

**COUNTY OF LAKE
MAJOR USE PERMIT, UP 18-06
INITIAL STUDY, IS 18-10
MICHAEL DONYGAN
CONDITIONS OF APPROVAL**

**EXPIRES IF NOT USED BY: JANUARY 24, 2021
CANNABIS APPROVAL EXPIRES: JANUARY 24, 2029**

Pursuant to the approval of the Planning Commission on **JANUARY 24, 2019**, there is hereby granted to **Michael Donygan, a Major Use Permit, file no. UP 18-06 with the following conditions of approval to allow an A-Type 3 commercial cannabis cultivation facility consisting of a 64,043 square foot cultivation area and a 43,500 square foot canopy area** on property located at **8959 Wight Way, Kelseyville, CA; and further described as APN: 007-036-02**, 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 Permits and Review Authority for the cultivation of commercial cannabis as described above. 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. Project Description, dated April 15, 2018
 - b. Site plan, dated 4-15-2018 updated 12-05-2018
 - c. Property Management Plan, dated 4-16-2018
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.
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. This use permit does not authorize any manufacturing of cannabis and/or cannabis by-products. If the manufacturing and/or extraction of cannabis, including its byproducts becomes allowed by County Code, the applicant may apply for the appropriate permits.
7. The Applicant shall comply with the State of California Track and Trace requirements.
8. 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 cultivation area and/or employ or retain persons under the age of 21 years old.
9. 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.*
10. All applicants and/or employees associated with cannabis cultivation 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.
 11. 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.
 12. **Prior to permit activation**, the applicant shall obtain all the necessary building permits from the Community Development Department for Change of Occupancy for any structure that will be used as a commercial use.
 13. **Prior to final occupancy**, all structure(s) used for commercial cultivation of cannabis shall meet ADA accessibility standards. Please contact the Community Development Department - Building Division for more information.
 14. **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.
 15. 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.
 16. 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.
 17. **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.
 18. 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.
 19. **Prior to 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.

B. AESTHETICS

1. All greenhouses shall be equipped with blackout film/material to be used at night for maximum light blockage to lessen the impact on the surrounding parcels and the dark skies. Applicant shall submit a Blackout Film/Materials Plan to the Community Development Department for review and approval **prior to issuance of any permits.** (Mitigation Measure AES-1)

2. A Lighting Plan shall be submitted to the Community Development Department for review and approval **prior to issuance of any permits** for any proposed phase. (*Mitigation Measure AES-2*)
 - All lighting shall be directed downwards onto the project site and not onto adjacent roads or properties. Lighting equipment shall be consistent with that which is recommended on the website: www.darkskyorg and provisions of section 21.41.8 of the Zoning Ordinance.
 - All lights used for cannabis, including indoor and/or mixed light cultivation 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.
3. 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.
4. 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.

C. AIR QUALITY

1. Work practices are required in order to minimize vehicular and fugitive dust during site development and management by use of water or other acceptable dust palliatives to maintain visibly-moist soil in the project area and to ensure that dust does not leave the property. A Dust Mitigation Plan shall be required should the applicant fail to maintain adequate dust controls. (*Mitigation Measure AQ-1*)
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 AQ-2*)
3. Vegetation that is removed for development must be properly disposed of. The applicant shall chip vegetation and spread the material for erosion control as an alternative to vegetation burning. Due to close proximity to residential areas, chipping and/or mastication is recommended for the majority of the brush removal. (*Mitigation Measure AQ-3*)
4. **Prior to the issuance of any permits and if required by the County**, the applicant shall submit an Asbestos Notification Form to the Lake County Air Quality Management District (LCAQMD) for any remodeling and/or demolition.
 - *The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for major renovations and all demolitions. A complete survey includes inspection of attic spaces, crawl spaces, areas with pipes or heating ducts and equipment.*
 - *An Asbestos Notification (with complete survey and lab report) must be submitted to the Lake County Air Quality Management District at least fourteen (14) days prior to beginning any renovations or demolition work. If regulated asbestos is*

found, the facility must be abated prior to demolition or renovation (where asbestos may be disturbed).
(Mitigation Measure AQ-4)

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 AQ-5)*
6. 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 AQ-6)*
7. **Prior to obtaining the necessary permits and/or approvals for any phase**, 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 AQ-7)*
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 AQ-8)*
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 AQ-9)*
10. The applicant shall submit an Asbestos Notification Form to the Lake County Air Quality Management District (LCAQMD) for any remodeling and/or demolition. *(Mitigation Measure AQ-10)*
 - *The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for major renovations and all demolitions. A complete survey includes inspection of attic spaces, crawl spaces, areas with pipes or heating ducts and equipment.*
 - *An Asbestos Notification (with complete survey and lab report) must be submitted to the Lake County Air Quality Management District at least fourteen (14) days prior to beginning any renovations or demolition work. If regulated asbestos is found, the facility must be abated prior to demolition or renovation (where asbestos may be disturbed).*

D. BIOLOGICAL RESOURCES

1. This use permit approval shall not become effective, operative, vested or final until the California Department of Fish and Wildlife filing fee required or authorized by Section 711.4 of the Fish and Wildlife Code is submitted by the property owner to the Community Development Department. Said fee shall be paid within 5 days of approval. Failure to pay said fee by the specified deadline shall result in this use permit automatically becoming null and void. *(Mitigation Measure BIO-1)*
2. **Prior to issuance of building permits**, a pre-construction survey shall be conducted during the nesting season (February 15th through August 15th) prior to vegetation removal and/or noise impacts to ensure White-Tailed Kites are not nesting in the BSA boundary. If nesting White-tailed Kites is documented, consultation with California Department of Fish & Wildlife shall take place and a no-impact buffer zone shall be put into place until the nest has been determined to have fledged or failed by a biologist *(Biological Survey, NCRM, and November 21, 2017)*. *(Mitigation Measure BIO-2)*
3. Applicant shall avoid the nesting period from May 1 through August 15 to reduce potential impacts to nesting purple martins. However, if vegetation removal work is required to begin prior to August 15, applicant shall have a qualified Biologist/Ornithologist visit the site to determine if any active nests are present. *(Mitigation Measure BIO-3)*

4. The applicant shall consult with the California Department of Fish & Wildlife (CDFW) if any roosting bats are discovered during development. *(Mitigation Measure BIO-4)*
5. In order to reduce potential impacts to nesting birds, the applicant shall work within a limited construction and/or developing period during the nesting period (February 15 to August 15). The applicant shall complete the following if construction and/or development occurs during the nesting period. *(Mitigation Measure BIO-5)*
 - *A nesting bird survey by a qualified profession shall take place at least once before any vegetation disturbance or removal takes place.*
 - *A qualified biologist shall survey the areas of impact no more than three days prior to impact or removal if done within the nesting season.*
 - *Any active nests should be protected with a 50 to 100-foot buffer (species dependent) or exclusion area until the nest is no longer active*
6. The applicant shall create an exclusionary zone around the *Jepson's Leptosiphon* population to protect this species and/or individual from any clearing, structures or heavy machinery operations that may be part of the development process. *(Mitigation Measure BIO-6)*
7. **Prior to the issuance of permits**, the applicant shall submit an Oak Mitigation Plan to the Community Development Department. Said plan shall include the following: *(Mitigation Measure BIO-7)*
 - *Valley Oak Trees removed shall be replaced at a 3:1 ratio (three mitigation trees for every one removed).*
 - *A maintenance and monitoring plan shall be developed to ensure successful establishment of mitigation valley oak trees. The plan shall require monitoring for 7 years and shall include the replacement of oak mitigation trees that become diseased or die during the monitoring period. Any replacement trees shall be monitored for a total of 7 years commencing from their planting date.*
 - *Removal of other oaks in the vicinity of the project shall be prohibited without County approval.*
8. The applicant shall preserve native tree species where not otherwise specified for removal. *(Mitigation Measure BIO-8)*
9. The applicant shall use only previously disturbed areas for staging materials and/or equipment. No areas shall be newly developed for the purpose of equipment staging. *(Mitigation Measure BIO-9)*
10. 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.

E. CULTURAL RESOURCES:

1. Should any archaeological, paleontological, or cultural materials be discovered during vineyard 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 CUL-1)*

F. GEOLOGY & SOILS

1. **Prior to obtaining the necessary permits and/or approvals for any phase**, the applicant shall submit Grading and Erosion Control Plans to the Community Development Department for review and approval. *(Mitigation Measure GEO-1)*
 - *The Plan shall incorporate Best Management Practices (BMPs) to the maximum extent practical to prevent or reduce discharge of all construction or post construction pollutants into the County storm drainage system. 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.

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. *(Mitigation Measure HAZ-1)*
2. **Prior to the issuance of any permits**, the applicant shall submit a Spill Management and Control Plan that has been reviewed and approved by the Department of Environmental Health. Applicant shall submit approved plan to the Community Development Department. *(Mitigation Measure HAZ-2)*
3. **Prior to the issuance of any permits**, the applicant shall submit a Hazardous Chemical Plan that has been reviewed and approved by the Department of Environmental Health. Applicant shall submit approved plan to the Community Development Department. *(Mitigation Measure HAZ-3)*
4. **Prior to the issuance of any permits**, the applicant shall submit a Wastewater Plan (Greywater) that has been reviewed and approved by the Department of Environmental Health. Applicant shall submit approved plan to the Community Development Department. *(Mitigation Measure HAZ-4)*
5. 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. *(Mitigation Measure HAZ-5)*
6. 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. *(Mitigation Measure HAZ-6)*
7. **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 *(Mitigation Measure HAZ-7)*
8. 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.
9. 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, 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.
 - *If the applicant increases hazardous materials storage, the applicant shall coordinate with Lake County Environmental Health Division to update their Hazardous Material Business Plan within sixty (30) of change and provided written verification to the Community Development Department.*

- *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 State is prohibited.*
- *The storage of any potentially hazardous materials, including fertilizer/pesticides shall not be within 100 feet of any springs, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. These materials shall not be allowed to leak onto the ground and/or contaminate any surface water.*
- *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.*

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. **Prior to the issuance of permits**, 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. The applicant shall contact the Central Valley Water Control Board for details.
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. 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.
7. The use 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.

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 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 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 NOI-3)
4. The proposed hours of operation would be Monday through Saturday from 7:00AM to 7:00PM and Sunday from 12:00PM to 5:00PM.

J. TRANSPORTATION & TRAFFIC

1. If road improvements are required on Wight Way that can be proven to have resulted in increased traffic due to this commercial use, the applicant shall meet all County road standards. (Mitigation Measure TRANS -1)
2. The recorded easement shall permit employees of this use, 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 cultivation related activity that is authorized by this permit shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district, and the Applicant shall pay for a Fire Inspection including adequacy of the access easement, including on-site bridges, **prior to this permit becoming active**. (Modified Mitigation Measure TRANS -2)
3. 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. (Mitigation Measure TRANS -3)
4. All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body. (Mitigation Measure TRANS -4)
5. 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. (Mitigation Measure TRANS -5)
6. All deliveries and/or pickups shall during the hours of Monday through Saturday from 9:00AM to 7:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m.

7. 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 four (5) employees, therefore there shall be a minimum of five (5) employee parking spaces and one (1) Accessible Compliant Parking Space. All Accessible Compliant Parking Areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.
8. 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.
9. 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. Said property is located off of State Highway 175, therefore the applicant shall coordinate with the Department of Transportation (Cal Trans) to obtain the necessary permits.
10. The applicant shall maintain the first fifty (50) feet of the driveway beginning at the edge of the existing improved surface 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.
11. The applicant shall meet and maintain all the requirements and/or regulations as define in 14 California Code of Regulations (CCR), 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.

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. **Prior this use permit becoming effective, operative, vested or final**, the applicant is required to pay the \$1,623.50 Cannabis Program Service Fee to the Community Development Department.
3. The applicant shall submit an Annual Performance Review Report a year from 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 (Compliance Monitoring Inspection) by the Community Development Department on an Annual Basis during the grow season 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. The applicant shall contact the Community Development Department to schedule such inspection.*
 - *A Compliance Monitoring Fee of \$760.00 shall be paid annually by the applicant and accompany the Performance Review Report.*
 - *If there are no violations 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.

4. 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 renew by *(January 24, 2029)* 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.*
5. 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: _____ 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