



## Legislation Details (With Text)

**File #:** 21-1591      **Version:** 1

**Type:** Agenda Item      **Status:** Continued

**File created:** 9/30/2021      **In control:** Board of Supervisors

**On agenda:** 10/19/2021      **Final action:**

**Title:** HEARING - To consider an appeal to the Board of Supervisors in the matter of Patrick Delaney's contested Code Enforcement cases (CE20-0684 & CE20-0685) and the Administrative Order for County ordinance violations including; an unpermitted structure, unpermitted grading, unpermitted outhouse, and occupancy of a recreational vehicle. Staff recommends the following:  
 1) Deny Mr. Delaney's appeal to overturn the decision of the Hearing Officer; and  
 2) Uphold the decision of the Hearing Officer that would provide the following:  
 a) The appellant is to pay the fines set by the administrative decision dated August 24, 2021; and  
 b) Fines to accrue commencing September 24, 2021 as determined by the Hearing Officer.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - CE20-0684-CE20-0685 Administrative Hearing Binder 8-12-21

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of Supervisors	Continued	Pass

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**DISCUSSION / BACKGROUND**

On September 10, 2020, the Sheriff's Western El Dorado Narcotics Enforcement Team (WENET) conducted a site visit at Mr. Delaney's property via search warrant. WENET eradicated 96 active cannabis plants on the spot. Code Officers were then able to inspect the remainder of the property for violations. Violations were documented and a Notice to Correct was sent to Mr. Delaney on 9/10/2020. He received a second letter, Notice of Violation on 10/19/2020, and an Administrative Citation Notice on 11/23/2020. On December 2, 2020, Mr. Delaney requested an Administrative Hearing as well as a waiver of the hearing fee, this request was granted. Mr. Delaney requested a delay in scheduling the hearing until he returned from wintering in Mexico. The Code Enforcement Supervisor Agreed and the hearing was scheduled for June 2, 2021. The Hearing Officer's decision included a follow up hearing to allow Mr. Delaney to make progress on his abatement of the violations. The follow up hearing was held on August 12, 2021. The Hearing Officer upheld the yurt violation and imposed a penalty of \$500; upheld the outhouse violation and imposed a penalty of \$500; upheld the grading violation and imposed a penalty of \$500. The Hearing Officer dismissed the storage container violation. The Hearing Officer provided additional time for the owner to come into compliance and ordered the penalties for each of the upheld violations accrue at \$100 per day per

violation commencing on September 24, 2021. On August 25, 2021, Mr. Delaney sent an email to Code Enforcement stating he wished to appeal to the Board of Supervisors.

#### **ALTERNATIVES**

The Board may choose to accept Mr. Delaney's appeal and/or forego all or part of the fines as defined by the Hearing Officer.

#### **PRIOR BOARD ACTION**

N/A

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Sheriff's Department was the original agency of contact.

Mr. Delaney has been in contact with Planning and Building to inquire about permits.

Mr. Delaney indicated he would be in contact with the Ag Dept regarding a reduced setback.

#### **CAO RECOMMENDATION / COMMENTS**

Deny the appeal and uphold the decision of the Hearing Officer as recommended.

#### **FINANCIAL IMPACT**

Mr. Delaney requested a fee waiver (\$200 each) for both hearings and both were granted.

The Hearing Officer directed Mr. Delaney pay fines totaling \$1,500 as well as fines to accrue at \$100 per violation/per day to commence on September 21, 2021.

As of this date, no fines have been paid by Mr. Delaney.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

N/A

#### **STRATEGIC PLAN COMPONENT**

Good Governance / Public Safety

#### **CONTACT**

Jeff Weiler

Code Enforcement Supervisor

Planning and Building

Code Enforcement Division