



# COUNTY OF HUMBOLDT

For the meeting of: 8/18/2020

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File #: 20-971

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**To:** Board of Supervisors  
**From:** Planning and Building Department  
**Agenda Section:** Consent

SUBJECT:

Approve Administrative Civil Penalty Assessment on Assessor's Parcel Number 107-051-009

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve the proposed Administrative Civil Penalty Assessment on a property owner who is in violation of various Humboldt County Codes including violation of Commercial Cannabis Land Use Ordinance (formerly Commercial Medical Marijuana Ordinance) in the amount of \$150,000.00 plus administrative costs incurred in accordance with Title III, Division 5, Chapter 2, section 352-20 Summary Approval of Proposed Administrative Civil Penalty Assessments.

SOURCE OF FUNDING:

Property Owner

DISCUSSION:

The Board is asked to approve the proposed Administrative Civil Penalty Assessment against a property owner who is in violation of Humboldt County Code. This assessment is the result of active code enforcement on unpermitted cannabis operations as directed by your Board. Utilizing satellite imagery, the department issued a Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty on the property listed below for unpermitted cannabis operations, unpermitted structures and unpermitted grading.

Colin Hulse                                      APN 107-051-009                                      **TOTAL: \$157,538.92**

- Grading without permits
- Construction of building/structure in violation of building, plumbing and/or electrical codes
- Violation of Commercial Cannabis Land Use Ordinance (formerly Commercial Medical Marijuana Ordinance)

This property owner rejected a compliance agreement offer and appealed the Notice to Abate Nuisance and Notice of Violation and Proposed Administrative Civil Penalty served on the subject property. At the appeal hearing on April 12, 2019, staff presented its case before Hearing Officer Wraymond

Plummer with the California Hearing Officers, LLP. Mr. Hulse did not appear at the requested appeal hearings. Mr. Plummer took the matter under submission and on May 9, 2019, he issued his Finding of Nuisance and Order of Abatement and Finding of Violation and Order Imposing Administrative Civil Penalty. The order imposed an administrative civil penalty of \$150,000.00, awarded administrative costs in the amount of \$2,798.92, and ordered the property owner to pay the costs of the hearing officer.

Attachment A includes record of key noticing documents for the violation, including the name of the property owner, the Assessor Parcel Number (APN), and notification documents.

Humboldt County Code Section 352-20 states *“If an objection to the proposed assessment is not filed by a Responsible Party within ten (10) calendar days after service of the Notice of Administrative Civil Penalty Assessment, the Humboldt County Board of Supervisors shall summarily approve the proposed assessment without holding an Administrative Civil Penalty Assessment Hearing.*

No objection has been filed, as a result, the proposed Administrative Civil Penalty Assessments are now before your Board to be approved. The next steps prescribed in Humboldt County Code section 352-21, *et seq.* include:

- a) Issuance of Notice of Administrative Civil Penalty Lien to each Responsible Party.
- b) Imposition of Administrative Civil Penalty Lien. The lien will be recorded 45 days after the service of the Notice of Administrative Civil Penalty Lien is served on the Responsible Party.

Once this is done, interest begins to accrue on the lien and the property may be foreclosed upon and sold subject to filing a complaint for foreclosure through the Humboldt County Superior Court.

FINANCIAL IMPACT:

The cost of preparing the case and serving the notices has been billed to the property owner in accordance with established policies and code sections. This is initially a general fund cost. The general fund will be reimbursed when the property owner pays the administrative cost, or after the property is held in lien and costs recovered through that process.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could not approve issuance of Administrative Civil Penalty Assessment for the subject property.

**ATTACHMENTS:**

**Attachment A:**

Colin Hulse, APN 107-051-009 case including evidence, Notice to Abate Nuisance, Notice of Violation and Administrative Civil Penalty, rejected Compliance Agreement, Notice of Appeal Hearing, Hearing Officer Finding and Order, Notice of Assessment of Administrative Civil Penalty

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: N/A

Meeting of: N/A

File No.: N/A