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AGENDA ITEM NO.: 5 (Action Item – Public Hearing)

PLANNING COMMISSION April 23, 2025
MEETING DATE:

SUBJECT: Conditional Use Permit 2023-02/
Leon7farms

EXECUTIVE SUMMARY

The applicant has requested a Conditional Use Permit (CUP) to cultivate cannabis on a 2.5-acre parcel at 631 Ruby Lane, Charleston View, CA, in unincorporated Inyo County (APN 048-364-070). The project includes approximately 3,000 square feet of cannabis cultivation within two greenhouses, as well as five shipping containers for seed processing, drying, employee breaks, and equipment storage. The site is surrounded by vacant land, with the nearest town, Pahrump, NV, about 30 miles to the north. This project is classified as a Mitigated Negative Declaration under the California Environmental Quality Act (CEQA).

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Leon7farms, LLC- 7843 E. Triple Crown Ln, Camby, IN 46113

Property Owner: Jaime Varela, 7843 E. Triple Crown Ln, Camby, IN 46113

Site Address: 631 Ruby Lane, Charleston View, CA 92389

Community: Spring Valley Ranchos

A.P.N.: 048-364-07

General Plan: Resort Recreational (REC)

Zoning: Rural Residential with a 2.5-acre minimum (RR-2.5)

Size of Parcel: 2.5 acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
North	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
East	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
South	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)
West	Vacant	Resort Recreational (REC)	Rural Residential (RR-2.5)

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2023-02/Leon7farms and certify the project as a Mitigated Negative Declaration under CEQA.

Alternatives:

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner:

Cynthia Draper

STAFF ANALYSIS

Background

The applicant has submitted a Conditional Use Permit (CUP) application to operate a commercial cannabis cultivation farm on a 2.5-acre parcel located at 631 Ruby Lane, Charleston View, CA, in unincorporated Inyo County (APN 048-364-070). The site is situated north of Old Spanish Highway and east of N. Garnet St., with Ruby Lane bordering the northern edge (see vicinity map). The surrounding area is primarily vacant land, with the nearest town, Pahrump, NV, located approximately 30 miles to the north. The parcel is zoned Rural Residential (RR), which permits commercial cannabis cultivation through a CUP. The immediate surroundings are also zoned RR, with a mix of open, vacant land and scattered residential development. The property to the east of the project site is classified as vacant but consists of disturbed graded soil, a motor home, storage containers and piles of miscellaneous materials. The project is not within 600 feet of a school, daycare, park, or library, and therefore complies with state and county exclusionary zones.

The farm will produce cannabis flowers, which will be grown, dried, and trimmed on-site. The cultivation area will consist of two greenhouses, totaling approximately 3,000 square feet, equipped with infrastructure and technology to support cannabis growth, primarily using natural light. The applicant will perform dry harvesting over a 3–4-week period, and after harvesting, the cannabis will be transported off-site to a licensed distributor for further processing and packaging. Additionally, the project will include five shipping containers for seed processing, drying, trimming, equipment storage, and employee breaks. The entire cultivation production area will be fully enclosed with galvanized chain-link fencing enhanced with plastic slats, and a 6-foot-high entrance gate will be installed, ensuring restricted access to the public.

Two on-site water tanks will supply both potable and non-potable water, delivered monthly by Water Pros of Las Vegas under a service agreement approved by the Environmental Health Department. The applicant will also be required to install a well on the property within two years of permit approval. The project is projected to use approximately 1,500 to 2,000 gallons of water per week, and hand irrigation will be used for more precise and efficient water management. The applicant will work with the Environmental Health Department to address water management, septic systems, the use of portable toilets during construction, permanent toilet installation, and the storage, disposal, and use of pesticides and fertilizers. These requirements must be approved by the Environmental Health Department and the project is conditioned as such.

Access to the site will be from Ruby Lane via a 30-foot-wide entrance gate at the north end of the property. The site will provide ten parking spaces, including two handicapped accessible spaces.

Exterior lighting will be minimal to reduce light pollution. All lighting will be shielded, directed downward, and confined within the property boundaries. The lighting fixtures will be painted with a non-reflective color to minimize visual impact. The applicant will adhere to the Inyo County's Outdoor Lighting Ordinance (Ordinance No. 1278, Chapter 18.74).

Zoning Ordinance Consistency

The proposed project seeks a Conditional Use Permit (CUP) for the commercial cultivation of cannabis. The RR (Rural Residential) zoning designation allows both agricultural and residential uses. Within the RR zone in Charleston View, commercial cannabis cultivation is permitted on lots of 2.5 acres or larger, subject to the approval of a CUP. This use must also comply with relevant design guidelines, conditions, and regulations, including setbacks, as outlined by the county. The proposed project adheres to all required setbacks, which are 50 feet for the front, 30 feet for the rear, and 20 feet for the sides pursuant to the RR zone.

General Plan Consistency

The goal of this project is to establish a commercial cannabis cultivation operation on property designated as REC (Resort/Recreational) in the General Plan. While the property is within the REC designation, it is located in the RR (Rural Residential) zone, which permits cannabis cultivation through a Conditional Use Permit (CUP). Although the project does not fully align with the REC designation, it supports the county's broader goals of economic growth and sustainable farming.

The project is consistent with the General Plan's Goal Agriculture (AG) 1.0, which aims to "provide and maintain a viable and diverse agriculture industry in Inyo County." Cannabis cultivation will contribute to the diversification of the county's agricultural industry, generating additional tax revenue and creating jobs both directly and indirectly. These economic benefits will provide valuable support to the local economy, particularly in an area with limited residential, recreational, or tourist-based activity.

The proposed cultivation site is located in a largely undeveloped area, reducing the potential for conflicts with neighboring land uses. The applicant will also implement mitigation measures such as lighting, waste management, and water conservation to minimize any potential environmental impacts.

ENVIRONMENTAL REVIEW

Conditional Use Permit (CUP) 2023-02 for Leon7farms has been classified as a Mitigated Negative Declaration under the California Environmental Quality Act (CEQA). As part of the CUP approval process, several mitigation measures will be implemented to reduce potential environmental impacts as conditions for granting the permit. These conditions are listed below under Conditions of Approval. The Initial Study, along with the Biological and Cultural Study, can be accessed at: <https://www.inyocounty.us/services/planning-department/current-projects>.

TRIBAL CONSULTATION

In compliance with AB 52 and Public Resources Code Section 21080.3.1(b), tribes local to Inyo County were notified via certified letter on May 26, 2023, about the project and the opportunity for consultation. The tribes notified included the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe of the Owens Valley, the Bishop Paiute Tribe, the Cabazon Band of Mission Indians, the Fort Independence Paiute Tribe, the Lone Pine Paiute-Shoshone Tribe, the Timbisha Shoshone Tribe, and the Torres-Martinez Desert Cahuilla Indians.

Inyo County received a letter from the Timbisha Shoshone Tribe stating that the project would not affect cultural or traditional resources but also requested updates on the project's progress.

NOTICING & REVIEW

The application for CUP 2023-02/Leon7farms has been reviewed by the relevant departments, including Building and Safety, Environmental Health, Hazardous Materials (CUPA), Public Works, the Road Department, and the Inyo/Mono Agricultural Commission. No issues or concerns were identified during this review.

The public review of the CEQA document was announced in the Inyo Register on November 2, 2024, and no public comments have been received to date. The California Department of Fish & Wildlife (CDFW) and the Department of Cannabis Control (DCC) submitted comments with suggestions and recommended mitigation measures. Several of these comments were deemed substantive and have been incorporated into the Conditions of Approval for the permit.

The public hearing for this CUP was noticed in the Inyo Register on April 12, 2025, and a notice was mailed to property owners within 1,500 feet of the project location, as mandated by Section 18.78.360(F), which specifies the requirement to notify property owners within this distance about public hearings related to conditional use permits (CUP).

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2023-02/Leon7farms, with the following Findings and Conditions of Approval:

FINDINGS

1. The proposed Conditional Use Permit is an Initial Study with Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

[Evidence: Pursuant to 14 California Code Regulatory Sections 15000 et seq., the County has performed an Initial Study with a Mitigated Negative Declaration in order to "consult with other County departments, agencies, groups, and individuals, which may provide information and assistance to the Planning Department during this phase of environmental review" (Inyo County Code Section 15.28.030). This document contains the necessary "project description, evaluation of environmental impacts that may be conducted using an environmental checklist supported by sufficient explanations, discussion of any potentially significant impacts and mitigation measures" (Inyo County Code Section 15.28.040).]

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan.

[Evidence: The goal of this project is to facilitate the cultivation of cannabis, an agricultural product, on a parcel of land designated as (REC) in the Inyo County General Plan. Although the property falls under the REC designation, it is located within the RR (Rural Residential) zoning district, which permits cannabis cultivation through a Conditional Use Permit (CUP). This project aligns with the General Plan's Goal Agriculture (AG) 1.0, which strives to "provide and maintain a viable and diverse agricultural industry in Inyo County." Cannabis cultivation will contribute to diversifying the county's agricultural sector, generating addi-

tional tax revenue, and creating both direct and indirect job opportunities. These economic benefits will help support the local economy, especially in an area where residential, recreational, and tourism activities are limited. While the project is within a REC-designated area, its agricultural nature and alignment with broader goals of economic development and sustainable farming outweigh its position within the REC designation. Thus, it is consistent with the General Plan's overall objectives for agricultural and economic growth in the county.

3. The proposed Conditional Use Permit is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the Rural Residential (RR) zone.

[Evidence: The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation on parcels 2.5-acres and above in Charleston View, with a CUP. The Rural Residential zone, within its purpose statement, states: single family rural residential and estate type uses where certain agricultural activities can be successfully maintained in conjunction with residential uses on relatively large parcels. This project is agriculture in nature and adheres to all required setbacks.]

4. The proposed Conditional Use Permit is necessary or desirable.

[Evidence: The General Plan's Economic Development Element states: 'Inyo County's wealth is...highly dependent on a number of activities that occur throughout the County...including grazing, mining, water transportation, and the growing of crops. These activities are expected to continue in the long term and are expected to remain stable throughout the time horizon of this General Plan.' The applicant has stated that Leon7farms expects to produce cannabis flowers and products that will serve both County businesses and consumers, as well as other markets in the State. This is a sustainable model, which is desirable, as evidenced by the County's General Plan.]

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

[Evidence: The proposed conditional use permit is for a commercial cannabis cultivation establishment to operate in a remote, rural, area. It is related to the current and historic rural, agriculture and open space nature of the area and will not cause impacts on transportation or service facilities in the vicinity as the project does not create a significant amount of additional people or vehicles in the area. Parking areas will be located on the project parcel and road facilities are already established in the area and provide access to the property.]

6. The proposed Conditional Use Permit would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

[Evidence: The proposed conditional use permit is to allow for cannabis cultivation. This agricultural use will not change or increase the current level or general type of allowed uses in the Spring Valley Rancho area and the proposed se-

curity plan for Leon7farms will be reviewed by the Sheriff's Department as a business license requirement; therefore, it will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]

7. Operating requirements necessitate the Conditional Use Permit for the site.
[Evidence: Cannabis cultivation activities require a conditional use permit per Inyo County Code Section 18.45.030(P) and is therefore necessary for the operation of Eco Holdings LLC.]

CONDITIONS OF APPROVAL

1. **Hold Harmless** The applicant/developer shall defend, indemnify, and hold harmless Inyo County, including its agents, officers, and employees, from any claims, actions, or proceedings against the County related to the approval of Conditional Use Permit No. CUP 2023-02/Leon7farms Cannabis Cultivation. The County reserves the right to prepare its own defense.
2. **Compliance with County Code** The applicant/developer shall comply with all applicable Inyo County Code provisions and State regulations, including but not limited to building, grading, and public health and safety regulations. If the use authorized by this conditional use permit is not established within one year of approval, the permit will be void.
3. **Compliance with Agricultural and State Licensing Agencies** The applicant/developer shall work with the Agricultural Commission and the Department of Cannabis Control to secure the necessary permits and licensing for the project. All required permits and approvals shall be obtained prior to the issuance of building permits.

4. Environmental Commitments under CEQA

Aesthetic Impact: The applicant shall comply with Inyo County's Outdoor Lighting Ordinance (Ordinance No. 1278, Chapter 18.74) by ensuring that all outdoor light fixtures—including street lighting, signs, and billboards—are energy-efficient, fully shielded, and directed downward in accordance with County standards.

Air Quality: The applicant shall follow best management practices to control for dust and odors & will consult with the Great Basin Air Pollution Control District to minimize potential air quality effects during construction and from the Cannabis crop's VOC emissions (Terpenes).

Geology and Soils: The applicant shall consult with the Inyo County Environmental Health Department for the management of sewage waste using portable toilets until indoor bathrooms are constructed. The portable toilets shall be hauled away weekly to a contracted RV dump station. The applicant must also consult with the Environmental Health Department regarding septic system compliance and pesticide and fertilizer use and disposal.

Water Supply: The applicant shall install a well within two years of the approval of the CUP. The well must be installed to replace the use of the two water tanks currently used for potable and non-potable water, as the Environmental Health Department prefers the well to be in place for a more sustainable water source, phasing out the need for the tanks.

Lahontan Regional Water Quality Control Board: The applicant shall collaborate with the Lahontan Regional Water Quality Control Board to determine whether an application for a stormwater prevention plan permit is required. The applicant shall comply with any necessary permitting or regulatory requirements identified by the Lahontan Regional Water Quality Control Board to ensure water quality standards are met.

5. Biological Mitigation Measures (BIO)

Worker Environmental Awareness Training

Before any work occurs in the project area, including grading and equipment staging, a qualified biologist shall provide a Workers Awareness Training (WEAT) to all employees, representatives, contractors, and subcontractors regarding special-status species present within the project limit. The qualified biologist shall provide interpretation for non-English speaking workers.

Equipment Maintenance

All construction equipment shall be checked daily prior to initiating work. If equipment leaks while onsite, place a construction diaper (i.e. tarp and wattles) underneath until the equipment is maintained

Litter

All trash will be disposed of in a closed container or disposed off-site at the end of each day. This measure will remove food that may attract predators such as ravens and coyotes in the project site as well as minimize degradation of habitat by decreasing the amount of litter at the project site.

Light Pollution Mitigation

To minimize light pollution (inside), blackout curtains must be used to prevent light from escaping cultivation structures. Artificial lighting at dawn and dusk should be limited to reduce impacts on wildlife. All lighting must be shielded and directed downward to prevent excessive brightness and skyglow. LED lights with a warm color temperature (3,000K or lower) must be used, and hazardous waste must be disposed of properly

Burrowing Owl Surveys and Protection

Before construction, the site and surrounding area must be surveyed for burrowing owls following CDFG (2012) guidelines. If no owls or nests are found, no further action is needed. If owls or signs of them are present, a biologist will create a

protection plan with CDFW approval. Work near active burrows must include appropriate buffers to prevent disturbance. If avoidance is not possible, CDFW must be consulted to determine the necessary steps.

Torrey's Mormon-Tea Avoidance

Special-status plants must be protected using fencing or markers. If avoiding them is not feasible, compensation measures, such as preserving plants elsewhere through conservation programs, must be implemented.

Nesting Bird Protection

A nesting bird survey must be conducted within three days before starting work. If active nests are found, a biologist will establish buffer zones to prevent disturbance until nesting is complete. If no nests are found, no further action is required.

Desert Tortoise Surveys and Avoidance

A qualified biologist must survey the area for desert tortoises before construction begins. Two consecutive negative surveys are required before work can proceed. If tortoises are found, a protection plan must be developed in consultation with CDFW. If avoidance is not possible, further coordination with CDFW is required to determine appropriate measures.

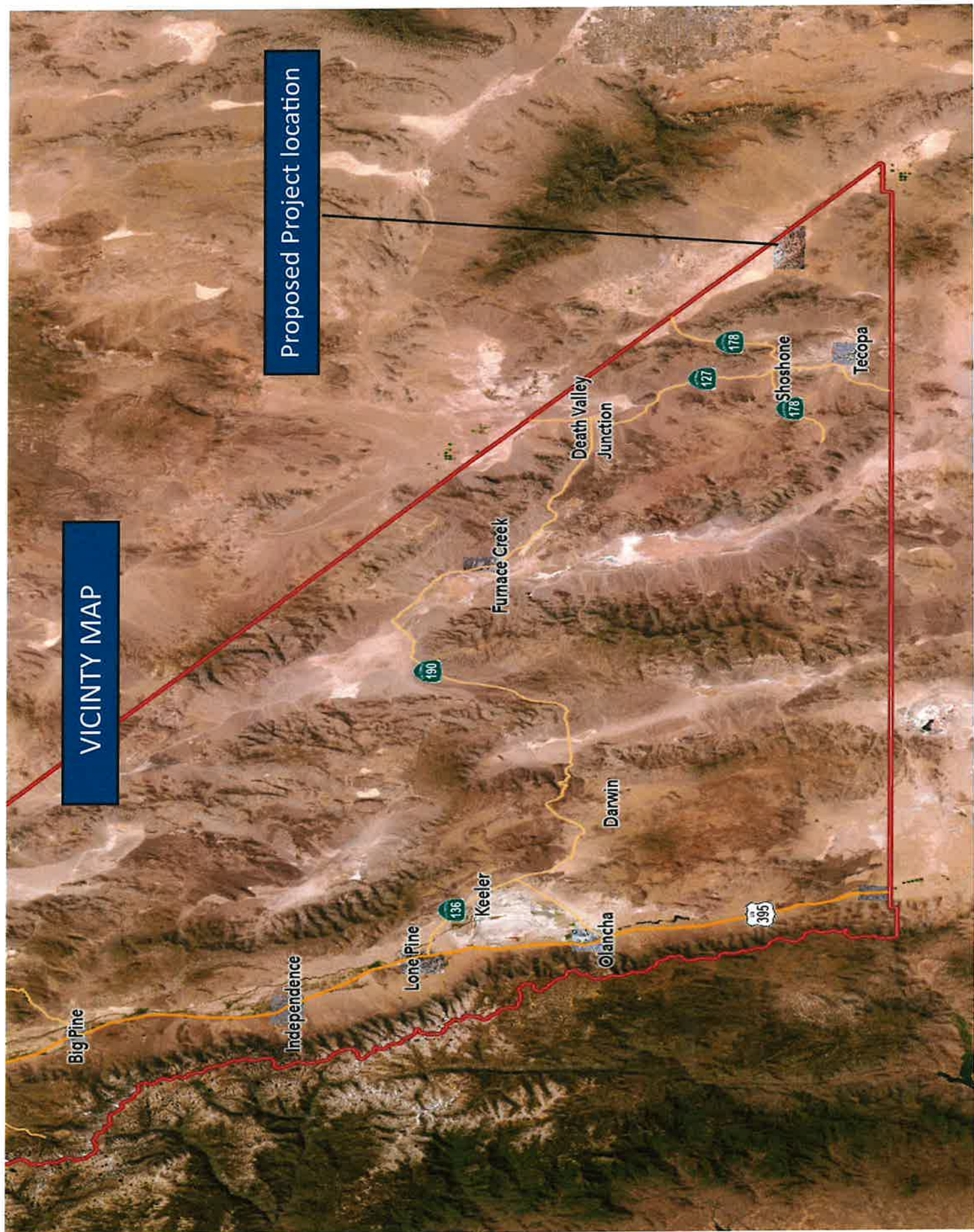
6. Failure to comply with the conditions of approval as set forth may cause the revocation of Conditional Use Permit (CUP) 2023-02/Leon7farms.

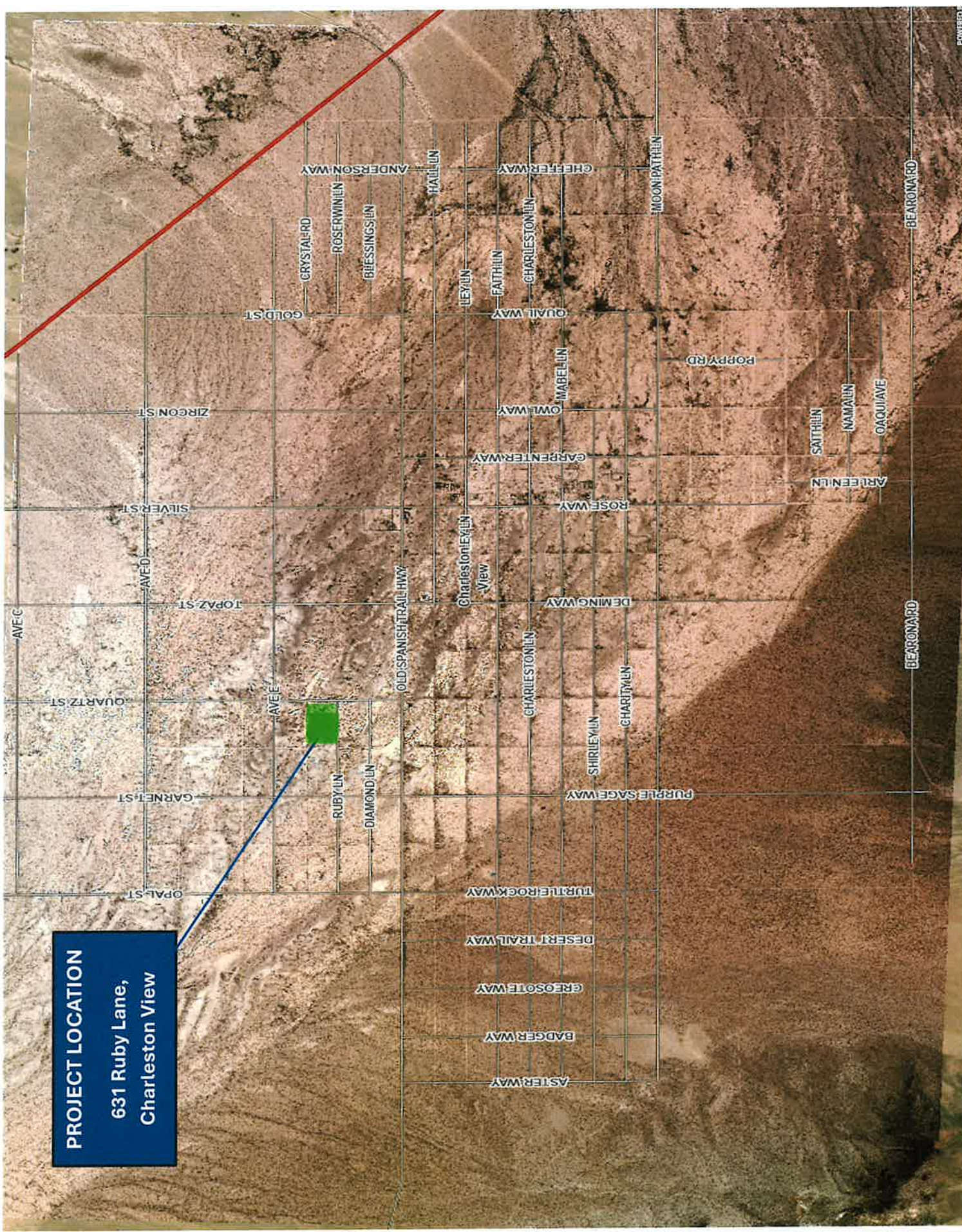
Attachments:

1. Vicinity Maps
2. Site Plan
3. California Department of Fish and Wildlife (CDFW) Comment Letter
4. Department of Cannabis Control (DCC) Comment Letter
5. Timbisha Shoshone Tribe Comment Letter

VICINITY MAP

Proposed Project location

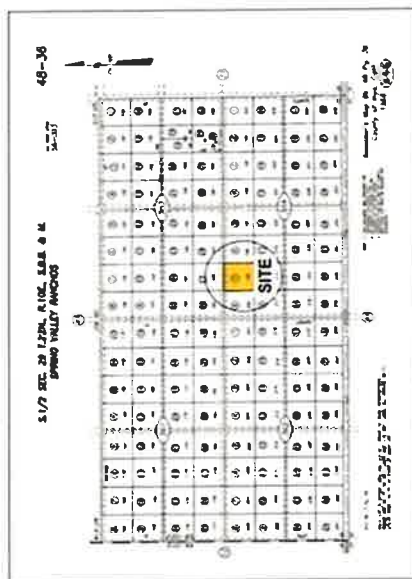




PROJECT LOCATION
631 Ruby Lane,
Charleston View

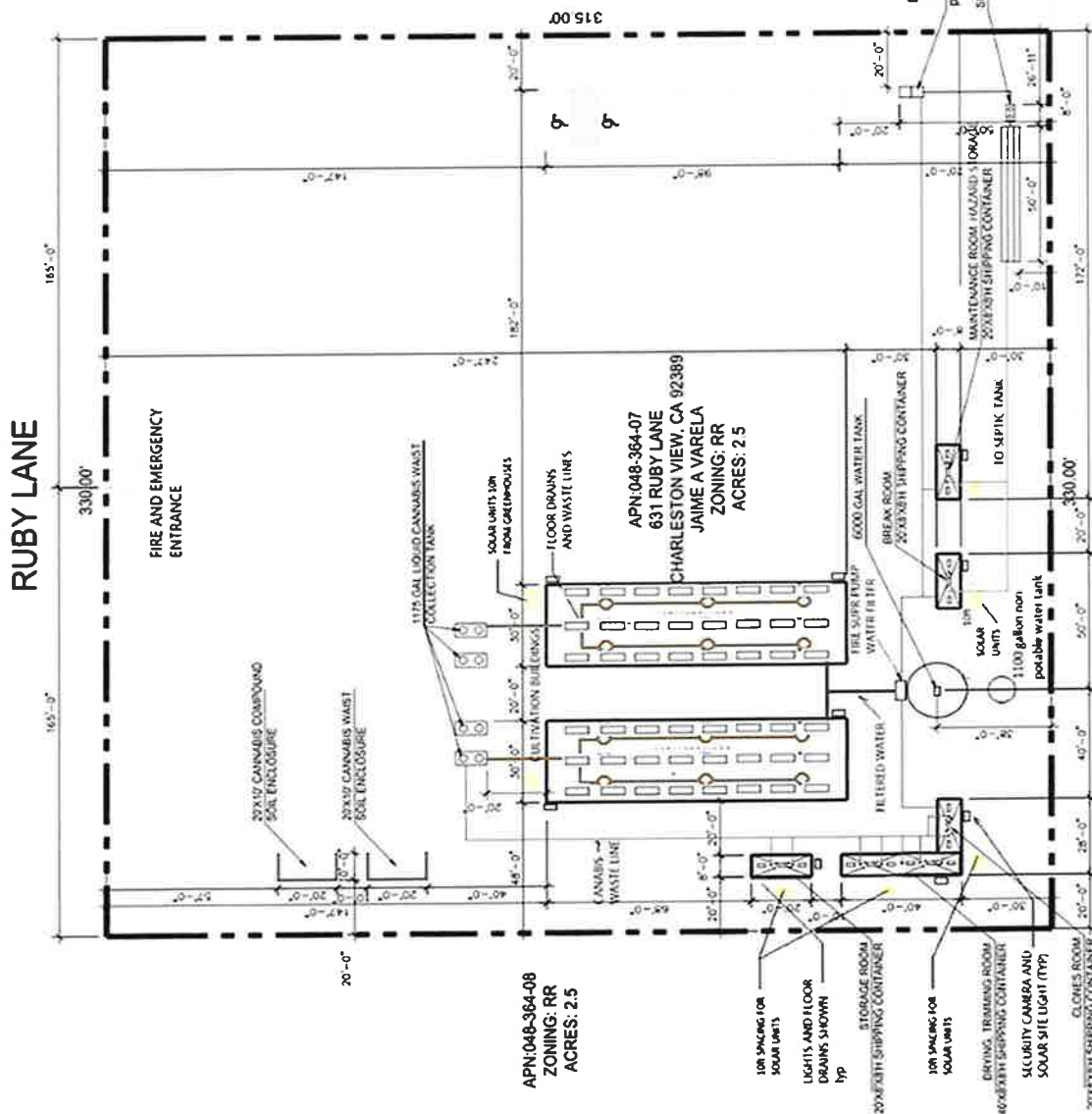


VICINITY MAP



LOCATION MAP

APN: 048-364-08
ZONING: RR
ACRES: 2.5



APN:048-364-10
ZONING: RR
ACRES: 2.5

APN: 048-364-07 - LEON7 FARM L.L.C. CANNABIS CULTIVATION

SCALE: 1" = 20'-0"

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Attachment A Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM BIO-2: Prior to any ground disturbance, a survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). Specifically, these reports suggest at least one site visit between February 15 and April 15 and a minimum of three surveys, at least three weeks apart, between the peak breeding season April 15 and July 15, with at least one visit after June 15. The surveys shall include 100 percent coverage of the Project site and include a minimum 500-foot buffer in adjacent habitat. A report summarizing the survey including all requirements for survey reports (page 30 of the 2012 Staff Report) shall be submitted to CDFW for review.</p> <p>If no burrowing owl, active burrowing owl burrows, or sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof are found, no further action is necessary.</p> <p>If burrowing owl, active burrowing owl burrows, or sign thereof are found the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be review and approved by CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.. If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDGW, 2012) may be authorized through the incidental take permit as a minimization measure.</p> <p>Prior to Project-related activities, a qualified biologist(s) shall perform a take avoidance pre-construction survey for burrowing owl occupation in accordance with the <i>Staff Report</i></p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

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<p>on <i>Burrowing Owl Mitigation</i> (CDFG, 2012 or most recent version). The survey shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, 2012 or most recent version). If the pre-construction surveys confirm occupied burrowing owl habitat. Project activities shall be immediately halted. The qualified biologist shall notify CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval. If avoidance is not feasible, the Project Proponent shall consult with CDFW on next steps, including obtaining an Incidental Take Permit (ITP) for burrowing owl prior to the start of Project activities.</p>		
<p>MM B1O-3: Torrey's Mormon-Tea Avoidance. The applicant shall avoid Torrey's Mormon-Tea individuals at the project site. The applicant will coordinate with a qualified biologist to ensure these individuals are avoided. The Project Applicant shall avoid any special-status plant(s) on site, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance of a special status plant is not feasible, the Project Applicant shall mitigate the loss of the plant(s) through off-site compensation including: 1) permanent protection of an existing off-site native population; 2) permanent protection of an off-site introduced population; 3) a combination of 1) and 2); or 4) mitigation banking. The ratio of acquisition to loss in most cases exceed 1:1 for any species. The ratio should be higher for rarer species, particularly for those that occupy irreplaceable habitats.</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>MM B1O-4: Regardless of the time of year, a pre-construction survey shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If nesting bird activity is present within the work area or the Project's zone of influence (generally 100-300 feet), a no disturbance buffer zone shall be established by the qualified biologist to be marked on the ground around each nest. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Active nest(s) and an established buffer distance(s) shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If there is no nesting activity, then no further action is needed for this measure. If an active nest is</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

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<p>encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.</p>		
<p>MM BIO-9: A CDFW-approved biologist shall conduct a protocol level presence or absence survey within the Project area and 500-foot buffer of suitable habitat, no more than 48 hours prior to Project activities and after any pause in Project activities lasting 30 days or more, in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If the survey confirms presence, the Project proponent shall submit to CDFW for review and approval a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance cannot be achieved, the Project proponent shall not undertake Project activities and Project activities shall be postponed until appropriate authorization [i.e., California Endangered Species Act (CESA) Incidental Take Permit under Fish and Game Code section 2081] is obtained.</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-10: Prior to construction and issuance of any grading permit, Inyo County should develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-11: Light shall not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk, as</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

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these windows of time are when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see DarkSky International Protecting the night skies for <u>present</u> and future <u>generations</u> . Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.		
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**Department of
Cannabis Control**
CALIFORNIA

Gavin Newsom
Governor

Nicole Elliott
Director

November 25, 2024

Cynthia M Draper, Associate Planner
Inyo County Planning Department
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Re: Initial Study/Mitigated Negative Declaration (SCH No. 2024101391) – Conditional Use
Permit 2023-02/Leon7farms Cannabis Cultivation Project

Dear Ms. Turner:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Inyo County for the proposed Leon7farms Cannabis Cultivation Project (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cultivation license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation licenses from DCC. In order to ensure that the amended IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the document, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Project, but to all future CEQA documents related to cannabis business applications in Inyo County.

DCC offers the following comments concerning the IS/MND.

General Comments (GCs)

GC 1: Proposed Project Description

Certain comments provided in the specific comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project

description would be helpful to DCC. The following information would make the IS/MND more informative:

- 1) The types of equipment anticipated for operations and maintenance activities;
- 2) Description of facility operations and maintenance, including:
 - a. The dimensions of the two greenhouses, square footage of the cultivation canopy and square footage of immature plants (if present);
 - b. The number of workers employed at the cultivation site;
 - c. Estimated number of weekly trips to and from the site for delivery of materials or supplies, shipment of products, and disposal of all waste generated by the Project;
 - d. Source of water, volume of storage tanks and any water efficiency equipment that would be used; and
 - e. Details about proposed landscaping.
- 3) The source (equipment) and amounts of energy expected to be used in operating the cultivation facility, including any energy management and efficiency features incorporated into the Proposed Project.

The IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. The site plans that are provided in the IS/MND are not included at a resolution or scale that would allow the reviewer to understand the general location and surrounding features, or to visualize the layout of existing and proposed features of the Project.

GC 2: Impact Analysis

Several comments provided in the specific comment table below relate to the absence of information or support for impact conclusions in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology, impact assessment) was provided to support all impact conclusions in the checklist, including the sources of information relied upon to make conclusions.

GC 3: Requirements for Mitigation Measures

When a CEQA document identifies impacts that are potentially significant, CEQA requires the Lead Agency to propose mitigation measures, where feasible, that may avoid, reduce, and/or minimize these impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. In several instances throughout the document, mitigation measures are not sufficiently specific to establish how such measures would minimize significant adverse impacts as a result of Proposed Project activities.

GC 4: Acknowledgement of DCC Regulations

The IS/MND does not acknowledge that the project would require one or more cannabis cultivation licenses from DCC. The document could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation and distribution regulations. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

GC 5: Site-Specific Reports and Studies

The IS/MND references several project-specific plans, studies, and reports, including a Biological Resources Assessment; Cultural Resources Evaluation; Consultation with the Southern Inyo Fire Protection District; Consultation with County Public Works Department; State Sustainable Groundwater Management Act Basin Prioritization Map. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

Specific Comments and Recommendations

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
1	Various	Various	General Mitigation	The IS/MND could be improved if it clarified whether the mitigation measures described will be a condition of the County/City issued CUP.
2	Various	Various	General Mitigation	The impact analysis and the impact statement for several resource topics indicate that the project would have "No impact". However, the checkbox indicates that there would be "Less than significant impact", not "No impact" The text, impact statement, and checkbox should be made consistent.
3	Various	Various	Checklist	The IS/MND could be more informative if it cited the information used to reach conclusions in each section.
4	8	4	General Mitigation	The IS/MND would be improved if it provided an analysis of potential impacts resulting from Proposed Project operations. This could include an analysis of impacts resulting from increased light, noise, vehicles, or heavy machinery.
5	10	4	Introduction	The IS/MND does not list DCC as the agency responsible for issuing a state cannabis cultivation license. In addition, the IS/MND would be more informative if it provided the permit(s) or approval(s) required from each of the agencies listed.
6	10	4	Project Description	The IS/MND could be more informative if it provided the permit(s) or approval(s) required from each of the agencies required for cannabis cultivation.
7	I	7	Aesthetics	The IS/MND would be improved if it referenced DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
				sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 4 §§ 16304 (6) and (7)).
8	III & IV	8	General Mitigation	The IS/MND would be improved if it provided an analysis of how the proposed mitigation measures would reduce Air Quality and Biological Resource impacts to less than significant levels.
9	III	8	Air Quality	The analysis of air quality impacts and proposed mitigation measures would be improved if it evaluated the pollutant emissions associated with operation of the Proposed Project, disclosed the relevant air quality management district for the project site, and disclosed the air emissions significance threshold(s), against which the impacts of the project are compared.
10	III	8	Air Quality	The impact analysis and the impact statement for III (e) indicate that the project would have "No impact". However, the checkbox indicates that there would be "Less than significant impact". The text, impact statement, and checkbox should be made consistent. Update the text if a mitigation measure will be included as part of this section
11	III	8	Air Quality	The IS/MND could be improved by identifying any sensitive receptors in the vicinity of the proposed project and the distance from the cultivation area to these receptors.
12	IV	8	Biological Resources	The IS/MND could be improved by providing additional detail regarding the environmental setting for biological resources at the project site and impact conclusions regarding individual species and habitats. It appears that this detail may be included in the Biological Assessment prepared for the Proposed

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
				Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the City advise the applicant to provide a copy of the Biological Assessment with its state application package for an annual cultivation license to DCC.
13	IV	8	Biological Resources	The IS/MND would be more informative if it listed the mitigation measures it refers to in section IV (a).
14	VIII	11	General Comment	The IS/MND would be more informative if it provided a list of the best management practices that would be employed, and an analysis of how those best management practices would reduce potential impacts to less than significant levels.
15	VIII	11	Greenhouse Gas Emissions	The IS/MND would be improved if it quantified the projected emissions of the Proposed Project from each phase of development and provided an analysis of how the projected emissions relate to a specific threshold of significance.
16	IX	12	Hazards and Hazardous Materials	The IS/MND would be improved if it clearly identified and analyzed potential impacts resulting from the routine transport, use, and disposal of any hazardous materials during operations or routine maintenance at the site. This may include disclosure and discussion of anticipated hazardous materials to be used on site, predicted risk of upset conditions, and/or nearby sensitive receptors (e.g., schools, residences).
17	IX	12	Hazards and Hazardous Materials	The IS/MND would be improved if it clearly identified and analyzed potential impacts resulting from reasonably foreseeable upset and accident conditions involving the release of any hazardous materials during operations or routine maintenance at the site.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
18	X	13	Hydrology and Water Quality	The IS/MND could be more informative if it described some of the construction stormwater management measures as well post-construction controls included in the Stormwater Management and Pesticide Management Plans.
19	X	13	Hydrology and Water Quality	The IS/MND could be improved if it noted that applicants are required to provide proof of enrollment in or exemption from the applicable SWRCB or Regional Water Quality Control Board (RWQCB) program for water quality protection. (Cal. Code Regs., tit. 4 § 15011(a)(3)), and are required to provide a final copy of proof of a lake and streambed alteration agreement issued by CDFW or written verification that an agreement is not needed. (Cal. Code Regs., tit. 4 § 15011(a)(8).)
20	X	13	Hydrology and Water Quality	The IS/MND would be improved if it provided an analysis of potential impacts resulting from agricultural runoff related to cultivation activities. The document should provide information about the volume of agricultural runoff, how runoff would be managed, and whether runoff would result in significant impacts to water quality.
21	XIX	17	Utilities and Service Systems	The IS/MND would be more informative if it included the water conservation plan for the Proposed Project. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise the applicant to provide a copy of the plan with its state application package for an annual cultivation license to DCC.
22	XXI	18	Mandatory Findings of Significance	The IS/MND would be more informative if it listed the mitigation measures it refers to in this section. The measures need not be

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
				repeated in full, but at a minimum they should be listed by number.
23	N/A	19	Source List	The IS/MND would be more informative if it provided a Source List. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments.

Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at Kevin.Ponce@cannabis.ca.gov.

Sincerely,

Ponce,

Kevin@Cannabis

Kevin Ponce

Licensing Program Manager (Acting)

Digitally signed by Ponce,
Kevin@Cannabis
Date: 2024.11.25 16:09:23 -08'00'



June 9, 23

Inyo County
Planning

JUN 14 2023

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Margaret Cortez,
Tribal Chair

Carmen Armitage,
Vice-Chair

George Gholson,
Secretary/Treasurer

Bill Eddy,
Council Member

Jimmy-John Thompson,
Council Member

Thomas A Romero
Timbisha Shoshone Tribe
Environmental Director

Attn: Cathreen Richards
Planning Director
PO Drawer L,
Independence, CA 93526

environmental@timbisha.com
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RE: Assembly Bill 52 Consultation (Per Public Resources Code 21080.3.1)

Cathreen Richards,

The Timbisha Shoshone Tribe received a letter on June 7, 2023 regarding consultation on 048-364-07 Cannabis Cultivation. The tribe concluded there is no cultural or traditional impact.

However, please keep the tribe updated with progression of project.

If you have any questions or concerns feel to contact me.

Sincerely,

Thomas A. Romero
Environmental Director
Timbisha Shoshone Tribe
environmental@timbisha.com
Office: 760.872.3614
Fax: 760.690.4486

Timbisha Shoshone Tribe – 621 W. Line St., Suite #109 – Bishop CA, 93514
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