

# PROJECT REPORT

**TO: ENVIRONMENTAL EVALUATION COMMITTEE**

**AGENDA DATE: July 27, 2023**

**FROM: PLANNING & DEVELOPMENT SERVICES**

**AGENDA TIME: 1:30 PM/ No. 2**

PROJECT TYPE: Conditional Use Permit #23-0004  
NMH Investments, LLC SUPERVISOR DIST #4

LOCATION: 2092 Thomas R Cannell Rd, APN: 015-261-020-000

Salton Sea, CA 92274 PARCEL SIZE: +/- 3.3 AC.

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

ZONE (existing) C-2 (General 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: 07/27/2023

INITIAL STUDY: #23-0004

NEGATIVE DECLARATION  MITIGATED NEG. DECLARATION  EIR

## DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input 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 type="checkbox"/>	NONE	<input checked="" 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)

- NEGATIVE DECLARATION**  
 **MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis  
For:*

**Conditional Use Permit #23-0004  
NMH Investments, LLC**



*Prepared By:*

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

**July 2023**

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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 commercial cannabis retail operation (Adult Use & Medicinal Storefront, with delivery), on APN # 015-261-020-000 see (Exhibit A). The legal description for this parcel is the Lot 50, Block 03, Tract 537, FM 4 39, in the unincorporated Town site of Salton Sea, of the County of Imperial. State of California. **Please see (Exhibit "B").**

### 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.

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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

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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



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can be included into this document. Tiering 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 &

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Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- 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.



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## II. *Environmental Checklist*

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1. **Project Title:** Conditional Use Permit #23-0004; NMH Investments, LLC
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Luis Valenzuela, Planner I, (442) 265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** luisvalenzuela@co.imperial.ca.us
6. **Project location:** 2092 Thomas R Cannell Rd, Salton Sea, CA. APN 015-261-020-000, Lot 50 Block 03 Tract 537 FM 4 39
7. **Project sponsor's name and address:** Stewart Namao, NMH Investments, LLC, 401 W. State St, El Centro, CA 92243
8. **General Plan designation:** Urban Area per the West Shores / Salton City Urban Area
9. **Zoning:** C-2 (General Commercial)
10. **Description of project:** The Applicant proposes Conditional Use Permits #23-0004 to allow the operation of an Adult Use & Medicinal Storefront, with delivery for the sale of cannabis, on APN #015-261-020-000. The legal description for this parcel is Lot 50, Block 03, Tract 537, FM 4 39, in the unincorporated Townsite of Salton Sea, of the County of Imperial, State of California. The Permittee, will acquire, remodel and repurpose a 1,224+/- square foot building located at 2092 Thomas R. Cannell Rd. Salton City, CA.  

NMH Investments, LLC is proposing a 1,224 square foot Adult Use/Medicinal cannabis retail space with delivery. According to their application, the purpose of the dispensary will be to give County customers and medical patients a place where they can find relief and safe access to medicinal cannabis products. NMH Investments, LLC is expecting to hire seven (7+) employees. The customer volume is projected to be 60-70 per day (5 customers per hr.). Retail hours of operation 8am-10pm daily, while delivery operations will be from 8am to 10pm based on the volume of orders (projected are 4-8 deliveries per day). Waste cannabis products would be collected and destroyed by a locally licensed waste contractor. Cannabis waste will be made unusable through proper methods and then stored in secure storage bins on site. Bins will be picked up every 4 weeks or as necessary. NMH Investments, LLC will be doing business as Valley Meds. An approved CCA & conditions is necessary, as well as an approved CUP and approved State License in order for them to begin operations.
11. **Surrounding land uses and setting:** The project site is located in the Salton Sea area. Surrounding land uses includes commercial, government special public and open space residential land uses.
12. **Other public agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement.): Planning Commission, Imperial County Air Pollution Control District, Imperial County Environmental Health Services, and Imperial County Fire Department. Salton Sea Community District Office.
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 01, 2023 for their review and comment. No comments have been received from any 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**

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**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

<u>EEC VOTES</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
PUBLIC WORKS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Minnick, Director of Planning/EEC Chairman

Date:

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## PROJECT SUMMARY

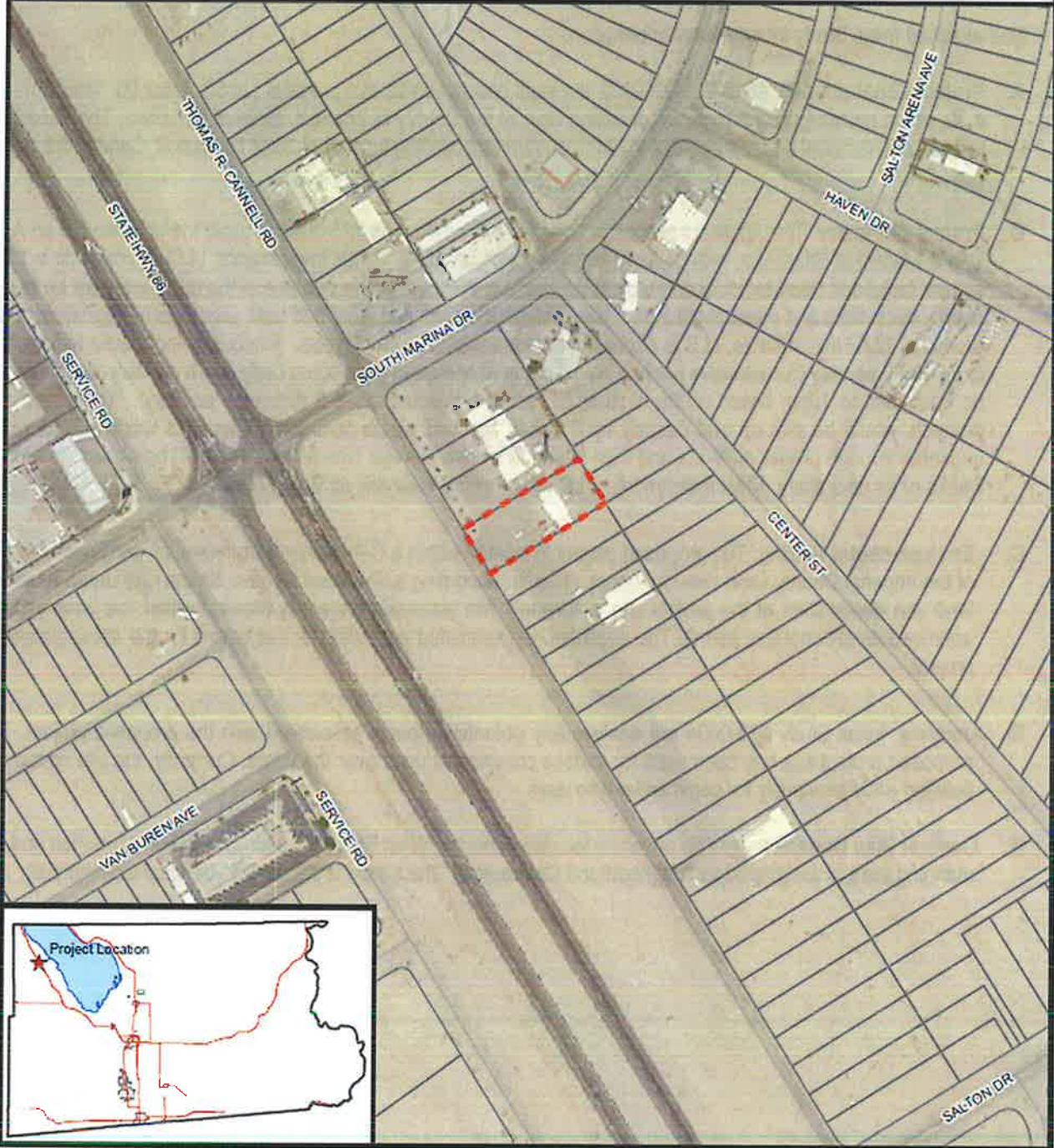
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See attached Initial Study for additional information.



- A. **Project Location:** APN #015-261-020-000; the legal description for this parcel is Lot 50, Block 03, Tract 537, FM 4 39, in the unincorporated Townsite of Salton Sea, of the County of Imperial, State of California. The Permittee, will acquire, remodel and repurpose a 1,224+/- square foot building located at 2092 Thomas R. Cannell Rd, Salton City, CA.
- B. **Project Summary:** The Applicant proposes Conditional Use Permits #23-0004 to allow the operation of an Adult Use & Medicinal Storefront, with delivery for the sale of cannabis. NMH Investments, LLC is proposing a 1,224 square foot Adult Use/Medicinal cannabis retail space with delivery. The purpose of the dispensary will be to give county customers and medical patients a place where they can find relief and safe access to medicinal cannabis products. NMH Investments, LLC is expecting to hire seven (7+) employees. The customer volume is projected to be 60-70 per day (5 customers per hr.). Retail hours of operation 8am-10pm Daily, while delivery operations will be from 8am to 10pm based on the volume of orders (projected are 4-8 deliveries per day). Waste cannabis products would be pick-up and destroy by a locally licensed waste contractor. Cannabis waste will be made unusable through proper methods and then stored in secure storage bins on site. Bins will be picked up every 4 weeks or as necessary. NMH Investments, LLC will be doing business as Valley Meds.
- C. **Environmental Setting:** The proposed project is located within a C-2 (General Commercial) per Zone Map #66 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.
- D. **Analysis:** Initial Study #23-0004 will analyze any potential impacts associated with the proposed project. The proposed project site has been used for various commercial uses over the years. Currently, the site contains a building used previously for commercial type uses.
- E. **General Plan Consistency:** The project is located within the West Shores/ Salton City Urban Area Plan and the planning area is designated as Neighborhood Commercial. The parcel is zoned C-2 (General Commercial).



# PROJECT LOCATION MAP



**NMH Investments, LLC**  
**CUP #23-0004**  
**APN 015-261-020-000**

-  Parcels selection
-  Centerline
-  Parcels







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## 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 Cannell Rd, east 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 2008a) 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.**
  
- 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.**
  
- 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.**
  
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?      
**d) All on-site lighting will be required to be shielded from adjacent properties and roads. The proposed site would continue to be zoned as (C-2) General Commercial. A less than significant impact is projected.**

**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 uses appear 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.**
  
- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?      
**b) There are no Williamson Act contract lands on this parcel. Therefore, no impact is expected.**
  
- 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 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**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<b>not impact forest or timberlands.</b>				
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"/>
<b>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.</b>				
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"/>
<b>e) The proposed site is zoned for General Commercial uses and the Salton Sea Community Area Plan designates the site as Neighborhood 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.</b>				

### 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"/>
<b>a) Less Than Significant. The permittee is proposing a 1,224 square feet space for cannabis for retail sales 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>				
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>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 require 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.</b>				
c) Expose sensitive receptors to substantial pollutants concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>c) The proposed project will be entirely enclosed inside existing structure on site and is not expected to expose sensitive receptors to substantial pollutants concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.</b>				
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"/>
<b>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.</b>				

### IV. BIOLOGICAL RESOURCES *Would the project:*

a) Have a substantial adverse effect, either directly or through 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	<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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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 past 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) Previously, the proposed site has been 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 was previously 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 significant.**

- c) Disturb any human remains, including those interred outside



	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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of dedicated cemeteries?

**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 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 projects are planned to be 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 building is designed to withstand potential problems related to geology/soils/seismicity. Impact is considered less than significant.**

4) Landslides?

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p><b>4) The project site topography is generally flat and according to the Imperial County General Plan Landslide Activity Map, Figure 2<sup>1</sup>, 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></p>				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>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.</b></p>				
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"/>
<p><b>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.</b></p>				
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"/>
<p><b>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.</b></p>				
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"/>
<p><b>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.</b></p>				
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"/>
<p><b>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.</b></p>				

**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"/>
<p><b>a) Less Than Significant Impacts. The applicant is proposing an Adult Use/Medicinal Dispensary space for retail cannabis sales. The site will require and 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.</b></p>				
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"/>

<sup>1</sup> <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)
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**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 was previously utilized for commercial uses. The site will require and approved odor abatement plan with APCD for cannabis 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?

**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?

**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?

**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?

**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?

**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 west.**

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**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?

**g) The proposed project site is located within an unincorporated Local Responsibility Area classified as LRA "Unzoned" per 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**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<b>X. HYDROLOGY AND WATER QUALITY Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>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.</b>				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>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.</b>				
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>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.</b>				
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>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.</b>				
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>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.</b>				
(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;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>iii) Less than Significant Impacts. The project does not appear to create or contribute to runoff water; the project has been previously used commercially and site has been impacted for a number of years.</b>				
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iv) Less than Significant Impacts. The Project does not appear to impede or redirect flood flows; the project has been previously 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.</b>				
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"/>
<b>d) No Impact. The Project site is not located in a potential seiche, tsunami, or mudflow zone.</b>				
e) Conflict with or obstruct implementation of a water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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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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?

**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

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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?

**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)?

**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?

**b) The proposed facility will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; therefore, no impact is expected. Previously, the parcel and existing structure was 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:

**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. A 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 consisting of underground pressure main(s) and hydrant(s) will be provided for the project.
- All cannabis facilities will have an approved automatic fire suppression system.
- The facilities will have an approved automatic fire detection system.
- All fire detection systems will be 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. Please reference fire dept. letter for details.
- All cannabis facilities will have an approved smoke removal system installed and maintained to the current adapted fire code and regulation any impacts are considered to be less than significant.

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 the security safety, please see Sheriff's reference letter for details. Less than significant impacts are anticipated.**

3) Schools?

**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?

**4) No Impact. The Project would not result in an increase in population or housing and would not increase demand/use for**



	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**local parks.**

- 5) Other Public Facilities?
- 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?
- 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?
- 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?
- a) The Permittee for the Conditional Use Permit CUP #23-0004 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)?
- 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)?
- c) No Impact. The project site is on previously constructed site. No additional development is being proposed.**
- d) Result in inadequate emergency access?
- 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 size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:
- Less than significant impacts. The proposed cannabis retail and medicinal store is being proposed in an existing commercial structure built decades ago and with no proposed expansion of this existing building on property there would appear to be no impacts to tribal cultural resources as defined in Public Resources Code Section 21074. Any proposed site improvements will take into consideration surrounding cultural landscape**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
(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 <b>(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.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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 in 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. <b>(ii) The project site is zoned for general commercial uses and over the past decade was used for a number of these commercial uses. The parcel has an existing structure on site and to date 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.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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?<br><b>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> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?<br><b>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 impact are anticipated The structure will utilize the existing public water system for water and sewer. Less than expected impacts are expected.</b>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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?<br><b>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</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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?<br><b>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 impacts appear to a less than significant.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Comply with federal, state, and local management and   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |



	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
reduction statutes and regulations related to solid waste?				
<b>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.</b>				

**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"/> |
| <b>a) NMH Investments, LLC 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>  |                          |                          |                                     |                          |
| 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>b) The project site, NMH Investments, LLC 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.</b>   |                          |                          |                                     |                          |
| 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"/> |
| <b>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:</b>   |                          |                          |                                     |                          |
| <ul style="list-style-type: none"> <li>• An approved water supply capable of supplying the required fire flow consisting of underground pressure main(s) and hydrant(s) will be provided for the project.</li> <li>• All cannabis facilities will have an approved automatic fire suppression system.</li> <li>• The facilities will have an approved automatic fire detection system.</li> <li>• All fire detection systems will be 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. Please see reference letter for details.</li> <li>• All cannabis facilities will have an approved smoke removal system installed and maintained to the current adapted fire code and regulation.</li> <li>• The project will be located at an existing structure previously used for commercial uses. Impacts are considered to be less than significant.</li> </ul> |                          |                          |                                     |                          |
| 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"/> |
| <b>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.</b>  |                          |                          |                                     |                          |

*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 Govt. v. City of Eureka (2007) 147 Cal.App. 4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 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  
 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.

- |   |                          |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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.)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/> | <input 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
- Luis Valenzuela, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- 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](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](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/](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](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 County Division of Environmental Health letter dated 5/5/23
- 20) Imperial Irrigation District Letter dated 5/4/23
- 21) Imperial County Fire Department letter dated 05/22/23
- 22) Imperial County Air pollution control district letter dated 05/12/23
- 23) Imperial County Sheriff's Office letter dated 05/15/23
- 24) Office of the Agriculture Commissioner Sealer of Weights and Measures Letter dated 05/22/23



## 25) NEGATIVE DECLARATION – County of Imperial

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*The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.*

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**Project Name:** NMH Investments, LLC Project, Conditional Use Permit CUP #23-0004

**Project Applicant:** NMH Investments, LLC, 401 W. State St, El Centro, CA 92243

**Project Location:** 2092 Thomas R. Cannell Rd, Salton Sea, CA

**Description of Project:** The Applicant proposes Conditional Use Permits #23-0004 to allow the operation of an Adult Use & Medicinal Storefront, with delivery for the sale of cannabis, on APN #015-261-020-000. The legal description for this parcel is Lot 50, Block 03, Tract 537, FM 4-39, in the unincorporated Townsite of Salton Sea, of the County of Imperial, State of California. The Permittee, will acquire, remodel and repurpose a 1,224+/- square foot building located at 2092 Thomas R. Cannell Rd, Salton Sea, CA.

NMH Investments, LLC is proposing a 1,224 square foot Adult Use/Medicinal cannabis retail space with delivery. The purpose of the dispensary will be to give county customers and medical patients a place where they can find relief and safe access to medicinal cannabis products. NMH Investments, LLC is expecting to hire seven (7+) employees. The customer volume is projected to be 60-70 per day (5 customers per hr.). Retail hours of operation 8am-10pm Daily, while delivery operations will be from 8am to 10pm based on the volume of orders (projected are 4-8 deliveries per day). Waste cannabis products would be pick-up and destroy by a locally licensed waste contractor. Cannabis waste will be made unusable through proper methods and then stored in secure storage bins on site. Bins will be picked up every 4 weeks or as necessary. NMH Investments, LLC will be doing business as Valley Meds.



**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.**

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**NOTICE**

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

---

Date of Determination                      Jim Minnick, Director of Planning & Development Services

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*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

**IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)**

N/A

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# **COMMENT LETTERS**






COUNTY EXECUTIVE OFFICE

**Miguel Figueroa**  
County Executive Officer  
[miguelfigueroa@co.imperial.ca.us](mailto:miguelfigueroa@co.imperial.ca.us)  
[www.co.imperial.ca.us](http://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 15, 2023

TO: Luis Valenzuela, Planning and Development Services Department  
FROM: Rosa Lopez-Solis, Executive Office   
SUBJECT: Comments – NMH Investments – CUP 23-0004

The County of Imperial Executive Office is commenting on NMH Investments – CUP 23-0004 (Retail Commercial Cannabis) 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 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.



## Valerie Grijalva

---

**From:** Jill McCormick <historicpreservation@quechantribe.com>  
**Sent:** Wednesday, May 3, 2023 2:37 PM  
**To:** Aimee Trujillo; ICPDSCCommentLetters  
**Subject:** Re: [EXTERNAL]:CUP23-0004/CCA23-0001/IS23-0004 Request for Comments

**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

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MAY 03 2023

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES



**From:** Aimee Trujillo <aimeetrujillo@co.imperial.ca.us>  
**Sent:** Monday, May 1, 2023 4:39 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>; 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>; Alphonso Andrade <AlphonsoAndrade@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Salvador Flores <SalvadorFlores@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; rkelley@icso.org <rkelley@icso.org>; John Gay <JohnGay@co.imperial.ca.us>; Fred Miramontes <fmiramontes@icso.org>; mdeleon@icso.org <mdeleon@icso.org>; Donald Vargas (dvargas@iid.com) <dvargas@iid.com>; jbarrett@cvwd.org <jbarrett@cvwd.org>; incoming@cvwd.org <incoming@cvwd.org>; Mitch Mansfield <mmansfield@saltoncsd.ca.gov>; Salton Sea Authority <info@saltonsea.com>; Roger Sanchez <roger.sanchez-rangel@dot.ca.gov>; Marcus Cuero <marcuscuero@campo-nsn.gov>; jmesa@campo-nsn.gov <jmesa@campo-nsn.gov>; Jill McCormick <historicpreservation@quechantribe.com>; Gabby Emerson <tribalsecretary@quechantribe.com>;



thomas.tortez@torresmartinez-nsn.gov <thomas.tortez@torresmartinez-nsn.gov>; Joseph.mirelez@torresmartinez-nsn.gov <Joseph.mirelez@torresmartinez-nsn.gov>

**Cc:** Jim Minnick <JimMinnick@co.imperial.ca.us>; Michael Abraham <MichaelAbraham@co.imperial.ca.us>; Luis Valenzuela <luisvalenzuela@co.imperial.ca.us>; Diana Robinson <DianaRobinson@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]:CUP23-0004/CCA23-0001/IS23-0004 Request for Comments

**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 Afternoon,

Please see attached Request for Comments revised packet for **CUP23-0004/CCA23-0001/IS23-0004 APN 015-261-020 [ 2092 Thomas R. Cannell Rd., Salton City, CA 92274] NMH Investments**

Comments are due by **May 15<sup>th</sup>, 2023 at 5:00PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments packet is being sent to you via this email.

Should you have any questions, please feel free to contact Luis Valenzuela at (442) 265-1736, or submit your comment letters to [ICPDScommentletters@co.imperial.ca.us](mailto:ICPDScommentletters@co.imperial.ca.us).

Thank you,

*Aimee Trujillo*

**Office Assistant III**  
Imperial County Planning & Development Services  
801 Main Street  
El Centro, CA 92243  
(442) 265-1736  
(442) 265-1735 (Fax)  
[aimeetrujillo@co.imperial.ca.us](mailto:aimeetrujillo@co.imperial.ca.us)



**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

May 22, 2023

RE: Conditional Use Permit #23-0004, CCA23-0001  
2092 Thomas R. Cannell Road, Salton City, CA 92274  
NMH Investments

**RECEIVED**

**MAY 22 2023**

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #23-0004, CCA23-0001 Commercial Cannabis business located at 2092 Thomas R. Cannell Road, 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





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May 4, 2023

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MAY 04 2023

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

Mr. Luis Valenzuela  
Planner I  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

**SUBJECT:** NMH Investments Cannabis Project; CUP23-0004, CCA23-0001, IS23-0004

Dear Mr. Valenzuela:

On May 1, 2023, the Imperial Irrigation District received a request for agency comments on the NMH Investments, LLC cannabis project; Conditional Use Permit No. 23-0004, Commercial Cannabis Application No. 23-0001, Initial Study No. 23-0004. The applicant proposes to establish a retail commercial cannabis enterprise with delivery service at 2092 Thomas R. Cannell Rd., Salton City, CA (APN 015-261-020).

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 for 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](mailto: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. 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



Luis Valenzuela  
May 4, 2023  
Page 2

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.

3. 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](mailto: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. Kamp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes. – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



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

Luis Valenzuela, Planner I  
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 #23-0001

Mr. Valenzuela:

Our department has reviewed the documents pertaining to Commercial Cannabis Activity #23-0001 / CUP #23-0004 for applicant NMH Investments, company proposing a retail commercial cannabis sales with delivery store at 2092 Thomas R. Cannell Rd., Salton City, California.

As mention on the project, the applicant will use landscaping. 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

*Jolene 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.

<b>Description</b>	<b>Questions</b>	<b>Yes</b>	<b>No</b>
<b>Nursery Stock/Seeds</b> - 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?		
<b>Pesticide Use</b> – 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?		
<b>Weights and Measures</b> – 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. <a href="https://www.cdffa.ca.gov/dms/CannabisWM.html">https://www.cdffa.ca.gov/dms/CannabisWM.html</a>	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**

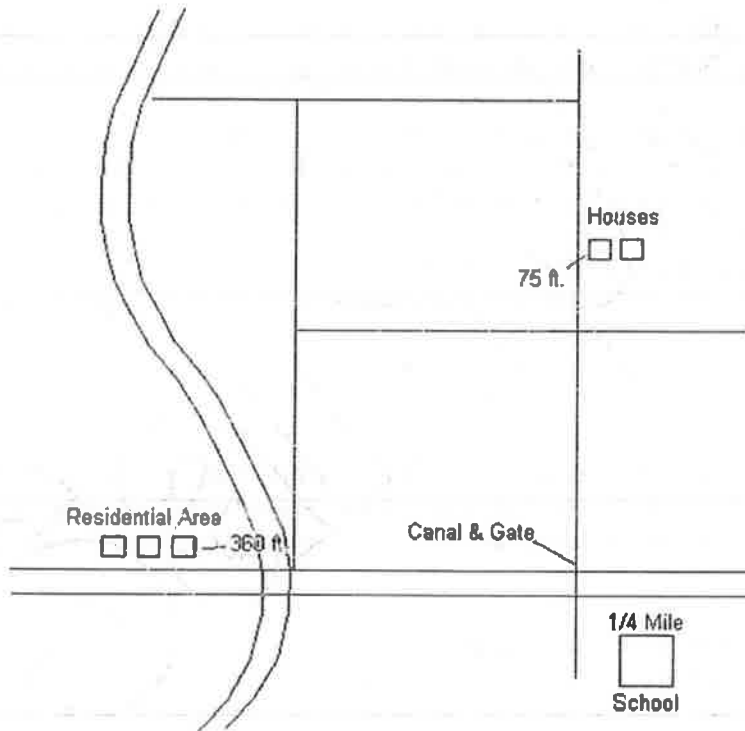
Carlos Ortiz  
Agricultural Commissioner  
Sealer of Weights & Measures

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 1<sup>st</sup> 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



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/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.



**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 BCCR 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.



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.**







Office of the  
*Agricultural Commissioner*  
Sealer of Weights and Measures

*Carlos Ortiz*  
Agricultural Commissioner  
Sealer of Weights and Measures

*Jobene Dabson*  
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 large loop at the end.

Nelson Perez  
Deputy Agricultural Commissioner  
Pest Detection and Eradication



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](#) 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.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=](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/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	<a href="http://www.cdfa.ca.gov/dms/publications.html">www.cdfa.ca.gov/dms/publications.html</a>
Buying Legal-for-Trade Scales Online	<a href="http://ncwm.net/resource/consumer-information">ncwm.net/resource/consumer-information</a>
National and California Type Evaluation Program - Certificate Search Database	<a href="http://ncwm.net/ntep/cert_search">ncwm.net/ntep/cert_search</a> and <a href="http://cdfa.ca.gov/dms/ctep.html">cdfa.ca.gov/dms/ctep.html</a>
California Weighmaster Requirements	<a href="https://www.cdfa.ca.gov/dms/programs/wm/wm.html">https://www.cdfa.ca.gov/dms/programs/wm/wm.html</a>

### 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



## 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)
<b>32 cm<sup>2</sup></b> (5 in <sup>2</sup> ) or less	1.6 mm (1/16 in)	3.2 mm (1/8 in)
Over <b>32 cm<sup>2</sup></b> (5 in <sup>2</sup> ) to <b>161 cm<sup>2</sup></b> (25 in <sup>2</sup> )	3.2 mm (1/8 in)	4.8 mm (3/16 in)
Over <b>161 cm<sup>2</sup></b> (25 in <sup>2</sup> ) to <b>645 cm<sup>2</sup></b> (100 in <sup>2</sup> )	4.8 mm (3/16 in)	6.4 mm (1/4 in)
Over <b>645 cm<sup>2</sup></b> (100 in <sup>2</sup> ) to <b>2581 cm<sup>2</sup></b> (400 in <sup>2</sup> )	6.4 mm (1/4 in)	7.9 mm (5/16 in)
Over <b>281 cm<sup>2</sup></b> (400 in <sup>2</sup> )	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, m<sup>2</sup>, dm<sup>2</sup>, cm<sup>2</sup>, m<sup>3</sup>, dm<sup>3</sup>, and cm<sup>3</sup>

**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 Dessert*  
Asst. Agricultural Commissioner  
Asst. Sealer of Weights and Measures

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## 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"><b>For Department Use Only</b></p> <p>DMS Receipt #: _____ DMS Date: _____          Deposit #: _____ Deposit Date: _____</p>	<p align="center"><b>Make check or money order payable to:</b>  <b>IMPERIAL COUNTY WEIGHTS &amp; MEASURES</b>          852 Broadway          El Centro, CA 92243</p>
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**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.fiserv.com](http://www.fiserv.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.

<b>Device Registration Fees</b>	<b>Fee per Device</b>	<b>DMS fee per Device</b>
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
<b>Scanner/Point of Sale Registration Fees</b>	<b>Fee per Scanners</b>	<b>DMS Fee per Scanners</b>
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.

Electronically Recorded in Official Records,  
IMPERIAL COUNTY

03/21/2023

**CHUCK STOREY**  
COUNTY CLERK-RECORDER

11:24 AM  
IV

0046 CSC

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:  
LONG KEY, LLC  
PO BOX 872590  
VANCOUVER, WA 98687

MAIL TAX STATEMENTS TO:  
LONG KEY, LLC  
PO BOX 872590  
VANCOUVER, WA 98687

Doc#: 2023004040



\* \$ R 0 0 0 0 5 2 0 6 6 8 \$ \*

Titles: 1	Pages: 3
Fees	\$20.00
Taxes	\$0.55 UIC
Other	\$0.00
	\$20.55

### QUIT CLAIM DEED

DOCUMENTARY TRANSFER TAX \$ <u>5</u>
<input checked="" type="checkbox"/> Computed on full value of property conveyed, or
<input type="checkbox"/> Computed on full value less liens and encumbrances
remaining at time of sale.

*Wyoming Property*

**FOR VALUABLE CONSIDERATION**, receipt of which is acknowledged, I (We), Blue Ocean Partners, LLC, a Wyoming Limited Liability Company, remise, release and quit claim to 2638 Sea Garden Land Trust UTD, Dated 3/13/2021 Long Key, LLC, Trustee, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Imperial County, California to wit:

See attached Exhibit 'A' made a part hereof by reference.

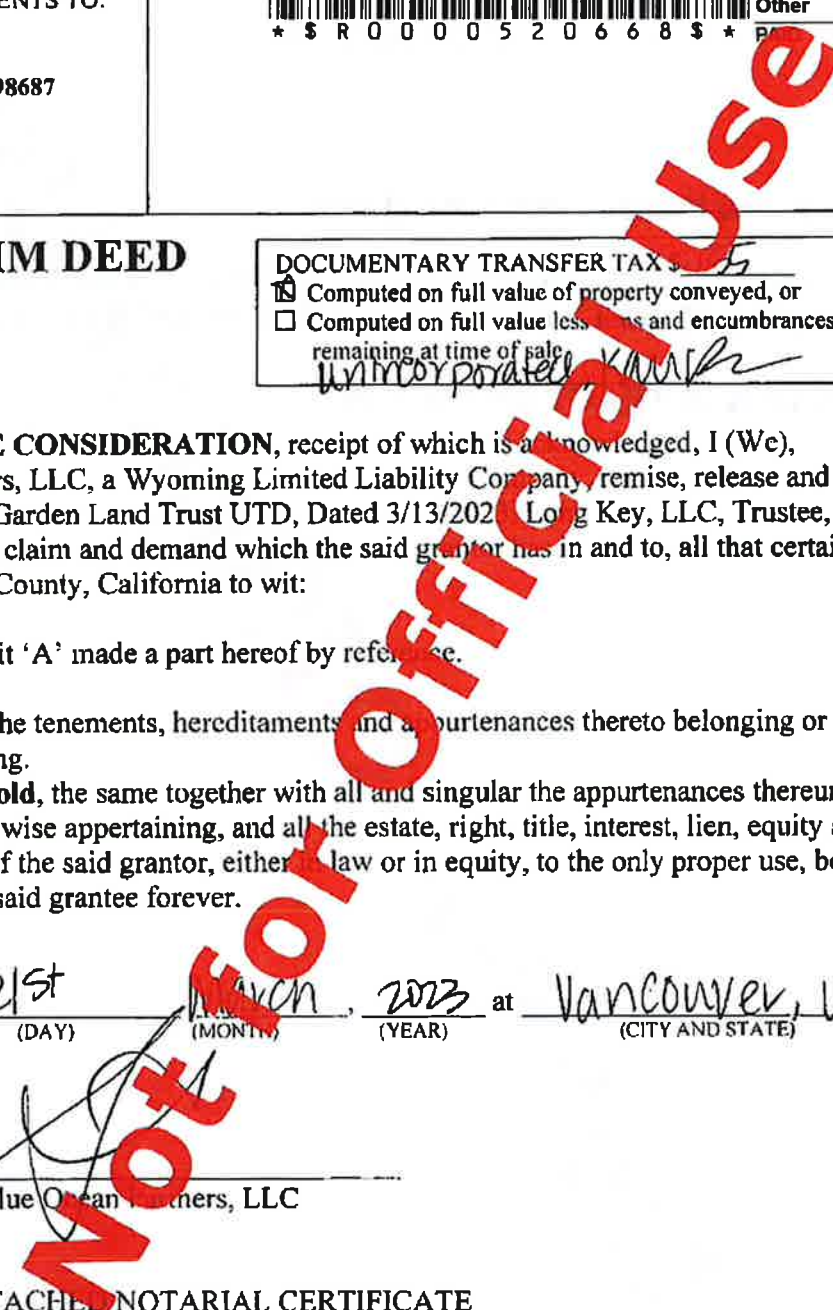
**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either at law or in equity, to the only proper use, benefit and behoof of the said grantee forever.

Executed on 21st MARCH, 2023 at VANCOUVER, WA  
(DAY) (MONTH) (YEAR) (CITY AND STATE)

S. Seal, as agent, Blue Ocean Partners, LLC

PLEASE SEE ATTACHED NOTARIAL CERTIFICATE



**EXHIBIT 'A'**

**Assessor's Parcel Number: 008-320-012-000**

**Legal Description: REAL PROPERTY SITUATED IN THE COUNTY OF  
IMPERIAL STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:**

**LOT 12 BLOCK 08 TRACT 535 FM 4-30.**

**Not for Official Use**



**ACKNOWLEDGMENT**

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 Washington  
County of Clallam }

On 3/21/23 before me, Karie Rinker Notary Public  
(insert name and title of the officer)

personally appeared S. Seal  
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 Karie Rinker (Seal)

NOTARY PUBLIC  
STATE OF WASHINGTON  
KARIE RINKER  
MY COMMISSION EXPIRES  
SEPTEMBER 24, 2024  
COMMISSION # 20117573

Not for Official Use



AIR POLLUTION CONTROL DISTRICT



May 12, 2023

**RECEIVED**

MAY 12 2023

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**

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

**SUBJECT:** Conditional Use Permit 23-0004 & Commercial Cannabis Activity 23-0002 – NMH Investments

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 23-0004 and Commercial Cannabis Activity (CCA) 23-0001 (Project). The project proposes retail cannabis sales with delivery at 2092 Thomas R. Cannel Rd., Salton City also identified as Assessor's Parcel Number 015-261-020.

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)." The project packet included an Odor Control Plan (OCP) for the project identified as Revision 2, which the Air District reviewed for consistency with its standards and recommendations for OCP's. While the Air District found much of the included OCP (Rev. 2) met minimum satisfactory requirements, the accompanying matrix identifies points that require attention. The Air District strongly urges the inclusion of a floor plan layout that clearly identifies location, type, and number of filters utilized to mitigate odors.

Following the submittal of an OCP that addresses points identified in the matrix, the Air District can arrange a date for a site visit and eventual finalization of the OCP. The Air District also recommends the applicant contact the Air District's Planning and Monitoring Division to discuss any questions regarding requirements and/or revisions of the OCP.


The Air District is also requesting a copy of the draft CUP before it is recorded for its review and records.

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



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

JANETTE ANGULO, M.P.A.  
*Director*

**RECEIVED**

STEVEN MUNDAY, M.P.H., M.S.  
*Health Officer*

MAY 02 2023

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**

May 2, 2023

Luis Valenzuela, Planner I  
IC Planning & Development Services  
801 Main Street  
El Centro, CA 92243

Subject: Environmental Health Comments for Proposed Commercial Cannabis Activity #23-0004

Dear Mr. Valenzuela,

The Imperial County Division of Environmental Health (DEH) is providing the comments below in response to the request for review and comments for Commercial Cannabis Activity #23-0004. The project as described is a cannabis dispensary located at 2092 Thomas R. Cannell Road, Salton City, CA. The property is also described as Assessor's Parcel Number 015-261-020.

Please consider the following comments for the proposed project.

1. If the cannabis dispensary business is intending to sell eatable products, the applicant will have to undergo the food program application & review process with our division.

If you have any questions, please do not hesitate to contact me at 442-265-1888.

Sincerely,

*Mario Salinas*

Mario Salinas  
Environmental Compliance Specialist I







**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](mailto:rkelly@icsso.org)

May 15, 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 NMH Investments, a commercial cannabis activity (CCA23-001/CUP#23-0004) application proposing a retail commercial cannabis sales with delivery facility at 2092 Thomas R. Cannell Road in Salton City, California. The proposed project site has secured the property zoned C-1 at APN: 015-261-020. The proposed site is approximately 645 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 and find that the security plan is lacking detail and information. The Imperial County Sheriff's Office request that a more detailed security plan and security diagram be included and approved by the county prior to any activity on the premises. This security plan shall provide more information on the security contractor mentioned in the project description.

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

**RECEIVED**

MAY 15 2023

**IMPERIAL COUNTY**  
**PLANNING & DEVELOPMENT SERVICES**

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 NMH 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 NMH 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 NMH 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 CCA23-0001.

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

# **APPLICATION**



# 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 <u>Hort David Sim and Weixin Ji</u>	EMAIL ADDRESS <u>ca4557600@gmail.com</u>	
2. MAILING ADDRESS (Street / P O Box, City, State) <u>1148 Posen de Su Majestad</u>	ZIP CODE <u>92231</u>	PHONE NUMBER <u>760-554-0472</u>
3. APPLICANT'S NAME <u>NM Investment Stewart Namao</u>	EMAIL ADDRESS <u>Stewart-namao@rocketmail.com</u>	
4. MAILING ADDRESS (Street / P O Box, City, State) <u>401 W. State St. El Centro, CA</u>	ZIP CODE <u>92243</u>	PHONE NUMBER <u>669-694-6556</u>
4. ENGINEER'S NAME <u>Kesri S. Sekhon</u>	CA. LICENSE NO. <u>78573</u>	EMAIL ADDRESS <u>Kesisekhon@yahoo.com</u>
5. MAILING ADDRESS (Street / P O Box, City, State) <u>7072 Cordgrass Ct. Carlsbad CA.</u>	ZIP CODE <u>92001</u>	PHONE NUMBER <u>858-395-1143</u>
6. ASSESSOR'S PARCEL NO. <u>05-261-080-000</u>	SIZE OF PROPERTY (in acres or square foot) <u>95x240 = 22,800 SF</u>	ZONING (existing) <u>C2</u>
7. PROPERTY (site) ADDRESS <u>2092 Thomas R. Cannell Rd. Salton Sea, CA. 92273</u>		
8. GENERAL LOCATION (i.e. city, town, cross street) <u>South Marina Dr. &amp; Hwy 86</u>		
9. LEGAL DESCRIPTION <u>Lot 50 Block 03 Tract 537 Fm 4 39</u>		

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

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) <u>Retail Cannabis Sales with Delivery</u>	
11. DESCRIBE CURRENT USE OF PROPERTY <u>Vacant Lease Space</u>	
12. DESCRIBE PROPOSED SEWER SYSTEM <u>Salton City Services SCSD</u>	
13. DESCRIBE PROPOSED WATER SYSTEM <u>City water</u>	
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM <u>new Fire Sprinklers</u>	
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? <u>3</u>

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

### REQUIRED SUPPORT DOCUMENTS

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

Stewart Namao 2.17.23  
 Print Name Date  
[Signature]  
 Signature  
 \_\_\_\_\_  
 Print Name Date  
 \_\_\_\_\_  
 Signature

APPLICATION RECEIVED BY: <u>[Signature]</u>	DATE: <u>FEB/17/23</u>	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"/> _____

**CUP #**  
23-0004





## PROJECT DESCRIPTION

NMH INVESTMENTS LLC

### SUMMARIZE THE PROPOSED USE

The project consists of a cannabis dispensary with delivery services. NMH Investments, LLC is committed to community improvement; the operating plan demonstrates serious measures to mitigate any potential nuisances, the security plan suggests the immediate neighborhood will benefit from an increased security presence, the site plan shows compliant parking and ingress and egress, and the overall proposal constitutes a pledge to site clean-up and neighborhood revitalization.

NMH Investments, LLC has secured the property zoned C-1 at APN: 015-261-020-000. NMH Investments, LLC is committed to community improvement; the operating plan demonstrates serious measures to mitigate any potential nuisances, the security plan suggests the immediate neighborhood will benefit from an increased security presence, the site plans show compliant parking and ingress and egress, and the overall proposal constitutes a pledge to site clean-up and neighborhood revitalization.

NMH Investments, LLC's proposed location is well over 600 ft from any sensitive uses as proposed by Imperial County. The closest school is West Shore High School, which is more than 4,700 feet from the proposed location. Salton City Park, the closest park to the facility, is over 2,900 feet away. NMH Investments, LLC's site is 1,438 feet from the nearest youth center and day care center, United Families Preschool.

Site Address: 2092 Thomas R Cannell Rd, Salton City, CA 92274

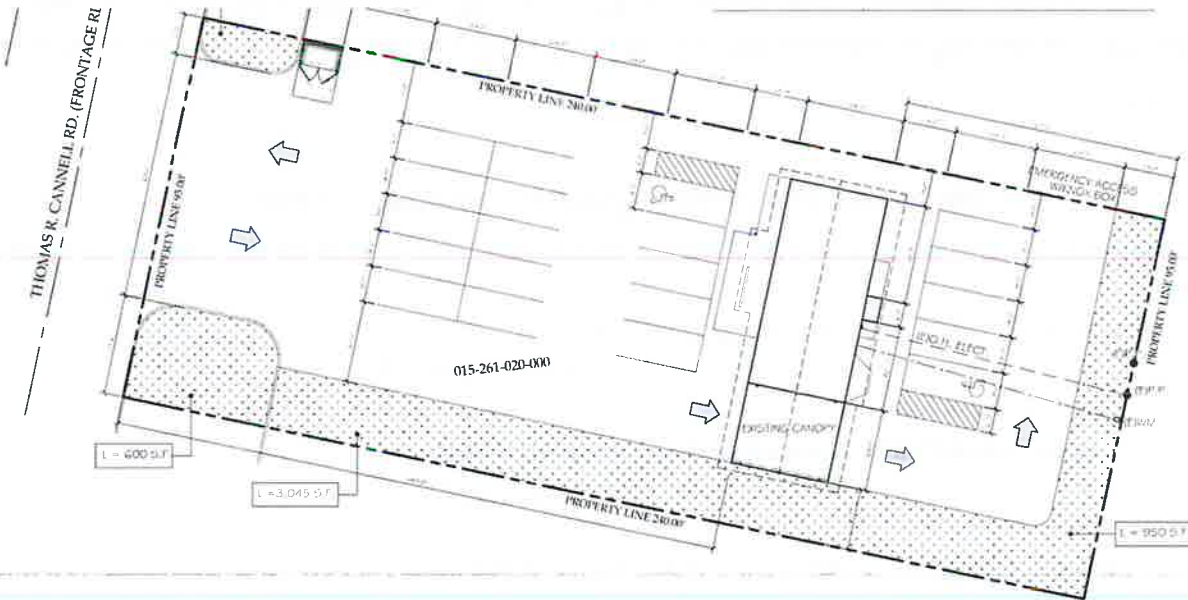
- Closest Park:** Salton City Park (2,988 feet)  
2208 Iridescent Ave, Therma, CA 92274
- Closest Youth Center:** United Families Preschool (1,438 ft)  
1219 Center St, Salton City, CA 92275
- Closest School:** West Shores High School (4,744 feet)  
2381 Shore Hawk Ave, Salton City, CA 92275
- Closest Day Care:** United Families Preschool (1,438 ft)  
1219 Center St, Salton City, CA 92275

VICINITY MAP



APN: 015-261-020-000

PARKING AND LANDSCAPING



**Parking:** NMH Investments LLC’s proposed dispensary location located at 2092 Thomas R Cannell Rd, Salton City, CA 92274 features ample off-street parking for customers and employees. The roughly 2,400ft<sup>2</sup> facility conveniently located off Thomas R Cannell Rd and features 20 parking spaces, or 1 parking space per 122.1ft<sup>2</sup>, which exceeds Imperial County’s parking rate requirement of 1 space per 250ft<sup>2</sup> of the

## PROJECT DESCRIPTION

NMH INVESTMENTS LLC

gross building area for retail facilities (ICCO §90402.01(G)(1)). The parking lot is accessible from Thomas R Cannell Rd and has been designed in a way to restrict traffic congestion. Handicap parking and ADA compliant walkways will permit all patrons accessibility to the facility.

**Traffic:** We have based our customer-related traffic projections on our estimated transactions per day, which is 55 daily transactions in Year One and 100 daily transactions in Year 2. Our Delivery-related traffic projections are based on an estimated 30 daily deliveries in Year One and 75 daily deliveries in Year Two. We have based our staff-related traffic projections on four (4) day-to-day employees, including one (1) Cannabis Specialists, one (1) Screeners, one (1) Delivery Drivers, one (1) Dispatcher. We have anticipated our Distributor-related traffic projections on the expectation that we will have at least one (1) incoming delivery per day. We anticipate the following trips generated by each respective group on daily basis:

### **Customers (passenger vehicles)**

Year One: ~22 trips per day

Year Two: ~40 trips per day

### **Staff/employees (passenger vehicles):**

Year One: ~6 trips per day

Year Two: ~11 trips per day

### **Delivery Vehicles (commercial vehicles)**

Year One: ~4 trips per day

Year Two: ~8 trips per day

### **Distribution (commercial vehicles)**

Year One: ~1 trips per day

Year Two: ~1 trips per day

**Landscaping** will be employed to the fullest extent permitted by our location. The County of Imperial requires that landscaping consist of a minimum of 10% of the total developed lot or parcel (ICCO §90302.04(A)). California's temperate environment can sustain a wide variety of landscaping, but California natives will be emphasized in order to reduce watering needs and reflect the area's natural flora. The Landscaping plan will incorporate xeriscaping for the selected drought tolerant local species. Landscaping will be extended throughout the parking area to create a cohesive exterior theme.

Both entrances and exits to the parking area will be adorned with shrubs and trees which will also line the perimeter of the parking lot and extend to the property line. Every portion of the lot, with the exception of the immediate parking area and the facility, will incorporate landscaping to the fullest extent possible. The facility's entry way will feature a concrete pathway covered by a large canopy with trees and shrubs lining the pathway up to the facility. There will be planters interspersed beneath the canopy featuring smaller shrubs and flowers. Planters will also be placed in front of the facilities windows which will limit visibility into the facility. A portion of the exterior landscaping has been designed to add an esthetic touch while providing a natural screen for the facility.

**NEIGHBORHOOD COMPATIBILITY**

The proposed location is in the C1 Commercial Zoning District. The immediate neighborhood consists of other commercial activities including retailers and residential uses. Nonetheless, frosted privacy glass that meets all relevant security standards will prevent public sight lines from the exterior of the entire property. The property will blend in with the surrounding neighborhood, and its overall appearance will provide an improved aesthetic within the general vicinity and to the current state of the nearby area. Further, NMH Investments LLC's security plans include round the clock surveillance and security, which will help maintain and increase the safety of the nearby area. The dispensing operations will comply with all setback requirements and building regulations, and accordingly NMH Investments, LLC will comply with all Imperial County zoning and buffer requirements.

The following screenshots indicate high neighborhood compatibility: APN: 015-261-020



## PROJECT DESCRIPTION

NMH INVESTMENTS LLC

NMH Investments, LLC's proposed location is well over 600 ft from any sensitive uses as proposed by Imperial County. The closest school is West Shore High School, which is more than 4,700 feet from the proposed location. Salton City Park, the closest park to the facility, is over 2,900 feet away. NMH Investments, LLC's site is 1,438 feet from the nearest youth center and day care center, United Families Preschool.

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2381 Shore Hawk Ave, Salton City, CA 92275

**Closest Day Care:** United Families Preschool (1,438 ft)  
1219 Center St, Salton City, CA 92275

## HOURS OF OPERATION

**Monday: 8:00AM – 10:00PM (14 hours)**  
**Tuesday: 8:00AM – 10:00PM (14 hours)**  
**Wednesday: 8:00AM – 10:00PM (14 hours)**  
**Thursday: 8:00AM – 10:00PM (14 hours)**  
**Friday: 8:00AM – 10:00PM (14 hours)**  
**Saturday: 8:00AM – 10:00PM (14 hours)**  
**Sunday: 8:00AM – 10:00PM (14 hours)**







