

Exhibit 3**Scotts Valley Energy Corp Appeal****COUNTY OF LAKE****Community Development Department****PLANNING DIVISION**

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Phone (707) 263-2221 FAX (707) 263-2225



FILED
6/19/23
Miyabara

Planning Division Application

(Please type or print)

Project name: Scotts Valley Pomo Parcel Map
 Assessors Parcel #: 009 - 021 - 027

INITIAL FEES:AB 23-01 \$1,592.00**Sub Total:** \$1,592.00

Technology recovery 2% Cost \$20.00

General Plan Maintenance Fee \$61.00

Total: \$1,673.00Zoning: RR-SCGeneral Plan: RR, CCReceipt # 68142Initial: YK**APPELLANT INFORMATION**NAME: Thomas JordanMAILING ADDRESS: 1005 Parallel Drive CITY: LakeportSTATE: CA ZIP: 95453PRIMARY PHONE: 707 349 8545 SECONDARY PHONE: 707 263 4950EMAIL: thomas.jordan@sv-nsn.gov**PROJECT LOCATION**ADDRESS: 7130 Red Hills Road, Kelseyville

PRESENT USE OF LAND:

CH & RR**DESCRIPTION OF PROJECT APPEALED:**

Approved Tentative Map
Condition #4
Widen Red Hills Road

SURROUNDING LAND USES:North: Highway 29South: VineyardEast: Personal storage unit. Business & private homes & 2 story buildingWest: vineyards; 1 home**PARCEL SIZE(S):**Existing: 34.58 of which 20+ acres is RR.Proposed: 4-5+ acre RR lotsExisting/Proposed Water Supply: wellExisting/Proposed Sewage Disposal: septicFire Protection District: Kelseyville Fire DistrictSchool District: KUSD

At-Cost Project Reimbursement

I, _____, the undersigned, hereby authorize the County of Lake to process the above referenced permit request in accordance with the County of Lake Code. I am paying an initial fee of \$ _____ as an estimated cost for County staff review, coordination and processing costs related to my permit (Resolution No. 2017-19, February 7, 2017). **In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

1. Time spent by County of Lake staff in processing my application and any direct costs will be billed against the available initial fee. **"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, processing of any appeals, responding to public records act requests or responding to any legal challenges related to the application. "Staff" includes any employee of the Community Development Department.**
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. As the owner of the project location, I have the authority to authorize and I hereby do authorize the County of Lake or authorized representative(s) to make inspections at any reasonable time as deemed necessary for the purpose of review and processing this application.
4. If I fail to pay any invoices within 30 days, the County will stop processing my permit application. All invoices must be paid in full prior to issuance of the applied for permit.
5. If the County determines that any study submitted by the applicant requires a County-contracted consultant peer review, I will pay the actual cost of the consultant review. This cost

The signature(s) below signifies legal authority and consent to file an application in accordance with the information above. The signature also signifies that the submitted information and accompanying documents are true and accurate, and that the items initialed above have been read and agreed to.

Note: This agreement does not include other agency review fees or the County Clerk Environmental Document filing fees.

APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE(S) OF LEGAL PROPERTY OWNERSHIP
OR OFFICIAL AGENT/AUTHORITY TO FILE (circle one)

Ownership
*Must Attach Evidence

Contract to Purchase*

Letter of Authorization*

Power of Attorney*

Name of Property Owner or Corporate Principal Responsible or Appointed Designee for Payment of all At-Cost Project Reimbursement Fees:

Thomas J. Jordan, CEO

(Please Print)

Name of Company or Corporation (if applicable):

Scotts Valley Energy Corporation

(Please Print)

Mailing Address of the Property Owner or Corporation/Company responsible for paying processing fees:
(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Name: Thomas Jordan


Date: 6 June 2023

Email address: thomas.jordan@sv-nsn.gov

Phone Number: 707-349-8545


Signature of Owners/Agent Name

7 June 2023
Date


Signature of Applicant

7 June 2023
Date

may vary depending on the complexity of the analysis. Selection of any consultant for a peer review shall be at the sole discretion of the Community Development Director or his designee.

6. I agree to pay the actual cost of any public notices for the project as required by State Law and the Lake County Zoning Ordinance.

7. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

8. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement including compliance monitoring.

9. I agree not to alter the physical condition of the property during the processing of this application by removing trees, demolishing structures, altering streams, and/or grading or filling. I understand that such alteration of the property may result in the imposition of criminal, civil or administrative fines or penalties, or delay or denial of the project.

10. I have checked the current Hazardous Waste and Substances Sites List pursuant to Government Code Section 65962.5(f). www.envirostor.dtsc.ca.gov/public/ The proposed project site **is** ☐ or **is not** ☐ included on the most recent list.

11. I understand that pursuant to State Fish and Games Code Section 711.4, a filing fee is required for all projects processed with a Negative Declaration or Environmental Impact Report unless it has been determined by the California Department of Fish (CDFW) that the project will have no effect on fish and wildlife. The fees are collected by the County Community Development Department, Planning and Environmental review Division (PER) for payment to the State. I understand that I will be notified of the fee amount upon release of the environmental document for the project.

12. I hereby agree that any drainage studies and/or drainage models that are provided to the County as part of the technical studies for this entitlement process will be provided with a license or other satisfactory release allowing the County to duplicate, distribute, and/or publish the studies and models to the general public without restriction. I understand that failure to provide such license or release to the satisfaction of the County may result in comment that the study and or model is inadequate to support the entitlement request.

**INDEMNIFICATION AGREEMENT
BY AND BETWEEN COUNTY OF LAKE AND**

Scotts Valley Energy Corporation

THIS AGREEMENT, made and entered into this 6th day of June, 2023, by and between COUNTY OF LAKE, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and SVEC (hereinafter referred to as "APPLICANT").

WHEREAS, the Applicant has a legal and/or equitable interest in the certain real property located at Assessor Parcel Number(s): 009-021-07; and

WHEREAS, the Applicant has submitted an application to the County for an entitlement (Zoning Clearance Certificate, Special Permit, or Conditional Use Permit) for _____ pursuant to section(s) _____ of Chapter 21 of the County of Lake Code, section(s) _____ of the California Code of _____, and related CEQA approvals ("the Project"); and

WHEREAS the APPLICANT desires to indemnify the COUNTY from liability or loss connected with the Project approvals herein.

NOW, THEREFORE, pursuant to Chapter 21 of the Lake County Code and in consideration of the promises, covenants, and provisions set forth herein, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Nothing in this Agreement shall be construed to limit, direct, impede, or influence the County's review and consideration of the Project.
2. The APPLICANT shall defend, indemnify and hold harmless the COUNTY and its agents, officers and employees from any claim, action, or proceeding against the COUNTY or its agents, officers, or employees brought on account of any injury or damage sustained, or to attack, set aside, void, or annul the Project or any prior or subsequent related development approvals or Project condition imposed by the COUNTY or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the Project, which claim, action, or proceeding is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party from COUNTY. However, APPLICANT shall have no obligation to defend or indemnify the COUNTY against claims caused by the sole or active negligence or willful misconduct of the COUNTY, its agents, officers, or employees.
3. The County shall have the absolute right to approve any and all counsel employed to defend the County. To the extent that COUNTY uses any of its resources responding to such claim, action, or proceeding, APPLICANT will reimburse COUNTY upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, or any other direct or indirect cost associated with responding to the claim, action, or proceedings.

4. The APPLICANT'S obligations under this agreement shall be effective regardless of the issuance of any permits or entitlements.
5. The COUNTY will promptly notify APPLICANT of any such claim, action, or proceeding.
6. The COUNTY may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the COUNTY defends the claim, action, or proceeding in good faith.
7. The APPLICANT shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved in writing by APPLICANT.
8. All notices to APPLICANT under this Agreement shall be deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and / or registered mail, addressed to:
_____.

All notices to COUNTY under this Agreement shall be deemed valid and effective when personally served upon the Community Development Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, Lake County Department of Community Development, 255 North Forbes Street, Lakeport, California 95453.

9. This Agreement represents the complete understanding between the parties with respect to matters set forth herein.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.

COUNTY OF LAKE

By: _____
MIREYA TURNER (COMMUNITY DEVELOPMENT DIRECTOR)

APPLICANT

By:  _____
(Applicant)

APPROVED AS TO FORM:

ANITA L. GRANT
County Counsel

By:  _____
NICOLE JOHNSON (DEPUTY COUNTY COUNSEL)



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

APPEAL TO BOARD OF SUPERVISORS

Date: 6 June 2023

Project Name (if applicable): Scotts Valley Pomo Parcel Map

Appellant's Name: Scotts Valley Energy Corporation

Appellant's Mailing Address: 1005 Parallel Drive

Lakeport CA 95453 Phone #: 707.349.8545

Appellant's Representative Thomas Jordan, CEO

Phone #: 707.349.8545

Location of Project: 7130 Red Hills Road

Kelseyville CA

Assessor's Parcel Number: 009-021-07

Previous Action Taken: Planning Commission Approved Tentative

Map with 5 conditions Date: 25 May 2023

Reason for Appeal: (Attach extra sheets if necessary)

Condition #4: widening Red Hills Road is unreasonable.
The subdivision adds only 9 low-income housing units to the original
parcel. The requirement to widen the east side of the road by
7 feet, for a distance equal to the western boundary of the
new parcel, is excessive for the number of additional
housing units.

Signature of Appellant/s

FOR OFFICE USE ONLY

Appeal Number: _____

Related File#: _____

Fee: _____

Receipt #: _____

Date Received: _____

Received By: _____

**COUNTY OF LAKE**

Community Development Department
255 N. Forbes St.
Lakeport, CA 95453
(707) 263-2382

Receipt No.: **68142**Receipt Date: **06/07/2023**

RECEIPT

RECORD & PAYER INFORMATION

Record ID: AB23-01
Record Type: Planning Entitlement
Property Address: 7130 RED HILLS RD, KELSEYVILLE 95451
Parcel Number: 009-021-07
Description of Work: Approved Tentative Map Condition #4 Widen Red Hills Road
Job Value: \$0.00
Payer: Thomas Jordan
Applicant: Thomas Jordan
1005 Parallel Drive
Lakeport, CA 95453
Owner: SCOTTS VALLEY BAND OF POMO INDIANS

PAYMENT DETAIL

| Date | Payment Method | Reference | Cashier | Comments | Amount |
|------------|----------------|-----------|----------|----------|------------|
| 06/07/2023 | Check | 1890 | YCLAYBON | | \$1,673.00 |

FEE DETAIL

| Fee Description | Account | Fee Amount | Current Paid |
|--------------------------|--------------------|-------------------|-------------------|
| TECH Recov Fee | 001-2702-461.66-19 | \$20.00 | \$20.00 |
| Enforcmt Appeal to Board | 001-2702-492.79.90 | \$1,000.00 | \$1,000.00 |
| Enforcmt Appeal to Board | 001-1908-492.79-90 | \$65.00 | \$65.00 |
| Enforcmt Appeal to Board | 001-1231-461.66-10 | \$420.00 | \$420.00 |
| Enforcmt Appeal to Board | 170-4010-461.66-10 | \$107.00 | \$107.00 |
| Gen Plan Maint'c Fee | 001-2702-461.66-21 | \$61.00 | \$61.00 |
| | | \$1,673.00 | \$1,673.00 |

Eric Porter

From: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Sent: Monday, June 12, 2023 11:36 AM
To: Eric Porter
Subject: [EXTERNAL] Re: Appeal, Scotts Valley Pomo / Energy Corp

Good morning.

Can you send me the 5 conditions of the tentative map and any guidance on how to comply with the conditions?

Many thanks

Tom Jordan

CEO SVEC

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From: Eric Porter <Eric.Porter@lakecountyca.gov>
Sent: Monday, June 12, 2023 8:41:59 AM
To: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Subject: RE: Appeal, Scotts Valley Pomo / Energy Corp

Received. Thank you –
Eric Porter

From: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Sent: Thursday, June 8, 2023 5:03 PM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Cc: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Subject: [EXTERNAL] RE: Appeal, Scotts Valley Pomo / Energy Corp

Eric, good afternoon.

I was able to speak to Ms. Turner at the end of the PC meeting. She explained her misunderstanding of which application we were concerned and confirmed that the appeal is the only route.

She was also appreciative that we had at least submitted the essence of an appeal within the 15 day time frame.

As for your request for a more detailed rationale I have not assembled what I believe is important data. What I have to date is the following:

Rationale for requesting a waiver of Condition #4 of the Planning Commission's approval of a Tentative subdivision map for the Rural Residential zone of the Scotts Valley Band of Pomo Indians Red Hills Property APN 009-021-07.

On June 6, Mr. de Leon, Public Works Director, informed me, Thomas Jordan, as applicant, that the county has a standard condition of roadway improvements as they pertain to subdivision approvals. For this tentative map approval the roadway in question is Red Hills Road. Mr. de Leon was gracious enough to provide the full text of the condition and defined Red Hills Road as a arterial road. The requirements for arterial roadways include without limit widening the road way from centerline to edge of asphalt to a total distance of 18 feet. Red Hills Road current width from centerline to edge of asphalt is no more than 11.5 feet, hence, requiring an additional 7

feet of width. Additionally, the road must be built to established standards – grading, basing and asphalt surface. Furthermore, the length of the expansion must parallel the length of the adjacent subdivision side.

Given that the subdivision map encompasses 20+ acres of the existing RR zone, its western boundary adjacent to the eastern boundary of Red Hills spans the total length of the RR zone which equates to approximately 1,000 feet. This in turn means expanding the roadway by 7,000 square feet. Assuming road construction costs are in the realm of residential construction, one would have a square foot cost of \$400.00. Multiplying this cost by the square footage entailed would result in a cost of \$2,800,000. The simple rationale is this cost is excessive to provide for an additional 9 low income housing units by adding an additional \$311,111 to the construction cost of each unit.

I understand the roadway expansion condition as it applies to the typical subdivision. But the typical subdivision such as Valley Oaks, approved by the Planning Commission this morning, encompasses a large number of homes, anywhere from 100 or higher, and this naturally would increase road usage far greater than the original road's design was intended to accommodate. To apply this same requirement to a parcel map subdivision that only provides for 9 additional units would appear not to be justified based on the "reasonable man" theory in law.

Additionally, the vineyards farther south on Red Hills Road are much greater trip generators than provided by the 9 unit parcel map re-alignment; yet because they are not considered a subdivision they are not required to expand the width of the roadway.

What I still need to confirm is the exact length of the boundary and a more precise square foot cost of road construction; however, I do not think by estimate is far off the mark.

Let me know if this makes sense to you and Ms. Turner.

Tom Jordan

CEO, SVEC

From: Eric Porter <Eric.Porter@lakecountyca.gov>
Sent: Thursday, June 8, 2023 2:45 PM
To: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Subject: FW: Appeal, Scotts Valley Pomo / Energy Corp
Importance: High

Tom,

I had misunderstood the Director's position on sending an item back to the PC for reconsideration, which she clarified below. The only avenue available to you is the appeal. We do not have the authority to re-send an application back to the PC once a decision has been made.

My apologies for any misunderstanding here. And please make sure that you provided a reason to appeal the approval – that is essential to our ability to move the appeal forward.

Eric Porter

From: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Sent: Thursday, June 8, 2023 2:20 PM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Subject: RE: Appeal, Scotts Valley Pomo / Energy Corp

Just to follow up on your earlier email, we do not have the authority to return an item to the PC. According to the Zoning Ordinance, appeals of Planning Commission decisions go to the BOS for consideration.

Cordially,



Mireya G. Turner, MPA

Director

Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 262-2221

Fax: (707) 263-2225

Email: mireya.turner@lakecountyca.gov

From: Eric Porter

Sent: Thursday, June 8, 2023 2:14 PM

To: Mireya Turner <Mireya.Turner@lakecountyca.gov>

Subject: RE: Appeal, Scotts Valley Pomo / Energy Corp

I just finished listening to the PC hearing on May 25th – the PC approved the PM.

From: Mireya Turner <Mireya.Turner@lakecountyca.gov>

Sent: Thursday, June 8, 2023 2:11 PM

To: Eric Porter <Eric.Porter@lakecountyca.gov>

Subject: RE: Appeal, Scotts Valley Pomo / Energy Corp

Ok. I get it now. I thought the condition was on today's item.

Please make sure his reason for the appeal is detailed. If not let me know and I will send him back upstairs after this next item.

Cordially,



Mireya G. Turner, MPA

Director

Community Development

255 N. Forbes St.

Lakeport, CA 95453

Phone: (707) 262-2221

Fax: (707) 263-2225

Email: mireya.turner@lakecountyca.gov

From: Eric Porter

Sent: Thursday, June 8, 2023 1:54 PM

To: Mireya Turner <Mireya.Turner@lakecountyca.gov>

Subject: RE: Appeal, Scotts Valley Pomo / Energy Corp

I thought they approved the PM two weeks ago. Am I missing something here?

Eric

From: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Sent: Thursday, June 8, 2023 1:42 PM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Subject: RE: Appeal, Scotts Valley Pomo / Energy Corp

Until the PC makes a decision, there is nothing for him to appeal.
They will take up the item today, and hopefully Tom will be here to speak to the matter.

Cordially,



Mireya G. Turner, MPA
Director

Community Development
255 N. Forbes St.
Lakeport, CA 95453
Phone: (707) 262-2221
Fax: (707) 263-2225
Email: mireya.turner@lakecountyca.gov

From: Eric Porter
Sent: Thursday, June 8, 2023 1:40 PM
To: Mireya Turner <Mireya.Turner@lakecountyca.gov>
Subject: FW: Appeal, Scotts Valley Pomo / Energy Corp

Mireya,

Tom Jordan wants reconsideration of the conditions to improve Red Hills Road. He filed an appeal, but wants us to refund the appeal fee and simply send him back to the PC.

How would you like me to proceed? The appeal was filed within the 15 day appeal period by the way.

Eric

From: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Sent: Wednesday, June 7, 2023 5:05 PM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Subject: [EXTERNAL] RE: Appeal

Thank you. Please let Ms. Turner that the appeal is a placeholder to comply with posted timeline.
The economic issue is the cost of meeting the condition against 8 low income housing units. I am trying to obtain that cost but it clearly has to be excessive and prohibitive when added to the cost to construct each unit.

Tom Jordan
Economic Development Director
Scotts Valley Band of Pomo Indians

From: Eric Porter <Eric.Porter@lakecountyca.gov>
Sent: Wednesday, June 7, 2023 4:19 PM
To: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Subject: RE: Appeal

We shall see. That's the Director's call, not mine.

Eric Porter

From: Thomas Jordan <thomas.jordan@sv-nsn.gov>
Sent: Wednesday, June 7, 2023 4:13 PM
To: Eric Porter <Eric.Porter@lakecountyca.gov>
Subject: [EXTERNAL] Appeal

I submitted the appeal app. But hope we can address via the planning commission and withdraw the appeal
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