

COUNTY OF LAKE
MAJOR USE PERMIT, UP 18-47
INITIAL STUDY, IS 18-70

BRAMBLES DEVELOPMENT, LLC.

CONDITIONS OF APPROVAL

Expires if not used by: March 19, 2022

Pursuant to the approval of the Lake County Planning Commission on March 19, 2020, there is hereby granted to Brambles Development, LLC, a Major Use Permit (UP 18-47) to allow an natural style 18-hole golf course and the operation of a private airport at the existing landing strip (formerly used as the Crazy Creek Glider Port) with the following conditions on property located at 19970 State Highway 175,; Middletown, CA; and further described as APNs: 014-280-18, subject to the following terms and conditions.

A. GENERAL CONDITIONS:

1. The use hereby permitted shall substantially conform to the ***Project Description, Initial Study and Sites Plans*** and any conditions of approval imposed by the Major Use Permit to allow **an 18-hole golf course and the operation of a private airport at the existing landing strip, formerly used as the Crazy Creek Glider Port**. 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:
2. This permit does not abridge or supercede 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. **Prior to operation**, the applicant shall obtain permits as may be required from each agency.
3. The permit holder is responsible for ensuring that all project workers are informed of understand, and agree to abide by the approved plans and project conditions.
4. All construction shall be reviewed and approved by a *California-Licensed Professional Civil Engineer or Architect*, and be constructed to those specifications, subject to review and approval of the Community Development Department.
5. The permit holder shall comply, and maintain necessary permits from the Lake County Environmental Health Department regarding the use of well(s) and onsite waste management systems (septic). The applicant shall contact the Department of Environmental Health at (707) 263-1163 for further information.
6. **Prior to operation and/or occupancy**, all structure(s) shall meet accessibility standards. Please contact the Community Development Department - Building Division for more information.
7. **Prior to operation and/or occupancy**, the permit holder shall submit an Operation and Management Plan to Community Development for review and approval. Said plan shall detail the hours of operation, expected use, and overall summary of the proposed use.
8. **Prior to operation and/or occupancy**, the private airport shall adhere to all Federal, State and local agency requirements for life of the project.
9. **Prior to operation and/or occupancy**, all accessible compliant parking areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.

10. **Prior to operation and/or occupancy**, 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.
11. **Prior to operation and/or occupancy**, the permit holder shall adhere to all current California Fire Code, including 4290 and 4291 of the Public Resource Code regulations and/or requirements. The applicant shall contact the Community Development Department – Building Division at (707) 263-2382 for further information.
12. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place or harborage for pest.
13. Any outdoor storage shall be maintained in an orderly manner and shall not create a fire, safety, health and/or sanitary hazard
14. **Prior to operation and/or occupancy**, the permit holder shall obtain all necessary permits from the Federal Aviation Administration.
15. This permit shall be null and void if not used by **March 19, 2022**, or if the use is abandoned for a period of two (2) years.

B. AESTHETICS:

1. All lighting shall be directed downwards onto the project site and not onto adjacent roads or properties. Lighting equipment shall be consistent with that which is recommended on the website: www.darksky.org and provisions of section 21.41.8 of the Zoning Ordinance. (Mitigation Measure AES-1)
2. **Prior to the installation of signage**, the permit holder shall submit a Signage Plan to the Community Development Department for review and approval. All signage shall be in accordance with Section 21-45.11 or 21-45.12 of the Zoning Ordinance.

C. AIR QUALITY:

1. Work practices shall minimize vehicular and fugitive dust during grading and project development to reduce the impact of fugitive dust emissions to a less than significant level in staging areas, work areas, roadways, and adjoining roads by use of water, paving or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property. Access to project areas shall be limited to authorized vehicles. (Mitigation Measure AQ-1)
2. All Mobile diesel equipment used for construction and/or maintenance shall be compliance with State registration requirements. Portable and stationary diesel-powered equipment shall meet the requirements of the State Air toxic Control Measures for CI engines. (Mitigation Measure AQ-2)
3. Vegetation that is removed for development shall be properly disposed. The applicant shall chip vegetation and spread the material for erosion control. The burning of demolition and/or construction debris is prohibited. (Mitigation Measure AQ-3)
4. **Prior to any ground disturbance**, the permittee shall submit a Serpentine Dust Control Plan to the Lake County Air Quality Management District for review and approval and submit a copy of approved plan to the Community Development Department. Said plan shall include but is not limited to the following: Applicant shall contact the Lake County Air Quality Management District for details Provisions for dust control measures to achieve no visible emissions. (Mitigation Measure AQ-4)
 - *Provision to prevent track-out onto the public roadways*
 - *Provide worker notification of the plan requirements and asbestos hazards*
 - *Posting of asbestos warning notice at project site(s)*

- *Covering of disturbed serpentine surfaces subject to traffic wear and/or wind erosion with non-asbestos material(s)*
 - *During construction, exposed Serpentine surfaces that may be subject to vehicular traffic shall have restricted access 9fencing or effective barriers) until such time surface is adequately covered with non-asbestos material(s).*
5. **Prior to any ground disturbance**, the permittee shall submit a Dust Mitigation Plan to the Lake County Air Quality Management District for review and approval and submit a copy of the approved plan to the Community Development Department. Said plan shall detail proposed dust control methods during and post constructions, including the source of water, equipment to be used. Applicant shall contact the Lake County Air Quality Management District for details. (Mitigation Measure AQ-5)
 4. The applicant shall submit an Asbestos Notification Form to the Lake County Air Quality Management District (LCAQMD) for any remodeling and/or demolition. Applicant shall contact the LCAQMD for details. (Mitigation Measure AQ-6)
 - *The National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for major renovations and all demolitions. A complete survey includes inspection of attic spaces, crawl spaces, areas with pipes or heating ducts and equipment.*
 - *An Asbestos Notification (with complete survey and lab report) must be submitted to the Lake County Air Quality Management District at least fourteen (14) days prior to beginning any renovations or demolition work. If regulated asbestos is found, the facility must be abated prior to demolition or renovation (where asbestos may be disturbed).*
 6. Construction and/or work practices that involved masonry, gravel, grading activities, vehicular and fugitive dust shall be management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property. (Mitigation Measure AQ-7)
 7. All roads, trails and access routes shall be paved and/or adequately surfaced/managed to prevent dust generation. Surfacing/management shall occur prior to the construction and occupancy to minimize dust generation and track out issues. The LCAQMD shall approve of management practices. (Mitigation Measure AQ-8)
 8. Vegetation that is removed for development shall be properly disposed. The applicant shall chip vegetation and spread the material for erosion control. The burning of demolition and/or construction debris is prohibited.
 9. Base rock shall be placed on existing roadways during any initial grading to help minimize dust generation from vehicle traffic and development. Regular palliative treatment may be considered as an alternative to paving while being developed.
 10. All construction equipment shall be maintained, and in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition.

D. BIOLOGICAL RESOURCES:

1. **This use permit approval shall not become effective, operative, vested or final until** the applicant the California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. The fee should be submitted to the Community Development Department within five (5) days of approval of the mitigated negative declaration.

2. For any work taking place within Oregon White Oak Woodland Habitat during the maternity roosting season (April 1 through September 15), trees with features capable of supporting roosting bats shall be surveyed by a qualified biologist for bat roosts or evidence of bat roosting (guano, urine staining, scent, or dead bats) within 14 days of the start of project activities or removal of vegetation. If active roosts are discovered, an exclusion buffer shall be established around the active roost by a qualified bat biologist. (Mitigation Measure BIO-1)
 - *Removal of trees and ground disturbing activities shall be performed to the extent possible from September 16 through March 31, outside of the maternity roosting season. Following the felling of any tree or snag, it should be allowed to remain on the ground for 24 hours prior to chipping or removal to allow any bats to escape.*
 - *White-tailed kite: Potential Impacts: Clearing or grading within 200 feet of nesting raptors within the blue oak or Oregon White Oak Woodlands has a potential to result in nest abandonment and incidental take of raptors with sensitive or protected status.*
 3. Any vegetation clearing or grading within 200 feet of oak woodland habitat between February 1 and August 31 shall be preceded by a survey for nests of white-tailed kite conducted by a qualified biologist. In the event that this species (or other raptors protected under the Migratory Bird Act, or California Fish and Wildlife Code) are determined to be nesting within 200 feet (or less if deemed adequate) of proposed construction activities, construction should be delayed within the buffer until after August 31, or until fledging is completed as determined by a qualified biologist. (Mitigation Measure BIO-2)
 4. In the event that the project components are permitted beyond the project area shown in yellow in Figure 2 of the report, no expansion should be allowed into the following plant communities: (Mitigation Measure BIO-3)
 - *Leather oak chaparral*
 - *Big Squirreltail patches*
 - *Serpentine barrens*
 - *California button celery patches*
 5. Project components should avoid waters of the U.S. A minimum buffer of 50 feet or larger shall be established around these features. In the event that buffers around stream segments are amended to reflect their actual locations and appropriate protections, then such amendments shall be evidenced by the project biologist in writing to become a part of this agreement. If project activities result in the fill of any waters mapped in Figure 3 of the survey, permits may be required from the following agencies: (Mitigation Measure BIO-4)
 - *U.S. Army Corps of Engineers Nationwide Permit (if they determine these are waters of the U.S.)*
 - *Regional Water Quality Control Board 401 Water Quality Certification*
 - *California Department of Fish and Wildlife 1601 Stream Alteration Agreement*
 6. **Prior to oak tree removal**, a Revegetation Plan shall be approved by the Community Development Department. The plan shall include replacement of mature oak trees (diameter greater than six inches at breast height) removed during construction with native species that have been recorded in the project area. Three oak trees shall be planted to replace each mature oak tree removed. Maintenance of the replacement trees shall continue until permanent establishment is achieved. (Mitigation Measure BIO-5)
- E. CULTURAL RESOURCES:**
1. Boundaries of archaeological sites shall be identified and fenced off to assure the site will not be impacted during ground disturbance. (Mitigation Measure CULT-1)

2. Ground disturbing development activities within the immediate vicinity of the archaeological sites shall be monitored by a Native American observer and archaeologist. (Mitigation Measure CULT-2)
3. Should any cultural, archaeological or paleontological materials be discovered during replacement activities, 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 and Middletown Rancheria. (Mitigation Measure CULT-3)
4. The applicant shall halt all work and immediately contact the Lake County Sheriff's Department, Middletown Rancheria, and the Community Development Department if any human remains are encountered. (Mitigation Measure CULT-4)

F. GEOLOGY & SOILS:

1. **Prior to any ground disturbance**, the permit holder shall submit Erosion and Sediment Control Plans to the Water Resource Department and the Community Development Department for review and approval.
 - *Said Erosion Control and Sediment Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after vineyard installation.*
2. Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
3. The permit holder shall monitor the site during the rainy season (October 15 -May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed. Said measure shall be maintained for life of the project.
4. **Prior to any grading activities and/or road building**, the permit holder shall submit and obtain a Grading Permit from the Community Development. *The project design shall incorporate appropriate BMPs consistent with County and State Storm Water Drainage Regulations to the maximum extent practicable.* The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapters 29 and 30 of the Lake County Code
 - *If development/grading activities are greater than one (1) acre of new development, the project shall require coverage under a Construction General Permit for Storm Water Management, including a Storm water Pollution Prevention Plan (SWPPP). Said plans shall be submitted to the Community Development Department and the Lake County Department of Water Resources for review and approval, **prior to the issuance of any permits**. The applicant shall contact the Central Valley Regional Water Quality Control Board at (916) 464-4812 for further information.*

5. **Prior to the issuance of any permit**, the permit holder shall contact the Central Valley Water Board and the US. Army Core of Engineers to obtain the necessary permits. The applicant shall submit a copy of said permits to the Community Development Department. For further information, the permit holder shall contact the Central Valley Regional Water Quality Control Board at (916) 464-4812 and the Army Core of Engineers at (916) 557-5269. Said permits may include but is not limited to the following:

- *Antidegradation Implementation Policy*
- *Construction Storm Water General Permit*
- *Phase I and II Municipal Separate Storm Sewer System (MS4) Permits*
- *Industrial Storm Water General Permit*
- *Clean Water Act Permits*
- *Waste Discharge Requirements/Dewatering Permit(s)*
- *Regulatory Compliance for Commercially Irrigated Agriculture*
- *National Pollutant Discharge Elimination System (NPDES) Permits*

G. HAZARDS & HAZARDOUS MATERIALS:

1. In accordance with Section 41.7 of the Lake County Zoning Ordinance, all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment. (Mitigation Measure HAZ-1)
2. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state and federal regulations. (Mitigation Measure HAZ-2)
3. No hazardous waste shall be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material. (Mitigation Measure HAZ-3)
4. The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials. (Mitigation Measure HAZ-4)
5. If the operation includes storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site. (Mitigation Measure HAZ-5)
6. Brush shall be cut and removed and grasses shall be mowed in the staging areas. (Mitigation Measure HAZ-6)
7. Vehicles and equipment shall be maintained and operated in a manner to prevent hot surfaces, sparks or any other heat sources from igniting grasses, brush or other highly combustible material. (Mitigation Measure HAZ-7)

8. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from the creek; vehicles and equipment shall receive proper and timely maintenance.
9. 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. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

H. HYDROLOGY & WATER QUALITY:

1. **Prior to issuance of any permits, Engineered Storm-Water Management and Drainage Plans and Calculations**, including an Operation and Maintenance Plan for the detention basin shall be submitted to the Lake County Water Resources Department for review and approval. The detention basin shall be maintained for the life of the project.
 - *All new construction shall incorporate Best Management Practices (BMP's) to the maximum extent practicable to prevent or reduce discharge of all construction or post construction pollutants into the County storm drainage system and Clear Lake. BMP's include scheduling of activities, temporary erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapter 29 and 30 of the Lake County Code.*
2. Any development shall maintain a minimum of a thirty (30) foot setback from top of bank for all waterways located on project parcels.

I. NOISE:

1. All construction activities including engine warm-up shall be limited Monday through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11.12 at the property lines.
3. No use shall generate ground vibration which is perceptible without instruments beyond the lot line. Ground vibrations caused by motor vehicles, aircraft, temporary construction work, or agricultural equipment are exempt from these standards.
4. Devices which generate electromagnetic interference shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable state and federal regulations.

J. TRANSPORTATION AND TRAFFIC:

1. **Prior to the issuance of building permits**, the permit holder shall obtain all necessary encroachments permits from the Department of Transportation (Caltrans) and/or the Lake County Department of Public Works regarding road improvements, development, and/or any work within a right-of-way. The applicant shall submit a copy of said permit to the Community Development Department within thirty (30) days of obtaining such permit.

2. Gates shall not be constructed across driveways and/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.

K. MITIGATION MONITORING AND EXPIRATION:

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. 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.
3. **Prior to operation**, the permit holder shall pay the Annual Compliance Monitoring Fee of \$760.00 to the Community Development Department until all conditions of approval are met.
4. **Prior to operation**, the permit holder shall submit a summary response in writing establishing compliance with the approved conditions of approval, including dates of compliance and referencing documents and/or other evidence of compliance to the Community Development Department for review and approval, including scheduling an inspection with the Community Development Department to ensure all conditions of approval have been met.
5. This permit shall be valid for an indefinite period of time unless 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

Prepared by: MR

By: _____
Danae LoDolce, Office Assistant III

Acceptance

I have read and understand the foregoing Conditionals of Approval and agree to each and every term and condition thereof.

Date: _____

Signature of applicant or authorized agent

Printed name of applicant or authorized agent