



COUNTY OF HUMBOLDT

For the meeting of: 9/10/2024

File #: 24-1240

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

Vote Requirement: Majority

SUBJECT:

Summarily Approve Administrative Civil Penalty Assessment on Various Properties

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve the proposed Administrative Civil Penalty Assessments on property owners in violation of various Humboldt County Codes including violation of Commercial Cannabis Land Use Ordinance (CCLUO) (formerly Commercial Medical Marijuana Ordinance) in the amount of \$900,000 plus administrative costs incurred in accordance with Title III, Division 5, Chapter 2, section 352-20 Summary Approval of Proposed Administrative Civil Penalty Assessments.
2. Provide direction to the Planning and Building Department regarding additional enforcement of Administrative Civil Penalty Liens.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Safe & Healthy Communities

Strategic Plan Category: 1001 -Support and sustain partnerships between public safety and partner agencies to enhance public safety in our communities

DISCUSSION:

The Board is being asked to approve the proposed administrative civil penalty assessments against three properties that have been unresponsive/non-compliant to notices from the county requiring abatement of nuisances and correction of code violations related to cannabis cultivation. Attachments A through C include a record of key noticing documents for each violation, including the name of the property owner, the name of the violator, 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."

These assessments are the result of active code enforcement on unpermitted cannabis operations. Utilizing a combination of satellite imagery, on-site inspections, and in some cases collaboration with law enforcement, the department issued Notices to Abate Nuisance and Notices of Violation and Proposed Administrative Civil Penalty (Notices of Violation) on each of the properties listed below for unpermitted cannabis operations, and in some cases unpermitted structures, unpermitted grading and other violations of Humboldt County Code.

Carlos Garcia CE21-1104 APN 216-393-005-000 TOTAL: \$900,985.77

- Violation of Commercial Cannabis Land Use Ordinance
- Construction of building/structure in violation of building, plumbing and/or electrical codes
- Grading without permits
- Development within a Streamside Management Area
- Junk and/or inoperable vehicles
- Improper storage and removal of solid waste

Carlos Garcia was issued a Notice of Violation with a proposed daily administrative civil penalty of \$42,000 per day on May 28, 2021. The proposed administrative civil penalty accrued for 90 days, totaling \$3,780,000. The department is requesting \$900,000 plus administrative costs, which is consistent with previous administrative civil penalty assessments. See Attachment A.

Action	Date
Carlos Garcia is Deeded Property	5/27/2020
HCSO Search Warrant Served	5/25/2021
NTA and NOV Served	5/28/2021
10 Days Expired	6/9/2021
90 Days Expired	8/30/2021
“Notice of Administrative Civil Penalty Assessment” Served	8/1/2024

Hrc - Jof Llc CE19-0321 APN 210-144-007-000 TOTAL: \$900,723.34

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

Hrc - Jof Llc was issued a Notice of Violation with a proposed daily administrative civil penalty of \$30,000 per day on October 4, 2019. The proposed administrative civil penalty accrued for 90 days, totaling \$2,700,000. The department is requesting \$900,000 plus administrative costs, which is consistent with previous administrative civil penalty assessments. See Attachment B.

Action	Date
Hrc – Jof Llc is Deeded Property	7/6/2016
NTA and NOV Served	10/4/2019
10 Days Expired	10/15/2019
90 Days Expired	1/15/2019
“Notice of Administrative Civil Penalty Assessment” Served	8/8/2024

Multigroup Remodeling LLC CE20-0699 APN 210-117-012-000 TOTAL: \$900,810.41

- Violation of Commercial Cannabis Land Use Ordinance

- Construction of building/structure in violation of building, plumbing and/or electrical codes
- Grading without permits
- Development within a Streamside Management Area
- Junk and/or inoperable vehicles
- Improper storage and removal of solid waste
- Unapproved sewage disposal system

Multigroup Remodeling LLC was issued a Notice of Violation with a proposed daily administrative civil penalty of \$42,000 per day on October 4, 2019. The proposed administrative civil penalty accrued for 90 days, totaling \$3,780,000. The department is requesting \$900,000 plus administrative costs, which is consistent with previous administrative civil penalty assessments. See Attachment C.

Action	Date
Multigroup Remodeling LLC is Deeded Property	8/28/2019
HCSO warrant served	7/23/2020
NTA and NOV Served	8/7/2020
10 Days Expired	8/18/2020
90 Days Expired	11/8/2021
“Notice of Administrative Civil Penalty Assessment” Served	8/8/2024

SOURCE OF FUNDING:

Property Owner

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 if the property owner pays the administrative cost, or if the county forecloses on the property.

OTHER AGENCY INVOLVEMENT:

The Sheriff’s Department, California Department of Fish and Wildlife, Department of Health and Human Services Environmental Health, may also be involved when necessary.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could approve issuance of Administrative Civil Penalty Assessment for all, some or none of the properties listed.

ATTACHMENTS:

Attachment A: Carlos Garcia- APN 216-393-005-000
Attachment B: Hrc- JOF LLC - APN 210-144-007-000
Attachment C: Multigroup Remodeling Llc - APN 210-117-012-000

PREVIOUS ACTION/REFERRAL:

Meeting of: N/A
File No.: N/A