

# Apogee Farm Specific Plan

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## **Executive Summary**

The Apogee Farms Specific Plan (the Plan) establishes the land development program for two undeveloped parcels adjacent to the rural community of Benton, CA, within the unincorporated lands of Mono County. Through the General Plan Amendment process, the land use designation of these two parcels is being converted from “Rural Residential – 40 acres” to “Specific Plan” (SP). The SP designation requires the creation of a Specific Plan.

Assessor Parcel Numbers (APNs) 025-040-002 and 025-020-013 are proposed for a commercial cannabis operation known as Apogee Farms, Inc. Apogee Farms will cultivate cannabis to be sold in bulk and distributed from the property. Cultivation areas will be divided into three, 2,880 square-foot (sf) areas for a total of 8,640 sf. Cultivation will initially take place outdoors. After full build out of the project, all cultivation will take place within three greenhouses. Once cannabis is harvested, it may be dried, trimmed, packaged, and labeled on-site before being distributed to retailers. Commercial cannabis activities conducted on site will include cultivation, cannabis processing, and cannabis distribution.

To conduct a commercial cannabis operation within Mono County, a Conditional Use Permit granted by the Planning Commission, a Cannabis Operation Permit granted by the Board of Supervisors, a Mono County Business License and tax certification, and licensing from California State is required. This Plan shall satisfy and include the requirement for a Conditional Use Permit. A hearing for the Cannabis Operation Permit will take place at a future Board of Supervisors meeting on the condition that this Plan is approved, and the properties are redesignated. Following the Mono County hearings, the operation shall receive state licensure, and a Mono County Business License and tax certification, prior to commencing.

The approval of this Plan constitutes a “project” that is subject to review under the California Environmental Quality Act (CEQA). An Initial Study (IS) checklist/ Mitigated Negative Declaration (MND) has been prepared as part of the environmental review process needed to evaluate the potential environmental impacts of the Specific Plan and cannabis facility construction and operation proposed by Apogee Farms. The County has incorporated mitigation measures into the project to mitigate the potentially significant impacts identified in the Initial Study such that no significant impacts will occur and a Mitigation Monitoring and Reporting Plan (MMRP) has been prepared. Project documents can be found online at: <https://www.monocounty.ca.gov/planning/page/apogee-farms-specific-plan-and-mitigated-negative-declaration> or at the Mono County Community Development Department office, 1290 Tavern Road, Mammoth Lakes, CA 93546.

## **I. Introduction & Background**

### **A. Background**

The Apogee Farms Specific Plan (the Plan) applies to APN's 025-020-013 (40.4 acres) & 025-040-002 (37.9 acres) on US Route 6 (US 6) in Benton, California, and constitutes the Land Use Regulation governing the development of the area hereinafter to be referred to as "Apogee Farms." The two parcels are adjacent and share a property boundary. The applicant proposes to live on site while operating the commercial cannabis business.

The project modifies the land use designation of the properties to "Specific Plan (SP)" by General Plan Amendment, which must be adopted by the Mono County Board of Supervisors. The Plan also satisfies the requirement of Mono County Code Chapter 5.60 for a Conditional Use Permit prior to approval of a Cannabis Operations Permit.

### **B. Regulatory Setting**

#### State law

California Government Code Section 65450-65457 contains requirements for the contents of a Specific Plan. This Plan meets all applicable provisions of the code. Appendix A of this Plan contains Code Section 65450-65457.

#### Mono County Authorization

The General Plan Amendment to change the property's land use designation (LUD) will be processed consistent with General Plan Land Use Element Chapter 48, Amendments.

The Specific Plan sets forth the Land Use Designation of the parcels, approved through a General Plan Amendment in compliance with General Plan Chapter 48, Amendments.

Prior to operation of a commercial cannabis activity the following shall be obtained through application procedures with Mono County as necessary:

- A. General Plan Amendment to change the land use designation; and
- B. A Specific Plan pursuant to General Plan Chapter 36, Specific Plans; and
- C. Conditional Use Permit (pursuant to Chapter 32 – Use Permit);
  - This Specific Plan shall satisfy the requirement for a Conditional Use Permit and includes General Plan section 32.010, Required findings, for a Use Permit.
- D. Cannabis Operation Permit per Mono County Code Chapter 5.60; and
- E. Business License from the Mono County Tax Collector, as required by Mono County Code Chapter 5.04; and
- F. Cannabis business tax certificate.

A separate Use Permit is not needed. The Specific Plan includes a Use Permit equivalent with standards and findings, integrating the permit into this Specific Plan. Any future modifications or amendments requiring a use permit modification shall also require a Specific Plan Amendment.

### **C. Relationship of the Specific Plan to the General Plan**

The Mono County General Plan states that Specific Plans are intended to function as implementation mechanisms for the General Plan and establish goals, policies, implementation measures, development

standards, land use, and zoning for an area. A specific plan must be consistent with the General Plan and, once adopted, becomes a part of the General Plan.

Specific plans can be proposed by the Board of Supervisors or a private developer and become the presiding land use designation upon approval. The property owner proposed the project description and Mono County recommended preparation of the Apogee Farms Specific Plan; the proponent (property owner) is responsible for the costs of preparation, review, and project construction.

The Specific Plan land use designation (SP) 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 Specific Plan designation may also be applied to an area to provide direction for potentially conflicting or incompatible land uses. The designation may also be used to "plan for future land uses in the vicinity of, and access routes serving" surface mining operations (Public Resource Code § 2764).

Permitted uses will be determined by the Specific Plan in accordance with Government Code §65451 and applicable provisions of the Mono County General Plan, ordinances, and the Mono County Code. Development standards (e.g., building densities, site disturbance/lot coverage, setbacks, etc.) will be determined by the Specific Plan. Any details or issues not covered by the development guidelines or regulations of this Specific Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan, County Code, Grading Ordinances, and other adopted ordinances, codes or policies of the County.

The Mono County General Plan Land Use Element also contains policies specific to the Tri-Valley planning area. The specific plan and use permit findings in the adopting ordinance describe the project's consistency with area policies.

#### **D. Relationship between the Specific Plan and Mitigated Negative Declaration**

This Specific Plan has been prepared for Apogee Farms in compliance with the California Environmental Quality Act (CEQA). When considering a discretionary project which is not exempt from CEQA, such as this Plan, a Lead Agency must prepare an initial study to determine whether the project may have a significant adverse effect on the environment. If such an effect may occur, the Lead Agency must prepare an Environmental Impact Report (EIR). If there are no adverse effects, or if the potentially significant effect(s) can be reduced to a level that is less than significant through project revisions, a Negative Declaration (ND) or Mitigated Negative Declaration (MND) can be adopted (§21080). A MND is a type of Negative Declaration that allows the Lead Agency to revise the project through mitigation measures prior to circulating the environmental document for public review. The statute provides that MNDs may be used, "when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review will avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment" (§21064.5).

The prerequisites for adopting a MND include:

1. Making a good faith effort to determine whether there is substantial evidence that the project would result in any significant environmental effect.

2. Incorporating effective revisions or mitigation measures into the project to alleviate potential significant effects prior to circulating the draft Negative Declaration for public review.
3. Evidence in the record to support the agency's determination that there will be no significant effect as a result of the project.

California Government Code §65507 authorizes a legislative body to adopt an ordinance or resolution requiring that a Specific Plan be prepared when it is in the public interest to do so. Mono County has applied this authority to Specific Plans for outlying parcels, including the Apogee Farms site. As with General Plans, the Board of Supervisors must hold a public hearing before considering adoption of the Specific Plan.

The Mitigated Negative Declaration (SCH #2021050252) for the Apogee Farms Specific Plan contains a Mitigation, Monitoring, and Reporting Plan (MMRP) (Attachment A) that was adopted to mitigate potentially significant environmental impacts associated with implementation of this Specific Plan to a less than significant level. Mono County is responsible for monitoring and enforcement of the MMRP, unless another responsible agency is identified, to assure that all measures are implemented in a timely and effective manner. The County, or other identified responsible agency, is responsible for enforcement of the regulations contained in this Specific Plan. With the proposed mitigation measures, the MND concludes no potentially significant adverse environmental impacts result from the proposed project.

**E. Summary of Preparation Process & Document Availability**

The project application accepted for processing by the Land Development Technical Advisory Committee (LDTAC) on May 20, 2019, was for a General Plan Amendment land use designation change from Rural Residential to Agriculture, and a Conditional Use Permit for cannabis cultivation and distribution. Following acceptance, the County contracted for environmental services with Panorama Environmental, Inc. During the analysis of the project and evaluation of environmental impacts, a specific plan was deemed a more appropriate governing land use document in order to prevent unnecessary environmental impacts. The Specific Plan and Mitigated Negative Declaration are available for review at the Mono County Community Development office, 1290 Tavern Rd., Mammoth Lakes, CA 93546. It is also available online at <https://www.monocounty.ca.gov/planning/page/apogee-farms-specific-plan-and-mitigated-negative-declaration>. Documents are also available by contacting Michael Draper, Planning Analyst, at 760-924-1805 or [mdraper@mono.ca.gov](mailto:mdraper@mono.ca.gov). Hard copies are available for the cost of reproduction.

**F. Noticing and Public Comment**

Approval of specific plans and conditional use permits require a public hearing, noticed in conformance with state law. The project was noticed by first class mail to surrounding property owners within 300’ feet prior to the public hearing at the Planning Commission and Board of Supervisors meeting. Any amendments to this plan shall comply with all noticing requirements of the Mono County General Plan.

A General Plan Amendment requires publication once in a newspaper of general circulation, notice to any person who has filed a written request, notice by mail to property owners within 300’ of the projects, and notice to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services (including fire protection) to the project.

Noticing:

AB 52	June 12, 2020, and March 2, 2022
SB 18	June 12, 2020, and March 2, 2022

Notice of Preparation (NOP)	May 15, 2021
NOP submitted to the CA Office of Planning and Research, State Clearinghouse	May 14, 2021
Notice of Intent (NOI) to Adopt IS/MND submitted to CA Office of Planning and Research, State Clearinghouse	July 14, 2022
Mailed NOI notice to surrounding property owners	July 15, 2022
Newspaper notice published for NOI	July 16, 2022
Public hearing notice mailed to surrounding property owners	September 21, 2022
Newspaper notice published for public hearing	September 22, 2022

**G. Issues addressed in the Plan**

The Plan identifies the type of uses that may take place on the property and the development standards that apply. The Plan provides for commercial cannabis cultivation, processing and distribution while reducing impacts to cultural, biological, and hydrological resources of the property and preserving the area’s rural character.

**II. Location, Plan Purpose, Existing Uses**

**A. Project location**

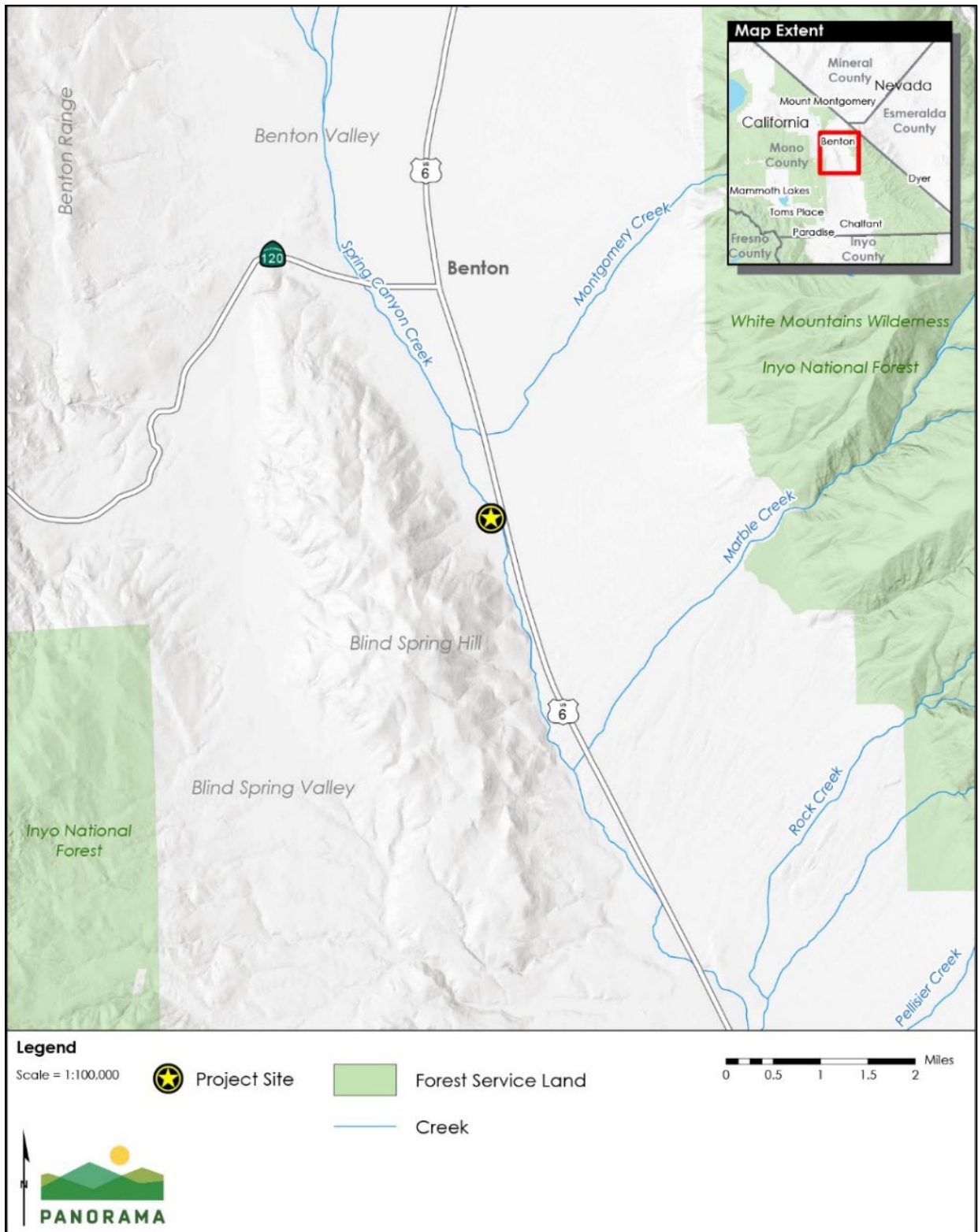
The Apogee Farms Specific Plan site is located in southeastern Mono County, California, as shown in Figure 1 below. The rural community of Benton is 2.5 miles to the north, and the city of Bishop is 32 miles south of the project site. The project site encompasses one 40.4-acre parcel (APN 025-020-013) and one 37.9-acre parcel (APN 025-040-002) west of US 6.

**Assessor’s Parcel Numbers (APNs):** 025-020-013, 025-040-002

**Address:** 23555 US 6, Benton, CA 93512

**Latitude, Longitude :** 37.784047, -118.468509

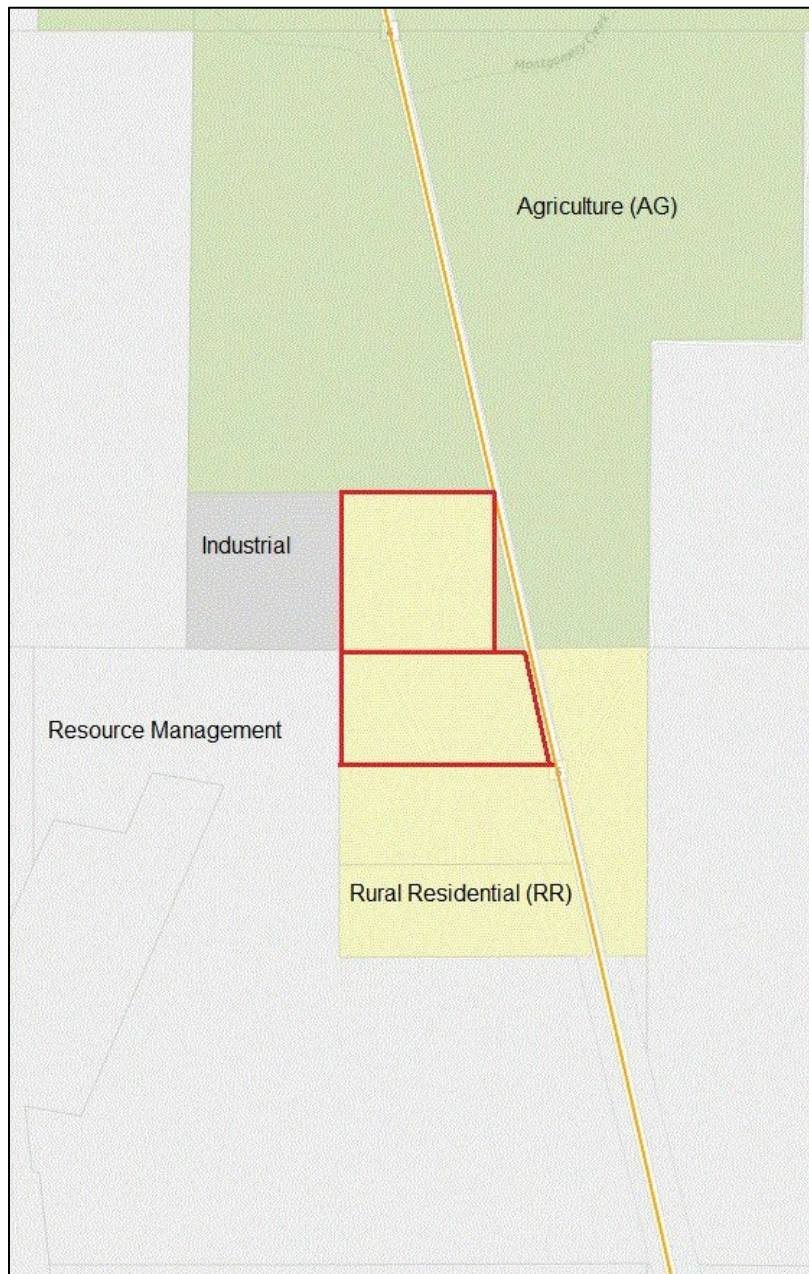
Figure 1. Regional location





Surrounding the project site are a mix of privately and publicly owned parcels with different land uses, see Figure 2 below. One 465.8-acre parcel divided by US 6 lies to the northwest, north, and northeast of the project parcel. The parcel is designated Agriculture (AG), is privately owned, and a portion of the property east of US 6 is used for agricultural production. Another 39.8-acre parcel to the east is designated Rural Residential (RR), privately owned, and undeveloped. South of the project is a 37.9-acre property, designated RR, and developed with a single-family dwelling. The parcel southwest and west of the project is 402.6 acres, owned by the Bureau of Land Management, designated Resource Management (RM), and is undeveloped. The other parcel west of the project site is 40.3 acres, designated Industrial (I), and developed with a residence

Figure 2. Surrounding properties' land use designation. Source: Mono County General Plan Map



## B. Specific Plan Purpose Statement

The primary objectives of the Plan are to:

- 1) Ensure the compatibility of the commercial cannabis operation site with adjacent land use designations; and
- 2) Regulate commercial cannabis cultivation, processing, and distribution of cannabis products in the County 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.

The purpose of these regulations is to provide for development of Apogee Farms in a manner that reflects the spirit and intention of the Mono County General Plan and commercial cannabis regulations. A central objective of these regulations is to provide for limited commercial cannabis activities on the property while protecting the resources of the area covered by the Plan.

## C. Existing Land Use Designation and Uses

### Existing Land Use Designation

The existing land use designation is Rural Residential – 40 acres. The Rural Residential designation is intended to permit larger-lot single-family dwelling units with ancillary rural uses in areas away from developed communities. Small-scale agriculture, including limited commercial agricultural activities, is permitted. The property may not be subdivided into less than 40-acre parcels.

### Existing Uses

The project site contains approximately 3,888 linear feet (0.74 miles) of dirt roads. Approximately 2,503 linear feet will be improved from US 6 to the operation. Existing structures are concentrated together in the southwest corner of APN 025-020-013. Existing structures include a shed, equipment pad for a well, equipment pad for a propane tank, a housing trailer, and a storage container (see Figures 3 & 4).

The existing housing trailer and storage container are currently unpermitted, and an illegal use based on the existing land use designation, see Table 1 below. The housing trailer is occupied by the property owner/applicant. The use of the trailer will be permitted as part of this Specific Plan and the storage container is required to comply with standards of General Plan, Chapter 11, Cargo Containers. No complaints have been filed against the property owner for the use.

Table 1. Existing Uses

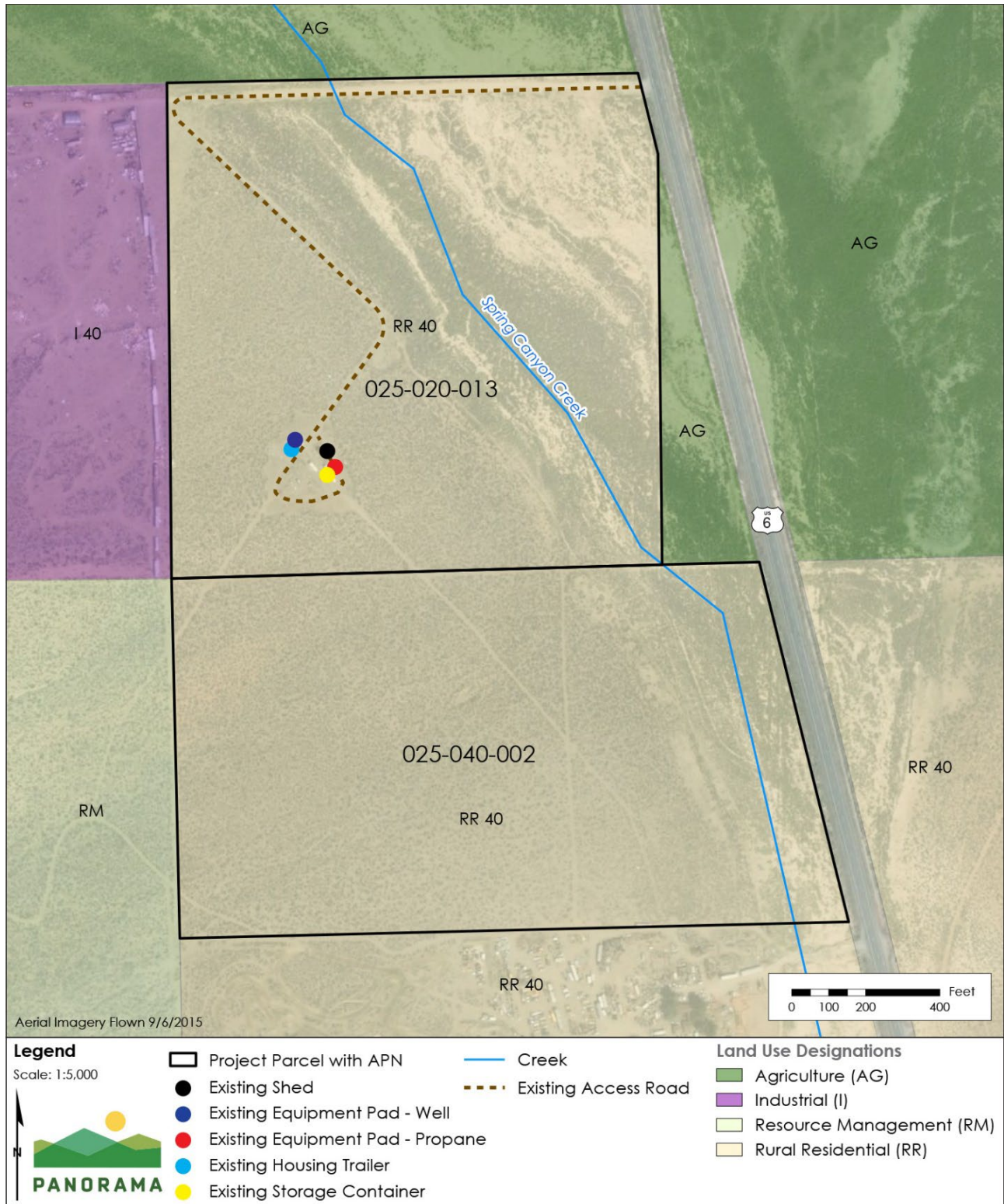
Facility Components	Footprint (square feet)	Dimensions
<b>Existing</b>		
Dirt Access Roads and Turnaround	36,604	10 feet x 2,982 feet 8 feet x 598 feet
Equipment Pads (Well and Propane Tank)	Well: 15.7 <sup>a</sup> Propane Tank: 5.7 <sup>a</sup>	--
Shed	194.6	--

Facility Components	Footprint (square feet)	Dimensions
Storage Container	320	8 feet x 40 feet
Housing Trailer	96	8 feet x 12 feet

Notes:

<sup>a</sup> Estimated based on site plans.

Figure 3. Existing site conditions.



### Existing Access

The project site is accessible via an unpaved access road that extends from US 6 to the west into the adjacent parcel, then extends south to the location for the proposed facilities in the southwestern corner of the project site, as shown in Figure 3 above. The east-west portion of the access road provides access to the neighboring property to the west. The access is recorded within Parcel Map 35-5 as a 60' wide easement that runs the length the parcel.

## **III. Project Description**

### **A. General Plan Amendment: Modification of Land Use Designation from RR to SP**

The Project will amend the land use designations of two parcels under the same ownership from Rural Residential – 40 to Specific Plan. The modification allows commercial cannabis activities, which are currently prohibited in residential land use designations. Additionally, commercial cannabis cultivation must be at least 300 feet from the property line of any neighboring parcel under a different land use designation (MCGP 13.080.A.2). The applicant will locate the operation in an area on the northern parcel (025-020-013) where there is existing ground disturbance. This area is approximately 165-feet from the southern parcel boundary, therefore the southern parcel under the same ownership is included in the designation change.

### **B. The Specific Plan Project Description and Development Standards**

See Section IV. Land Use Designation Regulatory Provisions.

### **C. Conditional Use Permit: Cannabis Operations**

#### *1. Commercial Cannabis Operations*

The project includes construction and operation of commercial cannabis cultivation, processing, and distribution. The applicant will cultivate cannabis outdoors and indoors and will process the raw material onsite to prepare it for wholesale distribution. Each activity requires approval of a Cannabis Operation Permit by the Board of Supervisors.

The project will be developed in three stages for financial purposes, as described in the section below. Cultivated cannabis will be processed onsite. Processing includes all activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products.

Once processed, product will be distributed by the applicant. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between licensees. Wholesale shipments are anticipated to take place monthly.

The applicant/property owner will live on site and be an on-site employee. One to two additional employees will be hired seasonally to assist with harvesting and processing.

## 2. Buildings and Structures

The northern plot is slated for development, as described. No development is proposed on the southern lot. Permitted uses identified in Section IV, below, will be allowed by right, but any other uses will need to be approved through a future Specific Plan Amendment.

Electricity to the project site shall be installed by the owners/applicants to serve the needs of development contained on each property. The applicant has requested overhead power lines be allowed to the cannabis project site and residential component. This is the preferred method for providing electricity to the site due to the existing environmental constraints.

The commercial cannabis facility includes a processing and distribution facility in the southeast portion of the north parcel, as shown in Figure 3, above.

Cultivation initially may be conducted indoors as well as outdoors but will be solely indoors after project buildout (phase 3). Potential cultivation phases are summarized in Table 2. No timeline is proposed for the phasing.

Table 2. Cultivation Phases

Phase	Number of Greenhouses	Indoor Cultivation Area (total square feet)	Outdoor Cultivation Area (square feet)	Total Cultivation Area (square feet)
1	1	2,880	5,760	8,640
2	2	5,760	2,880	8,640
3	3	8,640	--	8,640

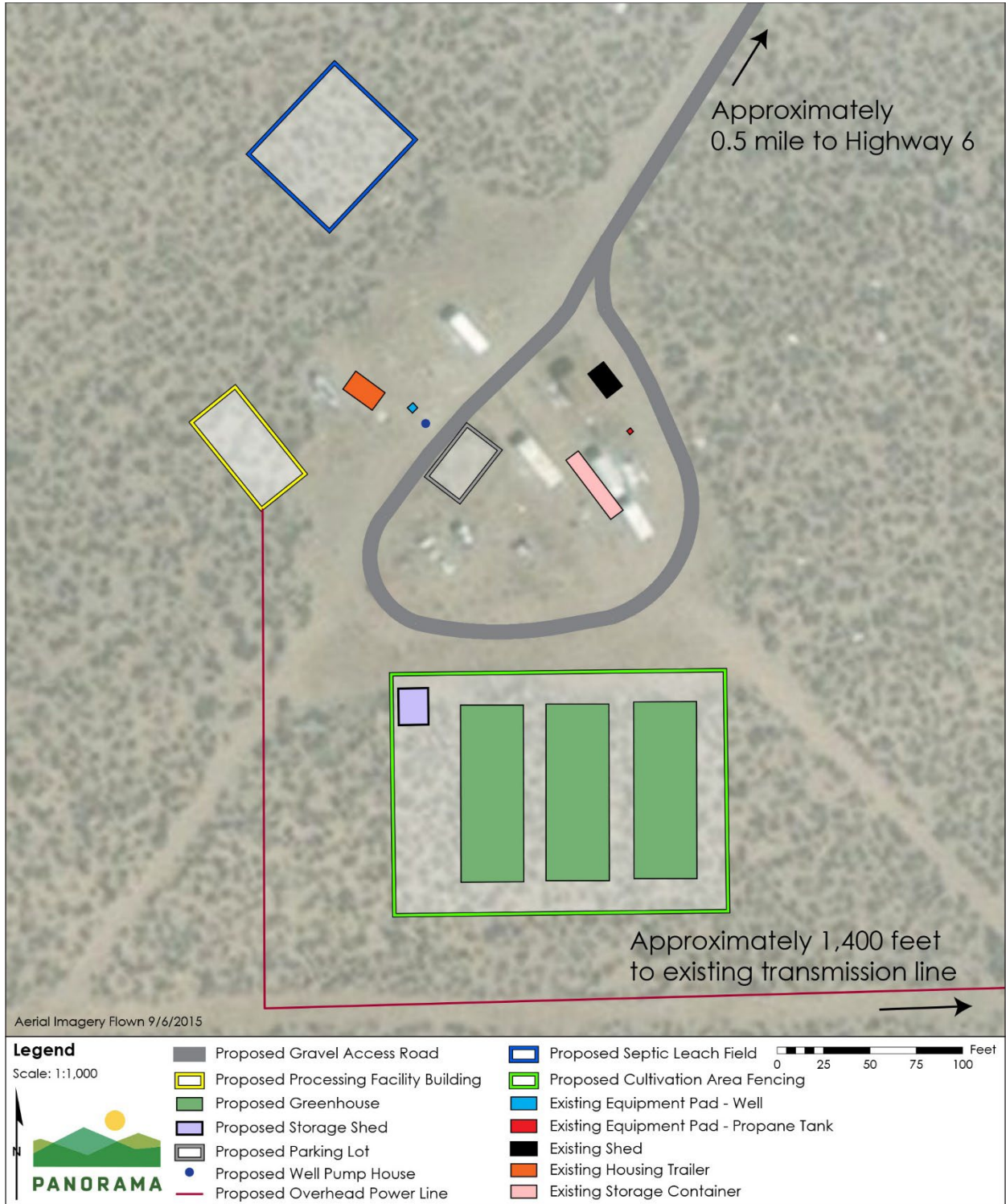
The project components and footprint of each component for full project buildout are summarized in Table 3 below. Existing equipment pads and access roads also are identified. The project will include a processing and distribution facility (referred to as the “processing facility”) for commercial cannabis manufacturing, processing, and distribution activities. Three greenhouses will be constructed southeast of the processing facility within the cultivation area either all at once or over the course of three project implementation phases. The greenhouses will be used for indoor cannabis cultivation. Air conditioning units will be used, if necessary, to lower temperatures in the greenhouses. Evaporative cooling walls will be built into the greenhouses to cut down on the amount of time for running individual air conditioning units. The greenhouse locations are shown in Figure 4. The greenhouse facility will be made of steel posts and beams, with clear plastic walls and ceilings. The total area of cultivation, whether all indoors or a mixture of indoors and outdoors, will occupy less than 10,000 square feet, within the fenced 23,400-square-foot cultivation area.

An approximately 320-square-foot storage shed will be constructed northwest of the greenhouses within the cultivation area. The storage shed will be constructed of treated wood or steel with insulation on a concrete foundation. Steel cladding and framing on commercial buildings will be brushed or treated so that the material would not create a new source of glare and of dark, earth tone colored. The storage shed will be used for storage of water tanks, fertilizers, and other materials related to cannabis cultivation.

Table 3. Facility Components

Facility Components	Footprint (square feet)	Dimensions
<b>Existing</b>		
Dirt Access Roads and Turnaround	36,604	10 feet x 2,982 feet 8 feet x 598 feet
Equipment Pads (Well and Propane Tank)	Well: 15.7 <sup>a</sup> Propane Tank: 5.7 <sup>a</sup>	--
Shed	195	--
Storage Container	320	8 feet x 40 feet
Trailer	96	8 feet x 12 feet
<b>Proposed</b>		
Graveling of Existing Access Roads and Turnaround <sup>b</sup>	59,640	20 feet x 2,982 feet
Processing Facility	1,800	30 feet x 60 feet
Greenhouses (Three)	8,640	30 feet x 96 feet
Storage House (Water Tank Enclosure)	320	16 feet x 20 feet
Well Pump House	32	4 feet x 8 feet
Cultivation Area Fencing	--	130 feet x 180 feet; 23,400 linear feet
Parking Space	500	2 parking spaces: 10 feet x 20 feet 1 handicap-accessible space: 15 feet x 20 feet
Septic System (1,000-gallon tank) (standard sizing for a three-bedroom residence)	3,920 <sup>a</sup>	Leach line <sup>c</sup> : 120 linear feet or two leach lines: 60 linear feet
Notes:		
<sup>a</sup> Estimated based on site plans.		
<sup>b</sup> The access roads and turnaround are existing, but the project will involve upgrades to the access road to meet County fire safety standards including use of aggregate and roadway expansion to provide two 10-foot traffic lanes.		
<sup>c</sup> The width of a standard leach line trench ranges from 18 to 36 inches (Mono County Health Department, 2020).		

Figure 4. Project Site Plan





### 3. *Roads and Parking*

The commercial and employee access to the project site is provided via an unpaved road, extending from US 6 along the northern boundary of the project parcel. The roadway is fenced and within an easement that supplies access to the parcel to the west. Vehicles will travel to the northwest corner and continue on the existing road through a gate in the fence that leads to the proposed cannabis facility site in the southwest corner. Gate entrances shall comply with MCGP Ch.22.110.K. Gates shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained and operational at all times.

The existing access roads and turnaround will be covered in gravel for internal access to the processing facility and cultivation area. The portion of the access roadway within the US 6 right-of-way will be paved to meet current California Department of Transportation (Caltrans) standards and encroachment permit requirements.

A gravel parking area will be on the east side of the processing facility and north side of the cultivation area. Three parking spaces, including one parking space that meets ADA-accessible standards, will be installed in the parking area, compliant with General Plan Chapter 6, Parking.

All project site access roads will be improved to comply with the regulations set forth in Chapter 22 of the County's General Plan, for fire safety and to provide adequate entry and egress for emergency vehicles. These improvements include constructing the access road to provide a minimum of two 10-foot traffic lanes, not including shoulder and striping. These access road lanes will be improved to provide for two-way traffic flow to support emergency vehicle and civilian egress. The access road will be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. Turnarounds and turn outs on the driveway and dead-end access road will be provided per the County standard at the time of a building permit.

### 4. *Lighting, Signage, and Fencing*

Project lighting consist of light-emitting diode (LED) greenhouse lighting and small LED lighting installed outside the processing facility and storage shed. Lighting in the greenhouses will be used only to extend the light cycle for vegging<sup>1</sup> cannabis plants when daylight hours are limited and not sufficient for the growing plants. Automatic curtains will be installed inside the greenhouses to prevent light leakage from dusk to dawn. Exterior lighting will consist of four motion sensor LED lights placed at each corner of the garden fence and one exterior light on the outside of drying/processing facility. All exterior lighting will be cast downwards and fully shielded in compliance with the County dark sky ordinance (MCGP Ch. 23). Further, LED light temperatures shall not exceed 3,000 K.

No signage will be installed as part of the project. A six-foot-tall chain link fence, with a lockable gate, will be installed around the cultivation area. The fencing will include a screening material in a dark, earth-toned color to act as a wind break and restrict visibility.

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<sup>1</sup> Vegging is the period when a cannabis plant is between a seedling/clone and flowering.

## 5. *Utilities*

### Water Supply and Use

Water shall be provided onsite with wells. The northern parcel contains a well for water use and two water holding tanks (2,600 gallons each) will be installed inside the storage shed. A pump house will be constructed adjacent to the existing on-site well.

Water for construction and operation will be sourced from the existing on-site well, subject to Environmental Health Department permitting and approval. Water will be used for dust control during construction, as specified by the local air pollution control district. Water will also be used for plant cultivation and domestic uses. Daily water usage is estimated to be 600 gallons per day during operation. The cannabis cultivators will maintain daily water use records for five years and make all records available for the State Water Resources Control Board (SWRCB) and California Department of Fish and Wildlife (CDFW) for review, per the Cannabis Cultivation Policy prepared by SWRCB (2019).

Groundwater use is subject to the jurisdiction of the Tri-Valley Groundwater Management District (TVGMD).

### Energy Supply

Power for the facility will be supplied by overhead power poles from US 6 to the operation's facilities, per MCGP 11 - Utilities. Overhead power lines are the preferred method of transmitting energy to the site due to the existing floodway along the east side of the property. Findings to approve overhead power are contained within Planning Commission Resolution 22-\_\_ and the adopting documents by the Board of Supervisors. Southern California Edison (SCE) will supply electric power to the project site, and a backup propane-powered generator will be used for emergency power.

The propane backup-power generator will be installed west of the processing facility. The generator will be required to comply any requirements of the California Department of Cannabis Control. A permit from the Great Basin Unified Air Pollution Control District (GBUAPCD) will be required if the propane generator exceeds 900 brake horsepower (bhp).

Figure 5. Overhead power line location.



### 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 fertilizers. Green waste will be composted on the project site not to exceed 100 cubic yards. Other solid waste and hazardous waste will be hauled to Benton Crossing Landfill County landfill or another disposal site.

Benton Crossing Landfill currently serves as the regional landfill for Mono County, and it is the only site in Mono County that accepts municipal solid wastes. Capacity at this landfill is expected to be adequate through 2023, after which the site will be closed. The cannabis facility will not generate a substantial volume of solid waste that could not be accommodated at Benton Crossing Landfill, based on the small volume of waste that will be generated from the cannabis facility. Pumice Valley Landfill will be available for solid waste disposal after the Benton Crossing Landfill ceases operation in 2023. Pumice Valley Landfill has a remaining capacity of 358,790 cubic yards and is expected to be operational until 2048. As indicated in the fee summaries of Benton Crossing Landfill and Pumice Valley Landfill, both landfill sites accept hazardous waste, including paints, pesticides, and cleaning products. All project-related waste will be disposed at permitted solid waste facilities and in accordance with local and State regulations.

### Wastewater and Sewage

The sources of wastewater will include excess irrigation, domestic uses, and a reverse osmosis (RO) filtration reject stream. Wastewater from excess irrigation will be reclaimed by running it through the RO

system and re-using the filtered water for operation. A minimal amount of water will be rejected as part of the RO system. The rejected water and domestic uses wastewater will be discharged to a septic system.

The project facility will be equipped with a 1,000-gallon septic tank and a leach line for effluent and discharge wastewater. The project applicant has contacted the Mono County Department of Environmental Health about septic regulations and will comply with requirements set forth by the County to ensure the approval of a septic permit. The cannabis effluent will also need to comply with the requirements of the SWRCB Cannabis Cultivation General Order.

## *6. Construction*

The proposed sewer and energy supply infrastructure will be constructed on the project site before grading activities. Up to 0.5 acre of the site will be graded. The total disturbance area will be up to 1.33 acres. All excavated and graded material will be balanced on the project site. After completion of grading, the processing facility, storage shed and cultivation area will be constructed. Gravel will be laid on the existing internal access routes and parking area.

Project construction for Phase 1 will occur over approximately 6 to 8 months, starting in 2022 at the earliest, with the longer duration anticipated if all three greenhouses are completed via phased construction. There is currently no timeframe required for completing Phases 2 and 3. A maximum crew size of four workers will be required during construction. A maximum of eight one-way vehicle trips by construction equipment and vehicles will occur daily during construction. Water will be sourced from the on-site well for dust control. The power line, well pump house, and wastewater system will be installed first. The processing facility, cultivation area footprint, and adjacent areas then will be graded to create a flat building surface. Following the grading activity, the processing facility and at least one greenhouse, and the storage shed will be constructed. The greenhouses may be constructed over the course of three project phases, with one greenhouse constructed during each phase. Perimeter fencing will be installed around the footprint of the cultivation area. Imported gravel will be spread on the unpaved roads and turnaround.

## *7. Facility Operation*

Facility operations will include cannabis cultivation, processing, and distribution. No daily use of heavy equipment is anticipated during facility operation.

### Cultivation

Cannabis cultivation will include mother plant cloning and outdoor, indoor cultivation. Mother plants will be kept and cut in the processing facility. The cuttings will be transported to the greenhouses, or outdoor cultivation areas for replanting. Each greenhouse may grow up to 2,200 plants, and up to 15,000 plants could be on site, including clones and mother plants when all three greenhouses are in full operation.

### Manufacturing and Distribution

The mature plants then will be taken to the processing facility for processing. The processing facility will house all drying, curing, grading, trimming, rolling, storing, packaging and labeling activities. Water tanks, fertilizers, and equipment needed for cultivation will be stored in the storage shed house in the northwest corner of the cultivation area.

### Odor Management

Greenhouses will be equipped with a ventilation system to control odors, humidity, and mold in accordance with Mono County Code. Each greenhouse will contain two exhaust vents for a total of six exhaust vents with three greenhouses. Each exhaust vent will contain a Cannabuster™, iodine mister, or similar system. The mister will only be used during times of flowering and harvesting, if necessary.

Odor generated by the temporary outdoor cultivation sites will rely on distances from, and the small numbers of, sensitive receptors to prevent significant odor impacts. The project vicinity is sparsely populated; the nearest sensitive receptor is an off-site residence located 1,500 feet from the project site. An estimated four residences are located within one mile of the facility and 39 residences are located within two miles of the facility. The residences within two miles of the facility will be expected to house 113 individuals assuming an average household size of 2.91 individuals consistent with the demographics of the census tract. The individuals within two miles of the project site represent approximately three percent of the census tract and 0.79 percent of the County population, which represents a very low number of people that may be potentially affected by odor from the project.

### Personnel

One person who currently lives on the project site in a portable trailer will live on site and be an on-site employee at the cannabis facility. The applicant has stated that one to two additional employees will be hired seasonally during harvests.

### Traffic Generation

Employees will generate an average of four one-way trips a day, Monday through Friday. Cannabis wholesale distribution during harvest will necessitate up to three roundtrips per month.

## **D. Planning Area Information and Environmental Description**

The environmental setting is comprehensively covered in more detail in the Mitigated Negative Declaration.

### *1. Fault Lines*

There are no fault lines on the project site. The nearest fault line is within the Blind Spring Hills directly west and approximately one mile away. The fault is categorized by the California Department of Conservation as a Pre-Quaternary Fault, meaning it occurred before 1.6 million years ago. The project and future development will not take place within a fault line hazard area.

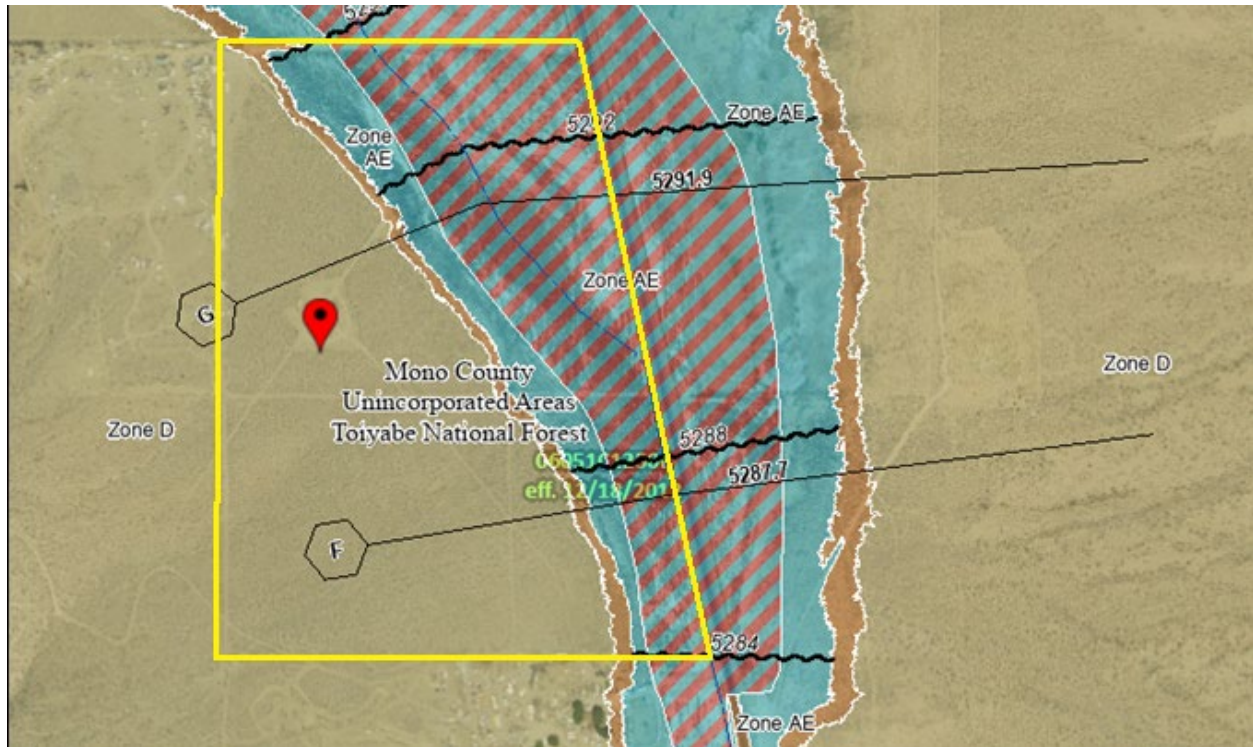
### *2. Floodplain*

Federal Emergency Management Agency's (FEMA) flood maps, known as Flood Insurance Rate Maps (FIRMs), identify areas of flood hazard, which are labeled on the flood map as zones starting with the letters A and V for high-hazard areas known as Special Flood Hazard Areas or SFHAs. Areas with a potentially moderate-to-high risk of flooding, but the probability has not been determined, are labeled Zone D on the flood maps.

A portion of the properties are within the FEMA category Special Flood Hazard Area "Zone AE" (see Figure 6 below). The remaining portion of the property is categorized as Zone D. To avoid flood risk, development

of the parcels will occur outside the Special Flood Hazard Areas, entirely within Zone D. In Zone D there are no mandatory flood insurance requirements or minimum building requirements by FEMA. However, Zone D indicates that there is a risk of flooding, the level of risk is just unknown. All future construction shall be reviewed by Mono County at the building permit stage for compliance with FEMA floodplain requirements.

Figure 6. FEMA Flood Plain map. Source: <https://msc.fema.gov/portal/home>



### 3. *Vegetation Characteristics and Habitat*

Existing vegetation is dominated by the mixed desert scrub type, transitioning between the saltbush scrub of the valley floor and the more mesic big sagebrush sites of the upper alluvial fans.

A reconnaissance-level survey of the 80-acre project site was conducted in November 2019 by biologist Russell Kokx. The reconnaissance survey documented the environmental settings, including vegetative communities, soils, elevations, habitats, and conditions. This survey was conducted to evaluate the potential for special-status species to occur. Biological database searches, including U.S. Fish and Wildlife Service (USFWS), California Natural Diversity Database (CNDDDB), California Native Plant Society, and National Wetland Inventory, for the project vicinity were conducted in May 2019.

Mr. Kokx conducted focused botanical surveys of the project site on May 28 and June 17, 2020. Surveys were conducted during optimal conditions to determine whether special status plant species or their habitats were present in the project site.

The on-site vegetation communities indicate that no wetland vegetation is present in the project site. No wetlands were observed on site during the reconnaissance-level survey conducted for the project. Therefore, no wetlands are on the project site. Per the National Wetland inventory, the project site

contains 0.94 linear miles of Riverine habitat (0.4 miles of Spring Canyon Creek, 0.42 miles of Montgomery Creek, and 0.12 miles of an unnamed stream). The riverine habitat is ephemeral.

A special-status plant survey was conducted a part of the CEQA Initial Study to evaluate whether the project will impact any populations of special-status plants. The results revealed that no special-status plant species or wetlands are present within the Apogee Farms building area. The Apogee Farms Project and General Plan Amendment will have no impact on special-status plant species or wetlands. No additional mitigation is recommended to address rare or special-status species (see Appendix C of the CEQA IS/MND, "Rare Plant Survey Report").

#### **4. Cultural Resources**

A cultural resources study of the property was completed by a qualified archeologist and a part of the Initial Study. 13 cultural resources were identified within a one mile radius of the project's parcel boundaries. Considering the kinds and frequency of cultural resources surrounding the parcels, however, it is likely that one or more small prehistoric sites (small camps or stone working areas) and/or historic refuse deposits (related to mining or transportation work) exist within the Apogee Farms acreage. Additional research identified four other cultural resources studies within one mile of the site.

Eleven of the cultural resources are archaeological sites, nine of which are in the project site. The other two resources are isolated artifacts. Nine of the identified cultural resources are within the two project parcels, but none of the resources are in the cannabis facility site.

Mitigation Measure CUL-1 requires a qualified archaeologist approved by the County to be on-site to monitor all ground disturbing construction activities within 50 feet of any known cultural resource. If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt, the County shall be notified, and the discovery shall be evaluated in accordance with the requirements of Mitigation Measure CUL-2, Inadvertent Discovery of Archaeological Resources, see Section 3.6 of the Initial Study/Mitigated Negative Declaration.

## **IV. Land Use Designation Regulatory Provisions**

Terms used in this Specific Plan shall have the same definition as given in the Mono County General Plan, unless specified otherwise herein. If any portion of these regulations is declared by judicial review to be invalid in whole or in part, such decision shall not affect the validity of the remaining portions.

### **A. Intent**

The "SP" 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 Specific Plan designation may also be applied to an area to provide direction for potentially conflicting or incompatible land uses. The designation may also be used to "plan for future land uses in the vicinity of, and access routes serving" surface mining operations (Public Resource Code § 2764).

## **B. Permitted Land Uses**

Permitted uses will be determined by the Specific Plan in accordance with Government Code §65451, applicable provisions of the Mono County General Plan, the Land Development Regulations, and the Mono County Code.

## **C. Permitted uses include:**

- Single-family dwelling
- Accessory buildings and uses (incidental to any of the permitted uses, permitted only when located on same lot and constructed simultaneously with or subsequent to the main building).
- Animals and pets consistent with RR allowances (see Animal Standards Section 04.270).
- Manufactured home used as single-family dwelling provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16), or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile Homes and RV Parks)
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Farm labor housing for workers employed at the project site
- Home occupations (as prescribed in Section 04.290)
- Non-commercial composting facilities where the operation does not create a nuisance problem and has less than 100 cubic yards of material on site at any given time.

### Uses subject to a Director Review Permit.

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

### Uses permitted subject to a Specific Plan Amendment and Use Permit Equivalent include:

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

## **D. Development standards**

Development standards (e.g., building densities, site disturbance/lot coverage, setbacks, etc.) will be determined by the Specific Plan in accordance with Government Code §65451, applicable provisions of the Mono County General Plan, the Land Development Regulations, and the Mono County Code.

- 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'.



**E. Projects exempt from additional environmental documentation.**

Permitted uses listed within the Plan shall be allowed without additional environmental documentation and approved by the Community Development Director if no change in density and no change in conditions are necessary. Minor alternations to the Plan involving no expansion of square footage or intensification of uses are subject to a Director Review Permit.

Any uses not listed are not permissible unless a Specific Plan Amendment is approved with the appropriate accompanying environmental documentation.

**F. Regulations and Ordinances implementing the Plan.**

Approval of the General Plan Amendment and Specific Plan requires a public hearing and recommendation from the Mono County Planning Commission, followed by approval by the Board of Supervisors at a public hearing.

Implementing permitted uses as described by the Plan require nondiscretionary building permits, as applicable.

Any details or issues not covered by the development guidelines or regulations of this Specific Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan, County Code, Grading Ordinances, and other adopted ordinances, codes or policies of the County. Construction shall comply with all applicable provisions of the California Building Code and the mechanical, electrical, plumbing and other codes related thereto as administered by Mono County and other agencies with jurisdiction over the project.

**G. Financing measures necessary for implementation**

Financing the Project is the responsibility of the owners/applicants.

**V. Specific Plan Policies and Implementation Measures**

**A. Land Use**

**Goal 1. Provide for development and commercial cannabis activities consistent with the intent of the General Plan that minimizes environmental and community impacts.**

Implementation measure 1.a. The regulations require site design and site planning standards consistent with Mono County policies governing development, the protection of natural resources, and community character in the Benton area.

Implementation measure 1.b. The development standards herein shall regulate all development at Apogee Farms. In case of a conflict between this Specific Plan and the Mono County General Plan, the General Plan shall prevail.

Implementation measure 1.c. Any details or issues not covered by the development guidelines or regulations of this Specific Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan, County Code, Grading Ordinances, and other adopted ordinances, codes or policies of the County.

Implementation measure 1.d. Project implementation shall substantially comply with the approved site plan and specific plan standards. No alternative development standards shall be permitted unless such standards are approved via mechanisms described in this Plan.

Implementation measure 1.e. Project shall comply with standards and requirements of General Plan Chapter 13 – Commercial Cannabis Activities, and Mono County Code Chapter 5.60.

**Goal 2. Provide for residential development with ancillary uses.**

Implementation measure 2.a. A residential unit, accessory dwelling units, and associated ancillary uses, sited outside of cultural and biologically sensitive area, are permitted outright subject to only a building permit.

**B. Odor**

**Goal 3. Prevent significant odor impacts to a substantial number of people in the Tri-Valley planning area.**

Implementation measure 3.a. The applicant shall post signs on the road at the property line that provide a project contact phone number in the case of nuisance odors. The applicant shall report any complaints of nuisance odors to the County within 72 hours of the complaint. If complaints are received by the County or applicant about the outdoor grow, the odor impact shall be evaluated and more outdoor cultivation may be required to transfer indoors in the next growing season.

Implementation measure 3.b. If complaints are received about the indoor grow, the odor impact and the effectiveness of the odor filtration system shall be evaluated. The odor filtration system may be required to be modified or replaced to reduce odor.

**C. Aesthetics**

**Goal 4. Maintain the agricultural, rural, and open space aesthetic character of the Tri-Valley.**

Implementation measure 4.a. Outdoor lighting shall comply with General Plan Land Use Element Chapter 23 and, in addition, be fully shielded and downward directed, with LED lighting temperature not to exceed 3000K.

Implementation measure 4.b. Exterior colors shall be dark earth-tone colors with non-reflective surfaces.

**D. Safety**

**Goal 5. Provide for general safety and reduction of hazardous conditions.**

Implementation measure 5.a. Construction is subject to a Mono County building permit.

Implementation measure 5.b. The project is subject to state fire safety standards and General Plan Land Use Element Chapter 22 at the time of building permit application submittal.

Implementation measure 5.c. Any structure in the floodplain shall comply with applicable State, Federal, and Mono County requirements.

#### **E. Biological and Cultural Resources**

**Goal 6. Protect the biological and cultural resources of the Tri-Valley.**

Implementation measure 6.a. Comply with the mitigation measures identified in the Mitigated Negative Declaration for the project.

#### **F. Minor Modifications**

**Goal 7. Provide reasonable flexibility for unforeseen circumstances that may improve the safety or operations of the project or reduce impacts.**

Implementation measure 7.a. A minor modification not involving expansion of square footage or intensification of uses subject to Use Permit may be approved via a Director Review permit provided the standards and findings can be made and the project is exempt from the California Environmental Quality Act. All other modifications shall require an amendment to this Specific Plan.

#### **G. Compliance with Requirements of Other County Departments**

**Goal 8. Provide consistency with the rules and regulations of Mono County departments.**

Implementation measure 8.a. Project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff's office, Building Division, and Environmental Health.

#### **H. Revocation and Termination**

**Goal 9. Ensure compliance with the requirements of this Specific Plan and Use Permit.**

Implementation measure 9.a. Revocation: The Planning Commission may revoke the rights granted by a use permit or Specific Plan, 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 Specific Plan or the violation by the owner or tenant of any provision pertaining to the premises for which such uses were 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.

Implementation measure 9.b. Termination: The Specific Plan 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:

- 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 or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
- There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
- No extension is granted as provided in Section 32.070.

## **Conditions of Approval**

### **For the Use Permit Equivalent for Cannabis Activities**

1. Existing unpermitted uses on the project shall be permitted in compliance with the Mono County General Plan and Mono County Code.
2. Approval of the project is conditioned on final approval by the Board of Supervisors at a future meeting. No entitlements of this permit shall be valid until a determination is made by the Board of Supervisors.
3. All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
4. Project shall comply with Chapter 13, Cannabis Regulations.
5. 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.
6. The project shall be in substantial compliance with the project description and the site plan of the staff report and Mitigated Negative Declaration.
7. Applicant must maintain active business license and tax certificate requirements.
8. 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).
9. Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
10. Termination: Commercial cannabis activity authorization 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 Apogee Farm Specific Plan 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 or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
  - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
  - C. No extension is granted as provided below.
11. Extensions. If there is a failure to exercise the commercial cannabis activity rights of the 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 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.

12. Revocation. The Commission may revoke the commercial cannabis activity rights granted and the property affected thereby shall be subject to all of the provisions and regulations of the Apogee Farm Specific Plan 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 permit or the violation by the owner or tenant of any provision pertaining to the premises for which such 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.