

December 5, 2017
Regular Meeting
Item # 7a

BOS

Amended Letter to BLM



Larry Johnston ~ District One Fred Stump ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5533 • FAX (760) 932-5531

Shannon Kendall, Clerk of the Board

December 5, 2017

Steve Nelson, Field Manager
Bureau of Land Management
Bishop Field Office
351 Pacu Lane
Suite 100
Bishop, CA. 93514

Dear Mr. Nelson,

This letter is in regards to the Bridgeport rifle / pistol range. The current hours agreed upon by BLM and the County are 11:00 a.m. to 2:00 p.m., weekends only during the migration periods of April 1 to May 31 and October 14 to December 20. During the non-migration periods, the range is opened daily from dawn to dusk.

Based on the information provided to us (a letter from the Bridgeport Valley Regional Planning Advisory Committee; signed petition) by Mark Westerlund, President of the Bridgeport Gun Club, which maintains the property leased to Mono County, the Board has determined that it would be in the best interest of the community to have the hours of the Bridgeport rifle / pistol range expanded during the migration periods to 9:00 am to 3:00 pm daily.

Sincerely,

Supervisor John Peters
Mono County Board of Supervisors

December 5, 2017

Regular Meeting

Item # 11a

**Community
Development**

Amended Exhibit A to GPA

17-03

Mono County Board of Supervisors Resolution 17- ____ – Exhibit A
GPA 17-03: Commercial Cannabis Policies

*Note: Text in *italics* denotes existing and currently adopted General Plan language, which is provided for context and clarity.

LAND USE ELEMENT: Countywide Policies

Goal 1 (Existing). Maintain and enhance the environmental and economic integrity of Mono County while providing for the land use needs of residents and visitors.

Objective 1.G (Existing). Protect open space and agricultural lands from conversion to and encroachment of developed community uses.

Policy 1.G.1 (Existing). Protect lands currently in agricultural production.

Action 1.G.1.a. Designate large parcels in agricultural use as “Agriculture,” and streamline re-designations for agricultural purposes by processing a discretionary permit (when applicable) concurrently with the land use designation change.

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. Amend land use designations to specify where commercial cannabis activities may be permitted in conjunction with the appropriate permits based on a conformance analysis considering whether the activities are “similar and not more obnoxious or detrimental to the public health, safety, and welfare” than the uses presently listed for the same designation.

Action 1.L.1.a. Where deemed necessary, provide specific adjustments via area plans, when consistent with this general plan, in order to provide for a balanced and functional mix of land uses (see LUE Objective 1.C. and Antelope Valley Action 4.A.2.d.).

Action 1.L.1.b. Provide consideration for certain low-impact manufacturing uses, such as edibles and packaging/labeling, to be identified as substantially similar in use to food-service establishments or retail/service trades, despite falling under a single state license type that includes more traditional manufacturing uses, such as extraction.

Action 1.L.1.c. Given the uncertainties inherent to a new regulatory program and its application to a recently legalized industry, retain flexibility to address site-specific issues, unique needs, and public noticing and input by requiring all cannabis activities be subject to a discretionary permit, a public hearing, and the California Environmental Quality Act (CEQA), and allow the County to continue developing a regulatory system for

future Board adoption and implementation, which provides for limited permitting of cannabis activities and preserves options for the County in the future.

Action 1.L.1.d. To ensure regulatory compliance and assure responsible operations, permits and approval conditions may contain requirements for annual renewals and inspections, or other requirements, and associated fees.

Policy 1.L.2. Personal cannabis cultivation of six plants or less, as legalized and regulated by State law, should be conducted in a manner that respects neighbors and community character, and protects against potentially detrimental issues such as the criminal element, access by minors, and general nuisance issues.

Action 1.L.2.a. Personal cannabis cultivation is required to comply with all state regulations, including the California Building Code for any new construction or alterations/modifications to existing structures.

Action 1.L.2.b. Personal cannabis cultivation is subject to the Nuisances and Hazards provisions in Chapter 4 of this General Plan, and any other applicable General Plan policies and County codes.

Action 1.L.2.c. All personal grows shall comply with State requirements.

Action 1.L.2.d. Provide educational “best practices” for personal cultivation to prevent impacts to neighbors and the community.

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

Action 1.L.3.a. Cannabis businesses shall not locate within 600' of any of the following facilities that exist at the time the application is accepted: schools providing instruction to kindergarten or any grades 1 through 12, day care center or youth center, parks, ballfields, playgrounds, libraries, community centers, and licensed child care facilities. An additional corridor of exclusion applies in Crowley Lake on Crowley Lake Drive between the library/park (3627 Crowley Lake Drive) and the ballfield (526 Pearson Road) to protect minors that may be traveling between these attractions.

Action 1.L.3.b. Apply increased setbacks to commercial cannabis cultivation activities to prevent odor nuisance and visual/aesthetic issues, and enhance security.

Action 1.L.3.c. Apply visual screening and other treatments to prevent attractive nuisance issues related to aesthetics and security, such as theft, exposure of minors, and attraction of the criminal element.

Action 1.L.3.d. Outdoor lighting shall meet Chapter 23 – Dark Sky Regulations (including in Antelope Valley), and requirements for indoor lighting shall similarly prevent nuisances caused by unnecessary light intensity, direct glare, and light trespass, and protect the ability to view the night sky by restricting unnecessary upward projection of light, and prevent impacts to wildlife species attracted to light sources.

Action 1.L.3.e. Regulations shall provide for the limitation of odor nuisances for adjacent uses, which may include, but are not limited to, increased setbacks, minimum distances from existing structures under separate ownership, odor control filtration devices, and ventilation requirements.

Action 1.L.3.f. To ensure security, safety, and prevent access by minors and the criminal element, a Security Plan shall be required and subject to approval by appropriate law enforcement and code enforcement entities.

Action 1.L.3.g. To ensure commercial cannabis activities are compatible with the scenic and natural landscape of Mono County, implement applicable requirements related to the California Environmental Quality Act (CEQA), and policies in the Conservation/Open Space Element, including sage-grouse mitigation measures (see C-OS, Action 2.A.3.e.).

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.

Action 1.L.4.a. Provide a balanced and functional mix of land uses where commercial activities are permitted such that there is an opportunity for the private sector to establish the complete economic business supply chain, e.g. from nursery and cultivation to final point of sale.

Action 1.L.4.b. Economic benefits to the County include cost recovery from permit fees and increased revenue from taxes; therefore, the County should seek full cost recovery for services rendered and place a tax measure on the next available ballot.

Policy 1.L.5. Work toward consistent and compatible regulations and efficient oversight of cannabis activities with other responsible entities, from the state level, to local level, to other Mono County Departments.

Action 1.L.5.a. Stay informed of State activities and requirements related to commercial cannabis, including not only the licensing authorities of the Bureau of Medical Cannabis Regulation, CalCannabis Cultivation Licensing, and Office of Manufactured Cannabis Safety, but also associated agencies such as the Lahontan Regional Water Quality Control Board, California Department of Fish and Game, California Building Standards Commission, and others.

Action 1.L.5.b. Coordinate with local agencies and districts, such as fire districts, water providers, and other service providers, and other local jurisdictions, such as Inyo County and the Town of Mammoth Lakes, as needed.

Action 1.L.5.c. Coordinate oversight activities with other applicable County departments, such as the Inyo-Mono Agricultural Commissioner's office, Environmental Health, Mono County Sheriff, and others as needed.

Action 1.L.5.d. Ensure consistency with local area plans, and adjust area plans where appropriate to reflect community circumstances, preferences and priorities.

LAND USE ELEMENT: Antelope Valley Policies

GOAL 4 (Existing). Provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area's scenic, recreational, agricultural, and natural resources.

Objective 4.A (Existing). Guide future development to occur within the US 395 corridor and existing communities.

Policy 4.A.2 (Existing). Provide for a mix of residential, commercial, recreational, institutional, and industrial park land uses in a manner consistent with the overall goal for the Antelope Valley.

Action 4.A.2.d. To promote main street and economic development as provided by other policies (Objectives 4.D. and 4.E.), emphasize commercial character and uses on US 395/main street frontages in the Mixed Use (MU) designation.

CONSERVATION/OPEN SPACE ELEMENT: Biological Resources

Add to the bulleted list under Action 2.A.3.e.: To protect nesting and brood-rearing habitat, agricultural cultivation shall not disturb or remove sagebrush habitat within three miles of an active lek, or as determined through an informal consultation process with applicable Bi-State Conservation partners.

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CAO

Correspondence to Board
re: cannabis regulation

ANTELOPE VALLEY

Regional Planning Advisory Committee

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commdev@mono.ca.gov

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www.monocounty.ca.gov

November 16, 2017

John Peters, Mono County Board of Supervisors District 4
c/o Clerk of the Board
PO Box 715
Bridgeport, CA 93517

Re: RPAC supports continued progress on County regulatory development of commercial cannabis for the Antelope Valley

Dear Supervisor Peters,

The Antelope Valley RPAC respectfully request the Board of Supervisors:

- not wait until November 2018 to regulate cannabis,
- continue to move forward developing regulations for the cultivation of cannabis for the upcoming 2018 growing season, and
- develop an adequate fee structure to cover the costs of implementation of cannabis activities.

We ask that the Board of Supervisors consider this request.

On behalf of the Antelope Valley RPAC

Sincerely,

Katie Buell, Chair Antelope Valley RPAC

Honorable Supervisors,

I am writing to let you know that the AVRPAC does not represent my opinion regarding the commercial growing of cannabis in the Antelope Valley. I know that they do not represent the opinion of others either that live in this valley.

First, I do not want to see commercial growing of cannabis in the valley at all. I don't care if people want to grow it for themselves or what they do with it in their own homes.

I worry about Mono County having funds to provide the necessary infrastructure to support, environmentally regulate and police commercial cannabis growing. Will the county be able to fund more than one code enforcer to make sure that things are being done correctly? Will Mono County have the funds to increase staffing in the Sheriff's department?

I wish that someone on the Board would research what has happened in Calaveras County as a result of commercial cannabis growing. I think there was a county in eastern Oregon or northeastern California that experienced quite a few problems also.

Second, and because of the things I mentioned above, I'm all for postponing the development of regulations for commercial cannabis growing. You need as much time as possible to research what has happened and what has been done in other counties.

Third, I request that the Board bypass the RPACs when soliciting input. History has shown that the AVRPAC doesn't always truly reflect what the majority of concerned citizens believe. On at least one occasion, some of you witnessed this first hand during the fiasco about the neighborhood and River Lane trail system. It wasn't until the Board held one of their meetings in our community that the Board became aware of what the community truly felt about that proposal. The community made its feelings known to the AVRPAC in numerous meetings before your meeting took place. As far as any of us could tell, the sentiment of the community was never relayed to the Board. Please hold special Supervisor meetings in our communities for input so that citizens won't feel intimidated or feel as if they are being "policed" by the RPACs. Please do not have the RPACs "host" the meetings.

I would appreciate a response from all of you.

Sincerely,
Claudia Bonnet
wabbit@frontier.com
530-495-1059

December 5, 2017
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Item # 12

Board Reports

Supervisor Corless

12/6/17

To: Mono County Board of Supervisors; CAO Leslie Chapman

From: Chair Stacy Corless, Mono County Board of Supervisors

RE: Mono/Madera County Boundary Adjustment Discussion

Summary: Mono County staff and elected officials have informally discussed exploring the state legislative process of moving the Mono/Madera County boundary to add federal lands in the Reds Meadow/Middle Fork San Joaquin River area of Madera County to Mono, as the only road access to these lands is from Mono County. This adjustment would address public safety and administrative concerns that have come to the forefront recently due to the area's popularity as a tourism and recreation destination.

This intention of this document is to inform the board on some research into the process, and to gauge board support for directing staff and permitting Chair Corless to continue work on this issue.

Background: The Reds Meadow Valley and the upper reaches of the Middle Fork San Joaquin River drainage are natural scenic wonders that attract thousands of visitors a year to the remote area west of Mammoth Mountain that includes Devils Postpile National Monument, and sections of the Inyo National Forest, John Muir and Ansel Adams Wildernesses. Though this area is in Madera County, the only road access is via Mono County and the Town of Mammoth Lakes. The nearest access point in Madera County is an unpaved, primitive forest road that is an 18-mile hike from Devils Postpile, following a historic trail that served as a trade route for native people and a toll road for 19th-century miners staking claims near Mammoth; from the eastern end of the Sierra National Forest Road in Madera County, it is a two-hour drive to Oakhurst.

The Reds Meadow Road starts at Minaret Summit along the Sierra Crest and the current county line, near the terminus of State Highway 203 in Mono County, and within the administrative boundary of the Town of Mammoth Lakes. The road extends 8.5 miles to Reds Meadow Resort (an Inyo National Forest permittee), accessing Devils Postpile National Monument as well as Inyo National Forest campgrounds and trailheads—including the popular John Muir and Pacific Crest long-distance trails. Forest lands in the area are managed by the Mammoth Ranger District, and campgrounds are managed by Inyo Recreation, an Inyo National Forest concessionaire. The road is open during summer months only. Mono County, through an MOU with Madera, responds to search and rescue and law enforcement calls to the Reds Meadow area.

The Reds Meadow area is such an important asset to the economy of the region that the Town of Mammoth Lakes recently applied for and was awarded a Federal Highways Administration Federal Lands Access Program (FLAP) grant to make much-needed repairs to the road; the \$23 million project is slated to start in 2021. More information on the road improvement project is available here: <http://www.townofmammothlakes.ca.gov/index.aspx?NID=758>

Proposed County Boundary Adjustment: The area in consideration comprises the northeastern section of Madera County that falls in the Middle Fork San Joaquin drainage, all within the administrative boundary of the Mammoth Ranger District on the Inyo National Forest (see the Inyo National Forest map here for clarification: <https://caltopo.com/map.html#ll=37.60985,-119.07593&z=13&b=t&o=f16a%2Cr&n=1,0.25>). The Mono/Madera county boundary would be moved from its current location along the Sierra Crest and between the Middle Fork San Joaquin and Rush

12/6/17

To: Mono County Board of Supervisors; CAO Leslie Chapman

From: Chair Stacy Corless, Mono County Board of Supervisors

RE: Mono/Madera County Boundary Adjustment Discussion

Creek drainages, southwest to the iconic peaks that mark the divide between the Middle and North Fork San Joaquin—from Mammoth Crest, San Joaquin Ridge, Agnew and Island Passes, to the Ritter Range, Lion Point and across the Middle Fork near its confluence with Fish Creek up to the current boundary of Madera and Fresno counties south of the Mammoth Crest. The scope of this adjustment is important for public safety considerations, as many recreational activities occur among and along the mountains, trails and passes in the area, including the John Muir and Pacific Crest Trails that are several miles from the access road and developed recreation areas.

Next Steps: If the Mono County Board of Supervisors decides to move forward with the process, one next step is to seek cooperation and support from Madera County. Tom Wheeler, 5th District Supervisor in Madera County (which includes the Reds Meadow area), has indicated that he expects cooperation from Madera, including the Sheriff's Department. Since all the land in consideration is federally managed, seeking support from Devils Postpile National Monument, Inyo National Forest and permittees/concessionaires is also important.

Both Rural Counties Representatives of California (of which both Mono and Madera Counties are members) staff, and Sen. Berryhill's legislative staff indicate that this could be a relatively smooth legislative process, possibly through the Senate Committee on Governance and Finance, if there are no objections to the boundary change, and that such an action could be completed during the 2018 legislative session if bill language were drafted early in year. Both counties would likely need to pass resolutions of support for the proposal in January 2018.

Fiscal Impacts: Unknown; further research is needed to determine fiscal impacts for both counties.