



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

May 13, 2020

Garret W. Burdick & Brian D. Pensack
637 Lindaro Street – Suite 201
San rafel, CA 94952

Via email: lakevistafarms@gmail.com
mikemitz440@gmail.com

Subject: Revocation of Early Activation (EA 20-22) for Major Use Permit (UP 19-36) located at 20250 and 21222 Ogulin Canyon Road, Clearlake, CA further described as assessor parcel numbers 010-053-01 and 010-053-02.

To Whom It May Concern:

This letter is in regards to your early activation of use located at the above noted address. On **Thursday, May 14, 2020**, the Community Development Department – Code Enforcement Division found the project parcels to be in violation of the Lake County Code as indicated in the Notice of Violations posted on the project parcels and sent certified mail on Thursday, May 14, 2020.

Additionally, you are found to be in violation of several conditions outlined in the Early Activation Approval (EA 20-22), including but not limited to:

- Condition of Approval four (4)
- Condition of Approval Seven (7)
- Condition of Approval Nine (9)
- Conditional of Approval Seventeen (17)

Therefore, effective immediately your Early Activation (EA 20-22) for Major Use Permit (UP 19-36) is **no longer valid and all cultivation activities onsite shall cease immediately**. All material associated with early activation shall be removed from the project parcels. If you have any questions, feel free to contact me at (707) 263-2221 or mark.roberts@lakecountyca.gov.

Sincerely,

Mark Roberts
Principal Planner (Division Manager)

Enc. Copy of Notice of violations
Copy of Early Activation conditions of Approval

Cc: Scott DeLeon – Interim Community Development Director
Tocarra Thomas – Deputy Community Development Director
Andy William – Community Development Dept. – Code Enforcement Division Manager.
Victor Fernandez, Community Development Dept. - Assistant Planning

The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Zoning Administrator, an appeal to the Planning Commission may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the final determination.

NOTICE OF VIOLATION/ STOP WORK ORDER

**NO FURTHER WORK SHALL BE DONE WITHOUT
A VALID PERMIT.**

PURSUANT TO LAKE COUNTY CODE, CHAPTER 30, ARTICLE XI, SECTION 30-46 AND SECTION 30-48:

A. CASE NUMBER: CMP20-00032
SITE ADDRESS: 2050 Ogulin Canyon Rd., Clearlake, Ca
PROPERTY OWNER: Lake Vista Farms, LLC
ASSESSOR PARCEL #: 010-053-010
MAILING ADDRESS: 637 Lindaro Street, Suite 201, San Rafael, CA 94901

B. CONDITION CAUSING A VIOLATION OF THE LAKE COUNTY CODE:

Existing and/or occurring on the property are activities or operations that involve excavation, grading, earthwork construction, clearing, filling or combination thereof that meet the requirements of a grading permit pursuant to Chapter 30, Article V, Section(s) 30-20, 30-21, or 30-22. The aforementioned acts or operations are not exempt of the requirements for a grading permit. According to County records, there is no record of any grading permit application having been received and there is no record of any grading permit having been issued in connection to the property for the aforementioned acts (*Chapter 30, Article V.*). Any grading performed in violation of Chapter 30 shall be unlawful and deemed a public nuisance. (*Chapter 30, Article XI, Section 30-44.1; Chapter 13, Article I, Section 13-3.1 (e) (1); and Chapter 13, Article I, Section 13-3.1 (e) (5).*) Any work done or maintained in violation of the provisions of this Chapter and any use of land operated or maintained in violation of the provisions of this Chapter are hereby declared to be public nuisances and full abatement and restoration may be required and an assessment of cost may be levied pursuant to Chapter 13 of the Lake County Ordinance Code. (*Chapter 30, Article XI, Section 30-49.1.*) Failure to abate the violation could subject the responsible party(ies) to administrative and criminal penalties and could result in the imposition of a lien on the property.

C. ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE AND/OR CODE VIOLATION(S) WITHIN THIRTY (30) DAYS OF THE DATE ON THIS NOTICE AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:

1). Submit a grading permit application with applicable materials and information as required pursuant to Chapter 30 of the Grading Ordinance. This shall include payment of all fees and any penalties as allowed by State Law and the County Code(s), and as determined by the Lake County Building Official or Director of the Community Development Department

2). Restore the property to its original ungraded state, to satisfaction of and as determined by the Lake County Building Official or Director of the Community Development Department.

3). Achieve compliance with, adhere to, and abide by the Lake County Code and Lake County Zoning Ordinances, as applicable, including but not limited all articles contained in Chapter 30 - Grading Ordinance.

- D. CHAPTER 30, ARTICLE XI, SECTION 30-44.5 - A VIOLATION OF ANY PROVISIONS OF THIS CHAPTER, OR OF ANY CODES ADOPTED BY REFERENCE IN THIS CHAPTER, IS PUNISHABLE AS AN INFRACTION OR MISDEMEANOR. VIOLATIONS PROSECUTED AS AN INFRACTION SHALL BE PUNISHABLE BY FINES AS SPECIFIED IN GOVERNMENT CODE SECTION 25132. VIOLATION PROSECUTED AS MISDEMEANORS SHALL BE PUNISHABLE, BY IMPRISONMENT IN THE COUNTY JAIL FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR BY A FINE OF ONE THOUSAND DOLLARS (\$1,000). OR BOTH SUCH FINE AND IMPRISONMENT, AS WELL AS ADMINISTRATIVE COSTS ASSOCIATED WITH SUCH PROSECUTION.
- E. CHAPTER 30, ARTICLE XI, SECTION 48.2: FAILURE TO ABATE THE VIOLATION COULD SUBJECT THE RESPONSIBLE PARTY (IES) TO ADMINISTRATIVE AND CRIMINAL PENALTIES AND COULD RESULT IN THE IMPOSITION OF A LIEN ON THE PROPERTY.
- F. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, SECTION 13-49.2(4), YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING AN APPEAL HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 15 DAYS OF SERVICE OF THE NOTICE OF VIOLATION. IF YOU FAIL TO REQUEST AN APPEAL HEARING, THE IMPOSITION OF THE ADMINISTRATIVE PENALTIES SHALL BE FINAL.
- G. ANY RESPONSIBLE PARTY UPON WHOM AN ADMINISTRATIVE PENALTY HAS BEEN IMPOSED MAY SEEK JUDICIAL REVIEW OF THE ORDER IMPOSING THE PENALTY PURSUANT TO GOVERNMENT CODE SECTION 53069.4



David Casian, Chief Building Official
COMMUNITY DEVELOPMENT DEPARTMENT
COUNTY OF LAKE
STATE OF CALIFORNIA

DATED: May 14, 2020



Lake County Community Development Department
Code Enforcement Division
255 N. Forbes Street, Lakeport
(707) 263-2309

NOTICE OF VIOLATION

PURSUANT TO LAKE COUNTY CODE, CHAPTER 5, Sections 5-14 ET. SEQ.

A. **CASE NUMBER:** **CMP20-00032**
 SITE ADDRESS: **2050 Ogulin Canyon Road, Clearlake, CA**
 PROPERTY OWNER: **Lake Vista Farms, LLC**
 ASSESSOR PARCEL #: **010-53-010**
 MAILING ADDRESS: **637 Lindero Street, Suite 201, San Rafael, 94901**
 DATE AND TIME SEEN: **05-07-2020**

B. **CONDITION CAUSING A VIOLATION OF THE LAKE COUNTY CODE:**

Located on the property is the existence of structures including but not limited, to hoop houses and or green houses. Work has been done for which a permit is required and a valid permit for the work has not been issued. This constitutes a violation of the Lake county Code (Chapter 5, Article I, Section 5-4A, 2019 California Building Code; Chapter 13, Article 1, Section 13-3.1 (e) (5).

C. **ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE AND/OR CODE VIOLATION(S) WITHIN SEVEN (7) DAYS OF THE DATE ON THIS NOTICE AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:**

1) **Remove the structure from the property.**

AND/OR

2) **Obtain any applicable permits and/or variances from this Department.**

AND/OR

3) **Bring the structure into compliance with the Lake County Code and the Lake County Zoning Ordinance.**



COMMUNITY DEVELOPMENT DEPARTMENT
COUNTY OF LAKE
STATE OF CALIFORNIA

DATED: 5.14.2020

- D. A violation of any of the provisions of this Chapter, or of any codes adopted by reference in this Chapter, is punishable as an infraction by a fine not exceeding one hundred dollars (\$100.00), or as a misdemeanor by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof on which any violation occurs shall be deemed to constitute a separate offense punishable as herein provided. The fine and imprisonment herein provided in this penalty section for a violation of this Chapter shall supersede all similar or conflicting provisions of said Codes, if any, provided that no abatement proceedings by the County shall be affected nor limited by this Section. Whoever does work or causes or permits work to be done or an occupancy to exist in violation of a Notice of Violation, Notice of Noncompliance or stop work order is guilty of a misdemeanor. Whoever defaces, destroys, amends or removes a Notice of Violation or stop work order without the written authorization of the Chief Building Official is guilty of a misdemeanor.
- E. **Costs of Abatement-Confirmation.** When proceedings under this Chapter result in the correction of a violation of this Code or in a final judgment that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of Lake County Code, costs of such proceedings incurred by the County may be assessed in a lien against the property. Such costs may include, but not limited by, those incurred in inspecting property, reports, document copying, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action and attorneys' fees. It is the purpose of this Section to allow the assessment of a lien against property of all costs incurred processing a violation.
- F. PURSUANT TO CHAPTER 5 OF THE LAKE COUNTY CODE, SECTION 5-14.3, YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING AN APPEAL HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 10 (TEN) CALENDAR DAYS OF SERVICE OF THE NOTICE OF VIOLATION. IF YOU FAIL TO REQUEST AN APPEAL HEARING, THE IMPOSITION OF THE ADMINISTRATIVE PENALTIES SHALL BE FINAL.
- G. ANY RESPONSIBLE PARTY UPON WHOM AN ADMINISTRATIVE PENALTY HAS BEEN IMPOSED MAY SEEK JUDICIAL REVIEW OF THE ORDER IMPOSING THE PENALTY PURSUANT TO GOVERNMENT CODE SECTION 53069.4



Lake County Community Development Department
Code Enforcement Division
255 N. Forbes Street, Lakeport
(707) 263-2309

NOTICE OF VIOLATION UNLAWFUL CANNABIS CULTIVATION

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, CHAPTER 21 ET. SEQ.

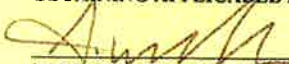
A. CASE NUMBER: Cmp 20-00032 ASSESSORS PARCEL NUMBER: 010 - 053 - 01
OWNER(S) NAME: Lake Vista Farms
SITE ADDRESS: 2050 Division Canyon Rd Clear Lake Ca 94552
MAILING ADDRESS: 637 Lindard St Suite 201 San Rafael Ca 94901

B. CONDITION CAUSING NUISANCE: Cultivation of marijuana in violation of Chapter 13-3(e) 16 and Chapter 21, Article 27.3(z) of the Lake County Code. Specifically, any failure to obtain and/or maintain any permit related to cannabis operations which is required, issued, and/or approved by the County of Lake.

- ☐ Cultivation of Patient, Caregiver and Adult Use Cannabis is prohibited on a vacant parcel. The patient, caregiver, or adult use cultivator must reside in the on-site residence.
- ☐ Outdoor cultivation of cannabis on parcel of 5-acre or less and/or located within Community Growth Boundary, not in a shed, greenhouse, grow room within the primary structure are prohibited. Accessory buildings or grow room shall not exceed 100 square feet. A zoning clearance permit and /or building permit is required.
- ☐ Cultivation of more than 6 mature or 12 immature marijuana plants per qualified patient or caregiver (maximum 5 patients per parcel) on a parcel is prohibited. Cultivation for personal adult use is limited to 6 plants regardless of number of adults residing in residence.
- ☐ Outdoor cultivation on parcels greater than 5 acres outside Community Growth Boundary shall not exceed 100 square feet in size, must meet setback from property line of 75 feet and setback from off-site residences of 150 feet.
- ☐ Outdoor cultivation outside of a greenhouse within 1,000 feet of a public or private school, public parks with playground equipment, drug or alcohol rehabilitation facility, child care facility or nursery school, church or youth-oriented facility is prohibited.
- ☐ Outdoor cultivation of cannabis located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. Water diversion from any lake, spring, wetland, stream, creek, vernal pool or river is prohibited.
- ☐ Any foul or noxious odors, not already regulated by Lake County Air Quality Management District, which offends, interferes with the life or property and affects the neighborhood is declared a violation.
- ☐ Outdoor cultivation on lots greater than 5 acres, must be screened from public view and views of adjacent parcels with a fully enclosed opaque (not translucent or transparent) fence of a minimum of six (6) in height.
- ☐ Indoor cultivation in excess of 100 square feet is prohibited. Permits are required for plumbing, ventilation and filtration systems.
- ☐ Tenants and lessees in an apartment or mobile home park must have property owner's written approval with notarized signature in order to cultivate. Valid issued permits are required for zoning, electrical and plumbing.
- ☒ Violation of conditions for approved permit.

On 5/7/2020 your property was found by Enforcement Officials to be in violation of one or more regulations. This constitutes a public nuisance in accordance with Chapter 13, Article 6, Section 52.2 of the Lake County Code.

C. ORDER IS GIVEN TO COMPLETE ABATEMENT OF SAID VIOLATION WITHIN (7) DAYS OF THIS WRITTEN NOTICE OF VIOLATION (5/21/2020) AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY OBTAINING APPLICABLE PERMIT OR REMOVE PROHIBITED EXCESS CANNABIS PLANTS.


LAKE COUNTY COMMUNITY DEVELOPMENT
CODE ENFORCEMENT
STATE OF CALIFORNIA, COUNTY OF LAKE

DATED: 5/14/2020

- D. AS TO ANY EXISTING CANNABIS CULTIVATION SITES LOCATED WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF LAKE WHICH ARE OPERATING CONTRARY TO OR IN EXCESS OF THE ABOVE LIMITS, THEY ARE HEREBY DECLARED TO BE UNLAWFUL AND A PUBLIC NUISANCE PURSUANT TO CHAPTER 13-52.2, OF THE LAKE COUNTY CODE, AND A VIOLATION OF THE REGULATIONS FOR THE CULTIVATION OF CANNABIS IS DECLARED.**
- E. YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY THE CANNABIS BEING CULTIVATED IS NOT A VIOLATION OF CHAPTER 21, ARTICLE 27 OF THE LAKE COUNTY CODE AND THEREFORE SHOULD NOT BE ABATED AS A VIOLATION BY THE ENFORCEMENT OFFICIAL, YOU MUST FILE AN APPEAL BEFORE THE PLANNING COMMISSION PURSUANT TO SECTION 61.1(e) OF SAID LAKE COUNTY CODE BY COMPLETING AN APPEAL REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 7 CALENDAR DAYS OF SERVICE OF THE NOTICE AND ORDER TO ABATE UNLAWFUL CANNABIS CULTIVATION. IF YOU FAIL TO REQUEST AN APPEAL IN A TIMELY MANNER, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE VIOLATION WILL BE WAIVED.**
- F. IF YOU FAIL TO CORRECT THE VIOLATIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE OF VIOLATION OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION E OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY ABATE THE VIOLATION(s). THE COSTS OF SUCH ABATEMENT ACTION MAY BE MADE A SPECIAL ASSESSMENT AGAINST THE PREMISE; MAY BE PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT; OR ALTERNATIVELY MAY BE REFERRED TO A DEBT COLLECTION AGENCY.**
- G. IF YOU FAIL TO CORRECT THE VIOLATIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE OF VIOLATION ADMINISTRATIVE FINES WILL BE IMPOSED PURSUANT TO SECTION 13-52.2 AS A VIOLATION FOR EACH DAY THE VIOLATION CONTINUES TO PERSIST. THE ADMINISTRATIVE FINES IMPOSED SHALL ACCRUE AS OF THE DATE INDICATED IN THE NOTICE OF VIOLATION AND SHALL CONTINUE TO ACCRUE UNTIL THE VIOLATION IS REMEDIED IN ADDITION TO THE LEGAL REMEDIES SPECIFIED IN F.**
- (1) ANY PERSON ENGAGED IN ADULT-USE CANNABIS OPERATIONS WITHOUT HAVING FIRST OBTAINED ANY AND ALL REQUIRED COUNTY PERMITS IS IN VIOLATION OF THIS PROHIBITION AND IF THE VIOLATION IS NOT CORRECTED WITHIN THE DATE SPECIFIED, SHALL BE LIABLE FOR AN ADMINISTRATIVE FINE OF ONE THOUSAND DOLLARS (\$1,000) PER DAY PER VIOLATION.**
 - (2) THE SECOND SUCH VIOLATION WITHIN A TWELVE- MONTH PERIOD COMMENCING FROM DATE OF ISSUANCE OF THE PRIOR ADMINISTRATIVE CITATION TO THE SAME PERSON, OR ON THE SAME PREMISES IF THE PROPERTY OWNER REMAINS THE SAME, THE FINE SHALL BE THREE THOUSAND DOLLARS (\$3,000) PER DAY PER VIOLATION.**
 - (3) FOR A THIRD SUCH VIOLATION WITHIN A TWELVE-MONTH PERIOD COMMENCING FROM DATE OF ISSUANCE OF THE PRIOR CITATION TO THE SAME PERSON, OR ON THE SAME PREMISES IF THE PROPERTY OWNER REMAINS THE SAME, THE ADMINISTRATIVE FINE SHALL BE FIVE THOUSAND DOLLARS (\$5,000) PER DAY PER VIOLATION.**

NOTICE OF VIOLATION

PURSUANT TO LAKE COUNTY CODE, CHAPTER 5, Sections 5-14 ET. SEQ.

A. CASE NUMBER: CMP20-00032
SITE ADDRESS: 2050 Ogulin Canyon Road, Clearlake, CA
PROPERTY OWNER: Lake Vista Farms, LLC
ASSESSOR PARCEL #: 010-53-010
MAILING ADDRESS: 637 Lindaro Street, Suite 201, San Rafael, 94901
DATE AND TIME SEEN: 05-07-2020

B. CONDITION CAUSING A VIOLATION OF THE LAKE COUNTY CODE:

Located on the property is the existence of structures including but not limited, to hoop houses and or green houses. Work has been done for which a permit is required and a valid permit for the work has not been issued. This constitutes a violation of the Lake county Code (Chapter 5, Article I, Section 5-4A, 2019 California Building Code; Chapter 13, Article 1, Section 13-3.1 (e) (5).

C. ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID NUISANCE AND/OR CODE VIOLATION(S) WITHIN SEVEN (7) DAYS OF THE DATE ON THIS NOTICE AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:

1) Remove the structure from the property.

AND/OR

2) Obtain any applicable permits and/or variances from this Department.

AND/OR

3) Bring the structure into compliance with the Lake County Code and the Lake County Zoning Ordinance.


COMMUNITY DEVELOPMENT DEPARTMENT
COUNTY OF LAKE
STATE OF CALIFORNIA

DATED: 5.14.2020

- D. A violation of any of the provisions of this Chapter, or of any codes adopted by reference in this Chapter, is punishable as an infraction by a fine not exceeding one hundred dollars (\$100.00), or as a misdemeanor by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of not more than six (6) months, or by both such fine and imprisonment. Each separate day or any portion thereof on which any violation occurs shall be deemed to constitute a separate offense punishable as herein provided. The fine and imprisonment herein provided in this penalty section for a violation of this Chapter shall supersede all similar or conflicting provisions of said Codes, if any, provided that no abatement proceedings by the County shall be affected nor limited by this Section. Whoever does work or causes or permits work to be done or an occupancy to exist in violation of a Notice of Violation, Notice of Noncompliance or stop work order is guilty of a misdemeanor. Whoever defaces, destroys, amends or removes a Notice of Violation or stop work order without the written authorization of the Chief Building Official is guilty of a misdemeanor.
- E. **Costs of Abatement-Confirmation.** When proceedings under this Chapter result in the correction of a violation of this Code or in a final judgment that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of Lake County Code, costs of such proceedings incurred by the County may be assessed in a lien against the property. Such costs may include, but not limited by, those incurred in inspecting property, reports, document copying, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action and attorneys' fees. It is the purpose of this Section to allow the assessment of a lien against property of all costs incurred processing a violation.
- F. **PURSUANT TO CHAPTER 5 OF THE LAKE COUNTY CODE, SECTION 5-14.3, YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS A PUBLIC NUISANCE BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING AN APPEAL HEARING REQUEST FORM. SAID FORM IS AVAILABLE AT THE COMMUNITY DEVELOPMENT DEPARTMENT (LOCATED AT 255 N. FORBES STREET, LAKEPORT) AND MUST BE FILED WITHIN 10 (TEN) CALENDAR DAYS OF SERVICE OF THE NOTICE OF VIOLATION. IF YOU FAIL TO REQUEST AN APPEAL HEARING, THE IMPOSITION OF THE ADMINISTRATIVE PENALTIES SHALL BE FINAL.**
- G. **ANY RESPONSIBLE PARTY UPON WHOM AN ADMINISTRATIVE PENALTY HAS BEEN IMPOSED MAY SEEK JUDICIAL REVIEW OF THE ORDER IMPOSING THE PENALTY PURSUANT TO GOVERNMENT CODE SECTION 53069.4**



Lake County Community Development Department
Code Enforcement Division
255 N. Forbes Street, Lakeport
(707) 263-2309

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 1st, 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



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



Applicant or Authorized Agent (Signature)

MIKE MITZEL
Applicant or Authorized Agent (Print Name)