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**From:** John Phillips Jr <johnphillipsjr@proton.me>  
**Sent:** Friday, February 7, 2025 4:58 PM  
**To:** Mireya Turner  
**Cc:** Pillsbury Family farms  
**Subject:** [EXTERNAL] Formal Demand for Procedural Compliance and Reconsideration of Use Permit Revocation (UP 20-50)  
**Attachments:** Letter on Behalf of Pillsbury Family.pdf

Dear Director Turner,

Please find attached a formal letter on behalf of Pillsbury Family Farms regarding the County's actions concerning the revocation of its cannabis cultivation permit (Use Permit UP 20-50).

The letter outlines significant legal and procedural concerns, including potential violations of due process, Americans with Disabilities Act (ADA) compliance, and inconsistencies with prior findings made by the County in 2022. Pillsbury Family Farms has operated in good faith under its validly issued permit and is entitled to a fair and transparent process as required by law.

We respectfully request that the County take immediate action to address these issues, including rescinding any notice of revocation, providing a detailed explanation of alleged violations, and scheduling a public hearing before an impartial body. Failure to do so will leave Pillsbury Family Farms no choice but to pursue all available legal remedies to protect its rights.

We trust that Lake County will act swiftly to rectify these matters and uphold the integrity of its regulatory processes. Please confirm receipt of this email and the attached letter at your earliest convenience.

Sincerely,  
John Phillips Jr  
Land Use & Environmental Consultant  
On behalf of Pillsbury Family Farms

**Date:** February 7, 2025

**To:** Mireya G. Turner, Community Development Director

**County of Lake, Community Development Department**

**255 N. Forbes Street, Lakeport, CA 95453**

**Subject:** Demand for Procedural Compliance and Reconsideration of Revocation of Use Permit (UP 20–50) for Pillsbury Family Farms

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Dear Director Turner,

I write on behalf of Pillsbury Family Farms to address the County's recent actions concerning the revocation of its cannabis cultivation permit (Use Permit UP 20–50). This letter serves as a **formal demand for procedural compliance and reconsideration**, as the County's actions raise significant legal and constitutional concerns. Pillsbury Family Farms has complied with all conditions of approval since the issuance of its permit in 2022 and is entitled to a fair and transparent process under the law.

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- **Procedural Due Process Violations**

The revocation process appears to violate Pillsbury Family Farms' procedural due process rights under the Fourteenth Amendment to the U.S. Constitution.

Specifically:

- **Lack of Clear Notice:** Pillsbury Family Farms has not received adequate notice detailing the grounds for revocation or the specific evidence supporting such action.
- **Opportunity to Be Heard:** To date, Pillsbury Family Farms has not been afforded a meaningful opportunity to contest the County's allegations before an impartial decision-maker.

The U.S. Supreme Court has consistently held that due process requires notice and a hearing before depriving a party of a vested property interest (*Mathews v. Eldridge*, 424 U.S. 319 (1976)). A use permit constitutes such an interest once issued and relied upon by the permittee.

**Demand:** The County must immediately provide Pillsbury Family Farms with:

1. A detailed written explanation of the specific grounds for revocation.
  2. Access to all evidence relied upon in making this determination.
  3. A public hearing before the Planning Commission or another impartial body to contest these allegations.
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• **Inconsistencies with Prior Findings**

The County's staff report from January 27, 2022, explicitly found that:

- Pillsbury Family Farms was qualified to receive the permit after passing all required background checks.
- The project complied with all applicable development standards under Section 27.13(at) of the Lake County Zoning Ordinance.
- There were no documented violations of Chapters 5, 17, 21, 23, or 26 of the Lake County Code on the property.

Absent new and compelling evidence contradicting these findings, any attempt to revoke the permit is arbitrary and capricious under administrative law principles (*Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29 (1983)).

**Demand:** The County must justify how its current position aligns with or supersedes its prior findings and provide evidence demonstrating material noncompliance by Pillsbury Family Farms.

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- **Americans with Disabilities Act (ADA) Compliance**

Pillsbury Family Farms has raised concerns regarding its principal's mental disability and reliance on tools like ChatGPT for communication during this process. Under Title II of the ADA, public entities are required to provide reasonable accommodations to ensure equal access to administrative proceedings.

Failure to accommodate individuals with disabilities violates federal law and exposes the County to liability under Title II of the ADA and Section 504 of the Rehabilitation Act.

**Demand:** The County must:

1. Provide reasonable accommodations tailored to Pillsbury Family Farms' needs, including simplified explanations, extended deadlines, and additional support during hearings.
2. Document all efforts made to comply with ADA requirements.

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- **Nexus and Proportionality Concerns**

Revoking a land-use entitlement for reasons unrelated to land use—such as alleged tax delinquency—raises serious legal questions under *Nollan v. California Coastal Commission* (1987) and *Dolan v. City of Tigard* (1994). These cases establish that conditions imposed on permits must have an essential nexus to legitimate governmental interests and be proportional to the impacts of the regulated activity.

If tax compliance is at issue, alternative enforcement mechanisms (e.g., liens or penalties) are available that do not infringe upon Pillsbury Family Farms' vested property rights.

**Demand:** The County must demonstrate how any alleged noncompliance directly impacts land-use considerations or rescind its revocation action immediately.

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- **Public Policy Implications**

The revocation threatens not only Pillsbury Family Farms but also broader public policy objectives:

- **Economic Impact:** The project was approved in part because it would create local jobs and support Lake County's agricultural economy.
- **Regulatory Integrity:** Arbitrary enforcement undermines public trust in Lake County's cannabis program and discourages compliance among other permit holders.

The County should prioritize consistency, fairness, and transparency in its regulatory processes to maintain credibility and foster economic growth.

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- **Actionable Steps**

To resolve this matter amicably and avoid further escalation, we request that the County take the following immediate actions:

1. Rescind any notice of revocation issued against Pillsbury Family Farms pending further review.
2. Provide a formal written explanation detailing any alleged violations or deficiencies.
3. Schedule a public hearing before an impartial body within 30 days.
4. Ensure compliance with ADA requirements by offering reasonable accommodations during all proceedings.

Failure to address these demands will leave Pillsbury Family Farms no choice but to pursue all available legal remedies, including:

- Filing an administrative appeal under Article 27 of the Lake County Zoning Ordinance.
- Initiating litigation in state or federal court for violations of due process rights, ADA noncompliance, and unlawful regulatory takings under the Fifth Amendment (*Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)).

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**Conclusion**

Let me be clear: this is not merely a procedural oversight but a direct affront to fundamental principles of fairness and justice enshrined in our legal system. Pillsbury Family Farms has operated in good faith under its validly issued use permit and deserves nothing less than full procedural protections guaranteed by law.

We trust that Lake County will act swiftly to rectify these issues and restore confidence in its regulatory processes.

Sincerely,  
John Phillips Jr  
Land Use & Environmental Consultant  
On behalf of Pillsbury Family Farms

## Mireya Turner

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**From:** John Phillips Jr <johnphillipsjr@proton.me>  
**Sent:** Wednesday, February 19, 2025 7:00 AM  
**To:** Mireya Turner  
**Cc:** Pillsbury Family farms  
**Subject:** [EXTERNAL] Re: Formal Demand for Procedural Compliance and Reconsideration of Use Permit Revocation (UP 20-50)  
**Attachments:** Legal and Procedural Concerns Regarding Use Permit UP 20–50 Revocation.pdf

Dear Director Turner,

Please find attached a formal letter addressing the County's ongoing actions regarding the revocation of Pillsbury Family Farms' cannabis cultivation permit (Use Permit UP 20-50). This correspondence builds upon prior communications and incorporates updated legal analysis to highlight critical deficiencies in the County's approach.

The letter identifies significant legal and procedural concerns, including reliance on outdated ordinances, inconsistencies between the Lake County General Plan and zoning code, and factually unsupported allegations. These actions not only undermine the integrity of the County's regulatory framework but also expose it to substantial legal liability for arbitrary enforcement, regulatory takings, and due process violations.

Pillsbury Family Farms has operated in good faith under its validly issued use permit, demonstrating compliance with state licensing requirements, timely payment of taxes, and adherence to local land-use regulations. Despite this, the County has initiated revocation proceedings based on flawed reasoning that demands immediate attention and correction.

We urge the County to review the attached letter carefully and take prompt corrective action to address these issues. Pillsbury Family Farms remains committed to resolving this matter amicably but will pursue all available legal remedies if necessary to protect its rights.

Please confirm receipt of this email and the attached letter at your earliest convenience.

Sincerely,  
John Phillips Jr  
Land-Use & Environmental Planning  
On behalf of Pillsbury Family Farms

On Friday, February 7th, 2025 at 4:57 PM, John Phillips Jr <johnphillipsjr@proton.me> wrote:

Dear Director Turner,

Please find attached a formal letter on behalf of Pillsbury Family Farms regarding the County's actions concerning the revocation of its cannabis cultivation permit (Use Permit UP 20-50).

The letter outlines significant legal and procedural concerns, including potential violations of due process, Americans with Disabilities Act (ADA) compliance, and inconsistencies with prior findings made by the County in 2022. Pillsbury Family Farms has operated in good faith under its validly issued permit and is entitled to a fair and transparent process as required by law.

We respectfully request that the County take immediate action to address these issues, including rescinding any notice of revocation, providing a detailed explanation of alleged violations, and scheduling a public hearing before an impartial body. Failure to do so will leave Pillsbury Family Farms no choice but to pursue all available legal remedies to protect its rights.

We trust that Lake County will act swiftly to rectify these matters and uphold the integrity of its regulatory processes. Please confirm receipt of this email and the attached letter at your earliest convenience.

Sincerely,  
John Phillips Jr  
Land Use & Environmental Consultant  
On behalf of Pillsbury Family Farms



**Date:** February 18, 2025

**To:** Mireya G. Turner, Community Development Director  
**County of Lake, Community Development Department**  
**255 N. Forbes Street, Lakeport, CA 95453**

**Subject:** Legal and Procedural Concerns Regarding Use Permit UP 20–50 Revocation

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Dear Director Turner,

I write on behalf of Pillsbury Family Farms to address the County's ongoing and deeply troubling actions regarding the revocation of its cannabis cultivation permit (Use Permit UP 20–50). This letter builds upon our prior correspondence and incorporates updated legal analysis that highlights critical deficiencies in the County's approach. Specifically, the County's reliance on outdated ordinances, inconsistencies between the Lake County General Plan and its zoning code, and factually unsupported allegations raise serious legal and procedural concerns that demand immediate attention.

At its core, this matter reflects a pattern of arbitrary enforcement that undermines the regulatory integrity of Lake County's cannabis program. Pillsbury Family Farms has operated in good faith under its validly issued use permit, which was granted based on findings of compliance with all applicable local and state laws. Yet, the County's recent actions appear to disregard these findings and rely on outdated legal frameworks and unsupported claims that lack both factual and legal merit.

The issues at hand are not merely procedural missteps; they strike at the heart of fundamental principles of fairness, due process, and adherence to the rule of law. Pillsbury Family Farms has demonstrated compliance with state licensing requirements, timely payment of taxes, and adherence to local land-use regulations. Despite this, the County has initiated revocation proceedings based on flawed reasoning that exposes it to significant legal liability for arbitrary enforcement, regulatory takings, and due process violations.

This letter seeks to resolve these issues amicably while holding the County accountable for its actions. Pillsbury Family Farms demands that the County immediately cease all revocation proceedings, provide written clarification regarding its allegations, update its ordinances to align with current state law under MAUCRSA (SB 94), and schedule a public hearing before an impartial body to address unresolved matters. Failure to take these corrective actions will leave Pillsbury Family Farms no choice but to pursue all available legal remedies to protect its rights.

The following sections detail the legal deficiencies in the County's actions, supported by relevant statutes, case law, and procedural principles. It is imperative that the County address these concerns promptly to avoid further erosion of public trust in its regulatory framework.

## **Background Check Disqualification**

The County's assertion that Pillsbury Family Farms' disqualification from a background check violates the conditions of approval for its use permit is legally flawed and procedurally indefensible. Below is a detailed explanation of the key issues, supported by legal principles, statutory requirements, and administrative law.

### **Inconsistency with Prior Findings**

The County's position directly contradicts its own findings made in the January 27, 2022, staff report. At that time:

- **Explicit Findings:** The County determined that Pillsbury Family Farms was qualified to receive its use permit after successfully passing all required background checks. This determination was a condition precedent to approving the permit.
- **Finality of Administrative Decisions:** Once a permit is issued based on findings of compliance, it creates a vested property right subject to due process protections (*Horn v. County of Ventura*, 24 Cal.3d 605 (1979)). Absent new and compelling evidence, the County cannot arbitrarily reverse its prior findings.
- **Arbitrary and Capricious Standard:** Under *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29 (1983), administrative actions must be rational and supported by substantial evidence. Revoking a permit without presenting new evidence contradicting prior findings fails this standard and constitutes an abuse of discretion.

### **Demand for Action**

1. The County must provide specific, credible evidence supporting its claim that Pillsbury Family Farms no longer meets the background check requirements.
2. If no such evidence exists, the County must immediately cease revocation proceedings based on this ground.

### **Reliance on Outdated Ordinances**

The County's reliance on Local Ordinance Nos. 3073 and 3079 to justify its actions is legally untenable because these ordinances are based on outdated state laws, including Assembly Bill (AB) 266 and Senate Bill (SB) 643. These laws were superseded by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) under Senate Bill 94.

- **Conflict with Current State Law:** MAUCRSA establishes a unified regulatory framework for cannabis in California, rendering prior legislative schemes obsolete. Local ordinances must align with state law to remain enforceable (*City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal.4th 729 (2013)).
- **Legal Vulnerability:** By enforcing outdated ordinances, the County risks acting ultra vires (beyond its legal authority). Courts have consistently invalidated local actions that conflict with state law or fail to reflect legislative updates (*Big Creek Lumber Co. v. County of Santa Cruz*, 38 Cal.4th 1139 (2006)).

### **Demand for Action**

1. The County must reconcile its enforcement actions with MAUCRSA and update its ordinances to reflect current state law.
2. Any actions taken under outdated ordinances should be immediately suspended to avoid further legal liability.

### **Procedural Due Process Violations**

Revoking Pillsbury Family Farms' use permit without providing clear notice or an opportunity to contest the allegations violates fundamental due process rights under the Fourteenth Amendment.

- **Notice Requirement:** Due process requires that affected parties receive timely and specific notice of allegations against them (*Mathews v. Eldridge*, 424 U.S. 319 (1976)). The County has failed to provide Pillsbury Family Farms with adequate notice detailing the basis for its disqualification.
- **Right to Be Heard:** Due process also guarantees the right to a meaningful hearing before an impartial decision-maker (*Goldberg v. Kelly*, 397 U.S. 254 (1970)). To date, Pillsbury Family Farms has not been afforded this opportunity.
- **Vested Property Rights:** A validly issued use permit constitutes a vested property right protected under California law (*Avco Community Developers, Inc. v. South Coast Regional Comm'n*, 17 Cal.3d 785 (1976)). Revoking this right without adhering to procedural safeguards exposes the County to significant legal liability.

### **Demand for Action**

1. The County must issue a formal notice specifying the grounds for disqualification and provide all supporting evidence.
2. A public hearing before an impartial body must be scheduled within thirty (30) days to allow Pillsbury Family Farms to contest these allegations.

### **Broader Implications of Background Check Disqualification**

#### **A. Equal Protection Concerns**

If the County applies background check disqualifications inconsistently or disproportionately impacts certain groups (e.g., individuals rehabilitated after past convictions), it may violate the Equal Protection Clause of the Fourteenth Amendment.

- **Disparate Impact:** Policies that disproportionately affect protected classes without justification may constitute unlawful discrimination (*Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977)).
- **Rehabilitation Evidence Ignored:** California law emphasizes rehabilitation in licensing decisions (*Bus. & Professions Code §480*). The County's failure to consider evidence of rehabilitation undermines state policy objectives.

#### **B. Americans with Disabilities Act (ADA) Compliance**

Pillsbury Family Farms has raised concerns about mental disabilities affecting its ability to navigate administrative processes effectively.

- **Reasonable Accommodations:** Under Title II of the ADA, public entities must provide reasonable accommodations to ensure equal access to administrative proceedings.
- **Potential Violation:** If the County failed to accommodate these needs during revocation proceedings, it may have violated federal anti-discrimination laws.

The County's attempt to revoke Pillsbury Family Farms' use permit based on alleged background check disqualification is procedurally deficient and legally flawed for several reasons:

1. It contradicts prior findings made in January 2022 without presenting new evidence.
2. It relies on outdated ordinances inconsistent with current state law under MAUCRSA.
3. It violates fundamental due process protections guaranteed by the Fourteenth Amendment.

4. It raises potential Equal Protection and ADA compliance concerns.

**Demands**

To resolve this matter amicably:

1. Provide specific evidence justifying the claim of disqualification.
2. Reconcile enforcement actions with current state law under MAUCRSA.
3. Schedule a formal hearing before an impartial body within thirty (30) days.
4. Update local ordinances to reflect current cannabis regulations under MAUCRSA.

## **Allegation of Cultivating Without a State License**

The County's allegation that Pillsbury Family Farms engaged in cannabis cultivation without obtaining a state license is legally flawed and inconsistent with both local ordinances and state law. Below is an analysis of the claim, highlighting the legal deficiencies in the County's position and providing actionable recommendations.

### **Article 27(b) Compliance**

Section 27(b) of the Lake County Zoning Ordinance explicitly provides a pathway for local authorization of cannabis cultivation when delays in state licensure are caused solely by the State. This provision recognizes that applicants may face unavoidable delays in obtaining state licenses despite fulfilling all other requirements.

#### **Key Provisions of Article 27(b):**

- If delays in obtaining a state license are caused solely by the State, the applicant may still be granted a local use permit to engage in cannabis cultivation.
- The permittee is authorized to operate under local approval pending the resolution of state licensing delays.
- A one-year review is required to assess whether the permittee has obtained a state license. If not, the County may take action, but only if the delay is not attributable to the State.

#### **Pillsbury Family Farms' Compliance:**

- Pillsbury Family Farms has submitted documentation demonstrating compliance with Article 27(b), including proof of application submission to relevant state agencies.
- Publicly available records indicate that Pillsbury Family Farms holds an active state cultivation license (Lic. No. CCL220001641), effective as of July 24, 2023, and valid through January 1, 2026.
- Any delays in obtaining this license prior to July 2023 were caused solely by the State, as evidenced by correspondence with state agencies confirming no outstanding compliance conditions on Pillsbury Family Farms' part.

#### **Legal Implications:**

The County's claim disregards Article 27(b)'s provisions and fails to account for Pillsbury Family Farms' documented compliance. Revoking or penalizing the use permit based on alleged non-compliance with state licensing requirements would be arbitrary and capricious under administrative law principles (*Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29 (1983)).

### **General Plan/Zoning Code Inconsistencies**

The Lake County General Plan requires zoning ordinances to align with its policies for sustainable development and resource conservation (Cal. Gov't Code § 65860(a)). However, Ordinance No. 2997, which governs cannabis cultivation regulations, predates Proposition 64 and MAUCRSA (Senate Bill 94). This creates inconsistencies between local regulations and current state law.

#### **Key Issues:**

1. **Outdated Ordinance:** Ordinance No. 2997 reflects pre-MAUCRSA cannabis regulations that are no longer valid under California law.
2. MAUCRSA establishes a unified framework for regulating both medical and adult-use cannabis, rendering prior legislative schemes obsolete.

3. Local ordinances must align with MAUCRSA provisions to remain enforceable (*City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal.4th 729 (2013)).
4. **Failure to Update Zoning Code:** The County has failed to amend its zoning code within a reasonable time to ensure consistency with updated General Plan policies and MAUCRSA requirements (Cal. Gov't Code § 65860(c)).
5. This failure undermines the legal enforceability of local licensing requirements tied to outdated ordinances.

#### ***Legal Implications:***

The County's reliance on outdated ordinances creates significant legal vulnerabilities in enforcement actions against Pillsbury Family Farms:

- Enforcement actions based on inconsistent or outdated regulations are subject to judicial invalidation (*Big Creek Lumber Co. v. County of Santa Cruz*, 38 Cal.4th 1139 (2006)).
- The County must reconcile its zoning code with current General Plan policies and MAUCRSA provisions before pursuing enforcement actions.

#### **Procedural Deficiencies**

The County has failed to provide clear notice or evidence supporting its allegation that Pillsbury Family Farms cultivated cannabis without a valid state license.

#### ***Notice Requirements:***

Under due process principles, administrative actions must be accompanied by:

1. Clear notice specifying the grounds for enforcement.
2. An opportunity for the affected party to contest allegations before an impartial decision-maker (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

To date:

- The County has not provided specific evidence demonstrating non-compliance with state licensing requirements.
- Pillsbury Family Farms has not been afforded an opportunity to contest these allegations in a formal hearing.

#### ***Legal Implications:***

Revoking a use permit without adhering to procedural safeguards violates Pillsbury Family Farms' due process rights under the Fourteenth Amendment and exposes the County to potential liability.

#### **Broader Policy Concerns**

The County's actions raise broader concerns about regulatory overreach and inconsistent enforcement:

- **Chilling Effect:** Arbitrary enforcement undermines public confidence in Lake County's cannabis regulatory framework and discourages compliance among other permit holders.
- **Economic Impact:** Revoking permits without valid justification disrupts local economic development efforts tied to legal cannabis cultivation.

#### **Demands**

To resolve this matter amicably, Pillsbury Family Farms demands that the County take the following actions:

1. **Confirm Delays Were Solely Caused by the State:**

2. Provide written confirmation that any delays in obtaining a state license were attributable solely to the State, as permitted under Article 27(b).
3. Cease enforcement actions related to this allegation.
4. **Reconcile Local Ordinances with Current State Law:**
5. Update Ordinance No. 2997 and other relevant regulations to reflect MAUCRSA provisions.
6. Ensure consistency between zoning code provisions and General Plan policies as required by Cal. Gov't Code § 65860(a).
7. **Cease Enforcement Actions Based on Outdated Regulations:**
8. Immediately suspend any enforcement actions predicated on outdated or inconsistent ordinances.
9. Provide written acknowledgment confirming Pillsbury Family Farms' compliance with applicable licensing requirements.
10. **Adhere to Procedural Safeguards:**
11. Schedule a formal hearing before an impartial body within thirty (30) days.
12. Provide all evidence supporting allegations against Pillsbury Family Farms prior to the hearing.

The County's allegation that Pillsbury Family Farms cultivated cannabis without a valid state license is factually baseless, legally flawed, and procedurally deficient:

- Pillsbury Family Farms has demonstrated compliance with Article 27(b) and holds an active state cultivation license.
- The County's reliance on outdated ordinances violates statutory requirements for consistency with current state law.
- Procedural deficiencies in notice and hearing further undermine the legitimacy of enforcement actions.

## **Alleged Tax Delinquency**

The County's claim that Pillsbury Family Farms failed to pay cannabis taxes, thereby violating the conditions of approval for its use permit, is factually baseless and legally indefensible. Below is an analysis of the County's position, highlighting its deficiencies in fact, law, and enforcement policy.

### **Factual Inaccuracy**

The County's allegation of tax delinquency is demonstrably false. Records confirm that Pillsbury Family Farms has paid all cannabis taxes for the years 2021 through 2024 in full and on time. These records, which include detailed payment receipts and confirmation from the County Treasurer-Tax Collector's office, directly contradict the County's assertion.

### **Key Points:**

- **Documented Compliance:** Pillsbury Family Farms has provided verifiable evidence of timely tax payments, including receipts and correspondence with relevant County offices.
- **Baseless Allegations:** The County has failed to produce any evidence substantiating its claim of delinquency, raising concerns about the accuracy and integrity of its enforcement actions.

### **Legal Implications:**

Making unfounded allegations without evidence not only undermines the credibility of the County but also exposes it to potential liability for defamation or abuse of process. The County's actions appear to lack a factual basis, violating administrative law principles requiring decisions to be supported by substantial evidence (*Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29 (1983)).

### **Nexus and Proportionality Concerns**

Even if there were a valid issue with tax compliance (which there is not), revoking a land-use entitlement for alleged tax delinquency would fail the legal standards established in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), and *Dolan v. City of Tigard*, 512 U.S. 374 (1994). These landmark cases require that conditions imposed on land-use permits meet two key criteria:

1. **Essential Nexus:** There must be a direct connection between the condition imposed (e.g., tax compliance) and the public interest served by the permit (e.g., land-use impacts or public safety).
2. **Proportionality:** The condition must be proportional to the impact of the regulated activity.

### **Application to This Case:**

- **Lack of Nexus:** Tax compliance is a financial obligation unrelated to land-use impacts or public safety concerns associated with cannabis cultivation.
- **Disproportionate Penalty:** Revoking a use permit—a vested property right—over an alleged financial issue is an excessive and disproportionate response, particularly when alternative enforcement mechanisms are available.

### **Legal Implications:**

Revocation under these circumstances would constitute an arbitrary and capricious exercise of police power, violating constitutional protections against regulatory overreach (*Dolan v. City of Tigard*, *supra*).



### **Alternative Enforcement Mechanisms**

If tax compliance were genuinely at issue (which it is not), the County has numerous enforcement mechanisms available that do not infringe upon vested property rights:

- **Liens:** The County could place a lien on Pillsbury Family Farms' property to secure payment of any outstanding taxes.
- **Penalties:** Financial penalties or interest charges could be assessed for late payments.
- **Administrative Remedies:** The County could pursue administrative collection actions without resorting to revocation proceedings.

### ***Advantages of Alternative Mechanisms:***

- They address tax compliance directly without disrupting lawful land-use activities.
- They avoid constitutional challenges related to due process and regulatory takings.
- They preserve public confidence in the fairness and proportionality of enforcement actions.

### ***Legal Implications:***

By bypassing these reasonable alternatives in favor of revocation proceedings, the County risks violating Pillsbury Family Farms' due process rights under the Fourteenth Amendment (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

### **Procedural Due Process Violations**

The County's actions also raise significant procedural due process concerns:

- **Lack of Notice:** Pillsbury Family Farms was not provided with timely or specific notice detailing the alleged tax delinquency or supporting evidence.
- **Denial of Hearing:** The County has not afforded Pillsbury Family Farms an opportunity to contest these allegations before an impartial decision-maker.

### ***Legal Standards:***

Due process requires both notice and a meaningful opportunity to be heard before depriving a party of a vested property right (*Goldberg v. Kelly*, 397 U.S. 254 (1970)). The County's failure to adhere to these procedural safeguards renders its actions legally deficient.

### **Broader Policy Concerns**

The County's reliance on baseless allegations and disproportionate enforcement measures undermines public trust in its regulatory framework:

- **Chilling Effect:** Arbitrary enforcement discourages compliance among other permit holders who fear similar treatment.
- **Economic Impact:** Revoking permits without justification disrupts local economic development efforts tied to legal cannabis cultivation.

### ***Recommendations for Policy Reform:***

1. Implement clear guidelines for addressing tax compliance issues through alternative mechanisms such as liens or penalties.
2. Establish procedural safeguards to ensure that allegations are substantiated before initiating enforcement actions.
3. Conduct regular audits of enforcement practices to promote transparency and accountability.

### **Demands**

To resolve this matter amicably, Pillsbury Family Farms demands that the County take the following immediate actions:

1. **Retract Allegations Related to Tax Delinquency:**
2. Issue a written retraction acknowledging that all taxes for 2021–2024 have been paid in full and on time.
3. Cease any further actions based on this unsupported claim.
4. **Provide Written Confirmation:**
5. Confirm that Pillsbury Family Farms remains in good standing with respect to its financial obligations under local cannabis regulations.
6. **Review Enforcement Policies:**
7. Commit to using alternative mechanisms for addressing future tax compliance issues without resorting to permit revocation proceedings.

The County's claim of tax delinquency against Pillsbury Family Farms is factually baseless, legally indefensible, and procedurally flawed:

1. Records confirm full compliance with all tax obligations.
2. Revocation lacks an essential nexus or proportionality under constitutional standards (*Nollan/Dolan*).
3. Procedural deficiencies violate due process rights guaranteed by the Fourteenth Amendment.

## **Broader Legal Concerns**

The County's reliance on outdated ordinances and inconsistencies between its General Plan and zoning code creates significant legal vulnerabilities in its enforcement actions. These broader legal concerns undermine the validity of enforcement actions against Pillsbury Family Farms and expose the County to potential liability for arbitrary and capricious regulatory practices. Below is an analysis of these issues.

### **Reliance on Outdated Ordinances**

Local Ordinance Nos. 3073 and 3079, which govern cannabis cultivation in Lake County, reference outdated state laws such as Assembly Bill (AB) 266 and Senate Bill (SB) 643. These laws were superseded by the *Medicinal and Adult-Use Cannabis Regulation and Safety Act* (MAUCRSA) under Senate Bill 94, which established a unified regulatory framework for cannabis in California.

### **Key Issues with Outdated Ordinances**

- **Conflict with Current State Law:** MAUCRSA consolidated California's cannabis regulations into a single framework, rendering prior legislative schemes obsolete. Local ordinances that rely on outdated laws fail to align with this framework, creating a conflict between local and state law.
- Example: AB 266 and SB 643 were part of the now-defunct Medical Marijuana Regulation and Safety Act (MMRSA), which was repealed when MAUCRSA took effect in 2017.
- Local ordinances must reflect current state law to remain enforceable (*City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, 56 Cal.4th 729 (2013)).
- **Ultra Vires Actions:** Enforcement actions based on outdated ordinances exceed the County's legal authority (*ultra vires*). Courts have consistently invalidated local actions that conflict with updated state laws (*Big Creek Lumber Co. v. County of Santa Cruz*, 38 Cal.4th 1139 (2006)).

### **Legal Implications**

The County's reliance on outdated ordinances renders its enforcement actions legally questionable. Any penalties, revocations, or other regulatory measures taken under these ordinances risk being invalidated by the courts.

### **Recommendations**

1. **Update Local Ordinances:** The County must amend Ordinance Nos. 3073 and 3079 to align with MAUCRSA provisions.
2. **Suspend Enforcement Actions:** Until ordinances are updated, the County should cease enforcement actions based on outdated regulations to avoid further legal challenges.

### **General Plan/Zoning Code Inconsistencies**

The Lake County General Plan requires zoning ordinances to align with its policies for sustainable development, resource conservation, and land-use planning (Cal Gov't Code § 65860(a)). However, inconsistencies between the General Plan and zoning code create significant legal vulnerabilities.

### **Key Issues**

- **Ordinance No. 2997 Predates Proposition 64:** Ordinance No. 2997 was adopted in December 2013 under the pre-MAUCRSA regulatory framework for medical marijuana

(Proposition 215). It does not account for the legalization of adult-use cannabis under Proposition 64 or the regulatory changes introduced by MAUCRSA.

- Example: Ordinance No. 2997 imposes restrictions that are inconsistent with modern cannabis licensing requirements under MAUCRSA.
- **Failure to Amend Zoning Code:** State law requires that zoning ordinances be consistent with an adopted General Plan (§65860(a)). If amendments to the General Plan render existing zoning ordinances inconsistent, the County must amend its zoning code within a reasonable time (§65860(c)).
- The failure to update Ordinance No. 2997 since the adoption of Proposition 64 creates a disconnect between local regulations and state law.

### ***Legal Implications***

- **Enforceability Issues:** Zoning regulations that conflict with General Plan policies or state law are unenforceable (*Leshar Communications v. City of Walnut Creek*, 52 Cal.3d 531 (1990)).
- **Potential Litigation:** The County's failure to reconcile its zoning code with the General Plan exposes it to legal challenges from permit holders like Pillsbury Family Farms.

### ***Recommendations***

1. **Reconcile Zoning Code with General Plan:**
2. Update Ordinance No. 2997 to reflect current General Plan policies and MAUCRSA provisions.
3. **Conduct a Comprehensive Review:**
4. Undertake a comprehensive review of all cannabis-related ordinances to ensure consistency with state law and local planning policies.

### ***Procedural Deficiencies***

The County's reliance on outdated ordinances and inconsistent regulations raises broader procedural concerns:

- **Arbitrary Enforcement:** Enforcement actions based on conflicting or outdated regulations may be deemed arbitrary and capricious under administrative law principles (*Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, supra).
- **Lack of Clarity:** Outdated ordinances create confusion for permit holders, undermining their ability to comply with regulatory requirements.
- **Due Process Violations:** Regulatory actions taken without clear legal authority or notice violate due process protections guaranteed by the Fourteenth Amendment (*Mathews v. Eldridge*, supra).

### ***Broader Policy Concerns***

The County's failure to update its cannabis regulations has broader implications for public policy and governance:

- **Economic Impact:** Outdated regulations hinder compliance among legitimate cannabis operators, stifling economic growth in Lake County's cannabis industry.
- **Public Trust:** Arbitrary enforcement erodes public confidence in the County's regulatory framework, discouraging future investment.
- **Regulatory Integrity:** Aligning local regulations with state law is essential for maintaining the integrity of Lake County's cannabis program.

## **Demands**

To address these broader legal concerns, Pillsbury Family Farms demands that the County take immediate corrective action:

1. **Update Local Ordinances:**
2. Amend Ordinance Nos. 3073, 3079, and 2997 to reflect current state law under MAUCRSA.
3. Ensure consistency between zoning regulations and General Plan policies as required by Cal Gov't Code §65860(a).
4. **Cease Enforcement Actions Based on Outdated Regulations:**
5. Suspend all enforcement actions predicated on outdated or inconsistent ordinances until necessary updates are made.
6. **Provide Written Clarification:**
7. Issue a written statement confirming whether enforcement actions against Pillsbury Family Farms are based on outdated ordinances or inconsistent zoning regulations.
8. **Conduct Public Hearings:**
9. Schedule public hearings to solicit input from stakeholders before adopting updated cannabis regulations.

The County's reliance on outdated ordinances and inconsistencies between its General Plan and zoning code creates significant legal vulnerabilities in its enforcement actions against Pillsbury Family Farms:

1. Local Ordinance Nos. 3073 and 3079 fail to reflect current cannabis regulations under MAUCRSA.
2. Ordinance No. 2997 predates Proposition 64 and conflicts with modern land-use policies outlined in the General Plan.
3. These deficiencies expose the County to potential litigation for arbitrary enforcement, due process violations, and failure to comply with state law.

## Conclusion

The County of Lake's actions against Pillsbury Family Farms are legally indefensible, procedurally flawed, and expose the County to significant liability. These enforcement measures, rooted in outdated ordinances, inconsistent regulatory frameworks, and factually unsupported allegations, fail to meet the legal standards required for fair and lawful governance. Below is a summary of the critical flaws in the County's approach and their broader implications.

### Background Check Disqualification

The County's claim that Pillsbury Family Farms' disqualification from a background check violates the conditions of its use permit is both procedurally and substantively flawed:

- **Contradiction of Prior Findings:** The County's January 27, 2022, staff report explicitly determined that Pillsbury Family Farms was qualified to receive its use permit after passing all required background checks. This finding created a vested property right in the permit (*Horn v. County of Ventura*, 24 Cal.3d 605 (1979)). Without new and compelling evidence to contradict these findings, any attempt to revoke the permit is arbitrary and capricious (*Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29 (1983)).
- **Reliance on Outdated Ordinances:** The County continues to base its enforcement actions on Local Ordinance Nos. 3073 and 3079, which reference outdated state laws such as AB 266 and SB 643. These laws were repealed and replaced by MAUCRSA (SB 94), which established a unified regulatory framework for cannabis in California. Enforcement actions based on obsolete legal standards are ultra vires (beyond the County's authority) and legally unenforceable (*Big Creek Lumber Co. v. County of Santa Cruz*, 38 Cal.4th 1139 (2006)).
- **Procedural Due Process Violations:** Revoking a permit without clear notice or an opportunity for Pillsbury Family Farms to contest the allegations violates due process rights under the Fourteenth Amendment (*Mathews v. Eldridge*, 424 U.S. 319 (1976)).

### Allegation of Cultivating Without a State License

The County's allegation that Pillsbury Family Farms engaged in cannabis cultivation without a state license is factually unsupported and legally flawed:

- **Article 27(b) Compliance:** Section 27(b) of the Lake County Zoning Ordinance explicitly allows local authorization for cannabis cultivation if delays in state licensure are caused solely by the State. Pillsbury Family Farms has provided documentation demonstrating compliance with this provision, including proof of application submission to state agencies and evidence that delays were attributable solely to the State.
- **Active State License:** As confirmed by state records, Pillsbury Family Farms currently holds an active state cultivation license (Lic. No. CCL220001641), effective July 24, 2023, through January 1, 2026. Any prior delays in licensure were resolved in compliance with Article 27(b).
- **General Plan/Zoning Code Inconsistencies:** Ordinance No. 2997 predates Proposition 64 and MAUCRSA, creating inconsistencies with the Lake County General Plan's policies for sustainable development (Cal Gov't Code § 65860(a)). The failure to update zoning regulations within a reasonable time (§65860(c)) undermines their enforceability.

### Alleged Tax Delinquency

The County's claim that Pillsbury Family Farms failed to pay cannabis taxes is factually baseless and legally indefensible:

- **Factual Inaccuracy:** Records confirm that all cannabis taxes for the years 2021–2024 were paid in full and on time. The County has failed to provide any evidence substantiating its allegations.
- **Nexus and Proportionality Concerns:** Revoking a land-use entitlement for alleged tax delinquency lacks an essential nexus to land-use impacts or public safety concerns (*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994)). Alternative enforcement mechanisms such as liens or penalties are available without infringing upon vested property rights.
- **Procedural Deficiencies:** The County has not provided adequate notice or an opportunity for Pillsbury Family Farms to contest these allegations, violating due process protections under *Mathews v. Eldridge*.

### **Broader Legal Concerns**

#### ***Reliance on Outdated Ordinances***

Local Ordinance Nos. 3073 and 3079 reference outdated laws such as AB 266 and SB 643, which have been superseded by MAUCRSA (SB 94). These ordinances fail to reflect current regulatory frameworks governing cannabis cultivation in California:

- Enforcement actions based on these ordinances are legally questionable and risk being invalidated by the courts (*City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc.*, *supra*).
- The failure to update these ordinances undermines regulatory integrity and creates confusion for permit holders attempting to comply with conflicting legal standards.

#### ***General Plan/Zoning Code Inconsistencies***

The Lake County General Plan requires zoning ordinances to align with its policies for sustainable development (§65860(a)). However:

- Ordinance No. 2997 predates Proposition 64 and MAUCRSA, creating inconsistencies that render it unenforceable.
- The failure to amend zoning regulations within a reasonable time (§65860(c)) exposes the County to legal challenges for arbitrary enforcement.

### **Legal Liability**

#### ***Regulatory Takings***

Revoking Pillsbury Family Farms' use permit without valid justification constitutes a regulatory taking under the Fifth Amendment if it deprives the farm of all economically viable use of its property (*Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992)). Such actions require just compensation unless they serve substantial public interests.

#### ***Due Process Violations***

The lack of notice, reliance on outdated ordinances, and failure to provide an impartial hearing violate Pillsbury Family Farms' due process rights under the Fourteenth Amendment.

#### ***Equal Protection Concerns***

If other similarly situated permit holders are not subject to similar scrutiny or enforcement actions, Pillsbury Family Farms may have grounds for an Equal Protection claim under *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000).

The County's enforcement actions against Pillsbury Family Farms are emblematic of arbitrary governance rooted in outdated laws, procedural deficiencies, and unsupported allegations:

1. The claim regarding background check disqualification contradicts prior findings and relies on invalid ordinances.
2. Allegations related to state licensure fail to account for Article 27(b)'s provisions for delays caused by the State.
3. Tax delinquency claims are factually baseless and lack any nexus to land-use impacts.

These actions expose the County to significant legal liability for arbitrary enforcement, regulatory takings, due process violations, and equal protection claims while undermining public trust in its regulatory framework.

By addressing these issues promptly through updated ordinances, transparent procedures, and fair enforcement practices, the County can restore credibility while avoiding costly litigation or further erosion of public confidence in its cannabis program governance.

Failure to address these demands will leave Pillsbury Family Farms no choice but to pursue all available legal remedies, including administrative appeals or litigation under constitutional and statutory protections.

Sincerely,  
John Phillips Jr  
Land-Use & Environmental Planning  
On behalf of Pillsbury Family Farms



## Mireya Turner

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**From:** John Phillips Jr <johnphillipsjr@proton.me>  
**Sent:** Friday, February 21, 2025 4:08 PM  
**To:** Mireya Turner  
**Cc:** Pillsbury Family farms  
**Subject:** [EXTERNAL] Re: Formal Demand for Procedural Compliance and Reconsideration of Use Permit Revocation (UP 20-50)

**Subject:** Urgent Follow-Up: Legal and Procedural Concerns Regarding Use Permit UP 20–50 Revocation

Dear Director Turner,

This email serves as a **formal follow-up** to the letter and email sent on **February 19, 2025**, regarding the County's ongoing actions related to the revocation of Pillsbury Family Farms' cannabis cultivation permit (Use Permit UP 20–50). To date, we have not received any acknowledgment or response from your office. This lack of communication is deeply concerning given the gravity of the legal and procedural issues outlined in our correspondence.

As detailed in the attached letter, the County's actions raise serious concerns regarding reliance on outdated ordinances, inconsistencies between the Lake County General Plan and zoning code, and factually unsupported allegations. These deficiencies expose the County to significant legal liability for arbitrary enforcement, regulatory takings, and due process violations. Pillsbury Family Farms has operated in good faith under its validly issued use permit and has demonstrated compliance with all applicable local and state laws. The County's failure to address these concerns promptly undermines public trust in its regulatory framework and jeopardizes the integrity of its cannabis program.

We demand an **immediate response** to the following:

1. Confirmation of receipt of our February 19 letter and email.
2. A clear timeline for addressing the issues raised, including scheduling a public hearing before an impartial body to resolve this matter.
3. Written clarification regarding the specific grounds for revocation proceedings and all supporting evidence relied upon by the County.

If we do not receive a substantive response by **5:00 PM on February 25, 2025**, Pillsbury Family Farms will have no choice but to escalate this matter further, including filing formal complaints with relevant state agencies, pursuing administrative appeals, or initiating litigation to protect its rights.

We remain committed to resolving this matter amicably but will not hesitate to take all necessary legal action to ensure accountability and fairness. Please confirm receipt of this email immediately.

Sincerely,  
John Phillips Jr  
Land Use & Environmental Planning  
On behalf of Pillsbury Family Farms

On Wednesday, February 19th, 2025 at 7:00 AM, John Phillips Jr <johnphillipsjr@proton.me> wrote:

Dear Director Turner,

Please find attached a formal letter addressing the County's ongoing actions regarding the revocation of Pillsbury Family Farms' cannabis cultivation permit (Use Permit UP 20-50). This

correspondence builds upon prior communications and incorporates updated legal analysis to highlight critical deficiencies in the County's approach.

The letter identifies significant legal and procedural concerns, including reliance on outdated ordinances, inconsistencies between the Lake County General Plan and zoning code, and factually unsupported allegations. These actions not only undermine the integrity of the County's regulatory framework but also expose it to substantial legal liability for arbitrary enforcement, regulatory takings, and due process violations.

Pillsbury Family Farms has operated in good faith under its validly issued use permit, demonstrating compliance with state licensing requirements, timely payment of taxes, and adherence to local land-use regulations. Despite this, the County has initiated revocation proceedings based on flawed reasoning that demands immediate attention and correction.

We urge the County to review the attached letter carefully and take prompt corrective action to address these issues. Pillsbury Family Farms remains committed to resolving this matter amicably but will pursue all available legal remedies if necessary to protect its rights.

Please confirm receipt of this email and the attached letter at your earliest convenience.

Sincerely,  
John Phillips Jr  
Land-Use & Environmental Planning  
On behalf of Pillsbury Family Farms

On Friday, February 7th, 2025 at 4:57 PM, John Phillips Jr <johnphillipsjr@proton.me> wrote:

Dear Director Turner,

Please find attached a formal letter on behalf of Pillsbury Family Farms regarding the County's actions concerning the revocation of its cannabis cultivation permit (Use Permit UP 20-50).

The letter outlines significant legal and procedural concerns, including potential violations of due process, Americans with Disabilities Act (ADA) compliance, and inconsistencies with prior findings made by the County in 2022. Pillsbury Family Farms has operated in good faith under its validly issued permit and is entitled to a fair and transparent process as required by law.

We respectfully request that the County take immediate action to address these issues, including rescinding any notice of revocation, providing a detailed explanation of alleged violations, and scheduling a public hearing before an impartial body. Failure to do so will leave Pillsbury Family Farms no choice but to pursue all available legal remedies to protect its rights.

We trust that Lake County will act swiftly to rectify these matters and uphold the integrity of its regulatory processes. Please confirm receipt of this email and the attached letter at your earliest convenience.

Sincerely,  
John Phillips Jr  
Land Use & Environmental Consultant  
On behalf of Pillsbury Family Farms