The County of Yuba

Community Development and Services Agency

TO: Board of Supervisors

FROM: Community Development and Services Agency, Code Enforcement Division
Jeremy Strang, Deputy Director

SUBJECT: Community Development and Services: Public Hearing - Cost Accounting Hearing to Determine Costs of Enforcement to be Assessed Against Property Located at 5893 Fruitland Road, Marysville, CA 95901, APN 040-330-014, and to Authorize a Special Tax Assessment and Abatement Lien. (Roll Call Vote) (15 minute estimate)

DATE: September 24, 2024

NUMBER: 543/2024

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

1. Find that the enforcement costs 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 be recorded as an abatement lien with the County Recorder.

BACKGROUND: On February 8, 2024, Genpei Yu was served with a Notice and Order to Abate Public Nuisance ordering them to correct or remove violations of the Yuba County Ordinance Code consisting of:

1. Cultivation of more than six marijuana plants, 679 marijuana plants;
2. Marijuana cultivation activities that adversely affect the environment, public health, safety or general welfare;
3. Lack of a legal water source on the parcel;
4. Illegal discharge of water from the parcel;
5. Use of extension cords in lieu of permanent wiring;
6. Improper use, storage, and/or disposal of chemicals, fertilizers, gas products, or other products used for marijuana cultivation;
7. Accumulation and storage of abandoned, wrecked, dismantled, or inoperable vehicles or parts;
8. Unpermitted construction; and
9. Hazardous electrical wiring.

The Order, which includes appeal procedures, was mailed by First Class and Certified with Return Receipt, to Genpei Yu at the address on file. A copy of the Order is attached hereto and marked as Attachment A.

Genpei Yu did not exercise their right to a hearing to contest the determination of a public nuisance, nor did they correct or remove the violations as ordered. On February 18, 2024, the appeal period expired.

On March 12, 2024, the Demand for Payment for enforcement costs was mailed to Genpei Yu. The Demand for Payment remains unpaid. A current accounting of enforcement costs is attached hereto and marked as Attachment B.

Genpei Yu 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 listed in Attachment B, accurate and reasonable?
2. Should the enforcement costs become a special property tax assessment?
3. Should the enforcement costs 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:
543/2024 - Draft Findings, Conclusions, and Orders
543/2024 - Attachment A (Notice and Order to Abate)
543/2024 - Attachment B (Cost Accounting)
543/2024 - Attachment C (Notice of Hearing)