

**COUNTY OF LAKE
MAJOR USE PERMIT, UP 18-20
INITIAL STUDY, IS 18-24
SPECIALTY TOKES
RICHARD DERUM
CONDITIONS OF APPROVAL**

EXPIRES IF NOT USED BY: JANUARY 24, 2021

Pursuant to the approval of the Planning Commission on **January 24, 2019**, there is hereby granted to **RICHARD DERUM** representing '**Specialty Tokes**', a **Major Use Permit, UP 18-20** with the following conditions of approval to allow the **Commercial Cannabis Cultivation A-Type 3 License**, which allows **24,608 square feet of cultivation area and 16,896 square feet of canopy area** on property located at **13605 Seigler Canyon Road, Lower Lake, CA**; and further described as **APN: 012-004-64** subject to the following terms and conditions.

A. GENERAL

1. The use hereby permitted shall substantially conform to the ***Site Plan(s), Project Description*** and ***Property Management Plan*** and any conditions of approval imposed by the **Major Use Permit** and Review Authority for the outdoor cultivation of **24,608** square feet of cultivation area as shown on the approved site plan for this action. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts. Applicant shall be in substantial conformance with the following:
 - a. Property Management Plan (undated), received June 18, 2018
 - b. Site Plans (undated), received May 15, 2018
 - c. Support documentation provided by the Applicant dated May 15, 2018
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. The applicant shall adhere to all applicable regulations within the 2016 California Fire Code. The applicant shall contact the Lake County Community Development Department for specific details if needed. The applicant shall request a Fire Inspection, including the required fee, once applicable Fire codes have been met and prior to permit activation.
4. The permit holder is responsible for insuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.
5. All necessary permits shall be obtained from applicable Federal, 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.
6. The Applicant shall comply with the State of California Track and Trace requirements.
7. The applicant shall not sell, transfer and/or give cannabis or cannabis products to any person under the age of 21 and/or allow any person under the age of 21 into the cultivations area and/or employ or retain persons under the age of 21 years old.
8. 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.
 - *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.*
9. All applicants and/or employees shall undergo a background check by the Lake County Sheriff Department. An individual may fail the background check if employee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the applicant or permittee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or permittee be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the conditions described in Section 26057 of the California Business and Professions Code.
 10. **Prior to final occupancy**, all structure(s) used for commercial cultivation shall meet accessibility standards. Please contact the Community Development Department - Building Division for more information.
 11. **Prior to final occupancy**, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
 12. 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 pest.
 13. The applicant shall maintain a record of all complaints and resolution of complaints and provide tally and summary of the issues in the Annual Performance Review Report.
 14. **This use permit approval shall not become effective, operative, vested or final** until the applicant has paid the Cannabis Cultivation Tax through June 30, 2019. Said tax shall be paid within thirty (30) days of permit issuance. Proof of payment is required to be submitted to the Community Development Department. Failure to pay said tax will result in the initiation of permit revocation proceedings.
 15. This permit shall be null and void if not used by **January 24, 2021** or if the use is abandoned for a period of two (2) years.
 16. 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 Community Development Department within five days of approval of the mitigated negative declaration.
 17. **Prior this use permit becoming effective, operative, vested or final** the applicant must pay the second installment of the Cannabis Program Service Fee in the amount of \$1,623.50 to the Community Development Department.
 18. **Prior to the start of any cultivation activities**, the applicant(s) shall submit to the Community Development Department a summary response in writing establishing compliance with these conditions of approval, as well as documenting compliance with all obligations of the Property Management Plan, including dates of compliance and referencing documents or other evidence of compliance.
 19. **Prior to this permit having force or effect**, all buildings shall have building permit(s) and zoning clearance(s) issued for them with the exception of the dwelling, which pre-dates the County's requirements for building permits.

20. **Prior to permit issuance**, the permittee(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The permittee shall contact the Lake County Division of Environmental Health for details.

B. AESTHETICS

1. A Lighting Plan shall be submitted to the Community Development Department for review and approval **prior to obtaining an electrical permit and/or installation of any lighting**. All outdoor lighting will need to 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.
2. A Signage Plan shall be submitted to the Community Development Department for review and approval **prior to obtaining the necessary permits for signage**. All signage shall be in accordance with Section 21-45.11 of the Zoning Ordinance.
3. The applicant shall provide adequate security on the premises, as approved by the Sheriff, including fencing, lighting, surveillance, and alarms. This includes but is not limited to: a security alarm system to notify and record incident(s) where physical barriers have been breached; digital video surveillance system with a minimum camera resolution of 1080 pixels capable of recording all pre-determined surveillance areas in any lighting condition, capable of supporting remote access by the permittee, and able to operate continuously 24 hours per day at a minimum of 30 frames per second; thermal technology for the perimeter fencing; fence posts set into the ground, with anchored terminal posts and horizontal top rail, with fencing attached to both posts and top horizontal rail, and fence screening. This shall be consistent with the submitted management plan. Fencing cannot exceed seven feet in height unless a building permit is granted for the fence.

C. AIR QUALITY

1. **Prior to obtaining the necessary permits and/or approvals**, 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. Mitigation measure MM AQ-01.
2. All Mobile diesel equipment used for construction and/or maintenance must be 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. Mitigation measure MM AQ-02.
3. Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property. Mitigation measure MM AQ-03.
4. The Cultivation of Commercial Cannabis is subject to AB 2588 Air Emission Inventory requirements administrated by the Lake County Air Quality Management District. Therefore, 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 MM AQ-04.
5. All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited. Mitigation measure MM AQ-05.
6. **Prior to this permit having any force or effect**, the applicant shall submit an Odor Control Plan to the Lake County Air Quality Management District, apply for and receive a temporary permit, and apply for an Authority to Construct permit. Mitigation measure MM AQ-06.

7. All areas subject to semi-truck/trailer traffic shall be paved with asphaltic concrete or an all-weather surfacing to reduce fugitive dust generation. Mitigation measure MM AQ-07.
8. All areas subject to low use (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 MM AQ-08
9. The use of white rock is prohibited for any road surfacing, including parking areas as it breaks down and would create excessive dust. Mitigation measure MM AQ-09.

D. CULTURAL AND TRIBAL 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), 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. Mitigation measure MM CUL-01.
2. Employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance, and in who to notify should this occur. Mitigation measure MM CUL-02

E. BIOLOGICAL RESOURCES

1. The removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (*Quercus* species) or Tan Oak (*Notholithocarpus* species) for the purpose of developing a cannabis cultivation site should be avoided and minimized. This shall not include the pruning of any such tree species for the health of the tree or the removal of such trees if necessary for safety or disease concerns.
2. The applicant shall ensure to use only previously disturbed areas for staging materials and/or equipment. No areas shall be newly developed for the purpose of staging materials or equipment.
3. The applicant shall preserve and/or avoid existing vegetation not otherwise specified for removal, including native tree species.
4. The applicant shall maintain a minimum of a one-hundred (100) foot setback 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.

F. GEOLOGY & SOILS

1. The applicant shall submit Erosion and Sediment Control Plans to the Community Development Department **for review and approval within thirty (30) days of use permit approval**. Said plans shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent and/or reduce discharge of all construction or post construction pollutants into the County Storm Drainage System and/or nearby waterways. BMPs include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapter 29 of the Lake County Code. (*Typical BMPs can be found in the California Storm Water Quality Association Storm and Water Best Management Practices Handbooks, including the Construction Handbook and the New Development and Redevelopment Handbooks. Handbooks are available for purchase or download at <http://www.cabmphandbooks.com>*)

G. HAZARDS & HAZARDOUS MATERIALS

1. 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.
2. 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.

3. Storage of potentially hazardous waste shall be in its original package, and shall be clearly labeled to display the volume and type of material stored. These packages shall be kept inside a storm-proof shed, a locked storage area that shall only be accessible to authorized staff. When removing materials from storage the employee name, the type of material, date, and time shall be entered into a hazardous waste manifest located within the secure storage area. When returning material into storage, the type of material, volume used, name of employee, date and time shall be entered into the manifest. Storage areas containing hazardous waste shall be inspected weekly by staff/employees to ensure accurate record keeping and safe storage conditions.
4. The applicant shall only apply fertilizers/pesticides when the wind is blowing in opposite direction of any waterway and/or water body and shall not drift into flowering plants. Spraying fertilizers/pesticides when pollinators and/or directly onto any water surface is prohibited. The use of any pesticide that has been banned for use in the United States is prohibited.
5. The storage of any potentially hazardous materials, including fertilizer/pesticides shall be located a minimum of 100 feet from any water source, which includes but is not limited to wells, springs, top of bank of any waterway (perennial or intermittent), edge of lake/reservoirs, delineated wetland and/or vernal pool. These materials shall not be allowed to leak onto the ground and/or contaminate surface waters.
6. All employees and/or staff member shall be properly be trained in and wear Personnel Protective Equipment in accordance with all Federal, State and local regulations regarding handling any Biological and Chemical agents.
7. 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.

H. HYDROLOGY & WATER QUALITY

1. **Prior to this permit having any force or effect**, the permit holder shall provide a water availability analysis, prepared by a qualified professional, indicating that there is sufficient water available to sustain the proposed use. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.
2. The illicit discharge of irrigation or storm water from the project parcel, as defined in Tile 40 of the Code of Federal regulation, Sections 122.26, which may result in degradation of water quality of any water body is prohibited.
3. **Prior to this permit having any force or effect**, the applicant shall submit a Storm Water Management Plan based on the requirements of the California Regional Water Quality Control Board – Central valley region to the Community Development Department for review and approval. Said plan shall include the following:
 - *Identification of any Lake County maintained drainage or conveyance system that the storm water is discharged into and documentation that the storm water discharge is in compliance with the design parameters of those structures.*
 - *Identification of any public roads and bridges that are downstream of the discharge point and documentation that the storm water discharge is in compliance with the design parameters of any such bridges.*
 - *Documentation that the discharge of storm water from the site will not increase the volume of water that historically has flow onto adjacent properties.*
 - *Documentation that the discharge of storm water will not increase flood elevations downstream of the discharge point.*
 - *Documentation that the discharge of storm water will not degrade water quality of any water body.*

- *Documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code.*
 - *Describe the proposed grading of the property.*
 - *Describe the storm water management system.*
 - *Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit.*
 - *Describe what parameters will be monitored and the methodology of the monitoring program.*
4. 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.
 5. The applicant shall have a legal water source on the premises, and shall obtain and maintain all necessary Federal, State or local permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all Federal, State or local permits required to utilize the water source, and have a written agreement between the property owner of the site where the source is located and the permitted activity agreeing to the use of the water source and all terms and conditions of that use.
 6. The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited.
 7. The utilization of water that has been or is illegal diverted from any lake, springs, wetland, stream, creek, vernal pool and/or river is prohibited. The applicant shall not engage in unlawful or unpermitted drawing of surface water.
 8. The applicant may use water supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an emergency basis only. The applicant shall notify the Community Development Department within seven (7) days of the emergency and provide the following information: (a) A detailed description of the emergency; (b) Identification of the retail water supplier including license number; (c) The volume of water supplied and actions taken to prevent the emergency in the future.

I. 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 MM NOI-1
2. 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 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 MM NOI-2
3. The operation of the Heating and Ventilation Units shall not exceed levels of 57 dBA between the hours of 7:00AM to 10:00PM and 50 dBA from 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) at the property lines. Mitigation Measure MM NOI-3

J. TRANSPORTATION & TRAFFIC

1. All deliveries and/or pickups shall during the hours of Monday through Saturday from 7:00AM to 7:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m.
2. **Prior to cultivation**, the applicant shall provide a minimum of one (1) parking space per employee on the shift having the largest number of employees. The applicant is proposing up nine (9) employees, therefore there shall be a minimum of nine (9) employee parking spaces and one (1) Accessibility Compliant Parking Space.
3. The applicant shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.

4. The project site(s) shall have access to a public road or a recorded easement that allows for, but 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 Department of Public Works.
 - a) *All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body*
 - b) *The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.*
 - c) *Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes.*
5. Driveway encroachments onto State and/or County-maintained roadways shall be constructed to current federal, State or local Standards and shall be constructed with an encroachment permit.
6. First fifty (50) feet of a driveway beginning at the edge of the existing improved surface shall be constructed and maintained with an all-weather surface. An all-weather surface includes: Six (6) inches of gravel or crushed rock, an oil and rock surface, asphaltic concrete, or concrete as to prevent road surfaces and fill material from discharging to any surface water body. The use of White Rock is prohibited for any road surfacing.
7. The applicant shall meet and maintain all the requirements and/or regulations as define in 14 California Code of Regulations (CCCR), Division 1.5, Chapter 7, Subchapter 2, Article 2, §1273.00 through §1273.11 of the California Department of Forestry and Fire Protection (Cal Fire) for Emergency Access and Egress Requirements.
8. 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.
9. **Prior to final inspection**, all Accessible Compliant Parking Areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.

K. TIMING & MITIGATION MONITORING

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. The applicant shall submit an Annual Performance Review Report their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the Annual Performance Review Report to the Community Development Director at the time of the initial hearing or at any time thereafter. The Annual Performance Review Report shall identify the effectiveness of the approved Major 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:
 - *The project parcel shall be inspected by the Community Development Department on an Annual Basis and/or less frequently if approved by the Community Development Director. A copy of the results from said inspection shall be provided to the applicant to for inclusion in their Performance Review Report.*
 - *A Compliance Monitoring Fee of \$760.00 shall be paid by applicant and accompany the Performance Review Report.*

- *A Compliance Monitoring Inspection of the Cultivation Site shall be conducted annually during growing season. The applicant shall contact the Community Development Department to schedule such inspection.*
- *If there are no violation of the use permit and/or State License during the first five (5) years, the inspections may be reduced by the Community Development Director to not less than once every 5 years*
- *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.*

3. The applicant(s) shall submit an application for renewal of the authorized use to the Community Development Department a minimum of 180 days prior to the expirations date of said use. Failure to submit an application for renewal at least six months prior to the expiration date of the permit may result in the expiration of the permit. Applicant shall submit the required application, associated fees and the following additional information which may include but is not limited to:

- *A copy of all licenses, permits, and conditions of such licenses or permits related to the project from state agencies as appropriate including, but not limited to the California Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, and the Department of Public Health.*
- *A copy of all reports provided the County and State agencies as determined by the Director.*
- *A list of all employees on the premise during the past year and a copy of the background checks certification for each.*
- *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 conducted as 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.

Michalyn DelValle, Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: _____
Danae Bowen, Office Assistant III

ACCEPTANCE

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

Date: _____

Applicant or Authorized Agent Signature

Printed Name of Authorized Agent