westerly along said right of way line and said curve through a central angle of 90° 00' 00" an arc length of 47.12 feet to a point on the northeasterly right of way line of Taft Avenue as shown on said Record of Survey;

Thence, North 32° 06' 00" West 216.14 feet to the beginning of a curve concave Easterly, having a radius of 20.00 feet;

Thence, Northerly along said right of way line and said curve through a central angle of 82° 49' 10" an arc length of 28.91 feet to a point on the Southeasterly right of way line of Loop Drive as shown on said record of Survey said point being the beginning of a reverse curve concave Northwesterly having a radius of 380.00 feet to which a radial line bears North 39°16'50" West;

Thence, Northeasterly along said right of way line and said curve through a central Angle of 46° 30' 47" an arc length of 308.49 feet to the common corner of said Parcel "A" and Lot 1 of said Block 8 of Tract 560 to which a radial line bears South 85°47'37" East;

Thence, along the common line of said Parcel "A" and said Lot 1 North 57° 54' 00" East 137.27 feet to the most Westerly corner of the previously described Parcel 1;

Thence, leaving said common line along the Southwesterly line of said Parcel 1 and continuing on the Southwesterly line of the previously described Parcel 2 South 32° 06' 00" East 215.00 feet to the Southerly corner of said parcel 2;

Thence, along the Southeasterly line of said Parcel 2 North 57° 54' 00" East 266.50 feet to the true point of beginning.

Excepting all uranium, thorium, or any other material which is or maybe determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right at any time to enter upon said land and prospect for, mine and remove the same.

Also excepting all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits, as defined in section 6403 public resources code, contained therein; also the right to drill for and extract such deposits of other minerals from said land as may be required therefor, upon compliance with the conditions and subject to the provisions and limitations of Chapter 5, Part I, Division 6 of the public resources code, as reserved in the patent from the State of California dated, December 6, 1951 and recorded in Book 832, Page 409 of Official Records.

Also excepting therefrom all underground water in, under, or flowing through said land, and water rights appurtenant thereto, as reserved by Salton Riviera, Inc., in Grant deed recorded October 23, 1959 as File No. 28, in Book 1007, Page 89 of Official Records.

Parcel B:

Non-exclusive easements for parking, vehicular and pedestrian ingress and egress and underground utilities over, along, under and across the common areas of said parcels a, b and c designated as driveway and parking areas, for the benefit of each of said parcels a, b and c over each other remaining said parcels, as set forth in that document entitled "Covenant and Agreement Establishing Easements for Ingress, Egress, Parking and Utilities" and recorded February 4, 2009 as Instrument No. 09-4389 of Official Records.

APN: 014-178-016-000
(End of Legal Description)

THE MAP ATTACHED THROUGH THE HYPERLINK ABOVE IS BEING PROVIDED AS A COURTESY AND FOR INFORMATION PURPOSES ONLY; THIS MAP SHOULD NOT BE RELIED UPON. FURTHERMORE, THE PARCELS SET OUT ON THIS MAP MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES. THERE WILL BE NO LIABILITY, RESPONSIBILITY OR INDEMNIFICATION RELATED TO ANY MATTERS CONCERNING THE CONTENTS OR ACCURACY OF THE MAP.

SCHEDULE B

At the date hereof, exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy or policies would be as follows:

Taxes:

- A. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes, to be levied for the fiscal year 2023- 2024.
- B. General and special city and/or county taxes, including any personal property taxes, and any assessments collected with taxes, for the fiscal year 2022 - 2023:
 - 1st Instalment : \$59,235.07
 - Status 1st : Paid
 - 2nd Installment : \$75,156.57
 - Status 2nd : Open (Delinquent after 04/10/2023)
 - Parcel No. : 014-178-016-000
 - Code Area/Tracer No. : 082003
- C. Property taxes have been declared defaulted for non-payment of delinquent taxes for the fiscal year(s) 2020 for Parcel No. 014-178-016-000. Amounts due show as follows:
Amount: \$27,645.89; due by: March 31, 2023
Prior to recording, the final amounts due must be confirmed with tax collector.
- D. Five year pay plan may exist - dollar amounts are approximate and subject to verification by the Tax Collector.
- E. Prior to recording, the final amount due for taxes must be confirmed with tax collector

Exceptions:

- 1. Water rights, claims or title to water in, on or under the Land, whether or not shown by the public records.
- 2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California.
- 3. Assessments for community facility districts which may exist by virtue of assessment maps or notices filed by those districts. Assessments are collected with the County Taxes.
- 4. Land is located within the boundary of the Imperial Irrigation District.
- 5. Rights or claims of easements for canals, drains, laterals, irrigation pipelines and gates whether or not recorded in the public records.
- 6. Taxes or assessments which are not shown as existing liens by the records of the taxing authority that levies taxes or assessments on real property or by the Public Records.

Proceeding by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 7. Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- 8. Easements, liens or encumbrances, or claims thereof, which are not shown by the Public

Records.

9. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or other facts which a correct survey would disclose, and which are not shown by the Public Records.
10. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
11. Any lien or right to a lien for services, labor, materials or equipment, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
12. Ownership of, or rights to, minerals or other substances, subsurface and surface, of whatsoever kind, including, but not limited to coal, ores, metals, lignite, oil, gas, geothermal resources, brine, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether the ownership or rights arise by lease, grant, exception, conveyance, reservation or otherwise, and whether or not appearing in the public records or listed in Schedule B. Stewart Title Guaranty Company and its issuing agent make no representation as to the present ownership of any such interests. There may be leases, grants, exceptions, or reservations of interests that are not listed.
13. Any interests (including rights of the public) in and to any portion of the Land lying within roads, streets, alleys or highways.
14. Reservations and other matters contained in the patent recorded February 19, 1952 as Instrument No. 37, in Book 832, Page 409 of Official Records.
15. Matters as shown on the Tract Map No. 560 of Maps, together with any provisions and recitals contained therein.
16. Matters contained in a survey filed in Book 5, Page 26 of Records of Survey.
17. Construction Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:
Amount : \$5,940,000.00
Trustor : Salton Sea Estates VI, LLC
Trustee : Pacific Western Bank
Beneficiary : Pacific Western Bank
Recorded : April 9, 2008 as Instrument No. 2008-009783 of Official Records

Said deed of trust does not appear to be reconveyed or released of record; it may have been paid off through a previous transaction. Please contact your title officer to determine how to address this open deed of trust.

Affects the Land and other property.

Matters contained in document entitled Intercreditor Agreement by and between Salton Sea Estates VI, LLC, a California limited liability company and Pacific Western Bank, a California state-chartered bank and BP West Coast Products LLC, a Delaware limited liability company recorded August 5, 2008 as Instrument No. 2008-022587 of Official Records.

Said instrument has been modified by that certain document recorded May 22, 2009 as Instrument No. 2009-015598 of Official Records.

The beneficial interest of Pacific Western Bank, a California state-chartered bank has been assigned of record to German American Capital Corporation, a Maryland corporation by that certain document recorded March 4, 2010 by Instrument No. 2010-006101 of Official Records.

18. Assignment of Rents and Leases executed by Salton Sea Estates VI, LLC, recorded April 9, 2008 as Instrument No. 2008-009784 of Official Records.

19. Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:
Amount : \$650,000.00
Dated : June 23, 2008
Trustor : Salton Sea Estates VI, LLC, a California Limited Liability Company
Trustee : Commonwealth Land Title Company
Beneficiary : BP West Coast Products LLC, a Delaware Limited Liability Company, its successors and assigns
Recorded : August 5, 2008 as [Instrument No. 08-22586](#) of Official Records.

Said deed of trust does not appear to be reconveyed or released of record; it may have been paid off through a previous transaction. Please contact your title officer to determine how to address this open deed of trust.

Affects the Land and other property.

Matters contained in document entitled Subordination Agreement recorded August 5, 2008 as [Instrument No. 08-22588](#) of Official Records.

The beneficial interest of BP West Coast Products LLC has been assigned of record to Tesoro Refining & Marketing Company LLC by that certain document recorded June 3, 2013 by [Instrument No. 13-12070](#) of Official Records.

Matters contained in document entitled Loan Assumption Agreement by and between Salton Sea Venture, Inc., a California corporation and Salton City Petroleum, Inc., a California corporation recorded January 6, 2017 as [Instrument No. 2017000371](#) of Official Records.

Matters contained in document entitled Loan Assumption Agreement by and between Salton Sea Venture, Inc., a California corporation and Salton City Petroleum, Inc., a California corporation recorded March 27, 2017 as [Instrument No. 2017007036](#) of Official Records.

20. Matters contained in document entitled Memorandum of Gasoline Agreement for Franchisee-Operated Facility by and between BP West Coast Products LLC, a Delaware Limited Liability Company and Salton Sea Venture, Inc., a California Corporation recorded August 5, 2008 as [Instrument No. 08-22589](#) of Official Records.
21. A right of first refusal in favor of BP West Coast Products LLC, a Delaware Limited Liability Company as contained in or disclosed by a document recorded August 5, 2008 as [Instrument No. 08-22589](#) of Official Records.
22. Matters contained in document entitled Agreement for Conditional Use Permit #08-0019 recorded November 20, 2008 as [Instrument No. 08-33169](#) of Official Records.
23. Matters contained in document entitled Covenant and Agreement establishing Easements for Ingress, Egress, Parking and Utilities recorded February 4, 2009 as [Instrument No. 09-4389](#) of Official Records.
24. Easement and rights incidental thereto for erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities and incidental purposes to Imperial Irrigation District, as set forth in a document recorded March 5, 2009 as [Instrument No. 09-7411](#) of Official Records.
25. Financing Statement in favor of Cat Scale Company, recorded March 20, 2009 as [Instrument No. 2009-008927](#) of Official Records.

Financing statement was continued by document recorded October 18, 2013 as [Instrument No. 2013023850](#) of Official Records.

Financing statement was continued by document recorded October 5, 2018 as [Instrument No. 2018018402](#) of Official Records.

Financing statement was amended by document recorded October 5, 2018 as Instrument No. 2018018403 of Official Records.

Financing statement was amended by document recorded May 25, 2021 as Instrument No. 2021012150 of Official Records.

Affects the Land and other property.

26. Easement and rights incidental thereto for erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities and incidental purposes to Imperial Irrigation District, as set forth in a document recorded March 5, 2009 as Instrument No. 09-7411 of Official Records.
27. Easement and rights incidental thereto for public highway and incidental purposes to County of Imperial, as set forth in a document recorded April 2, 2009 as Instrument No. 09-10218 of Official Records.
28. Easement and rights incidental thereto for constructing, using, maintaining, operating, altering, adding to, repairing, replacing, reconstructing, inspecting and/or removing its facilities, consisting of, but not limited to: poles, cables, wires, amplifiers, crossarms, anchors, guys braces, underground conduits, manholes, handholes, pedestals, above and below ground vaults and enclosures, concrete pads, markers and other appurtenances, fixtures and/or facilities (hereinafter sometimes collectively called equipment) necessary or useful for the transmission of electric energy for communications, telecommunications, video, intelligence by transmission electrical means and/or other and incidental purposes to Verizon California Inc., a Corporation, its successors and assigns, as set forth in a document recorded May 19, 2009 as Instrument No. 09-15154 of Official Records.
29. Unsecured property taxes in the amount of \$109.21 and other amounts due thereunder, recorded October 20, 2014 as Instrument No. 14-21062 of Official Records.
30. Matters contained in document entitled Covenant and Agreement Establishing Rights to Monument Sign Space recorded December 29, 2014 as Instrument No. 2014-25550 of Official Records.
31. Financing Statement in favor of Wallis State Bank, a Texas banking corporation, recorded January 6, 2017 as Instrument No. 2017000375 of Official Records.
32. Financing Statement in favor of Wallis State Bank, a Texas banking corporation, recorded January 6, 2017 as Instrument No. 2017000376 of Official Records.
33. Deed of Trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby:
Amount : \$6,157,500.00
Dated : March 22, 2017
Trustor : D and G Enterprise, LLC, a California limited liability company
Trustee : Geraci Law Firm
Beneficiary : Wallis State Bank, a Texas banking corporation
Recorded : March 27, 2017 as Instrument No. 2017007031 of Official Records.

Said instrument has been modified by that certain document recorded April 20, 2017 as Instrument No. 2017009262 of Official Records.

34. Matters contained in an unrecorded lease dated September 1, 2016, executed by D and G Enterprises, LLC, a California limited liability company, as lessor and Salton City Petroleum, Inc., a California corporation, as lessee, as disclosed by a document entitled Memorandum of Real Estate Lease, recorded March 27, 2017 as Instrument No. 2017007032 of Official Records.

Current owner of leasehold and any other matters affecting the interest of the lessee are not set forth herein.

Matters contained in document entitled Amended Memorandum of Contract Dealer Gasoline Agreement by and between Tesoro Refining & Marketing Company LLC, a Delaware limited liability company and Salton City Petroleum, Inc., a California corporation recorded March 27, 2017 as Instrument No. 2017007033 of Official Records.

35. Matters contained in document entitled Subordination Agreement by and between Salton City Petroleum Inc., a California corporation; D and G Enterprise, LLC, a California limited liability company; Walls State Bank, a Texas banking corporation and Tesoro Refining & Marketing Company LLC, a Delaware limited liability company recorded March 27, 2017 as Instrument No. 2017007034 of Official Records.
36. Matters contained in document entitled Subordination Agreement (Lease) by and between Tesoro Refining & Marketing Company LLC, a Delaware limited liability company and Salton City Petroleum, Inc., a California corporation recorded March 27, 2017 as Instrument No. 2017007035 of Official Records.
37. A Claim of Mechanic's Lien by Valley Petroleum Equipment, Inc., in the amount of \$171,336.07, and any other amounts due thereunder, recorded July 18, 2022 as Instrument No. 2022015220.
38. Any claim of damage from toxic contamination or its incidents by reason that there exists on said land a gasoline pumping station with in-ground storage containers for fuel and gasoline, as disclosed by a survey or inspection.,

Any Policy to be issued will not provide coverage for any damage sustained by reason of any toxic contamination which has occurred or which may occur by reason of the above.
39. Any right or interest that others may have or claim in any of the fixtures or other equipment associated with the automobile service station located on said land, including but not limited to gasoline pumps and underground gasoline tanks.
40. The effect of the existence of hazardous materials, if any, on, in or under said land.

Any failure to comply and the consequences of any failure to comply with Chapter 1158, 1988 Statutes [Health and Safety Code Section 25359.7 as amended] relating to duty of lessee to notify lessor in writing of any release or potential release of a hazardous substance on or beneath the leased premises.
41. Rights of tenants in possession whether or not recorded in the public records.
42. Rights of parties in possession whether or not recorded in the public records.
43. Any facts, rights, interests or claims which would be disclosed by an inspection of the Land.

(End of Exceptions)

NOTES AND REQUIREMENTS

- A. In order to insure, you must provide full copies of any unrecorded leases, together with all supplements, assignments and amendments. Additional requirements or items may be requested upon review of the required documents.
- B. In order to insure a conveyance, acquisition or encumbrance by the limited liability company named below, you must provide the following:
Limited liability company: D and G Enterprise, LLC, a California Limited Liability Company
(a) A certified copy of the articles of organization (Form LLC-1), and any filed amendment (Form LLC-2) or restatement (Form LLC-10), if applicable.
(b) A copy of the operating agreement and any amendments.
Additional requirements or items may be requested upon review of the required documents set forth above.
- C. There are no transfers or conveyances shown in the public records within 24 months of the date of this Preliminary Report. If you have knowledge of any transfers or conveyances, please contact your title officer immediately for further requirements.
- D. If an Owner's Policy of title insurance is requested, a CLTA Standard Coverage Owner's Policy will be issued unless instructed otherwise. If a different form of policy is desired, please contact your Title Officer.
- E. All Transactions - Seller(s) and Buyer(s) or Borrowers are provided, as attachments, the document entitled "Acknowledgement of Receipt, Understanding and Approval of STG Privacy Notice for Stewart Title Companies and Stewart's Affiliated Business Arrangement Disclosure Statement" and the individually named documents, for review and acknowledgment prior to closing.
- F. All Transactions - Buyer(s)/Seller(s)/Borrower(s) are provided the Preliminary Report for review and acknowledgment prior to closing. Buyer(s) approval shall include the Preliminary Report items that are to remain as exceptions to the title policy.
- G. All Transactions - Seller(s)/Owner(s) are provided Stewart Title Guaranty Company's Owner's Affidavit and Indemnity for completion and submission prior to closing.
- H. There are no items in this preliminary report that will cause Stewart Title Guaranty Company to decline to attach the CLTA Endorsement Form 116.01-06 (or similar ALTA 22-06 equivalent), indicating that there is located a Commercial known as 2084 S Marina Drive, Thermal, CA 92274.
- I. There are no items in this preliminary report that will cause Stewart Title Guaranty Company to decline to attach the CLTA Endorsement Form 100.2-06 (or a similar ALTA 9 equivalent) to an ALTA Loan Policy, when issued.

CALIFORNIA "GOOD FUNDS" LAW

California Insurance Code Section 12413.1 regulates the disbursement of escrow and sub-escrow funds by title companies. The law requires that funds be deposited in the title company escrow account and available for withdrawal prior to disbursement. Funds received by Stewart Title Guaranty Company Commercial Services (Los Angeles) via wire transfer may be disbursed upon receipt. Funds received via cashier's checks or teller checks drawn on a California Bank may be disbursed on the next business day after the day of deposit. If funds are received by any other means, recording and/or disbursement may be delayed, and you should contact your title or escrow officer. All escrow and sub-escrow funds received will be deposited with other escrow funds in one or more non-interest bearing escrow accounts in a financial institution selected by Stewart Title Guaranty Company Commercial Services (Los Angeles). Stewart Title Guaranty Company Commercial Services (Los Angeles) may receive certain direct or indirect benefits from the financial institution by reason of the deposit of such funds or the maintenance of such accounts with the financial institution, and Stewart Title Guaranty Company Commercial Services (Los Angeles) shall have no obligation to account to the depositing party in any manner for the value of, or to pay to such party, any benefit received by Stewart Title Guaranty Company Commercial Services (Los Angeles). Such benefits shall be deemed additional compensation to Stewart Title Guaranty Company Commercial Services (Los Angeles) for its services in connection with the escrow or sub-escrow.

If any check submitted is dishonored upon presentation for payment, you are authorized to notify all principals and/or their respective agents of such nonpayment.

OWNER'S AFFIDAVIT AND INDEMNITY

Order Number: 23000110252
Address/Location: 2084 S Marina Dr., Thermal, CA 92274
APN: 014-178-016-000

In connection with the request of the Undersigned ("Affiant") for the preparation and issuance of insurance, Affiant makes the following statements and representations for the benefit of, and reliance by, title insurer STEWART TITLE GUARANTY COMPANY (hereafter referred to as "TITLE"):

1. Affiant owns and holds title to the land described in Schedule A of the Preliminary Report or Commitment issued in connection with the above referenced Order Number (the "Land").
2. The Affiant's ownership and/or possession of the Land has been peaceful and undisturbed, and title thereto has never been disputed, questioned or rejected, nor has the issuance of title insurance ever been refused, except as follows: **(If none, please state "none")**

3. Other than the Affiant, there are no parties entitled to possession of the Land other than the following: **(If none, please state "none")**

4. There are no leases, licenses, options, rights of first refusal, or contracts to sell, affecting the Land, or any parties currently in possession, of the Land, except the following: **(If none, please state "none")**

5. All assessments by a management company or owners' association, or for common area or building maintenance, if any, are paid current or are not yet due and payable except for the following **(If none, please state "none")**

6. There are no pending contemplated repairs/improvements to the Land, except the following: **(If none, please state "none")**

7. There has been no construction, building materials, repairs, improvements or remodeling performed, provided, furnished or delivered within the last 12 months, except as follows: **(If none, please state "none")**

This work performed, as detailed above, was completed on _____ (date of completion).

8. Affiant is not aware of the existence of any of the following:
 - a. Improvements, including fences, encroaching into any easements on the Land, or over any boundary lines of the Land.
 - b. Adjoining property improvements encroaching onto the Land.
 - c. Liens against the Land and/or judgments or tax liens against Affiant or any other property owner currently in title, except those described in the Preliminary Report or Commitment issued in connection with the above referenced Order Number.
 - d. Outstanding claims or persons entitled to claims for mechanics' or materialman liens against the Land.
 - e. Pending repairs/improvements to any adjacent street(s) or any assessments related to road maintenance.
 - f. Any pending litigation involving the Land, the Affiant or any other property owner currently in title.
 - g. Recent improvements completed or being made to any common area(s) located within the subdivision in which the Land is located.
 - h. Violations of building permits, zoning laws or recorded covenants, conditions and/or restrictions imposed on the Land.
 - i. Any pending assessments for Community Facility Districts.
 - j. Any new, pending or existing obligation or loan including any home improvements on the Land pursuant to the PACE or HERO program, or any other similar type program.

- k. Any unrecorded or recorded easements, covenants, conditions, or restrictions affecting the Land, other than those listed in the Preliminary Report or Title Commitment.
- l. Any use of the property for the production, sale, warehousing or transporting of fresh fruits, vegetables, livestock or poultry (e.g., supermarkets, restaurants, wineries, breweries and meat packing plants).

With regard to 8a.-8l, except as follows: (If none, please state "none")

-
- 9. No proceedings in bankruptcy or receivership have been instituted or filed by, or against, the Affiant or any other property owner currently in title.
 - 10. There are no unpaid taxes, assessments or utility type bills including but not limited to bills for water, sewer, hazardous waste, recycling, storm drain and/or rubbish and there are no liens related to such utilities from or on the Land, with the exception of the following: **(If none, please state "none")**

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- 11. There are no financial obligations secured by trust deeds, mortgages, financing statements, vendor's liens, security agreements or otherwise, against the Land, except as set forth in the Preliminary Report, proforma and/or Commitment, and as set forth below: **(If none, please state "none")**

<u>Creditor</u>	<u>Approximate Balance</u>

-
- 12. There has been no harvesting or production of any oil, gas, geothermal materials or other minerals from or on the Land and there are no oil, gas, geothermal and/or mineral leases, licenses, options, rights of first refusal, and/or contracts to sell, affecting the mineral rights associated with the Land, or other parties currently in possession, of the mineral rights on the Land, except the following: **(If none, please state "none")**
 - 13. Other than the Affiant, there are no other parties currently in possession of the Land, including but not limited to, any possessory interest associated with the harvesting of any oil, gas, geothermal materials or other minerals, except the following: **(If none, please state "none")**
 - 14. Affiant has not executed and will not execute any documents or instruments related to the title to, or interest in, the Land prior to the recordation of the documents in this transaction.
 - 15. By signing below, Affiant agrees to cooperate with TITLE and, upon request from TITLE, to promptly provide and/or execute, any corrective or curative information or documentation requested.

This is a sworn affidavit and is made for the purpose of inducing TITLE to provide certain insurance coverage to a purchaser and/or lender, and the representations contained herein are material to such insurance coverage. The undersigned hereby indemnifies and holds TITLE harmless from any loss or damage, liability, costs, expenses and attorneys' fees which it may sustain under its policies of title insurance or commitments to the extent any representation contained herein is incorrect. The undersigned understands that TITLE may decide not to provide the requested title insurance despite the information and affirmations contained herein.

PLEASE READ, COMPLETE AND RESPOND TO ALL STATEMENTS CONTAINED IN THIS OWNER'S AFFIDAVIT AND INDEMNITY BEFORE SIGNING IN THE PRESENCE OF A NOTARY PUBLIC, THE NOTARY PUBLIC WILL EXECUTE THE ACKNOWLEDGMENT ON THE FOLLOWING PAGE. HOWEVER, IF YOU DO NOT UNDERSTAND OR HAVE ANY QUESTIONS ABOUT THIS AFFIDAVIT, YOU SHOULD SEEK THE ASSISTANCE OF YOUR INDEPENDENT FINANCIAL AND/OR LEGAL ADVISOR BEFORE SIGNING.

D & G Enterprise LLC

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

State of California)
) ss.
County of _____)

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20____,
by _____, proved to
me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Signature



Jimmy Morada
Associate Senior
Underwriter/Advisory Title
Officer

Stewart Title Guaranty Company
Commercial Services (Los Angeles)
525 North Brand Blvd.
Glendale, CA 91203
(818) 547-2037 Phone
Jimmy.Morada@stewart.com

Date : March 03, 2023
Escrow Officer :
Escrow No. : 23000110252
Title Order No. : 23000110252
Property Address : 2084 S Marina Dr., Thermal, CA 92274

SELLER ACKNOWLEDGEMENT OF RECEIPT, UNDERSTANDING AND APPROVAL OF PRELIMINARY REPORT

The undersigned Seller(s) hereby acknowledge receipt of a copy of the Preliminary Report issued by Stewart Title Guaranty Company - Commercial Services under Order No. 23000110252, dated January 31, 2023 and hereby approves the legal description of subject property shown on Schedule A of the report.

Seller(s) Acknowledgement: Seller(s) herein warrant and confirm that, to Seller(s) knowledge, all Deeds of Trusts (e.g., mortgages, loans and lines of credit), liens, judgments and/or encumbrances affecting Seller(s) and subject property are reflected in the Preliminary Report. If not, Seller(s) will provide Escrow Holder with information to facilitate the pay-off and/or removal of any such items before or at the close of escrow.

The undersigned have received a copy of this acknowledgement as evidenced by the signature below.

Seller(s):

D & G Enterprise LLC



Jimmy Morada
Associate Senior
Underwriter/Advisory Title
Officer

Stewart Title Guaranty Company
Commercial Services (Los Angeles)
525 North Brand Blvd.
Glendale, CA 91203
(818) 547-2037 Phone
Jimmy.Morada@stewart.com

Date : March 03, 2023
Escrow Officer :
Escrow No. : 23000110252
Title Order No. : 23000110252
Property Address : 2084 S Marina Dr., Thermal, CA 92274

BUYER ACKNOWLEDGEMENT OF RECEIPT, UNDERSTANDING AND APPROVAL OF PRELIMINARY REPORT

The undersigned Buyer(s) hereby acknowledge receipt of a copy of the Preliminary Report issued by Stewart Title Guaranty Company - Commercial Services under Order No. 23000110252, dated January 31, 2023 and hereby approves the legal description of subject property shown on Schedule A of the report.

Buyer(s) Approval of Preliminary Report: Buyer(s) herein hereby approves Items * of Schedule B of the report to be included in the Policy of Title Insurance as exceptions when written. Further, Buyer(s) hereby acknowledge receipt and approval of the Covenants, Conditions and Restrictions, and any and all Schedule B exceptions detailed above, for example, easements, right-of-ways, and restrictions, if any.

The undersigned have received a copy of this acknowledgement as evidenced by the signature below.

Buyer(s):

EXHIBIT "A"
LEGAL DESCRIPTION

Order No.: 23000110252
Escrow No.: 23000110252

The land referred to herein is situated in the State of California, County of Imperial, Unincorporated and described as follows:

APN: 014-178-016-000

Parcel A:

Parcel 3 as shown on Lot line Adjustment No. 00221, as evidenced by document recorded March 17, 2008 as Instrument No. 08-7564 of Official Records, being more particularly described as follows:

In the unincorporated area of the County of Imperial, State of California, lying in Section 30 Township 10 South Range 10 East, being Parcel "A" of Lot Merger No. 00093 together with Parcel "C" and a portion of Parcel "A" as shown on Record of Survey recorded in Book 5 of Record of Surveys at Page 26, both in the Office of the Imperial County Recorder, described as follows:

Commencing at the most Northerly corner of said Parcel "A", said point being on the Southwesterly right of way line of service road as shown on said Record of Survey; thence, along said Southwesterly right of way line South 32° 06' 00" East 215.00 feet to the true point of beginning.

Thence, continuing along said Southwesterly right of way line South 32° 06' 00" East 173.00 feet to the beginning of a curve concave Northwesterly, having a radius of 30.00 feet;

Thence, Southerly along said right of way and said curve through a central angle of 90° 00' 00" an arc length of 47.12 feet to a point on the Northwesterly right of way line of Marina Drive South as shown on said Record of Survey.

Thence, along said Northwesterly right of way line South 57° 54' 00" West 620.00 feet to the beginning of a curve concave Northerly, having a radius of 30.00 feet;

Thence, Westerly along said right of way line and said curve through a central angle of 90° 00' 00" an arc length of 47.12 feet to a point on the northeasterly right of way line of Taft Avenue as shown on said Record of Survey;

Thence, North 32° 06' 00" West 216.14 feet to the beginning of a curve concave Easterly, having a radius of 20.00 feet;

Thence, Northerly along said right of way line and said curve through a central angle of 82° 49' 10" an arc length of 28.91 feet to a point on the Southeasterly right of way line of Loop Drive as shown on said record of Survey said point being the beginning of a reverse curve concave Northwesterly having a radius of 380.00 feet to which a radial line bears North 39°16'50" West;

Thence, Northeasterly along said right of way line and said curve through a central Angle of 46° 30' 47" an arc length of 308.49 feet to the common corner of said Parcel "A" and Lot 1 of said Block 8 of Tract 560 to which a radial line bears South 85°47'37" East;

Thence, along the common line of said Parcel "A" and said Lot 1 North 57° 54' 00" East 137.27 feet to the most Westerly corner of the previously described Parcel 1;

Thence, leaving said common line along the Southwesterly line of said Parcel 1 and continuing on the Southwesterly line of the previously described Parcel 2 South 32° 06' 00" East 215.00 feet to the Southerly corner of said parcel 2;

Thence, along the Southeasterly line of said Parcel 2 North 57° 54' 00" East 266.50 feet to the true point of beginning.

Excepting all uranium, thorium, or any other material which is or maybe determined to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, together with the right at any time to enter upon said land and prospect for, mine and remove the same.

Also excepting all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits, as defined in section 6403 public resources code, contained therein; also the right to drill for and extract such deposits of other minerals from said land as may be required therefor, upon compliance with the conditions and subject to the provisions and limitations of Chapter 5, Part I, Division 6 of the public resources code, as reserved in the patent from the State of California dated, December 6, 1951 and recorded in Book 832, Page 409 of Official Records.

Also excepting therefrom all underground water in, under, or flowing through said land, and water rights appurtenant thereto, as reserved by Salton Riviera, Inc., in Grant deed recorded October 23, 1959 as File No. 28, in Book 1007, Page 89 of Official Records.

Parcel B:

Non-exclusive easements for parking, vehicular and pedestrian ingress and egress and underground utilities over, along, under and across the common areas of said parcels a, b and c designated as driveway and parking areas, for the benefit of each of said parcels a, b and c over each other remaining said parcels, as set forth in that document entitled "Covenant and Agreement Establishing Easements for Ingress, Egress, Parking and Utilities" and recorded February 4, 2009 as Instrument No. 09-4389 of Official Records.

APN: 014-178-016-000

(End of Legal Description)

AFFILIATED BUSINESS ARRANGEMENT DISCLOSURE STATEMENT

Date: March 03, 2023

Escrow No.: 23000110252

Property: 2084 S Marina Dr., Thermal, CA 92274

From: Stewart Title Guaranty Company - Commercial Services

This is to give you notice that Stewart Title Guaranty Company - Commercial Services ("Stewart Title") has a business relationship with Stewart Solutions, LLC, DBA – Stewart Specialty Insurance Services, LLC ("Stewart Insurance"). Stewart Information Services Corporation owns 100% of Stewart Insurance and Stewart Title of California. Because of this relationship, this referral may provide Stewart Title a financial or other benefit.

Set forth below is the estimated charge or range of charges for the settlement services listed. You are NOT required to use the listed provider(s) as a condition for purchase, sale, or refinance of the subject Property. THERE ARE FREQUENTLY OTHER SETTLEMENT SERVICE PROVIDERS AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.

<i>Stewart Insurance Settlement Service</i>	<i>Charge or range of charges</i>
Hazard Insurance	\$400.00 to \$6,500.00
Home Warranty	\$255.00 to \$ 780.00
Natural Hazard Disclosure Report	\$ 42.50 to \$ 149.50

CALIFORNIA LAND TITLE ASSOCIATION

**STANDARD COVERAGE POLICY – 1990
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
(a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy; or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy

**CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;
 - e. land division;
 - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.

5. Failure to pay value for Your Title.

6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.

7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

* For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A. The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 16:	1% of Policy Amount or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18:	1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:	1% of Policy Amount or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:	1% of Policy Amount or \$2,500.00 (whichever is less)	\$5,000.00

2006 ALTA LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

Except as provided in Schedule B - Part II, this policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

PART I

1. (a) taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
(b) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy.

PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:

2006 ALTA OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any Improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and that are not shown by the Public Records.
5. (a) unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy..

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY - ASSESSMENTS PRIORITY (04-02-15)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys fees or expenses which arise by reason of:

1. a. Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions or location of any improvement now or hereafter erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protectionor the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- b. Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

**PROCEDURES TO ACCOMPANY THE
RESTRICTIVE COVENANT MODIFICATION FORM**

The law prohibits unlawfully restrictive covenants based upon:

“...age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry... Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.”

As the individual holding or acquiring an interest in the property, you may elect to have any unlawfully restrictive covenants “removed”, which means “redacted.”

To have the unlawfully restrictive covenant removed, you may prepare and submit to the county recorder’s office, a “Restrictive Covenant Modification” form (RCM) together with a copy of the attached document with the unlawfully restrictive covenant redacted. This request must be submitted to the county recorder’s office and must include your return address so the county recorder can notify you of the action taken by the county counsel.

NOTE: The RCM provided with your title product MAY NOT be the same form required by your county recorder’s office; please double check your county recorder’s office before completing this form.

The process at the county recorder’s office is as follows:

- The county recorder takes the RCM with the redacted document and the original document attached and submits it to the county counsel for review to determine if, from a legal standpoint, the language was an unlawfully restrictive covenant and thus the redacted version should be indexed and recorded.
- The county counsel shall inform the county recorder of his/her determination within a reasonable amount of time, not to exceed three months from the date of your request.
- If county counsel determined that the redacted language was unlawful then, once recorded, the redacted document is the only one that effects the property and this modified document has the same effective date as the original document.
- If county counsel determined that the redacted language was not unlawful then county counsel will return the RCM package to the county recorder and the county recorder will advise the requestor that same the request has been denied and the redacted document has not been recorded.
- The modification document shall be indexed in the same manner as the original document and shall contain a recording reference to the original document.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME

ADDRESS

CITY
STATE & ZIP

TITLE ORDER NO. _____ ESCROW NO. _____ APN NO. _____

RESTRICTIVE COVENANT MODIFICATION

(Unlawfully Restrictive Covenant Modification Pursuant to Government Code Section 12956.2)

I(We) _____ have or are acquiring an ownership interest of record in the property located at _____ that is covered by the document described below.

The following reference document contains a restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in Section 12955 of the Government Code, or ancestry, that violates state and federal fair housing laws and is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of eliminating that restrictive covenant as shown on page(s) _____ of the document recorded on _____ in book _____ and page _____ or instrument number _____ of the official records of the County of _____, State of California.

Attached hereto is a true, correct and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.

This modification document shall be indexed in the same manner as the original document pursuant to subdivision (d) of Section 12956 of the Government.

The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document.

(Signature of Submitting Party)

(Printed Name)

(Signature of Submitting Party)

(Printed Name)

_____ County Counsel, or their designee, pursuant to Government Code Section 12956.2, hereby states that it has been determined that the original document referenced above

_____ Does _____ Does Not contain an unlawful restriction and this modification may be recorded.

County Counsel

By: _____

Date: _____

STEWART TITLE GUARANTY COMPANY PRIVACY NOTICE

This Stewart Title Guaranty Company Privacy Notice ("Notice") explains how Stewart Title Guaranty Company and its subsidiary title Insurance companies (collectively, "Stewart") collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of your information. Pursuant to Title V of the Gramm-Leach Bliley Act ("GLBA") and other Federal and state laws and regulations applicable to financial institutions, consumers have the right to limit some, but not all sharing of their personal information. Please read this Notice carefully to understand how Stewart uses your personal information.

The types of personal information Stewart collects, and shares depends on the product or service you have requested.

Stewart may collect the following categories of personal and financial information from you throughout your transaction:

1. **Identifiers:** Real name, alias, online IP address if accessing company websites, email address, account name, unique online identifier, social security number, driver's license number, passport number, or other similar identifiers;
2. **Demographic Information:** Marital status, gender, date of birth.
3. **Personal Information and Personal Financial Information:** Name, signature, social security number, physical characteristics or description, address, telephone number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, credit reports, or any other information necessary to complete the transaction.

Stewart may collect personal information about you from:

1. Publicly available information from government records.
2. Information we receive directly from you or your agent(s), such as your lender or real estate broker;
3. Information about your transactions with Stewart, our affiliates, or others; and
4. Information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Stewart may use your personal information for the following purposes:

1. To provide products and services to you or in connection with a transaction.
2. To improve our products and services.
3. To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- a. To fulfill or meet the reason for which the information is provided.
- b. To provide, support, personalize, and develop our website, products, and services.
- c. To create, maintain, customize, and secure your account with Stewart.
- d. To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- e. To prevent and/or process claims.
- f. To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- g. As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- h. To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- i. To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- j. To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- k. Auditing for compliance with federal and state laws, rules and regulations.
- l. Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments.
- m. To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a non-affiliated third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter in a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- a. Non-affiliated service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- b. To enable Stewart to prevent criminal activity, fraud, material misrepresentation, or nondisclosure.
- c. Stewart's affiliated and subsidiary companies.
- d. Non-affiliated third-party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you.
- e. Parties involved in litigation and attorneys, as required by law.
- f. Financial rating organizations, rating bureaus and trade associations.
- g. Federal and State Regulators, law enforcement and other government entities to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

The law does not require your prior authorization or consent and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with non-affiliated third parties, except as required or permitted by law.

Right to Limit Use of Your Personal Information

You have the right to opt-out of sharing of your personal information among our affiliates to directly market to you. To opt-out of sharing to our affiliates for direct marketing, you may send an "opt out" request to Privacyrequest@stewart.com, or contact us through other available methods provided under "Contact Information" in this Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

How Stewart Protects Your Personal Information

Stewart maintains physical, technical and administrative safeguards and policies to protect your personal information.

Contact Information

If you have questions or comments about this Notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Chief Compliance and Regulatory Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

Privacy Notice at Collection for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA") and the California Privacy Rights Act of 2020, effective January 1, 2023 ("CPRA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice at Collection for California Residents** ("CCPA & CPRA Notice"). This CCPA & CPRA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users, and consumers and others who reside in the State of California or are considered California Residents as defined in the CCPA & CPRA ("consumers" or "you"). All terms defined in the CCPA & CPRA have the same meaning when used in this Notice.

Personal and Sensitive Personal Information Stewart Collects

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), Gramm Leach Bliley Act (GLBA) and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of **personal and sensitive personal information** from consumers within the last twelve (12) months:

Category	Examples	Collected
A. Identifiers	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES

G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment-related Information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal and sensitive information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees, or their agents (For example, realtors, lenders, attorneys, brokers, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal and Sensitive Personal Information

Stewart may use or disclose the personal or sensitive information we collect for one or more of the following purposes:

- a. To fulfill or meet the reason for which the information is provided.
- b. To provide, support, personalize, and develop our website, products, and services.
- c. To create, maintain, customize, and secure your account with Stewart.
- d. To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- e. To prevent and/or process claims.
- f. To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf pursuant to valid service provider agreements.
- g. As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- h. To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- i. To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- j. To help maintain the safety, security, and integrity of our website, products and services, databases and other technology-based assets, and business.
- k. To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- l. Auditing for compliance with federal and state laws, rules and regulations.
- m. Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- n. To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal or sensitive information or use the personal or sensitive information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent throughout the course of your transaction (for example, a realtor, broker, or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter into a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- a. Service providers and vendors we contract with to render specific services (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- b. Affiliated Companies.
- c. Parties involved in litigation and attorneys, as required by law.
- d. Financial rating organizations, rating bureaus and trade associations.
- e. Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

Category A:	Identifiers
Category B:	California Customer Records personal information categories
Category C:	Protected classification characteristics under California or federal law
Category D:	Commercial Information
Category E:	Biometric Information
Category F:	Internet or other similar network activity
Category G:	Geolocation data
Category H:	Sensory data
Category I:	Professional or employment-related information
Category J:	Non-public education information
Category K:	Inferences

Your Consumer Rights and Choices Under CCPA and CPRA

Your Rights Under CCPA

The CCPA provides consumers (California residents as defined in the CCPA) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you:

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you.
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.

4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 seq.)
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Your Rights Under CPRA

CPRA expands upon your consumer rights and protections offered by the CCPA. This section describes your CPRA rights and explains how to exercise those rights.

Opt-Out of Information Sharing and Selling

Stewart does not share or sell information to third parties, as the terms are defined under the CCPA and CPRA. Stewart only shares your personal information as commercially necessary and in accordance with this CCPA & CPRA Notice.

Correction of Inaccurate Information

You have the right to request that Stewart correct any inaccurate information maintained about.

Limit the Use of Sensitive Personal Information

You have the right to limit how your sensitive personal information, as defined in the CCPA and CPRA is disclosed or shared with third parties.

Exercising Your Rights Under CCPA and CPRA

To exercise the access, data portability, deletion, opt-out, correction, or limitation rights described above, please submit a verifiable consumer request to us by the available means provided below:

1. Calling us Toll Free at 1-866-571-9270
2. Emailing us at Privacyrequest@stewart.com; or
3. Visiting <http://stewart.com/ccpa>.

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child, if applicable.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA and CPRA rights. Unless permitted by the CCPA or CPRA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Record Retention

Your personal information will not be kept for longer than is necessary for the business purpose for which it is collected and processed. We will retain your personal information and records based on established record retention policies pursuant to California law and in compliance with all federal and state retention obligations. Additionally, we will retain your personal information to comply with applicable laws, regulations, and legal processes (such as responding to subpoenas or court orders), and to respond to legal claims, resolve disputes, and comply with legal or regulatory recordkeeping requirements

Changes to This CCPRA & CPRA Notice

Stewart reserves the right to amend this CCPA & CPRA Notice at our discretion and at any time. When we make changes to this CCPA & CPRA Notice, we will post the updated Notice on Stewart's website and update the Notice's effective date.

Link to Privacy Notice

Stewarts Privacy Notice can be found on our website at <https://www.stewart.com/en/privacy.html>.

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Chief Compliance and Regulatory Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

BUSINESS PLAN

DBO INVESTMENTS SC, LLC

d/b/a

FROM THE EARTH

CANNABIS BUSINESS PERMIT

STOREFRONT RETAIL APPLICATION

**FILED CONCURRENTLY WITH CONDITIONAL USE
PERMIT APPLICATION**

March 26, 2023

SALTON CITY, CALIFORNIA

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BUSINESS PLAN

Executive Summary

DBO INVESTMENTS SC, LLC, d/b/a/ FROM THE EARTH (“FTE”) is seeking to establish a store-front and delivery-capable cannabis dispensary within the Salton City Travel Plaza located at 2084 S. Marina Dr., (the “Property”) which is owned by D&G Enterprises (“D&G”). Concurrent with this application, both FTE and D&G are requesting a Conditional Use Application whereby the County permits the Property’s address to be split into Units 1 and 2. FTE will be the sole occupant of Unit 2.

FTE is a high-end, luxury dispensary that caters to a largely professional customer base. The Company currently operates two dispensaries – one in Santa Ana and one in Port Hueneme – and previously owned 7 additional dispensaries in California, Michigan and Missouri, all now sold.

The dispensaries share a very upscale aesthetic that play off of the FTE name, with green stamped concrete floors, blue sky and clouds painted on the ceilings, custom cabinetry with earthen materials and an array of high-tech video screens that provide entertainment, pricing, menu and a host of other information to customers. Murals depicting Mother Earth adorn the waiting room walls and a retro vibe provides a soothing backdrop to the brilliant colors and design of the sales floor. (See Attached Photos, pp. 28-32).

FTE looks and feels like a Whole Foods location, or even an Apple store, with minimalist décor, gleaming technology and hundreds of products arrayed in custom display cases with state-of-the-art, compliant packaging. Employees are all dressed alike, in matching polo shirts, and trained to provide the most comprehensive customer service seen anywhere in the industry. Ratings from Weedmaps and other popular review sites consistently reference the beautiful spaces occupied by FTE and the welcoming environment created by the company’s staff.

At FTE, the customer’s experience is the paramount concern and, therefore, the company stocks literally hundreds of products. These products span all product categories including flower, pre-rolls, concentrates, wax, edibles, cannabis-infused food and drinks, tinctures, topicals and FTE gear. Stocking a massive collection of products allows FTE to satisfy any customer need as well as upsell additional items to customers who are looking for something specific.

FTE has found most of its customers to be professionals – doctors, lawyers, educators and tending towards the more affluent side of society. Marketing is directed towards the strata of the market that appreciates the upscale environment and the focus on customer service. FTE is not the type of dispensary that’s hunting for a reputation as the “cheapest”; rather, it wants to be known as a place where you get the most value for your money.

The Property is an ideal location for a dispensary like FTE, which is seeking to elevate the entire cannabis industry insofar as it exhibits an upscale environment that attracts travelers to its beautifully presented retail options. The luxurious aesthetic of FTE will be a natural attraction for the demographic who regularly traffic through the Property and vice versa.

OPERATIONS PLAN

Premises

The dispensary will be housed in a 467sf retail space located within the Property. As noted in the attached Conditional Use Permit application, FTE is requesting that the County permit the creation of two units inside the property: Unit 1, which will house the existing Travel Plaza tenants and Unit 2, which will be solely occupied by FTE.

The main entrance to Unit 2 will be from an exterior door located at the back of the Property. Two doors will be erected to the exterior, one for customers and a second entrance for vendors delivering product to the store. There will be no entrance between the Travel Plaza and the dispensary. (See attached plans).

Sales Floor Operations

FTE is an experienced California state operator with over eight years' operating experience in compliance with the regulations promulgated by the state. We are committed to continuing to comply with the provisions of the Compassionate Use act of 1996 (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Sections 11362.7 through 11362.83), the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), and the regulations promulgated by the state licensing agencies under the MAUCRSA including, but not limited to, the Bureau of Cannabis Control within the Department of Consumer Affairs ("BCC"). In addition to compliance with all applicable state laws and regulations, FTE's operations will maintain full compliance with all Imperial County regulations and requirements.

FTE abides by the following operating procedures:

Opening

- Manager will disable alarm
- Manager will look over EOD (End of Day) binder to reflect previous day's numbers. (sales, discounts, discrepancies, events)
- Turn on all lights; scent machine, vendor displays, flower displays, wax fridge and edible fridge.
- Turn on all credit card machines
- Organize displays and restock any that are empty, ensuring all product that is available to be displayed is set out on shelves.
- Count to ensure all registers are at \$200. Start register's shift in POS system.
- Record any overages or shortages in the daily reg count document for GM or Store Manager for reconciliation.
- Resolve shortages with petty cash and record in the daily reg count document for GM or Store Manager for reconciliation.

- Stock any product requiring same
- Schedule employee rest and meal breaks
- Get opening staff's badges out and place tip jars at each station.
- When the staff arrives, Manager will meet with them for 10 minutes to go over the daily deals and assign tasks for them each to get done during "down time".

Checking In New Customers

1. The receptionist will first ask for a valid form of identification to verify the customer is at least 21 years of age (or 18 for medical patients). Medical patients will also be asked for a copy of their valid doctor's recommendation or medical cannabis identification card. FTE will not sell medical cannabis to a patient without proof of a valid doctor's recommendation. If the patient is at least 21 years of age, the customer can still be admitted to the facility and purchase cannabis products;
2. Receptionist creates a new customer profile in the POS system;
3. Receptionist scans the barcode on the ID to auto-populate the customer's information into their customer profile in the point of sale system. Any required information that does not auto-populate will be entered manually by receptionist and verified with customer license or other permissible documentation;
4. Receptionist photo scans the ID into the system;
5. Receptionist will ask how the customer heard about us;
6. Receptionist records the customer's answer in the POS for data tracking purposes;
7. Any additional information can be added into the customer's profile before asking the customer to have a seat in the waiting area while they wait for an available sales associate.

Checking In Returning Customers

1. The receptionist will first ask for a valid form of identification to verify the customer is at least 21 years of age (or 18 for medical patients);
2. The receptionist will scan the barcode on their ID, which will automatically pull up that customer's profile;
3. The receptionist will check in the customer;
4. Ask them to have a seat in the waiting area while they wait for an available sales associate.

Closing

- Managers will distribute tips to the team
- End each register's shift in POS system and print the EOS (End of Shift) report
- Count all registers to ensure all balances are at \$200
- Remove all credit card receipts and bundle with completed drop slip.

- Run the settlement report on all credit card machines
- Turn off all display lights
- All cash will be put in envelopes, marked with Manager's initials and date. Place cash in the secured vault.
- Turn off all iPads and other electronics
- Store should be left completely ready for the next morning before anyone leaves.
- Staff will ensure that the trash is emptied and stations are fully stocked with supplies. Once all items on the checklist are complete, the manager on duty may release their staff.
- Before leaving, it is the Manager's responsibility to ensure all lights are off, the alarm is enabled, and the front door is locked with the roll down door is completely down and secure.

Employee-Related Information

Employees

FTE anticipates that it will hire up to 20 employees for this location. Due to the small size of the space, there will only be 3 employees on-site at any one time, not including security officers who will be stationed at the front door but be employed by an independent, third-party security company, or delivery drivers who will only be on-site for purposes of picking up product to be delivered.

Said employees will include a Floor Manager, a Product Specialist and an Inventory Specialist. The Floor Manager and Product Specialist will handle customer service and sales while the Inventory Specialist will retrieve inventory from the safe when necessary and ensure that the display cases and shelves are stocked correctly.

In order to properly staff a 7-day operation, there will be 3-5 people who will be hired for each of the three positions. Additionally, FTE will hire 2-7 delivery drivers. FTE notes that, as a tenant in the building which houses the Travel Plaza, there are security and maintenance personnel who are employed by the Travel Plaza who will perform some services in and around the proposed dispensary.

Pay/Benefits

FTE starts all Product Specialists at a minimum wage of \$17/hour and they are allowed to keep all of their tips. Floor managers receive a minimum of \$20/hour. All employees are provided with bi-annual reviews where bonuses and/or raises are discussed. Because FTE operates multiple dispensaries and other cannabis-related projects, many employees are allowed to make lateral moves or be promoted in other locations. Upward job mobility is a topic that FTE discusses regularly with its employees.

After employees complete a probationary period, they are also offered medical benefits as well as standard vacation/personal days annually.

Employee Training

FTE will provide a comprehensive training and educational program for employees to enable them to become skilled in all aspects of its cannabis dispensary business and knowledgeable about cannabis and the laws regulating it. Employees will be taught best practices, ethical practices, and the standards and procedures for the safe operation of the business. The training will include shadowing existing employees (with similar job descriptions) performing their duties for a period of no less than ten business days.

New hires are also provided with an employee handbook and are required to perform research on specific websites to enhance their knowledge of the Company's product offerings. As noted in the attached Security Plan, security training occurs on a regularly-scheduled basis as well, in both monthly and more substantial quarterly meetings. The Company has an existing archive of cannabis-based information, articles, periodicals, procedural guides and a host of other information that contains literally 1000's of pages of information which is provided to new hires and is then used as the basis for periodic quizzes to ensure that employees have learned all information contained therein. New employees are also closely monitored by management for the first 30 days of their employment to determine whether they have sufficient knowledge to perform their tasks or require additional training.

The Company currently employs more than 50 people at its two dispensaries in Orange and Ventura counties. Some of these people have been working with the company for more than seven years and, thus, are steeped in the customer-centric policies employed by FTE which makes them ideal trainers and mentors for new hires.

One on One Service

FROM THE EARTH's dispensary model ensures that medical patients and adult-use consumers have safe and secure access to a wide variety of medical and/or recreational cannabis products. We practice a one-to-one model, where one Product Specialist helps one patient/customer (or group of customers if they came to shop together). This model gives our dispensary staff the time and opportunity to develop trusting relationships with our customers and learn every customer's unique and individual needs, whether they are shopping for medical or recreational reasons.

After a customer or patient is checked-in, the Product Specialist assists the customer with his needs. Once the customer has selected their product, the Product Specialist will process their transaction. If any discounts, such as medical or veterans discount, apply, a Floor Manager will assist the Product Specialist with approving the discount. Once cash is exchanged for product, the transaction is complete and the customer will leave while the Product Specialist moves on to assist the next customer. This is the bulk of the flow of our daily operations—**servicing our customers to the best of our ability is our foremost responsibility.**

Within our retail model, FROM THE EARTH offers online and phone orders that can be picked up on-site for our customers' convenience. When the customer arrives to pick up their pre-

packaged order, staff members will process the transaction and collect payment the same way they would a traditional transaction.

Cash Handling

All cash, other than a *de minimis* amount kept in store registers, will be stored in a vault or safe maintained within a locked, secured room located within the dispensary at the end of each business day. Closed circuit TV's will monitor the dispensary and will be streamed to the Company's and the Property's general offices as noted in the Security Plan below.

Each cashier receives \$200 in their drawer at the beginning of a business day. On each day's store opening, cash from the previous day is reconciled to confirm that the amounts match the point of sale's report.

Each hour during a business day, the Floor Manager will remove the cash from each cashier's cash drawer and deposit same in the safe with appropriate identification so that the amounts can be reconciled against the point of sale's report. Drop sheets are maintained throughout the day to confirm total amounts.

Cash is recorded into the company's accounting system whether paid directly to a vendor or received from a customer. All transactions, whether cash, check or wire transfer, are recorded into the company's accounting software by employees dedicated solely to the accounting functions of the dispensary. These employees are not involved in sales or marketing.

FTE has an existing relationship with East West Bank which allows it all of the standard banking operations of a "mainstream" business. FTE is unique in being allowed to bank with an FDIC-insured lender as this option is available to few cannabis companies in the United States. East West Bank instituted a pilot program, in coordination with California state banking officials in 2020 and admitted just 25 cannabis operators, including FTE, to open accounts within the bank. Accordingly, because of this relationship, a licensed armored truck is sent to each FTE location once a week, or more often as necessary, to collect cash and deposit it in the bank. FTE never has more than \$25,000 in cash on any location at any one time as it can contact East West Bank and arrange for a pick-up if on-site cash reserves ever reach that level.

Inventory Control and Reporting System

Tracking

FTE will maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all medical marijuana products throughout the distribution chain. The inventory control and reporting system shall comply with the track and trace program required by section 19335 of the California Business and Professions Code and regulations issued pursuant thereto and with the Salton City Municipal Code.

Specifically, FTE will use Treez Enterprise Quality Retail Management Software for its inventory control to prevent diversion of cannabis to non-approved uses, track the storage and movement of cannabis, recording label identifiers, employee screening, and for recordkeeping for compliance and auditing purposes.

Treez enables the Company to see the progress of online orders and track packages from fulfillment to delivery, allows employees to browse existing and available inventory, includes responsive and intuitive interfaces that accelerate the administrative process of handling orders, provides key data patterns and analytics related to all sales, streamlines inventory management, auto updates to reflect changing local, state and federal regulations, remains locally connected in the event of a power outage.

The Company's two dispensaries, FTE Santa Ana and FTE Port Hueneme, currently use Treez software and have a perfect record of compliance with all tracking regulations. FTE's dispensaries have a perfect record of tax compliance in that it has paid all taxes in a timely manner in the full amount owed.

Transactions

In accordance with the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and the regulations promulgated under it regarding recordkeeping, all records related to the commercial cannabis activity will be maintained for a minimum of seven years.

FTE shall keep a complete set of books of account, invoices, copies of orders and sales, receipts, shipping instructions, bills of lading, weight bills, bank statements (including cancelled checks and deposit slips, if and when cannabis-business banking becomes available), and all other records required to be maintained under law or that are necessary to fully show all transactions of FTE. The records will clearly track cannabis and cannabis product inventory, and a manual inventory audit will be conducted once a week. These inventory audits will be conducted more frequently if required under law or if otherwise needed to prevent the unlawful diversion or loss of inventory.

The Treez system used by FTE has comprehensive reports that can be tailored to accommodate the requirements of the business, Salton City, Imperial County and State law. The Treez system is comprised of several components, all of which are designed to seamlessly integrate with one another. The Treez system is a tracking system that tracks and reports on all aspects of the business, including but not limited to such matters as inventory-movement tracking and other inventory data.

The system will also maintain information concerning the employees. For example, when a new employee is hired by FTE, he or she will be given an employee ID number and ID card. The employee's ID number, his or her identification information, and other employee data will be entered into the system. By going to the "Employees" screen and choosing "Existing Employees," management and permitting and licensing authorities can see all employees' information, including their employee IDs, birthdates, hire dates, and other information.

Treez enables FTE to collect, store, and retrieve all data and activity, including data regarding inventory records, inventory-tracking records, supplier records, employee records, disposal records, and all scanned documents at any time, either in-system or through report creation. (See Attached Exhibit K-1)

Staging/Frequency of Vendor Deliveries to FTE

For purposes of staging deliveries, FTE will require that all vendors check in with the Floor Manager and provide basic business information and ID for internal filing. A security guard will escort the vendor to a secure area away from the public that is locked throughout the business day. The facility's Floor Manager will inspect the merchandise, confirm that it conforms with the purchase order issued by FTE, provide a written receipt to the vendor and provide delivery details to FTE's accounting staff for entry into the Company's accounting and POS systems. Cash or checks will be issued by the Company's accounting staff and recorded contemporaneously.

Purchase Orders are logged into the POS system which creates a barcoded label that is affixed to the product. The label contains date, weight, brand, strain name, and price tier as well as SKU. Products are then stored in a secure, locked room until they are packaged and/or processed for sale.

The Company will limit deliveries to two pre-established scheduled days to ensure that there is appropriate staffing to receive product and enter the correct information into the Company's accounting and POS systems.

In accordance with Business and Professions Code section 26100 of the MAUCRSA, all cannabis and cannabis products shall, at a minimum, be tested by an independent testing laboratory licensed by the Bureau of Cannabis Control for cannabis testing. The laboratory will test for concentration and pesticides and other contaminants and will perform all other required testing under state law. This process will be done through a licensed distributor, as required by state law.

In accordance with section 26100 of the MAUCRSA, the licensed testing laboratory will meet all of the following state-law requirements:

- (a) Is licensed by the State Department of Consumer Affairs (the Bureau of Cannabis Control).
- (b) Is independent from all other persons and entities involved in the cannabis industry.
- (c) Follows the methodologies, ranges, and parameters that are contained in the scope of the laboratory's accreditation and those set out in state statute and regulation.
- (d) Notifies the State Department of Consumer Affairs within one business day of the receipt of notice of any kind that its accreditation has been denied, suspended, or revoked.

(e) Has established standard operating procedures that provide for adequate chain-of-custody controls for sampling and transportation to the licensed testing laboratory for testing, as well as controls for samples used in testing in the laboratory.

In accordance with MAUCRSA, the licensed testing laboratory will issue a certificate of analysis for each batch tested, with supporting data.

DELIVERY PLAN

All deliveries of cannabis goods will be performed by employees employed by FTE. Each delivery employee shall be 21 years of age or older. Driver's age will be verified (birth certificate and CA id) background checked, along with his/her DMV history. Once screening is passed, driver will be provided with a photo id showing his/her name and place of employment. Drivers will provide proof of vehicle insurance. DMV and insurance will be verified every six months and kept on file.

At all times, drivers will carry a CA drives license, proof of insurance, laminated badge which lists Applicant's City and State license number, driver's first name, employee number, current photo of driver. All drivers will inspect their vehicles prior to making any deliveries and will provide a daily vehicle inspection report to the Company, which will be kept in a secured office cabinet.

All deliveries will be within the limits permitted by City, County and State law. Delivery address must be verified via Google Maps. All cannabis medical patient's orders shall have their doctor's recommendation and California identification verified over phone and by scan or text photos prior to delivery. Those same documents will be shown to driver upon delivery. Customer must show a photo id document from one of the following: Federal, State, County, Municipal Government, US Armed Forced or valid US passport. Drivers will provide a receipt to the customer which includes date and time delivery was made and a signature by the customer. After customer signs, driver will provide one copy to the customer and the second copy will be filed in a secure location at the Company's premises.

Driver can accept returns if returned cannabis will not be resold and destroyed as required by State of California requirements. Drivers will be equipped with a portable electronic age verification device (CAV-2000). If there is any variation between the documentation provided to the driver and prior to the order, the delivery will be cancelled and the driver will return to the store with the product.

All deliveries shall be made in an enclosed motor vehicle operated by the driver only. Driver shall carry no more than \$200 in cash and no more than \$3,000 in product. All delivery vehicles will have a safe or vault system bolted into the car's trunk with camouflage on top so that it cannot be seen from outside the vehicle. All cash and product will be locked in the vault during the ride and will only be taken out upon arrival at the customer. The driver will sign for the product and cash with an intake form provided to him/her by the employee who is loading the car so that there are always two people who confirm the amount of cash and/or product involved.

Drivers will transport cannabis products only from a City and State licensed facility. A manifest will be created and the Company will maintain the State's approved Cannabis Track and Trace System (METRC System) with the following records maintained in a secure office environment: Date and time of delivery request, delivery address, name and address of retailer; first name and employee number of driver, first name and employee number of employee who prepared order for delivery; detailed description of all cannabis

goods by weight/volume, first name of the customer and retailer's assigned customer number, total amount for delivery including taxes, fee and cannabis goods.

All vehicles shall be equipped with an active vehicle alarm system and a global positioning system (GPS) for tracking vehicle path and location at all times. All drivers will also be armed with a mobile safety alarm, 24/7 monitoring device provided by G I Alarm. All deliveries will be during the hours approved by Salton City. Currently, the Company intends to deliver between the opening hour of the store and one hour before closing. This will ensure all drivers will be back at place of business prior to closing.

Drivers shall only travel from the business premises to the delivery address; from one delivery address to another and back to business premises. Driver shall not make any other stops except for fuel, vehicle repair, hazardous road conditions or road construction with detours. All cannabis delivered will be placed in sealed and secured smell-proof prescription bag or container. All cannabis products will be clearly identified by origin and be stored separately. Interior lining of container will consist of active carbon to absorb smells. Container will be black in color to help concealment and will be secured with two combination locks.

FTE shall provide an onsite parking space for the vehicle so that it is not parked on the street for any extended period of time. The Property has ample parking and there are never less than 50 available parking spaces on-site.

The dispensary will operate from 9am to 9pm, seven days per week. Currently, FTE operates seven days a week in both Santa Ana and Port Hueneme. In Santa Ana, hours are 6am-11pm; in Port Hueneme, hours are 9am-9pm.

SECURITY PLAN

Overall Quality

The Security Plan evidences the exacting detail that FTE requires, from the location of the cameras, number of security personnel, standard operating procedures and everything else that goes with protecting these valuable assets. The Company will install Digital CCTV cameras and monitors with overlapping fields of view of all interior and exterior areas of the facility, which will be operating and monitored 24 hours a day. All cameras will be of adequate quality, color rendition, night vision and resolution to identify all individuals in the facility or adjacent to the exterior of the property. Cameras placed at all patron entrances and the dispensary will have pan/tilt/zoom to allow ready identification of same.

FTE will install electronic locking doors into and out of the facility, controlled by armed security personnel with a monitor and visual availability prior to entry into the facility. The Company will also install intrusion/burglar alarms that will be monitored by either on-site security or a third-party monitoring company. The alarm sensors include door/window contacts, motion detection and glass break. These systems will also allow access by local Imperial County sheriffs and can also include alert buttons with direct connection to the Imperial County Sheriff's Department.

All security guards will at a minimum possess a guard card and have undergone state required training and testing as well as advanced training and testing by GI Security.

Cash Management Plan

All cash will be stored in a vault or safe maintained within a locked, secured room located within the dispensary at the end of each business day. Closed circuit TV's will be located throughout the dispensary and within the Company's general offices.

Each cashier receives \$200 in their drawer at the beginning of a business day. On each day's store opening, cash from the previous day is reconciled to confirm that the amounts match the point of sale's report.

Each hour during a business day, the CFO or responsible manager will remove the cash from each cashier's cash drawer and deposit same in the safe with appropriate identification so that the amounts can be reconciled against the point of sale's report. Drop sheets are maintained throughout the day to confirm total amounts.

Cash is recorded into the company's accounting system whether paid directly to a vendor or received from a customer. All transactions, whether cash, check or wire transfer, are recorded into the company's accounting software by employees dedicated solely to the accounting functions of the dispensary. These employees are not involved in sales or marketing.

Armored cars will pick up the dispensary's cash when the total equals \$20,000 but, in no case, less than once per day.

Employee Safety Education

Employees will be trained how to respond to robberies, patron disturbances, and other emergency situations. New hires will receive extensive classroom and on-site training from our security company, GI Security. All employees are provided ongoing training on a quarterly basis and “mock” intrusions or disturbances are held periodically so that employees and management can practice their responsibilities in a live environment.

Security Experience

This Security Plan was developed by Daniel Perez, a licensed security guard and owner of GI Security. Mr. Perez is a retired peace officer who spent 20 years on the Force. He retired in good standing with the Department as a homicide detective. Prior to joining the LAPD, Mr. Perez served his country in the Navy and was honorably discharged. GI Security will maintain a secure environment for FTE at the Property and for the surrounding community, as it has done in both the Santa Ana and Port Hueneme dispensaries owned by the Company. GI Security has provided its services to Knotts Berry Farm, Universal Studios and North Orange County Community College, as well as more than 50 cannabis-related facilities throughout Southern California.

GI Security is licensed to provide services throughout the State of California and will apply for a license within Imperial County prior to commencement of operations.

Employee Theft Reduction Measures

FTE is aware that theft of medical cannabis can occur not only from outside forces, but also internally. Security will visually inspect all packages belonging to employees daily prior to the employees exiting through the door designated by the Manager for employees to use for entering and exiting the facility. All employees must allow security to visually look inside packages and bags and may be asked to move items inside so that a thorough visual inspection can be made.

Employees may be asked to open items suspicious in nature for a visual inspection before being allowed to exit the dispensary. Employees refusing to comply with security requests will be escorted to the Manager’s office for further investigation.

If an employee is found to be attempting to remove medical cannabis or cannabis products from the facility without approval or a receipt of sale, the employee will be escorted to the Manager’s office. Security will provide a written report of the incident to the Manager as soon as possible.

Security Guards

FTE will generally have one (1) armed security guard on duty during dispensary operating hours and remote security guards monitoring the premises with the capability of communicating with intruders via speakers on the cameras. During operating hours, one (1) armed security guard will be stationed at the main entrance with monitors for the CCTV cameras to observe all activities in and around the facility and the ability to electronically lock and unlock the main entry into the

facility. During slow times, that security guard will conduct physical non-routine patrol checks of the exterior of the facility for any person(s) loitering on the property and conduct security checks of the parking areas as well as security/fire checks of all areas within the facility. These patrol checks will also confirm that there is no vagrancy or loitering in the immediate vicinity of the property.

All employees will have employee ID badges that will be checked by security before allowing entry into the facility. Security and local law enforcement personnel will be kept informed as to employment status of all employees and will be given a photo of any employees terminated by management and no longer allowed on the facility premises.

A member of the security team will maintain a written log of all security/fire checks for the facility noting the time, date and person conducting the check and status of the check. In the event of fire or criminal activity being discovered on or around the property, security will notify Imperial County Sheriff's Department and management immediately. Security will maintain all recorded camera video for management and law enforcement review and hold each recording for a period of 30 days from initial recording.

In the event of an emergency at the facility, security and management will have authority to contact local law enforcement for assistance, and security will furnish the Manager and local law enforcement with a detailed written report of the incident upon their arrival.

The Floor Manager, or an assistant manager selected by the Floor Manager, along with an armed security guard, will oversee the daily inventory of all cannabis products in the facility, and keep a daily inventory log of all medical cannabis and cannabis products secured in the vault or safe at close of business. A panic button will be installed at the entrance, the retail area and the Manager's office in the event of an armed incursion of the facility. All panic button activation will directly notify the Salton City Police Department dispatcher. All areas of the facility will be accessed by the electronic I.D. cards of staff who have authorization to be in said areas with the Manager's approval.

In the event of a fire alarm activation inside the facility, the security guard on patrol will respond immediately and go to the alarm location to verify that there is an actual fire and report it to the security guard monitoring the fire alarm panel.

The security guard at the fire panel will notify the local Fire Department, the Imperial County Sheriff's Department, and the Floor Manager. All employees and visitor(s) will be told to evacuate the building following pre-designated evacuation routes and exits to the outside and away from the building.

The patrolling security guard will quickly check to make sure all areas of the facility have been cleared of all employees and visitors and then exit the facility to the rear and keep all persons from reentering the facility until cleared to do so by the local Police and Fire Departments and the Floor Manager.

The security guard posted at the main entrance will then exit the building from the front entry, and prior to exiting, turn off all electronic locking doors with the exception of the vault/safe room

which will remain locked. The security guard will position at the main entrance and keep all persons from reentering until cleared to do so by the Salton City Police and Fire Departments and the Manager.

All logs and reports produced by the security guards will be entered into and maintained in FTE's Treez system.

Video Camera Surveillance

FTE can report that its video camera surveillance system in its two existing dispensaries far exceeds State requirements, both internally and externally. All cameras are high definition.

In both locations, the Company employs more than 30 cameras to monitor employee activities in, literally, 100% of the total work area, except for bathrooms and locker rooms. Cameras are also deployed on a 360-degree basis in the external parking lots so that every car arriving and departing the property – and its license plate - can be surveilled.

Video from each camera is maintained in a secure database for a period of 30 days. This same total immersion policy will exist in Salton City ensuring that there will be no place on the property where illegal or unacceptable practices can occur without some form of scrutiny.

Armored Car

FTE often employs a private armored car service affiliated with East West Bank to pick up cash on the premises when the total amount exceeds \$25,000 or, at a minimum, one time per week. In Santa Ana, where \$40,000+ days are common, armored car pickups occasionally occur more than once a day.

Product Access Protocols

FTE strives to keep inventory that is not accessible from the sales floor to a minimum. However, the Company does maintain stocks in the rear of the store in a highly secure room, with steel reinforced walls, that is accessible only through code-locked doors. The code is available to a maximum of four employees, two of whom will be the Floor Manager and Inventory Specialist of the location. The two employees who will be permitted in the room must have worked for the Company for a minimum of two years and have no disciplinary record. All entries into and out of the room are recorded and logged by the Company's security system.

The inventory room is further secured with a video camera at its entrance and additional cameras inside so that 100% of the area is under review by ownership or management.

Medical cannabis and cannabis products will be securely stored out of view of the general public during normal business hours. All medical cannabis inventory will be secured during non-operating hours in a custom-built vault or safe along with all cash.

The Manager, or assistant managers chosen by the Manager, will conduct inventory of all medical cannabis and cannabis products on the premises daily at the close of business and store all cannabis products inside the vault or safe with security present at all times. All cannabis products will be cataloged in the Treez system to be available for review by the Manager, and the County when required. If any back-up hard copy daily inventory log is maintained it will be locked in the Manager's office at the close of business each day, noting date, time and amounts in the respective columns on the inventory log.

The door to the office where the safe or vault are located will be secured by electronic locks during non-operating hours. That office will only be opened and secured by the Manager or individual employees chosen by the Manager. The vault or safe will be out of general public's view at all times, with a CCTV camera recording all activity around and within the vault or safe 24 hours/day.

Background Checks

All employees of FTE must submit to Live Scan and/or extensive background checks prior to the Company making an offer of employment. Many candidates have passed through multiple interviews but been denied a job due to questionable history that has arisen during the background check.

Driver Security and Safety Procedures

All vehicles will be equipped with an active vehicle alarm system. Delivery vehicle will have Honeywell total connect (TCTV2) which will be plugged directly into vehicle's OBD port. TCTV2 will show their immediate location via GPS, records speed and sends notification if driver goes outside of boundaries (geo-fencing).

Delivery vehicle will be equipped with a Pruveeo MX2 Dash Cam which plugs into the vehicle's cigarette lighter. The Cam will be mounted below the rear-view mirror. Dual video recorder records interior and exterior of vehicle and records up to eight hours. Audio records and has a speaker. The Cam supports a removable memory card.

Drivers will wear a GI alert device around their necks. If the driver suspects any suspicious activity or emergency situation, they press button to activate device whereupon the driver will be on 2-way communication with GI Alarm monitoring center. Monitoring can immediately call police, fire department or Company manager.

Drivers shall not consume cannabis while delivering cannabis goods to customers.

ODOR MANAGEMENT PLAN

FTE is committed to implementing preventative measures that will eliminate and reduce the potential risk of significant adverse environmental impacts as further set forth herein. As a retail operation, FTE does not anticipate any odor being detectable from anywhere outside of the building. Nonetheless, FTE will implement a comprehensive air quality and control plan for its dispensary. Moreover, FTE will adhere to the California Environmental Quality Act (CEQA) and is committed to ensuring that there will be no significant adverse environmental impacts of its operations. FTE will ensure that all of its air quality procedures and policies meet or exceed the requirements set forth in the regulations to be released under Senate Bill 94.

Air Quality Standards

In addition, FTE will implement policies and practices that adhere to California Ambient Air Quality Standards (CAAQS), as adopted by the California Air Resources Board (ARB) and the U.S. Environmental Protection Agency (U.S. EPA). FTE will ensure that air pollutants, if utilized or produced during any process related to its operations, remain in compliance with the following standards, the California ARB Standard PM10 and the California ARB Standard PM2.5. FTE is committed to protecting the health of its employees, visitors, contractors, and residents of the surrounding community, including, but not limited to, the elderly, people with heart and/or lung disease, children, and infants.

Odor Management

To preserve the retail facility and the community surrounding the retail facility, FTE has established multiple, state-of-the-art methods to prevent the spread of odor beyond the retail facility walls and combat offensive odors within the retail facility. FTE will use various methods of air control. If odor is reported coming from the retail facility at any time, FTE will make it a priority to find the source of the spreading odor and eliminate the cause. From there, FTE will revisit its standard operating procedures to determine appropriate modifications, if any. Upon discovering odor escaping the retail facility in any quantity, FTE will

1. Immediately prioritize finding the source of the odor;
2. Eliminate the cause of the odor; and
3. As necessary, modify operating procedure to ensure the prevention of future incidents.

Charcoal Filters

FTE will install multiple charcoal-filled carbon filters placed strategically in the retail facility to filter the offensive odor created by cannabis. Certain carbon filters will be set up as scrubbers where they constantly "scrub" the air by taking in dirty air and releasing clean air. Other filters will take in dirty air, filter it and transport the air via ducts to a specific room to further cleanse it. Other filters will take in dirty air, filter it and transport the air via ducts to a specific room to further cleanse it.

HEPA Filtration

In addition to charcoal filters, FTE will utilize High Efficiency Particulate Air Filters (“HEPA Filters”) in all HVAC units. All air that comes into the retail facility will pass through the HEPA filtration. These filters will reduce all airborne particles as small as 0.3 microns, including dust, pollen, and dander. Although HEPA filtration greatly improves air quality, some ultra-fine particles can be missed which is why charcoal filtration will also be used as discussed above. HEPA filtration is commonly used in hospitals, pharmaceuticals, manufacturing, food processing, and computer manufacturing facilities.

Closed Loop Aeration System.

FTE will implement a closed loop aeration system to promote air circulation within the retail facility instead of bringing in air from outside. This allows all environmental conditions to be contained within the retail facility and allows FTE to manually control the environment, preventing the spread of odor to outside the facility through air vents.

HVAC Systems

The retail facility will be equipped with Energy Star HVAC technology which allows an energy efficient means of controlling the retail facility’s climate, and the facilitation of proper ventilation to prevent the spread of unwanted odors. HVAC equipment will provide the following:

1. Installation of vent dampers;
2. Analysis of systems and replacement of inefficient components;
3. Use of programmable thermostats and controls; and
4. Sealing and insulation of ducts and hot water pipes.

Storage Areas

FTE’s storage areas have been designed for ease of maintenance. The retail facility Manager will ensure these areas remain dry, well ventilated, and have sufficient insulation or other temperature-control features to avoid extreme temperature fluctuations. FTE may incorporate a humidifier or de-humidifier if needed. Storage areas will utilize and maintain carbon filtration or other means of odor control.

Ventilation and Odor Control.

In accordance with the procedures set forth in this section, FTE will ensure the following:

1. Storage areas should have properly balanced ventilation systems; Dehumidifier equipment must be installed and maintained as necessary;
2. The retail facility Manager must ensure the regular maintenance of odor control equipment including regular cleanings and filter replacements as often as required;

3. Odor control equipment must employ activated carbon filtration and be serviced according to ions.

FTE's air system will create negative air pressure between the premises interior and exterior to ensure that odors from within the premises will not be detected outside of the premises.

Environmental Control Records. All environmental control adjustments and maintenance records must be recorded in FTE's records and maintained for a period of seven (7) years in accordance with applicable state law.

WASTE MANAGEMENT PLAN

All waste will be disposed of, including cannabis waste, in accordance with the Public Resources Code and any other applicable state and local laws, including laws regulating organic waste as defined in Public Resource Code section 42649.8(c). The Company will ensure its operations and all its employees are regularly trained in all waste procedures, including the knowledge to distinguish between hazardous and non-hazardous waste, and how to properly store, handle, and dispose of each type of material found on the premise.

All cannabis waste will be disposed of in a secured waste receptacle within a secured area on the licensed premises. Access to the secured waste area will be strictly controlled by the Company, and only those given express permission may be granted access. The local agency, Company employees, and the contracted waste hauler are the only parties to be granted access to the secure waste receptacle and area.

The Company does not currently engage in on-site composting of cannabis waste. The Company will contract with a private waste hauler permitted by the local agency to collect and process the cannabis waste. The Company intends to use cannabis waste disposal company, Gaiaca, to dispose of its cannabis waste. The Company will take all measures to ensure cannabis waste is unusable and unrecognizable before being disposed of, and employees charged with disposing of cannabis waste will also ensure that no cannabis waste is disposed of in its packaging.

The Company takes waste and pollution very seriously and is dedicated to reducing and mitigating the impact of waste on the environment and local community. The Company will abide by all local and state laws and regulations pertaining to waste and destruction of cannabis and cannabis products. The Company will encourage recycling to diminish the amount of waste generated. Each operating day, an employee will be tasked with evaluating on-site waste and operations for potential release of waste or pollution. If questionable or above normal waste or pollution is discovered, the employee will engage in the following guidelines:

- 1) Investigate and determine the likely source or cause of the waste or pollution;
- 2) Assess the effectiveness of available on-site management practices to resolve the waste/pollution event and immediately take steps to reduce the waste-generating capacity of on-site material;
- 3) Determine if the waste/pollution traveled off-site by surveying the site perimeter and noting odor from the building;
- 4) Notify the appropriate management personnel; and
- 5) Record the event for further operational review.

Waste Procedures Overview

The Company has a comprehensive system for systematically collecting and properly destroying all cannabis-containing materials. Routine disposal procedures include regular transporting of all waste and cannabis waste to a state-approved disposal site. The Company has identified the following sources as the key generators of cannabis waste materials in the manufacturing cycle:

- 1) Raw cannabis or unusable plant materials, including trim, leaves, and flower that is discarded during any part of the manufacturing cycle;
- 2) Cannabis that fails to meet the minimum safety standards and specifications for brand consistency or otherwise rejected based on quality;
- 3) Cannabis that becomes damaged, contaminated, in contact with cross-allergens, deteriorates, or has growth of unwanted microorganisms that cannot be remediated;
- 4) Cannabis subjected to improper storage conditions, including but not limited to, extremes in temperature, water damage, growth of microorganisms; or
- 5) Cannabis otherwise determined by the Manufacturing Director to not meet the Company's quality standards.

Waste Protocols

In compliance with all applicable laws and regulations, the Company will ensure that all employees adhere to the following cannabis waste protocols:

1. The Company strictly prohibits the sale of any cannabis waste under any circumstances.
2. All cannabis waste must be stored in a secure, limited access area at the Facility until it is properly disposed in accordance with these policies.
3. All cannabis waste set for disposal shall be properly weighed and recorded in the inventory software program and the Company's Waste Disposal Log, which at a minimum shall include:
 - a. The date and time the cannabis was allocated as waste;
 - b. The name and type of the cannabis product;
 - c. Unique identifier of the cannabis product;
 - d. Amount of the cannabis product, by weight or count to be disposed;
 - e. The date of disposal;
 - f. The name of the employee performing the disposal;

- g. The manner of disposal;
 - h. The reason for disposal; an
 - i. The business name, address, and contact phone number of the company contracted to haul the waste to a permitted waste facility
- 4. The cannabis product will be rendered unusable, unrecoverable, and unconsumable and shall be disposed of in a manner that protects any portion of the cannabis from being possessed or ingested by any person or animal;
 - a. All steps taken to render the cannabis unusable will be conducted under video surveillance at the Facility;
- 5. All cannabis containing waste will be disposed of by grinding and incorporating the cannabis product waste with other ground materials so the resulting mixture is at least 50% non-cannabis waste by volume;
 - a. All mixed waste will be delivered to the appropriate and permitted solid waste Facility for final disposition:
 - i. A manned and fully permitted solid waste landfill or transformation facility;
 - ii. A manned and fully permitted composting facility or manned composting operation.
 - iii. A manned fully permitted in-vessel digestion facility or operation;
 - iv. A manned fully permitted transfer/processing facility or operation; or
- 6. Because the Company has elected to use a third-party hauler or agency to collect and process the cannabis waste, the Company shall:
 - a. Provide the Bureau with the following information for the hauler or agency that is collecting and processing the cannabis waste:
 - b. The Company shall obtain documentation from the hauling entity that evidences subscription to a waste collection service;
- 7. Waste Nuisance Mitigation. All cannabis waste from manufacturing operations will be disposed in accordance with waste disposal policies and procedures outlined above. All other manufactured waste will be securely stored and regularly disposed of to:

- a. Minimize the development of odors;
 - b. Minimize the potential for waste to attract, harbor, or become a breeding place for pests;
 - c. Protect against contamination of cannabis, contact surfaces, water supplies, and grounds surrounding the Facility;
 - d. Control hazardous waste to prevent contamination of cannabis, contact surfaces, water supplies, and grounds surrounding the Facility; and
 - e. All recyclable waste will be packaged and transported to the nearest recycling site.
8. Waste Disposal Log. The Company shall maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation and disposal or disposition of cannabis waste. The Company shall obtain a record from the solid waste site evidencing the acceptance of the cannabis waste material at the site. The record shall contain the name and address of the site, the date, and the volume or weight of the cannabis waste accepted.
9. Solid Resource Conservation. The Company will implement a recycling program, and their staff will undergo training for recycling programs operated by local waste management providers and private recycling providers. The Facility's recyclable waste will be retrieved by waste management providers or transported to private recycling centers as needed.
10. Flammable Materials. The Company does not intend to use flammable materials. If for some reason it becomes necessary, all flammable liquids and materials, and any materials in contact or containing flammable materials (i.e., cleaning rags) shall be disposed of in accordance with local and state regulations and in a manner and with a qualified disposal vendor.

CORPORATE STRUCTURE

DBO Investments SC, LLC, is a single purpose entity which has been established for the purpose of filing this Application and, thus, has no assets. The three principals of FTE will be providing all start-up costs except that Dan Zaharoni has access to a \$14.75M credit line from East West Bank from his outside business which will be used for some, if not all, expenses.

The Property is owned by D&G. Mr. Zaharoni has cash reserves of more than \$250,000, which will be utilized for the build-out. Messrs. Patel, Quinones and Zaharoni have built out ten separate dispensary-related properties from the ground up so the process of improving a roughly 467sf space will not be complicated for the Company.

In Salton City, FTE estimates that total costs for tenant improvements will be less than \$50,000 as such improvements require little more than demolition, repainting, reflooring, light aesthetic work to the walls and the installation of all display cabinets and sales infrastructure, such as POS systems, software and security cameras. Start-up costs will equal approximately \$100,000, most of which will be for inventory (\$75,000), the remainder for marketing, software licenses, permit fees and miscellaneous office items. Accordingly, total costs for the entire project will not exceed \$200,000 and FTE has access to this amount in cash.

Corporate Principals

Messrs. Patel, Quinones and Zaharoni have substantial experience in a variety of cannabis locations throughout Southern California. Mr. Patel and Quinones began working in the cannabis industry in 2010 when they obtained employment at an Orange County-based dispensary. FTE has had as many as eight dispensaries, in three different states, operating at one time, along with licensed manufacturing and cultivation facilities. Over the past several years, FTE has sold the majority of its operating businesses but maintains an active presence in the California cannabis industry with nearly \$1M/month in cannabis-related sales.

Currently, the owners have the following projects among them:

Santa Ana – Mr. Patel is the owner of CBD, Inc., which owns the dispensary license for the Santa Ana location of FTE. The dispensary generates approximate revenues of \$6M/year;

Port Hueneme – Messrs. Patel and Zaharoni own DBO INVESTMENTS PH, which operates the dispensary in Port Hueneme and generates approximate revenues of \$5M/year. Mr. Zaharoni is the manager of the entity that owns the building that in which the facility is located;

Mr. Patel has also spearheaded his existing company's move into providing services to the local community by establishing a resource center within his Santa Ana dispensary that works with special needs children and the underprivileged to determine the efficacy of cannabis-based medicine on childhood and adult-onset diseases.

Mr. Patel also sponsored and assisted in drafting the ordinance placed on the ballot in Costa Mesa, California, in 2016, seeking to regulate the sale and cultivation of cannabis in that

jurisdiction. Mr. Patel is also a co-founder of the Santa Ana Cannabis Association. With this group, he has been able to advise on the establishment of ordinances for cannabis facilities, in addition to advising cities on closing illegal marijuana dispensaries.

Beginning in 2007 and until opening the Santa Ana dispensary in 2014, Mr. Patel co-owned Paragon Lighting and Sound which consulted and designed architectural and entertainment lighting systems. It was through this business that Mr. Patel learned about the different lighting systems that are used in the cannabis industry and, thus, began his interest in dispensaries.

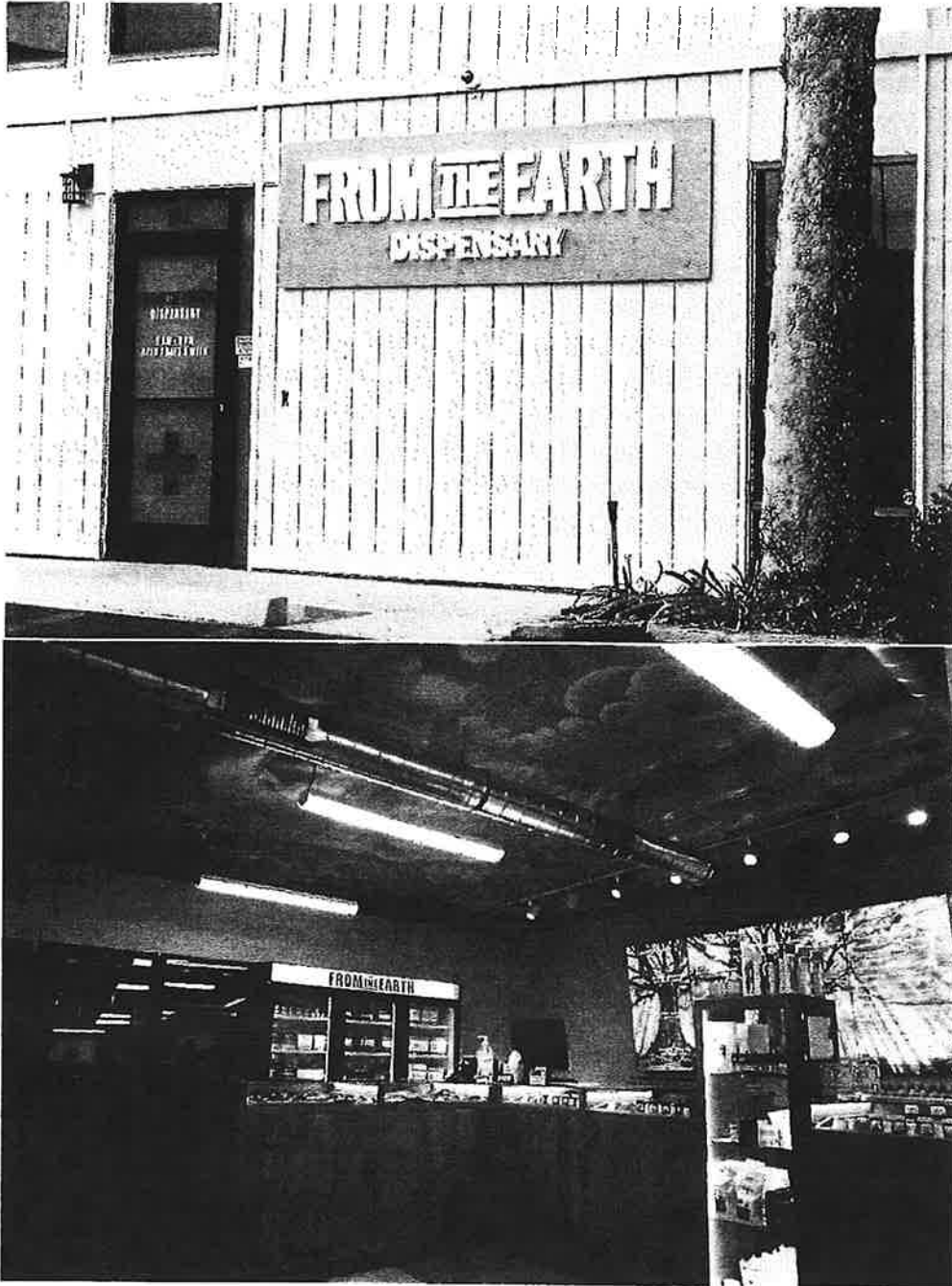
Mr. Patel has his Bachelor's degree in Economics with a minor in Managerial Economics from the University of California, Davis.

Prior to his interest in the cannabis industry, Mr. Zaharoni, a graduate of UC Berkeley and Loyola Law School, has been an attorney for 30+ years – formerly as the Managing Partner of his own firm, Warden, Urtnowski & Zaharoni - and also holds a Real Estate Broker and General Contractor's license in the State of California. Mr. Zaharoni is primarily responsible for the physical structures housing the various cannabis facilities and he handles all development, construction and regulatory tasks required to open each dispensary. He has acted as agent, principal and/or attorney for more than 50 entities over the past two decades, primarily in and around the real estate development industry.

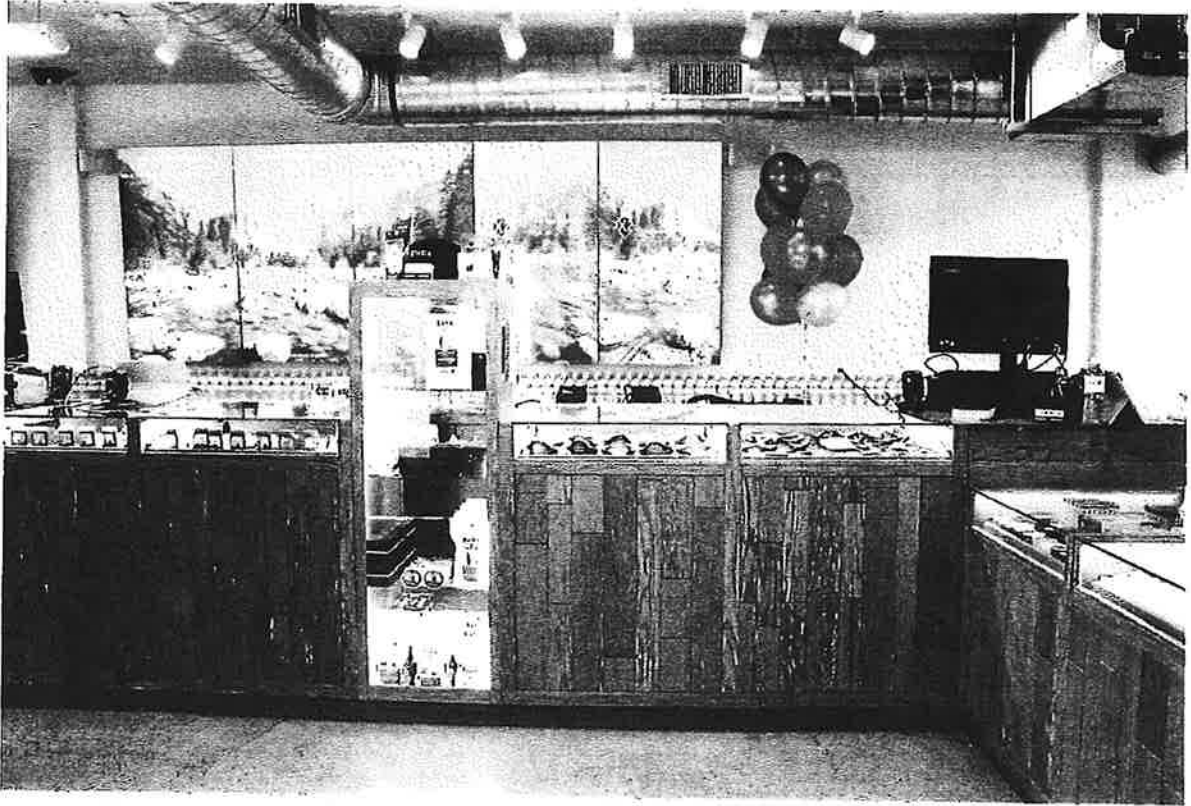
Neither FTE nor its managers have had a permit or license revoked by Salton City, Imperial County or any other municipality, nor have they had any administrative penalties assessed against their businesses. No owner, principal, officer, or other management personnel employed by FTE will have any type of violent or serious felony conviction as specified in Section 667.5 and 1192.7 of the Penal Code or any felony or misdemeanor conviction involving fraud, deceit, embezzlement, or moral turpitude, or an offense substantially related to his/her qualifications, functions, or duties relating to the business.

Messrs. Patel and Zaharoni have also received several letters of recommendation from City officials and non-profit executives such as Long Beach City Councilwoman Jeannine Pearce, Calabasas Mayor Fred Gaines, Port Hueneme City Councilman Jim Hensley, Santa Ana Mayor Pro Tem Michele Martinez, Congressman Lou Correa, Santa Ana City Councilman Jose Solorio, Pools of Hope Executive Director Patricia Dixon, Neutral Ground COO Bree Alvarado.

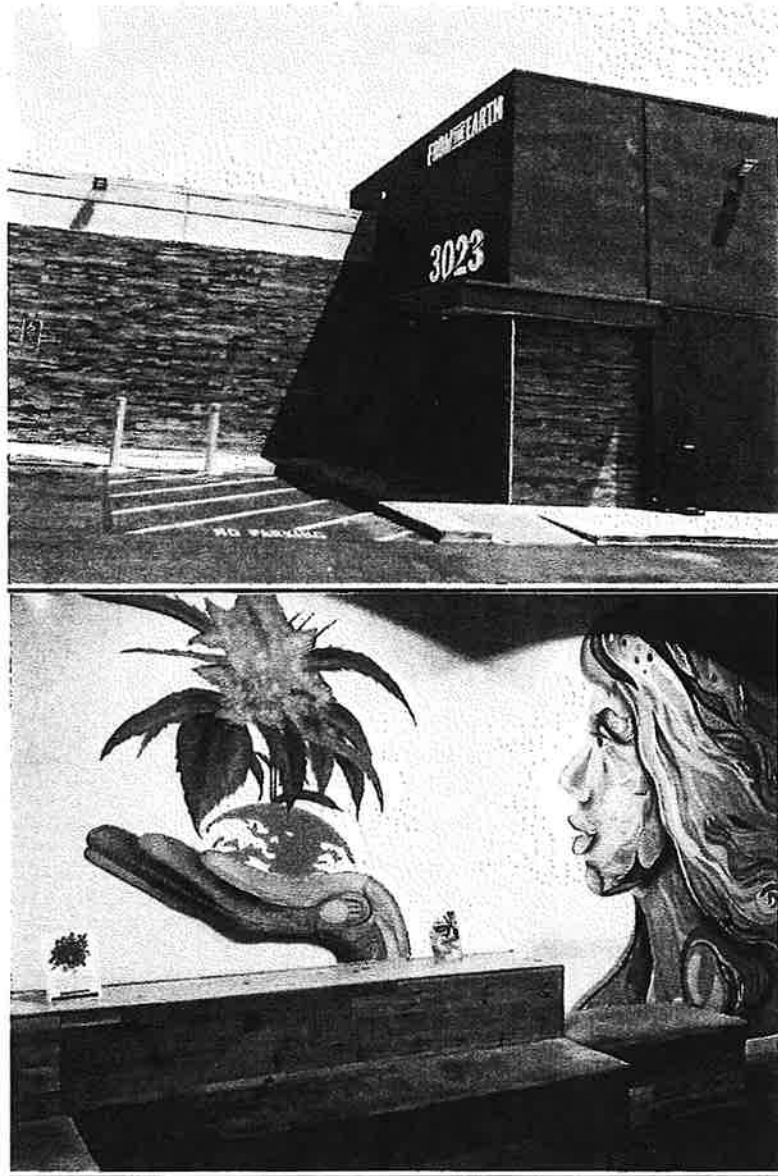
Interior & Exterior Photos of Existing FTE locations







Interior & Exterior Photos of Santa Ana FTE location







Terms and Conditions (Remitter and Payee):

- * Please keep this copy for your record of the transaction
- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
 - Please cash/deposit this Cashier's Check as soon as possible to prevent this from occurring
 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
- * Placing a Stop Payment on a Cashier's Check
 - Stop Payment can only be placed if the Cashier's Check is lost, stolen, or destroyed
 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
- * Please visit a Chase branch to report a lost, stolen, or destroyed Cashier's Check or for any other information about this item

**FOR YOUR PROTECTION SAVE THIS COPY
CASHIER'S CHECK**

Customer Copy
9560415694

04/24/2023
Void after 7 years

Remitter: DANIEL S ZAHARONI

\$\$\$ 4,000.00 **

Pay To The Order Of: IMPERIAL COUNTY

Drawer: **JPMORGAN CHASE BANK, N.A.**
NON NEGOTIABLE

Memo: _____
Note: For information only. Comment has no effect on bank's payment.

28211107 NEW 01/21 0810004306

CASHIER'S CHECK

9560415694

Date 04/24/2023 Void after 7 years 1221

CHASE
Remitter: DANIEL S ZAHARONI

Pay To The Order Of: IMPERIAL COUNTY

Pay: FOUR THOUSAND DOLLARS AND 00 CENTS **\$\$\$ 4,000.00 ****

Do not write outside this box

Memo: _____
Note: For information only. Comment has no effect on bank's payment.

Drawer: **JPMORGAN CHASE BANK, N.A.**
Rebecca Griffin
Rebecca Griffin, Chief Administrative Officer
JPMorgan Chase Bank, N.A.
Phoenix, AZ

⑈9560415694⑈ ⑆122100024⑆ 806002234⑈

**Attachment H.
Comment Letters**



IMPERIAL COUNTY SHERIFF'S OFFICE
FRED MIRAMONTES
SHERIFF-CORONER-MARSHAL



Chief Deputy Ryan Kelley
328 Applestill Road
El Centro, Ca. 92243
(442) 265-2003
rkelly@icsso.org

RECEIVED

MAY 16 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

May 16, 2023

Imperial County Planning & Development Services
801 Main Street
El Centro, Ca. 92243
(442) 265-1736

Planning & Development Services,

The Imperial County Sheriff's Office is the Chief Law Enforcement agency in Imperial County. The Sheriff's Office provides general law enforcement, detention and court services for the residents, business owners and visitors of Imperial County. We have a service area of approximately 4,597 square miles bordering Mexico to the South, Riverside County to the North, San Diego County to the West, and the State of Arizona to the East.

The Imperial County Sheriff's Office appreciates this opportunity to provide comments. This response is in regards to DBO Investments, a commercial cannabis activity (CCA23-003/CUP#23-0014) application proposing a storefront retail cannabis dispensary and delivery facility at 2084 South Marina Drive in Salton City, California. The applicant is proposing the use of estimated 467 square feet of the 9,782 square feet of the existing travel center. The proposed site is approximately 860 feet from the front entrance to the Imperial County Sheriff's Office, Salton City Sub-Station, located at 2101 South Marina Drive in Salton City, California.

The Imperial County Sheriff's Office has reviewed the CCA license application. The Imperial County Sheriff's Office request that a detailed security plan and security diagram be included and approved by the county prior to any activity on the premises.

It is the position of the Imperial County Sheriff's Office to prevent or deter criminal activity that could potentially be associated with the approval of a retail commercial cannabis facility in our area of responsibility. The project site will see a large volume of commercial and passenger vehicles. The Imperial County Sheriff's Office requests that the applicant install license plate reading cameras at all ingress and regress locations at the project site and grant access to the Imperial County Sheriff's Office to review the data collected. It is requested that these cameras be included in the security plan.

The Imperial County Sheriff's Office requests that the Imperial County Planning and Development Services also include the below language in the conditional use permit (CUP). This request is in consideration of the potential hazards to the Imperial County Sheriff's Office employees associated with responding to emergencies originating at a cannabis distribution facility:

The County of Imperial is committed to being a partner and provide effective and consistent patrolling to such projects. Thus, the Imperial County Sheriff's Office will require DBO Investments to contribute its proportionate share associated with the cost of training related to, but not limited to: Driving Under the Influence of Drugs (DUID), California Highway Patrol Drug Recognition Expert (DRE) certification courses. Final cost and conditions shall be reasonably determined by the Sheriff's Office.

- (a) The County shall be responsible for managing the reimbursement component of this condition.

County of Imperial require DBO Investments to enter into a specific cost reimbursement agreement for direct police services, whereas for each call made to the project site for such public safety services that the project is responsible for reimbursing the County of Imperial. Such agreement can be created using a "Contract Cities Services Rate" for Imperial County Sheriff's Office services.

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

The Imperial County Sheriff's Office is available to discuss our concerns with the advancement of application CCA23-0003.

If you have any questions, please contact the Imperial County Sheriff's Office at (442)265-2003.

Sincerely,

Chief Deputy Ryan Kelley
Imperial County Sheriff's Office



Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

Jolene Dessert
Commissioner / Sealer

Rachel Garewal
Asst. Commissioner / Sealer

May 22, 2023

Evelia Jimenez, Planner II
Imperial County
Planning & Development Services
801 Main Street
El Centro, CA 92243

RECEIVED

MAY 22 2023

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

Re: Commercial Cannabis Activity #23-0003

Mr. Valenzuela:

Our department has reviewed the documents pertaining to Commercial Cannabis Activity #23-0003 for applicant DBO Investments SC, LLC d/b/a From The Earth, company proposing the use of an existing travel center property as a storefront retail cannabis dispensary and delivery for recreational uses at 2084 S Marina Dr., Salton City, California.

Should the project require movement of plant material into Imperial County, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant can contact our Pest Detection and Eradication Division for any questions regarding the quarantines of movement of plant material, as there are several quarantines that must be observed. Please contact CDFA Nursery Services Program for requirements regarding movement of cannabis nursery stock and nursery license.

Please refer to the handouts attached. The handouts will explain the need for the applicant to register their point of sale systems with our office, determining what type of scale(s) if any required by their operations and the needs to apply for weighmaster license and label requirements for cannabis if scales will be used. Please be advised that any commercial weighing and measuring devices are required to be type approved for commercial use and must be registered, inspected and sealed by our office on an annual basis. The applicant can also register any non-commercial scale, such as prepacking scales, with our office and have them inspected upon request for a fee.

If you or the applicant have any questions, please feel free to contact our office at (442) 265-1500.

Regards,

Rachel Garewal



Office of the
Agricultural Commissioner
 Sealer of Weights and Measures

Carlos Ortiz
 Agricultural Commissioner
 Sealer of Weights and Measures

Joleno Dessert
 Asst. Agricultural Commissioner
 Asst. Sealer of Weights and Measures

Commercial Cannabis Activities Checklist

(May 9, 2018)

To Whom It May Concern:

For those that wish to obtain a license from the County of Imperial for the commercial production of *Cannabis sativa*, the Agricultural Commissioner's office has prepared the following checklist of potential regulatory concerns under our jurisdiction. Please review this list and consult with our office regarding those items for which a 'yes' is checked. Failure to do so may result in violations of local laws and regulations.

Description	Questions	Yes	No
Nursery Stock/Seeds - Incoming shipments of plant parts for production (including seed) typically require inspection by this office for plant pests/diseases and will be profiled for compliance with plant quarantines.	Do you intend to bring plants or other propagative plant parts (excluding seeds) into Imperial County?		
	Do you intend to bring seeds into Imperial County?		
Pesticide Use – All pesticide use is required to comply with California and Federal laws and regulations. All those that use pesticides in Imperial County for agricultural production are required to obtain an operator ID number (OIN) with our office and report pesticide usage. This OIN must be obtained prior to purchasing pesticides from a licensed pesticide dealer. Disclaimer: An OIN is not equivalent to a license to produce cannabis or a business license. The purpose is solely to come into compliance with California laws and regulations regarding pesticide use and allow for pesticide use reporting.	Do you intend to use any pesticides (including 'organic' pesticides) on your Cannabis crop?		
Weights and Measures – Any product sold by weight or measure is subject to state laws regarding that sale. Commercial weighing and measuring devices are required to be type approved for commercial use (please call for information prior to purchasing devices), registered, inspected, and sealed by our office. Point of Sale devices or Scanners used in retail sale transactions are also required to be registered and inspected. Furthermore, packaged products sold by weight or measure are also subject to periodic inspection by our office for compliance with state laws and regulations. https://www.cdffa.ca.gov/dms/CannabisWM.html	Do you intend to sell Cannabis products by weight over a scale?		
	Do you intend to sell Cannabis products by measure other than weight (for instance volume)?		
	Do you intend to sell Cannabis products with a point of sale system or scanner?		
	Do you intend to package a Cannabis product for sale by weight or measure?		



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights & Measures

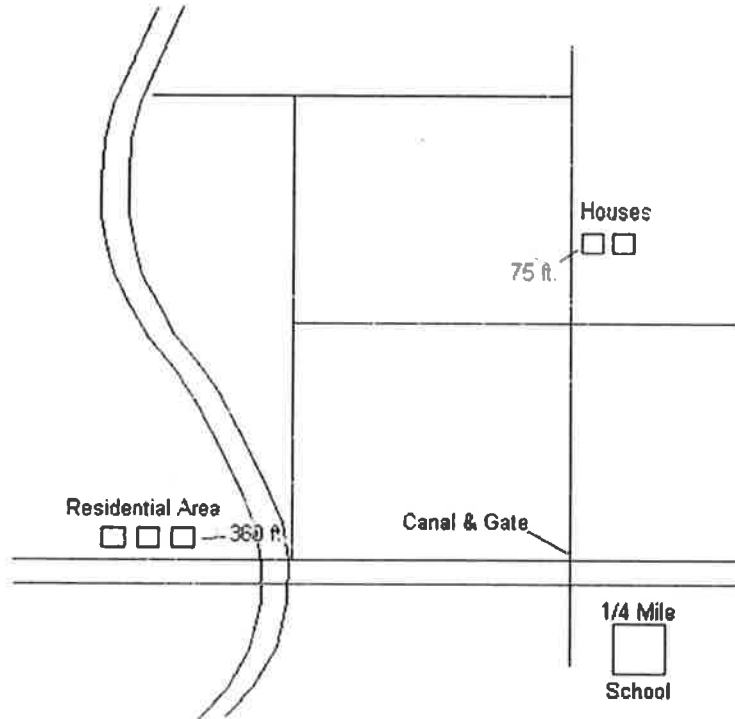
Jolene Dessert
Asst. Agricultural Commissioner
Asst. Sealer of Weights & Measures

2020/2021 Operator Identification Number (OIN) Instructions

1. Fill out and sign the attached Property Operator Acknowledgement Form for each OIN. It must be signed by the owner, partner, or officer of the company.
2. Review the attached OIN printout, including contact information, for accuracy. Please include an email address. Put a single line through any information you wish to change and write in the correct information.
 - a. Remove any sites that will not be farmed during the OIN year.
 - b. Remove/correct commodities listed. For those sites that will not have a crop in the ground on July 1st or shortly after, list the crop as "uncultivated." Note: Commodities must be specific (head lettuce, leaf lettuce, napa cabbage, etc.)
 - c. Do not include/amend site ID's.
 - d. To add a new site, write in the canal and gate, and crop. Use additional paper or supplement forms as needed.
3. Maps
 - a. Two clean, legible maps must be submitted. Maps must remain legible upon faxing or photocopying in black and white. Please keep a clean original to copy for each year's OIN, and make updates to sensitive sites as needed. **Incorrect or rejected maps will delay the review and approval of your OIN.**
 - b. Map Criteria
 - i. Orient North to the top of the page.
 - ii. Depict the field(s) and all sensitive sites or potentially impacted areas within one mile. Sensitive sites include houses, schools, churches, businesses, the international border, residential areas or cities, and bodies of water. Be sure to update changes on your maps (new residence, etc.).
 - iii. Multiple fields are allowed on one map to the extent that they and the impacted areas remain clear and legible. Leave a one-inch border around the top and sides of the page and a 3-inch border on the bottom.
 - iv. All crossroads must be identified by name, and include the distance to the roads if not adjacent.
 - v. Distances from the field to the sensitive sites must be indicated and should be sufficiently accurate to allow applicators to use an appropriate buffer when needed.
 - vi. Schools within one mile of a field must be indicated on the map.
 - vii. Include a non-repeating map number on the lower right-hand corner and the OIN name on the top.
 - c. The following will likely be rejected: Plat maps, aerial imagery or color maps, illegible/blurry maps, stamped maps.
4. Return documents for review, after completing all changes and preparing your maps. Submit to Pesticide Use Enforcement at 852 Broadway, El Centro, CA 92243. These changes will be reviewed, then made in the CalAgPermits system. We will call the OIN signer when the OIN is ready to be signed.
5. Note: Any supplements turned into our office in June will be automatically added to the new OIN.

Farm XYZ

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Map #1

2020/2021
Property Operator Acknowledgment and Designation of Agent

County of Imperial
State of California

Operator ID/Restricted Materials Permit Name

No. 13-21-_____
Operator ID/Restricted Materials Permit Number

The undersigned hereby acknowledges as follows:

1. The Operator ID/Restricted Materials permit named above is a:
 corporation partnership sole proprietorship other (specify) _____
2. I am the _____ of the above named entity.
(title/position)
3. I am the operator of the properties listed on the Operator ID/Restricted Materials permit identified above. I am responsible for all acts, omissions, and representations made by the permittee. I am responsible for compliance with all laws, rules, regulations, and permit conditions.

Designation of Agent / Limited Power of Attorney

4. I hereby designate and appoint as my agent and attorney in fact:

Printed Name of Agent Designated to Sign the Operator ID/Restricted Materials Permit

Telephone Number

I understand that the Agricultural Commissioner is relying on this appointment and agree that I will be bound to the terms hereof until this permit expires or this appointment is revoked by me in writing. I understand and agree that this appointment authorizes the above named person to act on behalf of the permittee in any and all matters pertaining to the Operator ID/Restricted Materials permit identified above. I understand that this agreement must be renewed annually.

5. I further understand and agree that this appointment does not relieve me of my responsibilities as operator of the properties listed on the Operator ID/Restricted Materials permit identified above.

Operator Signature

Date

Print Your Name

Telephone Number

Address

City, State, Zip

E-mail



Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

Records That Property Operators/Growers Must Maintain (3CCR 6618, 6619, 6623-6627, 6723, 6723.1, 6724, 6728, and 6739, 6761.1, 6764):

- Restricted Materials Permit (RMP) or Operator ID form, maps, and supplements (two years)
- Pesticide use reports for all pesticides applied for two years (must include the date of application, property operator, operator ID number or RMP number, site ID, crop, acres, pesticides applied-including the EPA or CA State Registration number, completion date and time, time to reentry), and records must be filed by site/field if applied by a commercial applicator.
- Any records required for employees handling pesticides, including pesticide use records with employee name and date of use for any employee handling DANGER or WARNING organophosphate/carbamate (3 years).
- Pesticide Safety Information Series (PSIS) if you have employees handling pesticides or entering treated fields.
- Safety Data Sheets (SDS) for all pesticides applied to your property

Records That Property Operator/Growers Must Submit (3CCR 6624, 6626, and 6627):

- Notice of Intent - 24 hours prior to the application of California restricted materials.
- Pesticide use reports for the grower application of any pesticide by the 10th of the month following the application. Two forms: one for crops and one for non-crops (i.e., ditch banks, right-of-ways, etc.). "Pesticides" include all substances/materials intended to control, destroy, repel, or mitigate a pest and adjuvants. This definition includes glyphosate and organic materials, and all such use must also be reported.

Field Worker Safety Requirements (any employee entering a "treated" field) (3CCR 6618, 6761-6776)

- Property operators must have a method of informing employees or other contractors who may be entering a field or working within a ¼ mile of a field of ongoing applications or active restricted entry intervals (REI).
- Complete and central location display of PSIS A-9 (Hazard Communication) at work site.
- Display application-specific information at a central location with unimpeded access during hours of fieldworker operation (site ID, acreage, date and time application is completed, reentry interval, pesticide/adjuvant, and active ingredient, CA and EPA Registration numbers, and SDS).
- Do not allow any person, other than the applicator(s), to enter or remain in a treated area during an application.
- Fieldworker training - ensure that all employees working in a treated field have been trained within the last year. Training requirements of 6764 have recently changed, and training material must be updated.
- Plan for emergency medical care in advance and post the location of emergency medical facilities at the work location. Immediately take all ill persons to a physician.
- Provide field worker decontamination facilities within a ¼ mile of workers - soap, water (at least one gallon per employee), and single use towels.
- Comply with pesticide REI/early entry requirements.
- Comply with pesticide warning and posting requirements as specified on the label and in 3CCR 6776. Posting is required for all products whose REI exceeds 48 hours.

Training Requirements for Handlers (training must be provided annually) (3CCR 6724):

- Employees must be trained before working with pesticides and for each type of pesticide they handle.
- Written training records kept for each employee (retained for 2 years), signed by the employee and certified trainer.



Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

- Certified Trainer – must be qualified by Train the trainer, PAC, QAL, QAC, PCA, Farm Advisor, or other approved by Dir.
- Completed and centrally displayed PSIS A-8 (Hazard Communication)
- Written training program for handler employees. Training records must specifically address: (Note that the PSIS covers most of these topics)
 - Format and meaning of information contained in pesticide product labeling.
 - Applicator's responsibility to protect persons, animals, and property.
 - Need for limitations, appropriate use, and sanitation of personal protective equipment.
 - Safety requirements and procedures for handling, transporting, storing, and disposing of pesticides.
 - Where and in what form pesticides may be encountered (treated surfaces, residues on clothing/PPE/ application equipment, and drift)
 - Hazards of pesticides as identified in product labeling, SDS, or PSIS.
 - Routes pesticides can enter the body.
 - Signs and symptoms of overexposure.
 - Routine decontamination procedures. (1. Hand washing before eating, drinking, using the restroom, etc. 2. Shower with soap and water. 3. Changing into clean clothes. 4. Washing clothes separately from other laundry)
 - SDS contains information on hazards, emergency medical treatment, and other information
 - The location of the written hazard communication information for employees handling pesticides (PSIS A-8), other PSIS, and SDS.
 - The purposes and requirements for medical supervision, and documentation, if they fall into that category.
 - Emergency first aid and decontamination, including eye flushing for pesticide exposure.
 - How and when to obtain emergency medical care.
 - Heat-related illness prevention, recognition, and first aid training in accordance with 8CCR section 3395.
 - Requirements of the California Code of Regulations pertaining to pest control operations and environmental protection concerning pesticide safety, SDS, and PSIS.
 - Handlers must be 18 years old
 - Environmental concerns such as drift, runoff, and wildlife hazards.
 - Field posting requirements and REIs
 - Employees should not take pesticides or containers home.
 - Potential hazards to children and pregnant women. Handlers should decontaminate prior to coming into contact with family members.
 - How to report pesticide use violations
 - Employee rights (receive information about pesticides to which they may have been exposed, that a doctor or other representative is also entitled to this information, the illegality of employer retaliation for pesticide complaints and that they should report suspected violations to the Ag. Commissioner.

Written Respiratory Protection Program – (keep records for 3 years) (3CCR 6739):

- Know if respirators are required by reading the labels of the pesticides for the products you plan to use.
- When respirators are required, you must provide medical evaluation, fit testing, a written training program, annual respiratory protection training, annual pesticide program evaluation, and recordkeeping for these documents.



Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

Medical Care and Medical Monitoring Requirements – (keep records for 3 years) (3CCR 6726 and 6728):

- Plan for emergency medical care for all employees using pesticides and post this information at the worksite (pickup, field). You must follow this plan and take staff for medical evaluation in the event of exposure or illness.
- When handling any organophosphate or N-methyl carbamate pesticide labeled DANGER or WARNING, maintain use records for each employee, which show the pesticide(s) used and date of each use.
- When an employee works with organophosphates or N-methyl carbamates labeled DANGER or WARNING for more than six days within any 30 days:
 - Employers must obtain medical supervision for employees and comply with the Doctor's Letter, which outlines the program and frequency of testing. A current copy of the medical supervision letter must be given to the Ag Commissioner's Office.
 - Employees must have cholinesterase baseline tests BEFORE they begin work, and must be retested at intervals based on 3CCR 6728 regulations and doctor's recommendation in the medical supervision letter.
 - All medical records and test results shall be kept on file by the employer.

Protective Clothing, Safety Equipment, and Other Handler PPE Requirements (3CCR 6730-6738.4 and 6746):

- Whenever an employee is using any pesticide - soap, water (3 gallons per handler), and single use towels must be available for washing at the worksite, in addition to an extra pair of clean coveralls to change into.
- When the label requires eye protection, the handler must have one pint of clean water available for emergency eyewash (in the cab of the application equipment), and the mix/load site must have at least 6 gallons of water available in a manner capable of delivering gently running water for at least 15 minutes.
- PPE must be provided and maintained by the employer. Employees cannot take PPE home. The employer must also ensure the proper use and storage of PPE.
- Eye protection and rubber gloves are required for all mixing and loading, when using hand or ground spray equipment, and when cleaning or repairing equipment. (CA law; may not be mandated on pesticide labels)
- Whenever protective eyewear is required, and the label does not identify a specific type, one of the following ANSI Z87 compliant items must be worn: 1. Safety glasses that provide front, brow, and temple protection, 2. Goggles, 3. Face shield, or a respirator with a full-face mask approved by NIOSH.
- Gloves – 3CCR 6738.3 specifies various categories of glove materials. If the label specifies a category, the gloves must correspond. All gloves must be 14 mils or thicker except barrier laminate and polyethylene materials.
- Pesticide labels may also require a respirator, chemical resistant boots, apron, head covering, or specific clothing under coveralls.
- A clean, long-sleeved shirt and long pants or coveralls may be worn instead of label required PPE when handling CAUTION materials with a closed system. Coveralls and apron may be used when handling DANGER or WARNING materials instead of labels required PPE.
- A closed system must be used by employees for mixing and loading of pesticides when required by label or by precautionary statements. Tier 1 closed system: "Fatal if absorbed through skin"; Tier 2 closed system: "May be fatal if absorbed through skin."
- When an employee works with any DANGER or WARNING pesticide, a changing area must be available where the employee can change and wash at the end of the day.
- Maintain contact with employees working alone with DANGER pesticides every 2 hours in the daytime, every 1 hour at night.



Imperial County Summary of Production Agriculture Pesticide Regulations

Effective July 1, 2020 to June 30, 2021

Minimal Exposure Pesticides - Buctril, Metasystox-R, Omite, Comite (3CCR 6790-6793):

- Must comply with Minimal Exposure Pesticide Safety User Requirements - 3CCR 6793.
- Employers should have a copy of PSIS A-6 Minimal Exposure Pesticides available and ensure that employees handling these pesticides comply with it.

Pesticide Use Near Schoolsites (3CCR 6690-6692):

- Any production ag. site within ¼ mile of a schoolsite (Public K-12 and licensed daycares) is subject to application restrictions from 6:00 AM to 6:00 PM, Monday through Friday. The restrictions prohibit applications during these times based on the potential for drift created by the application method and the pesticide formulation.
- Any property operator of an ag. site within ¼ mile of a schoolsite must submit an annual notification to the schoolsite by April 30th, of all intended pesticide use for the upcoming school year. Pesticides intended to be used should be accurate for the active ingredient; however, the trade name need not be. Notifications must be amended 48 hours prior to use for unanticipated pesticides. If a property operator changes, the new property operator has 30 days to submit the notification. Annual notifications must be retained for 2 years.

Beekeeper Notification Requirements for Grower Applied Pesticides Toxic to Bees (3CCR 6652 and 6654):

- Must notify beekeepers participating in this program 48 hours prior to applying toxic pesticides to blooming crops when bees are within one mile regardless of the time of application.
- Follow specific pesticide label requirements for bees and bloom in all cases.

I have received a copy of these requirements and understand that the California Food and Agricultural Code establishes that violations of pesticide use and worker safety requirements are subject to civil penalties of up to \$5,000 per violation.

_____ **Initial to acknowledge that you have read and understood the information in this document.**



Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dasso
Asst. Agricultural Commissioner
Asst. Sealer of Weights and Measures

October 19, 2021

Landscaper/Nursery

This letter is to remind you of the requirements you must follow for movement of plant material into Imperial County. There are many quarantines which must be observed. The most complex is for the glassy-winged sharpshooter and detailed directions for compliance follow. However, there are a few other quarantines that you should be aware of and they are listed at the end of this letter.

There is a State Interior Quarantine in place to prevent artificial movement of the glassy-winged sharpshooter (GWSS). The GWSS is a hardy insect which feeds on many common landscape plants and crops. It carries and spreads *Xylella fastidiosa*, a bacterium which is deadly to many plants. Imperial County is the only Southern California County that is not infested with the glassy-winged sharpshooter, and is designated as an enforcing county.

A summary of the quarantine requirements for entry of GWSS-host nursery stock from infested counties:

- Nursery stock must be purchased from a nursery that is under Compliance Agreement with the Agricultural Commissioner's office in that County. The plants should enter Imperial County with paperwork that includes the GWSS Compliance Agreement Number stamp, the required blue tag (see below), and Certificate of Quarantine Compliance (CQC) if applicable.
- Every shipment of nursery stock from an infested county must be accompanied by a Warning Hold for Inspection Certificate also known as a blue tag. As stated on the blue tag, this requires the receiver to hold the shipment off sale upon arrival and call our office for an inspection. It is very important that we be notified immediately upon arrival of the plant shipment. You must not commingle the new shipment with previously-released nursery stock until released by our office. Our office hours are Monday through Friday, 8:00 AM to 5:00 PM. Please call as early as possible. If you intend to bring in plants on a Saturday or Holiday, you must notify our office in advance.
- Landscapers that have their own growing ground or holding yard where they store nursery stock are required to be licensed as a nursery. Landscapers that do not hold or store that stock prior to its delivery to the planting site do not need a license.
- All landscapers must comply with the requirements listed above for every shipment brought into the County. You also must hold the stock at its destination (preferably away from other plants) and call our office for an inspection - you may not plant any of the nursery stock until the plants have been inspected and released by our office. If you are buying and transporting nursery stock into Imperial County, it is your responsibility to obtain the required documents from the origin nursery and call for the inspection upon arrival.
- For every shipment, you must have a proof of ownership document for the nursery stock.

Penalties for failure to comply with the quarantine requirements listed above:

- Any violation of quarantine requirements is an infraction punishable by a fine of \$1,000 for the first offense. For a second or subsequent offense within three years, the violation is punishable as a misdemeanor (Food and Ag Code, Section 5309).
- In lieu of any civil action, the Agricultural Commissioner may levy a civil penalty for up to \$2,500 for each violation (Food and Ag Code, Section 5311).
- In addition to any other action taken, any violation of these requirements may be liable civilly in an amount not to exceed \$10,000 for each violation (Food and Ag Code, Section 5310).
- Anyone that negligently or intentionally violates any quarantine regulation and imports a GWSS-infested plant that results in an infestation, or the spread of an infestation, may be civilly liable in an amount up to \$25,000 for each violation (Food and Ag Code, Section 5028(c)).

Other restricted plant materials (if you intend to bring in any of the following commodities from outside Imperial County please contact us before the shipment date):

- Citrus species – All Citrus species are restricted from most locations within California.
- Phoenix palms – All palms of the Phoenix genus (this includes *Phoenix roebelinii*, a common landscape plant) originating in California are prohibited, unless it is from certain portions of Riverside County.
- Florida nursery stock- Must comply with California State Interior Quarantine CCR. 3271 Burrowing and Reniform Nematodes, RIFA federal Quarantine and other quarantines may apply.
- Arizona nursery stock- Must comply with California State Interior Quarantine CCR. 3261 Ozonium Root Rot.
- Also, if you intend to remove any plants from the soil and ship them out of Imperial County you must be certified free from Ozonium Root Rot. To do so you must be part of our program and you should contact our office.

If you have any questions please contact our office at (442) 265-1500.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nelson Perez', with a stylized flourish at the end.

Nelson Perez
Deputy Agricultural Commissioner
Pest Detection and Eradication



CANNABIS BUSINESSES: WHEN DO I NEED TO LICENSE AS A WEIGHMASTER?

On January 16, 2019, permanent cannabis regulations became effective for three licensing authorities in California:

- California Department of Food and Agriculture, CalCannabis Division
(CDFA CalCannabis Division)
[California Code of Regulations, Title 3, Division 8](#)
- California Department of Public Health, Manufactured Cannabis Safety Branch
(CDPH MCSB)
[California Code of Regulations, Title 17, Division 1, Chapter 13](#)
- California Department of Consumer Affairs, Bureau of Cannabis Control
(CDCA BCC)
[California Code of Regulations, Title 16, Division 42](#)

You need a weighmaster license if you have a license issued by CDFA CalCannabis Division and/or CDPH MCSB.

You do not need a weighmaster license if you only have one license, and that license was issued by CDCA BCC.

HOW DO I OBTAIN A WEIGHMASTER LICENSE?

Weighmaster licenses are issued by CDFA, Division of Measurement Standards, Weighmaster Program.

Go to the Weighmaster Program [webpage](#) where you can find Frequently Asked Questions, licensing information, and an application. (<https://www.cdfa.ca.gov/dms/programs/wm/wm.html>)

When filling out your application, choose the classification(s) that correctly describes your cannabis business.

Business Classification by Commodity

CANNABIS-RELATED ACTIVITIES		
Adult Use. Cultivator (nurseries, growers, and processors)	Medicinal Use. Cultivator (nurseries, growers, and processors)	Cannabis (other businesses Not Elsewhere Classified)
Adult Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance)	Medicinal Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance)	Hemp (Cannabis plant fiber)
Adult Use. Manufacturers (extractions, infusions, packaging, and labeling)	Medicinal Use. Manufacturers (extractions, infusions, packaging, and labeling)	
Adult Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)	Medicinal Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)	

You may submit your application and payment electronically or print and fill out a paper version and submit with your payment.

Weighmaster laws are in the California Business and Professions Code, Division 5. Weights and Measures, Chapter 7, Weighmasters.

You may access these from the [California Legislative Information website](#)

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=

Weighmaster regulations are in the California Code of Regulations (CCR), Title 4, Division 9, Chapter 9.

You may access these from the [WESTLAW](#) website at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

WHO HAS TO ISSUE WEIGHMASTER CERTIFICATES?

Each state agencies' regulations are slightly different [California Code of Regulations (CCR)].

You must issue a weighmaster certificate if you have a license from CDFA CalCannabis Division.

CCR Title 3 § 8213. Requirements for Weighing Devices and Weighmasters.

(a) Weighing devices used by a licensee shall be approved, registered, tested, and sealed pursuant to chapter 5 (commencing with section 12500) of division 5 of the Business and Professions Code and its implementing regulations and registered with the county sealer consistent with chapter 2 (commencing with section 12240) of division 5 of the Business and Professions Code and its implementing regulations. Approved, registered, tested, and sealed devices shall be used whenever any one or more of the following apply:

- (1) Cannabis and nonmanufactured cannabis products are bought or sold by weight or count;
- (2) Cannabis and nonmanufactured cannabis products are packaged for sale by weight or count;
- (3) Cannabis and nonmanufactured cannabis products are weighed or counted for entry into the track-and-trace system; or
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) In any county in which a sealer is unable or not required to approve, register, test, and seal weighing devices used by a licensee, the department may perform the duties of the county sealer in the same manner, to the same extent, and with the same authority as if it had been the duly appointed sealer in such county. In those instances, the department shall charge a licensee for its services using the schedule of fees established in Business and Professions Code section 12240.

(c) For the purposes of this chapter a licensee must use wet weight or net weight. Wet weight and net weight shall be measured, recorded, and reported in U.S. customary units (e.g., ounce or pound); or International System of Units (e.g., kilograms, grams, or milligrams).

(d) For the purposes of this chapter, "count" means the numerical count of the individual cannabis plants, seeds, or nonmanufactured cannabis product units.

(e) Any licensee weighing or measuring cannabis or nonmanufactured cannabis product in accordance with subsection (a) shall be licensed as a weighmaster.

(f) A licensed weighmaster shall issue a weighmaster certificate whenever payment for the commodity or any charge for service or processing of the commodity is dependent upon the quantity determined by the weighmaster in accordance with section 12711 of the Business and Professions Code and shall be consistent with the requirements in chapter 7 (commencing with section 12700) of division 5 of the Business and Professions Code.

You may have to issue a weighmaster certificate if you have a license from CDPH MCSB, but not if the measurement is only to be entered into the Track-and-Trace System.

CCR Title 17 § 40277. Weights and Measures.

(a) Weighing devices used by a licensee shall be approved, tested, and sealed in accordance with the requirements in Chapter 5 (commencing with section 12500) of Division 5 of the Business and Professions Code, and registered with the county sealer consistent with Chapter 2 (commencing with section 12240) of Division 5 of the Business and Professions Code. Approved and registered devices shall be used whenever:

- (1) Cannabis or cannabis product is bought or sold by weight or count;
- (2) Cannabis or cannabis product is packaged for sale by weight or count;
- (3) Cannabis or cannabis product is weighed or counted for entry into the track-and-trace system; and
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) For the purposes of this chapter, "count" means the numerical count of the individual cannabis product units.

(c) Whenever the licensee is determining the weight, measure, or count of cannabis and cannabis products for the purposes specified in subsection (a), the weight, measure, or count shall be determined by a licensed weighmaster as required by Chapter 7 (commencing with section 12700) of Division 5 of the Business and Professions Code. The weighmaster certificate required under section 12711 of the Business and Professions Code shall not be required when cannabis or cannabis products are weighed for entry into the track-and-trace system.

You do not have to issue a weighmaster certificate if you are licensed only by CDCA BCC.

CCR Title 16 § 5049. Track and Trace Reporting.

- (a) A licensee shall record in the track and trace system all commercial cannabis activity, including:
- (1) Packaging of cannabis goods.
 - (2) Sale and transfer of cannabis goods.
 - (3) Transportation of cannabis goods to a licensee.
 - (4) Receipt of cannabis goods.
 - (5) Return of cannabis goods.
 - (6) Destruction and disposal of cannabis goods.
 - (7) Laboratory testing and results.
 - (8) Any other activity as required pursuant to this division, or by any other licensing authority.
- (b) The following information shall be recorded for each activity entered in the track and trace system:
- (1) Name and type of the cannabis goods.
 - (2) Unique identifier of the cannabis goods.
 - (3) Amount of the cannabis goods, by weight or count, and total wholesale cost of the cannabis goods, as applicable.**
 - (4) Date and time of the activity or transaction.
 - (5) Name and license number of other licensees involved in the activity or transaction.
 - (6) If the cannabis goods are being transported:
 - (A) The licensee shall transport pursuant to a shipping manifest generated through the track and trace system, that includes items (1) through (5) of this subsection, as well as:
 - (i) The name, license number, and licensed premises address of the originating licensee.
 - (ii) The name, license number, and licensed premises address of the licensee transporting the cannabis goods.
 - (iii) The name, license number, and licensed premises address of the destination licensee receiving the cannabis goods into inventory or storage.
 - (iv) The date and time of departure from the licensed premises and approximate date and time of departure from each subsequent licensed premises, if any.
 - (v) Arrival date and estimated time of arrival at each licensed premises.
 - (vi) Driver license number of the personnel transporting the cannabis goods, and the make, model, and license plate number of the vehicle used for transport.
 - (B) Upon pick-up or receipt of cannabis goods for transport, storage, or inventory, a licensee shall ensure that the cannabis goods received are as described in the shipping manifest, and shall record acceptance or receipt, and acknowledgment of the cannabis goods in the track and trace system.
 - (C) If there are any discrepancies between the type or quantity of cannabis goods specified in the shipping manifest and the type or quantity received by the licensee, the licensee shall record and document the discrepancy in the track and trace system and in any relevant business record.
 - (7) If cannabis goods are being destroyed or disposed of, the licensee shall record in the track and trace system the following additional information:
 - (A) The name of the employee performing the destruction or disposal.

- (B) The reason for destruction and disposal.
- (C) The entity disposing of the cannabis waste.
- (8) Description for any adjustments made in the track and trace system, including, but not limited to:
 - (A) Spoilage or fouling of the cannabis goods.
 - (B) Any event resulting in damage, exposure, or compromise of the cannabis goods.
- (9) Any other information as required pursuant to this division, or by any other applicable licensing authorities.
- (c) Unless otherwise specified, all transactions must be entered into the track and trace system within 24 hours of occurrence.
- (d) Licensees shall only enter and record complete and accurate information into the track and trace system and shall correct any known errors entered into the track and trace system immediately upon discovery.

SCALES USED FOR COMMERCIAL PURPOSES

All scales used for commercial purposes must meet strict standards for accuracy and customer visibility in the California Code of Regulations. Appropriate and suitable scales must be of a type approved by the Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval or a National Type Evaluation Program (NTEP) Certificate of Conformance before commercial use. This process is known as "Type Evaluation." See the CTEP Information Guide at: <https://www.cdfa.ca.gov/dms/programs/ctep/CTEPIInfoGuide.pdf>

Step 1: Selecting a suitable scale to meet your business needs.

Step 2: Setting up your scale.

Step 3: Using and maintaining your scale.

Step 4: Notifying your County Weights and Measures Office.

Step 1: Selecting a suitable scale to meet your business needs.

Consider:

- Range of weighing (minimum and maximum capacities)
- Division (increment) size
- Precision (i.e., scales that comply with Accuracy Class I & II parameters)

Legal-for-trade scales purchased from a scale dealer or purchased online will require calibration before use. A Registered Service Agency (RSA) can assist you in the selection of a type approved and suitable scale. They will ensure the scale is accurate and correct, install and place the scale into commercial use pending inspection by a local weights and measures official, and can assist in the scale registration process. RSAs listings can be found at <https://www.cdfa.ca.gov/dms/programs/rsa/rsa.html> or via online searches.

Step 2: Setting up your scale.

- Scales must be installed and operated per the manufacturer's instructions and California laws and regulations.
- Scales must be placed on a level solid surface and properly used and maintained (refer to owner's manual).
- Legal-for-trade scales must be "inspected, tested and sealed" by a County Weights and Measures Office.
- Precision scales may need to be verified and recalibrated when moved to another location within a production facility or retail establishment.

Step 3: Using and maintaining your scale.

- Use the scale according to the owner's reference manual.
- Deduct "TARE" (packaging, wrappings, containers, labels etc.) to determine "NET" weight (NET = GROSS – TARE).
- The owner or user is responsible for ensuring the accuracy and proper maintenance of a commercial scale.
- EVERYBODY benefits from an accurate scale. The customer is not cheated, and the seller is protected by weights and measures officials who ensure a level playing field for all competing businesses.

Step 4: Register a scale with your county.

- Most California counties have local ordinances requiring annual registration of commercial scales.
- Find your County Weights and Measures Office at: <https://www.cdfa.ca.gov/exec/county/countymap/>

SCALES USED FOR CANNABIS

For Harvest Weights, Bulk Packaging, Net Weight Verification and Weight Verification for Track and Trace Reporting.

Typical Class I & II Scale Capacities		Maximum Scale Division Size (Increments)*	
Metric Units kilogram (kg)	US Standard Units pound (lb)	Metric Units gram (g)	US Standard Units pound (lb)
0.5 kg (500 g)	1 lb	0.5 g	0.001 lb
5 kg	10 lb	5 g	0.01 lb
50 kg	100 lb	50 g	0.1 lb
50 kg +	100 lb +	500 g +	1.0 lb +

*EXAMPLES: Capacity = 100 kg: min. div. can be (0.001 kg, 0.002 kg, 0.005 kg or smaller)
Capacity = 5000 lb: min. div. can be (1 lb, 0.2 lb, 0.5 lb, or smaller)

For Retail Packaging, Net Weight Verification, and Retail Sales from Bulk.

Typical Weighing Range	Maximum Scale Division Size (Increments)
0-1 gram (g)	0.01 g
Between 1-10 g	0.01 g
Between 10-100 g	0.1 g
Between 100-1,000 g	1 g
Between 1/8 ounce (oz) to 1/2 oz	0.0005 oz (0.00002 lb) (0.01 g)*
Between 1/2+ oz to 1 oz	0.005 oz (0.0002 lb) (0.1 g)*
Greater than 1 oz	0.05 oz (0.002 lb) (1 g)*

*Conversions rounded to nearest legal division size.

Additional Resources

California Weights and Measures Laws and Regulations	www.cdfa.ca.gov/dms/publications.html
Buying Legal-for-Trade Scales Online	ncwm.net/resource/consumer-information
National and California Type Evaluation Program - Certificate Search Database	ncwm.net/ntep/cert_search and cdfa.ca.gov/dms/ctep.html
California Weighmaster Requirements	https://www.cdfa.ca.gov/dms/programs/wm/wm.html

SALES BY WEIGHT:

A business needs to determine weight of:

- containers/packages of trimmings,
- containers/packages of product, and
- packages of dried flower.

These different types of containers and packages will likely require scales of different capacities and division sizes due to basic suitability requirements.

Scale 1: For weighing 1 lb net weight packages the grower could use a 1 kg x 0.001 kg scale (1000 g x 1 g).

Scale 2: For weighing 1 gram net weight packages the grower could use a 500 g x 0.01 g scale.

This may include, but is not limited to packages of:

- Usable cannabis (buds, flowers)
- Edibles
- Topicals (ointments, creams, balms, emollients)
- Shatter (cannabis concentrate)

SALES BY VOLUME:

Cannabis products in liquid form are sold by volume, e.g., milliliters (ml) and fluid ounces (fl oz).

This may include, but is not limited to packages of:

- Oils
- Tinctures
- Extracts



For additional information, go online at <https://www.cdfa.ca.gov/dms/> or send an email to DMS@cdfa.ca.gov.

CALIFORNIA WEIGHTS AND MEASURES LABEL REQUIREMENTS

Cannabis products sold in California must also meet the labeling requirements for the California Department of Public Health. Contact the appropriate agency for specific requirements.

This is a brief summary of regulations adopted by the State of California, pursuant to the Fair Packaging and Labeling Act, for packages in general. For complete requirements, consult the California Code of Regulations (CCR), Title 4. Other agencies may have different or additional labeling requirements (e.g., ingredient, nutritional labeling, pharmacological, safety related). Those requirements are not covered in this guide.

Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons.

The **three basic requirements** are:

1. A declaration of **identity** that is the common or usual name of the commodity.
2. A declaration of **responsibility** that includes the **name, address, and zip code** of the manufacturer, packer, or distributor. A street address is required if the name is not listed in a current directory, which can include an online source. The connection of a distributor must be shown (e.g., "packed for, distributed by"). This statement is not required to be on the principal display panel.
3. A declaration of the **quantity** of the commodity in the lower 30% of the principal display panel area, in a size depending upon the area of the principal display panel.

Units of Weight or Measure: Both SI (metric) and inch-pound units are **required** for most consumer packages. SI units may appear first and the converted value must not overstate the net contents. Exceptions include: labels printed before February 14, 1994, random weight packages, foods packed at retail, camera film, audio and video recording media. There may be different requirements for the following federally regulated commodities: meat, poultry, alcoholic beverages, drugs, cosmetics, insecticides, fungicides, rodenticides, and tobacco products.

CONSUMER PACKAGES

Principal Display Panel Area Determination: This area, not the area of the label, determines the minimum height requirement of the declaration of quantity (see table).

1. A rectangular package where an entire side is the principal display panel - height times width.
2. A cylindrical or nearly cylindrical container - 40% of the product of the height times the circumference.
3. Other shaped containers - 40% of the entire square area of the container.
4. Obvious principal display panels - the actual square area of the panel.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

Minimum Height of Numbers and Letters for Principal Display Panel		
Area of Principal Display Panel	Minimum Height of Numbers and Letters (Printer)	Minimum Height Label Information (Blown or Molded)
32 cm² (5 in ²) or less	1.6 mm (1/16 in)	3.2 mm (1/8 in)
Over 32 cm² (5 in ²) to 161 cm² (25 in ²)	3.2 mm (1/8 in)	4.8 mm (3/16 in)
Over 161 cm² (25 in ²) to 645 cm² (100 in ²)	4.8 mm (3/16 in)	6.4 mm (1/4 in)
Over 645 cm² (100 in ²) to 2581 cm² (400 in ²)	6.4 mm (1/4 in)	7.9 mm (5/16 in)
Over 281 cm² (400 in ²)	12.7 mm (1/2 in)	14.3 mm (9/16 in)

Proportion: Letters of a declaration of quantity must not be more than three (3) times as high as they are wide. Except for blown or molded declarations, the style of type or lettering shall be bold, clear, and conspicuous against its background.

A Free Area: A free area, equal to at least the height of the lettering, is required above and below the quantity declaration. At each end, the free area must be equal to twice the width of the capital "N" of the style and size of type used.

Decimal Fractions: Decimal fractions may be carried to three places. SI unit declarations may contain only decimal fractions. Decimal fractions are permitted in inch-pound declarations.

Common Fraction: Common fraction use is restricted to inch-pound units and is normally limited to halves, quarters, eighths, sixteenths, and thirty-seconds to the lowest term. Each number of a fraction in a declaration of quantity must be at least 1/2 the minimum height.

Abbreviations:

Inch-pound: avdp, lb, oz, gal, qt, pt, yd, ft, in, sq, and cu

SI units: kg, g, mg, L or l, mL or ml, m, cm, mm, m, m², dm², cm², m³, dm³, and cm³

Both systems may use: wt, fl, liq, dr, dia, pc, ea, and ct

Periods and plural forms are not recommended for inch-pound units and are prohibited for metric.

Rule of 1000 for SI Units: Numerical values should be between 1 and 1000 (e.g., 500 g not 0.5 kg; 1.96 kg not 1960 g; 750 ml not 0.75 l; 750 mm or 75 cm not 0.75 meters).

Weight Declarations: The words "net mass" or "net weight" are optional.

Less than 1 kilogram: must be stated in grams, decimals of a gram or milligrams.

1 kilogram or more: kilograms and decimals of a kilogram up to three places.

Less than 1 pound: must be stated as ounces or fraction of ounces.

1 pound or more: in pounds, with remainder in fractions of pounds, or ounces and fractions of ounces.

Fluid Declarations: The words "net" or "net contents" are optional. "Fluid" is required with ounces (e.g., 12 fl oz) unless the meaning is obvious by association (e.g., 1 pint 4 ounces).

Less than 1 liter: must be stated in milliliters.

1 liter or more: liters and decimal fractions of a liter up to three places.

Less than 1 pint: fluid ounces and fractions of an ounce.

- 1 pint to less than 1 gallon:** largest whole unit (quarts or pints as appropriate), with remainder in ounces, fractions of a pint or a quart. (2 quarts may be stated as 1/2 gallon)
- 1 gallon or more:** gallons and fractions of a gallon.

Supplementary Declarations: Non-required quantity declarations are not permitted on the principal display panel.

Qualifying Statements: Quantity declarations containing qualifying words are not permitted. Words such as "minimum," "approximately," "when packed," or any words that tend to exaggerate are considered qualifying words.

Multi-Unit, Combination or Variety Packages: Consult California Code of Regulations, Title 4, for specific requirements.

NONCONSUMER PACKAGES

Nonconsumer Package: This term applies to any package other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

Basic Requirements: A declaration of identity of the commodity, the name, address, and zip code of the packer, and a declaration of quantity shall be prominently and conspicuously displayed on the outside of the package.

Declaration of Quantity: The declaration of quantity shall be in the largest whole unit. SI and inch-pound units may be used, individually or together.

EXEMPTIONS FROM LABELING REQUIREMENTS

Bulk Foods Repacked and Sold by Retailer - Food and Drug Administration (FDA) Retail Food Labeling Exemptions

FDA regulations specify that foods **received by retailers in bulk quantities that are repackaged by the retailer and displayed for sale on the premises**, are exempt from:

1. Net content statements - if it is obvious that they are to be weighed, measured, or counted, within view of the customer or in compliance with the customer's order. [21 CFR § 1.24(a)(I)]
2. Identity statements - if a placard, counter card, or the master container bears the identity statement. [21 CFR § 101.100(b)(3)]
3. Responsibility statements. [21 CFR § 101.100(b)(I)]

Commodities Packed and Sold on the Same Premises

A package sold on the same premises where it was packed is not required to have a declaration of responsibility (i.e., name and address of the manufacturer, packer, or distributor). [CCR § 4510 UPLR 5]

However, the package must still have the declarations of quantity and identity. [CCR § 4510 UPLR 3, 4, 6, 7]

Random Weight Packages

These are packages from a lot having identical labels **except** for the net weight. An example would be packages of bricks of cheese labeled: *Extra Sharp Cheddar, Audry Cheese Company, Sell by April 25 '18*, each package having a different net weight ranging from 0.94 to 1.64 lb.

As of January 1, 2000, a random weight package must bear a label conspicuously declaring:

- a) the net weight
- b) unit price
- c) the total price

[CCR § 4510 UPLR 6.16, 11.1]

Exemptions

1. If the random weight package is packaged for sale at another location, the unit price and total price may be omitted providing they are on the package at the time of sale. [CCR § 4510 UPLR 6.16]
2. Random weight packages are not required to be labeled with the net weight if they are "sold intact and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale." For this exemption, no quantities can be represented on the package prior to being weighed or measured at the time of sale. The outside container is required to bear a label declaration of the total net weight. [CCR § 4510 UPLR 11.26]

A random weight package will have a conspicuous label stating:

- a) net weight
- b) price per pound
- c) total sales price

It is exempt from the requirements for:

- a) SI (Metric) quantity labeling
- b) type size
- c) placement in the lower 30% of the principal display panel free area

[CCR § 4510 UPLR 11.1]

3. If the random weight package does not state the net weight, price per pound and total sales on the same label at the time of sale, it must conform to all package labeling requirements. This includes placement, letter size, color contrast, prominence, etc., unless it is done as an indirect sale. [CCR § 4510 UPLR 11.1 and 11.1.1]
4. Indirect sales, such as internet orders, shall be exempt from the labeling requirements of unit price and total price when at the time of delivery, the package is marked with a statement of net weight and all of the following requirements are met:
 - (a) the unit price is set forth and established in the initial product offering
 - (b) the maximum possible net weight, unit price, and maximum possible price are provided to the customer by order confirmation when the product is ordered
 - (c) at delivery, the customer receives a receipt bearing the following information: identity, declared net weight, unit price, and the total price. [CCR § 4510 UPLR 11.1.1]



Office of the
Agricultural Commissioner
Sealer of Weights and Measures

Carlos Ortiz
Agricultural Commissioner
Sealer of Weights and Measures

Jolene Dossert
Asst. Agricultural Commissioner
Asst. Sealer of Weights and Measures

POINT-OF-SALE SCANNERS & ELECTRONIC PRICING DEVICES

The Imperial County Weighing and Measuring Devices and Point-of-Sale Systems ordinance (Chapter 5.68) requires businesses to register with the Imperial County Sealer of Weights and Measures Department and pay an annual registration fee. Registration certificate fees are based on the number of point of sale stations at each retail location. This registration certificate is required in addition to any other certificate, license or permit which may be required by the county, cities, or any public entity. Any registration certificate for which fees have not been paid within forty –five (45) days from the date that such payment is due, will be subject to a twenty percent (20%) penalty. See the attached fee schedule for reference.

All retail locations that utilize a point of sale system are subject to the county ordinance. Such systems include Universal Product Code (UPC) scanners, price look-up codes, or any other system that relies on the retrieval of electronically stored information to complete a transaction. Per the ordinance, all systems shall be available for testing and inspection by the county sealer of weights and measures.

The Imperial County Weights and Measures Office enforces the California Business and Professions Code as well as the California Code of Regulations as it pertains to point-of-sale systems. Below is a summary of applicable code sections:

In accordance to the California Business and Professions Code § 12024.2 and § 12024.6, it is unlawful for any person, at the time of sale of a commodity, to do any of the following:

- Charge an amount greater than the price, or to compute an amount greater than a true extension of a price per unit, that is then advertised, posted, marked, displayed, or quoted for that commodity.
- Charge an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect.

- No person, firm, corporation, or association shall advertise, solicit, or represent by any means, a product for sale or purchase if it is intended to entice a customer into a transaction different from that originally represented.

In accordance to the California Business and Professions Code sections § 13300-13303 and § 12024.6:

- Any business that uses a point-of-sale system must have a display of the prices charged visible to the customer from a reasonable and typical position
- When a price reduction or discount regarding an item is advertised, the checkout system customer indicator shall display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings
- Any surcharges and the total value to be charged for the overall transaction also shall be displayed for the consumer at least once before the consumer is required to pay for the goods or services
- "Point-Of-Sale System" means any computer or electronic price look-up system that retrieves the price of the item being purchased

The Imperial County Sealer of Weights and Measures is authorized to levy a civil penalty against a person violating any provision of this law or regulation adopted pursuant to this law, of not more than one thousand dollars (\$1,000) for each violation.

Please remember that it is the responsibility of the owner/operator of a business to obtain a current registration from the Sealer's Office before using an electronic point-of-sale checkout system. Our office is open to the public from 8:00AM to 5:00PM, Monday through Friday. If you have any questions or need assistance, please contact us at (442) 265-1500. We will be happy to assist you.

Sincerely,



Margo Sanchez
Deputy Sealer of Weights & Measures
Special Projects Division



Office of the
Agricultural Commissioner
Sealer of Weights & Measures

Carlos Ortiz
 Agricultural Commissioner
 Sealer of Weights & Measures

Jolene Dessert
 Asst. Agricultural Commissioner
 Asst. Sealer of Weights & Measures

ANNUAL REGISTRATION/RENEWAL APPLICATION (expires December 31, 2022)

Registration No.: _____

Please update any outdated or missing information.

Company Headquarters:

Name: _____ Contact: _____
 Mailing Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____
 Email: _____

Physical Location:

Business Name: _____ Primary Contact: _____
 Physical Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____

Device Type	Location Fee	Quantity	Fee per Device	Device Fee Subtotal	DMS Fee per Device	DMS Fee Subtotal	Device Total

TOTAL FEES DUE: _____

<p align="center">For Department Use Only</p> <p>DMS Receipt #: _____ DMS Date: _____ Deposit #: _____ Deposit Date: _____</p>	<p align="center">Make check or money order payable to: IMPERIAL COUNTY WEIGHTS & MEASURES 852 Broadway El Centro, CA 92243</p>
--	--

I CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION IS TRUE AND CORRECT.

Print Name of Authorized Representative _____ Signature _____ Date _____

We gladly accept checks. If your check is returned unpaid, your account will be debited electronically for the original amount and electronically or via paper for the state's maximum allowable service fee. Payment by check constitutes authorization of these transactions. You may revoke this authorization by calling (800) 666-5222, ext. 2, to arrange payment for any outstanding checks and service fees due. www.flserv.com

County of Imperial Division of Weights and Measures

Registration Fees = Location fee + Device fee + DMS fee (State Surcharge)

Fees are based on a statewide fee structure approved by the State Legislature and Governor. Fees partially offset the cost of administering the commercial weighing and measuring program, and are based on the number and type(s) in use per location. These fees have been adopted in the Imperial County Ordinance Chapter 5.68 and are authorized by the California Business and Professions Code: Device Fees Section 12240(f)-(t); Location Fee Section 12240(u); State Administrative Fee: Section 12241 and California Code of Regulations Title 4, Division 9, Chapter 3, Article 3, Section 4075.

All fees are due and payable by January 1st. Any registration paid after forty-five (45) days will be considered delinquent and be subject to penalties. The penalties are twenty percent (20%) of total device registration fee and location fee accruing each forty-five (45) days in arrears.

Device Location Fee: Each location (scanner/point-of-sale excluded) is charged a location fee of \$100. A location is considered a business with one or more types of devices that require specialized testing equipment that will necessitate more than one trip. Additionally, if a commercial device is installed on a vehicle, each vehicle is considered a single location.

Device Registration Fees	Fee per Device	DMS fee per Device
CNG Meter	\$20.00	\$16.00
Computing Scales <2,000#	\$20.00	\$2.20
Counter Scale < 2,000#	\$50.00	\$2.20
Electric Submeter	\$3.00	\$0.50
Fabric/Cord/Wire	\$20.00	\$2.20
Hanging Scale < 2,000#	\$50.00	\$2.20
Hanging Scale 2,000-10,000#	\$150.00	\$16.00
Hopper & Tank > 10,000#	\$250.00	\$24.00
Hopper & Tank 2,000-10,000#	\$150.00	\$16.00
L.P.G. Meter	\$185.00	\$16.00
Livestock Scale > 10,000#	\$150.00	\$24.00
Livestock Scale 2,000-10,000#	\$100.00	\$16.00
Misc. Measuring Devices	\$20.00	\$2.20
Misc. Weighing Devices < 2,000#	\$50.00	\$2.20
Monorail/Meat < 2,000#	\$50.00	\$2.20
Monorail/Meat 2,000-10,000#	\$150.00	\$16.00
Odometers	\$60.00	\$2.20
Platform/Dormant <2,000#	\$50.00	\$2.20
Platform/Dormant > 10,000#	\$250.00	\$16.00
Platform/Dormant 2,000-10,000#	\$150.00	\$16.00
Class II Scale (Non-prescription/jewelry)	\$20.00	\$2.20
Pres/Jewel Scale <2,000#	\$80.00	\$2.20
Railway Scale > 10,000#	\$250.00	\$24.00
Retail Meter Fuel (Gas pumps)	\$20.00	\$2.20
Retail Water Meter (Dispensers, Vending)	\$20.00	\$2.20
Vehicle Meter (Any vehicle mounted meter)	\$75.00	\$2.20
Vehicle Scale > 10,000#	\$250.00	\$24.00
Water Submeters	\$2.00	\$0.50
Wholesale Meter (Stationary Hi-volume sale)	\$75.00	\$2.20
Scanner/Point of Sale Registration Fees	Fee per Scanners	DMS Fee per Scanners
Scanners (1-3)	\$89.00	\$0.00
Scanners (4-16)	\$129.00	\$0.00
Scanners (17-30)	\$190.00	\$0.00
Scanners (31 or more)	\$240.00	\$0.00

Please note that some device types cap at \$1,000 per location. If you have any questions please call the Division of Weights and Measures at (442) 265-1500.

AIR POLLUTION CONTROL DISTRICT



May 18, 2023

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

RECEIVED

MAY 22 2023

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

SUBJECT: Conditional Use Permit 23-0014 & Commercial Cannabis Activity 23-0003 – DBO Investments SC, LLC d/b/a From The Earth

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 23-0014 and Commercial Cannabis Activity (CCA) 23-0003 (Project). The project proposes to operate a storefront with retail sales and delivery of cannabis in a 467-sqft portion of an existing 9,782-sqft travel center. The project is located at 2084 S. Marina Dr., Salton City also identified as Assessor's Parcel Number 014-178-016.

Title 14 of the Imperial County Code of Ordinances requires that all commercial cannabis activities comply with Chapter 14.03, Subsection 14.03.080(F) which states, "An odor control plan providing air treatment/filtration systems to eliminate the cannabis operation detection from outside the facility shall be submitted for county of Imperial Air Pollution Control District (APCD)." To assist applicants in developing an adequate OCP the Air District has developed an informational "white paper", which will be included as an attachment, explaining the requirements of an adequate OCP. The project packet does not include an Odor Control Plan (OCP), therefore, the Air District is requesting the applicant submit an OCP to the Air District for review. The Air District, recommends the applicant contact the Air District's Planning and Monitoring Division to discuss any questions regarding the development and requirements of the OCP. The Air District also advises the applicant that a site visit will be required to prior or finalization of the OCP.

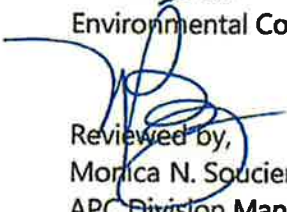
Finally, the Air District is requesting a copy of the draft CUP prior to recording for review.

For your convenience the Air District's rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. Should you have any questions or concerns please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,



Ismael Garcia
Environmental Coordinator



Reviewed by,
Morica N. Soucier
APC Division Manager



WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

PURPOSE

This paper provides guidance to operators of Cannabis Facilities (cultivation, processing, and otherwise) when developing and implement an **Odor Control Plan** (OCP). The intent of an OCP is for the reduction or elimination of the discharge from any source whatsoever of such quantities of air contaminants or other material that may cause a nuisance or annoyance.¹ The pertinent information contained in an OCP is specific to your operation and should reflect the actual practices and customs of the operation.

The OCP is a living document intended for the ***life of the project***; however, as operations change updates to the OCP will be necessary to maintain the reduction or elimination of the discharge of air contaminants. An initial site visit maybe necessary to confirm the elements of a draft OCP before the Air District can finalize its review. Once the OCP is finalized, additional site visits may occur to confirm project operations have not caused additional unforeseeable discharges from any source whatsoever of air contaminants or other material that cause a nuisance or annoyance.

MINIMUM REQUIRED ELEMENTS

While the details and specifications of each OCP will vary depending on the type, size, purpose and location of project operations, all OCP's must contain the following minimum elements:

- 1) The OCP must be on company letterhead, dated and signed by an authorizing agent of the facility
- 2) The OCP must indicate the version; draft vs final or revision
- 3) The OCP must contain sufficient information as to identify the legal owner by name, company name, location, headquarters etc.
- 4) The OCP must contain the identity and contact information of all responsible agents, and personnel involved in the day-to-day operations at the site.
 - This section must identify the primary contact for the implementation of the OCP, etc.

¹ Imperial County Rules and Regulations Rule 407 Nuisances, Revised 09/14/1999



AIR POLLUTION CONTROL DISTRICT

WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

- This section must contain a commitment to notify the Air District of any personnel changes within 48 hours of the change.
- 5) The OCP must contain a description, with drawings if appropriate or available, of the project operations and must identify the current existing sources of odor and potential reasonably foreseeable potential sources of odor. This section is specific to the functions of the facility and should reference or include documents that provide sufficient information to identify sources of odors and the mitigation measures or technologies that reduce or eliminate those sources.
- Identify those processes that cause odors.
 - ❖ This section should describe the odor-emitting activities or processes (e.g., cultivation, drying, etc.) that take place at the facility, including the source(s) (e.g., processing of cannabinoids, etc.) of those odors, and the location(s) from where the odors originate. This is not necessarily limited to inside the facility. For instance, outside composting activities can and do produce odors
 - ❖ This section should describe the phases of the odor-emitting activities that take place at the facility (both inside and outside), and the length and frequency of those activities. For instance, cultivation may be continuous, while another activity (e.g., drying) may take place periodically for days or hours.
 - Identify the mitigation measures that will reduce or eliminate the potential existing and reasonably foreseeable odors and describe any contingency measures should primary mitigation measures fail.
 - ❖ This section should specify and describe any control technology utilized at the facility. The Air District recommends industry-specific best control technologies that achieve reductions in odor emissions, such as carbon filtration systems.
 - ❖ This section must provide assurances that all engineering controls for the identified odor sources are sufficient to mitigate odors. This section must also provide assurances that the control technology is installed correctly and properly operating. This can be accomplished by meeting any one of the below:



AIR POLLUTION CONTROL DISTRICT

WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

◇ *Sufficient to demonstrate mitigation of odors*

Provide documentation that attests to the effectiveness of the technology to mitigate the identified odors. Such as a certification from professional engineers.

Provide documentation of the approval by any one of the 38 Air Districts in California of the odor control technology as a suitable technology for odor control.

Provide documentation describing the system design and the technical processes

◇ *Sufficient to demonstrate technology is correctly installed and properly operating*

Provide documentation of the installation, including date of installation and the location of the technology within the facility.

Provide a Maintenance Plan

The maintenance plan is critical to ensure that technology is properly maintained and serviced. A description of the maintenance activities that are to be performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities should be included here. The activities should serve to maintain the odor mitigation systems and optimize performance (e.g., the schedule for regularly changing carbon filters as recommended by best engineering control practices).

6) Contingency Measures

- This section should specify the measures the facility will implement in the event installed technology or other administrative controls fail.

7) Notice and Record Keeping

- This section should describe all noticing measures and recordkeeping measures.

AIR POLLUTION CONTROL DISTRICT



October 9, 2023

RECEIVED

By Imperial County Planning & Development Services at 2:56 pm, Oct 09, 2023

Mr. Jim Minnick
Planning Director
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Intent for a Negative Declaration for Conditional Use Permit 23-0014 –
DBO Investments SC, LLC dba From the Earth

Dear Mr. Minnick,

The Imperial County Air Pollution Control District (Air District) thanks you for the opportunity to review and comment on the Notice of Intent (NOI) for the preparation of a Negative Declaration (ND) for Conditional Use Permit (CUP) 23-0014 (Project). The project proposes the operation of a storefront retail cannabis dispensary with delivery for medicinal and recreational uses. The project will be located in a 467 sqft portion of the existing 9,782 sqft Salton City Travel Plaza located at 2084 S. Marina Dr., Salton City also identified with Assessor's Parcel Number 014-0178-016.

The Air District will simply restate the same comments in its previous comment letter, included in the Environmental Evaluation Committee packet, dated May 18, 2023: in accordance with Imperial County Code of Ordinances 14.03080(F), the applicant is requested to submit an odor control plan to the Air District for review and the Air District requests a copy of the draft CUP prior to recording for review.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Ismael Garcia".

Ismael Garcia
Environmental Coordinator II

A handwritten signature in blue ink, appearing to read "Monica N. Soucier".

Reviewed by,
Monica N. Soucier
APC Division Manager

COUNTY EXECUTIVE OFFICE


Miguel Figueroa
County Executive Officer
miguelfigueroa@co.imperial.ca.us
www.co.imperial.ca.us



County Administration Center
940 Main Street, Suite 208
El Centro, CA 92243
Tel: 442-265-1001
Fax: 442-265-1010

May 31, 2023

RECEIVED
MAY 31 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

TO: Evelia Jimenez, Planning and Development Services Department
FROM: Rosa Lopez-Solis, Executive Office 
SUBJECT: Comments – DBO Investments SC, LLC From the Earth - CUP 23-0014

The County of Imperial Executive Office is commenting on DBO Investments SC, LLC From the Earth - CUP 23-0014 project. The Executive Office would like to inform the developer of conditions and responsibilities should the applicant seek a Conditional Use Permit (CUP). The conditions commence prior to the approval of an initial grading permit and subsequently continue throughout the permitting process. This includes, but not limited to:

- Sales Tax Condition. The permittee is required to have a Construction Site Permit (prior to the issuance of any grading permits) reflecting the project site address, allowing all eligible sales tax payments are allocated to the **County of Imperial, Jurisdictional Code 13998**.
- The permittee will provide the County of Imperial a copy of the CDTFA account number and sub-permit for its contractor and subcontractors (if any) related to the jobsite. Permittee shall provide in written verification to the County Executive Office that the necessary sales and use tax permits have been obtained, prior to the issuance of any grading permits.
- Construction/Material Budget: Prior to a grading permit, the permittee will provide the County Executive Office a construction materials budget: an official construction materials budget or detailed budget outlining the construction and materials cost for the processing facility on permittee letterhead.

Should there be any concerns and/or questions, do not hesitate to contact me.

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration

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

Training

Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations

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

Prevention

Phone: (442) 265-3020

RECEIVED

MAY 22 2023

**IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES**

May 22, 2023

RE: Conditional Use Permit #23-0014, CCA23-0003
2084 S. Marina Dr, Salton City, CA 92274
DBO Investments DBA From the Earth

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #23-0014, CCA23-0003 Commercial Cannabis business located at 2084 S. Marina Dr, Salton City, CA 92274

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

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

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

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

Sincerely
Andrew Loper
Lieutenant/Fire Prevention Specialist

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May 18, 2023

Ms. Evelia Jimenez
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

RECEIVED
MAY 18 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

SUBJECT: Cannabis Dispensary and Delivery Service Project; CCA23-0003, CUP23-001, IS23-0015

Dear Ms. Jimenez:

On May 8, 2023, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on a commercial cannabis project; Commercial Cannabis Application No. 23-0003, Conditional Use Permit No. 23-0014, Initial Study No. 23-0015. The applicant, DBO Investments SC, LLC, dba From The Earth, proposes to establish a cannabis dispensary and delivery service at an existing travel center property located at 2084 S Marina Drive, Salton City, CA 92275 (APN 014-178-016-000).

The IID has reviewed the project information and has the following comments:

1. The project site is currently being provided electrical service. However, if the project requires an upgrade of the electrical service to the existing building, the applicant should be advised to contact Gabriel Ramirez, IID project development planner, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available at <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit AutoCAD file of site plan, electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing new electrical service to the project.
2. Electrical capacity is limited in the project area. If the project requires an upgrade of its electrical service, a circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.



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September 20, 2023

RECEIVED

By Imperial County Planning & Development Services at 8:49 am, Sep 20, 2023

Ms. Evelia Jimenez
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOI for the Preparation of a ND for the DBO Investments SC, LLC dba From The Earth Cannabis Dispensary and Delivery Service Project; CUP23-014, IS23-0015

Dear Ms. Jimenez:

On September 19 2023, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a Notice of Intent for the preparation of a Negative Declaration for the DBO Investments SC, LLC dba From The Earth commercial cannabis project; Conditional Use Permit No. 23-0014, Initial Study No. 23-0015. The applicant, DBO Investments SC, LLC, dba From The Earth, proposes to establish a 467 sq. ft. cannabis dispensary and delivery service within the 9,782 sq. ft. Salton City Travel Plaza building located at 2084 S Marina Drive, Salton City, CA 92275 (APN 014-178-016-000).

The IID has reviewed the documentation and finds that the comments provided in the May 18, 2023 district letter (see attached letter) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

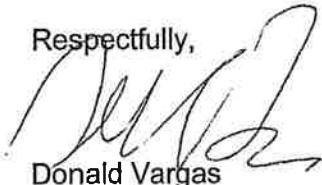
Donald Vargas
Compliance Administrator II

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent General, Fleet Services and Reg. & Environ. Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Matthew H Smelser – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

Melina Rizo

From: Guillermo Mendoza
Sent: Thursday, May 18, 2023 1:28 PM
To: Aimee Trujillo; Rachel Garewal; Sandra Mendivil; Jolene Dessert; Margo Sanchez; Ana L Gomez; Belen Leon; Monica Soucier; Jesus Ramirez; Eric Havens; Ryan Kelley; Miguel Figueroa; Rosa Lopez; Jeff Lamoure; Vanessa Ramirez; Jorge Perez; Alphonso Andrade; Mario Salinas; Salvador Flores; Robert Malek; Andrew Loper; rbenavidez@icso.org; Kelley, Ryan; John Gay; Fred Miramontes; mdeleon@icso.org; Donald Vargas (dvargas@iid.com); jbarrett@cvwd.org; incoming@cvwd.org; Mitch Mansfield; Salton Sea Authority; Roger Sanchez; Marcus Cuero ; jmesa@campo-nsn.gov; Jill McCormick; Jordan D. Joaquin; thomas.tortez@torresmartinez-nsn.gov; Joseph.mirelez@torresmartinez-nsn.gov
Cc: Evelia Jimenez; Michael Abraham; Diana Robinson; Jim Minnick; John Robb; Kamika Mitchell; Laryssa Alvarado; Melina Rizo; Rosa Soto; Valerie Grijalva
Subject: RE: CCA23-0003/CUP23-0014/IS23-0015

Good afternoon,

ICDPW has no comments on the above mention project.

Thanks,

Guillermo Mendoza
Permit Specialist
Imperial County
Department of Public Works
155 S. 11th Street
(442) 265 – 1818



RECEIVED

MAY 18 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>
Sent: Monday, May 8, 2023 4:43 PM
To: Rachel Garewal <RachelGarewal@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Ana L Gomez <analomez@co.imperial.ca.us>; Belen Leon <BelenLeon@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Jesus Ramirez <JesusRamirez@co.imperial.ca.us>; Eric Havens <EricHavens@co.imperial.ca.us>; Ryan Kelley <RyanKelley@co.imperial.ca.us>; Miguel Figueroa <miguelfigueroa@co.imperial.ca.us>; Rosa Lopez <RosaLopez@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Vanessa Ramirez <VanessaRamirez@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Salvador Flores <SalvadorFlores@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; rbenavidez@icso.org; Kelley, Ryan <RKelley@icso.org>; John Gay

Melina Rizo

From: Jill McCormick <historicpreservation@quechantribe.com>
Sent: Wednesday, May 10, 2023 4:31 PM
To: Melina Rizo
Cc: Jim Minnick; Michael Abraham; Diana Robinson; Evelia Jimenez; Aimee Trujillo; John Robb; Kamika Mitchell; Laryssa Alvarado; Rosa Soto; Valerie Grijalva
Subject: Re: [EXTERNAL]:CUP23-0014 AB 52 Letter

Follow Up Flag: Follow up
Flag Status: Flagged

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

This email is to inform you that we do not wish to comment on this project.

H. Jill McCormick M.A.
Ft. Yuma Quechan Indian Tribe
P.O. Box 1899
Yuma, AZ 85366-1899
Office: 760-572-2423
Cell: 928-261-0254



RECEIVED
MAY 12 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

From: Melina Rizo <melinarizo@co.imperial.ca.us>
Sent: Tuesday, May 9, 2023 11:38 AM
To: Jill McCormick <historicpreservation@quechantribe.com>
Cc: Jim Minnick <JimMinnick@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Diana Robinson <DianaRobinson@co.imperial.ca.us>; Evelia Jimenez <EJimenez@co.imperial.ca.us>; Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Kamika Mitchell <kamikamitchell@co.imperial.ca.us>; Laryssa Alvarado <laryssaalvarado@co.imperial.ca.us>; Melina Rizo <melinarizo@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>
Subject: [EXTERNAL]:CUP23-0014 AB 52 Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,