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Lake County Board of Supervisors
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RE: 2350/2430 Soda Bay Road
Major Use Permit (UP 19-15)

To Whom It May Concern:

Our office represents Roberto Estrada, property owner of 2340/2350 Soda Bay Road in Lake County. Our client is appealing the decision by the Planning Commission Members, who deemed our client as a Responsible Person defined in Section 47(q) for a high severity violation. We have appealed that decision, and we are pending an appeal before the Board of Supervisors currently set for July 23, 2024. The determination Mr. Estrada is a Responsible Person, would make Mr. Estrada permanently ineligible to obtain any County permits for cannabis operations in the unincorporated area of the County of Lake, under Section 50.3(b), and all other related findings and decisions.

Pursuant to the inspection report of Mary Claybon, on September 15, 2022, agents from Lake County Sheriff Department entered into our client's property, located at 2430/2350 Soda Bay Road and conducted a search, without a warrant. During that search, agents allegedly made a determination that there was unlawful cannabis that was being grown at 2290 Soda Bay Road, stored on 2350 Soda Bay Road, and that power to two structures on 2290 Soda Bay Road was delivered through extension cords from the property at 2350 Soda Bay Road. At the Planning Commission hearing, the community Development Director, Mireya Turner recommended that the owners of 2290 and 2350 should be deemed both Responsible Parties.

We have requested discovery numerous times, from both the Lake County Sheriff's office and the Lake County Community Development Department. The only responsive records we

received were from the Lake County Sheriff's Office, namely a copy of their Mobile Audio/Video Policy Manual. However, we never requested those records. Rather, we requested reports, videos, and photos from the search, that was conducted by Lake County Sheriff's Officers on September 15, 2022, at 2430/2350 Soda Bay Road. The Sheriff Department stated there was no reports or any evidence whatsoever, that their officers went onto our clients property nor that they made any determination while there. This is despite Mary Claybon's UP 19-15 Legendary Farms/Rancho de la Fuente Inspection Report, stating that after noticing an adjacent parcel of 2350 Soda Bay Road was open and accessible, they noted a hose and electrical cords coming from 2350 Soda Bay Property...Officers accessed the 2350 Soda Bay Property... "We were advised that officers believed that the cannabis that had been grown and processed at 2290 Soda Bay Road was being stored at 2350 Soda Bay Road."

We have yet to receive any actual evidence to support this allegation. There is an absolute absence of any credible evidence to establish the alleged misconduct. If any evidence is introduced that has not been previously provided to us, we will strongly object to its admission without prior discovery of same.

Further, we submit that this is not a high severity violation, and the hearing should not be conducted as such. In the video of the inspection of Legendary Farms UP-19-15-2290 titled 20230927_0018.mp4 @2:50 the conversation of law enforcement goes as follows:

"This is a high severity violation."

"Well, it's not a high severity violation...But it's a violation, they're not in compliance with our ordinance."

If Legendary Farms is not a high severity violation, then surely our client, a neighboring property owner, cannot be defined as a Responsible Person as defined in Section 47(q) for a high severity violation.

In Ordinance No. 3112, Sec. 50.4, Other High Severity Violation, it states, "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 order of the Board during a locally declared emergency." Our client's property does not fit into this description of a high severity violation.

Therefore, we humbly request the Board of Supervisors to follow the procedures set forth in Ordinance No. 3112, Sec. 13-58, "Procedures at the Administrative Hearing", subsection c, so that Mr. Estrada will have a fair hearing, including the opportunity to present witnesses, cross-examine witnesses and have the time and opportunity to present evidence in support of his case.

Through our email exchange with Mireya Turner, we were informed that we would be limited to only 8-10 minutes to present our entire case. I must express my strong disapproval of this time constraint, given that the designation of Mr. Estrada as a Responsible Person under Section 47(q) for a high severity violation will permanently disqualify him from obtaining any County permits for cannabis operations in the unincorporated area of the County of Lake. Hence, we are strongly urging for an extended presentation time to ensure a fair and thorough hearing.

Further, it was only upon my inquiry, via email, to Mireya Turner for information regarding the hearing, that we were informed of the rescheduled hearing date of July 23, 2024. Our availability for this date was not taken into consideration, and unfortunately, we are unavailable due to a scheduled court appearance.

6/17/24
Dated


Editte Lerman