

Mono County Community Development Department

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Planning Division

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April 20, 2023

To: Mono County Planning Commission

From: April Sall, Planning Analyst

Re: Use Permit Modification 23-004/BASK Ventures, Inc. Indoor Cannabis Cultivation

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as an Exemption under CEQA guidelines §15183 and instruct staff to file a Notice of Determination;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit Modification 23-004 subject to Conditions of Approval.

BACKGROUND

The project is a Use Permit Modification to a previously approved permit from 2019 for cannabis cultivation to reduce the building size and footprint as well as the number of employees and parking spots in UP 18-014/BASK Ventures, Inc. (BVI), which required a re-analysis of parking and snow storage. The original use permit approved an indoor cannabis cultivation on a 1.16-acre parcel located at 474 Industrial Circle in the Sierra Business Park (APN 037-260-004). The General Plan designation for the proposed project is Specific Plan (SP) and is governed by the Sierra Business Park Specific Plan. Sierra Business Park (SBP) is an industrial park located at the former site of Sierra Materials, a sand and gravel extraction operation that created an excavated bed that is 20-25 feet below the surrounding land. The central objective of SBP is to accommodate needed industrial services in the county while also protecting the scenic resources of the region and the U.S. Highway 395 (US 395) Scenic Corridor.

The originally approved indoor cultivation was planned to occur in a 21,858-square foot (sf) indoor facility designed to incorporate 18,067 square feet of warehouse space for cannabis cultivation, of which 10,000 sf consisted of flowering canopy, and 3,791 sf for general office use (UP 18-014 staff report). The applicant is proposing a 33% reduction in the building to be constructed, or 14,388 sf with a maximum canopy of 4,600 sf.

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

The project was previously approved under a 15183 CEQA exemption, contracted and prepared by Panorama Inc.

PROJECT DESCRIPTION

UPM 23-004/BASK Ventures, Inc. (BVI) is a proposal to reduce the building square footage and reorganize parking and snow storage previously approved for the indoor cannabis cultivation (UP 18-014) on a 1.16-acre parcel located at 474 Industrial Circle in the Sierra Business Park (APN 037-260-004). Although the building footprint is reduced, the proposed building site has been shifted forward to eliminate the need for a large retaining wall at the back of the building. This shift reduced and changed the previously approved parking spaces and the easily accessible snow storage in the front of the parcel, requiring re-analysis of the development standards.

The new proposed building for indoor cultivation will occur in a 14,388 sf indoor facility designed to incorporate a maximum of 4,600 sf of flowering canopy at full capacity, and 1,308 sf for general office use (Attachment 1). As previously proposed, plants will be grown in individual light-sealed, climate-controlled rooms based on the lifecycle of cannabis and will include vegetative, flower, drying, processing/trimming, and storage/vault rooms. At full capacity the facility will operate one vegetative room, six flower rooms, one drying room, one processing/trim room, and a storage/vault room. All inputs will be controlled in each room including optimal temperature, humidity, carbon dioxide level, light, water, nutrients, plant protectants, and air flow/exchange.

The project qualifies for a §15183 CEQA exemption that was used for the original approval of UP 18-014/Bask, as it is a reduction in the previously approved operation and structure. It is consistent with the Sierra Business Park Specific Plan and EIR, the Mono County General Plan EIR, and Mammoth Vicinity policies. The project does not have any significant environmental effects, including those peculiar to cannabis operations.

DISCUSSION

The project is located along U.S. Highway 395 (US 395), in the Scenic Combining District and across from the Mammoth Yosemite Airport on the same parcel previously approved under UP 18-014. Uses surrounding the project are a mix of Open Space (OS), Resource Management (RM), Airport (A), Public and Quasi-Public Facilities (PF) and Specific Plan (SP) parcels. The south and east sides of the property are bordered by Inyo National Forest Resource Management (RM) parcels, and the north and west sides are bordered by undeveloped Specific Plan (SP) parcels within the Sierra Business Park. The property is currently undeveloped and owned by Green Team Holdings, LLC, (GTH), which is the land holding company that will be responsible for construction and necessary improvement work for the tenant's specific use. BVI is a cannabis operating company and a tenant of GTH. BVI has a lease agreement in place with GTH for the specific use.

This Use Permit Modification, 23-004/Bask, would supersede the previous approval and associated conditions of approval.

FIGURE 1: REGIONAL PROJECT LOCATION



FIGURE 2: SPECIFIC PROJECT LOCATION

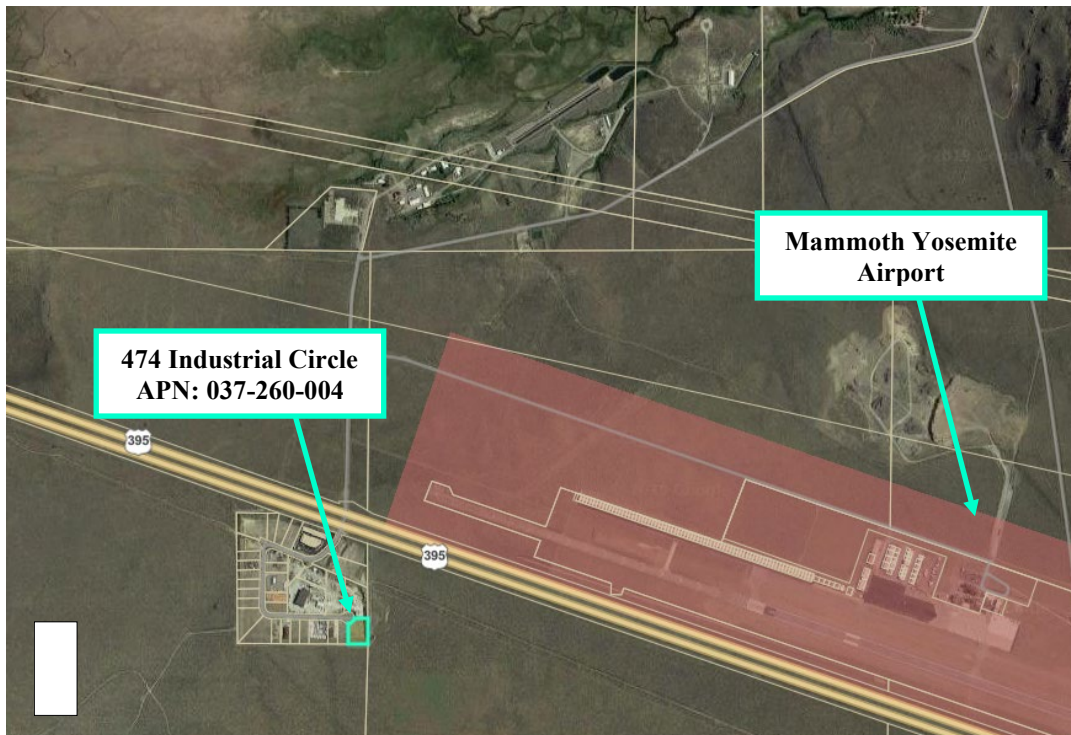


FIGURE 3: PROJECT LAND USE DESIGNATION

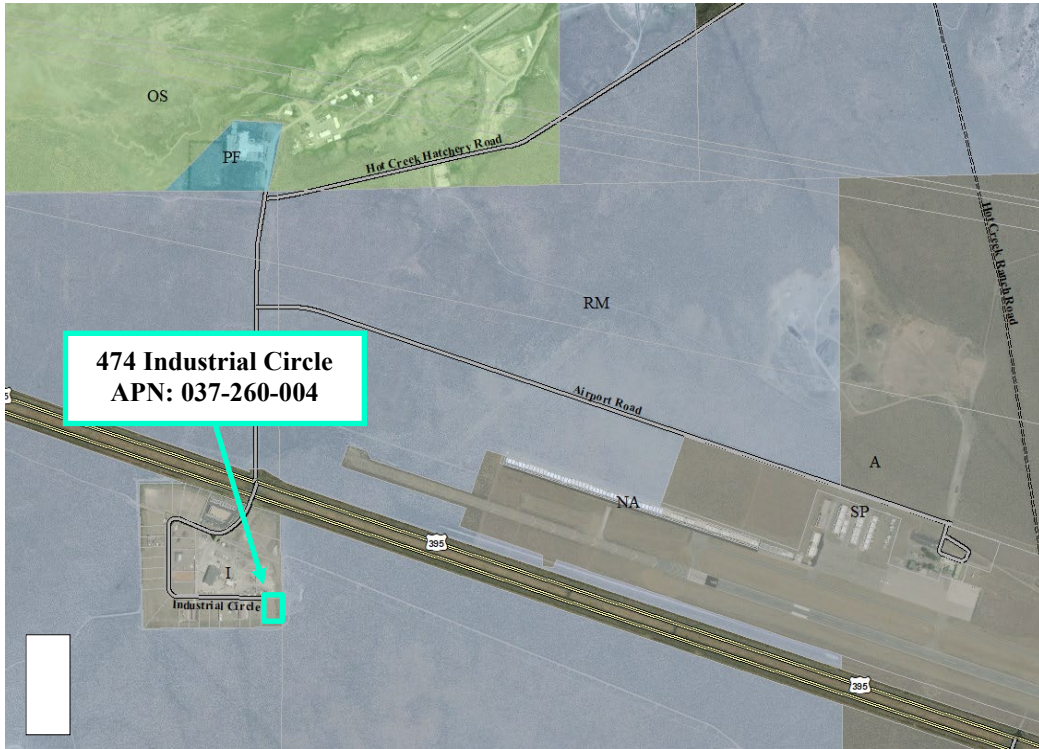


FIGURE 4: PROJECT SITE PICTURE #1



View of the project site and the Perimeter Maintenance Zone (PMZ) located on the south & east sides of the parcel.

FIGURE 5: PROJECT SITE PICTURE #2



View of the project site looking south.

FIGURE 6: PROJECT SITE PICTURE #3



View of the project site, adjacent parcels, and surrounding landscape looking southeast.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The LDTAC reviewed the application on January 18, 2023, and recommended application acceptance. LDTAC reviewed draft Conditions of Approval on April 3, 2023.

PUBLIC NOTICING AND COMMENTS

The project was noticed in the April 7, 2023, edition of The Sheet (Attachment 2); mailers noticing the project were sent to properties within 300 feet of the subject property on April 4, 2023. No public comments were received at the time this staff report was drafted.

CEQA COMPLIANCE

The proposed project will be a reduction from the originally proposed project approved in UP 18-014. For the original Use Permit, the County contracted with Panorama Environmental, Inc. (Panorama) to prepare an Initial Study checklist in compliance with CEQA Guidelines Section §15183 (Attachment 3). CEQA mandates that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or its site. Panorama found no significant impacts peculiar to cannabis cultivation or beyond the scope of mitigation measures stated in the Mono County General Plan EIR and the Sierra Business Park Specific Plan & EIR.

The original §15183 analysis specifically reviewed potential impacts related to land use, housing, soils, water, air quality/odors, transportation, biological resources, energy resources, hazards, noise, and utilities. Comments from the review originally prepared by Panorama can be found in the original approval documents including the UP 18-014 staff report (available at <https://www.monocounty.ca.gov/planning/page/bask-ventures-inc-indoor-cannabis-cultivation>) and the CEQA Initial Study/BVI (Attachment 3). Staff reviewed the previous §15183 analysis, confirmed any and all proposed operation changes, and considered potential new impacts for the proposed off-site snow storage. A condition was added to require off-site snow storage to only be contracted with companies that have approved and permitted snow-storage locations to prevent potential impacts from improper snow storage locations. The §15183 analysis meets CEQA requirements for the modified project, and no impacts or mitigation measures were identified.

GENERAL PLAN CONSISTENCY

The project is consistent with General Plan Land Use Designation policies, Countywide Land Use policies, and Mammoth Vicinity Area Plan policies contained in the Mono County General Plan Land Use Element (MCGP LUE).

The General Plan land use designation for this property is Specific Plan (SP) and the proposed use is consistent with SBP SP policies and regulations. Further analysis of consistency can be found in the Sierra Business Park Specific Plan Consistency section below.

The General Plan allows cannabis cultivation as a permitted use subject to use permit on Industrial land use designations. According to the Mono County General Plan, “the ‘I’ designation is intended to provide for heavy industrial uses that may potentially cause moderate to high degrees of environmental nuisances or hazards. The functional and visual character of the district is such that it should be located in areas that are relatively remote from residential and commercial development.” Permitted uses under the Industrial land use designation include all uses listed as permitted under Industrial Park (e.g., agricultural uses, nurseries, and greenhouses), caretaker units, heavy vehicle storage and maintenance, and adult-oriented businesses conducted in compliance with the locational requirements of Chapter 19 of the MCGP LUE and with the permit and other operational requirements of Chapter 5.45 of the Mono County Code. Commercial

cannabis cultivation is permitted subject to a Use Permit and compliance with Chapter 13, and a Cannabis Operations Permit pursuant to Mono County Code Chapter 5.60.

The proposed project is consistent with Countywide Land Use policies that seek to provide for industrial land use needs that do not create significant environmental impacts and are economically beneficial to the area. The proposed cannabis cultivation is an economically beneficial industrial use that creates jobs and contributes to the County's tax base.

The project is also consistent with the Mammoth Vicinity Area Plan's commitment to maintaining the scenic and environmental integrity of the area while also providing for industrial land use needs in unincorporated areas. The project limits growth to an existing industrial park and protects the scenic quality of the Highway 395 Scenic Corridor by following the Sierra Business Park design guidelines for minimizing visual impacts.

MONO COUNTY LAND USE ELEMENT, COUNTYWIDE LAND USE POLICIES

Objective 1.F. *Provide for industrial land uses that are economically beneficial to the area and that are compatible with the environment.*

Policy 1.F.1. *Provide for local industrial land use needs.*

Policy 1.F.2. *Provide for light industrial uses (e.g., light manufacturing, assembly work, etc.) that do not create significant environmental impacts.*

Objective 1.I. *Maintain and enhance the local economy.*

Policy 1.I.1. *Land use designations shall provide sufficient land for the economic development of community areas.*

Objective 1.L. *Provide for commercial cannabis activities in Mono County in a way that protects public health, safety, and welfare while also taking advantage of new business and economic development activities.*

(Policy 1.L.1 & Policy 1.L.2. not applicable.)

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

Policy 1.L.4. *In recognition of the potential economic benefits of this new industry, encourage the responsible establishment and operation of commercial cannabis activities.*

MONO COUNTY LAND USE ELEMENT, MAMMOTH VICINITY

GOAL 21. *Maintain and enhance the scenic, recreational, and environmental integrity of the Mammoth vicinity.*

Objective 21.A. *Maintain and enhance scenic resources in the Mammoth vicinity.*

Policy 21.A.2. *Future development shall be sited and designed in a manner that preserves the scenic vistas presently viewed from US 395.*

Objective 21.B. *Provide for the land use needs of both the incorporated and unincorporated areas.*

Policy 21.B.1. *Contain growth in and adjacent to existing developed areas.*

Policy 21.B.2. *Provide for industrial land use needs.*

Policy 21.B.3. *Future development projects shall avoid potential significant environmental impacts or mitigate impacts to a level of non-significance, unless a statement of overriding concerns is made through the EIR process.*

COMPLIANCE WITH MONO COUNTY CANNABIS REGULATIONS, CHAPTER 13

In addition to General Plan policies and regulations, commercial cannabis activities shall comply with Chapter 13. The following general standards and requirements apply to all commercial cannabis activities permitted in the county: (13.070 C-M and 13.080 A-H)

The following sections from Chapter 13 have proposed updates and changes from the previous approval:

§13.070 General Standards and Requirements

§13.070 E. Odor Control.

An odor mitigation plan is required to demonstrate that odors generated by the commercial cannabis activity shall not unreasonably impact adjacent properties and uses, or that odor mitigation measures are not applicable due to lack of cannabis-related odor generation, location or siting, design features, or other factors.

Previously BVI was proposing a 1) Heating Ventilation and Air Conditioning System (HVAC) with a commercial Photohydroionization (PHI) unit inside designed to eliminate 99.99% of all odors; and 2) activated carbon filters. Less odor-intensive rooms on site (propagation and vegetative) would have utilized the PHI unit installed in the primary HVAC system to mitigate the odors emitted. However, in the almost five years since the original proposal was assembled, significant updates in the odor mitigation systems for cannabis cultivation have resulted in newer HVAC units that utilize sealed, ductless configurations and include minimal outside air exchange.

Indoor cultivation allows for greater control over the varying levels of odor emitted during the lifecycle of cannabis (e.g., propagation, vegetative, flowering, harvest, drying, packaging, and storage). BVI has created an Odor Management Plan that combines facility design with standard operating procedures (SOPs) that vary based on developmental stage. Two primary odor-mitigation devices will be used in the indoor cultivation facility: 1) a specialized commercial Heating Ventilation and Air Conditioning System (HVAC) to mitigate the minimal odors emitted during cultivation and 2) activated carbon filters.

Less odor-intensive rooms on site (propagation and vegetative) will utilize a specialized ductless HVAC System (HVAC), called a variable refrigerant flow (VRF) or direct expansion (DX) to mitigate the minimal odors emitted during the developmental stage. SOPs will be applied that include physically containing odors by closing the entrance to this room and using special seals on doors to minimize the possibility of odor escaping into the hallway, as well as cleaning and disinfecting all tables/surfaces that come in direct contact with cannabis immediately after use.

Odor-intensive rooms including flowering, harvest, drying, packaging, and storage will utilize odor mitigation SOPs (described above), the HVAC system, and an activated carbon filter attached to the inlet of the HVAC system in each room. These two odor-mitigation devices used together in the most odor-intensive rooms should minimize any detectable odor. Furthermore, since the new system will be closed and ductless, there is no longer air emitted outside the building.

The odor mitigation devices will be serviced and maintained by properly trained employees using SOPs based on the maintenance needs of each type of filter (pre-filter, carbon filter or PHI unit). Every filter will be tagged to identify the employee that installed it, the date/time the unit was replaced, and date by which the device should be replaced. Detailed service and maintenance records will be kept for all serviceable items in the odor control system and will contain the following information: date and time of service, service performed, name of individual performing the service, and unit number or device number serviced.

To prevent system malfunctions from going unnoticed, BVI's Quality Assurance Manager (QAM) will walk the perimeter of the facility as part of the routine facility inspections to confirm there is no detectable odor being emitted. If any odor is detected, the QAM will record the issue in their inspection notes and note the location of the detected odor. If BVI receives an odor complaint, the QAM will complete a complaint form to document the incident, which will include date and time of complaint, name of complainant, description of the complaint, and name and badge number of the employee recording the complaint. Upon completion, the form will be immediately provided to the General Manager and the Maintenance Manager in order to begin the odor complaint investigation and resolution process. The Maintenance Manager will follow a diagnostic process to determine the possible source of the odor, repair or replace equipment as necessary, and confirm the repair has resolved the odor issue. A condition has been added to provide a log of odor complaints and the resolution during annual inspections of the Commercial Cannabis Operations Permit.

The nearest receptors for the project are the adjacent Specific Plan (SP) and Resource Management (RM) parcels APNs: 037-260-015, 037-260-003, 037-130-007 and 037-130-016 (Inyo National Forest parcels). There are no residences within 2,000 feet of the project area, however the SBP does allow caretaker units to be built on parcels within the Park. At the time of this staff report, two units have been built and another two units have been reserved with active building permits of the six allowable. The two units that have been built are located at the concrete batch plant, adjacent to the proposed cultivation facility's parcel. Inhabitants of the caretaker's units could be potential receptors; however, odor from the indoor cannabis cultivation facility utilizing the mitigation measures described above should not be more obnoxious than the other industrial uses on parcels in the SBP.

§13.070 I. Parking.

A Parking Plan depicting availability and requirements for parking shall be submitted. The Plan shall demonstrate the provision of adequate on-site parking for all employees and allow for loading and unloading.

The project was previously approved under the "other" category in Chapter 6, Parking, Table 06.010 Required Number of Parking Spaces. The previous approval required the total number of spaces for the maximum number of employees (15) plus one ADA-compliant space, for 16 total spaces. The modification follows the same formula providing 11 paved parking spaces, including

10 spaces for the maximum number of employees plus one ADA-compliant space. The employee spaces will each be 10' x 20' in size, as required in Chapter 6, and the ADA space will be 9' x 15' with a 5-ft striped loading area. The site provides adequate parking and space for business and loading areas. This is a reduction from the original approved project due to the reduced building size and capacity and thus a reduced number of employees. (See Sierra Business Park Specific Plan Consistency section below for additional discussion.)

§13.080 Cannabis Cultivation

§13.080 D. Canopy Area.

BVI has provided a site plan identifying the location and square footage of all cultivation-related rooms in the proposed facility. The facility proposes a maximum of 4,600 sf of flowering canopy area, a reduction of over 50% from the originally approved 10,000 sf. A new Condition of Approval has been added requiring that the canopy area not exceed 4,600 sf without approval from the Mono County Planning Commission.

The following sections of analysis from the previous staff report for UP 18-014 have not changed from the original approval:

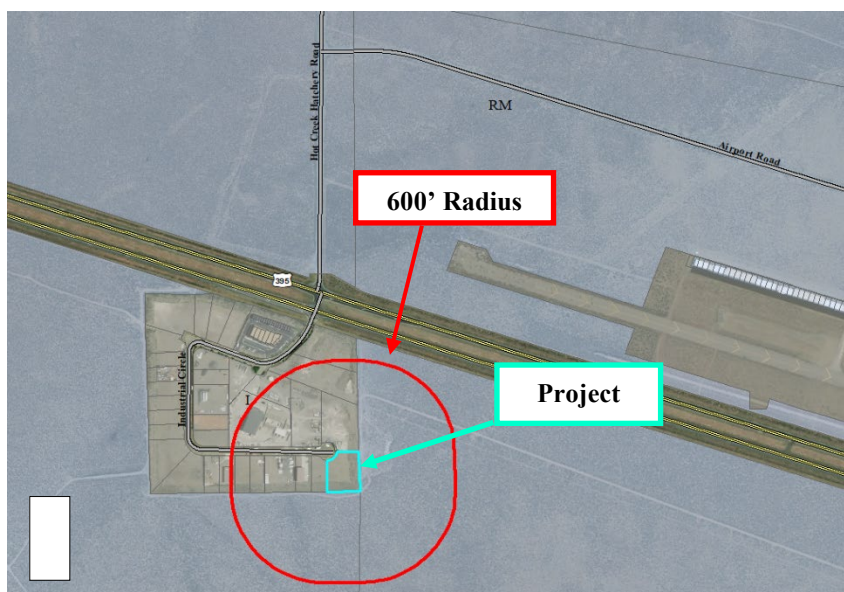
§13.070 General Standards and Requirements

§13.070 C. Site Control.

No commercial cannabis activity shall be allowed within six hundred (600) feet of schools providing instruction to kindergarten or any grades 1 through 12, day care or youth centers, parks, ballfields, playgrounds, libraries, community centers, and licensed childcare facilities.

The proposed modification is at the same location where none of the above-mentioned facilities are located within 600 feet of the site. The Mammoth Vicinity which includes the Sierra Business Park, has no schools, or day care/youth centers, parks, playgrounds, community centers, or licensed childcare facilities. The Whitmore Recreation Area is located three miles from the project site on Benton Crossing Road and includes track & sports field, a public pool, and three ballfields.

FIGURE 7: LAND USE DESIGNATIONS WITHIN A 600' RADIUS OF THE PROJECT



§13.070 D. Setbacks.

All commercial cannabis activities shall meet existing setbacks established in General Plan Chapter 4 – Land Use Designations and 4.120 Yards and Setbacks.

The proposed indoor cannabis cultivation facility meets setback standards in the Sierra Business Park Specific Plan. See Sierra Business Park Specific Plan Consistency section below for discussion.

§13.070 F. Signage.

A Sign Plan shall be required to demonstrate compliance with General Plan Land Development Regulations, Chapter 4.190 Signs, and Chapter 7 Signs.

The project does not propose any signage.

§13.070 G. Visual Screening.

All Cannabis, Cannabis Products and Cannabis Accessories shall be screened from view from a public right of way to the best of the Permittee’s ability.

All cultivation activities will occur inside the proposed building and cultivation activities are further enclosed in light-tight climate-controlled environments that will have zero visibility from outside the facility. Deliveries and pickups of cannabis products or anything related to cultivation will occur inside the gated property and will utilize the shipping/receiving roll-up doors. The front of the building will be screened from the interior street by an 8’ high “Verti-Crete” ledge stone wall with an 8’-high entrance gate composed of steel, wrought iron, or wide mesh galvanized chain link. The remaining sides of the property, excluding the east and south sides that are screened and enclosed by the PMZ, will utilize fencing constructed of galvanized chain-link with dark brown plastic slats. Additionally, the concave topography of the SBP, coupled with the SBP building height limit of 30 feet for pitched-roof structures, will ensure that the facility is not visible from US Highway 395 and will maintain the scenic nature of the Highway 395 corridor.

§13.070 H. Lighting.

All commercial cannabis activities shall comply with General Plan Land Use Element Chapter 23 – Dark Sky Regulations regardless of activity type or Premise location.

All exterior lighting will be in compliance with the Sierra Business Park Specific Plan. Exterior lighting will comply with Chapter 23 Dark Sky Regulations and be held to the minimum necessary to assure the safety of all persons on site and for lot visibility from the exterior by local police or other patrols.

§13.070 J. Noise.

Noise generation shall comply with the Mono County General Plan Noise Element and Mono County Code, Chapter 10.16.

The project is not expected to generate noise beyond that of similar industrial operations in the Sierra Business Park.

§13.070 K. Fire Protection.

The project complies with the SBP fire sprinkler system requirements, has submitted a Fire Prevention Plan, and received a Provisional “Will Serve” letter from the Long Valley Fire Protection District. The Conditions of Approval require the project to adhere to requirements of the Fire Protection District and obtain a Final “Will Serve” Letter.

§13.070 L. Security Plan.

A Security Plan was submitted as part of the application and was approved by the Mono County Sheriff’s Department in 2019 as required for the Cannabis Operations Permit (OP 19-003).

§13.070 M. Water Conservation.

BVI estimates their maximum water use will be 800 to 1,000 gallons per day (gpd) by the third or fourth year of operation (see Attachment 3, “2.7.2.1 Water Supply and Use” in the Initial Study). In order to reduce the amount of water needed for the cultivation facility, a Reverse Osmosis (RO) system will be installed to reclaim and reuse wastewater from cultivation operations. This closed-loop system would drain all wastewater from the cultivation areas into a holding tank separate from the septic system where it would be reclaimed by running it through the RO system and the filtered water would be reused for cultivation operations. Please see section “2.7.2.2. Wastewater and Sewage” in the Initial Study for discussion (Attachment 3).

The SBPOA issued a “Will Serve” Letter based on BVI’s estimated maximum water use. The project applicant has also obtained a “Will Serve” Letter from Mountain Meadows Mutual Water Company (MMMWC) as alternative water supplier while SBPOA brings its water system into compliance with the Division of Drinking Water. The contract with MMMWC will be utilized until the SBPOA water system is fully permitted and operational after which the SBPOA will be the sole water provider for this project.

§13.080 Cannabis Cultivation

§13.080 A. Setbacks.

The project meets applicable setback requirement set forth in the SBP SP (see Sierra Business Park Specific Plan Consistency section below for discussion).

§13.080 B. Lighting.

Exterior lighting would consist of only lights required for safety and lot visibility from the exterior by local police or other patrols and would comply with the county’s Dark Sky Regulations. Grow areas will not have windows and all cultivation activities will take place in climate-controlled light-sealed rooms ensuring that the light produced in the grow areas will not be visible from the exterior of the building. Please see section “2.5.3. Light and Signage” in Initial Study (Attachment 3) for more details.

§13.080 C. Dust Control.

Dust control measures shall be utilized on access roads and all ground-disturbing activities shall be conducted in compliance with the Great Basin Unified Air Pollution Control District regulations, Mono County grading requirements, and will implement dust control mitigation measures from the SBP EIR. All access and driveways are proposed to be paved.

§13.080 E. Hazardous Substances.

In no case shall any hazardous, flammable, or explosive substance be used to process or manufacture Cannabis Products on the premises unless all necessary permits have been obtained from all the appropriate agencies.

§13.808 F. Closed to General Public.

Cannabis cultivation premises shall be inaccessible by the general public unless supervised by the permittee.

§13.080 G. Building Use.

The proposed building is not intended for residential use, and in no case shall a residential building be used for cultivation as part of this project.

§13.080 H. Energy & Quality Control.

The project proposes to install solar panels on the building rooftop to offset electrical uses during operation. Please see section “2.5.4.3. Energy Supply and Use” in the Initial Study (Attachment 3) for discussion.

The use of a unique identifier as well as inventory and quality control procedures were analyzed as part of the Operations Permit.

SIERRA BUSINESS PARK SPECIFIC PLAN

Please click the link below to access the full text of the Sierra Business Park Specific Plan:

<https://www.monocounty.ca.gov/planning/page/sierra-business-park-specific-plan-july-2014>

Other than snow storage and parking as outlined below, there have been no changes to the project that alter the previous analysis for the Sierra Business Park Specific Plan (SBP SP).

The project is compatible with the purpose and objectives of the SBP SP, which seeks to provide for industrial uses while protecting the scenic resources in the region and along the Highway 395 scenic corridor. Cannabis-related industrial uses are not currently included in the SBP SP; however, an indoor cannabis cultivation facility is similar to and not more obnoxious than the uses currently approved in the SBP SP. The General Regulations 2.1 & 2.2 in the SBP SP state that in the case of the SP being silent on development standards, guidelines, or regulations, the Mono County General Plan shall prevail. As discussed above, the General Plan allows for cannabis cultivation in I land use designations subject to Chapter 13, a use permit, and Mono County Code 5.60.

The SBP SP allows for 80% maximum lot coverage and a minimum front yard setback of 20’ with a west side-yard setback of 10’ minimum. The location of the proposed project is the same as previously approved in UP 18-014 and is consistent with the purpose and objectives of the SBP SP. Adequate site area exists for the proposed use and lot coverage is 44% (calculated by the amount of impermeable surface). The indoor cultivation facility does not encroach on setbacks and provides a 19’ side-yard setback on the west, a 32’ front-yard setback SP standard) and maintains the width of the Perimeter Maintenance Zone (PMZ) in the east and rear yard, as required.

The proposed 23' 1" building height is below the 30-foot maximum building height for pitched-roof structures in SBP. The fencing and screening requirements are in compliance with SBP SP (see 13.070 G. Visual Screening discussion below).

Snow Storage:

The project requires 1,874 sf of snow storage by the SBP Design Standards (25% of the area from which snow is to be removed). The new project provides 749 sf of snow storage onsite and is currently proposing 1,087 sf of offsite snow storage, contracted with a snow removal company. A condition has been added to address potential CEQA impacts from offsite snow storage (see condition #5, Condition of Approval). The previous project planned for all snow storage to be onsite.

Parking:

The revised site plan for the modification provides 11 total parking spaces: 10 employee spaces plus one ADA-compliant space and provides proper loading areas in front of both roll-up doors. All employee parking spaces will each be 10' x 20' in size and all parking and access areas will be paved. The modification includes a reduction in parking for the reduced building and operations. The previously approved site plan for UP 18-014 proposed 16 total parking spaces: 15 employee spaces plus one ADA-compliant space. The site provides adequate parking and space for loading areas, if the Planning Commission finds that the project still qualifies under the "other" category in Chapter 6, Parking, Table 06.010 Required Number of Parking Spaces.

USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a. This project complies with all applicable provisions of the Mono County General Plan and the SBP SP (see discussion in General Plan Consistency and Sierra Business Park Specific Plan Consistency sections above). The SBP SP is silent on cannabis uses as it was approved before the state's legalization of cannabis, and therefore the General Plan prevails.
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a. The parcel is accessed by Industrial Circle via Highway 395 and is adequate for the kind of traffic generated by the proposed use. Industrial Circle and Highway 395 are used for accessing existing industrial businesses in the Mammoth Vicinity. Parking is provided for the maximum number of employees (10) plus one ADA-compliant parking space.
 - b. The proposed project is not expected to generate significant amounts of traffic to alter existing circulation patterns or cause a nuisance for adjacent property owners.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
 - a. The proposed use is not expected to cause significant environmental impacts or be detrimental to surrounding property. Elements peculiar to cannabis, including odors and lighting, have been analyzed through the §15183 CEQA analysis in the approved UP 18-014, and no impacts beyond the scope of mitigation measures outlined in the Mono County General Plan EIR were found. The proposed modification is a reduction in scope of the previously approved UP.
 - b. The proposed project is a conforming use according to the Mono County General Plan's Land Use Element and the Sierra Business Park Specific Plan and meets the cannabis regulations of the General Plan.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
 - a. The proposed use is consistent with the General Plan, the Mammoth Vicinity Area Plan and the SBP SP (see discussion in the General Plan Consistency and Sierra Business Park Specific Plan sections above).
 - b. Indoor cannabis cultivation is permitted in industrial land use designations, given they meet the criteria set forth by MCGP LUE Chapter 13 and subject to Mono County Code 5.60.
 - c. The project is located within the SBP SP and the Mammoth Vicinity Planning Area. Both the SBP SP and the Mammoth Vicinity Area encourage industrial uses within existing development areas that do not impact the scenic resources of the region or the US 395 scenic corridor.

This staff report has been reviewed by the Community Development Director.

ATTACHMENTS

All files are available at <https://www.monocounty.ca.gov/planning/page/bask-ventures-inc-indoor-cannabis-cultivation> or by calling 760-924-1800.

- Attachment 1: Revised Site Plan
- Attachment 2: Public Hearing Notice
- Attachment 3: Initial Study (IS Appendices are posted online only)

MONO COUNTY

Planning Division

NOTICE OF DECISION & USE PERMIT

USE PERMIT: UPM 23-004

APPLICANT: BASK Ventures, Inc.

ASSESSOR PARCEL NUMBER: 037-260-004

PROJECT TITLE: BASK Ventures, Inc. Indoor Cannabis Cultivation

PROJECT LOCATION: 474 Industrial Circle, Mammoth Lakes, CA 93546

CONDITIONS OF APPROVAL

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHOLD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

Notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Board of Supervisors, the Planning Commission's decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Board of Supervisors may bar any action challenging the Planning Commission's decision.

DATE OF DECISION/USE PERMIT APPROVAL: April 20, 2023

EFFECTIVE DATE USE PERMIT: May 1, 2023

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION

DATED: April 20, 2023

cc: X Applicant
X Public Works
X Building
X Compliance

CONDITIONS OF APPROVAL

Use Permit Modification 23-004/BASK Ventures Inc. Indoor Cannabis Cultivation

1. All development shall meet the requirements of the Mono County General Plan, Mono County Code, and project conditions.
2. Project shall comply with Chapter 13, Cannabis Regulations.
3. The project is required to obtain a Mono County Cannabis Operations Permit pursuant to Mono County Code 5.60 and appropriate state licensing prior to commencing operation. A copy of state licenses shall be provided to the Mono County Community Development Department.
4. The project shall be in substantial compliance with the project description and the site plan (Attachment 1) of the staff report. A caretaker's unit has not been approved as part of this site plan and as such employees may not live on the premises. A future caretaker's unit may be approved pursuant to the conditions and manner described in the Sierra Business Park Specific Plan.
5. Off-site snow storage must be contracted through a legitimate and licensed snow removal company with authorized snow storage locations.
6. The applicant shall provide a log of odor complaints and the resolution during annual inspections of the Commercial Cannabis Operations Permit.
7. All exterior lighting must comply with Chapter 23, Dark Sky Regulations.
8. Number of employees shall not exceed 10 unless a new parking plan is approved by the Planning Commission.
9. There shall be no expansion of cannabis uses, and canopy area shall not exceed 4,600 square feet without approval from the Mono County Planning Commission.
10. Applicant must maintain active business license and tax certificate requirements.
11. Project is required to comply with requirements in the Sierra Business Park Specific Plan.
12. Construction for the project shall be contained within the boundaries of the parcel.
13. 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).
14. Project is required to comply with any requirements of the Long Valley Fire Protection District. The applicant shall provide a "will serve" letter from the Long Valley Fire Protection District indicating the FPD will provide service to the project.

15. Project is required to comply with requirements of the water system operator and the Will Serve Letters from the Sierra Business Park Owner's Association (SBPOA) and Mountain Meadows Mutual Water Company. The Mountain Meadows Mutual Water Company will be utilized until the SBPOA water system is fully operational, after which the SBPOA will be the sole water provider for this project.
16. Project shall comply with all Mono County requirements including, but not limited to, the Building Division, Public Works, and Environmental Health.
17. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.
18. Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.
19. Termination. A use permit 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:
 - 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. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
20. Extension: If there is a failure to exercise the rights of the use 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 for the use permit 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. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
21. Revocation: The Planning Commission may revoke the rights granted by a Director Review, 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 Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted 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.