

**COUNTY OF LAKE
MINOR USE PERMIT, MUP 18-14
INITIAL STUDY, IS 18-18
FIORE DULCE C/O ROBERT LIPARI**

CONDITIONS OF APPROVAL

**EXPIRES IF NOT USED BY: MARCH 12, 2022
VALID UNTIL MARCH 12, 2030
START OF CULTIVATION: MARCH 20, 2020**

Pursuant to the approval of the Planning Commission on **March 12, 2020**, there is hereby granted to **Fiore Dulce C/O Robert Lipari, a Minor Use Permit, MUP 18-14** with the following conditions of approval to allow the following commercial cannabis cultivation license: (1) **A-Type 2 Small Outdoor Cannabis license** to allow **10,000 square feet of cultivation area up to 10,000 square feet of canopy area**, and (1) Type 13 'Self Distribution' license on a property located at **21715 Jerusalem Grade Road, Middletown, CA**; and further described as **APN: 013-013-49** 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 **Minor Use Permit** and Review Authority for the outdoor cultivation of **10,000** square feet of cultivation area as shown on the approved site plan for this action, and for (1) Type 13 "Self Distribution" license. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts. Applicant shall be in substantial conformance with the following:
 - a. Property Management Plan, undated; submitted April 30, 2018
 - b. Site Plans, undated, received April 30, 2018
 - c. Support documentation received April 30, 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. **Prior to final inspection**, the applicant shall contact the Lake County Building Department to schedule an inspection(s) to assure that Public Resource Code sections 4290 and 4291 are being complied with; at 707-263-2221.
4. **Prior to final inspection**, the permit holder shall adhere to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements
5. 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.
6. 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.
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 cultivations 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 current and future applicants and/or employees shall undergo and pass a background check by the Lake County Sheriff Department.
 11. **Prior to final inspection**, all structure(s) used for commercial cultivation shall meet ADA accessibility standards. Please contact the Community Development Department - Building Division for more information.
 12. **Prior to final inspection**, all employees shall have access to restroom(s) and hand-wash station(s). At least one restroom and hand wash station shall meet all ADA accessibility requirements.
 13. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place or harborage for pest.
 14. The permit holder shall pay the cannabis cultivation tax to the Lake County Tax Collector in accordance to the cannabis billing cycle. The applicant shall submit proof of payment to the Community Development Department within thirty (30) days of receiving payment confirmation. Failure to pay said cultivation tax will result in the initiation of permit revocation proceedings. For further details on cultivation taxes, please contact the Lake County Tax Collectors Office at (707) 263-2234.
 15. This permit shall be null and void if not used by **March 12, 2022** or if the use is abandoned for a period of two (2) years.
 16. **Prior this use permit becoming effective, operative, vested or final** the applicant must pay the second installment of the Cannabis Program Service Fee to the Community Development Department.
 17. **Prior to the start of any cultivation activities**, the applicant(s) shall submit to the Community Development Department a summary response in writing establishing compliance with these conditions of approval, as well as documenting compliance with all obligations of the Property Management Plan, including dates of compliance and referencing documents or other evidence of compliance.
 18. **Prior to permit issuance**, the permittee(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The permittee shall contact the Lake County Division of Environmental Health for details.
 19. *Indemnification:* Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.
- B. AESTHETICS**
1. An Outdoor Lighting Plan that meets the darkskies.org lighting recommendations shall be submitted for review and acceptance, or review and revision prior to cultivation. Mitigation measure AES-1.

C. AIR QUALITY

1. Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Community Development Department, and is required to submit an Odor Control Plan for review and approval or revision prior to the public hearing. *Mitigation measure AQ-1.*
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. *Mitigation measure AQ-2.*
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. *Mitigation measure AQ-3.*
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.
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.
6. The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation.
7. All areas subject to semi-truck/trailer traffic shall be paved with asphaltic concrete or an all-weather surfacing to reduce fugitive dust generation.
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.
9. The use of White Rock is prohibited for any road surfacing, including parking areas.

D. CULTURAL AND TRIBAL RESOURCES:

1. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the 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.*
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 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. *Mitigation measure CUL-2.*
3. The structural remains of the former agricultural operation should be left undisturbed. Should any project propose to modify, remove or otherwise change the ruins of the former house and associated buildings and other structures, a complete state record form should be filed to record and fully describe the location. *Mitigation measure CUL-3.*
4. No further improvement that involves earth moving, excavation, trenching, or other changes in the present ground surface should be made to the spring area without the participation of an archeologist. Any artifacts for features located near the spring that are encountered during any earth disturbing operations should be properly recorded by an archaeologist, and appropriate recommendations for preservation or recovery made. *Mitigation measure CUL-4.*

5. The ditch should be left undisturbed. If any changes are made in the ditch area, the entire feature should be examined and its function determined. Following this process, appropriate recommendations should be made for the preservation of the ditch or any remnants of it, if appropriate. *Mitigation measure CUL-5.*

E. 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. The Fish and Wildlife fee shall be paid within 5 days of approval. Failure to pay said fee by the specified deadline shall result in this use permit becoming null and void.
2. 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, or of the removal of non-native trees.
3. The applicant shall ensure to use only previously disturbed areas for staging materials and/or equipment. No areas shall be newly developed for the purpose of staging materials or equipment.
4. The applicant shall maintain a minimum of a one-hundred (100) foot setback from the top of bank of any year-round or seasonal stream, as well as to the edge of any lake, delineated wetland and/or vernal pool on the site. No structure within this 100 foot setback may be used for cannabis cultivation activities.
5. **If applicable and prior to cultivation**, the applicant shall provide a list of all Beneficial Insects to be used onsite (if applicable) to the Agricultural Commissioner Office for review and approval and submit written verification to the Community Development Department.

F. GEOLOGY & SOILS

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

G. HAZARDS & HAZARDOUS MATERIALS

1. The project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.
2. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations.
3. Storage of potentially hazardous waste shall be in its original package, and shall be

clearly labeled to display the volume and type of material stored. These packages shall be kept inside a storm-proof shed, a locked storage area that shall only be accessible to authorized staff. Storage areas containing hazardous waste shall be inspected weekly by staff/employees to ensure accurate record keeping and safe storage conditions.

4. The applicant shall only apply fertilizers/pesticides when the wind is blowing in opposite direction of any waterway and/or water body and shall not drift into flowering plants. Spraying fertilizers/pesticides when pollinators and/or directly onto any water surface is prohibited. The use of any pesticide that has been banned for use in the United States is prohibited.
5. The storage of any potentially hazardous materials, including fertilizer/pesticides shall be located a minimum of 100 feet from any water source, which includes but is not limited to wells, springs, top of bank of any waterway (perennial or intermittent), edge of lake/reservoirs, delineated wetland and/or vernal pool. These materials shall not be allowed to leak onto the ground and/or contaminate surface waters.
6. All employees and/or staff member shall be properly be trained in and wear Personnel Protective Equipment in accordance with all Federal, State and local regulations regarding handling any Biological and Chemical agents.
7. Hazardous waste (including industrial waste) must be handled according to all Hazardous Waste Control and Generator regulations. Waste shall not be disposed of on- site without review or permits from EHD, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

H. HYDROLOGY & WATER QUALITY

1. **Prior to this permit having any force or effect**, the permit holder shall provide a water availability analysis, prepared by a qualified professional, indicating that there is sufficient water available to sustain the proposed use and adequate aquifer recharge occurring following irrigation system 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 may at the discretion of the Community Development Director be required to submit a Storm Water Management Plan based on the requirements of the California Regional Water Quality Control Board – Central valley region to the Community Development Department for review and approval. Said plan shall include the following:
 - *Identification of any Lake County maintained drainage or conveyance system that the storm water is discharged into and documentation that the storm water discharge is in compliance with the design parameters of those structures.*
 - *Identification of any public roads and bridges that are downstream of the discharge point and documentation that the storm water discharge is in compliance with the design parameters of any such bridges.*
 - *Documentation that the discharge of storm water from the site will not increase the volume of water that historically has flow onto adjacent properties.*
 - *Documentation that the discharge of storm water will not increase flood elevations downstream of the discharge point.*
 - *Documentation that the discharge of storm water will not degrade water quality of any water body.*
 - *Documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code.*
 - *Describe the proposed grading of the property.*
 - *Describe the storm water management system.*
 - *Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit.*
 - *Describe what parameters will be monitored and the methodology of the*

monitoring program.

4. The applicant shall maintain all necessary permits from the Central Valley Regional Water Quality Control Board and submit written verification to the Community Development Department. A copy of all permits shall be included in the Annual Performance Report described within Condition L-2 herein.
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 utilization of water that has been or is illegal diverted from any lake, springs, wetland, stream, creek, vernal pool and/or river is prohibited.
7. The applicant may use water supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an emergency basis only. The applicant shall notify the Community Development Department within seven (7) days of the emergency and provide the following information: (a) A detailed description of the emergency; (b) Identification of the retail water supplier including license number; (c) The volume of water supplied and actions taken to prevent the emergency in the future.

I. NOISE

1. All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00 noon to 5:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work. 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. NOI-3: The operation of the Air Filtration System 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) measured at the property lines. Mitigation measure NOI-3.
4. Generators shall only be used as Emergency Power Backup supply and shall not be used for regular power provision to this facility.

J. TRANSPORTATION & TRAFFIC

1. All deliveries and/or pickups shall during the hours of Monday through Saturday from 7:00AM to 7:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m.
3. **Prior to final inspection**, 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 to four (4) employees, therefore there shall be a minimum of four (4) employee parking spaces and one (1) ADA compliant parking space.
4. The applicant shall comply with the State of California Weights and Measures requirements found in the California Food and Agriculture Code, California Code of Regulations, and the California Business and Professions Code.
5. The project site shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions.

6. Driveway encroachments onto County-maintained roadways shall be constructed to current federal, State or local Standards and shall be constructed with an encroachment permit.
7. First fifty (50) feet of a driveway beginning at the edge of the existing improved surface shall be constructed and maintained with an all-weather surface. An all-weather surface includes: Six (6) inches of gravel or crushed rock, an oil and rock surface, asphaltic concrete, or concrete.
7. 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.
8. **Prior to final inspection**, all ADA compliant parking areas, accessible routes of travel, accessible building access and/or bathrooms shall meet all California Building Code Requirements.

K. WILDFIRE

1. All regulations on the State of California's Public Resource Code, Division 4, and all Sections in 4290 and 4291 (4001-4958) shall apply to this application/construction. Mitigation measure WILD-1.
2. All regulations in the California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 1 through 5 shall apply to this application/ construction. Mitigation measure WILD-2.
3. All regulations in the California Building Code, Chapter 7A, Section 701A, 701A.3.2.A Mitigation measure WILD-3.

L. TIMING & MITIGATION MONITORING

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. The applicant shall submit an Annual Performance Review Report their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the Annual Performance Review Report to the Community Development Director at the time of the initial hearing or at any time thereafter. The Annual Performance Review Report shall identify the effectiveness of the approved Minor Use Permit, Operations Manual, Operating Standards, and Conditions of Approval, as well as the identification and implementation of additional procedures deemed necessary. In the event the Planning Commission identifies issues with the Annual Performance Review Report, it may lead to revocation of the approved use and/or the Planning Commission may require the submittal of more frequent Performance Review Reports. Additionally, the Performance Review Report shall include the following:
 - *The project parcel shall be inspected by the Community Development Department on an Annual Basis and/or less frequently if approved by the Community Development Director. A copy of the results from said inspection shall be provided to the applicant to for inclusion in their Performance Review Report.*
 - *A Compliance Monitoring Fee of \$760.00 shall be paid by applicant and accompany the Performance Review Report.*
 - *A Compliance Monitoring Inspection of the Cultivation Site shall be conducted annually during growing season. The applicant shall contact the Community Development Department to schedule such inspection.*
 - *If there are no violation of the use permit and/or State License during the first five (5) years, the inspections may be reduced by the Community Development Director to not less than once every 5 years*
 - *Non-compliance by the applicant in allowing the inspection by the Community Development Department, or refusal to pay the required fees, or noncompliance in submitting the annual "Performance Review Report" for review by the Planning*

Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.

- 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.

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

- *A copy of all licenses, permits, and conditions of such licenses or permits related to the project from state agencies as appropriate including, but not limited to the California Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, and the Department of Public Health.*
- *A copy of all reports provided the County and State agencies as determined by the Director.*
- *A list of all employees on the premise during the past year and a copy of the background checks certification for each.*
- *Documentation that the applicant is still qualified to be an applicant.*
- *Any proposed changes to the use permit or how the site will be operated.*
- *Payment of all fees as established by resolution by the Board of Supervisors.*

4. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.

Scott DeLeon, Interim Community Development Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: _____
Danae LoDolce, Office Assistant III

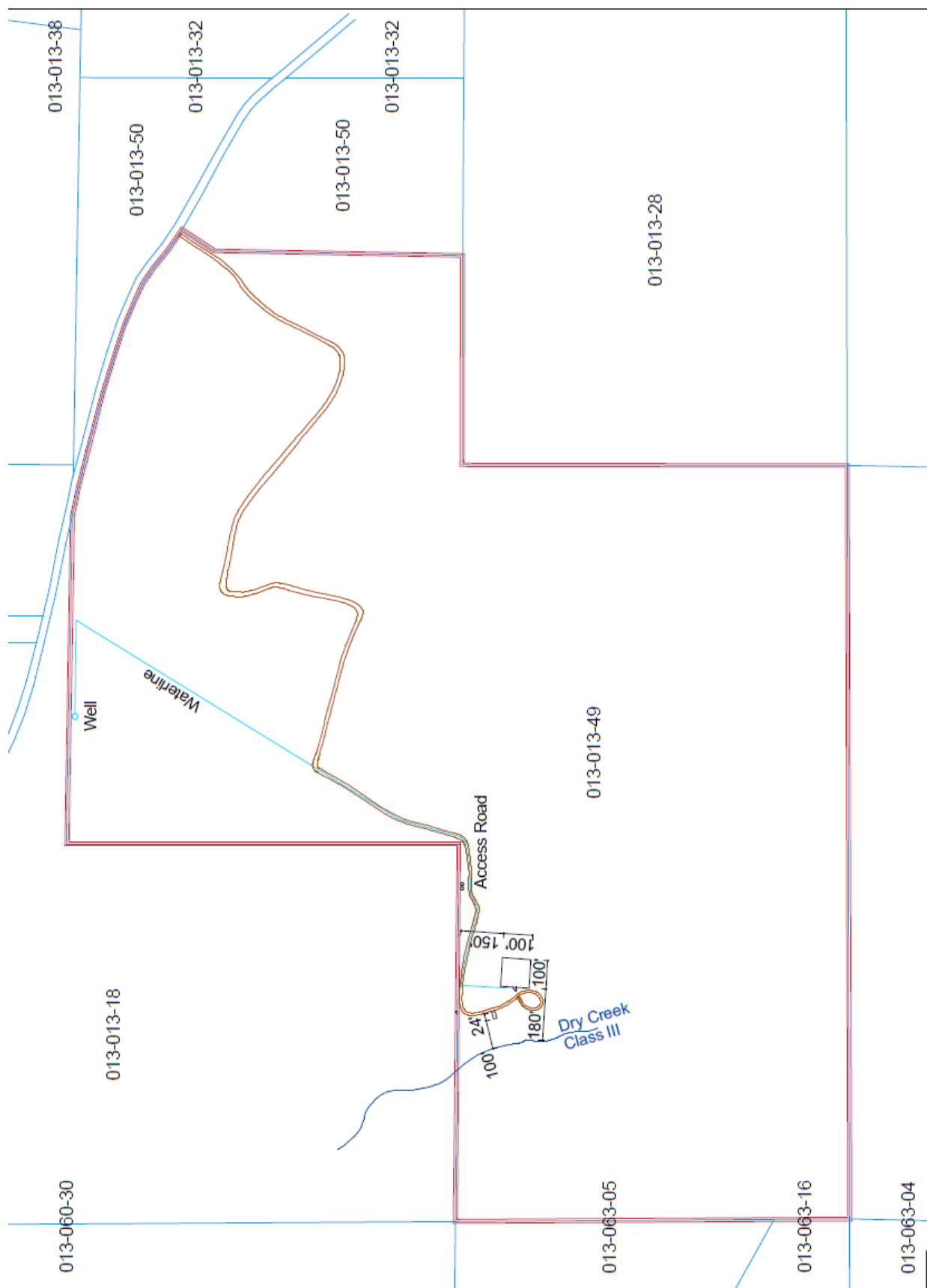
ACCEPTANCE

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

Date: _____

Applicant or Authorized Agent Signature

Printed Name of Authorized Agent



Lipari A-Type 2 Commercial Cannabis Site Plan (MUP 18-14)