



COUNTY OF LAKE
Community Development Department
PLANNING DIVISION
 Courthouse - 255 N. Forbes Street
 Lakeport, California 95453
 Phone (707) 263-2221 FAX (707) 263-2225

FILED RECEIVED
 OCT 4 2023

RECEIVED

OCT 04 2023

COUNTY OF LAKE
Planning Division Application
 (Please type or print)

LAKE COUNTY COMMUNITY
 DEVELOPMENT DEPT.

Project name: UP 19 - 15
 Assessors Parcel # : 008 - 010 - 290

INITIAL FEES:	
AB <u>23-03</u>	\$1,613.00
Sub Total:	\$1,613.00
Technology recovery 2% Cost	\$20.00
General Plan Maintenance Fee	\$61.00
Total:	\$1,694.00

Zoning: Agriculture
 General Plan: A
 Receipt # 69749
 Initial: JLH

APPELLANT INFORMATION

NAME: Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith
 MAILING ADDRESS: 2290 Soda Bay Road CITY: Lakeport
 STATE: CA ZIP: 95453
 PRIMARY PHONE: 401-484-2751 SECONDARY PHONE: _____
 EMAIL: legendaryfarmsnorcal@gmail.com

PROJECT LOCATION

ADDRESS: 2290 Soda Bay Road, Lakeport, CA 95453
 PRESENT USE OF LAND:
Cannabis Cultivation - Medium Outdoor - Adult Use

DESCRIPTION OF PROJECT APPEALED:

Appeal to Board of Supervisors regarding revocation of Major Use Permit UP 19-15

SURROUNDING LAND USES:

North: Agriculture
 South: Agriculture
 East: Agriculture
 West: Agriculture

PARCEL SIZE(S):

Existing: 41.26 ac
 Proposed: N/A

Existing/Proposed Water Supply: N/A
 Existing/Proposed Sewage Disposal: N/A
 Fire Protection District: N/A
 School District: N/A

At-Cost Project Reimbursement

I, Justin Smith, the undersigned, hereby authorize the County of Lake to process the above referenced appeal request in accordance with the County of Lake Code. I am paying an initial fee of \$ \$1,694.00 as an estimated cost for County staff review, coordination and processing costs related to my appeal according to the master fee schedule. In making this initial fee, I acknowledge and understand that the initial fee may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current County fee schedule. I also understand and agree that I am responsible for paying these costs even if the appeal is withdrawn or not approved.

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

1. Time spent by County of Lake staff in processing my appeal and any direct costs will be billed against the available initial fee. **"Staff time"** includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the appellant, the appellant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, responding to public records act requests or responding to any legal challenges related to the application. **"Staff"** includes any employee of the Community Development Department.
2. If processing costs exceed the available initial fee, I will receive invoices payable within 30 days of billing.
3. I may, in writing, request a further breakdown or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.



October 4, 2023

Lake County Community Development Department
Lake County Planning Department
Attn: Mireya G. Turner, Director and
Mary Claybon, Assistant Planner II
255 North Forbes Street
Lakeport, CA 95453

***Delivery via e-mail to Mireya.Turner@lakecountyca.gov
and Mary.Claybon@lakecountyca.gov***

**Re: Appeal to the Board of Supervisors regarding revocation of Major Use Permit
(UP 19-15).**

Dear Members of the Planning Department and the Community Development Department:

Legendary Farms LLC, United Investment Ventures LLC, Justin Smith, and Melissa Smith (“Appellants”) hereby appeal the Planning Commission’s decision on September 28, 2023, that revoked Appellant’s Major Use Permit (“UP 19-15”) associated with the property located at 2290 Soda Bay Lakeport, CA 95453 (APN 008-010-290) (the “Subject Property”). This appeal is made pursuant to Lake County Code (“Code”) section 21-60.15, within seven (7) calendar days after the decision of the Planning Commission, and all fees associated with this appeal have been duly paid to the Community Development Department.

On September 28, 2023, the Planning Commission heard, by request of Planning Director Mireya Turner (“Ms. Turner”), the Community Development Department’s recommendation to revoke UP 19-15 (the “Hearing”). In the Hearing, the Planning Commission deemed Appellants, Michael Wegner, Roberto Estrada, Karl Kohlruss, Lelani Kohlruss, and Robert Luis Tirado as the responsible persons for high-severity violations that purportedly occurred at the Subject Property, based on Ms. Turner’s Memorandum to the Planning Commission dated September 14, 2023 (the “Staff Memorandum”). As a result, the Planning Commission revoked UP 19-15. **Appellants allege the decision of the Planning Commission was in error, and they hereby appeal the Planning Commission’s decision.**

The reasons for this appeal include, but are not limited to, the following:

- (1) The Planning Director violated Appellants’ due process rights by failing to provide proper notice of the Hearing;

- (2) The Community Development Department, in the Staff Memorandum, conflated the Appellants with each other and with third parties, and improperly identified Melissa Smith as the permittee of UP 19-15;
- (3) Robert Luis Tirado (“Mr. Tirado”) was not an agent, representative or responsible person of any of the Appellants, but the Planning Commission improperly attributed conduct of Mr. Tirado to the Appellants;
- (4) It was an error for the Planning Commission to determine there was a failure of anyone to take responsibilities for high-severity violations that purportedly occurred at the Subject Property, when Mr. Tirado provided the Community Development Department with a notarized declaration, under penalty of perjury, accepting sole responsibility for the conduct resulting in CMP 22-000215 (the “Declaration”);
- (5) It was an error for the Planning Commission to selectively utilize the Declaration as the basis for attributing fault to all of the Appellants;
- (6) The Planning Commission erred in revoking UP 19-15 for violations that were promptly corrected one-year prior to the Hearing without any subsequent violations;
- (7) The Planning Commission erred in revoking UP 19-15 for violations that no longer continue to impact the environment;
- (8) Planning Commission erred in revoking UP 19-15 based on EFN23-01124, a separate alleged violation that has not been fully adjudicated, which alleged violation was attributed to United Investment Ventures LLC rather than to the holder of UP 19-15, and which is currently in the process of being abated; and
- (9) The Planning Director’s unreasonable delay in seeking revocation of UP 19-15 severely prejudiced Appellants ability to address the accusations in the Staff Memorandum.

This notice is not intended as, nor should it be constructed as, a complete statement of all the reasons for the appeal. The Staff Memorandum, as shown through Appellant’s public comments, omitted several statements of facts from the record. As such, through its investigation, Appellants may present additional reasons for the appeal to the Board of Supervisors.

This constitutes Appellants’ written appeal submitted to the Community Development Department and the Planning Department under Section 21-60.15 of the Code. In addition, pursuant to Section 21-60.15 of the Code, this appeal shall stay the proceedings and effective date of the Planning Commission’s decision until such time as the appeal has been voted on by the Board of Supervisors.

Sincerely Submitted,

Joe Rogoway, Esq.
Rogoway Law Group



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

APPEAL TO BOARD OF SUPERVISORS

Date: October 5, 2023

Project Name (if applicable): Legendary Farms LLC UP 19 - 15

Appellant's Name: Legendary Farms LLC, United Investment Ventures LLC, Melissa Smith, and Justin Smith

Appellant's Mailing Address: 2290 Soda Bay Road, Lakeport, CA 95453

Phone #: 404-484-2751

Appellant's Representative Joe Rogoway, Esq.

Phone #: 707-526-0420

Location of Project: 2290 Soda Bay Road, Lakeport, CA 95453

Assessor's Parcel Number: 008-010-290

Previous Action Taken: Revocation of Major Use Permit UP 19 - 15

Date: September 28, 2023

Reason for Appeal: (Attach extra sheets if necessary)

See Attached

J. Smith
 Signature of Appellant/s

FOR OFFICE USE ONLY	
Appeal Number: _____	Related File#: _____
Fee: _____	Receipt #: _____
Date Received: _____	Received By: _____

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

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

Name of Appellant or Appointed Designee for Payment of all At-Cost Appeal Fees:

Justin Smith, appointed designee for payment of all at-cost appeal fees

(Please Print)

Name of Company or Corporation (if applicable):

(Please Print)

Mailing Address of the Appellant or Party responsible for paying processing fees:

(If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation)

Justin Smith, Party responsible for paying processing fees

2290 Soda Bay Road, Lakeport, CA 95453

Name: Justin Smith


Date: October 4, 2023

Email address: jsmith9758@yahoo.com

Phone Number: 404-484-2751


Signature of Appellant/ Agent* Name

10/4/23
Date


Signature of Appellant

10/4/23
Date

PROOF OF SERVICE

California Code of Civil Procedure section 1013, subdivision (g), and section 1010.6

STATE OF CALIFORNIA, COUNTY OF SONOMA

I am over 18 years of age and not a party to this action. My business address is:

Rogoway Law Group, A Professional Corporation
114 4th Street, Suite B
Santa Rosa, California 95401

My electronic service address is: chrisclark@rogowaylaw.com.

I electronically served the foregoing document titled:

Appeal to the Board of Supervisors regarding revocation of Major Use Permit (UP19-15)

On October 4, 2023, I electronically served the document specified above as follows:

Mireya G. Turner, Director of Community Development Department, County of Lake at the electronic service address Mireya.Turner@lakecountyca.gov

Mary Claybon, Assistant Planner II, Community Development Department, County of Lake at the electronic service address Mary.Claybon@lakecountyca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: October 4, 2023

Christopher J. Clark

UNITED INVESTMENT VENTURES LLC 02-16
PO BOX 1435
LAKEPORT, CA 95453-1435

1127
57-1/115 RI
876

10-4-23

Date

Pay To The Order Of County of lake \$ 1,694.00
one thousand six hundred ninety four 00 Dollars



BANK OF AMERICA

ACH R/T 011500010

For Appeal J Smith MP

⑆0⑆⑆5000⑆0⑆ 394007678345⑆⑆⑆27

Harland Clarke



COUNTY OF LAKE

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

Receipt No.: **69749**

Receipt Date: **10/04/2023**

RECEIPT

RECORD & PAYER INFORMATION

Record ID: AB23-03
Record Type: Planning Entitlement
Property Address: 2290 SODA BAY RD, LAKEPORT 95453
Parcel Number: 008-010-29
Description of Work: See attached documents
Job Value: \$0.00
Payer: United Investment Ventures, LLC
Applicant: Legendary Farms, LLC
2290 Soda Bay Rd
Lakeport, CA
Owner: PEREZ FRANK JAMES TRUSTEE

PAYMENT DETAIL

Date	Payment Method	Reference	Cashier	Comments	Amount
10/04/2023	Check	1127	JHENRY	Appeal to the Board for Revocation of UP 19-15	\$1,694.00

FEE DETAIL

Fee Description	Account	Fee Amount	Current Paid
TECH Recov Fee	001-2702-461.66-19	\$20.00	\$20.00
ENF Appeal to BOS	001-2702-492.79.90	\$1,000.00	\$1,000.00
ENF Appeal to BOS	001-1908-492.79-90	\$80.00	\$80.00
ENF Appeal to BOS	001-1231-461.66-10	\$420.00	\$420.00
ENF Appeal to BOS	170-4010-461.66-10	\$113.00	\$113.00
Gen Plan Maint'c Fee	001-2702-461.66-21	\$61.00	\$61.00
		\$1,694.00	\$1,694.00