COUNTY OF HUMBOLDT

For the meeting of: 10/6/2026

File #: 26-1023

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:
Introduction of Ordinances Amending Various Sections of Chapters 1 and 2 of Humboldt County Code Title III, Division 5 Related to Public Nuisances, Abatement and Penalties to Clarify Definitions Related to Category 4 Violations and Responsible Party, to Clarify Processing Permits on Properties with Violations, to Require Issuance of a Warning Letter Prior to Issuing Notices, to Clarify When Penalties Begin to Accrue, Addressing How Time Limits for New Property Owners, to Set a Time Limit for Scheduling Appeal Hearings and to Address Information Required in Both a Notice to Abate and Notice of Violation

RECOMMENDATION(S):
That the Board of Supervisors:

1. Introduce the attached Ordinance (Attachment 1) Amending Title III, Division 5, Chapter 1 of Humboldt County Code Section 351, Subsections 351-7 and 351-8; Amending Subsection 351-7 to State that a Cannabis Violation Shall Not Be Issued to a New Property Owner Unless the Cultivation Continues for More Than 30 Days, and Subsection 351-8 Requiring the Notice to Include Language that the Ten-Day Period May Be Extended and The Date Of Service, and waive the first reading; and
2. Introduce the attached Ordinance (Attachment 2) Ordinance Amending Title III, Division 5, Chapter 2 of Humboldt County Code Section 352; Amending Subsections 352-3(i) Regarding Category 4 Cannabis Violations, 352-3(T) Regarding the Definition of Responsible Party, 352-5(b)(2) to Allow Responsible Party to Request Extension of Time to Correct Violation, 352-5(f) to Clarify Permits Unrelated to Cannabis Violation May Issue On Property With Unresolved Cannabis Violation, 352-5(h) Allowing Application for Corrective Permits When Unpermitted Cannabis Activity Has Ceased, 352-6 Allowing Hearing Officer to Set Administrative Civil Penalty, 352-7(a)-(c) Requirement for a Warning Letter Prior to Issuance of Notice Of Violation, 352-8 Contents of Notice of Violation, and 352-9 Providing Notice of Appeal Hearing Within 60 Days of Receipt of Appeal, and waive the first reading; and
3. Set the ordinances for adoption on Oct. 27, 2026; and
4. Direct the Clerk of the Board to publish the required pre-adoption summaries of the ordinances and to post a certified copy of the full text of the proposed Ordinances in the office of the Clerk of the Board, both the publication and posting to be done at least five days prior to Board meeting at which the Ordinance will be adopted [Government Code section 25124 (b) (1)]; and
5. Direct the Clerk of the Board, within 15 days after the adoption of the ordinance, to publish a

post-adoption summary of the ordinance with the names of the Supervisors voting for and against the ordinance, and to post in the office of the Clerk of the Board a certified copy of the full text of the adopted ordinance and amendments along with the names of those Supervisors voting for and against the ordinance [Government Code Section 25124 (b)(1)].

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Core Services/Other
Strategic Plan Category: 9999 - Core Services/Other

DISCUSSION:
The Board of Supervisors is being asked to consider modifications to the County Code provisions which define the process for assessing penalties on properties in violation of the County Code or pose a nuisance to the community. The changes have two primary purposes: to better reflect existing processes and to set appropriate boundaries to the assessment of Administrative Civil Penalties. These changes are associated with the settlement of the Thomas case. There are changes to both Chapter 1 and Chapter 2 of Division 5 of the Land Use provisions in the Humboldt County Code.

The changes to Chapter 1 are minor and include the following:

a) 351-7 New owner. Modified to state that a cannabis violation shall not be issued to a new property owner unless the cultivation continues for more than 30 days after acquisition of the property.

b) 351-8 Contents of Notice to Abate to include:
   i. (d) language that the 10-day period may be extended,
   ii. (k) referencing allowance of time extension, and
   iii. (o) the date of service.

The modifications to Chapter 2 include:

a) 352-3(i) Definition of a Category 4 violation includes commercial cultivation of cannabis combined with one or more acts which by virtue of being committed result in environmental damage and that a new property owner shall not be cited for a Category 4 cannabis violation unless the violation continues for more than 30 days, to acknowledge judicial review as part of the process,

b) 352-3(t) definition of responsible party includes the caveat that a property owner shall not have maintained a violation unless it extends beyond 30 days of property ownership,

c) 352-5(b)(2) Imposition of Administrative Civil Penalty provides for an extension of time to correct violation,

d) 352-5(f) Permit Approval allows issuance of permits unrelated to cannabis violation on property with unresolved cannabis violation,

e) 352-5(h) Corrective Permits allows application for corrective permits so long as unpermitted cannabis activity has ceased,

f) 352-6(a) Amount of Administrative Civil Penalty allows hearing officer to set administrative civil penalty,

g) 352-7(a)-(c) Warning Letter requirement for County to issue a warning letter prior to issuance of Notice of Violation,

h) 352-8 Contents of Notice of Violation to include
   i. (d) description of violation, corrective actions,
   ii. (f) administrative civil penalties do not begin until ten (10) calendar days after final adjudication,
   iii. (j) appeal hearing scheduled within 60 days,
   iv. (n) date of service,

v. (o) statement that notice is being recorded,

vi. (p) statement of finding that violation exists and recording guidelines, and

i) 352-9 Time limit for Appeal Hearing. The County must issue a notice of administrative civil penalty assessment for an appeal within 60 days.

These changes largely either represent codification of existing practices or are clarifications on process.

SOURCE OF FUNDING:
The cost of preparing and bringing this ordinance forward was approximately $3,000 in staff time. This comes from the General Fund Contribution to the Planning and Building Department budget unit 1100-282.

FINANCIAL IMPACT:
There is no ongoing financial impact with the adoption of this ordinance amendment. This will simply clarify an existing process used by Code Enforcement.

STAFFING IMPACT:
This amendment will not require additional staff.

OTHER AGENCY INVOLVEMENT:
County Counsel

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The Board could choose not to adopt these changes or modify the changes but this is not recommended as this reflects a negotiated settlement agreement.

ATTACHMENTS:
1. Attachment 1 - Modifications to Section 351 (Notice to Abate)
2. Attachment 2 - Modifications to Section 352, Procedures for Issuance of Administrative Penalties.
3. Attachment 3 - 351 Pre Adoption Summary
4. Attachment 4 - 352 Pre Adoption Summary
5. Attachment 5 - 351 Post Adoption Summary
6. Attachment 6 - 352 Post Adoption Summary

PREVIOUS ACTION/REFERRAL:
Meeting of: October 6, 2026
File No.: 25-815 HHC 352 Amendments