

**COUNTY OF LAKE  
MAJOR USE PERMIT, UP 23-05; INITIAL STUDY 23-10  
SCOTTS VALLEY ENERGY CORPORATION  
AG FOREST WOOD PROCESSING BIOENERGY PROJECT  
CONDITIONS OF APPROVAL**

**EXPIRES IF NOT USED BY: October 24, 2026**

Pursuant to the approval of the Planning Commission on **October 24, 2024**, there is hereby granted to **Scotts Valley Energy Corporation for a Major Use Permit with the following conditions of approval to allow for a wood processing facility that will generate bioenergy** on property located at **755 State Highway 20, Upper Lake, CA; and further described as APN: 004-010-04**, subject to the following terms and conditions.

**A. GENERAL**

1. The use hereby permitted shall substantially conform to the **Project Site Plans, Project Description, and any Conditions of Approval** imposed by the **Major Use Permit** and Review Authority for the construction and operation of a 2,400 sq. ft. wood processing bioenergy facility with a one-acre fenced main processing area and other improvements on the subject site. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts. The applicant and operator shall ensure that the approved project is in substantial conformance with the following:
  - Project Site Plans (revised January 25, 2024)
  - Project Description (revised January 25, 2024)
  - Revised Biological Resource Assessment with Botanical Survey (updated February 20, 2024)
  - Initial Study/ Mitigated Negative Declaration (IS 23-10)
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. The applicant shall adhere to all applicable regulations within the 2022 California Fire Code. The applicant shall contact the Lake County Community Development Department and ask for the County Fire Marshall for specific details if needed.
4. The permit holder is responsible for ensuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.
5. Prior to construction all necessary permits shall be obtained from applicable local, state, and federal agencies having jurisdiction over this project including, but not limited to, the following:
  - Lake County Air Quality Management District
  - Lake County Community Development Department
    - Building Division
    - Planning Division
  - Lake County Department of Environmental Health
  - County of Lake Health Services
  - Lake County Department of Public Works
  - Lake County Sheriff Department
  - Lake County Northshore Fire Protection District
  - California Department of Transportation
  - California Department of Fish & Wildlife
  - Central Valley Regional Water Quality Control Board

6. All employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements. Restrooms and hand-wash stations shall be serviced weekly.
7. This permit shall be null and void if not used by **October 24, 2026**, or if the use is abandoned for a period of two (2) years.

## **B. MITIGATED NEGATIVE DECLARATION**

### **AESTHETICS**

AES-1: Prior to construction activities, a landscaping plan shall be submitted to the Community Development Department the includes the appropriate visual screening using drought resistant or indigenous vegetation. Water conservation shall be applied with the use of drip irrigation.

AES-2 Outdoor lighting shall be restricted to the processing facility and shall be directed downward so as not to illuminate adjacent areas. All lighting being proposed shall conform with IDA Dark Sky approved fixtures.

### **AIR QUALITY**

AQ-1: Commercial burning shall not be allowed during construction or during the life of the project. All vegetative waste from land development must be disposed of by chipping or other appropriate methods.

AQ-2: Mobile diesel equipment used for construction and/or maintenance shall comply with State registration requirements. Portable and stationary diesel-powered equipment shall meet the requirements of the State Air Toxic Control Measures for Compression Ignition engines.

AQ-3: A complete list of all equipment which will be utilized at the site with the potential to emit air contaminants shall be submitted to the Lake County Air Quality Management District (LCAQMD) including, but not limited to: conveyors, chippers, grinders, generator, pumps, offroad equipment, etc. An Authority to Construct permit may be required for equipment with the potential for emissions to air. The pyrolysis facility will likely require a LCAQMD Authority to Construct permit. The applicant shall contact the LCAQMD as soon as possible to reduce the potential for delays in obtaining any necessary LCAQMD permits.

AQ-4: The applicant shall chip seal primary access roads and parking. Paving with asphaltic concrete is preferred. All areas subject to semi-truck I trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use/overflow driveways and parking areas; however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. Adequate dust mitigation measures must be put in place such that a nuisance is not created.

AQ-5: Other methods to accomplish AQ-4 shall be allowed through approval from the Lake County Air Quality Management District. Proof of approval from the Lake County Air Quality Management District shall be submitted to the Lake County Community Development Department prior to any ground moving activities.

### **BIOLOGICAL RESOURCES:**

BIO-1: All work in or near waterways and wetlands shall incorporate extensive erosion control measures consistent with Lake County Grading Regulations in order to avoid erosion and the potential for transport of sediments to the existing drainage ditch. Coverage under the National Pollutant Discharge Elimination System (NPDES),

General Permit for Storm Water Discharges associated with a Construction Activity (General Permit) and a Storm Water Pollution Prevention Plan (SWPPP) may be required.

BIO-2: Pre-construction surveys for the presence of Western Pond turtle, Foothill yellow-legged frog and other sensitive animal species shall be completed by a qualified biologist prior to ground disturbing activities within 100 feet of the drainage ditch along the western boundary of the site. If sensitive species are found, all work shall halt and appropriate buffer zones and handling protocols shall be established by a qualified biologist, in accordance with CDFW and USFWS protocols.

BIO-3: If the project includes vegetation removal (including grasses) or earthwork of any kind during the bird nesting season (February 1 through August 31), a qualified biologist shall conduct a preconstruction nesting bird survey to identify the absence or presence of active (i.e. with eggs or young) nests. The survey area shall include the project site and a minimum 300-foot buffer around the project site. To minimize the chance of nests becoming established between the time the survey is conducted and when construction begins, the pre-construction survey shall be conducted no more than three (3) days before the start of vegetation removal and/or ground disturbing activities. If active nests are observed during the pre-construction survey, a species-appropriate no disturbance buffer shall be established by a qualified biologist to protect the active nest.

BIO-4: State and Federal regulations on pesticide selection, use, storage and transportation shall be strictly followed. Pesticide use shall not occur during periods when winds may transport spray to adjacent areas.

BIO 5: The use of deer fencing shall be restricted to the perimeters of the proposed facility. No deer fencing or other obstacles to wildlife passage shall be installed that will restrict wildlife movement.

#### **CULTURAL RESOURCES:**

CUL-1: All workers shall be trained in recognizing potentially significant archaeological, paleontological, or cultural materials that may be discovered during ground disturbance. Prior to ground disturbing activities, the Permittee shall submit a Cultural Resources Plan, identifying methods of sensitivity training for site workers, procedures in the event of an accidental discovery, and documentation and reporting procedures. Prior to ground disturbing activities, the Permittee shall submit verification that all site workers have reviewed the Cultural Resources Plan and received sensitivity training.

CUL-2: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100 feet of the find(s). A professional archaeologist certified by the Registry of Professional Archeologists (RPA) shall be notified and shall evaluate the find(s) and recommend mitigation procedures, if necessary. The findings and mitigation measures shall be reviewed and approved by the Lake County Community Development Director prior to commencing work.

CUL-3: Should any human remains be encountered, the applicant shall halt all work within 100 feet, 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.

#### **GEOLOGY & SOILS**

GEO 1: The proposed membrane canopy structure and any foundations shall be constructed on Lupoyoma silt loam, protected (map unit 158) areas. Any development on the Cole variant clay loam (map unit 124) areas would require a geotechnical report or approval from the Lake County Public Works Department prior to construction.

## **HAZARDS & HAZARDOUS MATERIALS**

HAZ-1: There are no permits for the referenced water well and septic system on this property. Notation of their existence was noted on material previously submitted in 2010, but the locations have not been validated. Prior to construction, the applicant shall schedule a field clearance inspection. In addition, It is noted in the submitted material that the onsite well will be “refurbished”. A well repair/alteration permit may be required for this process. Prior to instruction, the applicant shall contact the appropriate department to determine if a permit is required.

HAZ-2: All wells shall be located and with an adequate horizontal distance from potential sources of contamination and pollution. The storage of hazardous materials shall be located a safe distance from any water well to prevent contamination. The site shall be designed to prevent runoff of hazardous materials into the nearby creek and drainage paths.

HAZ-3: If the applicant stores hazardous materials equal to or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Plan to the Environmental Health Division via the California Electronic Reporting System (CERS) and it shall be renewed and updated annually or if quantities increase. Note that additional California Unified Program Agency (CUPA) requirements may apply depending on the amounts of hazardous materials stored onsite. This requirement shall be completed prior to construction of the project.

HAZ-4: A 27,625-gallon NFPA 1142 rated water storage tank shall be placed near the entrance to fenced area for emergency water supply for fire suppression. No fire pump will be provided but a fire hydrant connection, acceptable to North Shore Fire District, shall be supplied for connection to a pumper truck. A 2” water line and UG electrical line to power pump, approximately 300’ long shall be installed from an existing farm well that fills the water storage tank.

## **HYDROLOGY AND WATER QUALITY**

Implement Mitigation Measures BIO-1 and HAZ-1 and HAZ-4.

## **PUBLIC SERVICES**

Implement Mitigation Measure HAZ-4.

## **TRANSPORTATION**

TRN-1: Before the end of the driveway at State Highway 20, install signage cautioning truck drivers to watch for bicyclists.

TRN-2: Before the end of the driveway at State Highway 20, install signage cautioning truck drivers to watch for farm equipment.

## **TRIBAL CULTURAL RESOURCES**

TCR 1: All on-site personnel of the project shall receive tribal cultural resource sensitivity training prior to initiation of ground disturbance activities on the project. The training must be according to the standards of the NAHC or the culturally affiliated tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated tribes, protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the Project. Tribal monitors will be required to participate in any necessary environmental and/or safety awareness training prior to engaging in any tribal monitoring activities for the project.

TRC-2: If previously unidentified tribal cultural resources are encountered during the project altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally affiliated tribe(s) shall be contacted to evaluate the resource and prepare tribal cultural resources plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.

TCR-3: Prior to commencement of ground disturbing activities, the permittee shall submit documentation to the Community Development Department demonstrating that they have engaged with the culturally affiliated tribe(s) to provide cultural monitors and that cultural sensitivity training has been provided to site workers.

TCR 4: The Project applicant must notify all Culturally Affiliated Tribes at least 45 days prior to commencement of any and all ground disturbance activities on the Project Site. All cultural resources unearthed by Project activities shall be evaluated by the Archeologist and monitor(s). The culturally affiliated tribe(s) must be notified and given an opportunity to inspect, determine the nature of the TCR, and determine the best course of action for avoidance, protection, and/or treatment of the resource to the extent permitted by law. If the resource is determined to be a TCR of value to a tribe, that Tribe will coordinate with the Permit Holder, Lake County Watershed Protection District (County Land/Resource Manager), and the Community Development Director to establish measures by which the Tribe may appropriately protect, treat, and dispose of TCR with dignity; which may include preservation and protection in situ or removal from the Project Site. The Permit Holder will allow the Tribes to facilitate treatment and disposition of the TCR to the extent permitted by law. No destructive or intrusive analysis of nor any photographing, video recording, or similar recording of TCRs shall be permitted by the Permit Holder, except as required by law.

## **WILDFIRE**

Implement Mitigation Measures HAZ-5 and HAZ-6.

### **C. 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. **Prior to operation** of the **AG FOREST WOOD PROCESSING BIOENERGY PROJECT**, the applicant shall schedule an inspection with the Community Development Department to ensure all conditions of approval have been met.

3. This permit shall be null and void if not used within a two-year period, or if the use is abandoned for a period of two (2) years.

Mireya Turner, Director  
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: LH

By: \_\_\_\_\_  
Danae LoDolce, Office Assistant III

## **ACCEPTANCE**

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

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Date

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Applicant or Authorized Agent Signature

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Printed Name of Authorized Agent