

COUNTY OF LAKE
MAJOR USE PERMIT, UP 20-40 AND INITIAL STUDY, IS 20-50

HIGHER GROUND FARMS
(APPLICANT – JOHN OLIVER)
CONDITIONS OF APPROVAL

EXPIRES IF NOT USED BY: JANUARY 11, 2026
VALID UNTIL JANUARY 11, 2034

Pursuant to the approval of the Planning Commission on January 11, 2024, there is hereby granted to Higher Ground Farms a Major Use Permit, UP 20-40 with the following conditions of approval to allow approval of 22,000 square feet (sf) of cannabis canopy inside eight greenhouses within a fenced 47,040 sf enclosure; project includes a 48' x 100' drying building, and one Type 13 Cannabis Distributor Transport Only, Self-Distribution License on a site located at 3545 Finley Road East, Kelseyville (APN: 008-026-07). The project is subject to the following terms and conditions of approval:

A. GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the Site Plans, Project Description, Hydrology Technical Memorandum, Property Management Plan and any conditions of approval imposed by the Major Use Permit and Review Authority for the outdoor cannabis cultivation site described above. This decision also includes a Type 13 'self-distribution' license. Approval of this project is based on:
 - a. Revised Site Plans received January 3, 2024
 - b. Property Management Plan, received March 7, 2022
 - c. Hydrological Technical Memorandum, received March 7, 2022
2. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
3. Prior to operation and construction, the applicant shall obtain permits from all necessary Federal, State, and local agencies for the construction/ development of any infrastructure.
4. Prior to operation, the applicant shall contact the Lake County Building Department to schedule an inspection(s) to ensure compliance with Public Resource Code sections 4290/4291.
5. Prior to operation, the applicant shall provide adequate security on the premises. All fencing installed shall contain screening material such as chain link with slats, or solid wood or metal fencing; fabric screening material is not permitted due to poor durability. The fence shall be a minimum of six (6) feet in height and cannot exceed eight (8) feet in height. If the fencing exceeds seven (7) feet height, the applicant shall obtain all necessary building permits.
6. If there is a change in the project manager (permit holder representative), the permit holder shall submit notarized written documentation to the Community Development Department for review and approval. Said documentation shall include the following:
 - Name of Individual and Title
 - Contact Information (Phone, email, and address)
 - What that individual is authorized to do.
7. If there is a change in the use permit holder(s), the new permit holder(s) shall submit notarized written documentation that they are formally taking over said permit to the Community Development Department for review and approval, including submitting submit the required application and appropriate fees.
8. If the subject properties have a change of ownership, the applicant shall obtain written approval from all property owner(s), which authorize the tenant(s) or lessee(s) to cultivate cannabis at the project site(s). Said written verification containing the property owner's (s) signature shall be notarized.
 - A copy of the written approval shall be maintained by the tenant or lessee and made available for review upon request. Written approvals shall be renewed annually.

Initials: _____
Date: _____

9. Prior to operation, the applicant is responsible for ensuring that all project workers are informed of, understand and agree to abide by the approved plans and project conditions.
10. Prior to operation, all necessary permits shall be obtained from all applicable federal, state, and county agencies having jurisdiction over this project. Said permits shall be maintained for the life of the project.
11. Prior to this use permit being valid, vested, or operative, all necessary permits shall be obtained from all applicable federal, state and county agencies having jurisdiction over this project including but not limited to the Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs. Said permits shall be maintained for the life of the project.
 - A copy of said permits shall be submitted to the Lake County Community Development Department for review and approval. If permits are not required, the applicant shall obtain written documentation from each agency and submit said documentation to the Community Development Department.
 - If there is a change in name of the permit operator(s), the new permit operator(s) shall be responsible for ensuring all applicable permits are up to date.
12. Prior to operation, the applicant shall be enrolled in and comply with the State of California Track and Trace program and all requirements, including having all cannabis plants properly tagged. Additionally, the applicant shall submit written verification to the Lake County Community Development Department for review and approval.
13. The applicant shall not sell, transfer and/or give cannabis or cannabis products, nor allow into the cultivation area, nor employ or retain any persons under the age of 21.
14. An applicant shall keep accurate records of commercial cannabis activity. All records related to commercial cannabis activity as defined by the State Licensing Authorities shall be maintained for a minimum of seven (7) years. Said records shall be made available upon request at any given time.
 - The County may examine the books and records of an applicant and inspect the premises of a permittee when the County deems necessary to perform its duties under this division. All inspections shall be conducted during standard business hours of the permitted facility or at any other reasonable time.
 - Applicants shall keep records identified by the County on the premises of the location permitted and the County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request.
 - An applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.
15. Prior to operation, all current and future applicants and/or employees, including private contractors, shall undergo and pass a background check by the Lake County Sheriff Department. Pursuant to California Business and Professions Code, Section 26057, if an individual who has failed a background check becomes involved in any aspect of the cultivation process, or if any employee is involved with the cultivation who has not undergone a background check, the use permit will be brought before the Planning Commission for consideration of revocation. A list of all employees, including private contractors, shall be made available upon request.
16. The applicant shall provide adequate security measures per Article 27 of the Lake County Zoning Ordinance to minimize criminal activity, provide for safe and secure working environments, protect private property, and prevent damage to the environment. Said security plan shall be reviewed and approved by the Lake County Sheriff's Office.
17. Prior to operation, all structure(s) used for commercial cultivation shall meet accessibility standards. Please contact the Lake County Community Development Department's Building Division for more information.
18. Prior to operation, all accessible compliant parking areas, routes of travel, building access, and/or bathrooms shall meet all California Building Code Requirements.

Initials: _____

Date: _____

19. Prior to operation, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
20. All handicap parking areas, routes of travel, building access, and bathrooms shall meet the Americans with Disabilities Act (ADA) requirements and be subject to review and approval of a Certified Accessibility Access Specialist (CASP).
21. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.
22. The applicant shall pay the cannabis cultivation tax to the Lake County Tax Collector in accordance with the cannabis billing cycle. The applicant shall submit proof of payment to the Lake County Community Development Department within thirty (30) days of receiving payment confirmation. Failure to pay said cultivation tax will result in the initiation of permit revocation proceedings. For further details on cultivation taxes, please contact the Lake County Tax Collectors Office at (707) 263-2234.
23. Prior to operation, the applicant(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The applicant shall contact the Lake County Division of Environmental Health for details.
24. All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.
25. The permit holder shall pay the Fish and Wildlife fee within five days of the date of this approval. Checks are paid through the Lake County Planning Department and shall be made out to 'County of Lake'.

B. AESTHETICS

1. Prior to cultivation, all greenhouses shall incorporate blackout screening so that no light is visible from outside each greenhouse. *Mitigation measure AES-1*
2. Prior to cultivation, a minimum 6' tall screening fence shall be installed around the perimeter of the cultivation. The screening material shall not be fabric due to poor durability, and the fence may be chain link with slats, or solid wood or metal. *Mitigation measure AES-2*
3. All exterior lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in darksky.org. *Mitigation measure AES-3*
4. Prior to construction, the applicant shall provide greenhouse elevations that show the colors of the proposed greenhouses, which shall be muted and earth tone. The elevations will state that non-glare materials will be used on all buildings that will be constructed.

C. AIR QUALITY

1. Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel-powered equipment and/or other equipment with potential for air emissions. *Mitigation measure AQ-1*
2. All mobile diesel equipment used must be in compliance with state registration requirements. Portable and stationary diesel-powered equipment must meet all federal, state, and local requirements, including the requirements of the State Air Toxic Control Measures for compression ignition engines. Additionally, all engines must notify LCAQMD prior to beginning construction activities and prior to any diesel engine use. *Mitigation measure AQ-2*
3. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory. *Mitigation measure AQ-3*

Initials: _____

Date: _____

4. All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited. *Mitigation measure AQ-4*
5. The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited. *Mitigation measure AQ-5*
6. All areas subject infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations. *Mitigation measure AQ-6*
7. Prior to greenhouse cultivation, and prior to use of the greenhouses and the processing building for cannabis drying and packaging, the applicant shall install carbon or similar air filters in each structure. *Mitigation measure AQ-7*

D. BIOLOGICAL RESOURCES

1. All work shall incorporate erosion control measures consistent with the Property Management Plan submitted, as well as the Lake County Grading Regulations, and the State Water Resources Control Board Order No. WQ 2019-001-DWQ and Construction General Permit 2009-009-DWQ. *Mitigation measure BIO-1*
2. Permit conditions for this project shall require strict compliance with local, state, and federal regulations for the handling, use and storage of agricultural chemicals. *Mitigation measure BIO-2*
3. A spill containment kit shall be kept on site at all times. Employees shall be trained in the use of this kit prior to cultivation, and all fuel or chemical spills that occur must be immediately cleaned up on the site.

E. CULTURAL AND TRIBAL RESOURCES

1. Prior to initiation of ground disturbance activities, all on-site personnel of the project shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100 feet of the find(s), the applicant shall notify the culturally affiliated Tribe(s), and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. No work shall commence within 100 feet of the find(s) until the recommended mitigation procedures, if necessary, has been adopted by the applicant. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5. *Mitigation measure CUL-1*
2. All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe(s) shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds. *Mitigation measure CUL-2*
3. Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped Mostin site (historically sensitive area) for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50' buffer of non-disturbable area between the sensitive site and the cultivation site. *Mitigation measure CUL-3*

F. GEOLOGY AND SOIL

1. Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped historically sensitive area for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50' buffer of non-disturbable area between the sensitive site and the cultivation site. *Mitigation measure CUL-3*

G. HAZARDS & HAZARDOUS MATERIALS

1. All equipment shall be maintained and operated to minimize spillage or leakage of hazardous

Initials: _____
 Date: _____

materials. All equipment shall be refueled in locations more than 100 feet from surface water bodies. Servicing of equipment shall occur on an impermeable surface. In an event of a spill or leak, the contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

2. The storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/ Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is stored on site.
3. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.
4. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information to complete an updated Air Toxic Emission Inventory.
5. The applicant shall obtain an Operator Identification Number from the California Department of Pesticide Regulation prior to using pesticides onsite for cannabis cultivation.

H. HYDROLOGY & WATER QUALITY

1. The project design shall incorporate appropriate BMPs consistent with County and State storm water drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or all surface water.
2. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.
3. The illicit discharge of irrigation or storm water from the project parcel, as defined in Title 40 of the Code of Federal regulation, Section 122.26, which may result in degradation of water quality of any water body is prohibited.
4. The applicant shall maintain all necessary permits from the Central Valley Regional Water Quality Control Board and submit written verification to the Community Development Department. A copy of all permits shall be included in the Annual Performance Report.
5. The applicant shall maintain a legal water source on the premises, and shall obtain and maintain all necessary Federal, State, or local permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all Federal, State, or local permits required to utilize the water source, and have a written agreement between the property owner of the site where the wells are located and the permitted activity agreeing to use the permitted water source and all terms and conditions of that use.
6. The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited. The utilization of water that has been or is illegally diverted from any lake, springs, wetland, stream, creek, vernal pool and/or river is prohibited. The applicant shall not engage in unlawful or unpermitted drawing of surface water.
7. The applicant may use water supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an *emergency basis only*. The applicant shall notify the Community Development Department within seven (7) days of the emergency and provide the following information: (a) A detailed description of the emergency; (b) Identification of the retail water supplier including license number; (c) The volume of water supplied and actions taken to prevent the emergency in the future.

Initials: _____

Date: _____

8. Prior to cultivation, the applicant shall install straw wattles around the cultivation sites in a manner that retains stormwater within the cultivation area consistent with the Grading and Erosion Control plans submitted to the County.
9. Prior to cultivation, the applicant shall submit an engineered Erosion Control Plan that shows the erosion mitigation measures described in the Property Management Plan, pages 13 and 14.

I. NOISE

1. All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work. *Mitigation measure NOI-1*
2. NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines. *Mitigation measure NOI-2*

J. TRANSPORTATION

1. The driveway approved for this project is the driveway located approximately 100 feet to the east of the western property line abutting the old schoolhouse property. An encroachment permit may be required from the Public Works Department, and the approach leading to Finley Road East shall be paved with a non-permeable surface capable of sustaining vehicle traffic.
2. The applicant shall meet and maintain all the requirements and/ or regulations as define in 14 California Code of Regulations (CCCR), Division 1.5, Chapter 7, Subchapter 2, Article 2, §1273.00 through §1273.11 of the California Department of Forestry and Fire Protection (Cal Fire) for Emergency Access and Egress Requirements. The interior driveway shall be required to meet Public Resource Code (PRC) 4290 and 4291 standards for a commercial driveway prior to cultivation.
3. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes. A Knox box is required on all gated entrances.
4. Prior to final inspection, all Accessible Compliant Parking Areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.

K. WILDFIRE

1. Prior to cultivation, the applicant shall schedule a site visit with the Building Official or designee to verify that the roads, gates and site are PRC 4290 and 4291 compliant.
2. The applicant shall provide one (1) steel or fiberglass 2,500 gallon water tank for on-site fire suppression in the event of a wildfire on site. The tank shall be equipped with fittings that can be used by fire suppression personnel.

L. TIMING & MITIGATION MONITORING

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/ or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. This permit shall be null and void if not used by January 11, 2026, or if the use is abandoned for two years. Once activated, this permit is valid for a period of 10 years unless the use is discontinued for two years or if this permit is revoked due to non-compliance with these conditions.
3. Prior to this use permit becoming valid, effective or operative, the applicant shall coordinate with the Community Development Department and enter into an Indemnification Agreement with the County. The Indemnification Agreement holds harmless the County and its officers, agents and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of this permit and the conduct of the activities authorized under said permit.

Initials: _____
 Date: _____

4. The site shall be restored to its original state within six months of the expiration of this use permit, termination of use, or abandonment of the site. The applicant shall enter into a Site Restoration Agreement subject to the approval of the Community Development Director or their designee.
5. Prior to operation, the applicant shall submit to Lake County Community Development Department a summary response in writing establishing compliance with these conditions of approval, as well as documenting their compliance with all obligations of the Property Management Plan, including dates of compliance and referencing documents or other evidence of compliance.
6. The applicant shall contact the Community Development Department to schedule an annual Compliance Monitoring Inspection during the cultivation season. Prior to scheduling said inspection, the applicant shall pay the established compliance monitoring fee approved by the Board of Supervisors.
 - *If there are no violations of the County permit or state license during the first five years, the inspection frequency may be reduced by the Director to not less than once every five years.*
7. The applicant shall submit a Performance Review Report each year from their initial date of operation for review and approval by the review authority. The review authority may delegate review of the Performance Review Report to the Community Development Director at the time of the initial hearing or at any time thereafter.
 - Performance Review Report shall identify the effectiveness of the approved Use Permit, Operations Manual, Operating Standards, and Conditions of Approval, as well as the identification and implementation of additional procedures deemed necessary. In the event that the review authority identifies issues with the annual Performance Review Report, it may lead to revocation of the approved use, and/or the review authority may require the submittal of more frequent Performance Review Reports. Additionally, the Performance Review Report shall include the following:
 - *A copy of the results from said inspection shall be provided to the applicant for inclusion in their Performance Review Report.*
 - *Compliance monitoring fees pursuant to the County's adopted master fee schedule shall be paid by the permittee and accompany the Performance Review Report for costs associated with the review of the Report by County staff.*
 - *Non-compliance by the applicant in allowing the inspection by the Community Development Department or refusal to pay the required fees or non-compliance in submitting the Annual Performance Review Report for review by the review authority shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.*
 - *A record of all complaints and resolution of complaints shall be kept. Said record shall include a tally and summary of the issues and be provided.*
 - *All wells shall be monitored for monthly usage, and a report by month shall be included in the Annual Report.*
 - *The results of the previous year's Annual Compliance Monitoring Inspection shall be included in the following year's Performance Review Report.*
 - *If a violation is determined upon inspection, the applicant shall correct the violation in the amount determined by the Community Development Director or their designee. An additional site inspection(s) may be required to confirm that said violation(s) have been corrected.*
8. The applicant shall submit an application for the renewal of the authorized use to the Lake County Community Development Department a minimum of 180 days prior to the expiration date of said use. Failure to apply for renewal at least six months prior to the expiration of this permit may result in expired approval of this permit. The applicant shall submit the required application, associated fees, and the following additional information which may include but is not limited to:
 - A copy of all licenses, permits, and conditions of such licenses and permits related to the project from state agencies as appropriate, including, but not limited to the Department of Cannabis Control, Department of Pesticide Regulation, Department of Fish and Wildlife, the State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, and the Department of Public Health.
 - A copy of all reports provided by the County and State agencies as determined by the Director.
 - A list of all employees on the premises during the past year and a copy of the background check certification for each individual.

Initials: _____

Date: _____

- Documentation that the applicant is still qualified to be an applicant.
- Any proposed changes to the Use Permit or how the site will be operated.
- Payment of all fees as established by resolution by the Board of Supervisors.

9. This permit may be revoked if the use for which the permit was granted is concluded to be detrimental to the public health, safety or welfare or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit an/or Chapter 21 of the Lake County Code.

Mireya G. Turner, Director
 COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: _____
 Ruby Mitts, Office Administrator III

ACCEPTANCE

I have read and understand the foregoing Major Use Permit and agree to each and every term and condition thereof.

Date: _____

 Applicant or Authorized Agent Signature

 Printed Name of Authorized Agent

Initials: _____
 Date: _____