

MONO COUNTY PLANNING COMMISSION

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commdev@mono.ca.gov

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Bridgeport, CA 93517
760.932.5420, fax 932.5431
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AMENDED SPECIAL MEETING AGENDA

April 20, 2023 – 9:00 a.m.

Mono Lake Room-Mono County Civic Center
1290 Tavern Rd
Mammoth Lakes, CA

Members of the public may participate in person and via the Zoom Webinar, including listening to the meeting and providing comment, by following the instructions below.

TELECONFERENCE INFORMATION

1. Joining via Zoom

You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer

Visit: <https://monocounty.zoom.us/j/84692262742>

Or visit <https://www.zoom.us/> and click on “Join A Meeting.” Use Zoom Meeting ID: 846 9226 2742 To provide public comment (at appropriate times) during the meeting, press the “Raise Hand” hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

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1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

~~2. ADOPT RESOLUTION 23-02 TO CONTINUE BROWN ACT REMOTE MEETINGS RULES UNDER AB361. (pg. 1)~~

3. PUBLIC COMMENT: Opportunity to address the Planning Commission on items not on the agenda

4. MEETING MINUTES

A. Review and adopt minutes of March 16, 2023. (pg. 1)

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

5. PUBLIC HEARING

- A. UP 22-012/The Villager Motel. [9:00 am]** The project is located at 2640 Highway 158, June Lake (APN 015-113-068) and proposes to replace a one-story, two-unit existing commercial lodging structure with a two-story, four-unit structure. The proposed structure will have a footprint approximately 20 square feet larger than the existing structure. It will be setback 10' from South Crawford Avenue and 3' from the south property boundary. Additional parking is provided on site, and a project condition will require a contract for snow removal. The property is 0.76 acres and designated Commercial. *Staff: Laura Stark (pg. 6)*
- B. UPM 23-004/ Bask Inc. [9:30 am]** The project is a use permit modification for a previously approved indoor cannabis cultivation project located at 474 Industrial Circle in the Sierra Business Park across from Mammoth Yosemite Airport (APN 037-260-004). The applicant is proposing to reduce the square footage of the building and the number of parking spaces, as well as provide some off-site snow storage. The property is designated Specific Plan (SP). *Staff: April Sall (pg. 21)*

6. ACTION ITEM

- A. Resolution affirming grant of Appeal 23-01/Herrick.** The Resolution allows for the storage of a vacant RV as an accessory to a commercial use when such use does not result in visual or environmental impacts, as determined by the Commission at the March 16, 2023, meeting. (pg. 102)

7. WORKSHOP - none

8. REPORTS

- A. Director (pg. 105)**
B. Commissioners

9. INFORMATIONAL - none

10. ADJOURN to May 18, 2023

NOTE: Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting to ensure accessibility (see 42 USC 12132, 28CFR 35.130).

*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes

(Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at www.monocounty.ca.gov / departments / community development / commissions & committees / planning commission. For inclusion on the e-mail distribution list, send request to hwillson@mono.ca.gov.

Commissioners may participate from a teleconference location. Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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DRAFT MINUTES

March 16, 2023 – 9:00 a.m.

COMMISSIONERS: Chris Lizza, Roberta Lagomarsini, Jora Fogg, Scott Bush, Patricia Robertson

STAFF: Wendy Sugimura, director; Heidi Willson, planning commission clerk; Brent Calloway; principal planner; April Sall, planning analyst; Emily Fox, Counsel

PUBLIC: Liane Herrick, Carey Wells, Scott Walker, Steve Wright, Tara Blessinger, Tracey Arnold, 530-267-5343, 530-721-6489, 760-2176530

**Agenda sequence (see note following agenda).*

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE-** Meeting called to order at 9:03 and the Commission lead the pledge of allegiance.
2. **ADOPT RESOLUTION 23-02 TO CONTINUE BROWN ACT REMOTE MEETINGS RULES UNDER AB361.**

Motion: Adopt Resolution 23-02 to continue digital meetings.

Lizza motion; Robertson second.

Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

3. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.

No public comment

4. **APPOINTMENT OF A NEW CHAIR AND VICE CHAIR**

Motion: To appoint Commissioner Lagomarsini as Chair.

Lizza motion; Bush second.

Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

Motion: To appoint Commissioner Fogg to Vice Chair.

Bush motion; Robertson second.

Roll-call vote – Ayes: Lizza, Bush, Fogg, Lagomarsini, Robertson.

Motion passed 5-0.

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COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

5. MEETING MINUTES

- A. Review and adopt minutes of February 16, 2023, meeting.
- B. Review and adopt minutes of February 16, 2023, AB361 meeting.
Motion: Approve both sets of minutes as presented.
Robertson motion; Bush second.
Roll-call vote – Ayes: Robertson, Lizza, Bush, Fogg, Lagomarsini.
Motion passed 5-0.

6. PUBLIC HEARING

- A. **UP 22-012/The Villager Motel. [9:00 am]** The project is located at 2640 Highway 158, June Lake (APN 015-113-068) and proposes to replace a one-story, two-unit existing commercial lodging structure with a two-story, four-unit structure. The proposed structure will have a footprint approximately 20 square feet larger than the existing structure. It will be setback 10' from South Crawford Avenue and 3' from the south property boundary. Additional parking is provided on site, and a project condition will require a contract for snow removal. The property is 0.76 acres and designated Commercial. **Applicant has requested a continuation to April 20 at 9:00 am.** *Staff: Laura Stark*
- Chair Lagomarsini announced that the public hearing would be continued to April 20th per the applicant's request.
 - **Public Hearing opened at 9:15 am.**
 - No public comment
 - **Public hearing continued until April 20th at 9 am.**
- Motion:** To continue the public hearing until April 20th at 9am.
Fogg motion; Lizza second.
Roll-call vote – Ayes: Robertson, Lizza, Bush, Fogg, Lagomarsini.
Motion passed 5-0.

- B. **UP 23-002/ Sierra Wave. [9:10 am]** The project proposes to utilize the June Lake Village Central Business Parking District standards for a parcel located at 2616 Highway 158 in June Lake (APN: 015-075-005-000) to reduce the parking requirements by three spaces and to utilize an off-site snow storage plan to maintain adequate space for the proposed on-site parking plan. The parcel is 0.11 acres in size and is designated Commercial (C). The surrounding parcels are all designated as Commercial. *Staff: Laura Stark*
***Commissioner Lizza recused himself as he has a personal relationship with the applicant.**
- Sugimura gave a presentation and answered questions from the Commission.
 - **Public hearing opened at 9:51 am.**
 - The applicant answered questions that the Commission had during the decision.
 - No additional comments from the public.
 - **Public hearing closed at 9:55 am.**

Commission Deliberation:

- Concerns regarding the look of the bike rack and ensuring the maintenance and look are aesthetic pleasing.
 - Concerns related to the timing of the survey being able to be performed with the weather and snow melt.
 - Commission would like to see some form of delineation regarding the property boundary in the back of the property to ensure that snow is not pushed onto the parking spots from the other parcel. Suggestion was made to use snow stakes at the beginning of each season placed by the property owner.
 - Commission would like to ensure that 4 of the parking spots are labeled as residents only.
- **Public hearing re-opened at 10:16 am.**
 - Applicant stated for the record that the parcel number of the snow storage lot in the staff report was incorrect.
 - **Public hearing closed at 10:17 am.**

Return to Commission deliberation. The following modifications and additions to the use permit conditions were proposed:

3. The property lines bordering APN 015-075-004 and APN 015-075-026 must be surveyed to verify the parking spaces are entirely located on APN 015-075-005 by **November 30, 2023**.

5. Per MCGP LUE §48.040, a Covenant shall be recorded for off-site snow storage against the originating property, APN 015-075-005-000, and the snow storage property, APN 015-075-017-000, to ensure the availability of the snow storage lot for as long as the project exists. The Covenant shall run with the land, be in a form approved by County Counsel, and be recorded in the office of the County Recorder by July 31, 2023. The Director may issue releases from such covenants when they are no longer applicable.

- Annually install snow stakes of sufficient height to indicate the property line between the subject property and APN 015-075-026-000 to ensure snow storage from the adjacent property does not impede or block the outdoor parking spaces. If the snow does impede the parking spaces, the subject property owner is responsible for removal to maintain the parking area.
- A total of four parking spaces shall be signed as reserved for residential use only by July 31, 2023. The signage shall be maintained to be readable at all times.
- Ensure the bike rack is maintained in good condition with four usable bicycle spaces at all times.

Motion: Find that the project qualifies as a categorical exemption under CEQA 15301 and instruct staff to file a notice of exemption; make the required findings as contained in the staff report and approve Use Permit 23-002 subject to the conditions of approval as modified for conditions 3 and 5, and three new conditions added as presented.

Lagomarsini motion; Robertson second.

Roll-call vote – Ayes: Robertson, Bush, Fogg, Lagomarsini.

Motion passed 4-0 with one recused.

C. PLANNING APPEAL/ Herrick. [9:30 am] 110411 US 395, Coleville (APN 002-060-044-000). The property is designated Rural Resort (RU) and has an existing restaurant. Storage of an unoccupied RV overnight on a property is permitted when customarily incidental to any permitted use, such as an overnight use like a residential unit or hotel. This property does not have an overnight use, and therefore overnight storage of a vacant RV was determined not to be permitted. The Planning Commission can affirm, affirm in part, or reverse the determination. *Staff: Wendy Sugimura*

- Sugimura gave a presentation and answered questions from the Commission.
- **Public hearing opened at 10:51 am**
- Applicant read an opening statement and answered questions from the Commission.
- Public comment raised in support by Steve Wright, Tracey Arnold, Carey Wells, Tara Blessinger, Angela Olson.
- Public comment raised in opposition from Scott Bukhardt with concerns regarding the applicant living in the RV not just storing, age of the RV, and the General Plans rules regarding storage and living in an RV on a property.
- Applicant gave a closing statement regarding the RV placement on their property.
- **Public hearing closed at 11:39 am.**

Commission Deliberation:

- Bush- Due to the fact that the property has a building on it and that the RV could be used as a storage for the business. The RV should be approved to be stored. The RV would not be an environmental hazard as there are restrooms and a kitchen in the building on the property.
- Robertson- Made a point that the community supports RV storage as well as letting the Appellant live in the RV. Housing is a major issue and RV usage could be a viable option. Acknowledging that it's not what is being discussed but wants to acknowledge the community's concerns with the housing crisis.
- Lizza- Recognizes the community's need for permanent housing needs however the use of storing product in the RV is not customarily incidental to the permitted use. Concerns that the appellants are still living in the trailer and that if they are still living in the RV then they couldn't store supplies in the trailer. Regardless, the use of the RV is not customarily incidental to the permitted use.
- Lagomarsini- Recommended to the appellants that they still proceed with the building of a home on the parcel. The RV follows the aesthetics of the area and that it seems to fit based on other parcels in the area. However, the RV should not be lived in only used as storage.
- Sugimura- If the Commission does choose to find that the RV being used as a storage for the restaurant is customarily incidental to a commercial restaurant use, it would be a General Plan interpretation and applied countywide all circumstances. It would not be applicable to only this parcel. It may also be a conflict with the building code, which will need to be confirmed.

Motion: We considered the appeal and we reverse the Planning Division's determination that a vacant RV cannot be stored on this APN. I'm not saying the whole county. I'm saying this APN that ends in 044, and make appropriate findings and provide any other direction that is desired to staff. And that is, that I believe that the building sitting next to it does offer the amenities necessary which offset any environmental or any other type of damage that the RV may have by sitting there, and obviously is not a visual problem, because there are RVs all over Antelope Valley now, about every other property has one on it now, and there's an RV park right next door to where this one is parked, so obviously it's not a visual thing. So, all it could be is an environmental or nuisance problem. I don't believe it to be a nuisance, because I don't see that it's going to be used as a living thing as far as restrooms or gray water, or anything else that would damage the environment. And with that understanding there, for this property and this property alone, I believe that this appeal should be reversed. I mean that the appeal should be upheld, and the decision should be reversed.

Bush motion; Robertson second.

Roll-call vote:

Ayes: Robertson, Bush, Fogg, Lagomarsini.

Nays: Lizza.

Motion passed 4-1.

***Commissioner Fogg left the meeting at 12:08 pm.**

7. WORKSHOP

No items

8. REPORTS

A. Director

- Sugimura gave a brief overview of the ongoing project in Mono County and answered questions from the Commission.

B. Commissioners

- Commissioner Lizza reported that he will be attending a Commissioners Academy in a couple of weeks.

9. INFORMATIONAL

No items

10. ADJOURN at 12:26 pm to April 20, 2023.

Mono County Community Development Department

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Planning Division

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April 20, 2023

To: Mono County Planning Commission

From: Laura Stark, Community Development Analyst

Re: Use Permit 22-012 / The Villager Motel

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline §15303(d) and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 22-012 subject to Conditions of Approval.

PROJECT DESCRIPTION

The project will remove an existing two-unit motel building and construct a four-unit motel building in its place at 2640 Highway 158, June Lake (APN 015-113-068). The property is 0.76 acres, designated Commercial (C), and contains a commercial lodging business, the June Lake Villager Motel, which currently has 26 lodging units and one long-term residential manager's unit distributed throughout seven buildings (see Figure 1). Under the Commercial land use designation, a Use Permit (UP) is required to increase the number of lodging units. A parking management plan is part of this UP and off-site snow storage also triggers a UP.

Adjacent parcels to the south of the subject property are designated C; the parcel to the north across Knoll Avenue



Figure 1 – Subject parcel outlined in green; Building to be replaced circled in orange.

is designated as C; and the parcels located to the west across South Crawford Avenue are designated as Mixed Use (MU).

The proposed replacement structure will be in a similar location to the existing structure. The existing structure has a footprint of 698 square feet (sf), and the replacement structure will have a footprint of 718 sf. The number of lodging units will increase from 26 units to 28 units. On-site parking is provided for the new units (see Attachment 1).

BACKGROUND

The Villager Motel has been in operation since 1954 and includes 26 lodging units located throughout seven buildings. The existing two-unit, one-story structure proposed for demolition was built in 1963 according to the Mono County Tax Assessor's Office. The proposed replacement structure will be a four-unit, two-story structure which will have a similar footprint and will be positioned in a similar location as the existing structure.

When the project came before the Planning Commission in February, the Commission requested additional information from the applicant. In particular, the Commission had concerns about the off-site snow storage locations and the viability of the proposed parking plan because the current non-conforming spaces located on Knoll Avenue could impact traffic. Since the last presentation to the Planning Commission, the applicant has redeveloped the parking plan (Attachment 1) which eliminates the existing non-conforming parking spaces. The updated parking plan seeks to address the problem of inadequately sized spaces, particularly on Knoll Avenue. The updated parking plan provides (18) full-size spaces, (12) reduced-size spaces and (2) ADA spaces for a total of (32) spaces pursuant to the requirements of Mono County General Plan (MCGP) Land Use Element (LUE) Chapter 6 – *Parking*.

GENERAL PLAN CONSISTENCY

Land Use Designation

The parcel has a land use designation of Commercial (C); the designation is intended to provide for a wide range of uses and services for the resident and visitor including retail, business and professional uses and services in community areas, including commercial lodging and higher density housing, when found compatible with retail and service functions. Increasing the number of lodging units may be allowed subject to a Use Permit and is consistent with the intent of the Commercial land use designation.

Parking

Per MCGP LUE Table 6.010, the required number of parking spaces for a Commercial Lodging operation is one space per sleeping room plus one space for each two employees on the largest shift. The single residential unit requires an additional two parking spaces. The proposed number of lodging units is 28, four employees will be scheduled during the largest shift, and there is one residential unit. Therefore, 32 spaces total are required to be provided on site (Table 1).

The updated parking management plan provides 32 parking spaces compliant with the regulations of MCGP LUE Chapter 6 Parking (see Table 1 & Attachment 1).

June Lake Villager Updated Parking Management Plan		
Type of Spot	# of spots	Note:
Lodging Total	28	28 required (one space for each lodging unit per MCGP LUE §06.100)
<i>Standard-Size (Lodging)</i>	16	<i>10'x20' or 10'x33' for street-side parallel parking per MCGP LUE §06.030;</i>
<i>ADA (Lodging)</i>	2	<i>14'x20'; 2 required (one for every 25 spaces per MCGP LUE §06.040D)</i>
<i>Reduced-Size (Lodging)</i>	10	<i>8'x16'; up to 12 allowed per MCGP LUE §06.090</i>
Employee Total	4	
<i>Employee Full-size Tandem</i>	2	<i>10'x20'; 2 required (1 space for each 2 employees on largest shift per MCGP LUE §06.100)</i>
<i>Employee Residential (Reduced-Size)</i>	2	<i>8'x16'; 2 required (2/unit per MCGP LUE §06.100)</i>
<i>Total Spaces Required</i>	<i>32 per MCGP LUE Table §06.010</i>	
Total Planned Spaces	32	

Table 1

The current parking is existing non-conforming, and increasing the number of lodging rooms on the property increases the required parking. Newer parking regulations adopted in 2015 provide flexibility through a parking management plan in Central Business Districts. The parcel is located in the June Lake Central Business Parking District and seeks to utilize the June Lake Central Business Parking District standards as described in Table 1 (above) for flexibility in meeting parking demand to facilitate a more economically productive land use.

§06.090 Central Business Parking Districts:

(C)The purpose of these districts is to balance off-street parking requirements with existing community context and character, and provide flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses.

- 8. Alternative parking space dimensions (not less than 8' x 16' or angled equivalent) allowed for up to 40% of required spaces.*
- 9. Tandem parking can be utilized for employee or longer-term parking requirements;*

Reduced-size spaces and employee tandem parking may be allowed on the property per §06.090 Central Business Parking Districts. By redeveloping the parking plan for this project with tandem parking for employees and reduced-size parking spaces as allowed under §06.090 Central Business Parking Districts (see above), the parking complies with standards.

Snow storage

On-site snow storage is existing nonconforming per MCGP LUE §04.300. Snow storage is required to be equal to a required percentage of the area from which the snow is to be removed and provided on site, but may be allowed offsite through the use permit process. The snow load required for structures per the location within the County is used to establish the snow storage area required. "Snow storage area" means an area set aside for the storage of snow. The area may be landscaped, paved or covered with natural vegetation.

The required percentage of snow storage area in the community of June Lake is 65%. The area from which snow is to be removed is approximately 14,809 sf (listed as paved parking and access on the application); therefore, an on-site snow storage area of 9,625 sf is required per the General Plan. The plans provided identify 5,100 sf of snow storage area, which is 4,525 sf less than the requirement.

The proposed project will not exacerbate the nonconforming snow storage because the proposed structure is similar in size to the existing structure, will not increase impervious surface area, and will not infringe on any existing snow storage area. Snow removal and off-site snow storage is currently performed, but is not required, by Marzano & Sons (Attachment 2), and bring the project into compliance for snow storage requirements. Marzano & Sons indicates they have several approved snow storage locations; those approvals are outside the scope of this use permit. A condition has been added to require a snow removal contract with a legitimate and licensed snow removal company with authorized snow storage locations.

Lot coverage

Maximum lot coverage for the parcel is 70%. Lot coverage is the area encumbered by impervious areas, structures, and modifications, including decks. The total coverage of structures is 10,397 sf and impervious areas devoted to parking and access is 14,809 sf, totaling 25,206 sf. The total lot area is 33,105 sf, therefore lot coverage is approximately 76% and existing nonconforming to the standard. The new structure will not increase lot coverage because the additional 20 sf increase occurs on an area that is currently paved. Therefore, no new impervious surface is created by the project.

Setbacks

The Commercial designation requires a front setback of 10', rear setback of 5,' and 0' side yard setbacks. The project site is unique in that it fronts three different streets; State Route 158 (SR 158) is to the east, Knoll Avenue is to the north, and South Crawford Avenue is to the west. The property may be considered both a corner lot and double frontage lot. Therefore, setback requirements are 10' along SR 158, 10' along Knoll Avenue, 10' along South Crawford Avenue, and 0' on the south, side-yard property line adjacent to another parcel.

Existing structures along SR 158 are setback greater than 10' from the property line. Existing structures along Knoll Avenue are a minimum of approximately three feet from the property line and are existing nonconforming to the setback requirement of 10'. Along South Crawford Avenue, an existing structure is setback 0' from the property line and is existing nonconforming to the setback requirement of 10'.

The existing duplex structure that will be replaced has a 5' setback from South Crawford Avenue and therefore is existing nonconforming with respect to the required 10' setback. The new structure will be located along South Crawford Avenue, and will be setback 10' from the road and 3' from the south, side-yard property line. The proposed project will bring the new structure into compliance with the required setback, eliminating the existing nonconformance.

Density

The maximum allowed density for motels within the C designation is 40 units/acre. The project site is 0.76 acres, therefore the maximum units the property may contain is 30 units. The project will increase the number of motel units from 26 to 28 units. Maximum density for residential use is 15 du/acre and the property has one residential unit. The property is in compliance with density regulations as described under the Commercial land use designation.

Alterations to nonconforming uses, buildings, and structures

The parcel is nonconforming for lot coverage, setbacks, parking, and snow storage requirements for the Commercial LUD.

Per MCGP Chapter 24, Nonconforming Uses, Section 34.010, the lawful uses of land, buildings or structures existing on the effective date of the adoption of this General Plan, when such use does not conform to the land development regulations, may be continued except as provided in this chapter. The regulations of this chapter are intended to set standards that will not inhibit the continued and/or expanded or altered use of such properties, provided that the general intent of the provisions of the land use designations and land development standards are met, the character of the community is not adversely affected, and that wherever practical, deficiencies are mitigated.

The following criteria shall be considered by staff during the review of any application to expand/alter a nonconforming use. Conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership change.

- A. Alterations of the nonconforming use shall not be detrimental to the intent of the land use designations, objectives and policies, specified in this General Plan.*

Lot Coverage: The property exceeds the allowed lot coverage by 6% based on existing development. The proposed project does not increase this nonconformity because the increase of 20 sf in building footprint replaces paved area already counted toward lot coverage. No new impervious surface is created by the project and therefore lot coverage is not affected.

Setbacks: None of the existing nonconforming setbacks are caused or increased by this project, and one nonconforming setback along South Crawford Avenue is brought into compliance. The proposed structure will meet the required setbacks.

Parking: The project will intensify the parking use with the addition of two commercial lodging units; however, the proposed updated parking management plan will bring the project into compliance with MCGP LUE parking requirements.

Snow Storage: The project will not alter the nonconforming snow storage area or exacerbate the need for additional snow storage. A snow removal contract utilizing a legitimate and licensed snow removal company with authorized snow storage locations is required to be maintained by the property.

B. The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity or adversely impact the surrounding properties more than the existing nonconforming use.

Lot coverage: Granting permission to demolish and replace the existing structure with a similarly sized structure in approximately the same building footprint and compliant with setbacks will not adversely impact the surrounding properties. The roof of the proposed structure will be in the same alignment as the current structure, positioned to shed snow on the project site and not towards the neighboring property.

Setbacks: The proposed structure will meet the required setbacks.

Parking: The parking plan will not be substantially detrimental to the public or property in area and meets the requirements of June Lake Central Business Parking District.

Snow storage: Granting permission for the project will not impact snow storage. The property contains a snow storage area that can continue to be used. A snow removal contract is required, and existing, for the property.

C. The alteration shall not increase the intensity of the use-category of the land, building or structure.

Per the land use designation, the parcel is permitted a maximum density of 30 units. The proposed project increases lodging units from 26 to 28 units, which is within the permitted density.

D. If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for its consideration.

The project is being considered by the Planning Commission at a noticed public hearing.

LDTAC

The project was accepted for processing at the October 17, 2022, LDTAC meeting. Draft conditions of approval were reviewed by the Land Development Technical Advisory Committee (LDTAC) on February 6, 2023.

PUBLIC NOTICING AND COMMENTS RECEIVED

Notice of the project was published in the February 4, 2023 edition of The Sheet. Notice was mailed to property owners within 300' of the project site compliant with MCGP LUE Ch. 32, Use Permit, and Ch.46. See Attachment 3. The public hearing was opened by the Planning Commission on February 16, 2023 and March 16, 2023, then continued to April 20, 2023.

CEQA COMPLIANCE

This project is categorically exempt from CEQA because it meets the conditions of CEQA Guideline 15303(d), New Construction or Conversion of Small Structures:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The project is exempt from CEQA because the project is for the replacement of a structure of 1,396 sf in floor area, for an existing motel business which is a Class 3 Categorical exemption listed under §15303(d).

USE PERMIT FINDINGS

MCGP LUE - Section 32.010, Required Findings:

Use permits may be granted by the Planning Commission only when all the following findings can be made in the affirmative:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

The site is adequate for the proposed replacement structure. Sufficient on-site parking is provided to meet the MCGP LUE Chapter 6 Parking requirements for the additional two lodging units through an updated parking management plan. The new structure will meet setback standards, increase the total number of lodging units by two, and not increase or exacerbate any existing nonconformities related to lot cover, setbacks or snow storage.

A snow storage contract is not currently required to address the existing, nonconforming snow storage; however, the property owner currently has a snow removal contract in place and a Condition of Approval for this Use Permit requires the project to maintain a valid agreement for snow removal moving forward.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The access roads and streets are adequate to carry the quantity and kind of traffic generated by the proposed increase of two lodging units, which are not anticipated to significant increase traffic. All parking will be on-site, and the parking management plan meets standards set forth in MCGP LUE Chapter 6.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area on which the property is located because:*

Replacing the existing structure with a new structure that has two more units and a similar footprint, and is in a similar location, would not be detrimental to the public welfare or injurious to property or improvements in the area. The proposed structure complies with setbacks and will not exacerbate existing nonconforming issues on the property including lot coverage and snow storage. The project brings the property into conformance with parking standards. All parking is required to be provided on site and the site provides sufficient parking spaces to meet the demand generated by two more lodging units.

The structure will be located in approximately the same location as the existing structure, and oriented in the same manner. The roof will shed snow onto the project parcel, which will not affect the neighboring property. The property owner currently maintains a contract for offsite snow storage/snow removal.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

The General Plan applies the Commercial (C) designation to the property. The proposed use is consistent with the C designation because the expansion of a commercial lodging use may be allowed under a Use Permit when it does not exceed the building density allotted by the land use designation. The maximum allowed density for motels, within the C designation is 40 units/acre. The project site is 0.76 acres, therefore the maximum number of lodging units the property may contain is 30 units and the project proposes a total of 28 lodging units.

Per MCGP LUE 06.090 the intent of the June Lake Business Parking District designation is to: *balance off-street parking requirements with existing community context and character, and provide flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses.*

The updated parking plan supports a more economically productive land use while balancing parking requirements by utilizing reduced-size parking spaces and eliminating non-conforming parking spaces to meet the requirements for the proposed additional lodging units.

The project is consistent with the following June Lake Issues/Opportunity/Constraints:

- 3. The Loop's growth is inhibited by the surrounding natural environment, the lack of privately owned land, and the desire to maintain its unique, mountain*

village character. These conditions necessitate controlled expansion, infill and recycling of the existing built environment.

The project is controlled expansion/infill for an existing lodging business. An older building is being replaced with a more efficient building in a nearly identical location as the original building.

57. The June Lake Loop's economy is based upon its tourist industry orientation, and the area must be able to accommodate a significant spike in population during the busiest days. Summer activities such as fishing, camping, hiking and sightseeing presently draw the majority of the Loop's visitors.

The project provides for additional commercial lodging units in a C location within the June Lake Business District.

60. Enhancing the Loop's economic foundation will depend on expanding and improving tourist-oriented recreational facilities and accommodations. Public and private campgrounds during the summer months operate at near-full capacity, while in the winter, overnight accommodations fall short of demand.

The project provides for additional commercial lodging units to support demand for overnight accommodations.

This staff report has been reviewed by the Community Development Director.

Attachments

Attachment 1 – Site Plan

Attachment 2 – Snow removal contract

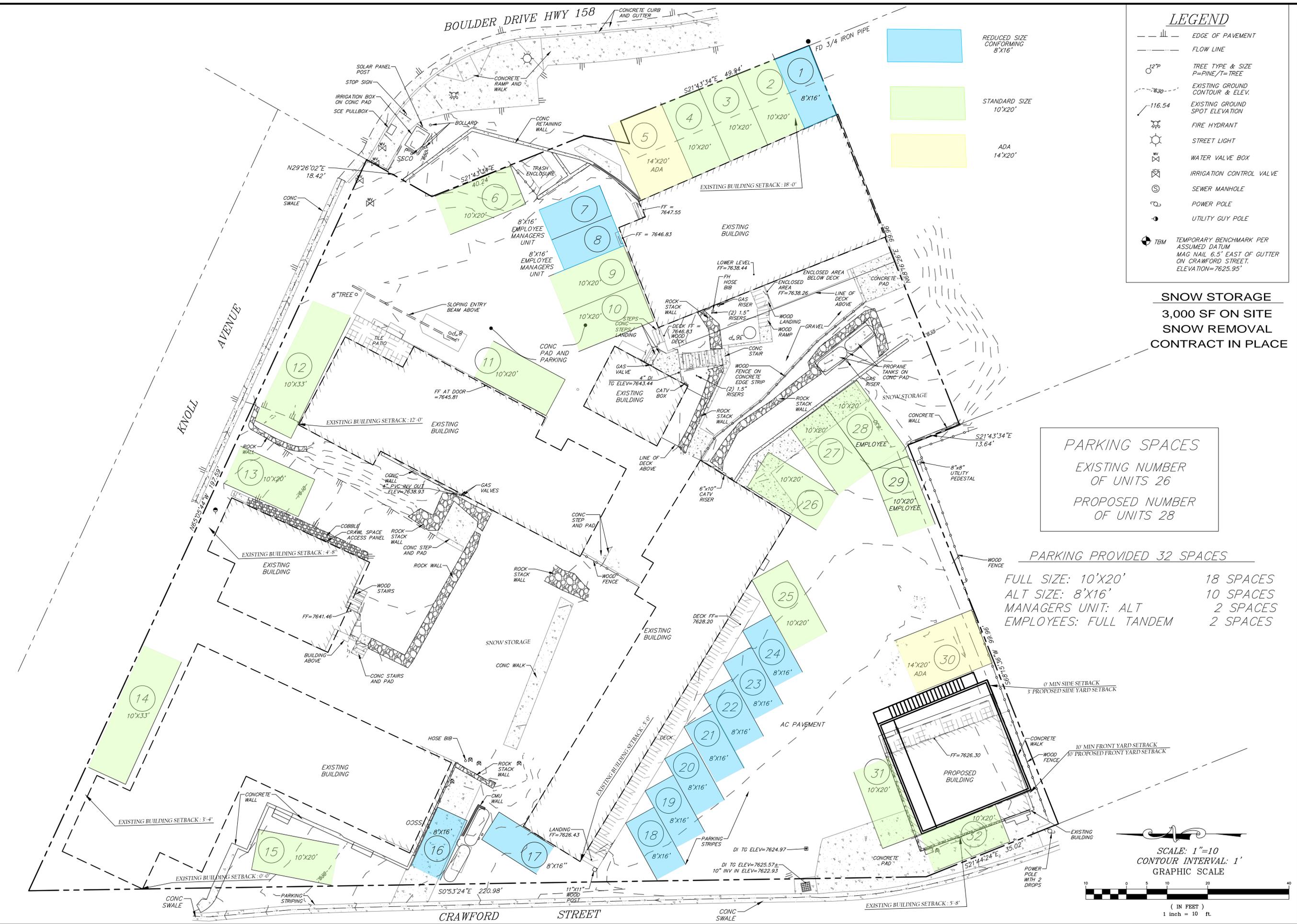
Attachment 3 – Public Hearing Notice

CONDITIONS OF APPROVAL
Use Permit 22-012 / The Villager Motel

1. Off-site snow storage is required in order to meet snow storage demand when existing on-site snow storage areas are full. An agreement with a legitimate and licensed snow removal business with authorized snow storage locations shall be valid each year as long as the project exists. Staff may request a copy of the agreement to validate this condition is met.
2. Parking spaces shall be striped and maintained.
3. Project shall substantially comply with the site plan submitted with the use permit.
4. Project and future development shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
5. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.
6. Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.7)
7. Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
8. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension.

Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.

9. Revocation: The Commission may revoke the rights granted by a use permit and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use permit was granted. Before the Commission shall consider revocation of any permit, the Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.



LEGEND

- — — — — EDGE OF PAVEMENT
- — — — — FLOW LINE
- 12" P TREE TYPE & SIZE
P=PINE/T=TREE
- - - - - EXISTING GROUND CONTOUR & ELEV.
- 116.54 EXISTING GROUND SPOT ELEVATION
- ⊕ FIRE HYDRANT
- ⊙ STREET LIGHT
- ⊕ WATER VALVE BOX
- ⊕ IRRIGATION CONTROL VALVE
- ⊙ SEWER MANHOLE
- ⊕ POWER POLE
- ⊕ UTILITY GUY POLE
- ⊕ TBM TEMPORARY BENCHMARK PER ASSUMED DATUM
MAG NAIL 6.5' EAST OF GUTTER ON CRAWFORD STREET.
ELEVATION=7625.95'

SNOW STORAGE
3,000 SF ON SITE
SNOW REMOVAL CONTRACT IN PLACE

PARKING SPACES
 EXISTING NUMBER OF UNITS 26
 PROPOSED NUMBER OF UNITS 28

PARKING PROVIDED 32 SPACES

FULL SIZE: 10'X20'	18 SPACES
ALT SIZE: 8'X16'	10 SPACES
MANAGERS UNIT: ALT	2 SPACES
EMPLOYEES: FULL TANDEM	2 SPACES

NO.	REVISIONS:

DATE:	BY:

NO.	REVISIONS:



RMS GROUP
 LAND DEVELOPMENT
 PLANNING AND DESIGN SERVICES
 BOB STRONG, PE
 rmsqcd@earthlink.net 949.573.2135

SHEET TITLE: **CUP EXHIBIT**
 PROJECT: **PROPOSED 4 UNIT MOTEL BUILDING**
 ADDRESS: **2640 HIGHWAY 158 JUNE LAKE, CA 93529**

DATE: 4-6-23
 DRAWING NO.: **1 OF 1**

WILL CALL REGULAR

Marzano & Sons
General Engineering Contractors, Inc.
P.O. Box 178
June Lake, CA 93529
Office: 760/648-7455 Fax: 760/648-7887

SNOW REMOVAL CONTRACT
2022-2023 Winter Season

Marzano & Sons agrees to contract with private property owner/renter or collective for snow removal on private property for vehicle parking purposes as defined by the property owner/renter under the following conditions:

Property owner/renter assumes the SOLE RESPONSIBILITY for VISIBLY marking any objects, appurtenant structures, walls, propane tanks, vehicles, stored items, water risers, water boxes, porches or other items of personal property which need to be protected from inadvertent damage due to the snow removal process and has notated any specific instructions to the snow removal operators on the back of this form. It is the SOLE RESPONSIBILITY of the property owner/renter to provide these markers in a constant VISIBLE condition so that plow operators can identify objects or boundaries. MARZANO & SONS IS NOT RESPONSIBLE FOR ANY DAMAGE THAT OCCURS DURING PLOWING TO UNMARKED STRUCTURES OR PROPERTY.
ADDENDUM:
DUE TO PREVIOUS YEARS LARGE SNOW PACK, MARZANO & SONS WILL BE IN NO WAY RESPONSIBLE FOR DAMAGE DONE TO PROPERTY COVERED BY SNOW WITH PLOWING.

Marzano & Sons agrees to exercise normal caution in its plowing process and will attempt to plow or push or deposit snow only where it appears safe to do so, so as to avoid undue damage. Snow storage areas MUST be marked on UPDATED plowing map, along with any personal property or structures.

Marzano & Sons neither implies or guarantees specific time of day that snow removal will occur.

Private property owner/renter assumes all damage/monetary risks to land and/or structures associated with the plowing or moving of snow on his property. Private property owner/renter acknowledges, also, that earth, ground, asphalt or concrete surfacing may be damaged and assumes all monetary risks associated with any resulting damage and agrees to hold harmless Marzano & Sons and their representatives for resulting damages.

Marzano & Sons agrees to bill the property owner/renter for private property snow removal costs and acknowledges that the indebtedness for services will be paid by the property owner/renter for all snow removal billings.

Private property owner/renter acknowledges that snow will not be removed on private property for any reason unless this contract is signed and dated for the current winter season.

Private property owner/renter acknowledges that snow removal is not guaranteed prior to December 1st as the heavy equipment used for snow removal may be involved in other contract work.

Invoices are billed on the 1st of each month for services rendered the previous month. **Payments not received by the last day of the month will result in services being cancelled.** An additional deposit will be required to resume services.

****Please use the back of this form to note specific instructions and/or diagrams regarding private property snow removal.**


Stephanie Morgan, Secretary

Date 11/9/2022

Billing Information (Name & Address):

Anne Hyde
9655 Pioneer Way
Fullon NV
Phone Number:
775 560 4933
info@junelakevillager.com
760 648 - 7712

Anne Hyde
(Print Name) Owner/Renter

Anne Hyde
(Signature) Owner/Renter

Property Physical Address:

2640 Highway 158
June Lake, CA

Date Dec 14 2022

Email Address: pioneerway9@gmail.com

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

February 1, 2023

To: The Sheet
From: Michael Draper, Principal Planner
Re: Legal Notice for **February 4th** edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **February 16, 2023**. As authorized by AB 361, Mono County has declared a state of emergency, local officials have recommended or imposed measures to promote social distancing, and the legislative body has made such findings; therefore the meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/85741674555> and by telephone at: 669-900-6833 (Meeting ID# is 857 4167 4555) and by telephone at 669-900-6833 (Meeting ID# 857 4167 4555) or at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546. Members of the public shall have the right to observe and offer public comment and to consider the following: **9:05 am – Use Permit 22-012/The Villager Motel**. The project is located at 2640 Highway 158 (APN 015-113-068) and proposes to replace an existing commercial lodging structure with a similar structure. The existing structure is one story and contains two lodging units. The proposed structure will be two stories and contain four lodging units. The proposed structure will have a footprint approximately 20 square feet larger than the existing structure. It will be setback 10’ from South Crawford Avenue and 3’ from the south property boundary. Additional parking is provided on site, and a project condition will require a contract for snow removal. The property is 0.76 acers and designated Commercial. The project qualifies as a Categorical Exemption under CEQA guideline sections 15303 (d). Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting by phone or online or to attend in-person; and to submit comments to the Secretary of the Planning Commission, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov, **by 8 am on Thursday, February 16, 2023**, or via the livecast meeting (technology permitting) at the time of the public hearing. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary to the Planning Commission at, or prior to, the public hearing.

Mono County Community Development Department

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

April 20, 2023

To: Mono County Planning Commission

From: April Sall, Planning Analyst

Re: Use Permit Modification 23-004/BASK Ventures, Inc. Indoor Cannabis Cultivation

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as an Exemption under CEQA guidelines §15183 and instruct staff to file a Notice of Determination;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit Modification 23-004 subject to Conditions of Approval.

BACKGROUND

The project is a Use Permit Modification to a previously approved permit from 2019 for cannabis cultivation to reduce the building size and footprint as well as the number of employees and parking spots in UP 18-014/BASK Ventures, Inc. (BVI), which required a re-analysis of parking and snow storage. The original use permit approved an indoor cannabis cultivation on a 1.16-acre parcel located at 474 Industrial Circle in the Sierra Business Park (APN 037-260-004). The General Plan designation for the proposed project is Specific Plan (SP) and is governed by the Sierra Business Park Specific Plan. Sierra Business Park (SBP) is an industrial park located at the former site of Sierra Materials, a sand and gravel extraction operation that created an excavated bed that is 20-25 feet below the surrounding land. The central objective of SBP is to accommodate needed industrial services in the county while also protecting the scenic resources of the region and the U.S. Highway 395 (US 395) Scenic Corridor.

The originally approved indoor cultivation was planned to occur in a 21,858-square foot (sf) indoor facility designed to incorporate 18,067 square feet of warehouse space for cannabis cultivation, of which 10,000 sf consisted of flowering canopy, and 3,791 sf for general office use (UP 18-014 staff report). The applicant is proposing a 33% reduction in the building to be constructed, or 14,388 sf with a maximum canopy of 4,600 sf.

All applications for commercial cannabis activity must be approved through a Conditional Use Permit (CUP) process. A CUP for retail cannabis must demonstrate adequate plans for site control, setbacks, odor control, signage, visual screening, lighting, parking, and noise, as presented in this report.

The project was previously approved under a 15183 CEQA exemption, contracted and prepared by Panorama Inc.

PROJECT DESCRIPTION

UPM 23-004/BASK Ventures, Inc. (BVI) is a proposal to reduce the building square footage and reorganize parking and snow storage previously approved for the indoor cannabis cultivation (UP 18-014) on a 1.16-acre parcel located at 474 Industrial Circle in the Sierra Business Park (APN 037-260-004). Although the building footprint is reduced, the proposed building site has been shifted forward to eliminate the need for a large retaining wall at the back of the building. This shift reduced and changed the previously approved parking spaces and the easily accessible snow storage in the front of the parcel, requiring re-analysis of the development standards.

The new proposed building for indoor cultivation will occur in a 14,388 sf indoor facility designed to incorporate a maximum of 4,600 sf of flowering canopy at full capacity, and 1,308 sf for general office use (Attachment 1). As previously proposed, plants will be grown in individual light-sealed, climate-controlled rooms based on the lifecycle of cannabis and will include vegetative, flower, drying, processing/trimming, and storage/vault rooms. At full capacity the facility will operate one vegetative room, six flower rooms, one drying room, one processing/trim room, and a storage/vault room. All inputs will be controlled in each room including optimal temperature, humidity, carbon dioxide level, light, water, nutrients, plant protectants, and air flow/exchange.

The project qualifies for a §15183 CEQA exemption that was used for the original approval of UP 18-014/Bask, as it is a reduction in the previously approved operation and structure. It is consistent with the Sierra Business Park Specific Plan and EIR, the Mono County General Plan EIR, and Mammoth Vicinity policies. The project does not have any significant environmental effects, including those peculiar to cannabis operations.

DISCUSSION

The project is located along U.S. Highway 395 (US 395), in the Scenic Combining District and across from the Mammoth Yosemite Airport on the same parcel previously approved under UP 18-014. Uses surrounding the project are a mix of Open Space (OS), Resource Management (RM), Airport (A), Public and Quasi-Public Facilities (PF) and Specific Plan (SP) parcels. The south and east sides of the property are bordered by Inyo National Forest Resource Management (RM) parcels, and the north and west sides are bordered by undeveloped Specific Plan (SP) parcels within the Sierra Business Park. The property is currently undeveloped and owned by Green Team Holdings, LLC, (GTH), which is the land holding company that will be responsible for construction and necessary improvement work for the tenant's specific use. BVI is a cannabis operating company and a tenant of GTH. BVI has a lease agreement in place with GTH for the specific use.

This Use Permit Modification, 23-004/Bask, would supersede the previous approval and associated conditions of approval.

FIGURE 1: REGIONAL PROJECT LOCATION

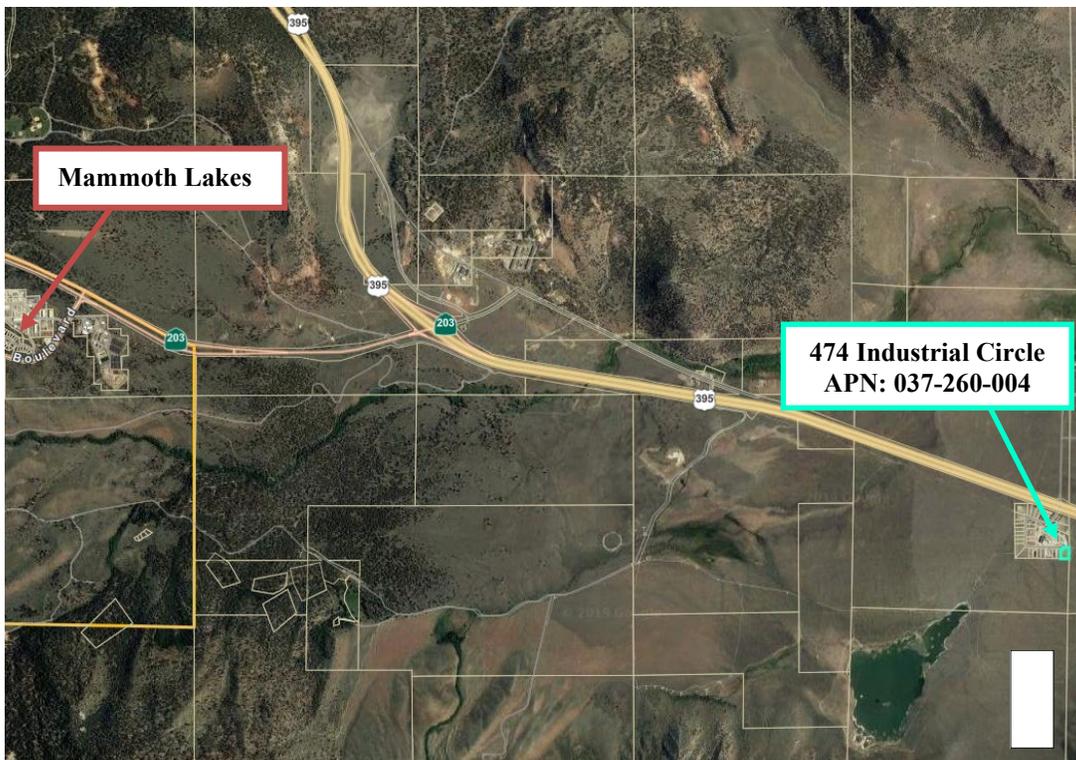


FIGURE 2: SPECIFIC PROJECT LOCATION

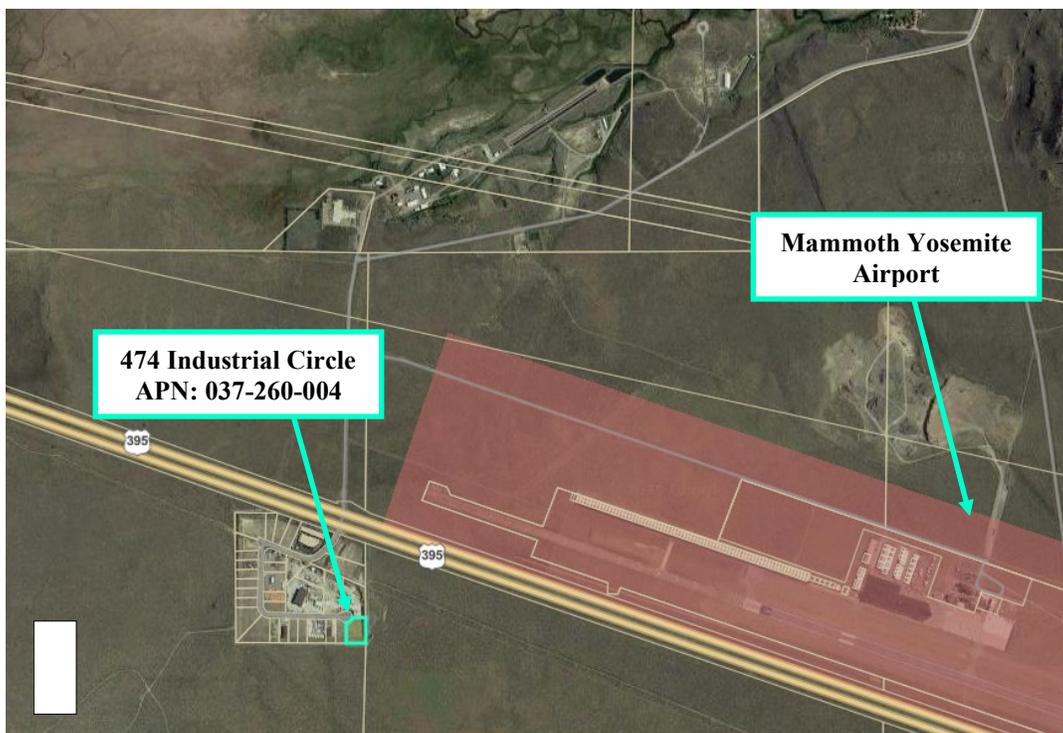


FIGURE 3: PROJECT LAND USE DESIGNATION

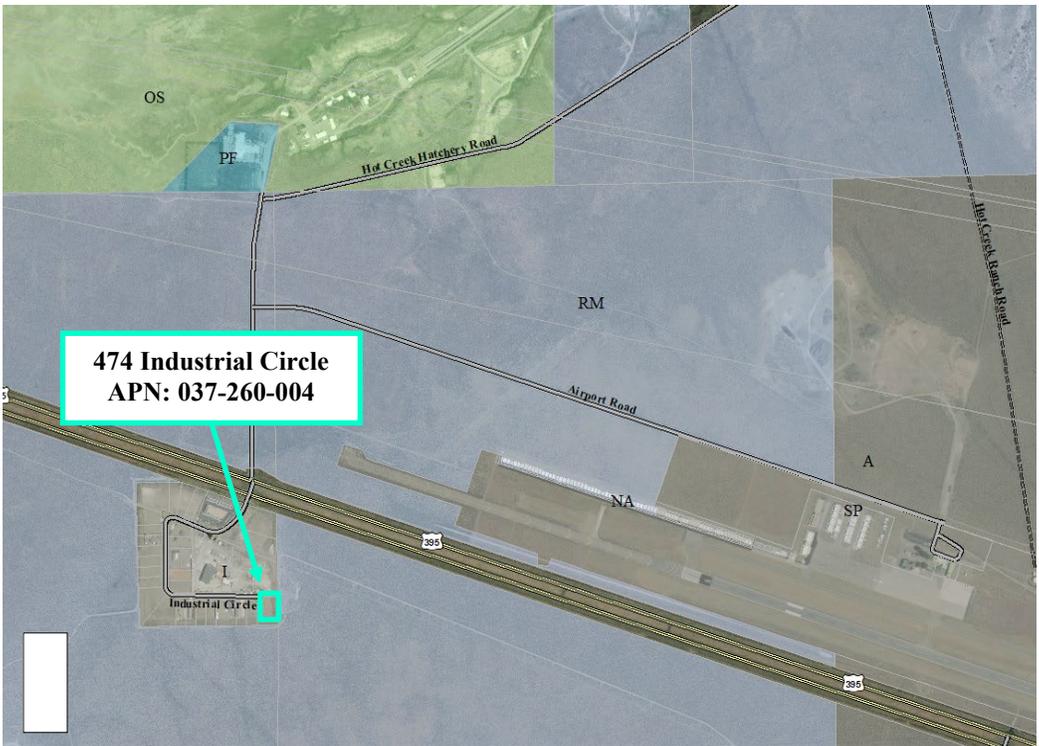


FIGURE 4: PROJECT SITE PICTURE #1



View of the project site and the Perimeter Maintenance Zone (PMZ) located on the south & east sides of the parcel.

FIGURE 5: PROJECT SITE PICTURE #2



View of the project site looking south.

FIGURE 6: PROJECT SITE PICTURE #3



View of the project site, adjacent parcels, and surrounding landscape looking southeast.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC reviewed the application on January 18, 2023, and recommended application acceptance. LDTAC reviewed draft Conditions of Approval on April 3, 2023.

PUBLIC NOTICING AND COMMENTS

The project was noticed in the April 7, 2023, edition of The Sheet (Attachment 2); mailers noticing the project were sent to properties within 300 feet of the subject property on April 4, 2023. No public comments were received at the time this staff report was drafted.

CEQA COMPLIANCE

The proposed project will be a reduction from the originally proposed project approved in UP 18-014. For the original Use Permit, the County contracted with Panorama Environmental, Inc. (Panorama) to prepare an Initial Study checklist in compliance with CEQA Guidelines Section §15183 (Attachment 3). CEQA mandates that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site. Panorama found no significant impacts peculiar to cannabis cultivation or beyond the scope of mitigation measures stated in the Mono County General Plan EIR and the Sierra Business Park Specific Plan & EIR.

The original §15183 analysis specifically reviewed potential impacts related to land use, housing, soils, water, air quality/odors, transportation, biological resources, energy resources, hazards, noise, and utilities. Comments from the review originally prepared by Panorama can be found in the original approval documents including the UP 18-014 staff report (available at <https://www.monocounty.ca.gov/planning/page/bask-ventures-inc-indoor-cannabis-cultivation>) and the CEQA Initial Study/BVI (Attachment 3). Staff reviewed the previous §15183 analysis, confirmed any and all proposed operation changes, and considered potential new impacts for the proposed off-site snow storage. A condition was added to require off-site snow storage to only be contracted with companies that have approved and permitted snow-storage locations to prevent potential impacts from improper snow storage locations. The §15183 analysis meets CEQA requirements for the modified project, and no impacts or mitigation measures were identified.

GENERAL PLAN CONSISTENCY

The project is consistent with General Plan Land Use Designation policies, Countywide Land Use policies, and Mammoth Vicinity Area Plan policies contained in the Mono County General Plan Land Use Element (MCGP LUE).

The General Plan land use designation for this property is Specific Plan (SP) and the proposed use is consistent with SBP SP policies and regulations. Further analysis of consistency can be found in the Sierra Business Park Specific Plan Consistency section below.

The General Plan allows cannabis cultivation as a permitted use subject to use permit on Industrial land use designations. According to the Mono County General Plan, “the ‘I’ designation is intended to provide for heavy industrial uses that may potentially cause moderate to high degrees of environmental nuisances or hazards. The functional and visual character of the district is such that it should be located in areas that are relatively remote from residential and commercial development.” Permitted uses under the Industrial land use designation include all uses listed as permitted under Industrial Park (e.g., agricultural uses, nurseries, and greenhouses), caretaker units, heavy vehicle storage and maintenance, and adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the MCGP LUE and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code. Commercial

cannabis cultivation is permitted subject to a Use Permit and compliance with Chapter 13, and a Cannabis Operations Permit pursuant to Mono County Code Chapter 5.60.

The proposed project is consistent with Countywide Land Use policies that seek to provide for industrial land use needs that do not create significant environmental impacts and are economically beneficial to the area. The proposed cannabis cultivation is an economically beneficial industrial use that creates jobs and contributes to the County's tax base.

The project is also consistent with the Mammoth Vicinity Area Plan's commitment to maintaining the scenic and environmental integrity of the area while also providing for industrial land use needs in unincorporated areas. The project limits growth to an existing industrial park and protects the scenic quality of the Highway 395 Scenic Corridor by following the Sierra Business Park design guidelines for minimizing visual impacts.

MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES

Objective 1.F. *Provide for industrial land uses that are economically beneficial to the area and that are compatible with the environment.*

Policy 1.F.1. *Provide for local industrial land use needs.*

Policy 1.F.2. *Provide for light industrial uses (e.g., light manufacturing, assembly work, etc.) that do not create significant environmental impacts.*

Objective 1.I. *Maintain and enhance the local economy.*

Policy 1.I.1. *Land use designations shall provide sufficient land for the economic development of community areas.*

Objective 1.L. *Provide for commercial cannabis activities in Mono County in a way that protects public health, safety, and welfare while also taking advantage of new business and economic development activities.*

(Policy 1.L.1 & Policy 1.L.2. not applicable.)

Policy 1.L.3. *Avoid, reduce, and prevent potential issues specific to commercial cannabis activities that may adversely affect communities.*

Policy 1.L.4. *In recognition of the potential economic benefits of this new industry, encourage the responsible establishment and operation of commercial cannabis activities.*

MONO COUNTY LAND USE ELEMENT, MAMMOTH VICINITY

GOAL 21. *Maintain and enhance the scenic, recreational, and environmental integrity of the Mammoth vicinity.*

Objective 21.A. *Maintain and enhance scenic resources in the Mammoth vicinity.*

Policy 21.A.2. *Future development shall be sited and designed in a manner that preserves the scenic vistas presently viewed from US 395.*

Objective 21.B. *Provide for the land use needs of both the incorporated and unincorporated areas.*

Policy 21.B.1. *Contain growth in and adjacent to existing developed areas.*

Policy 21.B.2. *Provide for industrial land use needs.*

Policy 21.B.3. *Future development projects shall avoid potential significant environmental impacts or mitigate impacts to a level of non-significance, unless a statement of overriding concerns is made through the EIR process.*

COMPLIANCE WITH MONO COUNTY CANNABIS REGULATIONS, CHAPTER 13

In addition to General Plan policies and regulations, commercial cannabis activities shall comply with Chapter 13. The following general standards and requirements apply to all commercial cannabis activities permitted in the county: (13.070 C-M and 13.080 A-H)

The following sections from Chapter 13 have proposed updates and changes from the previous approval:

§13.070 General Standards and Requirements

§13.070 E. Odor Control.

An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.

Previously BVI was proposing a 1) Heating Ventilation and Air Conditioning System (HVAC) with a commercial Photohydroionization (PHI) unit inside designed to eliminate 99.99% of all odors; and 2) activated carbon filters. Less odor-intensive rooms on site (propagation and vegetative) would have utilized the PHI unit installed in the primary HVAC system to mitigate the odors emitted. However, in the almost five years since the original proposal was assembled, significant updates in the odor mitigation systems for cannabis cultivation have resulted in newer HVAC units that utilize sealed, ductless configurations and include minimal outside air exchange.

Indoor cultivation allows for greater control over the varying levels of odor emitted during the lifecycle of cannabis (e.g., propagation, vegetative, flowering, harvest, drying, packaging, and storage). BVI has created an Odor Management Plan that combines facility design with standard operating procedures (SOPs) that vary based on developmental stage. Two primary odor-mitigation devices will be used in the indoor cultivation facility: 1) a specialized commercial Heating Ventilation and Air Conditioning System (HVAC) to mitigate the minimal odors emitted during cultivation and 2) activated carbon filters.

Less odor-intensive rooms on site (propagation and vegetative) will utilize a specialized ductless HVAC System (HVAC), called a variable refrigerant flow (VRF) or direct expansion (DX) to mitigate the minimal odors emitted during the developmental stage. SOPs will be applied that include physically containing odors by closing the entrance to this room and using special seals on doors to minimize the possibility of odor escaping into the hallway, as well as cleaning and disinfecting all tables/surfaces that come in direct contact with cannabis immediately after use.

Odor-intensive rooms including flowering, harvest, drying, packaging, and storage will utilize odor mitigation SOPs (described above), the HVAC system, and an activated carbon filter attached to the inlet of the HVAC system in each room. These two odor-mitigation devices used together in the most odor-intensive rooms should minimize any detectable odor. Furthermore, since the new system will be closed and ductless, there is no longer air emitted outside the building.

The odor mitigation devices will be serviced and maintained by properly trained employees using SOPs based on the maintenance needs of each type of filter (pre-filter, carbon filter or PHI unit). Every filter will be tagged to identify the employee that installed it, the date/time the unit was replaced, and date by which the device should be replaced. Detailed service and maintenance records will be kept for all serviceable items in the odor control system and will contain the following information: date and time of service, service performed, name of individual performing the service, and unit number or device number serviced.

To prevent system malfunctions from going unnoticed, BVI's Quality Assurance Manager (QAM) will walk the perimeter of the facility as part of the routine facility inspections to confirm there is no detectable odor being emitted. If any odor is detected, the QAM will record the issue in their inspection notes and note the location of the detected odor. If BVI receives an odor complaint, the QAM will complete a complaint form to document the incident, which will include date and time of complaint, name of complainant, description of the complaint, and name and badge number of the employee recording the complaint. Upon completion, the form will be immediately provided to the General Manager and the Maintenance Manager in order to begin the odor complaint investigation and resolution process. The Maintenance Manager will follow a diagnostic process to determine the possible source of the odor, repair or replace equipment as necessary, and confirm the repair has resolved the odor issue. A condition has been added to provide a log of odor complaints and the resolution during annual inspections of the Commercial Cannabis Operations Permit.

The nearest receptors for the project are the adjacent Specific Plan (SP) and Resource Management (RM) parcels APNs: 037-260-015, 037-260-003, 037-130-007 and 037-130-016 (Inyo National Forest parcels). There are no residences within 2,000 feet of the project area, however the SBP does allow caretaker units to be built on parcels within the Park. At the time of this staff report, two units have been built and another two units have been reserved with active building permits of the six allowable. The two units that have been built are located at the concrete batch plant, adjacent to the proposed cultivation facility's parcel. Inhabitants of the caretaker's units could be potential receptors; however, odor from the indoor cannabis cultivation facility utilizing the mitigation measures described above should not be more obnoxious than the other industrial uses on parcels in the SBP.

§13.070 I. Parking.

A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.

The project was previously approved under the "other" category in Chapter 6, Parking, Table 06.010 Required Number of Parking Spaces. The previous approval required the total number of spaces for the maximum number of employees (15) plus one ADA-compliant space, for 16 total spaces. The modification follows the same formula providing 11 paved parking spaces, including

10 spaces for the maximum number of employees plus one ADA-compliant space. The employee spaces will each be 10' x 20' in size, as required in Chapter 6, and the ADA space will be 9' x 15' with a 5-ft striped loading area. The site provides adequate parking and space for business and loading areas. This is a reduction from the original approved project due to the reduced building size and capacity and thus a reduced number of employees. (See Sierra Business Park Specific Plan Consistency section below for additional discussion.)

§13.080 Cannabis Cultivation

§13.080 D. Canopy Area.

BVI has provided a site plan identifying the location and square footage of all cultivation-related rooms in the proposed facility. The facility proposes a maximum of 4,600 sf of flowering canopy area, a reduction of over 50% from the originally approved 10,000 sf. A new Condition of Approval has been added requiring that the canopy area not exceed 4,600 sf without approval from the Mono County Planning Commission.

The following sections of analysis from the previous staff report for UP 18-014 have not changed from the original approval:

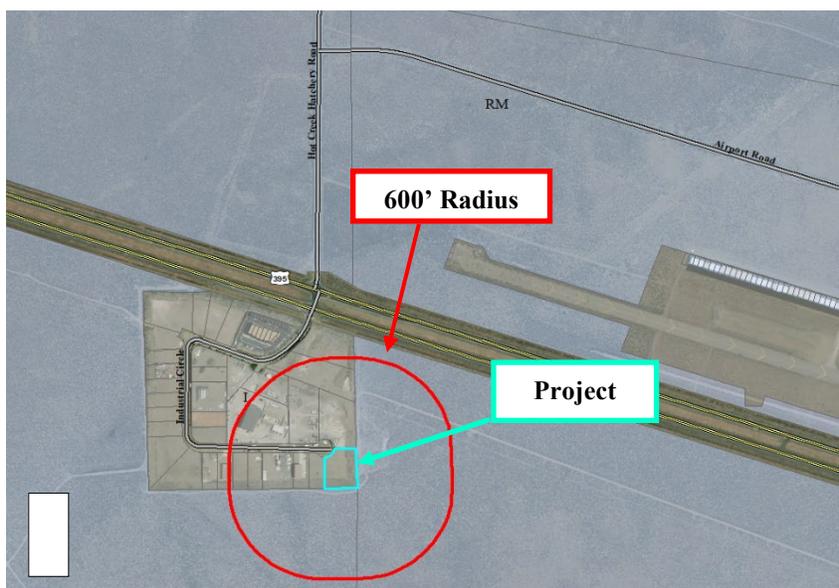
§13.070 General Standards and Requirements

§13.070 C. Site Control.

No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed childcare facilities.

The proposed modification is at the same location where none of the above-mentioned facilities are located within 600 feet of the site. The Mammoth Vicinity which includes the Sierra Business Park, has no schools, or day care/youth centers, parks, playgrounds, community centers, or licensed childcare facilities. The Whitmore Recreation Area is located three miles from the project site on Benton Crossing Road and includes track & sports field, a public pool, and three ballfields.

FIGURE 7: LAND USE DESIGNATIONS WITHIN A 600' RADIUS OF THE PROJECT



§13.070 D. Setbacks.

All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks.

The proposed indoor cannabis cultivation facility meets setback standards in the Sierra Business Park Specific Plan. See Sierra Business Park Specific Plan Consistency section below for discussion.

§13.070 F. Signage.

A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.

The project does not propose any signage.

§13.070 G. Visual Screening.

All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee’s ability.

All cultivation activities will occur inside the proposed building and cultivation activities are further enclosed in light-tight climate-controlled environments that will have zero visibility from outside the facility. Deliveries and pickups of cannabis products or anything related to cultivation will occur inside the gated property and will utilize the shipping/receiving roll-up doors. The front of the building will be screened from the interior street by an 8’ high “Verti-Crete” ledge stone wall with an 8’-high entrance gate composed of steel, wrought iron, or wide mesh galvanized chain link. The remaining sides of the property, excluding the east and south sides that are screened and enclosed by the PMZ, will utilize fencing constructed of galvanized chain-link with dark brown plastic slats. Additionally, the concave topography of the SBP, coupled with the SBP building height limit of 30 feet for pitched-roof structures, will ensure that the facility is not visible from US Highway 395 and will maintain the scenic nature of the Highway 395 corridor.

§13.070 H. Lighting.

All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.

All exterior lighting will be in compliance with the Sierra Business Park Specific Plan. Exterior lighting will comply with Chapter 23 Dark Sky Regulations and be held to the minimum necessary to assure the safety of all persons on site and for lot visibility from the exterior by local police or other patrols.

§13.070 J. Noise.

Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.

The project is not expected to generate noise beyond that of similar industrial operations in the Sierra Business Park.

§13.070 K. Fire Protection.

The project complies with the SBP fire sprinkler system requirements, has submitted a Fire Prevention Plan, and received a Provisional “Will Serve” letter from the Long Valley Fire Protection District. The Conditions of Approval require the project to adhere to requirements of the Fire Protection District and obtain a Final “Will Serve” Letter.

§13.070 L. Security Plan.

A Security Plan was submitted as part of the application and was approved by the Mono County Sheriff’s Department in 2019 as required for the Cannabis Operations Permit (OP 19-003).

§13.070 M. Water Conservation.

BVI estimates their maximum water use will be 800 to 1,000 gallons per day (gpd) by the third or fourth year of operation (see Attachment 3, “2.7.2.1 Water Supply and Use” in the Initial Study). In order to reduce the amount of water needed for the cultivation facility, a Reverse Osmosis (RO) system will be installed to reclaim and reuse wastewater from cultivation operations. This closed-loop system would drain all wastewater from the cultivation areas into a holding tank separate from the septic system where it would be reclaimed by running it through the RO system and the filtered water would be reused for cultivation operations. Please see section “2.7.2.2. Wastewater and Sewage” in the Initial Study for discussion (Attachment 3).

The SBPOA issued a “Will Serve” Letter based on BVI’s estimated maximum water use. The project applicant has also obtained a “Will Serve” Letter from Mountain Meadows Mutual Water Company (MMMWC) as alternative water supplier while SBPOA brings its water system into compliance with the Division of Drinking Water. The contract with MMMWC will be utilized until the SBPOA water system is fully permitted and operational after which the SBPOA will be the sole water provider for this project.

§13.080 Cannabis Cultivation**§13.080 A. Setbacks.**

The project meets applicable setback requirement set forth in the SBP SP (see Sierra Business Park Specific Plan Consistency section below for discussion).

§13.080 B. Lighting.

Exterior lighting would consist of only lights required for safety and lot visibility from the exterior by local police or other patrols and would comply with the county’s Dark Sky Regulations. Grow areas will not have windows and all cultivation activities will take place in climate-controlled light-sealed rooms ensuring that the light produced in the grow areas will not be visible from the exterior of the building. Please see section “2.5.3. Light and Signage” in Initial Study (Attachment 3) for more details.

§13.080 C. Dust Control.

Dust control measures shall be utilized on access roads and all ground-disturbing activities shall be conducted in compliance with the Great Basin Unified Air Pollution Control District regulations, Mono County grading requirements, and will implement dust control mitigation measures from the SBP EIR. All access and driveways are proposed to be paved.

§13.080 E. Hazardous Substances.

In no case shall any hazardous, flammable, or explosive substance be used to process or manufacture Cannabis Products on the premises unless all necessary permits have been obtained from all the appropriate agencies.

§13.080 F. Closed to General Public.

Cannabis cultivation premises shall be inaccessible by the general public unless supervised by the permittee.

§13.080 G. Building Use.

The proposed building is not intended for residential use, and in no case shall a residential building be used for cultivation as part of this project.

§13.080 H. Energy & Quality Control.

The project proposes to install solar panels on the building rooftop to offset electrical uses during operation. Please see section “2.5.4.3. Energy Supply and Use” in the Initial Study (Attachment 3) for discussion.

The use of a unique identifier as well as inventory and quality control procedures were analyzed as part of the Operations Permit.

SIERRA BUSINESS PARK SPECIFIC PLAN

Please click the link below to access the full text of the Sierra Business Park Specific Plan:

<https://www.monocounty.ca.gov/planning/page/sierra-business-park-specific-plan-july-2014>

Other than snow storage and parking as outlined below, there have been no changes to the project that alter the previous analysis for the Sierra Business Park Specific Plan (SBP SP).

The project is compatible with the purpose and objectives of the SBP SP, which seeks to provide for industrial uses while protecting the scenic resources in the region and along the Highway 395 scenic corridor. Cannabis-related industrial uses are not currently included in the SBP SP; however, an indoor cannabis cultivation facility is similar to and not more obnoxious than the uses currently approved in the SBP SP. The General Regulations 2.1 & 2.2 in the SBP SP state that in the case of the SP being silent on development standards, guidelines, or regulations, the Mono County General Plan shall prevail. As discussed above, the General Plan allows for cannabis cultivation in I land use designations subject to Chapter 13, a use permit, and Mono County Code 5.60.

The SBP SP allows for 80% maximum lot coverage and a minimum front yard setback of 20’ with a west side-yard setback of 10’ minimum. The location of the proposed project is the same as previously approved in UP 18-014 and is consistent with the purpose and objectives of the SBP SP. Adequate site area exists for the proposed use and lot coverage is 44% (calculated by the amount of impermeable surface). The indoor cultivation facility does not encroach on setbacks and provides a 19’ side-yard setback on the west, a 32’ front-yard setback SP standard) and maintains the width of the Perimeter Maintenance Zone (PMZ) in the east and rear yard, as required.

The proposed 23' 1" building height is below the 30-foot maximum building height for pitched-roof structures in SBP. The fencing and screening requirements are in compliance with SBP SP (see 13.070 G. Visual Screening discussion below).

Snow Storage:

The project requires 1,874 sf of snow storage by the SBP Design Standards (25% of the area from which snow is to be removed). The new project provides 749 sf of snow storage onsite and is currently proposing 1,087 sf of offsite snow storage, contracted with a snow removal company. A condition has been added to address potential CEQA impacts from offsite snow storage (see condition #5, Condition of Approval). The previous project planned for all snow storage to be onsite.

Parking:

The revised site plan for the modification provides 11 total parking spaces: 10 employee spaces plus one ADA-compliant space and provides proper loading areas in front of both roll-up doors. All employee parking spaces will each be 10' x 20' in size and all parking and access areas will be paved. The modification includes a reduction in parking for the reduced building and operations. The previously approved site plan for UP 18-014 proposed 16 total parking spaces: 15 employee spaces plus one ADA-compliant space. The site provides adequate parking and space for loading areas, if the Planning Commission finds that the project still qualifies under the "other" category in Chapter 6, Parking, Table 06.010 Required Number of Parking Spaces.

USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a. This project complies with all applicable provisions of the Mono County General Plan and the SBP SP (see discussion in General Plan Consistency and Sierra Business Park Specific Plan Consistency sections above). The SBP SP is silent on cannabis uses as it was approved before the state's legalization of cannabis, and therefore the General Plan prevails.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a. The parcel is accessed by Industrial Circle via Highway 395 and is adequate for the kind of traffic generated by the proposed use. Industrial Circle and Highway 395 are used for accessing existing industrial businesses in the Mammoth Vicinity. Parking is provided for the maximum number of employees (10) plus one ADA-compliant parking space.
 - b. The proposed project is not expected to generate significant amounts of traffic to alter existing circulation patterns or cause a nuisance for adjacent property owners.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a. The proposed use is not expected to cause significant environmental impacts or be detrimental to surrounding property. Elements peculiar to cannabis, including odors and lighting, have been analyzed through the §15183 CEQA analysis in the approved UP 18-014, and no impacts beyond the scope of mitigation measures outlined in the Mono County General Plan EIR were found. The proposed modification is a reduction in scope of the previously approved UP.
 - b. The proposed project is a conforming use according to the Mono County General Plan's Land Use Element and the Sierra Business Park Specific Plan and meets the cannabis regulations of the General Plan.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
 - a. The proposed use is consistent with the General Plan, the Mammoth Vicinity Area Plan and the SBP SP (see discussion in the General Plan Consistency and Sierra Business Park Specific Plan sections above).
 - b. Indoor cannabis cultivation is permitted in industrial land use designations, given they meet the criteria set forth by MCGP LUE Chapter 13 and subject to Mono County Code 5.60.
 - c. The project is located within the SBP SP and the Mammoth Vicinity Planning Area. Both the SBP SP and the Mammoth Vicinity Area encourage industrial uses within existing development areas that do not impact the scenic resources of the region or the US 395 scenic corridor.

This staff report has been reviewed by the Community Development Director.

ATTACHMENTS

All files are available at <https://www.monocounty.ca.gov/planning/page/bask-ventures-inc-indoor-cannabis-cultivation> or by calling 760-924-1800.

- Attachment 1: Revised Site Plan
- Attachment 2: Public Hearing Notice
- Attachment 3: Initial Study (IS Appendices are posted online only)

MONO COUNTY
Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: UPM 23-004

APPLICANT: BASK Ventures, Inc.

ASSESSOR PARCEL NUMBER: 037-260-004

PROJECT TITLE: BASK Ventures, Inc. Indoor Cannabis Cultivation

PROJECT LOCATION: 474 Industrial Circle, Mammoth Lakes, CA 93546

CONDITIONS OF APPROVAL
See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

Notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Board of Supervisors, the Planning Commission's decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Board of Supervisors may bar any action challenging the Planning Commission's decision.

DATE OF DECISION/USE PERMIT APPROVAL: April 20, 2023
EFFECTIVE DATE USE PERMIT: May 1, 2023

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION

DATED: April 20, 2023

- cc: X Applicant
- X Public Works
- X Building
- X Compliance

CONDITIONS OF APPROVAL

Use Permit Modification 23-004/BASK Ventures Inc. Indoor Cannabis Cultivation

1. All development shall meet the requirements of the Mono County General Plan, Mono County Code, and project conditions.
2. Project shall comply with Chapter 13, Cannabis Regulations.
3. The project is required to obtain a Mono County Cannabis Operations Permit pursuant to Mono County Code 5.60 and appropriate state licensing prior to commencing operation. A copy of state licenses shall be provided to the Mono County Community Development Department.
4. The project shall be in substantial compliance with the project description and the site plan (Attachment 1) of the staff report. A caretaker's unit has not been approved as part of this site plan and as such employees may not live on the premises. A future caretaker's unit may be approved pursuant to the conditions and manner described in the Sierra Business Park Specific Plan.
5. Off-site snow storage must be contracted through a legitimate and licensed snow removal company with authorized snow storage locations.
6. The applicant shall provide a log of odor complaints and the resolution during annual inspections of the Commercial Cannabis Operations Permit.
7. All exterior lighting must comply with Chapter 23, Dark Sky Regulations.
8. Number of employees shall not exceed 10 unless a new parking plan is approved by the Planning Commission.
9. There shall be no expansion of cannabis uses, and canopy area shall not exceed 4,600 square feet without approval from the Mono County Planning Commission.
10. Applicant must maintain active business license and tax certificate requirements.
11. Project is required to comply with requirements in the Sierra Business Park Specific Plan.
12. Construction for the project shall be contained within the boundaries of the parcel.
13. In the event of discovery or recognition of any human remains, all work shall be stopped, Mono County Community Development Department shall be notified immediately, and there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county has examined the site (California Health and Safety Code § 7050.5).
14. Project is required to comply with any requirements of the Long Valley Fire Protection District. The applicant shall provide a "will serve" letter from the Long Valley Fire Protection District indicating the FPD will provide service to the project.

15. Project is required to comply with requirements of the water system operator and the Will Serve Letters from the Sierra Business Park Owner's Association (SBPOA) and Mountain Meadows Mutual Water Company. The Mountain Meadows Mutual Water Company will be utilized until the SBPOA water system is fully operational, after which the SBPOA will be the sole water provider for this project.
16. Project shall comply with all Mono County requirements including, but not limited to, the Building Division, Public Works, and Environmental Health.
17. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.
18. Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.
19. Termination. A use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
 - A. There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
20. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
21. Revocation: The Planning Commission may revoke the rights granted by a Director Review, and the property affected thereby shall be subject to all of the provisions and regulations of

the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted at least 10 days in advance of such hearing. The decision of the commission may be appealed to the Board of Supervisors in accordance with Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

PROJECT DIRECTORY

OWNER: Green Team Holdings, LLC
ADDRESS: 474 Industrial Circle
 Mammoth Lakes, CA 93546
Contact: Brian Herman
 Ph: 858 395 4384

ARCHITECT: Sohail Barsum Lic#C: 12478
 Ph: 310 559 8436

DESIGNER: M DESIGN STUDIO, LLC
ADDRESS: 7560 March Ave.
 West Hills, CA 91304
Contact: Eduardo Merino
 Ph: 310 736 5575

CIVIL ENGINEER: Triad Holmes Associates Lic#:41039
Contact: Vasilios G. Artemiou
 Ph: 718 813 8007

CODE ANALYSIS

ADDRESS: 474 INDUSTRIAL CIRCLE
 MAMMOTH LAKES, CA 93546

APN: 037.260.004.0000
LOT: 4 (SIERRA BUSINESS PARK)

CONSTRUCTION TYPE: V-A

OCCUPANCY TYPE: F-1

ZONE: INDUSTRIAL/COMMERCIAL

PRIMARY OCCUPANCY = INDUSTRIAL
ACCESSORY OCCUPANCY = OFFICE (PER SECT. 508.2)
-NO SEPARATION REQUIRED- (PER SECT. 508.2.4)

FIRE SPRINKLERS: YES

MAXIMUM NUMBER OF STORIES: 3 (PER TABLE 504.4)
PROPOSED NUMBER OF STORIES: 1

MAXIMUM HEIGHT: 30' (PER TABLE 504.3)
PROPOSED MAXIMUM HEIGHT: 23'-1"

MAXIMUM BLDG AREA: 42,000 SQFT (PER TABLE 506.2)
PROPOSED BLDG (ROOF) AREA: 14,388 SQFT
LOT: 50,421 SQFT
PAVED AREA: 6,508 SQFT
CONCRETE: 988 SQFT

LOT COVERAGE: 43%

WAREHOUSE: 11,927 SQFT (INTERIOR)
OFFICE: 1,308 SQFT (INTERIOR)

DILLON ROANE
 DILLON - ROANE
 DESIGN-BUILD-GROW



Ph: 310.736.5575
 eduardo_merino_1@me.com

Owner:
GREEN TEAM HOLDINGS LLC



ARCHITECT: SOHAIL BARSUM

GTH MANUFACTURING FACILITY

474 Industrial Circle
 Mammoth Lakes, CA 93546

- Project:
- Revisions:
- ▲ 06/17/21: Building Department Plan Check
 - ▲ 04/31/22: Design Revisions
 - ▲ 05/17/22: Design Revisions
 - ▲ 09/22/22: Design Revisions
 - ▲ 02/28/23: Planning Plan Check

Sheet Title:

PROPOSED SITE PLAN

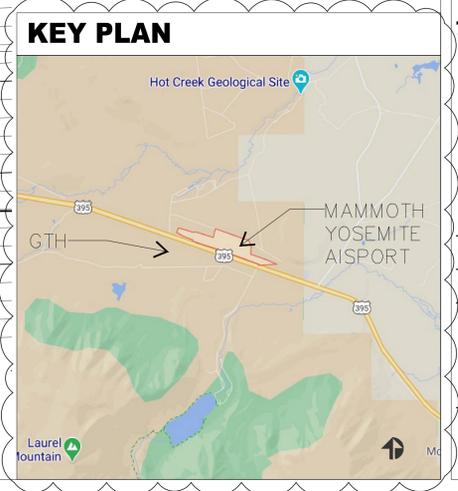
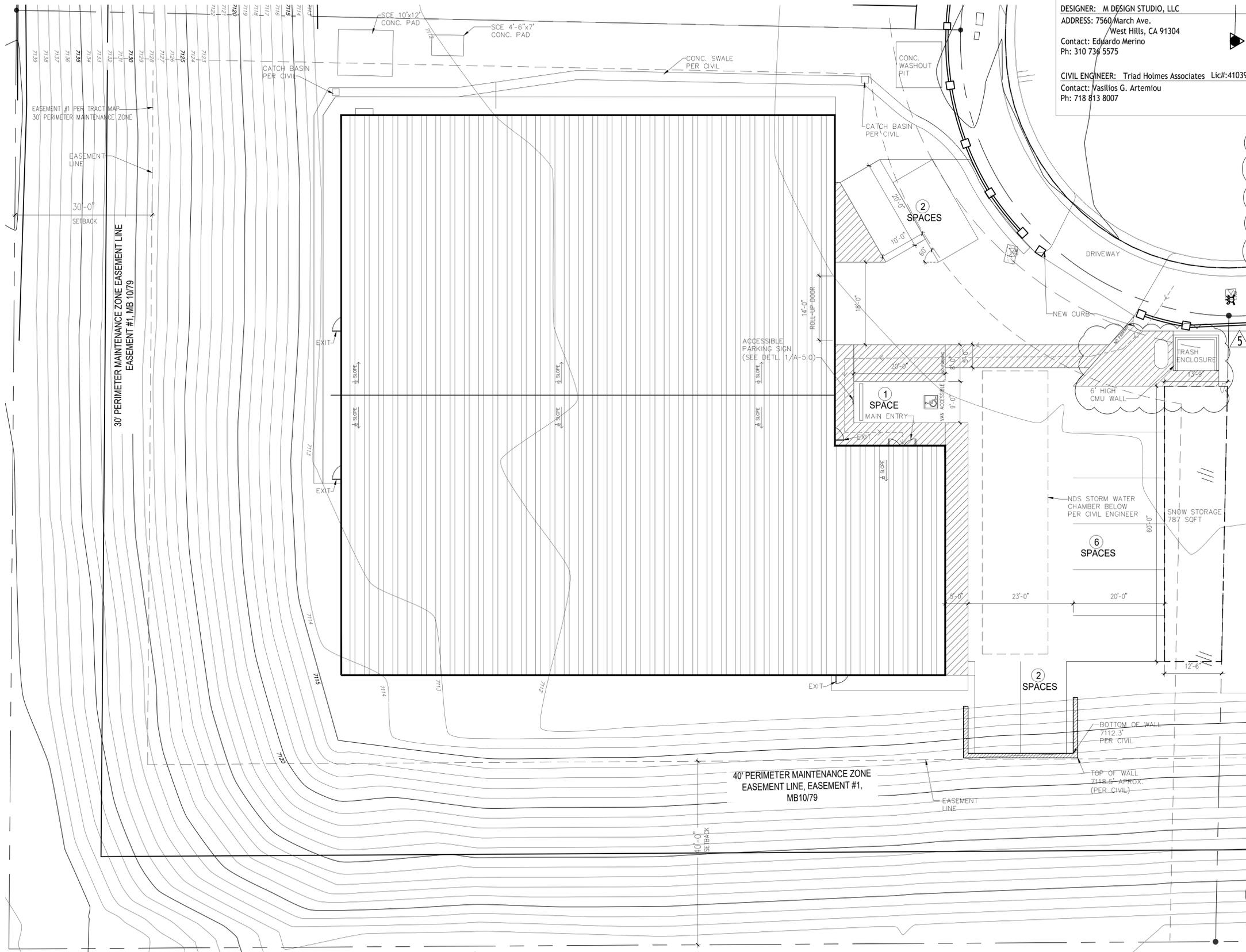
DATE: March 03, 2023

DRAWN BY: EM CHECKED BY: SB

Sheet Number:

A-1.0

SCALE: As Noted



PROPOSED SITE PLAN

SCALE: 3/32" = 1'-0"

Mono County Community Development Department Planning Division

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800, fax 924-1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760-932-5420, fax 932-5431
www.monocounty.ca.gov

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Planning Commission will conduct a public hearing on **April 20, 2023**, at the Mono Lake Room of the Mono County Civic Center, First floor, 1290 Tavern Road Mammoth Lakes, CA, or remotely via Zoom. <https://monocounty.zoom.us/j/84692262742>
Webinar ID: 846 9226 2742

Members of the public shall have the right to observe and offer public comment to consider the following: **9:30 a.m. CONDITIONAL USE PERMIT MODIFICATION 23-004/Bask Ventures, Inc.:** Proposal for reduced building size and redesign of parking and snow storage for a previously approved indoor cultivation of cannabis (Use Permit 18-014) on an Industrial (I) parcel located at 474 Industrial Circle, in the Sierra Business Park across from Mammoth Yosemite Airport (APN 037-260-004). Cultivation will occur in a 14,388-square foot indoor facility designed to incorporate up to 4,600 square feet of flowering canopy. A CEQA 15183 exemption is proposed. Project files are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes.

INTERESTED PERSONS are encouraged to attend the livecast meeting online (technology permitting) or to attend in-person; and to **submit comments by 8 am on Thursday, April 20, 2023**, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546 or by email at cddcomments@mono.ca.gov. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to Secretary to the Planning Commission at, or prior to, the public hearing.

Mono County Planning Division
April Sall, Planning Analyst
PO Box 347
Mammoth Lakes, CA 93546
asall@mono.ca.gov 760-932-5423



Project location highlighted in blue.
474 Industrial Circle (APN 037-260-004)

Mono County Community Development Dept.
PO Box 347
Mammoth Lakes, CA 93546

«AssesseeName»
«Mailing_St»
«Mailing_City», «Mailing_State» «Mailing_Zip»

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

April 4, 2023

To: The Sheet

From: April Sall

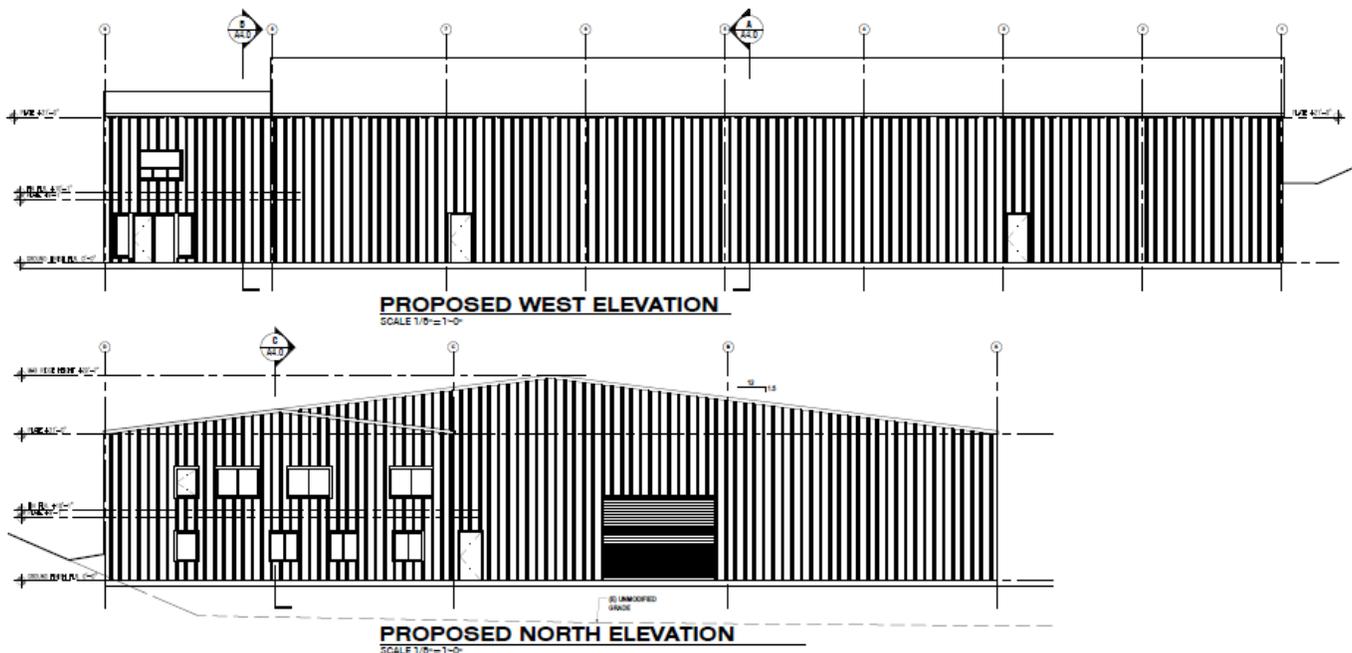
Re: Legal Notice for the April 8th edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **April 20, 2023**. The meeting will be accessible remotely by livecast at: <https://zoom.us/join> (**Zoom Webinar ID: 846 9226 2742**) <https://monocounty.zoom.us/j/84692262742> or in-person at the Mono Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546 where members of the public shall have the right to observe and offer public comment, to consider the following: **9:30 am - CONDITIONAL USE PERMIT MODIFICATION 23-004/Bask Ventures Inc.:** Proposal for reduced building size and redesign of parking and snow storage for a previously approved indoor cultivation of cannabis (Use Permit 18-014) on an Industrial (I) parcel located at 474 Industrial Circle, in the Sierra Business Park across from Mammoth Yosemite Airport (APN 037-260-004). Cultivation will occur in a 14,388-square foot indoor facility that is designed to incorporate up to 4,600 square feet of flowering canopy. A CEQA 15183 exemption is proposed. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting online (technology permitting) or to attend in-person; and to **submit comments by 8 am on Thursday, April 20, 2023, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546** or by email at cddcomments@mono.ca.gov. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary of the Planning Commission at, or prior to, the public hearing.

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MONO COUNTY

BASK Ventures, Inc. Indoor Cannabis Cultivation Project

Initial Study Checklist

(Note for June 20, 2019 Planning Commission Meeting: Appendices are available online at <https://www.monocounty.ca.gov/planning/page/bask-ventures-inc-indoor-cannabis-cultivation> or by calling 760-924-1800.)

June 2019

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Mono County
**BASK Ventures, Inc. Indoor Cannabis
Cultivation Project**
Initial Study Checklist

June 2019

Prepared for:

Mono County Community Development Department
Planning Division
P.O. Box 347
Mammoth Lakes, CA 93546

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- Appendix A Building Design**
- Appendix B Operating Plan**
- Appendix C Water Use Plan**
- Appendix D Tract Map No. 36-159 Sierra Business Park Supplemental Sheet No. 1 & 2**
- Appendix E Will Serve Letters**
- Appendix F Conditional Waiver of Waste Discharge Requirements Notice of Applicability**
- Appendix G Letter to Sierra Business Park Owners' Association**

1 INTRODUCTION

1 INTRODUCTION

1.1 APPLICATION FOR CANNABIS USE PERMIT

The project applicant, BASK Ventures, Inc. (BVI), is proposing to construct and operate an indoor cannabis cultivation facility (project) in the Sierra Business Park (SBP), located within unincorporated Mono County (Figure 1-1). In November 2016, Proposition 64 (the Adult Use of Marijuana Act) passed in all precincts of Mono County, and the majority of California. The Mono County Board of Supervisors approved General Plan Amendment 18-01, including Chapter 13 - Commercial Cannabis Activities, in April 2018. Chapter 13 requires that Mono County authorize a Conditional Use Permit and Cannabis Operation Permit prior to operation of a commercial cannabis activity. BVI filed an application for the Conditional Use Permit and Cannabis Operation Permit with Mono County on September 6, 2018.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT

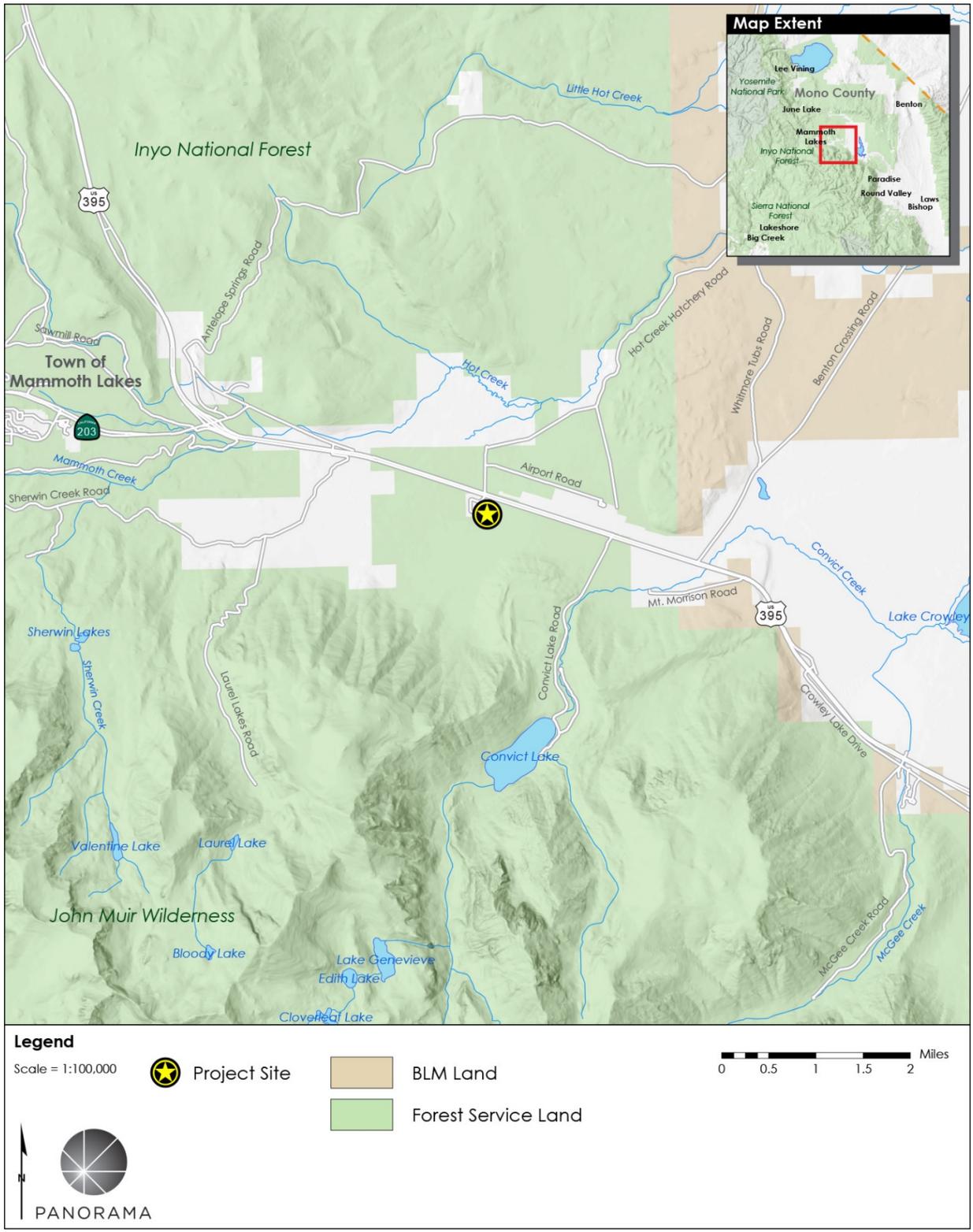
The California Environmental Quality Act (CEQA) requires public agencies to consider and analyze the potential environmental effects of activities that (a) involve the exercise of discretionary powers, (b) have potential to impact the environment, (c) meet the definition of a "project," and (d) are not categorically or statutorily exempt from CEQA. CEQA Guidelines §15183 provides a specific CEQA review process for qualifying projects that are consistent with a community plan or zoning. Under these regulations (reflected in California Public Resources Code (PRC) §21083.3 and CEQA Guidelines §15183), projects that are consistent with the development density of existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified shall be exempt from additional CEQA analysis except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

Mono County has existing land use, community plan, and general plan policies for which an EIR was certified; including:

- The Sierra Business Park Specific Plan Final Environmental Impact Report (FEIR) certified in 2000 (FEIR SCH#1997032100)
- The Mono County General Plan, Final Environmental Impact Report (FEIR) certified in 2015 (State Clearinghouse [SCH] #2014061029)

1 INTRODUCTION

Figure 1-1 Regional Location



Sources: (US Geological Survey, 2013; U.S. Geological Survey, 2016; County of Mono, CA IT Department / GIS Division, 2018)

1 INTRODUCTION

The SBP Specific Plan was adopted by the Mono County Board of Supervisors in 2000 and modified most recently in June 2014. The SBP Specific Plan FEIR contains an analysis of the development standards for future development of the SBP, consistent with the requirements established in Section 65451 of the California Government Code. The Sierra Business Park Specific Plan states that the General Plan should be the presiding document for issues not specifically referenced in the Specific Plan. In December 2017, the County approved Resolution R17-88 approving General Plan Amendment 17-03. The General Plan Amendment established Countywide policies governing cannabis activities in Mono County. Mono County General Plan cannabis regulations and Code Chapter 5.60 – Cannabis Operation was approved by the Board of Supervisors in April 2018 and provides regulations for the local permitting of commercial cannabis activities under specified conditions in the unincorporated areas of the County.

The Mono County Planning Division has prepared an Initial Study checklist to evaluate the project's consistency with the previous SBP EIR and General Plan EIR. As mandated by the CEQA Guidelines Section 15183, this checklist identifies whether environmental effects of the project:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the land use, general plan, or community plan, with which the project is consistent;
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the General Plan, community plan or zoning action; or
4. Are previously identified significant effects which, because of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
5. If environmental effects are identified as peculiar to the project and were not analyzed in a prior EIR, are there uniformly applied development policies or standards that would mitigate the environmental effects?

Pursuant to CEQA Guidelines Section 15183, subsequent environmental impact analysis would be required if any impacts meet the above criteria.

1 INTRODUCTION

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2 PROJECT DESCRIPTION

2 PROJECT DESCRIPTION

2.1 OVERVIEW

BVI proposes to construct a 21,858-square-foot cannabis cultivation facility within the SBP. The proposed facility would be constructed in accordance with the design guidelines approved for the SBP.

2.2 PROJECT LOCATION

The project is located within the SBP on a currently vacant lot (Lot #4), with Assessor's Parcel Number (APN) 037-260-004. The SBP has a total of 32 lots, 14 of which are currently developed with approved industrial uses. The SBP is located approximately 5 miles outside the Town of Mammoth Lakes. It is surrounded by Inyo National Forest property and borders U.S. Highway 395. Figure 1-1 shows the regional location of the project site and Figure 2-1 shows the project site parcel. The project site address is 474 Industrial Circle, Mammoth Lakes, CA 93546.

2.3 LAND USE DESIGNATIONS

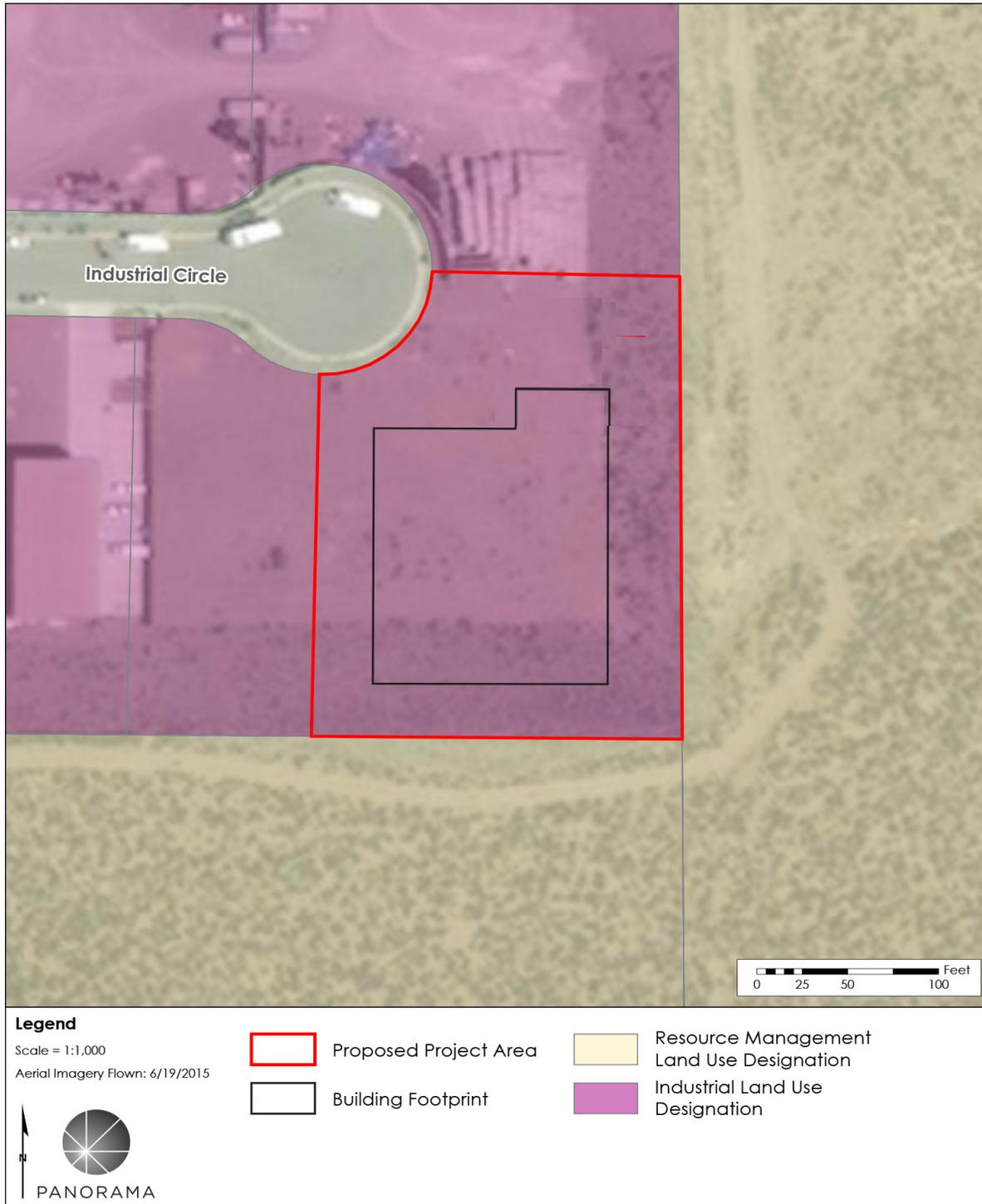
The project site is designated as Industrial Use consistent with other areas within the SBP. The Land Use Designation for parcels adjacent to the project site are Resource Management, as shown in Figure 2-1.

2.4 ACCESS

The project site is accessed from U.S. Highway 395 via Industrial Circle as shown in Figure 2-2.

2 PROJECT DESCRIPTION

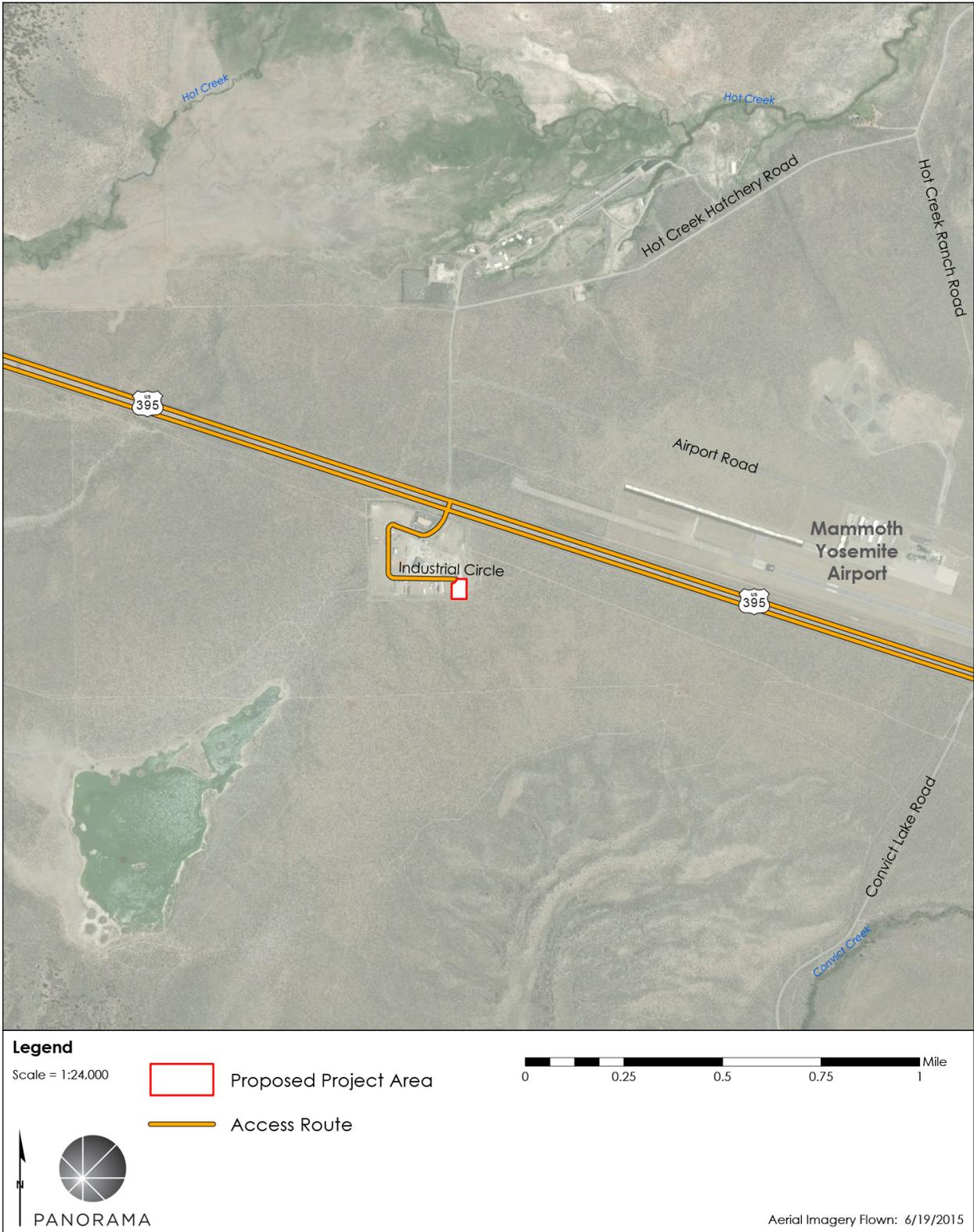
Figure 2-1 Project Site



Sources: (County of Mono, CA IT Department / GIS Division, 2018; DigitalGlobe, 2015; County of Mono, CA IT Department / GIS Division, 2018)

2 PROJECT DESCRIPTION

Figure 2-2 Project Site Access



Sources: (County of Mono, CA IT Department / GIS Division, 2018; DigitalGlobe, 2015)

2 PROJECT DESCRIPTION

2.5 PROJECT FACILITIES

2.5.1 Buildings/Structures

The project consists of a 21,858-square-foot indoor cannabis cultivation facility with associated offices located on a 50,411-square-foot parcel as shown in the Site Plan and Facility Layout in Figures 2-3 to 2-5. The project would include approximately 18,067 square feet of warehouse space for cannabis cultivation, 10,000 square feet of which will consist of flowering canopy, and an additional 3,791 square feet for general office use (Figure 2-3). Two shipping/receiving roll-up doors would be installed in the building. The outside of the facility would be painted a mute brown (midnight bronze) or taupe (Sierra tan) with accent color a shade darker. No reflective surfaces would be used for the building façade. The building would be constructed to a maximum height of 30 feet with a pitched-roof design. Additional details on the proposed structure are provided in Appendix A.

2.5.2 Parking

The commercial and employee access for the project site would be provided via Industrial Circle at the north end of the parcel. Vehicles would enter through a gated entrance off Industrial Circle. The drive and parking area would be paved. Driveways and access points would comply with all County fire safety standards to maximize entry and egress space for emergency vehicles. A total of 3,347-square-feet of snow storage would be provided, with 1,509-square-feet located on the north side of the facility and 1,838-square-feet on the southwest corner of the facility (refer to Figure 2-5).

Sixteen parking spaces will be constructed on site on the north and west sides of the building including, fifteen general parking spaces for employees and one handicap-accessible parking space. Five to fifteen employees would be on site daily during operation (refer to Figure 2-5).

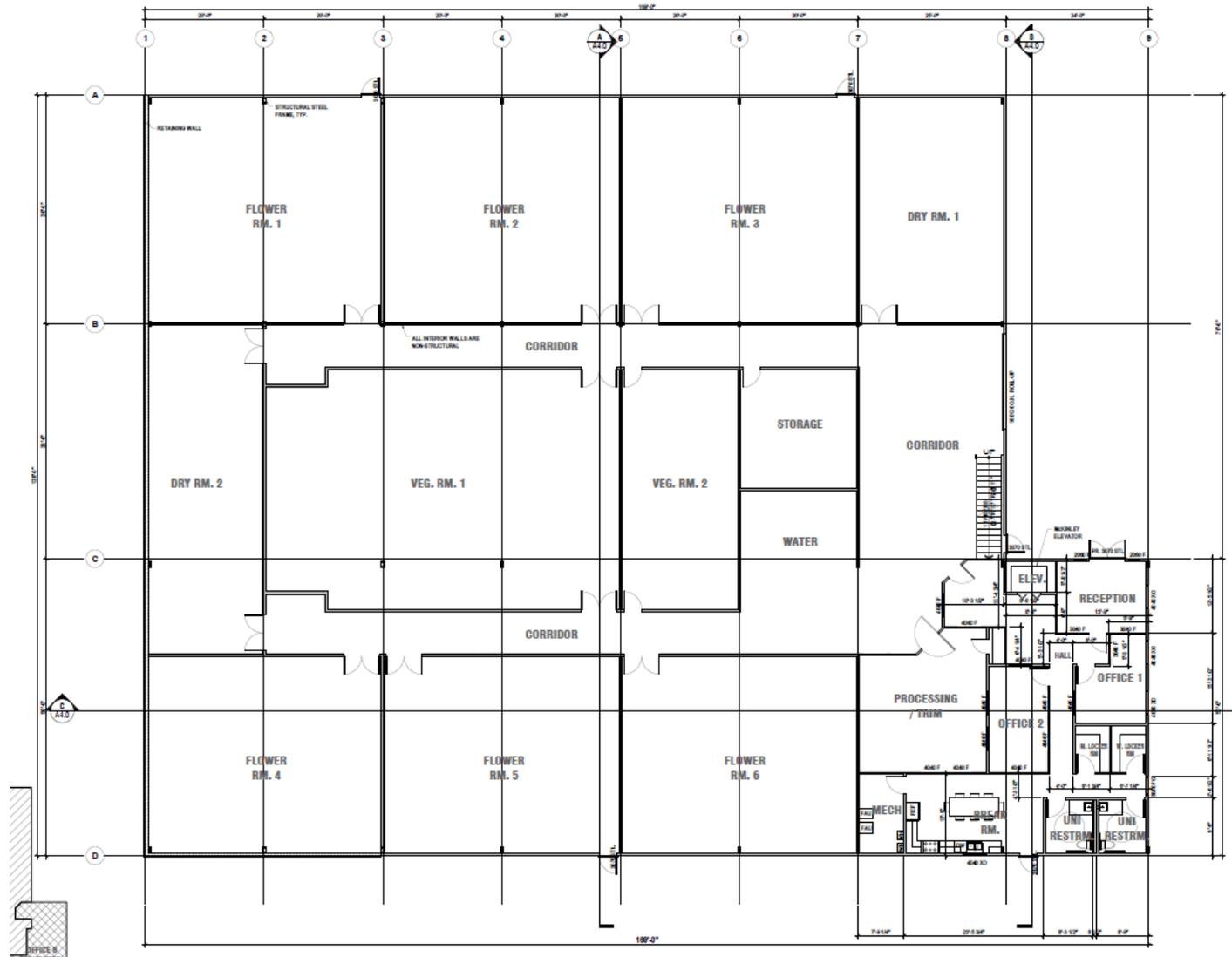
2.5.3 Lighting and Signage

Exterior lighting would be minimal and would comply with the County's Dark Sky Regulations. Lighting will consist of only lights required for safety and lot visibility from the exterior by local police or other patrols. All exterior lighting would be of a low, constant intensity, and would face downward. Lights will be shielded, and all lighting will be confined to the lot. The lighting fixtures will be painted a non-reflective color that conforms to the design guidelines of the SBP. Exterior circuit protection would be locked or enclosed within a locked National Electrical Manufacturers Association environmental cabinet.

Interior lighting would provide both a safe working environment and enhanced security. An interior strobe light would be installed and interfaced with the alarm system near the lobby area windows to provide a visual notification of alarm conditions to local law enforcement outside of the building. BVI does not propose any signage for the indoor cultivation facility.

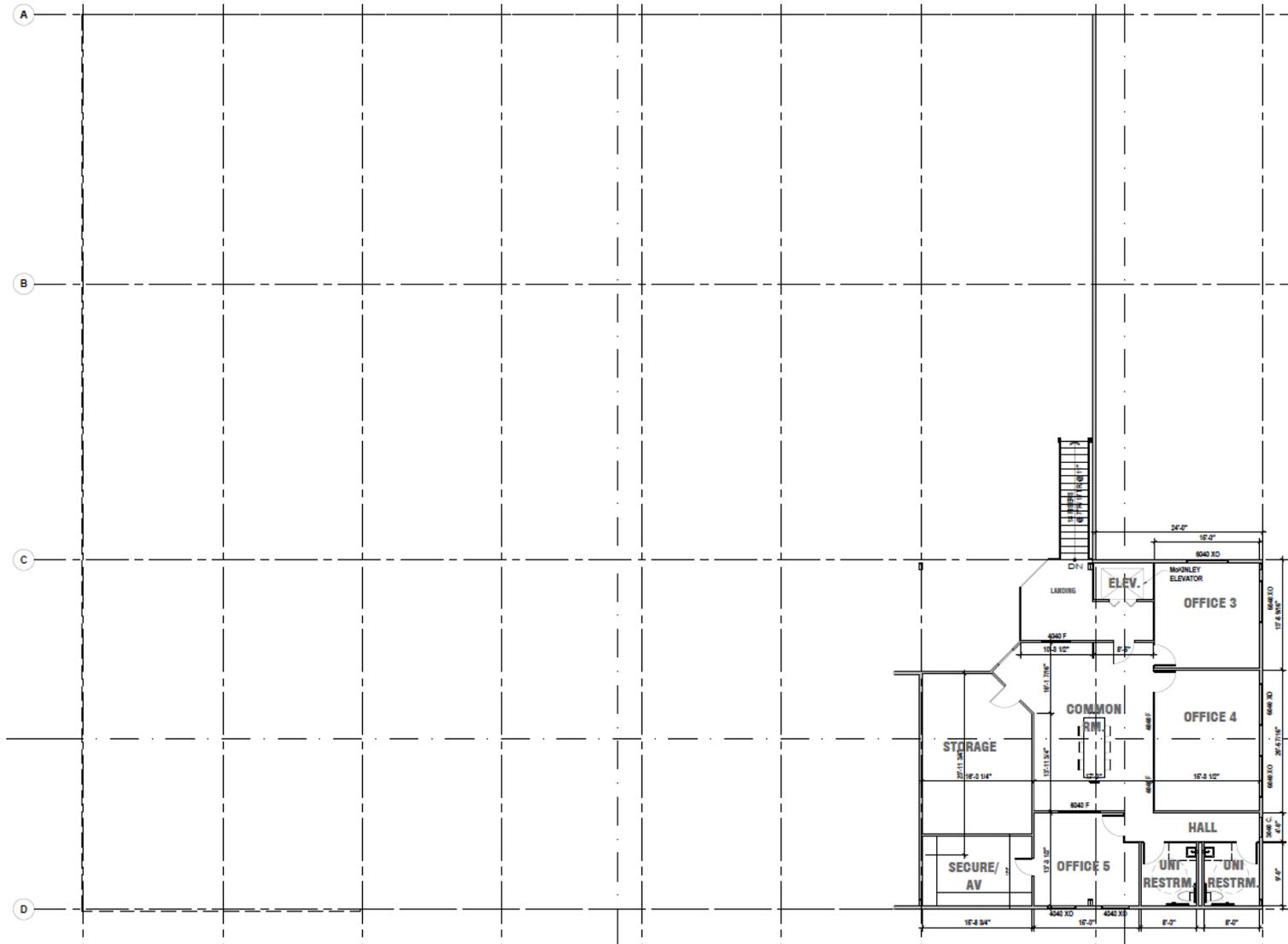
2 PROJECT DESCRIPTION

Figure 2-3 Cultivation Facility Layout: Ground Floor



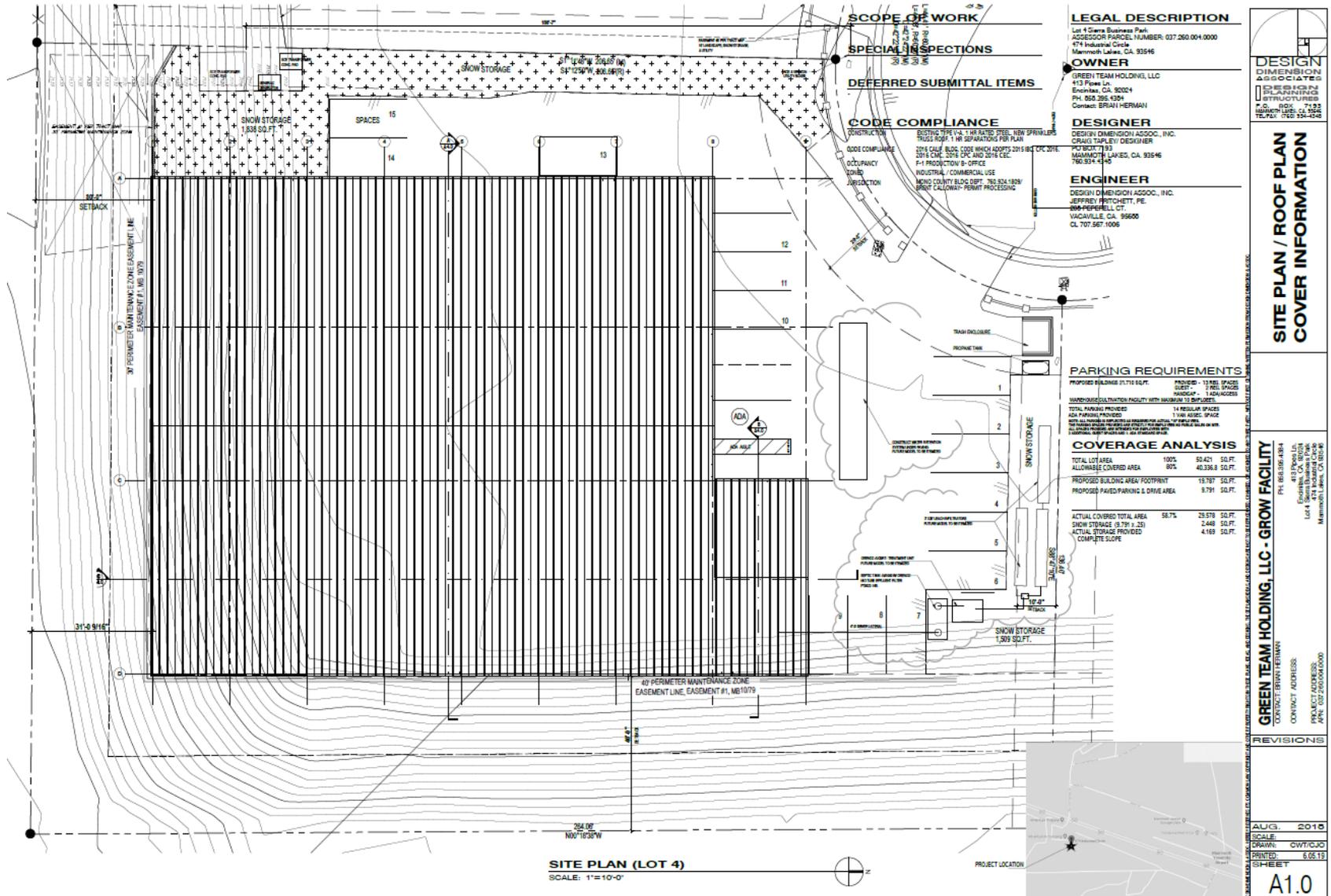
2 PROJECT DESCRIPTION

Figure 2-4 Cultivation Facility Layout: Second Floor



2 PROJECT DESCRIPTION

Figure 2-5 Site Plan



2 PROJECT DESCRIPTION

2.5.4 Utilities

The site would require improvements for water, sewer, and energy utilities.

2.5.4.1 Water

BVI would install a 5,000-gallon fresh water holding tank on the property. BVI would draw their daily allotment of water from the Sierra Business Park Owners' Association (SBPOA) system during periods of low demand, such as overnight or during the weekend, and store it in the on-site holding tank for later use. 13. BVI will temporarily contract water service from Meadow Mutual Water Company until the SBPOA water system is fully operational after which the SBPOA will be the sole water provider.

2.5.4.2 Sewer

A septic system would be installed consistent with the Tentative Tract Map Supplemental Sheet 1 and Sheet 2 for sewage disposal (see Appendix D) and as approved by the Mono County Environmental Health Department. The septic system would need to comply with Mono County requirements and would utilize a "sand box" type leach field to reduce sewage effluent constituent concentrations consistent with the SBP requirements.

2.5.4.3 Energy Supply and Use

Electrical service from Southern California Edison would be extended to the site to supply electricity during construction and operation of the project. Solar panels would be installed on the building rooftop to generate approximate 40 kilowatts of power to offset electrical uses during operation.

A propane tank would be installed at the north end of the project site. A propane power generator would be installed for emergency power.

2.5.5 Other Improvements

The cultivation facility would be fully enclosed by an 8-foot high "Verti-Crete" ledge stone wall on the north side of the property (facing the interior road) and the remaining sides of the property, excluding the east and south sides which are screened and enclosed by the PMZ, will utilize fencing constructed of galvanized chain-link with dark brown plastic slats. An 8-foot high entrance gate composed of steel, wrought iron or wide-mesh galvanized chain link would be installed at the entrance to the facility. The facility would be inaccessible to the public.

2.6 CONSTRUCTION

Any vegetation on the site would be removed and some minor grading would be conducted on the site to create a flat building surface. Approximately 63 percent of the site may require some grading. After completion of grading, BVI would construct the building and install necessary infrastructure. A temporary power pole from Southern California Edison may be erected on the site for temporary energy supply, but it is anticipated that construction subcontractors would use generators for ease and maneuvering during construction activities.

2 PROJECT DESCRIPTION

Construction of the project would take approximately 4 to 6 months. A maximum crew size of 8 workers would be required for the project. A maximum of 16 vehicle trips from construction equipment and vehicles would occur daily during construction.

2.7 FACILITY OPERATION

2.7.1 Cultivation and Distribution

The proposed facility operations are described in detail in Appendix B. Facility operations will be related to cannabis cultivation and includes cultivation (including processing/trimming and wholesale activity) and general office activities. The cultivation facility would have dedicated rooms based on the lifecycle of cannabis, including vegetative, flowering, drying, processing/trimming, and storage/vault rooms. All runoff from the operational grow areas would flow directly to a closed-system wastewater holding tank. All cultivation activities would occur inside the building within light-tight, controlled environments and would not be visible from outside the facility.

All deliveries or pickups of cannabis products, or any shipments related to cannabis cultivation, would occur inside the gated property utilizing one of the shipping/receiving roll up doors located in Dry Room 1 or the corridor on the north side of the building (Figure 2-3).

2.7.2 Utilities

2.7.2.1 Water Supply and Use

Water would be used for plant cultivation and domestic uses. Water usage would increase over the first 3 years of operation. Table 2-1 provides the anticipated water usage over the first 3 years of the project. All subsequent years would have water demand similar to year 3. See Appendix C for Water Use Plan.

Table 2-1 Operational Water Use

Year	Gallons of Water (per day)
Year 1 (2019)	200-300
Year 2 (2020)	500-600
Year 3 (2021)	800-1000

Source: (BVI, 2018)

2.7.2.2 Wastewater and Sewage

The sources of wastewater would include excess irrigation (anticipated to be no more than 2-4 percent of water intake), domestic uses, cleaning, and reverse osmosis (RO) filtration reject stream. Only wastewater from domestic uses would be discharged to the septic system (see Appendix D). The cultivation facility would use a closed-loop system where all wastewater from the grow areas would drain into a holding tank separate from the septic system. Wastewater from cultivation operations would be reclaimed by running it through the RO

2 PROJECT DESCRIPTION

system, the filtered water would be reused for cultivation operations, and the minimal amount of water rejected by the RO system would be evaporated onsite using an industrial wastewater evaporator. Leftover solids from evaporation would be disposed of at Benton Crossing Landfill in Crowley Lake, California. Benton Crossing Landfill is scheduled to close in 2023, after which this project will utilize the new County waste facility.

The project facility would be equipped with a septic system to treat effluent and discharged domestic wastewater (see Appendix A for location of septic system). The project applicant has contacted the Mono County Department of Environmental Health about septic regulations and would comply with requirements set forth by the Sierra Business Park Specific Plan and Mono County to ensure the approval of septic permit.

2.7.2.3 Waste Disposal

Several distinct types of waste may be produced at the cultivation facility, including green waste, solid waste, liquid waste, and potentially hazardous waste such as cleaners or pesticides. BVI has developed a Waste Disposal Management Plan to manage waste generated from the cultivation facility (see Operating Plan in Appendix B). All employees will receive appropriate training prior to being assigned to handle waste.

2.7.2.4 Energy Supply and Use

Southern California Edison would supply electric power to the project. Additional energy from solar panels (approximately 40 kilowatts) would be used to offset the quantity of purchased electricity. A propane power generator would be located at the northwest corner of the project site and would be used for emergency power (refer to Figure 2-5).

2.7.3 Odor Management

BVI has developed an Odor Management Plan to minimize cannabis odors being emitted by the cultivation facility (see Operating Plan in Appendix B). The primary method of odor control involves the installation and use of a commercial photohydroionization (PHI) unit, designed to eliminate 99.99 percent of all odors. Activated carbon filters would be used as a secondary odor reduction method. Both primary and secondary systems will be installed within the cultivation facility to reduce detectable odors outside the facility.

2.7.4 Traffic Generation

The project is anticipated to create approximately 30 daily traffic trips from employees and distribution activities during operation. Five to fifteen employees would be on site daily during the operational period.

2.8 AGENCY JURISDICTION AND APPROVALS

Mono County is Lead Agency for this CEQA §15183 review. Mono County is responsible for the necessary Use Permit and Operations Permit.

2 PROJECT DESCRIPTION

Licensing and regulating commercial cannabis cultivators to ensure public safety and environmental protection in California is the purview of CalCannabis Cultivation Licensing, and the division of California Department of Food and Agriculture (CDFA). CDFA prepared a Program Environmental Impact Report (PEIR) to provide a transparent and comprehensive evaluation of the anticipated regulations and the activities that would occur in compliance with the regulations. Under this program, cannabis cultivation can occur in a combination of urban, rural, natural, and agricultural settings in the State.

The Lahontan Regional Water Quality Control Board is also responsible for protection of water resources. Approval from this board is also required for wastewater and sewage discharge.

If the project disturbs more than 1 acre of land it would require a Stormwater Pollution Prevention Plan (SWPPP) in accordance with State of California Board Order 2009-0009-DWQ, including associated sediment and erosion control best management practices. A SWPPP has been prepared for the SBP and contains a list of best management practices that BVI would implement on site.

Government Code §65300 requires each county to “adopt a comprehensive long-term general plan for the physical development of the county.” Mono County is unique in that the General Plan and Zoning Code have been combined into one document. There is a specific plan for Sierra Business Park.

Table 2-2 Required Permits and Approvals*

Permit or Approval	Agency	Function
Use Permit	Mono County Community Development Department, Planning Division	For commercial cannabis cultivation, processing, and distribution activities.
Operations Permit	Mono County Community Development Department, Planning Division	For operation of the commercial cannabis cultivation facility.
Grading Permit	Mono County Department of Public Works	For project site grading activity.
Building Permit	Mono County Community Development Department, Building Division	For construction of the cultivation facility.
Septic Permit	Mono County Department of Environmental Health	For septic system installation and sewage disposal.
Waste Discharge Permit	Lahontan Regional Water Quality Control Board	For waste disposal.
National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit)	State Water Resources Control Board	For surface disturbance greater than 1 acre.

2 PROJECT DESCRIPTION

Permit or Approval	Agency	Function
Cannabis Cultivation License	California Department of Food & Agriculture	For commercial cannabis cultivation, processing, and distribution activities.

*Other permits, licenses and approvals may be required. The operator/applicant is responsible for meeting all applicable regulations.

3 ENVIRONMENTAL ANALYSIS

3 ENVIRONMENTAL ANALYSIS

Project Title:	BASK Ventures, Inc. Indoor Cannabis Cultivation Project
Lead Agency Name and Address:	Mono County Community Development Department P.O. Box 347 Mammoth Lakes, CA 93546
Contact Person and Phone Number:	Kelly Karl, Assistant Planner 760-924-1809
Project Location:	474 Industrial Circle, Mammoth Lakes, CA 93546
Plan Area:	Sierra Business Park Specific Plan
General Plan Designation:	Industrial
Zoning:	N/A
Assessor Parcel Number (APN):	037-260-004

3.1 OVERVIEW

This checklist provides an analysis of potential environmental impacts resulting from the project. Following the format of CEQA Guidelines Appendix G, environmental effects are evaluated to determine if the project would result in a potentially significant impact triggering additional review under Guideline section 15183.

- Items checked “Significant Project Impact” indicates that the project could result in a significant effect which either requires mitigation to be reduced to a less than significant level or which has a significant, unmitigated impact.
- Items checked “Impact not identified by Sierra Business Park Specific Plan EIR (SBP EIR)” indicates the project would result in a project-specific significant impact (peculiar, off-site, or cumulative) that was not identified in the SBP EIR.
- Items checked “Substantial New Information” indicates that there is new information which leads to a determination that a project impact is more severe than what had been anticipated by the SBP EIR.

A project does not qualify for a §15183 exemption if it is determined that it would result in : 1) a peculiar impact that was not identified as a significant impact under the SBP EIR; 2) a more severe impact due to new information; or 3) a potentially significant off-site impact or cumulative impact not discussed in the Sierra Business Park Specific Plan EIR.

A summary of the analysis of potential environmental effects, and the applicability of the previously-certified SBP EIR, is provided below the checklist for each subject area.

3 ENVIRONMENTAL ANALYSIS

3.2 AESTHETICS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) (b) The SBP EIR analyzed the SBP in relation to county and state scenic vistas and scenic highways. The project site is located within the SBP and the project design (height and type of facility) would fall within the design standards for the SBP.
- (c) The project facility height, color and material would be consistent with the SBP design guidelines. The project impacts on visual quality would be consistent with the impacts considered in the SBP EIR because the design of the facility would be consistent with the design guidelines that were analyzed. No impact peculiar to the project would occur.
- (d) The project would introduce some new lighting in the area. All proposed outdoor lighting would conform to the SBP design guidelines; therefore, the proposed lighting would not cause an impact peculiar to the project.

Indoor grow areas will not have windows and all cultivation activities will take place in climate-controlled light-sealed rooms ensuring that the light produced in the grow areas will not be visible from the exterior of the building. Therefore, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views.

3 ENVIRONMENTAL ANALYSIS

The exterior wall color of the cultivation facility would be painted with a non-reflective paint. The roof would be a chestnut color and made of metal. The fencing is consistent with the design standards in the SBP Specific Plan. Fencing on north side of the property (facing the interior road) will consist on an eight-foot-high “Verti-Crete” ledge stone wall with an eight-foot-high entrance gate composed of steel, wrought iron, or wide mesh galvanized chain link with dark brown plastic slats. The remaining sides of the property, excluding the east and south sides which are screened and enclosed by the PMZ, will utilize fencing constructed of galvanized chain-link with dark brown plastic slats. No reflective surfaces would be utilized for the project. Therefore, the project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Conclusion

The SBP EIR concluded that the SBP Specific Plan would result in less than significant impacts on visual resources with incorporation of mitigation measures limiting the height of buildings and imposing lighting restrictions. The project would be developed consistent with the design guidelines set forth in the SBP Specific Plan, including compliance with mitigation measures; therefore, the project would not result in any new significant impacts. Further environmental analysis is not required under CEQA.

3.3 AGRICULTURE AND FORESTRY RESOURCES

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3 ENVIRONMENTAL ANALYSIS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

The SBP EIR did not analyze the impacts of the SBP on agriculture and forestry resources because there are no agriculture or forestry resources within the SBP, including the project area. Further environmental analysis is not required under CEQA because the project would not impact agriculture or forestry resources.

Conclusion

The discussion above indicated the construction and operation of the project would not result in impacts on agriculture or forestry resources. Further environmental analysis is not required under CEQA.

3.4 AIR QUALITY

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Would the project result in other emission (such as those leading to odor adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a) (b) The project is located within the Great Basin Unified Air Pollution Control District (GBUAPCD). Applicable plans and regulations include the Mono County Ozone Attainment Plan and the GBUAPCD rules and regulations. This project is located within a non-attainment area for the state ozone standard and is subject to the Mono County Ozone Attainment Plan. The source of the ozone exceedance was determined to be caused by ozone transport from the San Joaquin Valley Air Basin. Therefore, the ozone attainment is not applicable to this project because the exceedance is transported from a neighboring air basin.

The project would require minimal grading, because the project site is flat. The SBP EIR considered air quality impacts from dust emissions as a result of site grading. The SBP EIR includes Mitigation Measure 1 in Section 5.7: Air Quality (implement best-available control measures) to reduce dust emissions to a less-than-significant-level (Mono County, 2010). The project would implement the applicable mitigation measures from the SBP EIR and would not result in an impact peculiar to the project.

The project would generate a maximum of 16 daily traffic trips during construction. The SBP EIR analyzed construction of buildings that would be similar in size, scale, and scope to the project and, therefore, the project would not result in any greater construction emissions than those evaluated in the SBP EIR. The project would not result in an impact peculiar to the project.

During operation, air quality impacts would primarily derive from traffic generation, and energy and heating supplies. The project would generate a maximum of 30 daily

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traffic trips during operation. The SBP EIR has considered development of Shipping and Delivery facilities in the SBP. The Shipping and Delivery facilities would generate much higher traffic volumes and greater travel distances than the project. The proposed 30 daily trips to the project site would not substantially increase air emissions. With respect to energy and heating, the entire SBP, including this project, is required to comply with California Energy Commission standards governing the efficiency of energy supply sources as well as mandatory GBUAPCD regulations governing the use of fireplaces and wood stoves set forth in the Mono County General Plan. This project does propose to install a wood burning stove or fireplace and therefore would not result in an impact peculiar to the project.

- (c) The nearest sensitive receptor would be individuals residing in the caretaker's units at the concrete batch plant, located approximately 400 feet to the northwest of the project. The project would not involve activities that would result in exposure of sensitive receptors to substantial pollutant concentrations. The impact would be less than significant and less than other industrial uses considered in the SBP EIR. No further analysis is required.
- (d) The project is located in the southeastern corner of the SBP. The project site is within the SBP surrounded by industrial uses and open space. The east and south ends of the project site border open space. A vacant lot is north of the project site. A recreational vehicle rental facility (Adventures in Camping) is approximately 225 feet west of the project site, within the SBP. No sensitive receptors are near the project. All cultivation would occur indoors in rooms dedicated to each stage of growth. A photohydroionization (PHI) Unit will be the primary device used to reduce odor emissions. The PHI Unit would be installed into air conditioning and heating system air ducts that release air outside the facility. In rooms where odor is more intense, activated carbon filters will be installed as secondary odor reduction method. The PHI Unit and carbon filters would ensure that odors do not affect sensitive receptors. As required by Chapter 13 - Commercial Cannabis Activities in the General Plan, BVI has prepared an Odor Management Plan (Appendix B) to reduce cannabis odors outside the cultivation facility. The project is consistent with the SBP and General Plan. No further analysis is required.

Conclusion

The SBP EIR contained analysis of the impacts on air quality from construction and operation of SBP and it was determined that the construction of SBP would result in temporary less than significant impact to air quality with implementation of best available dust control measures. As discussed above, the project would not result in an impact peculiar to the project. Further environmental analysis is not required under CEQA.

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3.5 BIOLOGICAL RESOURCES

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pools, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a), (b) and (c) There are no special status plants or wildlife, sensitive natural communities, or areas of United States Army Corps of Engineers (USACE) or California Department of Fish and Game (CDFG) jurisdiction on the project site. The project site would be located within the SBP and the lot was previously graded/disturbed during initial SBP development activities. The project is surrounded by an elevated berm, contains minimal vegetation, and does not provide suitable habitat to special-status species with potential to occur in the region. No impacts would occur.
- (d) The properties in the SBP are developed for industrial use. Establishment of the SBP required analysis of migration corridors at the time the SBP EIR was prepared. The project would be consistent with the SBP design guidelines and building restrictions. The project would not result in an impact peculiar to the project.
- (e) No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, apply to the project. The project would have no impact.
- (f) The project is not located within an area covered by an adopted habitat conservation plan or natural community conservation plan. The project would have no impact.

Conclusion

The SBP EIR concluded that the development of SBP would not result in impacts on sensitive habitats, special-status plant species, or USACE or CDFW jurisdictional waters; and would result in less than significant impact to nesting activities associated with the sage grouse. As discussed above, the project would not result in peculiar impacts on biological resources. Further environmental analysis is not required under CEQA.

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3.6 CULTURAL RESOURCES

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) (b) The project site has been subject to extensive excavation and earthwork as part of prior sand and gravel mining as well as operation of the concrete batch plant. These activities would have eliminated any historical and archaeological resources that may have been present on the site. The project would have no impact on historical or archaeological resources.
- (c) The project site does not include a known formal or informal cemetery that might contain interred human remains. The minimal grading proposed for the site is within the scope of analysis of the SBP EIR. Further analysis is not required.

Conclusion

The SBP EIR concluded that the development of SBP would not result in impacts to archaeological, paleontological, or historic resources. As discussed above, the project would not result in impacts to cultural resources. Further environmental analysis is not required under CEQA.

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3.7 ENERGY

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a) During construction, the project would consume energy supplies used by a wide range of equipment and construction vehicles. Energy used for construction vehicles and other energy-consuming equipment would be used during site preparation, grading and paving, collection and hauling of waste materials. These construction activities would not be different than construction activities that would be required for developing buildings that were included as permitted uses in the SBP. Construction of the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. The project would not result in an impact that is peculiar to the project.

During operation, the indoor cultivation facility would require the use of special lighting, ventilation, and air conditioning systems. Each of these systems uses a substantial amount of energy. The project applicant would install solar panels to generate 40 kilowatts per day to offset electrical use in the operation of the cultivation facility. In addition, all developments in Mono County would be required to comply with current California Green Building Standards Code Title 24, Part 11 (Cal Green) energy performance standards as well as policies and actions contained in the Mono County General Plan and the Resources Efficiency Plan to address energy conservation (Mono County , 2014). The project applicant would also have financial incentive to avoid wasteful, inefficient, and unnecessary consumption of the energy during operation. The operation of the project would result in the consumption of energy, but such consumption would not be expected to be wasteful or inefficient. The project would not result in an impact that is peculiar to the project.

(b) As discussed above, the project would obtain power from Southern California Edison, which is required to meet California’s renewable energy goals and policies. The project applicant would install solar panels to offset energy uses during operation. The project is also required to comply with California Green Building Standards Code, policies and

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actions set forth in the Mono County General Plan and the Resources Efficiency Plan; therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project would not result in an impact that is peculiar to the project.

Conclusion

The project would not result in significant impacts to energy resources. Further environmental analysis is not required under CEQA.

3.8 GEOLOGY AND SOILS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a)-(f) The SBP EIR analyzed the impacts of developing the SBP on geology and soil resources. The SBP EIR concluded that developing the SBP would result in risk of erosion and slope instability and expose occupants and structures to seismic activity and future volcanic eruption. Implementation of a slope maintenance program would mitigate the risk of erosion and slope instability to a less than significant level. Conformance with standard codes and requirements would reduce the risk of seismic exposure to an acceptable level. The SBP is located in a designated volcanic hazard zone, the impact from future volcanic eruption is unavoidable and adverse.

The SBP EIR concluded the SBP site conditions are suitable for use of individual septic systems. The project would be located within the SBP and would install a septic system that adheres to the development standards of the SBP. Geologic conditions have not changed since the development of SBP. The project impact on geology and soil would not exceed the impacts that have been discussed in the SBP EIR.

In addition, to ensure the structural integrity of all buildings and structures, the project must conform to the Seismic Requirements as outlined within the California Building Code. Compliance with the California Building Code and the County Building Code will ensure that the project would not result in a significant impact. The project would comply with the California Building Code and implementation of standard engineering techniques that would ensure structural safety.

The project site does not contain any unique geologic features that have been listed in the County's Guidelines for Determining Significance for Unique Geology Resources nor

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does that site support any known geologic characteristics that have the potential to support unique geologic features. The project would not result in an impact that is peculiar to the project.

Conclusion

The project would not result in significant impacts to geology and soil. Further environmental analysis is not required under CEQA.

3.9 GREENHOUSE GAS EMISSIONS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a) A greenhouse gas emissions impact analysis was not conducted at the time of preparing the SBP EIR because the SBP EIR was certified before GHG emissions analysis was required under CEQA Guidelines. The sources of greenhouse emissions from the project are primarily electricity consumption and traffic generation. Southern California Edison would supply electricity to the project and a portion of the project’s power use would be obtained from solar panels. Solar panels installed for the project would generate 40 kilowatts of power per day, which would offset the electrical use in the operation of the cultivation facility. The on-site solar generation would not produce greenhouse gas emissions. The greenhouse gas emissions from electricity consumption are not expected to have a significant impact to the environment that is peculiar to the project, because the power is sourced from Southern California Edison. Southern California Edison is required to comply with California’s renewable energy requirements and polices. In 2017, Southern California Edison’s energy resources consisted of 29 percent renewable, 4 percent coal, 15 percent hydroelectric, 34 percent natural gas, 9 percent nuclear, and 9 percent others (Southern California Edison, 2018). Southern California Edison is also required to comply with the requirements of SB 100, which would require Southern California Edison to obtain 100 percent of its energy from carbon free sources by 2050. Additionally, the solar panels installed by BVI would generate 40 kilowatts per day to offset purchased electricity used in the operation of the cultivation facility.

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The SBP Specific Plan includes a list of permitted uses that would not require a use permit and would not trigger any further CEQA evaluation because there would be no discretionary action. Shipping and delivery facilities are a permitted use under the SBP Specific Plan and therefore a shipping and delivery facility could be developed on the project site without any CEQA review or further consideration of GHG emissions. GHG emissions associated with truck trips to a shipping and delivery facility is used as a comparison to the project because of the permitted use of shipping and delivery facilities under the SBP Specific Plan. The project would generate up to 30 worker vehicle trips and two truck trips per day during the operational period. The project would generate significantly fewer vehicle trips and associated greenhouse gas emissions from diesel-powered trucks than a shipping and delivery facility, which would be expected to generate several truck trips per hour. The project would not generate greenhouse gases that would be peculiar to the project.

- (b) The Mono County Resource Efficiency Plan was prepared to identify community sources of greenhouse emissions and use this data to develop General Plan policies and programs to reduce resource consumption and greenhouse emissions (Mono County , 2014). Implementation of the Resource Efficiency Plan would achieve the local objective of reducing greenhouse gas emissions by 10 percent from 2005 emissions levels and by 20 percent from the 2010 emissions level by the year 2020; and gain 38 megawatts of power in renewable energy production (Mono County , 2014). The SBP Specific Plan was considered by the Mono County General Plan and is consistent with the Resource Efficiency Plan. The project includes installation of solar panels to increase generation of renewable energy and would be developed consistent with the guidelines set forth in the SBP Specific Plan. The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases.

Conclusion

As discussed above, the project would not result in significant impacts from greenhouse gas emissions that are peculiar to the project. Further environmental analysis is not required under CEQA.

3.10 HYDROLOGY AND WATER QUALITY

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
(i) result in substantial erosion or siltation on- or off-site;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Would the project be in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The SBP EIR analyzed the impacts of the SBP on water quality in the project vicinity. The project includes water treatment methods to recapture water that would be used during cannabis operations. The project septic system would comply with the wastewater and

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sewage treatment design that was considered in the SBP EIR, which determined the impact would be less than significant.

The SBP EIR analyzed the impacts of grading on water quality and the EIR included mitigation measures for implementation of a SWPPP that includes on-site stormwater retention and an oil/water separator. As part of the SBP, the project applicant would be required to implement the BMPs identified in the SWPPP to mitigate erosion issues. In addition, the project applicant has submitted information to the State Water Resources Control Board for approval of discharging waste associated with indoor cannabis cultivation related activities and has received a Conditional Waiver of Waste Discharge Requirements Notice of Applicability (Appendix F) from the Lahontan Regional Water Quality Control Board. The project would comply with this mitigation measure and would not result in an impact peculiar to the project.

- (b) (e) The project is located within the Long Valley groundwater basin. The Long Valley groundwater basin is designated as very low priority under the Sustainable Groundwater Management Act (DWR, 2019), indicating that groundwater supplies are being managed sustainably and are not in a state of overdraft.

The SBP EIR estimated the water consumption for the SBP using low and high demand scenarios. The high demand scenario estimated that the maximum water demand would be 735 gallons per day per acre (gpd/acre) and 27,000 gpd for total project demand. The low demand scenario estimated water demand would be 185 gpd/acre and 6,800 gpd for total project demand. BVI estimated their water use based over the first 3 years of the project and expects the cultivation facility water usage to be 800 to 1,000 gpd by the third year of operation (Table 2-1). The SBPOA issued a Will Serve Letter to the project applicant based on BVI's estimated maximum water usage by year three (see Appendix E).

SBP estimates the total average daily demand in December, representative of winter water use, is 634 gpd and the total average daily demand in the summer is typically 20,000 gpd (Clay Murray, 2019). Based on these current figures from SBP, the addition of the daily water demand of 800 to 1,000 gpd for this project would not exceed the current total estimated for the SBP in the SBP EIR in both the low and high demand scenarios. Though BVI's project does not trigger an exceedance, there is the potential for the SBP to exceed the high-demand scenario at full build out. A letter has been sent to the SBPOA (Appendix G) to ensure future projects remain within the SBP EIR's water consumption estimates.

Therefore, the project would not exceed the impacts evaluated in the SBP EIR and the groundwater use would not be unsustainable. The SBP EIR also considered development of the site with buildings similar to the proposed project and determined that the impact from the introduction of impervious surfaces would not significantly affect hydrology. The impact would not be peculiar to the project.

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- (c) The project would not alter a drainage pattern of the site because the site was previously graded, and berms were installed around the site to address drainage for the entire SBP. There is no stream or river on the project site or in the vicinity that would be affected by the construction of the project. The runoff from the project site after development would not exceed the impacts analyzed by the SBP EIR because the project facility is compatible with the types of buildings that were considered in the SBP EIR. The project would not result in hydrology impacts peculiar to the project.
- (d) The project is not located in flood hazard, tsunami, or seiche zones. The project would not risk release of pollutant due to project inundation. No impact would occur.

Conclusion

The SBP required implementation of a SWPPP to ensure that development of the SBP does not result in significant impacts. The project would implement the required BMPs in the SBP SWPPP and would not result in an impact that is peculiar to the project. Further environmental analysis is not required under CEQA.

3.11 LAND USE AND PLANNING

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project physically divide an established community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation of adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The project will not physically divide an established community, because the project is located within the SBP Specific Plan area, which is planned for industrial uses. No impact would occur.
- (b) The SBP EIR analyzed the impacts to land use and relevant planning from developing the SBP and concluded the SBP site is one of the few locations in Long Valley that meets the General Plan objective of suitability for industrial development within a reasonable distance of population (refer to Section 5.5.3 of the SBP EIR). The project would construct an approximately 21,858-square-foot facility in a vacant lot for industrial use in the SBP, which is consistent with the Land Use Goals and Policies set forth for the SBP Specific Plan. The project is also consistent with the Mono County Cannabis Regulations

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and General Plan Amendment to address environmental impacts specific to cannabis cultivation, including waste handling, recycling, water treatment and supply, and use of renewable energy. The General Plan Amendment determined that cannabis cultivation and operation were compatible with industrial use. The project would not change the zoning and land use designations. The project would not result in an impact that is peculiar to the project.

Conclusion

As discussed above, the project would not result in an impact on land use and planning. Further environmental analysis is not required under CEQA.

3.12 MINERAL RESOURCES

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

The SBP EIR did not analyze the impacts of the SBP on mineral resources. Resource extraction has been discontinued at the site due to the lack of significant additional on-site aggregated materials and the availability of superior resources in other location. There are no significant mineral resources within the SBP, including the project area. The project would, therefore, not affect mineral resources.

Conclusion

The discussion above indicated the construction and operation of the project would not result in impacts on mineral resources. Further environmental analysis is not required under CEQA.

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3.13 NOISE

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The project would be located within an area designated for industrial use and far from sensitive receptors. The SBP analyzed impacts associated with development and operation of the SBP. The SBP analysis was based on noise levels associated with the concrete batch plant. The only noise sensitive receptors would be the caretaker’s residing within the concrete batch plant located approximately 400 feet northwest of the project. Following construction, noise sources associated with the project would be the HVAC system, generator noise (when in use), and trucking sounds from distribution. The project would generate less noise than the concrete batch plant and noise sources would be subject to the County noise ordinance (Mono County Code Chapter 10.16). The project would not result in an impact peculiar to the project.
- (b) The project does not involve any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels and impact vibration sensitive uses in the surrounding area. The project would not create an impact from groundborne vibration.

3 ENVIRONMENTAL ANALYSIS

- (c) The project site is approximately 1 mile west of the Mammoth Yosemite Airport. The SBP area would be exposed to an outdoor noise level of CNEL 65 due to air traffic and adjacent industrial land uses within the SBP. Employees would work predominantly indoors where noise is anticipated to be approximately 20-25 dBA less. A refrigerator generates a constant 50 dBA noise level. The nearby airport land use would not generate excessive noise levels for people working in the proposed cannabis facility. The project would not result in an impact peculiar to the project.

Conclusion

The SBP EIR concluded that the development of SBP would not result in significant impact on noise due to the distance to sensitive receptors. As discussed above, the project would not result in significant impacts on noise. Further environmental analysis is not required under CEQA.

3.14 POPULATION AND HOUSING

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The project would not add new homes, roads or infrastructure. BVI may employ up to 15 employees. There is an existing need for housing in the surrounding communities and the addition of 15 employees exacerbates this problem. However, the site is located proximate to communities to support a jobs to housing balance and an increase of 15 employees would have minimal impact on the existing housing need given the populations in both Town of Mammoth Lakes and Long Valley. Employees would likely commute to the project area from the surrounding communities. There would be no impact.
- (b) The project site is vacant. The project would not displace existing people or housing because the site does not contain residences. There would be no impact.

3 ENVIRONMENTAL ANALYSIS

Conclusion

The SBP EIR concluded that developing the SBP would not induce growth in surrounding open space lands because the properties are public land managed by various governmental entities. The discussion above indicated the construction and operation of the project would not result in impacts on population and housing. Further environmental analysis is not required under CEQA.

3.15 PUBLIC SERVICES

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The project does not include construction of new or physically altered governmental facilities. The project is not anticipated to require additional services.

Fire Protection. The project has considerable risk for fire and will require service from the Long Valley Fire District, a volunteer agency that serves a full time residential population in the Crowley Lake communities, the geothermal plant, Mammoth Yosemite Airport, SBP, and travelers along Highway 395 (Mono County Local Agency Formation Commission, 2009). The project obtained a Provisional Will Serve Letter from the Long Valley Fire Protection District and a final Will Serve Letter will be provided upon completion of the project (see Appendix E). The fire station is located approximately 8.2 miles southeast of the project site. The project would not affect response times or service ratios for the fire station and there would be no need to create a new or altered fire station. The SBP EIR analyzed the impacts on fire safety from developing the SBP. The SBP EIR concluded that the development of SBP would result in less than significant impacts with implementation of mitigation measures, including that all structures within the SBP shall comply with National Fire Protection Association Rule 704M and shall contain fire sprinkler systems that conform to Fire Protection District standards. The project would contain a fire sprinkler system to comply with the

3 ENVIRONMENTAL ANALYSIS

requirements of development within the SBP. The project would not result in an impact on fire service that is peculiar to the project.

Police Protection. Police services for the project will be provided by the Mono County Sheriff's Department. The project would install numerous security measures and systems, including lighting, video surveillance, and perimeter fencing that will generate minimal additional need for police protection and would not require additional services beyond those currently available. The project would have no impact on existing police protection or necessitate additional police services. The project would not result in an impact on police service that is peculiar to the project.

Schools. No schools are located in the general vicinity of the project site. The nearest school to the project site is Mammoth Elementary School, located 6 miles west of the project in the Town of Mammoth Lakes. The project would create five to fifteen permanent jobs. The small increase in employment would be within the range that was envisioned for potential uses of the SBP (40-60 persons per gross acre). The impact on schools would not be peculiar to the project.

Parks. The project would not construct parks. The project would create five to fifteen permanent jobs and the new workforce would use parks in the surrounding area. The small increase in employment would be within the range that was envisioned for potential uses of the SBP. The project would not require the construction of additional parks and there would not be an impact.

Other Public Facilities. No other public facilities are located on the project site or in the vicinity of the project. No impact would occur.

Conclusion

The project is a commercial use proposed within the SBP. The project does not create an increase in demand for public services that would generate a need for new or altered government facilities. The impact on public services is not peculiar to the project. Further environmental analysis is not required under CEQA.

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3.16 RECREATION

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The project would create 5 to 15 permanent jobs. The new jobs could attract a small number of people to the region that would use regional parks; however, the new jobs would not be peculiar to the project and would not be expected to cause or accelerate substantial physical deterioration of neighborhood parks. The impact would not be peculiar to the project or parcel.
- (b) The project is an industrial use; it does not include recreational facilities or require the construction or expansion of recreational facilities. No impact would occur.

Conclusion

The SBP EIR did not analyze the impacts to recreation resources from developing the SBP because the SBP would not adversely affect existing recreational operations due to the low number of workers associated with the industrial uses envisioned in the SBP. The discussion above indicated the construction and operation of the project would not result in impacts on recreation resources that would be peculiar to the project. Further environmental analysis is not required under CEQA.

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3.17 TRANSPORTATION

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) For a transportation project, would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Would the project result in inadequate emergency access?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The project is an industrial oriented project that will not significantly increase circulation impacts on surrounding roadway system. U.S. Highway 395 would be the main roadway that provides access to the project site. There are no public transit, bicycle or pedestrian facilities in the project area. The project will result in 16 daily trips (from a maximum of 8 construction workers) to U.S. Highway 395 during construction and 30 daily trips during operation (from a maximum of 15 employees). The increase in daily trips would not significantly impact the circulation system. The project is consistent with the proposed industrial uses for the SBP.
- (b) The project is not a transportation project. The project would not result in conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). No impact would occur.
- (c) The project would not increase hazards due to design feature or incompatible use because the project site is adjacent to an established highway and provides access to the project. The SBP includes access roads that are designed to accommodate industrial uses. The project would not create or require the creation of any new roads or modifications in road design. There are no incompatible uses proposed by the project that would impact surrounding land uses. Impacts would be less than significant.

3 ENVIRONMENTAL ANALYSIS

- (d) The SBP EIR estimated developing the SBP would increase traffic on U.S. Highway 395 by as much as 5,022 trips per day for industrial park use, and the increase of traffic trip would not impact the Level of Service “A” on U.S. Highway 395 (Mono County, 2015). The project would not result in inadequate emergency access, because there is an access point to the project area along U.S. Highway 395. In addition, driveways and access points to the project site will comply with all county Fire Safety Standards to maximize entry and egress space for emergency vehicles, and adequate space will be provided for snow storage. The development of the project was considered as part of the SBP EIR traffic analysis, as such the project would not result in an impact peculiar to the project.

Conclusion

The SBP EIR analyzed potential impacts on traffic and air safety; however, the EIR did not analyze the impacts to transportation from developing the SBP because CEQA Guidelines update in 2018 were not applicable at the time of SBP EIR preparation. Construction and operation of the project would not significantly affect transportation. Further environmental analysis is not required under CEQA.

3.18 TRIBAL CULTURAL RESOURCES

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
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a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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3 ENVIRONMENTAL ANALYSIS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Significant Impact not Identified by SBP EIR	Substantial New Information
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a)(i) and (ii) As discussed in Section 3.6: Cultural Resources, the project site has been subject to extensive excavation and earthwork as part of prior mining activities as well as operation of the concrete batch plant. These activities would have eliminated any known tribal cultural resources that may have been present on the site. A Condition of Approval for this project requires compliance with State Law and implementation of standard mitigation measures. The project would not result in an impact that is peculiar to the project.

Conclusion

Assembly Bill (AB) 52 went into effect July 1, 2015, which established a formal consultation process for California Native American tribes as part of CEQA. The SBP EIR was prepared before AB 52 was adopted, thus the SBP EIR did not analyze the impacts to tribal cultural resources. The discussion above indicated the construction and operation of the proposed project would not result in impacts to tribal cultural resources. Further environmental analysis is not required under CEQA.

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3.19 UTILITIES AND SERVICE SYSTEMS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Impact not Identified by SBP EIR	Substantial New Information
a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a) (b) The SBPOA would provide water to both the construction and operation activities. The SBPOA plans to construct a new well due to issues with the sanitary seal on the existing well that has compromised potable water quality. The new well was planned prior to

3 ENVIRONMENTAL ANALYSIS

BVI filing their application, is not part of the project, and will not affect the allocation of water to SBP properties. The construction of the project will not result in a change of allocated water to properties and as such, the project would not require construction of new water supply utilities. The project applicant has also obtained a Will Serve Letter from Mountain Meadows Mutual Water Company as alternative water supplier due to SBPOA issues with the existing groundwater well (see Appendix E). The Mountain Meadows Mutual Water Company has sufficient water available to supply the project. The project would have sufficient water supplies available to operate and would not require construction of new water supply infrastructure.

Electric power would be provided by Southern California Edison which is the power supplier to other SBP properties. Sierra Tel and Verizon would be the telecommunication provider. The project would increase the impervious surfaces by approximately 29,578 square feet. Surface runoff from these impervious surfaces would flow into a dry well that would be designed to retain water and the runoff would be consistent with the stormwater drainage considered as part of the SBP. The portable toilet waste generated during construction would be minimal and would not substantially affect the capacity of wastewater treatment facilities. The project would not require the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The extension of these utilities to the project is consistent with the SBP development plan; therefore, no impacts peculiar to the project or parcel would occur.

- (c) A septic system (septic tank and leach field) would be installed on site to retain all non-cultivation related wastewater from the project, where it would be picked up by certified waste disposal company and disposed of properly. The SBP EIR analyzed the impacts of on-site septic system to water quality and concluded that the SBP site conditions are suitable for use of the septic systems (refer to Section 5.2.3 of the SBP EIR). Therefore, no impacts peculiar to the project or parcel would occur.
- (d) The project site is flat and would require minimal grading. The cut material would be disposed of at the Benton Crossing Landfill in Whitmore Hot Springs (approximately 7.2 miles northwest of project site). This landfill is estimated to close in 2023 and has approximately 695,047 cubic yards of capacity remaining (CalRecycle, 2019). The landfill has adequate capacity to accommodate the disposal of construction materials from the project. Therefore, no impacts peculiar to the project or parcel would occur.

Operation and maintenance of the project would generate solid waste consisting of paper, cardboard, and other common materials. Mammoth Disposal would be the solid waste hauler for the project. The project applicant would arrange for recycling services for solid waste, consistent with state and local laws, to the extent that these services are offered and available from Mammoth Disposal. Therefore, no impacts peculiar to the project or parcel would occur.

3 ENVIRONMENTAL ANALYSIS

- (e) The project would comply with all federal, state, and local statues and regulation related to solid waste. The project would consist of short-term construction activities (with short-term waste generation limited to minor quantities of construction debris) and thus would not result in significant long-term solid waste generation. Solid waste produced during construction would be disposed of in accordance with all applicable regulations. The project applicant has developed a Waste Disposal Management Plan that details the disposal process of waste produced from the cultivation facility to ensure disposal of waste is performed in a manner consistent with applicable local, state, and federal law. Therefore, no impacts peculiar to the project or parcel would occur.

Conclusion

As discussed above, the project would not result in significant impacts to utilities and service systems. Further environmental analysis is not required under CEQA.

3.20 WILDFIRE

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Impact not Identified by SBP EIR	Substantial New Information
If the located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Impair an adopted emergency response plan or emergency evacuation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3 ENVIRONMENTAL ANALYSIS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Impact not Identified by SBP EIR	Substantial New Information
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

(a)-(d) The project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones (Cal Fire, 2007); therefore, no impacts peculiar to the project or parcel would occur.

Conclusion

As discussed above, the project would not result in impacts on wildfire. Further environmental analysis is not required under CEQA.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Impact Identified by EIR	Substantial New Information
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3 ENVIRONMENTAL ANALYSIS

Impact Statement	No Impact/Less Than Significant	Less Than Significant with SBP Mitigation	Significant Project Impact	Impact Identified by EIR	Substantial New Information
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) The construction and operation of the project would not result in significant impacts to habitat of fish or wildlife species or threaten to eliminate a plant or animal community. There are no important examples of major Californian prehistoric or historic periods in the project site. The project would not eliminate important examples of the major periods of California history or prehistory.
- (b) There are no other past, present, or reasonably foreseeable future projects outside of the SBP in the vicinity of the project site. Development of the SBP was previously analyzed in the SBP EIR and any future development within the SBP would be conducted consistent with the conditions of the SBP EIR; therefore, development within the SBP is not considered a cumulative impact. No cumulatively considerable impacts would occur.
- (c) Mono County General Plan policies and regulations include countywide policies to guide the operations of commercial cannabis. The countywide commercial cannabis policies include designated land use for commercial cannabis activities; avoidance, reduction, and prevention of potential issues specific to commercial cannabis activities that may adversely affect communities; encouragement of responsible establishment and operation of commercial cannabis activities; and working toward consistent and compatible regulations and efficient oversight of cannabis activities with other responsible entities. The project would be located within a land use designation that allows for cannabis activities. The project applicant has developed a Cultivation Operating Plan that addresses odor, sanitation, waste disposal, and workspace safety issues specific to commercial cannabis activities (see Appendix B). The design of the project is consistent with countywide policies, standard and SBP design guidelines to

3 ENVIRONMENTAL ANALYSIS

ensure there would not be substantial adverse effect on human beings, either directly or indirectly.

Conclusion

As discussed above, the project would not substantially degrade the quality of the environment, impact plant or animal communities, or impact historic or prehistoric resources. The project would not result in cumulatively considerable impacts on the environment and would not result in significant impacts on human beings.

4 DETERMINATION

4 DETERMINATION

Based on this initial evaluation:

I find that the proposed infill project WOULD NOT have any significant effects on the environment that have not already been analyzed. Pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183, projects that are consistent with the development density of existing zoning, community plan or general plan policies for which an EIR was certified shall be exempt from additional CEQA analysis except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review.

A Notice of Determination (§15094) will be filed:

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project and/or revisions in the project have been made by or agreed to by the project proponent.

A Negative Declaration will be prepared:

I find the proposed project MAY have a significant effect on the environment.

An Environmental Impact Report is required:

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, and uniformly applied development standards are required.

Signature

Date

Printed Name

Title

4 DETERMINATION

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5 REFERENCES

5 REFERENCES

- BVI. (2018, November 19). Water Service / Wastewater Discharge Request to SBPOA.
- CA IT Department/GIS Division . (2018).
- Cal Fire. (2007, November 7). Fire Hazard Severity Zones In State Responsibility Areas.
- CalRecycle. (2019, February 27). *Benton Crossing Landfill (26-AA-0004)*. Retrieved from SWIS Facility Detail: <https://www2.calrecycle.ca.gov/swfacilities/Directory/26-AA-0004/>
- CDC. (2012). State of California Williamson Act Contract Land (Data Submissions Current to 2012). *Williamson Act Maps*.
- CDC. (2019, February 18). *Search for Maps, Reports, and Data*. Retrieved from https://www.conservation.ca.gov/dlrp/fmmp/Pages/county_info.aspx
- Clay Murray. (2019, March 27). Personal Communication between Community Development Department Director Wendy Sugimura and Clay Murray.
- County of Mono. (n.d.).
- County of Mono, CA IT Department / GIS Division. (2018, December 12). Centerlines GIS dataset.
- County of Mono, CA IT Department / GIS Division. (2018). Land Use Designations GIS dataset. *Parcels*. Mammoth Lakes, CA: County of Mono, CA IT Department / GIS Division.
- DigitalGlobal . (2015).
- DigitalGlobe. (2015, June 19). Aerial Imagery.
- DWR. (2019, March 17). *SGMA Basin Prioritization Dashboard*. Retrieved from California Department of Water Resources: <https://gis.water.ca.gov/app/bp2018-dashboard/p1/>
- Mono County . (2014, August 1). Mono County Resource Efficiency Plan .
- Mono County. (2010). *Sierra Business Park Specific Plan and Draft EIR*. Bauer Planning & Environmental Services, Inc.
- Mono County. (2015, July 31). County of Mono Regional Transportation Plan & General Plan Update Draft EIR. Bauer Planning & Environmental Services, Inc.

5 REFERENCES

- Mono County Local Agency Formation Commission. (2009, October). Long Valley Fire Protection District - Municipal Service Review.
- Southern California Edison. (2018, July). 2017 Power Content Label .
- U.S. Geological Survey. (2016). National Hydrography Dataset Waterbodies GIS dataset.
- US Geological Survey . (2013).
- US Geological Survey . (2016).
- US Geological Survey. (2013). USGS NED 1/3 Arc Second DEM Raster dataset.

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Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Planning Commission

From: Emily Fox

Date: April 20, 2023

Re: Resolution affirming grant of Herrick appeal of staff determination

Recommended Action

Adopt proposed resolution affirming the grant of the appeal made on March 16, 2023.

Discussion

At the March 16, 2023, meeting, this Commission heard an appeal of a staff determination that the Mono County General Plan does not permit the storage of a vacant recreational vehicle (RV) under the land use designation of Rural Resort (RU) as an accessory use of the property without a main overnight use. The Commission granted the property owner's appeal of the staff determination, determining that the General Plan allows for storage of a vacant RV as an accessory use to a commercial structure such as a restaurant in this instance.

As the Commission was advised during the public hearing, its decision is an interpretation of the general plan, and cannot be limited only to a specific parcel. To do so is to engage in impermissible spot zoning. As such, staff has interpreted the motion granting the property owner's appeal consistent with the legal bounds of the Commission's authority and constrained the interpretation of the grant of appeal to limit the application to similarly situated properties or storage uses. The resolution allows for the storage of a vacant RV as an accessory to a commercial use when such use does not result in visual or environmental impacts.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1712.



RESOLUTION R23-04

A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION UPHOLDING THE APPEAL AND OVERTURNING OF THE PLANNING DIVISION'S DETERMINATION THAT STORAGE OF AN UNOCCUPIED RECREATIONAL VEHICLE (RV) IS NOT PERMITTED ON APN 002-060-044-000

WHEREAS, the property owner of 10041 US 395, Coleville, CA, Assessor's Parcel Number (APN) 002-060-044-000), with a land use designation of Rural Resort (RU) and an existing onsite restaurant, was issued a Notice of Violation in August 2022 for illegally living in an RV, and was directed to remove the RV from the property; and

WHEREAS, all use and development of private land within the unincorporated area of Mono County shall fully comply with any and all applicable requirements of the Mono County General Plan, which incorporates the Mono County Code by this reference as though fully set forth, as the same may be amended from time to time, and any applicable area or specific plans, which are also incorporated by this reference; and

WHEREAS, planning and land use maps are contained and set forth in the Mono County General Plan and applicable area or specific plans, all of which are incorporated herein by this reference, as the same may be amended from time to time, including but not limited to the general plan's countywide land use maps and community land use designation maps; and

WHEREAS, the property owner notified the Community Development Department on January 6, 2023, that the RV was being stored unoccupied on the property and no longer used for a residential purpose; and

WHEREAS, the Planning Division determined that the storage of an RV is an accessory use and therefore must be "customarily incidental" to the permitted use on the property, and that such a use is not customarily incidental to a restaurant and therefore is not permitted on this parcel; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 16, 2023.

NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION ONE: Having reviewed and considered the analysis in the staff report, comments received during the public review process and testimony provided in the public hearing, the Planning Commission finds that 1) the storage of unoccupied RVs is a permissible accessory use to a commercial structure, such as a restaurant, under the Mono County General Plan where such accessory use does not result in visual impacts to surrounding property or environmental impacts from use of the vacant RVs waste systems.

SECTION TWO: Pursuant to California Environmental Quality Act (CEQA) Guidelines §15061(b)(3), it can be seen with certainty that there is no possibility that the storage of a vacant RV may have a significant effect on the environment because the RV is not used as a living unit and therefore would not have any gray water or other impacts that may affect the environment, and therefore it is not subject to CEQA.

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PASSED, APPROVED and ADOPTED this 20th day of April 2023, by the following vote, to wit:

AYES :

NOES :

ABSENT :

ABSTAIN :

Roberta Lagomarsini, Chair
Mono County Planning Commission

ATTEST:

APPROVED AS TO FORM:

Planning Commission Clerk

County Counsel

Mono County Planning Division*: Current Projects

April 20, 2023

*Does not include transportation, LAFCO, building, code compliance, etc. projects

Completed		
DR	Bridgeport	new OH line connection
Appeal	Swall Meadows	PC approved accessory structure taller than 20', community members are appealing to Board
Minor Variance	June Lake	installation of spa
UP	June Lake	Parking Management Plan & off-site snow storage

Active Planning Permit Applications		
Permit Type	Community	Description
UP	June Lake	Addition of 2 units to commercial lodging, parking management plan, off-site snow storage
Appeal	Coleville	Storage of vacant RV on a commercial property
UPM	Long Valley	cannabis cultivation
GPA/SP/Cnnbs UP	Tri-Valley	cannabis cultivation, convert RR to SP, awaiting applicant payment to schedule with Board
Appeal	Bridgeport	GPA denied by PC, appealed to Board (Jan), BOS 5/2
GPA/SP	Mono Basin	STRs & campground, awaiting applicant approval of CEQA costs
UP	June Lake	New RV Park (Bear Paw)
UP	June Lake	Convert existing building to club house with minor retail
Minor Variance	June Lake	Less than 10% height increase for a roof deck
DR	Long Valley	RV during construction
LLA	Bridgeport	adjust lot line
LLA	Coleville	adjust lot line
LM	Swall Meadows	merger
LM	June Lake	merger
LM	Swall Meadows	merger

Active Policy/Planning Projects		
Name	Community	Description
Review State Minimum Fire Safe Standards and update General Plan regulations	Countywide	May add to 2023 GPA clean up
Study Impacts of Short-Term Rentals on workforce housing	Countywide	Working on scope of work with consultant
Housing project negotiations	June Lake	on hold
North County Water Transfer	North County	Policies applicable to programs to sell/lease water for the benefit of Walker Lake
Housing Policy	Countywide	Housing Element tracking and policy development per Board's direction
Special District Study	Countywide	underway
US 395 Wildlife Crossings	Long Valley	Project committee to construct wildlife crossings on US 395; Caltrans lead

Active Policy/Planning Projects		
Wheeler Crest Design Review	Swall Meadows	Convert to Brown Act body
Annual General Plan Update	Countywide	Bring to Commission
June Lake Active Transportation Plan	June Lake	Accepted for integration into RTP with next adoption
West Walker River Parkway	Antelope Valley	Antelope Valley RPAC action in May
Towns to Trails Planning	Countywide	Participate in effort by ESCOG/MLTPA
RVs as residences	Countywide	Determine if or under what circumstances an RV may be permitted as a residential use
Revision to Chapter 11	Countywide; Antelope Valley	Review and revise utility undergrounding policies and requirements
Cannabis Odor Standards	Countywide	Low priority, readings to be taken with Nasal Ranger this spring and fall
Update General Plan Map Layers	Countywide	Update online
CEC Renewable Energy Policy	Countywide	CEC policy identifying areas in Mono County for wind and solar energy development

Acronyms:

AG	Agriculture
BOS	Board of Supervisors
CEQA	California Environmental Quality Act
DR	Director Review
ESCOG	Eastern Sierra Council of Governments
GHG	Greenhouse Gas
GPA	General Plan Amendment
LLA	Lot Line Adjustment
LTC	Local Transportation Commission
LUD	Land Use Designation
MFR-M	Multi-Family Residential - Medium
MLTPA	Mammoth Lakes Trails and Public Access
MU	Mixed Use
PC	Planning Commission
RR	Rural Residential
SP	Specific Plan
STR	Short-Term Rental
UP	Use Permit
VHR	Vacation Home Rental
VMT	Vehicle Miles Traveled