



COUNTY OF HUMBOLDT

Legislation Details (With Text)

File #: 20-1456 **Version:** 1 **Name:**
Type: Informational Report **Status:** Passed
File created: 10/30/2020 **In control:** Planning and Building
On agenda: 11/17/2020 **Final action:** 11/17/2020
Title: Approve Administrative Civil Penalty Assessment on Various Properties

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment A.pdf, 3. Attachment B.pdf, 4. Attachment C.pdf, 5. Attachment D.pdf, 6. Attachment E .pdf, 7. Attachment F.pdf, 8. Attachment G.pdf, 9. Attachment H.pdf

Date	Ver.	Action By	Action	Result
11/17/2020	1	Board of Supervisors	approved	Pass

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

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 who are 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 \$900,000.00 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 being asked to approve the proposed Administrative Civil Penalty Assessments against eight properties which 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-H include record of key noticing documents for each violation, including the name of the property

Attempts to compel the property owners to respond to the notices, abate the nuisances and correct the code violations, and comply with Humboldt County Code section 314-55.4 and other applicable code sections have been unsuccessful. 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:

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: Rodolfo Machado APN 107-015-003
- Attachment B: Rodolfo Machado APN 107-015-005
- Attachment C: Rex Real Estate LLC Co APN 315-184-001
- Attachment D: Green Sturgeon LLC APN 531-102-007
- Attachment E: David R & Barbara Wilkes APN 220-052-006
- Attachment F: CFV-KMV LLC APN 317-063-005
- Attachment G: Westgate Management LLC APN 314-193-010
- Attachment H: Donka H Hristova APN 210-117-028

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A