

CITY OF WILDOMAR CITY COUNCIL AGENDA

6:30 P.M. – ADJOURNED REGULAR MEETING

May 28, 2020

Pursuant to Governor Newsom's Executive Orders N-25-20 and N-29-20, the City Council Meeting will be conducted electronically via video and teleconferencing.



Dustin Nigg, Mayor District 2
Bridgette Moore, Mayor Pro Tem District 4
Ben J. Benoit, Council Member District 1
Joseph Morabito, Council Member District 3
Marsha Swanson, Council Member District 5

Gary Nordquist
City Manager/General Manager

Thomas D. Jex
City Attorney/District Counsel

The City Council and Cemetery District Meetings will be conducted electronically via video and teleconferencing pursuant to the provisions of the Governor's Executive Order N-29-20

The City of Wildomar encourages your participation in the meeting; however, in order to minimize the spread of the COVID-19 virus, this meeting is being conducted utilizing video and teleconferencing. The City Council Chambers will not be open to the public. The public may view the meeting on television and/or online and may participate via ZOOM video conferencing.

You may view the meeting live on the City of Wildomar's website at <http://www.cityofwildomar.org> or on cable TV through Frontier Channel 36 or AT&T channel 99. To view from the website, select the live stream link on the top of the front page.

Instructions for Electronic Participation

If you would like to make a public comment and/or a comment on a specific agenda item, please follow the following instructions:

1. Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.
2. Log in or call into ZOOM via desktop/laptop, smartphone or telephone. You must download the ZOOM app to access the link from an Apple smartphone.

Join Zoom Meeting
<https://us02web.zoom.us/j/81617288514>
Meeting ID: 816 1728 8514

Dial in:
+1 669 900 6833 US
Meeting ID: 816 1728 8514

Please Note: During the meeting all participants video will be turned off during the entire meeting and you will be placed on Mute by the host. You will not be able to mute or unmute your lines manually. The host will unmute your line when you are called to speak.

3. During Public Comment not on the Agenda and after each Agenda Item, the Mayor will announce Public Comment. If you would like to speak, please raise your hand virtually on ZOOM to be placed in the queue. When your name or the last 3 digits of your phone number are called, the host will unmute you. Public Comments will be limited to 3 minutes or such other time as the Council may provide.

Directions to virtually raise hand on ZOOM on a DESKTOP/LAPTOP:

- Click on the “**Participants**” button on the bottom of the screen.
- A list of participants will appear on the right side of the screen. At the bottom of the list, please click on the grey “**Raise Hand**” button.

Directions to virtually raise hand on ZOOM on a SMARTPHONE:

- Click on the “**Participants**” button on the bottom of your screen.
- A new screen will pop up with the list of participants. Look for the “**Raise Hand**” button on the screen and click the button.

Directions to virtually raise hand on ZOOM on a TELEPHONE line only:

- Dial *9 on your keypad to signal that you would like to comment.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the City Clerk’s Office at 951-677-7751 x210.

The City of Wildomar thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

NOTICE: City Council meetings may be live-streamed, photographed and/or videotaped. Participation at the meeting constitutes consent by members of the public to the City’s and any third party’s use in any media, without compensation or further notice, of audio, video, and/or pictures of meeting attendees.

CALL TO ORDER – ADJOURNED REGULAR SESSION - 6:30 P.M.

ROLL CALL

FLAG SALUTE

PUBLIC COMMENTS

This is the time when the Council receives general public comments regarding any items or matters within the jurisdiction that **do not** appear on the agenda.

APPROVAL OF THE AGENDA AS PRESENTED

The City Council to approve the agenda as it is herein presented, or, if it is the desire of the City Council, the agenda can be reordered, added to, or have items tabled at this time.

1.0 CONSENT CALENDAR

There are no items scheduled.

2.0 PUBLIC HEARINGS

2.1 Cannabis Code Amendment (ZOA No. 2020-04): City Council review of a Statutory CEQA Exemption and an amendment to the Wildomar Municipal Code establishing zoning and use regulations (Title 17) and licensing regulations (Title 5) for cannabis businesses in the City

RECOMMENDATION: The Planning Commission and Council Ad-Hoc Subcommittee recommends the City Council take the following actions:

1. Introduce and approve the first reading of an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA ADOPTING A CEQA STATUTORY
EXEMPTION PURSUANT TO THE BUSINESS AND PROFESSIONS
CODE SECTION 26055(H), AND APPROVING ZONING ORDINANCE
AMENDMENT NO. 2020-04 AMENDING TITLE 17 (ZONING) OF THE
WILDOMAR MUNICIPAL CODE TO REVISE SECTIONS 17.12.040,
17.12.050, 17.72.010, 17.76.010, 17.88.010, AND 17.92.010, AND ADD
CHAPTER 17.315 (A NEW CHAPTER) TO ESTABLISH CANNABIS
BUSINESS ZONING AND USE REGULATIONS

2. Introduce and approve the first reading of an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA, ADOPTING A CEQA STATUTORY
EXEMPTION PURSUANT TO THE BUSINESS AND PROFESSIONS
CODE SECTION 26055(H), AND AMENDING TITLE 5 (BUSINESS
LICENSE AND REGULATIONS) OF THE WILDOMAR MUNICIPAL
CODE TO ADD A NEW CODE SECTION (CHAPTER 5.76) TO
ESTABLISH COMMERCIAL CANNABIS LICENSING REGULATIONS IN
THE CITY OF WILDOMAR

2.2 Establishment of Commercial Cannabis Fees

RECOMMENDATION: Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2020 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING APPLICATION FEES AND A REGULATORY
FEE FOR CANNABIS BUSINESSES

3.0 GENERAL BUSINESS

There are no items scheduled.

COUNCIL COMMUNICATIONS

1. Community events
2. Regional events
3. Chamber of Commerce
4. Riverside Conservation Authority (RCA)
5. Riverside Transit Agency (RTA)
6. Riverside County Transportation Commission (RCTC)
7. League of California Cities
8. Southern California Association of Governments (SCAG)
9. Riverside County Habitat Conservation Agency (RCHCA)
10. Western Riverside Council of Governments (WRCOG)
11. South Coast Air Quality Management District (SCAQMD)
12. Ad Hoc & Subcommittees

CITY MANAGER REPORT

FUTURE AGENDA ITEMS

Title- Councilmember-Anticipated Date

1. Right of Way Enhancements- Benoit – August 2020

ADJOURN THE CITY COUNCIL

City Council/Wildomar Cemetery District Regular Meeting Schedule

June 10	October 14	February 10
July 8	November 11	March 10
August 12	December 9	April 14
September 9	January 13	May 12

REPORTS: All agenda items and reports are available for review at City Hall, 23873 Clinton Keith Road and on the City's website at the following address: http://www.cityofwildomar.org/government/agendas___minutes. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available by appointment for public inspection at City Hall during regular business hours.

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans With Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person that requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting, may request such modification, accommodation, aid or service by contacting the City Clerk either in person or by phone at 951-677-7751.

I, Janet Morales, Wildomar Acting City Clerk, do certify that on May 21, 2020, by 6:00 p.m., a true and correct copy of this agenda was posted at Wildomar City Hall, 23873 Clinton Keith Road and on the City's website at www.cityofwildomar.org.



Janet Morales
Acting City Clerk

CITY OF WILDOMAR – CITY COUNCIL

Agenda Item #2.1

PUBLIC HEARING

Meeting Date: May 28, 2020

TO: Mayor and Members of the City Council

FROM: Matthew C. Bassi, Planning Director
Erica L. Vega, Assistant City Attorney

SUBJECT: Cannabis Code Amendment (ZOA No. 2020-04): City Council review of a Statutory CEQA Exemption and an amendment to the Wildomar Municipal Code establishing zoning and use regulations (Title 17) and licensing regulations (Title 5) for cannabis businesses in the City.

STAFF REPORT

RECOMMENDATION:

The Planning Commission and Council Ad-Hoc Subcommittee recommends the City Council take the following actions:

1. Introduce and approve the first reading of an Ordinance entitled:

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA ADOPTING A CEQA STATUTORY EXEMPTION PURSUANT TO THE BUSINESS AND PROFESSIONS CODE SECTION 26055(H), AND APPROVING ZONING ORDINANCE AMENDMENT NO. 2020-04 AMENDING TITLE 17 (ZONING) OF THE WILDOMAR MUNICIPAL CODE TO REVISE SECTIONS 17.12.040, 17.12.050, 17.72.010, 17.76.010, 17.88.010, AND 17.92.010, AND ADD CHAPTER 17.315 (A NEW CHAPTER) TO ESTABLISH CANNABIS BUSINESS ZONING AND USE REGULATIONS

2. Introduce and approve the first reading of an Ordinance entitled:

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, ADOPTING A CEQA STATUTORY EXEMPTION PURSUANT TO THE BUSINESS AND PROFESSIONS CODE SECTION 26055(H), AND AMENDING TITLE 5 (BUSINESS LICENSE AND REGULATIONS) OF THE WILDOMAR MUNICIPAL CODE TO ADD A NEW CODE SECTION (CHAPTER 5.76) TO ESTABLISH COMMERCIAL CANNABIS LICENSING REGULATIONS IN THE CITY OF WILDOMAR

BACKGROUND:

There have been a number of major developments relating to cannabis laws over the past several years as follows:

- On October 9, 2015, Assembly Bills 243 and 266 and Senate Bill 643 (collectively, the “Medical Cannabis Regulation and Safety Act” or “MCRSA”) were enacted to create a state regulatory and licensing system governing the cultivation, testing, and distribution of medical marijuana, the manufacturing of medical marijuana products, and physician recommendations for medical marijuana. MCRSA expressly preserved local control over medical marijuana facilities and land uses, including the authority to prohibit medical marijuana facilities and cultivation completely.
- On November 8, 2016, the voters of the State of California approved Proposition 64, entitled the “Control, Regulate and Tax Adult Use of Marijuana Act” (the “AUMA”). Proposition 64 established a statewide regulatory system for “adult use” commercial cannabis businesses commencing at Business and Professions Code section 26000. Under Proposition 64, adult use cannabis cultivators, manufacturers, distributors, retailers, and testing laboratories may operate lawfully if they obtain a state license to operate and comply with local ordinances. The state will not issue licenses if the proposed cannabis business violates a local ordinance. Business and Professions Code section 26200, which is part of Proposition 64, expressly recognized the ability of cities to completely prohibit all adult use cannabis businesses or to regulate such businesses.
- On June 27, 2017, the Governor signed Senate Bill 94, which repealed MCRSA and included provisions from MCRSA regarding medical cannabis in the AUMA, so that the regulations governing both medical and non-medical cannabis were contained under one regulatory structure. Senate Bill 94 renamed the AUMA as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”). In addition to consolidating state laws regarding medical cannabis and adult-use cannabis, Senate Bill 94 introduced more uniform terminology. Senate Bill 94 revised references in existing law to “marijuana” or “medical marijuana” to instead refer to “cannabis” or “medicinal cannabis”, and revised references to “nonmedical” to “adult-use.”
- On September 16, 2017, the Governor signed Assembly Bill 133, which further revised MAUCRSA’s provisions regarding cannabis deliveries, the state licensing of cannabis businesses, and cannabis taxation.

Since incorporation the City has prohibited medicinal cannabis businesses, and upon the passage of the AUMA the City also prohibited adult-use cannabis businesses. Despite the City’s existing prohibition against all types of marijuana facilities and commercial cannabis activity, codified in Sections 17.12.040 and 17.12.050, numerous illegal commercial cannabis facilities have opened in the City, and the City has incurred

significant costs and expenses associated with shutting down these illegal commercial cannabis facilities.

Even with aggressive enforcement, individuals continue to open new illegal businesses in the City. Illegal commercial cannabis facilities pose significant risks to the public health and safety because such businesses are operated without regulatory oversight to ensure that dangerous conditions, such as mold, electrical overload, improper hazardous materials storage, and improper ventilation and odor control, do not exist. By way of contrast, allowing commercial cannabis facilities in the City, subject to regulation, may lessen the financial burdens and public health and safety risks caused by current illegally operated commercial cannabis facilities.

The City Council, on May 8, 2019, directed staff to engage in research regarding a proposal to prepare a code amendment to establish a commercial cannabis regulatory framework and an ordinance to propose regulations for commercial cannabis activity in the City. The Council created an “Ad-Hoc Subcommittee” to assist staff with oversight and guidance. The Council on June 12, 2019 appointed now Mayor Dustin Nigg and now Mayor Pro-Tem Bridgette Moore to the ad-hoc subcommittee. The Ad-Hoc Subcommittee has met a number of times from June 2019 to the present to research and evaluate how other cities and counties approached cannabis regulations and licensing. Based on the committee’s direction, the first draft Ordinance was presented to the community and Planning Commission at a study session held on October 8, 2019. There was a number of speakers for and against the draft ordinance, and the Commission provided valuable feedback. The Commission’s feedback and public comments were presented to the Ad-Hoc Subcommittee for consideration. Based on this feedback and final deliberations, the Committee directed staff to prepare final drafts of the Ordinances for Planning Commission and City Council consideration.

Planning Commission Review/Action:

The Planning Commission reviewed the proposed cannabis code amendment at its May 6, 2020 Commission meeting. Their review focused only on the zoning and land use regulations (Title 17 Amendment) and not the licensing procedures and regulations (Title 5 Amendment). The licensing amendment is in the purview of the City Council, not the Planning Commission.

There were eight (8) people who spoke during the public comment portion of the agenda item. Three (3) people spoke in favor of the amendment (Gina Castanon, Alexandria Coletus & Matthew Nathaniel) and three (3) people spoke in opposition (Veronica Langworthy, Greg Langworthy & Marty Nicholson). Two (2) people were neutral (representatives of Cornerstone Church and Grace Christian School) but had concerns about the “sensitive uses radius maps.” Issues raised opposed to the amendment generally centered on negative community impacts in allowing cannabis uses and CEQA related impacts).

After public hearing discussion, the Planning Commission discussed among themselves a number of items. The primary discussion points are summarized below:

- Requiring a CUP and Development Agreement is the appropriate land use application for these uses;
- Whether churches should be added to the list of sensitive uses;
- Whether the distance separation standard between cannabis businesses and sensitive uses should be expanded to 1,000 feet from 600 feet;
- Whether to expand the definition of “youth centers” to include dance studios, gymnasiums, martial arts studios, church youth meeting places and similar uses that are primarily cater to minors; and
- Whether to restrict all cannabis stores/businesses to the I-P and M-SC zones (no commercial zones allowed). Opportunity to expand into commercial zones at a later date to “phase it in.”;
- Whether the proposed regulations will help minimize illegal cannabis operations and provide a safer opportunity to purchase cannabis.

Staff has created a 2nd set of radius maps (1,000’) to show the areas beyond 600’ that would be affected if the separation standard is increased by Council (refer to Attachment F). The original 600’ radius maps have been updated to reflect the recommendations from the Commission (Attachment E). The intent from the Commission on increasing the buffer distance to 1,000 feet was to increase safety and better minimize impacts from cannabis uses.

In terms of adding churches to the list of locational requirements outlined in Section 17.315.070.A, the Commission believed churches are a sensitive use like schools and parks. Finally, to create a safer environment for youth, the Commission desired to see other “youth activities/centers” included in the proposed definition of “youth centers” (i.e., karate studios, dance studios, gymnasiums, etc.).

Prior to the official vote, Chair Lloyd took a straw poll on each of the above items. With no further Commission discussion, a motion was made by Commissioner Filar, and was seconded by Chair Lloyd. The Commission voted 3 (Lloyd, Filar, Banks) to 2 (Strong & Bernard) to adopt PC Resolution No. 2020-14 recommending City Council adoption of the CEQA Statutory Exemption in accordance with Business and Professions Code Section 26055(h), and approval of the proposed cannabis code amendment (ZOA No. 2020-04) subject to the following changes to the draft Ordinance for Council consideration:

- 1) Add Churches to the list of sensitive uses in Section 17.315.070.A of the draft Ordinance; and
- 2) Expand the definition of “youth centers” in Section 17.315.070.C.2 to include dance studios, gymnasiums, martial arts studios, church youth meeting places and similar uses in the draft Ordinance.

DESCRIPTION / ANALYSIS:

CEQA Environmental Review Process:

Staff, in coordination with our PlaceWorks consultant team (Mark Teague and Jasmine Osman) prepared a draft Initial Study/Negative Declaration, which was released for a 30-day public review/comment period that began on January 30, 2020 and concluded on February 28, 2020. The City has decided not to move forward with the IS/ND and instead find the project statutorily exempt from CEQA review under Business and Professions Code Section 26055(h), which exempts from CEQA review the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. As the proposed cannabis ordinance is requiring a conditional use permit and a development agreement for the retail sales and cultivation, etc., of cannabis, Zoning Ordinance Amendment No. 2020-04 meets the requirements of Business and Professions Code Section 26055(h).

Though the project is CEQA exempt, in the interests of transparency and public engagement the City decided to prepare responses to the public comments received during the Negative Declaration 30-day review/comment period. A copy of the response to comments package is provided in Attachment C.

CEQA Determination/Finding:

Based on the above and in accordance with the requirements of the California Environmental Quality Act (Public Resources Code §21000, et seq. ("CEQA")), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-04. Based on this review, the Planning Department has determined that the proposed zoning ordinance amendment is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code Section 26055(h). This provision in the Business and Professions Code exempts from CEQA review the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

As proposed in the City Council Ordinances (Attachment A & B), the Ordinances requires discretionary Development Agreements and Conditional Use Permits to be approved for each cannabis business seeking to operate in the City, and any applicable CEQA review will be done prior to the approval of these discretionary entitlements. Given this, the Planning Commission has recommended the City Council adopt a CEQA Statutory Exemption pursuant to Business and Professions Code Section 26055(h).

Cannabis Zoning and Use Regulations Code Amendment Summary:

This proposed amendment (Ordinance) is provided in its entirety in Attachment A. The following is a summary of the proposed changes:

- Section 17.72 (C-1/C-P zone) and Section 17.76 (C-P-S zone) is being amended to allow commercial cannabis retailers subject to the requirements of Chapter 17.315 (Cannabis Businesses).

- Section 17.78 (I-P zone) and Section 17.92 (M-SC zone) is being amended to allow cannabis cultivation, manufacturing, distribution, and testing laboratories, subject to the requirements of Chapter 17.315 (Cannabis Businesses).
- Chapter 17.315 (a new chapter) will establish the zoning and use regulations for commercial cannabis retailers, and cannabis cultivation, manufacturing, distribution, and testing laboratories. A summary of the main regulations are provided below:
 - Commercial cannabis retailers proposed in the C-1/C-P and C-P-S zones are permitted subject to approval of a CUP & Development Agreement by Planning Commission and City Council.
 - Cannabis cultivation, manufacturing, distribution, and testing laboratories proposed in the I-P and M-SC industrial zones are permitted subject to approval of a CUP & Development Agreement by Planning Commission and City Council.
 - Development Agreements (DA) will include a requirement that a business provide public benefits in exchange for the rights under the DA. This will include payment of a public benefit fee that is in addition to the annual license fee.
 - Cannabis businesses will not be allowed within 600 feet of public or private schools (K-12), commercial day care centers, youth centers and parks.
 - Cannabis businesses required to indemnify the City from liability and provide appropriate insurance.
 - The code amendment includes numerous operational requirements and conditions, including but not limited to:
 - Prohibit cannabis consumption on premises.
 - Prohibit alcohol and tobacco sales on premises.
 - Security requirements (video surveillance, secured storage of cannabis, alarm system, illumination, controlled access to non-public areas by visitors).
 - Mandatory notification of law enforcement of suspected theft/diversion.
 - Can only do business with other legal cannabis businesses.
 - Retailer hours of operation of 8:00 a.m. to 10:00 p.m. & age-restricted entry.
 - Cannabis products cannot be visible from the exterior of the business.
 - No delivery to public places / facilities.
 - Odor control systems required for all cannabis businesses.
 - Must allow unannounced inspections of premises and records (including video surveillance) by City.

Zoning Ordinance Amendment No. 2020-04 Finding:

In accordance with the provisions of Chapter 17.280 of the Zoning Ordinance, the Planning Department recommends the Planning Commission make the following findings and forward these to the City Council in support of approving Zoning Ordinance Amendment No. 2020-01.

- A. The proposed amendment is consistent with the City of Wildomar General Plan and Zoning Ordinance.

Evidence: The proposed ordinance amends the zoning ordinance to allow cannabis businesses as a conditionally permitted use in commercial, industrial and manufacturing zones. These zones allow other similar uses subject to a conditional use permit. General Plan policies LU 7.1, 7.2 and 7.12 aim at promoting economic development in the City by accommodating development of a balance of land uses, promoting a variety of stable employment and business uses, and improving the jobs-housing ratio. Allowing cannabis businesses to operate within the City furthers each of these General Plan policies.

Cannabis Licensing Regulations Code Amendment Summary:

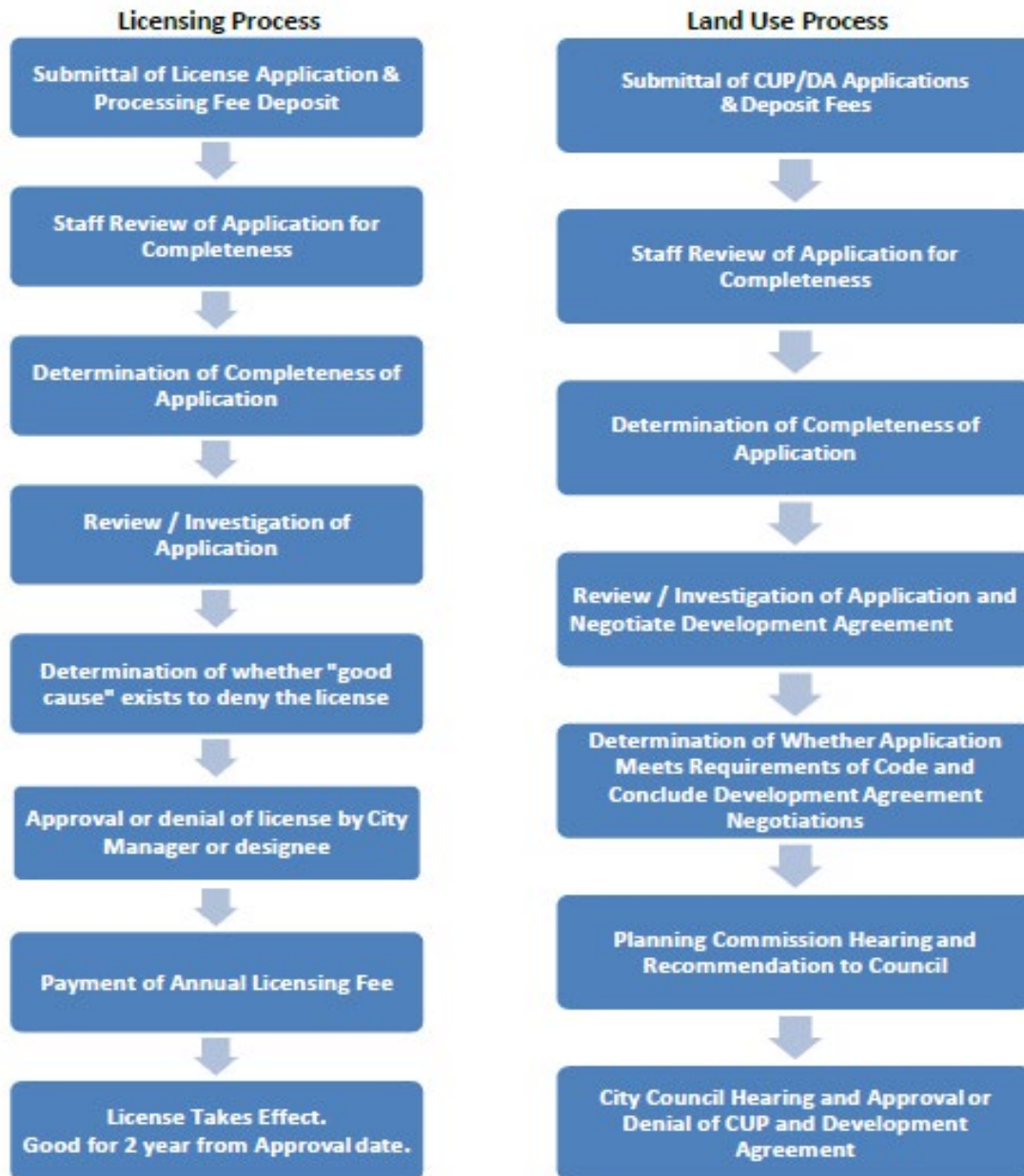
The Ad-Hoc Committee has also proposed a series of licensing regulations that will be added to Title 5 (Business License and Regulation) of the Wildomar Municipal Code. The Proposed licensing regulations, including adoption of special cannabis fees, are the sole authority of the City Council to review and approve. These license regulations were not presented to the Planning Commission. Title 5 (Business License and Regulations) will be amended to add a new Chapter 5.76 (Commercial Cannabis Licensing) to establish licensing regulations. The major highlights of this new chapter are provided below:

- A local license is required to be approved prior to an applicant having obtained a state license.
- Applications for a License and CUP/Development Agreement may be submitted concurrently OR the applicant may submit a license application and apply for the CUP/development Agreement at a later date.
- A local license must be approved for the business BEFORE the Planning Commission Hearing is held on the CUP and Development Agreement
- Both the local and state license must be approved before a Certificate of Occupancy is issued by the city.
- The city may place conditions upon the approval of any local license which is deemed reasonable to protect the health, safety and welfare of the neighborhood in which the proposed licensed premises is to be located.
- A License is good for a 2-year period and must be renewed annually thereafter (renewal request must be submitted at least 30 days prior to expiration).

- Initial approval and each renewal require City to determine that there is not “good cause” to deny the license. Good cause to deny includes:
 - Violation of City’s regulations, State law and regulation, or conditions of approval
 - Operation of business on the premises adversely affects the public health, safety or welfare or the safety of the immediate neighborhood
 - False statements/misrepresentations/material omissions in documents submitted to City.
 - Operation of another cannabis business in violation of the Code
 - Failure to allow inspections by City
- Any applicant may appeal the city’s approval, conditional approval, or denial of an initial local license, renewal thereof, or a change to the license requested under Section 5.76.080.
- All cannabis business must comply with the requirements set forth in Section 5.76.110 subsection A – T.
- A cannabis retailer must comply with a set of operation requirements as listed in Section 5.76.120, subsection A – H. These include, but are not limited to, hours of operation (8 am to 10 pm), window displays, age restrictions (21 years old+), etc.
- Manufacturing site operational requirements are required as listed in Section 5.76.130.
- Cultivation operational requirements are required as listed in Section 5.76.140.
- Distribution operational requirements are required as listed in Section 5.76.150.
- Testing laboratory operation requirements are required as listed in Section 5.76.160.
- There are specific requirements for visitors as listed in Section 5.76.180.
- The city will have the right to enter all cannabis businesses from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with the new code chapter.
- A local license issued under the terms of the new code chapter may be suspended or revoked by the city under the circumstances outlined in Section 5.76.210.

Staff has created a process flow chart (see next page), that also includes the land use process flow chart. Attachment C includes this flow chart and a listing of summary points for both the land use and licensing process.

Proposed Cannabis Regulations Processing Flowchart



PUBLIC COMMUNICATION:

Staff has received email communications from various city residents and others since initiation of the cannabis code amendment by City Council. These email comments have been in support of and in opposition to the proposed code amendment project. Staff has also received one petition (signed by 125+/- individuals) expressing opposition to the proposed code amendment. A copy of these email letters (Pdf format) are provided for Commission consideration in Attachments E – G.

PUBLIC NOTICING:

In accordance with Chapter 17.04 of the Wildomar Municipal Code, the Planning Department on May 16, 2020, published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the May 28, 2020 City Council meeting where the City Council would discuss the proposed Cannabis Code Amendment and Licensing Regulations/Fees. Since this code amendment is not a development project, the provisions of Ordinance 135 requiring public hearing sign boards does not apply.

FISCAL IMPACT:

The City Council has appropriated \$106,000 in FY 2019/20 funds for the cannabis code amendment project. All of this amount will be recouped over time as part of the cannabis licensing fees (separate agenda item tonight for Council's discussion). Each application for a License, CUP and Development Agreement will be deposit based and paid by the Applicant similar to other development applications. Please refer to the Licensing Fee report and resolution on tonight's agenda for more details about these fees.

Development Agreements will include a requirement that the subject cannabis business pay to the City a public benefit fee as consideration for the rights they obtain under the Agreement. Furthermore, retail cannabis businesses will generate sales tax revenues for the City. As such, the approval of these Ordinances is anticipated to have a net positive fiscal impact to the City's General Fund.

Respectfully Submitted,
Gary Nordquist
City Manager

Reviewed By,
Thomas D. Jex
City Attorney

ATTACHMENTS:

- A. Council Ordinance Amending Title 17 (Zoning) for ZOA 2020-04
- B. Council Ordinance Amending Title 5 (Business Licenses and Regulations)
- C. Cannabis Licensing and Land Use Summary Points-Flowchart
- D. Responses to CEQA Public Review-Comment Letters
- E. 600-Foot Radius Map Exhibits-Sensitive Uses
- F. 1,000-Foot Radius Map Exhibits-Sensitive Uses (PC Recommendation)
- G. Public Comments Letters in Support
- H. Public Comments Letters in Opposition
- I. Neighbors United for Safe-Healthy Community Petition
- J. Email Comment Letters Received Between Commission Agenda and City Council Agenda Postings

ATTACHMENT A

Council Ordinance Amending Title 17 (Zoning) for ZOA 2020-04

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WILDOMAR, CALIFORNIA ADOPTING A STATUTORY CEQA
EXEMPTION PURSUANT TO BUSINESS AND PROFESSIONS
CODE SECTION 26055(H), AND APPROVING ZONING
ORDINANCE AMENDMENT NO. 2020-04 AMENDING TITLE
17 (ZONING) OF THE WILDOMAR MUNICIPAL CODE TO
REVISE SECTIONS 17.12.040, 17.12.050, 17.72.010,
17.76.010, 17.88.010, AND 17.92.010, AND ADD CHAPTER
17.315 (A NEW CHAPTER) TO ESTABLISH CANNABIS
BUSINESS ZONING AND USE REGULATIONS**

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362. et seq., and entitled the Compassionate Use Act of 1996, which intended to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under limited, specified circumstances; and

WHEREAS, in 2004, the California legislature enacted Senate Bill 420, the Medicinal Marijuana Program (the “MMP”), which, as codified in California Health and Safety Code Section 11362.7 et seq., was intended to clarify the CUA’s scope and immunize from criminal prosecution, under specified state laws, certain activities and conduct related to the provision of medicinal marijuana to qualified patients; and

WHEREAS, on November 8, 2016, the voters of the State of California approved Proposition 64, entitled the “Control, Regulate and Tax Adult Use of Marijuana Act,” which legalizes and regulates recreational marijuana in California; and,

WHEREAS, the State has established an integrated licensing and regulatory system for both medicinal and recreational marijuana businesses consistent with Propositions 215 and 64 entitled the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), codified in Business and Professions Code section 26000 et seq.; and,

WHEREAS, Business and Professions Code section 26200 expressly recognizes the ability of cities to completely prohibit all medicinal and recreational cannabis businesses or to allow and regulate such businesses; and,

WHEREAS, despite the City’s existing prohibition against all types of marijuana facilities and commercial cannabis activity, codified in section 17.12.050 of the Wildomar Municipal Code, numerous illegal commercial cannabis facilities have opened in the City; and,

WHEREAS, the City has incurred significant costs and expenses associated with shutting down illegal commercial cannabis facilities; and,

WHEREAS, despite the City's aggressive enforcement of its existing prohibition on commercial cannabis facilities, individuals continue to open new illegal businesses in the City; and,

WHEREAS, illegal commercial cannabis facilities pose significant risks to the public health and safety because such businesses are operated without regulatory oversight to ensure that dangerous conditions, such as mold, electrical overload, improper hazardous materials storage, and improper ventilation and odor control, do not exist; and

WHEREAS, allowing commercial cannabis facilities in the City, subject to regulation, will lessen the financial burdens and public health and safety risks caused by current illegally operated commercial cannabis facilities; and,

WHEREAS, a majority of the voters in Wildomar who voted on Proposition 64 at the November 8, 2016 election voted in favor of Proposition 64; and

WHEREAS, in order to protect the public health, safety, and welfare, and consistent with the will of the voters of Wildomar who favored legalizing cannabis, the City desires to permit, commercial cannabis activity in the City subject to regulation and taxation as set forth in this ordinance.

WHEREAS, in accordance with Chapter 17.280 of the Wildomar Municipal Code and California Government Code, Section 65800, et seq., the City Council has the authority to take action on the proposed Zoning Ordinance Amendment No. 2020-04; and

WHEREAS, the Planning Commission conducted a special meeting and held a noticed public hearing on May 6, 2020 to review Zoning Ordinance Amendment No. 2020-04, at which time interested persons had an opportunity to testify in support of, or opposition to the proposed municipal code amendment, and at which time the Planning Commission received public testimony, and subsequently adopted PC Resolution No. 2020-14 recommending City Council approval of Zoning Ordinance Amendment No. 2020-04; and

WHEREAS, in accordance with Chapter 17.04.050 of the Wildomar Municipal Code, the Planning Department on May 16, 2020 published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the May 28, 2020 special meeting with the City Council where the Council would consider and discuss the proposed Cannabis Code Amendment (ZOA No. 2020-04); and

WHEREAS, in accordance with Section 17.280.040 of the Wildomar Municipal Code, the City Council conducted a duly noticed special meeting / public hearing to discuss the proposed Cannabis Code Amendment (ZOA No. 2020-04) on May 28, 2020, and at which time interested persons had an opportunity to testify in support of, or opposition to the proposed municipal code amendment, and at which time the City Council received public testimony concerning the proposed municipal code amendment.

**THE CITY COUNCIL OF THE CITY OF WILDOMAR HEREBY DOES ORDAIN
AS FOLLOWS:**

SECTION 1: CEQA ENVIRONMENTAL DETERMINATION.

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. ("CEQA")), a review of the potential environmental impacts was conducted by the Planning Department for Zoning Ordinance Amendment No. 2020-04. Based on this review, the City Council finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code section 26055(h), which exempts from CEQA review the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. This Ordinance requires discretionary Development Agreements and Conditional Use Permits to be approved for each cannabis business seeking to operate in the City, and any applicable CEQA review will be done prior to the approval of these discretionary entitlements.

SECTION 2. REQUIRED ZONING ORDINANCE AMENDMENT FINDING.

In accordance with the provisions of the Wildomar Zoning Ordinance, the following finding is offered for City Council consideration in approval of Zoning Ordinance Amendment No. 2020-04.

A. The proposed amendment is consistent with the City of Wildomar General Plan.

Evidence: The proposed ordinance amends the zoning ordinance to allow cannabis businesses as a conditionally permitted use in commercial, industrial and manufacturing zones. These zones allow other similar uses subject to a conditional use permit. General Plan policies LU 7.1, 7.2 and 7.12 aim at promoting economic development in the City by accommodating development of a balance of land uses, promoting a variety of stable employment and business uses, and improving the jobs-housing ratio. Allowing cannabis businesses to operate within the City furthers each of these General Plan policies.

SECTION 3. AMENDMENT TO THE CHAPTER 17.12 OF THE MUNICIPAL CODE

Section 17.12.040 of the Wildomar Municipal Code is amended to read as follows:

"17.12.040 Uses allowed in zone classifications.

The terminology used in Section 17.12.010 of this chapter is general only and is not intended to be descriptive of all uses allowed in the zone classifications. The zone classifications are specifically set forth in subsequent articles of the ordinance codified in this chapter to which reference should be made to determine all the uses permitted therein. When a use is not specifically listed as permitted or conditionally permitted in a zone classification, the use is prohibited unless, in circumstances where this section empowers him or her to do so, the Planning Director makes a determination that the use

is substantially the same in character and intensity as those uses permitted or conditionally permitted in the zone classification.”

SECTION 4. AMENDMENT TO CHAPTER 17.12 OF THE MUNICIPAL CODE

Section 17.12.050 of the Wildomar Municipal Code is amended to read as follows:

“17.12.050 Commercial Cannabis Activities and Noncommercial Cannabis Cultivation.

A. Commercial Cannabis Activities and Facilities. Commercial cannabis activity, as defined in Business and Professions Code section 26001(k), is permitted in the City in compliance with chapters 5.76 and 17.315 of this code. It shall be a violation of this code to engage in any commercial cannabis activity that is not in full compliance with the requirements of chapters 5.76 and 17.315 of this code. It is a violation of this code for any building, facility, establishment, property, or location to be utilized by any person to establish, commence, engage in, conduct, or carry on, or permit another person to establish, commence, engage in, conduct, or carry on any commercial cannabis activity that is not in full compliance with the requirements of chapters 5.76 and 17.315 of this code.

B. Noncommercial Cannabis Cultivation. A person may cultivate no more than six living cannabis plants inside his or her private residence, or inside an accessory structure to his or her private residence located upon the grounds of that private residence that is fully enclosed and secured against unauthorized entry, provided that the owner of the property provides written consent expressly allowing the cannabis cultivation to occur, the person conducting the cannabis cultivation complies with all applicable Building Code requirements set forth in Title 17 of this code, there is no use of gas products (CO₂, butane, propane, natural gas, etc.) on the property for purposes of cannabis cultivation, and the cannabis cultivation complies with Health and Safety Code section 11362.2(a)(3).

C. Enforcement. Any violation of this section shall be enforced pursuant to Chapter 1.16.”

SECTION 5. AMENDMENT TO THE CHAPTER 17.72 OF THE MUNICIPAL CODE

Section 17.72.010.C is hereby amended to add the following use to the list of uses conditionally permitted in the C-1 and C-P (General Commercial) zoning district:

“18. Cannabis retailers, subject to the requirements of Chapter 17.315 (Cannabis businesses)”

SECTION 6. AMENDMENT TO THE CHAPTER 17.76 OF THE MUNICIPAL CODE

Section 17.76.010.B is hereby amended to add the following use to the list of uses conditionally permitted in the C-P-S (Scenic Highway Commercial) zoning district:

“24. Cannabis retailers, subject to the requirements of Chapter 17.315 (Cannabis businesses)”

SECTION 7. AMENDMENT TO THE CHAPTER 17.88 OF THE MUNICIPAL CODE

Section 17.88.010.C is hereby amended to add the following use to the list of uses conditionally permitted in the I-P (Industrial Park) zoning district:

“4. Cannabis cultivation, manufacturing, distribution, and testing laboratories, subject to the requirements of Chapter 17.315 (Cannabis businesses)”

SECTION 8. AMENDMENT TO THE CHAPTER 17.92 OF THE MUNICIPAL CODE

Section 17.92.020.C is hereby amended to add the following use to the list of uses conditionally permitted in the M-S-C (Manufacturing-Service Commercial) zoning district:

“19. Cannabis cultivation, manufacturing, distribution, and testing laboratories, subject to the requirements of Chapter 17.315 (Cannabis businesses)”

SECTION 9. AMENDMENT TO TITLE 17 (ZONING) OF THE MUNICIPAL CODE

Title 17 of the Wildomar Municipal Code is hereby amended to add a Chapter 17.315 (Cannabis Businesses), a new chapter, to read as follows:

CHAPTER 17.315 CANNABIS BUSINESSES

17.315.010 Purpose.

A. The purpose of this chapter is to regulate cannabis business land uses, as permitted by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Section 26200 of the California Business and Professions Code), in a manner designed to minimize negative impacts on the city and neighboring uses, and promote the health, safety, morals, and general welfare of residents and businesses within the city.

B. This chapter is further adopted and established pursuant to the specific authority granted to Wildomar in Section 7 of Article XI of the California Constitution and Section 26200 of the California Business and Professions Code. This chapter shall govern all cannabis businesses within the jurisdiction of Wildomar.

17.315.020 Relationship to other laws.

A. In the event of any conflict between the provisions of this chapter and the provisions of Medicinal and Adult-Use Cannabis Regulation and Safety Act or any other applicable state or local law, the more restrictive provision shall control.

B. Except as expressly stated herein, cannabis businesses must comply with all other city codes and regulations. Nothing in this chapter shall be construed as permitting a cannabis business to operate at any time in a manner that is in violation of all other applicable state and local laws.

17.315.030 Definitions.

Unless otherwise defined herein, the terms in this chapter shall have the same meaning as set forth in Medicinal and Adult-Use Cannabis Regulation and Safety Act and

any rules promulgated pursuant thereto. In addition, the following terms shall be defined as follows:

"Cannabis business" means any person engaged in commercial cannabis activity as defined in California Business and Professions Code Section 26001.

"Distribution site" means a facility where cannabis and cannabis products are stored or inspected by a licensed cannabis distributor for the purposes of distribution and transportation between licensed cannabis businesses.

"Enclosed locked structure," means a structure that: (1) does not allow for the visibility of the interior cultivation and manufacturing areas from the outside; (2) is secured with a lock; (3) is completely surrounded on all sides by a wall; and (4) is roofed. Enclosed locked structures may include greenhouses, provided that only the roof of the greenhouse is made of transparent glass.

"Limited access area" means a building, room or other area that is part of the premises where cannabis is grown, cultivated, stored, weighed, displayed, packaged, or sold to other cannabis businesses with limited access to only authorized personnel.

"Local license" means a license granted by the local licensing authority pursuant to Chapter 5.76 of this code.

"Local licensing authority" means the city manager or designee.

"Manufacturing site" means a premises where a licensed cannabis manufacturer engages in the manufacture of cannabis products.

"Medicinal and Adult-Use Cannabis Regulation and Safety Act" or "MAUCRSA" means Division 10 of the California Business and Professions Code.

"Outdoors" means any location within the city that is not within an enclosed locked structure.

"State law(s)" shall mean and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.85 (Medical Marijuana Program Act); MAUCRSA, and all other applicable laws and regulations of the state of California.

17.315.040 Conditional use permit and Development Agreement required.

A. No person may operate a cannabis business of any type in the city unless the following are complied with:

1. The business is located in a zoning district where a cannabis businesses of that type are conditionally permitted, and a conditional use permit has been approved by the Planning Commission and City Council for the operation of a cannabis business of that type for the property; and

2. The business owner has entered into a development agreement with the City approved by the Planning Commission and City Council for the operation of the cannabis business that is; and

3. The business owner has valid State and local licenses to operate a cannabis business within the City.

B. Chapter 17.200 of this code shall govern and apply to conditional use permits for cannabis businesses applied for or obtained pursuant to this chapter unless this chapter expressly states otherwise. All requirements contained in this chapter shall be in addition to the applicable requirements of Chapter 17.200.

C. Each cannabis business shall enter into a development agreement pursuant to Government Code Section 65864 et seq. with the city setting forth the terms and conditions under which the cannabis business will operate that are in addition to the requirements of this chapter and chapter 5.76, including, but not limited to, public outreach and education, community service, payment of fees and other charges, and such other terms and conditions that will protect and promote the public health, safety, and welfare. The execution and recordation of the development agreement shall be a condition of approval for the conditional use permit for the cannabis business. The planning commission shall make a recommendation to the city council on whether to approve a development agreement submitted to it by city staff. The city council shall make a final decision on whether to approve a development agreement recommended to the city council by the planning commission.

D. The planning director is authorized to make policies and procedures consistent with the intent and spirit of this chapter concerning the applications, the application process, the information required of applicants, the application procedures and the administration and procedures to be used and followed in the application and hearing process for cannabis business conditional use permits and development agreements.

17.315.050 Conditional use permit application.

A. All applications for a conditional use permit shall be filed with the planning director on the official form supplied by the city and shall be accompanied by the application fee established by resolution of the city council, as may be amended from time to time.

B. An application for a conditional use permit shall include, but shall not be limited to, the following information:

1. Proof that the applicant has received a local license for the proposed premises, and the local license is in good standing, or a statement that the applicant is applying for a local license for the proposed premises concurrently with the conditional use permit application.

2. Confirmation that the proposed premises is not currently permitted by the state or county for the production of non-cannabis infused food products.

3. The address of the proposed cannabis business.

4. A site plan and floor plan of the cannabis business denoting all the use of areas of the cannabis business, including storage, employee areas, exterior lighting, restrooms, security cameras, areas of ingress and egress, signage, limited access areas, and restricted access areas, if included.

5. Plans and specifications for the interior of the proposed premises if the building to be occupied is in existence at the time of the application. If the building is not in existence or alteration to the building is required at the time of the application, the applicant shall file a plot plan and a detailed sketch for the interior and shall further submit an architect's drawing of the building to be constructed.

6. The name and address of the person that owns the real property upon which the cannabis business is to be operated. In the event the applicant does not legally own the property, the application must be accompanied by a notarized acknowledgement from the person that owns the property that a cannabis business will be operated on his or her property.

7. A description of the design of the proposed premises evidencing that the design conforms to applicable city laws.

8. For a Cultivation Site or Manufacturing Site.

a. An environmental plan indicating how cultivation and/or manufacturing will be conducted in accordance with state and local laws related to hazardous material disposal, land conversion, grading, electricity usage, water usage, and agricultural discharges.

b. An emergency response plan which complies with Title 8 of this code and California Fire Code Section 401, and sets out standard operating procedures to be followed by all individuals in case of a fire, chemical release, chemical spill, or other emergency.

c. A description of the source of power (electric utility company, solar, diesel generators), the size of the electrical service or system, and the total demand to be placed on the system by all proposed uses on-site.

d. For a cultivation site, verification of all water sources used by the proposed premises and verification that the proposed premises does not utilize water that has been or is illegally diverted from any stream, creek, or river.

e. For a manufacturing site, a report from a professional engineer that details the type of equipment that will be used to extract cannabinoids from cannabis. If flammable gas, flammable liquefied gas, flammable and combustible liquids, or compressed carbon dioxide (CO₂) are used for extraction, then the report must certify that only closed-loop extraction system(s), that are UL or ETL listed or have a sign off by a professional engineer, capable of recovering the solvent are utilized.

f. For a manufacturing site, a separate diagram of any room where extraction occurs that details the location of the extraction equipment, areas of ingress and egress, emergency eye-wash station, any other fire suppression or emergency equipment required by Title 8 of this code, city and California building codes, fire codes, electrical codes and all other applicable laws.

9. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

10. Authorization for the planning director to seek verification of the information contained within the application.

11. Any such additional and further information as is deemed necessary by the planning director to administer this section or this chapter.

C. The planning director and appropriate city staff shall review, verify and investigate all information on the application and prepare a report for the planning commission incorporating the findings of such investigation and verification, including, but not limited to, the suitability of the proposed location, and the applicant's compliance with the requirements of this chapter, Chapter 5.76 and Chapter 17.200.

17.315.060 Findings for approval of conditional use permit.

A. The planning commission shall not hold a public hearing on or approve any application for a conditional use permit to operate a cannabis business unless the applicant holds a local license in good standing in accordance with Chapter 5.76 of this Code.

B. In addition to the findings set forth in Section 17.200.050 of this code, a conditional use permit for a cannabis business shall only be granted subject to the following additional findings:

1. The cannabis business as well as all operations as conducted therein, fully comply with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act, and all relevant city and state law; and

2. The cannabis business fully complies with and meets all operating criteria required pursuant to state laws, Chapter 5.76 of this code, any other provisions of this code, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the conditional use permit; and

3. The cannabis business will be located in a zoning district where cannabis businesses of the type proposed are conditionally permitted, and all of the applicable locational restrictions in Section 17.315.070 are satisfied.

C. The planning commission may deny an application for a conditional use permit if it determines that one or more of the findings required by Section 17.200.050 or 17.315.060.B of this code cannot be made.

D. Based on the information set forth in the application and city staff's report and testimony presented at the public hearing, the planning commission may impose reasonable terms and conditions on the proposed cannabis business in addition to those specified in and required to be included in every conditional use permit granted under this chapter.

17.315.070 Locational requirements.

A conditional use permit for a cannabis business shall not be approved unless the proposed cannabis business will be located in a zoning district in which cannabis businesses of the type proposed are conditionally permitted. In addition, a conditional use permit shall not be approved for a cannabis business unless all of the following locational requirements applicable to the type of cannabis business proposed are satisfied:

A. No cannabis business shall be located within 600 feet of a public or private school providing instruction in kindergarten or grades 1 through 12, a day care center (excluding small and large family day cares), a park or a youth center.

B. All distances specified in this section shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the cannabis business is, or will be located, to the nearest property line of the parcel where such use is located. If the cannabis business is, or will be located, in a multi-unit building, the distances shall be measured from the nearest point of the suite in which the cannabis business is or will be located.

C. For the purposes of this section the following definitions apply:

1. "Day care center" is as defined in Business & Professions Code section 26001(o) and Health & Safety Code section 1596.76.

2. "Youth center" means any facility that is operated by a public agency or non-profit entity with the sole purpose of providing educational and/or recreational services to minors. Dance studios, gymnasiums, martial arts studios, or other similar uses that provide services to both adults and minors shall not be considered a youth center.

3. "Public or private school" means any location appearing in the California Department of Education School Directory as the location of a public or private school.

17.315.080 Conditions of approval.

A. All Cannabis Businesses. Every conditional use permit for a cannabis business shall be subject to the following conditions of approval.

1. The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside the cannabis business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for

common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis business. As such, cannabis businesses must install and maintain the following equipment or any other equipment which local licensing authority determines has the same or better effectiveness:

a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

b. An air system that creates negative air pressure between the cannabis businesses' interior and exterior so that the odors generated inside the cannabis business are not detectable outside the cannabis business.

2. The applicant or its legal representative shall:

a. Indemnify and hold the city harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the cannabis business; defend, at its sole expense, any action against the city, its agents, officers, and employees related to the approval of a conditional use permit or the operation of the cannabis business; reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge (or federal enforcement action) related to the city's approval of a conditional use.

b. Maintain insurance in the amounts and of the types that are acceptable to the city pursuant to guidelines and policies set forth by the local licensing authority and name the city as an additionally insured on all city-required insurance policies.

3. All windows on the premises of the cannabis business shall be appropriately secured and cannabis securely stored.

4. All cannabis businesses shall comply with the city's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed.

5. All cannabis businesses and all equipment used in the conduct of the business, must be operated in compliance with all applicable state and local laws and regulations, including all building, electrical, and fire codes, and in compliance with the businesses' state and local licenses.

6. From a public right-of-way, there should be no exterior evidence of the cannabis business except for any permitted on-site signage.

7. A development agreement for the cannabis business must be executed and recorded against the property.

B. Manufacturing Sites. Every conditional use permit for a manufacturing site shall include the following conditions of approval:

1. All manufacturing of cannabis products shall occur in an enclosed locked structure.

2. Manufacturing activities shall only occur in the areas depicted on the floor plan submitted by the applicant and shall not exceed the square footage authorized pursuant to the conditional use permit.

3. If hazardous materials, flammable gas, flammable liquefied gas, flammable and combustible liquids, or other flammable material, as those terms are defined in CFC Section 202, are to be used in the processing of cannabis, then the provisions of CFC Section 407 shall be applicable where hazardous materials subject to permits under CFC Section 50 (Hazardous Materials) are located on the premises or where required by the fire department official.

4. Storage, use and handling of compressed gases in compressed gas containers, cylinders, tanks and systems shall comply with CFC Chapter 53, including those gases regulated elsewhere in the Wildomar Municipal Code. Partially full compressed gas containers, cylinders or tanks containing residual gases shall be considered as full for the purposes of the controls required. Compressed gases classified as hazardous materials shall also comply with CFC Chapter 50 for general requirements and CFC Chapter 53 addressing specific hazards, including CFC Chapter 58 (Flammable Gases), CFC Chapter 60 (Highly Toxic and Toxic Materials), CFC Chapter 63 (Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids) and CFC Chapter 64 (Pyrophoric Materials). Prevention, control and mitigation of dangerous conditions related to storage, use, dispensing, mixing and handling of flammable and combustible liquids shall be in accordance with CFC Chapters 50 and 57.

5. Manufacturing sites are a Group F-1 (Factory Industrial Moderate-Hazard) Occupancy under the Fire Code. All new construction is required to be fire sprinkled per the Fire Code. For manufacturing sites that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

a. A Group F-1 fire area exceeds twelve thousand square feet.

b. A Group F-1 fire area is located more than three stories above grade plane.

c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds twenty-four thousand square feet.

C. Cultivation Sites. Every conditional use permit for a cultivation site shall include the following conditions of approval:

1. All cultivation of cannabis shall occur in an enclosed locked structure. Outdoor cultivation is prohibited.

2. Cultivation activities shall only occur in the areas shown on the floor plan submitted by the applicant, and shall not exceed the square footage authorized pursuant to the conditional use permit.

3. Areas where cannabis is cultivated are wet locations, and the electrical system in such areas must comply with Article 300.6(D) of the National Electric Code, city and California building codes, fire codes, electrical codes and all other applicable laws.

4. Cultivation sites are a Group F-1 (Factory Industrial Moderate-Hazard) Occupancy under the Fire Code. All new construction is required to be fire sprinkled per the Fire Code. For cultivation sites that will be sited in an existing structure, an automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

- a. A Group F-1 fire area exceeds twelve thousand square feet.
- b. A Group F-1 fire area is located more than three stories above grade plane.
- c. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds twenty-four thousand square feet.

D. Distribution Sites. Every conditional use permit for a distribution site shall include the following conditions of approval

1. Distribution sites shall store all cannabis and cannabis products in a locked safe room, safe, or vault and in a manner to prevent diversion, theft, and loss.

2. The storage of cannabis and cannabis products shall only occur in the areas shown on the floor plan submitted by the applicant, and shall not exceed the square footage authorized pursuant to the conditional use permit.

17.315.090 Limitations on City's liability.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any conditional use permit pursuant to this chapter or the operation of any cannabis business approved for such permit pursuant to this chapter.

17.315.100 Inspections.

A. Recordings made by security cameras at any cannabis business shall be made immediately available to the planning director upon verbal request for the purposes of determining compliance with this chapter and the cannabis business' conditional use permit.

B. The planning director shall have the right to enter all cannabis businesses from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and the cannabis business' conditional use permit. Such inspections shall be limited to observing the premises for purposes of

determining whether the cannabis business is being operated or maintained in compliance with this code, state law, and other applicable laws and regulations.

C. Applicants and permittees must cooperate with employees and investigators of the city who are conducting inspections or investigations relevant to the enforcement of this chapter. No applicant or permittee shall by any means interfere with, obstruct or impede the any city official from exercising their duties under the provisions of this chapter and all rules promulgated pursuant to it.

17.315.130 Enforcement.

The operation of a cannabis business in violation of any conditions of approval or the provisions of this chapter or Chapter 17.200 is a violation of this code, and a public nuisance. The city may seek to remedy such violations by any means provided for in law or equity, including but not limited to the enforcement mechanisms and remedies provided for in Chapter 1.16 of this code, or take action to revoke the conditional use permit pursuant to Section 17.200.070 of this code.

SECTION 10. SEVERABILITY

If any Chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each Chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.”

SECTION 11. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 12. CITY CLERK ACTION

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Chapter 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Chapter 39633(c).

INTRODUCED FOR FIRST READING this 28th day of May, 2020.

Dustin Nigg
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Janet Morales
Acting City Clerk

ATTACHMENT B

**Council Ordinance Amending Title 5
(Business Licenses and Regulations)**

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSE AND REGULATIONS) OF THE WILDOMAR MUNICIPAL CODE TO ADD A NEW CODE SECTION, CHAPTER 5.76, TO ESTABLISHING COMMERCIAL CANNABIS LICENSING REGULATIONS IN THE CITY OF WILDOMAR

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.7 et seq., and entitled the Compassionate Use Act of 1996, which intended to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under limited, specified circumstances; and

WHEREAS, in 2004, the California legislature enacted Senate Bill 420, the Medicinal Marijuana Program (the "MMP"), which, as codified in California Health and Safety Code Section 11362.7 et seq., was intended to clarify the CUA's scope and immunize from criminal prosecution, under specified state laws, certain activities and conduct related to the provision of medicinal marijuana to qualified patients; and

WHEREAS, on November 8, 2016, the voters of the State of California approved Proposition 64, entitled the "Control, Regulate and Tax Adult Use of Marijuana Act," which legalizes and regulates recreational marijuana in California; and,

WHEREAS, the State has established an integrated licensing and regulatory system for both medicinal and recreational marijuana businesses consistent with Propositions 215 and 64 entitled the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), codified in Business and Professions Code section 26000 et seq.; and,

WHEREAS, Business and Professions Code section 26200 expressly recognizes the ability of cities to completely prohibit all medicinal and recreational cannabis businesses or to allow and regulate such businesses; and,

WHEREAS, despite the City's existing prohibition against all types of marijuana facilities and commercial cannabis activity, codified in section 17.12.050 of the Wildomar Municipal Code, numerous illegal commercial cannabis facilities have opened in the City; and,

WHEREAS, the City has incurred significant costs and expenses associated with shutting down illegal commercial cannabis facilities; and,

WHEREAS, despite the City's aggressive enforcement of its existing prohibition on commercial cannabis facilities, individuals continue to open new illegal businesses in the City; and,

WHEREAS, illegal commercial cannabis facilities pose significant risks to the public health and safety because such businesses are operated without regulatory oversight to ensure that dangerous conditions, such as mold, electrical overload, improper hazardous materials storage, and improper ventilation and odor control, do not exist; and

WHEREAS, allowing commercial cannabis facilities in the City, subject to regulation, will lessen the financial burdens and public health and safety risks caused by current illegally operated commercial cannabis facilities; and,

WHEREAS, a majority of the voters in Wildomar who voted on Proposition 64 at the November 8, 2016 election voted in favor of Proposition 64; and

WHEREAS, in order to protect the public health, safety, and welfare, and consistent with the will of the voters of Wildomar who favored legalizing cannabis, the City desires to permit, commercial cannabis activity in the City subject to regulation and taxation as set forth in this ordinance.

WHEREAS, in accordance with the Wildomar Municipal Code, the City Council has the authority to take action on the proposed Ordinance amending Title 5 to establish Commercial Cannabis Licensing Regulations; and

WHEREAS, in accordance with the Wildomar Municipal Code, the Planning Department on May 16, 2020 published a legal notice in the Press Enterprise, a local newspaper of general circulation, notifying the general public of the May 28, 2020 special meeting with the City Council where they would to consider the proposed Ordinance amending Title 5 to establish Commercial Cannabis Licensing Regulations; and

WHEREAS, in accordance with Wildomar Municipal Code, the City Council conducted a duly noticed special meeting/hearing to discuss the proposed Ordinance amending Title 5 to establish Commercial Cannabis Licensing Regulations, and at which time interested persons had an opportunity to testify in support of, or opposition to the proposed amendment, and at which time the City Council received public testimony concerning the proposed municipal code amendment.

THE CITY COUNCIL OF THE CITY OF WILDOMAR HEREBY DOES ORDAIN AS FOLLOWS:

SECTION 1: CEQA ENVIRONMENTAL DETERMINATION.

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. ("CEQA")), a review of the potential environmental impacts was conducted by the Planning Department for the proposed Ordinance amending Title 5 to establish Commercial Cannabis Licensing Regulations. Based on this review, the City Council finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code section 26055(h), which exempts from CEQA review the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review

and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.

SECTION 2. AMENDMENT TO THE WILDOMAR MUNICIPAL CODE

Title 5 (Business License and Regulations) of the Wildomar Municipal Code is hereby amended to add Chapter 5.76 (Commercial Cannabis Licensing), a new chapter, to read as follows:

CHAPTER 5.76 COMMERCIAL CANNABIS LICENSING

5.76.010 Purpose and Intent.

A. This chapter shall provide for the regulation and licensing of medicinal and adult-use cannabis businesses throughout the city in conformance with applicable state and local laws and regulations pertaining to medicinal and adult-use cannabis.

B. The city council finds that it is necessary for the city to adopt local licensing standards for medicinal and adult-use cannabis businesses for the purpose of controlling and regulating the cultivation, distribution, transport, storage, manufacturing, processing, testing and sale of medicinal cannabis and medicinal cannabis products to qualified patients, and adult-use cannabis and adult-use cannabis products to adults twenty-one years of age and over.

C. The purpose of this chapter is to regulate all commercial cannabis activity in the city, as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), to the extent authorized by state law and in a manner designed to minimize negative impacts on the city and neighboring uses, and promote the health, safety, morals, and general welfare of residents and businesses within the city.

5.76.020 Relationship to other laws.

A. Except as otherwise specifically provided herein, this chapter incorporates the requirements and procedures set forth in MAUCRSA. In the event of any conflict between the provisions of this chapter and the provisions of MAUCRSA or any other applicable state or local law or regulation, the more restrictive provision shall control.

B. Except as expressly stated herein, cannabis businesses must comply with all other city codes and regulations. Nothing in this chapter shall be construed as permitting a cannabis business to operate at any time in a manner that is in violation of other applicable state and local laws.

5.76.030 Definitions.

Unless otherwise defined herein, the terms in this chapter shall have the same meaning as set forth in MAUCRSA and any rules promulgated pursuant thereto. In addition, the following terms shall be defined as follows:

"Cannabis business" means any person engaged in commercial cannabis activity.

"Certificate of accreditation" means a certificate issued by an accrediting body to a licensed testing laboratory, entity, or site to be registered in the state.

"City" means Wildomar, California.

"City manager" shall mean the city manager of the city or a duly authorized designee.

"Distribution site" means a facility where cannabis and cannabis products are stored or inspected by a distributor for the purposes of distribution.

"Distributor" means a cannabis business that engages in the distribution and transportation of cannabis and cannabis products to other cannabis businesses.

"Fee, application" means the fee paid to the City concurrently with the submittal of an application for a license (initial or renewal) for the purpose of recouping the City's reasonable costs associated with the processing, review and approval or denial of the license application.

"Fee, regulatory" means the fee paid to the City by a licensee for the purpose of recouping the City's reasonable regulatory costs in connection with the administration and enforcement of this chapter.

"Good cause" for purposes of denying an initial local license issuance, for suspending or revoking a local license, or for denying a local license renewal, means:

1. The applicant or licensee has violated any of the terms, conditions, or provisions of this chapter, state law, regulations and rules promulgated pursuant to state law, applicable local rules and regulations, or special terms or conditions placed upon its conditional use permit, state license, or local license;
2. The premises has been or is proposed to be operated in a manner that adversely affects the public health, safety or welfare or the safety of the immediate neighborhood in which the establishment is or will be located;
3. The applicant or licensee has knowingly made false statements, misrepresentations or material omissions on an application form, renewal form, or any other document submitted to the city;
4. The applicant or licensee, or any owner of the applicant or licensee, operated a cannabis business in violation of this chapter or Chapter 17.315 of the code;
5. For renewals, suspensions and revocations, the licensee fails to allow inspection of the security recordings, activity logs, or business records of the licensed premises by city officials.

"Identification card" or "ID card" means a valid identification card issued pursuant to Section 11362.7 et seq., of the California Health and Safety Code.

"Identification card holder" or "ID card holder" means an individual who is a qualified patient who has applied for and received a valid ID card pursuant to Article 2.5 of Chapter 6 of Division 10 of the California Health and Safety Code.

"Licensed premises" means a premises for which a local license has been issued pursuant to this chapter.

"Licensee" means a person who has been issued a local license pursuant to this chapter.

"Limited access area" means a building, room or other area that is part of the licensed premises where cannabis is grown, cultivated, stored, weighed, displayed, packaged, or sold to other cannabis businesses with limited access to only authorized personnel.

"Local license" means a license granted by the local licensing authority, pursuant to this chapter.

"Local licensing authority" means the city manager.

"Manufacturing site" means a premises where a manufacturer engages in the manufacture of cannabis products.

"Medicinal and Adult-Use Cannabis Regulation and Safety Act" or "MAUCRSA" means Division 10 of the California Business and Professions Code.

"Medicinal cannabis patient" means both a qualified patient without an identification card and an ID card holder.

"Owner" means any of the following:

1. A person with an aggregate ownership interest of ten percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
2. The chief executive officer of a nonprofit or other entity.
3. A member of the board of directors of a nonprofit.
4. An individual who will be participating in the direction, control, or management of the person applying for a license.

"Physician," as used in this chapter, shall mean an individual who possesses a license in good standing to practice medicine or osteopathy from the state of California.

"Primary caregiver" shall have the meaning set forth in Section 11362.7(d) of the California Health and Safety Code.

"Qualified patient" shall have the meaning set forth in Section 11362.7(f) of the California Health and Safety Code.

"State law(s)" shall mean and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.85 (Medicinal Marijuana Program Act); the MAUCRSA, and all other applicable laws and regulations of the state of California.

"State license" means a state license issued under MAUCRSA, and includes both an A-license and an M-license, as well as a testing laboratory license.

"State licensing authority" shall mean the state agency responsible for the issuance, renewal, or reinstatement of a state license, or the state agency authorized to take disciplinary action against a state licensee.

5.76.040 Local license in addition to business license or other permit.

The local license required by this chapter shall be in addition and supplemental to any other business registration or any permit required by any ordinance of the city.

5.76.050 Local license required.

A. It is unlawful to operate any cannabis business in the city without first having obtained a local license under this chapter.

B. The city may grant a local license prior to the applicant having obtained a state license. A cannabis business must possess the requisite state and local licenses prior to receiving a certificate of occupancy from the city.

5.76.060 Local license application process.

A. All applications for local licenses required pursuant to this chapter shall be made upon current forms prescribed by the local licensing authority. All applications for local licenses must be accompanied by the application fee as established by resolution of the city council as amended from time to time.

B. An applicant shall file with the local licensing authority the following at the time of application for a local license:

1. An operating plan for the proposed cannabis business including the following information:

a. A general description of the types of products and services to be provided by the facility;

b. A floor plan designating all interior dimensions of the licensed premises and the layout of the cannabis business, including all limited access areas, areas of ingress and egress, and all security cameras. Such floor plan shall also show the principal uses of the floor area depicted therein. For cultivation sites, such floor plan shall distinguish all dimensions of areas in which plants are located;

c. For a retailer, a statement confirming whether delivery service of cannabis to any location outside the premises will be provided and the extent of such service, and in the event delivery is provided, a detailed delivery plan detailing how the retailer will comply with all requirements of this chapter, MAUCRSA, and any other applicable state or local laws.

2. Authorization for the local licensing authority to seek verification of the information contained within the application.

3. Proof of the nature of the cannabis business's organizational status, such as articles of incorporation, by-laws, organizational minutes, partnership agreements, or such other documentation acceptable to the city.

4. Proof that the applicant is, or will be, entitled to possession of the premises for which application is made. Evidence of lawful possession consists of properly executed deeds of trust, leases, evidence of ownership of the licensed premises, or other written documents acceptable to the local licensing authority.

5. The applicant shall provide any additional information that the local licensing authority may request to process and fully investigate the application. Failure to provide such additional information may result in denial of the application.

C. If the application is incomplete, the applicant shall have an opportunity to cure the incompleteness within thirty calendar days of written notice of incompleteness by the local licensing authority.

D. The local licensing authority shall issue a license to any applicant who has submitted a complete application and paid the application fee unless the local licensing authority finds that good cause exists to deny the license.

E. The applicant shall pay to the city the regulatory licensing fee, if any, established by resolution of the city council. The initial regulatory licensing fee shall be due in two equal installments upon the issuance of a certificate of occupancy for the cannabis business premises and six months thereafter, or upon the expiration of the initial license term, whichever occurs first. The initial regulatory licensing fee shall be pro-rated so that no regulatory license fee is owed for the portion of the license term occurring prior to receipt of a certificate of occupancy. Subsequent regulatory licensing fees shall be paid in full every two years concurrently with the renewal of the license.

F. A local license issued pursuant to this chapter shall specify the date of issuance, the period of licensure, the name of the licensee, the address of the licensed premises, and the nature of the cannabis business licensed. All local licenses are valid for two years.

5.76.070 Conditions of approval, administrative rules.

A. The local licensing authority may place conditions upon the approval of any local license which are, in the opinion of the local licensing authority, reasonably related to the protection of the health, safety and welfare of the neighborhood in which the proposed licensed premises is to be located and of the general public.

B. The local licensing authority is authorized to make rules, policies and procedures consistent with the intent and spirit of this chapter concerning the applications, the application process, the information required of applicants, the application procedures, and the administration and procedures to be used and followed in the application process.

5.76.080 Changes and modifications of local licenses.

In addition to any applicable requirements in Chapter 17.315 of this code, the following requirements apply for transfers of or changes to the ownership of a licensee, modifications to a licensed premises, and changes of location of a cannabis business.

A. Change of Ownership. Subsequent to the issuance of a local license, the licensee shall report any transfer of ownership in the cannabis business to the local licensing authority on forms prescribed by the local licensing authority and pay the application fee established by resolution of the city council.

1. A change of ownership that solely involves a previously approved owner no longer being an owner of the cannabis business shall be reported to the local licensing authority within thirty calendar days of the change. The City will remove a previously

approved owner from a license only if notarized statements are submitted by all approved owners consenting to the change, or the change is mandated by order of a court of competent jurisdiction.

2. A change in ownership that involves adding a new owner to the previously approved ownership must be approved by the local licensing authority in advance. The local licensing authority shall approve the change in ownership unless there is good cause to deny the change. All owners must submit notarized statements agreeing to the addition of a new owner to the business.

B. Modification of Licensed Premises. A licensee shall not make physical changes, alterations, or modifications to the licensed premises that materially or substantially alters the licensed premises from the plans approved by the local licensing authority without the prior written approval of the local licensing authority. Material changes include, but are not limited to: an increase or decrease in the total square footage of the licensed premises or the addition, sealing off, or relocation of a wall, common entryway, doorway, or other means of public ingress and/or egress. Applications for modifications of licensed premises shall be made on forms prescribed by the local licensing authority and shall be accompanied by the application fee established by resolution of the city council. The local licensing authority shall approve the proposed modification if it meets all requirements of this chapter and all other applicable state laws and city codes and ordinances, and will not present a threat to the public health, safety or welfare.

C. Change of Location.

1. A licensee may apply to the local licensing authority to change the location previously approved for such local license to any other place in the city, but it is unlawful to engage in any commercial cannabis activity at any such place or location until express permission to do so is granted by local licensing authority, the city has issued a conditional use permit to the licensee for the new location, and a certificate of occupancy has been issued for the new location. Applications for changes of location shall be made on forms prescribed by the local licensing authority and be accompanied by the application fee established by resolution of the city council.

2. In permitting a change of location, the local licensing authority may change any existing conditions of approval on the license and/or add new conditions of approval as determined appropriate by the local licensing authority.

5.76.090 Renewal of local license.

A. A cannabis business that desires to renew its license shall apply for the renewal no less than thirty calendar days prior to the local license's expiration date. If the cannabis business files a renewal application within thirty calendar days prior to expiration, the cannabis business must provide a written explanation detailing the circumstances surrounding the late filing. The local licensing authority may accept or reject such late filing in its discretion. The local licensing authority may elect to administratively continue a local license past its expiration date, provided that the licensee has submitted a renewal application that is pending final action.

B. An application for renewal shall be submitted on forms provided by the local licensing authority, accompanied by the application fee established by resolution of the

city council. The following information shall be submitted as a part of the renewal application:

1. Proof that no changes to the ownership of the licensee has occurred since last approved by the local licensing authority.
2. Proof that the licensee is still entitled to the possession and use of the licensed premises.
3. Any other information that the local licensing authority deems necessary to determine whether to renew the local license.

C. The local licensing authority shall renew a local license if the licensee has submitted a complete application and paid the application fee, unless the local licensing authority finds that good cause exists to deny the license renewal. Notwithstanding the foregoing, the local licensing authority in its discretion may elect not to renew any local license if it determines that the licensed premises has not been used for a cannabis business, without reasonable cause as determined by the local licensing authority, during the term of the license.

D. Unless administratively continued pursuant to subsection A, a local license is immediately invalid upon expiration and the cannabis business shall cease operations. If a local license expires, the local licensing authority may approve a renewal of the expired license at any time up to three months from the expiration date of the license. After the license has been expired for three months, the license may not be renewed by the local licensing authority, and the holder of the expired license must apply for and obtain a new cannabis license to resume operations.

5.76.100 Appeal of decision on local license.

Any applicant may appeal the local licensing authority's approval, conditional approval, or denial of an initial local license, renewal thereof, or a change to the license requested under Section 5.76.080, or a revocation or suspension of the license under Section 5.76.210. Such appeal shall be filed with the city clerk within ten calendar days of the date of the decision of the local licensing authority and must state the basis for the appeal. The city clerk will give the appellant written notice of the date, time and place of the appeal hearing. The city council shall hear the appeal de novo and shall not be limited by the rules of evidence. The council may affirm, amend or reverse the decision of the local licensing authority.

5.76.110 Cannabis business operational requirements.

All cannabis business must comply with the requirements set forth in this section.

A. General Obligation to Operate in Compliance. A cannabis business shall operate in compliance with all applicable state and local laws and regulations governing cannabis businesses.

B. General Obligation to Pay Taxes. A cannabis business must pay all applicable taxes pursuant to federal, state, and local law, including but not limited to state and local sales and use taxes and state excise taxes.

C. General Obligation for Compliant Facilities. The licensed premises shall fully comply with all applicable rules, regulations, and laws including, but not limited to, building and safety codes, and the Americans with Disabilities Act.

D. Age Requirement. A cannabis business shall not allow an individual less than twenty-one years of age to work within the licensed premises or handle cannabis and cannabis products.

E. Age Restrictions. A cannabis business may not permit an individual less than twenty-one years of age to enter, or be within, its licensed premises, except that a cannabis business with an M-license from the state may allow persons eighteen years of age or older within the licensed premises if they are an ID card holder or qualified patient with physician's recommendation from a licensed physician.

F. Secure Storage of Product. Cannabis and cannabis products possessed by a cannabis business shall be kept and stored in a secured manner at all times.

G. Cannabis Consumption on Licensed Premises. Smoking, vaporizing, ingesting, or otherwise consuming cannabis and cannabis products at a licensed premises is prohibited. "Licensed premises" as used in this subsection includes the actual building, as well as any accessory structures, common areas and parking areas. A sign shall be posted at each entrance to a licensed premises that clearly and legibly states, "Smoking, vaporizing, ingesting, or otherwise consuming cannabis or cannabis products on these premises or in their vicinity is prohibited and a violation of the Wildomar Municipal Code."

H. Prohibition on Alcohol and Tobacco Sales, Distribution, or Consumption on Licensed Premises. A cannabis business shall not sell, provide, store, or distribute any alcoholic beverages or tobacco products, or allow such products to be consumed on the licensed premises.

I. On-Site Signage. On-site signage for a cannabis business that is viewable from the exterior of the cannabis business shall comply with all local signage laws applicable to the licensed premises, including Chapters 17.251 and 17.254 of this code. Signage may not be designed to appeal to children, or contain any false or misleading statements, or make any misrepresentations.

J. Advertising. A cannabis business shall not advertise in a manner intended to encourage persons under twenty-one years of age to consume cannabis or cannabis products. It shall be unlawful for any cannabis business to make any claims that a product is safe because it is tested. All advertisements, including off-site advertising signs, shall comply with Chapter 15 of MAUCRSA.

K. Display of License. A cannabis business shall display a copy of its local license issued pursuant to this chapter in a conspicuous place at or near the entrance to the licensed premises.

L. No Physician Evaluations on Licensed Premises. A cannabis business shall not permit a physician to evaluate potential medicinal cannabis patients or to provide a physician's recommendation for medicinal cannabis within its licensed premises. Cannabis businesses shall not offer or provide any form of remuneration to a physician who provides physician's recommendations for medicinal cannabis.

M. Community Relations Designee. A cannabis business must provide the city with the name, phone number, facsimile number, and email address of an on-site community relations representative or staff member or other representative whom the city can contact regarding operating concerns associated with the cannabis business. The cannabis business shall report any change in their community relations designee to the city within ten calendar days.

N. Accurate Weights and Measures. Scales and weighing mechanisms used by a cannabis business to weigh non-waste products must be able to weigh to within 1/100th of a gram, shall be maintained in good working order and shall be subject to annual inspection by either a Riverside County agricultural commissioner's office weights and measures official or a licensed scale company.

O. Waste Disposal.

1. Chemical, Dangerous and Hazardous Waste. Disposal of chemical, dangerous or hazardous waste must be conducted in a manner consistent with federal, state and local laws, regulations, rules or other requirements. This may include, but is not limited to, the disposal of all pesticide or other chemicals used in the cultivation process, certain solvents or other chemicals used in the production of cannabis concentrate.

2. Cannabis Waste. Cannabis waste shall be stored, managed, and disposed of in accordance with Section 5054 (Destruction of Cannabis Goods Prior to Disposal) of Title 16, Division 42 of the California Code of Regulations, as that section may be amended or renumbered from time to time.

P. General Sanitary Requirements. A cannabis business must ensure that its licensed premises are maintained in a sanitary manner and activities on its licensed premises are conducted in a sanitary manner.

1. All facilities of a cannabis business must have adequate and sufficient access to bathrooms and hand-washing facilities with running water at a suitable temperature.

2. Hand-washing facilities shall be located where good sanitary practices require workers to wash or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

3. All workers that engage in the preparation or dispensing of edible cannabis products must comply with the provisions of all relevant state and local laws regarding the preparation, distribution, and sale of food.

Q. Security Requirements. The licensed premises of a cannabis business must comply with all of the following security requirements:

1. Video Surveillance. The licensed premises must be equipped with a video surveillance system that meets all of the requirements set forth in this subsection.

- a. Security cameras and digital storage of recordings shall be maintained in good condition and used in an on-going manner, twenty-four hours per day, seven days per week.

b. The security system must maintain at least 90 days of digitally recorded video for each security camera in the licensed premises. Security footage should be stored in an MPEG4, MJPEG, H.264, or another format approved by the local licensing authority in writing.

c. Security cameras must provide adequate and sufficient coverage for the facility, which must include, but need to be limited to, all limited access areas, all areas of ingress and egress, point of sale, the public areas, storage areas, and any other areas as required by this chapter and the MAUCRSA.

d. The video surveillance system must be equipped with a failure notification system that provides prompt notification to the manager of record of the licensed premises of the cannabis business of any surveillance interruption or complete failure of the surveillance system that lasts longer than fifteen minutes.

e. The video surveillance system shall have sufficient battery backup to support a minimum of fifteen minutes of recording in the event of a power outage.

2. Alarm System. The licensed premises shall have an audible interior and exterior security alarm system installed on all perimeter entry points and perimeter windows, operated, and monitored by a security company licensed by the Department of Consumer Affairs, Bureau of Security and Investigative Services.

3. Signage Requirement. The licensed premises must comply with the following signage requirements.

a. A sign shall be posted in a conspicuous place near each point of public access which shall be not less than twelve inches wide and twelve inches long, composed of letters not less than one inch in height, stating "All Activities Monitored by Video Camera."

b. Limited access areas shall be clearly identified by the posting of a sign which shall be not less than twelve inches wide and twelve inches long, composed of letters not less than one-half inch in height, which shall state, "Limited Access Area—Authorized Personnel Only."

4. Lighting. The business entrance(s) and all window areas shall be illuminated during evening hours. The cannabis business shall comply with the city's lighting standards regarding fixture type, wattage, illumination levels, and shielding.

5. Commercial-Grade Locks. All points of ingress and egress to a licensed premises shall ensure the use of commercial-grade, nonresidential door locks or window locks.

6. Notification of Local Licensing Authority and Law Enforcement. A cannabis business shall notify the local licensing authority and the appropriate law enforcement authorities within twenty-four hours after discovering any of the following:

a. Significant discrepancies identified during inventory;

b. Diversion, theft, loss, or any criminal activity involving the retailer or any employee or agent of the retailer;

- c. The loss or unauthorized alteration of records related to cannabis, cannabis patients, primary caregivers, or retailer employees or agents; or
- d. Any other breach of security.

R. Subletting Prohibited. Licensees are not authorized to sublet any portion of a licensed premises for any purpose, unless all necessary applications to modify the existing licensed premises to accomplish any subletting have been approved by the local licensing authority.

S. Recordkeeping. Cannabis businesses shall keep and maintain all records specified in Chapter 16 of the MAUCRSA and shall make the same available for inspection and examination of the local licensing authority or its duly authorized representatives during standard business hours of the licensed facility or at any other reasonable time. Cannabis businesses are required to exercise due diligence in preserving and maintaining all required records.

T. Transactions. Licensees shall only do business with cannabis businesses that licensed or permitted to do business in their respective jurisdictions.

5.76.120 Retailer operational requirements.

In addition to the operation requirements in Section 5.76.110, a retailer must comply with the requirements set forth in this section.

A. Limited Hours of Operation. A retailer may only be open to the public and engage in sales between the hours of 8:00 a.m. and 10:00 p.m.

B. Window Displays. Cannabis, cannabis products and cannabis paraphernalia shall not be placed in a window display or otherwise placed in a manner primarily intended for individuals outside of the premises to view the products.

C. Age Restricted Entry. A retailer may not permit an individual less than twenty-one years of age into the licensed premises, except a retailer with an M-license from the state may permit an individual aged eighteen years or older into the licensed premises if the retailer verifies the individual is an ID card holder or qualified patient with a physician's recommendation.

D. Cannabis Paraphernalia Sales. Dispensaries may sell or otherwise provide equipment, supplies, and paraphernalia used to consume cannabis and cannabis products.

E. Electronic Point-of-Sale System Required. Dispensaries must have an electronic point of sale system. The electronic point of sale system must be capable of producing an electronic or automatic paper record for all transactions associated with any product sold, rented, or otherwise provided to the customer.

F. No Sales of Expired Product. A retailer may not sell any expired products, cannabis or cannabis products. A retailer shall not alter, edit, or adjust in any manner an expiration date on any item or product once affixed by its manufacturer.

G. Handling of Edible Cannabis Products. A retailer that possesses edible cannabis products shall comply with the provisions of all relevant state and local laws regarding the storage, handling, and sale of food.

H. Delivery of Cannabis and Cannabis Products. A retailer that provides delivery service shall comply with the following requirements:

1. The retailer shall not delivery cannabis or cannabis products to any location outside of California or to any location within California where the delivery of cannabis or cannabis products has been prohibited by the city or county.

2. The delivery service must be approved by the local licensing authority as a part of the licensing process. The deliveries must be conducted in accordance with any relevant state laws, this code, any applicable local laws in the delivery location, and any conditions imposed upon the license.

3. The retailer must keep in place standard operating procedures that ensure the safety and security of those individuals engaging in delivery and the and security of all cannabis being delivered, including procedures to prevent diversion.

4. A retailer may only deliver cannabis to a specific street address requested by the purchaser. Delivery to parks, schools or any other public facilities is prohibited.

5. Upon arrival at the delivery address and prior to transferring any cannabis or cannabis products, the delivery person must verify and confirm that the identity of the recipient is the same as the person who requested the delivery and that the person is either twenty-one years of age or a qualified patient or primary caregiver.

6. A retailer shall report to the local licensing authority and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents such as thefts or suspicious activity, that occur during transportation and delivery, within twenty-four hours.

7. The delivery shall keep a delivery manifest that includes the following information:

- a. All cannabis that will be transported, accurately inventoried;
- b. Departure date and approximate time of departure;
- c. Arrival date and approximate time of arrival;
- d. Name, address, local license number and CUP number of the originating cannabis business;
- e. Name and address of the individual requesting the delivery;
- f. Delivery vehicle make, model, and license plate number; and
- g. Name and signature of the individual transporting the cannabis.

8. Sale of Live Plants. A retailer may sell and offer for sale seeds and immature cannabis plants, but shall not sell or offer for sale live mature cannabis plants. The retailer may provide light and water to immature cannabis plants being offered for sale but may not engage in any other cultivation activity unless the retailer is licensed and permitted by the State and the city to engage in cannabis cultivation. For the purposes

of this provision, an immature cannabis plant is defined as a non-flowering cannabis plant that is shorter and narrower than 18 inches.

5.76.130 Manufacturing site operational requirements.

In addition to the operational requirements in Section 5.76.110, manufacturers must comply with the requirements set forth in this section.

A. Edible Cannabis Products. Edible cannabis products shall be manufactured, packaged and labeled in compliance with MAUCRSA and any implementing regulations adopted by the state.

1. Edible cannabis products must be individually packaged and ready for sale by the manufacturer prior to sale or transfer to another cannabis business.

2. Any person that is involved in the manufacture of edible cannabis products must be a state certified food handler. The valid certificate number of such person must be on record at the manufacturing site where that individual produces edible cannabis products.

3. Any facility used by a cannabis business to manufacture edible cannabis products shall be constructed, operated and inspected in accordance with the applicable building code and applicable food safety requirements.

4. A cannabis business that manufactures edible cannabis products must comply with the provisions of all relevant state and local laws regarding the preparation, distribution, and sale of food; which shall include, but not be limited to, hand-washing requirements, use of gloves for packaging, and policies prohibiting individuals suffering from symptoms associated with communicable diseases or infections from engaging the production of edible cannabis products.

B. Expiration Date. A cannabis business engaged in the manufacture of cannabis products, including an edible cannabis product, that is perishable shall assign an expiration-date or use-by date, whichever is appropriate, to all perishable cannabis products. Once an expiration date or use-by date is assigned to cannabis products, it shall be unlawful for a person to alter that date or affix a new label with a later use-by or expiration date.

C. Extraction Requirements.

1. A manufacturer engaged in extraction may only engage in type of extraction approved by the local licensing authority in its application for a local license. The licensee shall not make any modifications to the method of extraction without first obtaining a modification of its local license.

2. Within the limitations set forth by state law, a cannabis business that extracts cannabis or produces cannabis concentrate using a solvent must use a professional-grade, closed-loop extraction system capable of recovering the solvent used and must only use a solvent that is permissible under the MAUCRSA and the manufacturer's state license.

5.76.140 Cultivation operational requirements.

In addition to the operational requirements in Section 5.76.110, a cultivator must comply with the requirements set forth in this section.

A. Cultivators must comply with the Federal Worker Protection Standard (40 CFR 170).

B. The cultivation of cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides.

C. The use of pesticides must be recorded in a log in accordance with 16 CCR Section 1970.

D. The cultivation of cannabis shall be conducted in a secure manner and shall not be visible from a public right-of-way. As used in this subsection D, the term "visible" means capable of being seen without visual aid by an individual of normal acuity.

E. A licensee may not distribute, sell, dispense, or administer cannabis on the licensed premises of a cultivation site except for as authorized by the MAUCRSA and other applicable state law.

5.76.150 Distribution operational requirements.

In addition to the operational requirements in Section 5.76.110, distributors shall comply with the requirements of this section.

A. Quality Assurance and Testing.

1. Prior to distribution, the distributor shall inspect cannabis for quality assurance as required by MAUCRSA and to ensure the labeling and packaging of the cannabis and cannabis products conforms to the requirements of this chapter and MAUCRSA.

2. Distributors shall ensure that cannabis and cannabis products in its custody are tested by a licensed testing laboratory in accordance with MAUCRSA prior to distributing the cannabis and cannabis products to a retailer.

B. Transportation.

1. A distributor may not transport cannabis to or from another cannabis business outside the state of California.

2. An individual may only transport cannabis on behalf of a distributor if the individual:

a. Is an employee of the distributor and is listed on the distributor's employee list;

b. Possesses a copy of the distributor's local license; and

c. Possesses a copy of a transportation manifest that meets all the requirements of MAUCRSA and subsection (B)(3).

3. Transportation Manifest.

a. A cannabis business must create a transportation manifest in accordance with this chapter for every transport and delivery of cannabis. A cannabis business must ensure that a copy of the appropriate transportation manifest accompanies every transport and delivery of cannabis and is kept for retention by the originating cannabis business in compliance with Section 5037 (Record Retention) of Title 16, Division 42 of the California Code of Regulations.

b. If a cannabis businesses makes multiple pick-ups or deliveries during a single trip, then a separate transportation manifest shall be required for each pick-up or delivery.

c. A transportation manifest will be deemed sufficient if it accurately reflects:

i. All cannabis that will be transported to the address reflected on the manifest, accurately inventoried to include the weight of any raw cannabis or cannabis concentrate and the number of individual cannabis products;

ii. Departure date and approximate time of departure;

iii. Arrival date and approximate time of arrival;

iv. Name, address, local license number and CUP number (or, for cannabis businesses outside of Cathedral City, a similar number issued by the cannabis business's local jurisdiction) of the originating cannabis business;

v. Name, address, local license and CUP number (or, for cannabis businesses outside of Cathedral City, a similar number issued by the cannabis business's local jurisdiction) of the receiving cannabis business;

vi. Delivery vehicle make, model, and license plate number; and

vii. Name and signature of the individual transporting the cannabis.

4. A cannabis business with a local license may only transport cannabis between licensed premises by way of motor vehicle, unless the transport is between two licensed premises that are within the same building or at the same street address.

5. A cannabis business with a local license shall transport cannabis in a manner that is secure and not visible from outside the vehicle.

6. An employee transporting cannabis pursuant to this chapter must take a direct route from the distributor to the destination of the other cannabis business(es) and may not make any stops other than those necessary in the ordinary course of business.

C. Bonding. Transporters shall comply with applicable state laws and regulations, if any, requiring that they be bonded and insured.

D. Preparation of Cannabis and Cannabis Products for Transportation.

1. All cannabis and cannabis products must be appropriately and completely tracked in a cannabis business's inventory tracking system prior to transportation to another cannabis business. This must include verifying and documenting the weight of any raw cannabis or cannabis concentrate and the number of individual cannabis products being transported.

2. Preparations for the transport of cannabis and cannabis products must be conducted in a limited access area on camera.

E. Receiving Cannabis and Cannabis Products.

1. A distributor may not receive cannabis or cannabis products unless accompanied by a transportation manifest that meets all of the requirements set forth in subsection (B)(3). The distributor must retain copies of transportation manifests associated with all deliveries of cannabis.

2. Immediately upon receipt, all cannabis and cannabis products must be appropriately and completely tracked in the distributor's inventory tracking system. This must include verifying and documenting the weight of any raw cannabis or cannabis concentrate and the number of individual cannabis products being transported.

F. Perishable Cannabis Products. A cannabis business must provide adequate refrigeration when engaged in the transportation of perishable cannabis products.

5.76.160 Testing laboratory operation requirements.

In addition to the operational requirements in Section 5.76.110, a testing laboratory shall comply with the requirements of this section.

A. No Other Ownership. An owner of a testing laboratory shall not have an ownership or other direct financial interest in any other commercial cannabis business license type.

B. Accreditation. A testing laboratory shall obtain and maintain ISO/IEC 17025 accreditation.

C. Operating Procedures. A testing laboratory shall adopt and adhere to standard operating procedures to ensure the reporting of accurate test results, including, but not limited to, equipment, calibration, and methodology standards, that are consistent with its ISO/IEC 17025 accreditation.

1. A testing laboratory shall obtain samples of cannabis and cannabis products for testing in accordance with a statistically valid method designed to ensure that a sample is representative of the whole. Sampling methods should have at least a ninety-five percent confidence rate.

2. A testing laboratory shall destroy and safely dispose of the remains of any samples of cannabis or cannabis products tested upon completion of the analysis and the expiration of any retention time pursuant its standard operating procedures.

3. A testing laboratory shall maintain all testing results as a part of their respective business records and must keep such records in compliance with Section 5037 (Record Retention) of Title 16, Division 42 of the California Code of Regulations.

5.76.170 Packaging and labeling.

A. Compliance with State Law. All packaging and labeling of cannabis and cannabis products by a cannabis business must, at a minimum meet the requirements of Chapter 12 of MAUCRSA and any implementing regulations, as the same may be amended from time to time or superseded or replaced by subsequent state legislation or by any state department or division.

B. Tamper-Evident, Child-Resistant Packaging Required. Prior to delivery or sale at a retailer to a purchaser, cannabis and cannabis products shall be labeled and placed in a resealable, tamper-evident, child-resistant package and shall include a unique identifier for the purposes of identifying and tracking cannabis and cannabis products.

C. Cannot Be Attractive to Children. Cannabis packaging and labeling shall not be designed to appeal to children, including, but not limited to, cartoon characters or similar images.

D. State-Mandated Warnings and Information. All cannabis and cannabis product labels and inserts shall include the state-mandated warnings and information contained in Business and Professions Code Section 26120(c).

5.76.180 Visitor requirements.

A. Visitors. Any individual permitted to enter a limited access area who is not an owner or employee of the cannabis business is a visitor for the purposes of this section. Notwithstanding the foregoing, state and local employees, or their official designees, shall not be considered a visitor provided the individual is on the licensed premises for purposes of official government business.

B. Visitors Identification and Record Requirements. Prior to permitting a visitor into a limited access area, a cannabis business must check the individual's valid government issued identification. The visitor shall be required to sign the cannabis business's visitor log, which must include the individual's name, date of entry, and purpose for entry.

C. Visitors Must Be at Least Twenty-One Years of Age. A cannabis business may not permit a visitor who is less than twenty-one years of age to enter a limited access area.

D. Visitors Prohibited Conduct. A visitor shall not be permitted to engage in the cultivation, preparation, processing, manufacturing, packaging, labeling, transportation, or sale of cannabis.

5.76.190 Limitations on City's liability.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any local license pursuant to this chapter or the operation of any cannabis business approved for such local license pursuant to this chapter. As a condition of approval a local license granted under this chapter, the applicant or its legal representative shall:

A. Indemnify and hold the city harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the cannabis business and delivery of cannabis as provided in this chapter; and

B. Maintain insurance in the amounts and of the types that are acceptable to the city pursuant to guidelines and policies set forth by the local licensing authority; and

C. Name the city as an additionally insured on all city-required insurance policies; and

D. Defend, at its sole expense, any action against the city, its agents, officers, and employees related to the approval of a local license or the operation of the cannabis business; and

E. Reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge (or federal enforcement action) related to the city's approval of a local license or conditional use permit. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

5.76.200 Inspections.

A. Recordings made by security cameras at any cannabis business shall be made immediately available to the local licensing authority upon verbal request for law or regulatory enforcement and criminal investigation purposes. Such recordings shall be considered confidential and shall not be released to the public pursuant to Government Code Section 6254(f) without the consent of the licensee.

B. The local licensing authority shall have the right to enter all cannabis businesses from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter. Such inspections shall be limited to observing the licensed premises for purposes of determining whether the cannabis business is being operated or maintained in compliance with this code, state law, and other applicable laws and regulations. Any cannabis business licensed pursuant to this chapter may be required to demonstrate, upon demand by the local licensing authority that the source and quantity of any cannabis or cannabis products found upon the licensed premises is in full compliance with any applicable local or state law or regulation.

C. The local licensing authority shall have the right to inspect records of medicinal cannabis patients and primary caregivers that have made purchases of medicinal cannabis or medicinal cannabis products from a retailer for the sole purpose of determining whether any and all such individuals are qualified to make such purchases.

Such inspections of records shall not be used for any other purposes, nor shall the records be removed off-site by the city without a court order.

D. The local licensing authority may delegate an act required to be performed pursuant to this section to any code enforcement officer or official of the city, including, without limitation, the chief of police, the fire chief, the building official, the finance director, the city attorney, or any designee of such officers or officials.

E. Applicants and licensees must cooperate with the local licensing authority and his designees who are conducting inspections or investigations relevant to the enforcement of laws and regulations related to this chapter.

5.76.210 Enforcement; Suspension and Revocation of License.

A. The provisions of this chapter may be enforced by the local licensing authority by any means provided for in Chapter 1.16 of this code in addition to any and all other remedies, civil, equitable or criminal, afforded to the city under the law. The operation of a cannabis business in violation of this chapter or any conditions of approval placed on a licensee's local license is hereby deemed to be a public nuisance.

B. In addition to any other remedies available to the city under the law, a license issued under the terms of this chapter may be suspended or revoked by the local licensing authority if he or she concludes any of the following:

1. The cannabis business or licensee has violated any of the requirements of this chapter, chapter 17.315, the applicable conditional use permit, or the applicable development agreement.
2. The cannabis business is being operated in a manner which constitutes a nuisance.
3. The cannabis business is being operated in a manner which conflicts with or violates State Laws.
4. A licensee's conditional use permit or development agreement issued pursuant to Chapter 17.315 of this code has been terminated or revoked.
5. A licensee's state license has been suspended, terminated, or revoked.

C. A license may be suspended or revoked by the local licensing authority as follows:

1. For a first violation within a 24 month period, the license may be suspended for 10 days.
2. For a second violation within a 24 month period, the license may be suspended for 30 days.
3. For a third violation within a 24 month period, the license may be suspended for 60 days.
4. For a fourth or subsequent violation within a 24 month period, the license may be revoked, and no new license may be issued to any owner of the subject cannabis business for a period of at least one year.

D. Notwithstanding paragraph B of this section, any suspension of a local license that is due to the suspension of the licensee's state license shall be no shorter than the length of time the state license is suspended.

SECTION 3. SEVERABILITY

If any Chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each Chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional."

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 5. CITY CLERK ACTION

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Chapter 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Chapter 39633(c).

INTRODUCED FOR FIRST READING this 28th day of May, 2020.

Dustin Nigg
Mayor

APPROVED AS TO FORM:

ATTEST:

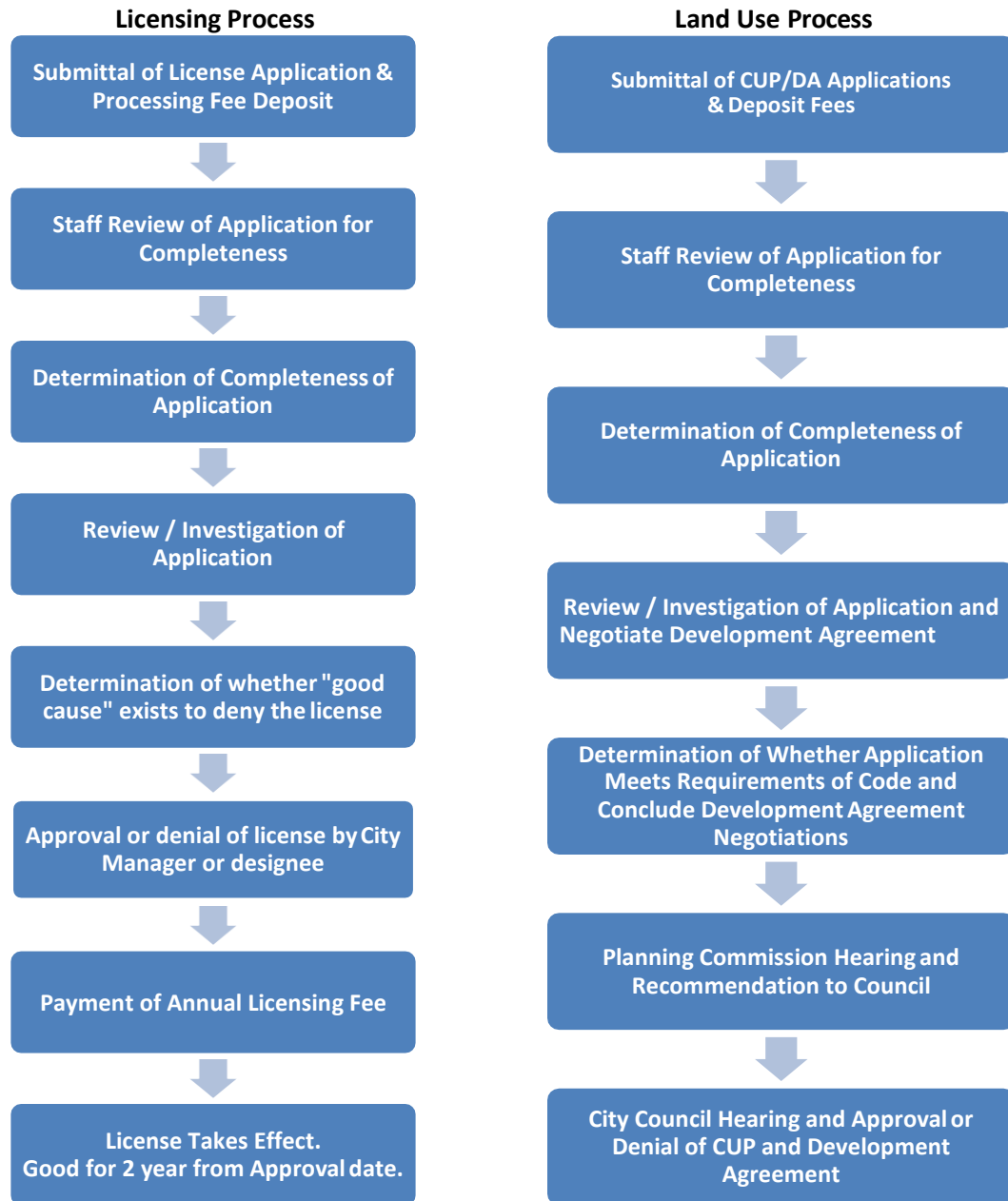
Thomas D. Jex
City Attorney

Janet Morales
Acting City Clerk

ATTACHMENT C

Cannabis Licensing and Land Use Summary Points-Flowchart

Proposed Cannabis Regulations Processing Flowchart



- ❖ Applications for a License and CUP/Development Agreement may be submitted concurrently OR the applicant may submit a license application and apply for the CUP/development Agreement at a later date.
- ❖ A City License must be approved for the business BEFORE the Planning Commission Hearing is held on the CUP and Development Agreement.
- ❖ A State License is not required to receive a City License and CUP/Development Agreement. The State License must be obtained BEFORE a Certificate of Occupancy is issued by the City.

Proposed Cannabis Regulations Summary

- ❖ City License, CUP and Development Agreement required for **all** cannabis businesses.
- ❖ License is for 2-year and must be renewed. Initial approval and each renewal require City to determine that there is not “good cause” to deny the license. Good cause to deny includes:
 - Violation of City’s regulations, State law and regulation, or conditions of approval
 - Operation of business on the premises adversely affects the public health, safety or welfare or the safety of the immediate neighborhood
 - False statements/misrepresentations/material omissions in documents submitted to City.
 - Operation of another cannabis business in violation of the Code
 - Failure to allow inspections by City
- ❖ City Regulations include numerous operational requirements and conditions, including but not limited to:
 - Prohibit cannabis consumption on premises.
 - Prohibit alcohol and tobacco sales on premises
 - Security requirements (video surveillance, secured storage of cannabis at all times, alarm system, illumination, controlled access to non-public areas by visitors)
 - Mandatory notification of law enforcement of suspected theft/diversion
 - Can only do business with other legal cannabis businesses
 - Retailer hours of operation of 8:00 a.m. to 10:00 p.m. & age-restricted entry
 - Cannabis products cannot be visible from the exterior of the business
 - No delivery to public places / facilities.
 - Odor control systems required for all cannabis businesses
 - Must allow unannounced inspections of premises and records (including video surveillance) by City
- ❖ Retailers will be allowed in the C-1/C-P and C-P-S commercial zones via CUP& Development Agreement.
- ❖ Cultivation, manufacturing, distribution and testing laboratories will be allowed in the M-SC and I-P zones industrial zones via approval of a CUP & Development Agreement.
- ❖ Development Agreement will include requirement that the business provide public benefits in exchange for the rights they obtain under the Agreement. This will include payment of a public benefit fee that is in addition to the annual license fee.
- ❖ Cannabis businesses will not be allowed within 600 feet of public or private schools (K-12), commercial day care centers, youth centers and parks.
- ❖ Cannabis businesses required to indemnify the City from liability and provide appropriate insurance.
- ❖ Businesses will be required to pay an annual licensing fee (amount TBD by Council) to recover the costs of regulating the cannabis industry and ensuring no negative impacts to the community.

ATTACHMENT D

CEQA - Staff Response to Public Comment Letters Document

April 2020 | Response to Comments
State Clearinghouse No. 2020019073

CANNABIS CODE AMENDMENT PROJECT – ZOA NO. 2020-04

City of Wildomar

Prepared for:

City of Wildomar

Matthew Bassi, Planning Director
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
951.677.7751

Prepared by:

PlaceWorks

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600 B Street, Suite 300
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Table of Contents

Section	Page
1. INTRODUCTION.....	1
1.1 INTRODUCTION.....	1
1.2 DOCUMENT FORMAT	1
1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES.....	1
2. RESPONSE TO COMMENTS	3
3. REVISIONS TO THE ND	109
3.1 INTRODUCTION.....	109
3.2 ND REVISIONS IN RESPONSE TO WRITTEN COMMENTS	109

1. Introduction

1.1 INTRODUCTION

The Project is exempt from CEQA review pursuant to Business and Professions Code section 26055(h). Nonetheless, in the spirit of public disclosure and engagement, the City drafted and circulated for public comment the Cannabis Code Amendment Project Initial Study/Negative Declaration (collectively, “ND”; State Clearinghouse No. 2020019073). This document includes a compilation of the public comments received during the 30-day public review period for the ND and the City of Wildomar’s (City) responses to the comments.

1.2 DOCUMENT FORMAT

Section 1, *Introduction*. This section describes CEQA requirements and the content of this document.

Section 2, *Response to Comments*. This section provides a list of agencies and persons commenting on the ND, copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a letter. Individual comments for each letter have been numbered, and the letter is followed by responses with references to the corresponding comment number.

Section 3, *Revisions to the ND*. This section contains revisions to the ND figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the ND for public review.

Appendix A, *Revisions to Figures*. In response to comments received on the ND this document contains revisions to Figure 2, *Possible Cannabis Retail Locations*, and Figure 3, *Possible Cannabis Cultivation, Manufacturing, Distribution, and Testing Locations*, to include the Cornerstone Christian School and Grace Christian School.

1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments on negative declarations, and reminds persons and public agencies that the focus of review and comment of NDs should be on the proposed findings that the project will not have a significant effect on the environment. If the commenter believes that the project may have a significant effect, they should: (1) Identify the specific effect, (2) Explain why they believe the effect would occur, and (3) Explain why they believe the effect would be significant.

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

1. Introduction

Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

Finally, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to potentially significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the environmental document.

Because the Project is statutorily exempt from CEQA review under Business and Professions Code section 26055(h), the City is providing a response to comments received on the ND solely for the purposes of public discourse and engagement. The CEQA requirements regarding comments and responses summarized herein do not apply to comments made on a project that is statutorily exempt from CEQA review.

2. Responses to Comments

2. Response to Comments

This section provides all written comments received on the circulated ND and the City's response to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the ND are excerpted in this document, they are indented. The following is a list of all comment letters received on the circulated ND during the public review period.

Letter Reference	Commenting Person/Agency	Date of Comment	Page No.
A	Russ and Joy Western	January 30, 2020	4
B	Mark LaRoux	January 30, 2020	10
C	Michael Schroeder	January 30, 2020	15
D	Glen Copple	January 31, 2020	21
E	Terry Jacobson	January 31, 2020	25
F	Rincon Band of Luiseño Indians, Cheryl Madrigal	February 4, 2020	30
G	California Department of Fish and Wildlife, Heather Bashear	February 7, 2020	34
H	Hollie Marsolino	February 12, 2020	38
I	David White	February 13, 2020	42
J	Cornerstone Community Church, Dr. Ron Armstrong	February 20, 2020	47
K	Doug Reyes	February 20, 2020	53
L	California Department of Food and Agriculture, Lindsay Rains	February 20, 2020	57
M	Greg and Veronica Langworthy	February 27, 2020	69
N	Nicholson Law Firm, Marty Nicholson	February 27, 2020	74
O	Stan Crippen	February 28, 2020	92
P	Laurie Nunnally	March 2, 2020	98
Q	California Department of Fish and Wildlife, Scott Wilson	March 4, 2020	103

2. Response to Comments

LETTER A – Russ and Joy Western. (2 pages)

From: [Matthew Bassi](#)
To: [russandjoy Western](#)
Subject: RE: cannabis permits
Date: Thursday, January 30, 2020 11:29:55 AM

Russ and Joy,
Thank you for your feedback. I will be sure your email is provided to the Planning Commission and City Council as part of the environmental and public hearing process.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

City Hall Hours:
Monday - Thursday
8:00 a.m. - 5:00 p.m.
(Friday's by Appointment)

Please note that email correspondence with the City of Wildomar, along with attachments, may be subject to the California Public Records Act, and therefore, may be subject to disclosure unless otherwise exempt.

From: russandjoy Western <russandjoy_western@msn.com>
Sent: Thursday, January 30, 2020 11:24 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: cannabis permits

Mr. Bassi: When my family and I moved into Wildomar 30 years ago, we saw a place to raise our children. Parks to take our children to, Schools with good teachers along with us to teach our children To be true upstanding citizens in our community. Which today I am proud to say Nurses, Doctor, Military Police, Human Resource and even a Stay home Mother. But since the Cannabis Law has been passed. We as a People have opened Pandora's Box. Weed was usually kept in the back ground but now that it has been given a green light it is blaring us right in the face. And the money is what everyone seems to only think about.

A-1

But they don't think about the downsides of the issue. 1. you cant just let only one person have a license to sell or you would have lawsuits because now every Tom, Dick and harry would want a license to sell in every neighborhood. 2. The biggest joke I've heard about weed is its needed as a crutch. That's because our society has gotten lazy and entitled instead of getting out in there community's doing things to help. And 3. The Biggest.... Crime these places bring, because if they cant afford it they will steal it or Rob it and even kill for it. And every one around the area is collateral damage.

2. Responses to Comments

A-1
CONT'D

Prime example I go to Needles California Quite often and for such a small town there is a lot of Cannabis shops there and I kid you not it seems a third of the town is in drug mode people laying around on the side walks drugged out urination and feces on the side walks is this what we want our community to become. And our police force is already over whelmed with the normal stuff. Guess what all your money from the License and taxes will pay for, more officers. Which is a sad thing to think about the reason why we would need more police. So in the movie "Its a Wonderful life" you have to ask yourself. Do we want the type of city before, or after with all the crime and everything else that goes with it.

So all I am saying is let the other community's have the problems these places will create. D DON'T JUST SEE THE DOLLAR SIGNS. Do the right thing and deny licenses to open these shops keep this community better than the rest. Thanks for listening Russ and Joy Western

2. Response to Comments

A. **Response to Comments from Russ and Joy Western, dated January 30, 2020.**

A-1 The commenters express concern that the project will result in the issuance of cannabis permits in every neighborhood and an increase in crime.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Responses to Comments

LETTER B – Mark LeRoux. (2 pages)

From: [Matthew Bassi](#)
To: ["LeRoux, Mark"](#)
Subject: RE: ND for Proposed Cannabis Declaration
Date: Thursday, January 30, 2020 2:18:03 PM

Mark,
Thank you for your feedback. I will be sure your email is provided to the Planning Commission and City Council as part of the environmental and public hearing process.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

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(Friday's by Appointment)

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From: LeRoux, Mark <mleroux@appliedmedical.com>
Sent: Thursday, January 30, 2020 12:18 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: ND for Proposed Cannabis Declaration

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

B-1

Matt,
With regards to the notice of Study of the ND for the Cannabis Ordinance Project I would like to state that allowing regulatory commercial licensing for the cultivation, distribution and sales of cannabis would not enhance the lifestyle of the Wildomar community. Allowing this activity would require increased police and judicial services. The people using cannabis currently would still obtain the product from underground sources because of the price increase resulting in taxes. The money generated by these allowances would come from folks that do not regularly use it like young adults and the elderly. Wildomar would be encouraging the use of it leading to drug related instances that could result with Wildomar being liable. I taught my children that drugs were not good for their health and that they were illegal. Cannabis is still not recognized to be healthy for the human body nor does it poses any medicinal benefits other than make a person lazy and stupid. Please, do not allow this ordinance to

2. Response to Comments

pass.

Thanks,

Mark LeRoux

03duece@verizon.net

2. Responses to Comments

B. Response to Comments from Mark LeRoux, dated January 30, 2020.

B-1 The commenter states that the allowing regulatory commercial licensing for the cultivation, distribution, and sales of cannabis would not enhance the lifestyle of the Wildomar community. The commenter expresses concern that allowing this activity would require increased police and judicial services. The commenter expresses concern that as a result of the project, the City would be encouraging the use of cannabis which may have liability implications.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

LETTER C – Michael Schroeder. (3 pages)

From: [Matthew Bassi](#)
To: [Michael Schroeder](#)
Subject: RE: Wildomar Cannabis Ordinance Initiative
Date: Monday, February 3, 2020 8:02:38 AM

Michael,
Thank you for your email. I will be sure to pass this on to the Planning Commission and City Council as part of the public record.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

City Hall Hours:
Monday - Thursday
8:00 a.m. - 5:00 p.m.
(Friday's by Appointment)

Please note that email correspondence with the City of Wildomar, along with attachments, may be subject to the California Public Records Act, and therefore, may be subject to disclosure unless otherwise exempt.

From: Michael Schroeder <revmas74@gmail.com>
Sent: Thursday, January 30, 2020 5:34 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Wildomar Cannabis Ordinance Initiative

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Mr. Bassi,
I would like to speak against the idea of allowing Cannabis retailers, cultivation, manufacturing, distribution, and testing laboratories in the city of Wildomar. As alluring as it may seem to get tax dollars for the city from this business, I do not believe it is worth the trade off.

C-1

1. Even though the state of California has legalized the recreational use of marijuana, it still remains illegal under federal law.
2. Legalizing marijuana for adults leads to more teens and preteens using, too, University of Washington researchers report. More teenagers use marijuana daily than smoke cigarettes or drink booze, according to the National Institute on Drug Abuse. In fact, cigarette use is at its lowest level since the institute

2. Responses to Comments

C-1 CONT'D	<p>started tracking it, but weed use is an epidemic." (See the link for the rest of this report.)</p> <p>3. This will also have an impact on the youth of our community when it comes to education. "Adolescent pot users have trouble in school because they suffer memory impairment, loss of learning ability and reasoning skills and possibly a permanent decline in IQ Marijuana damages the hippocampus area of the brain, which impacts memory. Scientists who tracked nearly 4,000 young adults into their 40's confirmed that marijuana use does lasting damage to memory, according to research in the Journal of the American Medical Association published in 2016. Chronic teen marijuana users have dismal futures, reports the American Public Health Association. They stop their education sooner, are less likely to have full-time jobs as adults and have lower socio-economic potential." (See the link for the rest of this report.)</p>
C-2	<p>4. People who want to say this will be good for the community because of the tax dollars it will generate aren't looking at the whole picture. "A study out of Colorado recently found that for every dollar of marijuana revenue, \$4.50 must be spent to mitigate the damages it causes. More money must be spent to implement regulatory operations, shut down illegal growing operations, treat increased rates of Cannabis Use Disorder, and deal with large increases in stoned driving. On top of that, there is no telling how much will be lost in the workforce due to workplace absenteeism and injuries as well as lost productivity." (See the link for the rest of this report.)</p>
C-3	<p>5. Setting up legalized cannabis shops in Wildomar will not do away with the black market for the product. "One in five marijuana users in the state continue to purchase the drug off the street as opposed to buying it from retail stores. The situation is so bad that foreign cartels and criminal gangs are turning whole neighborhoods into pot-growing operations and even growing the drug on national lands." We have seen this happening in our own backyard as a number of grow houses in Wildomar have been shut down. (See the link for the rest of this report.)</p>
C-4	<p>6. Finally, with as dangerous as our roads are, should we expect that once you make marijuana more accessible, we should not expect an increase in impaired driving? Hit-and-run accidents are on the rise.</p> <p>"In addition to having the most hit-and-run accidents in history on a national level, 2016 (the latest available year for data) was also the most fatal year on record for hit-and-run crashes in the state of California. AAA says the 337 deaths caused by hit-and-runs in CA that year was 60% more than the number of fatalities reported 10 years ago. While the numbers put California atop the nation when it comes to fatal hit-and-runs, the state ranks 7th nationally on a per capital basis. AAA's report noted that nationwide, hit-and run deaths have increased by an average of more than 7% since</p>

2. Response to Comments

C-4
CONT'D

2009, and that almost two-thirds of all victims killed in these collisions are pedestrians or bicyclists. [An article](#) from the *Los Angeles Times* notes a similarly alarming trend in Los Angeles, which has seen spike in accidents involving pedestrian and cyclist deaths, many of which involved hit-and-runs. The 134 pedestrians killed in 2017 in only L.A. was the most recorded in over 15 years, and nearly double the number of pedestrian deaths in 2015. California's problem with hit-and-run accidents is a major concern, particularly for the pedestrians, cyclists, motorcycle riders, and motorists for whom traveling city streets and freeways is a part of daily life. As one of the largest examples of suburban sprawl, Los Angeles and the surrounding communities of Southern California feel the real effects of the problem first hand, and at troubling rates." (See the [link](#) for the rest of the report)
Please reconsider implementing any ordinance that would make it easier for recreational marijuana to be more readily available. It will have damaging effects on our community and on our children.

Thank you,
Michael Schroeder
Wildomar Resident

2. Responses to Comments

C. Response to Comments from Michael Schroeder, dated January 30, 2020.

- C-1 The commenter expresses concern that the project would result in negative health implications for youth in the community.
- The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.
- C-2 The commenter expresses concern that the project would result in additional costs incurred by the City to mitigate damages associated with commercial cannabis.
- The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.
- C-3 The commenter expresses concern that the project would perpetuate illegal cannabis activities and crime within the community.
- The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.
- C-4 The commenter expresses concern that the project would result in an increase in impaired driving and driving-related accidents within the community.
- City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

LETTER D – Glen Copple. (1 page)

From: [Matthew Bassi](#)
To: [Glenn Copple](#)
Subject: RE: Cannabis In Wildomar
Date: Monday, February 3, 2020 8:10:28 AM

Glen,
Thank you for your email. I will be sure to pass this on to the Planning Commission and City Council as part of the public record.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

City Hall Hours:
Monday - Thursday
8:00 a.m. - 5:00 p.m.
(Friday's by Appointment)

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From: Glenn Copple <handyglenn2325@gmail.com>
Sent: Friday, January 31, 2020 8:57 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Cannabis In Wildomar

Mr. Bassi:

D-1

Regarding the proposal to accept Cannabis in Wildomar, Growing , Distribution or any other form of it being distributed in Wildomar. My question is WHY does Wildomar even need it? It is just one more contribution towards making it more available to our youth. I hope that we keep Wildomar clean of this product at least the sale and distribution of same. It's in the best interest for the youth of Wildomar.

Glenn Copple, of Wildomar

2. Responses to Comments

D. Response to Comments from Glen Copple, dated January 31, 2020.

D-1 The commenter expresses concern that the project would allow cannabis to become more accessible to the youth in the community.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

LETTER E – Terry Jacobson. (2 pages)

From: [Matthew Bassi](#)
To: [Terry Jacobson](#)
Subject: RE: Wildomar Cannabis Ordinance Review
Date: Monday, February 3, 2020 8:08:09 AM

Terry,
Thank you for your email. I will be sure to pass this on to the Planning Commission and City Council as part of the public record.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
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From: Terry Jacobson <jacobson_terry@hotmail.com>
Sent: Friday, January 31, 2020 4:13 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Wildomar Cannabis Ordinance Review

- E-1
- I am opposed to any drug that scrambles the brain. I'm sympatric to medications that relief pain, but not by an easily abused additive recreational self medicating drug like the different Cannabis plants provide.
- How are you going to stop small children from inhaling or worse smoking a joint with their parents or the new door big kid neighbor that pushing it on the little ones. Sexual abuse is apart of this dummy down drug.
- We already have a problem with alcohol, note all the empty beer cans and wine bottles on the sides of the roads. They, (cans & bottles) didn't drive there by themselves.

2. Responses to Comments

Sincerely,

Terry Jacobson

[REDACTED]
[REDACTED]
[REDACTED]

2. Response to Comments

E. Response to Comments from Terry Jacobson, dated January 31, 2020.

E-1 The commenter expresses concern that the project will result in safety and health issues for community members as commercial cannabis is established.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Responses to Comments

LETTER F – Rincon Band of Luiseño Indians, Cheryl Madrigal. (1 page)

Rincon Band of Luiseño Indians **CULTURAL RESOURCES DEPARTMENT**

One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



February 4, 2020

Sent via email: mbassi@cityofwildomar.org

Matthew C. Bassi
Planning Director
City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

Re: Initial Study/Negative Declaration (ND) for Cannabis Ordinance Project (ZOA No. 2020-04)

Dear Mr. Bassi,

Thank you for providing the Rincon Band with the Initial Study/Negative Declaration for the above referenced project. We have reviewed the document and have no further comments or concerns regarding this project.

F-1

We can conclude consultation at this time. We do ask that if the project plans for this project changes, that you please notify the Rincon Band.

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,

Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

Bo Mazzetti
Chairman

Tishmall Turner
Vice Chair

Laurie E. Gonzalez
Council Member

Alfonso Kolb, Sr.
Council Member

John Constantino
Council Member

2. Response to Comments

F. Response to Comments from Rincon Band of Luiseño Indians, Cheryl Madrigal, Tribal Historic Preservation Officer, Cultural Resources Manager, dated February 4, 2020.

F-1 The commenter states that the Rincon Band of Luiseño Indians have reviewed the document and have no further comments or concerns regarding the project. The commenter states that the tribe concludes consultation at this time and asks that the tribe be notified if the project plans for the project changes.

City Response - The City thanks the Tribe for their response and acknowledges that consultation has been concluded.

2. Responses to Comments

LETTER G – California Department of Fish and Wildlife, Heather Brashear. (1 page)

From: [Matthew Bassi](#)
To: [Brashear, Heather@Wildlife](#)
Cc: [Mark Teague](#); [Jasmine Osman](#)
Subject: Re: Initial Study/Negative Declaration for Cannabis Ordinance Project (ZOA No. 2020-04)
Date: Friday, February 7, 2020 11:47:37 AM
Attachments: [image003.png](#)
[image003.png](#)

Yes outdoor cultivation is not allowed....only indoor

Matthew Bassi
Planning Director
City of Wildomar

Sent from my iPhone

On Feb 7, 2020, at 11:44 AM, Brashear, Heather@Wildlife
<Heather.Brashear@wildlife.ca.gov> wrote:

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

G-1

Dear Mr. Bassi:

I am currently reviewing the Initial Study/Negative Declaration for Cannabis Ordinance Project (ZOA No. 2020-04) and require clarification about the types of cannabis cultivation that would be allowed by the proposed city ordinance. From the initial study, it appears that conditional approval of the city would be contingent on indoor cultivation. Would you please confirm that outdoor cultivation would be prohibited by the proposed ordinance?

Regards,
Heather

Heather Brashear

Environmental Scientist
California Department of Fish and Wildlife
Habitat Conservation, Cannabis Unit
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764
Phone: (909) 948-9625
E-mail: Heather.Brashear@Wildlife.ca.gov

**CALIFORNIA DEPARTMENT OF
FISH and WILDLIFE** 

2. Response to Comments

G. Response to Comments from California Department of Fish and Wildlife, Heather Brashear, Environmental Scientist, dated February 7, 2020.

G-1 The commenter states they are currently reviewing the Initial Study/Negative Declaration for Cannabis Ordinance Project (ZOA No. 2020-04). The commenter states that the Initial Study suggests that conditional approval by the City would be contingent on indoor cultivation. The commenter asks for confirmation that the outdoor cultivation would be prohibited by the proposed ordinance.

City Response - As shown in Section 17.315.080(C)(1) (Conditions of Approval) of the proposed ordinance (See Appendix 2 to the IS/ND) "All cultivation of cannabis shall occur in an enclosed locked structure. Outdoor cultivation is prohibited." As proposed, outdoor cultivation is prohibited by the ordinance, thereby, confirming the question above.

2. Responses to Comments

LETTER H – Hollie Marsolino. (1 page)

From: [Matthew Bassi](#)
To: [Hollie Marsolino](#)
Subject: RE: Dispensaries
Date: Wednesday, February 12, 2020 10:59:02 AM

Hollie,
Thank you for your email. I will be sure to forward this letter to our Commission and Council for consideration.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

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(Friday's by Appointment)

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-----Original Message-----

From: Hollie Marsolino <h.marsolino@gmail.com>
Sent: Wednesday, February 12, 2020 10:49 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Dispensaries

Mr. Bassi,

My name is Hollie and I wanted to share my opinion as to why it would be beneficial to have cannabis dispensaries in Wildomar. I have been a resident of Wildomar for 26 years, attended Elsinore High, am a homeowner in The Farm and am a volunteer for the library. I love this community.

Unfortunately I am also someone with back issues: spinal bone spurs and moderate disc disease and degeneration due being a hairdresser for 20 years. I have had my medical marijuana card for about 6 years because the only place I could find relief was the dispensary. I've seen all the doctors and they only wanted me to take pills that are heavy medications that I can't drive or work while taking. At that time, you couldn't get CBD products or medical grade cannabis anywhere else. For as long as I've been a patient, I've had to travel outside of our city to obtain my medicine. Currently I have to travel to Perris to get what I need.

I would much rather spend my money in my own city. For years Lake Elsinore, Perris, Corona, and Temecula have been reaping the benefits of medical patients from our area. To be able to earn revenue for the city of Wildomar and to save myself gas and time would be well worth it. Now that it is recreationally allowed, I would love to see those profits go to the city for road improvements, community programs, and to benefit our struggling community members. Like I said, I love this community and want to see us succeed. If you have any questions please feel free to contact me at this email address: h.marsolino@gmail.com. Thank you for your time.

Best,

Hollie Marsolino

H-1

2. Response to Comments

H. Response to Comments from Hollie Marsolino, dated February 12, 2020.

H-1 The commenter indicates support of the proposed project.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Responses to Comments

LETTER I – David White. (2 pages)

From: Matthew Bassi
To: David White
Cc: [mailto:dbass@cityofwildomar.org]; [mailto:DavidWhite@cityofwildomar.org]; [mailto:RobertSmith@cityofwildomar.org]; [mailto:MarkTessier@cityofwildomar.org]
Subject: RE: Cannabis Report / Private School
Date: Friday, February 21, 2020 11:45:59 AM

David,
Thank you for your email and my apologies as I didn't see this email originally. We will review the information and make any corrections to the final radius map as part of the public hearing documents. So you know there will be a 600-foot buffer around the church property in the final version.

Matthew C. Bassi
Planning Director

City of Wildomar
23675 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
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(Friday's by Appointment)

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From: David White <david.deanna@aol.com>
Sent: Thursday, February 13, 2020 9:26 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Cc: talbertg@verizon.net; musicool@yahoo.com
Subject: Cannabis Report / Private School

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Mr. Bassi,

I wanted to write to you regarding a concern with the report associated with the, "Wildomar Cannabis Ordinance Initial Study-Neg. Dec. (ZOA-2020-04)"

The map in the report is missing an exclusion zone around a private school associated with the church I attend. Attached is a picture capture showing the location of the school/church.

I would like to know why the school does not deserve an exclusion zone, or if this was an oversight I would like your assurances that it will be rectified.

Link to map:
http://www.cityofwildomar.org/UserFiles/Servers/Server_9694733/File/Government/Departments/Planning/Environmental%20Documents/Wildomar%20Cannabis%20Ordinance%20Initial%20Study-Neg%20Dec%20Wildomar%20Cannabis%20Ordinance%20-%20Initial%20Study-Neg%20Dec.pdf



The school website is:
<https://www.mssca.info/home>

The school address is:
Murieta Springs Adventist Christian Academy
32477 Starbuck Circle, Murieta, CA 92562
phone (951) 461-2243

I look forward to hearing back from you.

Respectfully,

David White
Head Elder
Murieta Springs SDA Church
951-639-7286

----- Original Message -----

From: Lyndon Parsons <[mailto:lyndon@verizon.net]>
To: David White <david.deanna@aol.com>
Sent: Wed, Feb 12, 2020 8:50 pm
Subject: FW: urgent

Cumtuo,
Lyndon:

From: Don Dudley [mailto:Don.Dudley@netcma.org]
Sent: Wednesday, February 12, 2020 2:40 PM
To: Robert Smith; Louie Ortiz; Lyndon Parsons
Subject: FW: urgent

Gentlemen,
This email came to me today regarding Cannabis cultivation that will/may be happening in close proximity to the church and the school. I was contacted by Bert von Fohle and you can see from the email thread below.
This comes as an FYI.
Blessings,
Don
Donald A. Dudley
Superintendent of Schools

I-1

2. Response to Comments

Southeastern California Conference
Office of Education
11330 Firme St
Riverside CA 92505
(951) 509-2300
(951) 509-2392 Fax
Assisting schools to be grace oriented, academically excellent, financially prudent and distinctly Seventh-day Adventist Christian.

From: Berit von Pohle <Berit.vonPohle@adventistfaith.com>
Sent: Wednesday, February 12, 2020 11:48 AM
To: Don Dordley <Don.Dordley@seccosta.org>
Subject: FW: urgent

I will also forward this to Jon Daggett -- please keep us posted with anything you learn.

Berit

Berit von Pohle, Ed.D.
Director of Education
Pacific Union Conference
805.413.7312

From: Teryl Loeffler <Teryl.Loeffler@adventistfaith.com>
Sent: Tuesday, February 11, 2020 9:22 PM
To: Berit von Pohle <Berit.vonPohle@adventistfaith.com>
Subject: Fwd: urgent

h/vp,

Not sure what to make of this email I received from a previous WASC committee member.

Maybe Jon knows something???

!!

Teryl Loeffler
Assoc. Director of Ed., **Secondary**
Pacific Union Conference

Begin forwarded message:

From: Veronica Langworthy <vlangworthy20@gmail.com>
Date: February 11, 2020 at 8:48:05 PM PST
To: Teryl Loeffler <Teryl.Loeffler@adventistfaith.com>; "dennis clubelli@nw.nvuc.org" <dennis.clubelli@nw.nvuc.org>
Subject: urgent

Hi Teryl and Dennis,

It's been almost a year since I participated on the visiting committee at Thunderbird Academy in Arizona.

I wanted to share with you an upcoming action by the City of Wildomar that **could have a negative impact on Murietta Springs Adventist Christian Academy.**

<http://www.cityofwildomar.org/cms/One.aspx?portalId=8894827&pageId=10911316>

INITIAL STUDY & NEGATIVE DECLARATION Cannabis Ordinance Project Zoning Ordinance Amendment No. 2020-04

The city of Wildomar has 3 of 5 council members who are pushing forward to allow Cannabis cultivation, manufacturing, distribution, and testing and retail locations in our city. **According to the map (figure 3 on page 122) the church's school property** would be a possible cannabis cultivation, manufacturing, distribution and testing location even though the body of the document states there would be a 800 foot buffer around private and public schools.

Very few people in our area are aware that the council is moving forward so quickly with this plan. I wanted to make sure your school and faith community is aware so your voices can be heard before the end of the public review period on February 28, 2020.

Please call me on my cell phone 951-704-4210 if I can be of any assistance.

Respectfully,
Veronica Langworthy

2. Responses to Comments

I. Response to Comments from David White, dated February 13, 2020.

- I-1 The commenter states that the map provided in the report is missing an exclusion zone around a private school associated with a church. The commenter would like to know why the school does not contain an exclusion zone and requests that the issue is resolved if it was an oversight.

City Response - Please refer to Section 3, Revisions to the ND, which shows that Figure 2, *Possible Cannabis Retail Locations*, and Figure 3, *Possible Cannabis Cultivation, Manufacturing, Distribution, and Testing Locations*, have been updated to include the Murrieta Springs Adventist Christian Academy.

2. Response to Comments

LETTER J – Cornerstone Community Church, Dr. Ron Armstrong. (3 pages)

From: [Mark Teague](#)
To: [Jasmine Osman](#)
Subject: Fwd: From: Pastor Ron Armstrong Cornerstone Community Church regarding Cannabis ordinance
Date: Thursday, February 20, 2020 12:35:55 PM

From: Matthew Bassi
Sent: Thursday, February 20, 2020 11:44 AM
To: RON ARMSTRONG <Ron30355@aol.com>
Cc: Jeff Rosen <jrosen@go2cornerstone.com>; sprivett@ccs-w.org
Subject: RE: From: Pastor Ron Armstrong Cornerstone Community Church regarding Cannabis ordinance

Ron,
Thank you for your comments. We will be sure to add them to the public record as part of the Negative Declaration process.

Matthew C. Bassi

2. Responses to Comments

Planning Director

City of Wildomar

23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

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(Friday's by Appointment)

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From: RON ARMSTRONG <Ron30355@aol.com>

Sent: Thursday, February 20, 2020 11:38 AM

To: Matthew Bassi <mbassi@cityofwildomar.org>

Cc: Jeff Rosen <jrosen@go2cornerstone.com>; sprivett@ccs-w.org

Subject: From: Pastor Ron Armstrong Cornerstone Community Church regarding Cannabis ordinance

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Dear Mr. Bassi,

I've looked through the CEQA documents and it states that outlets will not be allowed within 600 ft. of "public/private school, a day care center, youth centers, and parks."

I'd like to draw your attention to three things as you work through this process:

1. On the map it shows a potential cannabis outlet site in the properties between Baxter and Cornerstone on Monte Vista Rd. I wanted to remind the staff that **Grace Christian School operates at 34878 Monte Vista Dr., #120.**

J-1

2. In the same center at 34878 Monte Vista Dr., multiple churches run youth programs for their congregations and the community.

3. The 600 ft. buffer is inadequate in the Scenic Highway Commercial areas because they often run along the freeway and have very few outlets. For example, on Monte Vista Rd., if someone is on Monte Vista, it doesn't matter if the buffer is 300 ft. or 5,000 ft., they will end up traveling the length of Monte Vista to get to either Baxter or Bundy Canyon. The 600 ft. buffer is inadequate to prevent traffic from the cannabis outlet being funneled in front of Cornerstone Christian School or Grace Christian School.

2. Response to Comments

J-1

CONT'D

We request that the exclusion area cover all of Monte Vista Rd. between Baxter Rd. and Bundy Canyon Rd. and in the alternative, that the exclusion at least be altered to reflect an exclusion zone around Grace Christian School and the other churches operating on Monte Vista Rd. near Baxter Rd.

J-2

Additionally, we request that consideration be given to other churches in Wildomar that operate youth programs at their facilities. To differentiate between a “youth center” and a church that operates youth programs seems arbitrary.

Thank you so much for allowing us to comment during this process and for the work that you and the staff do to make Wildomar such a nice community. We appreciate your work very much.

Sincerely,

Dr. Ron Armstrong
Senior Pastor
Cornerstone Community Church
Wildomar, CA

2. Responses to Comments

J. **Response to Comments from Cornerstone Community Church, Dr. Ron Armstrong, dated February 20, 2020.**

J-1 The commenter states that a potential cannabis outlet site is located between Baxter and Cornerstone on Monte Vista Road. The commenter would like to inform staff that Grace Christian School operates at 32878 Monte Vista Drive, #120. The commenter states that multiple churches run youth programs for their congregations and the community in the same center at 34878 Monte Vista Drive. The commenter states that a 600-foot buffer is inadequate in the Scenic Highway Commercial area because they often run along the freeway and have very few outlets. Moreover, the commenter states that the 600-foot buffer would not prevent traffic associated with the cannabis outlet from entering the vicinity of the Cornerstone Christian School or Grace Christian School. The commenter requests that the exclusion area cover all of Monte Vista Road between Baxter Road and Bundy Canyon Road. The commenter requests that the exclusion be altered to reflect an exclusion zone around Grace Christian School and other churches along Monte Vista Road, near Baxter Road.

City Response - According to Section 5026, Premises Location, of the Bureau of Cannabis Control regulations, a premises shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued.

Please refer to Section 3, Revisions to the ND, which shows that Figure 2, *Possible Cannabis Retail Locations*, and Figure 3, *Possible Cannabis Cultivation, Manufacturing, Distribution, and Testing Locations*, have been updated to include the Cornerstone Christian School and Grace Christian School.

J-2 The commenter states that differentiation between youth centers and churches that operate youth programs seem arbitrary. The commenter requests that consideration be given to other churches in Wildomar that operate youth program at their facilities.

City Response - As stated on page 3, Section II, *Existing Conditions*, a youth center is defined as any facility that is operated by a public agency or non-profit entity with the sole purpose of providing educational and/or recreational services to minors. For this reason, churches that provide these services would not be defined as youth centers because they do not provide services solely to minors. The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

LETTER K – Doug Reyes. (1 page)

From: [Matthew Bassi](#)
To: ["reyesdoug@hotmail.com"](mailto:reyesdoug@hotmail.com)
Subject: RE: No on Cannabis Ordinance
Date: Friday, February 21, 2020 10:58:01 AM

Doug,
Thank you for your email. I will be sure this becomes part of the public record for Commission and Council consideration.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

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(Friday's by Appointment)

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From: reyesdoug@hotmail.com <reyesdoug@hotmail.com>
Sent: Thursday, February 20, 2020 7:53 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: No on Cannabis Ordinance

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello sir,

K-1

As a Wildomar resident, I believe its my duty to let you know my disapproval of any ordinance involving marijuana.

I live in a family oriented community and we do not want any of those type of businesses in our community. I am sure many if not most residents would agree.

Thank you for time.

2. Responses to Comments

K. Response to Comments from Doug Reyes, dated February 20, 2020.

K-1 The commenter states that they do not want cannabis businesses in their community. The commenter indicates disapproval of the proposed project.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

LETTER L – California Department of Food and Agriculture, Lindsay Rains. (8 pages)



February 20, 2020

Matthew Bassi, Planning Director
City of Wildomar Planning Department
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
email: mbassi@cityofwildomar.org

Re: Review of Initial Study/Negative Declaration (SCH#2020019073) City of
Wildomar Cannabis Ordinance Project (ZOA No. 2020-04)

Dear Mr. Bassi:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Negative Declaration (IS/ND) (SCH#2020019073) prepared by the City of Wildomar for the proposed City of Wildomar Cannabis Ordinance Project (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012, subd. (a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA.

CDFA certified a Programmatic Environmental Impact Report (PEIR) for its cannabis licensing activities on November 13, 2017. The PEIR provided an evaluation at a statewide level of the types of impacts expected to be caused by cannabis cultivation, including the cumulative impacts that would be expected under the CalCannabis Cultivation Licensing Program.

CEQA Requirements for Annual State Cultivation License Applicants

Pursuant to state regulations, CDFA requires an annual license applicant to provide evidence of exemption from, or compliance with, CEQA (Cal. Code of Regs., tit.3 § 8102(r)). The evidence provided must be one of the following:

- (1) A signed copy of a project-specific Notice of Determination or Notice of Exemption and a copy of the associated CEQA document, or reference to where it may be located electronically, a project description, and/or any accompanying permitting



2. Responses to Comments

L-1
CONT'D

- documentation from the local jurisdiction used for review in determining site specific environmental compliance;
- (2) If an applicant does not have the evidence specified in subsection (1), or if the local jurisdiction did not prepare a CEQA document, the applicant will be responsible for the preparation of an environmental document in compliance with CEQA that can be approved or certified by [CDFA], unless [CDFA] specifies otherwise.

When the project has been evaluated in a site-specific environmental document previously certified or adopted by the local Lead Agency, CDFA will evaluate the project as a Responsible Agency, as provided in Section 15096 of the CEQA Guidelines. When the local jurisdiction prepares an NOE for a categorical exemption, CDFA will act as the CEQA Lead Agency and conduct an independent verification, as provided in Section 15300 et. seq. of the CEQA Guidelines, as to whether the exemption is appropriate for its purposes.

For a complete list of all license requirements please visit:
[static.cdfa.ca.gov/MCCP/document/CDFA Final Regulation Text 01162019 Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text%2001162019%20Clean.pdf).

CDFA's Comments on the IS/ND

CDFA offers the following comments concerning the IS/ND.

1. Need to Acknowledge and Consider CDFA Cannabis Cultivation Regulations

The IS/ND should acknowledge that CDFA is responsible not only for licensing, but also for regulation of cannabis cultivation and enforcement as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, §26102).

L-2

On January 16, 2019, California's three state cannabis licensing authorities (CDFA, Bureau of Cannabis Control, and Office of Manufactured Cannabis Safety) announced that the Office of Administrative Law (OAL) officially approved state regulations for cannabis businesses across the supply chain. CDFA's regulations implement MAUCRSA with respect to the regulation, licensure, and enforcement of cannabis cultivation activities. Cannabis may not be cultivated for commercial purposes without a license from the state, and cultivators are required to comply with all CDFA regulations related to cannabis cultivation. The City's IS/ND should acknowledge these regulations, which provide important information for both local jurisdictions and cannabis cultivation applicants regarding State cultivation requirements generally and measures they include intended to reduce the impacts of cannabis cultivation on the environment. These regulations can be found at California Code of Regulations, title 3, section 8000, et. seq.

The "Regulatory Setting" sections for resource topics should describe the requirements contained in CDFA's regulations that pertain to that topic, as well as the protections for resources provided by these regulations. In addition, the impact analysis for each of the



2. Response to Comments

L-2
CONT'D

following resource topics should consider the effects of state regulations on reducing the severity of impacts resulting from implementation of the Proposed Project.

- **Aesthetics** - CDFA's regulations pertaining to aesthetics, including requirements related to artificial lighting. (Cal. Code Regs., tit. 3 §§ 8304(c) and (g).)
- **Air Quality and Greenhouse Gas Emissions** - CDFA's regulations related to the following requirements:
 - Regulations pertaining to generator use and renewable energy. (Cal. Code Regs., tit. 3 §§ 8305, 8306.)
 - Protocols to reduce impacts to air quality resources, including requirements that prohibit burning of cannabis waste. (Cal. Code Regs., tit. 3 § 8308.)
- **Biological Resources** - CDFA's regulations related to the following requirements:
 - Enrollment in an order or waiver of waste discharge requirements with the SWRCB or the appropriate RWQCB. (Cal. Code Regs., tit. 3 § 8102(p).)
 - Requirement that applicants submit a copy of any final lake or streambed alteration agreement issues by CDFW, or verification that such agreement is not required. (Cal. Code Regs., tit. 3 § 8102(v).)
 - Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife. (Cal. Code Regs., tit. 3 § 8304(a).)
 - Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code. (Cal. Code Regs., tit. 3 § 8304(b).)
 - If the SWRCB or CDFW notifies CDFA that cultivation is causing significant adverse impacts on the environment in a watershed or geographic area, CDFA may not issue new licenses. (Cal. Code Regs., tit. 3 § 8216.)
 - Restrictions on use of generators. (Cal. Code Regs., tit. 3 § 8306.)
 - All outdoor lighting used for security purposes shall be shielded and downward facing and that mixed-light license types of all tiers and sizes

3



2. Responses to Comments

L-2
CONT'D

shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare. (Cal. Code Regs., tit. 3 §§ 8304(c) and (g).)

- **Cultural Resources** - CDFA regulations require that, if cultural resources are unexpectedly discovered during cultivation, the licensee must suspend activities immediately. (Cal. Code Regs., tit. 3 § 8304(d).)
- **Hazards and Hazardous Materials** – Cultivators must comply with CDFA regulations that:
 - Require cultivators to comply with CDPR laws and regulations related to cannabis cultivation. ((Cal. Code Regs., tit. 3 § 8307(a).)
 - Contain protections to minimize impacts related to hazards and hazardous materials, including pesticide storage and application requirements (See Cal. Code Regs., tit. 3 §§ 8106(a)(3) and 8307) and requirements that applicants conduct an EnviroStor search. (Cal. Code Regs., tit. 3 § 8102(q).)
 - Contain protocols to reduce potential effects from pesticide use, including compliance with all label requirements, storage of chemicals in a secure building, containment of leaks and spills, application of the minimum amount necessary to control the target pest, and prevention of off-site drift. (Cal. Code Regs., tit. 3 § 8307(b).)
 - Require enrollment in an order or waiver of waste discharge requirements with the SWRCB or the appropriate RWQCB. (Cal. Code Regs., tit. 3 § 8102(p).)
 - Require applicants to submit a copy of any final lake or streambed alteration agreement issues by CDFW, or verification that such agreement is not required. (Cal. Code Regs., tit. 3 § 8102(v).)
 - Require compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife. (Cal. Code Regs., tit. 3 § 8304(a).)
 - Require compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.(b)(l) of the Business and Professions Code. (Cal. Code Regs., tit. 3 § 8304(b).)



2. Response to Comments

L-2
CONT'D

- **Hydrology and Water Quality** – CDFA’s regulations related to the following requirements:
 - Require compliance with protocols to reduce impacts to hydrology and water quality resources, including some of the requirements listed above.
 - Requires cultivators to provide evidence of enrollment in an order or waiver of waste discharge requirements with the State Water Resources Control Board or the appropriate Regional Water Quality Control Board. (Cal. Code Regs., tit. 3 § 8102(p).)
 - Require submission of a copy of any final lake or streambed alteration agreement issues by CDFW, or verification that such agreement is not required. (Cal. Code Regs., tit. 3 § 8102(v).)
 - Require compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife. (Cal. Code Regs., tit. 3 § 8304(a).)
 - Require compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.(b)(l) of the Business and Professions Code. (Cal. Code Regs., tit. 3 § 8304(b).)
 - Require identification of all water sources used for cultivation activities. (Cal. Code Regs., tit. 3 § 8102(v).)
 - If the SWRCB or CDFW notifies CDFA that cultivation is causing significant adverse impacts on the environment in a watershed or geographic area, CDFA may not issue new licenses. (Cal. Code Regs., tit. 3 § 8216.)
 - Require compliance with regulations related to groundwater use. (Cal. Code Regs., tit. 3 § 8107(b).)
- **Noise** - CDFA regulations contain protocols to reduce noise impacts, including use of generators. (Cal. Code Regs., tit. 3 § 8306.)
- **Utilities and Service Systems** - CDFA’s regulations related to the following requirements:
 - Identification of all water sources used for cultivation activities. (Cal. Code Regs., tit. 3 § 8102(v).)



2. Responses to Comments

L-2
CONT'D

- Compliance with regulations for groundwater use. (Cal. Code Regs., tit. 3 § 8107(b).)
- Compliance with regulations for solid waste management (Cal. Code Regs., tit. 3 §§ 8108, 8308).)
- **Energy** - CDFA's regulations related to the following requirements:
 - Identification of all power sources used for cultivation activities. (Cal. Code Regs., tit. 3 § 8102(s).)
 - Compliance with renewable energy requirements. (Cal. Code Regs., tit. 3 § 8305.)
 - Compliance with regulations for generators. (Cal. Code Regs., tit. 3 § 8306.)
- **Cumulative Impacts** – See above for individual topics.

2. Ministerial Approvals

L-3

The City's IS/ND does not specify how the City intends to comply with CEQA for individual cannabis cultivation projects that would fall under the City's cannabis ordinance. The IS/ND states on page 3 that cannabis cultivators may operate within the I-P and M-SC zones only subject to approval of a regulatory license from the City, a conditional use permit, and a development agreement. However, the draft ordinance itself does not specifically state the requirement that cultivators obtain a discretionary conditional use permit prior to operation. Rather, the draft ordinance describes a ministerial approval process for local cannabis regulatory licenses (Draft Ordinance, § 5.76.060(D).) CDFA requests that the City of Wildomar clarify what licenses and permits would be required by the City upon adoption of its cannabis ordinance, and whether the issuance of each of these licenses and permits would be considered ministerial or discretionary for the purposes of site-specific CEQA compliance.

Note that CDFA cannot issue annual licenses for projects with ministerial approval absent a site-specific CEQA analysis. For projects approved by ministerial action, CDFA may issue provisional licenses only if the City provides evidence that site-specific CEQA compliance is underway (Bus. & Prof. Code § 26050.2). When local jurisdictions issue permits under a ministerial licensing process, CDFA may be required to act as Lead Agency for CEQA purposes.

3. CEQA Streamlining

L-4

CDFA encourages local jurisdictions to use CEQA streamlining options, when appropriate, including the use of a programmatic CEQA document to cover CEQA review for later activities. If the City of Wildomar intends to rely on the IS/ND for site-specific



2. Response to Comments

L-4
CONT'D

CEQA compliance for later activities, CDFA recommends that the City of Wildomar prepare Notices of Determination (NODs) and file them with the State Clearinghouse for activities approved in this manner.

Section 15168(c)(4) of the CEQA Guidelines recommends that:

Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.

If the City of Wildomar intends to rely on the IS/ND for site-specific CEQA compliance for site-specific cultivation projects, CDFA requests the City prepare a checklist for each subsequent activity, pursuant to Section 15168(c)(4), and provide copies to applicants, for inclusion with their applications to CDFA for state cultivation licenses. This would provide the documentation needed by CDFA of the City's reasoning in concluding that the proposed activity fits within the analysis covered by the City's IS/ND and that subsequent environmental review is not required.

4. Categorical Exemptions

When site-specific cultivation projects are determined by the City to be categorically exempt from CEQA, CDFA recommends that the City use one of the following options available for cultivation projects to document the City's determination:

- Complete an NOE for any projects where it can be demonstrated that the project would not have the potential for a significant effect on the environment (General Rule Exemption, CEQA Guidelines § 15061(b)(3)); or
- Complete an NOE for any projects qualifying for one or more classes of categorical exemption (CEQA Guidelines § 15300 et. seq.).

L-5

CDFA recommends that, in addition to notice-filing requirements under Public Resources Code section 21152 and CEQA Guidelines section 15062, local Lead Agencies file a copy of a NOE with the State Clearinghouse. CDFA further recommends that local Lead Agencies provide a copy of the signed and dated NOE, and evidence of posting if completed, to cultivation applicants so that applicants may provide this evidence to CDFA as part of their license application packages.

The attached *CEQA Practice Recommendations from CDFA for Cannabis Licensing – Categorical Exemptions* memoranda provides additional assistance to the City regarding the use of categorical exemptions. Note that the categorical exemptions memorandum consists of several parts. The memorandum itself discusses general requirements related



2. Responses to Comments

L-5
CONT'D

to categorical exemptions. Attached to the memorandum are three items for each of six exemption classes that may be applicable to cannabis cultivation projects. These three items are: (1) a flow chart for evaluating whether a proposed project qualifies for an exemption class and whether any of the exceptions apply; (2) an evaluation form that may be useful in documenting the decision-making process; and (3) instructions that provide information about how to complete the evaluation form.

Conclusion

CDFA appreciates the opportunity to provide comments on the IS/ND for the City of Wildomar Cannabis Ordinance. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 576-4161 or via e-mail at kevin.ponce@cdfa.ca.gov.

Sincerely,



Lindsay Rains
Licensing Program Manager



2. Response to Comments

L. Response to Comments from California Department of Food and Agriculture, Lindsay Rains, dated February 20, 2020.

The commenter lists several state laws that would apply to future projects.

L-1 The commenter states CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. The commenter defines CEQA requirements for Annual State Cultivation License Applicants and states CDFA will evaluate future projects as a Responsible Agency when the future project has been evaluated in a site-specific environmental document.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

L-2 The commenter states that the Initial Study/Negative Declaration should acknowledge and consider CDFA cannabis cultivation regulations. Further, the commenter identifies resource topics for impact analysis that should consider the effects of state regulations on reducing the severity of impacts resulting from implementation of the proposed project.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA. Future cannabis businesses must comply with applicable State laws and regulations.

L-3 The commenter states that the Initial Study/Negative Declaration does not specify how the City intends to comply with CEQA for individual cannabis cultivation projects and that CDFA cannot issue annual licenses for projects with ministerial approval absent site-specific CEQA analysis.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA. As stated on page 1 of the IS/ND, “The retail sale of cannabis would be conditionally allowed in the C-1/C-P (General Commercial), and C-P-S (Scenic Highway Commercial) zone districts; and the cultivation, manufacturing, distribution, and testing of cannabis would be conditionally allowed in the I-P (Industrial Park) and M-S-C (Manufacturing-Service Commercial) zone districts. The establishment of these uses will require the approval of a regulatory business license, the approval of a conditional use permit, and the approval of a development agreement.” A regulatory business license, conditional use permit and development agreement are discretionary permits and are required to comply with CEQA Guidelines as part of the city’s development review process.

L-4 The commenter offers CEQA streamlining recommendations for the City, given they rely on the Initial Study/Negative Declaration for site-specific CEQA compliance for site-specific cultivation projects.

2. Responses to Comments

City Response - The comment does not reflect the fact that future projects will require discretionary approvals that require their own CEQA compliance per state law. Nothing in the proposed Cannabis Ordinance allows ministerial approval of cultivation or sales of cannabis.

L-5 The commenter offers recommendations for categorical exemptions for site-specific cultivation projects and states that attached to the letter, is a CEQA Practice Recommendations from CDFA for Cannabis Licensing – Categorical Exemptions memoranda.

City Response - As lead agency on future projects conditionally permitted under the proposed Cannabis Ordinance, the City will determine the appropriate level of environmental compliance. The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

LETTER M – Greg and Veronica Langworthy. (2 pages)

Greg and Veronica Langworthy
21227 Front Street
Wildomar, California 92595

February 27, 2020

City Council and Planning Commission for the City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, California 92595

RECEIVED

FEB 27 2020

CITY OF WILDOMAR
CITY MANAGER'S OFFICE

RE: Wildomar Cannabis Ordinance Initial Study – Neg. Dec. (ZOA 2020-04)

Dear Council Members and Commissioners:

M-1

Friday, February 28th, is the “end date” for the public review of the “Wildomar Cannabis Ordinance initial study-Neg. Dec.(ZOA 2020-04).” Veronica and I have reviewed the Neg. Dec. and the proposed ordinance, and because of our concerns, we believe it is our responsibility to join with others in Wildomar challenging the conclusions of the Neg. Dec. and the belief of the council that the proposed ordinance is in the best interests of our city. At a recent council meeting about the changes in electrical service providers in the city, we learned that many were unaware of their need to opt-out to remain with their current provider. We believe that many in our city are likewise unaware of the steps the city is taking to legalize the sale and production of cannabis in our city and would be opposed if they knew what was happening without their knowledge.

This month on February 14th, we e-mailed two questions to Sheriff Chad Bianco concerning the ordinance, and we believe his answers provide valuable insight for city council members as they consider whether or not this ordinance is in the best interests of our city.

M-2

Our first question was **“Do cannabis legalization ordinances create any problems for law enforcement? If so, what are they?”** Sheriff Bianco’s responded on February 21, 2020 and wrote, *“The legalization ordinances do create issues for law enforcement. Some would say that by legalizing marijuana that it would free up law enforcement to focus on other crime. The fact is that law enforcement is now dealing with other issues associated with the legalization of marijuana. Drug dealers / marijuana dealers, bring their black-market sales near legal marijuana dispensaries to provide a cheaper marijuana for the consumer. The black-market sale of marijuana is also associated with crimes such as, theft, robbery, burglary, assault, and homicide. We also have seen an increase in loitering and smoking of marijuana in public areas.”*

Our second question was, **“What effect have cannabis legalization ordinances had on law enforcement and quality of life in cities which have adopted them?”** His answer to this question was: *“Quality of life issues associated with the cannabis legalization comes from the illegal activity associated with marijuana sites. We see that electricity and water is stolen and used by growers to keep these illegal sites operating. They often use illegal pesticides that are harmful to the environment and can be fatal to humans and animals. Our water supply is contaminated by chemicals and waste products used to fertilize the marijuana and protect the marijuana from animals and insects. The marijuana treated with illegal pesticides is then ingested by the consumer.”*

2. Responses to Comments

M-2
CONT'D

During the council discussions on this issue, those in favor of cannabis businesses in Wildomar argued that the ordinance would keep bad products out of the community, that there is no correlation between cannabis use and quality of life issues such as homelessness, gangs, crime, and graffiti; and that production of cannabis in Wildomar will have no environmental impact on our city.

However, Sheriff Bianco addresses two key assertions by the council. First, legalizing marijuana sale in the city would likely attract rather than discourage black market sales which would then attract the associated crimes of theft, robbery, burglary, assault, and homicide to the city. Second, black market cannabis production in Wildomar would have a definite negative environmental impact because of the illegal pesticides and waste products used in growing cannabis that would contaminate our environment.

A city-funded survey conducted in December 2017 concluded that those in Wildomar who responded to the survey **"...are quite strongly opposed to all manner of [cannabis] businesses within city limits"** (FM3 Research, Survey Conducted December 4-10, 2017). The results of this survey should give the council good reason to take the time necessary to carefully consider the possible impacts of the ordinance on our city and to have an open discussion with the residents of Wildomar before considering approval. In August 2010 (PC), September 2010 (CC) there was a related issue of Marijuana businesses in the city that was not moved forward due to public concerns.

M-3

Though the state of California has legalized cannabis businesses in the state, cannabis remains illegal under federal law. According to our Constitution, federal law supersedes state law and each council member, before taking office, swears an oath to "...support the Constitution of the United States." I believe each council member should therefore be willing to explain why he/she is not legally responsible to follow this federal law.

This year we have had two "Coffee with the City" meetings, and our mayor and council have highlighted the progress Wildomar has made since it became a city in 2008. Our council has worked to make the city fiscally stable with measure AA in order to develop our parks, fix our roads, promote our businesses (notably the "Miracle Mile"), and add a motorcycle policeman as well as an emergency fire truck: all which have improved the quality of life in our city. Recently we have learned that Wildomar is becoming a model city for addressing homelessness: our law enforcement team, working with SWAG, are making great progress toward solving a problem which plagues many cities in our state.

The central responsibility of our city council is to make decisions in the best interests of the residents of Wildomar, and the current state of our city is evidence that they have been doing their job. However, I think there are good reasons to believe that adopting this ordinance would have a negative impact on our city, and would not be the right thing to do for Wildomar.

Sincerely,


Greg and Veronica Langworthy

2. Response to Comments

M. Response to Comments from Greg and Veronica Langworthy, dated February 27, 2020.

M-1 The commenters state they have reviewed the Negative Declaration and the proposed ordinance. The commenters state they are challenging the conclusions of the Negative Declaration and the belief of the Council that the proposed ordinance is in the best interest of the city.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

M-2 The commenters state they have been in communication with a sheriff concerning the proposed ordinance and attended council discussions pertaining to cannabis in the community.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA. The comments of the Sheriff focus on illegal activity rather than the legal activity allowed by the proposed Cannabis Ordinance Project. The City assumes that all projects will comply with the legal requirements of the federal, state, and local regulations.

M-3 The commenters cite opposition to the adoption of a cannabis ordinance and indicate disapproval of the proposed project.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Responses to Comments

LETTER N – Nicholson Law Firm, Marty Nicholson, Attorney. (7 pages)



MARTY NICHOLSON, ESQ.

NICHOLSON LAW FIRM

February 27, 2020

City of Wildomar, Planning Department
Attn: Matthew Bassi, Planning Director
23873 Clinton Keith Road, Suite #201
Wildomar, CA 92595

*Via Electronic
Transmission and
U.S. Mail*

RE: *Opposition to Wildomar Cannabis Ordinance – Negative Declaration*

Dear Mr. Bassi:

I am writing on behalf of Neighbors United For A Safe And Healthy Community (hereinafter "Neighbors"), an informal association of concerned residents and individuals who oppose the City of Wildomar's ("City" and "Wildomar") proposal to adopt the cannabis ordinance using a negative declaration for its compliance with California Environmental Quality Act ("CEQA")

N-1

As you know a negative declaration may be issued after the Initial Study has determined that the project will not create significant environmental harm or any environmental harm can be mitigated to a less than significant level. (PRC § 21064) In the November 13, 2019 staff report, City Council was made aware that the California Supreme Court ruled "that the adoption of an ordinance permitting and regulating cannabis businesses is a 'project' subject to CEQA." (See Agenda Item #3.1 "Discussion") Neighbors believe that the Initial Study is faulty in its determination and that there are significant environmental factors that cannot be mitigated to a less than significant level, thus requiring the City to conduct a proper Environmental Impact Review ("EIR") so that the City's governing body has sufficient information before voting on the cannabis ordinance. (All quotes are referenced from the Cannabis Ordinance Initial Study.)

Some of the issues with the Initial Study are as follows:

N-2

1. **Faulty Development Assumptions.** The Initial Study is based on a faulty development assumption that Cathedral City is a proper bench mark to derive assumptions regarding the number of cannabis businesses likely to reside in Wildomar. The Coachella Valley, where Cathedral City is located, has an overall population of approximately 500,000, while Inland Valleys, where Wildomar is located, has a population of four million people. If Cathedral City has 49 licenses to serve a surrounding population of 500,000; then Wildomar's cannabis ordinance is likely to generate many times more for the 4 million people that inhabit Inland Valleys. To access Cathedral City, one must drive several hours through the Gorgonio Pass into the Coachella Valley, while Wildomar is conveniently located near

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PAGE 1

2. Response to Comments



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N-2
CONT'D

large, highly urban areas with a major state highway dividing it. Using Cathedral City as an indicator is faulty because it ignores geography and population densities which must be factored in. Thus, the entire Initial Study is based upon a faulty development assumptions which affects the entire analysis.

N-3

2. **No Cap.** The Initial Study identified a potential 225 retail sites and 42 cultivation sites within the City. The sheer numbers of potential cannabis retail sites and cultivation sites should indicate the need for a cap on the numbers allowed, if at all. One of the best reasons for city government is local control over its land use; however, in this matter the ordinance leaves the decision for how many sites to a state agency which does not know the City, its people, or the impact those decisions will have. Without a cap, the Initial Study has based its assumptions on faulty numbers.

N-4

3. **Land Use/Exposure to Youth.** Cannabis businesses cannot be located within 600 feet of a school, day care, park or youth center but excludes dance studios, gymnasiums, martial arts studios or other businesses that provide services to youth. The impact to existing youth service providers and businesses has not been properly analyzed and creates an unknown health and safety issue to Wildomar youth.

N-5

4. **Air Quality.** As stated in the Initial Study, the basin in which Wildomar is situated is in nonattainment. Nonattainment is a means Wildomar has poor air quality that fails to meet national standards for air quality. There are three pollutants identified in the Initial Study that are already part of the poor air quality in Wildomar including ozone, coarse particulate matter and fine particulate matter. These pollutants affect the health of every resident but are especially dangerous to children and seniors.
 - (a) **Ozone** can damage a person's lungs at high levels. At relatively low levels it can cause chest pain, coughing, shortness of breath and, throat irritation. It may also worsen chronic respiratory diseases such as asthma as well as compromise the ability of the body to fight respiratory infections.
 - (b) **Coarse particulate matter** can come from agricultural activities, like cultivation of cannabis and is linked to adverse health including respiratory and cardiovascular diseases. With the potential of 42 cultivation sites added to Wildomar, a city with poor air quality, this impact must be studied more thoroughly for informed decision making.
 - (c) **Fine particulate matter** (PM 2.5) are emitted from vehicles and tend to stay in the air longer because they are lighter. This pollutant can trigger chronic diseases like asthma, heart attack, bronchitis and other respiratory problems.

While South Coast Air Quality Management has adopted an Air Quality Management Plan directed at reducing air pollutants, adding cannabis retail and cultivation businesses will impact the air quality significantly and those impacts should be properly studied. The Initial Study identified that cannabis plants naturally emit terpenes, a volatile organic

2. Responses to Comments



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N-5
CONT'D

compound ("VOC"). These VOCs react in sunlight to create ground-level ozone. Ozone is extremely dangerous to human health (see above). There is absolutely no information about how much ozone might be created, what the added pollutant will do to the already poor air quality, or its effect on the residents.

The City Council must understand the adverse health impacts that are associated with the ordinance BEFORE they vote. The conclusion that the project will not result in an increase or severity of existing air quality violations is misleading and completely inaccurate conclusion. Adding cultivation which will create ground-level ozone and adding vehicles driving into the City to purchase cannabis will contribute additional ozone, coarse and fine particulate matter. The analysis on odors generated from cannabis businesses portrayed as "not known to be substantially offensive" to people is an inappropriate conclusion lacking any substantial evidence or information on which the City can make an informed decision.

The Initial Study failed to properly identify these dangers and a negative declaration fails to inform the City Council of the environmental impacts.

N-6

5. **Biological Resources.** While the City belongs to the Western Riverside Multiple Species Habitat Conservation Plan ("MSHCP") and development projects must comply with those requirements, there is no information as to what the cannabis plants would do to biological resources. It is known that ground-level ozone is a by-product of cannabis cultivation but no information as to how ground-level ozone will affect native species that currently reside in Wildomar. Additional information is required before an informed decision can be made.

N-7

6. **Cultural Resources.** The Initial Study states "[t]here is a probability that future cannabis could impact historic resources by removing or altering the exterior appearances. . ." However, the Initial Study concludes a less than significant impact based on the City's General Plan policies will protect those resources. This type of conclusionary analysis does not meet CEQA standards. Since there is a probability that impact could occur, conditions and mitigation measures should be discussed; the Initial Study incorrectly concludes no conditions or mitigation measures are required.

N-8

7. **Energy.** The Initial Study states that "year-round indoor cultivation requires substantial energy" and "energy use would be high" but concludes a "less than significant impact". Southern California is very familiar with rolling black outs due to high energy use during high summer temperatures. In the month of August temperatures in Wildomar average 97 degrees. According to weather experts, temperatures above 95 degrees is considered sweltering. There is no information how "substantial energy" users would impact rolling black outs when residents, especially seniors, require air conditioners.

Fuel consumption has been determined "to be temporary" and "would fluctuate" giving less than adequate information in which to make an informed decision. As stated before, the transportation trips have been determined by faulty assumptions with little to no

2. Response to Comments



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- N-8
CONT'D
- evidence to support the numbers. The Initial Study states “the Countywide Integrated Waste Management Plan, which requires a minimum diversion of 50 percent of waste project materials from disposal” to conclude the project would not obstruct a renewable energy or energy efficiency plan. Obviously, these conclusions require evidence to support them and the evidence provided is not reliable.
- N-9
8. **Geology and Soils.** The Initial Study states “future construction of new structures for cannabis businesses could result in potentially significant impacts” but concludes that compliance with best management practices would reduce the impact to less than significant. Since the City has a fault that runs through it, more information is required for decision making purposes.
- N-10
9. **Greenhouse Gas Emissions.** Cannabis cultivation operations would operate up to 24 hours a day and “could generate additional greenhouse gas emissions.” The Initial Study concludes that cannabis cultivation is similar to non-cannabis uses but fails to give any support for that conclusion. Discussion regarding California’s efforts at reducing greenhouse gas emissions (“GHG”) provides no information about how cannabis operations will reduce its GHG or how much GHG may be generated. Moreover, there is “no adopted local or regional GHG reduction plans applicable to future cannabis businesses.” This requires the City to conduct a more intensive environmental evaluation then conclusionary compliance statements so that the decisionmakers have sufficient information to make an informed decision.
- N-11
10. **Hazards and Hazardous Materials.** The information provided in the Initial Study fails to identify fertilizers, pesticides, or other chemical substances that will be introduced into Wildomar as a result of adopting the ordinance. These hazardous materials not only should be identified and their health impacts should be properly explained to decision makers. Hazardous waste disposal should be of paramount concern to City Council, yet no information has been provided. The Initial Study states, “[w]hile the risk of exposure to hazardous materials *cannot be eliminated*. . .” (Emphasis added.) Decision makers must know, before they decide, the environmental effects of their decisions and the Initial Study does not provide that information. Additionally, hazardous materials are transported to cannabis sites and expose the City to hazardous material spills due to potential accidents. These incidents do have a significant impact on emergency and evacuation plans.
- Moreover, Wildomar has been designated a Very High Fire Hazard Severity Zone and the Initial Study provides no information regarding the impact a potential 225 retail sites and 42 cultivation sites would have in the event of a fire. Burning cannabis will have adverse effects on Wildomar, if not the entire regions, and information on those effects are the purpose of CEQA review and yet have not been provided.
- N-12
11. **Hydrology and Water Quality.** While the National Pollution Discharge Elimination System (“NPDES”) regulates industrial pollutant discharges and the City has adopted

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PAGE 4

2. Responses to Comments



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N-12
CONT'D

codes to require compliance with regulations pertaining to wastewater discharge, the issue is the pollutants (i.e. cannabis) that may be in the waste water and how it will affect ground water in the future. The Initial Study discusses oils and greases from the parking areas but fails to discuss tetrahydrocannabinol ("THC"), the compounds found in cannabis. THC is the principal psychoactive constituent of cannabis. Information as to whether waste water will have cannabis or THC in it and its impact downstream is completely silent. Information regarding standard operating procedures in cannabis cultivation to prevent contamination of groundwater is also lacking.

The Initial Study does discuss the high use of water in cannabis cultivation but concludes the impacts are less than significant based on Elsinore Valley Municipal Water District's state of overdraft. No information has been provided as to the real concerns regarding future ability to provide water. Drought is a reoccurring feature of California's climate. The longer the drought, the bigger the impact, as carry-over supplies in reservoirs are depleted and water levels in groundwater basins decline. The Initial Study only states the overdraft condition currently but fails to analyze the long-term effects of "high use" of water due to cannabis cultivation.

N-13

12. **Land Use and Planning.** The discussion related to land use fails to analyze a single policy related to the addition of cannabis use and compatibility with General Plan goals, etc. Concluding "no changes to the Wildomar General Plan, or policies and regulations affecting environmental regulation in the City would occur" is false since the proposed ordinance is a change. Moreover, land use analysis should have stated policies and goals and how cannabis meets these goals. The Initial Study suffers from a proper analysis and lacks information to inform City Council.

N-14

13. **Noise.** The Initial Study states that the "nearest sensitive receptors to a project site would most likely be residences" and that they have a potential to impact those residences. While standards for noise in commercial and light industrial zones have been instituted, the Study fails to identify the noise emitted by cannabis businesses or that they meet those standards. Limiting noises by hourly restrictions is not sufficient information for decision makers to understand the noise impacts that would be attributed to this type of land use.

N-15

14. **Population and Housing.** The Initial Study fails to consider population decrease as residents move away from Wildomar due to its cannabis reputation or the loss of property values as a result of cannabis businesses. These issues have not been analyzed at all. Additionally, the Initial Study states "cannabis businesses can only occur on commercial and industrially zoned land and would therefore not interfere with housing development" is myopic at best. People vote with their feet and move away from areas that have high crime, drug users and morality issues which are issues that must be analyzed with cannabis businesses. The impact on Wildomar overall due to cannabis businesses has not been analyzed for these crucial issues.

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PAGE 5

2. Response to Comments



MARTY NICHOLSON, ESQ.

NICHOLSON LAW FIRM

- N-16 **15. Public Services.** The Initial Study focuses its analysis on the number of sworn officers per residents and security requirements. Issues such as drug dealers, black-market sales, theft, robbery, burglary, assault and homicide have not been addressed. Increases in undesirables loitering and smoking cannabis in public areas were not analyzed. Additionally, stealing of electricity and water and the illegal use of pesticides that are harmful and can be fatal to humans should be analyzed. Water contamination by individuals who fail to follow regulations can create a city environment no one wants to live in. None of these issues have been analyzed.
- Moreover, loitering and homeless individuals tend to move into public areas, like parks. The costs associated with the maintenance and supervision of parks have not been considered. The Initial Study only focused on development of parks; not the impact of cannabis users who may loiter in them.
- N-17 **16. Recreation.** As stated above, loitering, and homeless cannabis users tend to use local parks as “hang outs” and the Initial Study has not provided any information regarding those impacts to park services. More importantly, the cannabis industry would not provide any support for the added burden on park services according to the Initial Study.
- N-18 **17. Transportation.** The Initial Study uses trip numbers that appear too low in comparison with convenient stores. These low figures are probably a result of incorrect assumptions used. Cities notoriously provide trip generation rates and conclude less than significant impacts without consideration of the cumulative impact which has created the current impacts to Highway 15 locally. There is a gap between methodology from LOS to VMT and this project is falling between that gap based on lack of sufficient information. There is no discussion of impacts to highway ramps within Wildomar for decision makers to make an informed decision.
- N-19 **18. Utilities and Service Systems.** The Initial Study does discuss the high use of water in cannabis cultivation but concludes the impacts are less than significant based on Elsinore Valley Municipal Water District’s state of overdraft. No information has been provided as to the real concerns regarding future ability to provide water. Drought is a reoccurring feature of California’s climate. The longer the drought, the bigger the impact, as carry-over supplies in reservoirs are depleted and water levels in groundwater basins decline. The Initial Study only states the overdraft condition currently but fails to analyze the long-term effects of “high use” of water due to cannabis cultivation. More importantly, there is no discussion regarding the cumulative impact from potential 225 retail sites and 42 cultivation sites. More information is required before an informed decision can be made.
- N-20 **19. Wildfire.** Wildomar has been designated a Very High Fire Hazard Severity Zone and the Initial Study provides no information regarding the impact a potential 225 retail sites and 42 cultivation sites would have in the event of a fire. Burning cannabis will have adverse

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PAGE 6

2. Responses to Comments



MARTY NICHOLSON, ESQ.

NICHOLSON LAW FIRM

N-20
CONT'D

effects and information on those effects are the purpose of CEQA review and yet have not been provided.

N-21

20. **Cumulative Analysis.** The cumulative analysis related to a potential 225 retail sites and 42 cultivation sites is significantly lacking in information and requires more information especially in the areas of land use, air quality, hydrology, energy, geology, GHG, noise, population and housing, public services, recreation, transportation, utility and service systems, and wildfire.

For the reasons stated above, Neighbors respectfully request that the City Council of Wildomar and the Planning Department review the cannabis ordinance under an EIR to fully inform the City Council regarding the environmental impacts prior to consideration of the proposed Cannabis Ordinance.

Sincerely,

A handwritten signature in blue ink that reads "Marty J. Nicholson".

Marty J. Nicholson
Attorney

cc: City Council of Wildomar
Gary Nordquist, City Manager

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PAGE 7

2. Response to Comments

N. Response to Comments from Nicholson Law Firm, Marty Nicholson, Attorney, dated February 27, 2020.

N-1 On behalf of Neighbors United For A Safe And Healthy Community, the commenter states the Initial Study is faulty in its determination and that there are significant environmental factors that cannot be mitigated to a less than significant level.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

N-2 The commenter states that the initial Study is based on a faulty development assumption that Cathedral City is a proper benchmark to derive assumptions regarding the number of cannabis businesses likely to reside in Wildomar.

City Response - As explained on Page 10 of the IS/ND, the Bureau of Cannabis Control (BCC) Manages several types of license based on a statewide population of approximately 39 million, resulting in a per capital low to high range of 1:66,800 to 1:6,622 that will be used to estimate the potential number of licenses in the City. On page 11 of the IS/ND, it states that Cathedral City has an ordinance that is similar to Wildomar's proposed Cannabis Ordinance, and has permitted cannabis businesses without any caps on the number of businesses for several years. The point of including Cathedral City is to validate the per capita assumption based on information from the BCC that was used in the IS/ND.

N-3 The commenter states that without a cap on the number of cannabis retail sites and cultivation sites within the city, the Initial Study bases its assumptions on faulty numbers.

City Response - See Response to comment N-2. As the commenter does not provide substantial evidence to support this statement, this comment is considered personal opinion and does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

N-4 The commenter states that the impact to existing youth service providers and businesses has not been properly analyzed and creates an unknown health and safety issue to Wildomar youth.

City Response - The proposed Cannabis Ordinance Project establishes a 600-foot buffer perimeter as shown on Figures 2 and 3 of the IS/ND. As the City assumes that all residents will comply with the law that prohibits sale of cannabis to minors, there is no environmental impact to be evaluated.

2. Responses to Comments

N-5 The commenter states that the analysis on odors generated from cannabis businesses is an inappropriate conclusion lacking any substantial evidence or information on which the City can make an informed decision. Further, the commenter states that the Initial Study failed to properly identify dangers of air pollutants associated with the proposed project and a Negative Declaration fails to inform the City Council of the environmental impacts.

City Response - As stated on page 24 of the IS/ND, the short-term construction and long-term operation of future projects would comply with the air quality standards and City's Municipal Code, and potential air emissions for future development of cannabis-related construction would be reviewed in individual future applications. Construction associated with future development would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the project area include ozone-precursor pollutants (i.e., Reactive Organic Gases [ROG] and Nitrogen Oxide [NOx]) and PM10 and PM2.5. Construction-generated emissions are short term and of temporary duration, lasting as long as construction activities occur, but are considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance. Further, all criteria pollutant emissions are expected to remain below their respective thresholds.

City Response - As stated on page 27 of the IS/ND, potential odors could arise from the use of diesel construction equipment on future project sites, as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in an urban environment and are not known to be substantially offensive to adjacent receptors. Additionally, odors generated during construction activities would be temporary and would disperse rapidly. Additionally, cultivation sites can release terpenes during growing which would create odors. However, the SCAQMD CEQA Air Quality Handbook identifies certain land uses as sources of odors, such as agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The proposed ordinance would include conditions of approval that regulate odors, such as equipping the premises with an odor absorbing ventilation and exhaust system so that odor generated inside spaces and rooms that produce, use, and/or package cannabis within the business is not detected outside. Additionally, the proposed project is required to comply with the provisions of SCAQMD Rules including 402, 403, and 1113.

City Response - Without knowing the number of cultivators or the size of the cultivation, it is not possible to calculate the air quality impacts. Therefore, all cultivation must occur indoors to allow for filtration, and complete a project-specific environmental analysis on the air quality impacts. CEQA does not require speculation, and without information on whether there will be any cultivators in the City, it is not possible to predict impacts.

2. Response to Comments

- N-6 The commenter states that additional information is needed to inform what cannabis plants would do to biological resources and how ground-level ozone will affect native species that currently reside in Wildomar.

City Response - The proposed Cannabis Ordinance project does not allow outdoor cultivation; thus, the proposed ordinance would only apply to indoor cultivation. Therefore, no impacts to biological resources from cannabis plants would occur. See also response to comment G-1.

- N-7 The commenter states that the Initial Study incorrectly concludes no conditions or mitigation measures required for cultural resources and that these should be discussed since there is a probability that impact could occur.

City Response - The proposed Cannabis Ordinance does establish a regulatory framework for the licensure and operation of cannabis businesses in the City. Thus, the proposed project does not propose new development. As discussed in Section V, *Cultural Resources*, Policy OS 19.5 of the Open Space Element of the Wildomar General Plan would ensure that impacts to historical resources are minimized. Site-specific review and compliance with the General Plan policies that pertain to archaeological resources would ensure these resources are protected. Further, California Health and Safety Code Section 70520.5 requires that in the event that human remains are discovered within a project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative; all future projects would comply with existing law. For these reasons, no conditions or mitigations measures are required for cultural resources.

City Response - The City has an excellent relationship with local tribes, and developed standard mitigation measures that have applied to all development projects within the last five years since the passage of AB 52. These measures are included as Standard Conditions and Requirements in the discussion section of the IS/ND beginning on page 57. Because each project is unique, the City discusses these requirements with the tribes during the requisite consultation period, and makes changes as requested to protect the valuable resources. There is no development approved with this project, and all future development proposals permitted under the Cannabis Ordinance that would result in construction will require both a Conditional Use Permit and project specific CEQA compliance. As this is a project to establish a procedure for future projects to be considered as a discretionary act by the Planning Commission and City Council, and determining physical impacts is impossible at this time because there is no individual site that can be evaluated. Since there is no significant impact, there can be no mitigation. To ensure that future applicants understand that there are conditions of approval related to tribal impacts, they are listed in the IS/ND.

2. Responses to Comments

N-8 The commenter states that conclusions pertaining to the energy section of the Initial Study require evidence to support them and the evidence provided is not reliable.

City Response - The proposed Project is an ordinance that establishes a procedure for evaluating future cannabis retail and/or cultivation in the city. There is no development approved, and other than general; information regarding how much energy is potentially used for cultivation, without a project to evaluate there is no way of evaluating energy use. CEQA does not require speculation, and to estimate total energy usage without a project would be speculative. The proposed ordinance requires both a conditional use permit and a project-specific CEQA analysis that would be able to determine the energy usage based on actual information, and determine whether the operational characteristics warranted mitigation. In regard to the Countywide Integrated Waste Management Plan, recycling is required by Title 8 of the Wildomar Municipal Code. The City assumes that all residents, contractors, and developers, will comply with federal, state, and local regulations.

N-9 The commenter states that more information is required with regard to geology and soils for decision making purposes since the city has a fault than runs through it.

City Response - The proposed Cannabis Ordinance establishes a regulatory framework for the licensure and operation of cannabis businesses in the city. Thus, the proposed Cannabis Ordinance project does not propose new development. For this reason, it is unknown which sites may be developed, and CEQA does not require speculation. Project-specific CEQA compliance on future discretionary projects permitted under the proposed Cannabis Ordinance will determine whether there is a ground fault that would affect new construction. The City regularly processes development projects that must account for faults and comply with the 2019 the Seismic Design Requirements of the CBC.

N-10 The commenter states that the Initial Study fails to give any support and information for conclusions made regarding greenhouse gas emissions and cannabis cultivation operations in the city. The commenter states that this requires the City to conduct a more intensive environmental evaluation then conclusionary compliance statements so that the decisionmakers have sufficient information to make an informed decision.

City Response - Without a physical project to evaluate, determining GHG impacts would be speculative. The project-specific GHG impacts will be evaluated as part of the CEQA analysis that accompanies the conditional use permit.

N-11 The commenter states that the information provided in the Initial Study fails to identify fertilizers, pesticides, or other chemical substances that will be introduced into Wildomar as a result of adopting the ordinance. Further, the commenter states Initial Study provides no information regarding the impact a potential 225 retail sites and 42 cultivation sites would have in the event of a fire. The commenter states that the

2. Response to Comments

burning of cannabis will have adverse effects and information on those effects are the purpose of CEQA review which have not been provided.

City Response - As stated on page 41 of the IS/ND, future cannabis businesses could involve the use of hazardous substances including but not limited to fertilizers, pesticides, and chemical substances that could be used in manufacturing processes. Additionally, construction activities of future cannabis businesses could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides. The transport, use, storage, and disposal of these materials would comply with existing regulations established by several agencies, including the Department of Toxic Substances Control, the US Environmental Protection Agency (EPA), the US Department of Transportation, and the Occupational Safety and Health Administration. The proposed ordinance includes conditions of approval for cannabis businesses such as requiring an environmental plan for cultivation or manufacturing sites that indicate how cultivation and/or manufacturing will be conducted with state and local laws related to hazardous material disposal; and compliance with the provisions of California Fire Code (CFC) Section 407, CFC Chapter 53, and CFC Chapter 50, CFC Chapter 58, CFC Chapter 60, CFC Chapter 63, CFC Chapter 64, and CFC Chapter 57. Maintenance of future projects may require the use of cleaners, solvents, paints, and other custodial products that are potentially hazardous. The Riverside County Department of Environmental Health is the Certified Unified Program Agency (CUPA) for Riverside County and is responsible for consolidating, coordinating, and making consistent the administrative requirements, permits, inspections, and enforcement activities of state standards regarding the transportation, use, and disposal of hazardous materials in Riverside County, including Wildomar.

City Response - In response to fire, the City's Fire Department was consulted in preparation of this IS/ND, and given an opportunity to comment on the document. The City received no comments from the Fire Department, which was anticipated as the proposed Project does not result in any construction for them to review. Each business will be unique, which is why the proposed ordinance requires a conditional use permit that will be reviewed by the Fire Department.

- N-12 The commenter states that the Initial Study fails to discuss tetrahydrocannabinol ("THC"), the compounds found in cannabis and identify whether it will be present in wastewater, and its impact downstream. The commenter states that information regarding standard operating procedures in cannabis cultivation to prevent contamination of groundwater is lacking. Further, the commenter states the Initial Study fails to analyze the long-term effects of high use of water due to cannabis cultivation.

2. Responses to Comments

City Response - Without a physical project to evaluate, determining hydrology and water impacts would be speculative. The project-specific hydrology and water impacts will be evaluated as part of the CEQA analysis that accompanies the conditional use permit.

- N-13 The commenter states that the discussion related to land use fails to analyze a single policy related to the addition of cannabis use and compatibility with General Plan goals, etc. The commenter states that concluding no changes to the Wildomar General Plan, or policies and regulations affecting environmental regulation in the City would occur is false since the proposed ordinance is a change. The commenter states that the land use analysis should have stated policies and goals and how cannabis meets these goals.

City Response - The proposed Project creates a process for the future application of cannabis-oriented retail and industrial uses. The City's General Plan encourages both retail and industrial uses, and has several regulations and requirements that address the potential environmental impacts. Examples of regulation include the Wildomar Municipal Code, California Building Code, City design guidelines, and engineering standards. In addition, the City has the ability through the conditional use permit process to establish project specific conditions of approval. Finally, consistency with a General Plan is not an environmental impact. *The Highway 68 Coalition v. County of Monterey, et al. (Omni Resources LLC, Real Party in Interest)* (6th Dist. 2017) 14 Cal.App.5th 883.

- N-14 The commenter states that the Initial Study fails to identify the noise emitted by cannabis businesses or that they meet standards for noise in commercial and light industrial zones.

City Response - As stated on page 51 of the IS/ND, implementation of future projects could create new sources of noise at a project site. The major noise sources associated with a cannabis retailer project that would potentially impact existing and future nearby residences include off-site traffic noise, on-site mobile noise, mechanical equipment such as heating, ventilation, and air conditioning (HVAC), and parking area noise. Moreover, cannabis retailers would operate under limited hours, between 8 AM to 10 PM which coincides with the Table Sound Level Standards (Db L_{max}) of Section 9.48.040 of the Municipal Code. Noise level standards for the Retail Commercial and Light Industrial land use designations are 65 and 75 Db L_{max}, respectively. As the operation of the retail establishments use similar HVAC and cash register equipment to other commercial buildings, operational project noise would not exceed the noise level thresholds. Cannabis manufacturing, distribution, and testing sites could generate new sources of noise through the use of mechanical equipment and vehicular noise. All cannabis cultivation, manufacturing, distribution, and testing sites would be located on parcels within the I-P and/or M-SC zone where other agricultural, industrial, manufacturing, and commercial uses operate and create noise sources. Moreover, cannabis businesses could create noise through the use of generators, speakers, alarm systems, and shipping

2. Response to Comments

and receiving activities. Noise is one of several environmental issues that would be addressed at the project level as part of the CEQA analysis to evaluate the conditional use permit.

- N-15 The commenter states that the Initial Study fails to consider population decrease as residents move away from Wildomar due to its cannabis reputation or the loss of property values as a result of cannabis businesses. Further, the commenter states that the impact on Wildomar overall due to cannabis businesses has not been analyzed for these crucial issues.

City Response - A reduction in population or change in property value does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA. Furthermore, the assertion that the City's population and property values will decrease is not supported by substantial evidence.

- N-16 The commenter states that issues such as drug dealers, black-market sales, theft, robbery, burglary, assault and homicide have not been addressed; increases in undesirables loitering and smoking cannabis in public areas were not analyzed; stealing of electricity and water and the illegal use of pesticides that are harmful and can be fatal to humans should be analyzed; and the costs associated with the maintenance and supervision of parks have not been considered.

City Response - The commenter raises issues and impacts that are associated with illegal activities. As noted on page 50 of the IS/ND, there is no evidence to show that legally operating cannabis businesses generate additional calls for service. There was also no evidence provided by the Police Department regarding an increase in activities in response to the public review period on the IS/ND.

- N-17 The commenter states that the Initial Study has not provided any information regarding the impacts to park services from loitering and homeless cannabis users that tend to use local parks as hang outs.

City Response - There is no evidence in the record that adopting an ordinance to allow future consideration of cannabis businesses would result in an increased demand for park services. The proposed Cannabis Ordinance Project requires a 600-foot buffer from public/private schools (§17.315.060). Public use of parks is regulated by the City of Wildomar Municipal Code Section 9.52 that prohibits unlawful camping and loitering on public lands.

- N-18 The commenter states the Initial Study uses trip numbers that appear too low in comparison with convenience stores. The commenter states there is a gap between methodology from LOS to VMT and the project is falling between that gap based on lack of sufficient information. Further, the commenter states there is no discussion of

2. Responses to Comments

impacts to highway ramps within Wildomar for decision makers to make an informed decision.

City Response - The commenter provides no information to support the assertion that the Traffic Generation Rates shown in Table 17-1 on page 54 of the IS/ND are low. The information in the IS/ND was provided by a licensed Traffic Engineer and also the ITE 10th Generation Manual, 10th Edition.

N-19

The commenter states the no information has been provided as to the real concerns regarding future ability to provide water. The commenter states the Initial Study fails to analyze the long-term effects of high use of water due to cannabis cultivation. Further, the commenter states that there is no discussion regarding the cumulative impact from potential 225 retail sites and 42 cultivation sites.

City Response - As stated on page 66 of the IS/ND, the projected 2020 water demand and supply would be 36,205 acre-feet per year and 44,052 acre-feet per year; supply would exceed demand by 7,847 acre-feet/year (EVMWD 2016a). The 2030 and 2040 total water demands are 45,005 acre-feet/year and 53,605 acre-feet/year, respectively, and the 2030 and 2040 total water supplies are 52,971 acre-feet/year and 61,476 acre-feet/year, respectively (EVMWD 2016a). In 2030 and 2040, the supply would exceed the demand by 7,966 acre-feet/year and 7,871 acre-feet/year, respectively.

City Response - Water demand for indoor cultivation varies depending on whether the grower employs a water capture/reuse system; the use of dehumidifiers or modified air conditioning systems that can capture water for reuse can reduce water demand. However, based on existing research, indoor commercial cannabis cultivation could require up to 0.35 gallons per day per square foot of cultivated canopy, which may result in water demands of up to 0.39 acre-feet per year per 1,000 square feet of cultivated canopy area. With the small number of sites in the City that meet the locational criteria for cultivation, EVMWD has adequate water supply to meet the potential demands of cultivation.

N-20

The commenter states the Initial Study provides no information regarding the impact that a potential 225 retail sites and 42 cultivation sites would have in the event of a fire. The commenter states that burning cannabis will have adverse effects and information on those effects are the purpose of CEQA review and yet have not been provided.

City Response - The City's Fire Department was consulted in preparation of this IS/ND, and given an opportunity to comment on the document. The City received no comments from the Fire Department, which was anticipated as the proposed Cannabis Ordinance Project does not result in any construction for them to review. Each business will be unique, which is why the proposed ordinance requires a conditional use permit that will be reviewed by the Fire Department.

2. Response to Comments

N-21 The commenter states the cumulative analysis related to a potential 225 retail sites and 42 cultivation sites is significantly lacking in information and requires more information especially in the areas of land use, air quality, hydrology, energy, geology, GHG, noise, population and housing, public services, recreation, transportation, utility and service systems, and wildfire. On behalf of the Neighbors United For A Safe And Healthy Community, the commenter requests that the City Council of Wildomar and the Planning Department review the cannabis ordinance under an EIR to fully inform the City Council regarding the environmental impacts prior to consideration of the proposed Cannabis Ordinance.

City Response - Commenter summarizes the points of the letter that are addressed specifically in response to comments N-1 through N-21. Further, there is no additional evidence provided in this comment, or any of the other comments on the proposed Cannabis Ordinance Project that would support the requirement to prepare an environmental impact report (EIR).

2. Responses to Comments

LETTER O – Stan Crippen. (3 pages)

FW: Cannabis Ordinance

Mark Teague <mteague@placeworks.com>

Fri 2/28/2020 3:50 PM

To: Miles Barker <mbarker@placeworks.com>

FYI

From: Matthew Bassi <mbassi@cityofwildomar.org>

Sent: Friday, February 28, 2020 3:50 PM

To: Jasmine Osman <josman@placeworks.com>; Mark Teague <mteague@placeworks.com>

Subject: Fwd: Cannabis Ordinance

This just came. Not much about cega.

Matthew Bassi
Planning Director
City of Wildomar

Sent from my iPhone

Begin forwarded message:

From: Stan Crippen <stancrippen@mac.com>

Date: February 28, 2020 at 3:40:49 PM PST

To: Matthew Bassi <mbassi@cityofwildomar.org>

Subject: Cannabis Ordinance

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Dear Matthew and City Council Members,

Thank you for the extra effort of requesting public comments. This is an issue that I am passionate on, and could provide 40 years of thoughts and experiences on. I will spare you that, unless requested, and will abridge my thoughts and feelings.

O-1

As a teacher and school board member- Teaching in the community for 34 years and 10 years on the school board has given me a front row seat on the cannabis issue. I had the opportunity to teach a drug unit in my psychology class for over 25 years at Elsinore High School. My students were comfortable with me and shared open and honest opinions verbally and by the written word anonymously. Two of the biggest take away's I had from those conversations were A) Most of my 1,500 students that participated said that their first experience with cannabis came during middle school, and B) most received it from a family member. Increase the supply in a community, you increase the opportunity for their underage involvement. Is the value received in tax

2. Response to Comments

O-1 CONT'D	<p>and business license fees worth the risk of increasing the number of youth delaying and disengaging from their opportunity to succeed?</p> <p>As a therapist - Cannabis is often referred to as the “I don’t care” drug because of the disengagement that it causes the user to experience. That disengagement can result in lack of focus on work and relationships, and a withdrawal to an inner world of self focus which complicates individuals ability to succeed. What will be the cost on the youth, families, adults, and productivity of the community?</p>
O-2	<p>As a community member - In my meeting as a trustee with the city, concern has been shared concerning the homeless situation within the city and its impact on city financial and time resources. My best and most accurate guess is that nearly 100% of that population experienced or are continuing to experience cannabis use. Is welcoming increased availability within the city going to curtail the problem or exacerbate it?</p> <p>I guess my biggest question is, “Is it about the money received in taxes and fees?”. If so, what is the value received for our investment? Is it worth the probable and potential unintended consequences? If it is about economic enterprise and freedom of choice, do we then allow Topless Bars and Adult Book Stores or do we act with integrity attempting to promote the highest quality of life within the community?</p>
O-3	<p>As a school board trustee, I have been entrusted to do all that I can to promote the highest quality of education to all of our students. Every vote I make says “This vote is made to ensure that each individual student and all students as a whole, have the best lifelong opportunity to succeed as they leave our school district”. You have been entrusted by the community to have your vote say that you believe that this ordinance is in the long term best interest of building the best possible community for its residents. If it is not, it needs to be adjusted or withdrawn.</p> <p>To my government and history students, I would always suggest to them in issues where you see problems, always offer solutions. I could offer a solution stating that a 600 foot limit is just a little over a tenth of a mile and encourage a minimum of 1,500 feet. I could suggest that an amendment be added that increased problems relating to cannabis with our youth or community will result in the businesses contributing financially to absorb the monetary impact to the community. But, I’m sure you can tell that I see no benefit in this ordinance to improving the quality of life to the present and future residents of Wildomar when weighing it against the damage that can be caused.</p>

2. Responses to Comments

Respectfully submitted, Stan Crippen

2. Response to Comments

O. Response to Comments from Stan Crippen, dated February 28, 2020.

- O-1 The commenter asks if the value received in tax and business license fees is worth the risk of increasing the number of youth delaying and disengaging from their opportunity to succeed. The commenter asks what the cost will be on the youth, families, adults, and productivity of the community.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

- O-2 The commenter asks if welcoming increased availability of cannabis within the city is going to curtail the problem or exacerbate issues surrounding the homeless population. The commenter asks if the proposed project is about money received in taxes and fees.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

- O-3 The commenter states that if the proposed project is not in the long-term best interest of the community then the project needs to be adjusted or withdrawn. The commenter recommends that the 600-foot radius be expanded to 1,500 feet.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Responses to Comments

LETTER P – Laurie Nunnally. (2 pages)

From: Matthew Bassi <mbassi@cityofwildomar.org>
Sent: Monday, March 2, 2020 3:05 PM
To: Laurie Nunnally <laurienunnally1@gmail.com>
Cc: Marsha Swanson <mshanson@cityofwildomar.org>; Dustin Nigg <dnigg@cityofwildomar.org>; Mark Teague <mteague@placeworks.com>; Jasmine Osman <josman@placeworks.com>
Subject: RE: Wildomar Cannabis Ordinance Study

Ms. Nunally,
Thank you for your email. This will become part of the public record and I will forward to the Planning Commission and City Council as part of the public hearing report package for the April 1st and April 15th hearings on the code amendment.

Matthew C. Bassi

Planning Director

City of Wildomar

23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

City Hall Hours:

Monday - Thursday

8:00 a.m. - 5:00 p.m.

(Friday's by Appointment)

Please note that email correspondence with the City of Wildomar, along with attachments, may be subject to the California Public Records Act, and therefore, may be subject to disclosure unless otherwise exempt.

From: Laurie Nunnally <laurienunnally1@gmail.com>
Sent: Monday, March 2, 2020 2:38 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Cc: Marsha Swanson <mshanson@cityofwildomar.org>; Dustin Nigg <dnigg@cityofwildomar.org>
Subject: Wildomar Cannabis Ordinance Study

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

P-1 | Dear Mr Bassi,
Although I understand the deadline for public review in which members of the community can express their thoughts regarding the impending licensing of cannabis dispensaries in

2. Response to Comments

P-1
CONT'D

Wildomar has passed on Friday February 28. It is my hope that with the next hearing dated for April 1, you would still take the time to read and consider this email.

With that I would like to request the planning committee use serious discretion with respect to the zoning. I have reviewed the Preliminary Cannabis Radius Map and other than the referenced 600 ft. restriction around schools and day cares, there looks to be very little if any proposed restrictions. As a business owner 20+ years in a neighboring community, I can tell you having cannabis dispensaries, medical and now recreational absolutely has negative impacts for small business owners, and for a multitude of reasons. Personally for my own business I have the advantage of having a property manager who has seen the negative impacts for businesses at other centers they manage and thus has provided a provision in our leases that there will not be cannabis dispensaries in our center. Looking at the proposed map with permitted zones, it appears a primary area would be along Clinton Kieth, new development in this area has been a nice attraction to our community, license and permitting a recreational cannabis dispensary in any one of these newly developed centers would be a disappointment for all, and would surely show what little regard the city has for current merchants. We wont license or permit cannabis dispensaries (pot shops) within 600 ft of a school or daycare facility, yet we will consider permitting right next door to an ice cream shop, karate studio or anyone of a number of family oriented businesses, doesn't make sense to me. I understand the city is looking to the revenues part of this venture, while I hope this is truly the golden goose all are hoping for , I think that remains to be seen. As far as the financial cost to the city, this needs to be taken into consideration a little more seriously . One more point to this and this may not be the popular consensus or at least not popular with those who dare to state it, whether you, myself or anyone else likes it or not , marijuana absolutely is a narcotic drug, and considering the current homeless disaster, 90%+ driven through drug abuse/mental illness, that the city is so willing to support and contribute to the distribution of recreational drugs, through the license and permitting of recreational marijuana dispensaries(pot shops), is not a great reflection of us as a community.

I personally know of two separate medical industry businesses who were looking at Wildomar as new location prospects, but reconsidered once they learned our city would now have the inclusion of a guesstimated 5-6 recreational drug/marijuana dispensaries. Again not a redeeming value to new businesses looking at Wildomar to locate.

So with that it is my hope and that of many of our neighbors and friends in Wildomar , that you use the broadest discretion with respect to where you will permit pot shops.We will all be watching to see how you move forward with this.

Thank you for taking the time to read this,

--
Regards,

Laurie Nunnally
laurienunnally1@gmail.com

2. Responses to Comments

P. Response to Comments from Laurie Nunnally, dated March 2, 2020.

P-1 The commenter states that the proposed project would have negative impacts on small business owners. The commenter indicates disapproval of the proposed project.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

LETTER Q – California Department of Fish and Wildlife, Scott Wilson. (30 pages)



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 4, 2020
Sent via e-mail

Matthew C. Bassi
Planning Director
City of Wildomar Planning Department
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595

CANNABIS ORDINANCE PROJECT, ZOA NO. 2020-04 (PROJECT)
INITIAL STUDY/NEGATIVE DECLARATION (ND) SCH# 2020019073

Dear Mr. Bassi:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an ND from the City of Wildomar for the Cannabis Ordinance Project, ZOA No. 2020-04 (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Q-1

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 2 of 30

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Wildomar

Q-1
CONT'D

Objective: The proposed Project (Zoning Ordinance Amendment No. 2020-04) establishes the regulatory framework for licensing and operation of cannabis businesses—including cultivation, manufacturing, distribution, and testing laboratories—in the City of Wildomar. Modifications to the existing municipal code and adoption of new municipal code sections would allow the following:

- Retail sale of cannabis in General Commercial and Scenic Highway Commercial zones.
- Cultivation, manufacturing, distribution, and testing of cannabis in Industrial Park and Manufacturing-Service Commercial zones.

The Project stipulates that cannabis businesses must have required state and local licenses and that outdoor cultivation is prohibited. In addition, the Project places no limit on the number of cannabis businesses that may be established within the zoned areas and indicates that those businesses may either be housed in existing buildings (which may involve demolition or renovation) or request the ability to construct new buildings.

Location: The City of Wildomar is located in western Riverside County and has a total area of approximately 23.7 square miles. It is surrounded by Lake Elsinore to the north/northwest, Canyon Lake to the north, the City of Menifee to the northeast, the City of Murrieta to the south/southeast, and unincorporated Riverside County to the east, west, and southwest. Interstate 15 crosses the city from north/northwest to south/southeast. The City of Wildomar lies primarily within the Santa Margarita River Watershed, with some portions draining to the Santa Ana River Watershed.

COMMENTS AND RECOMMENDATIONS

Q-2

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). Although most cannabis businesses under the proposed ordinance are expected to be housed in existing buildings, the Initial Study/Negative Declaration (IS/ND) acknowledges that future construction of new buildings "could be located on parcels that contain habitat for special-status plant or wildlife

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 3 of 30

Q-2
CONT'D

species, or adjacent to wetlands, riparian habitats, or other waters of the U.S.” and that “such development could have potentially significant impacts on sensitive biological resources” (p. 24). However, the IS/ND provides no information about the location of these parcels or the “sensitive biological resources” occurring within or adjacent to these parcels. In addition, the IS/ND acknowledges that “demolition and/or renovations of older structures to accommodate future cannabis businesses” (p. 44) may also occur as a result of the proposed ordinance, which would also have potential impacts on biological resources depending on the location of such future projects. Absent any site- or project-specific information, including a biological baseline, it is unclear (1) whether the Project’s impacts (i.e., direct, indirect, and cumulative impacts) have been adequately identified and disclosed and (2) whether those impacts are less than significant.

CDFW recommends that the IS/ND be revised to include specific information on the location of parcels with “sensitive biological resources,” a complete assessment of those sensitive biological resources, and analysis of the Project’s potential impacts on those resources, as well as appropriate avoidance, minimization, and mitigation measures. In addition, all future project approvals (discretionary or ministerial) resulting from the proposed ordinance should analyze whether there are potential impacts that were not previously analyzed under the revised document. For projects that were not previously analyzed, site-specific surveys and analysis should be required. The revised document should identify the anticipated CEQA documentation for forthcoming projects approved pursuant to this ordinance.

Section 15074(b) of the CEQA Guidelines requires the City of Wildomar to consider comments received during the public review process, and CDFW has identified potentially significant environmental effects and impacts. Absent the City of Wildomar’s attention to incorporating CDFW’s comments and including appropriate mitigation measures or project revisions to reduce the impacts to a less than significant level in the final adopted document, future revisions to the final document may be necessary under CEQA Guidelines before CDFW can issue permits for any future projects resulting from the proposed ordinance.

CDFW offers the following comments and recommendations to assist the City of Wildomar in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to the Project’s consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Assessment of Impacts on Biological Resources

Q-3

The IS/ND stipulates that future development resulting from the Project will comply with “all local, state, and federal laws pertaining to biological resources” and that compliance will include “site-specific biological evaluation, wetland delineation, pre-construction requirements for sensitive species, and payment of MSHCP fees” (pp. 24 and 25). However, deferring site-specific evaluation of new construction to the future prevents the

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 4 of 30

City of Wildomar from determining with certainty that the Project will have no significant impacts.

The IS/ND lacks sufficient, specific, and current biological information on the existing habitat and potential species in the Project area. To enable CDFW staff to adequately review and comment on the Project, a complete assessment of the biological resources within and adjacent to all potential future project locations should be included. For example, page 24 of the IS/ND states “[t]he sizes and locations of future businesses are unknown at this time; however, such future development could be located on parcels that contain habitat for special-status plant or wildlife species, or adjacent to wetlands, riparian habitats, or other waters of the U.S. Such development could have potentially significant impacts on sensitive biological resources.” Absent identifying site-specific biological assessments, and subsequent CEQA discretionary review processes, the IS/ND has identified a potentially significant impact without also having identified avoidance, minimization, or mitigation measures—an unmitigated impact. Without establishing a biological baseline by incorporating site-specific biological surveys, CDFW believes it is inappropriate to deem future projects consistent with a Community Plan, General Plan, or Zoning pursuant to California Code of Regulations, section 15183. The revised document should include a requirement that subsequent projects conduct a biological resources assessment utilizing the established survey protocols at the appropriate time of year and weather conditions to maximize species detection probability. The revised document should also require the survey results to be publicly circulated through a subsequent CEQA review process.

Q-3

CONT'D

With respect to biological surveys, particular emphasis should be placed on identifying rare, threatened, endangered, or sensitive species and their habitats. (Further information about survey protocols may be found at CDFW's website: <https://wildlife.ca.gov/Conservation/Survey-Protocols>). In addition, avoidance and minimization measures, as well as mitigation measures that would reduce potential impacts to a level that is less than significant if impacts cannot be avoided, should be included in the analysis of Project impacts.

The California Natural Diversity Database (CNDDB) is a positive-detection database only, meaning that the absence of species data reported by CNDDB does not indicate absence of the species from a project site. The CNDDB indicates the potential for special status species in or adjacent to the Project area, including, but not limited to, Bell's sage sparrow (*Artemisiospiza belli belli*), California glossy snake (*Arizona elegans occidentalis*), California horned lark (*Eremophila alpestris actia*), California Orcutt grass (*Orcuttia californica*), coastal California gnatcatcher (*Polioptila californica californica*), coast horned lizard (*Phrynosoma blainvillii*), loggerhead shrike (*Lanius ludovicianus*), Munz's onion (*Allium munzii*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), orange-throated whiptail (*Aspidoscelis hyperythra*), quino checkerspot butterfly (*Euphydryas editha quino*), red-diamond rattlesnake (*Crotalus ruber*), Riverside fairy shrimp (*Streptocephalus woottoni*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), southern California legless lizard (*Anniella stebbinisi*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), spreading navarretia (*Navarretia*

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 5 of 30

Q-3 | *fossalis*), western pond turtle (*Emys marmorata*), and western spadefoot (*Spea*
CONT'D | *hammondi*), as well as the following:

Burrowing Owl (*Athene cunicularia*)

The Project area has the potential to support both nesting and foraging habitat for burrowing owl (*Athene cunicularia*), a California Species of Special Concern. CDFW recommends that the City of Wildomar follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (2012), available at CDFW's website (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>).

Q-4 | The *Staff Report on Burrowing Owl Mitigation* specifies that project impact evaluations include the following: (1) habitat assessment, (2) surveys, and (3) an impact assessment. The three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owls. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, in and within a reasonable distance of the proposed Project area.

Crotch Bumble Bee (*Bombus crotchii*)

Q-5 | Crotch bumble bee is a Candidate Endangered species under CESA. As a Candidate species, *B. crotchii* receives the same legal protection as Endangered or Threatened species under CESA (Fish & G. Code, § 2085). The IS/ND does not analyze potential impacts to *B. crotchii*. Therefore, CDFW recommends that an entomologist conduct a focused survey for *B. crotchii* based on the species' need. Special focus should be placed on identifying potential nest and overwintering sites as any ground disturbance may lead to take of adults, eggs, or larvae that are in the ground.

Golden Eagle (*Aquila chrysaetos*)

Q-6 | Consistent with CEQA Guidelines, section 15380, the status of the golden eagle as a Fully Protected species (Fish & G. Code, § 3511) qualifies it as an endangered, rare, or threatened species under CEQA. The abundance of golden eagles in California is currently unknown, and little is known about populations trends, although in some areas of their range, they are thought to be declining. The threats to this species include habitat loss (particularly foraging and nesting habitat), poisoning from pesticides and lead ammunition, and collision with man-made structures (e.g., wind turbines; CDFW 2018a).

Use of pesticides in cannabis cultivation may impact golden eagles by direct poisoning (Henny et al. 1987, Littrell and Hunter 1988, Fleischli et al. 2004, Pimentel 2005, Mineau and Palmer 2013); secondary poisoning through ingestion of prey that ingested rodenticides (Mendelssohn and Paz 1977, Elliott et al. 1996, Pimentel 2005); starvation

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 6 of 30

Q-6
CONT'D

from decreased prey availability (Wengert 2015); alterations of the thyroid gland that negatively impact thyroid homeostasis and metabolism (Pandey and Mohanty 2015); reduction in egg production and reduced clutch sizes (Pimentel 2005, Berny 2007); decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997); and reduction in clotting ability causing mortality from excessive bleeding as a result of minor wounds from prey (Erickson and Urban 2004). Even if used indoors, pesticides such as rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals that are disposed of outside. In addition, improper use, storage, or disposal of pesticides may also have impacts on this species.

Q-7

Vegetation removal for cultivation sites or structures may impact golden eagles that use large trees for nesting and cover (Zeiner et al. 1990). Additionally, vegetation clearing can cause habitat loss, fragmentation, and create edge effects that permeate far beyond the cultivation site (Harris 1988, Murcia 1995). Roads can also be a source of mortality for raptors, and roads have also been shown to decrease reproductive success of eagles (Anthony and Isaacs 1989, Varland et al. 1993, Trombulak and Frissell 2000). Noise from road use, generators, and other equipment may be disruptive to hunting and nesting golden eagles, and exposure to vehicle noise has been shown to increase stress hormone levels in some raptor species (Hayward et al. 2011). The level of impact depends on how close the road is to the nest site, how much use it gets, and how accustomed any particular pair is to road noise. Golden eagles may be more susceptible to disturbance such as this than other eagles, such as bald eagles (personal communication, Carrie Battistone, CDFW). Artificial light may attract or disorient nesting golden eagles (Ogden 1996, Longcore and Rich 2004, 2016), and it can also suppress the immune system of birds (Moore and Siopes 2000). Therefore, Project impacts on golden eagles should be assessed.

Least Bell's Vireo (*Vireo bellii pusillus*)

Because the Project will occur within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), additional considerations may be required. Briefly, if least Bell's vireos are present at the Project site, then 90% of the occupied portions of the property that provide for long-term conservation value for vireos would typically be conserved. Conservation of suitable habitat within 100 meters of undeveloped landscape adjacent to conserved habitat may also be required under the MSHCP.

Q-8

Consistent with CEQA Guidelines, section 15380, the status of the least Bell's vireo as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 et seq.) and the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. Least Bell's vireos were abundant and widespread in the United States until the 1950s (Grinnell and Miller 1944). By the 1960s, they were considered scarce (Monson 1960), and by 1980, there were fewer than 50 pairs remaining (Edwards 1980), although this number had increased to 2,500 by 2004 (Kus and Whitfield 2005). The primary cause of decline for this species has been the loss and alteration of riparian woodland habitats (USFWS 2006). Fragmentation of their preferred habitat has also increased their exposure to brown-

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 7 of 30

Q-8
CONTD

headed cowbird (*Molothrus ater*) parasitism (Kus and Whitfield 2005). Current threats to their preferred habitat include colonization by nonnative plants such as *Arundo donax* and altered hydrology (diversion, channelization, etc.; USFWS 2006).

Pesticides used in cannabis cultivation may impact least Bell's vireos by poisoning (Fleischli et al. 2004, Pimentel 2005); depleting the prey base, leading to localized population declines of vireos (Hallmann et al. 2014); alterations of the thyroid gland that negatively impact thyroid homeostasis and metabolism (Pandey and Mohanty 2015); reduction in egg production and reduced clutch sizes (Pimentel 2005, Berny 2007); and decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997). Improper use, storage, or disposal of pesticides may also have impacts on this species. In addition, pesticides and/or fertilizers can run off into watersheds polluting them and degrading habitat quality (Bauer et al. 2015, Carah et al. 2015). Fertilizer runoff has also been shown to cause algae outbreaks in wetlands.

Construction affects least Bell's vireos by decreasing and/or fragmenting intact habitat. Greenhouses and other operation-related structures are often constructed in 100-year floodplains that require grading and fill; they frequently have concrete floors, which create a permanent construction footprint that cannot be readily converted back to floodplain (Poff et al. 1997). Wang et al. (2017) found that development in such areas can disconnect rivers from their natural floodplains, as well as displace, fragment, and degrade essential riparian habitat. Finally, least Bell's vireos have been documented striking stationary objects such as those that might be associated with the construction of greenhouses (Ball et al. 1995).

Vegetation removal affects least Bell's vireos by altering the vegetation structure. The species requires a well-developed shrub layer for foraging and breeding (Rosenberg et al. 1991), which is often removed to create openings beneath the tree canopy for placement of greenhouses and other structures. Vegetation clearing also degrades the habitat by creating openings that are more easily colonized by nonnative plant species such as *Arundo donax* and *Tamarix* sp. In addition, removal of native vegetation fragments the habitat, which creates more edge areas. These edge areas have been shown to benefit brown-headed cowbird (*Molothrus ater*) as well as nest predators such as California scrub jay (*Aphelocoma californica*) and other corvids. Lastly, these and other edge effects such as noise and artificial light permeate far beyond the site (Harris 1988, Murcia 1995).

Imported soils used in cultivation can often contain invasive nonnative plant species (Butsic and Brenner 2016). Invasive nonnative plant species have been shown to reduce habitat quality for least Bell's vireos. In addition, nonnative species often proliferate along roads and trails; therefore, construction and/or use of roads and trails within and adjacent to riparian habitat can facilitate the spread of these invasive species (Brothers and Spingarn 1992, Greenberg et al. 1997).

Noise from road use, generators, and other equipment may disrupt least Bell's vireo mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009), and Bayne et al. (2008) found that songbird abundance and density

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 8 of 30

Q-8
CONT'D

were significantly reduced in areas with high levels of noise. Additionally, noise exceeding 70 dB(A) may affect feather and body growth of young birds (Kleist et al. 2018). Artificial light may attract or disorient migrating least Bell's vireos by disrupting navigation (Ogden 1996, Longcore and Rich 2004, 2016) and may also suppress their immune system (Moore and Siopes 2000). In addition, songbirds that live in areas with artificial light often begin morning choruses during night hours (Derrickson 1988, Miller 2006, Fuller et al. 2007), which may disrupt typical breeding behaviors.

Stephens' Kangaroo Rat (*Dipodomys stephensi*)

The Project occurs within the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) fee area boundary. State and federal authorizations associated with the SKR HCP provide take authorization for Stephens' kangaroo rat within its boundaries, and the MSHCP provides take authorization for Stephens' kangaroo rat outside of the boundaries of the SKR HCP, but within the MSHCP area boundaries. The revised document should identify if any portion of the Project will occur on SKR HCP lands or on Stephens' kangaroo rat habitat lands outside of the SKR HCP but within the MSHCP. Note that the SKR HCP allows for encroachment into the Stephens' kangaroo rat Core Reserve for public projects; however, there are no provisions for encroachment into the Core Reserve for privately owned projects. If impacts to Stephens' kangaroo rat habitat will occur from the proposed Project, the revised document should specifically quantify permanent impacts to Stephens' kangaroo rat core habitat and the appropriate mitigation to compensate for those impacts.

Q-9

Consistent with CEQA Guidelines, section 15380, the status of Stephens' kangaroo rat as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. Stephens' kangaroo rats are endemic to southern California. They have experienced significant range contractions historically from habitat loss from urbanization and conversion of land for agriculture (Zeiner et al. 1990). Habitat loss as well as continued degradation and fragmentation continue to threaten the species.

Use of pesticides in cultivation could impact Stephens' kangaroo rat by poisoning from herbicides, as their diet primarily consists of vegetation and seeds (Zeiner et al. 1990, Freemark and Boutin 1995, Pimentel 2005); poisoning from rodenticides (Sánchez-Barbudo et al. 2012); reduced litter sizes (Grue et al. 1997, Pimentel 2005); alteration of ovarian development and function (Tiemann 2008); decreased coordination and motor skills and slow response rates to noise (Wolansky and Harrill 2008); decreased ability to thermoregulate (Ahdaya et al. 1976, Grue et al. 1997); elimination of food and cover resources (Johnson and Hansen 1969, Spencer and Barrett 1980); and short-term hypothermia (Grue et al. 1991, Gordon 1994). Improper use, storage, or disposal of pesticides may also have impacts on this species.

Vegetation removal may impact Stephens' kangaroo rats as they use vegetation for cover from predators, and they require seeds, grasses, and forbs for forage (Zeiner et al. 1990). Additionally, vegetation clearing would result in further habitat loss and fragmentation, as

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 9 of 30

Q-9
CONT'D

well as create edge effects that permeate far beyond the cultivation site (Harris 1988, Murcia 1995). Habitat loss and fragmentation are threats to current populations of Stephens' kangaroo rats. Road construction and use often result in mortality for small mammals (Trombulak and Frissell 2000) and further fragment otherwise suitable habitat.

Artificial light has been shown to suppress the immune system of some mammals (Bedrosian et al. 2011), and it can cause disruption of normal circadian rhythms. Rodents often decrease foraging in higher light levels due to higher risk of predation (Clarke 1983, Daly et al. 1992, Bird et al. 2004). Cultivation operations and construction areas often have significant amounts of noise from generators and other equipment. Rodents have been shown to increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues are masked by noise (Rabin et al. 2006). This can result in unnecessary increased energy expenditure that may negatively impact survival.

Tricolored Blackbird (*Agelaius tricolor*)

Q-10

Consistent with CEQA Guidelines, section 15380, the status of the tricolored blackbird as a threatened species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. Tricolored blackbird populations, which once numbered in the millions in California, have declined significantly in recent years according to state censuses (CDFW 2018b). The long-term decline is primarily related to habitat loss and degradation (including both the nesting vegetation and the larger foraging landscape) from urbanization and conversion to agriculture (Beedy et al. 2017). Tricolored blackbirds require three resources for successful nesting: (1) secure nesting vegetation, (2) a source of water, and (3) foraging habitat (usually much larger in extent than the nesting vegetation) that provides sufficient insect food resources. Loss of any of these habitat components can result in an area becoming unsuitable for breeding. Additional known or suspected threats to the tricolored blackbird include destruction of breeding colonies when nesting vegetation is harvested, high levels of predation by native and nonnative predators, direct and indirect (food resources) effects of pesticides, killing as an agricultural pest through shooting or poisoning, drought, and climate change. The species' colonial breeding nature puts it at increased risk from many of these threats (CDFW 2018b).

Pesticides used in cannabis cultivation may impact tricolored blackbirds by poisoning (Fleischli et al. 2004, Pimentel 2005, Mineau and Palmer 2013); starvation or reductions in reproductive success from decreased prey availability (Hallmann et al. 2014); alterations of the thyroid gland that negatively impact thyroid homeostasis and metabolism (Pandey and Mohanty 2015); impaired immune function (Gibbons et al. 2015); reduction in reproductive capacity, including declines in egg production and reduced clutch sizes (Pimentel 2005, Berny 2007, Gibbons et al. 2015); decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997); declines in fat stores and body mass (Gibbons et al. 2015, Eng et al. 2017); and disorientation, which may inhibit regular behavior and movement. Improper use, storage, or disposal of pesticides may also have impacts on this species.

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 10 of 30

Q-10
CONT'D

Wetlands are an important component of tricolored blackbird habitat, particularly for nest sites but also for roosting sites in the nonbreeding season (Beedy 2008). Pesticides and fertilizers can run off into watersheds polluting them and degrading habitat quality (Bauer et al. 2015, Carah et al. 2015). Fertilizer runoff has also been shown to cause algae outbreaks in wetlands.

Vegetation removal may impact tricolored blackbirds as they require sufficient vegetation to provide cover for the nest (Beedy 2008). This is especially true at sites where tricolored blackbird colonies have bred in the past, or when the vegetation removed includes plant species that provide high-quality nesting habitat (e.g., emergent wetland plants, Himalayan blackberry, thistles, nettles, and certain agricultural grain fields). Vegetation removal can also reduce the extent of available foraging habitat, which is critical for successful nesting by tricolored blackbird colonies. Additionally, vegetation clearing can cause fragmentation and create edge effects that permeate far beyond the site (Harris 1988, Murcia 1995). Invasive plant species may also reduce habitat quality for tricolored blackbirds, and many activities involved in cannabis cultivation can exacerbate this issue. Imported soils used on many cultivation sites can often contain invasives (Butsic and Brenner 2016), and road use can increase the spread of invasive plant species (Brothers and Spingarn 1992, Greenberg et al. 1997). Areas where greenhouses or other structures are constructed also often become degraded and are prone to establishment of invasives as are areas where vegetation removal is taking place (Mallery 2010).

Noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs, which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009). Bayne et al. (2008) found that songbird abundance and density were significantly reduced in areas with high levels of noise. Artificial light may attract or disorient tricolored blackbirds, disrupting their navigation (Ogden 1996, Longcore and Rich 2004, 2016), and it can also suppress the immune system of birds (Moore and Siopes 2000). Additionally, songbirds that live in areas with artificial lights often begin morning choruses during night hours (Derrickson 1988, Miller 2006, Fuller et al. 2007).

White-Tailed Kite (*Elanus leucurus*)

Q-11

Consistent with CEQA Guidelines, section 15380, the status of the white-tailed kite as a Fully Protected species (Fish & G. Code § 3511) qualifies it as an endangered, rare, or threatened species under CEQA. White-tailed kites, once threatened with extinction in California primarily due to habitat loss, shooting, and egg collection, recovered substantially in the mid-1900s (Dunk 1995). The current population size in California is unknown, but the population is known to fluctuate relative to vole populations (their primary prey). Threats to white-tailed kites include habitat loss from conversion and vegetation clearing, drought, and disturbance at nest sites (Dunk 1995).

Use of pesticides in cannabis cultivation may impact white-tailed kites by direct poisoning (Henny et al. 1987, Littrell and Hunter 1988, Fleischli et al. 2004, Pimentel 2005, Mineau and Palmer 2013); secondary poisoning through ingestion of prey that ingested rodenticides (Mendelssohn and Paz 1977, Elliott et al. 1996, Pimentel 2005); starvation

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 11 of 30

Q-11
CONT'D

from decreased prey availability (Wengert 2015); alterations of the thyroid gland that negatively impact thyroid homeostasis and metabolism (Pandey and Mohanty 2015); reduction in egg production and reduced clutch sizes (Pimentel 2005, Berny 2007); decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997); and reduction in clotting ability causing mortality from excessive bleeding as a result of minor wounds from prey (Erickson and Urban 2004). Even if used indoors, pesticides such as rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals that are disposed of outside. In addition, improper use, storage, or disposal of pesticides may also have impacts on this species.

Vegetation removal may impact white-tailed kites that use trees for nesting and cover; they require areas with dense groves of trees and high canopy cover for nesting and roosting (Zeiner et al. 1990). Additionally, vegetation clearing can cause fragmentation and create edge effects that permeate far beyond the cultivation site (Harris 1988, Murcia 1995). Roads can be a source of mortality for raptors, and roads have also been shown to decrease reproductive success of some raptors (Anthony and Isaacs 1989, Varland et al. 1993, Trombulak and Frissell 2000). Noise from road use, generators, and other equipment may be disruptive to hunting white-tailed kites, and exposure to vehicle noise has been shown to increase stress hormone levels in some raptor species (Hayward et al. 2011). Artificial light may attract or disorient white-tailed kites (Ogden 1996, Longcore and Rich 2004, 2016) and can also suppress the immune system of birds (Moore and Siopes 2000).

Southwestern willow flycatcher (*Empidonax traillii extimus*)

Q-12

Consistent with CEQA Guidelines, section 15380, the status of the southwestern willow flycatcher (*Empidonax traillii extimus*) as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 et seq.) and the willow flycatcher (*Empidonax traillii*), including all subspecies, as endangered under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies this species (and subspecies) as an endangered, rare, or threatened species under CEQA. The willow flycatcher is a Neotropical migrant that breeds in the western United States, and in California, it is primarily restricted to the Sierra Nevada and southern Cascades and was historically widespread in riparian willow thickets and montane meadow complexes. However, the quantity and quality of suitable habitat was significantly reduced by the removal and destruction of riparian vegetation, overbrowsing by livestock, cowbird parasitism, and water diversions and groundwater pumping that altered the riparian vegetation on which they rely (Serena 1982, Ehrlich et al. 1988, USFWS 2014).

Pesticides used in cannabis cultivation may impact willow flycatchers by poisoning (Fleischli et al. 2004, Pimentel 2005), starvation from decreased prey availability (Hallmann et al. 2014), alterations of the thyroid gland that negatively impact thyroid homeostasis and metabolism (Pandey and Mohanty 2015), reduction in egg production and reduced clutch sizes (Pimentel 2005, Berny 2007), and decreased ability to thermoregulate and short-term hypothermia (Grue et al. 1997). Improper use, storage, or disposal of pesticides may have impacts on this species. Pesticides and fertilizers can also

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 12 of 30

Q-12
CONT'D

run off into watersheds polluting them and degrading habitat quality (Bauer et al. 2015, Carah et al. 2015). In addition, fertilizer runoff has been shown to cause algae outbreaks in wetlands. Their nesting territories are exclusively in vegetation communities that are adjacent to wetlands (e.g., rivers, streams, and lakes; Zeiner et al. 1990, USFWS 2014).

Construction could also impact willow flycatchers by decreasing available habitat. Greenhouses and other operation-related structures are often constructed in 100-year floodplains that require grading and fill; they frequently have concrete floors, which create a permanent construction footprint that cannot be readily converted back to floodplain (Poff et al. 1997). Wang et al. (2017) found that development in such areas can disconnect rivers from their natural floodplains, as well as displace, fragment, and degrade essential riparian habitat. Vegetation removal for cultivation sites may impact willow flycatchers as they require dense, expansive vegetated areas for nesting sites (Zeiner et al. 1990, USFWS 2014). Additionally, vegetation clearing can cause fragmentation and create edge effects that permeate far beyond the cultivation site (Harris 1988, Murcia 1995). Willow flycatchers are known to live in a metapopulation structure that is most secure when the sites are well connected (USFWS 2014); fragmentation from clearing for cultivation sites could, therefore, negatively impact the connections between populations in the metapopulation.

Noise from road use, generators, and other equipment may disrupt willow flycatcher mating calls, which could impact their reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has been shown to reduce the density of nesting birds (Francis et al. 2009). Bayne et al. (2008) found that songbird abundance and density were significantly reduced in areas with high levels of noise. Artificial light may attract or disorient migrating willow flycatchers, disrupting their navigation (Ogden 1996, Longcore and Rich 2004, 2016). It can also suppress the immune system of birds (Moore and Siopes 2000). Additionally, songbirds that live in areas with artificial lights often begin morning choruses during night hours (Derrickson 1988, Miller 2006, Fuller et al. 2007).

Nesting Birds

Q-13

It is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

CDFW recommends that the revised document include the results of avian surveys as well as specific avoidance and minimization measures to ensure that impacts to nesting birds

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 13 of 30

Q-13
CONT'D

do not occur. Project-specific avoidance and minimization measures may include, but are not limited to, project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The revised document should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If preconstruction surveys are proposed, CDFW recommends that they be completed no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

Cannabis-Specific Impacts on Biological Resources

Artificial Light

Q-14

Cannabis cultivation operations often use artificial lighting or “mixed-light” techniques in both greenhouse structures as well as indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant environmental risks as they contain mercury and other toxins (O’Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Even aquatic species can be affected; migration of salmonids can be slowed or halted by the presence of artificial lighting (Tabor et al. 2004, Nightingale et al. 2006). Phototaxis, a phenomenon which results in attraction and movement toward light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

CDFW recommends that light should not be visible outside of any structure used for cannabis cultivation. Use blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle all lighting that contains toxic compounds with a qualified recycler.

Fencing

Q-15

Temporary and/or permanent fencing is often erected around cultivation sites or structures. Fencing can be a hazard to wildlife causing entanglement and mortality (van der Ree 1999, Stuart et al. 2001, Harrington and Conover 2006). CDFW recommends using wildlife-friendly fencing at cultivation sites or structures.

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 14 of 30

Fertilizers/Imported Soils

Q-16

Cultivation of cannabis requires a nitrogen-rich soil environment, and thus, many cultivators use fertilizers and imported soils to increase the nitrogen content of the local soils. Nutrient enrichment can increase the abundance of pests and pathogens, and the use of imported soils can contain invasive plant or animal species that harm native biodiversity (Matson et al. 1997, Johnson et al. 2010, Butsic and Brenner 2016). Excess nutrients from fertilizers that run off into watersheds can cause nutrient imbalances in the watershed that kill fish and other wildlife (NDIC 2007) and decrease the activity of aquatic species (Xu and Oldham 1997). Fertilizer runoff can also cause algae outbreaks, which, when they begin to decay, deplete the water of oxygen, suffocating fish and other aquatic life (Mallery 2010). CDFW recommends using organic fertilizers and avoiding synthetic fertilizers, as well as minimizing use of fertilizers in areas where it is likely they could run off into watersheds.

Greenhouse Construction and Other Development in Floodplains

Q-17

Construction of greenhouses and other operation-related structures can result in degradation of habitat, habitat loss, and fragmentation. Floodplains are an important physical and biological part of riverine ecosystems. All rivers flood, and flooding is a natural and reoccurring event. Ecological services provided by riverine floodplains include trees and vegetation that anchor riverbanks, preventing bank erosion; sustaining commercial fisheries and listed anadromous salmonid populations by providing river habitat such as shade, overhanging banks, habitat complexity, large woody debris, insect and foliage drop contributing to the aquatic food chain, and high-flow refugia for fish during flood events; vitally important habitat to numerous riparian-dependent wildlife species, such as reptiles, amphibians, bats, and migratory songbirds; and natural filters, absorbing nutrients and other pollutants from water and making rivers healthier for drinking, swimming, and supporting fish and wildlife species.

Greenhouses and other operation-related structures are often constructed in 100-year floodplains and require grading and fill; they frequently have concrete floors, which create a permanent construction footprint that cannot be readily converted back to floodplain (Poff et al. 1997). Wang et al. (2017) found that development in such areas can disconnect rivers from their natural floodplains, as well as displace, fragment, and degrade essential riparian habitat. Furthermore, development in floodplains can reduce the benefits of natural flooding regimes including deposition of river silt on valley floor soils and recharging of wetlands.

Development in floodplains is vulnerable to erosion and flood damage. Once structures are built and threatened by river flooding, property owners often seek to armor riverbanks and build or raise levees to prevent future property damage. Thus, not only does development displace riparian and floodplain habitat when it is built, but it often results in further riparian habitat and floodplain loss through rock armoring and levee construction. Floodplains also provide vital water storage capacity during flood events. Significantly, development in floodplains cuts off floodplains or displaces floodplain volume and flood storage capacity, often resulting in higher flood stages and more or greater flooding downstream. Flood-

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 15 of 30

damaged properties also have a high potential to result in contaminant releases into river systems.

Greenhouses and other operation-related structures may require fuel clearance (under fire codes: Pub. Resources Code, § 4291), which often requires vegetation clearing. Thus, these areas often become degraded and are prone to establishment by invasive species. The response of local wildlife populations to development can last several decades after the habitat alterations have occurred (Hansen et al. 2005). Additionally, the effects of development can alter ecological processes and biodiversity in areas that are far removed from the construction area (Hansen et al. 2005, Johnson and Klemens 2005).

Q-17
CONT'D

CDFW recommends that no greenhouses or any operation-related structures be constructed within floodplains of any wetland or stream. If construction cannot be prevented, CDFW recommends the following avoidance and minimization measures: Ensure that construction minimizes site degradation, and use mechanisms to prevent establishment of invasive species on the construction site. Create a physical buffer between structures and natural waterbodies; a minimum of 100 feet measured from the top of the bank or edge of riparian area, whichever is greater, is suggested (Johnson and Klemens 2005). However, note that although buffer zones can effectively "reduce pollutants from runoff" and "serve as a screen for wetland wildlife," many species "respond to changes in surrounding uplands at a scale much broader than the narrow strip encompassed within these zones" (Johnson and Klemens 2005, p. 78). Finally, where project construction necessitates temporary ground disturbance and vegetation removal in the habitat buffer, the disturbed buffer area should be restored to enhance fish and wildlife habitats and water quality. This enhancement could include decompacting soil, site recontouring, and revegetation with native species.

Noise

Q-18

Construction for cannabis operations may result in a substantial amount of noise through road use, equipment, and other project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). (For reference, normal conversation is approximately 60 dB, and natural ambient noise levels [e.g., forest habitat] are generally measured at less than 50 dB.) Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

CDFW recommends restricting the use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning). Do not use generators except for temporary use in

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 16 of 30

Q-18
CONT'D

emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. Consider use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55- to 60-dB range within 50 feet from the source.

Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

As mentioned previously, cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berry 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. Raptors (e.g., hawks and owls) and mammalian carnivores (e.g., fishers) are some of the common victims of secondary poisonings by anticoagulant rodenticides (Mendelssohn and Paz 1977, Gabriel et al. 2015, 2018). Even nonlethal doses of pesticides can negatively affect wildlife; pesticides can comprise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

Q-19

CDFW recommends minimizing use of synthetic pesticides, and, when they are used, always use them as directed by the manufacturer, including proper storage and disposal. Anticoagulant rodenticides should not be used at cultivation sites, particularly those that incorporate "flavorizers" that make the pesticide appetizing to a variety of species. Alternatives include sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), physical barriers, and snap traps (indoor use only) to control pest populations at and around cultivation sites.

Because of the potential for Project activities to involve the use of pesticides, including fungicides, herbicides, insecticides, and rodenticides, CDFW recommends that the City of Wildomar include a mitigation measure in the revised document conditioning the Project to development of a plan to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation. CDFW recommends the inclusion of the following mitigation measure:

MM BIO-1: For all projects allowed under the Cannabis Ordinance Project (ZOA No. 2020-04), prior to construction and issuance of any grading permit, the City of Wildomar should develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: proper use, storage, and disposal of pesticides; prohibition of pesticides that cannot be used on cannabis in the state of California; avoidance of anticoagulant rodenticides and rodenticides with "flavorizers"; and inclusion of alternatives to toxic rodenticides, such as sanitation, physical barriers, and snap traps (indoor use only).

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 17 of 30

Q-19
CONT'D

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-1. The draft MMRP for MM BIO-1 is enclosed at the end of this letter.

Roads

Q-20

Cannabis operations often require the construction of new roads or maintenance and increased use of existing ones to access cultivation areas. Roads can cause soil erosion and surface runoff that can transfer sediment into streams (Beschta 1978, Seyedbagheri 1996, Richardson et al. 2001). Vegetation clearing for road construction can also result in changes in species composition (Trombulak and Frissell 2000). Vehicle traffic on roads can have a number of environmental impacts including alteration of the physical and chemical environments such as soil compaction (Helvey and Kochenderfer 1990), dust mobilization that limits plants' ability to photosynthesize (Farmer 1993), and disruption of surface water flow (King and Tennyson 1984, Wemple et al. 1996), and there is a great deal of research showing that roads can increase the spread of invasive species (Brothers and Spingarn 1992, Greenberg et al. 1997, Gelbard and Belnap 2003, Ansong and Pickering 2013). Road use can also result in wildlife mortality, altered abundances and diversity of wildlife, and modification of animal behavior (Trombulak and Frissell 2000). Additionally, wildlife mortality can occur as a result of road construction (Trombulak and Frissell 2000). Cumulatively, roads can have an even more significant impact as increased road density may compound the documented effects of roads. For example, road density has been shown to affect habitat selection in frogs (Vos and Chardon 1998). Both independently and collectively, these impacts have the potential to affect public trust resources.

CDFW recommends limiting the construction of new roads and properly using and maintaining existing roads when possible. Restore drainage areas connected to current roadways to limit environmental impacts like erosion and diversion of surface flow. When new roads must be constructed or reconstructed, use practices that minimize environmental impacts

(http://www.pacificwatershed.com/sites/default/files/roadsenglishbookapril2015b_0.pdf).

Vegetation Clearing

Q-21

Construction for cannabis operations can often include clearing of existing vegetation, which can have numerous impacts on the local ecosystem. Vegetation removal may result in the loss of special status plant species and the loss of habitat that supports numerous wildlife species. Clearing may also cause fragmentation and loss of sensitive habitats (Bauer et al. 2015) and create edge effects that permeate far beyond the cultivation site (Harris 1988, Murcia 1995). The activities associated with clearing may also disturb associated soil seed banks that sustain local plant populations. Removal of vegetation has also been shown to make communities vulnerable to colonization by invasive plant species and to spread pathogens (Mallery 2010). Additionally, the abundance of dried vegetation remaining after removals may increase risk for fires.

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 18 of 30

Q-21
CONT'D

CDFW recommends that before vegetation removal a qualified biologist survey for the presence of special status plants and suitable habitat for special status wildlife species (at the appropriate time of year and weather conditions to maximize species detection probability). In addition, vegetation removal should be conducted outside of nesting season for bird species (Fish and Game Code 3503, 3511, 3513). If present, conduct protocol-level surveys for special status wildlife and develop appropriate avoidance and minimization or mitigation plans. Plan the site to minimize edge habitat and fragmentation. Utilize existing disturbed areas whenever possible for site development.

Water Pollution

Cannabis cultivation and construction can result in the delivery of pollutants into nearby streams and waterways. Cultivation can result in delivery of sediment, nutrients, petroleum products, and pesticides into streams and other waters, degrading the water quality and increasing turbidity (Reid and Dunne 1984, Bauer et al. 2015, Carah et al. 2015). CDFW recommends using best management practices to ensure minimal runoff and sediment delivery into waters near cultivation sites and confirming that all Regional Water Quality Control Board requirements are met.

Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

Q-22

Within the Inland Deserts Region, CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per section 2800, et seq., of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please visit: <http://rctlma.org/epd/WR-MSHCP>.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. The City of Wildomar is the Lead Agency and is a signatory to the Implementing Agreement of the MSHCP. As such, the City should identify in the revised document any zoned areas under the proposed ordinance change that fall within MSHCP Criteria Cells. Note that areas outside Criteria Cells may still have species survey requirements.

Because of the uncertainty of Project activities encroaching into MSCHP Criteria Cells, CDFW recommends that the City of Wildomar include a mitigation measure in the revised

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 19 of 30

Q-22
CONT'D

document conditioning the Project to demonstrate compliance with the MSHCP and its associated Implementing Agreement. CDFW recommends the inclusion of the following mitigation measure:

MM BIO-2: For each subsequent project allowed under the Cannabis Ordinance Project (ZOA No. 2020-04), prior to construction and issuance of any grading permit, the City of Wildomar shall demonstrate compliance with the MSHCP and its associated Implementing Agreement via the completion of the Joint Project Review (JPR) process through the Western Riverside County Regional Conservation Authority (RCA) or via the provision of written correspondence from the RCA, the U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife stating that the project is not subject to the JPR process.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-2. The draft MMRP for MM BIO-2 is enclosed at the end of this letter.

Lake and Streambed Alteration (LSA) Program

LSA Agreements

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the floodplain of a body of water.

Q-23

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether an LSA Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code, § 21065). To facilitate issuance of an LSA Agreement, if necessary, the revised document should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources.

2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 20 of 30

Role of the LSA Program in Cannabis Licensing

Q-23
CONT'D

The California Department of Food and Agriculture requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). Cannabis cultivators may apply online for an LSA through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>). A Self-Certification, General Agreement, or Standard Agreement may be issued depending on whether the project meets appropriate criteria as determined by CDFW.

ENVIRONMENTAL DATA

Q-24

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs., title 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

Q-25

CDFW appreciates the opportunity to comment on the IS/ND to assist the City of Wildomar in identifying and mitigating Project impacts on biological resources. CDFW concludes that the IS/ND does not adequately identify the Project's significant, or potentially significant, impacts on biological resources. Deficiencies in the City of Wildomar's CEQA documentation can affect later project approval by CDFW in its role as a Responsible Agency. CDFW recommends that the City of Wildomar revise the document to include specific information on the location of parcels with "sensitive biological resources," a complete assessment of those sensitive biological resources, and analysis of the Project's potential impacts on those resources, as well as appropriate avoidance, minimization, and mitigation measures. In addition, all future project approvals (discretionary or ministerial) resulting from the proposed ordinance should analyze whether there are potential impacts that were not previously analyzed under the revised document. For projects that were not

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 21 of 30

Q-25
CONT'D

previously analyzed, site-specific surveys and analysis should be required. The revised document should identify the anticipated CEQA documentation for forthcoming projects approved pursuant to this ordinance.

Section 15074(b) of the CEQA Guidelines requires the City of Wildomar to consider comments received during the public review process, and CDFW has identified potentially significant environmental effects and impacts. Absent the City of Wildomar's attention to incorporating CDFW's comments and including appropriate mitigation measures or project revisions to reduce the impacts and effects to a less than significant level in the final adopted document, future revisions to the final document may be necessary under CEQA Guidelines before CDFW can issue permits for any future projects resulting from the proposed ordinance.

CDFW understands that cannabis businesses are a new area of operation for the City of Wildomar. As the City moves forward, please keep in mind that CDFW has Cannabis Unit staff who are available to provide guidance on impacts to biological resources and CDFW permitting matters. If you have any questions or would like to set up a meeting with CDFW staff to discuss this letter, please contact Heather Brashear, Environmental Scientist, at (909) 948-9625 or at Heather.Brashear@Wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager

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2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 22 of 30

Mitigation Monitoring and Reporting Program for the City of Wildomar Cannabis Ordinance Project (ZOA No. 2020-04)

Mitigation Measure	Timing and Methods	Responsible Parties
Biological Resources		
BIO-1: Develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: <ul style="list-style-type: none"> • Proper use, storage, and disposal of pesticides. • Prohibition of pesticides that cannot be used on cannabis in the state of California (including pesticides not registered for food use in California, California restricted materials, and pesticides on the groundwater protection list, as set forth by the Department of Pesticide Regulation). • Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." • Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers), physical barriers, and snap traps (indoor use only). 	Timing: Prior to construction and issuance of any grading permit. Methods: The City of Wildomar may consult a qualified biologist, as well as a hazardous materials specialist, to complete the plan.	Implementation: City of Wildomar. Monitoring and Reporting: City of Wildomar.
BIO-2: Demonstrate compliance with MSHCP and its associated Implementing Agreement. For each subsequent project allowed under the Cannabis Ordinance Project (ZOA No. 2020-04), compliance with the MSHCP and its associated Implementing Agreement should be	Timing: Prior to construction and issuance of any grading permit. Methods: The City of Wildomar will complete the JPR process through the RCA or obtain written	Implementation: City of Wildomar. Monitoring and Reporting: City of Wildomar.

2. Response to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 23 of 30

demonstrated via the completion of the Joint Project Review (JPR) process through the Western Riverside County Regional Conservation Authority (RCA) or via the provision of written correspondence from the RCA, the U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) stating that the project is not subject to the JPR process.	concurrence from the RCA, USFWS, and CDFW stating that the project is not subject to the JPR process.	
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2. Responses to Comments

Matthew C. Bassi, Planning Director
City of Wildomar
Page 24 of 30

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City of Wildomar
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2. Response to Comments

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City of Wildomar
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City of Wildomar
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2. Response to Comments

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City of Wildomar
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2. Responses to Comments

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City of Wildomar
Page 30 of 30

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2. Response to Comments

Q. Response to Comments from California Department of Fish and Wildlife, Scott Wilson, dated March 4, 2020.

Many of the following comments refer to outdoor cultivation of cannabis. Outdoor cultivation is specifically prohibited by the proposed ordinance. Also, the comments refer to state regulations regarding biological issues. The City does not make compliance with federal, state, or local laws mitigation as the IS/ND assumes that all projects shall comply with the law.

Q-1 The commenter states they are providing comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife and defines their role as part of the proposed project.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

Q-2 The commenter states that the IS/ND provides no information about the location of these parcels or the "sensitive biological resources" occurring within or adjacent to these parcels. The commenter states that there may be potential impacts on biological resources depending on the location of such future projects associated with the demolition and/or renovations of older structures to accommodate future cannabis businesses. The commenter states that it is unclear whether the Project's impacts (i.e., direct, indirect, and cumulative impacts) have been adequately identified and disclosed and whether those impacts are less than significant. The commenter recommends that the IS/ND be revised to include specific information on the location of parcels with "sensitive biological resources," a complete assessment of those sensitive biological resources, and analysis of the Project's potential impacts on those resources, as well as appropriate avoidance, minimization, and mitigation measures. In addition, the commenter recommends that all future project approvals (discretionary or ministerial) resulting from the proposed ordinance analyze whether there are potential impacts that were not previously analyzed under the revised document.

City Response - The IS/ND included Figures 2 and 3 that show all the potential sites within the urban areas of the City and unlikely to be near any sensitive resources. As noted on page 24 of the IS/ND, the City implements the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). None of the sites within the City are in a criteria cell, and as part of the conditional use permit the potential for any biological impacts would be evaluated. Without a physical project to evaluate there is no way to evaluate whether there will be impacts to biological issues. Even if all of the sites were evaluated, project-specific analysis would be required again as part of the conditional use permit process because biological resources can change from season to season on an individual site, and also because as a discretionary act CEQA compliance will be required for each project.

2. Responses to Comments

- Q-3 The commenter states that the IS/ND lacks sufficient, specific, and current biological information on the existing habitat and potential species in the Project area. The commenter requests that a complete assessment of the biological resources within and adjacent to all potential future project locations be included. The commenter asks that the revised document include a requirement that subsequent projects conduct a biological resources assessment utilizing the established survey protocols at the appropriate time of year and weather conditions to maximize species detection probability. Further, the commenter recommends that the revised document also require the survey results to be publicly circulated through a subsequent CEQA review process.

City Response - See response to comment Q-2.

- Q-4 The commenter states that the Project area has the potential to support both nesting and foraging habitat for burrowing owl (*Athene cunicularia*), a California Species of Special Concern. The commenter recommends that the City of Wildomar follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (2012).

City Response - See response to comment Q-2.

- Q-5 The commenter states that the IS/ND does not analyze potential impacts to the Crotch Bumble Bee (*Bombus crotchii*). The commenter recommends that an entomologist conduct a focused survey for *B. crotchii* based on the species' need and that special focus be placed on identifying potential nest and overwintering sites as any ground disturbance may lead to take of adults, eggs, or larvae that are in the ground.

City Response - See response to comment Q-2.

- Q-6 The commenter states that the use of pesticides in cannabis cultivation may impact golden eagles by direct poisoning and that improper use, storage, or disposal of pesticides may also have impacts on this species.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-7 The commenter states that vegetation removal for cultivation sites or structures may impact golden eagles that use large trees for nesting and cover. The commenter states that project impacts on golden eagles should be assessed.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the

2. Response to Comments

property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-8 The commenter states that additional considerations may be required since the project will occur within the MSHCP. The commenter states pesticides used in cannabis cultivation may impact least Bell's vireos by poisoning and that improper use, storage, or disposal of pesticides may also have impacts on this species. The commenter states that vegetation removal affects least Bell's vireos by altering the vegetation structure. The commenter states that imported soils used in cultivation can often contain invasive nonnative plant species which have been shown to reduce habitat quality for least Bell's vireos. Further, the commenter states that noise from road use, generators, and other equipment may disrupt least Bell's vireo mating calls or songs, which could impact reproductive success.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-9 The commenter states that the Project occurs within the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) fee area boundary. The commenter states that use of pesticides in cultivation could impact Stephens' kangaroo rat by poisoning from herbicides, as their diet primarily consists of vegetation and seeds and improper use, storage, or disposal of pesticides may also have impacts on this species. The commenter states that vegetation removal may impact Stephens' kangaroo rats as they use vegetation for cover from predators, and they require seeds, grasses, and forbs for forage. Further, the commenter states that artificial light as well as noise from cultivation operations and construction areas could impact Stephens' kangaroo rat.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-10 The commenter states that pesticides used in cannabis cultivation may impact tricolored blackbirds by poisoning and improper use, storage, or disposal of pesticides may also have impacts on this species. The commenter states that vegetation removal may impact tricolored blackbirds as they require sufficient vegetation to provide cover for the nest. Further, the commenter states that noise from road use, generators, and other equipment may disrupt tricolored blackbird mating calls or songs, which could impact their reproductive success.

2. Responses to Comments

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the property use and disposal of all materials in accordance with federal, state, and local laws..

- Q-11 The commenter states that the use of pesticides in cannabis cultivation may impact white-tailed kites by direct poisoning and improper use, storage, or disposal of pesticides may also have impacts on this species. The commenter states that vegetation removal may impact white-tailed kites that use trees for nesting and cover and noise from road use, generators, and other equipment may be disruptive to hunting white-tailed kites. Further, the commenter states that artificial light may attract or disorient white-tailed kites.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-12 The commenter states that pesticides used in cannabis cultivation may impact willow flycatchers by poisoning and improper use, storage, or disposal of pesticides may have impacts on this species. The commenter states that construction could also impact willow flycatchers by decreasing available habitat and vegetation removal for cultivation sites may impact willow flycatchers as they require dense, expansive vegetated areas for nesting sites. The commenter states that noise from road use, generators, and other equipment may disrupt willow flycatcher mating calls, which could impact their reproductive success.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-13 The commenter recommends that the revised document include the results of avian surveys as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Further, the commenter recommends that the revised document also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance.

- Q-14 The commenter recommends that light should not be visible outside of any structure used for cannabis cultivation.

2. Response to Comments

City Response - As stated on page 19 of the IS/ND, most new businesses expected under the proposed ordinance would be in existing buildings and would have no impact with respect to significant light and glare. All cannabis businesses would be required to comply with the City's lighting standards including, without limitation, fixture type, wattage, illumination levels, and shielding. The City's light pollution ordinance establishes limits on the types of fixtures and size of bulbs for all aspects of development. Compliance with this ordinance, which is verified as part of building permit application review and then prior to occupancy to ensure correct installation and operation would result in a less than significant impact on nighttime light pollution.

City Response - As stated on page 71 of the IS/ND, implementation of the proposed ordinance would not contribute to cumulative visual resource or aesthetic impacts. Future projects would be able to include several design measures to minimize light pollution. All projects in Wildomar are required to comply with the City's light pollution ordinance. Future cannabis projects would be evaluated as part of the conditional use permit process.

- Q-15 The commenter recommends using wildlife-friendly fencing at cultivation sites or structures.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance.

- Q-16 The commenter recommends using organic fertilizers and avoiding synthetic fertilizers, as well as minimizing use of fertilizers in areas where it is likely they could run off into watersheds.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-17 The commenter recommends that no greenhouses or any operation-related structures be constructed within floodplains of any wetland or stream as well as avoidance and minimization measures if construction cannot be prevented.

City Response - As stated on page 24 of the IS/MD, all future development would be subject to the issuance of a conditional use permit and cannabis licensing by the City of Wildomar. Additionally, all future projects would be required to comply with local, state, and federal laws pertaining to biological resources. As part of the development review process the City requires compliance with the MSHCP. Compliance includes site-specific biological evaluation, wetland delineation, pre-construction requirements for sensitive species, and payment of the MSHCP fees. The City also works closely with the resource agencies in implementing the MSHCP and requires an initial meeting with them if a

2. Responses to Comments

project is proposed in a biologically sensitive area. Further, most new cannabis businesses expected under the proposed ordinance would be in existing buildings. None of the potential sites affected by the proposed Project are in a floodplain.

- Q-18 The commenter states that construction for cannabis operations may result in a substantial amount of noise through road use, equipment, and other project-related activities, which may adversely affect wildlife. The commenter recommends restricting the use of equipment to hours least likely to disrupt wildlife.

City Response - As stated on page 46 of the IS/ND, the City's Noise Ordinance indicates that noise sources associated with private construction projects located within one-quarter of a mile from an inhabited dwelling are permitted between the hours of 6:00 a.m. and 6:00 p.m. during the months of June through September, and between the hours of 7:00 a.m. and 6:00 p.m. during the months of October through May. Construction would occur throughout a project site and would not be concentrated or confined in one area. Further, improvements to existing buildings would also be required to comply with the hours of construction as indicated in the Wildomar Municipal Code. All cannabis cultivation, manufacturing, distribution, and testing sites would be located on parcels within the I-P and/or M-SC zone where other agricultural, industrial, manufacturing, and commercial uses operate and create noise sources. See response to comment Q-2.

- Q-19 The commenter recommends minimizing use of synthetic pesticides, and, when they are used, always use them as directed by the manufacturer, including proper storage and disposal. Further, the commenter recommends that the City of Wildomar include a mitigation measure in the revised document conditioning the Project to development of a plan to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation.

City Response - As stated on page 37 of the IS/ND, future cannabis businesses could involve the use of hazardous substances including but not limited to fertilizers, pesticides, and chemical substances that could be used in manufacturing processes. Additionally, construction activities of future cannabis businesses could result in the transport, use, and disposal of hazardous materials such as gasoline fuels, asphalt, lubricants, toxic solvents, pesticides, and herbicides. The transport, use, storage, and disposal of these materials would comply with existing regulations established by several agencies, including the Department of Toxic Substances Control, the US Environmental Protection Agency (EPA), the US Department of Transportation, and the Occupational Safety and Health Administration.

City Response - See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance. Finally, the IS/ND assumes the

2. Response to Comments

property use and disposal of all materials in accordance with federal, state, and local laws.

- Q-20 The commenter states that cannabis operations often require the construction of new roads or maintenance and increased use of existing ones to access cultivation areas. The commenter recommends limiting the construction of new roads and properly using and maintaining existing roads when possible and when new roads must be constructed or reconstructed, use practices that minimize environmental impacts.

City Response - A majority of the new business expected under the proposed ordinance would be in existing buildings. For this reason, it is expected that most that cannabis operations would not require the construction of new roads or maintenance and increased use of existing ones to access cultivation areas. See response to comment Q-2. Also, all cultivation will occur indoors per section 17.315.070 of the proposed ordinance.

- Q-21 The commenter states that construction for cannabis operations can often include clearing of existing vegetation, which can have numerous impacts on the local ecosystem. The commenter recommends that before vegetation removal a qualified biologist survey for the presence of special status plants and suitable habitat for special status wildlife species (at the appropriate time of year and weather conditions to maximize species detection probability).

City Response - A majority of the new business expected under the proposed ordinance would be in existing buildings. For this reason, it is expected that most that cannabis operations would not involve clearing of vegetation. As stated on page 24 of the IS/ND, all future projects would be required to comply with local, state, and federal laws pertaining to biological resources. As part of the development review process the City requires compliance with the MSHCP. Compliance includes site-specific biological evaluation, wetland delineation, pre-construction requirements for sensitive species, and payment of the MSHCP fees. The City also works closely with the resource agencies in implementing the MSHCP and requires an initial meeting with them if a project is proposed in a biologically sensitive area.

- Q-22 The commenter states that cannabis cultivation and construction can result in the delivery of pollutants into nearby streams and waterways. The commenter recommends using best management practices to ensure minimal runoff and sediment delivery into waters near cultivation sites and confirming that all Regional Water Quality Control Board requirements are met. Further, the commenter recommends that the City of Wildomar include a mitigation measure in the revised document conditioning the Project to demonstrate compliance with the MSHCP and its associated Implementing Agreement.

2. Responses to Comments

City Response - As stated on page 44 of the IS/ND, as part of Section 402 of the Clean Water Act, the US Environmental Protection Agency has established regulations under the National Pollution Discharge Elimination System (“NPDES”) program to control direct stormwater discharges. The NPDES program regulates industrial pollutant discharges, which include construction activities. Wildomar Municipal Code Section 13.12.050 requires development to comply with a Municipal Separate Storm Sewer System (MS4) Permit from the San Diego Regional Water Quality Control Board. Section F.1 of the MS4 permit specifies requirements for new developments, and Section F.1.D details the requirements for standard stormwater mitigation plans (also known as water quality management plans). The MS4 permit imposes pollution prevention requirements on planned developments, construction sites, commercial and industrial businesses, municipal facilities and activities, and residential activities. Further, future project sites that are one or more acre in size would be subject to requirements of the Construction General Permit. Projects obtain coverage under the Construction General Permit by filing a Notice of Intent with the SWRCB prior to grading activities and preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) during construction.

City Response - As stated on page 45 of the IS/ND, the primary constituents of concern during a project’s operational phase would be solids, oils, and greases from parking area and driveways that could be carried off-site. Future project design features would address the anticipated and expected pollutants of concern during the project’s operational phase. Additionally, if proposed, onsite landscaping would assist in minimizing the amount of runoff from a site by providing permeable areas for water infiltration and decreasing runoff volume. Infiltration through landscaped areas would serve as a water treatment function. Future projects, including cultivation sites, would also include BMPs to properly manage stormwater flow and prevent stormwater pollution by reducing the potential for contamination at the source.

Q-23 The commenter states their role as part of the LSA agreement and describes the role of the LSA Program in cannabis licensing.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

Q-24 The commenter states that CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations and the Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary.

City Response - The comment does not address an environmental issue or the adequacy of the Initial Study as it relates to CEQA.

2. Response to Comments

Q-25 The commenter states that the IS/ND does not adequately identify the Project's significant, or potentially significant, impacts on biological resources. The commenter recommends that the City of Wildomar revise the document to include specific information on the location of parcels with "sensitive biological resources," a complete assessment of those sensitive biological resources, and analysis of the Project's potential impacts on those resources, as well as appropriate avoidance, minimization, and mitigation measures. Further, the commenter states that all future project approvals (discretionary or ministerial) resulting from the proposed ordinance should analyze whether there are potential impacts that were not previously analyzed under the revised document.

City Response - Commenter summarizes the points of the letter that are addressed specifically in response to comments Q-1 through Q-25.

2. Responses to Comments

3. Revisions to the ND

3.1 INTRODUCTION

This section contains revisions to the ND based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of the ND publication; and/or (3) typographical errors. Changes made to the ND are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

3.2 ND REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following figures have been revised in response to comments received on the ND.

Pages 10-11, Section III, *Project Description*, were updated in response to comment I-1 to reflect the revision to Figure 2, *Possible Cannabis Retail Locations*, and Figure 3, *Possible Cannabis Cultivation, Manufacturing, Distribution, and Testing Locations*, to include the Murrieta Springs Adventist Christian Academy.

Pages 10-11, Section III, *Project Description*, were updated in response to comment J-1 to reflect the revision to Figure 2, *Possible Cannabis Retail Locations*, and Figure 3, *Possible Cannabis Cultivation, Manufacturing, Distribution, and Testing Locations*, to include the Cornerstone Christian School and Grace Christian School.

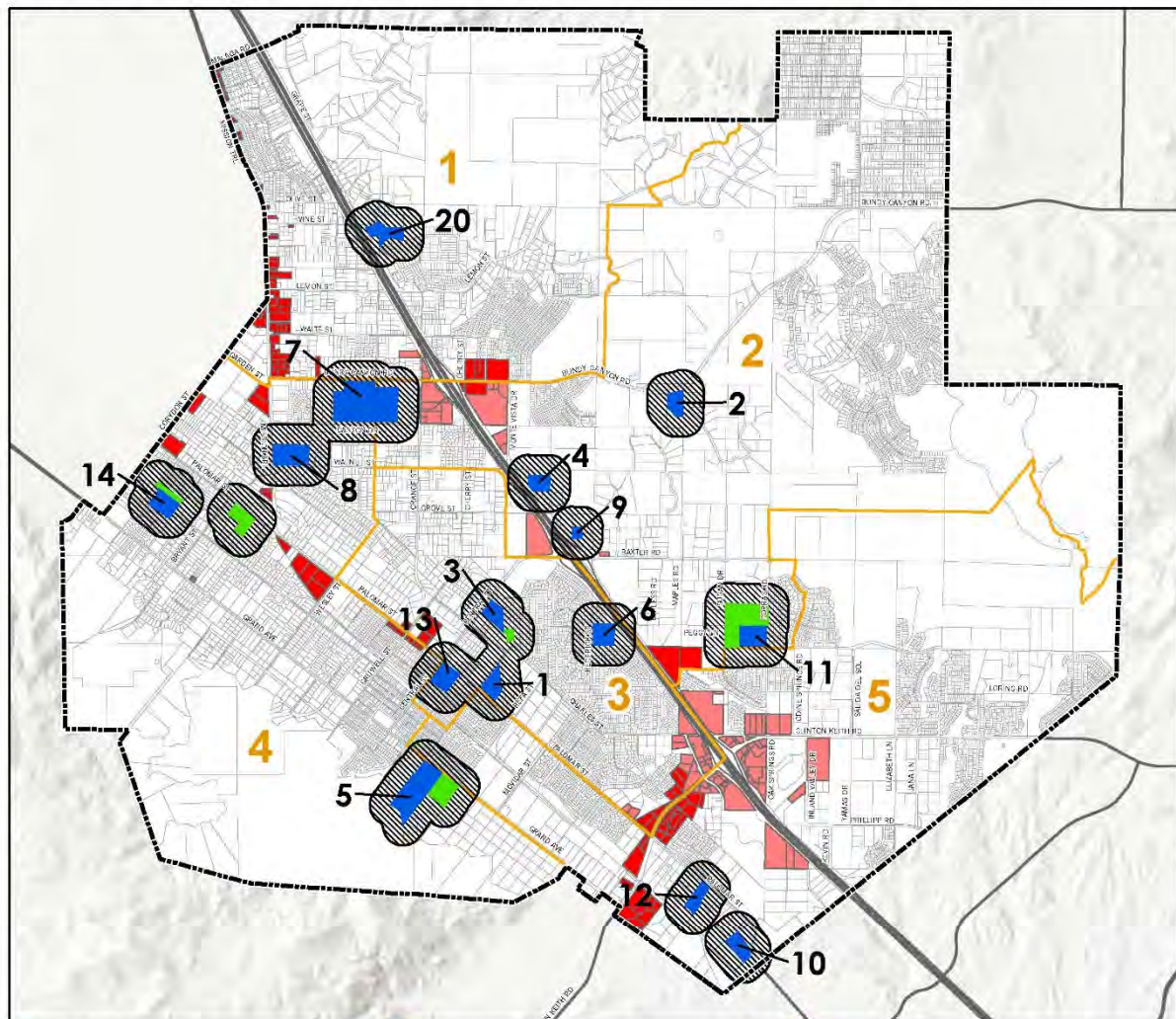
End

Appendix A

Revisions to Figures

Figure 2

Possible Cannabis Retail Locations/Zones and 600-Foot Buffer Area



Possible Retail Locations/Zones

- C-1/C-P (General Commercial)
- C-P-S (Scenic Highway Commercial)

 600-Foot Buffer Area

 City Boundary

 City Council Districts

Schools

- 1 - Anne Sullivan Preschool and Kindergarten
- 2 - Bundy Canyon Christian School
- 3 - California Lutheran High School
- 4 - Cornerstone Church School
- 5 - David A. Brown Middle School
- 6 - Donald Gramham Elementary School
- 7 - Elsinore High School
- 8 - Faith Baptist Academy
- 9 - Grace Christian School of Wildomar
- 10 - Murrieta Springs Adventist Christian Academy
- 11 - Ronald Reagan Elementary School
- 12 - Sycamore Academy School
- 13 - Wildomar Elementary School
- 14 - William Collier Elementary School
- 20 - Ready Set Grow Prechool

Parks

- 15 - Grand Ave. Park (future)
- 16 - Marna O' Brien Park
- 17 - Regency Heritage Park
- 18 - Wildomar 27-Acre Park
- 19 - Windsong Park

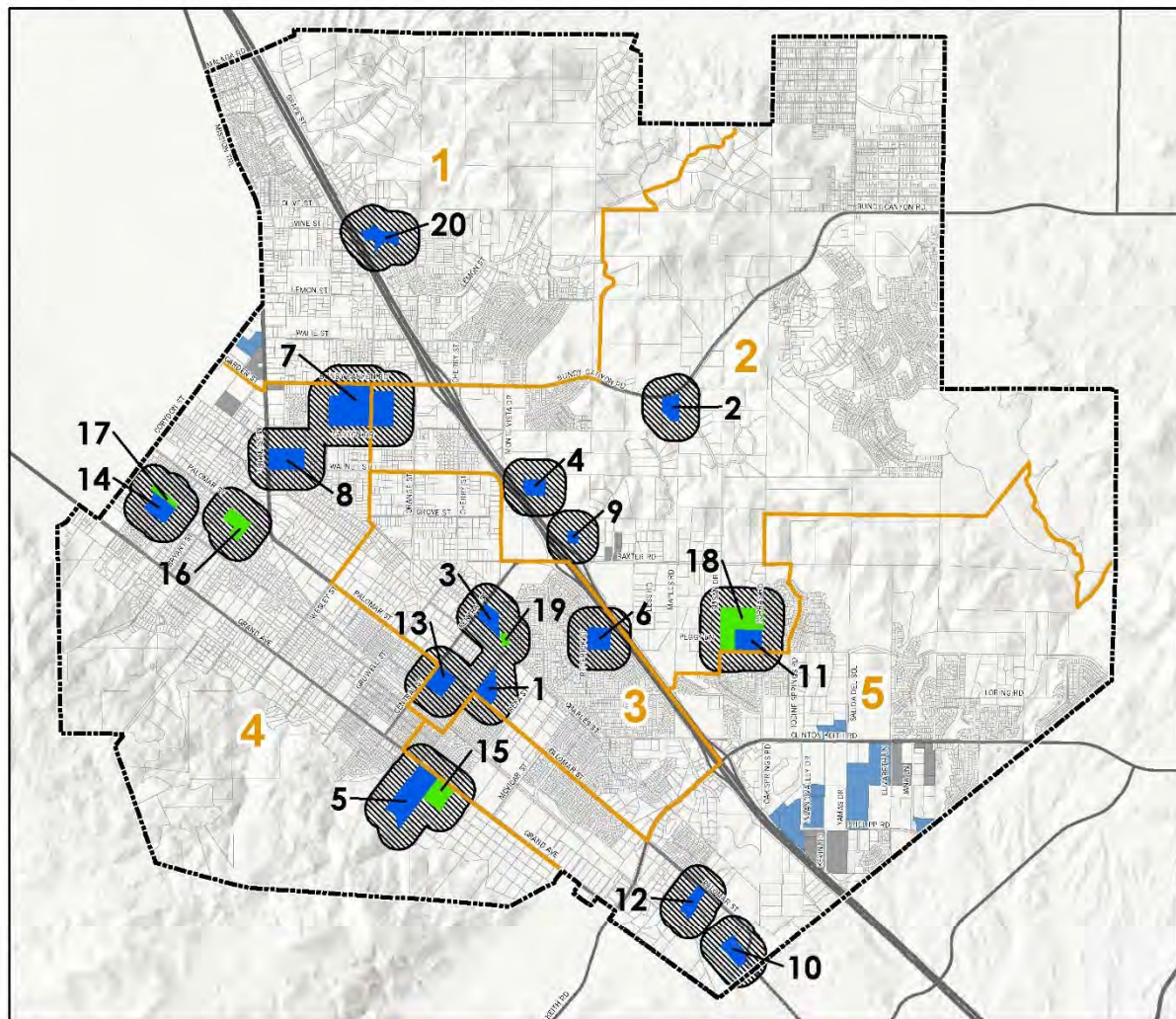
Note:
There are no known Youth Centers in the City at the time this map was created.

0 0.25 0.5 1 Miles



Figure 3

Possible Cannabis Cultivation Locations/Zones and 600-Foot Buffer Area



Possible Cultivation Locations/Zones

I-P (Industrial Park)

M-SC (Manufacturing Service Commercial)

600-Foot Buffer Area

City Boundary

City Council Districts

Schools

1 - Anne Sullivan Preschool and Kindergarten

2 - Bundy Canyon Christian School

3 - California Lutheran High School

4 - Cornerstone Church School

5 - David A. Brown Middle School

6 - Donald Gramham Elementary School

7 - Elsinore High School

8 - Faith Baptist Academy

9 - Grace Christian School of Wildomar

10 - Murrieta Springs Adventist Christian Academy

11 - Ronald Reagan Elementary School

12 - Sycamore Academy School

13 - Wildomar Elementary School

14 - William Collier Elementary School

20 - Ready Set Grow Preschool

Parks

15 - Grand Ave. Park (future)

16 - Marna O' Brien Park

17 - Regency Heritage Park

18 - Wildomar 27-Acre Park

19 - Windsong Park

Note:

There are no known Youth Centers in the City at the time this map was created.

0 0.25 0.5 1 Miles

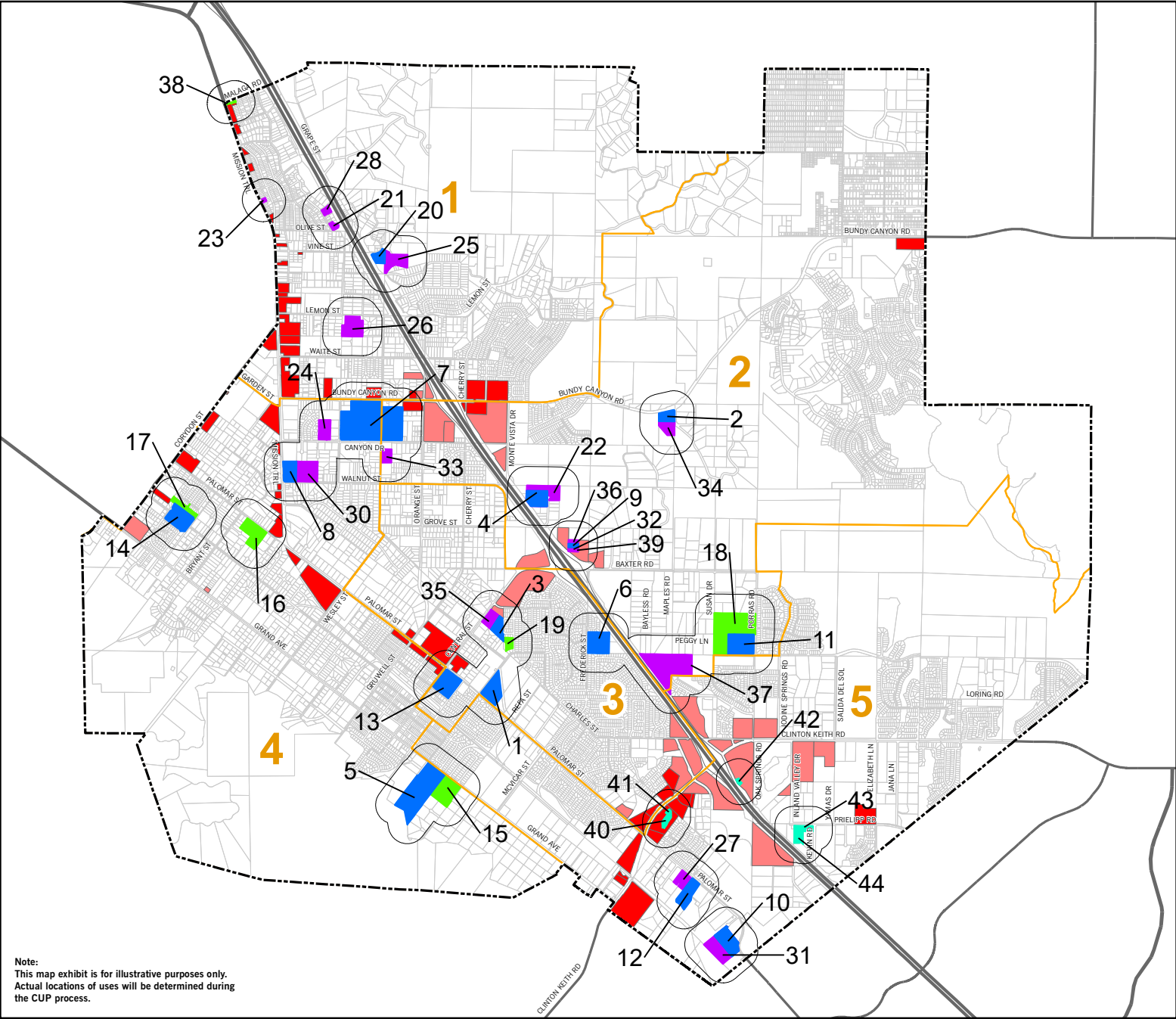


ATTACHMENT E

600-Foot Radius Map Exhibits-Sensitive Uses

Figure 1

Cannabis Retail Zones / 600-Foot Sensitive Uses Buffer Area



Note:
This map exhibit is for illustrative purposes only.
Actual locations of uses will be determined during
the CUP process.

Permitted Zones

- C-1/C-P (General Commercial)
- C-P-S (Scenic Highway Commercial)

600-Foot Buffer Area

City Boundary

City Council Districts

Schools

- 1 - Anne Sullivan Preschool and Kindergarten
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Church

- 21 - Aletheia Christian Church
- 22 - Cornerstone Church
- 23 - Lakeview Methodist Church
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- 25 - Temecula Vision Community Church
- 25 - Mountain View Church
- 26 - Roman Catholic Church
- 27 - World Harvest Church
- 28 - Kingdom Hall of Jehovah's Witnesses
- 30 - Faith Baptist Church
- 31 - Murrieta Springs Seventh-Day Adventist
- 32 - Oak Stone Community Church
- 33 - The Church of Jesus Christ of Latter-day Saints
- 34 - Bundy Canyon Christian Church
- 35 - Living Hope Lutheran Church
- 36 - Calvary Chapel Bear Creek
- 37 - Faith Bible Church

Parks

- 15 - Grand Ave. Park (future)
- 16 - Mama O' Brien Park
- 17 - Regency Heritage Park
- 18 - Wildomar 27-Acre Park
- 19 - Windsong Park
- 38 - Malaga Park

Youth Centers

- 39 - South Pacific Kenpo
- 40 - Nine Nine Brazilian Jiu-Jitsu
- 41 - SKY Martial Arts
- 42 - West Coast Krav Maga
- 43 - The W Training Facility
- 44 - Rock Fitness Gym

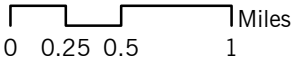
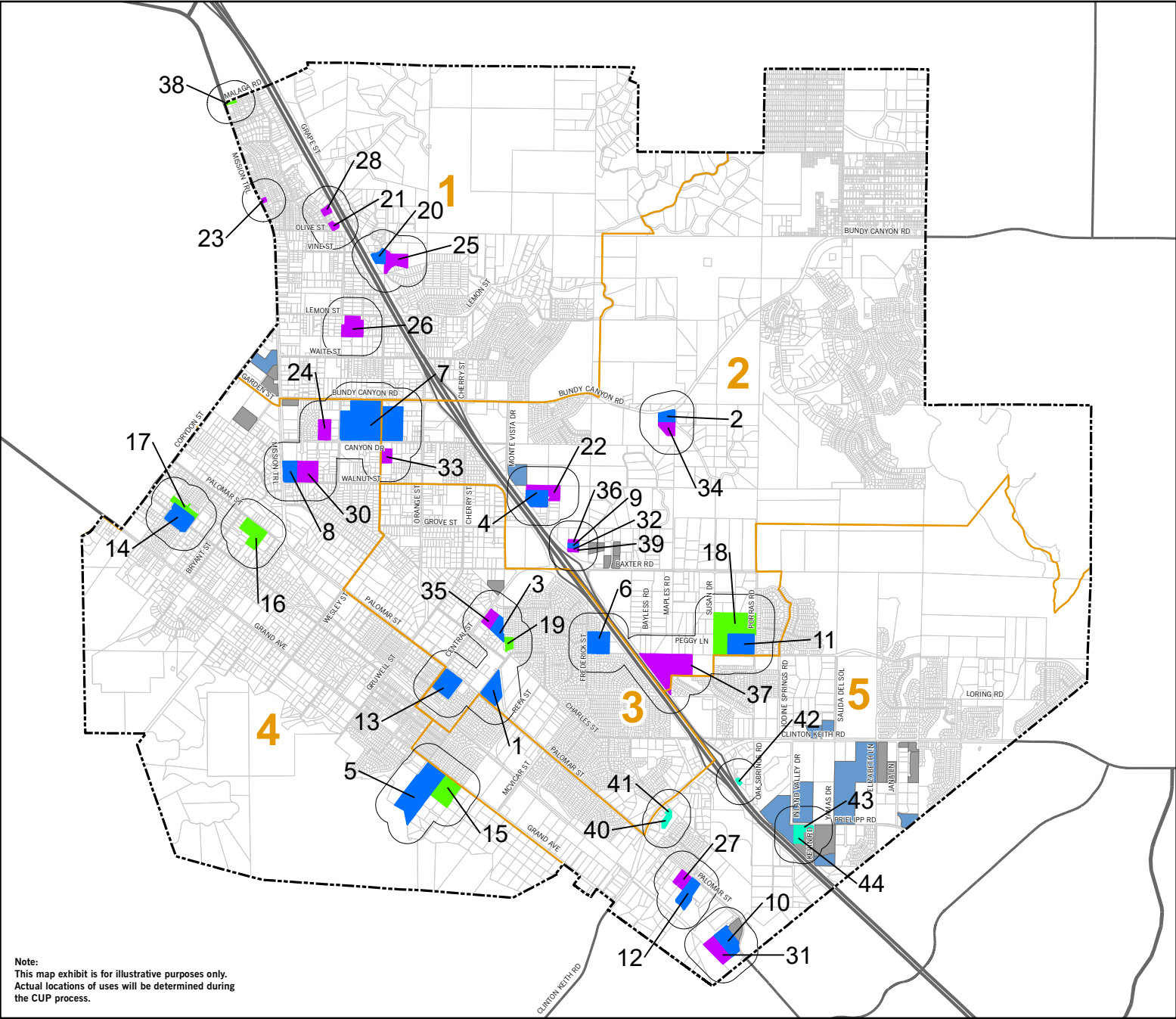


Figure 2
Cannabis Cultivation Zones / 600-Foot Sensitive Uses Buffer Area



Permitted Zones

- I-P Industrial Park)
- M-SC (Manufacturing Service Commercial)

600-Foot Buffer Area

City Boundary

City Council Districts

Schools

- 1 - Anne Sullivan Preschool and Kindergarten
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Church

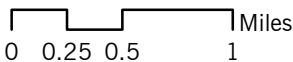
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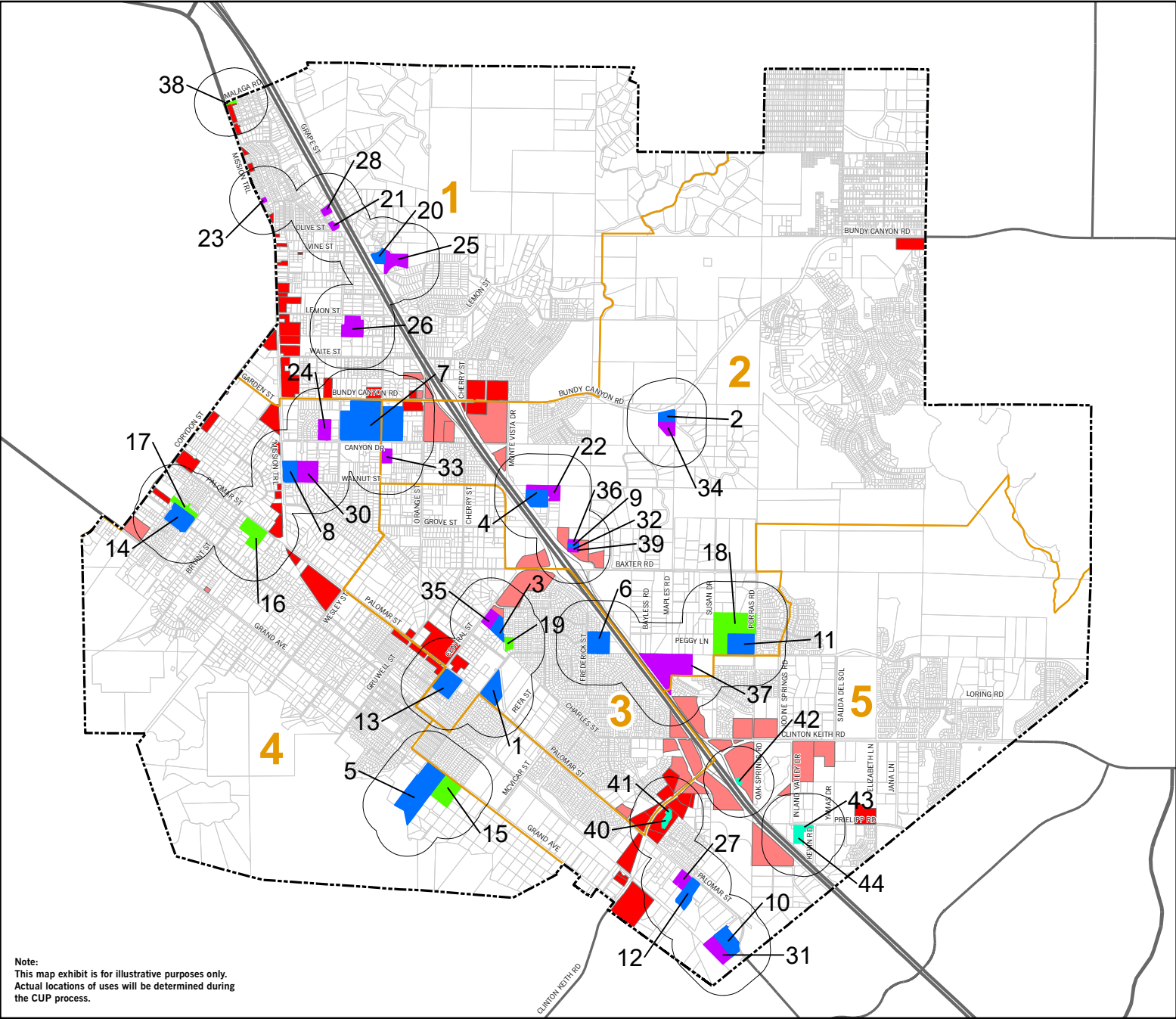


ATTACHMENT F

1,000-Foot Radius Map Exhibits-Sensitive Uses

Figure 3

Cannabis Retail Zones / 1000-Foot Sensitive Uses Buffer Area



Permitted Zones

- C-1/C-P (General Commercial)
- C-P-S (Scenic Highway Commercial)

1000-Foot Buffer Area

City Boundary

City Council Districts

Schools

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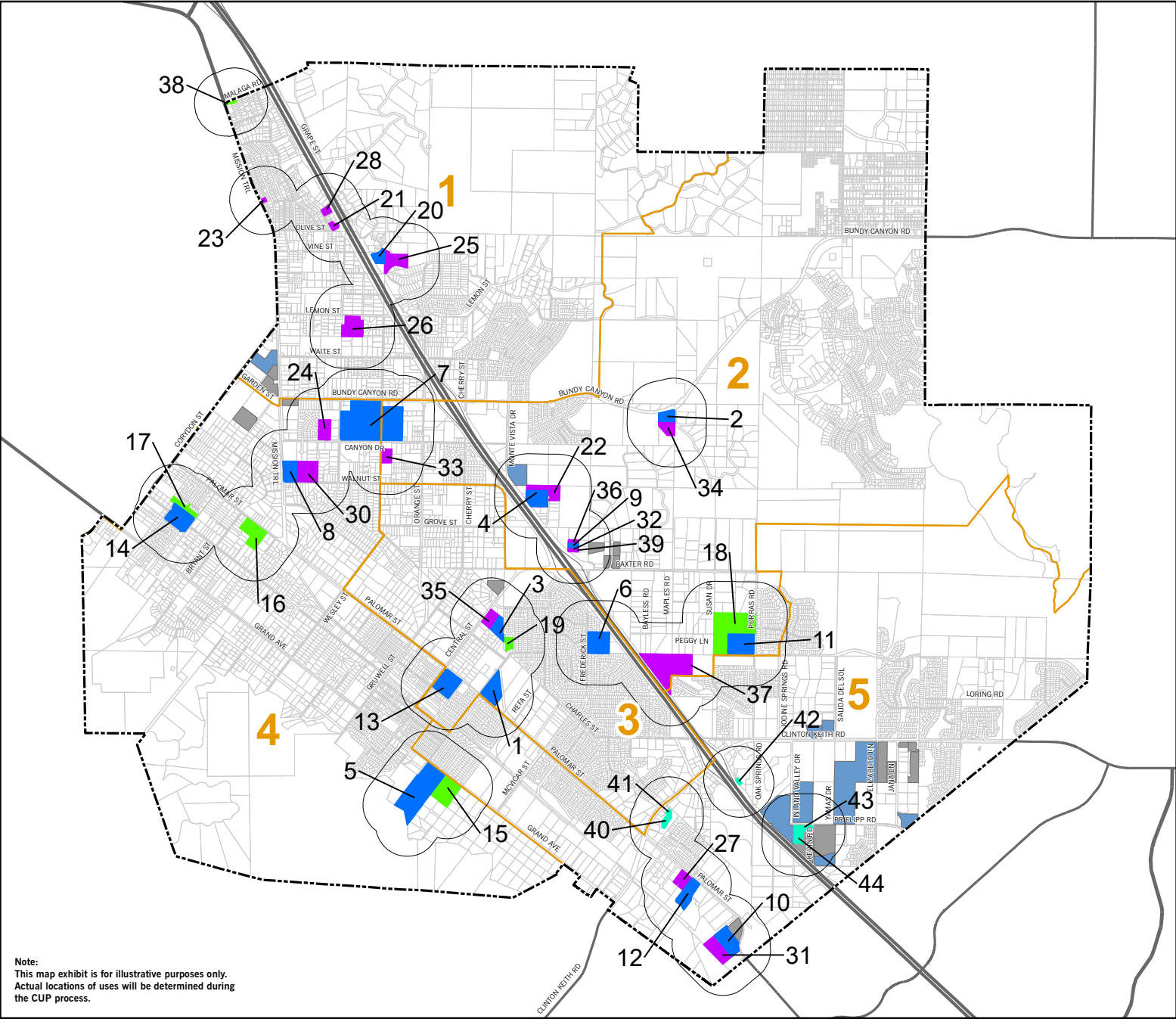
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- 43 - The W Training Facility
- 44 - Rock Fitness Gym

Figure 4

Cannabis Cultivation Zones / 1000-Foot Sensitive Uses Buffer Area



Permitted Zones

- I-P Industrial Park
- M-SC (Manufacturing Service Commercial)
- 600-Foot Buffer Area
- City Boundary
- City Council Districts

Schools

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- 41 - SKY Martial Arts
- 42 - West Coast Krav Maga
- 43 - The W Training Facility
- 44 - Rock Fitness Gym

ATTACHMENT G

Public Comments Letters-Support

From: [Bridgette Moore](#)
To: [Gary Nordquist](#); [Matthew Bassi](#)
Subject: Fw: Allow cannabis retail in our city
Date: Tuesday, December 17, 2019 1:24:17 PM

From: Lat Artist <latartist174@gmail.com>
Sent: Tuesday, December 17, 2019 12:40 PM
To: Marsha Swanson <mswanson@cityofwildomar.org>; Dustin Nigg <dnigg@cityofwildomar.org>;
Bridgette Moore <bmoore@cityofwildomar.org>; Ben Benoit <bbenoit@cityofwildomar.org>;
Joseph Morabito <jmorabito@cityofwildomar.org>
Subject: Allow cannabis retail in our city

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello my name is Bobby Knott I am a current resident of the city of Wildomar and believe the city should allow cannabis retail in our city. We can use the tax dollars to fix roads that are badly damaged. I looked over the ordinance and believe that there should only be set back requirements for Schools. We should stop allowing lake elsinore to collect all the tax money we could be receiving.

Thank you
Bobby knott

From: [Janet Morales](#)
To: [Matthew Bassi](#)
Subject: FW: Cannabis in Wildomar - Resident Input
Date: Thursday, October 03, 2019 11:04:28 AM

For the record

Janet Morales

Acting City Clerk

City of Wildomar

23873 Clinton Keith Rd
Suite 201
Wildomar, CA 92595

951.677.7751 x210
951.698.1463 (Fax)

City Hall Hours:
Monday-Thursday
8:00 a.m. - 5:00 p.m.
Closed Fridays

www.cityofwildomar.org

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From: Eric Leavitt <ericjleavitt@gmail.com>
Sent: Wednesday, October 2, 2019 9:14 AM
To: Janet Morales <jmorales@cityofwildomar.org>
Subject: Cannabis in Wildomar - Resident Input

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello Janet,

You might get a lot of negative input on Cannabis coming to Wildomar - I assure you this will not be one of those emails.

While I do not use Cannabis myself, I am a huge advocate for its full legalization. I believe, if done correctly, bringing cannabis businesses into the city will be beneficial to the entire community.

I believe that when set up and regulated properly Cannabis businesses will...

- not encourage criminal behavior
- not be detrimental to the community in general
- create some new jobs in the community
- allow easy access to a helpful plant to the community
- bring some tax revenue to the city

- change some of the undeserved stigma surrounding the use of Cannabis

If we are talking about allowing more growing operations within the city I again am an advocate, so long as the operations are properly run.

I hope to be at the Coffee event on the 8th, but just in case I am unable to attend you now have my input as a long time resident of the City of Wildomar.

Please reach out with any questions.

Eric Leavitt
951-805-7159

From: [Matthew Bassi](#)
To: [Hollie Marsolino](#)
Subject: RE: Dispensaries
Date: Wednesday, February 12, 2020 10:59:02 AM

Hollie,
Thank you for your email. I will be sure to forward this letter to our Commission and Council for consideration.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

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-----Original Message-----

From: Hollie Marsolino <h.marsolino@gmail.com>
Sent: Wednesday, February 12, 2020 10:49 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Dispensaries

Mr. Bassi,

My name is Hollie and I wanted to share my opinion as to why it would be beneficial to have cannabis dispensaries in Wildomar. I have been a resident of Wildomar for 26 years, attended Elsinore High, am a homeowner in The Farm and am a volunteer for the library. I love this community.

Unfortunately I am also someone with back issues: spinal bone spurs and moderate disc disease and degeneration due being a hairdresser for 20 years. I have had my medical marijuana card for about 6 years because the only place I could find relief was the dispensary. I've seen all the doctors and they only wanted me to take pills that are heavy medications that I can't drive or work while taking. At that time, you couldn't get CBD products or medical grade cannabis anywhere else. For as long as I've been a patient, I've had to travel outside of our city to obtain my medicine. Currently I have to travel to Perris to get what I need.

I would much rather spend my money in my own city. For years Lake Elsinore, Perris, Corona, and Temecula have been reaping the benefits of medical patients from our area. To be able to earn revenue for the city of Wildomar and to save myself gas and time would be well worth it. Now that it is recreationally allowed, I would love to see those profits go to the city for road improvements, community programs, and to benefit our struggling community members. Like I said, I love this community and want to see us succeed. If you have any questions please feel free to contact me at this email address: h.marsolino@gmail.com. Thank you for your time.

Best,

Hollie Marsolino

From: [Matthew Bassi](#)
To: ["Jeff Gehrs"](#)
Subject: RE: Wildomar Shooting Range
Date: Monday, February 3, 2020 8:28:03 AM

Jeff,

Thank you for your email. I will be sure to pass this on to the Planning Commission and City Council as part of the public record.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
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From: Jeff Gehrs <jeff@braketechnology.com>
Sent: Sunday, February 2, 2020 2:39 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Wildomar Shooting Range

My daughter just showed me a proposal by the city to build an indoor gun range.

That's an enthusiastic thumbs up from us, would be great to have a local place to safely practice with firearms...great idea!

Would love to see an outdoor range too, but guessing that's a bit more involved.

Please keep me in the loop.
Hope this comes to fruition.
Good luck,
J

JEFF GEHRS
BrakeTech USA, Inc.
18630 Collier Ave, Suite G
Lake Elsinore, CA 92530
www.braketechnology.com

M:
T: 951-471-3476
F: 951-471-3436
E: jeff@braketechnology.com

ATTACHMENT H

Public Comments Letters-Oppose

From: [Matthew Bassi](#)
To: ["reyesdoug@hotmail.com"](mailto:reyesdoug@hotmail.com)
Subject: RE: No on Cannabis Ordinance
Date: Friday, February 21, 2020 10:58:01 AM

Doug,
Thank you for your email. I will be sure this becomes part of the public record for Commission and Council consideration.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
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From: reyesdoug@hotmail.com <reyesdoug@hotmail.com>
Sent: Thursday, February 20, 2020 7:53 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: No on Cannabis Ordinance

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello sir,

As a Wildomar resident, I believe its my duty to let you know my disapproval of any ordinance involving marijuana.

I live in a family oriented community and we do not want any of those type of businesses in our community. I am sure many if not most residents would agree.

Thank you for time.

From: [Matthew Bassi](#)
To: [Glenn Copple](#)
Subject: RE: Cannabis In Wildomar
Date: Monday, February 3, 2020 8:10:28 AM

Glen,
Thank you for your email. I will be sure to pass this on to the Planning Commission and City Council as part of the public record.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
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From: Glenn Copple <handyglenn2325@gmail.com>
Sent: Friday, January 31, 2020 8:57 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Cannabis In Wildomar

Mr. Bassi:

Regarding the proposal to accept Cannabis in Wildomar, Growing , Distribution or any other form of it being distributed in Wildomar. My question is WHY does Wildomar even need it? It is just one more contribution towards making it more available to our youth. I hope that we keep Wildomar clean of this product at least the sale and distribution of same. It's in the best interest for the youth of Wildomar.

Glenn Copple, of Wildomar

From: [Bridgette Moore](#)
To: [Dustin Nigg](#); [Gary Nordquist](#); [Matthew Bassi](#); [Kimberly Davidson](#)
Subject: Fw: License and zoning regulations of Cannabis dispensaries in Wildomar
Date: Tuesday, November 19, 2019 3:16:14 PM

From: Laurie Nunnally <laurienunnally1@gmail.com>
Sent: Tuesday, November 19, 2019 10:29 AM
To: Bridgette Moore <bmoore@cityofwildomar.org>
Subject: License and zoning regulations of Cannabis dispensaries in Wildomar

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Dear Ms. Moore,

As you are a council member on the cannabis dispensary planning committee, I am contacting you on behalf of our family and several neighbors, many of us did attend the recent city meeting regarding the updates with zoning and regulation of the impending cannabis dispensaries.

There are many genuine concerns regarding Wildomars decision to move forward with this. Of primary concern is that of the proposed zoning regulations.

Unfortunately it has been mine and many peoples experience that when broaching this subject within any public forum, whether city meeting or social media, the response has been heated and often hostile directed in particular to those who oppose, and sadly that is inclusive of some of your fellow council members. There is a perception that those who are concerned with zoning and regulation are automatically opposed to marijuana use and the residents of Wildomars access to it. This cannot be farther from the truth. While I personally do not believe it is the magic miracle cure for everything from anxiety to pancreatic cancer, there are those who will swear by it, and no one is asking their access or right to it be interrupted or inconvenienced. However there is absolutely good reason to have concerns against zoning regulations that allow for pot shops within local shopping centers. I realize the time evidently has come and gone for residents to voice their opinions on this, and I would tell you, that after owning a business in Corona within a busy shopping center, I could give you a hundred reasons why issuing permits for pot shops in local shopping centers is a horrible idea. But again the council has heard from the people, I have been told and it is time to move forward. With that I do recall there was a proposed zoning map for pot shops. I do hope that this proposed map will be provided for all of Wildomars residents to view, preceding a final determination of regulation and zoning.

Complete transparency on behalf of our city's leadership before the councils final choices are made, just might mitigate impending grievances from both sides.

Thank you so much for your time,

Laurie Nunnally

Laurienunnally1@gmail.com

951.323.3947

From: [Matthew Bassi](#)
To: ["LeRoux, Mark"](#)
Subject: RE: ND for Proposed Cannabis Declaration
Date: Thursday, January 30, 2020 2:18:03 PM

Mark,
Thank you for your feedback. I will be sure your email is provided to the Planning Commission and City Council as part of the environmental and public hearing process.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
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From: LeRoux, Mark <mleroux@appliedmedical.com>
Sent: Thursday, January 30, 2020 12:18 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: ND for Proposed Cannabis Declaration

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Matt,
With regards to the notice of Study of the ND for the Cannabis Ordinance Project I would like to state that allowing regulatory commercial licensing for the cultivation, distribution and sales of cannabis would not enhance the lifestyle of the Wildomar community. Allowing this activity would require increased police and judicial services. The people using cannabis currently would still obtain the product from underground sources because of the price increase resulting in taxes. The money generated by these allowances would come from folks that do not regularly use it like young adults and the elderly. Wildomar would be encouraging the use of it leading to drug related instances that could result with Wildomar being liable. I taught my children that drugs were not good for their health and that they were illegal. Cannabis is still not recognized to be healthy for the human body nor does it poses any medicinal benefits other than make a person lazy and stupid. Please, do not allow this ordinance to

pass.

Thanks,

Mark LeRoux

03duece@verizon.net

From: [Matthew Bassi](#)
To: [Michael Schroeder](#)
Subject: RE: Wildomar Cannabis Ordinance Initiative
Date: Monday, February 3, 2020 8:02:38 AM

Michael,
Thank you for your email. I will be sure to pass this on to the Planning Commission and City Council as part of the public record.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
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From: Michael Schroeder <revmas74@gmail.com>
Sent: Thursday, January 30, 2020 5:34 PM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Wildomar Cannabis Ordinance Initiative

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Mr. Bassi,
I would like to speak against the idea of allowing Cannabis retailers, cultivation, manufacturing, distribution, and testing laboratories in the city of Wildomar. As alluring as it may seem to get tax dollars for the city from this business, I do not believe it is worth the trade off.

1. Even though the state of California has legalized the recreational use of marijuana, it still remains illegal under federal law.
2. Legalizing marijuana for adults leads to more teens and preteens using, too, University of Washington researchers report. More teenagers use marijuana daily than smoke cigarettes or drink booze, according to the National Institute on Drug Abuse. In fact, cigarette use is at its lowest level since the institute

started tracking it, but weed use is an epidemic." (See the link for the rest of this report.)

3. This will also have an impact on the youth of our community when it comes to education. "Adolescent pot users have trouble in school because they suffer memory impairment, loss of learning ability and reasoning skills and possibly a permanent decline in IQ Marijuana damages the hippocampus area of the brain, which impacts memory. Scientists who tracked nearly 4,000 young adults into their 40's confirmed that marijuana use does lasting damage to memory, according to research in the Journal of the American Medical Association published in 2016. Chronic teen marijuana users have dismal futures, reports the American Public Health Association. They stop their education sooner, are less likely to have full-time jobs as adults and have lower socio-economic potential." (See the [link](#) for the rest of this report.)
4. People who want to say this will be good for the community because of the tax dollars it will generate aren't looking at the whole picture. "A study out of Colorado recently found that for every dollar of marijuana revenue, \$4.50 must be spent to mitigate the damages it causes. More money must be spent to implement regulatory operations, shut down illegal growing operations, treat increased rates of Cannabis Use Disorder, and deal with large increases in stoned driving. On top of that, there is no telling how much will be lost in the workforce due to workplace absenteeism and injuries as well as lost productivity." (See the [link](#) for the rest of this report.)
5. Setting up legalized cannabis shops in Wildomar will not do away with the black market for the product. "One in five marijuana users in the state continue to purchase the drug off the street as opposed to buying it from retail stores. The situation is so bad that foreign cartels and criminal gangs are turning whole neighborhoods into pot-growing operations and even growing the drug on national lands." We have seen this happening in our own backyard as a number of grow houses in Wildomar have been shut down. (See the [link](#) for the rest of this report.)
6. Finally, with as dangerous as our roads are, should we expect that once you make marijuana more accessible, we should not expect an increase in impaired driving? Hit-and-run accidents are on the rise.
"In addition to having the most hit-and-run accidents in history on a national level, 2016 (the latest available year for data) was also the most fatal year on record for hit-and-run crashes in the state of California. AAA says the 337 deaths caused by hit-and-runs in CA that year was 60% more than the number of fatalities reported 10 years ago. While the numbers put California atop the nation when it comes to fatal hit-and-runs, the state ranks 7th nationally on a per capital basis. AAA's report noted that nationwide, hit-and run deaths have increased by an average of more than 7% since

2009, and that almost two-thirds of all victims killed in these collisions are pedestrians or bicyclists. [An article](#) from the *Los Angeles Times* notes a similarly alarming trend in Los Angeles, which has seen spike in accidents involving pedestrian and cyclist deaths, many of which involved hit-and-runs. The 134 pedestrians killed in 2017 in only L.A. was the most recorded in over 15 years, and nearly double the number of pedestrian deaths in 2015. California's problem with hit-and-run accidents is a major concern, particularly for the pedestrians, cyclists, motorcycle riders, and motorists for whom traveling city streets and freeways is a part of daily life. As one of the largest examples of suburban sprawl, Los Angeles and the surrounding communities of Southern California feel the real effects of the problem first hand, and at troubling rates." (See the [link](#) for the rest of the report)

Please reconsider implementing any ordinance that would make it easier for recreational marijuana to be more readily available. It will have damaging effects on our community and on our children.

Thank you,
Michael Schroeder
Wildomar Resident

From: [Mark Teague](#)
To: [Jasmine Osman](#)
Subject: Fwd: From: Pastor Ron Armstrong Cornerstone Community Church regarding Cannabis ordinance
Date: Thursday, February 20, 2020 12:35:55 PM

From: Matthew Bassi
Sent: Thursday, February 20, 2020 11:44 AM
To: RON ARMSTRONG <Ron30355@aol.com>
Cc: Jeff Rosen <jrosen@go2cornerstone.com>; sprivett@ccs-w.org
Subject: RE: From: Pastor Ron Armstrong Cornerstone Community Church regarding Cannabis ordinance

Ron,
Thank you for your comments. We will be sure to add them to the public record as part of the Negative Declaration process.

Matthew C. Bassi

Planning Director

City of Wildomar

23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

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From: RON ARMSTRONG <Ron30355@aol.com>

Sent: Thursday, February 20, 2020 11:38 AM

To: Matthew Bassi <mbassi@cityofwildomar.org>

Cc: Jeff Rosen <jrosen@go2cornerstone.com>; sprivett@ccs-w.org

Subject: From: Pastor Ron Armstrong Cornerstone Community Church regarding Cannabis ordinance

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Dear Mr. Bassi,

I've looked through the CEQA documents and it states that outlets will not be allowed within 600 ft. of "public/private school, a day care center, youth centers, and parks."

I'd like to draw your attention to three things as you work through this process:

1. On the map it shows a potential cannabis outlet site in the properties between Baxter and Cornerstone on Monte Vista Rd. I wanted to remind the staff that **Grace Christian School operates at 34878 Monte Vista Dr., #120.**
2. In the same center at 34878 Monte Vista Dr., multiple churches run youth programs for their congregations and the community.
3. The 600 ft. buffer is inadequate in the Scenic Highway Commercial areas because they often run along the freeway and have very few outlets. For example, on Monte Vista Rd., if someone is on Monte Vista, it doesn't matter if the buffer is 300 ft. or 5,000 ft., they will end up traveling the length of Monte Vista to get to either Baxter or Bundy Canyon. The 600 ft. buffer is inadequate to prevent traffic from the cannabis outlet being funneled in front of Cornerstone Christian School or Grace Christian School.

We request that the exclusion area cover all of Monte Vista Rd. between Baxter Rd. and Bundy Canyon Rd. and in the alternative, that the exclusion at least be altered to reflect an exclusion zone around Grace Christian School and the other churches operating on Monte Vista Rd. near Baxter Rd.

Additionally, we request that consideration be given to other churches in Wildomar that operate youth programs at their facilities. To differentiate between a “youth center” and a church that operates youth programs seems arbitrary.

Thank you so much for allowing us to comment during this process and for the work that you and the staff do to make Wildomar such a nice community. We appreciate your work very much.

Sincerely,

Dr. Ron Armstrong
Senior Pastor
Cornerstone Community Church
Wildomar, CA

From: [Matthew Bassi](#)
To: [russandjoy Western](#)
Subject: RE: cannabis permits
Date: Thursday, January 30, 2020 11:29:55 AM

Russ and Joy,
Thank you for your feedback. I will be sure your email is provided to the Planning Commission and City Council as part of the environmental and public hearing process.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
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From: russandjoy Western <russandjoy_western@msn.com>
Sent: Thursday, January 30, 2020 11:24 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: cannibis permits

Mr. Bassi: When my family and I moved into Wildomar 30 years ago, we saw a place to raise our children. Parks to take our children to, Schools with good teachers along with us to teach our children To be true upstanding citizens in our community. Which today I am proud to say Nurses, Doctor, Military Police, Human Resource and even a Stay home Mother. But since the Cannabis Law has been passed. We as a People have opened Pandora's Box. Weed was usually kept in the back ground but now that it has been given a green light it is blaring us right in the face. And the money is what everyone seems to only think about.

But they don't think about the downsides of the issue. 1. you cant just let only one person have a license to sell or you would have lawsuits because now every Tom, Dick and harry would want a license to sell in every neighborhood. 2. The biggest joke I've heard about weed is its needed as a crutch. That's because our society has gotten lazy and entitled instead of getting out in there community's doing things to help. And 3. The Biggest.... Crime these places bring, because if they cant afford it they will steal it or Rob it and even kill for it. And every one around the area is collateral damage.

Prime example I go to Needles California Quite often and for such a small town there is a lot of Cannabis shops there and I kid you not it seems a third of the town is in drug mode people laying around on the side walks drugged out urination and feces on the side walks is this what we want our community to become. And our police force is already over whelmed with the normal stuff. Guess what all your money from the License and taxes will pay for, more officers. Which is a sad thing to think about the reason why we would need more police. So in the movie "Its a Wonderful life" you have to ask yourself. Do we want the type of city before, or after with all the crime and everything else that goes with it.

So all I am saying is let the other community's have the problems these places will create. D DON'T JUST SEE THE DOLLAR SIGNS. Do the right thing and deny licenses to open these shops keep this community better than the rest. Thanks for listening Russ and Joy Western

From: [Janet Morales](#)
To: [Gary Nordquist](#); [Dan York](#); [Matthew Bassi](#); [Kimberly Davidson](#)
Subject: FW: Cannabis Discussion
Date: Tuesday, October 08, 2019 12:34:39 PM

FYI

Janet Morales

Acting City Clerk

City of Wildomar

23873 Clinton Keith Rd
Suite 201
Wildomar, CA 92595

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From: Stan Crippen <stancrippen@mac.com>
Sent: Tuesday, October 8, 2019 12:12 PM
To: Marsha Swanson <mswanson@cityofwildomar.org>; Dustin Nigg <dnigg@cityofwildomar.org>; Bridgette Moore <bmoore@cityofwildomar.org>; Ben Benoit <bbenoit@cityofwildomar.org>; Joseph Morabito <jmorabito@cityofwildomar.org>
Cc: Janet Morales <jmorales@cityofwildomar.org>
Subject: Cannabis Discussion

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Morning Marsha, Dustin, Bridgette, Ben, and Joseph! First off, I want to thank all of you for what you did with the vaping issue. I was saddened to hear of the cost that was incurred by the city at our last School District/City Council Articulation meeting, but very grateful you made the decision that you did. There are unseen lives that will and have been positively affected by the stand you took. It hopefully is easier to see that with the recent news of multiple vaping deaths.

I wanted to take a few moments to weigh in on the Cannabis discussion. I'm sure my position will come as no surprise, but I hope some of my reasoning may prove enlightening! Using my 34 years of teaching 6,000 students, 38 years of helping hundreds of individuals through personal counseling and therapy, and my 66 years

of life to create my own personal 'survey', there is nothing... Nothing... that I have encountered that has altered more lives onto a negative path with painful results than the use of chemical substances. My brother and I are children of two wonderful, loving and thoughtful parents who were alcoholic - who missed much joy and peace in their life because of their use. Cannabis, Marijuana, Pot, Weed, Grass is well researched and documented as the primary Gateway drug to other chemical addictions. It is the 'I don't care' drug that caused many of my students a lack of focus, responsibility, and dedication to achieve a higher standard of living and complicated their adult family life. That being said, here are my thoughts related to the current Cannabis issue -

- As a school board member, every decision I make is founded on one principle - "Is it good for kids?". That is the lens and filter we run every issue through. Receiving feedback and survey information is beneficial, but basically the people have 'hired' us by their vote to look more deeply into issues and to try and decide what is best for each 'kid' on a long term basis. Perhaps your principle is "Is it good for the community?". I don't envy your position on the city council because of the myriad of voices you have competing for what is best - Is it best financially? Is it best environmentally? Is it best health-wise? Is it best to produce good citizens?. I am especially wary of the profit motive in this issue, and that profit motive can be private or public. I question whether the Cannabis business owners have the best interests of the Community of Wildomar at heart, as opposed to their personal financial interests. The City Council's job in my view, is to determine if this will bring more problems or more solutions to our community. Many will say that we are foolish if we don't go after the additional tax revenue. As with the vaping issue, I'm not interested in tax revenue that has the potential of endangering the life or future success of even one of our children (or our adults!).
- The claim has been made that it is 'the law'. It is always important to remember that it is currently a state law that 'allows' this to be established, but that is still against Federal Law, which will have to be rectified by the Supreme Court. Please understand to that I am not opposed to medical marijuana. What I am for is seeing if it is a medicine, then let's make sure it is regulated and governed as all other medicines are by competent, trained, and educated entities.
- It is important to realize that many constituents, especially seniors, are not connected via Social Media. I did not become aware of this meeting and the Council decision until this weekend. I don't blame you for this; it has been my choice to not connect to Social Media because of the time it takes away from things which I deem as more important. I would just encourage not basing decisions on low feedback. In my position on the other side of the dais, I choose to never assume people 'don't care', but more likely, that even as

important as all the things we do as a school board are to their most important product (their children and grandchildren), they 'don't know' and they trust us to do what's right for the good of the community. We, as I'm sure you have, have found Social Media to weigh more heavily on the side of misinformation. Perhaps a post card to residents (or voters) who are aren't part of the City of Wildomar email data base would provide more accurate information and feedback.

- As for its impact on kids, most of my students were introduced to alcohol, cannabis, and prescription drugs during their middle school years, when the ability to become addicted increases dramatically. It was normally provided by a trusted family member (cousin, brother, sister, parent) or easily accessed and experimented within the home. If this law is to be enacted, the Planning Commission needs to make sure it is not located anywhere near schools, day care facilities, libraries, playgrounds, youth centers, parks, or any youth congregating location. It is ludicrous to claim that a business is a run down house as we have seen on Grand Ave. with a spray painted green cross on it. In order to protect children, the business owners and employees need to be of proven integrity, wanting to be a part of the community, and not raping it. There is an ATF and FDA to regulate the alcohol, drug, and tobacco industry. What plans are in place in the City of Wildomar to protect our youth from parents and young adults that are not 'law abiding' and introducing children to choices and substances that they are not ready for, thus complicating their lives and making the job of education more difficult for their teachers?

Until we have a direct democracy where the majority of the citizens of an area meet all together and vote on issues, we will have to rely on representative democracy.

The public entrusts as civic and educational leaders to use the additional resources and information we have to make decisions that are best for the long term good of our community. We don't have to do what other communities are doing, if it is not in our best interests. That is why I return in closing to my original point of what is the principle that the City Council is basing this decision on; "Is it good for..." what?

I close in gratitude for each of your time, caring, and effort, by what in my perception is a bordering on a thankless job! Mary and I are grateful for all the progress that has been made in the City of Wildomar.

Gratefully and respectfully, Stan and Mary Crippen

From: [Bridgette Moore](#)
To: [Gary Nordquist](#); [Matthew Bassi](#)
Subject: Fw: Legalized cannabis sale and growth in Wildomar, why?
Date: Thursday, December 5, 2019 11:09:00 AM

From: Steve Roe <steveroe32@hotmail.com>
Sent: Thursday, December 5, 2019 10:54 AM
To: Marsha Swanson <mswanson@cityofwildomar.org>; Dustin Nigg <dnigg@cityofwildomar.org>; Ben Benoit <bbenoit@cityofwildomar.org>; Bridgette Moore <bmoore@cityofwildomar.org>; Joseph Morabito <jmorabito@cityofwildomar.org>
Subject: Legalized cannabis sale and growth in Wildomar, why?

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello,

I like most people believe what the Riverside County Sheriff Chad Bianco told the Murrieta/Wildomar Chamber of Commerce

" While the state has decriminalized drug use, I can tell you that the absolute majority, if not all, of what I deal with has to do with drugs. Whether it's gangs, it has to do with drugs. If its domestic violence, it usually deals with some type of alcohol and or drugs. The homeless issue is about drugs. Everything is about drugs. Drugs are our problem. I don't know if you know or if you care, but I'm telling you drugs are our problem."

What would cause anyone who cares about doing what is right for our city to legalize the growth and sale of cannabis in our city of Wildomar? Could it be that those who vote for it to be legalized care more about financial interest in taxes than our American citizens? I can assure you, those who vote for the legalization of the growth and sale of cannabis in Wildomar will not receive my vote in any future election. Nor will they possibly receive the vote from anyone who opposes the sale and growth of cannabis in Wildomar.

My house was broken into by someone who was on drugs. This same man broke into many houses in my area while on drugs. My wife and children were present in the house and were terrified. After breaking into my house, he fled on foot going into another house. He fled that house and grabbed a rod swinging it at cars on Bundy Canyon Road. He got a ride to another home in another neighborhood to hide. I watched from a distance as multiple sheriff deputies struggled to get him out of the house. Drugs destroy lives and families.

If you care about people and your American citizens you would oppose the sale and growth of cannabis. What are you going to do at the final vote?

Tax money vs. safety of Wildomar residents

That is what I and others will be waiting to see.

Thank you,

Steve Roe
(Concerned Wildomar resident)

From: [Matthew Bassi](#)
To: [Terry Jacobson](#)
Subject: RE: Wildomar Cannabis Ordinance Review
Date: Monday, February 3, 2020 8:08:09 AM

Terry,
Thank you for your email. I will be sure to pass this on to the Planning Commission and City Council as part of the public record.

Matthew C. Bassi
Planning Director

City of Wildomar
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
Work: 951-677-7751 x213
Fax: 951-698-1463

City Hall Hours:
Monday - Thursday
8:00 a.m. - 5:00 p.m.
(Friday's by Appointment)

Please note that email correspondence with the City of Wildomar, along with attachments, may be subject to the California Public Records Act, and therefore, may be subject to disclosure unless otherwise exempt.

From: Terry Jacobson <jacobson_terry@hotmail.com>
Sent: Friday, January 31, 2020 4:13 AM
To: Matthew Bassi <mbassi@cityofwildomar.org>
Subject: Wildomar Cannabis Ordinance Review

I am opposed to any drug that scrambles the brain. I'm sympatric to medications that relief pain, but not by an easily abused additive recreational self medicating drug like the different Cannabis plants provide.

How are you going to stop small children from inhaling or worse smoking a joint with their parents or the new door big kid neighbor that pushing it on the little ones. Sexual abuse is apart of this dummy down drug.

We already have a problem with alcohol, note all the empty beer cans and wine bottles on the sides of the roads. They, (cans & bottles) didn't drive there by themselves.

Sincerely,

Terry Jacobson
34193 Tractor Trail
Wildomar, CA 92595-9298
951-244-3501

From: [Veronica Langworthy](#)
To: [John Lloyd](#); [Kim Strong](#); [Eric Filar](#); [Brianna Bernard](#); [Arrin Banks](#); [Marsha Swanson](#); [Dustin Nigg](#); [Ben Benoit](#); [Bridgette Moore](#); [Joseph Morabito](#)
Cc: [Gary Nordquist](#); [Matthew Bassi](#)
Subject: hard data
Date: Monday, October 14, 2019 5:50:13 PM

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Dear Councilmembers and Commissioners,

Please consider the hard data from Colorado as they are a few years ahead of California on the recreational marijuana front.

California can learn from their lead.

Impacts of Marijuana in Colorado: A Report Pursuant to Senate Bill 13-283 (October 2018)

http://cdpsdocs.state.co.us/ors/docs/reports/2018-SB13-283_Rpt.pdf

Background

Impact on public safety

Impacts on public health and behavioral health services

Impact on youth

Overall crime

Data shows that liabilities outweigh the benefits.

Please vote **No** to storefront, processing and testing labs, and commercial grow/cultivation in the City of Wildomar.

Respectfully,

Veronica Langworthy

Resident, Wildomar, California

From: [Bridgette Moore](#)
To: [Gary Nordquist](#); [Matthew Bassi](#); [Dustin Nigg](#)
Subject: Fw: Code Amendment to allow cannabis businesses
Date: Monday, November 25, 2019 9:21:15 AM

From: Wayne Record <wrecord64@gmail.com>
Sent: Monday, November 25, 2019 8:57 AM
To: Bridgette Moore <bmoore@cityofwildomar.org>
Subject: Code Amendment to allow cannabis businesses

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Bridgette Moore,

Even though the council approved \$50,000 to prepare a code amendment to allow cannabis businesses to operate in Wildomar, I thank you for voting against moving forward with it. Depending on who you read, some reporters will say crime doesn't go up and others will say crime does go up. However, when law enforcement spends the majority of it's time dealing with drug-related crime, why would we want to bring into our community the kind of people who would exacerbate the situation?

Please do not allow cannabis businesses to operate in Wildomar. Please vote this down.

Sincerely,

Wayne Record
A concerned voting Wildomar resident

ATTACHMENT I

Neighbors United for Safe-Healthy Community Petition

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES: **RECEIVED**
DISTRIBUTION, CULTIVATION, PROCESSING LABS
WITHIN THE CITY OF WILDOMAR

FEB 27 2020

CITY OF WILDOMAR
 CITY MANAGER'S OFFICE

NEIGHBORS UNITED FOR A SAFE AND HEALTHY COMMUNITY

The City Council of Wildomar is spending over \$100,000 to develop an ordinance to allow cannabis (marijuana) retail stores, cultivation/grow, and processing labs within the City limits. We are requesting that the City of Wildomar properly conduct necessary impact reports on traffic, police, environment and other city services before voting on the ordinance. It is the duty of the City Council to make an informed vote by properly reviewing necessary reports regarding environmental impacts before voting.

1	Name: Charlotte Mooney Signature: Charlotte Mooney	Address: 35063 Pashal Pl City/Zip: Wildomar Ca 92595
2	Name: Philip Mooney Signature: Philip Mooney	Address: 35063 Pashal Pl City/Zip: Wildomar Ca 92595
3	Name: Janet L. Henry Signature: JANET L. HENRY	Address: 35333 Glen Lane, WI City/Zip: Wildomar, CA 92595
4	Name: David Lazzarini Signature: David Lazzarini	Address: 21019 LAGUNA AVE City/Zip: WILDOMAR, CA 92595
5	Name: Kathleen Moore Signature: Kathleen Moore	Address: 20123 Autumn Oak Pl City/Zip: Wildomar Ca 92595
6	Name: Sandra S. Alles Signature: Sandra S. Alles	Address: 32448 Whispering Glen Ct City/Zip: Wildomar Ca 92595
7	Name: Anita J. Patton Signature: Anita J. Patton	Address: 24167 Rosita Dr. City/Zip: Wildomar, CA 92595
8	Name: Ayman Williams Signature: Ayman Williams	Address: 33033 TRAVEL LN. 92555 City/Zip: Wildomar CA 92575

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
DISTRIBUTION, CULTIVATION, PROCESSING LABS
WITHIN THE CITY OF WILDOMAR

NEIGHBORS UNITED FOR A SAFE AND HEALTHY COMMUNITY

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1	Name: Veronica Langworthy	Address: 21227 Front St
	Signature: Veronica Langworthy	City/Zip: WILDOMAR, 92595
2	Name: America Alvarez	Address: 32523 Central St
	Signature: America Alvarez	City/Zip: Wildomar CA 92595
3	Name: Rosalia Hajdu	Address: 21175 Skatedel Meadow
	Signature: Rosalia Hajdu	City/Zip: 92595
4	Name: CAROL HAJDU	Address: //
	Signature: Carol Hajdu	City/Zip: //
5	Name: Heather Morris	Address: 21452 Front St.
	Signature: Heather Morris	City/Zip: Wildomar CA 92595
6	Name:	Address:
	Signature:	City/Zip:
7	Name:	Address:
	Signature:	City/Zip:
8	Name:	Address:
	Signature:	City/Zip:

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
DISTRIBUTION, CULTIVATION, PROCESSING LABS
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1	Name: Janet E. Solomon	Address: 34010 Harrow Hill Rd.
	Signature: Janet E. Solomon	City/Zip: Wildomar, CA. 92595
2	Name: Eric Solomon	Address: 34010 Harrow Hill Rd.
	Signature: Eric A. Solomon	City/Zip: Wildomar, CA. 92595
3	Name:	Address:
	Signature:	City/Zip:
4	Name:	Address:
	Signature:	City/Zip:
5	Name:	Address:
	Signature:	City/Zip:
6	Name:	Address:
	Signature:	City/Zip:
7	Name:	Address:
	Signature:	City/Zip:
8	Name:	Address:
	Signature:	City/Zip:

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
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1	Name: Doris Jackson	Address: 32576 Batson Lane
	Signature: Jackson	City/Zip: Wildomar, CA 92595
2	Name: THOMAS J. JACKSON	Address: 32576 BATSON LN
	Signature: Thomas J. Jackson	City/Zip: WILDOMAR, CA 92595
3	Name:	Address:
	Signature:	City/Zip:
4	Name:	Address:
	Signature:	City/Zip:
5	Name:	Address:
	Signature:	City/Zip:
6	Name:	Address:
	Signature:	City/Zip:
7	Name:	Address:
	Signature:	City/Zip:
8	Name:	Address:
	Signature:	City/Zip:

Petition to Wildomar City Council

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1	Name: Paul R Lee	Address: 21210 Palomar St
	Signature: Paul R L	City/Zip: Wildomar, Calif. 92595
2	Name: Christopher Walker	Address: 21210 Palomar St
	Signature: Ch Walker	City/Zip: Wildomar, California 92595
3	Name: Walker Heather Walker	Address: 21210 Palomar St.
	Signature: Walker	City/Zip: Wildomar CA 92595
4	Name: Elizabeth Walker	Address: 21210 Palomar St.
	Signature: E Walker	City/Zip: Wildomar CA 92595
5	Name: Maria N. Walker	Address: 21210 Palomar St
	Signature: Marie	City/Zip: Wildomar, CA 92595
6	Name: Jonathan Walker	Address: 21210 Palomar St
	Signature: Jon	City/Zip: Wildomar, CA 92595
7	Name: Timothy Walker	Address: 21210 Palomar St.
	Signature: Tim	City/Zip: Wildomar CA 92595
8	Name: Greg Langworthy	Address: 21227 Front St
	Signature: Greg Langworthy	City/Zip: Wildomar, CA 92595

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
DISTRIBUTION, CULTIVATION, PROCESSING LABS
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1	Name: <u>MARIO M. LOPEZ</u>	Address: <u>21878 LEMON ST.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>WILDOMAR, CA 92595</u>
2	Name: <u>Betty Lopez</u>	Address: <u>21878 Lemon st.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar. CA. 92595</u>
3	Name: <u>ANDERSON COMPAGNON</u>	Address: <u>30145 Paul Hurst St</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>MENIFEE CA 92584</u>
4	Name: <u>Paul Fernandez</u>	Address: <u>23220 Rustic Oak Dr.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar, CA 92525</u>
5	Name: <u>DAVID MADRUGA</u>	Address: <u>33159 REBOA ST</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>WILDOMAR, CA 92595</u>
6	Name: <u>Maria Fernandez</u>	Address: <u>23220 Rustic Oak Dr</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar, CA</u>
7	Name: <u>DEXTER VILLANUEVA</u>	Address: <u>40845 ENGELMANN OAK ST.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>MURRIETA, CA 92562</u>
8	Name: <u>NORMAN COOK</u>	Address: <u>32650 Mission Trail</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Lake Elsinore 92530</u>

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
DISTRIBUTION, CULTIVATION, PROCESSING LABS
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1	Name: <u>Lolene Roney</u>	Address: <u>14531 Schaeffer</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>P.O.B. 3166 Henderson 92342</u>
2	Name: <u>Ed Roney</u>	Address: <u>21451 Illinois</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar, CA</u>
3	Name: <u>[Signature]</u>	Address: <u>32729 Hunt Dr.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>[Blank]</u>
4	Name: <u>Maria Gilmer</u>	Address: <u>32147 Rensin Rd</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Winchester, CA 92596</u>
5	Name: <u>[Blank]</u>	Address: <u>[Blank]</u>
	Signature: <u>[Blank]</u>	City/Zip: <u>[Blank]</u>
6	Name: <u>[Blank]</u>	Address: <u>[Blank]</u>
	Signature: <u>[Blank]</u>	City/Zip: <u>[Blank]</u>
7	Name: <u>[Blank]</u>	Address: <u>[Blank]</u>
	Signature: <u>[Blank]</u>	City/Zip: <u>[Blank]</u>
8	Name: <u>[Blank]</u>	Address: <u>[Blank]</u>
	Signature: <u>[Blank]</u>	City/Zip: <u>[Blank]</u>

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
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1	Name: <u>Roberto Camacho</u> Signature: <u>[Signature]</u>	Address: <u>28935 Avenida Gavista</u> City/Zip: <u>Quail Valley 92587</u>
2	Name: <u>Rachel McDowell</u> Signature: <u>[Signature]</u>	Address: <u>32315 Penrose St</u> City/Zip: <u>Wildomar, CA 92595</u>
3	Name: <u>Patrick McDowell</u> Signature: <u>[Signature]</u>	Address: <u>32315 Penrose St</u> City/Zip: <u>Wildomar, CA 92595</u>
4	Name: <u>NOEL BAW</u> Signature: <u>[Signature]</u>	Address: <u>33410 WILHAM PLACE</u> City/Zip: <u>LAKE ELSINORE CA 92530</u>
5	Name: <u>PATRICIA TACWIN</u> Signature: <u>[Signature]</u>	Address: <u>20190 MOUNTAIN AVE.</u> City/Zip: <u>PERRIS, CA 92570</u>
6	Name: <u>Theresa Ryan</u> Signature: <u>[Signature]</u>	Address: <u>20220 Mountain Ave</u> City/Zip: <u>Perris, CA 92570</u>
7	Name: <u>Linda Record</u> Signature: <u>[Signature]</u>	Address: <u>P.O. Box 364</u> City/Zip: <u>Wildomar CA 92595</u>
8	Name: <u>Brett Beil</u> Signature: <u>[Signature]</u>	Address: <u>32867 Sandalwood Lane</u> City/Zip: <u>Lake Elsinore, CA 92530</u>

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
DISTRIBUTION, CULTIVATION, PROCESSING LABS
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1	Name: PAUL YOUNG	Address: P.O. 1139
	Signature: Paul W. Young	City/Zip: Wildomar CA 92594
2	Name: GERALD SCHMIDT	Address: 31888 Vinewood Ct.
	Signature: Gerald Schmidt	City/Zip: Lake Elsinore, 92532
3	Name: CHERYL ANDERSON	Address: 28823 THORNHILL DR.
	Signature: Cheryl Anderson	City/Zip: MENFEE, 92586
4	Name: Angelina Munoz	Address: 21400 Walnut St
	Signature: Angelina Munoz	City/Zip: Wildomar Ca 92595
5	Name: Bess Bertrand	Address: 30884 Lajee St
	Signature: Bess Bertrand	City/Zip: Menifee 92584
6	Name: Edgard Munoz	Address: 21400 Walnut St
	Signature: Edgard Munoz	City/Zip: Wildomar CA 92595
7	Name: Neal Young	Address: 34443 Hickory LN
	Signature: Neal Young	City/Zip: Wildomar CA 92595
8	Name: Margaret Morgan	Address: 19001 Stonewood Way
	Signature: Margaret Morgan	City/Zip: Lake Elsinore CA 92530

Petition to Wildomar City Council

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DISTRIBUTION, CULTIVATION, PROCESSING LABS
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1	Name: Pasqual Sebastian Signature: Pasqual Sebastian	Address: 33060 Tulley Ranch Rd City/Zip: Temecula CA 92592
2	Name: Blanca Sebastian Signature: Blanca Sebastian	Address: 33060 Tulley Ranch Rd City/Zip: Temecula CA 92592
3	Name: Nathaniel Sebastian Signature: [Signature]	Address: 33060 Tulley Ranch Rd City/Zip: Temecula CA 92592
4	Name: Melissa Rico Signature: [Signature]	Address: 23583 CASA BONITA AVE City/Zip: Menifee CA 92581
5	Name: Jahaira Castro Signature: Jahaira Castro	Address: 23583 CASA Bonita Ave City/Zip: Menifee CA 92581
6	Name: Yolanda Orozco Signature: Yolanda Orozco	Address: 23583 CASA Bonita Ave City/Zip: Menifee CA 92581
7	Name: Sergio Montañez Signature: Sergio Montañez	Address: 23583 Casa Bonita Ave City/Zip: Menifee CA 92581
8	Name: Yamil Balbuena Signature: Conrado Tamego	Address: 21445 Walnut Dr Wildom CA 92595 City/Zip: 21445 Walnut Dr Wildom CA 92595

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
DISTRIBUTION, CULTIVATION, PROCESSING LABS
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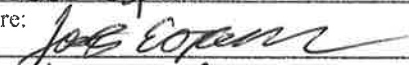
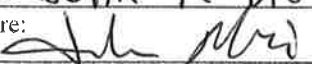
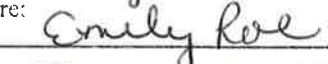



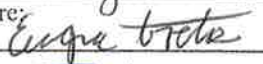
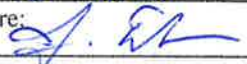
1	Name: <u>ESTHER ERB</u>	Address: <u>4181 CATHYVIEW DR</u>
	Signature: <u>Esther Erb</u>	City/Zip: <u>Lake Elsinore Ca 92530</u>
2	Name: <u>Paul WOOLEY</u>	Address: <u>32890 CENTRAL ST</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Lt WILDOMAR, CA</u>
3	Name: <u>Elsa Erb</u>	Address: <u>4181 Cathview DR</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Lake Elsinore CA</u>
4	Name: <u>Leta Scarry</u>	Address: <u>32803 Trailwood Ct</u>
	Signature: <u>Leta Scarry</u>	City/Zip: <u>Wildomar, CA 92595</u>
5	Name: <u>Heather Young</u>	Address: <u>34443 Hickory LN</u>
	Signature: <u>Heather Young</u>	City/Zip: <u>Wildomar CA 92595</u>
6	Name: <u>Silvia Jimenez</u>	Address: <u>23632 Morning Glory Dr</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Murrieta, CA 92562</u>
7	Name: <u>Danila Lynds</u>	Address: <u>32086 White Spruce</u>
	Signature: <u>Danila Lynds</u>	City/Zip: <u>Wildomar 92595</u>
8	Name: <u>Daniela F. Camacho</u>	Address: <u>28935 Avenida Caviota</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Quail Valley, 92587</u>

Petition to Wildomar City Council

SAY NO TO CANNABIS BUSINESSES:
DISTRIBUTION, CULTIVATION, PROCESSING LABS
WITHIN THE CITY OF WILDOMAR

NEIGHBORS UNITED FOR A SAFE AND HEALTHY COMMUNITY

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1	Name: Jose España	Address: 25455 Juno St.
	Signature: 	City/Zip: Menifee 92586
2	Name: John Rubio	Address: 32491 Falling Leaf Court
	Signature: 	City/Zip: Wildomar, Ca 92595
3	Name: Emily Roe	Address: 34082 Oak Canyon Drive
	Signature: 	City/Zip: Wildomar, CA 92595
4	Name: FRANCISCO Osonio	Address: 23135 Empire Penguin Rd
	Signature: 	City/Zip: Wildomar, CA 92595
5	Name: Monica Osonio	Address: 23135 Empire Penguin Rd
	Signature: 	City/Zip: Wildomar CA 92595
6	Name: Eugene Treka	Address: 382 E. Jarvis St
	Signature: 	City/Zip: Perris, CA 92571
7	Name: Eugene Treka	Address: 382 E. Jarvis St
	Signature: 	City/Zip: Perris, CA 92571
8	Name: JOSHUA BRD	Address: 4181 CROSVIEW DR
	Signature: 	City/Zip: Lake Elsinore CA 92531

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1	Name: <u>LYNNE Williams</u>	Address: <u>33033 TRANQUIL LANE</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar, CA 92595</u>
2	Name: <u>Michael Cleary</u>	Address: <u>20360 Grand Ave</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar 92595</u>
3	Name: <u>Donald J House</u>	Address: <u>33188 ORCHARD ST</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar CA 92595</u>
4	Name: <u>Dr. R. Gracida</u>	Address: <u>21480 Walnut Dr</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar</u>
5	Name: <u>CATHERINE GANZON</u>	Address: <u>807 AMADOR CT LAKE ELDORADO</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>CALIFORNIA 92530</u>
6	Name: <u>ANDY PIERSON</u>	Address: <u>37157 Robert St</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar 92595</u>
7	Name: <u>CRISTINA VILLANUEVA</u>	Address: <u>40845 Engelmann Oak St.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Murrieta, CA 92562</u>
8	Name: <u>Paul</u>	Address: <u>35110 Medical St</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar 92595</u>

Petition to Wildomar City Council

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1	Name: <u>KEN PETERSON</u> Signature: <u>[Signature]</u>	Address: <u>21833 CARNATION LN.</u> City/Zip: <u>WILDOMAR, 92595</u>
2	Name: <u>Amanda Lopez</u> Signature: <u>[Signature]</u>	Address: <u>32738 Spun Cotton Dr.</u> City/Zip: <u>Winchester, CA 92596</u>
3	Name: <u>Jorge Lopez</u> Signature: <u>[Signature]</u>	Address: <u>32738 SPUN COTTON DR</u> City/Zip: <u>Winchester Ca 92596</u>
4	Name: <u>Ted Pardo Jr</u> Signature: <u>[Signature]</u>	Address: <u>24790 Fire Falls Drive</u> City/Zip: <u>Murrieta 92562</u>
5	Name: <u>ISAIAH FORD</u> Signature: <u>[Signature]</u>	Address: <u>38580 VIA TAFFIA</u> City/Zip: <u>MURRIETA, 92563</u>
6	Name: <u>Heather Westphal</u> Signature: <u>[Signature]</u>	Address: <u>23303 WildHorse Ct</u> City/Zip: <u>Wildomar 92595</u>
7	Name: <u>Albert Gresco</u> Signature: <u>[Signature]</u>	Address: <u>32528 Cedar Spring Ct</u> City/Zip: <u>Wildomar CA 92595</u>
8	Name: <u>Amy España</u> Signature: <u>[Signature]</u>	Address: <u>25455 Juno St.</u> City/Zip: <u>Menifee 92586</u>

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1	Name: <u>EMMA AGUIHAR</u> Signature: <u>Emma Aguihar</u>	Address: <u>33274 Hixon St.</u> City/Zip: <u>Wildomar Ca 92595</u>
2	Name: <u>Maria Ramirez</u> Signature: <u>Maria Ramirez</u>	Address: <u>28154 Via Princesa #1</u> City/Zip: <u>Murrieta, Ca. 92563</u>
3	Name: <u>GLORIA CHAVARRIA</u> Signature: <u>GLORIA CHAVARRIA</u>	Address: <u>39813 Wild Flower Dr</u> City/Zip: <u>Murrieta Ca 92563</u>
4	Name: <u>MARTIN CHAVARRIA</u> Signature: <u>Martin Chavarria</u>	Address: <u>39813 WILDFLOWER DR</u> City/Zip: <u>MURRIETA, CA</u>
5	Name: <u>AL Q. DIAZ</u> Signature: <u>Al Q. Diaz</u>	Address: <u>24711 MORNING STAR DR</u> City/Zip: <u>MURRIETA Ca. 92562</u>
6	Name: <u>ELVA A. DIAZ</u> Signature: <u>Elva A. Diaz</u>	Address: <u>Murriet CA. 92562</u> City/Zip: <u></u>
7	Name: <u>Miriam Yamileth Vidare</u> Signature: <u>Miriam Yamileth Vidare</u>	Address: <u>15221 Windjammer Way</u> City/Zip: <u>Lake Elsinore 92530</u>
8	Name: <u>Miriam Vidare</u> Signature: <u>Miriam Vidare</u>	Address: <u>15221 Windjammer Way</u> City/Zip: <u>Lake Elsinore CA 92530</u>

Petition to Wildomar City Council

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1	Name: <u>Rosa Perez</u>	Address: <u>1036 E. Lincoln Ave.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Escondido CA 92026</u>
2	Name: <u>Patricia Gallegos</u>	Address: <u>19987 Crestwood Dr</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Lake Elsinore Ca 92530</u>
3	Name: <u>Mia Gallegos</u>	Address: <u>19987 Crestwood Dr.</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Lake Elsinore, Ca, 92530</u>
4	Name: <u>miguel leon</u>	Address: <u>462 El montes st</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>San Jacinto</u>
5	Name: <u>Monica Rodriguez</u>	Address: <u></u>
	Signature: <u>/</u>	City/Zip: <u></u>
6	Name: <u>Teresa V Flores</u>	Address: <u></u>
	Signature: <u></u>	City/Zip: <u></u>
7	Name: <u>Catalina Martinez</u>	Address: <u></u>
	Signature: <u></u>	City/Zip: <u></u>
8	Name: <u>Oscar Molina</u>	Address: <u>2115 Palomar St</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar 92595</u>

*Announce to
Congregation
Please!*

Petition to Wildomar City Council

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1	Name: Mike F. Valdez Signature: <i>Mike F. Valdez</i>	Address: P.O. Box 1049 City/Zip: Wildomar CA 92595
2	Name: JOHN J. MULVATHIL Signature: <i>John J. Mulvathil</i>	Address: 90360 CRYSTAL ADLE CT, MURALEIA, CA 92562 City/Zip: MURALEIA, CA 92562
3	Name: Juan Cisneros Signature: <i>Juan Cisneros</i>	Address: 411 N LAUREL AVE Lake Elsinore City/Zip: 92530
4	Name: GREGORIO VILIA Signature: GREGORIO VILIA	Address: 951 3684 832 414 75 CASSIOPE CT City/Zip: HEMET CA 92345
5	Name: Leonardo Borja Signature: <i>Leonardo Borja</i>	Address: 509 Granite st City/Zip: Lake Elsinore CA. 92530
6	Name: Bertha Fuentes Signature: <i>Bertha Fuentes</i>	Address: 131 Prospect st. City/Zip: lake Elsinore CA 92530
7	Name: Luis Fuentes Signature: <i>Luis Fuentes</i>	Address: 131 E Prospect st. City/Zip: lake Elsinore CA 92530
8	Name: Gilberto R. Signature: <i>Gilberto R.</i>	Address: 124 St Prospect Lake City/Zip: 92530

Petition to Wildomar City Council

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1	Name: <u>WAYNE RECORD</u>	Address: <u>P.O. BOX 364</u>
	Signature: <u>Wayne Record</u>	City/Zip: <u>WILDOMAR CA 92595</u>
2	Name: <u>HANI KASSICIEH</u>	Address: <u>33100 EVERGREEN ST</u>
	Signature: <u>Hani Kassiech</u>	City/Zip: <u>Lake Elsinore 92530</u>
3	Name: <u>NAWAL ZABANEH</u>	Address: <u>33100 EVERGREEN, Lake Elsinore</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Lake Elsinore, 92530</u>
4	Name: <u>Bruce Goddard</u>	Address: <u>23011 Heather Ct.</u>
	Signature: <u>B Goddard</u>	City/Zip: <u>Wildomar, Ca 92595</u>
5	Name: <u>Terri Lewis</u>	Address: <u>34396 Tree Ln</u>
	Signature: <u>Terri Lewis</u>	City/Zip: <u>Wildomar 92595</u>
6	Name:	Address:
	Signature:	City/Zip:
7	Name:	Address:
	Signature:	City/Zip:
8	Name:	Address:
	Signature:	City/Zip:

Petition to **Wildomar City Council**

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1	Name: <u>Justin Morgan</u>	Address: <u>19000 Stone Wood Way</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Lake Elsinore CA 92530</u>
2	Name: <u>Paul Bailey</u>	Address: <u>3221 Arnold Ln</u>
	Signature: <u>[Signature]</u>	City/Zip: <u>Wildomar CA 92595</u>
3	Name: <u>Chloe Bailey</u>	Address: <u>3221 Arnold Ln.</u>
	Signature: <u>Chloe Bailey</u>	City/Zip: <u>Wildomar, CA 92595</u>
4	Name:	Address:
	Signature: <u>[Signature]</u>	City/Zip:
5	Name:	Address:
	Signature: <u>[Signature]</u>	City/Zip:
6	Name:	Address:
	Signature:	City/Zip:
7	Name:	Address:
	Signature:	City/Zip:
8	Name:	Address:
	Signature:	City/Zip:

ATTACHMENT J

**Email Comment Letters Received Between
Commission and Council Mtgs.**

From: [Bridgette Moore](#)
To: [Janet Morales](#); [Matthew Bassi](#); [Gary Nordquist](#)
Subject: Fw: Cannabis business opening up in Wildomar next to youth groups
Date: Tuesday, May 5, 2020 5:08:25 PM

Comment I received is below:

From: Steve Price <steveprice114@gmail.com>
Sent: Tuesday, May 5, 2020 4:59 PM
To: Bridgette Moore <bmoore@cityofwildomar.org>
Subject: Cannabis business opening up in Wildomar next to youth groups

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hi this is pastor Steve Price from Calvary Chapel Bear Creek located at 34862 Monte Vista Dr, Wildomar, Ca 92595 suite 105-106. We have youth groups in our church from ages 6-18 years old, and we do not want a Cannabis store going in next to our youth groups. There are also two other churches here in the shopping center as well as a Christian School. It is against California law to have pot shops right next to a school or a church with youth groups. Please do not allow these Cannabis businesses to open shop here. The last thing we would want to do is bring a law suit against the shop or the city. We have appreciated everything the city has done to help in these situations. Thanks so much for your consideration.

Pastor Steve Price
Calvary Chapel Bear Creek
34862 Monte Vista Dr, Wildomar, Ca 92595
Phone: (909) 374-4202

From: [Rosen, Jeff](#)
To: [Matthew Bassi](#)
Subject: RE: PC Question
Date: Monday, May 4, 2020 10:33:20 AM
Attachments: [image001.png](#)

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Good Morning Matt,

First and foremost I hope you and your family are all doing well.

I saw this morning that the Cannabis Hearing will be taking place this Wednesday. There are three (3) churches / Christian schools in the shopping center on Monte Vista;

Calvary Chapel Bear Creek – Spoke with Pastor Steve Price. He confirmed that they do in fact operate onsite youth groups. however he is not available to attend the hearing as they have Wednesday evening services.

Grace Christian School – Spoke with Principal Brenda Langley who confirmed that they operate both the school and youth groups onsite.

Oakstone Community Church – Left a voice message. Haven't heard back.

We are respectfully requesting to have the proposed map redrawn to exclude the two (2) shopping centers on Monte Vista.

Thank you very much,
Jeff

Jeff Rosen
Senior Associate Pastor



[951.674.8661](tel:951.674.8661) | go2cornerstone.com
34570 Monte Vista Dr. | Wildomar, CA 92595

From: [Janet Morales](#)
To: [Matthew Bassi](#)
Subject: FW: Draft Cannabis Ordinance.
Date: Wednesday, May 6, 2020 4:51:09 PM

-----Original Message-----

From: Ruben Castanon <castanon@aol.com>
Sent: Wednesday, May 6, 2020 4:48 PM
To: Janet Morales <jmorales@cityofwildomar.org>
Subject: Draft Cannabis Ordinance.

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Good evening,

I am submitting my comments electronically, in the event I am unable to log into the Planning Commission meeting tonight.

I want to commend the Ad Hoc committee and Staff for all its work and due Diligence of adopting the Commercial/Retail Cannabis Draft Ordinance for the City of Wildomar.

Now more than ever do we have to pass this Ordinance. We have our step sister city Lake Elsinore adopting an Ordinance last year with business already opened or in the processing of building with adding more business licenses. We share a Police Dept and a street, Corridon, as our Boundry. You have legal commercial cannabis industry on side of the street and it be illegal across the street on Wildomar side? We need consistency and continuity in with our shared Police Dept.

The complaint regarding zoning of scenic commercial area. Are foundless, that's why we have design guideline for all Retail Commerical businesses. As far as traffic and parking those issues are addressed in the application process. The same can be said of The Churches, with parking and traffic issues. How did Cornerstone/Grace Christian Schools mitigate there traffic and parking issues? It should be the same process. I have visited the retail stores, in Orange County and Lake Elsinore none of this businesses had any traffic or parking issues.

Cannabis is an industry, that should have all the same rights and opportunity as any other legal business. The fact is Cannabis businesses pay taxes Churches don't. We should not condemn and vilify an industry on false and outdated assumptions.

The issue or comments that Cannabis will be easier for our, your children to get access to cannabis with this ordinance has no factual bases. Like Alcohol and Tobacco stronger laws lead to less access, to no access for minors, to protect our Youth. One letter says "how do we keep it from our children" same as you do for alcohol, tobacco and your prescriptions that you keep at home. Those are private decisions for parents to raise they children as they want.

Comments "its against Federal Law By-Partisan Bills on Senate Floor waiting for a Vote on for Passing lifting the Federal Ban. States, want cannabis business to deposit cash into Banks, receives taxes and as well as our Veterans support bills before the Senate.

The 600 ft radius, is appropriate for Wildomar, which is State Law. Wildomar is to small of a community to have any thing further, than that defeats the purpose of the Ordinance by over regulating to the point no business would qualify.

I am a 40 year resident of Wildomar, my husband a 38 year retired high school teacher in the LEUSD. We have two sons attended K-12

I was on the Incorporation of the City of Wildomar I know what is needed to fully fund the needs and requirements of a city.

I fully commend the Ad Hoc Committee and Staff for a well thought out Ordinance and I recommend approval the Planning Commission as Presented by Staff for Approval

Gina Castanon

415-7871

Sent from my iPad

From: [Janet Morales](#)
To: [Matthew Bassi](#)
Subject: Fwd: Acting City Clerk
Date: Wednesday, May 6, 2020 3:14:58 PM

Begin forwarded message:

From: Kim Cousins <kcousins1976@gmail.com>
Date: May 6, 2020 at 1:42:30 PM PDT
To: Janet Morales <jmorales@cityofwildomar.org>
Subject: Acting City Clerk

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

I would like to comment on Item 2.1 for tonight's Planning Commission Meeting.

I am in support of approving the Ordinance 2020-14 a Cannabis Code Amendment.

I am not able to attend as I have another meeting I am obligated to attend.

Sincerely,

Kim Joseph Cousins

The Syndicate Lake Elsinore

From: [Janet Morales](#)
To: [Dustin Nigg](#); [Bridgette Moore](#); [Ben Benoit](#); [Joseph Morabito](#); [Marsha Swanson](#)
Cc: [Gary Nordquist](#); [Dan York](#); [Matthew Bassi](#); [Kimberly Davidson](#); [Jex, Thomas D.](#)
Subject: FW: NO on Cannabis in Wildomar
Date: Thursday, May 7, 2020 1:20:31 PM

Hi All,

Please see resident's comment below.

(Do not reply all)

Thank you,

Janet Morales

Acting City Clerk

City of Wildomar

23873 Clinton Keith Rd
Suite 201
Wildomar, CA 92595

951.677.7751 x210
951.698.1463 (Fax)

City Hall Hours:
Monday-Thursday
8:00 a.m. - 5:00 p.m.
Closed Fridays

www.cityofwildomar.org

All e-mail to and from the City of Wildomar may be considered public information and may be disclosed upon request.

From: Mayra Clingman <mayra365@gmail.com>
Sent: Thursday, May 7, 2020 9:13 AM
To: Janet Morales <jmorales@cityofwildomar.org>
Cc: craig clingman <clingman1@hotmail.com>
Subject: NO on Cannabis in Wildomar

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hello,

We have been residents of Wildomar for 23 years now. Our children grew up here. Our grandchildren are being raised here.

My husband and I both work for Lake Elsinore Unified School District. He's a middle school special

education teacher, I'm a speech pathologist.

We eat organic food, enjoy beer and wine regularly, stretch and exercise regularly, and practice mental/emotional/spiritual health.

While we are aware of the many benefits of cannabis, and are supportive of its legality, we are also aware that **robberies exponentially increase in areas where it is sold**. Those robberies will be against our residents.

Thank you,
Mayra Clingman

CITY OF WILDOMAR – CITY COUNCIL
Agenda Item #2.2
PUBLIC HEARING
Meeting Date: May 28, 2020

TO: Mayor and City Council Members

FROM: James Riley, Administrative Services Director

PREPARED BY: Adam Jantz, Administrative Analyst II

SUBJECT: Establishment of Commercial Cannabis Fees

STAFF REPORT

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution entitled:

RESOLUTION NO. 2020 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING APPLICATION FEES AND A REGULATORY FEE FOR
CANNABIS BUSINESSES

BACKGROUND:

The City of Wildomar City Council introduced on May 28, 2020, an Ordinance of the City Council of the City of Wildomar, California, to permit cannabis businesses to operate in the City, and adding Chapters 5.76 and 17.315 to the Wildomar Municipal Code pertaining to cannabis business regulations.

Proposed new Sections 5.76.060, 5.76.090, and 17.315.050 and existing Section 17.192.020 authorize application fees to be established by resolution of the City Council for an initial local license application, a local license renewal application, a conditional use permit application, and a development agreement application.

Section 5.76.060 Paragraph E of the proposed code allows for the establishment of a regulatory license fee. The purpose of the fee is to cover the costs associated with monitoring, maintaining, and enforcing compliance with City regulations. This fee is to be set by resolution of the City Council.

In addition, Section 17.315.040 necessitates that any business applying for a local license acquire a conditional use permit and enter into a development agreement with the City prior to receiving their local license.

DISCUSSION:

This resolution establishes the fees specified in the new code related to cannabis businesses. There are five fees proposed, four of which are deposits.

The initial application deposit fees, due with the application, include the local license application fee (\$20,000), a conditional use permit (\$20,000), and a development agreement (\$12,000). They are deposit-based in order to reflect the actual costs of the services provided. Any deposit remaining at completion will be refunded to the applicant in accordance with City policy. Similarly, an applicant may be required to submit additional monies to the City to cover application processing costs if the application fee is insufficient. See summary below:

Fee	Type	Due	Period	Amount
Local License Application	Deposit-Based	Time of Application	One-Time	\$ 20,000.00
Conditional Use Permit	Deposit-Based	Time of Application	One-Time	\$ 20,000.00
Development Agreement	Deposit-Based	Time of Application	One-Time	\$ 12,000.00
Total Initial Deposit:				\$ 52,000.00

The development agreement is a negotiated agreement between the City and the applicant. Any payments or costs that may be stipulated in the development agreement are outside the scope of these deposits and fees. Once approved, the local license has a validity of two years. As the expiration date of the license is approached, a local license renewal must be submitted along with an initial deposit fee of \$10,000, as shown below. As with the local license application, if more work is required, an additional deposit will be necessary. Any excess funds will be refunded upon completion at the request of the applicant.

Fee	Type	Due	Period	Amount
Local License Renewal	Deposit-Based	Every 2 Years After Initial License Issuance	Biennial	\$ 10,000.00

These initial deposit fee amounts are specific to cannabis-related projects and do not include CEQA (California Environmental Quality Act) compliance and post-entitlement grading and building plan checks.

Once a business has been approved and obtained the Certificate of Occupancy for its location, an annual regulatory fee will be assessed. The total amount will be \$71,307.80. For the first 12 months of operation, half (\$35,653.90) will be due upon the issuance of the Certificate of Occupancy, and the other half 6 months thereafter. From the beginning of the 2nd year of operation and onward, the entire regulatory fee will be due at the start of the year.

Fee	Type	Due	Period	Amount
Annual Regulatory Fee	Fixed	Issuance of CofO - Broken Into 2 Payments Initially	Annual	\$ 71,307.80

The annual regulatory fee is non-refundable. It is designed to cover the costs associated with regulating the cannabis industry in the City. The fee incorporates compliance monitoring by all departments and enforcement of City code on both legal and illegal cannabis businesses in the City limits. It also incorporates the costs of providing a full-time non-uniformed officer to the Cannabis Regulatory Task Force which operates out of

the Riverside County District Attorney office. A detailed breakdown of the regulatory fee is shown in Exhibit “B”.

FISCAL IMPACT:

The fees set in this resolution are anticipated to cover the City’s cost of processing, regulating, and overseeing the development of cannabis-related businesses. For the deposit-based fees, additional deposits will be obtained if funds are low. Because of this, there should not be any negative financial impacts to the City as all costs will be covered.

Submitted by:
James Riley
Administrative Services Director

Approved by:
Gary Nordquist
City Manager

ATTACHMENTS:

Resolution
Exhibit A: Cannabis Fee Breakdown Package
Exhibit B: Cannabis Regulatory Fee Detail

RESOLUTION NO. 2020 - _____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILDOMAR,
CALIFORNIA, ADOPTING APPLICATION FEES AND A REGULATORY FEE FOR
CANNABIS BUSINESSES

WHEREAS, The City of Wildomar City Council introduced on May 28, 2020, an Ordinance of the City Council of the City of Wildomar, California, to permit cannabis businesses to operate in the City, and adding Chapters 5.76 and 17.315 to the Wildomar Municipal Code pertaining to cannabis business regulations, including requirements that the businesses apply for and obtain approval of a local license, a conditional use permit, and a development agreement.

WHEREAS, proposed new Sections 5.76.060, 5.76.090, and 17.315.050 and existing Section 17.192.020 authorize application fees to be established by resolution of the City Council for an initial local license application, a local license renewal application, a conditional use permit application, and a development agreement application (“Application Fees”).

WHEREAS, proposed Section 5.76.060, paragraph E, allows the City Council to establish a regulatory license fee to be paid annually by approved cannabis businesses (“Regulatory Fee”).

WHEREAS, the Application Fees are enacted pursuant to subsections (e)(1) and (2) of article XIII C, section 1 of the California Constitution and do not exceed the estimated reasonable costs to the City of processing the subject applications. The Application Fees will be deposits, and any excess Application Fees collected will be refunded to the applicant in accordance with City policy. Similarly, an applicant may be required to submit additional monies to the City to cover application processing costs if the Application Fee is insufficient.

WHEREAS, the Regulatory Fee is enacted pursuant to subsection (e)(3) of article XIII C, section 1 of the California Constitution, and does not exceed the estimated reasonable cost of the regulatory activity for which the Regulatory Fee is levied. The Regulatory Fee will be a nonrefundable fixed fee.

WHEREAS, the adoption of the Application Fees is subject to the procedural requirements of Government Code section 66016.

WHEREAS, pursuant to Government Code sections 66016, the data required to be made available to the public prior to establishing or increasing fees was made available for public review at least 10 days prior to the date of this meeting.

WHEREAS, notice of a public hearing on the Application Fees and Regulatory Fee was published and mailed notice was provided to those who have a request for mailed notice on file with the City Clerk.

WHEREAS, a duly noticed public hearing before the City Council was held on May 28, 2020, at which public testimony was received and duly considered on the proposed Application Fees and Regulatory Fee.

WHEREAS, pursuant to Government Code sections 66016, fees adopted pursuant to those sections shall not take effect until at least sixty (60) days have passed since the final action on the adoption or increase of the fee.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. Findings. The City Council finds that:

a. The above recitals are true and correct, material to this Resolution, and incorporated herein by reference as findings.

b. The adoption of this Resolution is not subject to CEQA review pursuant to CEQA Guideline 15378(b)(4), which provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project are not projects subject to CEQA review.

c. The Application Fees and Regulatory Fee established by this Resolution reflect the City's estimated reasonable costs of providing the services for which the fees are charged.

3. Adoption of Fees. The Application Fees and the Regulatory Fee attached hereto as Exhibit "A" are adopted.

4. Severability. If any action, subsection, sentence, clause or phrase of this Resolution or the fee levied by this Resolution shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution or the fee levied by this Resolution that can be given effect without the invalid provisions.

5. Effective Date. This Resolution shall take effect sixty (60) days after its adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of May, 2020.

Dustin Nigg
Mayor

APPROVED AS TO FORM:

ATTEST:

Thomas D. Jex
City Attorney

Janet Morales
Acting City Clerk

EXHIBIT "A"
City of Wildomar
Application and Regulatory Fees-Commercial Cannabis

At time of Application - One Time Deposit Based Costs

Local License	\$	20,000.00
Conditional Use Permit	\$	20,000.00
Development Agreement	\$	12,000.00
		<hr/>
Total Application Costs	\$	52,000.00
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Biennial Local License Renewal - Deposit Based Cost	\$	10,000.00
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Annual Fixed Fees

At Issuance of Certificate of Occupancy

Regulatory Fee (Initial Payment is broken into 2 Payments)	\$	71,307.80
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EXHIBIT "B"

Annual Regulatory Fee			
Paid in 2 Installments 1st Year Starting at Issuance of Certificate of Occupancy			
Fixed Fee			
Annual Regulatory Fee			
	Rate		Line Total
Quarterly Building Checks: Permit Tech 2hr @\$60 + 2hr Inspections @\$105 - Each Check		\$	1,320.00
8hr Admin per Month For Code Compliance - 4hr/Month Tech @\$45, 4hr/Month Code @\$60	\$420/Month	\$	5,040.00
Quarterly Fire Inspections: Permit Tech 2x\$70 + Inspector 2x\$73.50 for each Inspection		\$	1,148.00
Amortization of Setup Cost (Spread \$110K across 10 Businesses over 3 Years)		\$	3,666.67
District Attorney CRTF: 1 FTE Dedicated Non-Uniform Officer FY19/20 SDC-P Rate \$161.75/hr - Over 10 Businesses	\$336,440	\$	33,644.00
Monthly Compliance for Planning - Senior Planner 4hr/Month	\$97.43	\$	4,676.64
Sheriff Costs (Based on Calls for Service) @\$188.98/hr: Grow Shutdowns per Year	6		
Each Requires ~60 Hours of Uniformed Officers			
10hr From 4 Deputies on Bust + 20Hr Admin/Surveillance/etc.	\$68,033		
	Spread Over 10 Businesses:	\$	6,803.28
Legal Oversight 1hr/Month	\$350	\$	4,200.00
ID Cards - \$20/Card - Assume 10 Cards per Year + 5 Hours Staff Time @ \$70		\$	550.00
Legal Costs for Shutting Down Illegal Dispenseries: Estimate 1 Every 2 Years @ Average of \$35,000 Each = \$17,500 per Year			
	\$17,500 Over 10 Businesses	\$	1,750.00
	Subtotal	\$	62,798.59
City General Administrative Rate	13.55%		8,509.21
Fixed Fee Total:			\$ 71,307.80