

**COUNTY OF LAKE**  
**CONDITIONS OF APPROVAL**  
**EARLY ACTIVATION OF USE (EA 20-22)**  
**GARRETT W. BURDICK AND BRIAN D. PENSACK**  
**EXPIRES: August 28, 2020**  
**CULTIVATION DATE: April 1<sup>st</sup>, 2020**

Pursuant to the approval of the Lake County Community Development Department on **February 28, 2020** there is hereby granted to Garrett W. Burdick and Brian D. Pensack, 637 Lindaro St, Suite 201, Petaluma, CA 94952, a permit for **early activation of use** of a proposed use permit, UP 19-36 to **allow commercial outdoor cultivation of one outdoor cultivation area containing a cultivation area up to 640,332 sq. ft. and 479,160 sq. ft. of canopy area** on property located at 2050 and 2122 Ogulin Canyon Rd, Clearlake, being Assessor's Parcel Numbers 010-053-01 and 010-053-02, with the following conditions.

1. This early activation of use for the commercial outdoor cultivation area of up to 640,332 sq. ft. cultivation area with 479,160 sq. ft. of canopy area that shall be in substantial conformance with:
  - a. Project description, received January 3, 2019
  - b. Site plan, dated 4/4/2019
  - c. Property Management Plan, cover letter dated April 4, 2019
  - d. **Planting and Cultivation Plan, dated Feb 5, 2020, revised Feb 28, 2020**
2. If cultivation date(s) changes, the applicant shall submit written documentation to the Community Development Department for review and approval. Said written documentation shall detail the reasoning of the revised cultivation date.
3. This early activation of use permit in no way guarantees or implies that use permit UP 19-36 will be approved.
4. The permit holder shall pay the cannabis cultivation tax to the Lake County Tax Collector in accordance to the cannabis billing cycle. The applicant shall submit proof of payment to the 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.
5. At the discretion of the State CDFA (CalCannabis), the permit holder shall obtain a State Cultivation license prior to Cultivation.
6. **Upon the issuance of early activations and/or use permit approval**, the applicant shall post the Cannabis Cultivation Permit Card received from the Community Development Department at the entrance of project parcel(s) and at the location of each cultivation site within thirty (30) of receiving permit card. The Cannabis Permit card shall be clearly visible and remain posted for life of the project on a permanent weather proof fixture. (If you require a replacement Cannabis Cultivation Permit Card, please contact the Community Development Department-Planning Division).
7. All necessary permits shall be obtained from applicable State and County agencies having jurisdiction over this project prior to cultivation activities including but not limited to, 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.
8. This permit shall conform to the Odor Control Plan as identified in the property management plan. If substantial odor complaints are received the permit will be revoked.
9. **Within sixty (60) days of issuance of the Early Activation of Use Permit**, the applicant shall provide adequate security on the premises. This shall be consistent with the submitted management plan. Fencing cannot exceed seven feet in height and the location of fencing shall be approved the Environmental Health Department if the property contains an onsite sewage disposal system.
10. Mobile diesel equipment used for construction and or maintenance 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. The applicant shall contact the Air Quality Management District for requirements.

11. The project will be required to comply with all CALFIRE requirements. CALFIRE requirements are verified by the Lake County Building Official. *(If applicable)*
12. All outdoor lighting shall be directed downward onto the project site and not onto adjacent properties. All lighting equipment will need to comply with the recommendations of darksky.org and provisions of Section 21.48 of the Zoning Ordinance.
13. The recorded easement shall permit delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions at all times. 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.
14. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works.
15. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body.
16. 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.
17. **This early activation permit shall not allow any construction, excavation or removal of mature trees on the property.** No alterations of the project site are allowed that cannot be reversed in the event that use permit UP 19-36 is denied.
18. 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 years. 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. The County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request. An applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.
19. The permit holder shall minimize vehicular and fugitive dust during ongoing use operations by use of water, paving or other acceptable dust palliatives. No grading is authorized. Track out from this site shall be prevented. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.

20. All applicants and employees shall have passed a background check by the Lake County Sheriff Department through the Sheriff's 'Live Scan' background check process.
21. 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.
22. Hazardous waste (including industrial 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.
23. Prior to obtaining the necessary permits and/or approvals for any phase the applicant shall submit and maintain a Materials Inventory Disclosure Statement/Business Plan with the Environmental Health Department for 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. The applicant shall submit written documentation to the Community Development Department that all necessary permits have been obtained.
24. All handicap parking areas, routes of travel, building access and bathrooms shall meet Accessibility requirements. During Early Activation of Use Permit activities, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations can be temporary during this time, however, they must meet all accessibility requirements.
25. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 41.11 at the property lines.
26. The applicant shall monitor the all onsite well(s) with meters for the commercial use and submit the usage to the Annual Monitoring Reports to the Community Development Department within 60 days of the new calendar year.
27. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. 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.
28. Should any archeological materials be discovered during future development, all activity shall be halted in the vicinity of the find(s), and a qualified archeologist retained to evaluate the find(s) and recommend mitigation measures, if necessary. Community Development Department shall be notified of the mitigation measures.
29. The permit holder shall permit the County of Lake or its representatives or designees to make periodic 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.

- 30. Should the application for UP 19-36 be denied or withdrawn, the permit holder of EA 20-22 agrees to remove all materials and discontinue all uses associated with the authorized outdoor license.
- 31. This permit shall expire (6) six months from the date of issuance or upon issuance or denial of use permit UP 19-36. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance, or upon other grounds as listed in Section 60.11 of the Lake County Zoning Ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT  
SCOTT DE LEON, INTERIM DIRECTOR

  
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**ACCEPTANCE**

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

Date: 2-27-2020

  
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Applicant or Authorized Agent (Signature)

MIKE MITZEL  
Applicant or Authorized Agent (Print Name)