

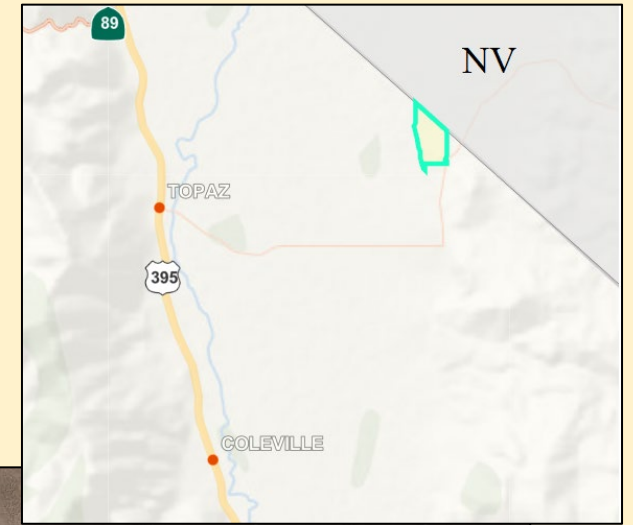
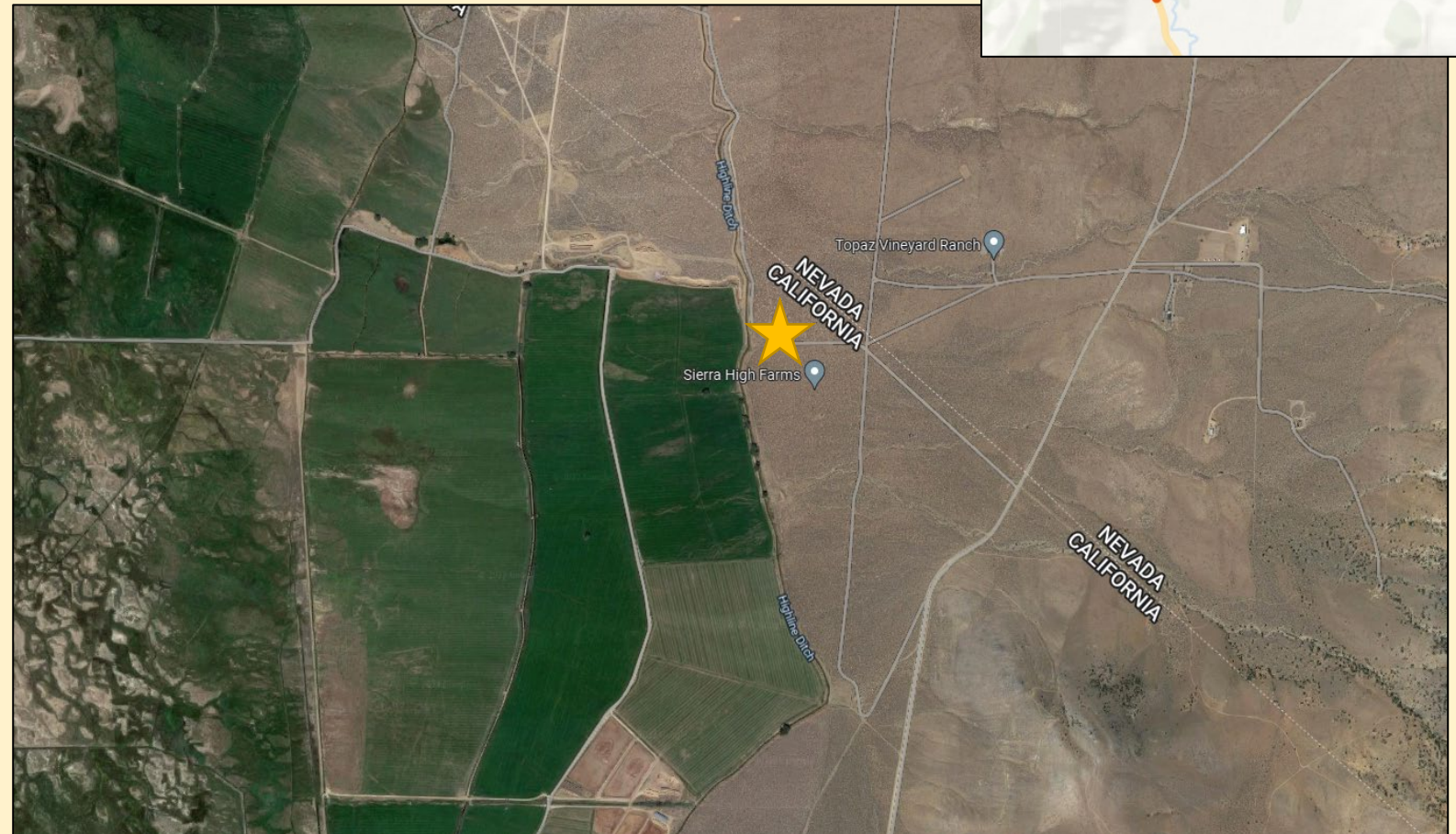
# Use Permit 21-006/Sierra High Commercial Cannabis Activity

Mono County Planning Commission

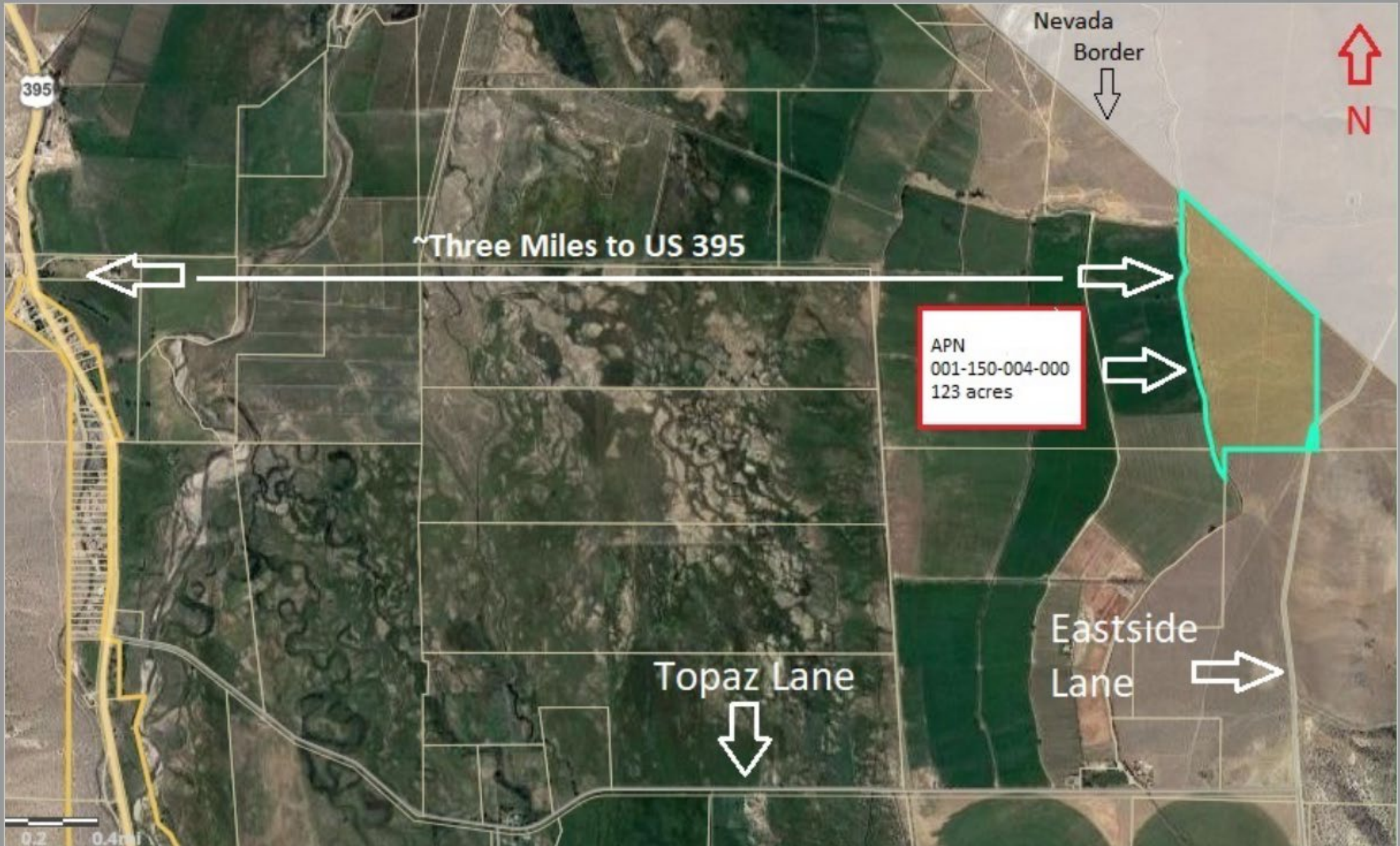
December 15, 2022

# Project Setting

- 7761 Eastside Lane, Topaz
- 124-acre parcel
- Agriculture-10







Nevada  
Border



~Three Miles to US 395

APN  
001-150-004-000  
123 acres

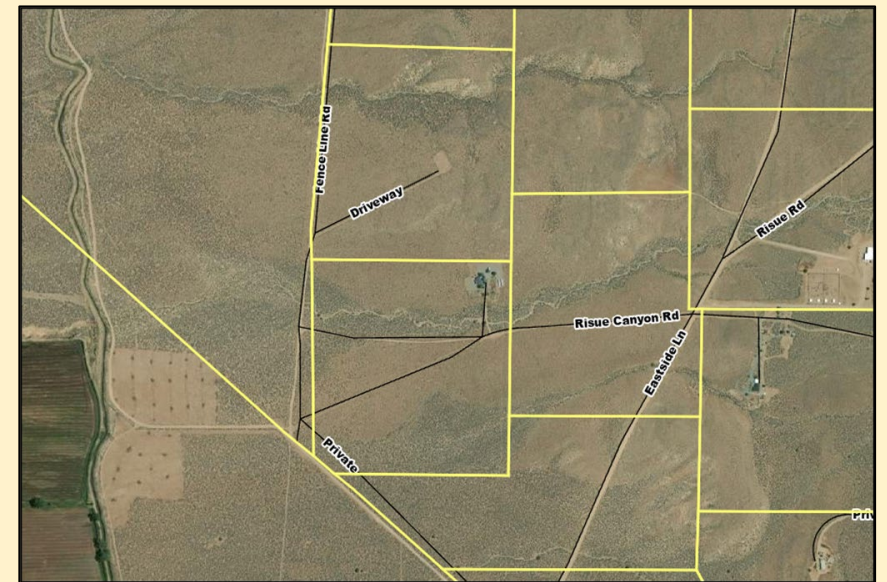
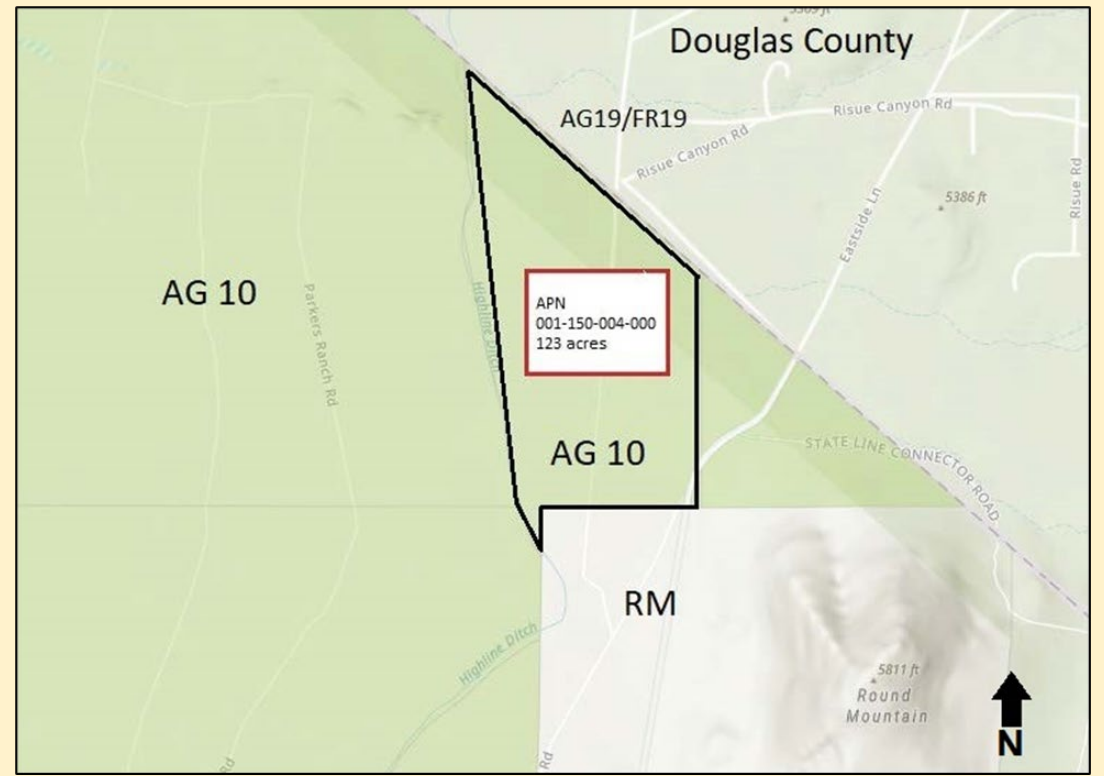
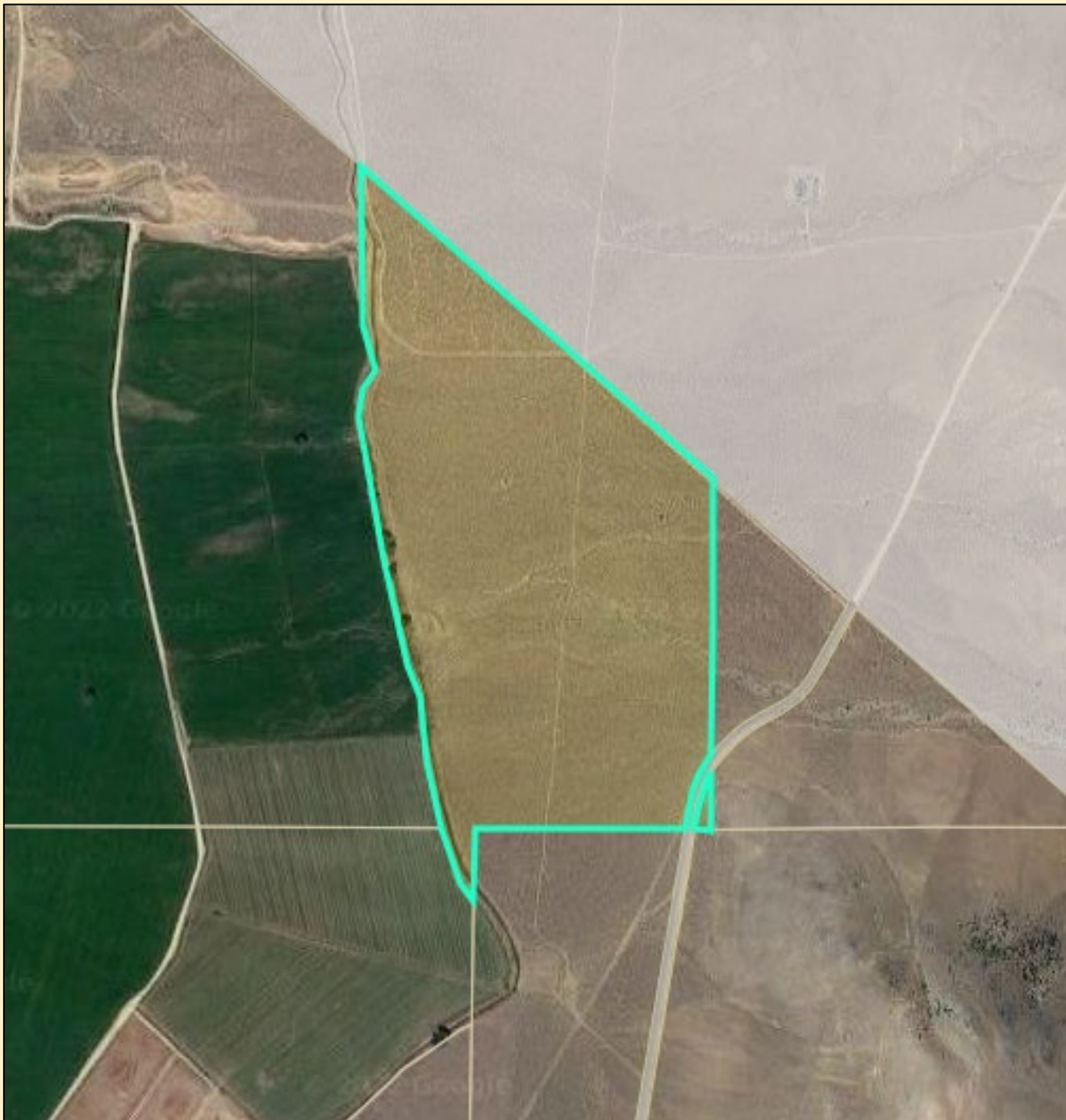
Topaz Lane

Eastside  
Lane

395

0.2 0.4mi





















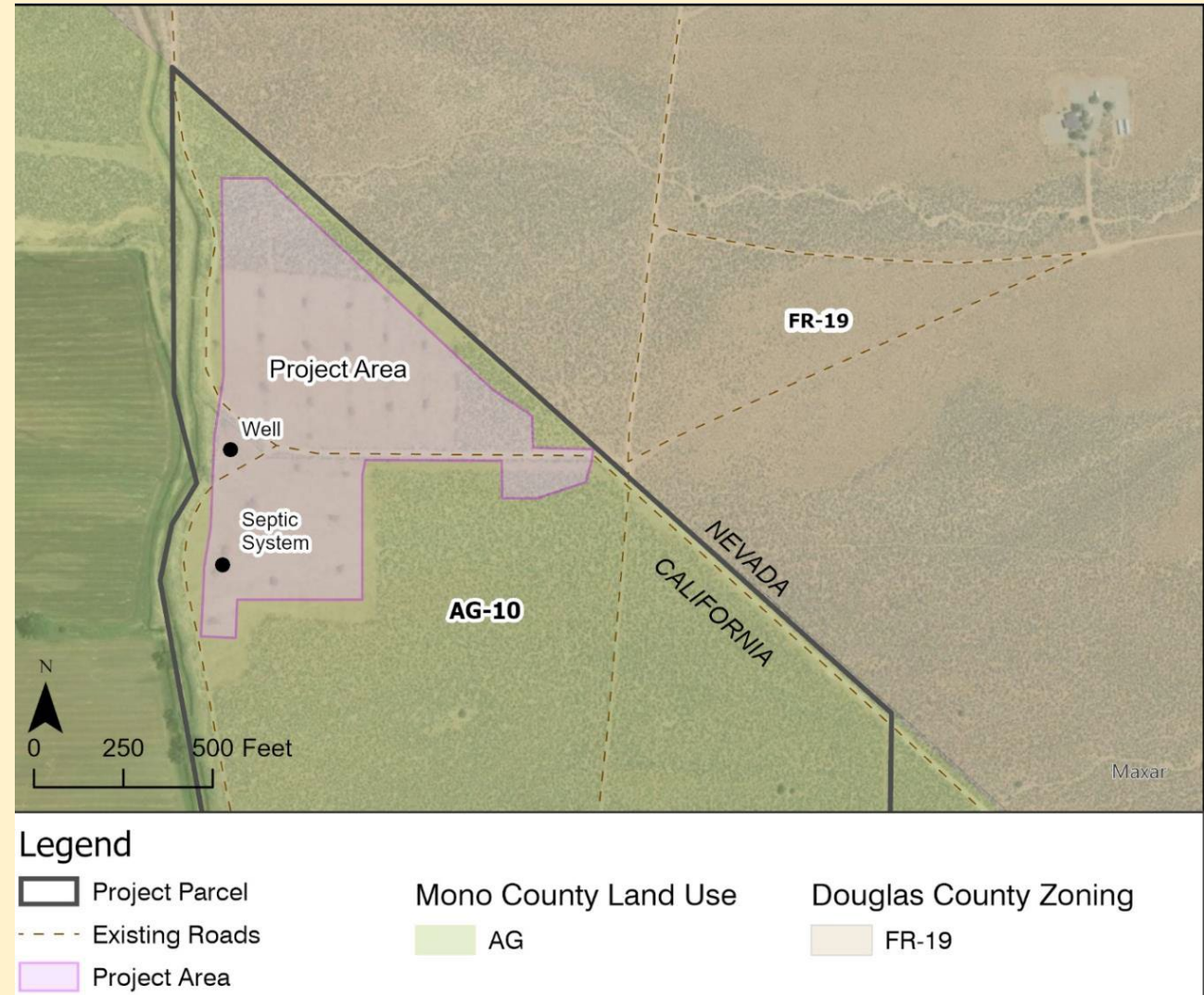




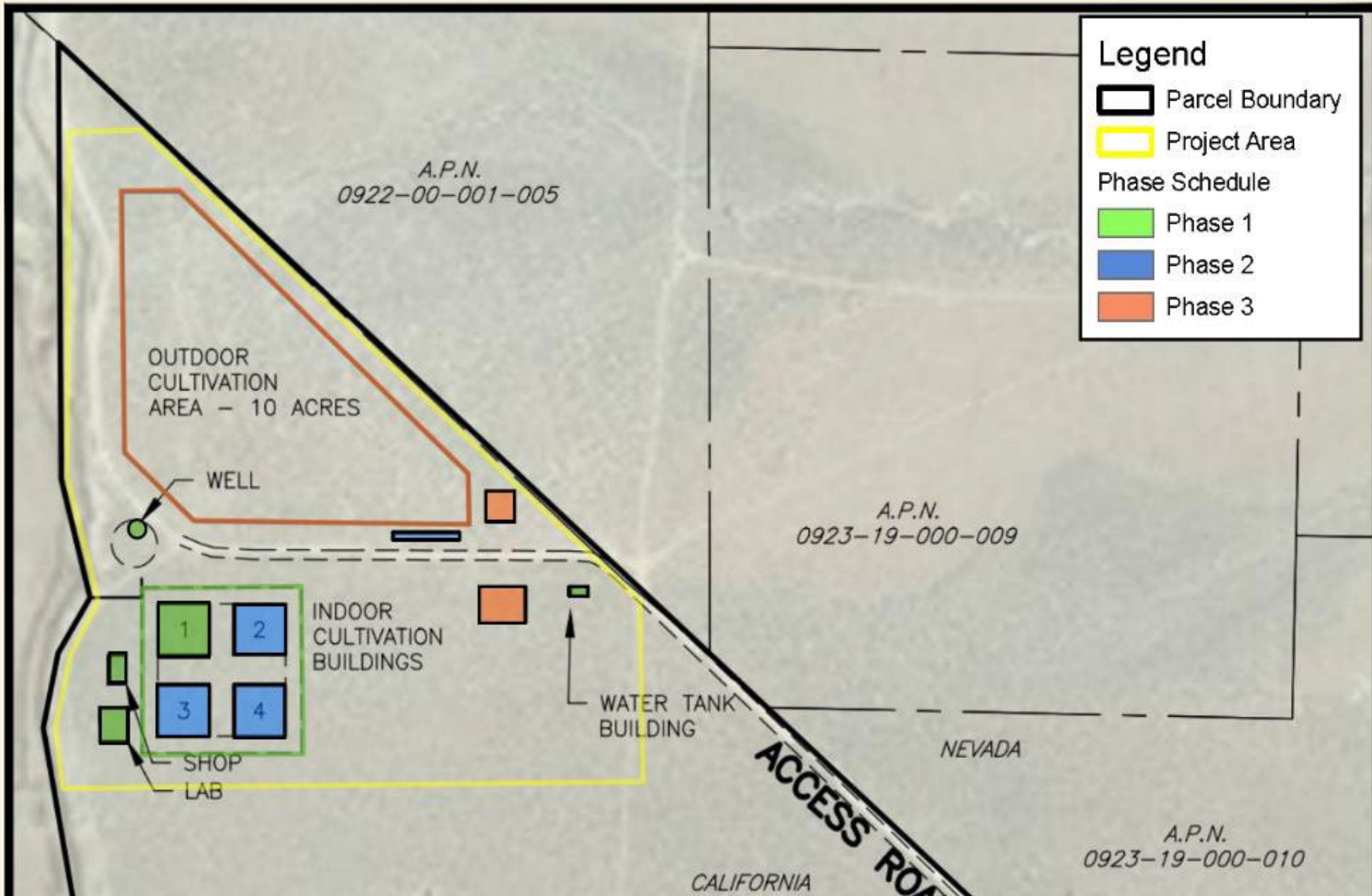


# Project Description

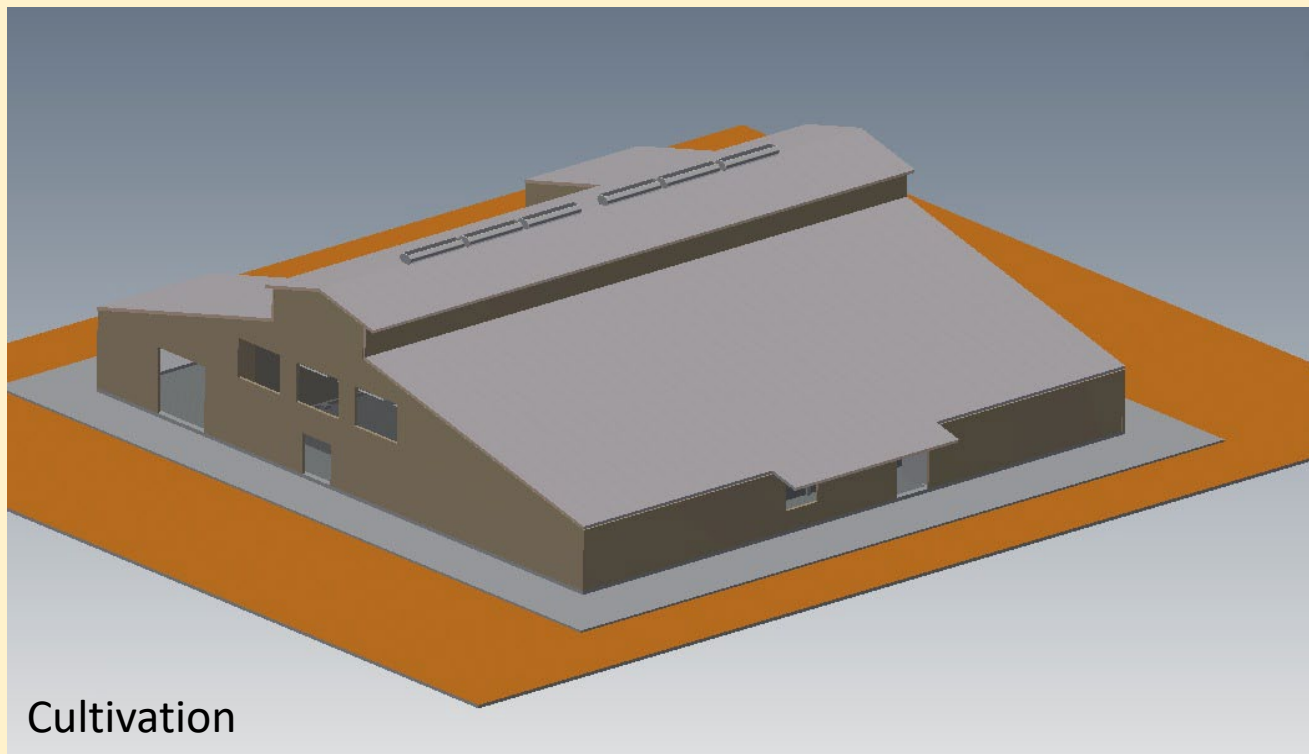
- Indoor cultivation
  - Four facilities, 80' x 100'
  - Mature canopy of 10,500 sf
- Outdoor cultivation
  - 10 acres
- Wholesale distribution
- Non-storefront retail
- Energized via Cogeneration with solar added later



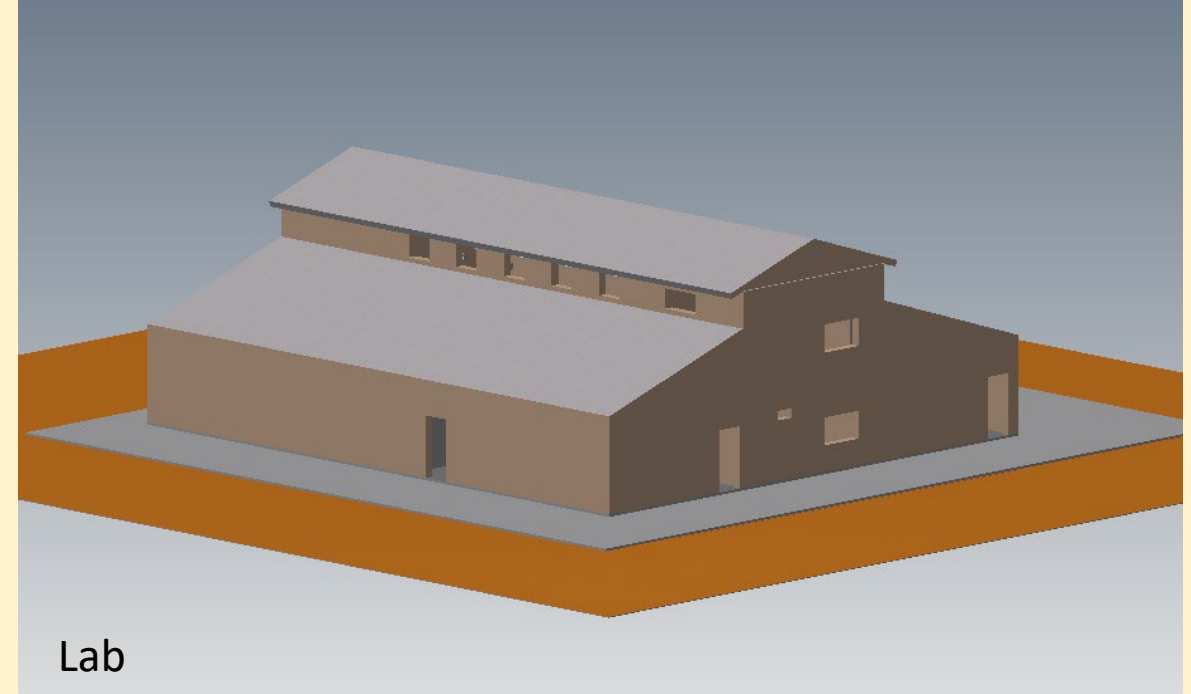




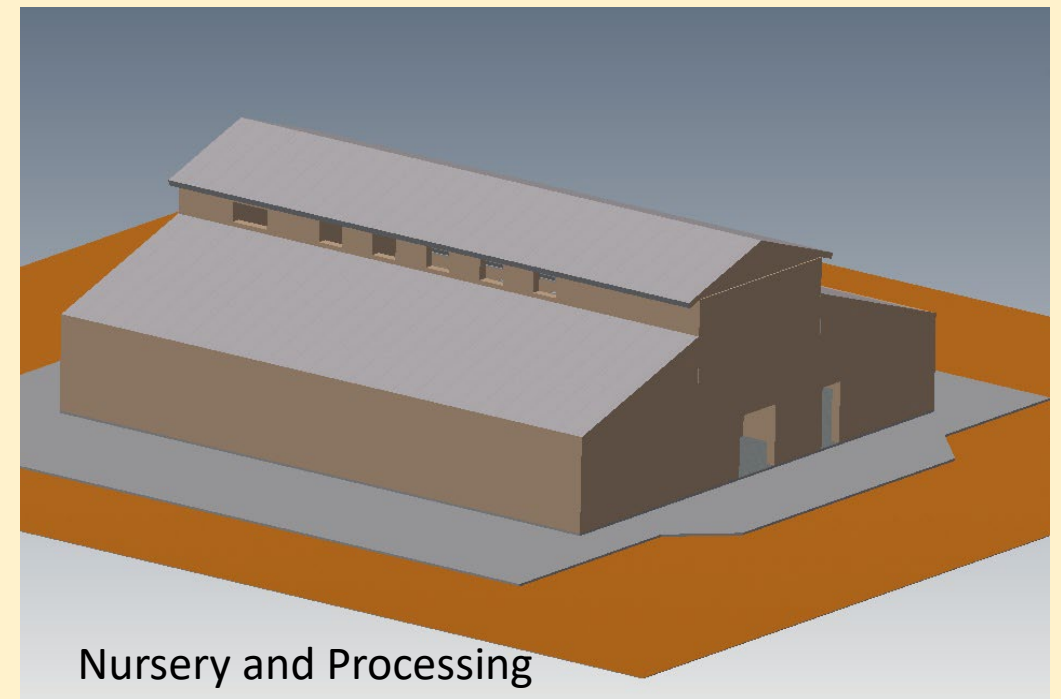




Cultivation

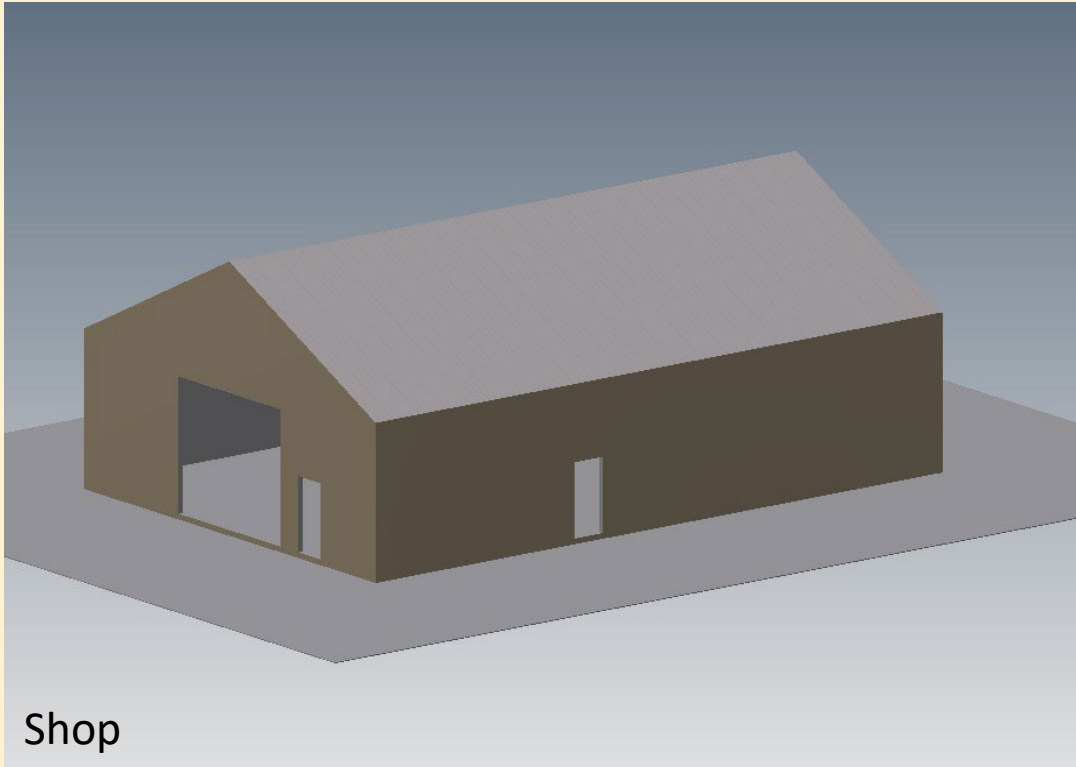


Lab

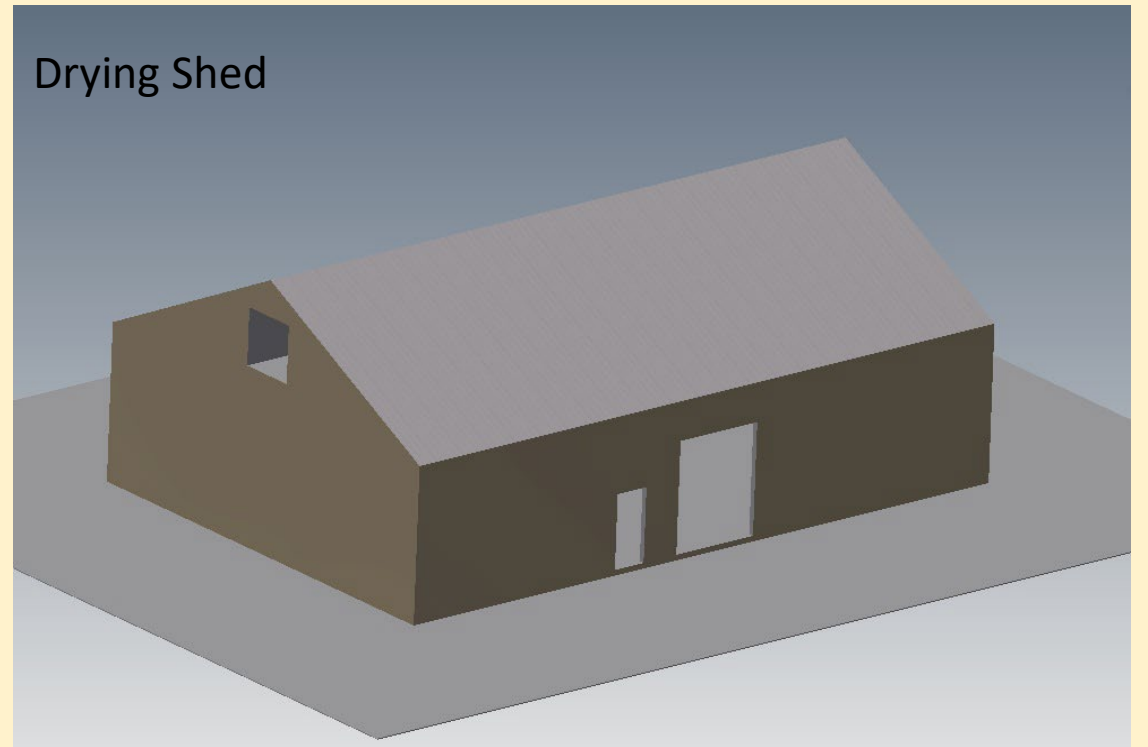


Nursery and Processing





Shop





# California Environmental Quality Act

- CEQA is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.
- Initiated Jan. 2022
- Potential impacts to aesthetics, biological resources, hydrology/water quality, cultural resources, air quality, tribal cultural resources, and wildfires
- Draft available September 30 - November 3, 2022
  - 16 comments received and responded to.
- 20 Mitigation Measures (11 new)
- Find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.



# Use Permit finding

- 1. All applicable provisions of the Mono County General Plan are complied with...**
  - AG Iud
  - Ch. 13.070
  - Ch. 13.080
  - Ch. 13.090
2. The site for the proposed use related to streets and highways is adequate...
3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area...
4. The proposed use is consistent with the map and text of the Mono County General Plan...



# General Plan Consistency: LUD

- Appropriate land use designation (Agriculture)
- AG development standards
  - Use, lot coverage, setbacks, height less than 35'
- Chapter 20 – Cargo Containers
  - 20.050 Visual Mitigation Requirements



# Chapter 13.070, General Standards & Requirement

- **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.*

- **13.070 D. Setback**

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

- **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.*

- **13.070 G. Visual Screening. (MND 4.1, AES-1)**

- *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.*

- **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.*

- **13.070 J. Noise.**

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



- 13.070 E. Odor Control. (MND 4.3, AQ-1,2)
  - *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.*
  - MM AQ-1, AQ-1
- 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.*







# Chapter 13.080, Cannabis Cultivation

## A. Setbacks

### 1. LUDs

### 2. Outdoor cultivation areas shall be set back three-hundred (300) feet from

1) existing habitable space under separate ownership, measured from the nearest boundary line of the cultivation area to the nearest point of the habitable space;

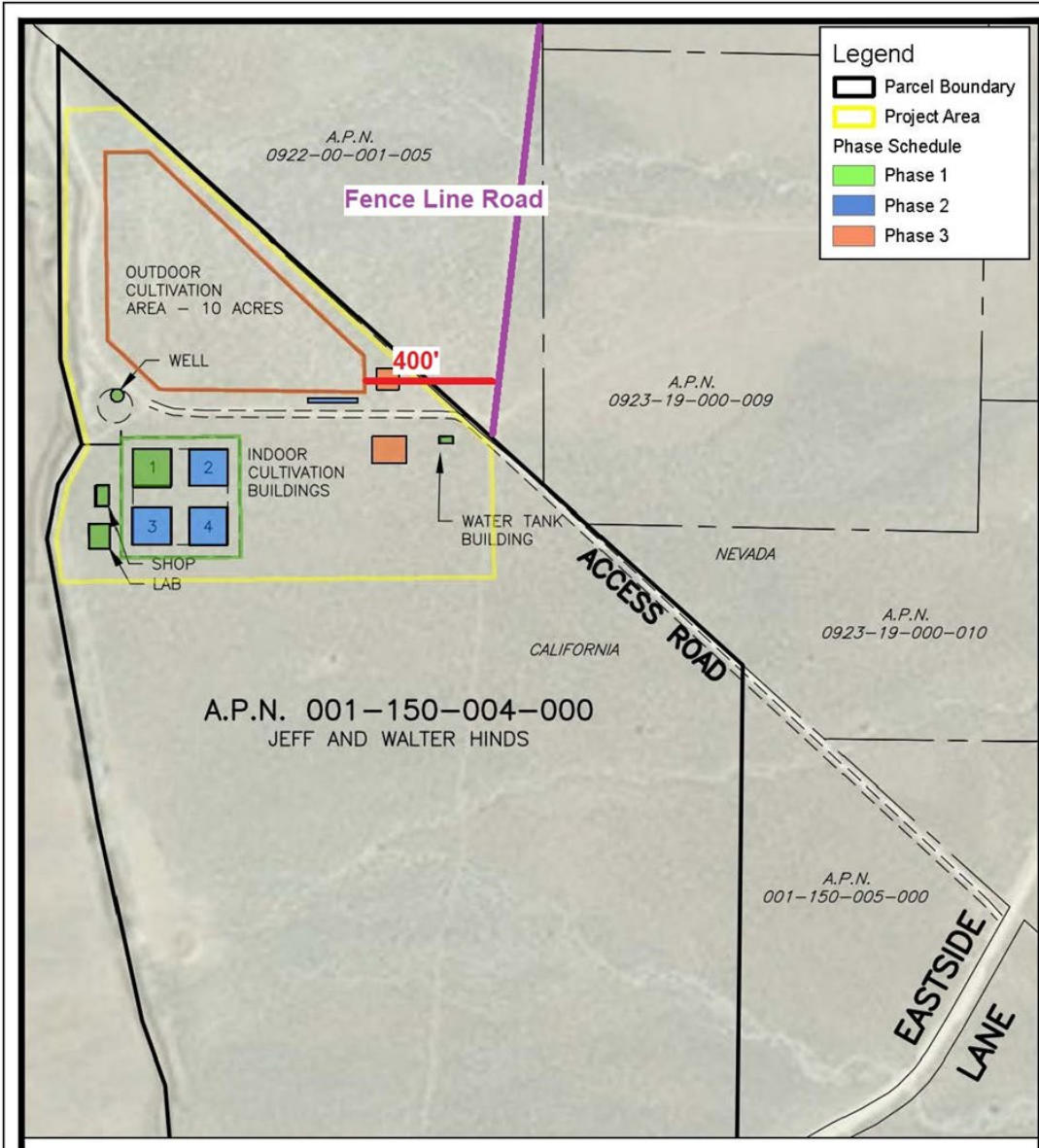
2) the property line of any neighboring parcel under a different land use designation;

3) any public or private road or other vehicular path of travel serving, or intended to serve, as access for multiple properties; and 4) any public and formally identified nonmotorized or multi-modal pathway

### 3. Structures meet LUD setbacks

### 4. Hoophouses meet setbacks

### 5. Alternative plan (none)

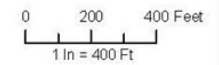


**Legend**

- Parcel Boundary
- Project Area
- Phase Schedule**
- Phase 1
- Phase 2
- Phase 3

County: Mono County, CA  
 Date: 6/20/2022  
 Source: ESRI Imagery Services  
 Vivid Maxar 5/15/2021

**Figure 2**  
 Sierra High Farms - Use Permit  
 Site Plan



\*Project Area footprint is within the Parcel Boundary.

6/30/2022  

 RCI  
 Resource Concepts, Inc.



B. **Lighting.** Interior light systems shall include window coverings to confine light and glare to the interior of the structure and be detailed within the Lighting Plan. Light mitigation measure shall be utilized from sunset to sunrise to avoid nighttime glare, as required in California Department of Food and Agriculture State Code 8304.

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 Protection Control District regulations and Mono County grading requirements.

D. The Permittee shall **provide a site plan** identifying all cultivation area(s) to ensure that the total canopy size of cannabis cultivation does not individually exceed the amounts authorized by County permits and State law.

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

F. **Closed to general public.** Cannabis cultivation premises shall be inaccessible by the general public unless supervised by the permittee.

G. In no case shall a building intended for **residential use** be used for cultivation.

H. In reviewing an application for a Use Permit to cultivate cannabis, the following additional information may be requested:

- 1. Projected energy demand and proposed renewable energy generation facilities; and
- 2. Unique identifier, inventory, and quality control procedures.

# Chapter 13.090, Cannabis Distribution

- A. Indicate truck parking and loading areas;
- B. Storage and handling plans; and
- C. Closed to general public. Cannabis distribution premises shall be fully enclosed and inaccessible by the general public unless supervised by the permittee.
- D. Any other relevant information requested by the Director of the Community Development Department, or his or her designee.
- E. The information provided may be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a).



# Use Permit Findings continued

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:
- 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: (MND 4.8, 4.17)**
- 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:**
- 4. The proposed use is consistent with the map and text of the Mono County General Plan because:**
  - AV Land Use Policies Goal 4, Policy 4.A.2, 4.A.5(b), 4.B.6, Objective 4.D,

# Noticing and Public meeting

- LDTAC Pre-application 8/16/21
- LDTAC Acceptance 10/4/21
- Tribal notice 4/19/22 (30-day period)
- Draft MND 11/28/22 – 12/3/22 (36-days)
- PC Newspaper Notice 12/3/22
- PC Mailed Notice (and emailed) 12/1-2



# Public Comments after publication

- 19 individuals requested direct noticing
- 5 comments received

# LDTAC comments 12/12

1. Undergrounding utilities – does Liberty have an easement to the project site?
2. Distance from adjacent neighboring structure, what about the distance to the adjacent property line? In the future, the neighbor may construct on their property at a location closer to the project site.
3. How would employee housing receive electricity?
4. How will the project mitigate impacts to the Douglas County Sheriff or Mono County Sheriff?
5. Concern with potentially dumping contaminated water to the Highline Ditch (a private ditch).
6. Concern for impacts to sage-grouse.



# CONDITIONS OF APPROVAL

## Use Permit 21-006/Sierra High

1. Project shall comply with all applicable regulatory agency requirements including but not limited to the California Department of Cannabis Control and Lahontan Regional
2. Project operations shall not discharge water into the Highline Ditch or use waters from the Highline Ditch. Highline Ditch is a diversion of the Big Slough ditch and a tributary of the West Walker River, privately owned and under the jurisdiction of the federal district court for the District of Nevada.
3. Project shall comply with the Mitigation Monitoring and Reporting Plan, as stated in the Sierra High Farms Mitigated Negative Declaration.
4. An easement shall be recorded against the deed of property APN 001-150-005-000 to allow legal access to the project site. APN 001-150-005-000 is currently under the same ownership as the project site parcel.
5. All development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
6. The project shall install and connect to an onsite solar power system prior to completing the outdoor cultivation area (Phase 3). No outdoor cultivation shall take place before the solar power system is complete.
7. All utilities shall be installed underground (MCGP 11.010 D).
8. All structures shall maintain a minimum setback of 30' from Highline Ditch, measured from the top of the bank (MCGP 04.120).

9. Project shall comply with General Plan Chapter 13, Commercial Cannabis Activities.
10. Exterior lighting on the property will comply with Chapter 23, Dark Sky Regulations, and shall be downward directed, fully shielded, with lighting temperatures not to exceed 3,000K.
11. Required revegetation shall use a locally sourced, native seed mix upon completion of construction and protected by installation of an erosion control fabric or suitable alternative. If plant survival is not sufficient to prevent erosion or dust, as determined by the Community Development or Public Works Departments, the applicant shall be required to reseed until plant survival is sufficient.
12. 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 prior to commencing operations.
13. The project shall be in substantial compliance with the project description and the site plan of the staff report. Minor changes and/or deviations to the project may be approved by a Director Review permit and/or ministerial processing provided the change or deviation does not generate controversy, new environmental impacts, new cultivation area, or new construction, as determined by the Community Development Director.
14. There shall be no expansion of cannabis uses without approval from the Mono County Planning Commission.



15. Applicant must maintain an active business license and tax certificate requirements.
16. Project shall comply with all Mono County Building Division, Public Works, and Environmental Health requirements.
17. 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 MCGP Section 47.030.
18. 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 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 in Section 32.070.
19. 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.
20. Revocation: The Commission may revoke the rights granted by a use permit 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 use permit or the violation by the owner or tenant of any provision pertaining to the premises for which such use 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.

