

COUNTY OF LAKE
MAJOR USE PERMIT, UP 19-32
INITIAL STUDY, IS 19-50
EARLY ACTIVATION, EA 19-62

PAT SMYTHE (MIGHTY TASTY FARMS)
CONDITIONS OF APPROVAL

EXPIRES IF NOT USED: June 10, 2023
VALID UNTIL: June 10, 2031

Pursuant to the approval of the Planning Commission on **June 10, 2021**, there is hereby granted to **Pat Smythe (Mighty Tasty Farms)**, a **Major Use Permit, UP 19-32** with the following conditions of approval to allow the following Commercial Cannabis Cultivation Licenses: **One (1) A-Type 3 “Outdoor” license, one (1) A-Type 3B “Mixed Light” License and one (1) Type 13 Self-Transport Distribution License** to allow a total of **41,796** square feet of commercial cannabis canopy area, with a total of **44,121** square feet of cultivation area at **19697 and 19713 East Road, Lower Lake, CA**; further described as **APNs: 012-049-17 and 012-049-18** is subject to the following terms and conditions of approval.

A. GENERAL CONDITIONS:

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 **Cultivation of Commercial Cannabis** 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. The Applicant shall be in substantial conformance with the following:
 - a. Property Management Plan
 - b. Site plans dated **03/19/2020**
 - 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 operation and construction**, the applicant shall obtain permits from all necessary Federal, State, and local agencies for the construction/development of any infrastructure.
4. **Prior to operation**, the applicant shall contact the Lake County Building Department to schedule an inspection(s) to ensure compliance with Public Resource Code sections 4290/4291.
5. **Prior to operation**, the applicant shall schedule an inspection with the Lake County Code Enforcement Division within the Community Development Department to verify adherence to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements.
6. **Prior to operation**, the applicant shall provide adequate security on the premises. All fencing installed shall be a minimum of six (6) feet height and cannot exceed eight (8) feet in height. If the fencing exceeds eight (8) feet height, the applicant shall obtain all necessary building permits.
7. If there is a change in the project manager (permit holder representative), the permit holder shall submit notarized written documentation to the Community Development Department for review and approval. Said documentation shall include the following:

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- *Name of Individual and Title*
 - *Contact Information (Phone, email, and address)*
 - *What that individual is authorized to do.*
8. If there is a change in the use permit holder(s), the new permit holder(s) shall submit notarized written documentation that they are formally taking over said permit to the Community Development Department for review and approval, including submitting the required application and appropriate fees.
 9. If the subject properties have a change of ownership, the applicant shall obtain written approval from all property owner(s), which authorize the tenant(s) or lessee(s) to cultivate cannabis at the project site(s). Said written verification containing the property owner(s) signature shall be notarized.
 - A copy of the written approval shall be maintained by the tenant or lessee and made available for review upon request. Written approvals shall be renewed annually.
 10. **Prior to operation**, the applicant is responsible for ensuring that all project workers are informed of, understand, and agree to abide by the approved plans and project conditions.
 11. **Prior to operation**, all necessary permits shall be obtained from all applicable federal, state, and county agencies having jurisdiction over this project. Said permits shall be maintained for the life of the project.
 12. All structures located within a designated flood zone shall adhere to all federal, state, and local agency requirements, including Chapter 25 (*Flood Plain Management*) of the Lake County Code.
 13. **Prior to this use permit being valid, vested, or operative**, all necessary permits shall be obtained from all applicable federal, state and county agencies having jurisdiction over this project including but not limited to the 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. Said permits shall be maintained for the life of the project.
 - *A copy of said permits shall be submitted to the Lake County Community Development Department for review and approval. If permits are not required, the applicant shall obtain written documentation from each agency and submit said documentation to the Community Development Department.*
 - If there is a change in name of permit operator(s), the new permit operator(s) shall be responsible for ensuring all applicable permits are up to date.
 14. This use permit does not authorize any manufacturing of cannabis and/or cannabis by-products. Should the manufacturing and/or extraction of cannabis, including its byproducts become allowed by the County Code, the applicant may apply for the appropriate permits.
 15. **Prior to operation**, the applicant shall be enrolled in and comply with the **State of California Track and Trace** program and all requirements, including having all cannabis plants properly tagged. Additionally, the applicant shall submit written verification to the Lake County Community Development Department for review and approval.
 16. The applicant shall not sell, transfer and/or give cannabis or cannabis products, nor allow into the cultivation area, nor employ or retain any persons under the age of 21.

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17. 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. **Said records shall be made available upon request at any given time.**
 - *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.*
18. **Prior to operation**, all current and future applicants and/or employees, including private contractors, 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. **A list of all employees, including private contractors, shall be made available upon request.**
19. The applicant shall provide adequate security measures per Article 27 of the Lake County Zoning Ordinance to minimize criminal activity, provide for safe and secure working environments, protect private property, and prevent damage to the environment. Said security plan shall be reviewed and approved by the Lake County Sheriff's Office.
20. **Prior to operation**, all structure(s) used for commercial cultivation shall meet accessibility standards. Please contact the Lake County Community Development Department's Building Division for more information.
21. **Prior to operation**, all accessible compliant parking areas, routes of travel, building access, and/or bathrooms shall meet all California Building Code Requirements.
22. **Prior to operation**, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
23. All handicap parking areas, routes of travel, building access, and bathrooms shall meet the Americans with Disabilities Act (ADA) requirements and be subject to review and approval of a Certified Accessibility Access Specialist (CASP).
24. 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 pests.
25. The applicant shall pay the cannabis cultivation tax to the Lake County Tax Collector in accordance with the cannabis billing cycle. The applicant shall submit proof of payment to the Lake County 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.
26. Your use permit was approved on **May 27, 2021**, to allow 44,121 square feet of cultivation area. If you are cultivating less than the approved square footage, you

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must submit a minor modification application within sixty (60) days of issuance of the cannabis billing cycle.

- Said application shall include a written notarized statement detailing the square footage you are cultivating, a site plan drawn to scale showing the cultivation area with dimensions and a site visit (\$190.00 inspection fee required) shall be conducted to verify actual cannabis square footage.
 - Failure to submit the minor modification application to the Community Development Department for review and approval within the required timeframe may result in you being liable for the full amount due.
27. **Prior to operation**, the applicant(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The applicant shall contact the Lake County Division of Environmental Health for details.
 28. 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 weekly to avoid attracting animals.
 29. The operation shall not rely on personal gasoline, diesel, propane, or similar fuels, powered generator as a primary source of power and shall only allow properly permitted (when applicable) generators for temporary use in the event of a power outage or emergency that is beyond the applicant's control.
 29. The applicant shall adhere to all applicable requirements in the Lake County Zoning Ordinance and the Lake County Code.
 30. **Prior to Operation**, the cultivation area(s) shall be secured and fenced in accordance with Article 27 of the Lake County Zoning Ordinance.

B. AESTHETICS

1. An Outdoor Lighting Plan that meets the darkskies.org lighting recommendations shall be submitted for review and acceptance, or review and revision prior to cultivation. (Mitigation Measure AES-1)
2. 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. 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-2)

C. AIR QUALITY

1. 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-1)
2. Construction and/or work practices that involve pavement, masonry, sand, gravel, grading, and other activities shall be managed by adequate dust control to mitigate airborne emission during and after site development. (Mitigation Measure AQ-2)
3. Off-site odor impacts should be mitigated to minimize nuisance to nearby residences, property, and public roads. Also, any manufacturing and delivery operations must comply with Lake County Air Quality Management District (LCAQMD) rules and regulations. (Mitigation Measure AQ-3)
4. All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including

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waste material is prohibited. (Mitigation Measure AQ-4)

5. The applicant shall have the primary access and parking areas surfaced with chip seal as a temporary measure, and asphalt or an equivalent all weather surfacing for long term occupancy to reduce fugitive dust generation. All areas subject to semi-truck/ trailer traffic shall require asphaltic concrete paving or equivalent to prevent 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-5)
6. All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. The applicant shall regularly use and/or maintain the graveled area to reduce fugitive dust generations. (Mitigation Measure AQ-6)

D. BIOLOGICAL RESOURCES:

1. Trees must be inspected for the presence of active bird nests before tree felling or ground clearing. If active nests are present in the project area during construction of the project, CDFW should be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. (Mitigation Measure BIO-1)
2. If tree felling is performed in the future, a pre-construction nesting bird survey is recommended. (Mitigation Measure BIO-2)
3. If clearing of natural habitat is performed in the future, a pre-construction special-status species survey is recommended. (Mitigation Measure BIO-3)
4. The applicant shall enroll and comply with Cannabis Cultivation Order WQ 2017-0023-DWQ which will ensure that cultivation operation will not significantly impact water resources. A formal delineation of jurisdictional waters shall be performed before construction work, or ground disturbance, near any wetland or drainage. (Mitigation Measure BIO-4)

E. CULTURAL RESOURCES:

1. All on-site personnel of the Project shall receive adequate cultural resource sensitivity training prior to initiation of ground disturbance activities on the Project. The training must address the potential for exposing subsurface resources and procedures if a potential resource is identified consistent. The Project applicant will coordinate with the Culturally Affiliated Tribe on the adequacy of the cultural resource sensitivity training.
2. 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 applicant shall notify the local overseeing Tribe, and a qualified archaeologist 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, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.
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. Prior to initial ground disturbance, the applicant and the Tribe shall coordinate and jointly select a Tribal Cultural Advisor designated by the Tribe to facilitate mitigation measures related to tribal cultural resources of the Project in coordination with the applicant.

F. GEOLOGY & SOILS

1. Prior to any ground disturbance, the permitted shall submit Erosion Control and

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Sediment Plans to 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. All BMP's shall be maintained for life of the project. (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 to 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. All hazardous waste shall not 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-1)
2. 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-2)
3. 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 all known waterways. (Mitigation Measure HAZ-3)
4. 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. (Mitigation Measure HAZ-4)
5. The project design shall incorporate appropriate BMPs consistent with County and State Storm Water Drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or into the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained. (Mitigation Measure HAZ-5)

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

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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:

1. Prior to this use permit having any force or effect, the applicant will be required to submit and have approved a timeline to make all necessary road improvements to comply with Public Resource Code (PRC) section 4290 and 4291. The building official will inspect this road following completion of the road to assure PRC compliance. (Mitigation Measure TRANS-1)

J. WILDFIRE

1. All regulations on the State of California's Public Resource Code, Division, and all Sections in 4290 and 4291 (4001-4958) shall apply to this application/construction. (Mitigation Measure WILDFIRE-1)
2. All regulations of California Code 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 of 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], Part 1. Powers and Duties Common to Cities and Counties [50001 - 51189], Section 51182 (Mitigation Measure WILDFIRE-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 75,000 lb. vehicles, maximum slope of 16%, turnouts, gates (14 foot wide minimum), gate setbacks (minimum of 30 feet from the 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-5)

K. TIMING & MITIGATION MONITORING

1. The applicant 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 is performed under the authority of this permit is in accordance with the terms and conditions prescribed herein.
2. This permit shall be null and void if not used by May 27, 2023, or if the use is abandoned for two (2) years. Once activated, this permit is valid for 10 years unless the use is discontinued for two years or if this permit is revoked due to non-compliance with these conditions.
3. **Prior to this use permit becoming, valid, effective, or operative**, the applicant shall coordinate with the Community Development Department and entered into an Indemnification Agreement with the County. The Indemnification Agreement hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit

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4. The site shall be restored to its original state within six (6) months of the expiration of the use permit, termination of use, or abandonment of the site. The applicant shall enter into a Site Restoration Agreement subject to the approval of the Community Development Director or their designee.
5. **Prior to Operation**, the applicant(s) shall submit to the Lake County Community Development Department a summary response in writing establishing compliance with these conditions of approval, as well as documenting their compliance with all obligations of the Property Management Plan, including dates of compliance and referencing documents or other evidence of compliance.
6. The applicant shall contact the Community Development Department to schedule an annual Compliance Monitoring Inspection during the cultivation season. Prior to schedule said inspection, the applicant shall pay the established compliance monitor fee approved by the Board of Supervisors.
 - *If there are no violations of the County permit or state license during the first five years, the inspection frequency may be reduced by the Director to not less than once every five years.*
7. The applicant shall submit an Annual Performance Review Report each year from their initial date of approval by the review authority (insert date of approval) for review and approval by the Lake County Planning Commission. The Planning Commission may delegate the review of the Annual Performance Review Report to the Community Development Director at the time of the initial hearing or at any time thereafter.
 - Annual Performance Review Report shall identify the effectiveness of the approved 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:
 - *A copy of the results from said inspection shall be provided to the applicant for inclusion in their Performance Review Report.*
 - *Compliance monitoring fees pursuant to the County's adopted master fee schedule shall be paid by the permittee and accompany the "Performance Review Report" for costs associated with the review of the report by County staff.*
 - *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 shall be kept. Said record shall include a tally and summary of the issues and be provided.*
 - *All wells shall be monitored for monthly usage, and a report by month shall be included within the Annual Report.*
 - *The results of the previous year's Annual Compliance Monitoring Inspection shall be included in the following year's Performance Review Report.*

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- *If a violation is determined upon inspection, the applicant shall correct said violation is the amount determined by the Community Development Director or their designee. An additional, site inspection(s) may be required to confirm that said violation(s) have been corrected.*
6. The applicant(s) shall submit an application for **renewal** of the authorized use to the Lake County Community Development Department a minimum of 180 days prior to the expiration date of said use. Failure to apply for renewal by **May 27, 2031**, may result in the expiration of the permits. The 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 by the County and State agencies as determined by the Director.*
 - *A list of all employees on the premises during the past year and a copy of the background checks certification for each individual.*
 - *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 concluded 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, Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: MAT

by: _____
Kerrian Marriott, Office Assistant

ACCEPTANCE

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

Date: _____

Applicant or Authorized Agent Signature

Printed Name of Authorized Agent

Applicant Initials: _____

Date: _____