

PROPOSED CONDITIONS OF APPROVAL

Submitted by Appellant 276 Ranch LLC

in connection with the Appeal of Major Use Permit PL-25-13 (UP 21-15) and Mitigated Negative Declaration (IS 21-16) — Rancho Lake LLC

File References:

- Major Use Permit: PL-25-13 (UP 21-15)
- Mitigated Negative Declaration: IS 21-16
- Applicant: Rancho Lake, LLC
- Property: 19955, 19986, 20110, and 22222 Grange Road, Middletown, CA (APNs 014-290-08; 014-300-02, 03, & 04)
- Appellant: 276 Ranch LLC / Luchetti Family, 21333 Grange Road, Middletown, CA
- Hearing Body: Lake County Board of Supervisors

1. Purpose and Effect of These Conditions

The Appellant submits the following proposed Conditions of Approval as alternatives to outright denial of the Major Use Permit, in the event the Board of Supervisors elects to approve the project rather than require a full Environmental Impact Report. The conditions are designed to address specific, documented impacts identified in the administrative record — most prominently the well-interference findings of GHD's May 12, 2025 hydrologic study, the inadequate odor control program, the substandard ingress/egress in a High Fire Severity Zone, and the gaps in the biological assessment — that the Mitigated Negative Declaration adopted by the Planning Commission failed to mitigate to a less-than-significant level.

These conditions are not intended to replace, but to supplement and substantially strengthen, the conditions and mitigation measures set forth in the Staff Report dated November 13, 2025. Where these conditions overlap or conflict with previously adopted measures, the more protective provision shall govern. Each condition includes a defined performance standard, a monitoring protocol, a notification and cure procedure, and a permit revocation trigger.

Each condition shall run with the use permit and bind the permittee, its successors, assigns, lessees, contractors, sub-cultivators, and any subsequent permit holder. The conditions shall be recorded against the title of all four project parcels (APNs 014-290-08; 014-300-02, 03, & 04) at the permittee's expense within thirty (30) days of permit issuance.

2. Condition 1 — Groundwater Monitoring, Well Interference Mitigation, and Three-Year Performance Cure

2.1 Findings Supporting This Condition

GHD Inc., the firm that has provided engineering services for the Coyote Valley aquifer monitoring program for the Hidden Valley Lake Community Services District for over twenty years, conducted a 2024 monitoring season hydrologic study of three wells on the Luchetti Ranch (Ag-1, Ag-2, and Monitoring Well A/B). GHD's letter dated May 12, 2025 reports that simultaneous operation of the two existing Luchetti agricultural wells already produces measurable interference and degraded well performance, and that during dry years the Luchetti wells experience automatic pump shut-offs that directly impair pasture irrigation.

The Comstock production well, drilled in 2021 to support the proposed cannabis cultivation, sits approximately 120 feet from the shared property line and approximately 500 feet from Luchetti Agricultural Well 2. The applicant's hydrogeologic report (Hurvitz Environmental Services Inc.) does not include a monitored pump test conducted in concurrence with operation of the two Luchetti agricultural wells, and GHD has concluded that the Comstock Well, in its proposed location and at the proposed extraction rate of 49.1 acre-feet per year, will likely cause material adverse impacts to the Luchetti Ranch's water supply in dry years and even in years of normal precipitation. The MND adopted by the Planning Commission does not require a stress test, does not require continuous monitoring of the Comstock Well, and does not provide an enforceable mechanism to cure interference if and when it occurs.

Mitigation Measure HYD-1 in the adopted MND requires only that the production well have a meter and water-level monitor and that data be reported annually. That measure is insufficient to detect, document, or remedy real-time interference between the Comstock Well and the Luchetti agricultural and domestic wells.

2.2 Performance Standard

The permittee's groundwater pumping shall not cause measurable interference with the Luchetti Ranch's two agricultural wells or domestic well that exceeds the natural background drawdown experienced when the Luchetti wells are operating without contribution from the Comstock Well. "Measurable interference" is defined for purposes of this condition as either (a) an additional drawdown attributable to Comstock Well operation of greater than two (2) feet at the Luchetti Ag-1 or Ag-2 well, or (b) a documented increase in the frequency of automatic pump shut-off events at the Luchetti wells of more than 15 percent compared to the established three-year baseline.

2.3 Real-Time Monitoring Network

Prior to issuance of any building, grading, or construction permit, the permittee shall, at its sole expense, design and install a real-time groundwater monitoring network meeting the following minimum specifications:

- (a) Pressure transducers and data loggers shall be installed in each of the three subject wells: the Comstock production well; Luchetti Agricultural Well 1; and Luchetti Agricultural Well 2. A fourth transducer shall be installed in the Luchetti domestic well at the option of the Appellant. The Hidden Valley Lake Community Services District monitoring well A/B located on the Luchetti

Ranch shall serve as a regional reference well and its data shall be incorporated into the monitoring record.

- (b) Each transducer shall record water level, pressure, and temperature at intervals not greater than ten (10) minutes, with full barometric compensation, consistent with the methodology used by GHD in its 2024 monitoring season.
- (c) Each Comstock Well discharge line shall be equipped with a tamper-resistant, totalizing flow meter recording cumulative volume and instantaneous flow rate at intervals not greater than five (5) minutes.
- (d) All monitoring data shall be telemetered to a cloud-hosted platform that provides real-time public access via a read-only dashboard. The Appellant, the County Community Development Department, the County Water Resources Director, and the Hidden Valley Lake Community Services District engineer of record shall be granted continuous, password-protected access to live data and to the full archive of historical readings.
- (e) The monitoring network shall be designed, installed, calibrated, and certified by an independent California-licensed Professional Geologist or Certified Hydrogeologist selected jointly by the permittee and the Appellant. If the parties cannot agree, the County Water Resources Director shall designate the Independent Hydrogeologist from a list of three qualified candidates.
- (f) The independent Hydrogeologist shall remain retained for the term of the permit and shall be compensated by the permittee. The Hydrogeologist shall be subject to professional duties to both the permittee and the Appellant and to the County, and shall not be subject to direction from any party regarding the substantive content of any report.

2.4 Pre-Operational Baseline and Stress Test

Prior to commencement of cannabis cultivation pumping, the permittee shall fund a controlled aquifer stress test conducted by the Independent Hydrogeologist over the full May–October irrigation season immediately preceding first cultivation. The stress test shall include at minimum:

- A 72-hour constant-rate pump test of the Comstock Well at the proposed maximum operating rate, with the Luchetti agricultural wells operating at their normal irrigation duty cycle.
- Step-drawdown testing to characterize aquifer transmissivity, storativity, and the cone of influence of the Comstock Well.
- Recovery monitoring for a minimum of 168 hours following each test.
- Establishment of a documented baseline water-level record covering the entire May–October period, including frequency, duration, and depth of any pump shut-off events at the Luchetti wells when the Comstock Well is not operating.

The stress test report shall be circulated for thirty (30) days of public comment. The County Community Development Director shall not authorize the start of cultivation pumping until the Independent Hydrogeologist certifies in writing that the baseline has been adequately characterized.

2.5 Tiered Interference Triggers and Mitigation Cascade

The following triggers and corresponding mitigation actions shall apply throughout the term of the permit:

Tier 1 — Advisory (drawdown \geq 1.0 ft above baseline at Luchetti wells)

- (g) Within 24 hours of the Independent Hydrogeologist's confirmation of a Tier 1 exceedance, the permittee shall provide written notice to the Appellant, the County, and the Hidden Valley Lake Community Services District.
- (h) The permittee shall reduce instantaneous Comstock Well pumping rate by 25 percent for a minimum of 72 hours and the Independent Hydrogeologist shall verify recovery.

Tier 2 — Operational Adjustment (drawdown \geq 2.0 ft above baseline OR a confirmed pump shut-off event at any Luchetti well coincident with Comstock Well operation)

- (i) Within 12 hours of confirmation, the permittee shall cease Comstock Well pumping daily during the May–October irrigation season) until the Luchetti wells recover to within 0.5 feet of baseline.
- (j) The permittee shall implement a written rotational pumping schedule, prepared by the Independent Hydrogeologist and shared with the Appellant, designed to eliminate the trigger condition for the remainder of the irrigation season.
- (k) The permittee shall reimburse the Appellant for documented pump-saver activations, increased fuel and electricity costs, hauled water, and any veterinary or pasture-restoration costs proximately caused by the interference event.

Tier 3 — Material Interference (drawdown \geq 3.0 ft above baseline OR more than three Tier 2 events in any rolling 90-day period)

- (l) The permittee shall suspend all Comstock Well pumping within 24 hours and shall not resume pumping until the Independent Hydrogeologist certifies in writing that engineering controls (e.g., variable-frequency drive limitation, scheduled-pumping protocol, or supplemental water supply from off-site sources delivered by truck or pipeline) have been implemented and verified to prevent recurrence.
- (m) During any suspension, the permittee shall provide irrigation water to the Appellant from an independent source (e.g., trucked water or temporary connection) at the permittee's sole cost in any volume necessary to make the Appellant whole for that irrigation cycle.
- (n) All Tier 3 events and the corresponding cure shall be reported to the County Community Development Department within seven (7) days and shall be documented in the annual compliance report described in Section 6 below.

2.6 Five-Year Performance Cure Period and Permit Revocation Trigger

If, at any time within the first five (5) full irrigation seasons of cultivation operation, the permittee experiences more than two (2) Tier 3 events in a single irrigation season, or any combination of Tier 2 and Tier 3 events totaling more than five (5) in a single irrigation season, the permittee shall be deemed to have failed the performance standard. The County Community Development Director shall issue a Notice of Failure to Cure and shall set the matter for revocation hearing before the Planning Commission within ninety (90) days. The Planning Commission shall revoke the use permit unless the permittee demonstrates by a preponderance of the evidence, supported by the Independent Hydrogeologist's certification, that engineering changes have eliminated all measurable interference. In the event such showing is made and approved by the Planning Commission, the five year period set forth herein shall restart.

If, at the close of the fifth full irrigation season, measurable interference attributable to the Comstock Well persists at any tier above Tier 1, the use permit shall expire automatically by its own terms unless the Board of Supervisors, on application by the permittee and after a noticed public hearing, finds by substantial evidence in the record that interference has been fully and durably resolved.

2.7 Drought-Year Reductions

During any year in which the State Water Resources Control Board, the Governor, or the Lake County Board of Supervisors declares a drought emergency, or in which the Coyote Valley aquifer monitoring program documents groundwater elevations more than 10 percent below the long-term mean for the relevant month, the permittee shall reduce its outdoor canopy area and total water extraction by no less than 30 percent (rather than the 10 percent figure set forth in the applicant's Drought Management Plan). The Independent Hydrogeologist shall verify the reduction and report compliance to the County.

3. Condition 2 — Engineered Odor Control, Property-Line Sensor Network, and 90-Day Cure

3.1 Findings Supporting This Condition

The administrative record contains no engineered odor control plan. The applicant's Property Management Plan and the MND rely on an Odor Management Plan that does not specify performance standards, does not require physical odor-control infrastructure (such as carbon filtration, vapor-phase neutralization, biofilters, or enclosed structures), and contains no enforceable monitoring protocol. The cultivation area is proposed within a setback that brings the canopy edge significantly closer than 1,000 feet to the Luchetti residences, organic farm center, and certified organic permanent pasture. The published case history of large-scale outdoor cannabis cultivation — most prominently in Carpinteria, Santa Barbara County — demonstrates that odor cannot be effectively controlled at industrial cultivation scales without engineered infrastructure.

Multiple members of the public, including residents of Hidden Valley Lake and Middletown, submitted comments confirming that existing cultivation sites along Highway 29 produce odors detectable from substantial distances and that those odors trigger headaches, lower property values, and impair quality of life for nearby residents.

3.2 Performance Standard

Cannabis odor measured at any point along the shared property line between the Comstock Ranch parcels and the 276 Ranch parcels shall not exceed a five-second-average concentration corresponding to a dilution-to-threshold (D/T) value of 7 as measured by Nasal Ranger field olfactometry, consistent with the standard adopted in cannabis-odor litigation and used by the Santa Barbara County Air Pollution Control District. Continuous electronic-nose readings shall not exceed the equivalent threshold for total volatile organic compounds (TVOC) and beta-myrcene, alpha-pinene, and terpene-class indicators as calibrated against the olfactometric standard during commissioning.

3.3 1,000-Foot Buffer / Cultivation Setback

Notwithstanding the minimum setback in Lake County Code Article 27.11, the outdoor cannabis canopy footprint shall be relocated and reconfigured such that no portion of the canopy area is closer than one

thousand (1,000) feet from any property line shared with the 276 Ranch parcels. This buffer is consistent with the spirit of Lake County Ordinance No. 3101 (Farmland Protection Zones), which acknowledges that cannabis may present conflicts with traditional farming and prohibits outdoor cultivation within 1,000 feet of designated Farmland Protection Zones. The Luchetti Ranch's certified organic permanent pasture is on Prime Farmland of statewide significance per the California Department of Conservation Important Farmland Finder and is entitled to no less protection than other Lake County Prime Farmland.

3.4 Engineered Odor-Control Infrastructure

The permittee shall, at its sole expense, design, install, operate, and maintain engineered odor-control infrastructure that includes, at minimum:

- (o) A perimeter vapor-phase neutralization system or equivalent atomization curtain along the cultivation-area boundary facing the Luchetti property, designed by a California-licensed mechanical or environmental engineer with documented experience in cannabis odor mitigation.
- (p) Enclosed Harvest Storage and Staging structures equipped with negative-pressure exhaust ventilation routed through carbon filtration sized for not less than three air changes per hour during harvest, drying, and curing operations.
- (q) Closed-loop trim and waste handling — no on-site open composting, open trim piles, or open waste storage during the harvest, drying, or curing periods.
- (r) A written Odor Control Operations and Maintenance Manual prepared by the design engineer, certified annually, and posted to the publicly accessible compliance portal described in Section 6.

3.5 Property-Line Odor Sensor Network

Prior to the start of operations, the permittee shall install, at its sole expense, a continuous electronic-nose / VOC sensor array along the shared property line with the Luchetti Ranch, meeting the following minimum specifications:

- (s) Not fewer than four (4) sensors deployed at intervals not exceeding 500 feet along the shared boundary, sited in consultation with the Appellant.
- (t) One (1) upwind reference sensor and one (1) sensor sited at the Luchetti farm center to characterize ambient background and impacts at the receptor.
- (u) Each sensor shall record total VOCs and cannabis-indicator terpenes (including beta-myrcene, alpha-pinene, and limonene) at intervals not greater than one (1) minute, with co-located meteorological stations recording wind speed and direction.
- (v) All sensor data shall be telemetered to the same publicly accessible cloud dashboard as the hydrology data, with continuous read-only access for the Appellant, the County, and the Lake County Air Quality Management District.
- (w) The network shall be commissioned, calibrated, and audited by an independent air-quality consultant retained by the County at the permittee's expense, and recalibrated at least annually.

3.6 Notification, Cure, and 90-Day Revocation Trigger

Upon confirmation by the independent air-quality consultant that the property-line standard in Section 3.2 has been exceeded:

- (x) The permittee shall provide written notice to the Appellant, the County Community Development Department, and the Lake County Air Quality Management District within twenty-four (24) hours.
- (y) The permittee shall implement corrective action — adjusting harvest timing, increasing carbon-filter capacity, deploying supplemental neutralization, suspending high-emission cultivation activities (such as defoliation or harvest), or otherwise — and shall report the action taken to the County in writing within seven (7) days.
- (z) The permittee shall have ninety (90) calendar days from the date of the first confirmed exceedance to demonstrate, through continuous sensor data and at least one independent field-olfactometry verification, that the property-line standard has been re-attained on a sustained basis.

If, at the conclusion of the 90-day cure period, the property-line standard has not been re-attained on a sustained basis (defined as no exceedances in the final 30 days of the cure period), the County Community Development Director shall set the matter for permit revocation hearing before the Planning Commission within forty-five (45) days. The Planning Commission shall revoke the use permit unless the permittee demonstrates by a preponderance of the evidence that compliance has been achieved.

Three or more separately confirmed and unresolved exceedance events within any rolling 24-month period shall constitute an independent and sufficient basis for revocation regardless of the cure-period status.

4. Condition 3 — Wildfire Mitigation and Access Road Improvements

4.1 Findings Supporting This Condition

The project site is located in a State Responsibility Area subject to a moderate to high Fire Hazard Severity Zone designation, in a sub-watershed catastrophically impacted by the Valley Fire of 2015 and seriously threatened by the LNU Lightning Complex of 2020. Grange Road, the sole ingress and egress for the cultivation site, the Luchetti Ranch, the United States Coast Guard facility, and other residences, was never formally constructed to current standards, lacks an engineered structural section, and is in a state of progressive deterioration that the Lake County Department of Public Works has been able to address only through periodic chip seals and pothole patching. The Coast Guard Road continuation is similarly substandard. Public Resources Code section 4290 and the California Board of Forestry's Fire Safe Regulations require minimum widths, surface standards, vertical clearance, turnouts, and turnarounds that the existing roadway cannot fully meet without complete reconstruction.

The Office of Emergency Services has not been formally consulted on the combined-traffic and emergency-evacuation implications of this project together with the Guenoc Valley Resort project, which contemplates evacuation routing through the Grange Road Connector. The MND adopted by the Planning Commission does not analyze cumulative wildfire-evacuation impacts. The introduction of up to forty (40) daily vehicle trips during peak harvest, twelve full-time employees, and twenty seasonal workers — together with portable membrane structures, fuel-handling, and machinery — materially

increases the number of unique ignition points in a high-risk fire landscape, while the only evacuation route remains a substandard rural road.

4.2 Performance Standard

The permittee shall not commence cultivation operations until the project's ingress, egress, and on-site access infrastructure have been brought into substantial conformance with the access provisions of Public Resources Code section 4290 and Title 14 California Code of Regulations sections 1273.00 through 1273.09 to the maximum extent reasonably feasible, and until the wildfire mitigation measures set forth below have been installed and inspected.

4.3 Mandatory Road and Access Improvements

- (aa) Turnouts. The permittee shall, at its sole expense, design and construct PRC §4290 / 14 CCR §1273.04-compliant passing turnouts along the Coast Guard Road on the Comstock Ranch at intervals not greater than 400 feet or as otherwise required by CAL FIRE on review of the Fire Safe plan. Turnout design shall be approved by Lake County Public Works and CAL FIRE prior to construction.
- (bb) Vertical Clearance and Vegetation Management. The permittee shall maintain a minimum 15-foot vertical clearance and a minimum 10-foot horizontal clearance over the entire length of the project access route from Highway 29 to the cultivation site, including removal of overhanging limbs and dead or dying trees within 30 feet of the road centerline that pose a strike or fall hazard.
- (cc) Roadside Fuel-Load Reduction. The permittee shall annually mow, masticate, or otherwise treat fuels within a roadside zone extending 30 feet on each side of the centerline of the project access route from Highway 29 to the project gate, and shall install and maintain a shaded fuel break of not less than 100 feet on each side of the road within the four parcels under the permittee's control. The treatment shall be completed prior to June 1 of each year and shall be documented in the annual compliance report.
- (dd) Surface Improvements. Where existing pavement structural section is failed, the permittee shall, in coordination with Lake County Public Works, contribute its proportionate fair-share cost to road rehabilitation through a recorded reimbursement agreement, with permittee's share calculated based on its average daily trips relative to total trips on the affected segment.
- (ee) Onsite Roads. All internal driveways, fire-apparatus access roads, gates, and turnarounds within the project parcels shall meet the full PRC §4290 standard. Gates shall be Knox-Box equipped per CAL FIRE specification. Internal road grades shall not exceed 16 percent except where authorized by the AHJ.

4.4 On-Site Wildfire Mitigation Measures

- (ff) Dedicated Fire-Suppression Water. Of the twenty (20) 5,000-gallon water storage tanks proposed, no fewer than ten (10) tanks (50,000 gallons total) shall be plumbed exclusively for fire suppression with NFPA-compliant fittings, in addition to any irrigation storage. A draft hydrant suitable for CAL FIRE engine connection shall be installed at the cultivation entrance.
- (gg) Generator and Equipment Standards. All on-site internal-combustion generators shall be Tier 4 Final or electrically equivalent, fully spark-arrested, and operated only within metal-clad shelters with non-combustible bases. Refueling shall occur only in designated, paved or non-

combustible-surfaced fueling areas with secondary containment, located not less than 100 feet from any vegetated area.

- (hh) Red Flag Operational Restrictions. During any period of declared Red Flag Warning, Fire Weather Watch, or PSPS event affecting the project area, the permittee shall (a) suspend all internal-combustion field operations except those required for site security and water management; (b) cease use of all hot-work equipment; (c) increase on-site security staffing to maintain a fire watch; and (d) maintain all 50,000 gallons of dedicated fire-suppression water at full capacity.
- (ii) Worker Wildfire Training and Evacuation. All permanent and seasonal employees shall receive annual wildfire awareness, fire extinguisher use, and evacuation training prior to the start of fire season. The permittee shall maintain a written site-specific Wildfire Operations Plan and Evacuation Plan, prepared in consultation with CAL FIRE and the South Lake County Fire Protection District, posted on site and shared with the Appellant.
- (jj) Onsite Ignition-Source Inventory. The permittee shall maintain an updated inventory of every potential ignition source on site (generators, pumps, vehicles, hot-work equipment, electrical service entries, photovoltaic combiners, lighting), with corresponding ignition-prevention specifications. The inventory shall be reviewed by the AHJ annually.

4.5 OES and Cumulative Evacuation Consultation

Prior to the start of operations, the permittee shall fund a formal consultation with the Lake County Office of Emergency Services and CAL FIRE addressing the combined emergency-evacuation impacts of this project and the approved Guenoc Valley Resort, including evacuation routing through the Grange Road Connector. The consultation report shall identify cumulative impacts to evacuation time and capacity and shall recommend additional mitigation, which the permittee shall implement at its expense to the extent reasonably attributable to the cannabis project.

5. Condition 4 — Biological Resources Mitigation Plan

5.1 Findings Supporting This Condition

Lucy MacMillan, biologist retained by the Appellant, has documented that the Initial Study and biological assessment relied upon by the Planning Commission contain three categories of deficiencies that render the Mitigated Negative Declaration's "no significant impact" finding unsupported: (a) the absence of a CEQA-required wetlands delineation study; (b) a temporal and methodological gap in special-status plant and animal species surveys (including survey timing that does not match the seasonal phenology of likely sensitive species); and (c) a loophole in adopted Mitigation Measure BIO-5 under which non-ground-disturbing activities (such as removal of trees and shrubs that provide nesting habitat) may proceed without a pre-construction nesting bird survey. In addition, the MND does not analyze glare from the proposed greenhouse and hoop-house materials, which are typically highly reflective and which can produce significant aesthetic and ecological effects, particularly for raptors and other avian species.

Putah Creek (Class I) and Crazy Creek (Class II) bound the project parcels and host federally and state-listed species and their habitats. The Coyote Valley aquifer that supports them is the same aquifer subject to the hydrologic concerns described in Condition 1.

5.2 Wetlands Delineation

Prior to issuance of any grading or building permit, the permittee shall fund a formal jurisdictional wetlands delineation prepared by an independent qualified wetlands biologist in accordance with the U.S. Army Corps of Engineers' 1987 Wetland Delineation Manual and the applicable Regional Supplement, and shall submit the delineation for verification by the Corps and the Regional Water Quality Control Board. Setbacks from delineated wetlands shall be no less than 100 feet from the wetland edge for all cultivation, irrigation, and storage facilities, and no less than 150 feet from any feature determined to be a Class I watercourse.

5.3 Seasonally Appropriate Special-Status Species Surveys

The pre-construction survey requirement of MM BIO-4 is hereby strengthened. The permittee shall fund focused, seasonally appropriate, protocol-level surveys for all special-status plant and animal species with potential to occur on the project parcels. Surveys shall be conducted within the bloom or activity period appropriate to each target taxon (e.g., spring botanical surveys for vernal-pool plants, summer surveys for late-season annuals, dawn and dusk surveys for special-status bats, breeding-season surveys for special-status birds). Survey reports shall be provided to the County and to the Appellant for thirty (30) days of review prior to any ground disturbance. The project documents do not address candidate and proposed threatened and endangered species such as Crotch's bumble bee and the northwestern pond turtle. The biological surveys required herein shall specifically address such species.

5.4 Closure of the BIO-5 Nesting-Bird Loophole

Mitigation Measure BIO-5 is hereby modified to read in substance as follows:

"No vegetation removal, tree limbing, shrub clearing, mowing of grasslands, deconstruction of structures, or any other activity that has potential to disturb actively used or potentially used nest sites shall occur during the avian nesting season (February 1 through September 15) without a pre-activity survey conducted within seven (7) days prior by a qualified biologist within a 500-foot radius of the activity area. If active nests are identified, an appropriate species-specific buffer (typically 250 feet for songbirds and 500 feet for raptors) shall be established and maintained until the qualified biologist documents that the young have fledged and are independent of the nest. The pre-activity survey requirement shall apply equally to ground-disturbing and non-ground-disturbing activities, and to vegetation management associated with fuel reduction, road maintenance, and security operations."

5.5 Glare and Reflective-Surface Analysis

Prior to issuance of any building permit for the Harvest Storage and Staging structures, hoop houses, or greenhouses, the permittee shall submit a Glare and Reflectivity Analysis prepared by a qualified consultant evaluating direct and indirect solar reflection from all proposed reflective surfaces, as seen from (a) the Luchetti residences, (b) public roads within one mile, and (c) raptor flyway corridors associated with Putah Creek and Crazy Creek. The permittee shall employ low-reflectivity films, matte-finish coatings, or shade structures as needed to bring glare to a level not perceptible from the listed receptors.

5.6 Ongoing Biological Monitoring

The permittee shall fund an annual biological monitoring report prepared by a qualified independent biologist, addressing implementation of MM BIO-1 through BIO-5 as modified herein, and including documentation of any wildlife mortality, unusual sightings, special-status species observations, and the condition of riparian and wetland buffers. The annual report shall be submitted to the County and to the Appellant within sixty (60) days following the close of each cultivation season.

6. Condition 5 — Cross-Cutting Compliance, Audit, Standing, Bonding, and Insurance

6.1 Annual Independent Compliance Audit

The permittee shall fund an annual independent compliance audit conducted by a third-party consultant or consulting team selected by the County Community Development Director from a pool of qualified candidates. The audit shall verify compliance with each of Conditions 1 through 4 and shall include site inspection, review of all monitoring data, and interviews with personnel. The audit report shall be made publicly available on the County's website and on the project compliance portal. The cost of the audit shall not be passed through to the Appellant.

6.2 Public Compliance Portal

The permittee shall, at its sole expense, establish and maintain a publicly accessible web-based compliance portal that hosts (a) real-time hydrology and odor sensor data; (b) all annual compliance reports; (c) all stress-test and monitoring reports; (d) records of all Tier 1, Tier 2, and Tier 3 events under Condition 1, and all confirmed odor exceedances under Condition 2; (e) the Wildfire Operations Plan and Evacuation Plan; and (f) all biological monitoring reports. The portal shall remain online for the term of the permit and for ten (10) years following expiration or revocation.

6.3 Performance Bond and Letter of Credit

Prior to commencement of any construction activity, the permittee shall post a performance bond or irrevocable letter of credit in favor of the County of Lake in an amount of not less than two million dollars (\$2,000,000), in a form approved by County Counsel, securing the permittee's obligations under Conditions 1 through 4. The bond shall be drawable by the County to fund mitigation, site restoration, monitoring, or interim water deliveries to affected parties (including the Appellant) in the event of permittee default. The bond amount shall be adjusted at three-year intervals to reflect inflation and changes in scope.

6.4 Insurance and Indemnification

The permittee shall maintain commercial general liability insurance with a minimum per-occurrence limit of \$5,000,000 and an aggregate limit of \$10,000,000, naming the County of Lake and 276 Ranch LLC as additional insureds with respect to the operations conducted under this permit. The permittee shall indemnify and hold harmless the Appellant from any loss arising from (a) loss of the Luchetti Ranch's USDA Organic Certification or any successor certification by reason of pesticide, fertilizer, or chemical drift attributable to the Comstock cultivation; (b) loss of agricultural production by reason of well

interference; (c) wildfire ignition attributable to the cultivation operation; or (d) any third-party claim arising from the cultivation operation.

6.5 Standing of the Appellant to Enforce

The Appellant 276 Ranch LLC shall have express standing to enforce these conditions of approval through any available administrative or judicial proceeding, and shall be deemed an intended third-party beneficiary of these conditions. Recovery by the Appellant of attorney's fees and costs shall be available in any action in which the Appellant substantially prevails on the merits, in accordance with Code of Civil Procedure section 1021.5 and the Lake County Code.

6.6 No Permit Transfer Without Written Consent

The use permit shall not be transferred, assigned, sublet, or sold, in whole or in part, without prior written consent of the County Community Development Director, after notice to the Appellant and an opportunity to comment. Any change in the controlling membership interests of Rancho Lake LLC of more than 25 percent in any rolling 36-month period shall constitute a transfer for purposes of this condition.

6.7 Five-Year Permit Term and Compliance-Based Renewal

The use permit shall have a maximum initial term of five (5) years from the date of first cultivation. Renewal shall not be administrative. Renewal shall require a noticed public hearing before the Planning Commission, supported by an independent compliance audit covering the full prior term, with notice to the Appellant. The Planning Commission may deny renewal, condition renewal on additional measures, or shorten the term of any subsequent permit based on compliance history.

6.8 Severability


If any portion of these conditions is held invalid or unenforceable by a court of competent jurisdiction, the remaining conditions shall remain in full force and effect, and the County and the Planning Commission shall consider whether replacement conditions of equivalent effect should be imposed.

7. Conclusion

These conditions are offered in the alternative — without waiver of the Appellant's primary contention that this project's significant and not-yet-mitigated impacts require a full Environmental Impact Report under the California Environmental Quality Act. The Appellant submits that the Mitigated Negative Declaration adopted by the Planning Commission is unsupported by substantial evidence in the record, and that a fair argument exists that the project may have significant effects on water resources, biological resources, public safety, agricultural compatibility, and tribal and cultural resources.

If the Board nevertheless determines to approve the project, the Appellant respectfully urges adoption of the foregoing conditions as the minimum necessary to protect the Luchetti Ranch's 56-year organic cattle operation, the Coyote Valley aquifer, the public's safety in the event of wildfire, and the natural resources of Putah Creek, Crazy Creek, and the surrounding habitat.

Respectfully submitted,



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Date: _____