

The County of Yuba

Community Development and Services Agency



TO: Board of Supervisors

FROM: Community Development and Services Agency, Code Enforcement Division
Anthony Santillan, Code Enforcement Supervisor

SUBJECT: Community Development and Services: Public Hearing - Cost Accounting Hearing to Determine Costs of Enforcement and Penalties to be Assessed Against Property Located at a Vacant Lot in Dobbins, CA 95935, APN 048-170-063, and to Authorize a Special Tax Assessment and Abatement Lien. (Roll Call Vote) (15 Minute Estimate)

DATE: October 22, 2024

NUMBER: 588/2024

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 9, 2023, Juan Manuel Velasquez was served with a Notice and Order to Abate Public Nuisance ordering him 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, 1,108 marijuana plants;
3. Marijuana cultivation activities that adversely affect the environment, public health and safety, or general welfare;
4. Cultivation on a parcel without an occupied and legally established residence or dwelling;
5. Lack of a legal water source on the parcel;
6. Illegal discharges of water from the parcel;
7. Construction of an unpermitted accessory structure;
8. Use of extension cords in lieu of permanent wiring;
9. The lack of an odor control filtration and ventilation system;
10. Improper use, storage, and/or disposal of chemicals, fertilizers, gas products, or any other products associated with marijuana cultivation;

11. The accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof;
12. Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash, and debris;
13. Unpermitted construction;
14. Hazardous electrical wiring; and
15. Utilizing accessory uses without first establishing a primary use.

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

Juan Manuel Velasquez did not exercise his right to a hearing to contest the determination of a public nuisance, or to contest the imposition of Administrative Penalties, nor did he correct or remove the violations as ordered. On June 19, 2023, the appeal period expired.

On August 21, 2024, the Demand for Payment for enforcement costs and penalties was mailed to Juan Manuel Velasquez. The Demand for Payment remains unpaid. A current accounting of enforcement costs and penalties is attached hereto and marked as Attachment B.

Juan Manuel Velasquez 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:

588/2024 Draft Findings, Conclusions, and Orders

588/2024 Attachment A - Notice and Order to Abate Public Nuisance

588/2024 Attachment B - Cost Accounting

588/2024 Attachment C - Notice of Hearing