

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

2
3 In the Matter of Michael Wegner

4 **FINDINGS OF FACT AND DECISION**

5 [AB 23-04]

6 These proceedings were commenced by virtue of an appeal of the Planning Commission's
7 September 28, 2023 revocation of the Major User Permit (UP 19-15) for high severity violations and
8 the determination of Mr. Wegner as a "Responsible Person" for high severity violations, located at
9 2290 Soda Bay Road, Lakeport in Lake County California.

10 A duly noticed public hearing on the appeal scheduled before this Board was heard on August 27,
11 2024, at which time, evidence, both oral and documentary, was presented. Based upon the evidence
12 and applicable law, we find the following:

- 13 1. That the Lake County Planning Commission held a noticed public hearing on September 28,
14 2023, to consider the revocation of Major Use Permit (UP 19-15) for high severity violations
15 located at 2290 Soda Bay Road, Lakeport in Lake County, California.
- 16 2. That the Appellant is Michael Wegner. The appeal (AB 23-04) to this Board was filed on
17 October 4, 2023. The reasons provided for the appeal are as follows: Appellant did not
18 receive timely notice of the determination that he was a "Responsible Person" under Lake
19 County Section 13-47.1q. Appellant's involvement in this action was done in good faith to
20 assist Code Enforcement. Appellant was not a "Responsible Person" as defined in Lake
21 County Code Section 13-47.1q.
- 22 3. That the Board of Supervisors has conducted a hearing in this matter on August 27, 2024 as
23 required by Sections 13-56.2 and 13-56.3 of the Lake County Code.
- 24 4. That the Appellant presented evidence both documentary and testimonial in support of their
25 appeal.
- 26 5. That the Community Development Department presented testimony and documentary
27 evidence relevant to these proceedings including, but not limited to, a staff report dated
28 September 28, 2023, attachments 1 through 8 thereto, and a power point presentation.

- 1 6. That the Community Development Department stated that due to procedural defects in
2 satisfying the notice requirements under Lake County Code Section 13-50, et. seq., it is now
3 recommending that this Appellant's appeal be granted.
- 4 7. That this Board finds, based on the evidence and facts presented in this matter, as follows:
- 5 a. Sufficient information exists in the record of this matter that Appellant is not a
6 "Responsible Person" as defined in Lake County Code Section 13-47.1q. for the high
7 severity violations on located at 2290 Soda Bay Road, Lakeport in Lake County,
8 California.
- 9 8. That this Board has considered and incorporates by reference the Community Development
10 staff memorandum and attachments thereto submitted to this Board for the hearing, as well as
11 other documentation submitted to this Board.
- 12 9. Based upon all the foregoing and for the reasons set forth hereinabove, this Board grants the
13 appeal of the Appellant, Michael Wegner based on the finding that sufficient information
14 exists in the record of this matter that Appellant is not a "Responsible Person" as defined in
15 Lake County Code Section 13-47.1q. for the high severity violations on located at 2290 Soda
16 Bay Road, Lakeport in Lake County, California.
- 17 10. **NOTICE TO APPELLANT:** You are hereby given notice that the time within which any
18 judicial review of the decision herein may be sought is governed by the provisions of the
19 Code of Civil Procedure Section 1094.5.

20 Dated: _____

CHAIR, Board of Supervisors

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22
23 ATTEST: SUSAN PARKER
Clerk to the Board of Supervisors

APPROVED AS TO FORM:

24
25
26 By: _____



LLOYD C. GUINTIVANO
County Counsel