



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

Item 1
9:05 AM
April 11, 2019

STAFF REPORT

TO: Planning Commission

FROM: Michalyn DeValle, Community Development Director
Prepared by: Eric Porter, Associate Planner

DATE: April 1, 2019

RE: **Will Dawson. Major Use Permit (UP 18-23) and Initial Study (IS 18-28)**
Supervisor District 1

ATTACHMENTS:

1. Vicinity Map
2. Property Management Plan (available upon request)
3. Agency Comments
4. Proposed Conditions of Approval with Proposed Site Plan
5. Existing and Proposed Site Plans, received June 1, 2018
6. Initial Study IS 18-28
7. Neighbor Comments

I. EXECUTIVE SUMMARY

This is a request for one commercial cannabis license as follows:

(1) **A - Type 3: "Outdoor"**: Cultivation for adult use cannabis with a cultivation area of up to 65,000 square feet (s.f.) on one premises.

The cultivation site is located on a +20 acre property located 15232 Spruce Grove Road, Lower Lake; **APN 013-060-18**. The applicant is proposing **65,000 s.f. of outdoor cultivation area** and **43,560 s.f. of canopy area**. The proposed cultivation area will be bound by security/concealment fencing and will be 168 feet wide by 386 feet long (about 65,000 s.f. in total). A 2,000 square foot area within the fenced cultivation area will be used to stage soils, bulk worm castings and humus, and other supplies and materials. The processing shed may also be used for germination and cloning.

The applicant will use two existing buildings for processing (Phase I) until he is able to build a new 5,000 square foot building in year 2020 or 2021 (Phase II). The new building will be located near the existing electrical supply feed. A graded pad may be required for the installation of this structure. An existing garage attached to the residence will be used for chemical storage for the cultivation operation

BOS Exhibit B



Immediate access to the site is taken from Spruce Grove Road, a paved County-maintained public road with gravel shoulders and 10' wide drive lanes. The Project Site is not within a community growth boundary or an exclusion area.



Spruce Grove Road adjacent to the Site

Staff is recommending **Approval with Conditions** of Use Permit (UP 18-23).

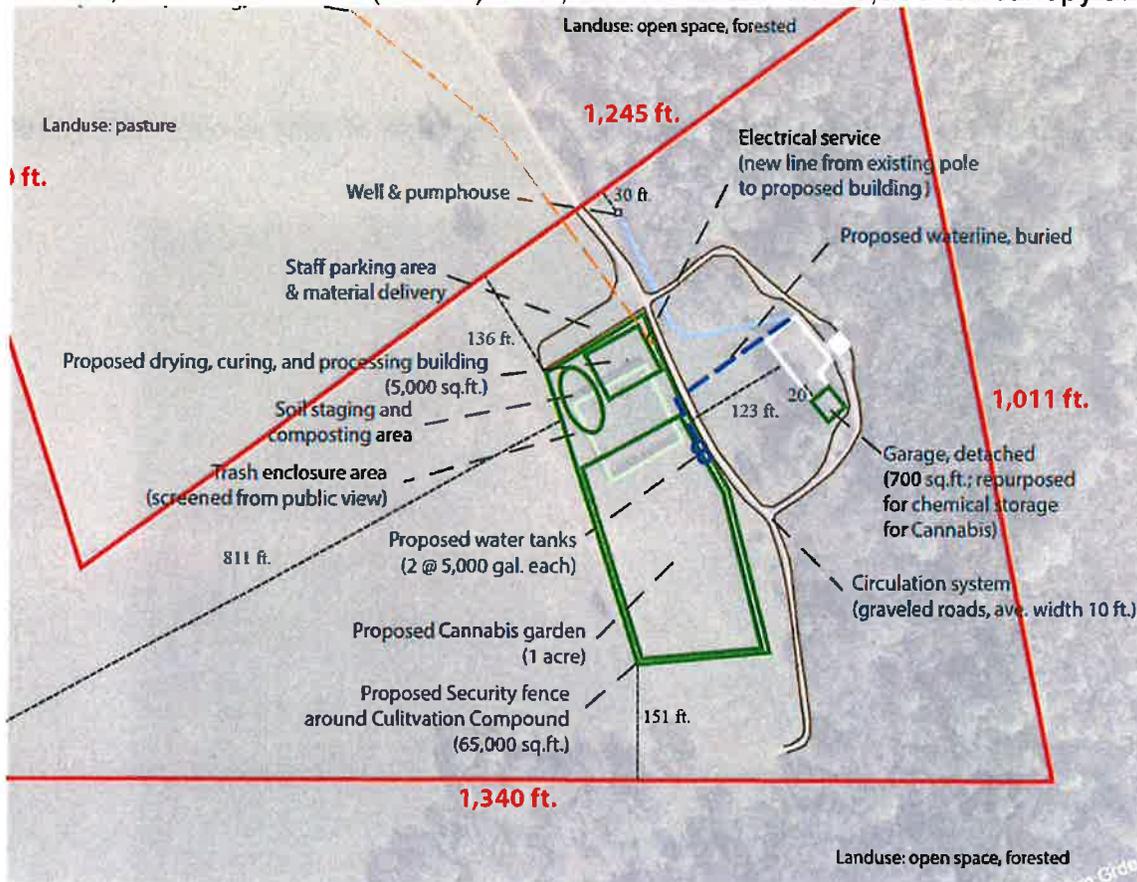
II. PROJECT DESCRIPTION

Applicant: Will Dawson, 15232 Spruce Grove Road, Lower Lake
Owner: Laura Miller
Location: 15232 Spruce Grove Road, Lower Lake
A.P.N.: 013-060-18
Parcel Size: 20.5 acres
General Plan: Rural Lands
Zoning: RL; Rural Lands
Flood Zone: None

III. PROJECT SETTING

Existing Uses and Improvements:

The applicant is proposing one A-Type 3 outdoor cultivation area; this would occur within a 65,000 s.f. enclosed (fenced) area, and would have a 43,560 s.f. canopy area.



Proposed Conditions

The applicant has indicated that the cultivation operation will draw water from the existing residential water supply, which uses a groundwater well and electric pump and buried 2-inch PVC piping. This is a permitted well that produces approximately 25 gallons per minute. Two water tanks, 5,000 gallons each, will be installed in order to provide water supply for the proposed garden expansion. The water will be delivered via underground PVC piping. Black poly tubing and emitters (drip irrigation) will be used to distribute the water to each planting station.

The applicant has stated that he wants to build a 5,000 s.f. building to be used for processing, but that would occur in year 2020 or 2021; therefore this proposal is for a phased development. A condition of approval requires the building elevations to be submitted for planning review concurrently with the building permit. Accessory buildings are permitted to a height of twenty (20) feet in the Rural Land (RL) zoning district.

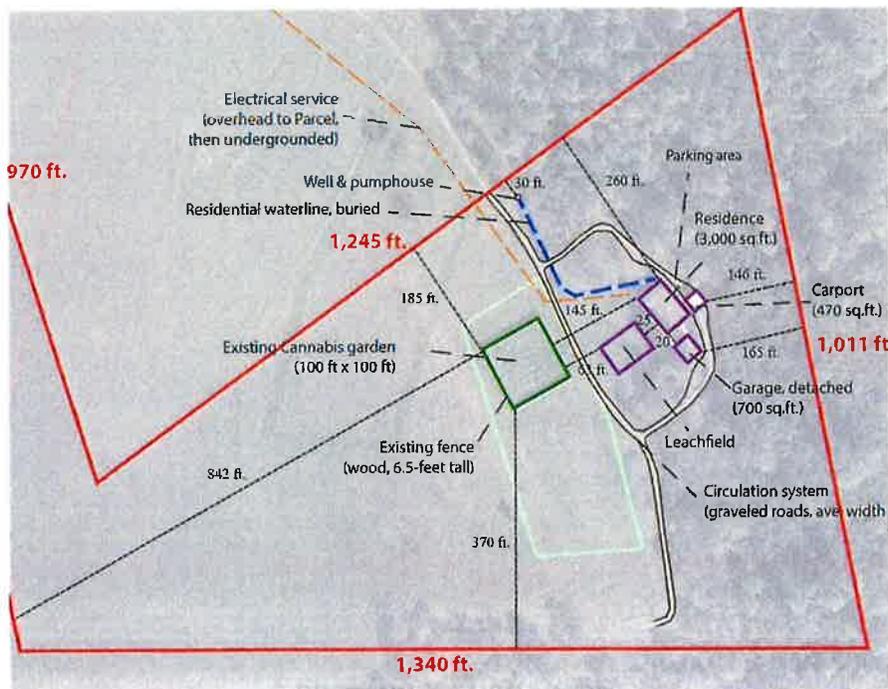
Surrounding Uses and Zoning

North, East and West: "RL", Rural Lands. Parcel sizes vary from 20 acres to over 40 acres. Primarily vacant lots with heavy tree canopy coverage. One orchard to the north well beyond the project site. Few dwellings in this vicinity.

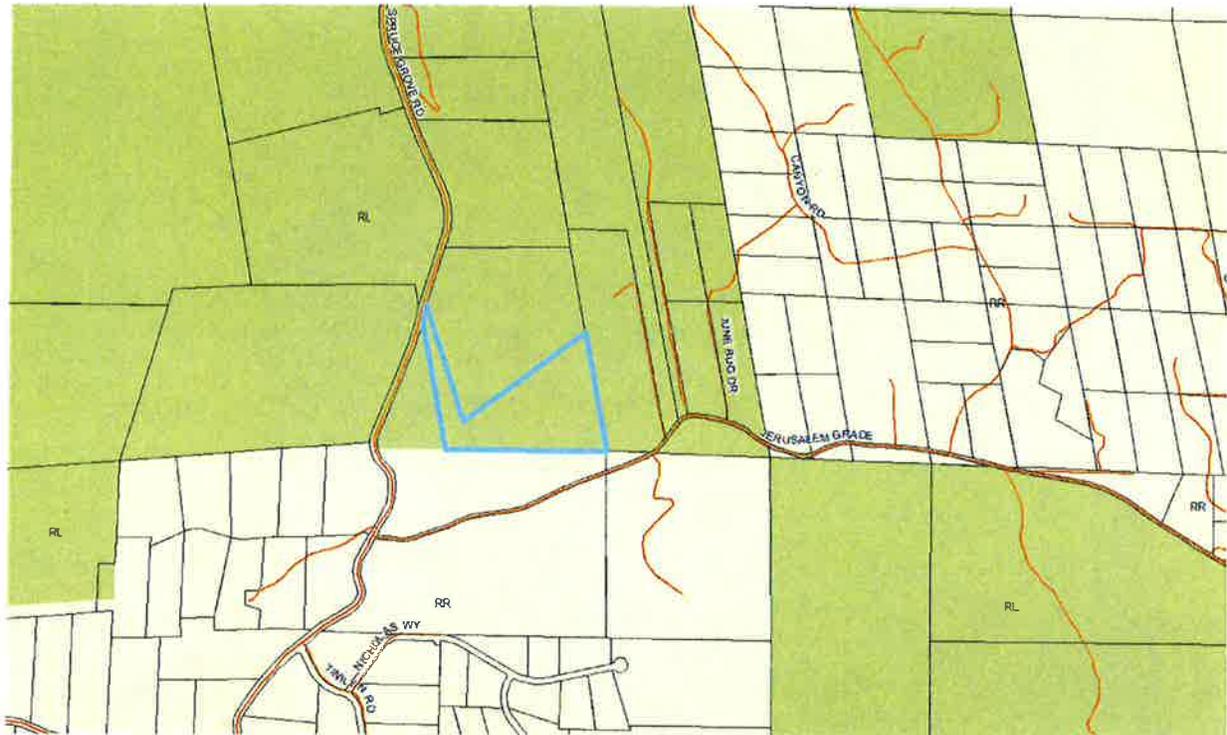
South: "RR", Rural Residential. Lot sizes range from 5 acres to 70 acres. Mostly vacant with indigenous tree and shrub coverage. Several homes off of Jerusalem Grade Road to the south-east.

Site Details

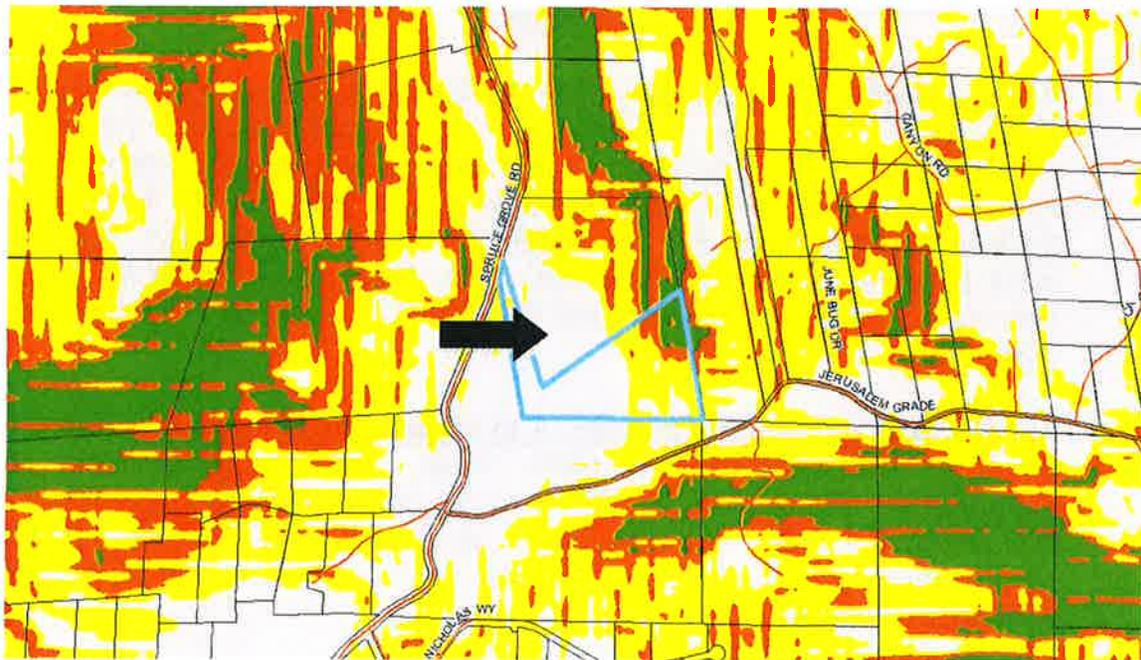
Topography: Varied, ranges from flat (western side of site) to over 30% (eastern 1/3 of site). See Slope Map, page 5.



Existing Conditions



Zoning Map of Subject Site and Surrounding Area



Slope Map

Soils: The project area contains two soil types; 116 (Benridge-variant loam, 2 to 15% slope), and 152 (Konocti-Hambright complex, 5 to 15% slope). The site also contains one other soil type that is not within the project area.

this unit is used for homesite development, the main limitations are depth to bedrock in the Konocti and Hambright soils and the moderately slow permeability of the Konocti soil. Another limitation is the presence of stones and boulders.

Water Supply: Existing well; estimated usage = 728,000 gallons per year (consistent with other similarly-sized cultivation operations).

Sewage Disposal: Existing on-site septic system.

Fire Protection: South Lake County Fire Protection District (CAL-FIRE)

Vegetation: Several varieties of oak trees along east and western property edge

Water Courses: None

IV. PROJECT ANALYSIS

General Plan Conformance

The General Plan designation for the subject site is Rural Lands. The following General Plan policies relate to site development in the context of this proposal:

Rural Lands allows for rural development in areas that are primarily in their natural state, although some agricultural production, especially vineyards, can occur on these lands. This category is appropriate for areas that are remote or characterized by steep topography, fire hazards, and limited access. Typical uses permitted by right include, but are not limited to, animal raising, crop production, single family residences, game preserves and fisheries. Other typical uses permitted conditionally include, but are not limited to, recreational facilities, manufacturing and processing operations, mining, and airfields. These lands also provide important groundwater recharge functions. As watershed lands, these lands function to collect precipitation and provide for important filtering of water to improve water quality. They are generally supportive to the management of the natural infrastructure of the watersheds, and are located outside of Community Growth Boundaries.

Land Use

- *Policy LU-1.3 Prevent Incompatible Uses.* The County shall prevent the intrusion of new incompatible land uses into existing community areas.
- *Goal OSC-1 Biological Resources.* To preserve and protect environmentally sensitive significant habitats, enhance biodiversity, and promote healthy ecosystems throughout the County.

Cannabis cultivation is allowed by major or minor use permit depending on its size and characteristics in the Rural Lands zoning district.



Aerial View of Site Looking South-East toward Clear Lake

Economic Development:

Goal LU-6: "To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents".

- Policy LU 6.1: "The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources".

The proposed Commercial Cannabis operation would create diversity within the local economy and create future employment for up to 5 local residents.

Lower Lake Area Plan Conformance Analysis

The subject site is within the Lower Lake Area Plan's boundary. The Plan contains several policies that are subject to consistency review as follows:

- 5.1b-1: A high priority should be given to providing service and employment opportunities locally in the Lower Lake area in order to boost economic development and reduce travel distances.

This applicant would have up to 5 employees.

the cultivation area containing plants will be about 250 feet from the same property line.

- Setback from Off-Site Residence (200 feet): *Complies; the nearest dwelling is about 930 feet to the north of the cultivation area.*
- Minimum Fence Height of Six (6) Feet: *Complies; the existing wood fence is 6-1/2 feet tall, and the proposed fence is 6' tall.*
- Maximum Canopy Area (43,560 s.f. for one license): *Complies; the proposed canopy area would be **43,560** s.f. in total area.*
- Maximum Cultivation Area (65,000 s.f. for one license): *Complies; the total cultivation area will be **65,000** s.f. in total area*

General Requirements. *The applicant meets the following General Requirements. If the requirements have not been met, a condition has been added to assure compliance.*

- State License and Permits required (ref. Section 27.at.3.ii.a): *Complies; see 'Conditions', Attachment 4.*
- Background Checks (ref. Section 27.at.3.ii.e): *The current employees have undergone background checks as required by this subsection of the Zoning Ordinance. However, a condition has been added to assure compliance in the event of new employees or change of ownership in the future; see 'Conditions', Attachment 4.*
- Property Owners Approval. *The property owner is Laura Miller. Ms. Miller's authorization statement is in the land use file, enabling the applicant to use the property for cannabis cultivation.*
- Co-location of Permits. *The applicant has applied for one A-Type 3 (outdoor) license. The site is large enough that the applicant can apply for the license.*
- Operation Hours for Deliveries (Monday through Saturday 9:00AM-7:00PM & Sundays 12:00PM – 5:00PM): *A condition has been added; see 'Conditions', Attachment 4.*
- Duration of Permits cannot exceed ten (10) years. *A condition has been added; see 'Conditions', Attachment 4.*
- Weights and Measures. *A condition has been added; see 'Conditions', Attachment 4.*
- Access Adequacy Standards – *The site takes access from Spruce Grove Road, a paved County-maintained road.*

Prohibited Activities

The applicant complies with the restrictions pertaining to the following prohibited activities:

- Tree Removal. *None is proposed.*
- Water use when illegally diverted from any lake, spring, wetland, stream, creek, vernal pool, or river. *Water sources on site are all legal.*
- Odor Control. *An Odor Control Plan is required; see 'Conditions', Attachment 4.*
- Electrical Generators may be used only on an emergency basis. *See Conditions; Attachment 4.*
- Lights must comply with County Dark Skies lighting standards; *see 'Conditions', Attachment 4.*
- Pesticide Usage is limited to State-approved chemicals. *See 'Conditions', Attachment 4.*
- Protection of Minors. *Required by conditions; see 'Conditions', Attachment 4.*
- Commercial cannabis Cultivation Exclusion Area – *complies. The site is not located within 1000 feet of:*
 - A Community Growth Boundary
 - A school
 - A developed public park
 - A drug or alcohol rehabilitation facility
 - A licensed child care or nursery school
 - A church or other family-oriented facility providing services intended for minors

Permitting Process

*The **Property Management Plan** submitted by the applicant contains all of the required Elements as specified within Article 27 of the Lake County Zoning Ordinance:*

- Air Quality
- Cultural Resources
- Energy Use
- Fertilizer Usage
- Fish and Wildlife Protection
- Operations Manual
- Grounds

- Pest Management
 - Security
 - Storm Water Management:
 - Waste Management
 - Management Plan
 - Cannabis Vegetative Material Waste Management
 - Growing Medium Management
 - Cannabis Vegetative Material Waste Management:
-
- Water Resources
 - Water Use
 - Compliance Monitoring
 - Annual Reports - Performance Review

V. ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. Please refer to *Initial Study IS 18-28* (Attachment 6) for the Environmental Analysis of the proposed cannabis cultivation action. Any potential environmental impacts have been reduced to less than significant with the incorporated Mitigation Measures and Conditions of Approval. The following areas were identified as having potential environmental impacts:

Issue: Aesthetics

The project is proposing a one-acre canopy on a 65,000 s.f. cultivation site. The area is characterized by agricultural crops being raised. In order to assure that the visual impacts of the cannabis cultivation operation do not adversely affect the immediate vicinity, the following mitigation measures are proposed:

- AES-1: All outdoor lighting shall be directed downward onto the project site and not onto adjacent properties. All lighting equipment shall comply with the recommendations of www.darksky.org and provisions of Section 21.48 of the Zoning Ordinance.
- AES-2: All indoor lighting shall be fully contained within structures or otherwise shielded to fully contain any light or glare. Artificial light shall be completely shielded between sunset and sunrise.
- AES-3: 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.

Issue: Air Quality

The project proposes outdoor cultivation and has the potential to result in some air quality impacts. The applicant indicates that an 'odor response program' will be established for the site. The Lake County Department of Air Quality has indicated that an Odor Control Plan should be required, and that odor mitigation measures are needed. Dust during site preparation can be mitigated by wetting the soil with a mobile water tank and hose.

- **AQ-1:** Prior to obtaining the necessary permits and/or approvals for any phase, 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.
- **AQ-2:** All mobile diesel equipment used 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.
- **AQ-3:** The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory.
- **AQ-4:** All vegetation removed during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, or waste material is prohibited.
- **AQ-5:** The permit holder shall minimize vehicular and fugitive dust during ongoing use operation by use of water, paving, or other acceptable dust palliatives. A dust mitigation plan may be required in the event that the permit holder fails to maintain adequate dust controls. The use of White Rock is prohibited for any road surfacing, including parking areas as it breaks down and would create excessive dust.

Issue: Biological Resources

The site contains no mapped sensitive species, and was evaluated by Natural Investigations Company, Inc. (Sacramento). The Biological Study yielded no unknown sensitive species.

The County is requiring three mitigation measures be added to protect the biota on the site. These measures are as follows:

- **BIO-1:** Prior to any land clearing activities, a pre-construction special status species survey would be required in order to obtain a Grading Permit.
- **BIO-2:** The applicant shall preserve existing vegetation where not otherwise specified for removal.

- **BIO-3:** The applicant shall only use previously disturbed areas for project staging of materials and/or equipment. No area shall be newly-developed for the purpose of staging.

Issue: Cultural Resources

In keeping with CEQA Guidelines, if archaeological resources are uncovered during construction, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds [§15064.5(f)]. Further, upon discovery of any ‘significant’ artifacts, the overseeing Tribe shall be contacted, and if the Tribe determines that it is relevant to their cultural heritage, they shall choose the method of involvement in overseeing the construction of the site for the duration of ground disturbance.

- **CUL-1:** Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the Middletown Rancheria or other local overseeing Tribe shall be notified, and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, they shall be treated in accordance with Public Resources Code Section 5097.98 and with California Health and Safety Code section 7050.5. Mitigation measure CUL-1.
- **CUL-2:** All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the Middletown Rancheria or other local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Issue: Hazards and Hazardous Materials

One function of the *Property Management Plan – Hazardous Waste Management Plan* is to identify and evaluate hazards associate with cannabis cultivation at the subject site. This includes analysis of cultivation, processing, storing and packaging as well as all other activities associated with the production of cannabis. The goal of the plan is to determine whether there are existing hazards which require preventative control. Hazards include biological, chemical or physical. The plan also indicates all employees are required to follow the procedures outlined in this plan. Any deviations from this plan must be immediately brought to the attention of the applicant.

Materials associated with the proposed cultivation of commercial cannabis, such as gasoline, diesel, carbon monoxide, pesticides, fertilizers and the equipment emissions may be considered hazardous if released into the environment.

According to the *Property Management Plan*, all pesticides and fertilizers would be stored in their original package in a secured storage shed, and would only be used in strict accordance with the product label requirements including, but not limited to directions pertaining to application, storage and disposal of the fertilizer product. No soils are

proposed to be imported or stockpiled. No fertilizers or pesticides will be used within 100 feet of any spring, stream, lake, vernal pool or wetland.

- HAZ-1: 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.

Issue: Noise

Short-term increases in ambient noise levels to uncomfortable levels could be expected during project grading and/or construction. Mitigation measures will decrease these noise levels to an acceptable level. Less Than Significant with mitigation measures NOI-1, NOI-2 and NOI-3 incorporated.

- NOI-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.
- NOI -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.
- NOI-3: The operation of Air Filtration Systems shall not individually 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) measured at the property lines.

This project is consistent with surrounding land uses in the area, which is characterized by large lots and a relatively sparse population. The project is also consistent the Lake County General Plan, Lower Lake Area Plan and the Lake County Zoning Ordinance, Article 27, subsection (at), which allows commercial cannabis cultivation in specific zoning districts under very specific conditions, all of what are met, or can be conditioned to be met through specific mitigation measures and / or conditions of approval.

VI. FINDINGS FOR APPROVAL

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits) if all of the following findings are made:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

The immediate area contains rural land with the nearest home located about 930 feet away from the cultivation site. As previously discussed, the greatest potential impacts resulting from this proposal appear to be Air Quality (odor) and Noise. Both of these potential impacts have been adequately addressed within the applicant's submittal for the reasons previously stated and by the mitigation measures that will become conditions of approval.

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

The proposal is for one A-Type 3 outdoor cannabis license to cultivate a total of 43,560 s.f. of cannabis on a 65,000 s.f. portion of the site ('cultivation area'). The Lake County Cannabis Ordinance allows type 1, 2, 3 and 4 cultivation operations on Rural Land-zoned properties that meet the size and all other pertinent requirements. The subject site is over 20 acres in size, large enough to enable the outdoor cultivation area that has been applied for.

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

The site is served by Spruce Grove Road, a paved County-maintained road. The area is sparsely populated; the likelihood of pedestrians using the shoulder are minimal. There are no known capacity issues associated with Spruce Grove Road or surrounding streets.

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

This application was routed to all of the affected public and private service providers including Public Works, Special Districts, Environmental Health, and PG&E, and to all local Indian Tribes. Relevant comments are attached as 'Attachment 3'. No adverse comments were received.

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

Since commercial cannabis cultivation is named as a permitted use in the Rural Land zoning district within the Commercial Cannabis ordinance, this proposal is consistent with the governing ordinance for cannabis growing in Lake County. The General Plan and Lower Lake Area Plan do not have any provisions for commercial cannabis, but both plans do have provisions for economic development and land use compatibility.

Of note: the California Department of Food and Agriculture (CDFA) has oversight responsibility for all cannabis cultivation licenses. This Department has recently contacted the County of Lake to confirm that the process undertaken by the County matches the process that is intended by the State. The State contact, Kevin Ponce, indicated that the County was following State regulations with the submittal of the Environmental document (the Initial Study / Mitigated Negative Declaration, or

IS/MND). The IS/MND was submitted to the State Clearinghouse for this project on March 2, 2019

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

The Department has no record of current violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code for this property.

VII. RECOMMENDATION

Staff recommends the Planning Commission:

A. Adopt mitigated negative declaration (IS 18-28) for Use Permit (UP 18-23) with the following findings:

1. Potential environmental impacts related to aesthetics have been mitigated to less than significant levels by mitigation measures AES-1 and AES-2.
2. Potential environmental impacts related to air quality have been mitigated to less than significant levels by mitigation measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, AQ-7, AQ-8, AQ-9 and AQ-10.
3. Potential environmental impacts related to biological resources have been mitigated to less than significant levels by mitigation measures BIO-1, BIO-2 and BIO-3.
4. Potential environmental impacts related to Cultural and Tribal resources have been mitigated to less than significant levels by mitigation measures CUL-1 and CUL-2.
5. Potential environmental impacts related to Hazards and Hazardous Materials have been mitigated to less than significant levels by mitigation measure HAZ-1.
6. Potential environmental impacts related to Noise have been mitigated to less than significant levels by mitigation measures NOI-1, NOI-2, and NOI-3.
7. As mitigated, this project will not result in any significant adverse environmental impacts.

B. Approve UP 18-23 with the following findings:

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Lower Lake Area Plan and Lake County Zoning Ordinance.
6. No violation of Chapter 5, 17, 21, 23 or 26 of the Lake County Code currently exists on this property.

Sample Motions:

Mitigated Negative Declaration

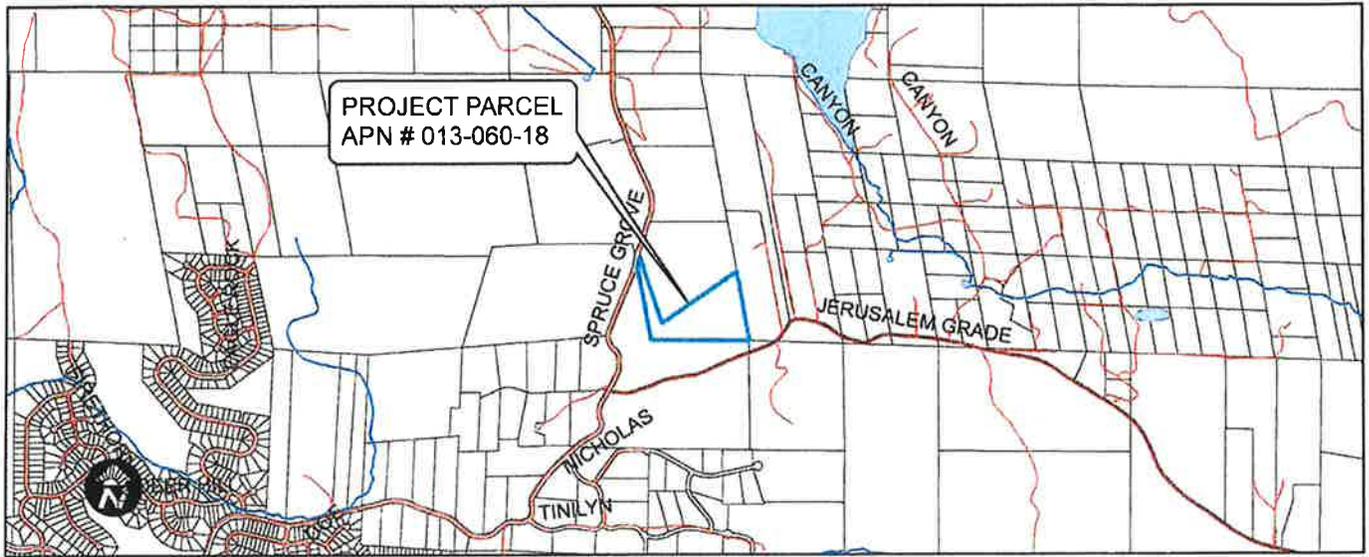
I move that the Planning Commission find that the **Initial Study (IS 18-28)** applied for by **Will Dawson** on property located at **15232 Spruce Grove Road, Lower Lake**, further described as **APN: 013-060-18** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **April 1, 2019**.

Major Use Permit (UP 18-22)

I move that the Planning Commission find that the **Use Permit (UP 18-23)** applied for by **Will Dawson** on property located at **15232 Spruce Grove Road, Lower Lake**, further described as **APN: 013-060-18** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **April 1, 2019**.

***NOTE:** The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*

Reviewed by: _____



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPT.
COURTHOUSE - 255 N. FORBES ST.
LAKEPORT, CA 95453

2702

Attachment 1

Attachment 2
Property Management Plan
Available Upon Request

LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT

2617 South Main Street
Lakeport, CA 95453
Phone (707) 263-7000
Fax (707) 263-0421



Douglas G. Gearhart
Air Pollution Control Officer
doug@lcaqmd.net

-MEMORANDUM-

To: Mark Roberts, Associate Planner
LC Community Development Dept.

DATE: June 7, 2018

FROM: Van Tsan, AQE

SUBJECT: William Dawson ••• APN: 013-060-18 ••• Major UP 18-23 A-Type 3 (outdoor), IS 18-28, and Early Activation 18-18 ••• Operate a M-Type 3 outdoor commercial cannabis cultivation at 15232 Spruce Grove Rd., Lower Lake, CA 95457

This project has a high potential for air quality impacts. Mitigation measures should be in place prior to operation. The applicant indicates one outdoor canopy area from 10,001 sq. ft. to one acre. An odor control plan is required. Air emission control equipment is required. During operation, odor controls must be utilized to prevent offsite odors and air emissions.

An Authority to Construct (A/C) permit is required for all operations and for any diesel powered equipment, or other equipment with potential for air emissions.

The facility is subject to AB 2588 air emission inventory requirements administered by the LCAQMD if it uses listed hazardous or toxic materials. The operator should maintain records, including the Material Safety Data Sheets (MSDS) for all volatile organic compounds utilized including cleaning materials. The facility is required, upon request, to provide the LCAQMD such information necessary to complete an updated air toxic emission inventory.

Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.

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 should contact the District for further information if the project includes a backup generator.

Attachment 3

Site development and vegetation disposal shall not create nuisance odors or dust. During the site preparation phase, the District recommends that any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, and waste material, including removed vegetation and construction debris, must not be burned as a means of disposal.

Significant dust may be generated from increase vehicle traffic if driveways and parking areas are not adequately surfaced. Surfacing standards should be included as a requirement in the use permit to minimize dust impacts to the public, visitors, and road traffic. At a minimum, the District recommends chip seal as a temporary measure for primary access roads and parking. Paving with asphaltic concrete is preferred and should be required for long term occupancy. All areas subject to semi truck / trailer traffic should require asphaltic concrete paving or equivalent to prevent fugitive dust generation. Gravel surfacing may be adequate for low use driveways and overflow parking areas, however, gravel surfaces require more maintenance to achieve dust control, and permit conditions should require regular palliative treatment if gravel is utilized. White rock is not suitable for surfacing (and should be prohibited in the permit) because of its tendency to break down and create excessive dust. The applicant has indicated grading and re-graveling roads, utilizing water trucks if necessary, reduce travel times through efficient time management and consolidating solid waste removal/supply deliveries, and speed limits.

Close proximity to residences causes concern. Should operations and/or odor control plans failed, there could be a significant impact.

Given the above concerns are adequately addressed and a complete A/C permit application is submitted, the project as proposed with mitigation measures, can be supported for air quality concerns.



COUNTY OF LAKE

HEALTH SERVICES DEPARTMENT

Division of Environmental Health

Lakeport:

922 Bevins Court, Lakeport, CA 95453-9739
Telephone 707/ 263-1164 FAX: 263-1681

Denise Pomeroy
Health Services Director

Sara Goldgraben, MD, I
Public Health Officer

Jasjit Kang
Environmental Health Director

Memorandum

DATE: June 4, 2018

TO: Mark Roberts, Associate Planner

FROM: Tina Dawn-Rubin, Environmental Health Aide

RE: UP 18-23 M type 3; IS 18-28; EA 18-18 Commercial Cannabis

APN: 013-060-18, 15232 Spruce Grove Rd, Lower Lake

The applicant must meet the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and potable water requirements.

There is currently one Onsite Wastewater Treatment System (OTWS) on parcel 013-060-18 designed to service a 3 bedroom residence and the original permit dates back to 1995. A domestic well permit from September 1995 is on file.

The applicant must meet the Lake County Division of Environmental Health setback requirements to the on-site wastewater treatment system and/or wells, streams, intermittent streams, and ponds.

For any proposed building permits or projects where the parcel is serviced by an Onsite Wastewater Treatment System (OTWS) (aka septic system), the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, sheds, barns, green houses, non-perimeter fences, well houses, etc.; the location of any existing or proposed OTWS; the location of any existing or proposed wells; the location of any existing or proposed driveways; and the location of the proposed project (i.e. commercial cannabis cultivation) on a to-scale site plan prior to building permit issuance and/or project approval.

Lake County Environmental Health requires all applicants to provide a written declaration of the chemical names and quantities of any Hazardous Material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities Hazardous Material Declaration.

If the applicant stores hazardous materials equal or greater than 55 gallons of a liquid, 500 pounds of a solid or 200 cubic feet of compressed gas, the applicant will be required to submit a Hazardous Materials Inventory Disclosure Statement/ Business Plan to the Environmental Health Division via the California Electronic Reporting System (CERS) and it shall be renewed and updated annually or if quantities increase.

If the applicant increases hazardous material storage, they will need to update their Hazardous Materials Business Plan.

The storage of hazardous materials shall be located at least 100 feet from any 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 authorized to accept such materials.

Industrial Waste shall not be disposed of on-site without review or permit from the Environmental Health Division or the Regional Water Quality Control Board.

Hazardous Waste must be handled according to all Hazardous Waste Control Laws.

Mark Roberts

From: Stephanie Reyes <slreyes@middletownrancheria.com>
Sent: Sunday, June 3, 2018 4:09 PM
To: Mark Roberts
Subject: Re: RFR Major Use Permit, UP 18-23 William Dawson

Mark,

Thank you for the notice RFR UP 18-23. We have cultural resources and sites within the proposed project area. Please add a condition to the permit "Requiring applicant to engage with the Middletown Rancheria in a Cultural Resource Agreement for Tribal Monitoring Services for the preservation and protection of cultural resources".

Stephanie L. Reyes
Tribal Historic Preservation Officer
Middletown Rancheria

P.O. Box 1035
Middletown, CA 95461
Office (707) 987-3670 ext 115
Fax (707) 987-9091
Cell (707) 349-1772

slreyes@middletownrancheria.com

"Culture shouldn't change to adapt to our life styles...our life styles should change to adapt to Culture" - Preservation

On Fri, Jun 1, 2018 at 1:09 PM, Mark Roberts <Mark.Roberts@lakecountycal.gov> wrote:

Hi All,

Please review the above RFR. I have included a file share-link below for you to review the proposed site plans and property management plan.

REQUEST: Major Use Permit UP 18-23 – **M-Type 3**, Initial Study, IS 18-28 and Early Activation, EA 18-18

OWNER: Miller, Laura



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Division
 Courthouse - 255 N. Forbes Street
 Lakeport, California 95453
 Telephone 707/263-2221 FAX 707/263-2225

DISTRIBUTION DATE: May 31, 2018

REQUEST FOR REVIEW
FOR SUFFICIENCY

- @ AG. COMMISSIONER
- @ AIR QUALITY MGMT
- ARMY CORPS ASSESSOR
- BLM
- @ BUILDING DIVISION
- @ CAL FIRE
- @ CALTRANS
- @ CDFA
- @ FIRE DIST: Upper Lake
- @ CRWQCB
- @ CA FISH & WILDLIFE
- @ DPW ROADS
- @ ENVIRONMENTAL HEALTH DEPARTMENT

- LAKE TRANSIT
- NATIVE AM. HERITAGE
- NRCS
- OFFICE OF EDUCATION
- PG&E
- PUBLIC SERVICES
- @ SHERIFF
- @ CALCANNABIS
- @ SONOMA STATE
- @ SPECIAL DISTRICTS
- STATE DEPT. HEALTH
- @ SURVEYOR
- @ TAX COLLECTOR

- @ TRIBES:
- @ Big Valley Rancheria
- @ Cache Creek
- @ Cortina Rancheria
- @ Elem Colony
- @ Koi Nation
- @ Middletown Rancheria
- @ Robinson Rancheria
- @ Scotts Valley Band of Pomo
- @ Upper Lake Habematolel
- @ WATER RESOURCES

FROM: Mark Roberts, Associate Planner

REQUEST: Major Use Permit UP 18-23 – **M-Type 3**, Initial Study, IS 18-28 and Early Activation, EA 18-18

OWNER: Miller, Laura

APPLICANT: William Dawson

APNs: 013-060-18

LOCATION: 15232 Spruce Grove Road, Lower Lake, CA 95457

ZONING: "RL" Rural Lands

GENERAL PLAN: Rural Lands.

FLOOD ZONE: D – Not in flood zone

PROPOSAL: Permit to operate an M-Type 3 commercial cannabis cultivation with request for Early Activation of Use. Please refer to attached Property Management Plan, Page 3 through 4 for details.

Description of the type of requested permit:

M - Type 3: "outdoor": Outdoor cultivation for medicinal cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises.

Property Managements Plans are available upon request that contains the following sections: Air Quality, Cultural Resources, Energy Usage Fertilizer Usage, Fish and Wildlife Protection, Operations manual, Pest Management, Security, Video Surveillance, Fences, Storm Water management, and Waste Management.

Rec'd
6/4/18

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMOGOS
CONTRA COSTA
DEL NORTE

EL DORADO
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707 588 8455
nwic@sonoma.edu
<http://www.sonoma.edu/nwic>

June 8, 2018

File No.: 17-2907

Mark Roberts, Associate Planner
Lake County
Community Development Department
255 N. Forbes Street
Lakeport, CA. 95453

re: UP-18-23 / 15232 Spruce Grove Road, Lower Lake, CA 95457 / William Dawson

Dear Planner,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: Permit to operate an M-Type 3 commercial cannabis cultivation with request for Early Activation of Use.

Previous Studies:

XX Study # 16574 (Flynn 1994), which covered 100% of the proposed project area, identified no archaeological resources (see recommendation below).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological site(s). Due to the passage of time since the previous survey (Flynn 1994) and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify archaeological resources. A study is recommended prior to commencement of project activities.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search.

Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

For Bryan Much
Coordinator



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

21095 STATE HIGHWAY 175
MIDDLETOWN, CALIFORNIA 95161
(707) 987-3089
Website: www.fire.ca.gov



June 12th, 2018

Mark Roberts
Associate Planner
County of Lake
Community Development Department
255 North Forbes Street
Lakeport, California 95453

Subject: Major Use Permit UP 18-23 – M-Type 3, Initial Study, IS 18-28 and Early Activation, EA 18-18

APN(s): 013-060-18
15232 Spruce Grove Road, Lower Lake CA

Mark,

The Sonoma-Lake-Napa Unit has received the Request for Review for the above referenced project. After review, it is determined that this project is within the State Responsibility Area of the State of California as defined in Public Resources Code Sections 4125 thru 4127.

The Director of the Department of Forestry and Fire Protection has designated the Fire Hazard Severity Zone for this project area as being classified as:

- Very High
- High,
- Moderate

*Per Public Resources Code Sections 4201 thru 4204.

As such, this project shall adhere as applicable to the following Public Resources Code and Title 14 California Code of Regulation Sections:

Public Resources Code 4290

- Road Standards
- Standards for identifying streets, roads and buildings
- Minimum private water supplies for emergency water use (Wildland Fires)
- Fuel Breaks and Greenbelts

Title 14 California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2 (SRA Fire Safe Regulations)

Article 2: Emergency Access and Egress

☒ §1273.00: Intent

Road and street networks, whether public or private, unless exempted under section 1270.02(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with Sections 1273.00 through 1273.11.

☒ §1273.01: Road Width

All roads shall be constructed to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide for two-way traffic flow to support emergency vehicle and civilian egress, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements.

☒ §1273.02: Roadway Surface

Roadways shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction.

☒ §1273.03: Roadway Grades

The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent.

☒ §1273.04: Roadway Radius

- (a) No roadway shall have a horizontal inside radius of curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100-200 feet.
- (b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than 100 feet.

§1273.05: Roadway Turnarounds

Turnarounds are required on driveways and dead-end roads. The minimum turning radius for a turnaround shall be forty (40) feet, not including parking. If a hammerhead/T is used instead, the top of the "T" shall be a minimum of sixty (60) feet in length.

§1273.06: Roadway Turnouts

Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum twenty-five (25) foot taper on each end.

§1273.07: Roadway Structures

All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code Sections 35250, 35550, and 35750.

Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single lane conditions, shall reflect the capability of each bridge.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the American Association of State and Highway Transportation Officials Standard Specifications for Highway Bridges, 17th Edition, published 2002 (known as AASHTO HB-17), hereby incorporated by reference. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus (75,000 pounds). Vehicle load limits shall be posted at both entrances to bridges when required by the local authority having jurisdiction. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, barriers, or signs, or both, as approved by the local authority having jurisdiction, shall be installed and maintained. A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

§1273.08: One Way Roads

All one-way roads shall be constructed to provide a minimum, not including shoulders, of one twelve (12) foot traffic lane. The local jurisdiction may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than ten (10) dwelling units. In no case, shall it exceed 2,640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

§1273.09: Dead End Roads

The maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

parcels zoned for less than one acre – 800 feet

parcels zoned for 1 acre to 4.99 acres – 1320 feet

parcels zoned for 5 acres to 19.99 acres – 2640 feet

parcels zoned for 20 acres or larger – 5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at the intersection that begins the road to the end of the road surface at its farthest point.

Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.

Each dead-end road shall have a turnaround constructed at its terminus.

§1273.10: Driveways

All driveways shall be constructed to provide a minimum of one (1) ten (10) foot traffic lane and fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of fifteen (15) feet.

Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

A turnaround shall be provided to all building sites on driveways over 300 feet in length, and shall be within fifty (50) feet of the building.

§1273.11 Gate Entrances

Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of fourteen (14) feet unobstructed horizontal clearance and unobstructed vertical clearance of fifteen (15) feet.

All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

Security gates shall not be installed without approval and where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local authority having jurisdiction. The security gates and the emergency operation shall be maintained operational at all times.

Where a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used.

Article 3: Signing and Building Numbering

§1274.00 Intent

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads, street, and buildings shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway.

This section shall not restrict the size of letters of numbers appearing on street signs for other purposes.

§1274.01: Size of Letters, Numbers and Symbols for Street and Road Signs

Size of letters, numbers, and symbols for street and road signs shall be a minimum 4-inch letter height, ½ inch stroke, reflectorized, contrasting with the background color of the sign.

§1274.02: Visibility and Legibility of Street and Road Signs

Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet.

§1274.03: Height of Street and Road Signs

Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this article.

§1274.04: Names and Numbers on Street and Road Signs

Newly constructed or approved public and private roads and streets must be identified by a name or number through a consistent countywide system that provides for sequenced or patterned numbering and/or nonduplicating naming within each county. All signs shall be mounted and oriented in a uniform manner.

This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

§1274.05: Intersecting Roads, Streets and Private Lanes

Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets, and/or private lanes.

§1274.06: Signs Identifying Traffic Access Limitations

A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed:

- (a) at the intersection preceding the traffic access limitation, and
- (b) no more than 100 feet before such traffic access limitation.

§1274.07: Installation of Road, Street and Private Lane Signs

Road, street and private lane signs required by this article shall be installed prior to final acceptance by the local jurisdiction of road improvements.

§1274.08: Addresses for Buildings

All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.

§1274.09: Size of Letters, Numbers and Symbols for Addresses

Size of letters, numbers and symbols for addresses shall be a minimum 4-inch letter height, ½ inch stroke, reflectorized, contrasting with the background color of the sign. Address identification shall be plainly legible and visible from the street or road fronting the property. Addresses shall be Arabic numbers or alphabetical letters. Where access is by means of a private road and the address identification cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the address.

☒ §1274.10: Installation, Location and Visibility of Addresses

All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

Where multiple addresses are required at a single driveway, they shall be mounted on a single post.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

Article 4: Emergency Water Standards

☒ §1275.00: Intent

Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations, in order to attack a wildfire or defend property from a wildfire.

☒ §1275.01: Application

The provisions of this article shall apply in the tentative and parcel map process when new parcels are approved by the local jurisdiction having authority. When a water supply for structure defense is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when alternative methods of protection are provided and approved by the local authority having jurisdiction.

☒ §1275.10: General Standards

Water systems that comply with the below standard or standards meet or exceed the intent of these regulations. Water systems equaling or exceeding the National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting," 2012 Edition, hereby incorporated by reference, and California Fire Code, California Code of Regulations title 24, part 9, shall be accepted as meeting the requirements of this article. Such emergency water may be provided in a fire agency mobile water tender, or naturally occurring or man-made containment structure, if the

specified quantity is immediately available. Nothing in this article prohibits the combined storage of emergency wildfire and structural firefighting water supplies unless so prohibited by local ordinance or specified by the local fire agency. Where freeze protection is required by local jurisdictions having authority, such protection measures shall be provided.

☒ §1275.15: Hydrant/Fire Valve

The hydrant or fire valve shall be eighteen (18) inches above grade, eight (8) feet from flammable vegetation, no closer than four (4) feet nor farther than twelve (12) feet from a roadway, and in a location where fire apparatus using it will not block the roadway.

The hydrant serving any building shall:

Be not less than fifty (50) feet nor more than 1/2 mile by road from the building it is to serve, and

Be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.

The hydrant head shall be 2 1/2-inch National Hose male thread with cap for pressure and gravity flow systems and 4 1/2-inch draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. They shall have suitable crash protection as required by the local jurisdiction.

☒ §1275.20: Signing of Water Sources

Each hydrant/fire valve or access to water shall be identified as follows:

If located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches shall be located on the driveway address sign and mounted on a fire retardant post, or

If located along a street or road, a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with the sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway, or

As specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

Article 5: Fuel Modification Standards

☒ §1276.00: Intent

To reduce the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic siting of fuel modification and greenbelt shall provide

- (1) increased safety for emergency fire equipment and evacuating civilians by its utilization around structures and roads, including driveways; and
- (2) a point of attack or defense from a wildfire.

☒ §1276.01 Setback for Structure Defensible Space

(a) All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road.

(b) For parcels less than 1 acre, the local jurisdiction shall provide for the same practical effect.

☒ §1276.02 Disposal of Flammable Vegetation and Fuels

Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

☒ §1276.03 Greenbelts

Subdivision and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically, as a separation between wildland fuels and structures. The locations shall be approved by the local authority having jurisdiction and may be consistent with the CAL FIRE Unit Fire Management Plan or Contract County Fire Plan.

☒ Public Resources Code 4291

(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

- (1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The