

The County of Yuba

Community Development and Services Agency



TO: Board of Supervisors

FROM: Community Development and Services Agency, Code Enforcement
Jeremy Strang, Building and Code Enforcement Manager

SUBJECT: Cost Accounting Hearing to Determine Costs of Enforcement and Penalties to be Assessed Against Property Located at 13555 Providence Way, Dobbins, CA 95935, APN 048-170-060, and to Authorize a Special Tax Assessment and Abatement Lien. (15 Minute Estimate) (Roll Call Vote)

DATE: June 11, 2024

NUMBER: 325/2024

RECOMMENDATION: We hereby request that the Yuba County Board of Supervisors:

1. Find that the enforcement costs and penalties as exhibited in the attached Cost Accounting are accurate and reasonable;
2. Order that the enforcement costs as exhibited in the attached Cost Accounting be placed as a special tax assessment on the property tax roll and collected along with normal property taxes; and
3. Order that the enforcement costs and penalties be recorded as an abatement lien with the County Recorder.

BACKGROUND: On June 8, 2023, JJ Properties Inc. was served with a Notice and Order to Abate Public Nuisance, pursuant to a YCSO criminal search warrant. The Order instructed JJ Properties Inc. to correct or remove violations of the Yuba County Ordinance Code consisting of:

1. Outdoor cultivation of marijuana;
2. Cultivation of more than six marijuana plants, 1,170 marijuana plants;
3. Marijuana cultivation that adversely affects the environment, public health, safety or general welfare;
4. Cultivation on a parcel without an occupied, legally established residence;
5. Use of extension cords in lieu of permanent wiring;
6. Lack of a legal water source on the parcel;
7. Illegal discharges of water from the parcel.

The Order, which includes appeal procedures, was mailed by First Class and Certified with Return Receipt, to JJ Properties Inc. at the address on file. A copy of the Order is attached hereto and marked as Attachment A. The period for filing an appeal expired on June 19, 2023.

JJ Properties Inc. did not exercise its right to a hearing to contest the determination of a public nuisance or the amount of the administrative penalty imposed, nor did it correct or remove the violations as ordered.

The final Demand for Payment sent to JJ Properties Inc. remains unpaid, the total now being \$26,132.80. A current accounting of enforcement costs and penalties is attached hereto and marked as Attachment B.

JJ Properties Inc. has been given written notice of this Cost Accounting Hearing, a copy of which is attached hereto and marked as Attachment C.

DISCUSSION: The matter of whether or not a public nuisance existed on the subject property is not the matter before the Board of Supervisors; no appeal was filed and that decision is final. This hearing has been scheduled to allow evidence and testimony to be presented and heard on the sole questions of:

1. Are the enforcement costs and penalties listed in Attachment B, accurate and reasonable?
2. Should the enforcement costs become a special property tax assessment?
3. Should the enforcement costs and penalties be recorded as an abatement lien?

COMMITTEE ACTION: None Required

FISCAL IMPACT:

General Fund - None

Non-General Fund - Implementing the requested recommendations will facilitate cost recovery and reimbursement of appropriate funds and accounts

ATTACHMENTS:

325/2024 Draft Amended Findings, Conclusions, and Orders

325/2024 Attachment A - Notice and Order to Abate Public Nuisance

325/2024 Attachment B - Cost Accounting

325/2024 Attachment C - Notice of Hearing