

COUNTY OF LAKE
MAJOR USE PERMIT, UP 19-25
INITIAL STUDY, IS 18-62
CARL THARP

CONDITIONS OF APPROVAL
EXPIRES IF NOT USED BY: JANUARY 23, 2022
VALID UNTIL JANUARY 23, 2030
START OF CULTIVATION: JANUARY 31, 2020

Pursuant to the approval of the Planning Commission on **January 23, 2020**, there is hereby granted to **Carl Tharp, a Major Use Permit, UP 19-25** with the following conditions of approval to allow a Commercial Cannabis Cultivation License as follows: (1) A Type 2 (small outdoor) cultivation area consisting of 10,000 square feet (s.f.) of cultivation space on APN: 007-029-02; (1) A-Type 2B (small mixed light) consisting of 7,920 s.f. of greenhouse cultivation with an additional 2,000 s.f. of nursery area on APN 007-029-10, and (1) A-Type 3B (medium mixed light) cultivation site of 14,080 s.f. in six greenhouses located on APN 007-029-12. **The total cultivation area is 10,000 s.f. of outdoor cultivation, and 22,000 s.f. of mixed light cultivation.** The applicant is also approved for **(1) Type 13 'self distribution' license.** The properties are contiguous and are located at **7540, 7560 and 7580 S. Highway 29, Kelseyville; and further described as APNs: 007-029-02, 007-029-10 and 007-029-12** 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 **mixed light cultivation of 22,000 square feet, and for the outdoor cultivation of 10,000 square feet of cultivation area** as shown on the approved site plan for this action, and for **(1) 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 (undated), received November 5, 2018
 - b. Site Plans (undated), received November 5, 2018
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 this permit having any force or effect**, the applicant shall obtain building permits for all unpermitted structures, including the six greenhouses that are present on the subject site. The three shipping containers shall meet the requirements within Lake County Zoning Ordinance Article 27.68.
4. **Within ninety (90) days of this decision and prior to building permit final**, the applicant shall contact the Lake County Community Development Department at 707-263-2221 to schedule an inspection(s) to assure that Public Resource Code sections 4290 and 4291 are being complied with, and that the terms of the land use permit are met. These improvements shall be maintained for the life of the project. Turn-outs shall be no more than 400 feet apart. This shall be determined during the site inspection prior to the start of outdoor cultivation under the terms of this use permit.
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 for the life of the project.
6. All necessary permits shall be obtained from applicable Federal, State and County agencies having jurisdiction over this project **prior to a building permit and for the life of the project** 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 building permit final**, 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 this permit having any force or effect**, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements. Portable restrooms are acceptable when necessary.
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. **Prior to the start of cultivation**, the applicant shall pay the Cannabis Cultivation Tax for 1st part of 2020. Said tax shall be paid prior to cultivation associated with this permit. Proof of payment is required to be submitted to the Community Development Department. Failure to pay said tax will result in the initiation of permit revocation proceedings.
16. This permit shall be null and void if not used by **January 23, 2022** or if the use is abandoned for a period of two (2) years.
17. 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.

18. **Prior this use permit becoming effective, operative, vested or final** the applicant shall pay the second installment of the Cannabis Program Service Fee in the amount of \$1,623.50 to the Community Development Department.
19. **Prior to start of cultivation operations**, 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.
20. 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.
21. **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. 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.*
2. Prior to a building permit being issued, a lighting plan shall be required that adheres to darkskies.org standards for outdoor lighting. This applies to indoor (greenhouse) lighting and outdoor (security and other outdoor) lighting. *Mitigation measure AES-2*
3. Prior to a building permit being issued, the applicant shall use darkening screening inside the greenhouses to prevent light escaping to other parts of the site, neighboring sites, or public roads. This shall be shown on the building elevations for the greenhouse(s). *Mitigation measure AES-3*

C. AIR QUALITY

1. Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel powered equipment and/or other equipment with potential for air emissions. *Mitigation Measure AQ-1.*
2. All Mobile diesel equipment used for construction and/or maintenance must 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 management by use of water or other acceptable dust palliatives to maintain two inches of visibly-moist soil in the project area and to ensure that dust does not leave the property. *Mitigation Measure AQ-3.*
4. The Cultivation of Commercial Cannabis is subject to AB 2588 Air Emission Inventory requirements administrated by the Lake County Air Quality Management District. Therefore, 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.
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.

6. Prior to the start of cultivation, the applicant shall have the primary parking area surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation. All areas subject to semi-truck/trailer traffic shall be paved with asphaltic concrete or an all-weather surfacing to reduce fugitive dust generation.
7. 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.
8. Prior to cultivation, the applicant shall provide an Odor Control Plan to the Community Development Department (CDD) showing the method of odor control that will be implemented within the outdoor and mixed light cultivation areas. Methods of outdoor odor control may include planting fragrant plants around the perimeter of the outdoor cultivation area, or through the use of odor-absorbing materials; these must be reviewed and approved by the CDD prior to start of cultivation. The mixed-light (greenhouse) odor control measures should at minimum include activated charcoal filtration systems in each greenhouse. Lastly, an emergency contact shall be provided to all neighbors within 1000 feet of the property line of the subject lots, also prior to the start of cultivation. Any odor-related complaints shall be addressed and logged for inclusion into the required Annual Performance Evaluation report required of all cultivators.

D. BIOLOGICAL RESOURCES

1. *Prior to any new ground clearing or tree removal*: If project activities occur during the breeding season (February 1 through August 31), a qualified biologist will conduct a breeding bird survey no more than 14 days prior to project activities to determine if any birds are nesting in trees adjacent to the study area. If nests are found, then the surveying biologist shall establish an exclusion zone. *Modified mitigation measure BIO-1.*
2. *Prior to any new ground clearing or tree removal*: If initial work is delayed or there is a break in project activities of greater than 14 days within the bird-nesting season, then a follow-up nesting bird survey should be performed to ensure no nests have been established in the interim. *Modified mitigation measure BIO-2.*
3. *Prior to any new ground clearing or tree removal*: If initial ground disturbance occurs during the bat maternity roosting season (April 1 through September 1), a qualified biologist will conduct a bat roost assessment of trees within 100 feet of the proposed construction. If bats are found, the surveying biologist shall establish an exclusion zone. *Modified mitigation measure BIO-3.*
4. *Prior to any new ground clearing or tree removal*: Work within 100 meters of the stock pond should be initiated outside the nesting season for the pond turtle, which is from May 1 to October 1. If work cannot be initiated outside the nesting season, then a pre-construction survey in all work areas within 100 meters of the lower pond shall occur. *Modified mitigation measure BIO-4.*

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), a Cultural Resource monitor shall be notified, and the cultivator shall coordinate with the Cultural Resource monitor to allow a monitor to be present during any future site disturbance. Further, a qualified archaeologist shall be 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. *Modified 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. *Mitigation Measure CUL-2.*

3. A Cultural Resource Monitor shall be present during future construction and grading activities as permitted by this permit.

F. GEOLOGY & SOILS

1. Prior to the issuance of any permits, the applicant shall submit Erosion and Sediment Control Plans to the Community Development Department for review and approval. Said plans shall incorporate Best Management Practices (BMPs) to the maximum extent practicable 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. GREENHOUSE GAS EMISSIONS

1. The applicant shall use carbon air filtration units or other filtration methods that meet the specifications of the Lake County Air Quality Department for air filtration on all greenhouses to reduce the potential for greenhouse gas emissions from entering the atmosphere.

H. 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.

I. HYDROLOGY & WATER QUALITY

1. **Prior to this permit having any force or effect**, the permit holder shall provide a water availability analysis, prepared by a qualified professional, indicating that there is sufficient water available to sustain the proposed use and adequate aquifer recharge occurring following irrigation system use. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.
2. 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.
3. **Prior to issuance of a building permit**, the applicant shall submit a Storm Water Management Plan based on the requirements of the California Regional Water Quality Control Board – Central valley region to the Community Development Department for review and approval. Said plan shall include the following:
 - *Identification of any Lake County maintained drainage or conveyance system that the storm water is discharged into and documentation that the storm water discharge is in compliance with the design parameters of those structures.*
 - *Identification of any public roads and bridges that are downstream of the discharge point and documentation that the storm water discharge is in compliance with the design parameters of any such bridges.*
 - *Documentation that the discharge of storm water from the site will not increase the volume of water that historically has flow onto adjacent properties.*
 - *Documentation that the discharge of storm water will not increase flood elevations downstream of the discharge point.*
 - *Documentation that the discharge of storm water will not degrade water quality of any water body.*

- *Documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code.*
 - *Describe the proposed grading of the property.*
 - *Describe the storm water management system.*
 - *Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit.*
 - *Describe what parameters will be monitored and the methodology of the monitoring program.*
4. 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.
 5. 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.
 6. 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 illegal 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.
 7. 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.

J. 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. 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.

K. TRANSPORTATION

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 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. 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. The use of White Rock is prohibited for any road surfacing.
7. 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.
8. 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.
9. **Prior to final inspection**, all Accessible Compliant Parking Areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.

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.

Michalyn DelValle, Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: 
Danae LoDolce, Office Assistant III

ACCEPTANCE

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

Date: 1/23/20


Applicant or Authorized Agent Signature

Printed Name of Authorized Agent