

## COUNTY OF LAKE

### EARLY ACTIVATION OF USE (EA 18-02)

Pursuant to the approval of the Lake County Community Development Department on **June 15, 2018**, there is hereby granted to Michael Donygan, 8959 Wight Way, Kelseyville, CA 95451, a permit for **early activation of use** of a proposed use permit, UP 18-06 **to allow commercial outdoor cultivation of up to 41,998 sq. ft of canopy area, 12,000 sq. ft of nursery area and 2,580 sq. ft. for processing activities with a total cultivation area not to exceed 56,578 square feet** on property located at **8959 Wight Way, Kelseyville**, being Assessor's Parcel Number 007-036-02, with the following conditions:

1. This early activation of use for the commercial outdoor cultivation of up to 41,998 sq. ft. canopy area, up to 12,000 sq. ft. of nursery area, and 2,580 sq. ft. for processing activities, with a total cultivation area not to exceed 56,578 square feet shall be in substantial conformance with the:
  - a. Project description, dated 4/19/2018
  - b. Site plan, dated 6/14/2018
  - c. Property Management Plan, dated 4/19/2018
2. This early activation of use permit in no way guarantees or implies that use permit UP 18-06 will be approved.
3. Prior to this permit having any force or effect, the permit holder shall pay the Cannabis Cultivation Tax to the Lake County Tax Collector. Proof of this tax payment shall be provided to the Community Development Department. Failure to pay said tax within 30 days will result in the initiation of permit revocation proceedings.
4. Permit holder shall obtain a State Cultivation license prior to Cultivation and participate in the Track and Trace program.
5. All necessary permits shall be obtained from applicable State and County agencies having jurisdiction over this project prior to cultivation activities including but not limited to, Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs.
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. If substantial odor complaints are received the permit will be revoked.
7. Within sixty (60) days of issuance of the Early Activation of Use Permit, 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 and the location of fencing shall be approved the Environmental health Department if the property contains an onsite sewage disposal system.
8. Mobile diesel equipment used for construction and or maintenance must be in compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines. The applicant shall contact the Air Quality Management District for requirements.
9. The project will be required to comply with all CALFIRE requirements, which may include, but not be limited to the comments that were provided on May 14, 2018.

10. 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. All lights used for cannabis related permits including indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial light shall be completely shielded between sunset and sunrise. Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed.
11. The recorded easement shall permit delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions at all times. The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.
12. 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.
13. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body.
14. 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.
15. This early activation permit shall not allow any construction, excavation or removal of mature trees on the property. No alterations of the project site are allowed that cannot be reversed in the event that use permit UP 18-06 is denied.
16. An applicant shall keep accurate records of commercial cannabis activity. All records related to commercial cannabis activity as defined by the state licensing authorities shall be maintained for a minimum of seven years. The County may examine the books and records of an applicant and inspect the premises of a permittee when the County deems necessary to perform its duties under this division. All inspections shall be conducted during standard business hours of the permitted facility or at any other reasonable time. Applicants shall keep records identified by the County on the premises of the location permitted. The County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request. An applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.
17. The permit holder shall minimize vehicular and fugitive dust during ongoing use operations by use of water, paving or other acceptable dust palliatives. No grading is authorized. Track out from this site shall be prevented. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.

18. All applicants and employees shall have passed a background check by the Lake County Sheriff Department.
19. 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.
20. 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.
21. Prior to obtaining the necessary permits and/or approvals for any phase the applicant shall submit and maintain a Materials Inventory Disclosure Statement/Business Plan with the Environmental Health Department for the storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas. The applicant shall submit written documentation to the Community Development Department that all necessary permits have been obtained.
22. All handicap parking areas, routes of travel, building access and bathrooms shall meet Accessibility requirements. During Early Activation of Use Permit activities, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations can be temporary during this time, however, they must meet all accessibility requirements.
23. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11.12 at the property lines.
24. The applicant shall monitor the all onsite well(s) with meters for the commercial use and submit Annual Monitoring Reports to the Community Development Department within 60 days of the new calendar year.
25. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.
26. Should any archeological materials be discovered during future development, all activity shall be halted in the vicinity of the find(s), and a qualified archeologist retained to evaluate the find(s) and recommend mitigation measures, if necessary. Community Development Department shall be notified of the mitigation measures.
27. The permit holder shall permit the County of Lake or its representatives or designees to make periodic inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

- 28. Should the application for UP 18-06 be denied or withdrawn, the permit holder of EA 18-02 agrees to remove all materials and discontinue all uses associated with the authorized outdoor license.
- 29. This permit shall expire (6) six months from the date of issuance or upon issuance or denial of use permit UP 18-06. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance, or upon other grounds as listed in Section 21-60.11 of the Lake County Ordinance Code.

COMMUNITY DEVELOPMENT DEPARTMENT  
MICHALYN DELVALLE, INTERIM DIRECTOR

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**ACCEPTANCE**

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

Date: \_\_\_\_\_

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Applicant or Authorized Agent (Signature)

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Applicant or Authorized Agent (Print Name)