

COUNTY OF LAKE
MAJOR USE PERMIT, UP 19-42
INITIAL STUDY, IS 19-61

BOTTLE ROCK FARMS FJA TRUST
CONDITIONS OF APPROVAL

EXPIRES IF NOT USED: April 28, 2024
VALID UNTIL: April 28, 2032

Pursuant to the approval of the Planning Commission on **April 28, 2022**, there is hereby granted to **Bottle Rock Farms FJA Trust**, a Major Use Permit, **UP 19-42** with the following conditions of approval to allow the following Commercial Cannabis Cultivation Licenses: four (4) A-Type 3 “Outdoor” located at 9900 and 10030 Bottle Rock Road, Kelseyville, CA; further described as Assessor’s Parcel Number: **011-057-23** and **011-057-22** 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 commercial cannabis cultivation of 87,120 square feet of “outdoor” canopy area within 172,800 square feet of cultivation area. 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 **October 14, 2021** by **Munselle Civil 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. 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.*
5. 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.
6. 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) 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.
7. **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.

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8. **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.
9. **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.
10. 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 become allowed by the County Code, the applicant may apply for the appropriate permits.
11. **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.
12. 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.
13. 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.
14. **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.**
15. 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.
16. **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.

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17. **Prior to operation**, all accessible compliant parking areas, routes of travel, building access, and/or bathrooms shall meet all California Building Code Requirements.
18. **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.
19. 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).
20. 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.
21. **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.
22. All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area shall be deposited in trash containers with an adequate lid or cover to contain trash. All food waste shall be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.
23. 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.
24. 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 Emergency Basis Only. The applicant shall notify the Lake County Community Development Department within 7 days of the emergency and provide the following information:
 - *A 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.*
25. 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 began 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.*
26. 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.
27. Your use permit was approved on April 28, 2022, to allow 115,400 square feet of cultivation area. If you are cultivating less than the approved square footage, you must submit a written declaration sixty (60) days prior to August 31st of the cannabis tax billing cycle to the Community Development Department.
 - *Said declaration shall include a written statement detailing the square footage you are cultivating, a site plan drawn to scale showing the cultivation area with*

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dimensions and a site visit (\$190.00 inspection fee required) shall be conducted to verify actual cannabis square footage.

- Failure to submit the declaration to the Community Development Department for review and approval within the required timeframe may result in you being liable for the full amount due.

28. **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.
29. 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.

B. AIR QUALITY

1. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds used on-site, including cleaning materials. This information shall be made available upon request to provide the Lake County Air Quality Management District necessary information to complete an updated Air Toxics Emission Inventory.
2. Prior to obtaining the necessary permits and/or approvals for any phase, the applicant shall contact the Lake County 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.
3. Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be managed by the use of water or other acceptable dust palliatives to mitigate dust generation during and after site development.

C. BIOLOGICAL RESOURCES

1. All work shall incorporate erosion control measures consistent with the engineered Grading and Erosion Control Plans submitted; the Lake County Grading Regulations and the State Water Resources Control Board Order No. WQ 2019-0001-DWQ.
2. 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. A copy of all permits shall be included in the Annual Performance Report.
3. 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.**

D. CULTURAL RESOURCES:

1. If previously unidentified cultural resources are encountered during project implementation, avoid altering the materials and their stratigraphic context. A qualified professional archaeologist should be contacted to evaluate the situation. Project personnel should not collect cultural resources. Prehistoric resources include, but are not limited to, chert or obsidian flakes, projectile points, mortars, pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or abode foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.
2. If human remains are encountered, all work must stop in the immediate vicinity of the

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discovered remains, and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” can be designated and further recommendations regarding treatment of the remains is provided.

3. 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 Middletown Rancheria Tribe(s) 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 with California Health and Safety Code section 7050.5.
4. 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 culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.
5. 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 the 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 the 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 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. NOISE

1. All construction activities including engine warm-up shall be limited to Monday through Friday, between the hours of 7:00 AM and 7:00 PM 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.
2. The proposed project shall comply with the noise standards identified in Section 41.11 of the Zoning Ordinance, including, but not limited to: maximum non-construction project-related noise levels shall not exceed: (a) 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. adjacent to residential districts; and (b) 65 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 50 dBA between the hours of 10:00 p.m. to 7:00 a.m. adjacent to industrial districts at the property lines as outlined in Table 11.1. Should the proposed project exceed these noise standards during

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construction or operational phases, noise-generating activities shall cease until noise attenuation measures are implemented such that the proposed project is compliant with noise standards.

F. TRANSPORTATION & TRAFFIC

1. All deliveries and pickups shall be restricted to occur Monday through Saturday from 9:00 a.m to 7:00 p.m and Sunday from 12:00 p.m to 5:00 p.m.
2. Prior to this use, construction of the structure requiring a building permit, having any force or effect, the applicant shall be required to submit and have approved a timeline to make all necessary road improvements to comply with Public Resource Code (PRC) section 4290 and 4291.
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 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.

G. 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 December 28, 2024, or if the use is abandoned for two (2) years. Once activated, this permit is valid for 10 years unless the use

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is discontinued for two years or if this permit is revoked due to non-compliance with these conditions.

1. **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.
2. 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.
3. **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.
4. 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.*
5. The applicant shall submit a Performance Review Report each year from their initial date of approval by the review authority on April 28, 2022, for review and approval by the Lake County Planning Commission. The Planning Commission may delegate the review of the 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*

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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 *April 28, 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.*
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.

Mary Darby, Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by:

by: _____
Kerrian Marriott, Office Assistant

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: _____