

**COUNTY OF LAKE
MAJOR USE PERMIT, UP 18-48
INITIAL STUDY, IS 18-71
SPENCER CLARK
CONDITIONS OF APPROVAL**

EXPIRES IF NOT USED BY: August 13, 2022

VALID UNTIL August 13, 2030

START OF CULTIVATION: August 20, 2020

Pursuant to the approval of the Planning Commission on **August 13, 2020**, there is hereby granted to **Spencer Clark, a Major Use Permit, UP 18-48** with the following conditions of approval to allow a Commercial Cannabis Cultivation License as follows: One (1) A – Type 3 “Outdoor” cultivation license allowing up to 43,560 square feet (s.f.) of canopy area. **The total cultivation area is 41,550 s.f. of outdoor cultivation** located at **21242 Morgan Valley Road, Lower Lake, CA** further described as **APN: 012-069-08** 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 41,550 square feet of canopy area within 41,940 square feet of cultivation area** as shown on the approved site plan for this action. 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
 - b. Site plans received
 - 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 comply with the following subsections of Public Resources Code 4290 and 4291:

Road Standards for Fire Equipment Access

- a) Subsection 1273.02 *Roadway Surfaces*
- b) Subsection 1273.06 *Roadway Turnouts*

Prior to Operation, 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 707-263-2382.

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. 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.

8. 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.
9. The Applicant shall comply with the State of California Track and Trace requirements.
10. 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.
11. 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.*
12. 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.
13. **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.
14. **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.
15. 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.
16. 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.
17. **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.
18. **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.
19. 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.

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.
21. **Prior to cultivation**, the applicant shall provide updated water calculations for the proposed project.
22. This permit shall be null and void if not used by **August 13, 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.

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. 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 Community Development Department for review and approval, or review and revision. (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 must meet the requirements of the State Air Toxic Control Measures for CI engines as well as Lake County Noise Emission Standards. (Mitigation Measure AQ-2)
3. 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-3)
4. 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. (Mitigation Measure AQ-4)
5. All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited. (Mitigation Measure AQ-5)
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. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited. (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. 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.
9. The use of White Rock is prohibited for any road surfacing, including parking areas as it breaks down and would create excessive dust.

10. The applicant shall have the primary parking area surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation.
11. 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.

D. CULTURAL RESOURCES/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 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 Department. (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 Middletown Rancheria Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Department shall be notified of such finds. (Mitigation Measure CUL-2)
3. 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.
4. Boundaries of archaeological sites shall be identified and fenced off to assure the site will not be impacted during ground disturbance.

E. BIOLOGICAL RESOURCES

1. Any grading or construction proposed within the possible waters of the U.S. will require approval of a Nationwide permit from the U.S. Army Corps of Engineers, and a 401 Water Quality Certification from the Regional Water Quality Control Board. (Mitigation Measure BIO-1)
2. To preserve Northern California black walnut and California valley oak woodland, no-project related activity should occur within the driplines of the valley oak woodland as mapped in biological assessment. (Mitigation Measure BIO-2)
3. Any grading or vegetation clearing within 300 feet of the mixed oak woodland adjacent to the two ponds, proposed between April 1 and August 15 shall be preceded by a survey for white-tailed kite and purple martin. In the event that nesting individuals of these species are found, all project-related activity within 300 feet of the nest shall be postponed until after August 15, or until fledging is complete as determined by a qualified biologist. (Mitigation Measure BIO-3)
4. Wildlife access to the upland summer water available in the existing nearby ponds should not be disrupted by fencing or other barriers. (Mitigation Measure BIO-4)
5. 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.
6. 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. **Prior to any ground disturbance**, the permittee shall submit Erosion Control and Sediment plans to the Water Resources 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 project installation. (Mitigation Measure GEO-1)

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. (Mitigation Measure GEO-2)
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. (Mitigation Measure GEO-3)

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 States 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.

HYDROLOGY & WATER QUALITY

1. 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.
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.
5. The production well(s) shall have a meter to measure the amount of water pumped. The production well(s) shall have continuous water level monitors. The applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.

H. 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. (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-3)

I. TRANSPORTATION & TRAFFIC

1. All deliveries and/or pickups shall during the hours of Monday through Saturday from 9:00AM to 7:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m.
2. Prior to the start of operation, the applicant shall provide a minimum of one (1) parking space per employee on the shift having the largest number of employees 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. 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. **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).
7. 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.

J. WILDFIRE

1. All Regulations on the State of California's Public Resources Code, Division 4, and all Sections in 4290 and 4291 (4001-4958) shall apply to this application/construction. (Mitigation Measure Wildfire-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 Wildfire-2)
3. All regulations in the California Building Code, Chapter 7A, Section 701A, 701A.3.2.A (Mitigation Measure Wildfire-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. 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, it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around said structure. (Mitigation Measure Wildfire-4)

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 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.*
- *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 *(August 13, 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: _____
Kate Lewis, 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