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**AGENDA ITEM NO.:** 9 (Action Item – Public Hearing)

**PLANNING COMMISSION MEETING DATE:** March 23, 2022

**SUBJECT:** Conditional Use Permit (CUP) 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; Variance 2021-08/ Glacier Fed Farms

#### **EXECUTIVE SUMMARY**

The applicant is requesting a CUP for the cultivation of 5,000-square-foot or less of cannabis. The project includes growing and drying cannabis on a 12-acre parcel located at 3080 Glacier Lodge Road near the community of Big Pine. The applicant has concurrently applied for 2 variances. One for a side yard setback encroachment of 200-feet on the west side of the property and the other for a fence height variance for up to 8-feet for security.

#### **PROJECT INFORMATION.**

**Supervisory District:** 4

**Project Applicant:** Glacier Fed Farms, Jennifer Weston, 3080 Glacier Lodge Road, Big Pine, CA

**Property Owner:** Jennifer Weston, PO Box 816, Big Pine, CA 93515

**Site Address:** 3080 Glacier Lodge Road, Big Pine, CA

**Community:** Big Pine

**A.P.N.:** 018-280-18; 018-280-27; 018-280-20

**General Plan:** Residential Rural Medium Density (RRM)

**Zoning:** Rural Residential (RR-2.5)

**Size of Parcel:** 12.08 (parcel merger in process)

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Private Residence/ Agriculture	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
North	Vacant / Forest Service	State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
East	Private Residence	Residential Rural Medium Density (RRM)	Rural Residential with a 2.5-acre minimum (RR-2.5)
South	Vacant / Forest Service	State and Federal Lands (SFL)	Open Space with a 40-acre minimum (OS-40)
West	Vacant	Residential Rural Medium Density (RRM)	Rural Residential with a 5-acre minimum (RR-5)

**Staff Recommended Action:**

**1.) Approve the Conditional Use Permit (CUP) 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/Glacier Fed Farms, setback; Variance 2021-08/ Glacier Fed Farms, fence height; 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:**

Cathreen Richards

**STAFF ANALYSIS**

Background and Overview

The applicant is requesting a CUP and 2 VAR to operate a cannabis cultivation business located at 3080 Glacier Lodge Road near the community of Big Pine (map and site plan attached). The property is zoned RR-2.5, which allows for cannabis cultivation with a CUP, and is located in a fairly remote area of the County surrounded by recreation opportunities, vacation homes and open space uses.

The project proposal includes approximately 5,000-square-feet of cannabis cultivation in an existing high tunnel, hoop/greenhouse on about a 12-acre parcel. This property has previously been used to grow organic vegetables, commercial trees and hay. There is a single family home, and a small airstrip located on the property, as well. No new construction is proposed on the property as part of this permit request.

The project will utilize existing roadways, parking areas, irrigation systems and other related infrastructure on the property that have historically been used for agricultural production including the tree farm, hay and organic vegetable production. An existing driveway with a bridge that crosses over Big Pine creek will also be used to access the cultivation site. There will be no changes to existing internal roads or access roads to the property or to parking and loading areas.

Cultivation will occur in a single grow cycle from mid-May to October (Cultivation Plan attached). Due to the project's unique location, strains that mature early, due to a shortened growing season, will be used. The applicant will adhere to strict organic growing methods and aspires to be a 'Green' cannabis grower. Irrigation and fertilization of plants will occur using top-feed hand watering and/or drip irrigation methods that will eliminate the chance of run off. The cannabis plants will be grown in large fabric pots placed inside the greenhouse. Once the cannabis is harvested an area within the approved cannabis cultivation area will be used to erect a temporary, fabric, climate controlled, tent where it will be dried for about one to two weeks. Once the cannabis is dried a licensed distributor/processor will be hired to transport the cannabis and perform the trimming, curing, grading and packaging. On site employees beyond the owner and general management team will consist of 2 seasonal workers.

An existing Riparian Water right and existing Statement of Water and Diversion Use, which has been in place since 1974, will be updated and utilized to provide water to the project. No changes to the existing water usage on the property are proposed. Current Supplemental Statements of Water and Diversion and Use are on file with the State of California Water Resources Control Board that reports the water usage for the irrigation of over 6 acres. The proposed cannabis project will result in a reduction of this current water usage and the applicant is in the process of updating all water related permits with the California Department of Fish and Wildlife (CDFW) and the California State Water Board (Lahonton).

Lahonton applications consist of a registration to enroll in the Cannabis General Order and to get a notice of applicability Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. The portal determined the project was eligible as a Tier 1 - Low Risk Project. The second application submitted was a Cannabis Small Use Irrigation Use Registration. This application was submitted in order to use the existing riparian water right for cannabis cultivation. In addition, Glacier Fed Farms registered to use an existing instream reservoir to comply with cannabis water storage requirements. The original statement of diversion and use for the Riparian Water Right used for a present fish pond is still in existence as an on-stream storage reservoir with a capacity of 1.98 acre feet that Glacier Fed Farms intends to utilize in order to comply with the cannabis off season diversion exemptions for cannabis cultivation. As a result, Glacier Fed farms will not need any changes to the way that water has been used or diverted on the property since 1974. The project is being conditioned with the applicant obtaining all required permits from CDFW and Lahonton, as well as, an Inyo County Cannabis Business License, which also requires State permitting regarding water and waste water.

### General Plan Consistency

The goal of this project is to allow for a cannabis cultivation operation of up to 5,000-square-feet. The project is consistent with the General Plan designation of RRM as it still provides for large lot rural residential along with an agriculture type use. The RRM General Plan designation is compatible with the existing RR zoning designation. It is also compatible with the General Plan's Goal: Agriculture (AG) 1.0: *Provide and maintain a viable and diverse agriculture industry in Inyo County*. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture land use type than currently exists in the County.

### Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis. The RR zone allows for commercial cannabis cultivation with a CUP and is required to meet a 300-foot setback requirement. The RR zone, within its purpose statement, states in part: *It is the intent and purpose of this chapter to provide suitable areas and appropriate environments for low density, 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 will bring more agriculture land use type activities to the county while maintaining a large lot single family home use on the property.

### **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; and Variance 2021-08/ Glacier Fed Farms are a Mitigated Negative Declaration under CEQA. Although this project only includes 5,000-square-feet of a 12-acre parcel and this area is already disturbed by a similar uses, it incorporates several mitigation measures (listed below) as conditions of approval for the CUP.

### **TRIBAL CONSULTATION**

In compliance with AB 52, and Public Resource Code Section 21080.3.1(b), Tribes identified as being local to Inyo County, were notified via a certified letter on December 27, 2021 about the project and the opportunity for consultation on this project. The Tribes notified were as follows: the Twenty-Nine Palms Band of Mission Indians, the Big Pine Paiute Tribe, the Bishop Paiute Tribe, Cabazon Band of the Mission Indians, the Fort Independence Paiute Tribe, Lone Pine Paiute-Shoshone Tribe, the Timbisha Shoshone Tribe, and the Torres Martinez Desert Cahuilla Indians.

The Big Pine Paiute Tribe of the Owens Valley requested consultation on the project and were primarily concerned with potential runoff from the cultivation site to Big Pine Creek. Consultation was held with Tribal representatives, the County Consultation Committee, staff and the applicant on January 26, 2022. Runoff and water monitoring were discussed in detail. The project is being conditioned with the applicant providing a monitoring program for Big Pine Creek based on the Tribe's input. The Tribe did not request further consultation.

## **NOTICING & REVIEW**

The application for Conditional Use Permit 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; and Variance 2021-08/ Glacier Fed Farms have been reviewed by the following County departments: Environmental Health, Public Works, and the Inyo/Mono Agricultural Commission. The Environmental Health Department mentioned that if more than 5 service connections are made to their water system they are considered a State Small Water System and the applicant will need to apply for the appropriate permits. This is not necessary for the project as applied for.

Public review of the CEQA document was noticed in the Inyo Register and submitted to the CEQA Clearinghouse on December 14, 2021. Due to the Tribal notifications (sent February 5, 2021) being prepared incorrectly pursuant to AB52, an additional 30-day consultation invitation period was initiated with new letters on December 27, 2021. Subsequently, a recirculated ISMND was reposted with the County Recorder on January 27, 2022 for a 21-day review period ending February 17, 2022. Comments were received from CDFW and the California Department of Cannabis Control (DCC). The DCC provided no substantive comments. CDFW provided substantive and non-substantive comments related to potential habitat, water use, run off, lighting and etc. Substantive comments from CDFW have been addressed and incorporated into the Conditions of Approval for this CUP. The Big Pine Paiute Tribe of the Owens Valley also provided comments regarding potential runoff to Big Pine Creek. A condition has been added to the project addressing a monitoring program for the Creek.

The public hearing date for this project was noticed on March 12, 2022 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F).

No comments have been received to date.

## **RECOMMENDATION**

Planning Department staff recommends the approval of Conditional Use Permit (CUP) 2021-03/Glacier Fed Farms; Variance (VAR) 2021-03/ Glacier Fed Farms; Variance 2021-08/ Glacier Fed Farms, with the following Findings and Conditions of Approval:

## **FINDINGS**

1. The proposed CUP is a Mitigated Negative Declaration under CEQA guidelines and the provisions of the California Environmental Quality Act have been satisfied.

*[Evidence: An Initial Study and Draft Negative Declaration of Environmental Impact were prepared and circulated for public review and comment pursuant to the provisions of the California Environmental Quality Act. The 30-day public comment period ended on January 14, 2022 and as described above, an additional 21-day period comment period ended on February 17, 2022. Substantive comments were received by CDFW. Conditions have been added to the project addressing CDFW's substantive comments causing the project to have less than significant impacts.]*



2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of RRM.  
*[Evidence: The goal of this project is to allow for a cannabis cultivation operation. The project is consistent with the General Plan designation of RRM as it provides for large lot rural residential along with an agriculture type use. The RRM General Plan designation is compatible with the existing rural residential zoning designation. It is also compatible with the General Plan's Goal: Agriculture (AG) 1.0: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture land use type than currently exists in the County.]*
  
3. The proposed CUP is consistent with the Inyo County Zoning Ordinance, which permits cannabis cultivation activities, as a conditional use, in the 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 with a CUP and is required to meet a 300-foot setback requirement. The RR zone, within its purpose statement, states in part: It is the intent and purpose of this chapter to provide suitable areas and appropriate environments for low density, 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 will bring more agriculture land use type activities to the county while maintaining a low density, single family home, use on the property.]*
  
4. The proposed Conditional Use Permit is necessary or desirable.  
*[Evidence: The General Plan's Conservation and Open Space Element's Goal Agriculture (AG) 1.0 states: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis to sell. This activity is consistent with Goal AG 1.0 as it provides for a more diverse agriculture industry than is currently present in the County, 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 agricultural type of use. The cannabis cultivation would replace historic agricultural uses (organic vegetables, trees and hay). It is related to the rural, open space, nature of the area and will not cause impacts on transportation or service facilities in the vicinity.]*
  
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 CUP is to allow for cannabis cultivation. This agricultural land use type will not change or increase the current level or general*

*type of allowed uses in the Glacier Lodge area. A security plan for Glacier Fed Farms will be required for the cannabis business license that will be reviewed by the Sheriff's Department; therefore, it will not be allowed to 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 The Tree Farm.]*

#### Provision for Variances

The Inyo County Zoning Ordinance states that any variance to the terms of the Zoning Ordinance may be granted if such a variance would “not be contrary to its general intent or the public interest, where due to special conditions or exceptional characteristics of the property or its location or surroundings, a literal enforcement would result in practical difficulties or unnecessary hardships” (Section 18.81.040).

Further, the Zoning Ordinance states that the following three Findings must be affirmed in order for any variance to be granted:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.
2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.
3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

In addition to the above Findings specified in the Inyo County Zoning Ordinance, California State Government Code requires the following Findings for any variance:

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.
6. The proposed variance is consistent with the General Plan.
7. The requirements of the California Environmental Quality Act have been met.

Affirmative variance Findings must describe the special circumstances that act to physically differentiate the project site from its neighbors and make it unique, and thus uniquely justified for a variance; alternatively, negative findings must describe how the project's physical characteristics are not unique or exceptional, and therefore do not

justify a variance. ALL seven of the Findings must be affirmed in order for a variance to be approved.

### **Findings – Variance 2021-03 – Setback Encroachment**

Staff has reviewed the application and can find that all seven of the required Findings can be affirmed:

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.

*(Affirmative – Evidence: Inyo County Code (ICC) 18.12.040 (N) requires 300-foot front, rear and side yard setbacks for cannabis cultivation. Due to the current conditions and general configuration of the proposed project site, this setback requirement is not attainable. The property is oddly shaped creating a situation where it is impossible to meet the setback requirements while staying in the area previously disrupted by historic farming practices. The applicant will only grow cannabis in the area already disturbed by the historic farming on the property. Land within the County that is designated RR is designated for combined agriculture and residential uses. Most of these uses are not for commercial cannabis and are not quite as remote as this location, nor are they replacing historic agriculture uses. These factors are unique with regard to the RR zone, and warrant the applicant's need for setback encroachments.)*

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.

*(Affirmative – Evidence: Allowing for the encroachments into the setbacks keeps the cannabis cultivation within the existing foot print of historic agriculture disturbance. The property is located in a fairly remote area and surrounded by scattered vacation homes and vacant land. Allowing the encroachments into the setbacks is not allowing for activities that are detrimental or injurious to either public welfare or other properties in the vicinity as it is sparsely populated and primarily undeveloped.)*

3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

*(Affirmative – Evidence: The proposed encroachments into the required side-yard setback is being requested so the applicant grow organic cannabis. The strict application of the 300-foot setbacks would essentially stop the project. Granting a variance for the encroachments would still allow for the general purposes of Title 18.21 of the Zoning Code to be fulfilled, as the RR zone encourages agriculture and large lot single family home uses together; it allows for orchards, field crops, nurseries and gardens etc.; and, it allows for commercial cannabis cultivation as a conditional use; therefore, the setback encroachment will not affect the general purposes of 18.21.)*



4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.  
*(Affirmative – Evidence: The proposed cannabis cultivation project is located in the RR zone. Commercial cannabis cultivation is an allowed conditional use in the RR zone. The variance will allow for an encroachment into a side yard setback on the west side of the property, but will not create additional disturbance or an expansion of area that was historically used for farming. Any person with property in the RR zone can apply for the same use and the same variance. For these reasons, the requested variance to encroach into the yard setback cannot be said to constitute a grant of special privileges. It would, instead, allow the continued use of the property for a type of agriculture use.)*
  
5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.  
*(Affirmative – Evidence: The proposed variance applies to a side yard setback requirement. The proposed commercial cannabis cultivation use is permitted as a conditional use in the RR Zone.)*
  
6. The proposed variance is consistent with the Inyo County General Plan  
*(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan designation of RRM as it provides for large lot rural residential. The RRM General Plan designation is compatible with the existing rural residential zoning designation. The project also promotes Goal AG 1.0 that states: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis, which is consistent with both Goal 1.0 as it diversifies and maintains agriculture type production in the County.)*
  
7. The requirements of the California Environmental Quality Act have been met.  
*(Affirmative – Evidence: The requested variance is being considered along with Conditional Use Permit 2021-03/Glacier Fed Farms and has been determined to be a Mitigated Negative Declaration under CEQA.)*

#### **Findings – Variance 2021-08 – Fence Height**

Staff has reviewed the application and can find that all seven of the required Findings can be affirmed.

1. That there are exceptional circumstances applicable to the property involved, or to the intended use, which do not generally apply to other property in the same district.  
*(Affirmative – Evidence: Inyo County Code (ICC) 18.78.160 limits the height of fences, walls and hedges to 6-feet for the rear and side yards and 3.5-feet for the front. Due to the nature of the activities the applicant will be conducting at the*

*site (cannabis cultivation), there will be a need for extra security. Land within the County that is designated RR is sparsely populated. Some has agriculture and residential uses. Although, these uses can include valuable assets on some land, especially agriculture equipment, the proposed cannabis cultivation has a higher likelihood of theft than most other agriculture type activities. This factor at this location is unique, and warrants the applicants need for a higher, and therefore, more effective fence for security purposes.)*

2. That the result would not be detrimental to the public welfare, or injurious to property in the vicinity.

*(Affirmative – Evidence: A higher fence would be more likely to lessen the potential detriment to the public welfare, as it will provide for a safer cannabis cultivation site, and a safer situation for the other properties in the area. The higher fence will likely detour theft, and as such, the current variance request to allow up to an 8-foot fence is not allowing for activities that are detrimental or injurious to either public welfare or other properties in the vicinity.)*

3. That the strict application of the regulation sought to be modified would result in practical difficulties or hardships inconsistent with, and not necessary for the attainment of, the general purposes of this title.

*(Affirmative – Evidence: The proposed fence height variance is being requested to keep the project site safe from trespass and detour theft. The proposed project area is in a somewhat remote location. The location makes safety and security issues more difficult to address as there are fewer eyes on the property. The strict application of a 6-foot and 3.5-foot fence height could create difficulties/hardships for the applicant in keeping the area safe from trespass and free from theft. Granting a variance for up to an 8-foot fence would still allow the general purposes of Title 18.78 of the Zoning Code to be fulfilled, as 18.78.170., allows for exceptions for protective fencing. Although 18.78.170 addresses public property and swimming pools, the intent is safety; and therefore, granting a variance for protective fencing is within the general purposes of this title. )*

4. The proposed variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

*(Affirmative – Evidence: The project site is in a somewhat remote location and in the RR zoning designation. Cannabis Cultivation is an allowed conditional use in the RR zone. The variance will allow for a higher fence than is allowed by 18.78.160. Any person with property in the RR zone can apply for the same use and the same variance. 18.78.170., allows for exceptions for protective fencing and although 18.78.170 addresses public property and swimming pools, the intent is safety; and therefore, granting a variance for protective fencing is within the general purposes of title 18.78. For these reasons, the requested variance to allow an 8-foot fence cannot be said to constitute a grant of special privileges. It would, instead, allow the property owners the ability to provide for better safety*

*and security at their cannabis cultivation site, which benefits other properties in the vicinity.)*

5. The proposed variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.  
*(Affirmative – Evidence: The proposed variance applies to fence height requirements. The proposed cannabis cultivation is permitted as a conditional use in the RR Zone.)*
6. The proposed variance is consistent with the Inyo County General Plan  
*(Affirmative – Evidence: The requested variance presents no inconsistencies with the General Plan designation of RRM as it provides for large lot rural residential. The RRM General Plan designation is compatible with the existing Rural Residential zoning designation. The project also promotes Goal AG 1.0 that states: Provide and maintain a viable and diverse agriculture industry in Inyo County. The applicant is proposing to grow cannabis, which is consistent with both Goal 1.0 as it diversifies and maintains an agriculture type use production in the County.)*
7. The requirements of the California Environmental Quality Act have been met.  
*(Affirmative – Evidence: The requested variance is being considered along with Conditional Use Permit 2021-03/Glacier Fed Farms and has been determined to be a Mitigated Negative Declaration of Environmental Impact under CEQA.)*

## **CONDITIONS OF APPROVAL**

### **1. Hold Harmless**

The owner/developer shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning CUP 2021-03/Glacier Fed Farms. The County reserves the right to prepare its own defense.

### **2. Compliance with County Code**

The owner/developer shall conform to all applicable provisions of Inyo County Code and State regulations, including the California Building Code. Failure to comply may result in the revocation of CUP 2021-03/Glacier Fed Farms. If the use provided by this CUP is not established within one year of the approval date it will become void.

### **3. Lot Line Adjustment**

The Applicant shall complete Parcel Merger 2021-02/Weston prior to project initiation. Failure to complete the Parcel Merger may result in revocation of CUP 2021-03/Glacier Fed Farms.

### **4. Big Pine Creek**

The applicant shall conduct stream monitoring on Big Pine Creek consisting of a pre-grow water sample every year during the month of May (the first would also serve as a baseline) and another sample during the middle of the grow cycle during the month of August. The samples shall be sent to a qualifying lab for nitrogen testing and the results shall be sent to the Big Pine Paiute Tribe of the Owens Valley and the County Planning Department for review.

#### **5. Air and Water**

- **Air Quality:** The owner/developer will be required to follow best management practices to control for dust and odors. The owner or their agent shall consult with the Great Basin Air Pollution Control District to ensure potential dust and odors from cannabis cultivation do not impact surrounding properties.
- **Lahonton Water Board and Inyo County Environmental Health Department:** The owner/developer shall obtain all necessary permits and water entitlements, and shall follow all necessary requirements per the Lahonton Waterboard regarding water use. The applicant shall consult the Inyo County Environmental Health Department and the Lahonton Waterboard and provide evidence of their approval to the planning department prior to any ground breaking and/or building activities to ensure the septic system and existing wells are compliant with all State and County codes. The applicant shall also consult with the Inyo County Environmental Health Department and the Lahonton Water Board if any pesticides or fertilizers end up being used to ensure that storage and disposal conform with all State and County requirements.

#### **6. California Department of Fish and Wildlife**

A plant and wild life survey was conducted on the site by Team Engineering for the applicant. This survey was made available on the County webpage for review and the web address was included in the ISMND for people to find the survey. No special status plant or animal species were found during the survey; however, since there is potential habitat for certain special status species conditions of approval have been set forth as follows:

- **Nesting Birds**  
Nesting Birds - A pre-project survey shall be conducted for nesting birds, no more than 3-days prior to vegetation clearing or ground disturbance activities, and submitted to the Planning Department. If active nests are found, a Nesting Bird Plan shall be prepared and implemented by a qualified avian biologist, per CDFW requirements and any grubbing or vegetation removal shall occur outside peak nesting season (February 1 – September 1).
- **Special Status Plants**  
A pre-project survey will be conducted per CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities, 2018. If any state listed plants are found the applicant shall

work with CDFW on appropriate mitigation plans and/or an Incidental Take Permit.

- Pesticide Plan

In the event synthetic pesticides are used in the future, the applicant shall develop a plan in accordance with the County Environmental Health Department and all State regulations 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; and (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.

Run-off

- Applicant shall actively implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into Big Pine Creek and the pond during Project activities.
  - The applicant shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within and adjacent to areas subject to Fish and Game Code section 1602. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves.
  - Applicant shall not allow water containing mud, silt, or other pollutants from Project activities to enter Big Pine Creek or the pond or be placed in locations that may be subjected to high storm flows.
  - Substances which could be hazardous to fish and wildlife resources resulting from Project related activities shall be prevented from contaminating the soil and/or entering Big Pine Creek and the pond. These materials, placed within or where they may enter Big Pine Creek or the pond by the Applicant or any party working under contract or with the permission of Applicant, shall be removed immediately.



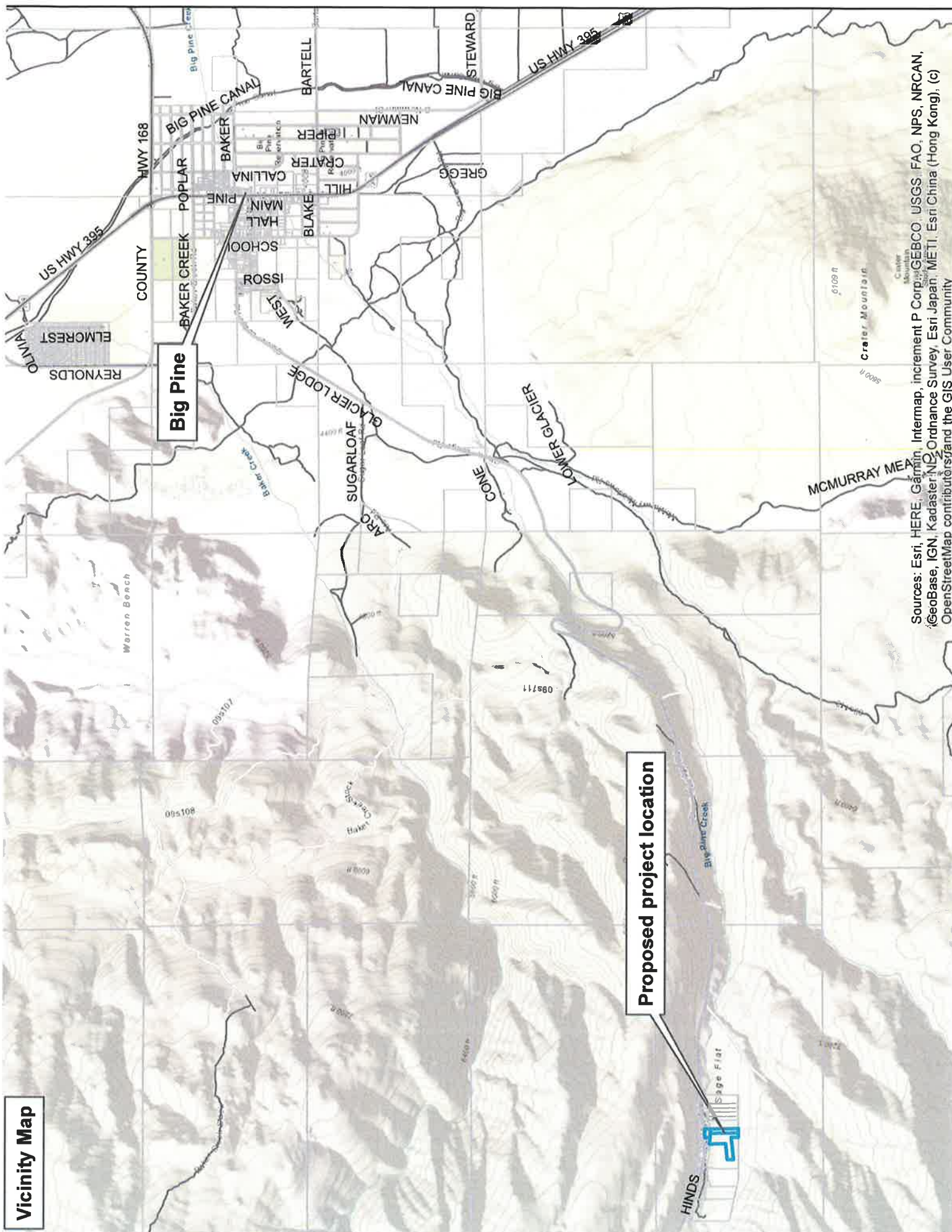
- Organic or earthen material from any Project activity or associated activity of any nature shall not be allowed to enter into or be placed where it may be washed by rainfall or runoff into Big Pine Creek or the pond. No rubbish shall be deposited within 150 feet of Big Pine Creek or the pond.

#### Artificial Light

- Light shall not be visible outside of any structure used for cannabis cultivation.

#### Noise

- Project construction shall not occur during the hours of dawn and dusk when many wildlife species are most active. To suppress Project noise, the Project shall implement the use of mufflers and all generators shall be enclosed.



**Vicinity Map**

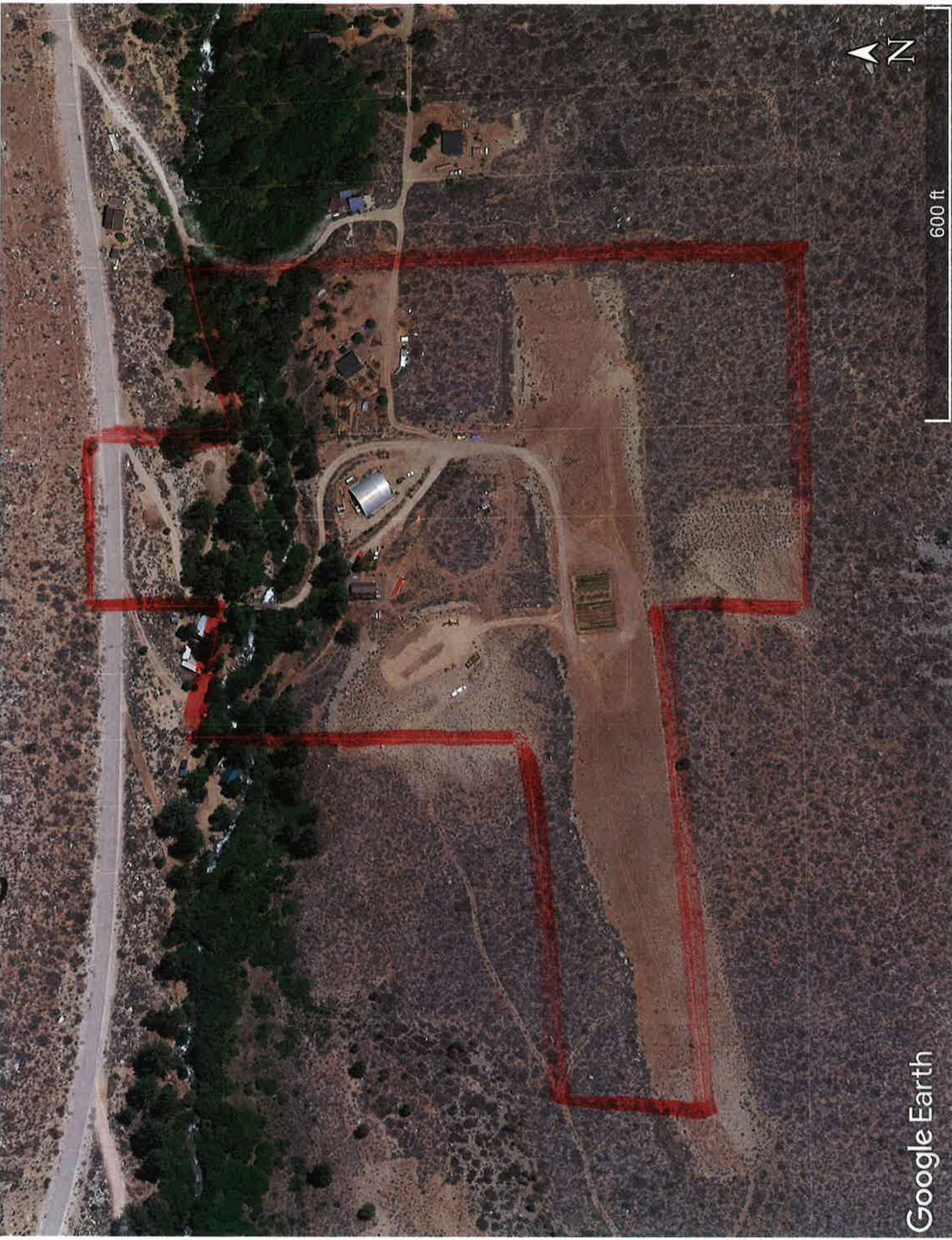
**Big Pine**

**Proposed project location**

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster, NIZ, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



- Project Property



Google Earth






600 ft



REVISIONS:	BY:

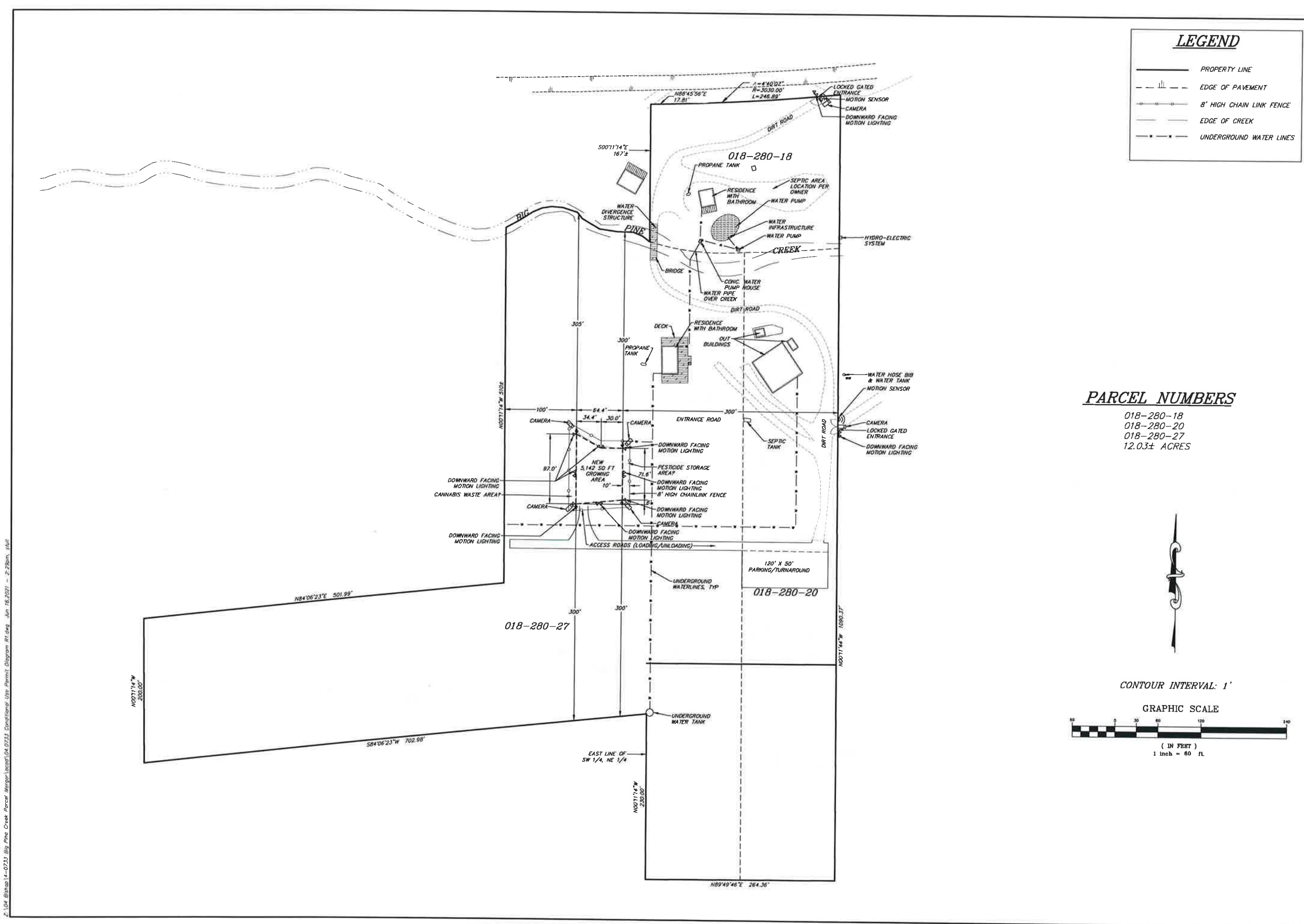
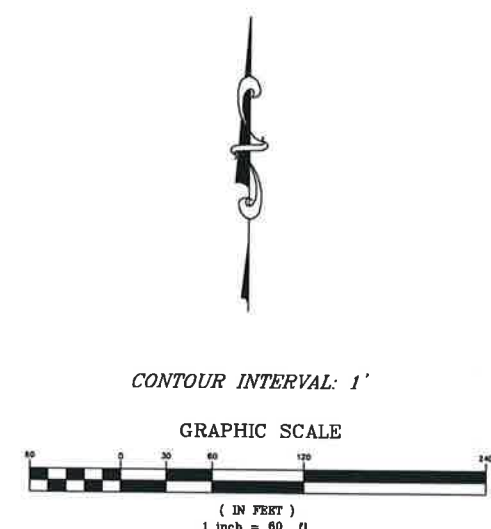
**GLACIER FED FARMS**
  
**CONDITIONAL USE PERMIT DIAGRAM**
  
 INYO COUNTY, STATE OF CALIFORNIA

**LEGEND**

-  PROPERTY LINE
-  EDGE OF PAVEMENT
-  8' HIGH CHAIN LINK FENCE
-  EDGE OF CREEK
-  UNDERGROUND WATER LINES

**PARCEL NUMBERS**

018-280-18
   
 018-280-20
   
 018-280-27
   
 12.03± ACRES



Z:\04 Bishop 14-0733\_Big Pine Creek Parcel Merge\04.0733\_Conditional Use Permit\_Diagram\_P1.dwg Jun 16, 2021 - 2:28pm, JHJ

"ATTACHMENT 6"

**GLACIER FED FARMS CULTIVATION PLAN**

***Existing Land Use and Surrounding Land Use***

Glacier Fed Farms is located 8 miles above the town of Big Pine in a small rural residential neighborhood in Inyo County California. The majority of homes are vacation homes in this rural residential area due to the harsh winter environment and lack of public utilities.

The majority of the property boundaries are shared with vacant land. Approximately 264 feet of the property boundary borders US National Forest Land. 2,1445 feet of the property boundary borders a wide expanse of vacant land, with no homes. USFS lands are adjacent to the properties to the south and have rocky areas with sage brush. On the east side there are rural residential properties varying in size from 2.9 acres to 7.7 acres. On the north side is Glacier Lodge Road and rural residential properties approximately 0.8 acres in size. On the west side are rural residential properties varying in size from 19.8 acres to 12.3 acres. Vegetation, wildlife and other site conditions are similar to the subject site.

Three parcels will be merged together to form a rural residential parcel of 12.08 acres in order to qualify for commercial cannabis cultivation in Inyo County. There is currently a completed parcel merger application as well as a Conditional Use Permit for Cannabis Cultivation and Variance application on file with the Inyo County Planning Department. If the CUP is approved, the parcel merger will be approved in tandem. The owner does not seek to officially merge the parcel should the CUP not be issued.

Approximately 50 percent of the property has been previously developed with roads, two residential home sites, associated outbuildings and large graded areas previously used for pastures and flat graded areas previously used for livestock and horses. A riparian corridor exists along Big Pine Creek having willows, cottonwoods, birch and other plant species with a residence north of the creek. No further disturbance of land is required in order to cultivate cannabis making this project safe for existing vegetation and wildlife.

The land for the proposed cultivation site has been used for small scale agricultural production for over 40 years using existing Riparian Water Rights and an existing statement of diversion and use from Big Pine Creek for agricultural production. In years past the site was used for tree farming, pasture production and most recently the proposed cultivation site was certified as an agricultural producer in Inyo County where organically grown vegetables were sold at community Farmers Markets in both Inyo and Mono counties.



### ***Cultivation***

Cultivation will take place in an outdoor cultivation site with a 5,000 square foot canopy.

Due to the unique high altitude and mountainous conditions of the cultivation site there will be only one flowering cycle per year. The cycle will start in Mid-May and the plants will be harvested in late October. Specific strains will be selected that are bred to finish early so that we grow strains best suited to our specific conditions.

A non-permanent moveable high tunnel structure will be used over part of the cultivation canopy to propagate plants and to extend the grow season to accommodate longer maturing varieties.

Glacier Fed Farms will purchase clones or start our own seeds in the high tunnel and may utilize a combination of both clones and our own seed starts.

Irrigation and Fertigation of plants will occur using top-feed hand watering methods. Glacier Fed Farms maintains that irrigation and fertigation are more efficiently managed via hand watering, allowing for daily inspection of each plant by the cultivator and irrigation and nutrient applications can be tailored to the unique needs of each individual plant.

Once the cannabis is dried Glacier Fed Farms will utilize a licensed distributor/processor to transport the cannabis and perform trimming, curing, grading and packaging.

### ***Processing***

The only processing that will take place on site will be to dry harvested cannabis for approximately one week before the product is transported to a licensed distributor for offsite processing and packaging.

Plants that are ready for harvest will have their flowering branches removed and suspended in temporary fabric tent which is equipped with ventilation fans and climate control measures. Glacier Fed Farms will dry the harvested cannabis in the cultivation site so that existing security measures of the cultivation site can be maintained for the drying period. The drying process takes approximately one week.

### ***Activities to Be Performed Off Site***

Processing and Packaging will be done by a licensed Cannabis Distribution Company which will assist GFF in specializing in cultivation and to keep the cultivation site more secure by not having processed cannabis stored on the property.

### ***Pest Management***

Glacier Fed Farms will grow commercial cannabis utilizing organic growing practices including the use of beneficial insects. It is our intention to limit or completely eliminate pesticide use.

Should the use of pesticides be required we will only use products certified by the Organic Materials Review Institute (or OMRI). OMRI is a 501(c)(3) nonprofit organization that provides an independent review of products, such as fertilizers, pest controls, livestock health care products, and numerous other inputs that are intended for use in certified organic production and processing.

Specifically, the OMRI certified products that may be used include:

- Azamax
- Greens Cure
- Monterey Spinosad
- NOLO Bait
- Neem Oil
- Potassium Bicarbonate

\*These products will be kept inside in a locked outbuilding on the premises

Other products that may be used and will be kept in a locked outbuilding on the premises:

- Diesel
- Gasoline
- Oil
- Hydraulic Fluid

Glacier Fed Farms will follow the following protocols when handling pesticides:

- Compliance with pesticide laws and regulations as enforced by the Department of Pesticide Regulation.
- For all pesticides that comply with subsection (e) and are exempt from registration requirements, licensees shall comply with the following pesticide application and storage protocols:
  - (1) Comply with all pesticide label directions;
  - (2) Store chemicals in a secure building or shed to prevent access by wildlife;
  - (3) Contain any chemical leaks and immediately clean up any spills;
  - (4) Apply the minimum amount of product necessary to control the target pest;
  - (5) Prevent offsite drift;
  - (6) Do not apply pesticides when pollinators are present;
  - (7) Do not allow drift to flowering plants attractive to pollinators;
  - (8) Do not spray directly to surface water or allow pesticide product to drift to surface water. Spray only when wind is blowing away from surface water bodies;
  - (9) Do not apply pesticides when they may reach surface water or groundwater; and

- (10) Only use properly labeled pesticides. If no label is available consult the Department of Pesticide Regulation.

### ***Fertilization***

Our approach to fertilization of cannabis plants will be to focus on creating the healthiest soil possible through on site composting and soil production using natural carbon resources located on the property and local pack station manure that is delivered annually. Glacier Fed Farms has learned over many years of organic vegetable production that the key to healthy crops is healthy soil and we believe that growing cannabis is no different.

In addition to growing cannabis in the healthiest soil possible Glacier Fed Farms will additionally fertilize the cannabis with natural aerated teas and top dressing of additional nutrients. This method will eliminate the need for toxic fertilizers that degrade the natural soil.

Examples of tea and top dressing ingredients include:

- Alfalfa meal
- Mexican Bat Guano
- Peruvian sea bird guano
- Blood Meal
- Cotton Seed Meal
- Feather Meal
- Molasses
- Azomite
- Fish Emulsion/Squid
- Cold Processed Seaweed
- Composted Manure
- Worm Castings
- Compost

### ***Waste Management***

Glacier Fed Farms will utilize on-premises composting for disposal of cannabis waste. This is the preferred method as GFF will be operating an organic cannabis cultivation production. By disposing of cannabis waste through on premises composting we will also be able to use the waste to build soil for the cannabis cultivation project. This method will securely destroy any waste material by reaching an internal temperature of at least 145 degrees. This method will also ensure that any psychoactive compounds are destroyed as well.

Any cannabis waste, liquid waste, or hazardous waste will be disposed of in accordance with 8 Ill. Adm. Code 1000.460. To the greatest extent feasible, all

cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill. Adm. Code 1000.460(g)(1).

GFF will use the following procedures to assure safe waste management:

- Prohibit the placement, dumping, or disposal of trash, garbage, litter, or any other kind of waste on the property of another legal entity or any public place within or beyond the local community.
- Communicate clearly during training that improper disposal of any type of waste by an employee is cause for termination.
- Establish a relationship with one or more vendors who properly dispose of universal waste.
- Prohibit the sale of cannabis waste.
- Store cannabis waste in a secured waste receptacle or a secured area on the licensed premises.

#### Composting of Cannabis Waste

- All cannabis that is not usable will be disposed of within [ten] calendar days of expiration or removal from the regular inventory.
- Mixing/blending will be carried out by the authorized employee in a limited access area under video surveillance.
- Cannabis waste to be composted will be securely stored in a limited access area prior to and after mixing.
- Immediately prior to mixing, all cannabis waste will be weighed on a calibrated certified scale that is integrated with the ICS.
- Cannabis waste will be ground up and incorporated with allowed combustible solid waste or other organic materials to a resulting mixture that is at least 50% non-cannabis waste by volume. At multiple points during the waste disposal process, a Manager will record key items in the ICS, including:
  - Plant, batch, or lot identifier of the cannabis to be disposed
  - Quantity of cannabis waste added to waste container
  - Description of the cannabis waste being disposed of, including the number of failed or otherwise unusable cannabis plants or harvest batches
  - Weight of mixed waste when entered into storage
  - Weight of mixed waste when removed from storage
  - Waste container identification number, if applicable
  - Method of disposal
  - Date of disposal
  - Confirmation that the cannabis was rendered unusable before disposal
  - The name and signature or identification number of the ICM or his/her designee.

### Liquid Cannabis Waste

- Liquid cannabis waste will not be allowed to enter the local wastewater collection system, storm drain system, sewer system, or any unsecured rubbish disposal system.
- All liquid waste potentially containing cannabis solids or residues, nutrients, chemicals, or any other potential pollutants will be disposed of in an on-site storage tank that is compliant with applicable local and state regulations.
- Rinse waters from equipment and empty chemical containers will be minimized and never discharged into a sewer system, ditch, stream, or the ground.
- Spills and leaks will be attended to promptly to ensure liquid waste does not become a source of contamination.