

**COUNTY OF LAKE  
MAJOR USE PERMIT, UP 19-28  
CATEGORICAL EXEMPTION, CE 19-75  
EARLY ACTIVATION, EA 19-57  
BENMORE SOUTH LLC  
CONDITIONS OF APPROVAL**

**EXPIRES IF NOT USED BY: May 14, 2022  
VALID UNTIL: May 14, 2030**

Pursuant to the approval of the Planning Commission on **May 14, 2020**, there is hereby granted to **Benmore South LLC**, a **Major Use Permit, UP 19-28** with the following conditions of approval to allow fifteen (15) A-Type 3 'outdoor' licenses, to allow commercial outdoor cultivation up to **653,400 sq. ft. of canopy area within 942,638.4 of cultivation area** on property located at **3621, 3561, 3470, and 3680 Benmore Valley Road, Lakeport, being Assessor's Parcel Numbers 007-001-30, 007-001-31, 007-001-39, and 007-002-10** with the following conditions.

**A. GENERAL**

1. The use hereby permitted shall substantially conform to the ***Site Plan(s), Project Description*** and ***Property Management Plan*** and any conditions of approval imposed by the **Major Use Permit** and Review Authority for the outdoor cultivation of **653,400 sq. ft. of canopy area** inside a six foot fenced enclosure that comprises **942,638.4 of cultivation area**. 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 dated September 4, 2019
  - b. Site plans dated September 24, 2019.
  - c. Support documentation provided by the Applicant
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 cultivation**, 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 cultivation**, 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. **Prior to cultivation**, all necessary permits shall be obtained from applicable Federal, State and County agencies having jurisdiction over this project.

7. This use permit does not authorize any manufacturing of cannabis and/or cannabis by-products. If the manufacturing and/or extraction of cannabis, including its byproducts becomes allowed by County Code, the applicant may apply for the appropriate permits.
8. The Applicant shall comply with the State of California Track and Trace requirements.
9. The applicant shall not sell, transfer and/or give cannabis or cannabis products to any person under the age of 21 and/or allow any person under the age of 21 into the cultivation area and/or employ or retain persons under the age of 21 years old.
10. 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.*
11. All current and future applicants and/or employees shall undergo and pass a background check by the Lake County Sheriff Department. Pursuant to California Business and Professions Code, Section 26057, if an individual who has failed a background check becomes involved in any aspect of the cultivation process, or if any employee is involved with the cultivation who has not undergone a background check, the use permit will be brought before the Planning Commission for consideration of revocation.
12. **Prior to cultivation**, all structure(s) used for commercial cultivation shall meet accessibility standards. Please contact the Community Development Department - Building Division for more information.
13. **Prior to cultivation**, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
14. 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.
15. 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.
16. **Prior to cultivation**, the applicant must first pay any remaining amount of the County

Cannabis Program Service Fee to the Community Development Department.

17. **Prior to cultivation**, 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. This permit shall be null and void if not used by **May 14, 2022** or if the use is abandoned for a period of two (2) years. Once activated, this permit is valid for a period of ten (10) years unless the use is discontinued for two years or if this permit is revoked due to non-compliance with these conditions.
19. **Prior to operation**, the applicant shall provide a recorded deed restriction to the Community Development Department for review and approval. Said recorded deed shall prohibit commercial cannabis cultivation on the following assessor parcel numbers where density has been transferred to allow the collocation of permits and clustering:
  - 007-001-30
  - 007-002-10

**B. AESTHETICS**

1. The applicant shall provide adequate security on the premises. Fencing cannot exceed six feet in height unless a building permit is issued by the County for the fence.
2. If lighting is contemplated in the future, a Lighting Plan shall be submitted to the Community Development Department for review and approval **prior to obtaining the necessary permits and/or installation of any lighting** if any exterior lighting associated with cannabis cultivation is contemplated. All outdoor lighting will need to be directed downward onto the project site and not onto adjacent properties. All lighting equipment will need to comply with the recommendations of darksky.org and provisions of Section 21.48 of the Zoning Ordinance.

**C. AIR QUALITY**

1. Prior to cultivation, the applicant shall submit an Odor Control Plan to the Lake County Community Development Department for review and acceptance or revision at the discretion of the Department Director.
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.
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.

**D. CULTURAL 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 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 Health and Safety Code 7050.5.
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.
3. Pursuant to Health and Safety Code section 7050.5,
  - (a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code or to any person authorized to implement Section 5097.98 of the Public Resources Code.
  - (b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
  - (c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

**E. BIOLOGICAL RESOURCES**

1. The applicant shall ensure to use only previously disturbed areas for staging/storage of materials and/or equipment that is used to maintain the ongoing use. No areas shall be newly developed for the purpose of staging.

2. The applicant shall preserve and/or avoid existing vegetation not otherwise specified for removal, including native tree species.
3. 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.
4. The applicant shall maintain a minimum of a one-hundred (100) foot setback from the top of bank of any creek (perennial and intermittent), edge of lake, delineated wetland and/or vernal pool on the lot of record of land.

**F. GEOLOGY & SOILS**

1. The applicant shall submit Erosion and Sediment Control Plans to the Community Development Department **for review and approval within thirty (30) days of use permit approval**. Said plans shall incorporate Best Management Practices (BMPs) including wattles around the perimeter of each cannabis cultivation area in a manner that channels stormwater runoff away from creeks and/or the reservoirs to the maximum extent possible. The Erosion and Sediment Control Plan shall be designed in a manner 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. The storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement / Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health

Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

- *If the applicant increases hazardous materials storage, the applicant shall coordinate with Lake County Environmental Health Division to update their Hazardous Material Business Plan within sixty (30) of change and provided written verification to the Community Development Department.*

4. The storage and use of any potentially hazardous materials, including fertilizer/pesticides shall not be within 100 feet of any springs, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. These materials shall not be allowed to leak onto the ground and/or contaminate any surface water. The use of any pesticide that has been banned for use in the United State is prohibited.
5. 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.
6. Hazardous 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. 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.
2. **Prior to cultivation**, the applicant shall maintain all necessary permits from the Central Valley Regional Water Quality Control Board and submit written verification to the Community Development Department. The applicant shall contact the Central Valley Water Control Board for details.
3. 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.
4. 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 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 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.
3. Maximum non-construction related sounds levels shall not exceed levels as specified within Zoning Ordinance Section 21-41.11.12 at the property line.

#### **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.
2. **Prior to cultivation**, the applicant shall submit a Parking Plan to the Community Development Department for review and approval. The applicant shall provide a minimum of one (1) parking space per employee on the shift having the largest number of employees.
3. 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.
4. The project site(s) 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. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works.
  - a) *All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body*
  - b) *The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.*
  - c) *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.*
5. Driveway encroachments onto State and/or County-maintained roadways shall be maintained to current federal, State or local Standards and shall be constructed with an encroachment permit.
6. 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 as to prevent road surfaces and fill material from discharging to any surface water body. The use of White Rock is prohibited for any road surfacing.

7. **Prior to cultivation**, the applicant shall meet and maintain all the requirements and/or regulations as define in 14 California Code of Regulations (CCCR), Division 1.5, Chapter 7, Subchapter 2, Article 1 through Article 5 of the California Department of Forestry and Fire Protection (Cal Fire).
8. All handicap parking areas, routes of travel, building access and bathrooms shall meet American with Disabilities Act (ADA) requirements and be subject to review and approval of a CASP, Certified Accessibility Access Specialist.

**K. TIMING & MITIGATION MONITORING**

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. 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 Major Use Permit, Operations Manual, Operating Standards, and Conditions of Approval, as well as the identification and implementation of additional procedures deemed necessary. In the event the Planning Commission identifies issues with the Annual Performance Review Report, it may lead to revocation of the approved use and/or the Planning Commission may require the submittal of more frequent Performance Review Reports. Additionally, the Performance Review Report shall include the following:
  - *The project parcel shall be inspected 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.*



- *A record of all complaints and resolution of complaints and provide tally and summary of the issues shall be provided within the Annual Report.*
- *All wells shall be monitored for monthly usage, and a report by month shall be included within the Annual 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 renew by *(May 14, 2030)* may result in the expiration of the permits. 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 Director  
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: VF

By: \_\_\_\_\_  
Danae LaDolce, Office Assistant III

---

### ACCEPTANCE

I have read and understand the foregoing Major Use Permits and agree to each and every term and condition thereof.

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

\_\_\_\_\_  
Applicant or Authorized Agent Signature

\_\_\_\_\_  
Printed Name of Authorized Agent