

**COUNTY OF LAKE  
MAJOR USE PERMIT, UP 19-39  
INITIAL STUDY, IS 19-58  
REBECCA HEBERT**

**CONDITIONS OF APPROVAL  
EXPIRES IF NOT USED BY: JULY 23, 2020  
VALID UNTIL JULY 23, 2030**

Pursuant to the approval of the Planning Commission on **July 23, 2020**, there is hereby granted to **Rebecca Hebert, a Major Use Permit (UP 19-39)** with the following conditions of approval to allow a Commercial Cannabis Cultivation License as follows: (1) A Type 3 “outdoor”, (1) A-Type 3B “mixed-light”, and (1) A-Type 1C “specialty cottage” cannabis cultivation licenses consisting of **43,560 square feet of outdoor cultivation area and 23,400 square feet within greenhouses**, and a Type 13 ‘Self Distribution’ license on property located at **1020 Junction Plaza, Clearlake, CA; and further described as APNs: 010-055-45** subject to the following terms and conditions.

**A. GENERAL**

1. The use hereby permitted shall substantially conform to the *Site Plan(s), Project Description* and *Property Management Plan* and any conditions of approval imposed by the **Major Use Permit** and Review Authority for the outdoor cultivation of **43,560** square feet with **23,400** square feet within three greenhouses as shown on the approved site plan for this action, and for the 5,000 square feet processing facility and storage building. This approval includes a 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 received January 27, 2020
  - b. Site and Grading Plans received January 20, 2020
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 obtain building permits for all new structures.
4. **Prior to this permit having full force or effect**, 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.
5. **Prior to building permit final**, 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
6. All necessary permits shall be obtained from applicable Federal, State and County agencies having jurisdiction over this project **prior to this use permit having any force and effect**, 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 applicants and/or employees shall undergo a background check by the Lake County Sheriff Department. An individual may fail the background check if employee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the applicant or permittee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or permittee be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the conditions described in Section 26057 of the California Business and Professions Code.
  11. **Prior to or concurrently with final building inspection,** all structure(s) used for commercial cultivation shall meet accessibility standards. Please contact the Community Development Department - Building Division for more information.
  12. **Prior to or concurrently with final building inspection,** all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all 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 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.
  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. 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 days of approval of the mitigated negative declaration.
  17. **Prior to this permit having any force or effect,** 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 this permit having any force or effect,** 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. This permit shall be null and void if not used by **July 23, 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.
  20. **Indemnification:** The applicant shall 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 this permit.

**B. AESTHETICS**

1. All greenhouses incorporating artificial lighting shall be equipped with blackout film/material to be used at night for maximum light blockage to lessen the impact on the surrounding parcels and the dark skies recommendations found at [darksky.org](http://darksky.org). Applicant shall submit a *Blackout Film/Materials Plan* to the Community Development Department for review and approval prior to issuance of any permits. *Mitigation measure AES-1 and AES-2.*

**C. AIR QUALITY**

1. Prior to cultivation, the applicant shall submit an Odor Control Plan to the Community Development Department for review and approval, or review and revision. *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 to the Lake County Air Quality Management District. 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. 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. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
5. Water shall be used as dust suppression during all site disturbance. *Mitigation measure AQ-5*
6. Construction and/or work practices that involve masonry, gravel, grading activities, vehicular and fugitive dust shall be managed by use of water or other acceptable dust palliatives to mitigate dust generation during and after site development. *Mitigation measure AQ-6*
7. All areas subject infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations. *Mitigation measure AQ-7*
8. No more than a maximum speed limit of 15 mph will be permitted.

**D. BIOLOGICAL RESOURCES**

1. All waste and by-products shall be kept in plastic drums with tight fitting lids so that water is not able to make contact with the contents and potentially leach into the environment.
2. Hazardous materials such as fuels, oils, solvents, etc., will be stored in sealable containers in a designated location at least 200 feet from all aquatic habitats. All fueling and staging of equipment will occur at least 200 feet from any aquatic habitat. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils or solvents.
3. **All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area** should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely-covered bin and removed from the site on a weekly basis to avoid attracting animals.
4. **Vehicles and equipment** should be parked on pavement, existing roads or paved road shoulders developed areas, or approved work areas. Vehicles should be confined to public roadways and pre-approved access routes (e.g., private paved and unpaved roads, and overland routes), previously disturbed and non-vegetated roadsides, and work areas. Access routes and construction work areas should be limited to the minimum necessary to achieve the project goals.
5. **Erosion control materials and planting seed mixes** shall not introduce invasive weed species;

**E. 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 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.*

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. If human remains are found, the Lake County Sheriff's Department shall also be notified, and shall coordinate with the local overseeing Tribe to inter or relocate the remains. *Mitigation Measure CUL-2.*

**F. GEOLOGY AND SOIL MITIGATION MEASURES:**

1. If greater than fifty (500) cubic yards of soils are moved, a Grading Permit shall be required as part of this project. 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. *Mitigation Measure GEO-2.*
2. Erosion control materials shall be available on site at all times in the form of straw, wattles, sand bags, or other erosion control materials adequate to cover areas of disturbed soils or incipient erosion events. This method will also be used in an event of a forecast storm to prevent any potential runoff to any natural drainages. *Mitigation Measure GEO-3.*
3. 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.
4. Any soil disturbances shall be avoided between October 15 and April 15 and during times of active precipitation. *Mitigation Measure GEO-4.*

**G. HAZARDS & HAZARDOUS MATERIALS**

1. 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 will be kept inside a storm-proof shed, a locked storage area that will only be accessible to authorized staff. When removing materials from storage the employee name, the type of material, date, and time will be entered into a hazardous waste manifest located within the secure storage area and will be stored for five years. When returning material into storage, the type of material, volume used, name of employee, date and time will be entered into the manifest. Storage areas containing hazardous waste will be inspected weekly by staff/employees to ensure accurate record keeping and safe storage conditions.

**H. HYDROLOGY & WATER QUALITY**

1. Prior to operation, the applicant shall obtain all necessary Federal, State and local agency permits and shall submit a copy of said permit(s) to the Community Development Department within 30 days of obtaining the permit(s). *Mitigation Measure HYD-1.*
2. The illicit discharge of irrigation or storm water from the project parcel, as defined in Title 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. 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.
4. 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.

5. 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 illegally diverted from any lake, springs, wetland, stream, creek, vernal pool and/or river is prohibited. The applicant shall not engage in unlawful or unpermitted drawing of surface water.
6. 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. *Mitigation Measure NOI-1.*
2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines. *Mitigation Measure NOI-2.*
3. The operation of the 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-1.*

**J. TRANSPORTATION**

1. Prior to this use permit having any force or effect, the applicant will be required to do road improvements to the internal road and comply with Public Resource Code (PRC) sections 4290 and 4291. The Building Official will inspect this road following completion of the road to assure PRC compliance.
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 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 five (5) employees, therefore there shall be a minimum of five (5) employee parking spaces and one (1) Accessibility Compliant Parking Space.
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.*
5. Driveway encroachments onto State and/or County-maintained roadways shall be constructed 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.
8. 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 2, §1273.00 through §1273.11 of the California Department of Forestry and Fire Protection (Cal Fire) for Emergency Access and Egress Requirements.
9. 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.
10. **Prior to final inspection**, all Accessible Compliant Parking Areas, routes of travel, 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 on site access. *Mitigation measure WILD-1.*
2. All regulations in the California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter2, and Article 1 through 5 shall apply to this application/ construction. *Mitigation measure WILD-2.*
3. All regulations in the California Building Code, Chapter 7 A, Section 701 A, 701 A.3 .2.A. *Mitigation measure WILD-3.*
4. All regulations in the California Government Code, TITLE 5. LOCAL AGENCIES [50001 - 57550], DIVISION 1. CITIES AND COUNTIES [50001 - 52203], PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5], CHAPTER 6.8. Very High Fire Hazard Severity Zones [51175 - 51189], Section 51182. *Mitigation measure WILD-4.*
5. This shall include, but not be limited to property line setbacks for structures that are a minimum of 30 feet, addressing, on site water storage for fire protection, driveway/roadway types and specifications based on designated usage, all weather driveway/roadway surfaces engineered for 75,000lb vehicles, maximum slope of 16%, turnouts, gates (14 foot wide minimum), gate setbacks (minimum of 30 feet from road), parking, fuels reduction including a minimum of 100 feet of defensible space. If this property will meet the criteria to be or will be a CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC 4291 .3 requiring 300 feet of defensible space and fuels reduction around said structure. *Mitigation measure WILD-5.*

[http://www.fire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_codes](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes)

**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 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.*

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 Director  
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: HAM

By: \_\_\_\_\_  
Kate Lewis, Office Assistant

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#### ACCEPTANCE

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

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

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

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