



Legislation Text

File #: 17-946, Version: 1

MEMORANDUM

TO: Board of Supervisors

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

BY: Jeri Driver, Code Enforcement Technician

DATE: November 7, 2017

SUBJECT:

- 1.) Uphold the Notice and Order to Abate Unlawful Marijuana Cultivation dated September 26, 2017.
- 2.) Authorize staff to move forward with the abatement process by removal and disposal of the unlawful marijuana located on the aforementioned property.

Attachments:

1. Notice of Nuisance and Order to Abate
2. Nuisance Abatement Hearing Request Form

EXECUTIVE SUMMARY:

On September 26, 2017 Lake County, the Code Enforcement investigated a complaint for a possible unlawful marijuana grow site located at 2705 Hartley Rd, Lakeport, CA. The Code Enforcement officer arrived at the subject property and could see marijuana growing over the top of a fence on the property. A Notice and Order to Abate Unlawful Marijuana Cultivation; **see Attachment 1** was completed and posted on the property on September 26, 2017.

The posted 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. On September 29, 2017 a Marijuana Nuisance Abatement Hearing Request Form; **see Attachment 2** was received by staff from the property owner's attorney, which was done in a timely manner. The Request Form specified two (2) reasons why it is believed that the property is not in violation: 1) the property owner is not aware of any cultivation at this property that violates Section 21-72 of the Lake County Municipal Code and 2)

Specifically, there is no violation of section 72.5(b).

This property located at 2705 Hartley Rd, Lakeport is 1.45 acres and zoned SR, Suburban Reserve District with a primary residence. The Lake County Zoning Ordinance; Chapter 21, Article 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.* This property is located within the Community Growth Boundary of North Lakeport. Therefore outdoor cultivation is prohibited.

FISCAL IMPACT: X None Budgeted Non-Budgeted
Estimated Cost: N/A
Amount Budgeted: N/A
Additional Request: N/A
Annual Cost (if planned for future years): N/A

FISCAL IMPACT (Narrative): N/A

STAFFING IMPACT: N/A

RECOMMENDATION:

- 1) Uphold the Notice and Order to Abate Unlawful Marijuana Cultivation dated September 26, 2017.
- 2) Authorize staff to move forward with the abatement process by removal and disposal of the unlawful marijuana located on the aforementioned property.