



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
 With The Board of Supervisors
 Of The County of Lake
 Date 5-30-19

Planning Division Application
 (Please type or print)

BY [Signature]

Project name: Oram/Sandtree MUP 18.10
 Assessors Parcel #: 122-032-240012-05644

INITIAL FEES:	
AB <u>19-03</u>	\$1,065.00
Sub Total:	\$1,065.00
Technology recovery 2% Cost	\$21.30
General Plan Maintenance Fee	\$50.00
Total:	\$1,136.30

Zoning: _____
 General Plan: _____
 Receipt # 49919
 Initial: psb

APPLICANT:
 NAME: Jason Oram / 707 Organics, Inc
 MAILING ADDRESS: _____
 CITY: _____
 STATE: _____ ZIP: _____
 PRIMARY PHONE: () _____
 SECONDARY PHONE: () _____
 EMAIL: _____

PROPERTY OWNER (IF NOT APPLICANT):
 NAME: Brenda L. Frey
 MAILING ADDRESS: 995 S. Main Street
 CITY: Lakeport
 STATE: CA ZIP: 95453
 PRIMARY PHONE: 707 263-6400
 SECONDARY PHONE: () _____
 EMAIL: ross@lakeportlawyers.com

PROJECT LOCATION
 ADDRESS: 16983 Hofacker Lane, Lake
Lower

DESCRIPTION OF PROJECT:
Commercial Cannabis Project
with Residential Homeowners
Association

PRESENT USE OF LAND:
residential property with
commercial improvements

SURROUNDING LAND USES:
 North: Frey Property [APN 122-232-100] residences
 South: _____
 East: _____
 West: _____

PARCEL SIZE(S):
 Existing: _____
 Proposed: _____

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

BOS Exhibit A

At-Cost Project Reimbursement

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 I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.**

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

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

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

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

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

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

10. Applicant shall defend, indemnify and hold harmless the County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, including any claim for private attorney general fees claimed by or awarded to any party against the County, and shall also include the County's costs incurred in preparing the administrative record which are not paid by the petitioner. The County shall promptly notify the applicant of any claim, action or proceeding. Notwithstanding the foregoing, the County shall control the defense of any such claim, action or proceeding unless the settlement is approved by the applicant and that the applicant may act in its own stead as the real party in interest in any such claim, action or proceeding.

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

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

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

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

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

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

Ownership Contract to Purchase* Letter of Authorization* Power of Attorney*
**Must Attach Evidence*

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

Brenda L. Frey, Property Owner, 16983 Hofacker Lane
(Please Print) Lowerlake, CA

Name of Company or Corporation (if applicable):

(Please Print)

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

Name: _____ Date: _____

Email address: _____ Phone Number: _____

Archie M. Rose, Esq.
Signature of Owners/Agent Name* [1761208]

May 30, 2019
Date

Signature of Applicant

Date



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

RECEIVED

MAY 30 2019

LAKE COUNTY COMMUNITY
 DEVELOPMENT DEPT.

APPEAL TO BOARD OF SUPERVISORS

Date: May 30, 2019

Project Name (if applicable): Oram J/707 Organics, Inc. MUP 18.10

Appellant's Name: Brenda L. Frey, [APN/22-232-100]

Appellant's Mailing Address: % Ewing & Associates

995 S. Main St. Lakeport, CA 95453 Phone #: (707) 350-1281

Appellant's Representative Andre M. Ross [CSBN #176126]

see address above Phone #: (707) 263-6400

Location of Project: 16983 Hofacker Lane, Lower Lake
[APN]

Assessor's Parcel Number: APN ~~122-032-240~~ 012-056-44

Previous Action Taken: Planning Commission Approval of

Revised Conditions of Approval Date: May 23, 2019

Reason for Appeal: (Attach extra sheets if necessary)

Mistakes of fact; mistakes of law; failure to create
proper records of proceedings by securing sworn
testimony from witnesses participating; arbitrary
and capricious limitations placed upon participating
witnesses; due process violations (see attachment "A")

Andre M. Ross

Signature of Appellant/s

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

APPEAL TO LAKE COUNTY BOARD OF SUPERVISORS

Attachment "A"

PROJECT NAME: ORAM, JUSTIN and 707 Organics, Inc. ("Applicants")
Re MUP 18-10 at 16983 Hofacker Lane [APN 122-032-240]
012-056-04

APPELLANTS' NAME(S): BRENDA L. FREY ("Appellant")
16713 Hofacker Lane [APN 122-232-100]

REASON(S) FOR APPEAL:

Applicants have requested the County of Lake's issuance of a commercial license for the ORAM/707 Organics, Inc. Minor Use Permit UP 18-10 for a Commercial Cannabis Cultivation Project (hereinafter the "Project"). On May 23, 2019, the Lake County Planning Commission approved the issuance of a Minor Use Permit for the Project subject to a number of revisions made to the Project's pending "Conditions of Approval".

One such revision was the Planning Commission's insertion into the Project's Conditions of Approval ("Conditions") of the terms found at Page 5, Par. H, Subpar. H-1 which states as follows: "The applicant shall use a "Rainwater Catchment System" as the **primary** water source for this A-Type 2B cultivation proposed. . . . The applicant may use the well on an emergency basis, however, if the well is used more than 7 days in any six month period, the applicant shall modify this decision to reflect the actual source of water that he will be using."

This additional language is ambiguous, unintelligible and likely unworkable in that the condition fails to specify, with any detail, those other authorized water sources, i.e. secondary and tertiary, which the Project may lawfully use after all of the Applicant's accumulated rainwater has been exhausted. The "emergency basis" provision- which was not discussed by the Planning Commission in any detail at all- would appear to provide the Applicant with seven (7) opportunities to lawfully refill the Catchment System using residential well-water over a six month period.

The Applicant's use of the Rainwater Catchment System is not expressly linked to the duty under Par. A, Subpar. A-9 to keep accurate records of "commercial cannabis activity". The Applicant is not required to maintain any logs of accumulated rainfall or of any residential well-water pumped into the 150,000 gallon Catchment System on an "emergency basis". Nowhere is the Applicant expressly required to measure or meter his usage of residential well-water. Thus, in its current form, the condition of use stated in Subpar H-1, as it would pertain to the Applicant's use of residential

well-water for the Project is an easily negated pretense, i.e. a sham.

More importantly, the Staff Report dated May 13, 2019 regarding the Applicant's MUP 18-10 application is based upon a potentially erroneous statement material fact with respect to the County of Lake's "Property Owners Approval" requirement.

With respect to the lawful and proper inquiry as to whether or not the Applicant's Project has obtained a valid approval of the Property Owner, the May 13th Staff Report states as follows: "The applicant is working with the owner of record, Jason Oram, who is also co-applicant on this proposal."

This uncertain, and perhaps misleading, statement of purported fact is simply a placeholder for a missing "yes", or a "no", or a "Staff has not determined whether or not the applicant has obtained a valid approval of the property owner.", or "Staff has determined with confidence that the subject property is located within a common-interest development which is likely subject to governing CC&Rs and/or California Civil Code §§ 4000 to 6150 with respect to land-use issues and concerns."

Petitioner Brenda L. Frey has, through her legal counsel, initiated a formal, legal process whereby she hopes that ALL of the property owners/members residing within the Pomo Lakes Ranch Association HOA will be able to address or resolve ALL of their concerns regarding the Project with the legal owner of 16983 Hofacker Lane, i.e. Mr. Jason Oram, in a lawful, civil and cooperative manner.

Until a lawful resolution of the relevant disputes has been achieved, it cannot be stated with certainty that the property owner has supplied the County of Lake with his valid approval of the Project.

DATED: May 30, 2019

EWING & ASSOCIATES



By: Andre M. Ross
Attorneys for Brenda L. Frey