COUNTY OF LAKE
MAJOR USE PERMIT, UP 20-27
EARLY ACTIVATION, EA 20-31
INITIAL STUDY, IS 20-32

SHANA SCHUETTE
LC2400

CONDITIONS OF APPROVAL

EXPIRES IF NOT USED BY: February 25th, 2023
VALID UNTIL: February 25th, 2031
START OF CULTIVATION: March 1st, 2021

Pursuant to the approval of the Planning Commission on **February 25th, 2021,** there is hereby granted to **LC2400, a Major Use Permit, UP 20-27** with the following conditions of approval to allow the following Commercial Cannabis Cultivation Licenses: **Five (5) A – Type 3 "Outdoor"** licenses and **one (1) Type 13 "Distributor Transport Only, Self-Distribution** license to allow up to 217,800 square feet of outdoor canopy area within 252,960 square feet of cultivation area located at 2400, 2405, and 2215 Clover Valley Road, Upper Lake, CA**; further described as APNs: 004-007-12, 004-007-13, and 004-007-23** is subject to the following terms and conditions of approval.

A. GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the ***Site Plan(s), Project Description*** and ***Property Management Plan*** and any conditions of approval imposed by the **Major Use Permit** and Review Authority for the **Cultivation of Commercial Cannabis** as shown on the approved site plan for this action. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts. The Applicant shall be in substantial conformance with the following:

    a. Property Management Plan
    b. Site plans dated **03/12/2020**
    c. Support documentation provided by the Applicant

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 or construction**, the applicant shall obtain permits from all necessary Federal, State and local agencies for the constructions/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 schedule an inspection with the Lake County Code Enforcement Division within the Community Development Department to verify adherence to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements.

6. **Prior to operation,** the applicant shall provide adequate security on the premises. All fencing installed shall be a minimum of six (6) feet height and cannot exceed eight (8) feet in height. If the fencing exceeds eight (8) feet height, the applicant shall obtain all necessary building permits.

7. 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.*

8. 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.

9. 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) 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.

10. **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.

11. **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.

12. All structures located within a designated flood zone shall adhere to all federal, state and local agency requirements, including Chapter 25 *(Flood Plain Management)* of the Lake County Code.

13. **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 life of 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 permit operator(s), the new permit operator(s) shall be responsible for insure all applicable permits are update to date.

14. This use permit does not authorize any manufacturing of cannabis and/or cannabis by-products. Should the manufacturing and/or extraction of cannabis, including its byproducts becomes allowed by the County Code, the applicant may apply for the appropriate permits.

15. **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.

16. 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.

17. 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.*

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- *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*.

18. **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.**

19. The applicant shall provide adequate security measures in accordance with Article 27 of the Lake County Zoning Ordinance to minimize criminal activity, provide for safe and secure working environments, protect private property, and to prevent damage to the environment. Said security plan shall be reviewed and approved by the Lake County Sheriff's Office.

20. **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.

21. **Prior to Operation**, all accessible compliant parking areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.

22. **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.

23. All handicap parking areas, routes of travel, building access and bathrooms shall meet American with Disabilities Act (ADA) requirements and be subject to review and approval of a Certified Accessibility Access Specialist (CASP).

24. 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.

25. 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.

26. Your use permit was approved on **February 25th, 2021** to allow 252,960 square feet of cultivation area. If you are cultivating less than the approved square footage, you must submit a minor modification application within sixty (60) days of issuance of the cannabis billing cycle (April 26, 2021).
    - Said application shall include a written notarized statement detailing the square footage you are cultivating, a site plan drawn to scale showing the cultivation area with dimensions and a site visit ($190.00 inspection fee required) shall be conducted to verify actual cannabis square footage.
    - Failure to submit the minor modification application to the Community Development Department for review and approval within the required timeframe, may result in you being liable for the full amount due.

27. **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.

28. 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 on a weekly basis to avoid attracting animals.

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29. The operation shall not rely on a personal gasoline, diesel, propane, or similar fuels, powered generator as a primary source of power and shall only allow properly permitted (when applicable) generators for temporary use in the event of a power outage or emergency that is beyond the applicant's control.

30. The applicant shall provide a recorded deed restriction within thirty (30) days of approval of the use permit to the Lake County Community Development Department for review and approval. Said recorded deed shall prohibit commercial cannabis cultivation on the following assessor parcel numbers where density has been transferred to allow the collocation of permits and clustering:
    - *2405 Clover Valley Road, Upper Lake, APN:004-007-13 (Clustering only)*
    - *2215 Clover Valley Road, Upper Lake, APN: 004-007-23 (Clustering Only)*

29. The applicant shall adhere to all applicable requirements in the Lake County Zoning Ordinance and the Lake County Code.

30. **Prior to Operation**, the cultivation area(s) shall be secured and fenced in accordance with Article 27 of the Lake County Zoning Ordinance.

B. AESTHETICS

1. All greenhouses incorporating artificial lighting shall be equipped with blackout film/material to be used at night for maximum light blockage to lessen the impact on the surrounding parcels and the dark skies. Applicant shall submit a Blackout Film/Materials Plan to the Community Development Department for review and approval prior to issuance of any permits. (Mitigation Measure AES-1)

2. An Outdoor Lighting Plan that meets the darkskies.org lighting recommendations shall be submitted for review and acceptance, or review and revision prior to cultivation. (Mitigation Measure AES-2)

3. All outdoor lighting shall be directed downward onto the project site and not onto adjacent properties. All lighting equipment must comply with the recommendations of www.darksky.org and all Federal, State and local agency requirements.

4. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed.

C. AIR QUALITY

1. **Prior to cultivation**, the applicant shall submit an Odor Control Plan to the Community Development Department for review and approval, or review and revision. (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 the requirements of the State Air Toxic Control Measures for CI engines as well as Lake County Noise Emission Standards. (Mitigation Measure AQ-2)

3. Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be managed by use of water or other acceptable dust palliatives to mitigate dust generation during and after site development. (Mitigation Measure AQ-3)

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 to the Lake County Air Quality Management District. (Mitigation Measure AQ-4)

5. 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-5)

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6. 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-6)

7. All areas subject infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations. (Mitigation Measure AQ-7)

8. All greenhouses and cannabis processing buildings shall be equipped with filtration systems that prevents the movement of odors, pesticides, and other air borne contaminates out of or into the structure. Prior to cultivation, the applicant shall submit a Filtration System Plan to the Community Development Department for review of approval. (Mitigation Measure AQ-8)

9. **Prior to Operation,** the applicant shall obtain all necessary permits from the Lake County Air Quality Management District (LCAQMD) and submit a copy of said permits to the Lake County Community Development Department. All permits shall be obtained and maintained for life of the project or until the operation is closed and the equipment is removed.

10. If any cultivation areas are designated as prime farmland, farmland of statewide importance, unique farmland, or farmland of local importance, all greenhouses shall be equipped with *Air Filtration Systems* which prevent the movement of odors, pesticides, and other air borne contaminates out of or into the structure, unless above designated areas are determined to be isolated and not connected to a larger system and approved for outdoor cultivation by the review authority.

11. Prior to operation, the applicant shall submit a Vegetation Screening Plan to the Community Development Department for review and approval. Said plan shall identify the following:

    - Vegetation screening shall consist of woody vegetation or trees that grow no less than 20 feet tall.
    - Vegetation screening shall be between Farmland Protection Zone and the permitted cannabis canopy area.
    - The species of *woody vegetation* or *trees* to be used may be chosen by the permit applicant but shall be suited to localized soil and site conditions. Native plant species are encouraged as are plantings which will benefit local fauna. Plantings must be *perennial* and hardy in the local climate zone as specified in scientific literature or catalogs.
    - Vegetation screen shall be effective in preventing substantial drift and approved by the Agricultural Commissioner.
    - Vegetation screening shall be maintained through the life of cultivation use permit.

D. CULTURAL RESOURCES:

1. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), local overseeing Tribe shall be notified, and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. (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 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. All on-site personnel of the project shall receive resource sensitivity training as advised by the project's Tribal Cultural Advisor prior to initiation of any ground disturbance activities on the project. The training must also address the potential for exposing subsurface resources and procedures if a potential resource is identified.

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4. Boundaries of archaeological sites shall be identified and fenced off to assure the site will not be impacted during ground disturbance.

5. **Prior to initial ground disturbance,** the applicant and the overseeing Tribe shall coordinate and jointly select a Tribal Cultural Advisor designated by the Tribe to facilitate mitigation measures related to tribal cultural resources of the Project in coordination with the applicant.

6. Pursuant to Health and Safety Code section 7050.5:

   - Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code or to any person authorized to implement Section 5097.98 of the Public Resources Code.
   - In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
   - If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

E. BIOLOGICAL RESOURCES

1. Prior to construction, two (2) follow-up botany surveys are required to accomplish due diligence regarding the presence of any sensitive plant species in the project areas. (Mitigation Measure BIO-1)

2. Pre-construction nesting surveys nesting bird surveys are required seven (7) days prior to initiation of any construction. If nesting birds are detected, construction should not commence until the young of the nest have fledged successfully.

   No significant, adverse impacts will occur if nesting bird breeding surveys are conducted during March through August, or if construction is conducted outside of the breeding season. (Mitigation Measure BIO-2)

3. Pre-construction bat surveys shall be conducted to ensure that no bats have established roosts in any of the outbuildings or trees 7-14 days prior to the initiation of construction. If roosts are detected, coordination with the California Department of Fish and Wildlife shall occur. (Mitigation Measure BIO-3)

4. Pre-construction American badger surveys shall be conduction prior to the initiation of construction. A qualified biologist shall survey for burrows 14-30 days prior to any construction activities within the project areas. (Mitigation Measure BIO-4)

5. A 100-foot buffer shall be placed around the wet area (pool) and no development or habitat modification shall occur inside the buffer. (Mitigation Measure BIO-5)

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6. The California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. The fee should be submitted to the Lake County Community Development Department within five (5) days of approval of the mitigated negative declaration. **Said permit shall not become valid, vested or operative until the fee has been paid.**

7. The applicant shall maintain a minimum of a one-hundred foot setback from the top of the bank of any creek (perennial and intermittent), edge of lake, delineated wetland and/or vernal pool on the lot of record of land.

8. Pursuant to Article 27 of the Lake County Zoning Ordinance the removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus spices.) for the purpose of developing a cannabis cultivation site should be avoided and minimized. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.

F. GEOLOGY & SOILS

1. Prior to any ground disturbance, the permit holder shall submit *Grading, Erosion Control and Sediment Plans* to the Water Resource Department and the Community Development Department for review and approval. Said Erosion Control and Sediment Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after vineyard installation. (Mitigation Measure GEO-1)

2. Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director. (Mitigation Measure GEO-2)

3. The permit holder shall monitor the site during the rainy season (October 15 -May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. (Mitigation Measure GEO-3)

4. **Prior to any ground disturbance, (if applicable),** the applicant shall submit and obtain a *Grading Permit* from the Lake County Community Development Department in accordance with Chapter 30 of the Lake County Code. The project design shall incorporate appropriate Best Management Practices (BMPs) consistent with county and State Storm Water Drainage Regulations to the maximum extent practicable.

5. All staging or storage of materials to develop the commercial cannabis cultivation, shall be located in previous disturbed area only.

G. GREENHOUSE GAS EMISSIONS

1. **Prior to Operation (if applicable)**, all structures to be used for the cultivation of cannabis, shall be equipped with carbon air filtration units or other filtration methods that meet the specifications of the Lake County Air Quality Department for air filtration to reduce the potential for greenhouse gas emissions from entering the atmosphere.

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H. HAZARDS & HAZARDOUS MATERIALS

1. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well or feature These materials shall not be allowed to leak onto the ground or contaminate surface waters or nearby creeks. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials. (Mitigation Measure HAZ-1)

2. 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. (Mitigation Measure HAZ-2)

3. 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 to be stored on site. (Mitigation Measure HAZ-3)

4. The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

5. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of in a manner that is consistent with applicable local, state and federal regulations.

6. **Prior to Operation,** all employees and/or staff members shall be properly trained in and utilize Personnel Protective Equipment in accordance with all federal, state and local regulations regarding handling any biological and/or chemical agents.

7. Hazardous waste must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on-site without review or permits from EHD, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

8. The applicant(s) shall properly maintain all waste treatment systems to prevent contamination in areas where cannabis products may be exposed to such waste or waste by-products.

I. 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 into Clover Creek. (Mitigation Measure HYD-1)

2. The applicant shall prepare a groundwater management plan to ensure that the groundwater resources of the County are protected used and managed in a sustainable manner. The plan would support the Integrated Regional Water Management Plan and include an inventory of groundwater resources in the County and a management strategy to maintain the resource for the reasonable and beneficial use of the people and agencies of the County. (Mitigation Measure HYD-2)

3. 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. (Mitigation Measure HYD-3)

4. 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.

5. All drainage area shall be properly maintained to prevent contamination by seepage, foot-borne filth, or the breeding of pests due to unsanitary conditions. Said area shall be maintained for life of the project.

6. The applicant shall adhere to all requirements in Chapter 29 *(Storm Water Management Ordinance)* of the Lake County Code to protect the water quality of the surface water and downstream receiving water bodies from water quality degradation.

7. **Prior to Operation,** 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. The applicant shall contact the Central Valley Water Control Board for details. Once the appropriate permits have been obtained, the applicant shall submit a copy of all permits to the Lake County Community Development Department.

8. The applicant shall not engage in unlawful or unpermitted drawing of surface water.

9. 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.

10. The utilization of water that has been or is illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river is prohibited. Cultivation site(s) shall not be connected to public water.

11. If a well(s) is used for the cannabis operation, the well shall be located on the premises, an adjacent parcel or piped through a dedicated easement. The production well shall have a meter to measure the amount of water pumped. The methodology of the monitoring program shall be described as follows:
    - *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.*
    - *All monitoring well data, shall be made available upon request.*

12. The applicant may use water supplied by a licensed retail water supplier, as defined in Section 13575 of the Lake County Water Code, on an E*mergency Basis Only*. The applicant shall notify the Lake County Community Development Department within 7 days of the emergency and provide the following information:
    - *Detailed description of the emergency*
    - *Identification of the retail water supplier including the license number*
    - *The volume of water supplied and actions taken to prevent the emergency from reoccurring in the future.*

J. NOISE

1. All construction activities including engine warm-up shall be limited to Monday through Friday, between the hours of 7:00am and 7:00pm 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)

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2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 7:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines. (Mitigation Measure NOI-2)

3. The operation of the Air Filtration System shall not exceed levels of 57 dBA between the hours of 7:00AM to 10:00PM and 50 dBA from 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines. (Mitigation Measure NOI-3)

K. TRANSPORTATION & TRAFFIC

1. All deliveries and/or pickups shall occur during Monday through Saturday from 9:00 a.m. to 7:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m.

2. **Prior to Operation,** the applicant shall provide a minimum of one (1) parking space per employee on the shift having the largest number of employees as well as one (1) ADA compliant parking space.
   - Parking spaces shall be a minimum of nine (9) feet in width and not less than twenty (20) feet in length (9' X 20')
   - ADA parking shall be a minimum of fourteen (14) feet and a minimum length of twenty (20) feet (14' x 20').
   - Each loading space shall be not less than thirty-five (35) feet in length and twelve (12) feet in width and have an overhead clearance of at least fourteen (14) feet.

3. The applicant shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.

4. The project site(s) shall have access to a public road or a recorded easement that allows for, but is not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Lake County Department of Public Works.
   a) *All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body*
   b) *The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.*
   c) *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.*

5. All driveway encroachments onto state and/or county-maintained roadways shall be maintained to current federal, state or local standards and shall be constructed with an encroachment permit. If an encroachment permit is needed, the applicant shall submit a copy of said permit to the Lake County Community Development Department within 30 days of obtaining such permit.

6. All access roads, yards and parking areas shall be properly maintained for life of the project to prevent a source of contamination where cannabis products are handled or transported.

7. No driveway shall be allowed to encroach closer than 20 feet to the end or beginning of the radius on any street corner unless approved by the Lake County Department of Public Works.

8. Commercial driveway access shall not exceed an 8 percent grade for the first 40 feet, thereafter shall not be greater than a 12 percent grade without prior approval of the Lake County Community Development Department and the Department of Public Works.

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9. No driveway entering onto a right-of-way shall exceed a width of 30 feet.

L. TIMING & MITIGATION MONITORING

1. The applicant 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 February 25th, 2023 or if the use is abandoned for a period of two (2) 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 entered into an *Indemnification Agreement* with the County. The *Indemnification Agreement* hold 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 the permit and the conduct of the activities authorized under said permit

4. The site shall be restored to its original state within six (6) months of expiration of 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(s) shall submit to the 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 schedule said inspection, the applicant shall pay the established compliance monitor 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 an *Annual Performance Review Report* each year from their initial date of approval by the review authority (insert date of approval) for review and approval by the Lake County Planning Commission. The Planning Commission may delegate review of the *Annual Performance Review Report* to the Community Development Director at the time of the initial hearing or at any time thereafter.

    - *Annual 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 the Planning Commission identifies issues with the Annual Performance Review Report, it may lead to revocation of the approved use and/or the Planning Commission 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 permittee and accompany the "Performance Review Report" for costs associated 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 noncompliance in submitting the "Annual Performance Review Report"*

for review by the Planning Commission 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 within 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 will shall correct said violation is the amount determined by the Community Development Director or their designee. An additional, site inspection(s) may be required to confirm said violation(s) have been corrected.*

2. The applicant(s) shall submit an application for **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 submit an application for renewal by *February 25th, 2031* may result in the expiration of the permits. 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 or permits related to the project from state agencies as appropriate including, but not limited to the California 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, 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 checks certification for each individual.*
- *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.*

4. 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 and/or Chapter 21 of the Lake County Code.

Scott DeLeon,
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: VF by: _____
Trish Turner, Office Assistant

ACCEPTANCE

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

Date: _____ _____
Applicant or Authorized Agent Signature

_____
Printed Name of Authorized Agent

Applicant Initials: _____
Date: _____