

# 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](http://www.monocounty.ca.gov)

June 20, 2019

To: Mono County Planning Commission

From: Kelly Karl, Assistant Planner

Re: Use Permit 18-014/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 18-014 subject to Conditions of Approval.

### SUMMARY

In November 2016, California voters approved the Adult Use of Marijuana Act (Proposition 64) to legalize adult use of marijuana (in addition to medical uses which were legalized in 1996). Every precinct in Mono County passed Proposition 64 with margins as low as 1.4% in the Bridgeport area to a high margin of approximately 30% in the Mono Basin, June Lake, and Wheeler Crest areas.<sup>1</sup> The state's legalization of adult use marijuana presented local jurisdictions with several choices for regulating the new industry: 1) ban cannabis activities in whole or part, 2) adopt local regulations for cannabis activities, or 3) remain silent and defer to state laws and regulations.

Mono County conducted a community-based planning effort for feedback on the most appropriate regulatory approach and, ultimately, to develop policies and regulations for legalized cannabis activities. In 2017, the following 12 Regional Planning Advisory Committee (RPAC) meetings and outreach sessions were conducted: two in Antelope Valley, three in Bridgeport, one in June Lake, two in the Mono Basin, two in Long Valley, and two in Tri-Valley. Three workshops were held with the Planning Commission, and feedback from the Commission and RPACs were incorporated into the development of the policies. Concurrently, the Cannabis Joint Committee, which is comprised of 10 County departments/divisions, reviewed the policies and public feedback, and provided additional input that was incorporated as policies were developed.

At a formally noticed public hearing in October 2017, the Commission recommended General Plan policies pertaining to cannabis activities for adoption by the Board. The Board of Supervisors held five workshops, including one with the Town of Mammoth Lakes and one

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<sup>1</sup> To be clear, the margin represents the amount over and above the 50% +1 required for passage of the proposition.

specific to cannabis taxation, to consider the public feedback received through RPAC, Planning Commission, and Joint Committee discussions, and provide direction to staff. In December 2017, the Board held a public hearing adopting the General Plan policies recommended by the Planning Commission.

Following the adoption of guiding policies, specific regulations in both the General Plan and Mono County Code were developed through another community-based planning effort. The RPACs again held a total of 12 meetings where cannabis regulations were discussed: two in Antelope Valley, three in Bridgeport, two in the Mono Basin, one in June Lake, two in Long Valley, and two in the Tri-Valley. The Planning Commission also again held three workshops to both incorporate RPAC feedback into the regulations and provide additional input and direction to staff, and the staff-level Cannabis Joint Committee provided additional feedback.

The Commission made a recommendation to the Board to adopt new regulations in March 2018. The Board of Supervisors heard two minor updates and held four discussions on cannabis taxation, in addition to three workshops on cannabis regulations where specific policy issues were considered. The Board adopted the new General Plan and Mono County Code regulations at a formal public hearing on April 17, 2018.

## **BACKGROUND**

UP 18-014/BASK Ventures, Inc. (BVI) is a proposal for 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 Highway 395 Scenic Corridor.

The proposed small indoor cultivation will occur in a 21,858-square foot indoor facility designed to incorporate 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 (Attachment 1). 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 up to two vegetative rooms, six flower rooms, two drying rooms, one processing/trim room, and 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.

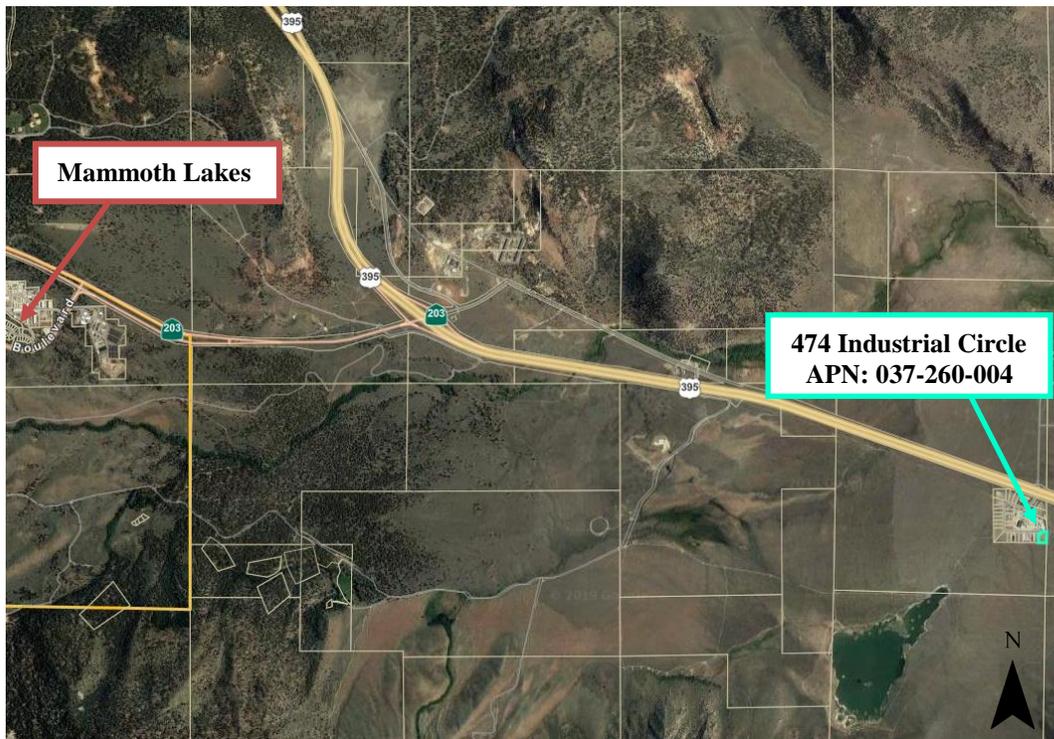
All applications for commercial cannabis activity must be approved through a Conditional Use Permit (CUP) process. A CUP for retail cannabis must demonstrate adequate plans for site control, setbacks, odor control, signage, visual screening, lighting, parking, and noise, as presented in this report.

The project qualifies for a 15183 CEQA exemption, as 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.

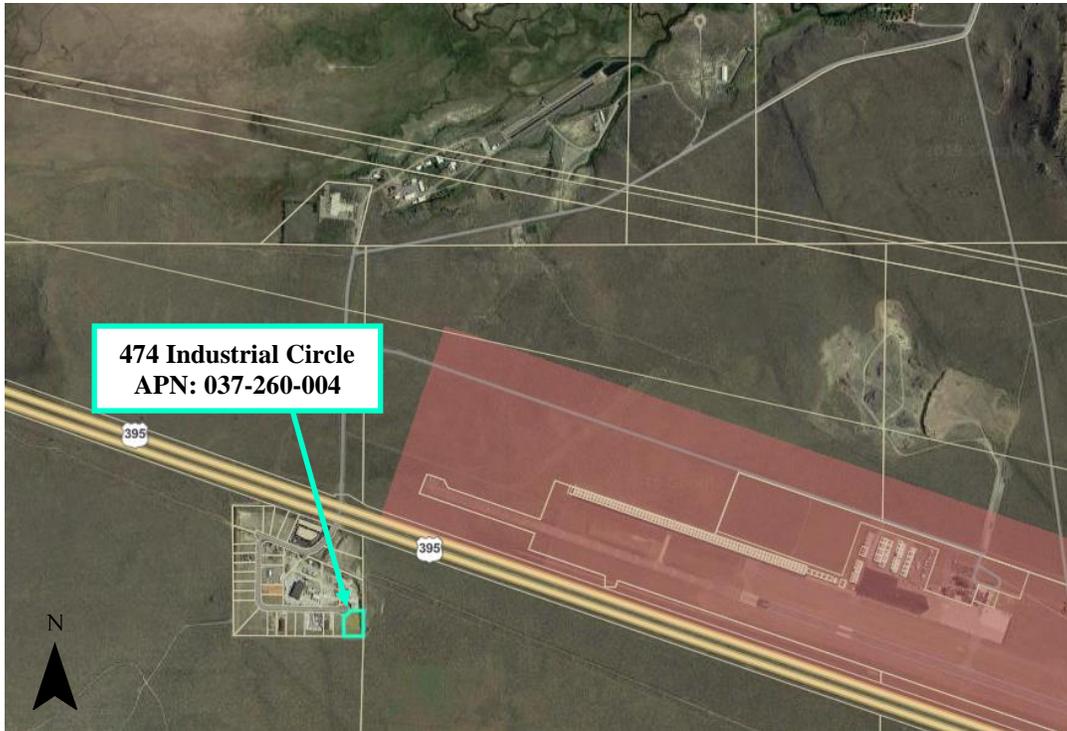
## PROJECT DESCRIPTION

The project is located along U.S. Highway 395, in the Scenic Combining District of Highway 395 and across from the Mammoth Yosemite Airport. 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. Green Team Holdings, LLC (GTH) is a 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.

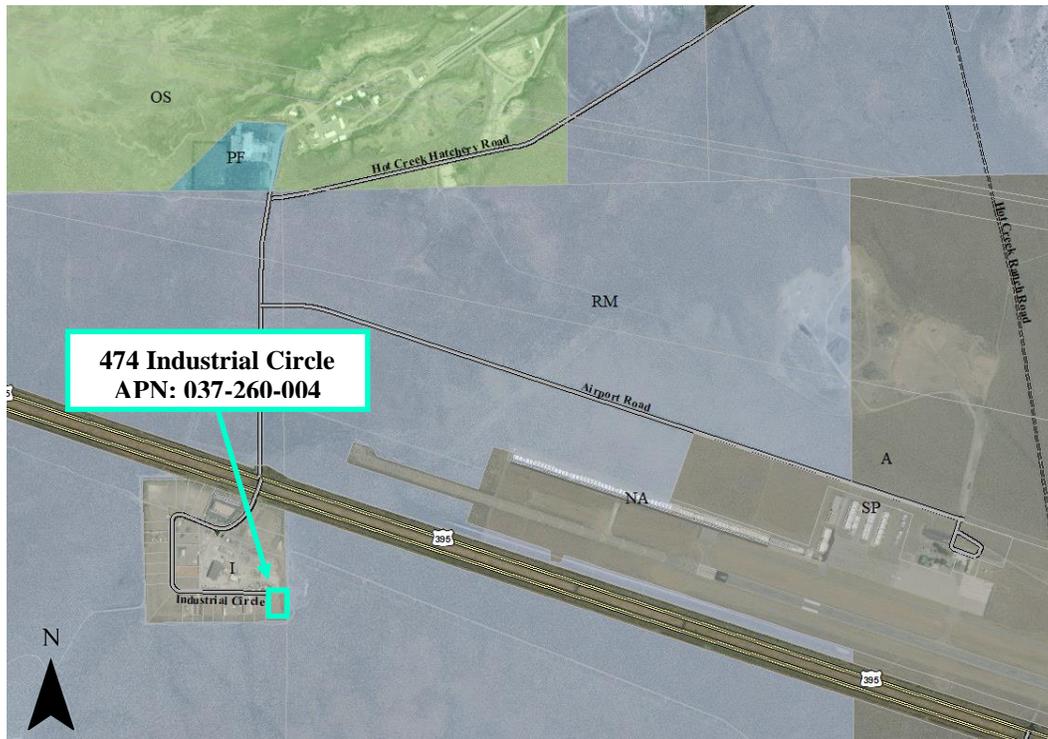
**FIGURE 1: REGIONAL PROJECT LOCATION**



**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 September 17, 2018, and recommended application acceptance. LDTAC reviewed draft Conditions of Approval on June 3, 2019.

**CEQA COMPLIANCE**

The County contracted with Panorama Environmental, Inc. (Panorama) to prepare an Initial Study checklist in compliance with CEQA Guidelines Section 15183 (Attachment 2). 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 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.

Ultimately, the review determined:

1. 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.
2. 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.
3. 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.

4. The project would be located within a land use designation that allows for cannabis activities. The project applicant has developed a Cultivation Operation Plan that addresses odor, sanitation, waste disposal, and workspace safety issues specific to commercial cannabis activities. The design of the project is consistent with countywide policies, standards and SBP design guidelines to ensure there would be no substantial adverse effects.
5. 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.

### **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.

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 Land Development Regulations 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.*

**Policy 1.I.2.** *Assess the economic costs and benefits of proposed development projects.*

**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**

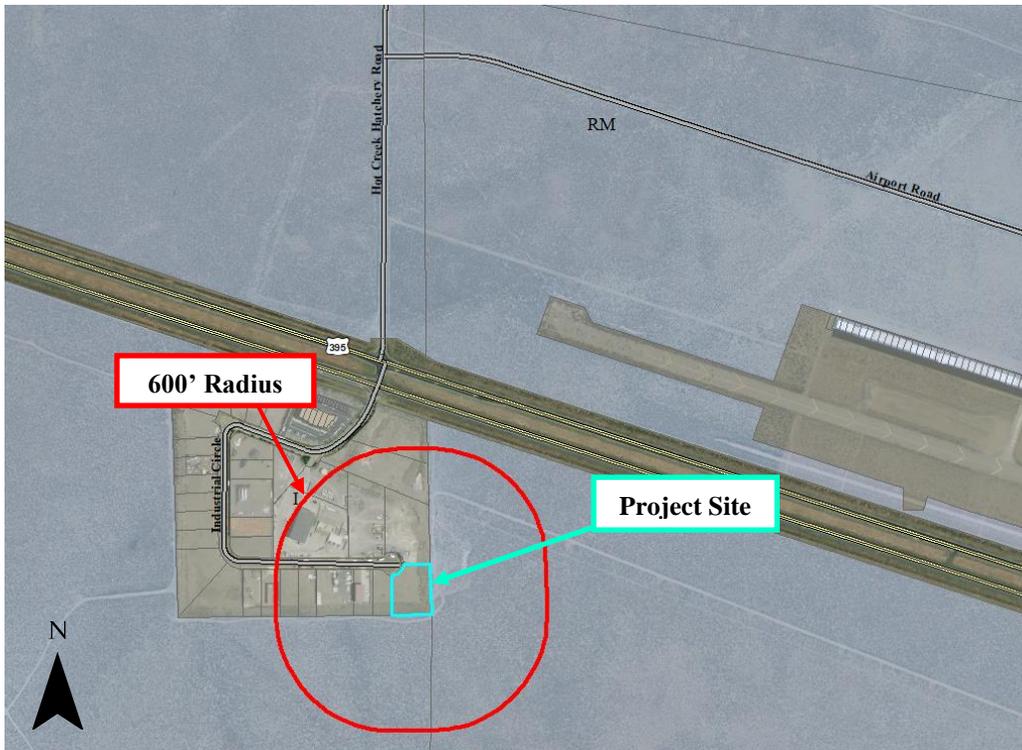
In addition to General Plan policies and regulations, commercial cannabis activities shall comply with Chapter 13. The following general standards and requirements apply to all commercial cannabis activities permitted in the county:

**13.070 C. 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.*

None of the above-mentioned facilities are located within 600 feet of the site. The Mammoth Vicinity 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 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.*

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) commercial Photohydroionization (PHI) units designed to eliminate 99.99% of all odors; and 2) activated carbon filters. Less odor-intensive rooms on site (propagation and vegetative) will utilize a PHI unit installed in the primary Heating Ventilation and Air Conditioning System (HVAC) to mitigate the minimal odors emitted during this stage as well as odor mitigation SOPs including physically containing odors by closing the entrance to this room to minimize the possibility of odor escaping into the hallway, and 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), a PHI unit, 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 render the air emitted outside the building free of any detectable odor.

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.

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 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 facility 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 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 site plan provides 16 paved parking spaces, including 15 employee spaces for the maximum number of employees that will each be 10' x 20' in size plus one ADAcompliant space. The site provides adequate parking and space for loading areas, if the Planning Commission finds that the project qualifies under the "other" category in Chapter 6, Parking, Table 06.010 Required Number of Parking Spaces (see Figure 5) and approves staff-recommended parking requirement for this project (see Sierra Business Park Specific Plan Consistency section below for discussion).

**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 "WillServe" 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 "WillServe" Letter.

**13.070 L. Security Plan.**

A Security Plan was submitted as part of the application and has been submitted for review and approval by the Mono County Sheriff's Department. Approval of the Security Plan will be required before the Cannabis Operations Permit is finalized.

**13.070.M. Water Conservation.**

BVI estimates their water use will be 800 to 1,000 gallons per day (gpd) by the third year of operation (see "2.7.2.1 Water Supply and Use" in 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 grow 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 2).

The SBPOA issued a "WillServe" Letter based on BVI's estimated maximum water use. The project applicant has also obtained a "WillServe" 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 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 2) 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.

### **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 10,000 square feet of flowering canopy area and the Conditions of Approval require that the canopy area not exceed 10,000 square feet without approval from the Mono County Planning Commission.

### **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.

### **13.808 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 2) for discussion.

The use of a unique identifier as well as inventory and quality control procedures will be 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>

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 location of the proposed project is consistent with the purpose and objectives of the SBP SP. Adequate site area exists for the proposed use and lot coverage is 58% (calculated by the amount of impermeable surface), which is well below the 80% maximum allowable coverage for lots in SBP. The indoor cultivation facility does not encroach on setbacks and provides a 25’ side-yard setback on the west (exceeding the 10’ SBP SP standard), 36’ front-yard setback (exceeding the 20’ SBP SP standard), and maintains the width of the Perimeter Maintenance Zone (PMZ) in the east and rear yard, as required. The project provides 3,347 square feet of snow storage, which is above the 2,449-square foot minimum required by the SBP Design Standards (25% of the area from which snow is to be removed). The proposed 29’ 7” 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).

The site plan provides 16 total parking spaces, 15 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 drive areas will be paved. The site provides adequate parking and space for loading areas, if the Planning Commission finds that the project qualifies under the “other” category in Chapter 6, Parking, Table 06.010 Required Number of Parking Spaces (see Figure 5) and approves these recommended parking requirement for this project which was based on 13.070.I of the General Plan. Table 06.010 specifies the required number of parking spaces based on broad use categories; however, the proposed cannabis cultivation facility does not fit neatly into any of the existing categories. The two closest categorical matches to the proposed project are “manufacturing & industrial uses” and “warehouse, wholesale stores” which would both require 21 parking spaces for this project. However, under the “other” category in Table 06.010, which specifies that “for any uses not specifically mentioned herein, the Commission shall determine the number or amount of parking required,” the cannabis regulations standard under

13.070.I. could be applied, which requires adequate parking for the maximum number of employees plus one ADA space.

**FIGURE 7: TABLE 06.010 REQUIRED NUMBER OF PARKING SPACES**

Bed-and-Breakfast Establishments	In MFR-H, CL or C land use designations, same as Commercial Lodging.
Car Wash	One space for each bay.
Commercial Lodging	One space per sleeping room plus one space for each two employees on largest shift.
General Retail, Services & Offices	One space for each 200 sq. ft. of gross leasable floor area. No fewer than two spaces.
Guest Parking for Mobile-Home Parks	One space for each 10 lots.
Guest Parking for Multifamily	One space for each six units, no fewer than two.
Manufacturing & Industrial Uses	Two spaces for each three employees on largest shift, not fewer than one space for each 1,000 sq. ft. of gross floor area.
Other	For any uses not specifically mentioned herein, the Commission shall determine the number or amount of parking required.
Public Assembly (e.g., churches, theaters, community centers)	One space for each four seats, no fewer than one space for each 100 sq. ft. of largest room.
Residential Unit	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.
Restaurants, Bars & Food Carts	One space for each three seats plus one space for each employee on largest shift.
Schools, Academies	Two spaces for each classroom.
Service Stations, Automobile Repair	Two spaces for each working bay plus one space for each employee on largest shift.
Warehouse, wholesale stores	One space for each 1000 sq. ft.

**PUBLIC HEARING NOTICE**

A public hearing notice was published in the May 30, 2019, issue of the Mammoth Times and the June 1, 2019, issue of The Sheet (Attachment 3) and was mailed to surrounding property owners within 300 feet of the proposed project. At the time of this staff report no public comment was received.

**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 in 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, 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 (15) 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 exemption process, and have been found to have no impacts beyond the scope of mitigation measures outlined in the Mono County General Plan EIR.
  - 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 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 Highway 395 scenic corridor.

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

# MONO COUNTY

## Planning Division

### DRAFT NOTICE OF DECISION & USE PERMIT

**USE PERMIT:** UP 18-014

**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 UPHOLD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** June 20, 2019

**EFFECTIVE DATE USE PERMIT:** July 1, 2019

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:** June 20, 2019

cc: X Applicant  
X Public Works  
X Building  
X Compliance

## **CONDITIONS OF APPROVAL**

### **Use Permit 18-014/BASK Ventures Inc. Indoor Cannabis Cultivation**

1. All development shall meet 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. All exterior lighting must comply with Chapter 23, Dark Sky Regulations.
6. Number of employees shall not exceed 15, unless a new parking plan is approved by the Planning Commission.
7. There shall be no expansion of cannabis uses, and canopy area shall not exceed 10,000 square feet without approval from the Mono County Planning Commission.
8. Applicant must maintain active business license and tax certificate requirements.
9. Project is required to comply with requirements in the Sierra Business Park Specific Plan.
10. Construction for the project shall be contained within the boundaries of the parcel.
11. 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).
12. 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.
13. 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 Meadow 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.
14. Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
15. 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.