

**NOTICE OF PREPARATION
OF A FOCUSED ENVIRONMENTAL IMPACT REPORT
FOR THE APOGEE FARMS GENERAL PLAN AMENDMENT
AND CANNABIS FACILITY PROJECT**



**LEAD AGENCY: Mono County Community Development Department
ADDRESS: P.O. Box 347 Mammoth Lakes, California 93546
COUNTY CONTACT: Michael Draper 760.924.1805**

NOP ISSUED: May 15, 2021

NOP COMMENTS DUE BY: June 14, 2021

SCOPING MEETING: June 1, 2021 ♦ 4:30-6:00 pm ♦ Web-based Meeting

A. NOP CONTENTS

This Notice of Preparation (NOP) contains a section addressing the proposed project and forthcoming Focused Environmental Impact Report (Focused EIR). Table 1 below outlines the NOP contents and sections.

Table 1 NOTICE OF PREPARATION CONTENTS

- A. Purpose of Notice
- B. Public Access and Participation
- C. Public Scoping Meeting
- D. Project Information
- E. Project Location
- F. NOP Response Procedure
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- H. Responsible Agencies & Approvals
- I. Alternatives and Cumulative Effects
- J. Environmental Effects

A. PURPOSE OF NOTICE

As Lead Agency, the Mono County Community Development Department ("the County") is planning to prepare a Focused EIR to analyze potential environmental

impacts associated with the proposed Apogee Farms General Plan Amendment and Cannabis Facility Project (project). The County has prepared an Initial Study (IS) to 1) review the discussion of environmental effects in the Mono County 2015 General Plan EIR to determine their adequacy for the project (California Environmental Quality Act [CEQA] Guidelines Section 15178(b), (c)); and 2) identify any potential new or additional project-specific significant environmental effects that were not analyzed in the 2015 General Plan EIR and any mitigation measures or alternatives that may avoid or mitigate the identified effects, if any, to a level of insignificance. The IS has identified the potential for significant environmental effects in certain resources areas; therefore, the County determined to prepare a Focused EIR for the project to satisfy the requirements of the CEQA (Public Resources Code §§ 21000 *et seq.*).

Consistent with CEQA Section 15082, the County has prepared this NOP to invite your comments on the scope and content of environmental information to be provided in the forthcoming Focused EIR. CEQA Section 15082 requires that the NOP be sent out as soon as the Lead Agency determines that an EIR is required. The purpose of the NOP is to notify agencies, organizations, and individuals that an EIR will be prepared, and to request input on the scope of the environmental analyses to be provided.

Specifically, the County is requesting comments from interested agencies, organizations, and individuals on the following aspects of the project:

- ▶ **Permits and Approvals:** Applicable permits and approvals that may be required from your agency and environmental review requirements associated with those approvals (please see NOP Section H);
- ▶ **Significant Issues and Thresholds of Significance:** Potentially significant effects to be examined and Significance Thresholds that should be used;
- ▶ **Alternatives:** Alternatives to the project that merit evaluation in the forthcoming Focused EIR (please see discussion in NOP Section I);
- ▶ **Related Projects:** Related projects or actions that should be considered in assessing cumulative effects;
- ▶ **Reference Materials:** Reference materials to review

for baseline conditions, evaluating impacts, and mitigation.

B. PUBLIC ACCESS & PARTICIPATION

To optimize public access, the County will post project documents (e.g., the Initial Study Checklist) on the County website for review and download at <https://www.monocounty.ca.gov/planning/page/projects-under-review>. Hard-bound copies of project documents can also be obtained for a nominal charge to cover reproduction costs by contacting the Mono County Community Development Department (760.924.1800 or commdev@mono.ca.gov). Agency and public comments and questions are welcomed throughout the environmental review process.

C. PUBLIC SCOPING MEETING

The County will hold a scoping meeting for this Focused EIR on June 1, 2021 from 4:30-6:00 pm remotely (web-based) due to COVID-19 (as allowable by Executive Order N-25-20).

Link:

<https://monocounty.zoom.us/j/97708919578?pwd=Y29mNnNoSkNtUWN0RTZwN1hIWWFoZz09>

Meeting ID: 977 0891 9578

Password: 02889

Phone Number: 1-669-900-6833

The scoping meeting will include a brief presentation about the project and CEQA review process, and participants will be encouraged to share suggestions and comments regarding scope and focus of the forthcoming Focused EIR.

D. PROJECT INFORMATION

The applicant, Apogee Farms, Inc., filed applications for a Mono County General Plan Amendment, Conditional Use Permit, and a Cannabis Operations Permit. The project first requires a General Plan Amendment to change the land use designation of two parcels (totaling 78.45 acres of land) from Rural Residential to Agriculture and then a Conditional Use Permit plus Cannabis Operations Permit to allow for indoor, mixed-light commercial cannabis cultivation of 8,640 square feet, and whole-sale distribution operations.

The project site is located approximately 2.5 miles south of Benton and west of Highway 6. The south property, APN 025-040-002, is undeveloped other than existing dirt roads crossing the property. No development is proposed for this property at this time.

The north property, APN 025-020-013, will contain the cannabis operation. Currently the property contains a well head on a concrete pad, shed, propane tank on a concrete pad, closed mine shaft, a 40-foot-long storage container, a concrete trailer pad, and dirt roads. The applicant has made no improvements since obtaining ownership. Proposed development includes improving the dirt access road to current driveway standards, development of two standard and one handicap parking spaces, a 320 square-foot storage house for septic system and water tank, a 32-square-foot well pump house, construction of three 2,880-square-foot green-houses, and construction of a 1,800-square-foot processing facility building.

The proposed General Plan Amendment would change the designated land use of the project parcels to Agriculture, which would allow new uses and activities on the project site consistent with the permitted uses for Agriculture, as defined in the Mono County 2015 General Plan (2015 General Plan).

Activities related to commercial cannabis cultivation and distribution are not allowed under the existing Rural Residential land use designation but are allowed with a Conditional Use Permit under the Agriculture land use designation.

A General Plan Amendment is required to revise the land use designation of the project site to a use that allows commercial cannabis cultivation and distribution activities. Table 2 outlines the permitted uses allowed under the existing Rural Residential land use and the proposed Agriculture land use. The Focused EIR will include focused evaluation of the effects of the allowed uses under the General Plan Amendment compared to existing conditions and the Rural Residential land use designation (Environmental Planning and Information Council v. County of El Dorado (1982) 131 Cal.App.3d 354; see also CEQA Guidelines Section 15125(e)).

The approval of the General Plan Amendment and proposed cannabis facility constitutes a project that is subject to review under CEQA 1970 (Public Resources Code, §§21000 et seq.), and the State CEQA Guidelines (California Code of Regulations, §§15000 et. seq.).

Table 2. PERMITTED USES UNDER THE EXISTING AND PROPOSED LAND USES

Rural Residential (RR-40) – Existing Land Use	Agriculture (AG-40) – Proposed Land Use
<ul style="list-style-type: none"> • Single-family dwelling • Small-scale agriculture • Accessory buildings and uses • Animals and pets • Home occupations • Manufactured home used as single-family dwelling • Accessory Dwelling Unit (ADU) • Transitional and Supportive Housing • Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act 	<ul style="list-style-type: none"> • Agricultural uses, provided that such uses are proposed in conjunction with a bona fide agricultural operation, except those requiring a use permit • 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 • Single-family dwelling • Manufactured home used as a single-family dwelling • Accessory buildings and uses • Farm labor housing • Stands for sale of agricultural products grown on the premises • Animals and pets • Home occupations • Fisheries and game preserves • ADU

Note: **Bold** AG-40 uses are those uses that differ from the RR-40.

E. PROJECT LOCATION

The project site is located at 23555 Highway 6, approximately 2.5 miles south of the townsite of Benton. Exhibit 1 depicts the regional and local project vicinity, Exhibit 2 shows the existing conditions of the project site, and Exhibit 3 shows the proposed layout of the cannabis facility.

F. NOP RESPONSE PROCEDURE

Provide scoping comments by June 9, 2021 at 5:00 pm. Please include the name and telephone number of a contact person if follow up questions arise, and send your response to this NOP by e-mail, fax, or mail to:

**Mono County c/o Michael Draper
P.O. BOX 347, Mammoth Lakes,
California 93546
Tel: 760.924.1805 Fax: 760.924.1801**

e-Mail: mdraper@mono.ca.gov

G. RESPONSIBLE AGENCIES & APPROVALS

LEAD AGENCY: Mono County is the designated Lead Agency for the project. In order to implement the project, the County will be required to certify that the Final Focused EIR has been prepared in compliance with CEQA and approve the Mitigation, Monitoring, and Reporting Program.

RESPONSIBLE AGENCIES: In addition to the Lead Agency project approvals described above, other public agencies may require separate permits and approvals before the project can be implemented.

Table 3 provides a preliminary outline of discretionary approvals and actions associated with the project.

If any agency has additional jurisdiction or approval authority over lands and/or actions that may be impacted by the

forthcoming Focused EIR, please submit a comment specifying the agency authority.

Table 3 LEAD, RESPONSIBLE & TRUSTEE AGENCIES

LEAD AGENCY:

Mono County Community Development Department

- Certification of the Focused EIR
- Adoption of the Mitigation Program
- Approval of Conditional Use Permit
- Approval of Operations Permit

RESPONSIBLE AGENCIES:

Mono County Department of Environmental Health

- Approval of Septic Permit
- State Water Resources Control Board
- Approval of NPDES General Storm Water Permit
 - Review of Stormwater Pollution Prevention Program
- California Department of Food and Agriculture (CDFA)
- CalCannabis Cultivation division approval of State License

TRUSTEE AGENCIES:

California Department of Fish and Wildlife

- Focused EIR review and comment on botanical and wildlife resources in the project area

Office of Historic Preservation

- Focused EIR review and comment on historical resources in the project area

Native American Heritage Commission

- Focused EIR review and comment on tribal cultural resources in the project area

DISCRETIONARY ACTIONS: A key step in the initial environmental review is to delineate between activities and land uses that were approved in the Mono County 2015 General Plan EIR and the project elements that are subject to discretionary

approval. Table 4 provides a preliminary outline of the approved land uses and proposed project elements. Only the proposed project elements (shown in the right-most column) are subject to discretionary action as part of the project.

Table 4. EXISTING, APPROVED & PROPOSED LAND USES AND ACREAGES

PARCEL	ACREAGE	EXISTING LAND USES	LAND USES APPROVED in 2015 EIR	LAND USES NOW PROPOSED	NEW DISCRETIONARY ACTIONS
1	40.20	Undeveloped	Rural Residential-40	<ul style="list-style-type: none"> • Agriculture • Commercial Cannabis Operations 	<ul style="list-style-type: none"> • Land Use Designation Change to Agriculture (AG) • Conditional Use Permit for Commercial Cannabis Cultivation & Distribution Operations Permit
2	38.25	Undeveloped	Rural Residential-40	<ul style="list-style-type: none"> • None at this time 	<ul style="list-style-type: none"> • Land Use Designation Change to Agriculture (AG)

H. ALTERNATIVES & CUMULATIVE EFFECTS

The purpose of alternatives is to identify feasible ways to avoid or reduce significant impacts identified in the environmental review while meeting basic project objectives. The range of alternatives will therefore depend on findings in the Focused EIR, but at a minimum the Focused EIR will consider the mandatory 'No Project' alternative. Cumulative effects are defined as impacts that are created as a result of the project evaluated in the EIR together with other projects causing related impacts. The cumulative analysis relies heavily on the identification of other closely related past, present, and reasonably foreseeable probable future projects.

You are invited to comment on the range of alternatives and on the list of projects to be analyzed in the cumulative analysis.

I. ENVIRONMENTAL EFFECTS

The County prepared an Initial Study checklist, pursuant to CEQA, to determine whether, based on substantial evidence, the adoption and implementation of the project may have a significant adverse effect on the environment.

Based on the analysis in the Initial Study checklist, the County will prepare a Focused EIR to evaluate potentially significant environmental effects of the project. The environment review in the Focused EIR will focus on the topics for which potentially significant impacts may occur as a

consequence of the project. The topics are listed below:

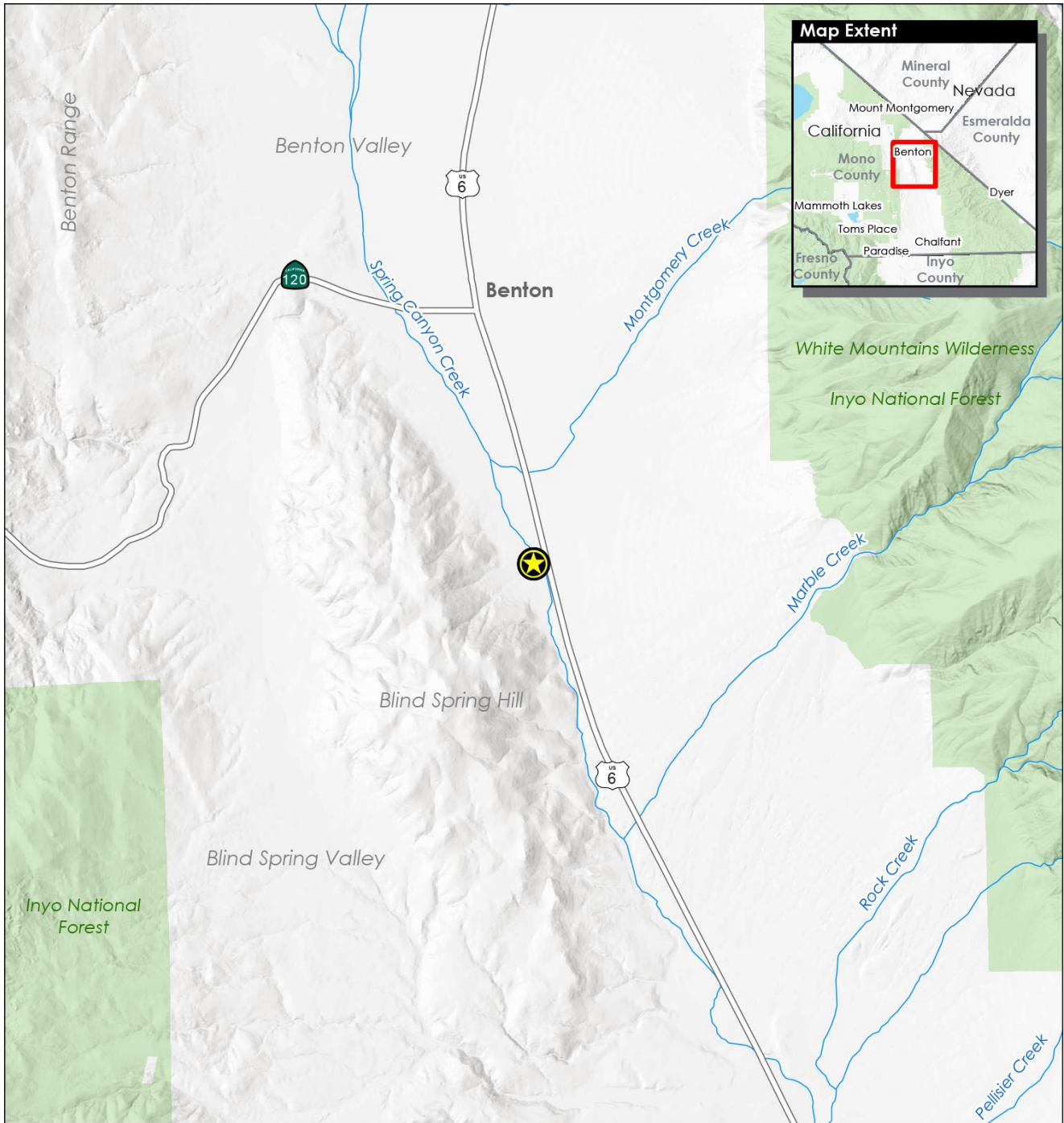
- ❑ **Air Quality and Greenhouse Gas Emissions:** Permitted uses allowable under the Agriculture land use designation could result in generation of significant air quality and greenhouse gas emissions that could impact the environment. The Focused EIR will evaluate the potential significant air quality and greenhouse gas emission impacts that could result from project implementation.
- ❑ **Cultural and Tribal Cultural Resources:** Allowable uses under the Agriculture land use designation could damage or destroy known or previously unknown cultural resources during ground disturbance and excavation. The Focused EIR will assess the potential effects of the project on cultural resources, including archaeological and tribal cultural resources.
- ❑ **Mitigation Measures:** The Focused EIR will identify any feasible mitigation measures that could avoid or reduce potential significant environmental impacts.

The Initial Study did not identify any potentially significant environmental effects of the project on aesthetics, biological resources, geology/soils, hydrology/water quality, noise, recreation, utilities/service systems, agriculture and forestry resources, land use/planning, population/housing, transportation, wildfire, energy, hazards & hazardous materials, or public services.

The County seeks your comments on the proposed scope and focus of the analysis, as well as applicable thresholds of significance and key issues of particular

concern. Please include this information as part of your response to the NOP and/or your comments at the scoping meeting.

Exhibit 1 Regional Location



Legend

Scale = 1:100,000



Project Site



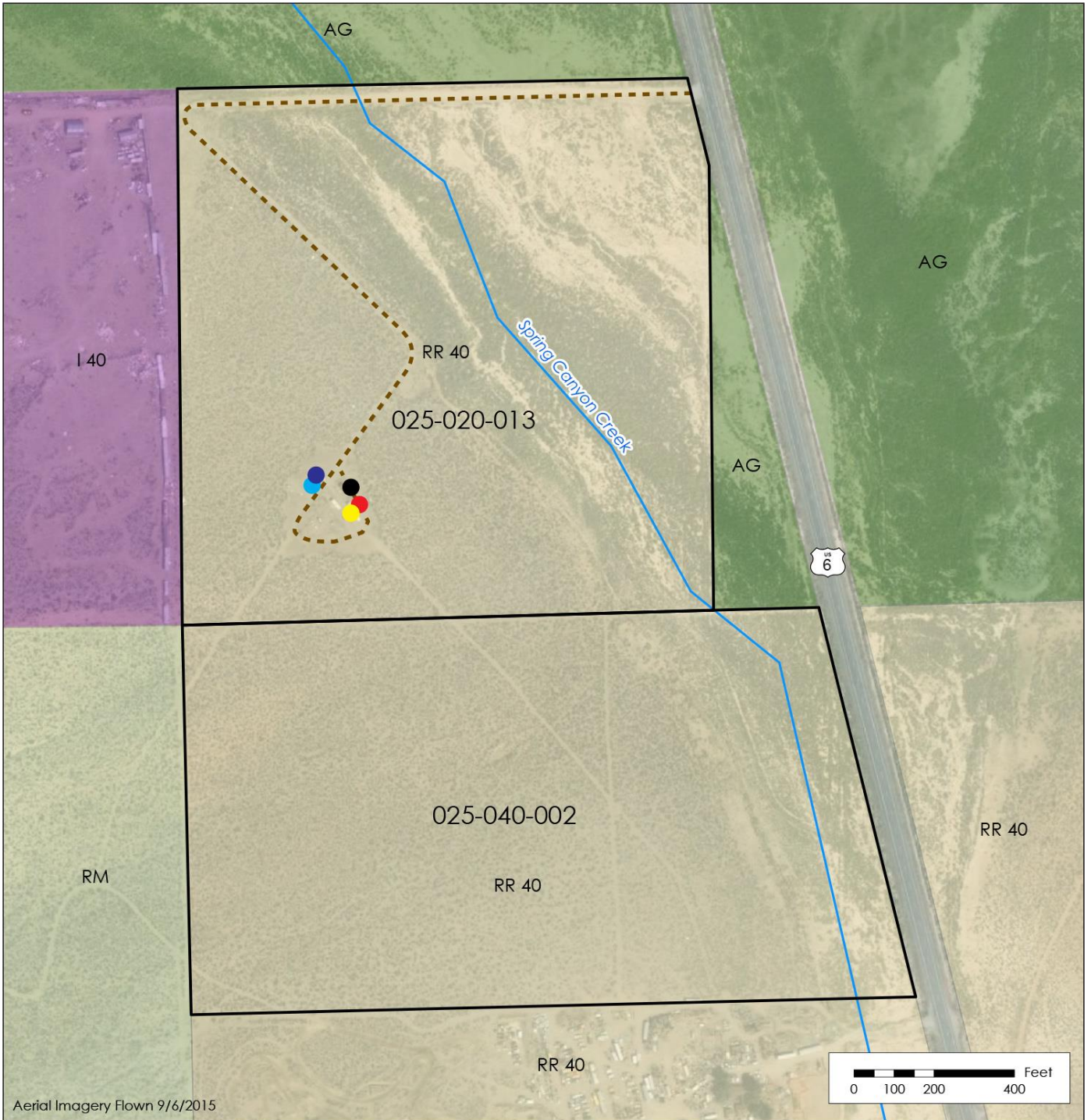
Forest Service Land



Creek



Exhibit 2 Project Site Existing Conditions



Legend

Scale: 1:5,000

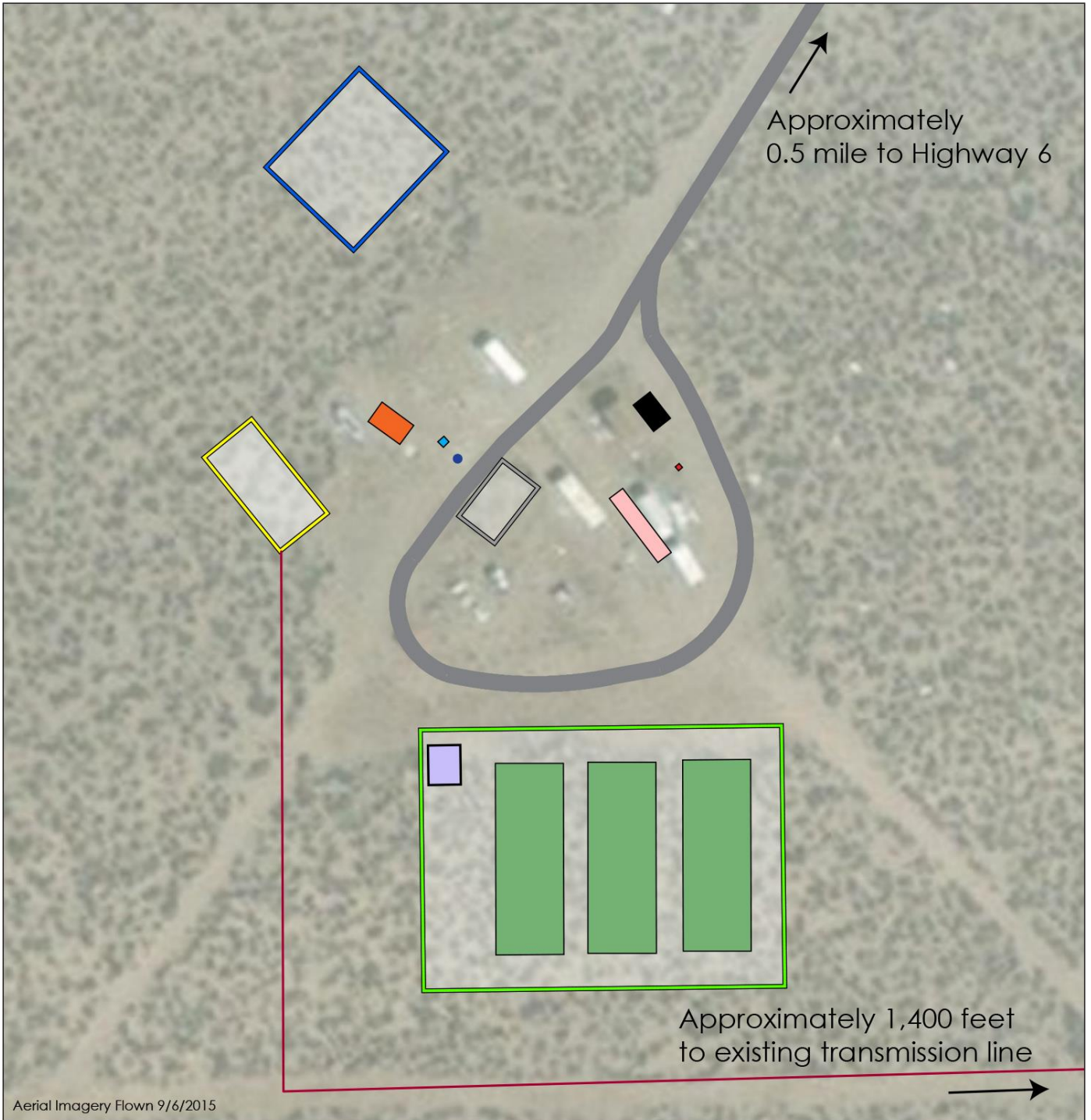


- | | |
|----------------------------------|----------------------|
| Project Parcel with APN | Creek |
| Existing Shed | Existing Access Road |
| Existing Equipment Pad - Well | |
| Existing Equipment Pad - Propane | |
| Existing Housing Trailer | |
| Existing Storage Container | |

Land Use Designations

- | |
|--------------------------|
| Agriculture (AG) |
| Industrial (I) |
| Resource Management (RM) |
| Rural Residential (RR) |

Exhibit 3 Cannabis Facility Project Layout



Aerial Imagery Flown 9/6/2015

Legend

Scale: 1:1,000



- | | | |
|---|---|---|
|  Proposed Gravel Access Road |  Proposed Septic Leach Field |  |
|  Proposed Processing Facility Building |  Proposed Cultivation Area Fencing | |
|  Proposed Greenhouse |  Existing Equipment Pad - Well | |
|  Proposed Storage House |  Existing Equipment Pad - Propane Tank | |
|  Proposed Parking Lot |  Existing Shed | |
|  Proposed Well Pump House |  Existing Housing Trailer | |
|  Proposed Underground Power Line |  Existing Storage Container | |