

MONO COUNTY PLANNING COMMISSION

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

MINUTES

December 20, 2018
(Adopted January 17, 2019)

COMMISSIONERS: Scott Bush, Chris I. Lizza, Roberta Lagomarsini, Mary Pipersky, Dan Roberts

STAFF: Wendy Sugimura, CDD director; Bentley Regehr, planning analyst; Jake Suppa, compliance analyst; CD Ritter, PC secretary

TELECONFERENCE: Gerry Le Francois, principal planner; Nick Criss, compliance officer; Michael Draper, planning analyst; Christy Milovich, assistant county counsel; Sheriff Ingrid Braun; Supervisor Jennifer Halferty

GUESTS: Patti Hamic-Christensen, Mike Curti, CJ Haramis, Pat Espinosa, Kerry Roeser, Don Morris, Eric Edgerton, Marye Roeser, Paul Christensen, Lou Roeser

1. CALL TO ORDER: Chair Scott Bush called the meeting to order at 10:03 a.m. at the board chambers in Bridgeport with teleconference to Town/County Conference Room in Mammoth Lakes.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes from Nov. 15, 2018, as amended: 1) Item 4A

4. PUBLIC HEARING

CONDITIONAL USE PERMIT 18-004/Tilth Farms: Proposal for cultivation of cannabis on Agriculture (AG-10) parcel located at 108432 Hwy 395, Coleville (APN 002-450-024). Cultivation will occur on six-acre area within the 166-acre property and will not exceed two acres of total canopy area. Canopy area will be divided among a medium outdoor grow and two smaller mixed light cultivation areas. A CEQA 15183 exemption is proposed. *Staff: Bentley Regehr*

Bentley Regehr presented project on 166-acre property north of Walker community. Two acres of canopy area within six-acre project site. All plants will be grown within hoop structure. Project must comply with Ch. 13 of Land Use Element. A 600' buffer around property. Odor control hard to analyze objectively. Mono has 300' setback regulations, but odor has different components outside 300'. Nearest residence 1,700' from grow area. Prevailing south winds blow odors away from residences. Complaint about medical grow on this property. No odors verified beyond 50'.

Other counties: Humboldt = 600' buffer, Santa Barbara County = 1,500' buffer (largest in California). Odor analysis differs.

Signage: No issues.

Visual screening: Hoop houses, film and fabric coverings.

Lighting: All natural, no electrical power.

Parking: Southwest corner has 20 spaces. Sufficient for loading.

CEQA review: Cannabis issues no different from other agricultural uses.

Conditions of approval: Standard for use permits plus compliance with Ch. 13 and Mono County Code.

Will-serve letter from Antelope Valley FPD. Caltrans requested encroachment permit. Recommended approval.

Historical use? Medical grow in past, not regulate non-medical grow.

Sugimura recalled alfalfa as permitted use in past.

Milovich clarified that medical grow was personal, not commercial.

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

OPEN PUBLIC COMMENT: Patty Hamic-Christensen, Walker resident, was associated with project as RPAC member. Supported potential of increasing tax base, improving income in community. Got to know applicant, kept in touch. Trying to comply in clear, transparent manner. Requested tour of grow site, went there, escorted by staff out to area for guided tour. Close to harvest when odors most prolific. Didn't notice till very close to grow area. As citizen supported approval.

Mike Curti, farmer/rancher in Antelope Valley many years. Crops limited. Bring more income, revenues down. Lot of work, costs lots. Also considering growing. Farm/ranch community favors it.

CJ Harimas, on N. River Lane, residence closest to project. Exempt from CEQA due to uniqueness of crop? Things more controversial, more environmental impact, questions other counties/states have come across. Recommended EIR, more studies. Economic benefits, job creation (Edgerton said 20 jobs but maybe three). Findings: no significant environmental impacts, 15183 cited. Filed complaint about distinct cannabis odor for weeks on end, multiple times during day. Inadequate for code officer to visit once. Many variables on regulating odor. Other places exposed to litigation. Supported growing cannabis, but odor can really impact community. Claim that distance prevents smelling it is broad, general statement. Wanted to be on record for concern about odor control, prevalence of problems in other counties. Code came for one-time determination but so many factors control actual impact on residents. Will call code every single day when smells odor. Security plan? House is on public row on river. Look 30' away to hoop house. No fencing, barbed wire fence torn down. During medical grow, never saw another person monitoring/guarding grow. Could have grabbed as many plants as wanted, taken down river. Residents concerned about someone getting access to grow, thoroughfares for teens trying to get plants.

Odor biggest concern? *Security and odor*. Bush noted cattle were there. *Cannabis smell very pungent*

If cattle in future, oppose it? *Harimas described cow manure as part of natural smell in valley. Not as annoying as dead skunk. Misunderstanding about earlier medical grow, counted more than 100, while Mono stated 50 plants. He could smell 50, so 99 would be more so.*

Pat Espinosa on N. River Lane. Access by permission to walk dogs, never smelled. Not concerned with odor.

Kerry Roeser, N. River Lane property borders project. Concerned about people going through there. Wind comes in all directions, directly east, directly affected. Huge difference between cattle, sheep, garlic, etc. Hoop houses, strong odor, type of labor force. During trimming, transients, security issue, different type of people. Huge cultural/social detrimental impact to rural community. Studied other small country towns. How will it change community? Social impact? Research in that area. Winds horrific in all directions. Believed Mono needs to look at proper siting, whole community, schools, churches. Appropriate for area? Decided by people who don't live here. Adamantly opposed to any permitting in valley.

Don Morris, resident to north. Trying for open mind. Edgerton went through every process, did due diligence, addressed every concern. Hard process, multiple steps, idle threats of litigation, code violations. Factors already dealt with. Have opposition to revoke permit. Many factors of mitigation. Listening to opposition, respects opinions, multiple properties in area. This piece of property except two adjoining residences is ideal. Gone through State process. Not going away. People coming on board, why Mono drag its feet? Supported moving forward.

Lagomarsini noted Edgerton went to RPAC, discussed two+ years. Medical grow brought up? *Haramis: Code didn't know of medical grow in valley. Started smelling it, looked around. Brought up.*

Sugimura described RPAC as advisory, does not evaluate projects. Knowing level of concern, did agendize updates on development project activities, including cannabis. Site plan, level of detail not to RPAC, no evaluation. Notice sent 10 days in advance to 300' buffer, public notice in newspaper for use permit.

Eric Edgerton, proponent, CEO of Tilth Farms. Looking forward to benefiting Walker/Coleville. First met with Mono two years ago, on RPAC, community participation. Well suited by size and buffers, benefit to area.

Permanent resident? *Yes*. Projects in other locations? *Edgerton was consultant in cannabis industries. Had grow in Placerville.*

Other odor prevention? *Edgerton: Expanding from 300' to 1,700'. Agriculture zone so free-range hogs would mask odor. Ozone, other perfumes. Good grasp on mitigating odor complaints. Highly visible, easy to point at, anyone over age 21 could grow. Harvest crop in segments to reduce odor.*

Other plants/activities to mask odor? *Edgerton: USDA grant for berries. Manure has pungent odor.*

On 166-acre property, grow on two acres? *Edgerton: Some plants 10' tall. Maybe 900 plants.*

Legally if full grow, how many acres? *Edgerton: Up to 44 acres, original use permit. More palatable, work into expansions as move along. Starting behind other counties, see how market goes.*

Intend to expand? *Edgerton: Nursery, distribution, manufacturing, retail. All plants to distributors. Bakersfield and Oakland.*

K. Roeser: Is Edgerton full time? Sits on RPAC. How will Walker, which is based on summer tourism, deal with odor? Three churches, big residential community of valley. Tourists want odor in mountain community?

Marye Roeser, adjoining property since 1967. Many concerns, opposed. Adjoins on east side of river, no road accesses his property, so crosses Roeser's property. No contact with Edgerton, had no idea using locked gate to access his property. Even took in camping trailer. Lock and chain on gate, access to water master. No idea his lock was on Roeser's gate. 100 acres adjoin another grow, so encroached upon in two directions. Concerns not just odor, but security, attraction of people going in back way. Parties at big slough, bonfires safety concern. Impacts on law enforcement, protecting not only Edgerton grow but elements attracted to area accessing from another direction. Why protecting watershed, wells, environment, endangered species not a concern? Societal changes not considered all that much. Retired teacher from Coleville schools 20 years. Traumatic experiences with pot-smoking students. Schools promote "just say no to drugs." Suddenly cannabis is big thing, a benefit. How change direction with schools? Prepare for change in our culture, message giving students.

Bush: Passed by vote of people, that's why we're here today. People wanted society to move toward.

Lizza: Easement for access? *No.*

K. Roeser: Mono OK'ed use, but not grow. *Bush indicated both.*

Paul Christensen: Great lengths for distance between. Like to see project go through if done in proper way. Impressed with Edgerton's involvement in community. Another grow application. Difficult for a while but work out kinks so benefit.

Lou Roeser supported previous opponents. Adjacent on eastern boundary. Observation of growing, development in other areas, detrimental effects can be devastating to county. Seeing growth changes, cabbage farming negative aspect to society/community. Circulated opposition petition to BOS with 70 signatures. Project totally detrimental to youth walking close by, attraction that would hurt rural residential community. Submitted arguments/opinions. Six pages of reasons why not to have project.

Hamic-Christensen lived in big city. Surprised at agriculture grows around Antelope Valley, people never associate with negative/defective. Been there way before her. Destabilize is alarmist. It's been there. Not believe this grow will end this community, could benefit. When has anything produced any jobs in this community? Half-empty/half-full. Not deteriorated, made less safe. If it goes south, would be shut down. Closest to getting approval to see how it's going to function. So much negativity.

M. Roeser understood Edgerton wanted to grow 1,500 plants, two other grow applications. Her understanding was medical is six plants/individual. If so, difference between six and 1,500, plus more applicants.

Morris thought Roesers did great job on petition. Not their first petition. Where are 70 participants at this point? River Lane does not represent entire community of Walker/Coleville; it's a residential tract area. Petition not represent entire community, just River Lane residents, some of whom favor project. Not venue to protect property rights of adjacent owners.

Sugimura noted petition is for another project. No comments on this project. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Bush noted when workers were fingerprinted, none came back with criminal problems.

Sheriff Braun cited decision that employees not be subject to background checks.

Milovich stated Mono has list of employees, not live scanned, not background checked.

Sugimura noted security plan under operations permit, approval by sheriff's office. Kept confidential under state law. Social impacts had during year-long discussion. Legal through vote of people of state, but

local jurisdiction could set its own regulations. Option on table, discussed among communities, including Antelope Valley RPAC.

Lengthy report in packet justifies not doing full CEQA? *Regehr indicated 15183 covers General Plan EIR.*

Lagomarsini asked about well depth, water quality, impact on wildlife. *Regehr: Looked at, could be addressed later.*

Lizza expressed tremendous respect for speakers, pioneer Roeser family, expressing thoughts honestly. Looking at cannabis issues, compares to alcohol with proven negative impact on society and individuals yet choose to accept and regulate it. Protect minors from it. Celebrate and promote distilleries, breweries, embrace entrepreneurial spirit. Reasons society chooses. Believe project almost ideal due to engagement in community, transparent process. Threat of tobacco organizations coming into corporate coffers. Proponent represents industry of young, passionate entrepreneurs committed to promoting industry in productive manner. Supported project.

Lagomarsini: Shared Roeser's concerns. If allow things to become legal, regulate. Supported project.

Pipersky: Mono has put lot of effort into this, listened to people for couple years. Completely agreed with concern about odors. Bothers her when in such areas. Adopted most restrictive buffer zone for this project. Significant but unavoidable impact of project. Odor is only concern. Go forward. Supported project.

Sugimura indicated 15183 because of no impacts. No documented numerical threshold on odor. If PC determines would need EIR, go back.

Roberts: Negative attitudes from many years when banned. Many used cannabis all along, not criminal element. One thing that led to passing was somewhat less harmful than alcohol. Approved project for grain to use in distillery, didn't see big objections to that. Gone through whole year process on regulations on land use, tried to address all concerns including odor. Cannabis is a crop. Appreciable support for Edgerton, spoken well of. Supported project.

Bush: Heard pros and cons in his district. Passed by over 60% in CA, by 2-1 vote in Mono County, not mere 50-49. Society does change; e.g., differences in marriage, driver license laws. Accommodate change, get used to it. If people want it, don't tell people no. Supported project.

Sugimura indicated an operations permit to BOS in January, not a public hearing so will not be noticed. Keep eye on BOS agendas.

MOTION: Find that project qualifies as exemption under CEQA guideline 15183 & instruct staff to file Notice of Determination; make required findings as contained in project staff report; file encroachment permit with Caltrans; & approve Use Permit 18-004 subject to Conditions of Approval (*Lizza/Roberts. Ayes: 5-0.*)

6. WORKSHOP

7. REPORTS

A. DIRECTOR -- 1) New staffers: Kelly Karl, Hailey Lang (natural resources, grant applications, Hwy 158 multi-modal, hydrogeologic model in Long Valley for sage grouse). **2) LADWP:** Supported grant application, met with Bi-State on water management. Land has lots transportation experience. Cannabis permits, including petition project. Another Antelope Valley application. **3) Tioga Inn SP:** Admin draft of subsequent EIR at end of year, public release February-March. **4) Four STR applications.** **5) Variance/use permit/tract map in June Lake;** another in June Lake as well. Housing interest. **6) Planning applications:** Very busy. Can't do all analysis in time for January meeting (GPAs for MFR land use changes, Type II moratorium that expires in February). Bridgeport Valley and Antelope Valley RPAC recommendations needed.

B. COMMISSIONERS -- None

8. INFORMATIONAL -- None

9. ADJOURN at noon to regular meeting January 17, 2019

Prepared by CD Ritter, PC secretary