



Legislation Details (With Text)

File #: 17-817 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 9/8/2017 **In control:** BOARD OF SUPERVISORS
On agenda: 9/26/2017 **Final action:**
Title: 9:15 A.M. - HEARING - Consideration of Appeal of Nuisance Abatement; located at 2765 Larches Way, Clearlake Oaks (APN 062-511-15 - John Laughridge and Brenda Allen Nance)
Sponsors: Community Development
Indexes:
Code sections:
Attachments: 1. #17-00317 SCANNED NON for hearing 9-8-17, 2. #17-00317 SCANNED Nuisance Abate Hrng Req 9-8-17

Date	Ver.	Action By	Action	Result
9/26/2017	1	BOARD OF SUPERVISORS	approved	Pass

MEMORANDUM

TO: Board of Supervisors

FROM: Robert Massarelli, Community Development Director
Kathy Freeman, Code Enforcement Program Supervisor

BY: Michael Penhall, Code Enforcement Officer

SUBJECT: Nuisance Abatement Hearing Request for John Laughridge and Brenda Allen Nance

DATE: September 26, 2017

SUMMARY

On August 28, 2017, Code Enforcement was investigating a complaint from the Lake County Sheriff's Office for a unlawful marijuana grow site located at: **2765 Larches Way; APN: 062-511-15** in the Spring Valley area of Lake County.

Prior to conducting the site visit to the above referenced property, Code Enforcement Officer Michael Penhall researched the subject property and according to County records, the property is .315 of an acre and zoned "R1" Single-family Residential District. It was determined that the marijuana being grown on the property is in violation of the County of Lake Zoning Ordinance; Chapter 21,

Article 72, Section 72.5(b).

Upon arrival at the aforementioned property, Code Enforcement Officer Michael Penhall and Code Enforcement Supervisor were met in front of the above referenced property by an adult female who identified herself as “Brenda”. While speaking with Brenda, she stated that she was a resident at this address. Brenda was informed that a complaint for unlawful marijuana was received through the Lake County Sheriff’s Office, and Code Enforcement was conducting an investigation on the complaint. Code Enforcement Officer Michael Penhall asked Brenda if marijuana was being grown outdoors on the property and she answered “yes”, admitting that there was marijuana being grown on the property. She was then informed that it was against County Ordinance to grow marijuana outdoors in that area.

A Notice and Order to Abate Unlawful Marijuana Cultivation was then completed and “hand delivered” to Brenda on August 28, 2017; **see Attachment 1**. The Notice provided the property owner and/or tenant to abate the unlawful marijuana or request a Public Hearing within 5 business days from the posting of the Notice, as prescribed by the County of Lake Zoning Ordinance; Chapter 21, Article 72, Section 72.9 (d).

On September 1, 2017 a Nuisance Abatement Hearing Request Form; **see Attachment 2** was received by staff from tenant; Tiffany LaRue, which submitted the request in a timely manner. The Request Form specified the reason(s) why it is believed that the property is not in violation. The reason indicated is as follows:

“Because our (very few) plants are for medicinal use only not for profit. We are family people, honest, hardworking, and pay our taxes. Our yard is not messy, we are not bothering anyone, is not a nuisance to any of our surrounding neighbors, I respectfully request a little time so I can console council with these issues before us. Thank you”.

This property is located in the Spring Valley Lakes sub-division of Clearlake Oaks is .315 acres and zoned R1; Single-family Residential District with a primary residence. The Lake County Zoning Ordinance; Chapter 21, Article 72, Section 72.5 (b) specifies: *Outdoor cultivation, including cultivation within greenhouses or “hoophouses” is prohibited on any parcel that is located within a Community Growth Boundary as designated by the Lake County General Plan, and on any parcel that is one (1) acre or smaller and located outside of any designated Community Growth Boundary.* Although the Spring Valley Subdivision is not within a Community Growth Boundary, the parcel is less than an acre in size and therefore does not qualify for outdoor cultivation of medical marijuana.

RECOMMENDATION

Code Enforcement Staff recommends that the Board uphold the Notice and Order to Abate Unlawful Marijuana Cultivation dated August 28, 2017 for the property located at: **2765 Larches Way, Clearlake Oaks CA**, also known as Assessor’s Parcel Number: **062-511-15** and authorize staff to move forward with the abatement process by removal and disposal of the unlawful marijuana located on the aforementioned property.