



**Planning Department
168 North Edwards Street
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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)

PLANNING COMMISSION MEETING DATE: April 23, 2025

SUBJECT: **Violation of Conditional Use Permit (CUP) 2019-06/Grow for Gold**

EXECUTIVE SUMMARY

On August 28, 2019, the applicant, Grow 4 Gold, LLC (Grow 4 Gold) was approved for a CUP to operate a commercial cannabis cultivation operation located approximately 26-miles southeast of the community of Charleston View in Sandy Valley (staff report and Notice of Decision attached). The CUP was conditioned with, among other things, a requirement to conform to all applicable provisions of the Inyo County Code and State Regulations. Grow 4 Gold has failed to meet this condition with regard to the building and safety code.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Grow 4 Gold, LLC – 9171 Santiago Drive, Huntington Beach, CA 92646

Property Owner: Sandy Perm 3 LLC – 3993 Howard Hughes Pkwy, #140, Las Vegas, NV 891469

Site Address: 62 Long Road

Community: Sandy Valley

A.P.N.: 048-350-38

General Plan: Agricultural (A)

Zoning: Open Space with a 40-acre minimum (OS-40)

Size of Parcel: Approximately 164-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Cannabis cultivation	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
North	Vacant/BLM	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
East	Vacant/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
South	Farming/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
West	Vacant/developed/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)

Staff Recommended Action: **1.) Revoke the Conditional Use Permit (CUP) 2019-06/Grow 4 Gold with the Findings as provided in the staff report and Certify this action is exempt under CEQA.**

Alternatives:

- 1.) Do not revoke the CUP.
- 2.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

Project Planner: Danielle Visuaño

STAFF ANALYSIS

Background and Overview

On August 28, 2019, the Planning Commission, upon the recommendation of staff, approved a CUP for the applicant, Grow 4 Gold, to operate a commercial cannabis cultivation operation in the community of Sandy Valley (see maps below). The project proposal included drying and packaging the cultivated product at the project site.

This CUP was approved with several conditions of approval, these are:

1. Hold Harmless

The applicant/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 Conditional Use Permit No. CUP 2019-06/Grow 4 Gold. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

Grow 4 Gold was given information regarding the Building and Safety Department's requirements and permitting processes.

Regarding Condition #2, it mandates compliance with Title 14 of the County Building and Safety Code, which incorporates the California Building and Safety Code and prohibits cultivation within 300 feet of any lot line in Open Space (OS) designated areas. Grow 4 Gold has been repeatedly advised of these requirements. However, rather than complying with the Conditions of Approval of its CUP, the operator has constructed two greenhouses, a hoop structure, placed multiple shipping containers, and constructed other related structures without obtaining the necessary building, electrical, or plumbing permits. Although cultivation within the 300-foot OS setback ceased in the summer of 2024¹, unpermitted construction and utility work continue to this present day. Additionally, throughout the use of the CUP, which was approved in 2019, Grow 4 Gold has been cultivating cannabis in violation of the CUP's conditions of approval.

Building and Safety Department staff notified the Planning Department that Grow 4 Gold failed to obtain the required permits for its cannabis operations and that existing work on the property remains unpermitted. Both departments have held multiple discussions with the operator and scheduled several site inspections. Following these interactions, Grow 4 Gold indicated it would submit the necessary permit applications but repeatedly cited engineering delays as justification for inaction. While plan submissions were attempted in 2023 and 2024, they were deemed incomplete and insufficient to address the violations.

Any failure to meet the Conditions of Approval on a landuse permit, including a CUP, puts it in violation. Grow 4 Gold has had since 2019 to become compliant with their CUP which has included numerous offers of help and discussions and descriptions of what needs to be done to become compliant. However, Grow 4 Gold has demonstrated very little effort in coming into compliance, but continue to grow cannabis while in being in violation of their CUP.

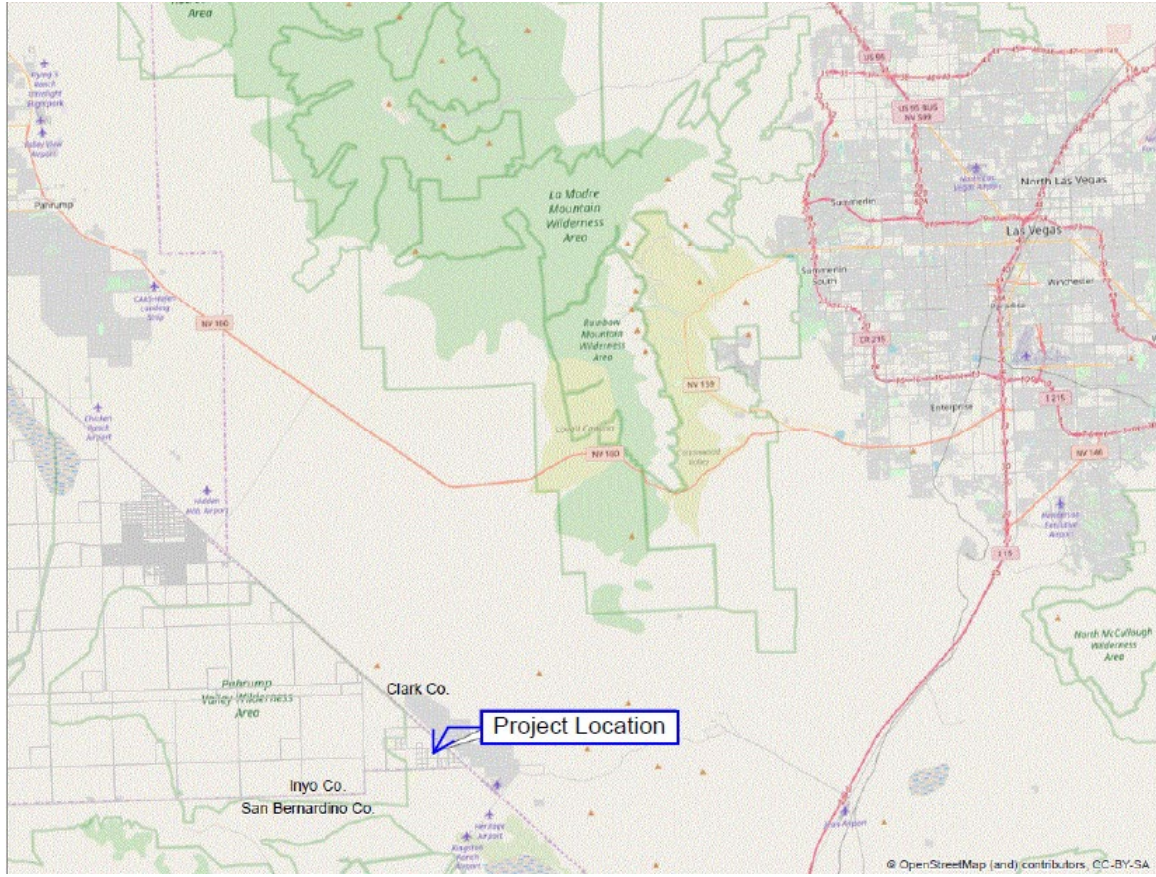
On March 19, 2024, staff issued a notice stating that the CUP would be subject to facing revocation on June 1, 2024, if the project did not comply with the Conditions of Approval, including obtaining permits for unpermitted structures and ceasing cultivation within the prohibited 300-foot setback. As of the June 1, 2024 deadline, Grow 4 Gold remained noncompliant regarding unpermitted structures but did subsequently remove the cultivation from the setback area. Despite continued efforts by staff to assist in bringing the project into compliance, no progress was made. Consequently, an in-person meeting was held on August 29, 2024, where Grow 4 Gold committed to securing

¹ See March 19, 2024 letter attached. Although there is no longer cultivation within 300 feet of any lot line, it is addressed in this staff report because it was discussed in the March 19, 2024 letter.

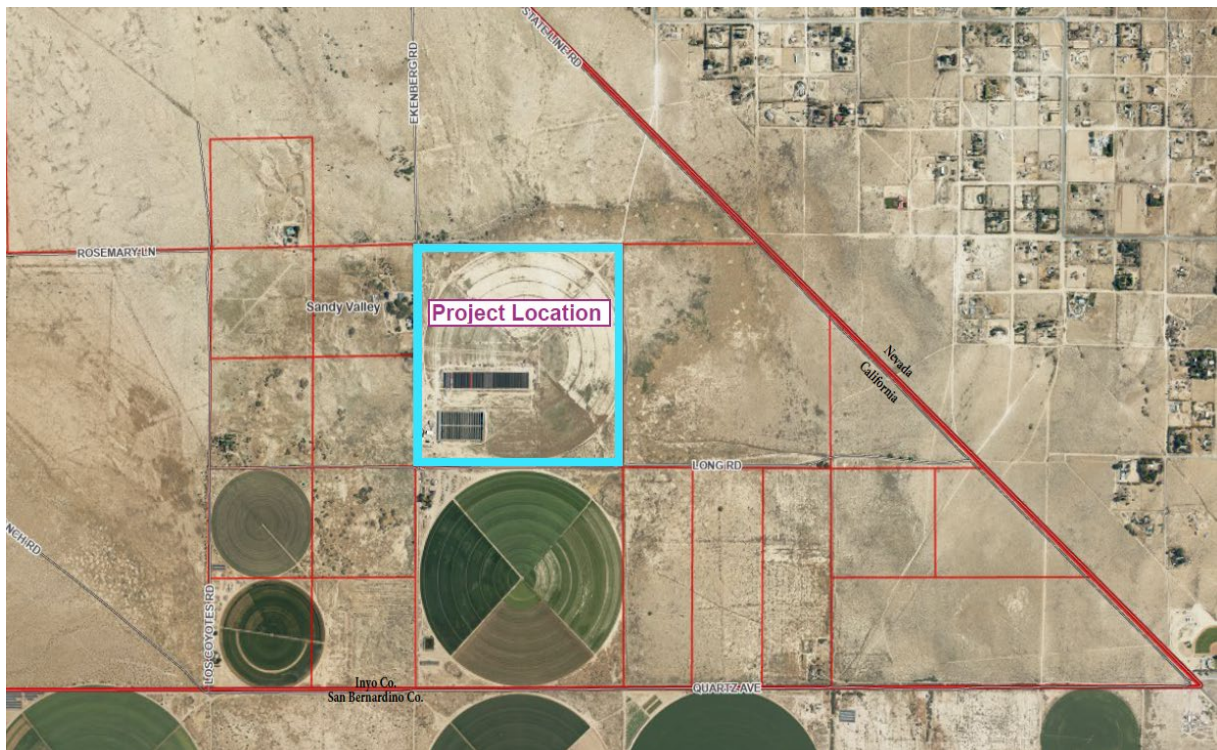
approved permits for all structures by March 1, 2025. As of today, no permits have been approved.

Given the several opportunities provided to Grow 4 Gold to come into compliance with their CUP staff is now recommending that the Planning Commission revoke the CUP. The revocation of this CUP will also likely result in Grow 4 Gold losing their County and State cannabis cultivation licenses.

Site Proximity Map



Site Location Map



RECOMMENDATION

Planning Department staff understands the implications of this CUP revocation on Grow 4 Gold's cannabis business. However, having been non-compliant with the Conditions of Approval set forth for in the CUP for over 5-years and having been given several opportunities to come into compliance even after the August 29, 2024, meeting, staff has exhausted their means to provide any further assistance in the continuation of the cannabis operation under this CUP. Staff is now left with moving forward with the request to revoke the CUP for Grow 4 Gold. Planning and Building and Safety staff have tried during this time to help Grow 4 Gold with the permitting process to no avail; therefore, staff is recommending that the Planning Commission revoke CUP 2019-06/Grow 4 Gold.

Findings

The Notice of Violation was properly served to Grow 4 Gold to the attention of Benjamin Hynes, as the owner of the property and the permit holder.

[Evidence: Copies of the Notice were sent via certified US mail on March 5, 2025, and via email on March 4, 2025.]

This hearing was properly noticed.

[Evidence: Notice of the date of his hearing was provided in the Inyo Register on April 12, 2025, and mailed to property owners within 1,500-feet of the project property location before April 12, 2025 which is more than 10 days before the date of this hearing.]

Grow 4 Gold is in violation of the Conditions of Approval required for CUP 2019-06/Grow 4 Gold.

[Evidence: CUP 2019-06/Grow 4 Gold was approved on August 28, 2019. Grow 4 Gold has been engaged in commercial cannabis cultivation since the approval without the benefit of proper building, plumbing or electrical permits, which is required by Condition #2 of CUP 2019-06/Grow 4 Gold.]

This action is Exempt from CEQA under 15321- Enforcement Actions by Regulatory Agencies.

ATTACHMENTS

- August 28, 2019 Staff Report
- Notice of Decision
- March 19, 2024 letter discussing impending June 1, 2024 revocation deadline
- March 3, 2025 Notice of Violation of Conditional Use Permit 2019/06/Grow 4 Gold



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AGENDA ITEM NO.: 7 (Action Item – Public Hearing)

PLANNING COMMISSION
MEETING DATE: August 28, 2019

SUBJECT: Conditional Use Permit (CUP) 2019-06/Grow 4 Gold Cannabis

EXECUTIVE SUMMARY

The applicant has applied for a CUP for the cultivation of cannabis located approximately 26-miles southeast of the community of Charleston View (45 miles southeast of Pahrump, NV), in the community of Sandy Valley, in southeast Inyo County. The site is approximately 164 acres, but roughly 97 acres will be cultivated. The project also includes a 20,000 ft² processing building to dry and package the cultivated product.

PROJECT INFORMATION.

Supervisory District: 5

Project Applicant: Grow 4 Gold – 9174 Santiago Drive, Huntington Beach CA, 92646

Property Owner: Sandy Prem 3 LLC – 3993 Howard Hughes Pkwy, # 140, Las Vegas NV 89169

Site Address: Long Rd

Community: Sandy Valley

A.P.N.: 048-350-38

General Plan: Agricultural (A)

Zoning: Open Space with a 40 acre minimum (OS-40)

Size of Parcel: Approximately 164-acres

Surrounding Land Use:

Location:	Use:	Gen. Plan Designation	Zoning
Site	Turf farm	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
North	Vacant/BLM	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
East	Vacant/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
South	developed/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)
West	Vacant/private	Agricultural (A)	Open Space with a 40 acre minimum (OS-40)

Staff Recommended Action:

1.) Approve the Conditional Use Permit (CUP) 2019-06/Grow 4 Gold 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.

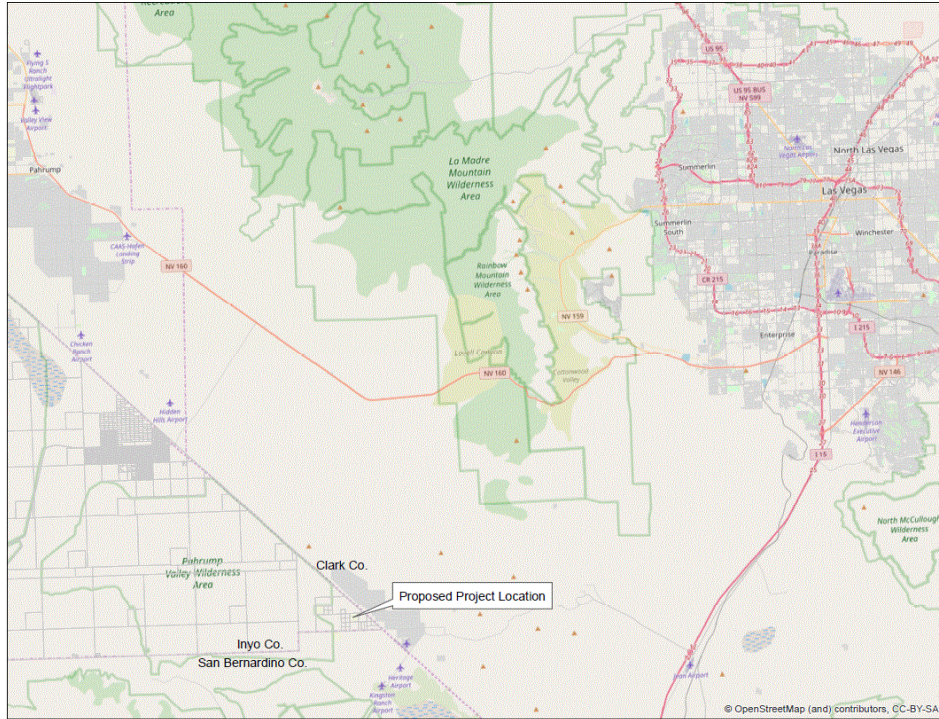
Project Planner:

Steve Karamitros

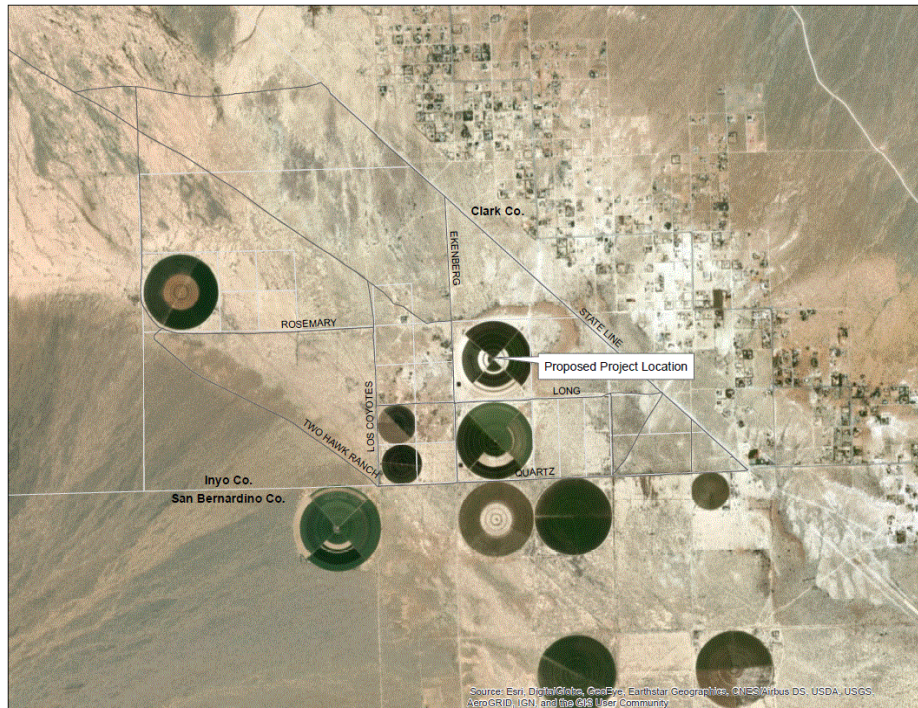
STAFF ANALYSIS**Background and Overview**

The applicant has applied for a CUP to operate a commercial cannabis cultivation farm located on Long Road, in the community of Sandy Valley. This farm will produce cannabis flowers, grown, dried and packaged at a 20,000 ft² facility on the project site. The property is zoned OS-40, which allows for cannabis cultivation with a CUP, and is located in an agricultural area of the county surrounded by other turf farms that are currently operational. The surrounding area is primarily zoned OS-40. The proposed location is not within 600-feet of a school, daycare, park or library; and therefore, is not prohibited by state or county exclusion areas. Please note that drying, curing, trimming, and preparation for transportation are considered allowed uses in the cannabis cultivation process.

Site Proximity Map



Site Location



General Plan Consistency

The goal of this project is to allow for a cannabis cultivation & manufacturing operation. The project is consistent with the General Plan designation of Agricultural (A) as it

provides for the production of “food or fiber on a regular and sustained basis” with accompanying “agricultural processing facilities.” The (A) General Plan designation is compatible with the existing Open-Space (OS-40) zoning designation. It is also compatible with the General Plan’s Conservation and Open Space Element’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 & cannabis based products. This activity is consistent with Goal AG 1.0, as it provides for a more diverse agriculture industry than currently exists in the County.

Zoning Ordinance Consistency

The proposed project is a CUP to allow for the commercial cultivation of cannabis. The OS-40 zone allows for commercial cannabis cultivation with a CUP as long as the project can meet the 300-foot setback requirement. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities. This project will bring more agriculture activities to the county and is proposed to be grown in an indoor rafter building, which utilizes natural light, and employs drip irrigation.

ENVIRONMENTAL REVIEW

Conditional Use Permit 2019-06/Grow 4 Gold is a Mitigated Negative Declaration under CEQA. This project will have incorporate several mitigation measures as conditions of approval for the issuance of a conditional use permit. Any use of lighting will adhere to Inyo County’s General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded. In addition, the owner or his agent will be required to 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 from the cannabis crop’s VOC emissions (Terpenes). The owner or his agent shall consult with the Inyo County Environmental Health Department to manage indoor water & sewage waste for the processing facility.

Please note, the current water usage for the turf farm can be as high as 3.5 acre-feet-per-year. The projected cannabis operation is expected to be about 1 acre-foot-per-year. Thus, ground water resources will be conserved as the County benefits from a more sustainable economic opportunity.

TRIBAL CONSULTATION

In compliance with AB 52, SB 18, and Public Resource Code Section 21080.3.1(b), tribes identified as being local to Inyo County, were notified via a certified letter on June 5, 2019 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 Shingle Springs Band of Miwok Indians, the Timbisha Shoshone Tribe, and the Torres Martinez Desert Cahuilla Indians.

Inyo County received a letter from the Shingle Springs Band of Miwok Indians stating that there were no known tribal resources in the project area; however, they requested that the County keep them apprised of any new developments. The Torres Martinez Desert Cahuilla Indians also replied, stating that they wished to defer all future notifications, related to this project, to Tribes that are closer to the site location.

NOTICING & REVIEW

The application for CUP 2019-06/Grow 4 Gold has been reviewed by the appropriate county departments and no issues were reported. This included reviews by the Environmental Health, Public Works, and the Inyo/Mono Agricultural Commission.

Public review of the CEQA document was noticed in the Inyo Register on July 16, 2019. No comments were received. Comments were received from the Lahontan Regional Water Quality Control Board, and these have been deemed appropriate and incorporated into the Conditions of Approval for the permit (see below). The public hearing for this CUP was noticed on August 10, 2019 in the Inyo Register and mailed to property owners within 1,500-feet of the project location as required by 18.78.360(F).

RECOMMENDATION

Planning Department staff recommends the approval of Conditional Use Permit No. 2019-06/Grow 4 Gold, 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 Land Use designation of Agricultural (A).
[Evidence: The goal of this project is to allow for cultivation of an agricultural produce, cannabis, on a parcel of land with an (A) General Plan designation. The project is consistent with the (A) designation as it allows the production of “food or fiber on a regular and sustained basis” with accompanying “agricultural

processing facilities.” The proposed Grow 4 Gold cannabis cultivation project is an agricultural product, which is compatible with the A General Plan designation. It is also consistent with the General Plan’s Conservation and Open Space Element’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 industry than currently exists 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 OS-40 zone.
[Evidence: The OS-40 zone allows for commercial cannabis cultivation with a CUP as long as the project can meet the 300-foot setback requirement. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities. This project will bring more agriculture activities to the county and is proposed to be conducted outdoors, using drip irrigation. As stated above, drying, curing, trimming, and preparation for transportation are considered allowed uses in the cannabis cultivation process.]
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 Grow 4 Gold 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 agricultural use. The cannabis cultivation is expected to replace a hemp cultivation project that will precede it (CUP 2019-09/Grow 4 Gold Hemp). This in turn is replacing a pre-existing agricultural use of the turf farm. It is related to the other agricultural activities in the area and will not cause impacts on transportation or service facilities in the vicinity as these facilities already accommodate the pick-up and delivery of turf and sod products from Sandy Valley.]
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 Sandy Valley area and the proposed security plan for Grow 4 Gold was 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 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 Conditional Use Permit No. CUP 2019-06/Grow 4 Gold. The County reserves the right to prepare its own defense.

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

3. Environmental Commitments under CEQA:

- **Aesthetic:** The owner or his agent will adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.
- **Air Quality:** The owner or his agent will be required to 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 from the cannabis crop's VOC emissions (Terpenes).
- **Geology & Soils:** The owner or his agent shall consult with the Inyo County Environmental Health Department to manage indoor water & sewage waste for the processing facility.
- **Hydrology & Water Quality:** Pursuant to comments received from the Lahontan Regional Water Quality Control Board (letter dated July 29, 2019), the applicant shall coordinate with the regional water quality board to obtain the necessary water quality or stormwater discharge permits.



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NOTICE OF DECISION

October 3, 2019

Grow 4 Gold, LLC
Benjamin Hynes
9171 Santiago Drive
Huntington Beach, CA 92646

SUBJECT: Approval of Conditional Use Permit #2019-06/Grow 4 Gold

On August 28, 2019 the Inyo County Planning Commission considered the above action, following the Planning Department's review and recommendation for approval of an application received on June 23, 2019, to grow commercial cannabis in the unincorporated area of Sandy Valley CA (APN: 048-350-38), compliant with the setback requirements of the County's Commercial cannabis ordinance (18.78.360).

After deliberation, the Board of supervisors voted 4-0 to approve the project with the following Findings and Conditions of Approval:

FINDINGS – Conditional Use Permit

1. The proposed Conditional Use Permit is an Initial Study with 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 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 Land Use designation of Agricultural (A).
[Evidence: The goal of this project is to allow for cultivation of an agricultural produce, cannabis, on a parcel of land with an (A) General

Plan designation. The project is consistent with the (A) designation as it allows the production of "food or fiber on a regular and sustained basis" with accompanying "agricultural processing facilities." The proposed Grow 4 Gold cannabis cultivation project is an agricultural product, which is compatible with the A General Plan designation. It is also consistent with the General Plan's Conservation and Open Space Element'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 industry than currently exists 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 OS-40 zone.
[Evidence: The OS-40 zone allows for commercial cannabis cultivation with a CUP as long as the project can meet the 300-foot setback requirement. The Open Space zone, within its purpose statement, says that it is established to: encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities. This project will bring more agriculture activities to the county and is proposed to be conducted outdoors, using drip irrigation. As stated above, drying, curing, trimming, and preparation for transportation are considered allowed uses in the cannabis cultivation process.]
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 Grow 4 Gold 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 agricultural use. The cannabis cultivation is expected to replace a hemp cultivation project that will precede it (CUP 2019-09/Grow 4 Gold Hemp). This in turn is replacing a pre-existing agricultural use of the turf farm. It is related to

the other agricultural activities in the area and will not cause impacts on transportation or service facilities in the vicinity as these facilities already accommodate the pick-up and delivery of turf and sod products from Sandy Valley.]

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 Sandy Valley area and the proposed security plan for Grow 4 Gold was 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 Grow 4 Gold LLC.]

CONDITIONS OF APPROVAL – Conditional Use Permit

- 1. Hold Harmless**

The applicant/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 Conditional Use Permit No. CUP 2019-06/Grow 4 Gold. The County reserves the right to prepare its own defense.

- 2. Compliance with County Code**

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

- 3. Environmental Commitments under CEQA:**

- Aesthetic: The owner or his agent will adhere to Inyo County's General Plan Visual Resources requirement (VIS-1.6-Control of Light & Glare), which requires all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level) and are fully shielded.

- **Air Quality:** The owner or his agent will be required to 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 from the cannabis crop's VOC emissions (Terpenes) and fugitive dust. The applicant shall employ a fogging system, as described in section III(a) and III(e) of the final CEQA document. This system will line the perimeter of the farm with nozzles, which will turn on during the plants flowering period when system monitors detect wind speed and direction that might carry odors from the crop. In addition, the applicant shall consult with the Great Basin Unified Air Pollution Control District regarding a possible Conservation Management Practice Plan for this "outdoor" operation.
- **Geology & Soils:** The owner or his agent shall consult with the Inyo County Environmental Health Department and use portable toilets to manage sewage waste; the portable toilets will be hauled away weekly to a company contracted RV dump station, to dispose of sewage. Once the processing facility has been constructed in a later project phase, indoor bathrooms will replace portable toilets. The applicant shall consult the Inyo County Environmental Health Department during the building process to make sure the septic system is compliant with County code. The applicant shall consult the Inyo County Environmental Health Department during the building process to make sure all pesticide and fertilizer use, storage and disposal conform with the County's requirements.
- **Hydrology & Water Quality:** To manage dust and erosion, the applicant shall apply for a Stormwater Pollution Prevention Plan (S.W.P.P.P) as indicated in section VI(b) and IX(c) of the final CEQA document. The current well may be used for agricultural purposes; however, the applicant will work with the Inyo County Environmental Health Department when constructing a well for domestic use (processing facility).

If there are any questions regarding the above information, please contact the Planning office at (760) 878-0268.

Respectfully,



Steve Karamitros, Inyo County Planning Department



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March 19, 2024

TO: Tim Zamora
Benjamin Hynes
Rutt Presirrut

FROM: Danielle Visuaño, Cathreen Richards, Tyson Sparrow

SENT via email to: tim@timzamora.com, timzamora@gmail.com, benjaminhynes@gmail.com,
rutt@valtusre.com

RE: CUP 2019-06/Grow 4 Gold (Cannabis)

This letter is being sent in response to the various phone calls and emails received by the Planning Department in regard to the above listed conditional use permit (CUP). Most of these conversations are in regard to commercial cannabis cultivation, the required 300 foot setback, possession of other cannabis licenses, and your request to maintain an existing hoop structure within the 300 foot setback for processing.

Cannabis Cultivation

The above CUP is strictly for the commercial cultivation of cannabis. Commercial cannabis activity is defined under 18.06.181 as:

any commercial business activity relating to cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, and selling (wholesale and/or retail sales) of cannabis and any ancillary products and accessories in the unincorporated area of the county, whether or not carried on for gain or profit.

The commercial cannabis activities under your CUP meet this definition and are clearly stated in your CUP on:

- Pages 1 - detailing the project activities approved under SUBJECT: Approval of Conditional Use Permit #2019-06/Grow 4 Gold.
- Page 1 – Findings paragraph 2
- Page 3 - Findings paragraph 6
- Page 3 - Findings paragraph 7

Your activities further meet the definition of a permit classification for cultivation as provided in 18.06.182(A):

Cultivation permit for commercial activity involving activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis.

Further, the submitted application for the CUP was only for commercial cultivation of cannabis and for no other activities that would require being addressed in this CUP. Commercial cannabis cultivation is the only cannabis related objective approved under your CUP.

300 Foot Setback

Under the Open Space zoning for the parcel associated with this CUP, the land use allowed for with your CUP is listed under 18.12.040(N):

Commercial cannabis cultivation, which shall be three hundred feet from all parcel lot lines, and shall comply with otherwise applicable yard requirements.

The 300 foot setback provision is also provided as a condition under your CUP on:

- Page 1 – stating the project will be “compliant with the setback requirements for the County’s Commercial cannabis ordinance.”
- Page 2 – Findings paragraph 3.

CUP Scope of Approval

The CUP clearly and expressly states the permit is only for commercial cannabis cultivation and is to meet the 300 foot setbacks. As discussed above your CUP is only for commercial cannabis cultivation and as such shall meet the Open Space zoning conditional use requirement of having a 300 foot setback from all parcel lines.

Additional Uses Not Approved Under the CUP

In the discussions that have been going on through various phone calls with various Planning staff, additional land uses have been brought up by the applicant and the contractor all of which are not covered under the CUP.

Manufacturing License

There has been discussion of the applicant possessing a manufacturing license. In contact with the Agricultural Department, Planning has determined the applicant does not possess a current manufacturing license. At one time the applicant may have possessed such a license but it was not renewed. This license was not raised or applied for in the application associated under this CUP. It may also be that this license is associated with another project on another parcel.

According to 5.40.050(B):

A separate commercial cannabis business license shall be required for each premises where commercial cannabis activity is carried on, at, or out of, regardless of ownership.

As such, even if the license was active, if it was for another parcel it cannot be utilized on the parcel associated with this CUP. Further, there is no evidence in the application for this CUP or the CUP itself of any manufacturing license. Any manufacturing license, whether current or one to be applied for, will need to be an amendment to this CUP or a separate CUP altogether.

Micro-Business

There has also been discussion of the applicant possessing a micro-business license. There is no evidence of this license. Even if such license exists, it is not associated, nor was it applied for, under this CUP.

Hoop Structure Use

Currently there is a hoop structure within the 300 foot setback on the west side of the parcel. The applicant insists the hoop structure is to be utilized for processing as they state process/manufacturing is not cultivation. As discussed above, commercial cannabis cultivation clearly includes processing under 18.06.181, and there is no manufacturing allowed under this CUP. No such commercial cannabis activities can be conducted in the hoop structure as it exists in the 300 foot setback.

Further, currently the hoop structure is not permitted as it was constructed without a building permit from Building and Safety. As you are aware, compliance with all local zoning regulations and building codes is a fundamental requirement for the approval and maintenance of a CUP. Under 18.03.100 it states:

No building or structure shall be erected, reconstructed or structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as specifically provided in this title and allowed in the district in which such building, structure or land is located. ... Every department, official and employee of the county having the authority to issue any permit or license required by law shall comply with the provisions of this title. Any license or permit issued in conflict with the provisions of this title shall be void and of no effect.

Since the hoop structure located in the 300 foot setback is not permitted it is not only noncompliant with the requirements of the CUP it is also noncompliant with the zoning code.

Cultivation Structure

In review of the plans of the cultivation structure it has also been determined this structure is also within the 300 foot setback requirement of the CUP. As stated above, cultivation cannot take place within the 300 foot setback. In addition to the hoop structure not being compliant with the CUP and zoning code, the cultivation structure is also noncompliant with the CUP and in violation of the zoning code.

Notice of Impending CUP Revocation

The presence of unpermitted and noncompliant structures contravenes the terms and conditions outlined in the CUP approval process. As a result, we are informing you that the Planning Department will commence the process for revoking your Conditional Use Permit 2019-06/Grow 4 Gold if the following matters are not resolved/completed by the end of the day June 1, 2024:

- The hoop structure is relocated to inside the building envelope outside the 300 foot setback.
- The hoop structure is permitted by Building and Safety.
- The cultivation structure is adjusted to permanently prevent cultivation within the 300 foot setback.
- Any other structures that are not permitted are rectified and approved by Building and Safety.

Any of the above listed action not completed by June 1, 2024 will result in the commencement of the revocation of your CUP. All relevant actions will be verified with Building and Safety.

Please let me know if you have any questions on the above information.

Respectfully,

Danielle Visuaño
Inyo County Planning Associate Planner

Cathreen Richards,
Inyo County Planning Director

Tyson Sparrow
Technical Building and Safety Official



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Grow 4 Gold LLC
Benjamin Hynes
9171 Santiago Drive
Huntington Beach, CA 92646

SENT via: USPS and email to benjaminhynes@gmail.com

NOTICE IS HEREBY GIVEN
VIOLATION OF CONDITIONAL USE PERMIT 2019-06/Grow 4 Gold

March 4, 2025

Mr. Hynes:

This is a formal Notice of Violation of Conditional Use Permit (CUP) 2019-06/Grow 4 Gold.

The CUP was approved by the Inyo County Planning Commission on August 28, 2019 for property located in Sandy Valley, CA with the Assessor Parcel Number 048-350-38. The approval included conditions 1-3, which you must comply with when conducting activities under the CUP. Condition #2 of the CUP states:

2. Compliance with County Code

The applicant/developer shall conform to all applicable provisions of Inyo County Code and State regulations. If the use provided by this conditional use permit is not established within one year of the approval date it will become void.

This condition requires compliance with Title 14 of the Inyo County Code, which in turn mandates compliance with the California Building Code. Currently, development on the property intended for the use provided by the CUP has been constructed without the required building, electrical or plumbing permits.

On March 19, 2024 the Planning Department sent you a letter providing a list of matters that were required to be resolved/completed by the end of the day June 1, 2024. Your firm failed to resolve/complete any of the identified matters listed in the March 19, 2024 letter.

On August 29, 2024, the Planning Department met with your firm and the Building and Safety Department where it was discussed and decided that your firm would provide the required plans and seek the required permit approvals for all applicable development by March 1, 2025. To date, there has not been one permit approved for this project. Therefore, the Planning Department is seeking to revoke your CUP due to noncompliance with Condition #2.

A hearing date with the Inyo County Planning Commission, regarding this violation and the possible revocation of CUP 2019-06/Grow 4 Gold, has been set for April 23, 2025 at 10 am.

If you have any questions related the hearing, please contact Planning at (760) 878-0263.



Cathreen Richards
Planning Director

cc: Will Wadelton, Fifth District Supervisor; Aaron Cassell, Fifth District Commissioner;
County Counsel, Christian Milovich

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