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 and Penalties to be Assessed Against Property Located at 5672 Tomahawk Trail, Browns Valley, CA 95918, APN 005-270-058, and to Authorize a Special Tax Assessment and Abatement Lien (Roll Call Vote) (15 minute estimate)

DATE: September 24, 2024

NUMBER: 544/2024

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 March 30, 2023, Zishan Huang was served with a Notice and Order to Abate Public Nuisance ordering her to correct or remove violations of the Yuba County Ordinance Code consisting of:

1. Cultivation of more than six marijuana plants, 1,842 marijuana plants;
2. Marijuana cultivation activities that adversely affect the environment, public health, safety or general welfare;
3. Use of extension cords in lieu of permanent wiring;
4. Improper use, storage, and/or disposal of chemicals, fertilizers, gas products, or any other products associated with marijuana cultivation;
5. Maintaining an environment for the propagation and harborage or vector and vermin by the accumulation and storage of junk, trash, and debris;
6. Unpermitted construction; and
7. Hazardous electrical wiring.

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

Zishan Huang did not exercise her right to a hearing to contest the determination of a public nuisance, nor did she exercise her right to appeal the amount of Administrative Penalty imposed, nor did she correct or remove the public nuisance violations as ordered. On April 9, 2023, the appeal period expired.

On January 19, 2024, the Demand for Payment for enforcement costs and penalties was mailed to Zishan Huang. The Demand for Payment remains unpaid. A current accounting of enforcement costs and penalties is attached hereto and marked as Attachment B.

Zishan Huang 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:
544/2024 - Findings, Conclusions, and Orders
544/2024 - Attachment A (Notice and Order to Abate)
544/2024 - Attachment B (Cost Accounting)
544/2024 - Attachment C (Notice of Hearing)