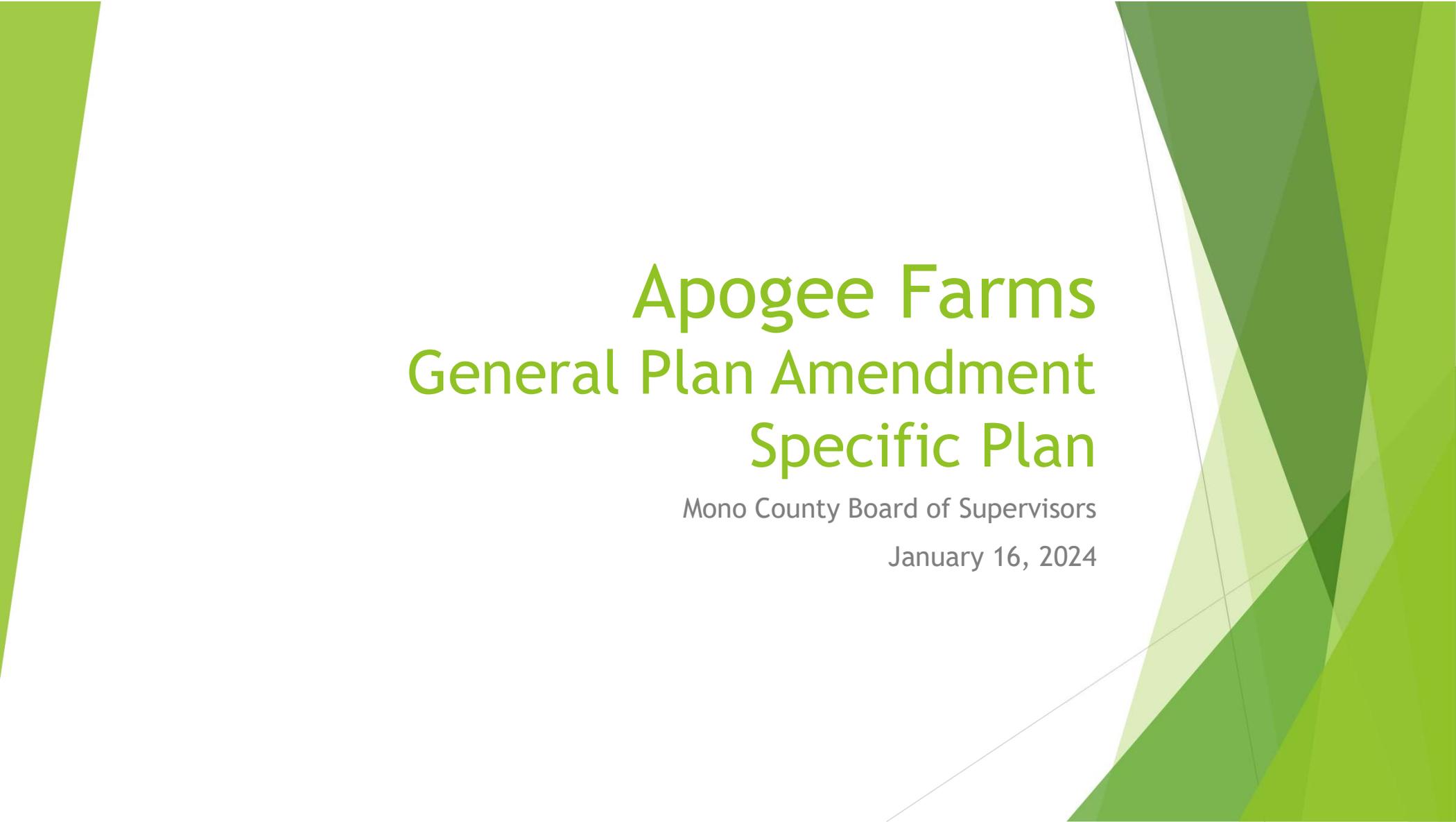


Item available for public inspection in the Clerk's office during regular business hours (Monday - Friday, 9 AM - 5 PM)

January 16, 2024

Regular Meeting

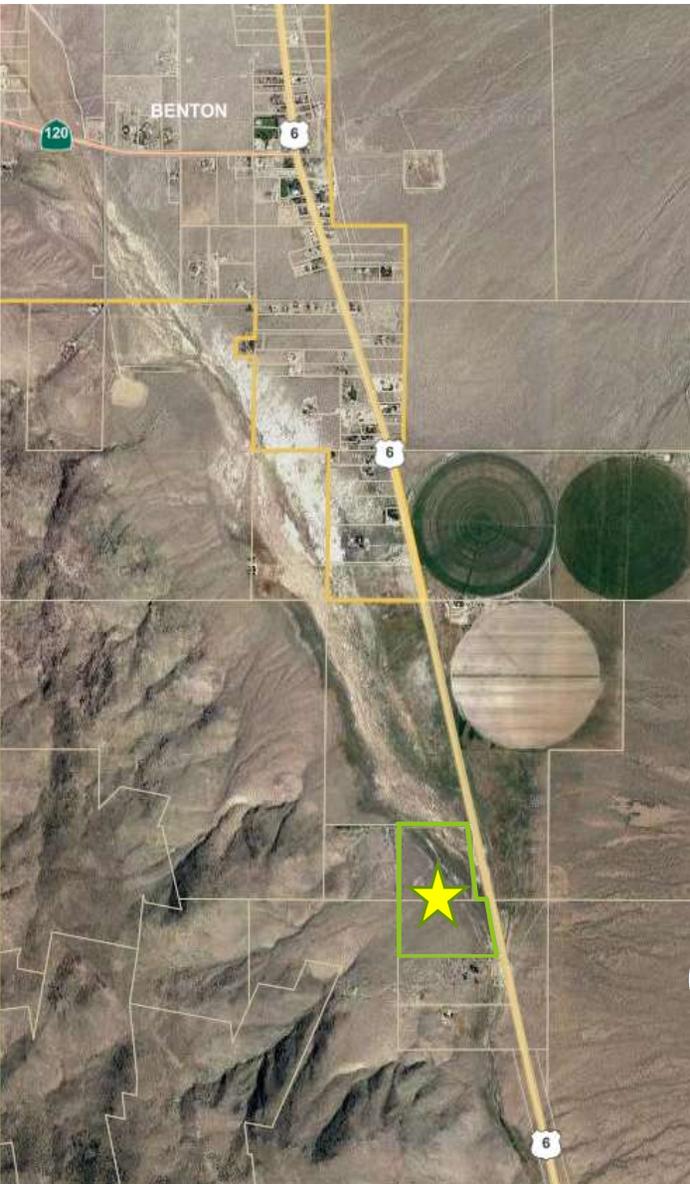
Item #7a. - Presentation



Apogee Farms General Plan Amendment Specific Plan

Mono County Board of Supervisors

January 16, 2024



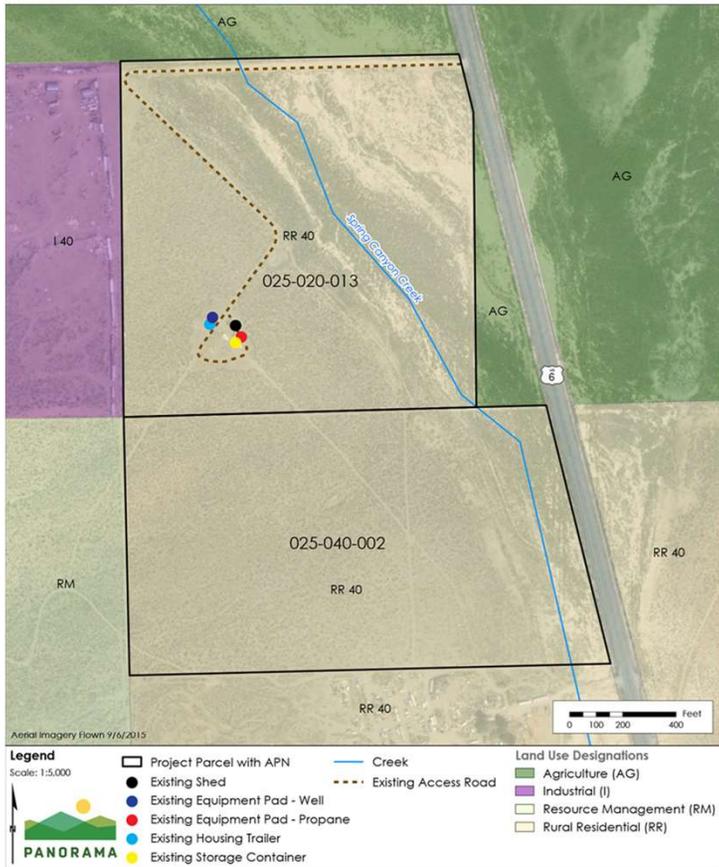
Introduction

- ▶ Adopt General Plan Amendment for land use designation change from Rural Residential (RR-40) to Specific Plan (SP)
- ▶ Adopt Specific Plan
 - ▶ CUP equivalent for commercial cannabis operations
 - ▶ CUP equivalent for overhead power
- ▶ Certify Initial Study/Mitigated Negative Declaration (IS/MND), including the Mitigation, Monitoring and Reporting Plan (MMRP)
- ▶ Adopt Resolution/Ordinance



Background

- ▶ Present land use designation is RR-40
- ▶ Existing onsite: water well, propane tank, shed, housing trailer, and cargo container.
- ▶ Proposed:
 - ▶ Gravel access road
 - ▶ Improve access and parking
 - ▶ Greenhouse/Cultivation area
 - ▶ Processing facility
 - ▶ Storage shed
 - ▶ Well pump house
 - ▶ Overhead power line
 - ▶ Septic leach field



Surrounding Land Use Designations

The land use designations adjacent to the two parcels are described below:

East:	Private land – Agriculture (AG) Private land – Rural Residential (RR)
West:	Private land – Industrial (I) Bureau of Land Management – Resource Management (RM)
South:	Private land – Rural Residential (RR)
North:	Private land – Agriculture (AG)







General Plan Amendment (GPA)

- ▶ Commercial cannabis activities are prohibited in residential land use designations, such as RR
- ▶ General Plan Amendment is required to change the land use designation from Rural Residential to Specific Plan
- ▶ Specific Plan land use designation is intended to provide for planned development in areas outside existing communities, or on large parcels of land within or adjacent to existing communities
- ▶ The SP land use designation may also be applied to an area to provide direction for potentially conflicting or incompatible land uses.

Apogee Farms Specific Plan (SP)

- ▶ The SP land use designation requires the creation and approval of a Specific Plan
- ▶ Apogee Farms Specific Plan is consistent with the California Government Code sections 65450-65457, Mono County Code Title 19, and Mono County General Plan Chapter 36, Specific Plans
- ▶ The Apogee Farms Specific Plan provides development standards and permitted uses similar to the RR designation, but with the addition of farm labor housing, non-commercial composting, and commercial cannabis activities.
- ▶ The Apogee Farms Specific Plan has the following primary objectives:
 - ▶ (1) ensure the compatibility of the commercial cannabis operation site with the land use designation,
 - ▶ (2) regulate commercial cannabis cultivation, processing, and distribution of cannabis products in a manner consistent with state and local regulations and allow the orderly development and oversight of the commercial cannabis operation businesses in the County, and
 - ▶ (3) protect sensitive resources identified on site and limit groundwater consumption.

Apogee Farms Specific Plan: Permitted Uses

Same as Rural Residential:

- ▶ Single-family dwelling
- ▶ Accessory buildings and uses
- ▶ Animals and pets
- ▶ Manufactured home as a dwelling
- ▶ Accessory Dwelling Unit
- ▶ Home occupations

New:

- ▶ Farm labor housing
- ▶ Non-commercial composting



Apogee Farms Specific Plan

Uses subject to Director Review Permit:

- ▶ Minor alternations involving no expansion of square footage or intensification of uses and exempt from CEQA.

Uses subject to Specific Plan Amendment and Use Permit Equivalent:

- ▶ Any uses other than a permitted use require an amendment to this Specific Plan.
- ▶ Commercial cannabis activities.



Development Standards

- ▶ Minimum parcel size of 40 acres.
- ▶ Minimum district area of 40 acres.
- ▶ Minimum lot dimensions of 60' width and 100' depth.
- ▶ Maximum lot coverage of 40%
- ▶ Minimum setbacks: Front - 50'; Rear - 50'; Side - 50'
- ▶ Setbacks for accessory buildings used as barns or stables: Front 50'; Rear - 30'; Side - 30'
- ▶ Population Density is a maximum of 5.02 persons per five acres, or approximately one person per acre provided that no more than one primary dwelling, one accessory dwelling unit, and one junior accessory dwelling unit (as allowed by state law) shall be permitted per parcel.
- ▶ Maximum building height of 35'.
- ▶ Standards not mentioned defer to General Plan and any other applicable County regulations.

Specific Plan Policies & Implementation Measures

- ▶ Provide for development and commercial cannabis activities consistent with the intent of the General Plan that minimizes environment and community impacts. (Five implementation measures)
- ▶ Provide for residential development with ancillary uses. (One implementation measure)
- ▶ Prevent significant odor impacts to a substantial number of people in the Tri-Valley planning area. (Two implementation measures)
- ▶ Maintain the agricultural, rural and open space aesthetic character of the Tri-Valley. (Two implementation measures)
- ▶ Provide for general safety and reduction of hazardous conditions. (Three implementation measures)

Specific Plan Policies & Implementation Measures

- ▶ Protect the biological and cultural resources of the Tri-Valley. (Two implementation measures)
- ▶ Provide reasonable flexibility for unforeseen circumstances that may improve the safety or operations of the project or reduce impacts. (One implementation measure)
- ▶ Provide consistency with the rules and regulations of Mono County departments. (One implementation measure)
- ▶ Ensure compliance with the requirements of this Specific Plan and Use Permit. (Two implementation measures)

Commercial Cannabis Activity

- ▶ The Apogee Farms Specific Plan incorporates the equivalent of a use permit for the proposed commercial cannabis activities.
- ▶ Cultivation, processing, and distribution.
- ▶ MCGP CH. 13 (Commercial Cannabis Activities)
 - ▶ Site control
 - ▶ Setbacks
 - ▶ Odor control
 - ▶ Signage
 - ▶ Visual Screening/Fencing
 - ▶ Lighting
 - ▶ Parking
 - ▶ Noise
 - ▶ Fire Protection
 - ▶ Security Plan
 - ▶ Water Conservation
 - ▶ Cultivation Setbacks
 - ▶ Cultivation Lighting
 - ▶ Dust Control

Apogee Farms Specific Plan (SP)

- ▶ Adoption of the Apogee Farms Specific Plan includes the following:
 - ▶ (1) Use Permit-equivalent findings to allow for commercial cannabis operations, and
 - ▶ (2) Use Permit-equivalent findings to allow for overhead power lines

MCGP Chapter 11 - Overhead power

- ▶ The Apogee Farms Specific Plan incorporates the equivalent of a use permit for the proposed overhead power lines.
- ▶ Prior to considering issuance of a permit, planning staff shall work with the applicant to site and design the project in a manner that avoids or minimizes the use and impact of overhead lines.
- ▶ In granting a permit for overhead utility lines, the CDD director or the Planning Commission shall make **at least one** of the following findings in addition to the required Use Permit findings:
 1. The overhead line placement will not significantly disrupt the visual character of the area.
 2. The placement of utility lines above ground is environmentally preferable to underground placement and does not create public health and safety impacts.
 3. The installation of underground utilities would create an unreasonable financial hardship on the applicant due to unique physical characteristics of the property.
 4. **The exclusive purpose of the overhead line is to serve an agricultural operation.**

Overhead Power





Required Findings: Resolution/Ordinance

General Plan Amendment

Specific Plan

Cannabis Activities

Overhead Line



Required Findings: General Plan Amendment

- ▶ The proposed change in land use designation is consistent with the text and maps of this General Plan;
- ▶ The proposed change in land use designation is consistent with the goals and policies contained within any applicable area plan;
- ▶ The site of the proposed change in land use designation is suitable for any of the land uses permitted within that proposed land use designation;
- ▶ The proposed change in land use designation is reasonable and beneficial at this time; and
- ▶ The proposed change in land use designation will not have a substantial adverse effect on surrounding properties.

Required Findings: Specific Plan

- ▶ The Apogee Farms Specific Plan is consistent with the Mono County General Plan.



Required Findings: Commercial Cannabis Activity Use Permit

- ▶ All applicable provisions of the Land Use Designations and Land Development Regulations 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.
- ▶ The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.
- ▶ 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.
- ▶ The proposed use is consistent with the map and text of the General Plan and any applicable area plan.

Required Findings: Overhead Power

4. The exclusive purpose of the overhead line is to serve an agricultural operation.
 - a. Impacts to sensitive species, such as the Bi-State Distinct Population Segment of Greater Sage Grouse shall be avoided, minimized, or mitigated consistent with policies in the Conservation/Open Space Element.

This finding can be made, no concerns are identified through analysis of the other potential findings, and overhead lines prevent potential impacts to biological and cultural resources compared to undergrounding.



CEQA - IS/MND and MMRP

- ▶ Aesthetics:
 - ▶ Mitigation Measure: Dark Sky Compliance
- ▶ Biological Resources:
 - ▶ Nest Birds
 - ▶ Mitigation Measure: Preconstruction survey
 - ▶ Sensitive Habitat
 - ▶ Mitigation Measure: Prohibition of future development within any streams, riparian habitats, or sensitive natural communities.
 - ▶ Riparian Habitat
 - ▶ Mitigation Measure: Habitat mitigation plan
- ▶ Tribal Cultural Resources & Cultural Resources
 - ▶ Cultural resource reservation and treatment
 - ▶ Mitigation Measure: Exclusionary fencing
 - ▶ Cultural Resource monitoring
 - ▶ Mitigation Measure: On-site archaeologist
 - ▶ Inadvertent Discovery of archaeological resources.
 - ▶ Mitigation Measure: Halt work/protect resource/examination by Archaeologist and Tribe representative
- ▶ Air Quality
 - ▶ Mitigation Measure: Odor Control (Cannabuster™)

Public Comments

- ▶ Three responded to within the MND
- ▶ Three additional comments were received in response to notices mailed and published in advance of today's public hearing (CDFW, Caltrans, neighboring landowner)

Next steps for Applicant

- ▶ Cannabis Operations Permit (Mono County Code Chapter 5.60, *Cannabis Operations*)
- ▶ Business License from Mono County Tax Collector (Mono County Code Chapter 5.04, *General Provisions*)
- ▶ Cannabis business tax certificate, if applicable
- ▶ State licensing
- ▶ All unpermitted uses must be permitted

Questions?

