



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

ADMINISTRATIVE HEARING: EHCE 23-13
DATE OF DECISION: 5/10/2023

Property Owner Name and Last Known Address: Michele Kaufman
19520 Ridgeline Ct.
Cottonwood, CA 96022
Occupants:

Site Address: 19520 Ridgeline Ct., Cottonwood
Assessor's Parcel Number: 007-580-024

REGARDING the alleged violation(s) of the Tehama County Code ("TCC") as described below:

Any unlawful cultivation of marijuana. (TCC §9.06.035.)

The Notice of Violation and Proposed Administrative Penalty("NOV"); Notice to Abate and Administrative Order to Show Cause ("Notice") was heard on 5/10/2023 in Department 4 of the Old Courthouse located on the second floor at 633 Washington Street, the Honorable Lynn M. Cottier presiding.

After examining the evidence presented at the hearing and considering the arguments, I find the following:

- I hereby find, based on the evidence presented at this Hearing, the alleged violation(s):
- Existed on the Premises on the date of Initial Inspection; and
- Do continue to exist on the Premises; and
- Continues to exist on the Premises pursuant to TCC §§ 9.06.100; and
- Was voluntarily abated on and no longer exists on the Premises; and
- Other: Abated by code enf. & probation 4-26-23
- did not exist on the Premises on the date of the Initial Inspection; and

The basis for existence of the alleged violations is supported by the following evidence presented at the Hearing:

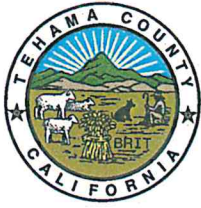
- The Staff Report; and
- Statements from the Enforcing Officer attesting that:
- The information contained in the Staff Report is true and accurate; and
- Other:
- Other evidence submitted at this Hearing by:
- Enforcing Officer: Clint Weston
- Other: 3 photos, 3 page notice, staff report

On 4/26/2023 the Enforcing Officer properly served the NOV and the Notice on owners and occupants identified at the top of this page; and
- did not properly served the NOV or Notice; and

The following person(s) appeared:
- Parties not appearing at the Administrative Hearing have failed to exhaust their administrative remedies; and

Ruling

- Based on the above findings, I hereby declare the violations alleged in the NOV and the Notice are factually true and constitute a public nuisance under TCC §9.06.035, as set forth in the NOV and the Notice; and
- All unlawful marijuana cultivated on the Premises is subject to abatement pursuant to TCC Chapter 9.06, and the means of abatement set forth in the NOV and the Notice are proper; and
- Based on the above findings, I declare the violations alleged in the NOV and the Notice are not factually true.
- I hereby find that the proposed daily administrative penalty set forth in the NOV is:
- Imposed in the amount stated in the NOV.
- Modified to be:
- Disapproved to be \$NONE.



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NOW, THEREFORE, as the Hearing Officer for the County of Tehama and based upon the record before me, issue the 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 **two calendar days** 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 6/14/2023 at 8:00 to present the report on ~~the administrative penalties~~ and/or the accounting of the abatement.

N/A

Other: _____

NOTICE IS HEREBY GIVEN. This Decision may be challenged pursuant to Code of Civil Procedure §§ 1094.5 and 1094.6. A writ of mandate must be filed within **90 days** of the service of this Decision. A decision imposing any administrative penalty may be challenged pursuant to Government Code ("GC") § 53069.

ATTENTION!

YOU WILL BE REQUIRED TO PAY THE COST OF ANY ABATEMENT RESULTING FROM THIS DECISION, INCLUDING COST OF ADMINISTRATION, WITHIN 90 CALENDAR DAYS AFTER THE HEARING OFFICER HAS APPROVED OR MODIFIED THE ACCOUNTING OF THE ENFORCING OFFICER. THE BOARD OF SUPERVISORS MAY SPECIALLY ASSESS SAID COSTS ON THE COUNTY TAX ROLL AND AUTHORIZE RECORDATION OF A NOTICE OF 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.)

10 May 2023
Date of Decision


Lynn M. Cottier
Tehama County Administrative Hearing Officer



STAFF REPORT

EHCE 23-13

UNLAWFUL MARIJUANA CULTIVATION (Tehama County Code Chapter 9.06)

Site Address: 19520 Ridgeline Ct. City: Cottonwood.
 APN: 007-580-024
 Property Owner(s) Name(s): Michele Kaufman.
 Last Known Address(es): _____
 Occupant(s) Name(s): _____

INITIAL INSPECTION DATE: 4/20/23 BY: WESTON

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. residence, mobilehome, greenhouse, hoophouse, etc. (§9.06.035, subd. (D) (E).)
- Building permitted for marijuana cultivation. (§9.06.035, subd. (E).)
- Approximately 500 to _____ marijuana plants appear, from the enforcing officer's vantage point, to be on the Premises. (§9.06.035, subd. (B).)
- Premises not properly registered as a marijuana grow site with the Department of Environmental Health. (§9.06.035, subd. (F).)
- Marijuana grow site is not set back at least one-hundred (100) feet from all boundaries of Premises. (§9.06.035, subd. (E)(2))
- Permitted residence. (§9.06.035, subd. (F).) Yes No RV
- Premises is located approximately one-thousand (1,000) feet of the boundary line of a school, school bus stop, school evacuation site, church, park, child care center, or youth-oriented facility. (§9.06.035, subd. (C).)
- Other: _____

DATE POSTED AND SENT BY OVERNIGHT DELIVERY: 4/26/23, BY: WESTON

RE-INSPECTION DATE: 4/26/23 BY: WESTON

During the re-inspection of the Premises, the enforcing officer observed that the unlawful marijuana cultivation:

- Continues to exist on the Premises in violation of Tehama County Code;
- Was voluntarily abated
- Compliant
- Owner/occupant failed to provide evidence of the abatement (§9.06.100)
- Summary Abatement

ATTACHMENTS:

- Notice of Violation and Proposed Administrative Penalty, Notice to Abate and Administrative Order to Show Cause
- Photo(s) taken at initial inspection
- Photo(s) taken at re-inspection
- Other: _____

ADMINISTRATIVE PENALTIES: start _____ to _____ ABATEMENT COSTS: _____

1

04.26.2023 12:05



2

04.26.2023 12:05



04.26.2023 12:14





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: 4/26/2023

Property Owner Name and Last Known Address:
Michele Kaufman
19520 Ridgeline Ct.
Cottonwood, CA 96022

Occupants:
To all occupants at this site address.

Site Address:
19520 Ridgeline Ct., Cottonwood

Assessor's Parcel Number:
007-580-024

Enforcing Officer:
C. Weston

Inspection Date:
4/26/2023

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

19520 Ridgeline Ct., Cottonwood

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: 5/2/2023.

RE-INSPECTION DATE 5/3/2023.

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. THE ENFORCING 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: 5/10/2023

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: 4/26/2023

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: 5/3/2023. 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 20 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.**

4/26/2023

Date of Service of Notice

Enforcing Officer

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

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 shall provide evidence that the unlawful marijuana cultivation has been lawfully disposed or lawfully relocated to another premises in compliance 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

I, Margarita Garcia, declare:

1. I am over age 18, not a party to this action, and am employed in Tehama County, California at the Department of Environmental Health - Code Enforcement; my business address is 633 Washington Street, Room 36, Red Bluff, CA, 96080.

2. On May 10, 2023, I served the following documents:

- Copy of this Proof of Service
- Copy of Decision of the Hearing Officer
- _____

3. I served the documents on the following person(s):

- Michele Kaufman, 19520 Ridgeline Ct., Cottonwood, CA
NAME ADDRESS 96022
- _____
NAME ADDRESS

4. The documents were served by the following means, by:

- Personal service.** I personally delivered the documents to the person(s) listed in item 3. Delivery was made to:
 - Party's Attorney: _____
 - Party: _____
- United States mail.** I enclosed the documents in a sealed envelope addressed to the person(s) at the addresses listed in item 3, and deposited the sealed envelope with the United States Postal Service, with postage fully prepaid, at Red Bluff, CA 96080.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Red Bluff, this May 10, 2023, at 4:30pm.

Margarita Garcia
NAME OF DECLARANT

[Signature]
SIGNATURE OF DECLARANT