# A COUNTY OF THE PROPERTY OF TH

## Decision of Administrative Hearing Officer UNLAWFUL MARIJUANA CULTIVATION ORDINANCE (Tehama County Code Chapter 9.06)

ADMINISTRATIVE HEARING: EHCE 23-30 DATE OF DECISION: 7/12/2023

Property Owner Name and Last Known Address:	Occupants:
Norma D. Ordana, Ponce John Ordana & Efren Santos	
12202 Baird Way	
Riverside, CA 92505	
Miverside, OA 32000	
Site Address:	Assessor's Parcel Number:
16060 Oakridge Rd., Corning, RTR	062-300-030
REGARDING the alleged violation(s) of the Tehama	County Code ("TCC") as described below:
Any unlawful cultivation o	of marijuana. (TCC §9.06.035.)
	ve Penalty("NOV"); Notice to Abate and Administrative 2023 in Department 4 of the Old Courthouse located on the Lynn M. Cottier presiding.
After examining the evidence presented at the hearing a large I hereby find, based on the evidence presented	at this Hearing, the alleged violation(s):
existed on the Premises on the date of Initial	
Do continue to exist on the Premises	ss; and
□ Was voluntarily abated on	pursuant to TCC §§ 9.06.100; and Inadequate Promises; and of the Premises; and of the Premise
☐ Other:	and the length exists on the Frenches, and
☐ <b>did not</b> exist on the Premises on the date of	the Initial Inspection; and
	orted by the following evidence presented at the Hearing:
The Staff Report; and	
Statements from the Enforcing Office	
	n the Staff Report is true and accurate; and
Other suidence submitted at this He	; and
Other evidence submitted at this He	at weston; and
Other 6 060 to 5	3 page notice, staff report
On 7/3/2023 the Enforcing Officer	of all the second
	owners and occupants identified at the top of this page; and
☐ did not properly served the ☐ NOV ☐ Notic	e; and
The following person(s) appeared:	•
	; and
	; and
Parties not appearing at the Administrative Hear	ring have failed to exhaust their administrative remedies; and
Ruling	
true and constitute a public nuisance under TCC	the violations alleged in the NOV and the Notice are factually C §9.06.035, as set forth in the NOV and the Notice; and on the Premises is subject to abatement pursuant to TCC batement set forth in the NOV and the Notice are proper; and
☐ Based on the above findings, I declare the violate I hereby find that the proposed daily administrate	tions alleged in the NOV and the Notice are <b>not</b> factually true.
Imposed in the amount stated in the	e NOV.
Modified to be:	
☐ Disapproved to be \$NONE.	



## Decision of Administrative Hearing Officer UNLAWFUL MARIJUANA CULTIVATION ORDINANCE (Tehama County Code Chapter 9.06)

ADMINISTRATIVE HEARING: EHCE 23-30 DATE OF DECISION: 7/12/2023

	W, THEREFORE, as the Hearing Officer for the County of Tehama and based upon the record before me, issue following orders:
	The NOV and the Notice issued by the Enforcing Officer is hereby affirmed in full; and
	All unlawful marijuana cultivated on the Premises shall be abated, in the manner set forth in the NOV and the Notice, within <b>two calendar days</b> of service of this Decision; and
	If the nuisance is not abated or is recommenced, the Enforcing Officer may abate the marijuana pursuant to TCC §9.06.085 and shall charge the costs of administration of the abatement against the premises pursuant to Government Code § 25845.
	The Decision on the Notice is final and conclusive with the service of this decision.
	The amount of administrative penalty, as set forth above, shall be final and conclusive.
	The Enforcing Officer shall return on <u>8/16/2023 at 8:00</u> to present the report on the administrative penalties and/o <del>r the accounting of the abatement.</del>
	□ Other:
109	TICE IS HEREBY GIVEN. This Decision may be challenged pursuant to Code of Civil Procedure §§ 1094.5 and 04.6. A writ of mandate must be filed within <b>90 days</b> of the service of this Decision. A decision imposing any ministrative penalty may be challenged pursuant to Government Code ("GC") § 53069.
	ATTENTION!
TH	OU WILL BE REQUIRED TO PAY THE COST OF ANY ABATEMENT RESULTING FROM HIS DECISION, INCLUDING COST OF ADMINISTRATION, WITHIN 90 CALENDAR DAYS TTER THE HEARING OFFICER HAS APPROVED OR MODIFIED THE ACCOUNTING OF
TH SA	IE ENFORCING OFFICER. THE BOARD OF SUPERVISORS MAY SPECIALLY ASSESS AND COSTS ON THE COUNTY TAX ROLL AND AUTHORIZE RECORDATION OF A NOTICE ABATEMENT LIEN AGAINST THE PREMISES. (GC § 25845.)

#### ATTENTION!

YOU ARE REQUIRED TO PAY ANY ADMINISTRATIVE PENALTY IMPOSED OR MODIFIED WITHIN 20 CALENDAR DAYS AFTER THIS DECISION IS SERVED. (TCC § 9.06.165) THE BOARD OF SUPERVISORS MAY AUTHORIZE RECORDATION OF A NOTICE OF ADMINISTRATIVE PENALTY LIEN AGAINST THE PREMISES. (GC § 53069.4.)

Lynn M. Cottier

Tehama County Administrative Hearing Officer

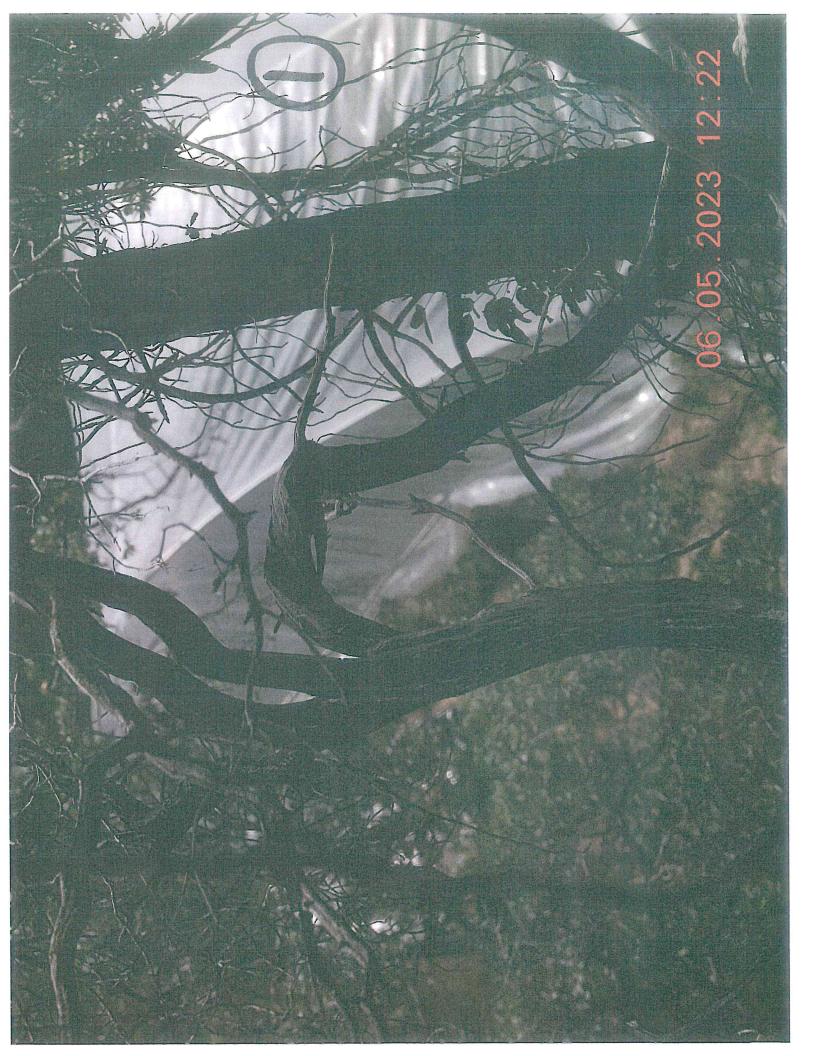


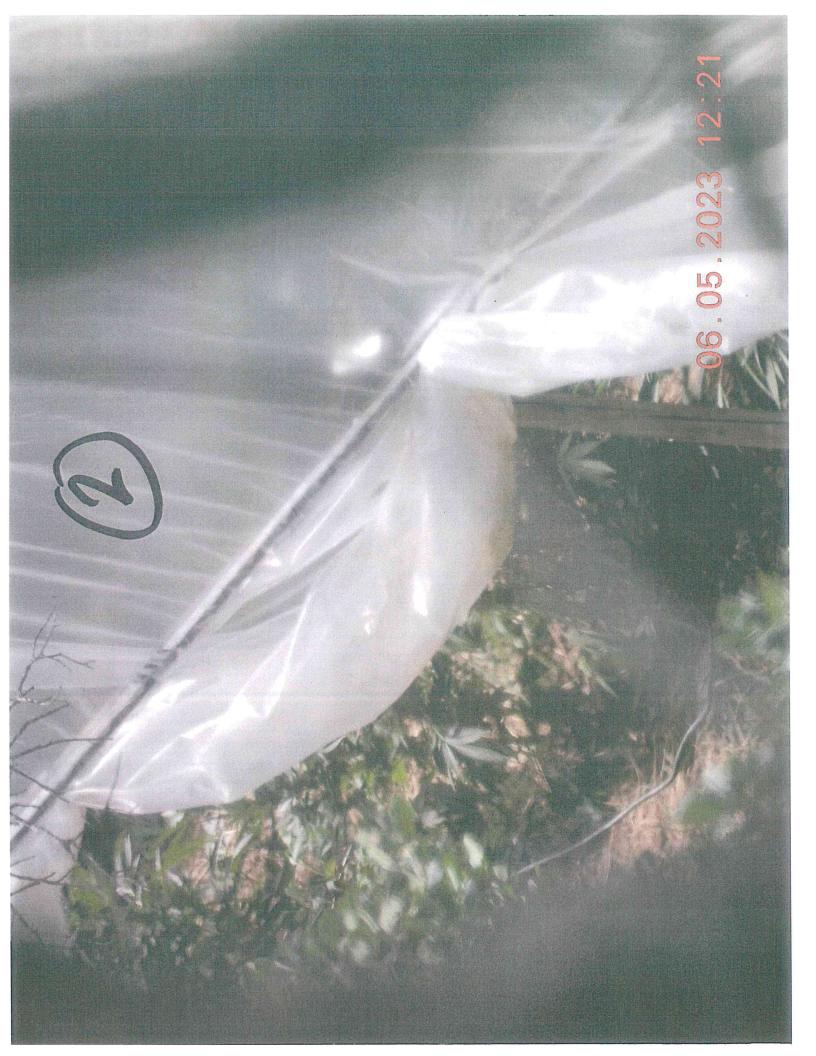
#### STAFF REPORT

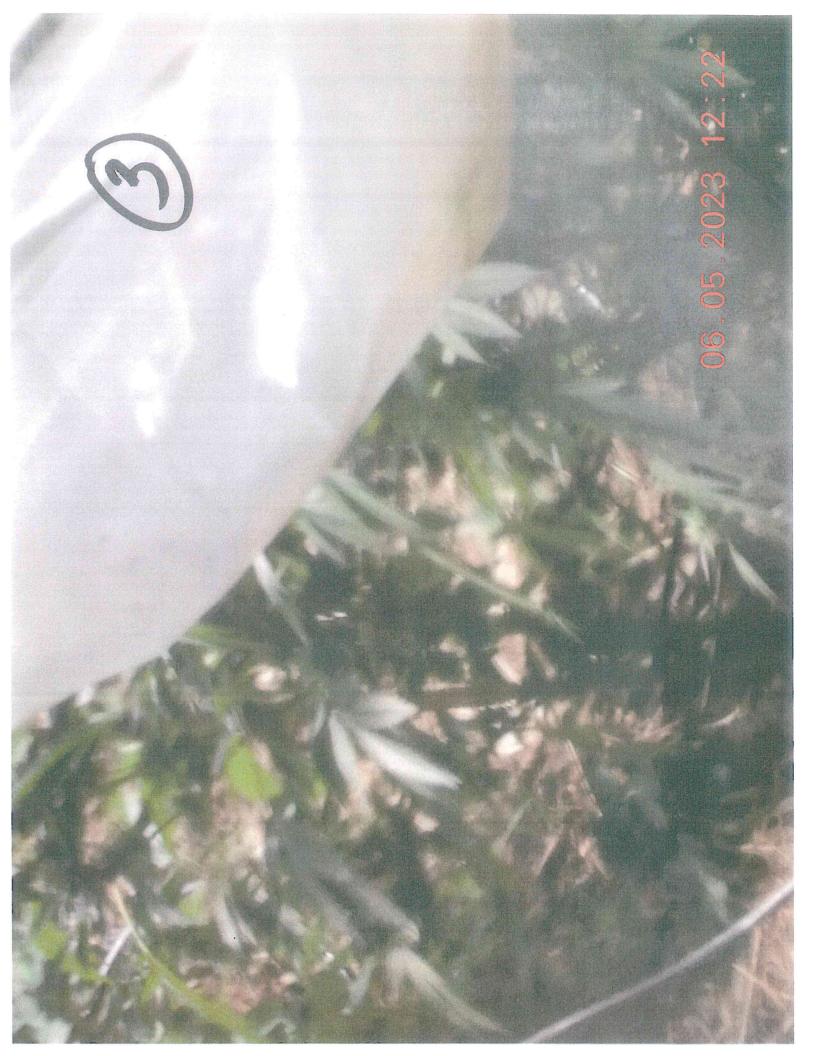
EHCE 23-30

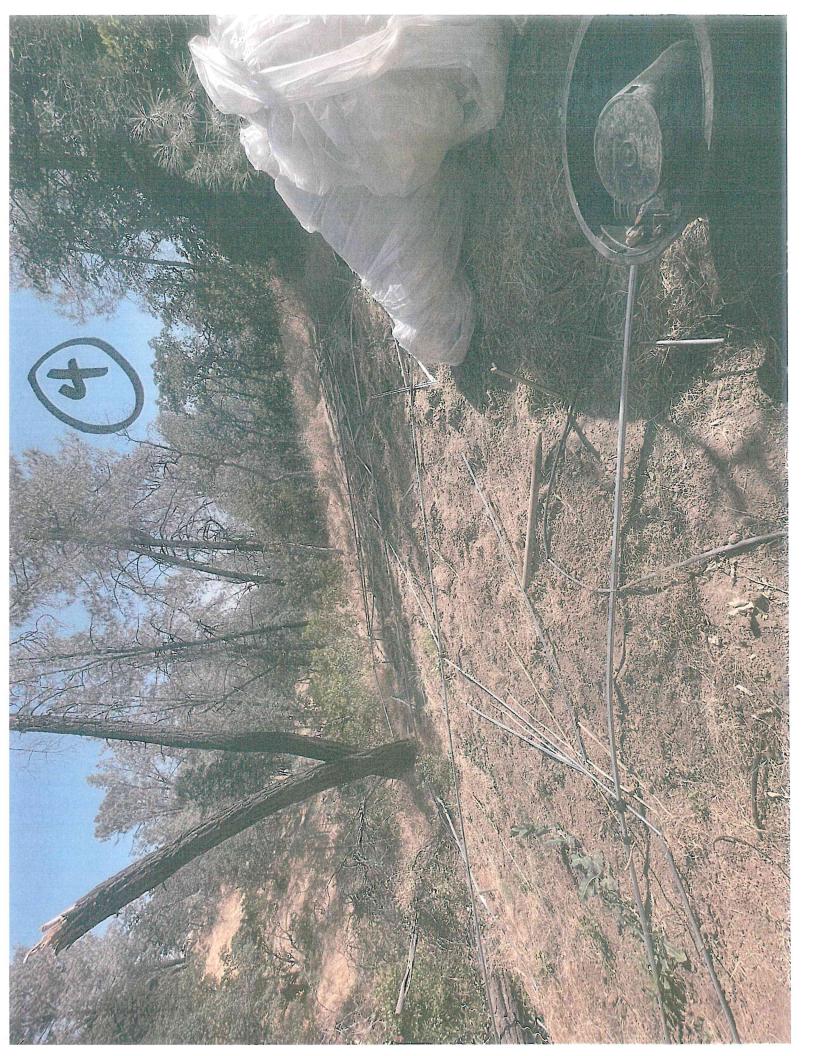
## UNLAWFUL MARIJUANA CULTIVATION (Tehama County Code Chapter 9.06)

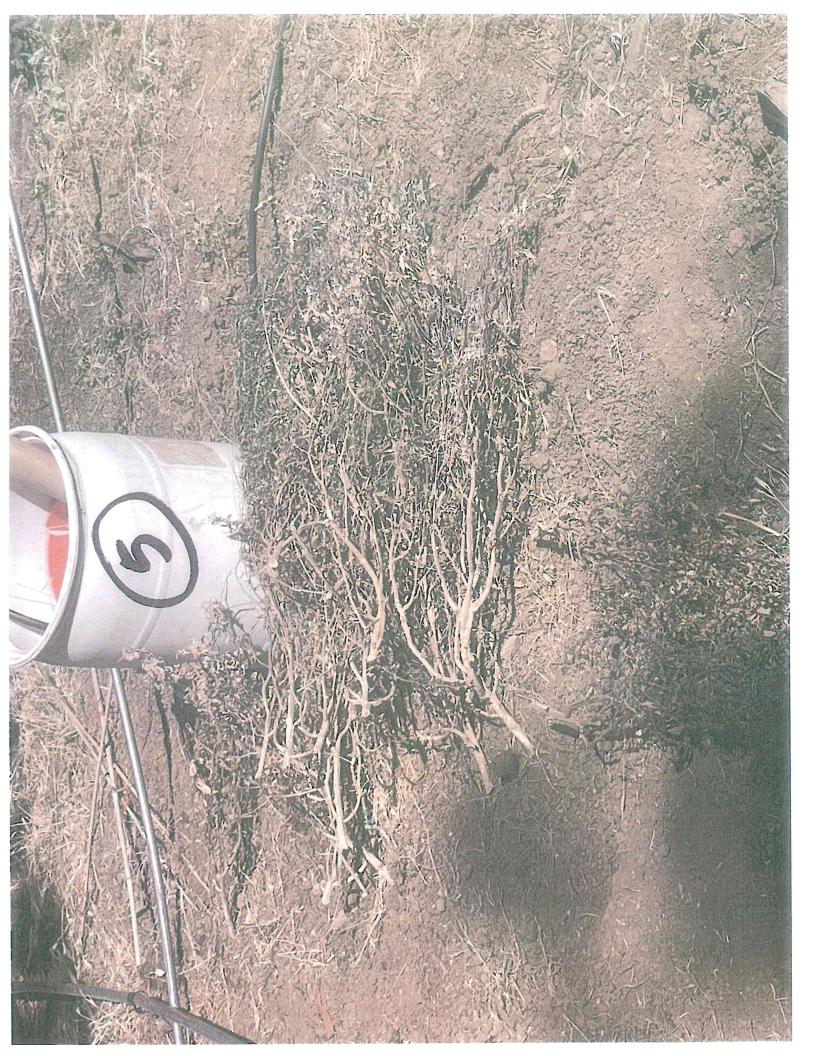
Site Address: 16060 OAKRIDGE RD.	City: CORNING
APN: <u>062-300-030-000</u>	
Property Owner(s) Name(s): Norma D. Ordona Por Last Known Address(es): Efren Santos	nce John Ordona +
Occupant(s) Name(s):	
INITIAL INSPECTION DATE: 6/5/2023 BY:	RR
The enforcing officer observed the following condition(s) on the premises	(in violation of the Tehama County Code):
☑ Outdoor marijuana cultivation. (§9.06.035, subd. (A).)	
Building or Structure not permitted for marijuana cultivation, e.g. resider etc. (§9.06.035, subd. (D) (E).)	nce, mobilehome, greenhouse, hoophouse,
☐ <b>Building permitted for</b> marijuana cultivation. (§9.06.035, subd. (E).)	
☑ Approximately <u>500</u> to <u>600</u> marijuana plants appear, from the enfo Premises. (§9.06.035, subd. (B).)	rcing officer's vantage point, to be on the
☑ Premises not properly registered as a marijuana grow site with (§9.06.035, subd. (F).)	the Department of Environmental Health.
☑ Marijuana grow site is not set back at least one-hundred (100) feet fre subd. (E)(2))	om all boundaries of Premises. (§9.06.035,
☑ Permitted residence. (§9.06.035, subd. (F).) ves No RV	
☐ Premises is located approximately one-thousand (1,000) feet of the stop, school evacuation site, church, park, child care center, or youth-outer the stop is the stop of th	•
□ Other:	
DATE POSTED AND SENT BY OVERNIGHT DELIVERY: _	7/3/23 BY: WESTON
RE-INSPECTION DATE: 7/10/23  During the re-inspection of the Premises, the enforcing officer observed the second s	BY: WESTON
☐ Continues to exist on the Premises in violation of Tehama Countinues to exist on the Premise of t	
☐ Was voluntarily abated	, oods,
□ Compliant	
	06 400)
Owner/occupant failed to provide evidence of the abatement (§9	.06.100)
□ Summary Abatement	
ATTACHMENTS: Notice of Violation and Proposed Administrative Penalty, Notice to Aba Photo(s) taken at initial inspection Photo(s) taken at re-inspection Other:	ate and Administrative Order to Show Cause
ADMINISTRATIVE PENALTIES: startto AB	BATEMENT COSTS:

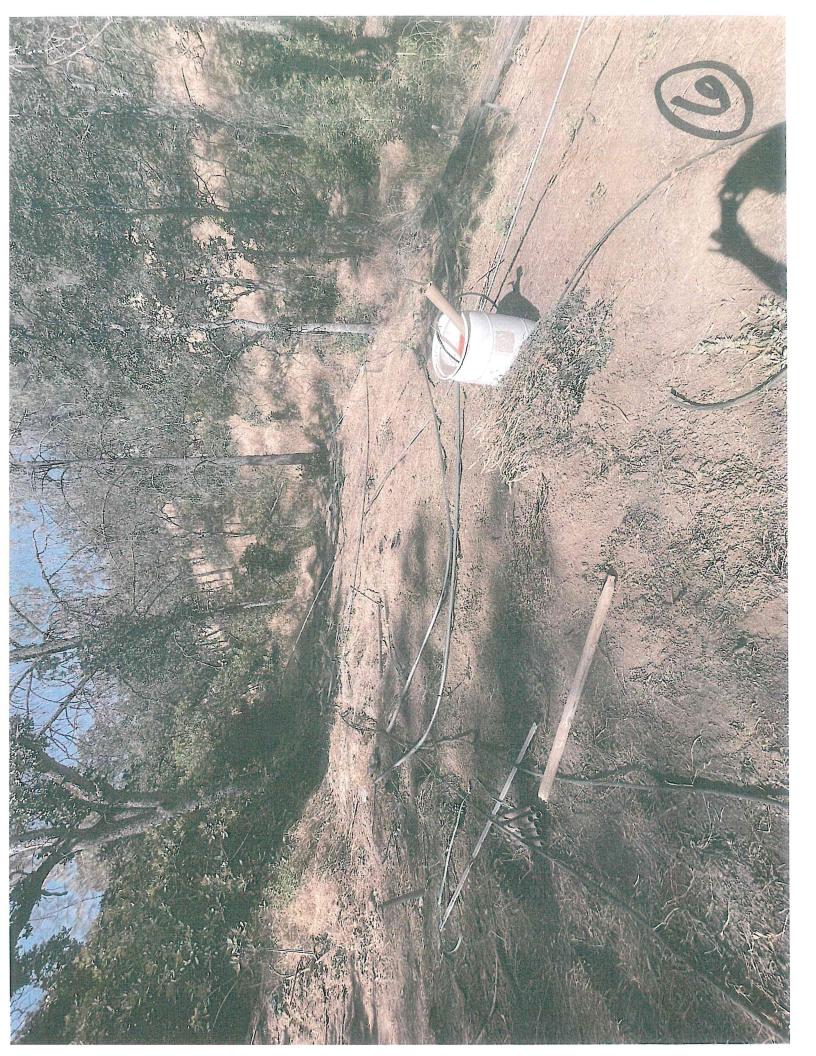














#### Notice of Violation and Proposed Administrative Penalty, Notice to Abate and Administrative Order to Show Cause UNLAWFUL MARIJUANA CULTIVATION ORDINANCE

(Tehama County Code Chapter 9.06)

DATE OF NOTICE: 7/3/2023

Property Owner Name and Last Known Address:

Norma D. Ordona, Ponce John Ordona &

Efren Santos 12202 Baird Way Riverside, CA 92505 Occupants:

To all occupants at this site address.

Site Address:

16060 Oakridge Rd., Corning, RTR

Enforcing Officer: R. Robbins

Assessor's Parcel Number:

062-300-030

Inspection Date:

6/5/2023

TO PROPERTY OWNERS OF, TENANTS OF, OR OTHERS IN POSSESSION OF THE PREMISES KNOWN AS:

16060	Oakridge	Rd.,	Corning
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YOU ARE HEREBY NOTIFIED that unlawful marijuana cultivation exists on the above premises, constituting a public nuisance under Tehama County Chapter ("TCC") 9.06 of the Tehama County Code. Such condition violates all of the following specific provision(s) checked:

- ☑ Unlawful cultivation of any marijuana plants (TCC §9.06.035)
  - ☑ Outdoor marijuana cultivation (subd. (A))
  - Marijuana cultivation within any building or structure not permitted for marijuana cultivation (§9.06.035, subds. (D) [prohibits cultivation within any residence or structure intended for human habitation], (E)(1) [non-residential structure must be permitted for marijuana cultivation.)
  - ☑ Premises not registered as a marijuana grow site with Tehama County. (subd. (F).)

YOU ARE REQUIRED TO ABATE THE UNLAWFUL MARIJUANA CULTIVATION BY: 7/9/2023.

#### RE-INSPECTION DATE 7/10/2023.

THE UNLAWFUL CULTIVATION MUST BE ABATED either through one of the preferred abatement options identified in the attachment or another method as agreed on by the Enforcing Officer. THEENFORCING OFFICER MUST INSPECT THE PROPERTY TO VERIFY THE ABATEMENT. The violation will be presumed to still exist until the Enforcing Officer is able to verify lawful abatement. (§9.06.100.) You may NOTIFY THE ENFORCING OFFICER UPON COMPLETION OF ABATEMENT by contacting Code Enforcement at 530-527-8020. Notification of voluntary abatement shall be deemed to be consent for Code Enforcement to enter the property, unless expressly stated to the contrary.

FAILURE TO APPEAR AND PRESENT EVIDENCE AT THE ADMINISTRATIVE HEARING SCHEDULED ON:

DATE: 7/12/2023 TIME: 8:00 AM

ADDRESS: 633 Washington St., 2nd Floor, Department 4, Red Bluff, CA

SHALL CONSTITUTE FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.

If you require an interpreter, you are responsible for providing one for yourself.

The hearing will be held before the Hearing Officer to determine whether:

(i) There is any good cause why the unlawful marijuana cultivation should not be abated;

(ii) The proposed amount of administrative penalty set forth in this notice shall be imposed, modified, or disapproved, in whole or in part; and

(iii) The means of abatement set forth in this notice are proper in the event such unlawful marijuana cultivation is not abated by the owner(s) and/or occupant(s), or if the nuisance is recommenced.

TEHAMA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH - CODE ENFORCEMENT 633 Washington Street, Room 36, Red Bluff, CA 96080
Phone: 530-527-8020 FAX: 530-527-6617



#### Notice of Violation and Proposed Administrative Penalty, Notice to Abate and Administrative Order to Show Cause UNLAWFUL MARIJUANA CULTIVATION ORDINANCE

(Tehama County Code Chapter 9.06)

DATE OF NOTICE: 7/3/2023

Pursuant to Government Code Section 25845, the cost of abatement and the cost of administration may be made a special assessment added to the County tax roll and become an abatement lien on the premises or be collected from the responsible parties on the County's unsecured tax roll.

Abatement by Enforcing Officer:

If you do not abate the foregoing condition prior to the Administrative Hearing or within two calendar days of the date of service of the Decision requiring abatement, the enforcing officer will abate the nuisance.

#### ATTENTION!

TO NOTIFY THE ENFORCING OFFICER THAT YOU ARE READY FOR RE-INSPECTION OF THE PREMISES, YOU MUST CONTACT CODE ENFORCEMENT AT 530-527-8020. YOU ARE RESPONSIBLE FOR PROVIDING EVIDENCE OF LAWFUL ABATEMENT. ALL ADMINISTRATIVE PENALTIES WILL CONTINUE TO ACCRUE UNTIL THE ENFORCING OFFICER CONFIRMS A LAWFUL ABATEMENT.

#### ATTENTION!

UNLESS THE NUISANCE HAS BEEN ABATED, THE DAILY ADMINISTRATIVE PENALTY OF \$1,000.00 PER DAY, SHALL BEGIN TO ACCRUE ON THE RE-INSPECTION DAY, ON: 7/10/2023. THE PENALTY WILL CONTINUE TO ACCRUE UNTIL THE UNLAWFUL MARIJUANA CULTIVATION IS LAWFULLY ABATED AND THE LAWFUL ABATEMENT IS CONFIRMED BY THE ENFORCING OFFICER. THE ADMINISTRATIVE HEARING WILL NOT STOP ANY DAILY PENALTY FROM ACCRUING WITHOUT A FINDING BY THE HEARING OFFICER THAT NO NUISANCE EXISTED ON THE PROPERTY.

In determining the amount of the administrative penalty, the Enforcing Officer has considered the nature, circumstance, extent, and gravity of the violation or violations, any prior history of the violations, the degree of culpability, economic saving, if any resulting from the violation, and any other matters justice may require.

FAILURE TO APPEAR AND PRESENT EVIDENCE at the hearing will result in a decision from the Hearing Officer ("Decision") based solely upon the evidence submitted by the Enforcing Officer. Consequently, the amount of administrative penalty shall become final and conclusive, and you shall, within <u>20</u> days of the date of service of the administrative penalty order, make payment of the administrative penalty amount and accrued interest to Tehama County. FAILURE TO APPEAR AND PRESENT EVIDENCE AT THIS HEARING SHALL CONSTITUTE FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.

7/3/2023	Sem Antin
Date of Service of Notice	Enforcing Officer

#### **Preferred Abatement Options:**

Cut and leave in place until re-inspection is confirmed by code enforcement.

Penalty of \$1,000 per day will accrue until you provide evidence of lawful abatement to code enforcement.

#### DO NOT BURN ANY PLANT MATERIAL

Burning plant material will be considered destruction of evidence and may be considered an illegal burn. Burning any public nuisance could result in the inability of the County to determine that the public nuisance has been lawfully abated and may result in a significant increase in fines that may otherwise be imposed.

#### Abatement per Tehama County Ordinance 9.06

9.06.100 - Abatement by owner or occupant.

Any owner or occupant may abate the unlawful marijuana cultivation or cause it to be abated at any time prior to commencement of abatement by, or at the direction of, the enforcing officer. An owner or occupant abating unlawful marijuana cultivation hereunder shall notify the enforcing officer upon completion of abatement and <u>shall provide evidence</u> that the unlawful marijuana cultivation has been lawfully disposed or lawfully relocated to another premises <u>in compliance</u> with this chapter or outside the county. Abatement shall not be deemed completed until the unlawful marijuana cultivation has been completely removed from the premises and lawfully disposed or relocated, and notification has been provided as set forth in this section.

### PROOF OF SERVICE

,	Marganita	Garua	_, declare:			
1	County, Calif	ornia at the De ; my business	epartment of Er	, and am employ ovironmental He Washington Stre		
2. (	Copy o	of this Proof of		the following d	ocuments:	
3.	I served the delivery of the d	documents on a b. Ordana, en Santos NAME	the following p Ponce John Ord 12202 Po	erson(s): danat dairol Way ADDRESS  ADDRESS	Riverside, CA	92505
4. ·	☐ Persor listed i ☐ Pa ☐ Pa ☐ United address deposi	nal service. I point item 3. Delinately's Attorney arty:  States mail. It is sed to the persited the sealed	very was made y: I enclosed the d rson(s) at the ac	red the docume to: ocuments in a so Idresses listed in the United State	ealed envelope	s) 
		penalty of per true and corre		aws of the State	of California that	
Exe	Margania Margania	Bluff, this	July	12 , 2023 (a) carry	, at <u>4:30 pm</u> TIME  ATURE OF DECLARANT	_··