

LAW OFFICES OF:
EWING & ASSOCIATES

MIKE EWING

TERRI L. CIPPONERI
ANDRE M. ROSS

POST OFFICE BOX 400
995 SOUTH MAIN STREET
LAKEPORT, CALIFORNIA 95453-0400

TELEPHONE (707) 263-6400
FACSIMILE (707) 263-7047

www.lakeportlawyers.com

January 18, 2024

Via E-Mail Transmission To: Scott.Deleon@lakecountyca.gov, Mireya.Turner@lakecountyca.gov,
Nichole.Johnson@lakecountyca.gov, Carlos.Torrez@lakecountyca.gov,
Lloyd.Guintivano@lakecountyca.gov, Ruby.Mitts@lakecountyca.gov,
Dist1planningcomm@lakecountyca.gov, Dist2planningcomm@lakecountyca.gov,
Dist3planningcomm@lakecountyca.gov, Dist4planningcomm@lakecountyca.gov,
Dist5planningcomm@lakecountyca.gov,

With Originals (Including Exhibits) to Follow By Hand Delivery/First Class U.S. Mail

County of Lake Planning Commission
Attn: Members and County Counsel
255 N. Forbes Street
Lakeport, California 95453

Re: Applicant: Lake Shore Associates Inc., a California corporation, Property Owner
Appellants: Richard B. Schieder, Trustee and Lana M. Schieder, Trustee of Schieder Trust
Project Site: 11360 North Drive, Clearlake, County of Lake [A.P.N. 036-091-050]
Matter: County of Lake Lakebed Encroachment Permit ("LEP") No. 2022-25

To the Honorable Members of the Lake County Planning Commission:

This administrative appeal arises from a Notice of Violation, dated June 24, 2022, (the "Notice") that was properly issued by the County of Lake's Department of Water Resources (the "Department") regarding the applicant's then undisclosed and un-permitted pour(s) of concrete foundation elements on the shoreline of Clear Lake allegedly in violation of the County's Shoreline Ordinance and other applicable statutes.

On July 29, 2022, the Appellants timely filed their appeal of the Department's granting of an "after-the-fact" Administrative Encroachment Permit No. 2022-25. Sometime thereafter, according to Deputy County Counsel Torrez, the County's code enforcement file for this administrative appeal was either misplaced or perhaps lost before County chose to take action steps in response to the Appellants' timely appeal.

Approximately 556 calendar days have been allowed to pass since the Appellants timely filed their administrative appeal on July 19, 2022. Pursuant to Chapter 23, Section 23-20. Enforcement. Sub-Section 20.2 of the Clear Lake Shoreline Ordinance (the "Ordinance") a violation of the Ordinance is punishable as an infraction by a fine of not more than \$100.00, or a misdemeanor by a fine of not more than \$ 500.00, and/or by local imprisonment, with each and every day during any portion of which a violation is committed, continued or permitted "deemed a separate offense." Thus, the current state of the Ordinance reflects just how important the Lake County Board of Supervisors (the "Board") has deemed its duty to protect the Clear Lake Shoreline to be. Since the Board's initial adoption of Ordinance 917, and via subsequent amendments thereto, the most sensitive and unique portions of the Clear Lake Shoreline have been lawfully protected from human construction activities and from human recreational uses. Most recently, the Ordinance was further amended to require property owners to undertake reasonable efforts to maintain the Clear Lake Shoreline in its most natural state. In this instance, the still silent permit Applicant

chose to pour its concrete foundation elements first and to perhaps apologize (or not apologize) much later and very much “after-the-fact.”

STATEMENT OF GOVERNING LAWS

Since the County’s enactment, on November 22, 1976, of its Ordinance No. 917., the construction of structures and other improvements on the shoreline of Clear Lake has been closely regulated. The underlying purpose of the original Ordinance No. 917 was, at the time of its enactment, to “improve and protect the submerged lands of Clear Lake granted to the County” in furtherance of the public’s statewide interest(s) in “commerce, navigation and fishery” [See Section 1, County of Lake Code of Ordinances, Ordinance No. 917 and subsequent amendments thereto.]

On March 2, 1999, Chapter 23 of the Lake County Code of Ordinances was unanimously amended by the Board of Supervisors to establish, among other things, the additional public statewide interest(s) in “recreation, and wherever possible and appropriate, preservation of the land and waters in their natural state.” [See Section 23.1, County Ordinances, Ordinance No 2460.] Thus, under the Board’s longstanding supervision, and a now well-developed set of local rules, there exists a set of minimum standards governing the construction, installation, maintenance, alteration and removal of private improvements constructed on the Clear Lake shoreline. Such improvements are subject to the County of Lake’s local jurisdiction as well as to that of the State of California. Furthermore, with respect to the policing of such construction standards, both the Department and the Lake County Sheriff’s Office (“LCSO”) remain obligated, under Section 23-20 of Ordinance No 2460, to competently, diligently and lawfully enforce such standards for the protection of the Clear Lake shoreline from the adverse consequences of unlawful and/or un-permitted construction activities.

STATEMENT OF PERTINENT FACTS

This appeal appears on the Planning Commission’s calendar as a result of Appellants’ timely submission of a written appeal of the Department’s issuance, on or about July 19, 2022, of Lakebed Encroachment Permit No. 2022-25 “after the fact” relating back to the Department’s June 24, 2022 “Notice of Violation” signed by the Department’s Program Coordinator Mr. William Fox.

On July 29, 2022, Appellants’ timely tendered to the Department’s purser their advance payment of a appeals filing fee in the amount of \$ 2,160.16. Thus, this administrative appeal has now been pending for no less than 556 days after Appellants’ filing. Much of this delay can likely be reasonably attributed to the State of California’s Covid-19 public health emergency. However, the apparent misplacement or loss of the Department’s code enforcement file has not yet been fully explained. More importantly, permit applicant Lake Shore Associates, Inc., a California corporation has failed entirely and/or refused to submit any substantive explanation or justification for its un-disclosed and un-permitted and utterly covert construction project undertaken on the Clear Lake Shoreline while many other folks in Lake County were entirely distracted or preoccupied by the Covid-19 public health emergency.

Attached hereto as Attachment “A” [Page(s) 1 to 2] is a true and correct photocopy of the Department’s “Notice of Violation”, dated June 24, 2022 (the “Notice”), concerning Applicant’s and pouring of new and larger concrete footings/pad on the shoreline of Clear Lake. The Notice required property owner Lake Shore Associates, Inc., a California corporation (“Lake Shore Inc.”), to timely submit to Department documents

and additional information in relation to the noticed violation(s). Appellants' legal counsel has lodged multiple requests, both verbal and written, with County Counsel's Office requesting a photocopy of such documents and information. No such documents have yet been produced apparently because no such documents or information have yet been located by County Counsel.

The staff report initialed and submitted by Director DeLeon on October 23, 2023 does incorporate three (3) pages containing photographs of the subject foundation elements apparently taken on or about June 14, 2022 before the Notice was issued. However, the staff report fails to inform the Planning Commission or the Appellants and their legal counsel as to what information, if any, was submitted by Applicant in response to the Department's Notice. The report fails to incorporate any applications, drawings or specifications describing, in any manner, the subject improvements and the materials that were incorporated into those improvements. The report is silent with respect to any effort(s) allegedly undertaken by the Applicant to demonstrate its efforts, either before or after the fact, to fully comply with the terms and conditions of the Ordinance.

Attached hereto as Attachment "B" [Page 1 of 1] is a true and correct photocopy of the Department's letter directed to Appellants confirming the Department's issuance of an "after-the-fact" permit and informing Appellants of their right to an administrative hearing before the Planning Commission in relation to AEP No. 2022-25.

Attached hereto as Attachment "C" [Pages 1 to 3] are true and correct photocopies of digital images, taken by Appellants, of the rectangular concrete pads/footings actually poured by Applicant's agents and as cited by Mr. William Fox. Attached hereto as Attachment "D" [Pages 1 to 4] is a true and photocopy of the County of Lake Ordinance No. 2460 as originally enacted on March 2, 1999. Attached hereto as Attachment "E" [Pages 1 to 4] is a true and photocopy of the County of Lake Ordinance No. 2460 as originally enacted on January 21, 2003.

Attached hereto as Attachment "F" [Pages 1 to 10] are true and correct photocopies of those additional State of California statutes which govern lawful, and potentially unlawful, deposits of hazardous, harmful and/or dangerous materials and substances, including "materials deleterious to fish, plant life, mammals or bird life" into California waters including Clear Lake. Attachment "F" incorporates California Fish and Game Code § 5650, California Health and Safety Code §§ 25117 and 25143.8 and California Penal Code §§ 378.4, 836.5. All of these governing statutes currently apply with respect to construction activities undertaken in the County of Lake and elsewhere in the State of California. Jurisdiction over the prospective enforcement of these statutes rests primarily with the Lake County Sheriff's Office ("LCSO"), local municipal police agencies and the Lake County District Attorney's Office ("LCDAO").

Page 8 of Attachment "F" reflects Section 23-20, Sub-section 20.2 of the Clear Lake Shoreline Ordinance. Page(s) 9 and 10 of Attachment "F" reflect Section 23-12 Water Quality, Sub-section 12.1(B) of the Clear Lake Shoreline Ordinance **which expressly identifies "cement" as one of multiple listed substances which the local ordinance prohibits from being discharged, washed off or allowed to run off into Clear Lake.** Pursuant to the most current iteration of the Clear Lake Shoreline Ordinance, ALL owners of real property located adjacent to Clear Lake must insure, at all times, and regardless of Covid-19 public health emergencies and/or wildfire emergencies, that construction materials utilized on the shores of ClearLake are "chemically inert and insoluble" and harmless to water quality and clarity.

However unremarkable and/or ordinary the Attachment "2" photographs might seem to a casual observer, the Planning Commission cannot reasonably decide whether or not the Applicant's undisclosed and unpermitted improvements were actually of a harmless, inert or legally insignificant nature without the Applicant's input and meaningful disclosures. The Department has a duty to enforce the Ordinance. In order to be able to make reasonable decisions about alleged violations of the Ordinance, the Department and the Commission must receive accurate information and reliable evidence regarding relevant facts.

Pursuant to Section 23-3, Sub-section 3.33, of the Clear Lake Shoreline Ordinance: "the applicant bears the burden of demonstrating the existence of the conditions identified." That is to say, under the governing local ordinance permit applicant, i.e. Lake Shore Associates, Inc., a California corporation, bears the burden of proving up to the Commission and/or the Board that its most recent improvements, including the visible and offending concrete pours, were undertaken in full compliance with the local ordinances and also in compliance with all other State of California statutes and governing regulations.

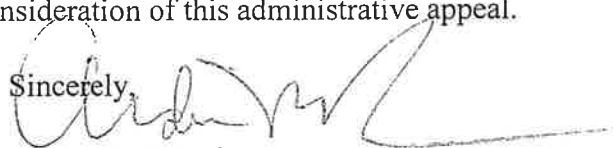
In the course of waiting, patiently, for the County of Lake's requisite setting and proper noticing of an administrative hearing before the Planning Commission, Deputy County Counsel Carlos Torrez did, upon inquiry, kindly inform Appellant's legal counsel as to the likely misplacement, or possible loss, of certain relevant and ordinarily readily available public records pertaining to the Applicant's permit application. It is certainly possible that certain public records previously gone missing might eventually be located.

Nevertheless, without the Applicant's voluntary disclosure to the Commission of what actually happened instance and how such matters were allowed to proceed, the Commission lacks a sufficient factual basis for granting the Applicant an after-the-fact Lakebed Encroachment Permit 20-25 for the concrete pours reflected in the pictures attached to Director DeLeon's staff report.

On the record for this matter as it currently stands, Applicant has not yet taken any actions directed at bearing its burden, under the Ordinance, of demonstrating the existence of sufficient material facts and/or further explaining, justifying or defending its undisclosed and un-permitted pouring of new concrete foundation elements on the shoreline of Clear Lake.

Appellants and their legal counsel look forward to participating in a substantive discussion of the matters being raised in this appeal at the Commission's noticed hearing. Please do not hesitate to bring any questions or concerns regarding any of the foregoing matters to counsel's immediate attention, and I thank the members of the Commission for their careful consideration of this administrative appeal.

Sincerely,


Andre M. Ross for
EWING & ASSOCIATES

cc: Applicant's Counsel of Record Brian Carter of Carter Rich PC, Ukiah;
Appellants

Encl: Attachments A through G



COUNTY OF LAKE
DEPARTMENT OF WATER RESOURCES

255 N. Forbes Street
Lakeport, California 95453
Telephone 707-263-2344
Fax 707-263-7748

Scott De Leon
Water Resources Director

Marina Deligiannis
Deputy Director

NOTICE OF VIOLATION

June 24, 2022

LAKESHORE ASSOCIATES INC C/O PEGGY GRIFFIN, TREASURER
6133 HILL ROAD
OAKLAND, CA 94618

RE: 11360 NORTH DR, CLEARLAKE PARK
APN 036-091-05

Dear Landowner:

This letter is in regards to construction to pier/dock structure below 7.8 Rumsey without Lakebed Encroachment Permit. This work was in violation of Chapter 23, The Shoreline Ordinance, Sec. 23-4.1(A).

Background

The County of Lake is the trustee of the submerged lands of Clear Lake, and areas lakeward from 7.79 feet Rumsey are public trust lands. Structures within public trust lands must support reasonable conditions or use(s) that promote public trust purposes such as commerce, navigation, recreation, fisheries, and the public's right to maintain the project site in its natural state. The Water Resources Department is administrator of those public trust lands through County Ordinance Chapter 23 – The Shoreline Ordinance and regulates construction of lakebed structures through the Lakebed Encroachment Permit process. Landowners with structures lakeward of 0 R are required to enter into a Lakebed Encroachment Lease for use of public trust lands. Construction, structure placement, or other shorezone work activities lakeward of 7.79 R require a Lakebed Encroachment Permit.

Whenever practical, Lakebed Management tries to resolve these types of violations within the context of an 'after-the-fact' permit.

Required Action(s)

To resolve the above stated issue, Lakebed Management requires the following:

- Date that above stated work was started and completed (piling reinforcement);
- Contractor that did the above stated work;
- Submit an application for a Lakebed Encroachment Permit and payment of application fee (\$849); project description should include any additional work to be done within the shorezone;
- Payment of \$100 fine for above stated violation. Note that this fine can be assessed for each day that the violation persists. If efforts are not made to resolve this issue in a timely manner, that fine will be imposed.

Exhibit

Page

This letter is to inform you that you have 30 calendar days from the date of this letter to respond and to begin the process of resolving the above issue. Failure to immediately take steps to resolve this issue may result in additional fines and/or the County taking other measures to resolve the issue.

The Shoreline Ordinance provides for Enforcement Appeals to the Planning Commission in Section 4.11:

- (A) The Planning Commission shall have the power to hear and decide administrative appeals based on the enforcement or interpretation of the provisions of this chapter. Appeals of enforcement actions which consist of the issuance of a citation for a violation of this chapter shall not be allowed.
- (B) A written notice of violation or stop work order issued by a County Official or authorized employee may be appealed to the Planning Commission as follows:
 - 1. The appeal must be filed in writing within five (5) working days of receipt of the notice of violation or stop work order.
 - 2. The appeal must be filed with the secretary of the Planning Commission.
 - 3. Payment of the appropriate fee must be made at the time the appeal is filed.
- (C) Upon receipt of such administrative appeal and any required fee, the secretary of the Planning Commission shall set the matter for hearing at the next available regularly scheduled meeting of the Commission. Notice of the time, date, and place of the hearing shall be provided to the appellant at the time of filing the appeal.
- (D) The Planning Commission shall render its decision at the close of the hearing.
- (E) The Planning Commission decisions on all enforcement appeals shall be final.

If you have any questions regarding this matter, please contact me at the Water Resources Department office at (707) 263-2344 or by e-mail at William.Fox@lakecountyca.gov.

Sincerely,

William Fox
Water Resources Program Coordinator

Exhibit 12 A
Page 2 of 2



COUNTY OF LAKE
WATER RESOURCES DEPARTMENT

255 N. Forbes Street
Lakeport, California 95453
Telephone (707) 263-2344
Fax (707) 263-1965

Scott De Leon
Director

Marina Deligiannis
Deputy Director

July 19, 2022

Richard and Lana Schieder
6648 Amber Lane
Pleasanton, CA 94566

RE: Administrative Encroachment Permit

Lakebed Management has approved an after-the-fact Administrative Encroachment Permit No. 2022-25 for Lakeshore Associates Inc, c/o Peggy Griffin, Treasurer located at 11360 North Dr, Clearlake Park, CA 95424, further described as APN 036-091-05, and the construction of the following improvements into Clear Lake:

After-the-fact permit to resolve lakebed violation V2022-11. Bolster existing pilings with steel reinforced footings.

The permitted structure complies with the requirements of Chapter 23, Shoreline Ordinance, of the Lake County Code.

The ordinance provides for appeals to the Planning Commission in Section 4.10 (B):

1. An appeal may be filed in writing within fourteen (14) calendar days of the action or determination.
2. The appeal must be filed with the Secretary of the Planning Commission.
3. Payment of the appropriate fee shall accompany the appeal.

The secretary of the Planning Commission shall set a hearing for said appeal and mail to the appellant written notice of the time, date and place of said hearing at least fourteen (14) calendar days prior to said hearing. The Planning Commission may affirm, reverse, or modify the determination of Lakebed Management.

If you would like a copy of the site map showing the approved construction or have any questions or comments regarding this action or determination, please contact me at scott.webb@lakecountycalifornia.gov or (707) 263-2344, or the Secretary of the Planning Commission at (707) 263-2221.

Sincerely,

Scott Webb
Water Resources Technician

Exhibit 14 B
Page 1 of 1



Exhibit

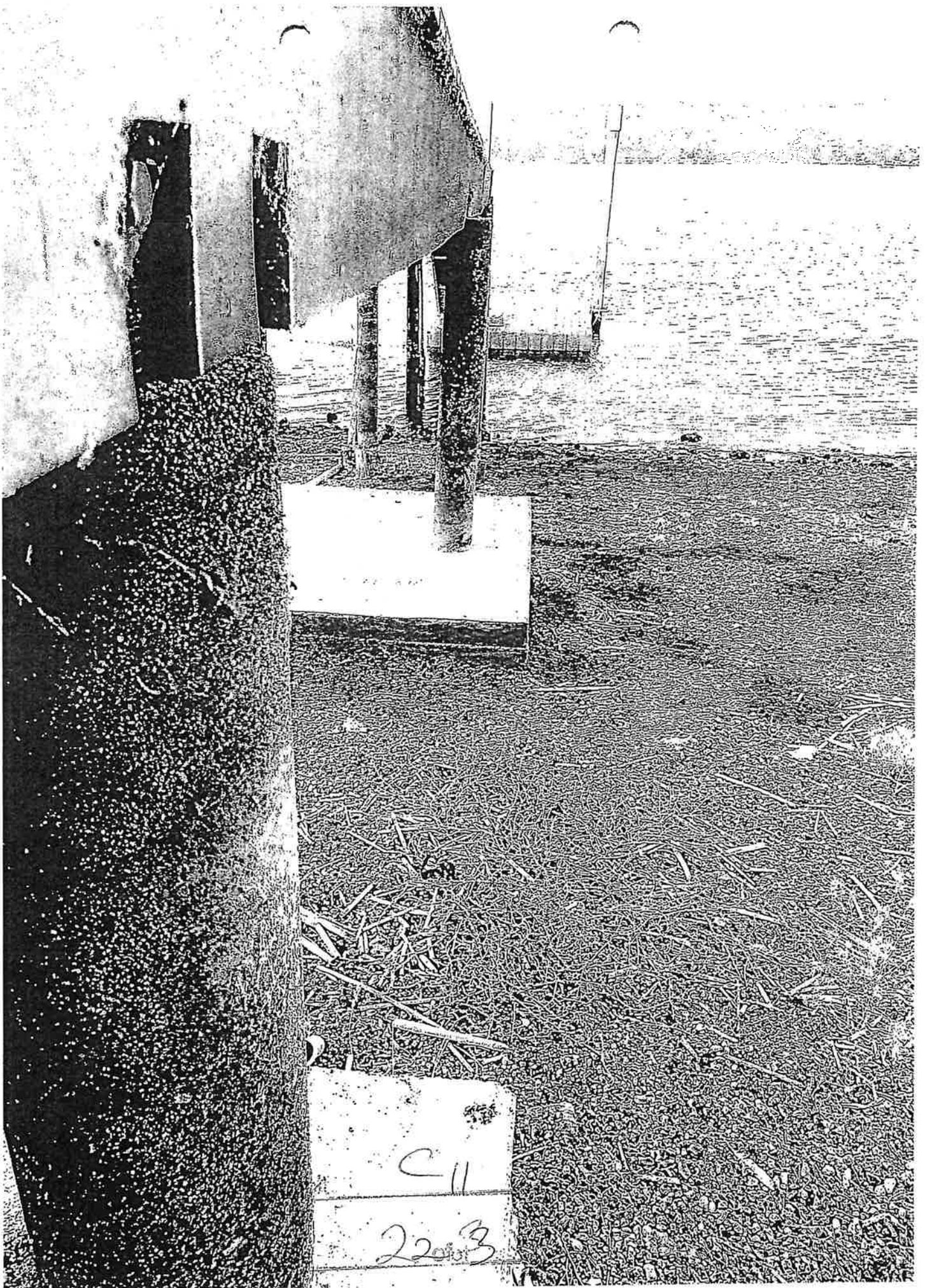
Exhibit

C 11

Page

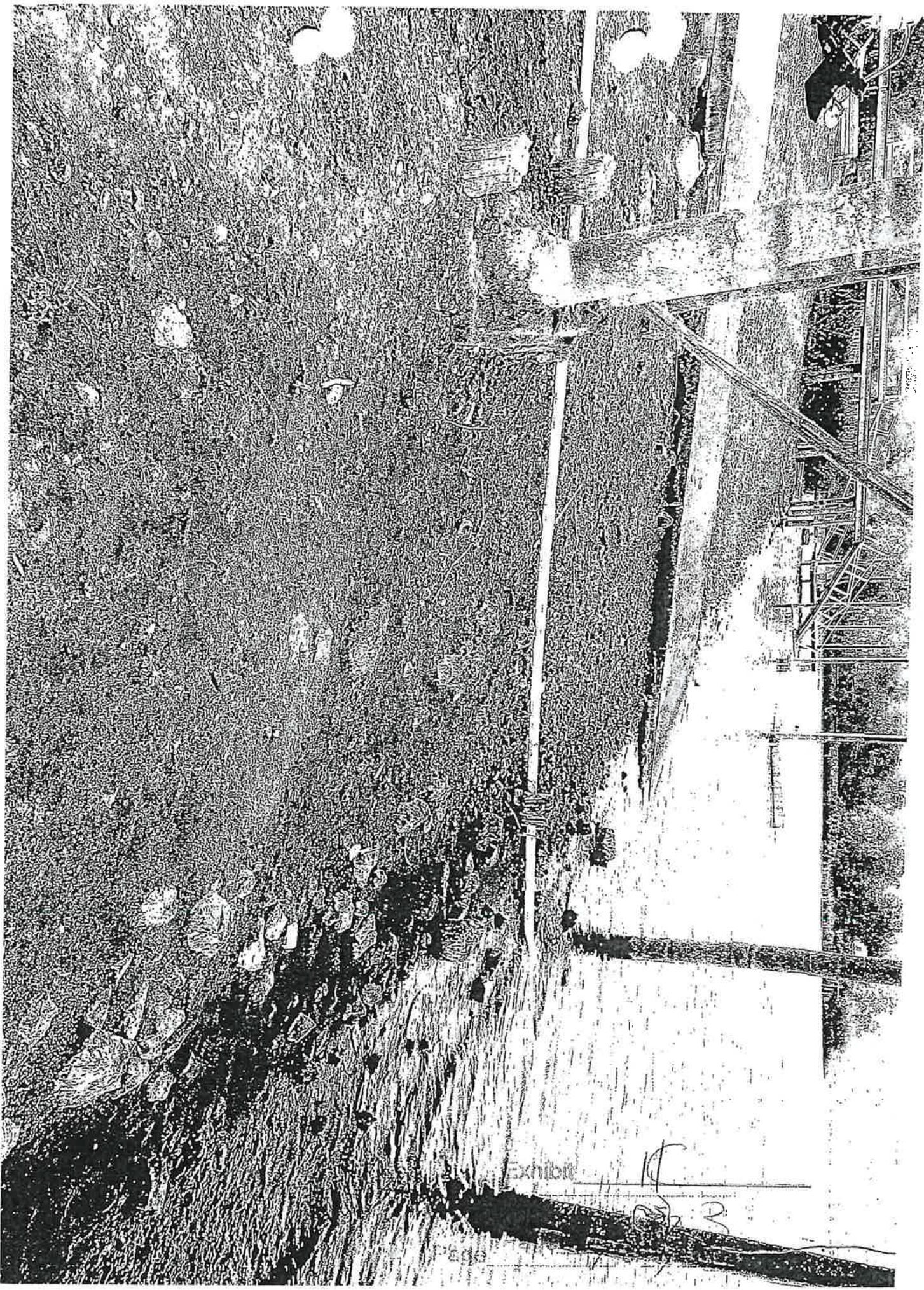
Page

1 of 31 of 3



C11

2203



Exhibit

11
22

1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

2
3 ORDINANCE NO. 2460

4
5 AN ORDINANCE AMENDING CHAPTER 23 OF THE ORDINANCE CODE OF THE
6 COUNTY OF LAKE REGARDING THE CLEAR LAKE SHORELINE

7
8 THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF
9 CALIFORNIA, ORDAINS AS FOLLOWS:

10
11 SECTION 1: Chapter 23 of the Lake County Code is hereby amended to read as
12 follows:

13
14 "Clear Lake Shoreline

15
16 Sec. 23-1. General Purpose.

17
18 The purpose of the chapter is to improve and protect the public's interest in the waters and
19 the bed of the waters in and around Clear Lake, and to insure that the lands will be used for
20 general statewide interests in furtherance of commerce, navigation, fishery, recreation and,
21 wherever possible and appropriate, preservation of the land and waters in their natural state
22 by establishing minimum standards for the construction, alteration, removal and maintenance
23 of structures or other prescribed activities in the nearshore and foreshore of the lake.

24
25 Sec. 23-2. General Provisions.

26
27 2.1 *Compliance.* Construction, alteration, removal, maintenance, and use of any structure
28 within the nearshore and foreshore, and alteration or use of the Lake or lands within the
29 nearshore and foreshore shall be in compliance with the terms of this chapter. Permits shall
30 be granted or denied in conformity with the standards and provisions set forth in this chapter.

31
32 2.2 *Interpretation and Severability.* The provisions of this chapter shall be liberally
33 construed to effectuate their purposes. If any section, clause, provision or portion of this
34 chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the
35 remainder of this chapter shall not be affected thereby.

36
37 2.3 *Short Title.* This chapter may be cited and referred to as the "Clear Lake Shoreline
38 Ordinance."

39
40 2.4 *Controlling Provisions.* To the extent that any of the provisions of this chapter are
41 more restrictive than provisions of the Lake County Zoning Ordinance, the provisions of this
42 chapter shall apply.

Exhibit 1

Page 1 of 4

must show the following:

- (A) Need for removal of sediment.
- (B) Method of removal of sediment.
- (C) Measures that will be taken to prevent mixing of sediment with water of the lake.
- (D) Plans for disposition of sediment shall conform to Subsection 12.3 (C).

Sec. 23-14. Non-conforming Structures.

14.1 The existing use of a structure which is not in conformity with the provisions of this chapter may be continued subject to the following condition:

- (A) Mooring or regulatory buoys that do not conform to the provisions of this chapter shall be re-located and re-constructed to conform with the applicable provisions of Section 23-6 or shall be removed at the owner's expense within thirty (30) days.

14.2 Repairs of Non-conforming Structures.

(A) Permit application.

- (1) An Administrative Encroachment Permit must be obtained from Lakebed Management before undertaking repairs to a non-conforming structure that will cost 50% or more of the total current replacement cost of the existing structure before damage.

- (2) An Administrative Encroachment Permit must be obtained from Lakebed Management before undertaking any additions to a non-conforming structure.

(B) A non-conforming structure may be repaired without an Administrative Encroachment Permit only when the cost of the work does not exceed 50% of the total current replacement cost of the existing structure before damage.

(C) When the cost of necessary repairs of a non-conforming structure exceeds 50% of the total current replacement cost of the existing structure before damage, the structure shall be repaired or re-constructed to conform with the provisions of this chapter or shall be removed by the owner at his expense.

(D) In every instance when repair will bring a non-conforming structure into conformity with this chapter, approval by all appropriate governmental agencies shall be obtained before repair is undertaken.

Exhibit D

Page 2 of 4

1 **Secs. 23-17-23-19. Reserved.**

2
3 **Secs. 23-20. Enforcement.**

4
5 20.1 It shall be the duty of Lakebed Management and the Sheriff of the County of Lake
6 to enforce the provisions of this chapter.

7
8 (A) Lakebed Management shall suspend an Administrative Encroachment Permit when
9 its terms and conditions are violated.

10
11 (B) Lakebed Management shall revoke an Administrative Encroachment Permit when
12 the permittee has failed to cure a violation after a suspension of 30 days.

13
14 (C) Lakebed Management shall provide the permittee and the leaseholder or his
15 successor with ten (10) days prior written notice of the suspension or revocation.
16 The notice shall specify the grounds for the suspension or revocation, the action
17 necessary to cure the violation and length of suspension.

18
19 (D) All construction shall cease during such time as a permit is suspended. When a
20 permit is revoked, the permittee shall return the affected area, as near as is
21 practicable, to the same conditions existing prior to the issuance of the permit.

22
23 (E) A person whose permit is suspended or revoked may appeal the action to the
24 Planning Commission pursuant to the provisions of Section 4.11.

25
26 20.2 A violation of any provision of this chapter is punishable as an infraction by a fine
27 not exceeding one hundred dollars (\$100.00), or as a misdemeanor by a fine of not more
28 than five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period of
29 not more than six (6) months, or by both such a fine and imprisonment. Each and every
30 day during any portion of which any violation of this chapter is committed, continued, or
31 permitted shall be deemed a separate offense.

32
33 **Sec. 23-21. Arrest and Citation Powers.**

34
35 21.1 The following officers and employees of the Flood and Lakebed Management
36 Division of the Public Works Department are hereby given arrest and citation powers
37 pursuant to Section 836.5 of the Penal Code:

38
39 (A) Clear Lake Lands Coordinator.

40
41
42
43
44
45
Exhibit

D

Page

3 of 4

Ordinance No. 2460 Amending Chapter 23 of the
Ordinance Code of the County of Lake, Clear Lake Shoreline
Page 25

(B) Engineer Technician.

(C) Deputy Director of Public Works -Water Resources

(D) Water Resources Program Manager

21.2 The above named officers and employees shall enforce the provisions of this chapter and all other laws relating to the waters and bed of the waters of Clear Lake, County of Lake."

SECTION 2: All ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

SECTION 3: This Ordinance shall take effect on the 1st day of April 1999, and before the expiration of fifteen (15) days after its passage, it shall be published at least once in a newspaper of general circulation printed and published in the County of Lake.

The foregoing ordinance was introduced before the Board of Supervisors on February 16, 1999, and passed by the following vote on March 2, 1999.

AYES: Supervisors Smith, Lewis, Merriman and Mackey

NOES: None

ABSENT OR NOT VOTING: Supervisor Robey (absent)

ATTEST: KELLY F. COX
Clerk of the Board

COUNTY OF LAKE



By: Gorgine Hunt

Ken Montez
Chair, Board of Supervisors

APPROVED AS TO FORM:

By: Cameron L. Reeves
CAMERON L. REEVES
County Counsel

By Geoffrey S. Allen
Deputy County Counsel

Exhibit D

Page 4 of 4

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

ORDINANCE NO. 2616

AN ORDINANCE AMENDING CHAPTER 23 OF THE ORDINANCE CODE OF THE
COUNTY OF LAKE REGARDING THE CLEAR LAKE SHORELINE

1 THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE, STATE OF
2 CALIFORNIA, ORDAINS AS FOLLOWS:

3 SECTION 1: Subsection E of Section 23-6.3 of Chapter 23 of the Lake County Code is
4 hereby amended to read as follows:

5 “ (E) Homeowner’s Associations, Condominium and Townhouse Developments, Mobile
6 Home Parks, Resorts and Commercial Properties.

7 (1) If a homeowner’s association, condominium or townhouse development or
8 mobile home park owns contiguous littoral parcels as common property for its
9 residents, guests or tenants, it may be permitted to construct one pier or dock and two
10 launching facilities, other than a boat ramp, for use in connection with the parcels by
11 its residents, guests or tenants if such pier, dock or launching facility will not violate
12 the standards established in Sections 23-5.1, 23-5.2 or 23- 6.1.

13 (2) If a resort or commercial property owns contiguous littoral parcels for the use of
14 its residents, guests, or tenants, it may be permitted to construct two piers or docks
15 and two launching facilities, other than a boat ramp, for use in connection with the
16 parcels by its residents, guests or tenants, if such piers, docks or launching facilities
17 will not violate the standards established in Sections 23-5.1, 23- 5.2 or 23- 6.1. The
18 second pier or dock shall be for the use of non-boating activities.

19 (3) A single pier or dock with more than one launching facility may be placed within
20 the area described in Section 23-6.2 if the application is reviewed and approved with
21 the appropriate findings by the Planning Commission as provided by Section 23 -4.6

22 (B). More than one boat ramp shall not be permitted.

Exhibit E

Page 1 of 4

ORDINANCE AMENDING CHAPTER 23,
THE SHORELINE ORDINANCE

ORDINANCE NO. 2616

1 (4) For any proposed multiple launching facility, the structure shall not cover more
2 than fifty percent (50%) of the shoreline frontage of the parcel or two hundred (200)
3 feet, whichever is most limiting. “

4 SECTION 2: Subsection (C) (1) of Section 23-6.5 of Chapter 23 of the Lake County
5 Code is hereby amended to read as follows:

6 “6.5 (C) Width.

7 (1) The width of a residential pier or dock, including all of its parts, shall not
8 exceed fifty percent (50%) of the shoreline frontage of the parcel or 35 feet, whichever is
9 most limiting.”

10 SECTION 3: Section 23-14.2 of Chapter 23 of the Lake County Code is hereby amended
11 to read as follows:

12 “ 14.2 Repairs of Non-conforming Structures.

13 (A) Permit Application.

14 (1) A no fee administrative encroachment permit application must be submitted
15 to Lakebed Management before undertaking repairs to a non-conforming
16 structure.

17 (2) When the cost of necessary repairs of a non-conforming structure exceeds
18 50% of the total current replacement cost of the existing structure before
19 damage, an administrative encroachment permit will be required and must be
20 obtained from Lakebed Management before undertaking any repairs. The
21 structure shall be repaired or re-constructed to conform with the provisions of
22 this chapter or shall be removed by the owner at his expense.

23 (3) Any proposed addition to a non-conforming structure shall comply with all
24 the provisions of Chapter 23.

ORDINANCE AMENDING CHAPTER 23,
THE SHORELINE ORDINANCE

ORDINANCE NO. 2616

1 (B) In every instance when repairing, adding to or bringing a non-conforming
2 structure into conformity with this chapter, approval by all appropriate governmental
3 agencies shall be obtained before work is undertaken."

4 SECTION 4: Subsection (A) of Section 23-15.1 of Chapter 23 of the Lake County Code
5 shall be amended to read as follows:

6 "(A) On Residential properties, within the nearshore and foreshore of littoral
7 parcels, management activities that result in the death of woody species (i.e. willow,
8 cottonwood, buttonbush) and tules (scirpus sp., bulrushes) is prohibited. The above types
9 of vegetation may be mowed, pruned or trimmed so long as it does not result in the death
10 of the plant."

11 SECTION 5: Section 23-21.1 of Chapter 23 of the Lake County Code is hereby amended
12 to read as follows:

13 "21.1 The following officers and employees of the Public Works Department are hereby
14 given arrest and citation powers pursuant to Section 836.5 of the Penal Code:

- 15 (A) Director of Public Works.
- 16 (B) Assistant Director of Public Works.
- 17 (C) Clear Lake Lands Coordinator.
- 18 (D) Water Resources Program Manager.
- 19 (E) Engineering Technician."

20 SECTION 6: All ordinances or parts of ordinances or resolutions or parts of resolutions in
21 conflict herewith are repealed to the extent of such conflict and no further.

22 SECTION 7: This ordinance shall take effect on the 20 day of February 2003 and
23 before the expiration of 15 days after its passage shall be published at least once in a newspaper
24 of general circulation in the County of Lake.

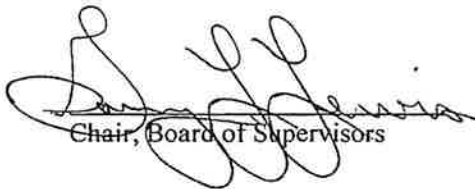
Exhibit E

ORDINANCE AMENDING CHAPTER 23,
THE SHORELINE ORDINANCE

ORDINANCE NO. 2616

- 1 The foregoing ordinance was introduced before the Board of Supervisors on the 7th
2 day of January, 2003 and passed by the following vote on the 21st day of January,
3 2003.
4 AYES: Supervisors Smith, Farrington, Brown and Lewis
5 NOES: None
6 ABSENT OR NOT VOTING: Supervisor Robey (absent)

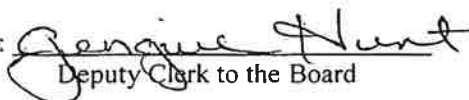
COUNTY OF LAKE


Chair, Board of Supervisors



ATTEST: KELLY COX
Clerk of the Board

APPROVED AS TO FORM:
CAMERON REEVES
County Counsel

By: 
Deputy Clerk to the Board

By: 

E:\08flood & lake\Chapter 23\02ordinance amendment

Exhibit E

Page 4 of 4

State of California

FISH AND GAME CODE

Section 5650

5650. (a) Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following:

(1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance.

(2) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill, or factory of any kind.

(3) Any sawdust, shavings, slabs, or edgings.

(4) Any factory refuse, lime, or slag.

(5) Any cocculus indicus.

(6) Any substance or material deleterious to fish, plant life, mammals, or bird life.

(b) This section does not apply to a discharge or a release that is expressly authorized pursuant to, and in compliance with, the terms and conditions of a waste discharge requirement pursuant to Section 13263 of the Water Code or a waiver issued pursuant to subdivision (a) of Section 13269 of the Water Code issued by the State Water Resources Control Board or a California regional water quality control board after a public hearing, or that is expressly authorized pursuant to, and in compliance with, the terms and conditions of a federal permit for which the State Water Resources Control Board or a California regional water quality control board has, after a public hearing, issued a water quality certification pursuant to Section 13160 of the Water Code. This section does not confer additional authority on the State Water Resources Control Board, a California regional water quality control board, or any other entity.

(c) It shall be an affirmative defense to a violation of this section if the defendant proves, by a preponderance of the evidence, all of the following:

(1) The defendant complied with all applicable state and federal laws and regulations requiring that the discharge or release be reported to a government agency.

(2) The substance or material did not enter the waters of the state or a storm drain that discharges into the waters of the state.

(3) The defendant took reasonable and appropriate measures to effectively mitigate the discharge or release in a timely manner.

(d) The affirmative defense in subdivision (c) does not apply and may not be raised in an action for civil penalties or injunctive relief pursuant to Section 5650.1, or in any other civil action that alleges a violation of this section resulting from unlicensed cannabis cultivation.

(e) The affirmative defense in subdivision (c) does not apply and may not be raised by any defendant who has on two prior occasions in the preceding five years, in any combination within the same county in which the case is prosecuted, either pleaded

Exhibit

F

Page

1 of 10

nolo contendere, been convicted of a violation of this section, or suffered a judgment for a violation of this section or Section 5650.1. This subdivision shall apply only to cases filed on or after January 1, 1997.

(f) The affirmative defense in subdivision (c) does not apply and may not be raised by the defendant in any case in which a district attorney, city attorney, or Attorney General alleges, and the court finds, that the defendant acted willfully.

(Amended by Stats. 2022, Ch. 56, Sec. 8. (AB 195) Effective June 30, 2022.)

Exhibit F

Page 2 of 10

State of California

HEALTH AND SAFETY CODE

Section 25117

25117. (a) Except as provided in subdivision (d), "hazardous waste" means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Section 25141.

(b) "Hazardous waste" includes, but is not limited to, RCRA hazardous waste.

(c) Unless expressly provided otherwise, "hazardous waste" also includes extremely hazardous waste and acutely hazardous waste.

(d) Notwithstanding subdivision (a), in any criminal or civil prosecution brought by a city or district attorney or the Attorney General for violation of this chapter, when it is an element of proof that the person knew or reasonably should have known of the violation, or violated the chapter willfully or with reckless disregard for the risk, or acted intentionally or negligently, the element of proof that the waste is hazardous waste may be satisfied by demonstrating that the waste exhibited the characteristics set forth in subdivision (b) of Section 25141.

(Amended by Stats. 1996, Ch. 437, Sec. 2. Effective January 1, 1997.)

Exhibit

F

Page

3 of 10

State of California

HEALTH AND SAFETY CODE

Section 25143.8

25143.8. (a) For purposes of this section, "cementitious material" means cement, cement kiln dust, clinker, and clinker dust.

(b) The test specified in the regulations adopted by the department with regard to a waste exhibiting the characteristic of corrosivity if representative samples of the waste are not aqueous and produce a solution with a pH less than or equal to 2 or greater than or equal to 12.5, as specified in paragraph (3) of subdivision (a) of Section 66261.22 of Title 22 of the California Code of Regulations, as that section read on January 1, 1996, shall not apply to waste cementitious material which is managed in accordance with applicable regulations administered by the California regional water quality control board at the cement manufacturing facility where it was generated.

(c) Cementitious material which is a nonaqueous waste, is managed in accordance with applicable regulations administered by the regional water quality control board at the cement manufacturing facility where it was generated, and would otherwise be classified as a hazardous waste based solely on the test specified in paragraph (3) of subdivision (a) of Section 66261.22 of Title 22 of the California Code of Regulations, as that section read on January 1, 1996, is excluded from classification as a hazardous waste pursuant to this chapter.

(Added by Stats. 1995, Ch. 847, Sec. 1. Effective January 1, 1996.)

Exhibit

F

Page

4 of 10

State of California

PENAL CODE

Section 374.8

374.8. (a) In any prosecution under this section, proof of the elements of the offense shall not be dependent upon the requirements of Title 22 of the California Code of Regulations.

(b) Any person who knowingly causes any hazardous substance to be deposited into or upon any road, street, highway, alley, or railroad right-of-way, or upon the land of another, without the permission of the owner, or into the waters of this state is punishable by imprisonment in the county jail for not more than one year or by imprisonment pursuant to subdivision (h) of Section 1170 for a term of 16 months, two years, or three years, or by a fine of not less than fifty dollars (\$50) nor more than ten thousand dollars (\$10,000), or by both the fine and imprisonment, unless the deposit occurred as a result of an emergency that the person promptly reported to the appropriate regulatory authority.

(c) For purposes of this section, "hazardous substance" means either of the following:

(1) Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment, including, but not limited to, hazardous waste and any material that the administering agency or a handler, as defined in Chapter 6.91 (commencing with Section 25410) of Division 20 of the Health and Safety Code, has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the environment.

(2) Any substance or chemical product for which one of the following applies:

(A) The manufacturer or producer is required to prepare a MSDS, as defined in Section 6374 of the Labor Code, for the substance or product pursuant to the Hazardous Substances Information Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(B) The substance is described as a radioactive material in Chapter 1 of Title 10 of the Code of Federal Regulations maintained and updated by the Nuclear Regulatory Commission.

(C) The substance is designated by the Secretary of Transportation in Chapter 27 (commencing with Section 1801) of the appendix to Title 49 of the United States Code and taxed as a radioactive substance or material.

(D) The materials listed in subdivision (b) of Section 6382 of the Labor Code.

(Amended by Stats. 2011, Ch. 15, Sec. 338. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

Exhibit F

Page 6 of 10

State of California

PENAL CODE

Section 836.5

836.5. (a) A public officer or employee, when authorized by ordinance, may arrest a person without a warrant whenever the officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the officer or employee that is a violation of a statute or ordinance that the officer or employee has the duty to enforce.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any public officer or employee acting pursuant to subdivision (a) and within the scope of his or her authority for false arrest or false imprisonment arising out of any arrest that is lawful or that the public officer or employee, at the time of the arrest, had reasonable cause to believe was lawful. No officer or employee shall be deemed an aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or overcome resistance.

(c) In any case in which a person is arrested pursuant to subdivision (a) and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and release the person on his or her promise to appear, as prescribed by Chapter 5C (commencing with Section 853.5). The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

(d) The governing body of a local agency, by ordinance, may authorize its officers and employees who have the duty to enforce a statute or ordinance to arrest persons for violations of the statute or ordinance as provided in subdivision (a).

(e) For purposes of this section, "ordinance" includes an order, rule, or regulation of any air pollution control district.

(f) For purposes of this section, a "public officer or employee" includes an officer or employee of a nonprofit transit corporation wholly owned by a local agency and formed to carry out the purposes of the local agency.

(Amended by Stats. 1997, Ch. 324, Sec. 3. Effective January 1, 1998.)

Sec. 23-20. Enforcement.

20.1 It shall be the duty of Lakebed Management and the Sheriff of the County of Lake to enforce the provisions of this chapter.

- (A) Lakebed Management shall suspend an administrative encroachment permit when its terms and conditions are violated.
- (B) Lakebed Management shall revoke an administrative encroachment permit when the permittee has failed to cure a violation after a suspension of thirty (30) days.
- (C) Lakebed Management shall provide the permittee and the leaseholder or his successor with ten (10) days prior written notice of the suspension or revocation. The notice shall specify the grounds for the suspension or revocation, the action necessary to cure the violation and length of suspension.
- (D) All construction shall cease during such time as a permit is suspended. When a permit is revoked, the permittee shall return the affected area, as near as is practicable, to the same conditions existing prior to the issuance of the permit.
- (E) A person whose permit is suspended or revoked may appeal the action to the Planning Commission pursuant to the provisions of Section 23-4.11.

20.2 A violation of any provision of this chapter is punishable as an infraction by a fine not exceeding one hundred dollars (\$100.00), or as a misdemeanor by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the County jail for a period of not more than six (6) months, or by both such a fine and imprisonment. Each and every day during any portion of which any violation of this chapter is committed, continued, or permitted shall be deemed a separate offense.

(Ord. No. 2460, § 1, 1-18-2000)

Sec. 23-12. Water Quality.

12.1 Construction.

- (A) Construction shall be performed in a manner to minimize disturbance of vegetation, water quality, the underlying lands of the lake, or any other characteristic of the nearshore or foreshore.
- (B) Materials utilized for any purpose in the nearshore or foreshore shall be chemically inert and insoluble and shall not harm water quality and clarity. No debris, soil, silt, cement, oil, or other such foreign substance shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of Clear Lake. When operations are completed, any excess materials or debris shall be removed from the work area. No deleterious material shall be used for any purpose in Clear Lake.

12.2 Fill.

- (A) No fill shall be placed within the nearshore or foreshore in the absence of a finding by Lakebed Management that the fill operation will:
 - (1) Improve the water quality of Clear Lake; or
 - (2) Improve another specified nearshore or foreshore condition without degrading the water quality of Clear Lake.
- (B) No fill shall be placed in the nearshore or foreshore without first obtaining, in addition to the administrative encroachment permit:
 - (1) Regional Water Quality Control Board Certification (CWA Section 401).
 - (2) U. S. Army Corps of Engineers CWA Section 404 permit.
 - (3) California Department of Fish and Game Streambed Alteration Agreement.
 - (4) CEQA Review (County of Lake Community Development Department).
 - (5) Grading Permit (County of Lake Community Development Department).

12.3 Dredging.

- (A) No dredging operations shall be conducted within the nearshore or foreshore in the absence of a finding by Lakebed Management that the dredging operation will:
 - (1) Improve the water quality of Clear Lake; or
 - (2) Improve another specified nearshore or foreshore condition without degrading the water quality of Clear Lake.
- (B) An administrative encroachment permit shall be required for routine maintenance dredging pursuant to Section 23-13.5.
- (C) Where dredging is permitted, dredged materials shall not be deposited in the nearshore or the foreshore, in lake waters, in wetlands, or within any designated 100-year floodway or any tributary to the lake in the absence of a finding by Lakebed Management that the dredging operation will:
 - (1) Improve the water quality of Clear Lake; or
 - (2) Improve another specified nearshore or foreshore condition without degrading the water quality of Clear Lake.

12.4 Littering and Pollution.

-
- (A) No person shall discard or discharge into the waters of the lake or place within the nearshore or foreshore, any contaminating or polluting substance of any kind, including, but not limited to, litter, waste products, trash or motor oil.
 - (B) No person shall use any motor or container which leaks oil or gas into the waters of the lake.
 - (C) No person shall allow oil from a bilge pump to enter the lake. Bilge pump operation is allowed provided the bilge water is free of oil and other contaminants.
 - (D) No burning of construction debris, yard trimmings, or clippings or any other imported debris shall be allowed in the nearshore or foreshore.

12.5 Erosion Control.

- (A) All projects approved for an administrative encroachment permit shall incorporate best management practices in the design of foreshore stabilization, slope design and slope protection.
- (B) A site water quality plan may be required if Lakebed Management determines that the proposed project could increase sedimentation into Clear Lake. A site water quality plan could require the following:
 - (1) Any grading or project related activity which may promote erosion and sedimentation into Clear Lake could be confined to the period April 15th through October 15th.
 - (2) Any grading or project related activity shall have the same requirements as Subsection 12.2, "Fill".
 - (3) Erosion protection measures shall be required for all exposed areas susceptible to significant erosion.

(Ord. No. 2460, § 1, 1-18-2000)

A.M. Ross

From: A.M. Ross <aross@lakeportlawyers.com>
Sent: Monday, July 17, 2023 17:44
To: 'Carlos.Torrez@lakecountyca.gov'
Subject: Re Schieder Trust v. Lake Shore Associates, Inc. (CV423843) - Request for Extension

Dear Mr. Torrez:

I spoke earlier today face-to-face with your assistant Ms. Jackie Feiro.

In order to remove some time pressure I offered County Counsel an extension of time for responsive pleadings until Friday July 28, 2022.

Would you have a convenient time slot available to "meet and confer" later this week to confab informally re the County of Lake's legal position(s), if any there may be, as to the "Old Dock" references in my complaint.

Thank you.

Sincerely,

Andre M. Ross

Andre M. Ross [CSBN 176126] for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400
Fax: (707) 263-7047
www.lakeportlawyers.com
<http://www.lakeportlawyers.com/andre-ross.asp>

NOTE: This e-mail communication, including any and all attachments, is covered by the U.S. Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521, and is legally privileged. The information is confidential, and is intended only for the use of the person to whom it is addressed. If you are not the intended recipient of this e-mail communication please be advised that any retention, copying, publication or further distribution of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by telephoning 1-707-263-6400, or by sending a reply e-mail confirming that you have destroyed (deleted) this e-mail communication.
Thank you.

Exhibit

6

From: A.M. Ross [mailto:aross@lakeportlawyers.com]
Sent: Monday, July 03, 2023 16:16
To: 'Lloyd Guintivano' <Lloyd.Guintivano@lakecountyca.gov>
Subject: RE: Schieder v. Lake Shore Associates, Inc. (CV423843) - Request for Extension

Dear Lloyd:

I am in full agreement with your requested extension of time for responsive pleadings until July 20, 2023.

Further, if you are contemplating filing something other than an answer, e.g. a demurrer, I would welcome your reaching out our office (at a time most convenient to you) to meet and confer regarding the substance of the complaint.

Specifically, and there may be other legal issues as well, I am not certain as to whether or not County of Lake is claiming any interest whatsoever in the location or physical dimensions of the much, much older dock which is the primary focus of the Trust's claims.

The Trustees have experienced some disappointment in relation to the County of Lake's ongoing failure/refusal to address at all Mr. Schieder's timely filing of an appeal in relation to the County of Lake's retroactive allowance of LSA Inc.'s unpermitted foundation elements.

In spite of tendering a healthy deposit in order to lawfully challenge Lake Shore Associates, Inc.'s ("LSA Inc.") unpermitted construction activities, it appears as though County of Lake may not have taken up the appeals process in a timely manner. I was very surprised to discover that no appeal-related hearing(s) have ever been set in relation to the citation attached to the Schieder Trust's verified complaint.

Please let me know if/when you'd like to confab further.

At this point in time, I am informed that Defendant LSA Inc. is going to be represented by:

Brian C. Carter
Carter Rich PC
305 North Main Street
Ukiah, CA 95482
(707) 462-6694
(707) 462-7839 fax
bcarter@carterrichpc.com

Thank you.

Sincerely,

Andre M. Ross

Andre M. Ross [CSBN 176126] for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400

Exhibit

9

Page

2 of 12

Fax: (707) 263-7047

www.lakeportlawyers.com

<http://www.lakeportlawyers.com/andre-ross.asp>

NOTE: This e-mail communication, including any and all attachments, is covered by the U.S. Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521, and is legally privileged. The information is confidential, and is intended only for the use of the person to whom it is addressed. If you are not the intended recipient of this e-mail communication please be advised that any retention, copying, publication or further distribution of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by telephoning 1-707-263-6400, or by sending a reply e-mail confirming that you have destroyed (deleted) this e-mail communication. Thank you.

From: Lloyd Guintivano [<mailto:Lloyd.Guintivano@lakecountyca.gov>]

Sent: Monday, July 03, 2023 14:53

To: 'aross@lakeportlawyers.com' <aross@lakeportlawyers.com>

Subject: Schieder v. Lake Shore Associates, Inc. (CV423843) - Request for Extension

Importance: High

Dear Andre,

The complaint in the above-referenced case was served on June 5, 2023. I am requesting a 15-day extension under Calif. Rules of Court, Rule 3.110(d) to have the County of Lake's responsive pleading filed by July 20, 2023 as a courtesy. Please confirm if you agree with this extension and I would extend the same courtesy to you if you need an extension in this case.

Naturally, should you have any questions, please do not hesitate to contact me.

Sincerely,

Lloyd C. Guintivano
County of Lake
County Counsel
(707) 263-2321
Lloyd.Guintivano@lakecountyca.gov

Confidentiality Notice: This electronic mail transmission may contain privileged and/or confidential information only for use by the intended recipient(s). Any usage, distribution, copying or disclosure by any other person, other than the intended recipient is strictly prohibited and may be subject to civil action and/or criminal penalties. If you received this transmission in error, please notify the sender by reply email or by telephone and delete the transmission.

Exhibit 6
Page 3 of 12

A.M. Ross

From: Carlos Torrez <Carlos.Torrez@lakecountyca.gov>
Sent: Wednesday, August 02, 2023 9:37
To: A.M. Ross
Subject: Lakeshore Associates

Good Morning Andre,

An update from the department. The staff report is being finalized and there will be a date coming shortly when it will be put on the planning commission's calendar to be head. I was informed yesterday the report is with management for the final sign off and then it can made an agenda item. As I know more, I'll let you know. Have a good one.

Carlos Torrez
Deputy County Counsel
Lake County Counsel's Office
255 N. Forbes St
Lakeport, CA 95453
Carlos.Torrez@lakecountyca.gov
707-263-2321 x34107

CONFIDENTIALITY NOTICE: This email transmission, and any documents or messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering this email to the intended recipient, then you are: (1) notified that any disclosure, copying, distribution, saving, reading, or use of this information is strictly prohibited; (2) requested to discard and delete the email and any attachments; and (3) requested to immediately notify us by email that you mistakenly received this message. Thank you.

Exhibit

6

Page

4 of 12

A.M. Ross

From: A.M. Ross <aross@lakeportlawyers.com>
Sent: Wednesday, August 02, 2023 10:26
To: 'Carlos Torrez'
Subject: RE: Lake Shore Associates, Inc and 11360 North Drive, Clearlake (APN 036-091-050)

Carlos:

May I schedule an appointment, through your good office, to come over to the Courthouse at a convenient date and time to view the publically available portion of the CDD code enforcement file(s) pertaining to the residential parcel owned by Lake Shore Associates, Inc.

I do not need to burden your time or the time of your staff, but if a time for inspection could be scheduled now I'd be better prepared to advise my clients.

I'm not expecting any special handling. I'm just no longer current on CDD's new procedures under Director Turner.

There's been a lot of turnover and positive changes during the past two years or so.

Please advise.

Thank you.

Thank you.

Sincerely,

Andre M. Ross

Andre M. Ross [CSBN 176126] for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400
Fax: (707) 263-7047
www.lakeportlawyers.com
<http://www.lakeportlawyers.com/andre-ross.asp>

NOTE: This e-mail communication, including any and all attachments, is covered by the U.S. Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521, and is legally privileged. The information is confidential, and is intended only for the use of the person to whom it is addressed. If you are not the intended recipient of this e-mail communication please be advised that any retention, copying, publication or further distribution of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by

telephoning 1-707-263-6400, or by sending a reply e-mail confirming that you have destroyed (deleted) this e-mail communication.
Thank you.

From: Carlos Torrez [mailto:Carlos.Torrez@lakecountyca.gov]
Sent: Wednesday, August 02, 2023 09:37
To: A.M. Ross <aross@lakeportlawyers.com>
Subject: Lakeshore Associates

Good Morning Andre,

An update from the department. The staff report is being finalized and there will be a date coming shortly when it will be put on the planning commission's calendar to be head. I was informed yesterday the report is with management for the final sign off and then it can made an agenda item. As I know more, I'll let you know. Have a good one.

Carlos Torrez
Deputy County Counsel
Lake County Counsel's Office
255 N. Forbes St
Lakeport, CA 95453
Carlos.Torrez@lakecountyca.gov
707-263-2321 x34107

CONFIDENTIALITY NOTICE: This email transmission, and any documents or messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering this email to the intended recipient, then you are: (1) notified that any disclosure, copying, distribution, saving, reading, or use of this information is strictly prohibited; (2) requested to discard and delete the email and any attachments; and (3) requested to immediately notify us by email that you mistakenly received this message. Thank you.

Exhibit

6

Page

6 of 12

A.M. Ross

From: A.M. Ross <aross@lakeportlawyers.com>
Sent: Monday, August 21, 2023 13:43
To: 'Carlos Torrez'
Subject: 11360 North Drive, Clearlake Park APN 036-091-05
Attachments: Scan.County of Lake.11360 North Drive.Clearlake Park.Notice of Violation.2020624..pdf

Mr. Torrez:

I very much appreciate your voluntarily sharing with my office (last week) documents which you stated reflected the totality of the County of Lake's administrative file regarding the wooden dock installed at 11360 North Drive, Clearlake Park, County of Lake APN 036-091-05.

Much to my own surprise, and on second thought and upon further consideration, I wanted to bring to your attention those documents and things specifically referenced in Water Resource Coordinator William Fox's Notice of Violation dated June 24, 2022 (scan attached).

A copy of that document is attached as Exhibit 12 to the Schieder Trust complaint, a pleading which you already have in your possession.

According to Mr. Fox's own wording, there should be in the possession of the County of Lake documents concerning an application required of the subject property owners as well as documents evidencing payment of fees and/or fines, if any.

Would you please advise as to the status of those items? I don't see in the documents you voluntarily made available anything that reflects DOWR's administration of the builders' application/alleged violations.

Please do not hesitate to respond to this inquiry via e-mail.

Thank you.

Sincerely,

Andre M. Ross

Andre M. Ross [CSBN 176126] for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400
Fax: (707) 263-7047
www.lakeportlawyers.com
<http://www.lakeportlawyers.com/andre-ross.asp>

NOTE: This e-mail communication, including any and all attachments, is covered by the U.S. Electronic Communications Privacy Act

18 U.S.C. Sections 2510-2521, and is legally privileged. The information is confidential, and is intended only for the use of the person to whom it is addressed. If you are not the intended recipient of this e-mail communication please be advised that any retention, copying, publication or further distribution of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by telephoning 1-707-263-6400, or by sending a reply e-mail confirming that you have destroyed (deleted) this e-mail communication. Thank you.

A.M. Ross

From: Brian Carter <bcarter@carterrichpc.com>
Sent: Monday, October 02, 2023 14:00
To: A.M. Ross
Cc: Brian Carter
Subject: LSA/Schieder and improvements made to

Andre: I have seen or heard nothing about the County's hearing. BCC

From: A.M. Ross <aross@lakeportlawyers.com>
Sent: Monday, October 2, 2023 11:54 AM
To: Brian Carter <bcarter@carterrichpc.com>
Subject: RE: LSA/Schieder and improvements made to

Dear Brian:

I appreciate your e-mail below. I must apologize to you for myself failing to file a CMC Statement last week even though that task has been on my To Do list for more than a week.

At the end of last week, I received information from Deputy County Counsel Torrez concerning the administrative aspects of Lake Shore Inc.'s dock improvement actions.

I was informed a hearing was going to be set before Lake County Planning Commission in relation to Mr. Schieder's filing of an appeal in relation to Lake Shore Inc.'s after the fact permit. I have yet to be given any information regarding the County of Lake's legal positions.

At this morning's CMC, County Counsel Torrez informed the Court that the hearing date was going to be Thursday, October 26, 2023. Again, I'm waiting to receive written notice of the County of Lake's noticing documents.

You may have information regarding County Counsel's planning that I do not have.

Next CMC date is after 10/26...

Thank you.

Sincerely,

Andre M. Ross

Andre M. Ross [CSBN 176126] for
EWING & ASSOCIATES
P.O. Box 400
995 South Main Street
Lakeport, California 95453
Tel: (707) 263-6400
Fax: (707) 263-7047

www.lakeportlawyers.com

<http://www.lakeportlawyers.com/andre-ross.asp>

NOTE: This e-mail communication, including any and all attachments, is covered by the U.S. Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521, and is legally privileged. The information is confidential, and is intended only for the use of the person to whom it is addressed. If you are not the intended recipient of this e-mail communication please be advised that any retention, copying, publication or further distribution of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by telephoning 1-707-263-6400, or by sending a reply e-mail confirming that you have destroyed (deleted) this e-mail communication. Thank you.

From: Brian Carter [<mailto:bcarter@carterrichpc.com>]

Sent: Monday, October 02, 2023 11:19

To: A.M. Ross <aross@lakeportlawyers.com>

Cc: Brian Carter <bcarter@carterrichpc.com>

Subject: LSA/Schieder;

Andre: I apologize for missing the CMC this morning; I joined late (10:50) and the court filled me in briefly at the end of his CMC calendar.

Can you please advise as to status and developments? If you filed a case management statement, I do not appear to have received it.

Thank you.



BRIAN C. CARTER
Attorney at Law

305 North Main Street
P.O. Box 1709
Ukiah, CA 95482

PHONE (707) 462-6694

FAX (707) 462-7839

www.carterrichpc.com

CONFIDENTIAL INFORMATION: This electronic mail message and any attachments are the property of Carter Rich PC, and are intended only for the use of the addressee(s) named herein. This e-mail may contain information that (i) is protected by the attorney-client and/or attorney work product privileges, (ii) is confidential and/or (iii) is exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any reading, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by calling the sender at the telephone number above, and destroy the original transmission and its attachments without reading or saving in any manner. Thank you.

Exhibit

6

Page

10 of 12

A.M. Ross

From: Carlos Torrez <Carlos.Torrez@lakecountyca.gov>
Sent: Thursday, October 19, 2023 9:07
To: 'A.M. Ross'
Subject: Staff Report - Lakeshore

The draft is with the director of Public Works, Scott Deleon for finalization. I know the delay has been near intolerable, I feel it too. But it is coming. Thank you.

Carlos Torrez
Deputy County Counsel
Lake County Counsel's Office
255 N. Forbes St
Lakeport, CA 95453
Carlos.Torrez@lakecountyca.gov
707-263-2321 x34107

CONFIDENTIALITY NOTICE: This email transmission, and any documents or messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering this email to the intended recipient, then you are: (1) notified that any disclosure, copying, distribution, saving, reading, or use of this information is strictly prohibited; (2) requested to discard and delete the email and any attachments; and (3) requested to immediately notify us by email that you mistakenly received this message. Thank you.

A.M. Ross

From: Brian Carter <bcarter@carterrichpc.com>
Sent: Thursday, November 09, 2023 10:30
To: aross@lakeportlawyers.com
Cc: Brian Carter
Subject: LakeShoreAssociates/Schieder;

Andre: Anything new to report regarding our clients' dispute, and/or the County's administrative machinery?

BCC



BRIAN C. CARTER
Attorney at Law

303 North Main Street
P.O. Box 1709
Ukiah, CA 95482

PHONE (707) 462-6694
FAX (707) 462-7839

www.carterrichpc.com

CONFIDENTIAL INFORMATION: This electronic mail message and any attachments are the property of Carter Rich PC, and are intended only for the use of the address(es) listed herein. This e-mail may contain information that is protected by the attorney-client and/or attorney work product privileges. This is confidential and for it is exempt from disclosure under applicable law. If you are not an intended recipient or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any viewing, dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please immediately notify the sender by replying to this message or by calling the sender at the telephone number above, and destroy the original message and its attachments without reading or saving in any manner. Thank you.

Exhibit

G