



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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Planning • Building • Code Enforcement
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EXHIBIT A
Item #6b
9:10 AM September
28, 2023

Memorandum

TO: Planning Commission

FROM: Mireya G. Turner, Director, Community Development Department

DATE: September 28, 2023

SUBJECT: Consideration of Proposed Revocation of Major Use Permit (UP 19-15) for Legendary Farms for High Severity Violations, located at 2290 Soda Bay Road (APN 008-010-29)

ATTACHMENTS:

1. Administrative Fines and Penalties (Ord. No 3112)
2. Lake County Zoning Code, Article 60 Expiration, Revocation, or Modification of Permits and Reapplication
3. Annual Inspection Report
4. Notice of Violation and Notice of Nuisance and Order to Abate, issued September 15, 2023
5. Demolition Permit BLD22-01230
6. Quackenbush Mountain Resources Receipts
7. Exempt Agriculture Building Permits
8. Conditions of Approval for UP 19-15

EXECUTIVE SUMMARY

On September 14, 2022, Staff performed an annual compliance monitoring inspection of Legendary Farms (UP 19-15). This permit was approved on May 27, 2021, for one (1) A Type 3 (medium outdoor) cultivation license for a total area consisting of 43,560 sf of cultivation within 65,000 square feet (sq. ft.) of outdoor cultivation area; and (1) Type 13 Self Distribution license. During the inspection, Staff found a second area of unpermitted outdoor cultivation, outside of and in addition to the area approved in the use permit and containing approximately 3,300 cannabis plants. According to Ordinance 3112 (2021, relating to Administrative Fines and Penalties), cannabis cultivation without proper licensure constitutes a High Severity violation, with considerable environmental impact at the time it first occurs, and which impact will be greatly exacerbated by its continuing to occur (Attachment 1). Section 21-60.11(a) allows for the Planning Commission or Board of Supervisors to consider the revocation of a major use permit based on certain criteria. Section 21-60.12 allows for initiation of this consideration by the deciding body upon the request of the Planning (*Community Development*) Director (Attachment 2).

Revocation of Major Use Permit (UP 19-15); Legendary Farms

The Community Development Director recommends the Planning Commission revoke Major Use Permit (UP 19-15) for high severity violations, based on the findings in the Staff Memorandum, dated September 14, 2023.

APPROVED PERMIT PROJECT DESCRIPTION

On May 21, 2021, the Planning Commission approved Major Use Permit (UP 19-15) for Legendary Farms to operate the following:

- One (1) Type A-3 Medium Outdoor Cultivation – 43,560 sf canopy, transferring to mixed light cultivation within two years due to Farmland Protection Zone (no later than May 21, 2023).
- One (1) Type 13 Transport-only Distributor License – allows for moving cannabis and cannabis products between cultivation, manufacturing, or distribution premises.
- Water storage in 5,000-gal storage tank to southeast of garden
- Storage, processing, and packaging within the existing barn (same barn used for Rancho de la Fuente special events and wine tasting room)
- Machinery and fuel storage in Ag-Exempt Building (Attachment 5)

Figure 1. Site Plan from UP 19-15 (see also Attachment 3)

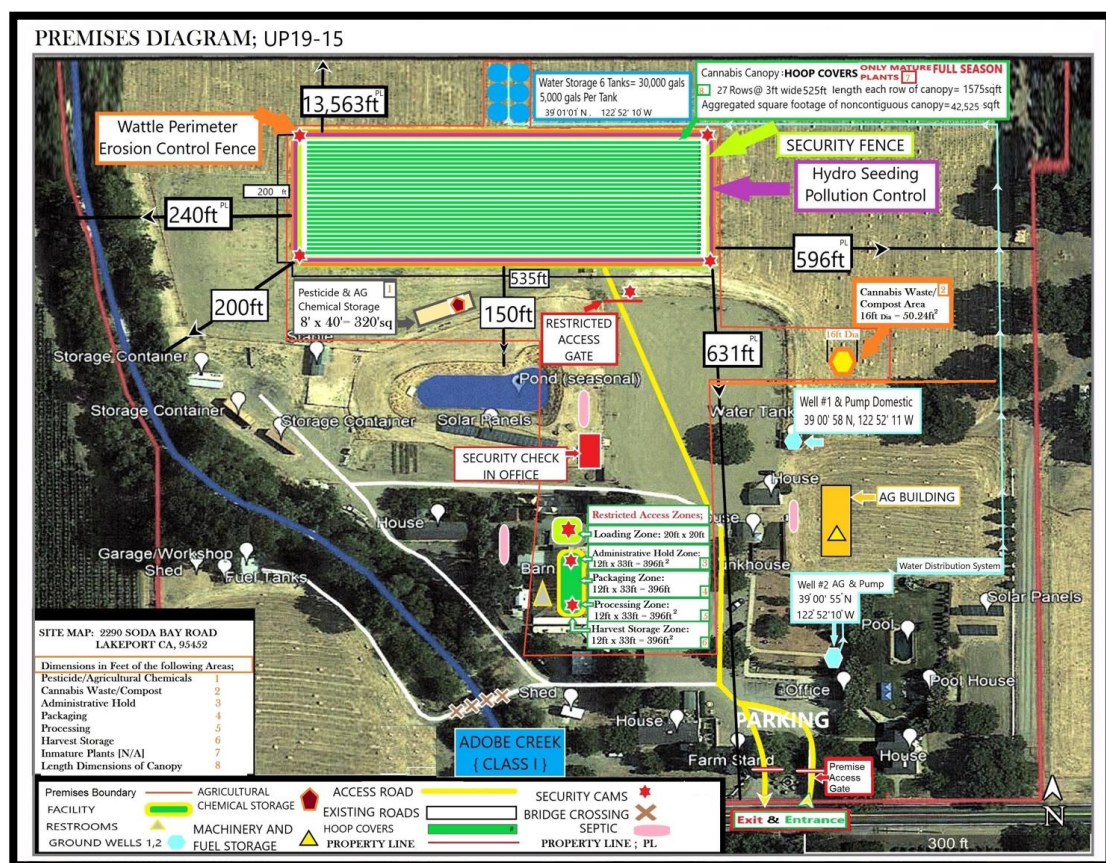


Figure 2. Unpermitted cultivation and ag-exempt structure locations

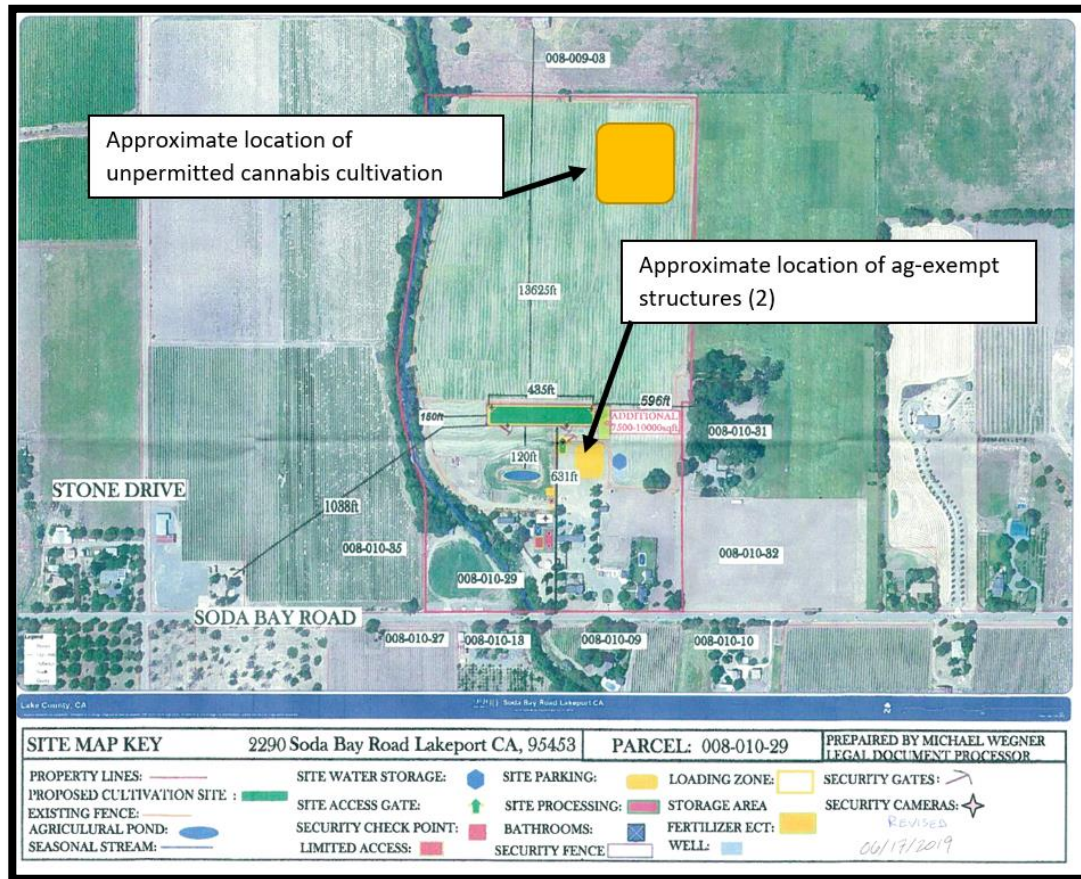


Figure 3. Aerial view of 2290 Soda Bay Road



BACKGROUND

Cannabis cultivation outside permitted area

On September 14, 2022, an Annual Compliance Monitoring Inspection of an approved Commercial Cannabis Cultivation project site was scheduled for UP 19-15 Legendary Farms located at 2290 Soda Bay Road, Lakeport (APN 008-010-29). The same parcel houses Rancho de la Fuente, which holds multiple use permits for special events, alcoholic beverage sales, a labor camp, bed & breakfast, a farm produce stand, Cottage Industry for food preparation, farmers market, winery and wine tasting, and agriculture use including Ag-exempt Building status for two (2) barns, approved for storage of hay, tractors, equipment and walnuts. Permit records show these two structures as unpermitted, rather than approved Exempt-Agriculture structures, which has been referred to Code Enforcement for follow up.

County Staff (Staff) met the project consultant, Michael Wegner, and Permittee, Melissa Smith, on-site for the inspection. During the inspection of the approved cultivation site, Staff observed hoop houses within a non-gated, fenced, and screened area at the rear quadrant of the parcel, outside the project's approved site plans and Conditions of Approval. The Permittee dismissed herself and left the group. Staff conducted an inspection of the area. An initial count of approximately 2,800 cannabis plants in various stages of growth were found within the unpermitted hoop house structures. Figures 4 through 6 show the unpermitted cultivation area.

Figure 4. Unpermitted cultivation area entryway



Figure 5. Inside the unpermitted cultivation area



Figure 6. Inside the unpermitted cultivation area



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Staff requested access to the two (2) Ag-exempt structures on-site, however they were not allowed access as Mr. Wegner stated they did not have the keys, and that the buildings were not part of the cannabis use permit. Staff advised Mr. Wegner of County of Lake's Ordinance 3112, Administrative Fines and Penalties citing unpermitted cannabis cultivation, and ended the Compliance Monitoring Annual Inspection. The Annual Inspection Report is included as Attachment 3.

On September 15, 2022, Staff was contacted by Mr. Wegner. He had obtained property owner consent to allow Staff to enter the property to witness the self-abatement of the unpermitted cannabis. Staff notified Lake County Sheriff's Office and responded to the location. Upon arrival, Staff provided Mr. Wegner with a Notice of Violation and a Notice of Nuisance and Order to Abate (Attachment 4).

Mr. Wegner advised Staff that there were several day laborers present for the abatement and two trucks, each equipped with a dump trailer. Staff observed the abatement. The cultivation area in which the hoop houses were contained was approximately 26,400 square feet of cultivation area. Within the cultivation area were ten (10) unpermitted hoop-house structures measuring 72'L x 24.5'W x 9'H, each containing substandard electrical wiring. The consultant was advised a demolition permit from the Building Safety Division was required due to the unpermitted electrical wiring and the conduit that was buried underneath the ground surface. The growing medium and style was present within both the permitted UP 19-15 Legendary Farms cultivation site and the unpermitted site. The Demolition Permit is included as Attachment 5.

After the bulk of the vegetation had been cleared from within the hoop houses, Staff received visual confirmation that cannabis plants had been doubled and tripled within the pots they were growing in. Staff notified project consultant that the plant count would increase due to the number of plants that were determined to be growing within the unpermitted structures. Abatement efforts concluded and Staff accompanied the convoy of the trucks with their contents to Quackenbush Mountain Resource to properly dispose of the cannabis waste. Consultant's staff paid the invoices for disposal in the amounts of \$73.71 and \$66.15. Net weight was listed as 2,340lbs and 2,100lbs respectively. Total plant count was approximately 3,340. Receipts for the disposal are included as Attachment 6.

Cannabis Cultivation within Unpermitted Structures

A Zoning Clearance planning entitlement for one 50'x100' ag-exempt structure (ZC 19-342) was issued to Frank Perez, former property owner, on July 29, 2019, to be located directly west of the approved cultivation area. This permit was amended in 2020 to change the location of the structure to south of the bunkhouse. No structures were constructed at these locations. An application for an ag-exempt structure (ZC 22-153) from Melissa Smith, was received and processed, but never issued. Both included the signed Owner's Declaration, stating the following,

"The agricultural building will be used to house farm implements, hay, grain, poultry, livestock, or other horticultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be used by the public."

Ag-exempt structures do not require building permits, and there are no inspections of the proposed structure. Electricity may be installed with an approved building permit for electrical, and inspection(s). No record of a building permit for electricity for either structure was found in

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the Department's records. Additionally, the parcel is within the AO (100-year) flood zone, so the structures would be required to be elevated three feet above flood level. The foundation of the structure would require a permit, with an inspection, and elevation certificates to verify the correct elevation and presence of flood vents. There are no records for foundation permits, nor were elevation certificates provided for these two structures. Both Ag-exempt building permit applications, including site plans, are included as Attachment 7.

Using the timeline available on Google Earth, it appears the first of the two structures identified by Mr. Wegner as the Exempt Agriculture structures during the site visit on September 14, 2022, was constructed between February 2020 and June 2021. The second structure of similar size and material was constructed after June 2021, the latest image from Google Earth, as seen in the figures below.

Figure 7. Google Earth imagery on 2/2020



Figure 8. Google Imagery on 6/2021



Figure 9 Google Imagery on 4/2023



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While on site during the unpermitted cannabis abatement, Staff received a phone call from Lake County Sheriff's Office (LCSO) sergeants requesting access to Legendary Farms. The project consultant complied. LCSO questioned how the site was uncovered. Staff advised during annual inspections of the permitted site, an additional site was located, and no access to the ag-exempt structures had been granted during the scheduled inspection. LCSO requested access to the structures and were permitted entry.

The following items were found within the structures:

Two (2) enclosed grow rooms containing three (3) plant beds each with the following:

- irrigation systems
- oscillating fans mounted to the walls
- several grow lights mounted on the ceiling
- air conditioning unit
- propane tank
- air exhaust systems
- multiple extension cords
- dried cannabis vegetative waste on the floor

Other items present:

- Rope strung throughout interior
- sticker labels containing cannabis strain names
- stacks of black and yellow totes
- industrial fans
- a refrigerator
- nutrients
- 2022 calendar
- wall-mounted flat screen
- hoses
- LED string lights.

Power to the two structures was delivered through extension cords from the adjacent property, 2350 Soda Bay Road (APN 008-010-31), which was purchased by United Investment Ventures, LLC on August 13, 2020, and sold to Roberto Estrada on February 25, 2022. Mr. Estrada entered into a Deed of Trust with Karl Kohlruss and Lelani Kohlruss, as Joint Tenants, on February 25, 2022.

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The following figures (10 through 14) were taken during the site visit on September 15, 2022.

Figure 10. Grow beds, grow lights, oscillating fans, and irrigation systems



Figure 11. Hanging lines for drying cannabis



Figure 12. Grow beds, grow lights, oscillating fans, and irrigation systems in second structure



Figure 13. Fans atop drying structure



Figure 14. Air circulation system machinery



BASIS FOR REVOCATION REQUEST

High Severity Violation

Lake County Code Chapter 13, Section 47(k) defines High Severity Violations as a “*violation of considerable environmental impact at the time it first occurs and which impact will be greatly exacerbated by its continuing to occur.*”

Section 49 Administrative Penalties for Failure to Maintain Required County Permit(s) for Cannabis Operations, Engaging in Cannabis Operations Beyond the Scope of an Existing County Permit and/or Engaging in Cannabis Operations While a Permit Application is Pending But Not Approved, includes the following:

Failure to maintain such permits, to engage in cannabis operations beyond the scope of an existing County permit, “*significantly deprives the County of adequate land use planning, ignores the requirements of the California Environmental Quality Act (CEQA), thereby creating the possibility of substantial jeopardy to the environment, and impacts the safety of all County residents.*” (Section 13-49.1)

“*Further, the failure to obtain the necessary permits to engage in cannabis cultivation legally in Lake County is a fraud against the County, depriving the County of the tax to which it is lawfully*

due, and constitutes an unlawful business practice which puts those engaged in permitted cannabis cultivation operations at a distinct and significant disadvantage.” (Section 13-49.1)

The approximately 3,340 cannabis plants found outside the approved canopy area, and the cultivation activities taking place within the two unpermitted structures, are high severity violations of the Lake County Code.

Responsible Person(s)

Responsible Person(s) are defined in Section 47(q), as,

- i. A person who causes or materially contributes to the causation of an Administrative Violation;
- ii. A person who maintains or allows an Administrative Violation to continue by his or her action or inaction;
- iii. A person whose agent, employee, consultant, or independent contractor causes or materially contributes to the causation of an Administrative Violation
- iv. An on-site manager of a business who is responsible for the activities occurring at the premises where an Administrative Violation occurs;
- v. A trustee or other person who is given the legal authority to manage property on behalf of someone where an Administrative Violation occurs;
- vi. A person who is a parent or guardian having custody and control of a Minor who contributes to the causation of an Administrative Violation
- vii. A person who is the owner of, or who exercises control over, or any lessee or sub lessee with the current right of possession and control of real property where a property related Administrative Violation occurs.

Section 50 regulates administrative penalties for failure to obtain required County permits(s) for cannabis operations and other “High Severity Violations.” In addition to administrative penalties, Section 50.3(b) states, “*Permit Ineligibility. Any Responsible Person(s) determined to have violated this section shall be deemed permanently ineligible to obtain any County permit(s) for cannabis operations in the unincorporated area of the County of Lake.*”

Legendary Farms Permittee Melissa Smith, former Legendary Farms Agent Michael Wegner, Property Owner, United Investment Ventures, LLC Manager Justin Smith, and neighboring Property Owner Roberto Estrada and Joint Tenants Karl and Lelani Kohlruss, are the Responsible Persons for the high severity violations found at the Legendary Farms premises on September 14 and 15, 2022.

Revocation of Permits

According to Article 60.12 (Attachment 10) of the Lake County Zoning Code, a hearing to revoke a use permit may be initiated by request of the Planning Director. Grounds for revocation include,

- 1) That such permit was obtained by fraud.
- 2) That one or more of the terms or conditions upon which such permit was granted has been violated.
- 3) That the use for which the permit was granted is so conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance.

At the noticed public hearing, the Planning Commission may revoke or modify the permit.

RECOMMENDATION

Community Development Director Turner recommends the Planning Commission take the following actions:

Revoke Major Use Permit (UP 19-15) for Legendary Farms, including deeming Responsible Person(s): Permittee: Legendary Farms/Melissa Smith, Property Owner: United Investment Ventures, LLC/Justin Smith, former Legendary Farms Agent Michael Wegner, adjacent Property Owner Roberto Estrada and Joint Tenants Karl and Lelani Kohlruss; Located at 2290 Soda Bay Road (APN 008-010-29), for high severity violations with the following findings:

1. Based on Article 60.12 (Attachment 10) of the Lake County Zoning Code, a hearing to revoke a use permit may be initiated by request of the Planning Director.
2. Engaging in cannabis operations beyond the scope of an existing county permit creates the possibility of substantial jeopardy to the environment and impacts the safety of all County residents.
3. Failure to obtain the necessary permits to engage in cannabis cultivation legally in Lake County is a fraud against the County, depriving the County of the tax to which it is lawfully due, and constitutes an unlawful business practice which puts those engaged in permitted cannabis cultivation operations at a distinct and significant disadvantage.”
4. The approximately 3,340 cannabis plants found outside the approved canopy area, and the cultivation activities taking place within the two unpermitted structures, are high severity violations of the Lake County Code.
5. Additional unpermitted cannabis cultivation and processing taking place in the unpermitted structures was supported by electrical power coming from the adjacent parcel, owned by Roberto Estrada, with Joint Tenants Karl and Lelani Kohlruss.

SAMPLE MOTIONS:

Revocation

I move that the Planning Commission revoke Major Use Permit (UP 19-15) for Legendary Farms, including Responsible Persons: Legendary Farms Permittee Melissa Smith, former Legendary Farms Agent Michael Wegner, Property Owner, United Investment Ventures, LLC Manager Justin Smith, and neighboring Property Owner Roberto Estrada and Joint Tenants Karl and Lelani Kohlruss; located at 2290 Soda Bay Road (APN 008-010-29), for high severity violations, based on the findings listed in Staff Memorandum dated September 28, 2023.

NOTE: *The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission’s decision, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Planning Commission’s final determination.*

ORDINANCE NO. 3112
AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 13 OF THE LAKE COUNTY
CODE RELATING TO ADMINISTRATIVE FINES AND PENALTIES

THE BOARD OF SUPERVISORS OF THE COUNTY OF LAKE ORDAINS AS
FOLLOWS:

Section 1: Article VII of Chapter 13 of the Lake County Code is hereby amended to read as follows:

"Sec. 13-45. - Citation and Authority.

45.1 This article is adopted pursuant to Government Code section 53069.4 and may be cited as the Lake County Administrative Fines and Penalties Ordinance.

Sec. 13-46. - Purpose and Intent.

46.1 The purpose of this article, relating to administrative fines and penalties is to provide alternative remedies to address acts or omissions as set forth in Section 13-48 herein. Violations may be corrected, abated, or addressed in a number of ways. It is the intent of this article to provide the County with an additional remedy to correct violations and, where necessary, to penalize violators for failure to comply with County codes and ordinances.

46.2 This article is adopted in order to achieve the following goals:

- a. To protect the public health, safety and welfare of the communities and citizens in the County of Lake;
- b. To provide for an administrative process for the imposition of penalties and for a process to appeal the imposition of administrative penalties;
- c. To provide for a method to penalize responsible parties who fail or refuse to comply with provisions of the County Code, ordinances, or conditions of entitlement in the County of Lake; and
- d. To minimize the expense and delay where the alternative remedy is to pursue responsible parties in the civil or criminal justice system.

46.3 All final administrative orders made pursuant to the procedures set forth in this article shall be subject to review only as provided for in Government Code Section 53069.4.

Sec. 13-47. - Definitions.

47.1 For purposes of this article, the following words and phrases shall have the

following meanings:

- a. "Administrative Citation" means a citation issued pursuant to this Section imposing an Administrative Fine pursuant to Sections 13-48, 13-49, and/or 13-50.
- b. "Administrative Costs" means all direct and indirect costs incurred as a result of an Administrative Citation hearing, including, but not limited to, reasonable attorney fees, and costs relating to the initial review, scheduling, and processing of the administrative hearing.
- c. "Administrative Fine" or "Administrative Penalty" means the fine or penalty imposed on the Responsible Person for an Administrative Violation.
- d. "Administrative Processing Agency" means the entity contracted by the County to process Administrative Citations, or, in the absence of such a contract, means the County.
- e. "Administrative Violation" means any violation of this Code, applicable statutory provisions, ordinances, uniform codes adopted by the County, orders issued by a commission, board, hearing officer, or other body authorized to issue orders, or any conditions or requirements imposed on or by any entitlement, permit, or environmental document issued or approved by the County.
- f. "Cannabis Operations" means any activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.
- g. "Continuing Violation" means a violation of Lake County Code that persists from day to day. A Continuing Violation does not include an Administrative Violation that is corrected by the Responsible Party through the immediate cessation or discontinuation of any prohibited activity or by the immediate implementation of a required activity as determined by the Issuing Department.
- h. "Days" shall mean calendar days.
- i. "Enforcement Costs" means all direct and indirect costs incurred by the Issuing Department in investigating, inspecting, or abating any Administrative Violation, including, but not limited to, noncompliance fees and costs incurred in preparing for and attending an Administrative Citation hearing.
- j. "Enforcement Officer/Official" means any police officer, inspector, or other employee or agent of the County having the power to enforce any Administrative

Violation, including Enforcement Officers of non-County entities that have the authority to perform such enforcement through agreements with any County Departments.

- k. "High Severity Violation" means violation of considerable environmental impact at the time it first occurs and which impact will be greatly acerbated by its continuing to occur.
- l. "Initial Review of Citation" means the imposition of an Administrative Citation is appealed, an Initial Review will be completed by the head official of the Issuing Department or their designee and a determination made if the citation should be upheld.
- m. "Issuing Department" means the County department or office that has authority and responsibility for enforcing Administrative Violations subject to an Administrative Citation, including non-County entities that have the authority to perform such enforcement through agreements with any County Departments.
- n. "Minor" means any person under the age of eighteen years.
- o. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.
- p. "Population Center" means a geographic area where persons have congregated to reside such as an urbanized area or urban cluster.
- q. "Responsible Person(s)" means any person, as defined in this Section, who is any of the following:
 - i. A person who causes or materially contributes to the causation of an Administrative Violation;
 - ii. A person who maintains or allows an Administrative Violation to continue by his or her action or inaction;
 - iii. A person whose agent, employee, consultant, or independent contractor causes or materially contributes to the causation of an Administrative Violation;
 - iv. An on-site manager of a business who is responsible for the activities occurring at the premises where an Administrative Violation occurs;
 - v. A trustee or other person who is given the legal authority to manage property on behalf of someone else where an Administrative Violation occurs;
 - vi. A person who is a parent or guardian having custody and control of a Minor who contributes to the causation of an Administrative Violation;

vii. A person who is the owner of, or who exercises control over, or any lessee or sub lessee with the current right of possession and control of, real property where a property related Administrative Violation occurs.

r. "Violation" shall mean any act or omission for which Administrative Penalties may be imposed pursuant to this article.

Sec. 13-48. - Imposition of Administrative Penalties.

48.1 Administrative Penalties shall be imposed, enforced, collected and reviewed in compliance with the provisions of this Article. Administrative penalties may be imposed by the Enforcement Official for any of the following acts or omissions:

- a. All violations of the Lake County Code;
- b. Failing to comply with any condition imposed by any entitlement, permit, contract, or environmental document issued or approved by the County of Lake; and
- c. Failing to obtain and/or maintain any permit related to cannabis operations which is required, issued, and/or approved by the County of Lake.

48.2 **Amount of Penalty: Infraction.** If the Lake County Code designates the violation as an infraction, an administrative fund up to the maximum fine or penalty amounts for infractions set forth in subdivision (b) of Government Code section 25132 may be imposed if the violation is not addressed and/or abated in compliance with Section 48.7 herein. Each day the illegal condition exists is deemed a separate violation, the amount of which penalty to be imposed shall be calculated based upon the number of calendar days from the date of transmittal of the Notice of Violation through the date for abatement specified in the Notice of Violation.

48.3 **Amount of Penalty: Other**

Except as otherwise specified herein, if this Code does not designate the violation as an infraction, an administrative penalty may be imposed within the amounts set forth below if the violation is not addressed and/or abated or successfully appealed by the date specified in the Notice of Violation:

- a. Up to one thousand dollars (\$1000.00) for each calendar day from the date of the transmittal of the Notice of Violation through the date of actual abatement of the violations specified in said Notice.
- b. Determination of Administrative Penalty Imposed.
In determining the amount of any administrative penalty under this Section, the enforcement official shall take into consideration the circumstances of the violation, the degree of harm caused by the violation, any prior history of

violations, the Responsible Person(s)' ability to pay the fine, the market value of the cannabis cultivation which is in violation of this Section, and other factors in the furtherance of justice.

- c. Resolution. The Board of Supervisors may adopt a resolution at an open and public meeting which further clarifies and describes the manner in which the particular circumstances of a violation of this Article may impact the determination of the degree of severity of that violation and the corresponding penalty imposed.
- d. In the event the violations include is the illegal use of a structure and the that violation may be corrected by obtaining the appropriate permit, up to a maximum of five (5) times the amount of the standard fee for the permit may be charged as to that violation alone.
- e. Payment of the administrative penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
- f. The administrative penalty imposed shall be made payable to the County of Lake.

Sec. 13-49. Administrative Penalties for Failure to Maintain Required County Permit(s) for Cannabis Operations, Engaging in Cannabis Operations Beyond the Scope of an Existing County Permit and/or Engaging in Cannabis Operations While a Permit Application is Pending But Not Approved

49. 1 Purpose. It is imperative that cannabis operations occur in Lake County pursuant to existing and appropriate County permits. Certain misconduct poses such critical risk to the health and safety of the County's residents. Failure to maintain such permits, to engage in cannabis operations beyond the scope of an existing County permit, and/or to engage in cannabis operations after a permit has been applied for but before it has been approved, significantly deprives the County of adequate land use planning, ignores the requirements of the California Environmental Quality Act (CEQA), thereby creating the possibility of substantial jeopardy to the environment, and impacts the safety of all County residents. The jeopardy to the environment is significant fine and prolonged when cannabis cultivation operations occur without proper licensure and permitting, creating devastating water pollution, dangerous erosion, and leaching of chemicals and toxins into the County's water supply. A civil penalty in the form of a fine must be imposed. Further, the failure to obtain the necessary permits to engage in cannabis cultivation legally in Lake County is a fraud against the County, depriving the County of the tax to which it is lawfully due, and constitutes an unlawful business practice which puts those engaged in permitted cannabis cultivation operations at a distinct and significant disadvantage. Said violations are not designated as infractions and any fine imposed as a consequence of such violation is not a tax or fee under Article XIII C, Section One, subdivision (c)(5) of the California Constitution and is subject only to the Excessive Penalties Clause of Article 1, section 17 of the California Constitution and the Eighth Amendment of the

United States Constitution. While said violations shall constitute a public nuisance, the procedures established in this section are in addition to any other procedures or legal remedies used to address violations of County ordinances, including but not limited to nuisance abatement procedures. The administrative penalty imposed pursuant to this Section may be charged consequent to a nuisance abatement process or may occur as a separate billing apart from the nuisance abatement process.

49.2 Amount of Administrative Penalty Imposed. The Administrative Penalty imposed by this Section is so imposed as a separate violation for each day the violation continues to persist beginning at the time a notice of violation is served upon the responsible party or parties. The Administrative Fine shall continue to accrue until the violation is remedied. For purposes of this Section, conducting cannabis cultivation operations in the unincorporated areas of the County in violation of Section 13-49 herein may only be remedied by the Responsible Person(s) by both self-abatement of all such unpermitted operations or and by the application by the responsible party or parties for the required County permit(s) within the 30 day-period described hereinbelow. Those fines described in Section 49.2 (a) through (c) hereinbelow will not become a debt owed to the County if the violations giving rise to said fines are corrected within 30 days.

- a. A First Violation of this Section. If the violation is not corrected within thirty (30) days, an administrative fine of one thousand dollars (\$1,000.00) per day per violation will be assessed until such time as the Responsible Person(s) self-abates or abatement action is completed by the County.
- b. A Second Violation of this Section. If a second violation occurs within a twenty-four month period, commencing from date of issuance of the prior administrative citation to the same Responsible Person(s) or on the same premises if the property owner remains the same, the administrative fine shall be three thousand dollars (\$3,000.00) per day per violation until such time as the Responsible Person(s) self-abates or abatement action is completed by the County.
- c. A Third Violation of this Section. For a third such violation within a twenty-four-month period commencing from date of issuance of the prior administrative citation to the same Responsible Person(s), or on the same premises if the property owner remains the same, the administrative fine shall be five thousand dollars (\$5,000.00) per day per violation. until such time as the Responsible Person(s) self-abates or abatement action is completed by the County.

Permit Ineligibility . Additionally, no Responsible Person(s) associated with the premises subject to said violation(s) shall be eligible for a County permit for Cannabis Operations of any kind for a period of no less than ten (10) years.

Sec. 13-50. Administrative Penalties for Failure to Obtain Required County Permit(s) for Cannabis Operations and Other "High Severity Violations.

50.1 Purpose. Certain misconduct poses such critical risk to the health and safety of the County's residents. The jeopardy to the environment is significant and prolonged when cannabis cultivation operations occur without proper licensure and permitting, creating devastating and enduring water pollution, dangerous erosion, and leaching of chemicals and toxins into the County's water supply. The jeopardy to the health and safety of County residents can be extreme when such unpermitted operations occur within exclusionary zones, community growth boundaries and other population centers. Such misconduct shall be deemed to constitute violations of "High Severity" which, for purposes of this Article means a violation occurring within community growth boundaries or other population centers, a violation of considerable environmental impact at the time it first occurs and which impact will be greatly exacerbated by its continuing to occur.

Civil penalties must be imposed. Further, the failure to obtain the necessary permits to engage in cannabis cultivation legally in Lake County is a fraud against the County, depriving the County of the tax to which it is lawfully due, and constitutes an unlawful business practice which puts those engaged in permitted cannabis cultivation operations at a distinct and significant disadvantage. Said violations are not designated as infractions and any fine imposed as a consequence of such violation is not a tax or fee under Article XIII C, Section One, subdivision (e)(5) of the California Constitution and is subject only to the Excessive Penalties Clause of Article 1, section 17 of the California Constitution and the Eighth Amendment of the United States Constitution. While such high severity violations shall constitute a public nuisance, the procedures established in this section are in addition to any other procedures or legal remedies used to address violations of County ordinances, including but not limited to nuisance abatement procedures. The administrative penalty imposed pursuant to this Section may be charged consequent to a nuisance abatement process or may occur as a separate billing apart from the nuisance abatement process.

50.2 Notice of Violation. The corrective period and appeal period specified in the Notice of Violation described in Section 13-54 herein shall be abbreviated for High Severity Violations due to the considerable impact of said violations. Said Notice of Violation for violations deemed high severity shall allow for no more than fifteen (15) days and no less than ten (10) days to correct the violation(s).

50.3 Penalties for High Severity Violations.

- a. **The Failure to Obtain Required County Permits for Cannabis Cultivation Operations - Per Plant Penalty.** For any cannabis cultivation operations for which a County permit is required but not obtained, there shall be a per-cannabis-plant penalty imposed. until such time as the Responsible Person(s) self-abates or abatement action is completed by the County. Said penalty constitutes a debt against the County from the date of the notice of violation and is due and payable immediately upon the date of the notice of violation and continues until the violation is corrected. The following per-plant penalties shall apply:

- i. 1-10 plants - a per plant per day penalty of up to \$100.00 per plant.
 - ii. 11-25 plants - a per plant per day penalty of up to \$200.00 per plant.
 - iii. 25-50 plants - a per plant per day penalty of up to \$300.00 per plant.
 - iv. 51 or more plants - a per plant per day penalty of up to \$500.00 per plant.
- b. **Permit Ineligibility.** Any Responsible Person(s) determined to have violated this section shall be deemed permanently ineligible to obtain any County permit(s) for cannabis operations in the unincorporated area of the County of Lake.
 - c. Additionally, in situations where no County permit has been obtained to cultivate cannabis as required by law, if it is determined that said cultivation presents an imminent danger to public health, safety, and welfare, summary abatement procedures may be immediately employed.

50.4 Other High Severity Violations - Other violations deemed by Lake County Code to be High Severity Violations for purposes of the imposition of Administrative Fines. Certain other violations may be deemed as High Severity if the conditions rise to the level of impact described in Section 50.1 herein. Such violations may include action deemed to be High Severity Violations elsewhere in the Lake County Code, actions which facilitate unpermitted cannabis cultivation and/or which result in significant environmental impacts to neighboring property owners, and/or which contravene the orders of this Board during a locally-declared emergency. Said violations shall be subject to the maximum penalty/fine authorized by this Article.

Sec. 13-51. Additional Penalties and Remedies.

Any person owing fines and/or penalties pursuant to this Section shall be liable in an action brought in the name of the county for recovery of such fines and/or penalties. These recovery costs may include reasonable attorney fees incurred in the action if the county prevails, as the county reserves the right to seek to recover reasonable attorney fees, on a case by case basis, pursuant to California Government Code Section 25845, subdivision c. In those cases in which the County seeks to recover reasonable attorney fees, the other party may likewise do so. All such costs recovered by the County pursuant to this chapter shall be placed in the Code Enforcement Fund described in Section 13-48.2 of the Lake County Code.

Additionally, the District Attorney, or the County Counsel with agreement of the District Attorney, may bring a civil action pursuant to California Business and Professions Code section 17206 to enforce this Section.

Sec. 13-52. Interest

Any administrative fine and/or penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue on the following day after the penalty becomes a final decision or order.

Sec. 13.53. Adjustment of Penalties. The Board of Supervisors may adjust the penalties for specific Administrative Violations through the adoption of a Resolution for that purpose.

Sec. 13-54. Notice of Violation.

- a. If the Enforcement Official determines that public or private property, or portions thereof, is being maintained or permitted to exist in a manner for which administrative penalties may be imposed pursuant to this article which pertains to building, plumbing, electrical, structural or zoning issues, the responsible party(ies) shall be provided with a reasonable period of time to correct the violation prior to imposition of the administrative penalties, except in those cases in which there is an immediate danger to health and safety. Except as herein otherwise provided in regard to High Severity Violations as described in Section 50.2 herein which may abbreviate the time for correction, the reasonable period of time for purposes of this section shall not exceed thirty (30) days from service of the written Notice of Violation.
- b. **Manner of Giving Notice.** The Enforcement Official shall post a copy of the Notice of Violation in a plainly visible place on the property and shall serve a copy of the Notice of Violation upon those persons and in the same manner as described in Section 13-6.2.
- c. **Use of Monies Collected.** All monies collected as a result of the imposition of said administrative Penalties shall be remitted to the County Treasurer-Tax Collector who shall place said monies in a Code Enforcement Fund. The purpose of this fund shall be to pay the costs associated with the code enforcement program in the County. This program may include participation by multiple County departments, which departments shall be compensated through the Code Enforcement Fund in a manner to be agreed upon by the program participants.

Sec. 13-55. Notice of Imposition of Administrative Penalties.

55.1 Notice of Violation. If the violation is not corrected within the period stated in the Notice of Violation, if the violation is deemed one of High Severity, or if the violation creates an immediate danger to health or safety, a Notice of Imposition of Administrative Penalties may be issued by the enforcement official.

55.2 Contents of Notice. The Notice of Imposition of Administrative Penalties shall be issued on a form approved by the County Counsel and shall contain the following information:

- a. The date, location and approximate time the violation was observed;
- b. The ordinance, statute, or condition imposed by any entitlement, permit, contract or environmental document violated and a brief description the violation;
- c. The amount of the administrative penalty imposed for the violation;
- d. A statement that the responsible party may appeal the imposition of the administrative penalty within fifteen (15) days of the date the Notice of Imposition is served unless the violation is deemed to be a High Severity Violation, in which case the time to appeal shall be the time within which said Notice allows for the violation to be abated by a Responsible Person(s);
- e. Instructions on how to appeal the Notice of Imposition of Administrative Penalties;
- f. A statement that if the responsible party fails to request an appeal of the Notice of Imposition of the Administrative Penalties, the imposition of the penalty shall be final;
- g. A statement that any responsible party upon whom an administrative penalty has been imposed may seek judicial review of the order imposing the penalty pursuant to Government Code Section 53069.4; and
- h. The signature of the Enforcement Officer.
- i. The failure of the Notice of Imposition of Administrative Penalties to set forth all required contents shall not affect the validity of the proceedings.

Sec. 13-56. Service of Notice of Imposition of Administrative Penalties.

The Notice of Imposition of Administrative Penalties shall be served in the same manner as provided for in Section 13-6.2 for service of a Notice of Violation.

Sec. 13-57. Hardship Waiver.

57.1 A Responsible Person(s) may request a hardship waiver to reduce the amount of a penalty imposed pursuant to this Article.

- a. A hardship waiver for a fine reduction may be requested no later than fifteen (15) calendar days after the Administrative Violation is served. This Responsible Person(s) is required to make a showing that they have made a bona fide effort to comply after the first violation and that payment of the full amount would impose an undue financial burden on them. The head official of the Issuing Department, or their designee, is charged with reviewing fine reduction requests.

- b. Any Responsible Party receiving a fee reduction pursuant to this paragraph retains the right to appeal the Administrative Violation pursuant to Subsection 13-57; however, the time for appeal shall not be extended due to any fine reduction request pursuant to this paragraph.

Sec. 13-58. - Administrative Appeal.

58.1 Applicability. The Administrative Appeal procedure described in Section 13-58 is applicable to an appeal of all administrative citations **other than High Severity Violations** which Are Subject to an Expedited Review Process as described in Section 13-59 herein.

58.2 Initial Review. The Responsible Person may contest an Administrative Citation no later than ten (10) calendar days after the Administrative Violation is served. The appeal request must be in writing, specifying the basis for the appeal in detail, and filed with the administrative processing agency as indicated in the Administrative Citation. The Initial Review will be completed by the head official of the Issuing Department or their designee.

- a. If, following the initial review, the citation is upheld, the Responsible Person shall be notified by mail and informed of their obligation to pay the Administrative Fine within fifteen (15) days of the mailing, or of their right to request an Administrative Hearing.

58.3 Hearing Before the Board of Supervisors- Filing Requirements

- a. If the Responsible Person chooses to contest the outcome of the Initial Review, within fifteen (15) days of the mailing of the results of the Initial Review, the Responsible Person shall submit a written request, on an official form provided by the County, requesting an Administrative Hearing before the Board of Supervisors. Said form, hereinafter referred to as a Request for Administrative Hearing, shall include an advance deposit in the full amount of the Administrative Fine or one thousand dollars (\$1,000), whichever is less, or written proof of financial hardship as specified in Section 13-53 herein. A hearing shall be scheduled with the Board of Supervisors when the aforementioned conditions are met.
- b. In lieu of the advance deposit required, written proof of financial hardship, which shall be in the form of a declaration signed by the Responsible Person under penalty of perjury, along with supporting documentation as specified by the County, shall be filed with the Issuing Department.
- c. A Responsible Person who fails to submit a Request for Administrative Hearing within fifteen (15) days, or who fails to make the required deposit or provide written proof of financial hardship, will have waived the right to contest the Initial

Review and shall pay the Administrative Fine in accordance with the timeline set forth in paragraph (a)(1), above.

58.4 Hearing Date - Notice of Hearing. The hearing shall be set for a date that is not less than ten (10) days from the date of mailing of the notice of hearing. The notice of hearing shall state the date, time and place of the hearing and direct the property owners or occupant and other responsible parties to appear and show cause why the administrative fine should not be imposed. The Notice of Hearing may be delivered to the person(s) or may be mailed to the address(es) listed in the Notice of Appeal.

58.5 Continuances. The Board of Supervisors may, in their its discretion, grant or deny a continuance of the hearing date upon a request by the Responsible Person(s) or the Issuing Department and a showing of good cause.

58.6 Failure to Attend a Hearing If the Responsible Person(s) or his or her representative fails to attend the scheduled hearing, he or she shall be deemed to have waived his or her right to an Administrative Hearing. Under these circumstances, the Board of Supervisors shall find the Responsible Person(s) in default, and shall issue a written notice to that effect. A default under this Section shall constitute a forfeiture of the Administrative Fine and a waiver of any right to challenge the assessed Enforcement Costs and Administrative Costs. A default under this Section shall also be a bar to judicial review of the hearing officer decision based upon failure to exhaust administrative remedies. A default under this provision may be set aside by the Board of Supervisors at the request of the Responsible Party upon a showing of good cause for failing to appear at the Administrative Hearing.

- a. If a financial hardship waiver was granted and the Responsible Person is in default as provided above or a challenge to the citation is withdrawn pursuant to above, the Administrative Fine, Enforcement Costs, and Administrative Costs shall be due and payable by the Responsible Person(s) to the County within fifteen (15) calendar days following the date that had been set for the Administrative Hearing.

58.7 Withdrawal of Appeal. A Responsible Person(s) who has been issued an Administrative Citation and who has requested an administrative hearing to challenge the citation as provided in this Article may request in writing that his or her challenge to the citation be withdrawn and the hearing cancelled. Upon receipt of a request to withdraw a challenge to the Administrative Citation, the County shall cancel the pending hearing, and issue a written notice to that effect. A withdrawal under this Subdivision shall constitute a forfeiture of the Administrative Fine and a waiver of any right to challenge the assessed Enforcement Costs and Administrative Costs. A withdrawal under this Subdivision shall also be a bar to judicial review of the hearing officer decision based upon failure to exhaust administrative remedies.

58.8 Procedures at the Administrative Hearing

- a. The Board of Supervisors shall hear all facts and testimony presented and deemed relevant. The hearing is informal in nature, and formal rules of evidence and discovery do not apply. The proceedings shall be audio-recorded by the County. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.
- b. The Board of Supervisors shall only consider evidence that is relevant to whether the violation(s) occurred and whether the recipient of the Administrative Citation has caused or maintained the violation(s) on the date(s) specified in the Administrative Citation.
- c. The County bears the burden of proof at an administrative hearing to establish the existence of the Administrative Violation specified on the citation. The standard of proof in deciding the issues shall be preponderance of the evidence.
- d. The Administrative Citation and any additional documents submitted by the Issuing Department shall be accepted by the Board of Supervisors as prima facie evidence of the respective facts contained in those documents. The Enforcement Officer, or if unavailable, his/her/their supervisor shall attend the hearing.
- e. Each party shall have the opportunity to testify, cross-examine witnesses, and present witnesses and evidence in support of his or her case. Written and oral evidence submitted at the hearing shall be submitted under penalty of perjury. Documentary and other tangible evidence must be authenticated to the satisfaction of the Board of Supervisors. Nothing shall preclude the use of telephonic or other electronic means of communication if deemed appropriate by the Board of Supervisors.
- f. The Board of Supervisors may continue the hearing as necessary. The decision of the Board of Supervisors shall be final upon adoption of an order containing its determination.
- g. The Board of Supervisors' decision shall include that an aggrieved party may file a petition for review with the California Superior Court, County of Lake, pursuant to California Government Code Section 53069.4. The failure of a responsible party to appear at the Administrative Citation hearing shall be deemed a failure to exhaust administrative remedies.

Sec. 13-59 Administrative Appeal - Expedited Hearing Process for High Severity Violations.

59.1 Hearing Before the Board of Supervisors- Filing Requirements

A Responsible Person(s) may request an Administrative Hearing before the Board of

Supervisors within the time specified in the Notice of Violation, which time period shall be not less than ten (10) days and no more than fifteen (15) days from the date the Notice is issued. Said form, hereinafter referred to as a Request for Administrative Hearing, shall include an advance deposit in the full amount of the Administrative Fine or one thousand dollars (\$1,000), whichever is less, or written proof of financial hardship as specified in Section 13-53 herein. A hearing shall be scheduled with the Board of Supervisors when the aforementioned conditions are met on the next available regularly scheduled meeting of the Board.

- a. In lieu of the advance deposit required, written proof of financial hardship, which shall be in the form of a declaration signed by the Responsible Person(s) under penalty of perjury, along with supporting documentation as specified by the County, shall be filed with the Issuing Department within the time period specified in this Notice of Violation.

59.2 A Responsible Person(s) who fails to submit a Request for Administrative Hearing within the time to appeal specified in the Notice, or who fails to make the required deposit or provide written proof of financial hardship, will have waived the right to contest the violation(s) and shall pay the Administrative Fine as specified in Section 59.1.

59.3 **Hearing Date - Notice of Hearing.** The expedited hearing shall be set for the next available regularly scheduled meeting of the Board of Supervisors. The notice of hearing shall state the date, time and place of the hearing and direct the property owners or occupant and other responsible parties to appear and show cause why the administrative fine should not be imposed. The Notice of Hearing may be delivered to the person(s) or may be mailed to the address(es) listed in the Notice of Appeal. The decision of the Board of Supervisors shall be final.

59.4 With the exception noted herein in Sections 59.2 and 59.3, the hearing procedure shall adhere to the requirements of Section 13-58 herein.

Sec. 13-60. - Review of Board of Supervisor's Decision.

60.1 **Notice of Appeal.** Within twenty (20) days of service of the Board's decision, a person may contest the decision by filing an appeal to be heard by the Superior Court. There is a court filing fee which must be paid to file the Notice of Appeal. Failure to file a written appeal and to pay the filing fee within this time period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the Notice of Appeal shall be served in person or by first class mail upon the Clerk of the Board of Supervisors.

60.2 **Conduct of Hearing.** The conduct of the appeal is a subordinate judicial duty and may be performed by a court commissioner and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be heard de novo, except that the contents of the County's file in the case shall be received into evidence. A copy of

the Notice of Imposition of Administrative Penalties and the Board's decision, shall be admitted into evidence as prima facie evidence of the fact stated therein.

60.3 Judgment. The court shall retain the filing fee regardless of the outcome of the appeal. If the court finds in favor of the Appellant(s), the amount of the fee, if paid, shall be reimbursed to the Appellant(s) by the County and any deposit of the fine or penalty shall be refunded by the County in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the Appellant(s), the County may proceed to collect the penalty pursuant to the procedures set forth in this ordinance, or in any other manner provided by law.

Sec. 13-61. - Payment and Collection of Administrative Penalties.

61.1 Any person(s) against whom an administrative penalty has been imposed shall pay the administrative penalty within fifteen (15) days of service of the Notice of Imposition of Administrative Penalties, not appealed to the Board of Supervisors, or within ten (10) days of service of the Board of Supervisor's decision on appeal. The enforcement official may take the action set forth in this section to collect the unpaid penalties.

61.2 An administrative penalty shall accrue interest at the same annual rate as any civil judgment. Interest shall accrue commencing the day after payment is due.

61.3 The amount of any unpaid administrative penalty, plus interest, may be declared a lien on any real property owned by the responsible party(ies) within the County of Lake against whom an administrative penalty has been imposed, as follows:

- a. Notice shall be given to the Responsible Person(s) prior to the recordation of the lien, and shall be served in the same manner as provided for in Section 13-6.2 for service of a Notice of Violation;
- b. The lien shall attach when the Enforcement Officer records a Notice of Lien listing the delinquent unpaid administrative penalties with the County Recorder's office. The lien shall specify the amount of the lien, the date of the code violations, the date of the final administrative decision, the street address(es), legal description, and assessors parcel number of the parcel on which the lien is imposed, and the name and address(es) of the record owner of the parcel; and
- c. In the event the lien is discharged, released, or satisfied, either through payment or through foreclosure, notice of the discharge containing the information specified in subparagraph [b] above shall be recorded by the enforcement officer.

61.4 The amount of the unpaid administrative penalties, plus interest, may be declared a special assessment against any real property owned by the responsible party(s) within the County of Lake against whom an administrative penalty has been imposed. The Board may impose the special assessment on one or more parcels. The enforcement officer may present a resolution to the Board to declare a special assessment, and upon passage and

adoption thereof shall cause a certified copy thereof to be recorded with the County Recorder's office. The assessment may then be collected at the same time and in the same manner as ordinary taxes are collected, and shall be subjected to the same penalties and the same procedure and sale in the case of delinquent assessments as is provided for ordinary property taxes.

61.5 The amount of the unpaid administrative penalties, plus interest, may be collected by commencement of a civil action to collect the said penalties.

61.6 The amount of the unpaid administrative penalties, plus interest, may be collected by assignment of the amount owing to a collection agency.

61.7 The County may use any civil legal remedy available to collect any unpaid Administrative Penalty including, but not limited to, injunctive relief, Franchise Tax Board intercept, specific performance, and any and all of the remedies heretofore described and described in Section 13.57 hereinbelow. The County may assess additional fees to cover the costs of the collection of any unpaid Administrative Penalty. The County may assigned the collection of Administrative Penalties to a consultant under contract with the County and operating on the County's behalf.

Sec. 13-62. Non-Exclusive Remedies and Penalties.

62.1 All remedies and penalties provided for in this article shall be cumulative and not exclusive. Enforcement by use of any administrative, criminal or civil action, citation or administrative proceeding or abatement remedy does not preclude the use of additional citations or other remedies as authorized by other ordinance or law. Enforcement remedies may be employed concurrently or consecutively. Conviction and punishment of, payment of penalties by, or enforcement against any person hereunder shall not relieve such person(s) from the responsibility of correcting, removing or abating the violation, nor prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of which any violation of Lake County ordinances or the rules, regulations, orders, permits or conditions of approval issued thereunder is committed, continued, or permitted by such person(s), shall be deemed a separate and distinct offense.

62.2 **Treble damages.** Upon a second or subsequent civil or criminal judgment for a violation of a land use ordinance within a two-year period, a violator shall be liable to the county for treble the abatement costs, in accordance with Government Code Section 25845.5, and as amended.

62.3 **Injunctive relief and abatement.** Whenever, in the judgment of the Enforcement Official, any person is engaged in any act or practice which constitutes a violation of any provision of a land use ordinance or any rule, regulation, order, permit or conditions of approval, the County Counsel or District Attorney may commence judicial proceedings for the abatement, removal, correction and enjoinder thereof and require the violator to

pay civil penalties as set forth in this Article.

62.4 Civil remedies and penalties. Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully violates the provisions of any land use ordinance or any rule, regulation, order or conditions of approval issued thereunder by committing, causing, allowing, maintaining, continuing or otherwise permitting a violation of any land use ordinance shall be liable for an applicable civil penalty described in this Article.

62.5 Nothing in this Chapter shall be construed to prevent the County of Lake from pursuing any and all other legal remedies that may be available, including but not limited to civil actions filed by County Counsel seeking any and all appropriate relief such as civil injunctions, penalties, and forfeiture."

Section 2: The proposed ordinance is exempt under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that the project will have no significant effect on the environment, because the Ordinance restricts to certain zoning areas what is already an allowed agricultural use and does not expand allowable uses beyond those designated as agricultural. The Director of the Community Development Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section 4: This ordinance shall take effect on the 21st day of ~~October~~, 2021 and before the expiration of fifteen 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 the 14th day of September, 2021, and passed by the following vote on the 21st day of September, 2021.

AYES: Supervisors Simon, Crandell, Scott, Pyska, and Sabatier

NOES: None

ABSENT OR NOT VOTING: None

COUNTY OF LAKE


Bruno Sabatier (Sep 23, 2021 09:24 PDT)
Chair Board of Supervisors



ATTEST: CAROL J. HUCHINGSON
Clerk of the Board of Supervisors

By: Johanna DeLong
Johanna DeLong (Sep 22, 2021 12:47 PDT)
Deputy

APPROVED AS TO FORM:
ANITA L. GRANT

By: _____

ARTICLE 60

SEC. 21-60 EXPIRATION, REVOCATION, OR MODIFICATION OF PERMITS AND REAPPLICATION.

60.1 Expiration:

- (a) Each valid unrevoked and unexpired minor use permit, major use permit, variance permit, development review permit, design review permit, zoning permit, or zoning clearance permit shall expire and become null and void at the time specified in the permit; or if no time is specified, then the permit shall expire two (2) years after granting unless in either case substantial physical construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced, may be extended as provided by Section 60.1[c] or 60.33. If any use permitted by one of these permits is abandoned for a period of two (2) years, then the permit as it relates to that use shall expire and be null and void, and any subsequent use of the property shall conform to the current regulations of the particular zoning district in which the property is located. “Substantial physical construction and/or use of the property in reliance on the permit” as used within this Article and Code shall have the following meaning(s): **(Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989; Ord. No. 2128, 1/14/1993)**
 - 1. A documented expenditure of at least fifteen (15) percent of the total estimated cost of the project (excluding land and financing costs) or construction of buildings or facilities; up to one-third (1/3) of the costs may be for grading; or
 - 2. A documented expenditure of at least fifteen (15) percent of the total estimated cost of the project (excluding land and financing costs) on preparation of construction plans including: grading, drainage, building, engineering, architectural and landscape plans; or
 - 3. For projects utilizing existing buildings, or for uses not requiring construction; the intended purpose or activity for which the permit was issued must be commenced. **(Ord. No. 1897, 12/7/1989)**
- (b) Notwithstanding Subsection (a) above, if a use permit or specific plan of development is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit or specific plan of development shall remain in full force and effect for the duration of the tentative approval for that subdivision map and, if the subdivision map does not receive final approval, the use permit or specific plan of development shall expire upon expiration of the tentative map. If the subdivision map receives final approval, the use permit or specific plan of development shall expire one (1) year after recordation of the final or parcel map unless construction and/or use of the property in reliance of the permit has commenced prior to its expiration; provided, however, that the period within such construction and/or use must be commenced may be extended pursuant to Subsection (c) below or Section 60.1(c). **(Ord. No. 1749, 7/7/1988)**

- (c) If prior to expiration of a permit, the applicant files a written application for extension, the period within which substantial physical construction or use commenced, may be extended one (1) year by order of the Planning Director, Zoning Administrator, Development Review Committee, Planning Commission, or Board of Supervisors, whichever granted the permit, at any time within ninety (90) days of the date of expiration. An application for such an extension shall be made on the prescribed form and shall be accompanied by any applicable fee as established by the Board of Supervisors. **(Ord. No. 1749, 7/7/1988)**

SEC. 21-60.10 REVOCATION OF PERMITS.

60.11 Grounds for revocation of a permit for cause:

- (a) The Planning Commission or Board of Supervisors may revoke or modify any minor use, major use, variance or development review permit or specific plan of development granted in accordance with the terms of this Chapter, on any one or more of the following grounds:
 - (1) That such permit was obtained by fraud.
 - (2) That one or more of the terms or conditions upon which such permit was granted has been violated.
 - (3) That the use for which the permit was granted is so conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance.
- (b) Grounds for zoning clearance and zoning permit revocation: The Community Development Director may revoke or modify any zoning clearance or zoning permit granted in accordance with the terms of this Chapter on any one or more of the grounds listed in Section 60.11(a). The Community Development Director's determination may be appealed as set forth in Section 58.10.

60.12 Initiation of action: A hearing to revoke or modify a permit may be initiated by order of the Planning Commission or the Board of Supervisors on its own motion, or on request of the Planning Director. The order shall set forth the grounds for revocation or modification.

60.13 Public hearing and notice: A public hearing shall be held by the Planning Commission on any revocation initiated pursuant to Section 60.10. No less than ten (10) days prior to the date of any hearing before the Planning Commission, the Secretary of the Planning Commission shall:

- (a) Give notice of the public hearing in the manner provided by Section 57.3 of this Chapter.
- (b) Serve a written notice of the time and place of such hearing and a copy of the order upon the owner and upon the person in possession of the premises involved.

Service of the notice and copy of the order shall be made in the manner required by law for the service of a summons, or by registered or certified mail, postage prepaid. However, if no owner or person in possession can be found, the Secretary shall cause notice of such hearing together with a copy of the order by first class mail, postage prepaid, to be mailed to the person whose name and address appears as owner of the premises involved on the latest tax roll of the County of Lake or, alternatively, on such other records of the Assessor or Tax Collector that contain more recent information in the opinion of the said Secretary.

- (c) Cause a notice of the time and place of hearing and copy of the order to be sent to such public offices, departments of agencies who, in the opinion of the Secretary of the Planning Commission, might be interested and request a report thereon.

60.14 Decision of the Planning Commission: After such hearing the Planning Commission shall render its decision and may revoke or modify the permit.

60.15 Appeal to the Board of Supervisors: Any person dissatisfied with the decision of the Planning Commission may appeal therefrom to the Board of Supervisors within seven (7) calendar days after the decision of the Planning Commission. The appeal may be taken by filing a written appeal with the Planning Department, setting forth in writing the grounds upon which the appellant asserts the decision of the Planning Commission was in error. Upon the filing of such appeal and payment of a fee in an amount to be set by Resolution by the Board of Supervisors, the Planning Director shall forthwith transfer to the Board of Supervisors the papers and documents applicable to such appeal that are on file with the Planning Commission, including the decision of the Planning Commission. An appeal shall stay the proceedings and effective date of the decision of the Planning Commission until such time as the appeal has been acted on as hereinafter set forth.

60.16 Public hearing: A public hearing shall be held by the Board of Supervisors on any appeal of a revocation or modification decision of the Planning Commission. The Board of Supervisors hearing shall be de novo and any interested person may testify or present evidence.

60.17 Notice: Notice of the time and place of hearing of an appeal before the Board of Supervisors shall be given in the manner provided by Section 60.13 of this Article by the Clerk of the Board of Supervisors.

60.18 Decision of the Board of Supervisors: The Board of Supervisors shall hold a hearing on the merits of said revocation. Following any such public hearing the Board of Supervisors shall render its decision and may sustain or overturn the decision of the Planning Commission or may revoke or modify the permit, which decision shall be final.

SEC. 21-60.20 MODIFICATION OF PERMITS.

60.21 Modification of permits:

- (a) In lieu of revocation, the Planning Commission or Board of Supervisors may after public hearing, modify any minor use, major use, or variance permit, or specific plan of development if the grounds which would otherwise justify revocation can be corrected or cured by a modification imposing new or additional conditions.
- (b) Modifications of permits shall be based on the same grounds, and initiated, heard, noticed and be subject to the same appeal procedures as are provided for revocations in Sections 60.11 to 60.18 of this Article.

SEC. 21-60.30 REAPPLICATION.

60.31 Reapplication for denied permits: No reapplication for a minor use, major use, or variance permit or specific plan of development which has been denied shall be filed or accepted by the Planning Department earlier than six (6) months after the date of such denial; unless specific authority to do so has been granted by the Board of Supervisors or Planning Commission.

60.32 Denial without prejudice: The Planning Commission or Board of Supervisors may deny without prejudice any minor use, major use, or variance permit or specific plan of development application. A “denial without prejudice” shall authorize the reapplication for a permit without meeting the six (6) month period specified in Section 60.31.

60.33 Reapplication for amendment of permits: Any permit pursuant to this Chapter may be amended by the granting of a new permit of the same type and following the same procedure for adoption of the original permit, except as specifically provided for in this Chapter. Amendments to permits may include extensions of expiration periods as provided for in Section 60.10 and changes in uses, structures, and conditions previously approved; however, any change in conditions must be approved by the Review Authority that originally adopted such conditions.



Page 1

Inspection Report

Annual Compliance Monitoring

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

Section 1: Project Information

Premises Information		Authorized Representative	
Permit Number	UP 19-15	First Name	Melissa
License Type(s)	(1) A Type 3; Type 13	Last Name	Smith
Maximum Canopy	43,560	Position/Title of Authorized Rep.	Owner / Operator
Maximum Cultivation	65,000	Verify Identification	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Address	2290 Soda Bay Lakeport	Phone	401-486-1122
		Email	legendaryfarmsnorcal@gmail.com
2022 Request to Reduce Canopy		Cannabis Business Name	Legendary Farms, LLC
2022 Opt-Out of Cultivation		Inspection Date/Time	9/14/22
Gate Code	3636	Annual <input checked="" type="checkbox"/>	Follow-up <input type="checkbox"/>

Section 2: Summary

	Compliant	Non-Compliant
Property unpermitted cannabis grow on-site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Premises Referred to Code Enforcement.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pest Management (Cultivation and Nursery only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lighting (Cultivation only)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Source	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Power Source	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 3: Inspector

First Name	Mary	Other Divisions/Agencies Present: Code Enf.; Linda Rosas-Bill
Last Name	Clayton	



Inspection Report

Annual Compliance Monitoring

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

Section 4: License Requirements

Property	Yes	No	NA	Waste Management	Yes	No	NA
License prominently displayed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste management method (composting, waste pickup, self haul) matches submitted record / meets requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee background checks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste Management records/receipts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pest Management	Yes	No	NA
ADA restroom facility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Matches submitted record / meets requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metric Track & Trace tags	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lighting Diagram	Yes	No	NA
Premises	Yes	No	NA	Total number of lights in the canopy area			
Cultivation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		Maximum wattage of each light			
Total canopy square footage within license limit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Record calculation (average W/sq. ft)			
Location of canopy matches site plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Light deprivation used on canopy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total square footage of canopy matches COA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lights shielded (indoor only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated number of plants on-site				Water Source	Yes	No	NA
Opt-Out or Request to Reduce forms received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Groundwater well <input checked="" type="checkbox"/>	Well Meter <input checked="" type="checkbox"/>		
Hazardous Materials Dual Containment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual water monitoring <input checked="" type="checkbox"/>	CDFW LSA/Permit <input type="checkbox"/>		
Soil storage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Rights <input type="checkbox"/>	Diversion From Waterbody <input type="checkbox"/>		
Hoop Houses/Temporary Structures on-site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Non-Cultivation Water Utility Supplier:			
Cannabis waste area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Source records available (non-cultivation only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Immature plant propagation area (if applicable)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water source matches submitted record	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Processing area (if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Power Source	Yes	No	NA
Packaging area (if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Grid <input checked="" type="checkbox"/>	Solar <input checked="" type="checkbox"/>		
Manufacturing	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Building permits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Type 6 <input type="checkbox"/>	Type 7 <input type="checkbox"/>			4290 & 4291 Standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticide/agricultural chemical storage area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Erosion Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cannabis waste area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Security Measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Processing	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		Operator ID			
Processing area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	appt. scheduled 9/15/22			
Harvest storage area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Violations Observed	Yes	No	NA
Cannabis waste area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10 structures 2800± plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Packaging area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	United Investments LLC			

Section 5: Photo Checklist

☒ Driver's License ☒ Street View of Premises ☒ Posted License ☒ Posted Address ☒ Immature Plant Area ☒ Canopy
☒ Pesticide Storage Area ☒ Harvest Storage Area ☒ Waste Area ☒ Well Meter ☐ ADA Compliance ☒ On Site Processing
☒ Packaging Area ☐ Seed Production Area (nursery) ☐ Any Hazards (If Safe to Photograph) ☒ Security ☒ Hoop Houses/ Temp. Structures

Notes: Security camera livefeed needed. Unpermitted Cannabis grow on-site.
Referred to Code Enforcement. Unpermitted structures.
unpermitted electrical. No access to Ag-Exempt barns.

strains:
lava cake

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LAKE

I am a resident of the County aforesaid; I am over the age of eighteen years and my business address is:

**255 North Forbes Street
Lakeport, CA 95453**

**On 09/16/2022 I served the within (1) Consent to Inspect-Right-Of-Entry Permit ;(2) Notice Of
Nuisance and Order to Abate**

**Case CMP22-00215, Principle owner(s)/Addressee: United Investment Ventures a California LLC
By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, certified
(numbers below) return receipt requested, in the United States mail at Lakeport, California.**

I declare under penalty of perjury, that the foregoing is true and correct.

Executed on 09/16/2022 at Lakeport, California.

SIGNATURE Kathleen See

7019 2280 0001 9999 9456

NOTICE OF NUISANCE AND ORDER TO ABATE

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, Sections 13-6 ET. SEQ.

A. **CASE NUMBER:** **CMP22-00215**
 SITE ADDRESS: **2290 SODA BAY ROAD LAKEPORT, CALIFORNIA 95453**
 PROPERTY OWNER: **UNITED INVESTMENT VENTURES, A CALIFORNIA LLC**
 ASSESSOR PARCEL #: **008-010-29**
 MAILING ADDRESS: **PO BOX 1435 LAKEPORT, CALIFORNIA 95453**

B. **CONDITION CAUSING VIOLATION OF THE LAKE COUNTY CODE:**

The Failure to Obtain Required County Permits for Cannabis Cultivation Operations. For any cannabis cultivation operations for which a County permit is required but not obtained, there shall be a per-cannabis-plant penalty imposed until such time as the Responsible Person(s) self-abates or abatement action is completed by the County. Unpermitted structures AKA Hoop house and unpermitted plumbing.

Code Violations:

LCC CH.13, ART. I, SEC. 13-3.1 (e) (16)
LCC CH13, ART. VII, SEC. 50.3
LCC CH.5, SEC.5-4A, 2019 CA Building Code Section [A]105.1
LCC CH.21, ART. 48

C. **ORDER IS GIVEN TO COMMENCE ABATEMENT OF SAID CODE VIOLATION(S) WITHIN THIRTY (30) DAYS OF THE DATE ON THIS NOTICE AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS:**

1. **Remove all unpermitted Cannabis Cultivation.**
2. **Obtain any permits determined by the Lake County Planning Division and/or Building Safety Division**



DATED: SEPTEMBER 14, 2022

**LINDA ROSAS-BILL, CODE ENFORCEMENT OFFICER
COMMUNITY DEVELOPMENT DEPARTMENT
COUNTY OF LAKE
STATE OF CALIFORNIA**

- D. YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED OR AS TO WHY THE PROPERTY SHOULD NOT BE CONSIDERED A PUBLIC NUISANCE, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING AN APPEAL HEARING REQUEST FORM OR BY SUBMITTING A WRITTEN APPEAL IN WRITING. AND MUST BE FILED WITHIN TWENTY-ONE (21) DAYS OF SERVICE OF THE NOTICE OF VIOLATION. THE APPEAL SHOULD STATE THE CODE SECTION THAT YOU ARE APPEALING AND THE PROVIDE A REASON FOR THE APPEAL. IF YOU FAIL TO REQUEST A NUISANCE ABATEMENT HEARING, ALL RIGHTS TO APPEAL ANY ACTION OF THE COUNTY TO ABATE THE NUISANCE WILL BE WAIVED. THE APPEAL FORM MAY BE OBTAINED OR SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT, CODE ENFORCEMENT DIVISION 255 N. FORBES ST., THIRD FLOOR, LAKEPORT, CA 95451**
- E. WHERE THE ENFORCMENT OFFICAL HAS DETERMINED THAT THE CONDITION CAUSING THE NUISANCE IS IMMINENTLY DANGEROUS TO HUMAN LIFE OR LIMB, OR IS UNSAFE, OR IS DETRIMENTAL TO THE PUBLIC HEALTH OR SAFETY, HE MAY ORDER THAT THE BUILDING OR STRUCTURE AFFECTED BE VACATED, PENDING THE CORRECTION OR ABATMENT OF THE CONDITIONS CAUSING THE NUISANCE.**
- F. PURSUANT TO CHAPTER 13 OF THE LAKE COUNTY CODE, IF YOU FAIL TO CORRECT THE NUISANCE CONDITIONS BY THE DATE SPECIFIED IN SECTION C OF THIS NOTICE AND ORDER OR ANY SUBSEQUENT TIME EXTENSION GRANTED BY THE ENFORCEMENT OFFICIAL, AND/OR FAIL TO SUCCESSFULLY SHOW CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED AS SPECIFIED IN SECTION D OF THIS NOTICE, THE ENFORCEMENT OFFICIAL MAY RECORD THIS NOTICE AND ORDER AND MAY ABATE THE PUBLIC NUISANCE. THE COSTS OF SAID ABATEMENT WILL BE RECOVERED BY ONE OR MORE OF THE FOLLOWING MEANS:**
- 1) A CHARGE AGAINST THE PREMISES WITH THOSE COSTS MADE A SPECIAL ASSESSMENT AGAINST THE PREMISES. SAID SPECIAL ASSESSMENT MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS IS PROVIDED FOR THE COLLECTION OF ORDINARY COUNTY TAXES, AND SHALL BE SUBJECT TO THE SAME PENALTIES, INTEREST AND TO THE SAME PROCEDURES OF FORECLOSURE AND SALE IN THE CASE OF DELINQUENCY AS IS PROVIDED FOR ORDINARY COUNTY TAXES.**
 - 2) PAID THROUGH A CODE ENFORCEMENT DEBT REDUCTION AGREEMENT THAT HAS BEEN NEGOTIATED WITH THE LAKE COUNTY TREASURER – TAX COLLECTOR.**
 - 3) REFERRED TO A DEBT COLLECTION AGENCY LICENSED BY THE STATE OF CALIFORNIA IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 26220(a).**



**Lake County Community Development Department
Code Enforcement Division
255 N. Forbes Street, Lakeport
(707) 263-2309**

NOTICE OF VIOLATION

PURSUANT TO LAKE COUNTY CODE, CHAPTER 13, SECTIONS 13-50 / 13-54 /13-55 ET SEQ.:

A. CASE NUMBER: CMP22-00215
SITE ADDRESS: 2290 SODA BAY ROAD LAKEPORT, CALIFORNIA 95453
PROPERTY OWNER: UNITED INVESTMENT VENTURES, A CALIFORNIA LLC
ASSESSOR PARCEL #: 008-010-29
MAILING ADDRESS: PO BOX 1435 LAKEPORT, CALIFORNIA 95453
APPROXIMATE DATE /TIME SEEN: September 14, 2022

B. CONDITION CAUSING VIOLATION OF THE LAKE COUNTY LAKE COUNTY CODE:

The Failure to Obtain Required County Permits for Cannabis Cultivation Operations. For any cannabis cultivation operations for which a County permit is required but not obtained, there shall be a per-cannabis-plant penalty imposed until such time as the Responsible Person(s) self-abates or abatement action is completed by the County.

Code Violations:

LCC CH.13, ART. I, SEC. 13-3.1 (e) (16)
LCC CH13, ART. VII, SEC. 50.3

C. ORDER IS GIVEN TO COMMENCE ABATEMENT OF THE CODE VIOLATION(S) OF THE LAKE COUNTY CODE WITHIN **TEN (10) DAYS** OF THE DATE ON THIS NOTICE AND CORRECT THE CONDITIONS DESCRIBED ABOVE BY TAKING THE FOLLOWING ACTIONS, FAILURE TO DO SO MAY RESULT IN THE IMPOSITION OF AN ADMINSTRATIVE PENALTY:

Maintain all cannabis cultivation in compliance as allowed pursuant to Lake County Code Chapter 21, Article 27.

OR

Remove all cannabis plants from the property. Failure to remove all cannabis cultivation may result in the imposition of an administrative penalty as stated in the Lake County Code (see back side of this document for information.)

Each violation constitutes a separate and distinct offense. Each and every day an administrative violation exists shall constitute a separate and distinct offense subject to an administrative penalty/citation. The administrative penalty/fine amount is listed on the reverse of side of this document.



LINDA ROSAS-BILL, CODE ENFORCEMENT OFFICER
COMMUNITY DEVELOPMENT DEPARTMENT
COUNTY OF LAKE, STATE OF CALIFORNIA

DATED: September 14 , 2022

- D. **FAILURE TO CORRECT THE LISTED VIOLATIONS MAY CAUSE THE PROPERTY OWNER TO INCUR AN ADMINISTRATIVE PENALTY PURSUANT TO CHAPTER 13, ARTICLE VII., SECTION 13-50 Et SEQ:**

FOR ANY CANNABIS CULTIVATION OPERATIONS FOR WHICH A COUNTY PERMIT IS REQUIRED BUT NOT OBTAINED, THERE SHALL BE A PER-CANNABIS-PLANT PENALTY IMPOSED. UNTIL SUCH TIME AS THE RESPONSIBLE PERSON(S) SELF-ABATES OR ABATEMENT ACTION IS COMPLETED BY THE COUNTY. SAID PENALTY CONSTITUTES A DEBT AGAINST THE COUNTY FROM THE DATE OF THE NOTICE OF VIOLATION AND IS DUE AND PAYABLE IMMEDIATELY UPON THE DATE OF THE NOTICE OF VIOLATION AND CONTINUES UNTIL THE VIOLATION IS CORRECTED. THE FOLLOWING PER-PLANT PENALTIES SHALL APPLY:

- I. 1-10 PLANTS - A PER PLANT PER DAY PENALTY OF UP TO \$100.00 PER PLANT.**
- II. 11-25 PLANTS - A PER PLANT PER DAY PENALTY OF UP TO \$200.00 PER PLANT.**
- III. 25-50 PLANTS - A PER PLANT PER DAY PENALTY OF UP TO \$300.00 PER PLANT.**
- IV. 51 OR MORE PLANTS - A PER PLANT PER DAY PENALTY OF UP TO \$500.00 PER PLANT.**

SEC. 13-51. ADDITIONAL PENALTIES AND REMEDIES.

ANY PERSON OWING FINES AND/OR PENALTIES PURSUANT TO THIS SECTION SHALL BE LIABLE IN AN ACTION BROUGHT IN THE NAME OF THE COUNTY FOR RECOVERY OF SUCH FINES AND/OR PENALTIES. THESE RECOVERY COSTS MAY INCLUDE REASONABLE ATTORNEY FEES INCURRED IN THE ACTION IF THE COUNTY PREVAILS, AS THE COUNTY RESERVES THE RIGHT TO SEEK TO RECOVER REASONABLE ATTORNEY FEES, ON A CASE BY CASE BASIS, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 25845, SUBDIVISION C. IN THOSE CASES IN WHICH THE COUNTY SEEKS TO RECOVER REASONABLE ATTORNEY FEES, THE OTHER PARTY MAY LIKEWISE DO SO. ALL SUCH COSTS RECOVERED BY THE COUNTY PURSUANT TO THIS CHAPTER SHALL BE PLACED IN THE CODE ENFORCEMENT FUND DESCRIBED IN SECTION 13-48.2 OF THE LAKE COUNTY CODE. ADDITIONALLY, THE DISTRICT ATTORNEY, OR THE COUNTY COUNSEL WITH AGREEMENT OF THE DISTRICT ATTORNEY, MAY BRING A CIVIL ACTION PURSUANT TO CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 17206 TO ENFORCE THIS SECTION.

SEC. 13-52. INTEREST

ANY ADMINISTRATIVE FINE AND/OR PENALTY SHALL ACCRUE INTEREST AT THE SAME ANNUAL RATE AS ANY CIVIL JUDGMENT. INTEREST SHALL ACCRUE ON THE FOLLOWING DAY AFTER THE PENALTY BECOMES A FINAL DECISION OR ORDER.

- E. **THE RESPONSIBLE PARTY MAY APPEAL THE IMPOSITION OF THE ADMINISTRATIVE PENALTY WITHIN FIFTEEN (15) DAYS OF THE DATE THE NOTICE OF IMPOSITION IS SERVED UNLESS THE VIOLATION IS DEEMED TO BE A HIGH SEVERITY VIOLATION, IN WHICH CASE THE TIME TO APPEAL SHALL BE THE TIME WITHIN WHICH SAID NOTICE ALLOWS FOR THE VIOLATION TO BE ABATED BY A RESPONSIBLE PERSON(S);**
- F. **YOU ARE HEREBY NOTIFIED THAT IF YOU WISH TO SHOW ANY CAUSE WHY SUCH CONDITION SHOULD NOT BE ABATED OR THE IMPOSITION OF AN ADMINISTRATIVE PENALTY SHOULD NOT BE IMPOSED BY THE ENFORCEMENT OFFICIAL, YOU MUST REQUEST A PUBLIC HEARING BEFORE THE LAKE COUNTY BOARD OF SUPERVISORS BY COMPLETING AN APPEAL HEARING REQUEST FORM OR BY SUBMITTING A WRITTEN APPEAL IN WRITING. AND MUST BE FILED WITHIN 15 DAYS OF SERVICE OF THE NOTICE OF VIOLATION. THE APPEAL SHOULD STATE THE CODE SECTION THAT YOU ARE APPEALING AND THE PROVIDE A REASON FOR THE APPEAL. IF YOU FAIL TO REQUEST AN APPEAL HEARING, THE IMPOSITION OF THE ADMINISTRATIVE PENALTIES SHALL BE FINAL. THE APPEAL FORM MAY BE OBTAINED OR SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT, CODE ENFORCEMENT DIVISION 255 N. FORBES ST., THIRD FLOOR, LAKEPORT, CA 95451**
- G. **ANY RESPONSIBLE PARTY UPON WHOM AN ADMINISTRATIVE PENALTY HAS BEEN IMPOSED MAY SEEK JUDICIAL REVIEW OF THE ORDER IMPOSING THE PENALTY PURSUANT TO GOVERNMENT CODE SECTION 53069.4**



**Lake County Community Development Department
Code Enforcement Division
255 N. Forbes Street, Lakeport**

Attachment 5

BLD22-01230

United Investment Ventures, LLC - Removal of Non-Permanent Structures/Demo of (10) Hoop Houses in Back of Property to Bring Back into Compliance; Flood Zone: AO & AE; Demo Should be Completed As Soon As Possible Per Director Mireya Turner

STATUS

> **Finaled**
10/11/2022 by Aaron Madden

LOCATION

> 2290 SODA BAY RD
LAKEPORT 95453

CONTACT

> United Investment Ventures, LLC

WORKFLOW

> 9 total Task
● 3 completed ○ 0 active

Summary

Record

Data Fields

Data Tables (1)

Fees (3)

Workflow

Inspections (1)

Address (1)

Addtl Info

Comments (1)

Flags (1)

Activities (0)

Activity Summary (3)

Contacts (1)

Communications (3)

Documents (9)

Menu

Reports

Help



File Date: 09/23/2022

Application Status: **Finaled**

Assigned To:

Address: 2290 SODA BAY RD, LAKEPORT, 95453

Owner Name: UNITED INVESTMENT VENTURES LLC

Owner Address: P O BOX 1435, LAKEPORT, CA 95453

Description of Work: Removal of Non-Permanent Structures/Demo of (10) Hoop Houses in Back of Property to Bring Back into Compliance; Flood Zone: AO & AE; Demo Should be Completed As Soon As Possible Per Director Mireya Turner

Application Type: Commercial Demolition

Documents:	File Name	Document Group	Category	Description	Type	Document Status	Document Status Date
	Demo App/Auth Letter/S...	BLD			application/pdf	Uploaded	09/23/2022
	Your permit applicatio...	PMT	Email		application/octet-s...	Uploaded	09/23/2022
	Lake_Reports/Building...	BLD	Permit		application/pdf	Uploaded	09/23/2022
	Your application BLD22...	PMT	Email		application/octet-s...	Uploaded	09/23/2022
	Bldg. Permit w/Signature	BLD	Document		application/pdf	Uploaded	09/23/2022
	Construction Waste Man...	BLD	Document		application/pdf	Uploaded	09/23/2022
	cal green report	BLD			application/pdf	Uploaded	10/07/2022
	Demo Picture of Site	BLD		Demo Picture of Site	image/jpeg	Uploaded	10/11/2022
	Inspection Record Sign...	BLD	Document		application/pdf	Uploaded	10/13/2022

Show all

Application Name: United Investment Ventures, LLC - Removal of Non-Permanent Structures/Demo of (10) Hoop Houses in Back of Property to Bring Back into Compliance

Parcel No: 008-010-29

Contact Info:	Name	Organization Name	Contact Type	Contact Primary Address	Status
	United Investment Vent...	United Investme...	Applicant		Active

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business Name	Business License #
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****DUPLICATE TICKET****
Quackenbush MRRCF
P.O. Box 229
St. Helena, CA 94574-0229

000000 Cash Customer
Cash Customer

SITE	TICKET	GRID	DEPUTY WEIGHMASTER		
02	260116		Attachment 6 Jennifer Whittington		
DATE IN	DATE OUT	TIME IN	TIME OUT	VEHICLE	ROLL OFF
09/15/22	09/15/22	15:00	15:20		
REFERENCE		ORIGIN			
WHITEGMC		UC - UNINCORPORATED			

Manual Gross Wt.	16400	LB	Inbound - Cash ticket
Scale 1 Tare Wt.	14060	LB	
Net Weight	2340	LB	

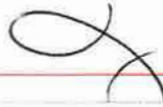
QTY.	UNIT	DESCRIPTION	RATE	EXTENSION	FEE	TOTAL
1.17	TON	GREENWASTE - TON	63.00	73.71	0.00	73.71

WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

Operating hours 7:30AM to 3PM Monday thru Saturday.
This is to certify that this load does not contain any hazardous materials, medical waste or liquids of any type. PH: 707-995-0104 Acct Office 707-200-9319

NET AMOUNT
73.71
TENDERED
CHANGE
CHECK NO.

WEIGHMASTER  CUSTOMER SIGNATURE

****DUPLICATE TICKET****
Quackenbush MRRCF
P.O. Box 229
St. Helena, CA 94574-0229

000000 Cash Customer
Cash Customer

SITE	TICKET	GRID	DEPUTY WEIGHMASTER		
02	260115		Jennifer Whittington		
DATE IN	DATE OUT	TIME IN	TIME OUT	VEHICLE	ROLL OFF
09/15/22	09/15/22	15:00	15:20		
REFERENCE		ORIGIN			
GRAYFORD		UC - UNINCORPORATED			

Scale 1 Gross Wt.	17140	LB	Inbound - Cash ticket
Scale 1 Tare Wt.	15040	LB	
Net Weight	2100	LB	

QTY.	UNIT	DESCRIPTION	RATE	EXTENSION	FEE	TOTAL
1.05	TON	GREENWASTE - TON	63.00	66.15	0.00	66.15

WEIGHMASTER CERTIFICATE

THIS IS TO CERTIFY that the following described commodity was weighed, measured, or counted by a weighmaster, whose signature is on this certificate, who is a recognized authority of accuracy, as prescribed by Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.

Operating hours 7:30AM to 3PM Monday thru Saturday.
This is to certify that this load does not contain any hazardous materials, medical waste or liquids of any type. PH: 707-995-0104 Acct Office 707-200-9319

NET AMOUNT
66.15
TENDERED
CHANGE
CHECK NO.

WEIGHMASTER  CUSTOMER SIGNATURE



COUNTY OF LAKE COMMUNITY DEVELOPMENT DEPARTMENT

Courthouse - 255 N. Forbes Street • Lakeport, California 95453 • FAX (707) 263-2225
Building & Safety Division (707) 263-2382 • Planning Division (707) 263-2221

EXEMPT AGRICULTURAL BUILDING PERMIT APPLICATION

LEGAL OWNER: Frank Perez APN: 008-010-29

MAILING ADDRESS: 2290 Soda Bay Road Lakeport CA 95453

SITUS ADDRESS: _____

OWNER'S DECLARATION:

- The property described above is ten (10) acres or more and being used primarily for agricultural uses.
- The agricultural building will be used to house farm implements, hay, grain, poultry, livestock, or other horticultural products. The structure shall NOT be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be used by the public.
- Any change in the use of the building is a violation of the Lake County Zoning Ordinance and the Uniform Building Code and will be declared a nuisance under Chapter 13 of the Lake County Code.
- I am aware that I may be held liable for expenses incurred by the County of Lake for enforcement of a Nuisance Abatement Action pursuant to Chapter 13 of the Lake County Code.
- I accept all liability for the structural integrity of the agricultural building.

NOTE: Minimum thresholds to qualify: (a) Size of Agricultural Building needs to be justified by the agricultural uses on site.
(b) The Agricultural use must currently exist, and not be only a future planned use.

Owner's Signature: [Signature] Date: 06/23/2020

APPLICATION PROCESS:

1. Complete the Agricultural Declaration listing the type(s) of agricultural use(s) and acreages of each and/or number of animals.
2. Prepare a Site Plan depicting existing and proposed building(s) and structures, including septic systems and leach lines. The Site Plan must be reviewed and approved by the Agricultural Commissioner and the Environmental Health Division prior to sign-off by the Building Division.
3. Specify the Use of the Proposed Agricultural Structures: Machinery, Storage Hay

AGENCY REVIEW

AGRICULTURAL COMMISSIONER

I FIND THAT THIS AGRICULTURAL ACCESSORY STRUCTURE IS INCIDENTAL, APPROPRIATE, AND SUBORDINATE TO THE EXISTING AGRICULTURAL USE OF THE PROPERTY. I HAVE REVIEWED THE ATTACHED SITE PLAN.

AGRICULTURAL COMMISSIONER SIGNATURE: [Signature] DATE: 6-23-20

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL _____ FLOOD ZONE: _____ ELEVATION: _____
ENCROACHMENT PERMIT NEEDED? ☐ YES ☒ NO DRAINAGE/EASEMENTS PRESENT? ☐ YES ☒ NO

DPW SIGNATURE: [Signature] DATE: 6/23/2020

DEPARTMENT OF WATER RESOURCES: _____ DATE: _____

ENVIRONMENTAL HEALTH SIGNATURE: [Signature] DATE: 6/23/2020

PLANNING DIVISION

DATE CLEARANCE ISSUED: 6/23/2020 PLANNER INITIALS: VF SITE PRIMARILY USED FOR AGRICULTURE? ☒ YES ☐ NO
DATE OF SITE VISIT/AGRICULTURAL REVIEW: _____ PLANNER INITIALS: _____
THE USE AND LOCATION OF THE PROPOSED BUILDING(S) ARE PERMITTED BY THE LAKE COUNTY ZONING ORDINANCE. See Back Side for Stamp

PLANNING DIVISION SIGNATURE: _____ DATE: _____

BUILDING & SAFETY DIVISION SIGNATURE: [Signature] DATE: 6-23-2020

This Application complies with Section 5-4A(2-f) of the Lake County Code.

AGRICULTURAL DECLARATION

PROPERTY OWNER: Frank Perez ASSESSOR'S PARCEL NUMBER: 008-010-29

SITE ADDRESS: 2290 Sada Bay Road Lakeport CA 95453

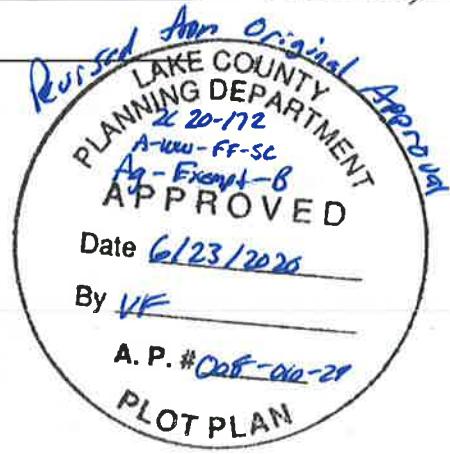
AGRICULTURAL USE(S): Hay, Walnuts, equipment

I, as the property owner or their appointed representative, hereby certify and declare that these agricultural uses are currently in operation on this property. I authorize the County of Lake or authorized representative(s) or designee(s) to make inspections at any reasonable time as deemed necessary for the purpose of verifying these statements.

* APPLICANT SIGNATURE: [Signature]

DATE: 06/23/2020

PRINTED NAME: Frank Perez





**COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT**

Courthouse - 255 N. Forbes Street · Lakeport, California 95453 · FAX (707) 263-2225
Building & Safety Division (707) 263-2382 · Planning Division (707) 263-2221

EXEMPT AGRICULTURAL BUILDING PERMIT APPLICATION

LEGAL OWNER: Frank Perez APN: 008-010-29
MAILING ADDRESS: 2290 Soda Bay Rd Lakeport CA 95453
SITUS ADDRESS: Same

OWNER'S DECLARATION:

- ☒ The property described above is ten (10) acres or more and being used primarily for agricultural uses.
- ☒ The agricultural building will be used to house farm implements, hay, grain, poultry, livestock, or other horticultural products. The structure shall NOT be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be used by the public.
- ☐ Any change in the use of the building is a violation of the Lake County Zoning Ordinance and the Uniform Building Code and will be declared a nuisance under Chapter 13 of the Lake County Code.
- ☐ I am aware that I may be held liable for expenses incurred by the County of Lake for enforcement of a Nuisance Abatement Action pursuant to Chapter 13 of the Lake County Code.
- ☐ I accept all liability for the structural integrity of the agricultural building.

NOTE: Minimum thresholds to qualify: (a) Size of Agricultural Building needs to be justified by the agricultural uses on site.

(b) The Agricultural use must currently exist, and not be only a future planned use.

Owner's Signature: [Signature] Date: 7-25-19

APPLICATION PROCESS:

1. Complete the Agricultural Declaration listing the type(s) of agricultural use(s) and acreages of each and/or number of animals.
2. Prepare a Site Plan depicting existing and proposed building(s) and structures, including septic systems and leach lines. The Site Plan must be reviewed and approved by the Agricultural Commissioner and the Environmental Health Division prior to sign-off by the Building Division.
3. Specify the Use of the Proposed Agricultural Structures: _____

AGENCY REVIEW

AGRICULTURAL COMMISSIONER

I FIND THAT THIS AGRICULTURAL ACCESSORY STRUCTURE IS INCIDENTAL, APPROPRIATE, AND SUBORDINATE TO THE EXISTING AGRICULTURAL USE OF THE PROPERTY. I HAVE REVIEWED THE ATTACHED SITE PLAN.

AGRICULTURAL COMMISSIONER SIGNATURE: [Signature] DATE: 7-28-19

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL [Signature] FLOOD ZONE: AD ELEVATION: 2 ft
ENCROACHMENT PERMIT NEEDED? ☐ YES ☒ NO DRAINAGE/EASEMENTS PRESENT? ☐ YES ☒ NO

DPW SIGNATURE: [Signature] DATE: 7-29-19

ENVIRONMENTAL HEALTH SIGNATURE: [Signature] DATE: 7/29/19

PLANNING DIVISION

DATE CLEARANCE ISSUED: 7/29/19 PLANNER INITIALS: VF SITE PRIMARILY USED FOR AGRICULTURE? ☐ YES ☒ NO

DATE OF SITE VISIT/AGRICULTURAL REVIEW: _____ PLANNER INITIALS: _____

THE USE AND LOCATION OF THE PROPOSED BUILDING(S) ARE PERMITTED BY THE LAKE COUNTY ZONING ORDINANCE.

Flood Zone: AO

PLANNING DIVISION SIGNATURE: [Signature] DATE: 7/29/19

BUILDING & SAFETY DIVISION SIGNATURE: [Signature] DATE: 7/29/19

This Application complies with Section 5-4A(2-f) of the Lake County Code.

AGRICULTURAL DECLARATION

PROPERTY OWNER: Frank Perez ASSESSOR'S PARCEL NUMBER: 008-010-29

SITE ADDRESS: 2290 Sida Bay Rd Lakeport

AGRICULTURAL USE(S):

50 x 100 Steel building being used
for the storage of hay & tractors. We
are building this new building
because the current barn is being
occupied with farm horses

Current Bldg 20 x 20

30 Acres Hay current 2,200 Bales 2019

11 Acres woods

I, as the property owner or their appointed representative, hereby certify and declare that these agricultural uses are currently in operation on this property. I authorize the County of Lake or authorized representative(s) or designee(s) to make inspections at any reasonable time as deemed necessary for the purpose of verifying these statements.

APPLICANT SIGNATURE:

Frank Perez

DATE:

7-25-19

PRINTED NAME:

FRANK JAMES PEREZ



**COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT**

Courthouse - 255 N. Forbes Street • Lakeport, California 95453 • FAX (707) 263-2225
Building & Safety Division (707) 263-2382 • Planning Division (707) 263-2221

EXEMPT AGRICULTURAL BUILDING PERMIT APPLICATION

LEGAL OWNER: MELISSA SMITH for United Investment Ventures APN: 008-010-29

MAILING ADDRESS: 2290 Soda Bay Road Lakeport California 95453

SITUS ADDRESS: 2290 Soda Bay Rd. Lakeport CA 95453

OWNER'S DECLARATION:

- The property described above is ten (10) acres or more and being used primarily for agricultural uses.
- The agricultural building will be used to house farm implements, hay, grain, poultry, livestock, or other horticultural products. The structure shall NOT be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be used by the public.
- Any change in the use of the building is a violation of the Lake County Zoning Ordinance and the Uniform Building Code and will be declared a nuisance under Chapter 13 of the Lake County Code.
- I am aware that I may be held liable for expenses incurred by the County of Lake for enforcement of a Nuisance Abatement Action pursuant to Chapter 13 of the Lake County Code.
- I accept all liability for the structural integrity of the agricultural building.

NOTE: Minimum thresholds to qualify: (a) Size of Agricultural Building needs to be justified by the agricultural uses on site.
(b) The Agricultural use must currently exist, and not be only a future planned use.

Owner's Signature: [Signature] Date: 4-20-2022

APPLICATION PROCESS:

1. Complete the Agricultural Declaration listing the type(s) of agricultural use(s) and acreages of each and/or number of animals.
2. Prepare a Site Plan depicting existing and proposed building(s) and structures, including septic systems and leach lines. The Site Plan must be reviewed and approved by the Agricultural Commissioner and the Environmental Health Division prior to sign-off by the Building Division.
3. Specify the Use of the Proposed Agricultural Structures: TO STORE HAY AND FARM EQUIPMENT

AGENCY REVIEW

AGRICULTURAL COMMISSIONER

I FIND THAT THIS AGRICULTURAL ACCESSORY STRUCTURE IS INCIDENTAL, APPROPRIATE, AND SUBORDINATE TO THE EXISTING AGRICULTURAL USE OF THE PROPERTY. I HAVE REVIEWED THE ATTACHED SITE PLAN.

AGRICULTURAL COMMISSIONER SIGNATURE: [Signature] DATE: 4/21/2022

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL 7 ft. chance FLOOD ZONE: AE/AD-2 ELEVATION: 2 feet depth
ENCROACHMENT PERMIT NEEDED? ☐ YES ☒ NO DRAINAGE/EASEMENTS PRESENT? ☐ YES ☒ NO +1 foot freeboard

DPW SIGNATURE: [Signature] DATE: 5/3/22

DEPARTMENT OF WATER RESOURCES: [Signature] DATE: 5/3/22

ENVIRONMENTAL HEALTH SIGNATURE: [Signature] DATE: 04/26/2022

PLANNING DIVISION

DATE CLEARANCE ISSUED: 05/04/2022 PLANNER INITIALS: DH/MT SITE PRIMARILY USED FOR AGRICULTURE? ☒ YES ☐ NO

DATE OF SITE VISIT/AGRICULTURAL REVIEW: _____ PLANNER INITIALS: _____

THE USE AND LOCATION OF THE PROPOSED BUILDING(S) ARE PERMITTED BY THE LAKE COUNTY ZONING ORDINANCE.

PLANNING DIVISION SIGNATURE: [Signature] DATE: 05/04/2022

BUILDING & SAFETY DIVISION SIGNATURE: _____

DATE: _____

This Application complies with Section 5-4A of the Lake County Code.

AGRICULTURAL DECLARATION

PROPERTY OWNER: MELISSA SMITH for UIV

ASSESSOR'S PARCEL NUMBER: 008-010-29

SITE ADDRESS: 2290 Soda Bay Road Lakeport CA 95453

AGRICULTURAL USE(S): This property has been used for the past 50+years for many different agricultural commodities.
Currently the majority of the land is used for the production of; wheat, alfalfa, oats, and other field grains grown
throughout the year. These are planted and harvested at several different times through the year.

Building to be used to store Hay and farm equipment - PER Melissa / planner
on 4/21/22 (KV)

I, as the property owner or their appointed representative, hereby certify and declare that these agricultural uses are currently in operation on this property. I authorize the County of Lake or authorized representative(s) or designee(s) to make inspections at any reasonable time as deemed necessary for the purpose of verifying these statements.

APPLICANT SIGNATURE: *M. Smith*

DATE: 5-3-2022

PRINTED NAME: MELISSA SMITH for United Investment Ventures

REVISED 06/15/2020

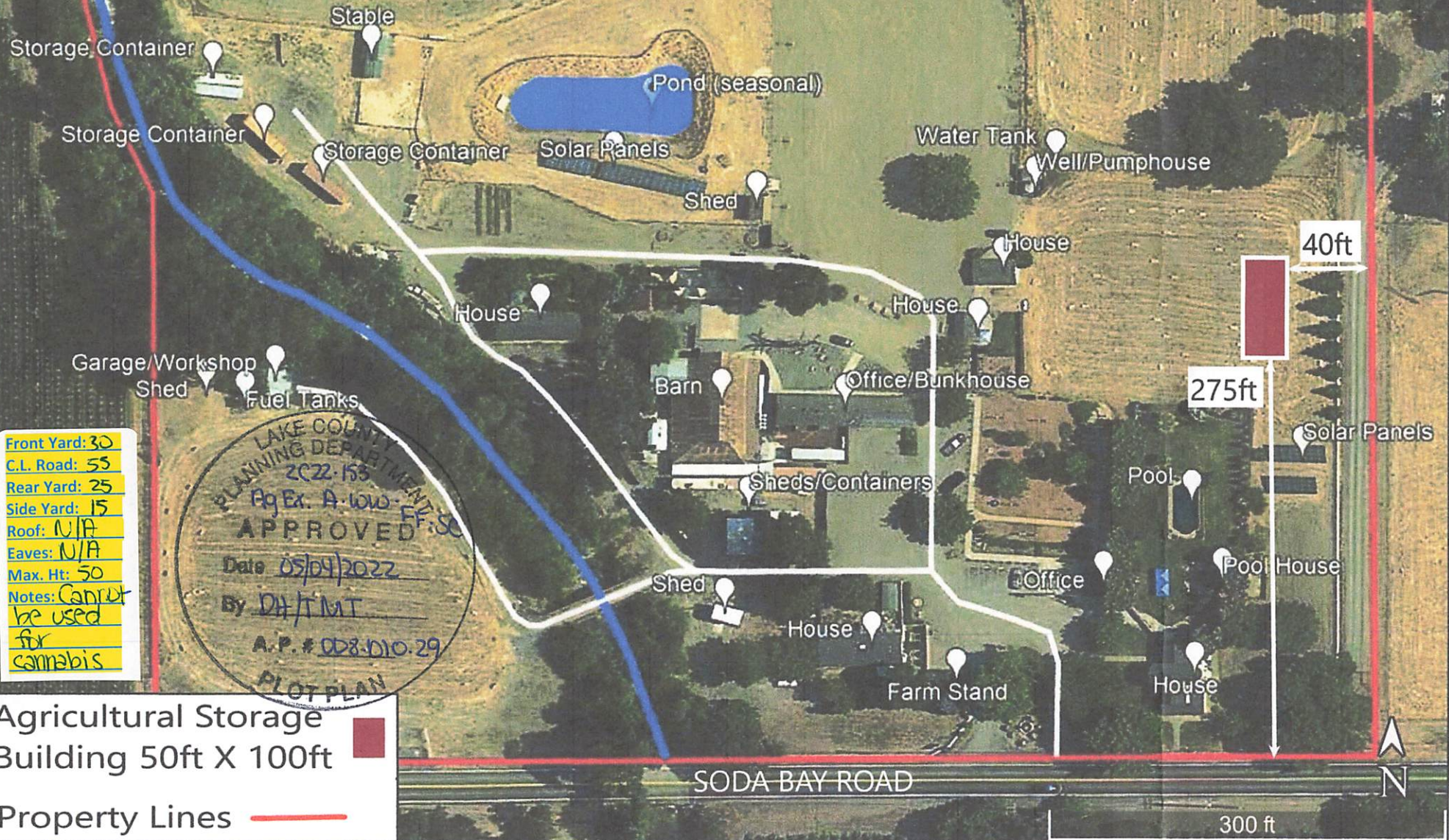
* Ag Exempt
structure
cannot
be used
for
Cannabis *



2290 Soda Bay Road Lakeport CA
APN: 008-010-29



For Ag Storage Bldg.



COUNTY OF LAKE
MAJOR USE PERMIT, UP 19-15
INITIAL STUDY, IS 19-27
LEGENDARY FARMS LLC

CONDITIONS OF APPROVAL
EXPIRES IF NOT USED BY: MAY 27, 2023
VALID UNTIL MAY 27, 2031

Pursuant to the approval of the Planning Commission on **May 27, 2021**, there is hereby granted to **Legendary Farms a Major Use Permit, UP 19-15** with the following conditions of approval to allow a Commercial Cannabis Cultivation License as follows: one (1) A Type 3 (medium outdoor) cultivation license for a total area consisting of **65,000 square feet (sq. ft.) of outdoor cultivation area**; and (1) Type 13 Self Distribution license on **APN: 008-010-29** on property located at **2290 Soda Bay Road, Lakeport** subject to the following terms and conditions.

A. GENERAL

1. The use hereby permitted shall substantially conform to the ***Site Plan(s), Project Description*** and ***Property Management Plan*** and any conditions of approval imposed by the **Major Use Permit** and Review Authority for the outdoor cultivation of **65,000** square feet of outdoor cultivation area as shown on the approved site plan for this action. This approval includes a Type 13 'self-distribution' license. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts. Applicant shall be in substantial conformance with the following:
 - a. Revised Property Management Plan received June 25, 2020
 - b. Site Plans received June 25, 2020
 - c. Supplemental Materials received June 25, 2019
2. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
3. **Prior to cultivation**, the applicant shall obtain building permits for all new structures.
4. **Prior to this permit having full force or effect and following completion of the improvements to the internal driveway**, the applicant shall contact the Lake County Building Department to schedule an inspection(s) to assure that Public Resource Code sections 4290 and 4291 are being complied with; at 707-263-2221.
5. **Prior to building permit final**, the permit holder shall adhere to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements
6. All necessary permits shall be obtained from applicable Federal, State and County agencies having jurisdiction over this project **prior to a building permit** including but not limited to, Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs.
7. The Applicant shall comply with the State of California Track and Trace requirements.
8. The applicant shall not sell, transfer and/or give cannabis or cannabis products to any person under the age of 21 and/or allow any person under the age of 21 into the cultivations area and/or employ or retain persons under the age of 21 years old.
9. An applicant shall keep accurate records of commercial cannabis activity. All records related to commercial cannabis activity as defined by the State Licensing Authorities shall be maintained for a minimum of seven (7) years.
 - *The County may examine the books and records of an applicant and inspect the premises of a permittee when the County deems necessary to perform its*

duties under this division. All inspections shall be conducted during standard business hours of the permitted facility or at any other reasonable time.

- Applicants shall keep records identified by the County on the premises of the location permitted and the County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request.*
- An applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.*

10. All applicants and/or employees shall undergo a background check by the Lake County Sheriff Department. An individual may fail the background check if employee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the sheriff determines that the applicant or permittee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the sheriff shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or permittee be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the sheriff shall include, but not be limited to, the conditions described in Section 26057 of the California Business and Professions Code.
11. **Prior to cultivation**, all structure(s) used for commercial cultivation shall meet accessibility standards. Please contact the Community Development Department - Building Division for more information.
12. **Prior to cultivation**, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
13. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place or harborage for pest.
14. The applicant shall maintain a record of all complaints and resolution of complaints and provide tally and summary of the issues in the Annual Performance Review Report.
15. The permit holder shall pay the cannabis cultivation tax to the Lake County Tax Collector in accordance to the cannabis billing cycle. The applicant shall submit proof of payment to the Community Development Department within thirty (30) days of receiving payment confirmation. Failure to pay said cultivation tax will result in the initiation of permit revocation proceedings. For further details on cultivation taxes, please contact the Lake County Tax Collectors Office at (707) 263-2234.
16. This permit shall be null and void if not used by **May 27, 2023** or if the use is abandoned for a period of two (2) years.
17. The California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. The fee should be submitted to the Community Development Department within five days of approval of the mitigated negative declaration.
18. **Prior to cultivation**, the applicant shall pay the second installment of the Cannabis Program Service Fee in the amount of \$1,623.50 to the Community Development Department.
19. **Prior to cultivation**, the permittee(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The permittee shall contact the Lake County Division of Environmental Health for details.
20. **This permit is subject to the terms of Ordinance 3103**, which requires the conversion of outdoor to greenhouse cultivation within the prescribed time-frame within the referenced Ordinance. The permittee(s) shall fully convert the cannabis cultivation

activity to (up to) **22,000 square feet of mixed light canopy** inside of greenhouses to comply with Lake County Ordinance No. 3103. No further hearings are required for this conversion, however the conversion must occur within the approved cultivation area footprint for UP 19-15, and a revised site plan is required prior to installation of greenhouses, and building elevations & building permits are required for each structure if the new structures differ in size or height.

21. **Indemnification:** The applicant shall indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under this permit.

B. AESTHETICS

1. Prior to greenhouse use, the applicant shall equip each greenhouse with blackout screening so that lighting installed inside of greenhouses cannot be seen from a public road or a neighboring lot. *Mitigation measure AES-1*
2. Prior to construction of the greenhouses, the applicant shall provide a vegetation screening plan to screen the greenhouses from public to the Lake County Community Development Department for approval. The vegetation screening shall consist of woody vegetation or trees that grow to no less than 20 feet tall. The species of woody vegetation or trees to be used may be chosen by the applicant but should be suited to localized soil and site conditions. Native plant species are encouraged as are plantings which will benefit local fauna. Plantings must be perennial and hardy in the local climate zone as specified in scientific literature or garden catalogs. The plan shall detail the woody vegetation or tree type, quantity, and placement as well as a maintenance and monitoring program to ensure the screen will be maintained through the life of the project. *Mitigation measure AES-2*

C. AIR QUALITY

1. Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District and obtain an Authority to Construct (A/C) Permit for all operations and for any diesel powered equipment and/or other equipment with potential for air emissions. *Mitigation measure AQ-1*
2. All mobile diesel equipment used must be in compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines. *Mitigation measure AQ-2*
3. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory. *Mitigation measure AQ-3*
4. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials to the Lake County Air Quality Management District. *Mitigation measure AQ-4*
5. All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited. *Mitigation measure AQ-5*
6. The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited. *Mitigation measure AQ-6*
7. All areas subject infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations. *Mitigation measure AQ-7*

D. BIOLOGICAL RESOURCES

1. If any land clearing is undertaken, a pre-construction special status survey is required. *Mitigation Measure BIO-1*
2. Trees must be inspected for the presence of active bird nests before tree felling or ground clearing. If active nests are present in the project area during construction of the project, CDFW should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. *Mitigation Measure BIO-2*

E. CULTURAL AND TRIBAL RESOURCES:

1. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the local overseeing Tribe shall be notified, and a qualified archaeologist retained to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, they shall be treated in accordance with Public Resources Code Section 5097.98 and Health and Safety Code 7050.5. *Mitigation Measure CUL-1*
2. All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds. *Mitigation Measure CUL-2*

F. GEOLOGY AND SOIL MITIGATION MEASURES:

1. Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.

G. GREENHOUSE GAS EMISSIONS

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

H. HAZARDS & HAZARDOUS MATERIALS

1. Storage of potentially hazardous waste shall be in its original package, and shall be clearly labeled to display the volume and type of material stored. These packages will be kept inside a storm-proof shed, a locked storage area that will only be accessible to authorized staff. When removing materials from storage the employee name, the type of material, date, and time will be entered into a hazardous waste manifest located within the secure storage area and will be stored for five years. When returning material into storage, the type of material, volume used, name of employee, date and time will be entered into the manifest. Storage areas containing hazardous waste will be inspected weekly by staff/employees to ensure accurate record keeping and safe storage conditions.
2. The above-ground pots (outdoor or inside of greenhouses) shall be removed during the rainy season each year (between November 1 and April 1) and stored in a location that is not within a flood plain.

I. HYDROLOGY & WATER QUALITY

1. The illicit discharge of irrigation or storm water from the project parcel, as defined in Tile 40 of the Code of Federal regulation, Sections 122.26, which may result in degradation of water quality of any water body is prohibited.
2. **Prior to this permit having any force or effect**, the applicant shall submit a Storm Water Management Plan based on the requirements of the California Regional Water Quality Control Board – Central valley region to the Community Development Department for review and approval. Said plan shall include the following:

- *Identification of any Lake County maintained drainage or conveyance system that the storm water is discharged into and documentation that the storm water discharge is in compliance with the design parameters of those structures.*
 - *Identification of any public roads and bridges that are downstream of the discharge point and documentation that the storm water discharge is in compliance with the design parameters of any such bridges.*
 - *Documentation that the discharge of storm water from the site will not increase the volume of water that historically has flow onto adjacent properties.*
 - *Documentation that the discharge of storm water will not increase flood elevations downstream of the discharge point.*
 - *Documentation that the discharge of storm water will not degrade water quality of any water body.*
 - *Documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code.*
 - *Describe the proposed grading of the property.*
 - *Describe the storm water management system.*
 - *Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit.*
 - *Describe what parameters will be monitored and the methodology of the monitoring program.*
3. The applicant shall maintain all necessary permits from the Central Valley Regional Water Quality Control Board and submit written verification to the Community Development Department. A copy of all permits shall be included in the Annual Performance Report.
 4. The applicant shall obtain and maintain all necessary Federal, State or local permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all Federal, State or local permits required to utilize the water source, and have a written agreement between the property owner of the site where the source is located and the permitted activity agreeing to the use of the water source and all terms and conditions of that use.
 5. The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited. The utilization of water that has been or is illegal diverted from any lake, springs, wetland, stream, creek, vernal pool and/or river is prohibited. The applicant shall not engage in unlawful or unpermitted drawing of surface water.
 6. The applicant may use water supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an emergency basis only. The applicant shall notify the Community Development Department within seven (7) days of the emergency and provide the following information: (a) A detailed description of the emergency; (b) Identification of the retail water supplier including license number; (c) The volume of water supplied and actions taken to prevent the emergency in the future.
 7. The applicant shall remove all pots from the property no later than November 1 of each year, and will return the pots no earlier than April 1 of each year for the duration of the project. *Mitigation measure HYD-1.*

J. NOISE

1. All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
2. Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.
3. The operation of the Air Filtration System shall not exceed levels of 57 dBA between the hours of 7:00AM to 10:00PM and 50 dBA from 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at

the property lines.

K. TRANSPORTATION

1. **Prior to cultivation**, the applicant will be required to do road improvements to the internal road and comply with Public Resource Code (PRC) sections 4290 and 4291 unless the site is determined to be 'ag exempt' by the Building Official or Designee. If the site is not determined to be 'ag exempt'.
2. All deliveries and/or pickups shall during the hours of Monday through Saturday from 7:00AM to 7:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m.
3. **Prior to cultivation**, the applicant shall provide a minimum of one (1) parking space per employee on the shift having the largest number of employees. The applicant is proposing up five (5) employees, therefore there shall be a minimum of five (5) employee parking spaces and one (1) Accessibility Compliant Parking Space.
4. The project site(s) shall have access to a public road or a recorded easement that allows for, but not limited to, delivery trucks, emergency vehicles, sheriff and other law enforcement officers, and government employees who are responsible for inspection or enforcement actions. Driveway encroachments onto County-maintained roadways shall be constructed to current County standards and shall be constructed with an encroachment permit obtained from the Department of Public Works.
 - a) *All driveways shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body*
 - b) *The design of all access to and driveways providing access to the site where the cannabis related activity that is permitted shall be sufficient to be used by all emergency vehicles and shall be approved by the applicable fire district.*
 - c) *Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes.*
5. Driveway encroachments onto State and/or County-maintained roadways shall be constructed to current federal, State or local Standards and shall be constructed with an encroachment permit.
6. First fifty (50) feet of a driveway beginning at the edge of the existing improved surface shall be constructed and maintained with an all-weather surface. An all-weather surface includes: Six (6) inches of gravel or crushed rock, an oil and rock surface, asphaltic concrete, or concrete as to prevent road surfaces and fill material from discharging to any surface water body. The use of White Rock is prohibited for any road surfacing.
8. The applicant shall meet and maintain all the requirements and/or regulations as define in 14 California Code of Regulations (CCCR), Division 1.5, Chapter 7, Subchapter 2, Article 2, §1273.00 through §1273.11 of the California Department of Forestry and Fire Protection (Cal Fire) for Emergency Access and Egress Requirements.
9. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes. A knox box is required on all gated entrances.
10. **Prior to cultivation**, all Accessible Compliant Parking Areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.

L. TIMING & MITIGATION MONITORING

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. The applicant shall submit an Annual Performance Review Report their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the Annual Performance Review Report to the Community Development Director at the time of the initial hearing or at any time

thereafter. The Annual Performance Review Report shall identify the effectiveness of the approved Major Use Permit, Operations Manual, Operating Standards, and Conditions of Approval, as well as the identification and implementation of additional procedures deemed necessary. In the event the Planning Commission identifies issues with the Annual Performance Review Report, it may lead to revocation of the approved use and/or the Planning Commission may require the submittal of more frequent Performance Review Reports. Additionally, the Performance Review Report shall include the following:

- *The project parcel shall be inspected by the Community Development Department on an Annual Basis and/or less frequently if approved by the Community Development Director. A copy of the results from said inspection shall be provided to the applicant to for inclusion in their Performance Review Report.*
- *A Compliance Monitoring Fee of \$760.00 shall be paid by applicant and accompany the Performance Review Report.*
- *A Compliance Monitoring Inspection of the Cultivation Site shall be conducted annually during growing season. The applicant shall contact the Community Development Department to schedule such inspection.*
- *If there are no violation of the use permit and/or State License during the first five (5) years, the inspections may be reduced by the Community Development Director to not less than once every 5 years*
- *Non-compliance by the applicant in allowing the inspection by the Community Development Department, or refusal to pay the required fees, or noncompliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.*

3. The applicant(s) shall submit an application for renewal of the authorized use to the Community Development Department a minimum of 180 days prior to the expirations date of said use. Failure to submit an application for renewal at least six months prior to the expiration date of the permit may result in the expiration of the permit. Applicant shall submit the required application, associated fees and the following additional information which may include but is not limited to:

- *A copy of all licenses, permits, and conditions of such licenses or permits related to the project from state agencies as appropriate including, but not limited to the California Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, and the Department of Public Health.*
- *A copy of all reports provided the County and State agencies as determined by the Director.*
- *A list of all employees on the premise during the past year and a copy of the background checks certification for each.*
- *Documentation that the applicant is still qualified to be an applicant.*
- *Any proposed changes to the use permit or how the site will be operated.*
- *Payment of all fees as established by resolution by the Board of Supervisors.*

4. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.

Scott DeLeon, Interim Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: _____
Kerrian Marriott, Office Assistant III

ACCEPTANCE

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

Date: _____

Applicant or Authorized Agent Signature

Printed Name of Authorized Agent

EMERALD LAW GROUP

280 North Oak Street Ukiah, CA 95482
Tel: (707) 468-8300 Fax: (707) 937-2209

RECEIVED

SEP 27 2023

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.

September 27, 2023

Lake County Planning Commission
Community Development Department
255 N. Forbes St. 3rd Floor
Lakeport, CA 95453

Sent via US Mail and Email to Laurahall@lakecountyca.gov

CC: Cannabis Department

Attn: Mireya Turner

255 N Forbes Street

Lakeport, CA 95453

Via email to: Mireya.Turner@lakecountyca.gov

Re: Item#: 6b
DATE: September 14, 2023
Subject: Consideration of Proposed Revocation of Major Use Permit (UP 19-15) for Legendary Farms for High Severity Violations, located at 2290 Soda Bay Road (APN 008-010-29)

To the Honorable Planning Commission Members,

Please be advised this office represents Roberto Estrada with respect to the above referenced action. I am reaching out to express my strong objection to any action seeking to make Roberto Estrada potential permanently ineligible to obtain County permits for cannabis operations in Lake County, simply because he owned property next door to a location where an unlawful cannabis cultivation was found. Further, this matter cannot proceed on the date noticed, as Mr. Estrada was never provided notice of this hearing.

As set forth in the Staff Report, per Section 47(q), Mr. Estrada is being considered a responsible person, and thus faces permanent ineligibility from obtaining cannabis permits in Lake County. As such, Mr. Estrada was entitled to receive notice no less than ten days prior to the hearing by the Planning Commission. As outlined in Section 21-60.13, the Secretary of the Planning Commission is responsible for providing proper notice. Clearly, the Secretary failed to do so here, where Mr. Estrada never received any notice at all of this action. In fact, it wasn't until September 26, 2023, when his neighbor

informed him of this matter, that Mr. Estrada became aware there was any issue pending before the Planning Commission that involved him at all.

Given Mr. Estrada never received proper notice, the County of Lake Planning Commission hearing that is set to address this issue on September 28, 2023, cannot proceed and must be rescheduled. Mr. Estrada must be properly noticed and given the opportunity to defend himself against these accusations. It would be unfair to proceed to on this matter without Mr. Estrada and his representatives being given the opportunity to participate and submit public comment to the planning commission on his behalf.

It is concerning that the Secretary of the Planning Commission is not adhering to their own laws and regulations while attempting to permanently take away Mr. Estrada's rights to cultivate cannabis in Lake County. It appears unjust to punish Mr. Estrada for simply being a neighbor of Legendary Farms, located at 2290 Soda Bay Road, let alone to do so without properly notifying him of this action.

I have attached a picture of his parcel, taken from the Staff Report, which demonstrates the clear boundary between the two parcels, and Mr. Estrada's compliance with the rules and regulations for cannabis cultivation in Lake County.

Sincerely,



Editte Lerman. Esq.

3:59

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Arope Creek

UNITED
INVESTMENT
VENTURES

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Offline Maps



My Content



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