

**PRESENTATION REQUESTING THE REMOVAL OF
ROBERTO ESTRADA AS AN INVOLVED PERSON IN A
HIGH SEVERITY VIOLATION AT THE NEIGHBORING PARCEL,
2290 SODA BAY ROAD, LAKEPORT, CA**

Presented to the Lake County Board of Supervisors

July 16, 2024

BACKGROUND ON ISSUE

February 25, 2022: Roberto Estrada purchases parcels at 2340 and 2350 Soda Bay Road (APN 008-010-31); Mr. Estrada entered into a Deed of Trust with Karl & Lelani Kohlruss, as Joint Tenants, on February 25, 2022

September 14, 2022: County conducts annual inspection at neighboring parcel at 2290 Soda Bay Road

County flags 2290 Soda Bay Road for alleged illegal cannabis cultivation (at right, see green arrows)

County alleges that 2350 Soda Bay Road (Estrada/Kohlruss property) provided an electrical connection to illegal cultivations and allowed cultivators to store cannabis at the Estrada/Kohlruss property

September 28, 2023: Though the county's ordinance doesn't provide for a Planning Commission hearing for a High Severity Violation, the Lake County Planning Commission voted to revoke Major Use Permit for 2290 Soda Bay Road property based on alleged illegal cannabis cultivation, while levying the same High Severity Violation on neighboring property owners Roberto Estrada and Karl & Lelani Kohlruss at 2350 Soda Bay Road, barring them from ever obtaining a cannabis cultivation permit in Lake County again

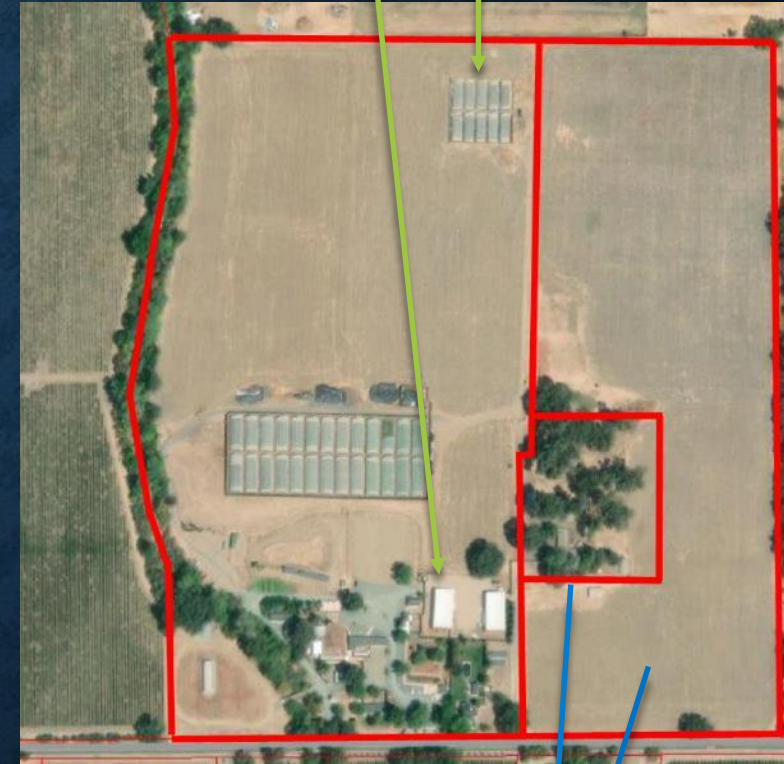
Appeal filed with Lake County Board of Supervisors based on the following:

Total lack of evidence to substantiate county's allegations against Roberto Estrada:

No evidence to substantiate electrical connection allegation

No evidence to substantiate cannabis storage at neighboring property allegation

Approximate locations of alleged illegal cannabis cultivations based on county inspection of 2290 Soda Bay Road – inspection conducted on September 14, 2022

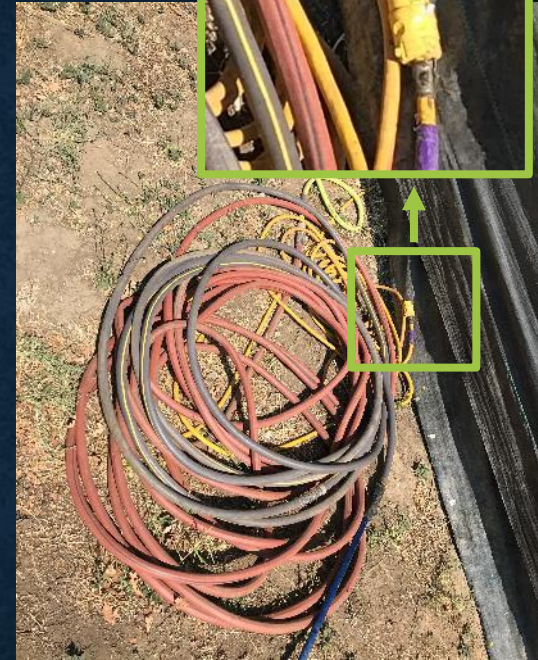


Roberto Estrada/Karl & Lelani Kohlruss Properties at Neighboring Parcels 2340 and 2350 Soda Bay Road, Adjacent to Where Alleged Violations Occurred

2350 Soda Bay Road (APN 008-010-31)

ISSUES WITH ELECTRICAL CONNECTION ALLEGATION

- The distance between the residence and alleged illegal cultivations are just too far to support the high-powered electrical connections to light these cultivation operations
- More importantly, a review of photographic and bodycam footage does not substantiate the allegation that there was ever any electrical connection between the properties



- *It should be noted that what appears in this photo is both a hose and electrical extension cord. There is no allegation 2350 Soda Bay Road supplied water to the neighboring property.*
- *With respect to the allegation that 2350 supplied power to 2290, this was the single cord found and there are no photos to prove it went across the fence and onto 2350, let alone that it was plugged into a power source at 2350.*



Residence to closest Ag building where evidence of alleged processing located: 163 feet



Residence to 2nd closest Ag building where evidence of indoor cultivation was located: 266 feet



Residence to hoop houses: 1,078 feet

ISSUES WITH CANNABIS STORAGE ALLEGATION

- According to Mary Claybon's conversations with unknown Sheriff's Deputies, following the September 14, 2022 annual inspection at 2290 Soda Bay Road, inspectors returned the following day, and noted that cannabis was also being stored at the neighboring property at 2350 Soda Bay Road – despite there being no evidence whatsoever that the Lake County Sheriff's Office ever entered 2350 Soda Bay Road
- There is no photographic, bodycam, or other footage to substantiate this claim; more importantly, there was never any entry into the neighboring residence, nor was any warrant obtained to search the 2350 Soda Bay Road property
- Mr. Estrada did not, and has never grown cannabis at the property, nor was he involved in his neighbor's cultivations



**White fence/red line indicates property line*

2350 Soda Bay Road (APN 008-010-31)

ISSUES WITH ALLEGATIONS IN GENERAL

- It is important to remember the basis for these allegations: an annual inspection at a neighboring property held on September 14, 2022 involving parties unrelated to Roberto Estrada and 2350 Soda Bay Road
- Despite a detailed inspection, photographic evidence and bodycam footage, none of the evidence collected substantiates the county's claims:
 1. There is a complete lack of visual evidence or other reliable documentation to substantiate the county's claims regarding Roberto Estrada's involvement
 2. Roberto Estrada was not involved in the allegations against the neighboring parcel – he should not be blacklisted from the possibility of future lawful cannabis cultivation
 3. As the Planning Commission noted at their September 2023 hearing, the net is being cast too wide in this High Severity Violation – Roberto Estrada should have never been implicated in the allegations against his neighbor
 4. The Lake County Planning Commission erred in their decision, overlooking the unique circumstances of this High Severity Violation, particularly as it involves Roberto Estrada and 2350 Soda Bay Road (APN 008-010-31)
 5. **Given the lack of evidence and unusual circumstances to baselessly tie Roberto Estrada to these allegations simply because he partially owned a property next door, we implore the Board of Supervisors to drop the High Severity Violation against him, and maintain his lawful right to consider seeking a cultivation permit from Lake County in the future**

ISSUES WITH COUNTY'S HANDLING OF ALLEGATIONS

Sec. 13-56.2. - Administrative appeal.

56.2.8 Procedures at the Administrative Hearing.

a. The Board of Supervisors shall hear all facts and testimony presented and deemed relevant.

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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 § 53069.1. The failure of a responsible party to appear at the Administrative Citation hearing shall be deemed a failure to exhaust administrative remedies.

(Ord. No. 3112, § 1, 9-21-2021)

Editor's note— Ord. No. 3112, § 1, adopted Sept. 21, 2021, set out provisions intended for use as § 13-58. Inasmuch as there were already provisions so designated, said section has been codified herein as § 13-56.2 at the discretion of the editor.

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- Lake County Code states “the County bears the burden of proof at an administrative hearing to establish the existence of the Administrative Violation...the standard of proof in deciding the issue shall be **preponderance of the evidence**”
 - **The County has failed to provide the preponderance of evidence necessary to implicate Roberto Estrada**
 - **Roberto Estrada never participated in the cultivation of cannabis at his neighbor's property – he is being wrongly accused in this matter**
- A “High Severity Violation” is warranted when there is “considerable environmental impact” the county can prove – there are no such impacts as it relates to Roberto Estrada
- Furthermore, under the “High Severity Violation” accusation, the county's own protocols were not followed in this matter
 - High Severity Violations should be reviewed first by the CDD Director. After the initial review, if an appeal is filed, the matter must proceed directly to the Board of Supervisors – without the Planning Commission's discretionary decision-making authority (see *Lake County Ordinance 3112 §13-56.3*)
 - In this case, no “initial review” was conducted by the Community Development Director
 - The improper decision by the Planning Commission is *ultra vires* (acting beyond one's legal power or authority), and must be set aside

NOTARIZED DOCUMENT FROM INDIVIDUAL ABSOLVING ROBERTO ESTRADA'S INVOLVEMENT

1 DECLARATION OF ROBERT LUIS TIRADO

2 I, Robert Luis Tirado, declare:

3 1. My name is Robert Luis Tirado, and my birthdate is [REDACTED]

4 2. My phone number is [REDACTED]

5 3. Since March 2022, I have leased a portion of the property located at 2290 Soda Bay Road,

6 Lakeport, CA 95453 from United Investment Ventures LLC, the property owner.

7 4. I am not now, nor have I ever been a member, manager, associate, agent, or had any other role in

8 Legendary Farms LLC or United Investment Ventures LLC.

9 5. I am solely responsible for the ten (10) unpermitted hoop houses that I am informed and believe

10 Lake County Code Enforcement identified at 2290 Soda Bay Road, Lakeport, CA 95453 on or

11 about September 14, 2022.

12 6. I am solely responsible for the unpermitted cannabis cultivation that I am informed and believe

13 Lake County Code Enforcement identified at 2290 Soda Bay Road, Lakeport, CA 95453 on or

14 about September 14, 2022.

15 7. I am solely responsible for the unpermitted plumbing that I am informed and believe Lake

16 County Code Enforcement identified at 2290 Soda Bay Road, Lakeport, CA 95453 on or about

17 September 14, 2022.

18 8. Neither United Investment Ventures LLC, Legendary Farms LLC, nor any of the individuals

19 associated with either of those entities were participants in the unpermitted hoop houses,

20 unpermitted cannabis cultivation, or unpermitted plumbing described herein, or with any other

21 violations related to the conduct subject to the September 14, 2022, inspection.


22 I declare under penalty of perjury that the foregoing is true and correct, except as to matters stated under

23 information and belief, which I believe to be true. Executed on this 14 day of October 2022, in

24 Lake County, CA.

25 Dated: 10-14-22

26 Respectfully,

27 
Robert Luis Tirado

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Declaration of Robert Luis Tirado
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- A notarized statement from Robert Luis Tirado declares: **“I am solely responsible for the unpermitted cannabis cultivation...identified at 2290 Soda Bay Road, Lakeport, CA 95453 on or about September 14, 2022”**
- Despite the notarized statement where Robert Tirado accepts full and sole responsibility, the county did not conduct any follow-up or investigation of Mr. Tirado
 - Instead, the county put all their focus on the people they "thought" were responsible, rather than the person who admitted he was solely responsible
 - This is corroborated by the statements and testimony from Frank Perez both at the time of inspection and at the September 2023 Planning Commission meeting, whereby Mr. Perez confirmed Robert Tirado, an individual unaffiliated with Roberto Estrada, began illicitly growing cannabis at 2290 Soda Bay Road

QUESTIONS?

Thank you for allowing us to present to you today!