

COUNTY OF LAKE
MAJOR USE PERMIT, UP 21-14
INITIAL STUDY, IS 21-14

MONTE CRISTO VINEYARDS, LLC
CONDITIONS OF APPROVAL

EXPIRES IF NOT USED: JUNE 23, 2024
VALID UNTIL: JUNE 23, 2032

Pursuant to the approval of the Planning Commission on **June 23, 2022**, there is hereby granted to Monte Cristo Vineyards, LLC a **Major Use Permit, UP 21-14** with the following conditions of approval to allow for the following Commercial Cannabis Cultivation Licenses: twenty-two (22) A-Type 3 “Medium Outdoor” licenses, and one (1) A-Type 13 Self-Distribution license for 958,320 square feet of outdoor canopy located 11230 and 11250 Cerrito Drive, Clearlake Oaks, CA., further described as assessor parcel numbers (APNs): 006-007-17, 006-007-23, and 006-007-30 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 to allow for 958,320square feet of commercial cannabis outdoor canopy area. This approval includes a Type 13 ‘Cannabis Distributor Transport Only, Self-distribution’ license. 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 June 18, 2021, by Realm Engineering
 - 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 and construction, the applicant shall obtain permits from all necessary Federal, State, and local agencies for the construction/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 provide adequate security on the premises. All fencing installed shall be a minimum of six (6) feet in 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.
6. 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.
7. 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.
8. 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 (s)

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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.
9. 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.
 10. 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.
 11. 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 the life of the 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 the permit operator(s), the new permit operator(s) shall be responsible for ensuring all applicable permits are up to date.
 12. 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.
 13. 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.
 14. 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.
 - 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.
 15. 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.
 16. The applicant shall provide adequate security measures per Article 27 of the Lake County Zoning Ordinance to minimize criminal activity, provide for safe and secure working environments, protect private property, and prevent damage to the environment. Said security plan shall be reviewed and approved by the Lake County Sheriff's Office.

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17. 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.
18. Prior to operation, all accessible compliant parking areas, routes of travel, building access, and/or bathrooms shall meet all California Building Code Requirements.
19. 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.
20. All handicap parking areas, routes of travel, building access, and bathrooms shall meet the Americans with Disabilities Act (ADA) requirements and be subject to review and approval of a Certified Accessibility Access Specialist (CASP).
21. 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.
22. 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.
23. 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.
24. 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 weekly to avoid attracting animals.
25. The operation shall not rely on 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.
29. The applicant shall adhere to all applicable requirements in the Lake County Zoning Ordinance and the Lake County Code.
30. Prior to operation, within 90 days of issuance of this use permit, the applicant shall submit an updated Property Management Plan that reflects the information and figures provided in the Hydrology Report dated September 21, 2021, prepared by Realm Engineering.

B. AESTHETICS

1. All outdoor lighting shall be directed downwards and shielded onto the project site and not onto adjacent properties. All lighting shall comply and adhere to all Federal, State and local agency requirements, including all requirements in darksky.org. (Mitigation Measure AES-1)
2. All cannabis-related buildings shall be screened from view from neighboring lots and public roads by a minimum 6' tall screening fence. (Mitigation Measure AES-2)

C. AIR QUALITY

1. Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the County of Lake Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel-powered equipment and/or other equipment with potential for air emissions. (Mitigation Measure AQ-1)
2. All mobile diesel equipment used must be in compliance with State registration

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requirements. Portable and stationary diesel- powered equipment must meet the requirements of the State Air Toxic Control Measure for C1 Engines. (Mitigation Measure AQ-2)

3. 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. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory. (Mitigation Measure AQ-3)
4. 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-4)
5. 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. AQ-6: 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-5)
6. 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-6)
7. The applicant shall apply water to the ground during any and all site preparation work that is required for the greenhouses and drying building, as well as during any interior driveway improvements to mitigate dust migration. (Mitigation Measure AQ-7)

D. BIOLOGICAL RESOURCES

1. Waterways: Any project activities that would result in the fill of any waters may be required to obtain the following permits. (Mitigation Measure BIO-1)
 - US Army Corps of Engineers Nationwide Permit
 - Regional Water Control Board – 401 Water Quality Certification
 - California Department of Fish and Wildlife 1601 Stream Bed Alteration Agreement
2. Erosion Control: All work in or near any waterways shall incorporate extensive Erosion and Sediment Control Plans/Measure consistent with all Federal, State and local agency requirements to avoid erosion and the potential for transport of sediment into the waterways. Additionally, coverage under the National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharge associated with a Construction Activity (General Permit) and a Storm Water Pollution Plan. (SWPP may be required) (Mitigation Measure BIO-2)
3. Creek Buffer: The applicant shall maintain a minimum setback of a one-hundred (100) foot from the top of bank of any creek (perennial and intermittent), edge of lake, delineated wetland and/or vernal pool on the lot of record of land. (Mitigation Measure BIO-3).
4. Staging Area: The applicant shall ensure to use only previously disturbed areas for staging/storage of materials and/or equipment that is used to maintain the ongoing use. No areas shall be newly developed for the purpose of staging. (Mitigation Measure BIO-4)
5. Prior to any ground disturbance and/or vegetation removal, the applicant shall have a pre-construction survey conducted by a qualified biologist for special-status plant and animal species to ensure that special- status species are not present. (Mitigation Measure BIO-5)
 - If any listed species are detected, construction shall be delayed, and the appropriate resource agency (CDFW and/or USFWS) shall be consulted with and project impacts and mitigation reassessed.

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6. Within seven days prior to the commencement of ground disturbing activities, the applicant shall have a pre-construction survey for the presence of special-status bird species and/or any nesting bird species to be conducted by a qualified biologist within 500 feet of proposed construction areas. (Mitigation Measure BIO-5)
 - If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. With the implementation of this mitigation measure, adverse impacts upon special-status bird species and nesting birds would be reduced to a less-than- significant.

E. 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), the 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. Should any human remains be encountered, they shall be treated in accordance with Public Resources Code Section 5097.98 and Health and Safety Code 7050.5. (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-3)

F. HAZARDS & HAZARDOUS MATERIALS

1. All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, 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.
 2. 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 into 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.
 3. 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.
 4. The storage of hazardous materials equals 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.
 5. 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 the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained.
 6. 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
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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.

7. 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 consistent with applicable local, state and federal regulations.

J. HYDROLOGY AND 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 all surface water. (Mitigation Measure HYD-1)
2. The production wells 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-2)

K. NOISE

1. All construction activities including engine warm-up shall be limited 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)
2. Maximum non-construction related sound 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)

L. TRANSPORTATION & TRAFFIC

1. Prior to this use permit having any force or effect, the applicant shall comply with Public Resources Code 4290 and 4291 Fire Safe Requirements.
2. Facilities constructed or utilized for new development shall comply with County standards in order to minimize initial and subsequent maintenance costs.
3. 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.
4. 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.
5. 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

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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 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.*

6. 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 the said permit to the Lake County Community Development Department within 30 days of obtaining such permit.
7. All-access roads, yards, and parking areas shall be properly maintained for the life of the project to prevent a source of contamination where cannabis products are handled or transported.

M. 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 to assure that the activity is performed under the authority of this permit is under the terms and conditions prescribed herein.
2. This permit shall be null and void if not used by June 23, 2024, or if the use is abandoned for two (2) years. Once activated, this permit is valid for 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 holds 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 the expiration of the 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 a Performance Review Report each year from their initial date of approval by the review authority on June 23, 2022, for review and approval by the Lake County Planning Commission. The Planning Commission may delegate the review of the

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Performance Review Report to the Community Development Director at the time of the initial hearing or at any time thereafter.

- 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 the permittee and accompany the "Performance Review Report" for costs associated with 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 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 that said violation(s) have been corrected.*

8. 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 apply for renewal by June 23, 2032, may result in the expiration of the permits. The 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 Department of Cannabis Control, 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.*
9. 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.

Applicant Initials: _____

Date: _____

Mary Darby, Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: AWA

by: _____
Jim Feenan, Office Assistant III

ACCEPTANCE

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

Date: _____

Applicant or Authorized Agent Signature

Printed Name of Authorized Agent

Applicant Initials: _____
Date: _____